



MEETING OF THE SUNRISE CITY COMMISSION IN ITS CAPACITY AS THE LOCAL PLANNING AGENCY

Local Planning Agency Meeting will be held at 10770 West Oakland Park Blvd., Sunrise, Florida 33351, The City of Sunrise's Local Planning Agency Meeting will be hosted in both an in-person format and a virtual format. The public is encouraged to attend and participate by telephone. Telephone call in number: 954-395-2401 Access Code: 368262 Attendees can press 5* on their phone keypad to make a comment during public hearings or during open discussion. Attendees will be called upon to speak, one at a time, by the meeting organizer. For technical difficulties please call 954-747-4661. Contact the City Manager's Office for additional information via mail to City Manager's Office, 10770 West Oakland Park Boulevard, Sunrise, FL 33351, via email to CityManager@sunrisefl.gov or via phone 954-746-3430.

LOCAL PLANNING AGENCY MEETING AGENDA Tuesday, June 27, 2023 - 4:45 PM

- (1) Call To Order**
- (2) Roll Call**
- (3) Moment of Silence and Pledge of Allegiance**
- (4) Open Discussion**
- (5) Public Hearings**

(A) Amendment

C23240

Local Planning Agency discussion and/or action Re: A Resolution of the City of Sunrise, Florida, approving a "First Amendment to Development Agreement for Sunrise by Luxcom, LLC;" providing for recordation; and providing an effective date. City Manager Mark Lubelski. Shannon Ley, Director of Community Development. (Tabled on LPA 5/23/2023 Passed 5-0.)

(B) Rezoning

C23259

Local Planning Agency discussion and/or action Re: An Ordinance of the City of Sunrise, Florida, approving a Rezoning from

Community Business District (B-2) to General Business District (B-3) of approximately Four (4) Net Acres of Land Generally located North of West Oakland Park Boulevard and West of NW 90th Terrace, within the City of Sunrise, Broward County, Florida; amending the Zoning District Map to reflect the Rezoning; providing for conflict; providing for severability; and providing for an effective date. City Manager Mark Lubelski. Shannon Ley, Director of Community Development.

Adjournment

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 or she will need a record of the proceedings, and that, for such purpose, he or she 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 based F.S.S. 286.0105

The City does not tolerate discrimination in any of its programs, services or activities, and will not exclude participation in, deny the benefits of, or subject to discrimination anyone on the grounds of real or perceived race, color, national origin, sex, gender identity, sexual orientation, age, disability/handicap, religion, family or income status. **In compliance with the ADA and F.S.S. 286.26, any individual with a disability requesting a reasonable accommodation in order to participate in a public meeting should contact the City's ADA Coordinator at least 48 hours in advance of the scheduled meeting. Requests can be directed via e-mail to hr@sunrisefl.gov or via telephone to (954) 838-4522; Florida Relay: 711; Florida Relay (TIY/VCO): 1-800-955-8771; Florida Relay (Voice): 1-800-955-8770. Every reasonable effort will be made to allow for meeting participation.**

If you plan to distribute written documents at the meeting, you must provide 10 copies to the City Clerk prior to the start of the meeting.



AGENDA ITEM REQUEST

Originating Department: Community Development Department

Item Title: Amendment

Item Number: 5A

Meeting Date: 6/27/2023

City Reference Number (C#): C23240

Item Description:

Local Planning Agency discussion and/or action Re: A Resolution of the City of Sunrise, Florida, approving a "First Amendment to Development Agreement for Sunrise by Luxcom, LLC;" providing for recordation; and providing an effective date. City Manager Mark Lubelski. Shannon Ley, Director of Community Development. (Tabled on LPA 5/23/2023 Passed 5-0.)

Funding:

N/A

Amount:

N/A

ATTACHMENTS:

ATY Resolution - C23240
Exhibit A - First Amendment to Development Agreement
Letter of Intent
Location Map
Public Notice
Display Ad

Background:

Sections 163.3220-163.3243, Florida Statute authorizes local government to enter into development agreements with developers. Section 163-3225(1), Florida Statute, requires the local government to conduct two (2) public hearings for the agreement, one of which may be before the Local Planning Agency (LPA).

Sunrise by Luxcom, LLC received approval from the City Commission on May 28, 2019 via Resolution No. 19-82 for a Development Agreement for Sunrise by Luxcom, LLC, located at 3447-3469 N. University Drive, 8075-8099 W. Oakland Park Boulevard and a portion of 3499 N. University Drive. The Development Agreement was for a proposed mixed-use development totaling approximately 13-acres, including 235 multi-family dwelling units within a parcel approximately 9.48 acres, overall building heights not to exceed 4-stories, as well as the modification of a maximum of 60,554 square feet of existing commercial development.

The primary purpose of the “First Amendment To Development Agreement For Sunrise By Luxcom, LLC” is to amend the required timing for the relocation of a mast arm and the addition of a right-turn lane located at the intersection of the main entrance to the property and Oakland Park Boulevard. The current conditions within the Development Agreement require that the construction of a mast arm and the construction of the turn lane both be completed prior to the issuance of the first residential Certificate of Occupancy (CO) for the project. However, while the existing Development Agreement already anticipates Broward County’s involvement with the construction of the mast arm could delay its completion, and provides for such a delay, the turn lane requirement does not include such language. As the required turn lane cannot be completed until the mast arm is relocated, the applicant is requesting to amend the language of the Development Agreement providing 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. A Revised Site Plan application for the Sunrise Gardens project is being processed concurrently to incorporate the same amended condition.

The Development Agreement meets the requirements of Section 16-109(e) of the Land Development Code and Sections 163.3220-163.3243 of the Florida Statutes.

Staff recommends approval of the Development Agreement.

For more information on this item, including any of the attachments or additional backup information, please contact the Community Development Department Staff member identified below.

The Developer has requested that this item be tabled to August 8, 2023 Local Planning Agency Meeting at 5:20 pm City Hall, 10770 West Oakland Park Blvd, Sunrise, FL 33323. Staff recommends tabling this item per the above.

Department Head Recommendation:

Approval

Person With Additional Information:

Name: Matthue Goldstein

Phone: 954-746-3291

Department Head Name and Title:

Shannon Ley, P.E., Director of Community Development

City Manager:

Authorized for agenda placement

SUNRISE, FLORIDA

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SUNRISE, FLORIDA, APPROVING
A “FIRST AMENDMENT TO DEVELOPMENT AGREEMENT FOR
SUNRISE BY LUXCOM, LLC;” PROVIDING FOR RECORDATION;
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, on May 28, 2019 via Resolution No. 19-82, the Sunrise City Commission adopted a Development Agreement for Sunrise by Luxcom, LLC; and

WHEREAS, the Development Agreement was recorded on July 22, 2019 via Instrument Number 115943533 in the Public Records of Broward County, Florida and was re-recorded to correct the legal description on June 12, 2020 via Instrument No. 116550364 in the Public Records of Broward County, Florida; and

WHEREAS, this First Amendment to Development Agreement for Sunrise by Luxcom, LLC amends the timing of the installation requirement for the relocation of a mast arm and the addition of a right-turn lane; and

WHEREAS, the First Amendment to Development Agreement for Sunrise by Luxcom, LLC has been duly noticed, and two public hearings one of which was held by the Local Planning Agency, have been held in accordance with Section 163.3225, Florida Statutes.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SUNRISE, FLORIDA:

Section 1. Approval of Agreement. A “First Amendment to Development Agreement for Sunrise by Luxcom, LLC” (Agreement) is hereby approved. A copy of the Agreement is attached hereto and made a part of this Resolution as Exhibit A.

Section 2. The Mayor is hereby authorized to execute the Agreement.

Section 3. The City shall record the Agreement in the Public Records of Broward County at the Developer’s expense. The Director of Community Development is authorized to transmit the Agreement to the Florida Department of Economic Opportunity (DEO).

Section 4. Effective Date. This Resolution shall be effective immediately upon its passage.

PASSED AND ADOPTED this _____ DAY of _____, 2023.

Mayor Michael J. Ryan

Authentication:

Felicia M. Bravo
City Clerk

MOTION: _____
SECOND: _____

DOUGLAS: _____
GUZMAN: _____
KERCH: _____
SCUOTTO: _____
RYAN: _____

Approved by the City Attorney
as to Form and Legal Sufficiency

Kimberly A. Kisslan

This instrument prepared by:
Scott Backman, Esq.
Dunay, Miskel and Backman, LLP
14 S.E. 4 Street, Suite 36
Boca Raton, FL 33432

FIRST AMENDMENT TO DEVELOPMENT AGREEMENT FOR SUNRISE BY LUXCOM, LLC

This First Amendment to the Development Agreement for Sunrise by Luxcom, LLC (“First Amendment”) is made and entered into this _____ day of _____, 202_ by the **CITY OF SUNRISE, FLORIDA**, a municipal corporation of the State of Florida (“City”) and **SUNRISE BY LUXCOM, LLC**, a Delaware limited liability company (“Owner”). The City and the Owner may be referred to jointly as the “Parties”.

RECITATIONS

WHEREAS, this Agreement amends that certain Development Agreement entered into between City and Owner, approved by the City of Sunrise City Commission on May 28, 2019 via Resolution No. 19-82, executed on July 21, 2019, and recorded on July 22, 2019 via Instrument No. 115943533 in the Public Records of Broward County, Florida, as corrected due to an incorrect legal description by Development Agreement recorded on June 12, 2020 via Instrument No. 116550364 in the Public Records of Broward County, Florida, (collectively the “Agreement”); and

WHEREAS, the Agreement was executed by the City and Owner in anticipation of the Project being developed on the Property, as both terms are defined in the Agreement; and

WHEREAS, Owner states the purpose of this First Amendment is to amend the timing of conditions for development of the Property, as described in the Agreement, in order to ensure the safe and effective development of the Property; and

NOW, THEREFORE, and in consideration for the mutual promises and covenants contained herein, Owner hereby declares that the Property shall be owned, held, used, transferred, sold, conveyed, demised, and occupied subject to the covenants, restrictions and regulations hereinafter set forth herein, all

of which run with the Property and any part thereof and which shall be binding upon all parties having any right, title or interest in such property or any part thereof, their heirs, successors and assigns:

1. **Recitals.** The above recitals are true and correct and are incorporated herein by reference.
2. **Modification of Condition to Agreement.** Section 7, Off-Site Improvements, of the Agreement, is hereby amended to read as follows:

Owner shall provide the following off-site improvements along Oakland Park Boulevard in accordance with Exhibit “2” of the Design Guidelines prior to the first residential Certificate of Occupancy for the Project:

- (i) either funding or construction of a bus shelter that will accommodate current ridership consistent with City standards adjacent to the property located at 8053 West Oakland Park Boulevard in an amount not to exceed \$75,000 (the City acknowledges that Owner shall not be responsible for future maintenance);
- (ii) an agreement with Broward County requiring Owner to complete the design and permitting for and Broward County to complete construction of mast arm improvements at the intersection of the main entry drive and Oakland Park Boulevard and Owner contribution of twenty-five percent (25%) of the cost for said improvements;
- (iii) a right turn lane into the Project’s main entrance on Oakland Park Boulevard between Parcels 3 and 4;
- (iv) extension of left turn lane at University Drive entrance as depicted in Exhibit “2.1” of the Design Guidelines;
- (v) either funding or construction of a pad with bench, bicycle rack, and trash and recycling cans at the existing bus stop located to the south of Parcel 4;
- (vi) installation of public art along Oakland Park Boulevard within the Oakland Park Boulevard right-of-way at the northwest corner of the main entry drive in an amount no less than \$10,000 and not to exceed \$15,000; and
- (vii) installation of landscaping improvements and a multiuse pathway including bicycle racks and trash and recycling cans along Oakland Park Boulevard within the Oakland Park Boulevard right-of-way as shown on Exhibit “2”.

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 detailed in Section 7(ii) and the turn lane detailed in Section 7(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 bus stops and bus shelter, including related amenities such as bike racks, trash and recycling receptacles, and benches, shall be the perpetual maintenance obligation of the City. Off-site improvements, including landscaping, plazas, benches not affiliated with bus stops, trash and recycling receptables not affiliated with bus stops, and public art, shall be the perpetual maintenance obligation of Owner. This maintenance obligation shall continue indefinitely and shall survive the cancellation, termination, expiration, lapse or suspension of this Agreement.

3. **Miscellaneous:**

a. Definitions. Any capitalized terms not defined herein will have the meaning as set forth in the Agreement.

b. Successors and Assigns. This First Amendment is binding upon, and inures to the benefit of, the successors and assigns of the Parties.

c. Entire Agreement. This First Amendment is binding upon, and inures to the benefit of, the successors and assigns of the Parties.

d. No Presumption Against Drafter. This First Amendment will be construed without regard to any presumption or any other rule requiring construction against the party drafting the First Amendment. The Parties acknowledged that this First Amendment is the result of negotiations among the Parties, and in constructing any ambiguity no presumption shall be made in favor of any party.

e. Severability. If any provision of this First Amendment or the application thereof to any person or circumstances is deemed illegal, invalid, or unenforceable, the remaining provisions shall remain in full force and affect and this First Amendment will be interpreted as if such illegal, invalid, or unenforceable provision did not exist.

f. Development Agreement Remains in Force. Except as otherwise provided in this First Amendment, the terms and conditions of the Agreement are hereby ratified and remain in full force and effect without modification.

g. Counterpart Signatures. This First Amendment may be executed in any number of counterparts, by pdf or other electronic means, each of which, when taken together, will be deemed an original and to be one and the same document.

f. Effective Date. This First Amendment shall become effective on the date that the authorized representative for the City signs this First Amendment.

PLEASE SEE FOLLOWING PAGES FOR SIGNATURES

IN WITNESS WHEREOF, the City and the Owner have made and executed this First Amendment on the respective dates under each signature; the city signing by and through its Mayor authorized to execute same, and the Owner, signing by and through a duly authorized officer.

WITNESSED:

CITY:

City of Sunrise, a Municipal Corporation

Print Name: _____

By: _____
Print Name: _____
Title: _____

Authentication:

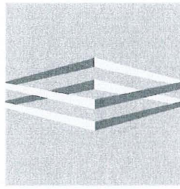
_____, City Clerk
City Clerk
(SEAL)

Approved as to form and legal sufficiency
by Office of the City Attorney for the City
of Sunrise, Florida

City Attorney
By: _____

FEB 08 2023

RECEIVED



**DUNAY
MISKEL
BACKMAN** LLP

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 First Amendment to the Development Agreement for Sunrise by Luxcom, LLC

Dear Mrs. Ley:

On behalf of Sunrise by Luxcom, LLC ("Owner"), we are pleased to submit the proposed First Amendment to the Development Agreement ("First Amendment") for your review. To summarize, the First Amendment makes the following changes and additions to the Development Agreement:

An amendment to Section 7, regarding the timing obligation for construction of the turn lane: 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 detailed in Section 7(ii) and the turn lane detailed in Section 7(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 current conditions within the Development Agreement require that the construction of the mast arm at the intersection (Section 7(ii)) and the construction of the turn lane (Section 7(iii)) both be completed prior to the issuance of a CO for the project. However, the Development Agreement already anticipates that Broward County's involvement with the construction of the mast arm could delay its completion. As such, Section 7 currently provides that any such delay by Broward County will not impact the issuance of Certificates of Occupancy. The Owner has been working closely with Broward County regarding the mast arm, and it likely will not be completed prior to the Owner's proposed schedule for the CO for the first residential building.

The turn lane required for the intersection cannot be completed until the mast arm is relocated. Unfortunately, the Development Agreement did not extend the exception provided for the mast arm to

the construction of the turn lane. As such, the First Amendment modifies the language pertaining to the exception for the mast arm so that it also applies to the construction of the turn lane.

The Applicant will pay the applicable 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

**FIRST AMENDMENT TO
DEVELOPMENT AGREEMENT
FOR SUNRISE BY LUXCOM, LLC
PROJECT # DEVAG-000145-2023**



NOT TO SCALE

LEGEND

 **Subject Area**



NOTICE OF PUBLIC HEARING

Sunrise by Luxcom, LLC has applied to the City for a **First Amendment to Development Agreement for Sunrise by Luxcom, LLC** for a mixed-use development that is near your home or business. You are receiving this notice because you own property within 500 feet of this location. The Development Agreement is on file in the Community Development Department of the City of Sunrise, 1601 NW 136 Avenue, Building A, Suite 100, Sunrise, Florida, and may be viewed by any and all interested parties between 9:00 a.m. and 4:30 p.m., Monday through Friday (excluding City holidays) or requested via AskZoning@sunrisefl.gov.

A public hearing will be held in the Sunrise City Hall Commission Chambers at 10770 W. Oakland Park Boulevard, 1st Floor, Sunrise, FL 33351 during the Local Planning Agency meeting on TUESDAY, MAY 23, 2023, commencing at 4:45 P.M. A public hearing will be held in the Sunrise City Hall Commission Chambers at 10770 W. Oakland Park Boulevard, 1st Floor, Sunrise, FL 33351 by the City Commission, serving in its capacity as the local governing body (City of Sunrise Commission), on TUESDAY, MAY 23, 2023, commencing at 5:00 p.m.

The City Commission and Local Planning Agency will be meeting in-person; however, the public may attend and participate in the meetings in person or via telephone by using Vast Conference Calling as early as fifteen (15) minutes before the start time utilizing the details below:

- a. Dial in number: (954) 395-2401
- b. Access Code: 368262

Attendees can press 5* on their phone keypad to make a comment during public hearings or during the open discussion. Attendees will be called upon to speak, one at a time, by the meeting organizer. For technical difficulties, please call (954) 747-4661.

The land subject to the “First Amendment to Development Agreement for Sunrise by Luxcom, LLC” is located at 3447-3469 N. University Drive, 8075-8099 W. Oakland Park Boulevard and a portion of 3499 N. University Drive, in the City of Sunrise, Florida. The “First Amendment to Development Agreement for Sunrise by Luxcom, LLC” is a mixed-use development totaling approximately 13-acres, including 235 multi-family dwelling units within a parcel approximately 9.48 acres, overall building heights not to exceed 4-stories, as well as the modification of a maximum of 60,554 square feet of existing commercial development, and amends the timing of the installation requirement for the relocation of a mast arm and the addition of a right-turn lane.

The City does not tolerate discrimination in any of its programs, services or activities; and will not exclude participation in, deny the benefits of, or subject to discrimination anyone on the grounds of real or perceived race, color, national origin, sex, gender identity, sexual orientation, age, disability/handicap, religion, family or income status.

In compliance with the ADA and F.S.S. 286.26, any individual with a disability requesting a reasonable accommodation in order to participate in a public meeting should contact the City’s ADA Coordinator at least 48 hours in advance of the scheduled meeting. Requests can be directed via e-mail to hr@sunrisefl.gov or via telephone to (954) 838-4522; Florida Relay: 711; Florida Relay (TIY/VCO): 1-800-955-8771; Florida Relay (Voice): 1-800-955-8770. Every reasonable effort will be made to allow for meeting participation.

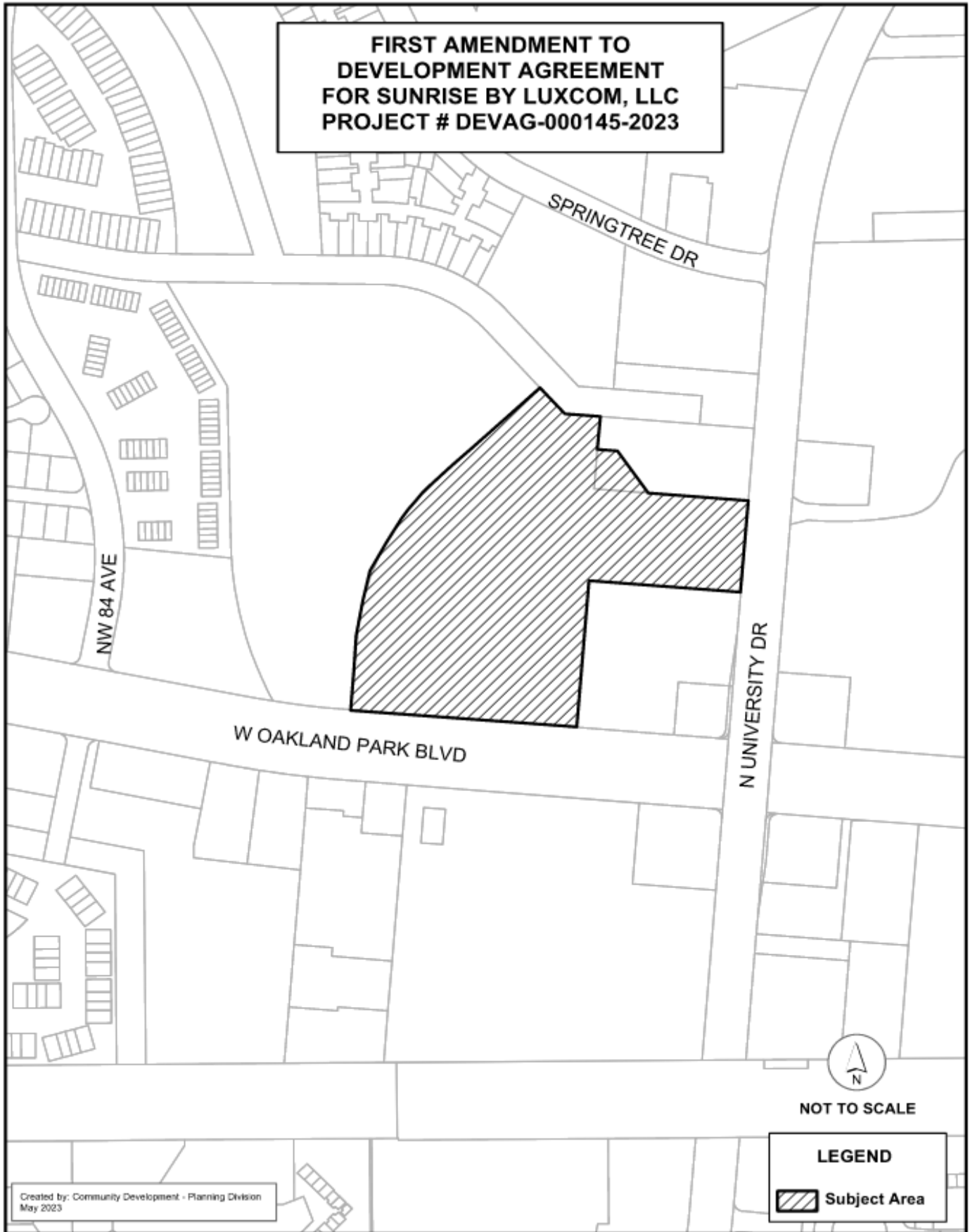
If you have any questions about this notice, please contact City staff in the Planning Division at (954) 746-3281 or email AskZoning@Sunrisefl.gov.

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COMMUNITY DEVELOPMENT DEPARTMENT

1601 NW 136 Avenue, Building A, Suite 100, Sunrise – Florida 33323
(954) 746-3281 AskZoning@sunrisefl.gov

LOCATION MAP



CITY OF SUNRISE NOTICE OF INTENT TO CONSIDER A DEVELOPMENT AGREEMENT

A RESOLUTION OF THE CITY OF SUNRISE, FLORIDA, APPROVING A "FIRST AMENDMENT TO DEVELOPMENT AGREEMENT FOR SUNRISE BY LUXCOM, LLC;" PROVIDING FOR RECORDATION; AND PROVIDING AN EFFECTIVE DATE.



The City Commission, in its capacity as the Local Planning Agency, will hold a public hearing on the "First Amendment to Development Agreement for Sunrise by Luxcom, LLC" on Tuesday, May 23, 2023 commencing at 4:45 p.m. in the Sunrise City Hall Commission Chambers at 10770 West Oakland Park Boulevard, 1st Floor, Sunrise, Florida 33351, in order to make recommendations to the local governing body (City Commission) regarding the proposed agreement. A public hearing will be held by the Sunrise City Commission on Tuesday, May 23, 2023 commencing at 5:00 p.m. in the Commission Chambers at 10770 West Oakland Park Boulevard, 1st Floor, Sunrise, Florida 33351.

The City Commission and Local Planning Agency will be meeting in-person. The public may attend and participate in the meetings in person or via telephone by using Vast Conference Calling as early as fifteen (15) minutes before the start time utilizing the details below:

- a. Dial in number: (954) 395-2401
- b. Access Code: 368262

Attendees can press 5* on their phone keypad to make a comment during the public hearings or during the open discussion. Attendees will be called upon to speak, one at a time, by the meeting organizer. For technical difficulties, please call (954) 747-4661.

The land subject to the "First Amendment to Development Agreement for Sunrise by Luxcom, LLC" is located at 3447-3469 N. University Drive, 8075-8099 W. Oakland Park Boulevard and a portion of 3499 N. University Drive, in the City of Sunrise, Florida. The "First Amendment to Development Agreement for Sunrise by Luxcom, LLC" is a proposed mixed-use development totaling approximately 13-acres, including 235 multi-family dwelling units within a parcel approximately 9.48 acres, overall building heights not to exceed 4-stories, as well as the modification of a maximum of 60,554 square feet of existing commercial development, and amends the timing of the installation requirement for the relocation of a mast arm and the addition of a right-turn lane.

The proposed Development Agreement may be inspected at the Community Development Department, 1601 NW 136 Avenue, Building A, Sunrise, Florida 33323, between the hours of 9:00 a.m. to 4:30 p.m. Monday through Friday (excluding City holidays), or requested AskZoning@sunrisefl.gov.

The City does not tolerate discrimination in any of its programs, services or activities; and will not exclude participation in, deny the benefits of, or subject to discrimination anyone on the grounds of real or perceived race, color, national origin, sex, gender identity, sexual orientation, age, disability/handicap, religion, family or income status.

In compliance with the ADA and F.S.S. 286.26, any individual with a disability requesting a reasonable accommodation in order to participate in a public meeting should contact the City's ADA Coordinator at least 48 hours in advance of the scheduled meeting. Requests can be directed via e-mail to hr@sunrisefl.gov or via telephone to (954) 838-4522; Florida Relay: 711; Florida Relay (TIY/VCO): 1-800-955-8771; Florida Relay (Voice): 1-800-955-8770. Every reasonable effort will be made to allow for meeting participation. For additional information please contact the Community Development Department at (954) 746-3281 or email AskZoning@Sunrisefl.gov.

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 or she will need a record of the proceedings, and that, for such purpose, he or she 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 based F.S.S. 286.0105.



AGENDA ITEM REQUEST

Originating Department: Community Development Department

Item Title: Rezoning

Item Number: 5B

Meeting Date: 6/27/2023

City Reference Number (C#): C23259

Item Description:

Local Planning Agency discussion and/or action Re: An Ordinance of the City of Sunrise, Florida, approving a Rezoning from Community Business District (B-2) to General Business District (B-3) of approximately Four (4) Net Acres of Land Generally located North of West Oakland Park Boulevard and West of NW 90th Terrace, within the City of Sunrise, Broward County, Florida; amending the Zoning District Map to reflect the Rezoning; providing for conflict; providing for severability; and providing for an effective date. City Manager Mark Lubelski. Shannon Ley, Director of Community Development.

Funding:

N/A

Amount:

N/A

ATTACHMENTS:

ATY Ordinance - C23259
Exhibit A - Legal Description
Exhibit B - Staff Report
Letter of Intent
Public Notice
Display Ad

Background:

Pursuant to Section 163.3174(4), Florida Statutes, the City Commission (acting as the Local Planning Agency) is required to hold a duly advertised public hearing in order to review and make recommendations to the governing body regarding the proposed rezoning.

This is an application to rezone approximately 3.95 net acres of land generally located north of W. Oakland Park Boulevard and west of NW 90 Terrace, as shown on the location map in the attached Staff Report. The applicant is proposing to rezone the property from Community Business District (B-2) to General Business District (B-3). The proposed rezoning requires City Commission approval pursuant Subsection 16-38(e) of the Land Development Code.

Staff completed an open building permit and code violation search. There are a few building permit applications currently under review. There is one active code case, one building code violation, and no liens on the subject property.

Staff finds that this application meets all applicable requirements of the Land Development Code for granting of approval for this rezoning and therefore, recommends approval of the proposed rezoning from Community Business District (B-2) to General Business District (B-3) subject to the following condition:

- Execution and recordation of the Declaration of Restrictive Covenants regarding prohibited uses on the subject site proffered by the applicant in a form acceptable to the City. The proffered restricted uses include: Adult entertainment; Armored car service; Auction houses-art goods, antiques, jewelry, rugs, and similar items; Auto parts, Retail; Automobile wash; Awning stores; Bar; Boat rental; Bowling alleys; Building supplies retail, home improvement center; Check cashing store; Contractors offices; Electronic Assembly up to 25% of floor area as ancillary use; Express companies; Gas station; Head shop or any establishment displaying or selling drug paraphernalia; Heating equipment; Laundromat; Massage Parlor; Medical marijuana dispensary; Millwork, retail; Mortuary/Funeral

home; Nightclub; Parking garage or structure, private stand-alone unrelated to use on the property; Pawn shop; Plumbing fixtures, retail; Repair shop (small appliances); Second hand store; Small box discount stores; Trailers of all kinds, campers, mobile homes-storage and sales.

For more information on this item, including any of the attachments to this item, please contact the Community Development Department staff member identified below.

Department Head Recommendation:

Approval

Person With Additional Information:

Name: Matthue Goldstein

Phone: 954-746-3291

Department Head Name and Title:

Shannon Ley, P.E., Director of Community Development

City Manager:

Authorized for agenda placement

SUNRISE, FLORIDA

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF SUNRISE, FLORIDA, APPROVING A REZONING FROM COMMUNITY BUSINESS DISTRICT (B-2) TO GENERAL BUSINESS DISTRICT (B-3) OF APPROXIMATELY FOUR (4) NET ACRES OF LAND GENERALLY LOCATED NORTH OF WEST OAKLAND PARK BOULEVARD AND WEST OF NW 90TH TERRACE, WITHIN THE CITY OF SUNRISE, BROWARD COUNTY, FLORIDA; AMENDING THE ZONING DISTRICT MAP TO REFLECT THE REZONING; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, North Broward Hospital District d/b/a Broward Health (Applicant) has applied to amend the City of Sunrise's Zoning Map; and

WHEREAS, the Applicant desires to rezone, from Community Business District (B-2) to General Business District (B-3), approximately four (4) net acres of land generally located north of W. Oakland Park Boulevard and west of NW 90th Terrace, in Sunrise, Florida; and

WHEREAS, in accordance with the City's Comprehensive Plan, the underlying land use designation for the subject property is Commercial, and in accordance with the Broward County Land Use Plan, the underlying land use designation for the subject property is Commerce, both of which allow for the General Business District (B-3) zoning designation; and

WHEREAS, the Planning and Zoning Board held a meeting on Thursday, June 1, 2023 and recommended approval of the proposed rezoning; and

WHEREAS, the City Commission of the City of Sunrise, sitting as the Local Planning Agency, held a duly noticed public hearing on Tuesday, June 27, 2023 regarding the proposed rezoning.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SUNRISE, FLORIDA:

Section 1. The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Rezoning and Amendment to Zoning District Map. Pursuant to Application No. RZ-000425-2022 (81:8028), the approximately four (4) net acres of land generally located north of West Oakland Park Boulevard and west of NW 90th Terrace, more particularly described in the legal description, which is attached to and made a part of this Ordinance as Exhibit A, is rezoned from Community Business District (B-2) to General Business District (B-3). The City of Sunrise Zoning District Map is hereby amended accordingly from Community Business District (B-2) to General Business District (B-3). The Applicant, the property owner, and their successors and assigns shall comply with all Staff recommendations and any conditions set forth in the Community Development Department's Staff Report to the City Commission, including those in the Staff Recommendation to the Planning and Zoning Board section. A copy of the Staff Report is attached to and made a part of this Ordinance as Exhibit B.

Section 3. Conflict. All ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 4. Severability. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 5. Effective Date. This Ordinance shall become effective upon its passage.

PASSED AND ADOPTED upon this first reading this ____ DAY OF _____, 2023.

PASSED AND ADOPTED upon this second reading this ____ DAY OF _____, 2023.

Mayor Michael J. Ryan

Authentication:

Felicia M. Bravo
City Clerk

FIRST READING

MOTION: _____
SECOND: _____

DOUGLAS: _____
GUZMAN: _____
KERCH: _____
SCUOTTO: _____
RYAN: _____

SECOND READING

MOTION: _____
SECOND: _____

DOUGLAS: _____
GUZMAN: _____
KERCH: _____
SCUOTTO: _____
RYAN: _____

Approved by the City Attorney
as to Form and Legal Sufficiency.

Kimberly A. Kisslan

LEGAL DESCRIPTION

PARCEL A

Parcel 1:

Parcel A, SUNRISE FINANCIAL CENTER, according to the Plat thereof as recorded in Plat Book 119, Page 48, of the Public Records of Broward County, Florida.

Parcel 2:

The South 1/2 of the South 1/2 of Tract 10, in the Southeast 1/4 of Section 20, Township 49 South, Range 41 East, CHAMBERS LAND COMPANY SUBDIVISION, according to the Plat thereof as recorded in Plat Book 1, Page 5A, laying East of Parcel A, "Sunrise Financial Center", according to the Plat thereof, as recorded in Plat Book 119, Page 48 of the said Public Records, less the East 30 feet thereof and the right-of-way as described in Official Records Book 4796, Page 677 and Official Records Book 10183, Page 61, both of the Public Records of Broward County, Florida.

PARCEL B

Parcel B, of THE BEN ASH PLAT, according to the Plat thereof as recorded in Plat Book 124, Page 15, of the Public Records of Broward County, Florida.

LESS and EXCEPT that portion conveyed to the City of Sunrise, a municipal corporation, in Official Records Books 10811, Page 769, of the Public Records of Broward County, Florida, described as follows:

A portion of the Southeast One-Quarter (SE 1/4) of Section 20, Township 49 South, Range 41 East, more particular described as follows:

The West 25.00 feet of Tract 12 in the Southeast One-Quarter (SE 1/4) of the CHAMBERS LAND COMPANY SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 2, page 68, of the Public Records of Miami-Dade County, Florida; LESS the North 15 feet thereof (as measured at right angles), and LESS the South 120 feet.

Said lands lying and being in Broward County, Florida.



STAFF REPORT

BROWARD HEALTH HOSPITAL (REZONING)

Summary

This is an application to rezone approximately four (4) net acres from Community Business District (B-2) to General Business District (B-3). The subject site is generally located north of W. Oakland Park Boulevard and west of NW 90 Terrace, 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 to permit and develop a hospital use on the property. The current B-2 zoning district does not permit hospital uses, while the proposed B-3 zoning district allows for hospitals as a Special Exception use. Therefore, a concurrent Special Exception use application, as well as a Site Plan application, have been submitted and going through the review process concurrently.

General Information

On September 22, 1981, via Resolution No. 81-143, the City of Sunrise City Commission approved a final Site Plan for a bank use known as "Sunrise Savings and Loan" on the corner of NW 90 Terrace and W. Oakland Park Boulevard.

Project Description

The proposed project is located at the northwest corner of W. Oakland Park Boulevard and NW 90 Terrace. The subject site is mostly vacant land except for a currently closed drive-thru bank on the easternmost portion of the property. The proposed hospital use is referred to by the applicant as a free-standing emergency room facility, which they consider a hybrid between an urgent care center and a hospital. This hospital use will offer emergency care for patients that require a higher level of service than an urgent care would offer, without overnight stays. The one-story hospital will be approximately 18,041 square feet, be open twenty-four (24) hours-a-day, seven (7) days-a-week and include fifteen (15) beds to treat patients. Patients can walk-in or may be transported via ambulance to the facility. Furthermore, should a patient need to be admitted for overnight stay, they will be transported to another facility. To serve the facility, the applicant is providing ninety-eight (98) on-site parking spaces where only thirty (30) are required.

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.*

Applicant Response: The subject property is designated Commercial under the City's Comprehensive Plan. The Commercial land use designation permits office and business-related uses as well as community facility uses. The proposed use of the property as a hospital (free-standing emergency room facility) is a hybrid between an urgent care center and a hospital. The hospital (free-standing emergency room facility) will offer emergency care for patients that require a higher level of service than an urgent care would offer but will not permit overnight stays. If a patient needs to be admitted as an in-patient, the patient will be transported to another facility.

The proposed Rezoning is also consistent with the following policies of the City's Comprehensive Plan.

Policy 1.3.1: Provide, through the City of Sunrise Land Development Code (LDC), buffering requirements between residential and non-residential land uses.

Applicant Response: The project incorporates buffers in the form of a ten-foot (10') wall plus landscaping along the north and west facades which are adjacent to residential communities.

Policy 1.3.2: Non-residential uses are restricted to those uses set forth in the Land Use Implementation Section.

Applicant Response: The property is designated Commercial on the City's Future Land Use Map. The permitted uses of the Commercial land use category include "community facility" uses which include hospitals.

Policy 2.2.1: The City of Sunrise Land Development Code (LDC) further regulates the intensity of commercial use by the establishment of several commercial zoning districts and providing that some commercial uses be allowed by special exception only.

Applicant Response: The property is currently zoned B-2 and is proposed to be

rezoned to B-3. The proposed hospital use (free-standing emergency room facility) is a special exception in the B-3 zoning district and the applicant has filed a separate application for Special Exception approval.

OBJECTIVE 10.2 Platting: Continue to enforce the Countywide platting requirements of "Administrative Rules Document: Broward County Land Use Plan," Article 4.

Applicant Response: The property is already platted. There are three (3) plats which cover the property:

- 1) The Ben Ash Plat (PB 124/15)
- 2) Sunrise Financial Center Plat (PB119/48)
- 3) Chambers Land Co. Subdivision (PB 1/54)

The subject site's improvements are being constructed on The Ben Ash Plat and Sunrise Financial Center Plat. The applicant obtained confirmation from the Broward County Planning Council stating that the property does not need to be re-platted in order to accommodate the development.

Policy 10.1.8: The City of Sunrise shall not issue a building permit, unless the applicant presents evidence from Broward County either that the impact of the proposed development on the regional transportation network has been mitigated by payment of road impact fees or transit impact fees, based on the appropriate provisions of the Broward County Land Development Code, or that no such payment is due. The County Commission may adopt land development regulations which exempt from this requirement categories of building permits that clearly do not create additional transportation impacts.

Applicant Response: The County confirmed via e-mail that road impact fees were paid at the time of platting.

Policy 15.1.1: Development shall provide water storage capacity consistent with the regulations and plans of the South Florida Water Management District (SFWMD), Broward County Environmental Protection and Growth Management Department (BCEPGMD), independent drainage districts and the City.

Applicant Response: The proposed development is required to comply with the regulations of SFWMD, Broward County and any other applicable agencies prior to issuance of a building permit.

Policy 15.1.2: Commercial, industrial, mixed-use and development, as defined by

Broward County, shall provide dry pre-treatment for stormwater runoff through grassy swales, ex-filtration trenches, or other means consistent with the best management practices of the South Florida Water Management District (SFWMD), Broward County, independent drainage districts and the City.

Applicant Response: Per standard SFWMD, Broward County and other permitting agencies, a dry pre-treatment has been provided as part of the stormwater system.

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

Applicant Response: The proposed hospital (free-standing emergency room facility) is a considered a community facility use which is listed as a permitted use. The proposed hospital will meet the Floor Area Ratio limits. Additionally, the site is replacing a 4,208 square foot bank with drive-thru. The proposed fifteen (15) bed hospital use will generate a net reduction in AM and PM peak hour trips when compared to the existing bank use.

- (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.*

Applicant Response: Land Development Code Section 16-78(a)(3) provides the following intent and purpose for the B-3 zoning district:

The B-3 (General Business District) is intended to apply to arterial streets and trafficways where business establishments primarily not of a neighborhood or community service type may properly locate to serve large sections of the city and metropolitan area. Such businesses generally require considerable ground area, do not cater directly to pedestrians and need a conspicuous and accessible location convenient for motorists.

The proposed hospital (free-standing emergency room facility) is located along a major thoroughfare (Oakland Park Boulevard) with convenient access to serve large sections of the City. The proposed use will not cater directly to pedestrians, although pedestrian connectivity is provided to and from the site as well as within the site. The site provides a conspicuous and accessible location convenient for motorists easily accessible via three (3) access points, two (2) along Oakland Park Boulevard and one (1) along NW 90 Terrace.

Regarding the 200 foot lot depth requirement of the B-3 district contained in the

City's LDC Section 16-78(f), the most eastern parcels are less than 200 foot, but were of record prior to the effective date of this section. The code section was adopted by Ordinance No. 402-97-E on August 26, 1997. The Sunrise Financial Center plat (PB 119/48) was recorded on May 8, 1984 and the Chambers Land Company Subdivision (PB 1/5A) was originally filled on January 8, 1916 and re-recorded on January 1, 1978.

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

Applicant Response: The proposed rezoning is compatible with existing and proposed uses in the general vicinity. The surrounding zoning districts include:

- North: RM-10 (Low Medium Multifamily Residential District) and RM-16 (Medium Density Multiple-family Residential District)
- South: B-2 (Community Business District) and B-3 (General Business District)
- East: R/OS (Recreation/Open Space District)
- West: RS-5 (Low Density Single-Family Residential Districts)

Rezoning of the property will be consistent and compatible with the pattern of zoning along this corridor, most notably the parcel directly south of the property is already zoned B-3. The proposed use of the parcel is consistent with other commercial-related uses along the corridor and will serve the medical needs of the community.

While the B-3 allows for other uses (besides a hospital use), the applicant has no plans to use the property for a different B-3 use. However, the applicant will voluntarily record a restrictive covenant for the property prohibiting the following uses: Adult entertainment; Armored car service; Auction houses-art goods, antiques, jewelry, rugs, and similar items; Auto parts, Retail; Automobile wash; Awning stores; Bar; Boat rental; Bowling alleys; Building supplies retail, home improvement center; Check cashing store; Contractors offices; Electronic Assembly up to 25% of floor area as ancillary use; Express companies; Gas station; Head shop or any establishment displaying or selling drug paraphernalia; Heating equipment; Laundromat; Massage Parlor; Medical marijuana dispensary; Millwork, retail; Mortuary/Funeral home; Nightclub; Parking garage or structure, private stand-alone unrelated to use on the property; Pawn shop; Plumbing fixtures, retail; Repair shop (small appliances); Second hand store; Small box discount stores; Trailers of all kinds, campers, mobile homes-storage and sales.

- (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.*

Applicant Response: The rezoning to B-3 will not place an undue burden on existing infrastructure. The proposed hospital (free-standing emergency room facility) is not expected to generate additional infrastructure impacts as it is very similar to a medical office use which is already permitted under the existing B-2 zoning district.

With respect to traffic impacts, the site historically contained a 4,208 square-foot drive-thru bank. Using trip generation rates published by the Institute of Transportation Engineers (ITE) in the Trip Generation Manual, 11th Edition, the proposed 18,041 square-foot hospital (free-standing emergency room facility) will generate ten (10) fewer new AM peak hour trips and thirty (30) fewer new PM peak hour trips than the bank previously did. Therefore, the proposed use for this property will result in a reduced traffic impact on the surrounding transportation infrastructure than the current development on the site in its present condition.

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

Applicant Response: The Oakland Park Boulevard corridor has a mixture of uses which vary from residential to commercial. Other areas along the corridor are zoned B-3 which makes this proposed rezoning compatible with the existing pattern of zoning in this area. In addition, the population in the City of Sunrise, as well as abutting communities Tamarac, Plantation, and Lauderdale, have increased thus increasing the need for conveniently located medical services.

Staff Recommendation to the Planning and Zoning Board, June 1, 2023

Staff recommends approval of the proposed rezoning from Community Business District (B-2) to General Business District (B-3) subject to the following condition:

1. Execution and recordation of the Declaration of Restrictive Covenants regarding prohibited uses on the subject site proffered by the applicant in a form acceptable to the City. The proffered restricted uses include: Adult entertainment; Armored car service; Auction houses-art goods, antiques, jewelry, rugs, and similar items; Auto parts, Retail; Automobile wash; Awning stores; Bar; Boat rental; Bowling alleys; Building supplies retail, home improvement center; Check cashing store; Contractors offices; Electronic Assembly up to 25% of floor area as ancillary use; Express

companies; Gas station; Head shop or any establishment displaying or selling drug paraphernalia; Heating equipment; Laundromat; Massage Parlor; Medical marijuana dispensary; Millwork, retail; Mortuary/Funeral home; Nightclub; Parking garage or structure, private stand-alone unrelated to use on the property; Pawn shop; Plumbing fixtures, retail; Repair shop (small appliances); Second hand store; Small box discount stores; Trailers of all kinds, campers, mobile homes-storage and sales.

Planning and Zoning Board Recommendation, June 1, 2023

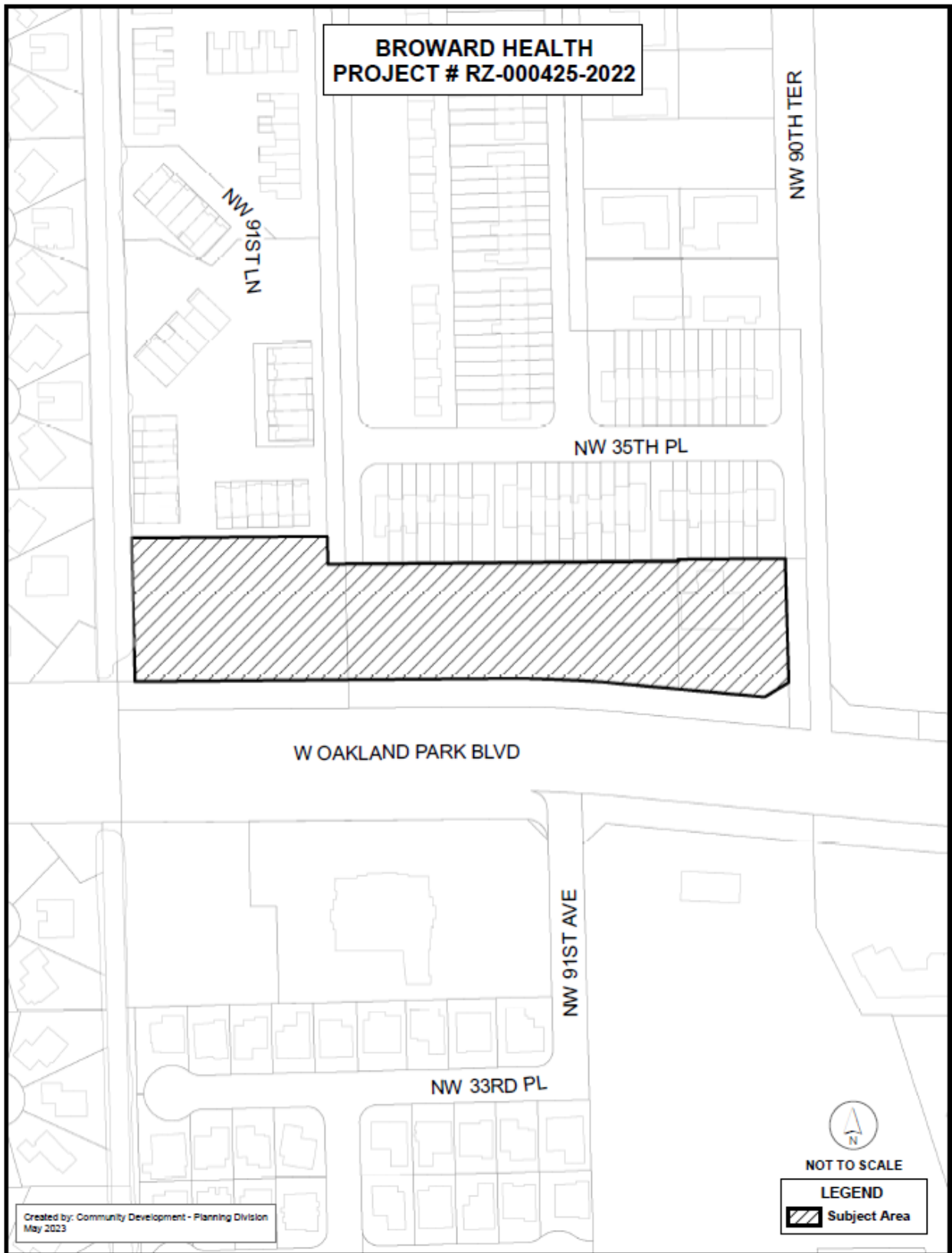
At its meeting on June 1, 2023, the Board approved Staff's recommendation.

Final Staff Recommendation to the City Commission, June 27, 2023

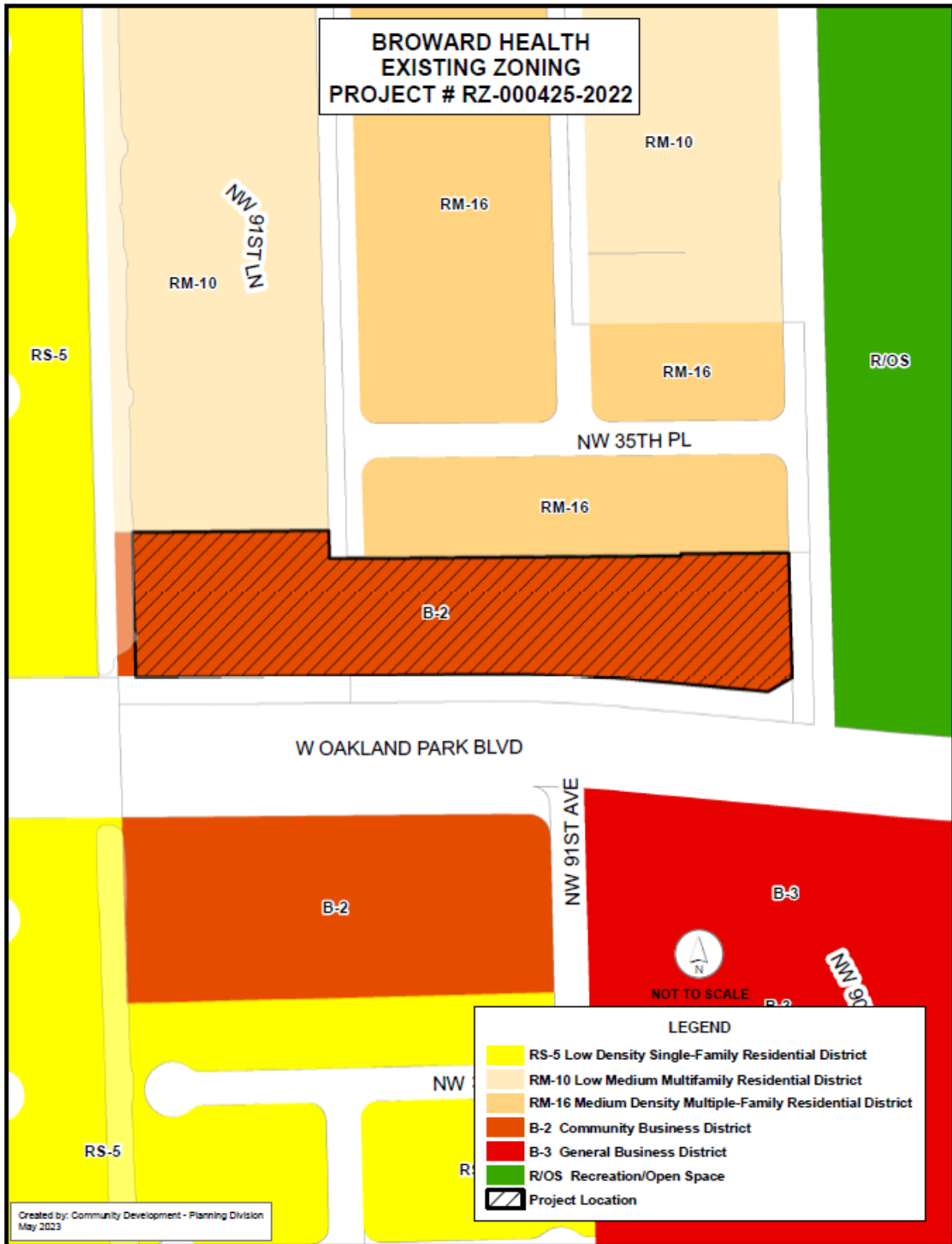
Staff recommends approval of the application subject to the conditions listed above.

Planner: Kaitlyn Forbes, TranSystems (Consultant) Matthue Goldstein (City of Sunrise)
File No. RZ-000425-2022 (81:8028)

Location Map



Location Map with Existing Zoning Designations



August 23, 2022
Updated May 5, 2023

Mattheu Goldstein, Planning and Zoning Manager
Planning Division
City of Sunrise - Community Development Department
1601 NW 136th Avenue, Building A, Suite 100
Sunrise, Florida 33323

RE: Broward Health - REZONING - LETTER OF INTENT (RZ-000425-2022)
Folios 494120340020, 494120320010, 494120040092 – 9001, 9201-9211 W. Oakland Park Blvd, Sunrise, FL 33351 (the “Property”)

Dear Mr. Goldstein,

This Firm represents North Broward Hospital District d/b/a Broward Health (“Broward Health”) in connection with proposed rezoning of the Property from B-2 to B-3 in order to accommodate a hospital providing emergency room care (no overnight stays). The City has indicated that the proposed use is a hospital-related use which is not allowed under the current B-2 zoning, and therefore, the Property would need to be rezoned to B-3, which permits hospital uses as a special exception. Applications for site plan, special exception, and 10’ utility easement vacation approval are being filed concurrently with this rezoning application. Additional applications will be filed to request (i) an amendment to the non-vehicular access lines for the western entrance on Oakland Park Boulevard and (ii) vacation of 12’ drainage and utility easements which runs along the northern boundary of the property.

I. General information. The Property is generally located on the northwest corner of Oakland Park Boulevard and NW 90th Terrace (west of Pine Island Road). The Property is largely undeveloped except for a bank and associated drive thru lanes (now closed), which is slated to be demolished as part of the redevelopment plan. An aerial showing the Property is shown below.



II. Project information. Broward Health is proposing to develop the Property with a free-standing emergency room building. Below are some quick facts about the proposed building and uses:

- Size: 18,041 sf
- Height: 1 story
- # of beds: 15
- Length of stay: Outpatient (no overnight stays). Any patients that need to be admitted, will be transported to a different hospital
- Service: Ambulance or walk-in
- Type of services: Diagnostic imaging, adult and pediatric emergency care
- Parking: 98 spaces (ratio of 1 space per 184 sf)

III. Land use and zoning designations.

- a. Land use designation. The Property is designated Commercial on the City’s Future Land Use Map. The proposed use of the Property as a hospital (free-standing emergency department), is consistent with the Commercial land use category under the City’s Comprehensive Plan.
- b. Zoning district. The Property is currently located in the City’s B-2 zoning district. The City indicated that proposed use will be considered a hospital-related use which is not permitted under the current B-2 zoning designation. Broward Health is proposing to rezone the Property to B-3, which allows hospital use as a special exception. An application for special exception is being filed concurrently with this rezoning request.

IV. Rezoning criteria. Pursuant to code section 16-38 (c), the applicant shall demonstrate conformance with the following criteria for the zoning district into which the property is to be converted:

1. That the request is consistent with the goals, objectives, policies, and intent of the city's comprehensive plan.

Applicant’s Response: The Property is designated Commercial under the City’s Comprehensive Plan. The Commercial land use designation permits office and business related uses as well as community facility uses.¹ The proposed use of the Property as a hospital (free-standing emergency department) is a hybrid between an urgent care center and a hospital that has overnight stays. The hospital (free-standing emergency department) will offer emergency care for patients that require a higher level of service than an urgent care would offer, but stopping short of providing overnight stays. If a patient needs to be admitted as an in-patient, the patient will be transported to another Broward General facility. The proposed rezoning is also consistent with the following policies of the City’s Comprehensive Plan.

Policy 1.3.1 Provide, through the City of Sunrise Land Development Code (LDC), buffering requirements between residential and non-residential land uses.

Response: The project incorporates buffers in the form of a 10’ wall plus landscaping along the north and west facades which are adjacent to residential communities.

¹ Under the City’s Comprehensive Plan, “community facility” uses includes, among other uses, hospitals.

Policy 1.3.2 Non-residential uses are restricted to those uses set forth in the Land Use Implementation Section.

Response: The property is designated Commercial on the City's Future Land Use Map. The permitted uses of the Commercial land use category include "community facility" uses which include hospitals. See pages A-26 and A-32 of the Comprehensive Plan.

Policy 2.2.1 The City of Sunrise Land Development Code (LDC) further regulates the intensity of commercial use by the establishment of several commercial zoning districts and providing that some commercial uses be allowed by special exception only.

Response: The property is currently zoned B-2 and is proposed to be rezoned to B-3. The proposed hospital use (free-standing emergency department) is a special exception in the B-3 zoning district and applicant has filed a separate application for special exception approval.

OBJECTIVE 10.2 Platting: Continue to enforce the Countywide platting requirements of "Administrative Rules Document: Broward County Land Use Plan," Article 4.

Response: The property is already platted. There are 3 plats which cover the property:

- The Ben Ash Plat (PB 124/15)
- Sunrise Financial Center Plat (PB119/48)
- Chambers Land Co. Subdivision (PB 1/54)

The improvements are being constructed on The Ben Ash Plat and Sunrise Financial Center Plat. The applicant obtained confirmation from the Broward County Planning Council confirming that the property does not need to be re-platted in order to accommodate the development. See attached letter from BCPC dated 9/29/2022.

In addition, the applicant met with Broward County Development Management Division to discuss the proposed hospital (emergency room department) to determine whether a plat note amendment was needed. The County confirmed that there is no plat note restriction on the Sunrise Financial Center plat. The Ben Ash plat is restricted to 25,000 sf of commercial use on Parcel B, which is where a majority of the new hospital (freestanding emergency department) will be located. The County confirmed that the proposed hospital (free standing emergency department) is consistent with the commercial note restriction. In addition, the County confirmed that all impact fees for the 25,000 sf of commercial use were pre-paid at the time of platting and therefore no additional fees would be due. See attached e-mail from K. DaLuz, Broward County, dated 8/1/2022.

Policy 10.1.8 The City of Sunrise shall not issue a building permit, unless the applicant presents evidence from Broward County either that the impact of the proposed development on the regional transportation network has been mitigated by payment of road impact fees or transit impact fees, based on the appropriate provisions of the Broward County Land Development Code, or that no such payment is due. The County Commission may adopt land development regulations which exempt from this requirement categories of building permits that clearly do not create additional transportation impacts.

Response: As noted above, the County confirmed via e-mail that road impact fees were paid at the time of platting.

Policy 15.1.1 Development shall provide water storage capacity consistent with the regulations and plans of the South Florida Water Management District (SFWMD), Broward County Environmental Protection and Growth Management Department (BCEPGMD), independent drainage districts and the City.

Response: Per standard SFWMD and other permitting agencies, the stormwater system has been design to meet these requirements. Plans and calculations will be submitted for review and approval during the permitting process of the project prior to issuance of a building permit.

Policy 15.1.2 Commercial, industrial, mixed-use and development, as defined by Broward County, shall provide dry pre-treatment for stormwater runoff through grassy swales, ex-filtration trenches, or other means consistent with the best management practices of the South Florida Water Management District (SFWMD), Broward County, independent drainage districts and the City.

Response: Per standard SFWMD, Broward County and other permitting agencies, a dry pre-treatment has been provided as part of the stormwater system.

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

Applicant's Response:

- **Uses.** The City' Comprehensive Plan (page A-26) lists the following permitted uses for the Commercial land use category:
 1. Retail uses.
 2. Office and business uses.
 3. Hotels, motels, and similar lodging.
 4. *Community facilities and utilities, excluding landfills.*
 5. Special Residential Facility Category (2) and (3).
 6. Residential uses subject to allocation and compliance with flexibility units and redevelopment units.
 7. Transportation and communications facilities.
 8. Breweries.

The proposed hospital (free-standing emergency department) is a considered a community facility use which is listed on the above list as a permitted uses. Community facilities uses includes, among other uses, hospitals. See page A-32 of the City's Comprehensive Plan.

- **Density/Intensity:** The City's Comprehensive Plan limits the floor area ratio (FAR) of development in the Commercial to 0.35 for one-story buildings. The proposed FAR of the new building is +/-0.105. See site plan application filed concurrently with this rezoning application.
- **Additionally,** the site is replacing a 4,208 sf Wells Fargo bank with drive-thru. The proposed 15-bed hospital use will generate a net reduction in AM and PM peak hour trips when compared to the existing bank use. See subsection 5 below.

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.

Applicant's Response:

Land Development Code Section 16-78 provides the following intent and purpose for the B-3 zoning district:

The B-3 General Business District is intended to apply to arterial streets and trafficways where business establishments primarily not of a neighborhood or community service type may properly locate to serve large sections of the city and metropolitan area. Such businesses generally require considerable ground area, do not cater directly to pedestrians and need a conspicuous and accessible location convenient for motorists.

The proposed hospital (freestanding emergency department) is located along a major thoroughfare (Oakland Park Blvd) with convenient access to serve large sections of the City. The proposed use will not cater directly to pedestrians (although pedestrian connectivity is provided to and from the site and within the site). The site provides a conspicuous and accessible location convenient for motorists easily accessible via three access points (two along Oakland Park Blvd and the one along NW 90th Terrace).

Regarding the 200' lot depth requirement of the B-3 district contained in Sec. 16-78(f), the most eastern parcels are less than 200', but were of record prior to the effective date of this section. The code section was adopted by Ordinance No. 402-97-E on August 26, 1997. The Sunrise Financial Center plat (PB 119/48) was recorded on 5/8/1984 and the Chambers Land Company Subdivision (PB 1/5A) was originally filed on January 8, 1916 and re-recorded on January 1, 1978. Screen shot of Broward County Official Records:

Searched Name	Party Type	Related Name	Record Date	Book Type	Book/Page	Instrument #
SUNRISE FINANCIAL CENTER	To	SUNRISE SAVI...	05/08/1984	P	119/48	84160107

Searched Name	Party Type	Related Na	Record Date	Book Type	Book/Page	Instrument #
CHAMBERS LAND CO	To		01/01/1978	P	1/5	001001005

4. That the request is compatible with existing and proposed uses in the general vicinity.

Applicant's Response: The proposed rezoning is compatible with existing and proposed uses in the general vicinity. As shown on the maps below, the surrounding zoning districts include:

North: RM-10 and RM-16
South: B-2 and B-3
East: R/OS
West: RS-5



As shown on the zoning map above, the area is characterized by a variety of zoning districts, including B-3. Rezoning of the Property will be consistent and compatible with the pattern of zoning along this corridor (most notably the parcel directly south of the Property is already zoned B-3). The proposed use of the parcel is consistent with other commercial-related uses along the corridor and will serve the medical needs of the community.

To mitigate any perceived impacts on the adjacent residential communities, the City’s code requires the applicant to install a 10’ tall buffer wall adjacent to the residential on the north and west sides of the Property. In addition to the wall, the applicant is installing landscaping on the inner side of the wall as required by the City’s Land Development Code. The landscaping together with the 10’ wall provide a more than adequate buffer between the residential communities and the proposed B-3 district. Mechanical equipment will also be located at the rear of the Property and properly screened to code.

While the B-3 allows for other uses (besides a hospital use), Broward Health has no plans to use the property for a different B-3 use. If, however, a subsequent owner wished to change the use from hospital use would be required to under a site plan approval and have the impacts of the changed use addressed through that process. There are 16 uses that are allowed as of right. There are 4 uses which are medical-related (indicated italics with *). The rest of the uses, Broward Health would consider a Declaration of Restrictions for the remaining uses 13 uses.

- a. *Ambulance service-Commercial**
- b. Auto parts, Retail
- c. Automobile wash
- d. Boat rental
- e. Bowling alleys
- f. Building supplies retail, home improvement center
- g. Contractors offices
- h. *Dental lab**
- i. *Drug store**

- j. **Electronic Assembly up to 25% of floor area as ancillary use**
- k. **Heating equipment**
- l. **Medical marijuana dispensary (this would not be allowed on the property anyway due to a 500' distance separation requirement from public parks and schools. The site is within 500' of a park)**
- m. **Millwork, retail**
- n. **Parking garage or structure (private)**
- o. **Repair shop (small appliances)**
- p. **Small box discount stores Urgent Care Center**
- q. *Urgent Care Center**

The Applicant would consider entering into a Declaration of Restrictions for the uses which are not in italics. See attachment 6.

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.

Applicant's Response: The rezoning to B-3 will not place an undue burden on existing infrastructure. The proposed hospital (freestanding emergency department) is not expected to generate additional infrastructure impacts as it is very similar to a medical office use which is already permitted under the existing B-2 zoning district. The Applicant submitted a Consistency/Concurrency Review Application which contained a service demand analysis. The Consistency/Concurrency Review Application is pending at the City. Below is an excerpt from the application (as updated for this current submittal):

<u>SERVICE DEMANDS BY TYPE</u>	<u>EXISTING USE</u>	<u>PROPOSED USE</u>
1. Potable Water (see Table I attached)	<u>630.00</u> gpd	<u>3,000.00</u> gpd
2. Sanitary Sewer (see Table I attached)	<u>630.00</u> gpd	<u>3,000.00</u> gpd
3. Solid Waste (see Table II attached)	<u>42.00</u> lbs	<u>120.00</u> lbs
4. Transit - Broward County TRIPS rates by Land Use (see Table III attached)	<u>163.00</u> trips	<u>246.00</u> trips
Transit-Oriented Concurrency (TOC) District [Sawgrass/ Central Broward]	<u>Central</u>	
5. Drainage		
Finished Floor Elevation (M.S.L.)	<u>8.79</u> ft	<u>10.00</u> ft
Roadway Crown above mean sea level	<u>9.10</u> ft	<u>9.25</u> ft
6. Recreation at 3 Acres per 1,000 expected resident population	<u>0.00</u> Ac	<u>0.00</u> Ac

With respect to traffic impacts, the site historically contained a 4,208 square-foot drive-in bank. Using trip generation rates published by the Institute of Transportation Engineers (ITE) in the Trip Generation Manual, 11th Edition, the proposed 18,041 square-foot hospital (freestanding emergency department) will generate 10 fewer new AM peak hour trips and 30 fewer new PM peak hour trips than the bank previously did. Therefore, the proposed rezoning and use for this property will result in a reduced traffic impact on the surrounding transportation infrastructure than the current zoning and development on the site in its present condition.

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

Applicant's Response: The Oakland Park Boulevard corridor has a mixture of uses which vary from residential to commercial. Other areas along the corridor are zoned B-3 which make this proposed rezoning compatible with the existing pattern of zoning in this area. In addition, from 2010-2020, the population in the City of Sunrise increased by 12,897 residents or 15.2%.² Again, this is just the population for the City of Sunrise. Abutting communities also experienced an increase in population as follows: Tamarac (19% increase), Plantation (8% increase) and Lauderhill (11.4% increase). As the City's residential population increases, the need for conveniently located medical services likewise increases. Attached are reports that show there is a demand for the proposed facility.

Please let me know if you need any further information in order to complete this rezoning request.

Sincerely,

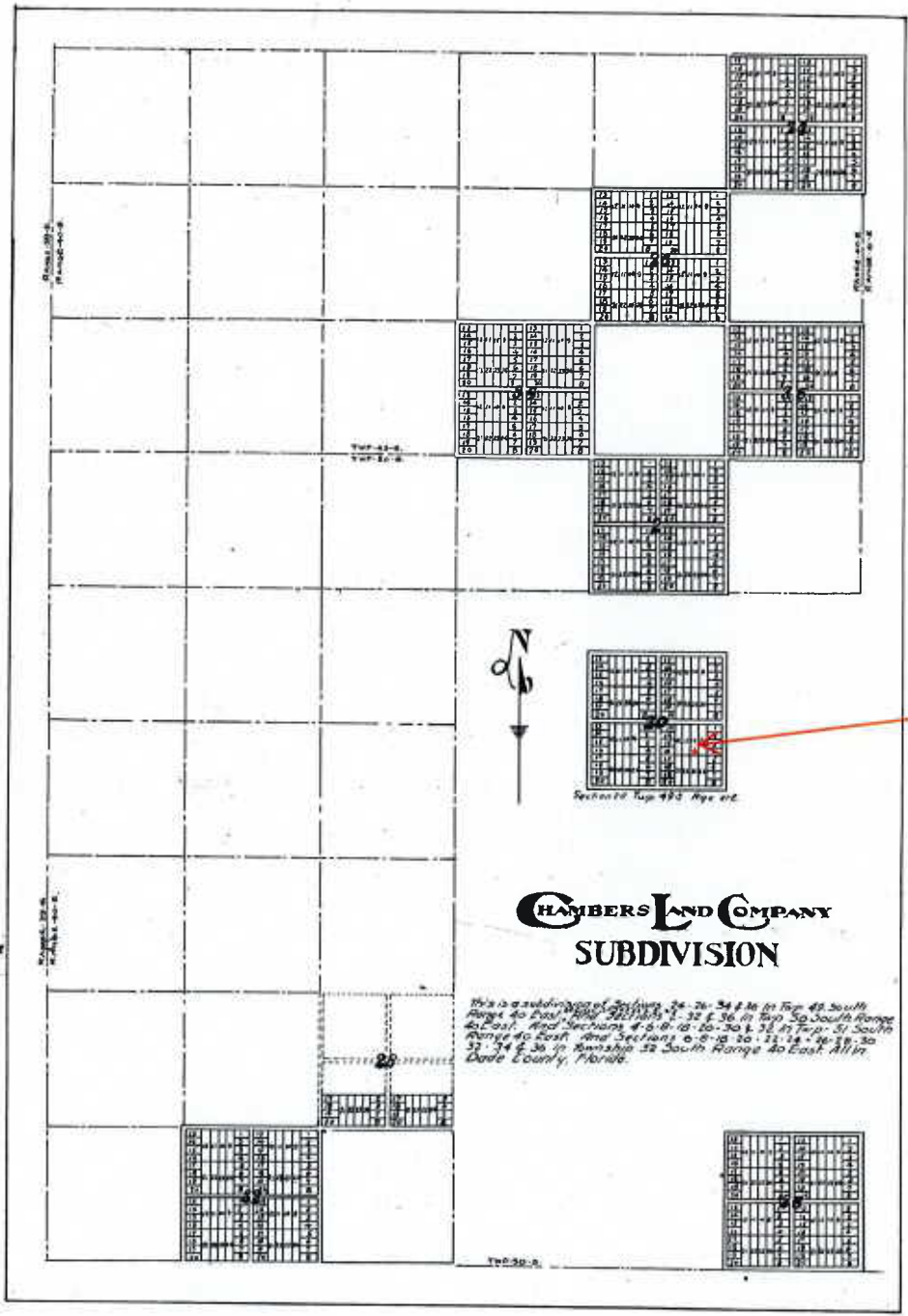


Nectaria M. Chakas, Esq

Attachments:

1. Plats
2. Platting determination letter from Broward County Planning Council dated 9/29/2022
3. E-mail from K. DaLuz, Broward County, dated 8/1/2022 confirming no plat note amendment is needed
4. 2020 U.S. Census Data for Sunrise, Tamarac, Plantation, Lauderhill
5. Hospital data
6. Declaration of Restrictions (proposed)

² Source: 2020 U.S. Census: City of Sunrise Population April 1, 2010: 84,439; Population April 1, 2020: 97,336 - Net increase of 12,897 (15.2%).



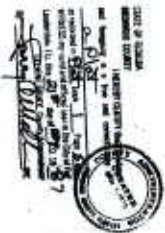
**CHAMBERS LAND COMPANY
SUBDIVISION**

This is a subdivision of Sections 24, 26, 28 & 30 in Twp 48 South Range 40 East and Sections 11, 13, 15, 17, 19, 21, 23 & 25 in Twp 50 South Range 40 East and Sections 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30 in Township 22 South Range 40 East, All in Dale County, Florida.

7-57
025
MAY

550

914
John Dale
J. H. Lyons
J. H. Lyons



Filed Jan 20 1904

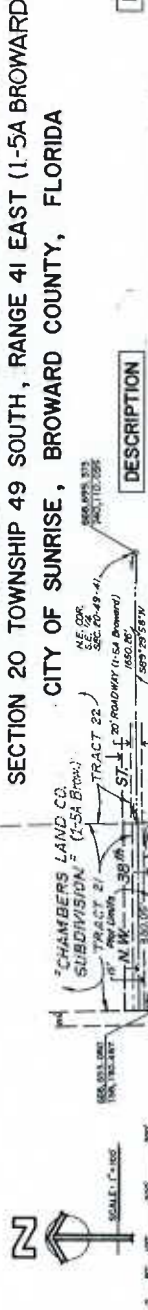
150

51

THE BEN ASH PLAT

A REPLAT OF A PORTION OF CHAMBERS LAND COMPANY
SUBDIVISION OF THE SOUTHEAST ONE-QUARTER (1/4) OF
SECTION 20 TOWNSHIP 49 SOUTH, RANGE 41 EAST (1-5A BROWARD)
CITY OF SUNRISE, BROWARD COUNTY, FLORIDA

PREPARED BY
KEITH AND SCHWAB, P.A.
ENGINEERS - PLANNERS - SURVEYORS
12500 WEST LAKELAND AVENUE
SUITE 100
LAKELAND, FLORIDA 33803
(813) 781-3443



DESCRIPTION
A PARCEL OF LAND IN TRACT 13 OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 20, TOWNSHIP 49 SOUTH, RANGE 41 EAST (1-5A BROWARD), CHAMBERS LAND COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 124, PAGE 15 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. SAID LAND MEASURES 25 FEET THEREOF (AS MEASURED AT RIGHT ANGLES) AND LESS THE SOUTH 15 FEET, SAID LANDS SITUATE IN SUNRISE, BROWARD COUNTY, FLORIDA.

DEDICATION
STATE OF FLORIDA | 15
COUNTY OF BROWARD

KNOW ALL MEN BY THESE PRESENTS, THAT JAMES B. ASH AND ROBERTA D. ASH, HUSBAND AND WIFE, THE OWNERS AND TRUSTEES OF THE BEN ASH PLAT, AS INCORPORATED WITH THIS PLAT, AND CHAMBERS LAND COMPANY, AS TRUSTEES OF THE CHAMBERS LAND COMPANY, HAVE HEREBY DEDICATED TO THE PUBLIC FOR USE AS HIGHWAYS, PORTIONS OF SAID SHOW-N-RECORD ARE DEPICTED TO THE PUBLIC FOR USE AS HIGHWAYS.

IN WITNESS WHEREOF, THE TRUSTEES HAVE CAUSED THESE PRESENTS TO BE SIGNED AND SEALED BY ME, THE TRUSTEE, AND BY ME AND ROBERTA D. ASH, HUSBAND AND WIFE, THE OWNERS AND TRUSTEES OF THE BEN ASH PLAT, AS INCORPORATED WITH THIS PLAT, AND CHAMBERS LAND COMPANY, AS TRUSTEES OF THE CHAMBERS LAND COMPANY, THIS 15TH DAY OF FEBRUARY, 1984.

ACKNOWLEDGEMENT
STATE OF FLORIDA | 15
COUNTY OF BROWARD

I, JAMES B. ASH, TRUSTEE OF THE BEN ASH PLAT, AS INCORPORATED WITH THIS PLAT, AND CHAMBERS LAND COMPANY, AS TRUSTEES OF THE CHAMBERS LAND COMPANY, DO HEREBY ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THE CONTENTS OF THE FOREGOING INSTRUMENT, THAT I AM FULLY COMPETENT TO MAKE SAID INSTRUMENT, AND THAT I HAVE NOT BEEN UNDER ANY UNLAWFUL INFLUENCE, AND THAT I HAVE VOLUNTARILY AND KNOWINGLY ENTERED INTO SAID INSTRUMENT, AND THAT I HAVE NOT BEEN UNDER ANY UNLAWFUL INFLUENCE, AND THAT I HAVE VOLUNTARILY AND KNOWINGLY ENTERED INTO SAID INSTRUMENT.

SURVEY NOTES

1. P.A.C. INDICATES PERMITS REFERRED INSTRUMENT AND IS 8.5' WIDE.
2. N.W. CORNER OF PARCEL B IS 25' FROM N.W. CORNER OF PARCEL A.
3. N.W. CORNER OF PARCEL B IS 25' FROM N.W. CORNER OF PARCEL A.
4. N.W. CORNER OF PARCEL B IS 25' FROM N.W. CORNER OF PARCEL A.
5. N.W. CORNER OF PARCEL B IS 25' FROM N.W. CORNER OF PARCEL A.
6. N.W. CORNER OF PARCEL B IS 25' FROM N.W. CORNER OF PARCEL A.
7. N.W. CORNER OF PARCEL B IS 25' FROM N.W. CORNER OF PARCEL A.
8. N.W. CORNER OF PARCEL B IS 25' FROM N.W. CORNER OF PARCEL A.
9. N.W. CORNER OF PARCEL B IS 25' FROM N.W. CORNER OF PARCEL A.
10. N.W. CORNER OF PARCEL B IS 25' FROM N.W. CORNER OF PARCEL A.

CITY COMMISSION
CITY ENGINEER
CITY COUNCIL
CITY ENGINEER

AREA TABULATION

PARCEL "A"	281,874 SQ. FT.	6.4765 ACRES
PARCEL "B"	281,874 SQ. FT.	6.4765 ACRES
R/W DEDICATED	87,284 SQ. FT.	0.8961 ACRES
TOTAL	651,032 SQ. FT.	6.8687 ACRES

BROWARD COUNTY ENGINEERING DIVISION
THIS PLAT IS HEREBY APPROVED FOR RECORD
BY THE CITY ENGINEER OF BROWARD COUNTY, FLORIDA, ON FEBRUARY 15, 1984.

BROWARD COUNTY PLANNING COUNCIL
THIS PLAT IS HEREBY APPROVED FOR RECORD
BY THE CITY ENGINEER OF BROWARD COUNTY, FLORIDA, ON FEBRUARY 15, 1984.

BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT, COUNTY RECORDS DIVISION - RECORDING SECTION
THIS INSTRUMENT WAS FILED FOR RECORD IN 1984, AND RECORDED IN PLAT BOOK 124, PAGE 15.

BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT, COUNTY RECORDS DIVISION - MINUTES SECTION
THIS INSTRUMENT WAS FILED FOR RECORD IN 1984, AND RECORDED IN PLAT BOOK 124, PAGE 15.

CITY COUNCIL
THIS PLAT IS HEREBY APPROVED FOR RECORD
BY THE CITY ENGINEER OF BROWARD COUNTY, FLORIDA, ON FEBRUARY 15, 1984.

CITY ENGINEER
THIS PLAT IS HEREBY APPROVED FOR RECORD
BY THE CITY ENGINEER OF BROWARD COUNTY, FLORIDA, ON FEBRUARY 15, 1984.

SURVEYOR'S CERTIFICATE
THIS IS TO CERTIFY THAT TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THE SURVEY AND PLAT THEREOF, INCLUDING THE DIMENSIONS, BEARINGS, AND ELEVATIONS, ARE TRUE AND CORRECT, AND THAT WE ARE NOT AWARE OF ANY FACTS OR CONDITIONS WHICH WOULD CAUSE US TO BELIEVE THAT THE SURVEY OR PLAT IS IN ANY MANNER DEFECTIVE OR IMPERFECT, AND THAT WE ARE NOT AWARE OF ANY FACTS OR CONDITIONS WHICH WOULD CAUSE US TO BELIEVE THAT THE SURVEY OR PLAT IS IN ANY MANNER DEFECTIVE OR IMPERFECT.

KEITH AND SCHWAB, P.A.
ENGINEERS - PLANNERS - SURVEYORS
12500 WEST LAKELAND AVENUE
SUITE 100
LAKELAND, FLORIDA 33803
(813) 781-3443

O.R. BK 12635 PG. 146



September 29, 2022

Nectaria M. Chakas, Esquire
Lochrie & Chakas, P.A.
1401 East Broward Boulevard, Suite 303
Fort Lauderdale, Florida 33301

Via Email Only

Dear Ms. Chakas:

Re: Platting requirements for a parcel legally described as Parcel B, "The Ben Ash Plat," according to the Plat thereof, as recorded in Plat Book 124, Page 15, of the Public Records of Broward County, Florida; together with Parcel A, "Sunrise Financial Center," according to the Plat thereof, as recorded in Plat Book 119, Page 48, of the Public Records of Broward County, Florida; together with a portion of Tract 10, of the Southeast $\frac{1}{4}$ of Section 20, Township 49 South, Range 41 East, "Chambers Land Company Subdivision," according to the Plat thereof, as recorded in Plat Book 1, Page 5A, of the Public Records of Miami-Dade County, said lands situate, lying and being in Broward County, Florida, less a portion for right-of-way purposes. This parcel is generally located on the northwest corner of Oakland Park Boulevard and Northwest 90 Terrace, in the City of Sunrise.

This letter is in response to your correspondence regarding the Broward County Land Use Plan's platting requirements for a proposed non-residential development on the above referenced parcel.

Regarding the portion of the proposed development located within "The Ben Ash Plat" and "Sunrise Financial Center," Planning Council staff has determined that replatting **would not be required** by Policy 2.13.1 of the Broward County Land Use Plan (BCLUP), subject to compliance with any applicable Broward County Trafficways Plan requirement. Policy 2.13.1 would not require replatting of parcels included in plats approved by the Broward County Commission and recorded after June 4, 1953. Information from the Broward County Records, Taxes and Treasury Division indicates that the above referenced plats were recorded on June 25, 1985 and May 8, 1984, respectively.

Regarding the portion of the proposed development located within "Chambers Land Company Subdivision," Planning Council staff notes that when a parcel that has been platted subsequent to June 4, 1953 (i.e. "The Ben Ash Plat" and "Sunrise Financial Center"), is combined with a parcel platted before June 4, 1953, but not specifically delineated (i.e. a portion of Tract 10), Policy 2.13.1 of the BCLUP **would not require replatting** if the post-1953 portion of the parcel constitutes the majority of the enlarged parcel and the development parcel is less than 10 acres; in this case the post-1953 portion constitutes a majority of the enlarged parcel and the development parcel is less than 10 acres total (3.99 acres).

Nectaria M. Chakas
September 29, 2022
Page Two

It is recommended that you contact Broward County's Urban Planning Division at 954-357-6666, to inquire about whether additional County review, such as a plat note modification, may be required. Further, some jurisdictions may be more restrictive and require platting in more situations than the BCLUP. The City of Sunrise's platting requirements should be investigated.

According to Article 4.4(A)(2) of the *Administrative Rules Document: BrowardNext*, compliance with the Broward County Trafficways Plan is required for all proposed development, but parcels that have been platted subsequent to June 4, 1953, are excepted and are subject to BCLUP Policy 2.17.6, which states:

In order to protect the transportation corridors identified on the Broward County Trafficways Plan, local governments shall require that development is set back from identified rights-of-way when issuing development orders while providing an administrative relief process to ensure such set back does not deny all beneficial use of the property proposed for development.

The contents of this letter are not a judgment as to whether this development proposal complies with State or local vehicular access provisions, the Broward County Trafficways Plan, permitted uses and densities, local zoning, the land development regulations of the municipality or the development review requirements of the BCLUP, including concurrency requirements.

If you have any additional questions regarding the Broward County Land Use Plan's platting requirements, please contact Huda Ashwas at your convenience.

Respectfully,



Barbara Blake Boy
Executive Director

BBB:HHA

cc/email: Mark S. Lubelski, P.E., City Manager
City of Sunrise

Shannon Ley, Director, Community Development Department
City of Sunrise



Nectaria Chakas

From: Da Luz, Karina <KDALUZ@broward.org>
Sent: Monday, August 1, 2022 3:54 PM
To: Nectaria Chakas
Cc: Clarke, Howard
Subject: Sunrise Financial Center (051-MP-82), and The Ben Ash Plat (065-MP-83)
Attachments: Sunrise Financial Center - Receipt.pdf; Ben Ash Plat - Receipt.pdf

Good Afternoon Nectaria,

This email is a follow up from our meeting on Friday, July 29th regarding Sunrise Financial Center (051-MP-82), and The Ben Ash Plat (065-MP-83).

- Sunrise Financial Center (051-MP-82) currently does not have a plat note restriction on the face of the plat. At the time of approval, the plat was evaluated based on 1.847 acres of financial center and was approved by the County Commissioners on November 2, 1982. Road fees were paid on April 23, 1984, see attached for receipt. The plat would not need to be amended in order to accommodate the Broward Health stand-alone ER.
- The Ben Ash Plat (065-MP-83) is currently restricted to 64 Townhouse units on Parcel A, and 25,000 square feet of commercial use on Parcel B, service station, fast food restaurant and convenience stores are not permitted without approval of the County Commission. Approved on May 1, 1984. Road fees were paid on August 1, 1990, see attached for receipt. The proposed ER facility would be considered “commercial use” and as long as you stay within the 25K sf, a plat note amendment would not be required.

The proposed medical outpatient office is consistent with the commercial uses as it does not generate additional trips. Therefore, a note amendment will not be required to neither of the plat.

Regards,
Karina



KARINA DA LUZ, PLANNING SECTION SUPERVISOR

Resilient Environment Department

URBAN PLANNING DIVISION

1 N. University Drive, #102A | Plantation, FL 33324

kdaluz@broward.org | 954.357.6623

Broward.org/Planning | [#BrowardNEXT](https://twitter.com/BrowardNEXT) | [ePermits](#) |

[PLEASE REVIEW OUR UPDATED DEVELOPMENT & ENVIRONMENTAL REVIEW GUIDE](#)

Click [here](#) to conduct your Government Center West (Plantation) business electronically.

Under Florida law, most e-mail messages to or from Broward County employees or officials are public records, available to any person upon request, absent an exemption. Therefore, any e-mail message to or from the County, inclusive of e-mail addresses contained therein, may be subject to public disclosure.

FEE STATEMENT

BROWARD COUNTY OFFICE OF PLANNING
DEVELOPMENT MANAGEMENT DIVISION

Applicant Information

Applicant/Developer Name: Suburban Bank

Address: _____

City & Zip Code: Sunrise Financial Center Telephone: _____

Plat/Project Name: 51MP82 N/A

Plat/Project No. _____ Plat Book & Page No. _____ School Zone _____

Impact Fee Agreement(s)- N.A. Road School Park

Type of Security- N.A. Letter of Credit Bond Lien

Fees

Amount	Item	Validation
19,500	Road Impact Fee paid in FULL prior to plat recordation.	
		# 051MP82 0001 APR.23'84 04:36PM 0873 ROAD-FEE 19500.00
		A#11 BROWARD PLANNING 0001 APR.23'84 04:36PM 0873 TOTAL 19500.00
19,500	Total	

The fees above are due and payable to:
Broward County Board of County Commissioners

This statement becomes a receipt when stamped by a register.

Authorized Signature David Stern

FEE STATEMENT

OFFICE OF PLANNING — DEVELOPMENT MANAGEMENT DIVISION

Applicant Information

Applicant/Developer Name: First Union Bank of Florida
 Address: JACKSONVILLE 32202
 City & Zip Code: BEN ASH PLAZA Telephone: _____
 Plat/Project Name: 65-MP-83
 Plat Book & Page No.: 124-15 School Zone: _____
 Impact Fee Agreement(s) — N.A. Road School Park
 Type of Security — N.A. Letter of Credit Bond Lien

Fees

AMOUNT	ITEM	VALIDATION
30,350.00	ROAD IMPACT FEES	
	TOTAL UNPAID BALANCE	
430,350.00	NO FEE	
		# 065HP83 0001 AUG.01/90 02:17PM 4829 ROAD FEE 30350.00
		#11 SROWARD PLANNING 0001 AUG.01/90 02:18PM 4829 TOTAL 30350.00
30,350.00	TOTAL	

The fees above are due and payable to:
BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS

THIS STATEMENT BECOMES A RECEIPT WHEN STAMPED BY A REGISTER

John J. Copeian, Jr.
County Attorney



OFFICE OF THE COUNTY ATTORNEY
Suite 423, 115 S. Andrews Avenue
Fort Lauderdale, FL 33301

(305) 357-7600 • Telecopier (305) 357-7641 • Suncom 442-7600

July 18, 1990

Our File: 84-109.05

VIA FEDERAL EXPRESS

First Union National Bank
International Division
200 West Forsyth Street
Jacksonville, Florida 32231-0010

Attn: Judy Alexander

**RE: First Union National Bank Letter of Credit No. M-1214 for
the account of Paul B. Ash**

Dear Ms. Alexander:

Pursuant to our telephone conversation today, enclosed please find the above-referenced letter of credit, Statement of L.A. Hester, County Administrator, and a Sight Draft drawn against the letter. Please notify me immediately in the event that there is a problem with one of the enclosed documents.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,


John M. Milledge
Assistant County Attorney

JMM/gf
Enclosures

JMBASHFU.L01

BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS — An Equal Opportunity Employer

Scott I. Cowan Nicki Englander Grossman John P. Hart Ed Kennedy Lori Nance Parrish Sylvia Poitier Gerald F. Thompson

We're Building A Future For Your Family. And Your Business.



County Administrator's Office

Broward County Governmental Center
Room 409, 115 S. Andrews Avenue
Fort Lauderdale, FL 33301
(305) 357-7350

July 18, 1990

County Attorney File No. 84-109.05

First Union National Bank
International Division
200 West Forsyth Street
Jacksonville, Florida 32231-0010

Attn.: Judy Alexander

STATEMENT

L. A. HESTER
COUNTY ADMINISTRATOR

**RE: First Union National Bank Letter of
Credit No. M-1214 for the account of
Paul B. Ash**

To Whom It May Concern:

Attached please find the above-referenced original letter of credit and a Sight Draft dated July 18, 1990, drawn against it.

On behalf of Broward County, demand is made for full payment under your Letter of Credit No. M-1214 in the amount of Thirty Thousand Three Hundred Fifty Six Dollars and Six Cents (\$30,356.06). The drawing is due to default in performance of certain obligations or failure to pay sums, on the part of Paul B. Ash, agreed upon by and between Broward County and Paul B. Ash for Road Impact Fees pursuant to the Road Contribution Agreement approved on May 1, 1984 by the County Commission.

By letter dated June 8, 1990, the First Union National Bank notified Broward County that the above-referenced letter of credit would expire effective July 20, 1990. Because Paul B. Ash has not satisfied the road impact fee obligations under the Road


BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS — An Equal Opportunity Employer

Scott I. Cowan Nicki Englander Grossman John P. Hart Ed Kennedy Lori Nance Parrish Sylvia Poitier Gerald F. Thompson

We're Building A Future For Your Family. And Your Business.

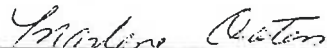
First Union National Bank
July 18, 1990
Page 2

Contribution Agreement, such notification constitutes a default that entitles Broward County to draw on the letter of credit.



L. A. Hester
Broward County Administrator

Sworn to and subscribed before me this 18th day of July, 1990.



Notary Public

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. 12841894
EXPIRES 02/28/1993

LAH/JMM/gf
Attachments

SIGHT DRAFT

\$30,356.06
Amount

July 18, 1990
Date

At sight pay to the order of the County Administrator, Broward County Board of County Commissioners, the sum of Thirty Thousand Three Hundred Fifty Six Dollars and Six Cents (\$30,356.06). Drawn under Florida National Bank [n/k/a First Union National Bank] Standby Letter of Credit No. M-1214 dated March 21, 1985.



L. A. Hester, County Administrator
Broward Board of County Commissioners



Urban Planning and Redevelopment Department
DEVELOPMENT MANAGEMENT DIVISION
115 S. Andrews Avenue, Room A-240 • Fort Lauderdale, Florida 33301 • 954-357-6666 • FAX 954-357-6521

June 12, 2007

J. W. Hugentugler, Architect
3809 N.W. 7th Place
Deerfield Beach, FL 33442

Re: Ben Ash Plat (Plat Book 124, Page 15) - Parcel B

Dear Mr. Hugentugler:

Pursuant to your request, please be advised that Broward County approved Parcel B of the Ben Ash Plat with the following restriction:

Parcel B is restricted to 25,000 square feet of commercial. Service station, fast food restaurant and convenience stores are not permitted without the approval of the County Commission.

According to our telephone conversation, you are interested in building a bank with drive thru on Parcel B. Broward County will not require a plat note amendment on the above referenced plat as long as the gross square footage of the bank building(s) do not exceed the 25,000 square foot restriction.

If you have any further questions, please do not hesitate to contact me at (954) 357 - 6640.

Sincerely,

A handwritten signature in cursive script that reads "Patricia Gull".

Patricia Gull, AICP
Planning Section Manager



QuickFacts

Sunrise city, Florida

QuickFacts provides statistics for all states and counties, and for cities and towns with a *population of 5,000 or more*.

Dashboard - Sunrise city, Florida

Population Estimates, July 1 2022, (V2022)

All Topics ▼

Population Estimates, July 1 2022, (V2022) Sunrise city, Florida

PEOPLE

Population

Population Estimates, July 1 2022, (V2022)	NA
Population Estimates, July 1 2021, (V2021)	96,021
Population estimates base, April 1, 2020, (V2022)	NA
Population estimates base, April 1, 2020, (V2021)	97,313
Population, percent change - April 1, 2020 (estimates base) to July 1, 2022, (V2022)	NA
Population, percent change - April 1, 2020 (estimates base) to July 1, 2021, (V2021)	-1.3%
Population, Census, April 1, 2020	97,335
Population, Census, April 1, 2010	84,439

Age and Sex

Persons under 5 years, percent	5.7%
Persons under 18 years, percent	20.4%
Persons 65 years and over, percent	19.0%
Female persons, percent	52.8%

Race and Hispanic Origin

White alone, percent	43.7%
Black or African American alone, percent (a)	34.9%
American Indian and Alaska Native alone, percent (a)	0.1%
Asian alone, percent (a)	4.9%
Native Hawaiian and Other Pacific Islander alone, percent (a)	0.0%
Two or More Races, percent	12.5%
Hispanic or Latino, percent (b)	33.9%
White alone, not Hispanic or Latino, percent	24.1%

Population Characteristics

Veterans, 2017-2021	3,309
Foreign born persons, percent, 2017-2021	42.1%

Housing

Housing units, July 1, 2021, (V2021)	X
Owner-occupied housing unit rate, 2017-2021	69.6%
Median value of owner-occupied housing units, 2017-2021	\$249,700
Median selected monthly owner costs -with a mortgage, 2017-2021	\$1,763
Median selected monthly owner costs -without a mortgage, 2017-2021	\$582
Median gross rent, 2017-2021	\$1,751
Building permits, 2021	X

Families & Living Arrangements

Households, 2017-2021	36,360
Persons per household, 2017-2021	2.63
Living in same house 1 year ago, percent of persons age 1 year+, 2017-2021	88.2%
Language other than English spoken at home, percent of persons age 5 years+, 2017-2021	44.5%

Computer and Internet Use

Households with a computer, percent, 2017-2021	96.1%
Households with a broadband Internet subscription, percent, 2017-2021	84.3%

For places on the map, populations of 5,000 or more are shown

Selectable Not Selectable

Sunrise city, Florida	NA
Alachua city, Florida	NA
Alafaya CDP, Florida	X
Altamonte Springs city, Florida	NA
Apollo Beach CDP, Florida	X
Apopka city, Florida	NA
Arcadia city, Florida	NA
Asbury Lake CDP, Florida	X
Atlantic Beach city, Florida	NA



QuickFacts

Lauderhill city, Florida; United States

QuickFacts provides statistics for all states and counties, and for cities and towns with a **population of 5,000 or more**.

Dashboard - Lauderhill city, Florida

Population Estimates, July 1 2022, (V2022)

All Topics	Lauderhill city, Florida
Population Estimates, July 1 2022, (V2022)	NA
PEOPLE	
Population	
Population Estimates, July 1 2022, (V2022)	NA
Population Estimates, July 1 2021, (V2021)	73,458
Population estimates base, April 1, 2020, (V2022)	NA
Population estimates base, April 1, 2020, (V2021)	74,495
Population, percent change - April 1, 2020 (estimates base) to July 1, 2022, (V2022)	NA
Population, percent change - April 1, 2020 (estimates base) to July 1, 2021, (V2021)	-1.4%
Population, Census, April 1, 2020	74,482
Population, Census, April 1, 2010	66,887
Age and Sex	
Persons under 5 years, percent	7.3%
Persons under 18 years, percent	26.4%
Persons 65 years and over, percent	14.4%
Female persons, percent	52.7%
Race and Hispanic Origin	
White alone, percent	11.3%
Black or African American alone, percent (a)	80.5%
American Indian and Alaska Native alone, percent (a)	0.2%
Asian alone, percent (a)	1.2%
Native Hawaiian and Other Pacific Islander alone, percent (a)	0.1%
Two or More Races, percent	4.4%
Hispanic or Latino, percent (b)	7.4%
White alone, not Hispanic or Latino, percent	7.9%
Population Characteristics	
Veterans, 2017-2021	2,162
Foreign born persons, percent, 2017-2021	36.8%
Housing	
Housing units, July 1, 2021, (V2021)	X
Owner-occupied housing unit rate, 2017-2021	50.9%
Median value of owner-occupied housing units, 2017-2021	\$190,800
Median selected monthly owner costs -with a mortgage, 2017-2021	\$1,544
Median selected monthly owner costs -without a mortgage, 2017-2021	\$605
Median gross rent, 2017-2021	\$1,331
Building permits, 2021	X
Families & Living Arrangements	
Households, 2017-2021	26,240
Persons per household, 2017-2021	2.80
Living in same house 1 year ago, percent of persons age 1 year+, 2017-2021	88.0%
Language other than English spoken at home, percent of persons age 5 years+, 2017-2021	27.2%
Computer and Internet Use	
Households with a computer, percent, 2017-2021	92.6%
Households with a broadband Internet subscription, percent, 2017-2021	81.0%



For places on the map, populations of 5,000 or more are shown

Selectable Not Selectable

Lauderhill city, Florida	NA
Alachua city, Florida	NA
Alafaya CDP, Florida	X
Altamonte Springs city, Florida	NA
Apollo Beach CDP, Florida	X
Apopka city, Florida	NA
Arcadia city, Florida	NA
Asbury Lake CDP, Florida	X
Atlantic Beach city, Florida	NA



QuickFacts

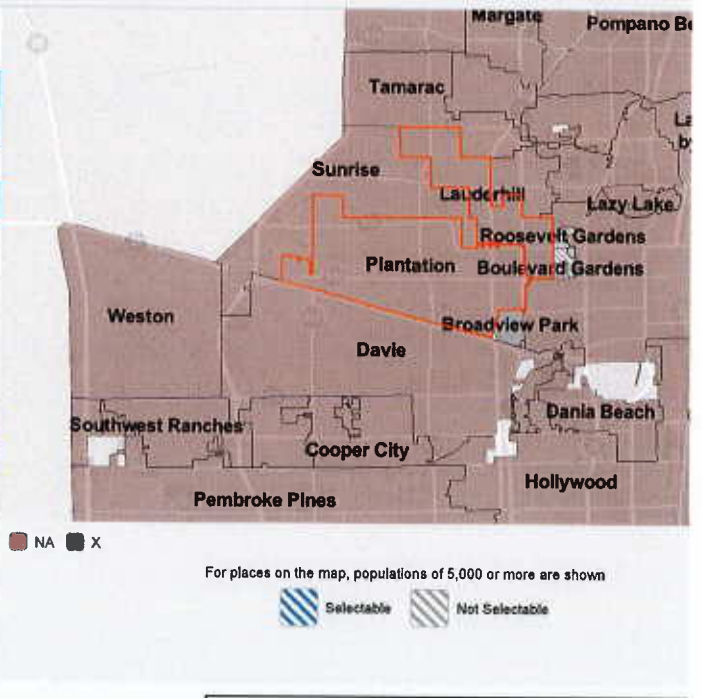
Plantation city, Florida; Plantation CDP, Florida; Lauderdale city, Florida; United States

QuickFacts provides statistics for all states and counties, and for cities and towns with a **population of 5,000 or more**.

Dashboard - Plantation city, Florida

Population Estimates, July 1 2022, (V2022)

All Topics	Plantation city, Florida
Population Estimates, July 1 2022, (V2022)	NA
PEOPLE	
Population	
Population Estimates, July 1 2022, (V2022)	NA
Population Estimates, July 1 2021, (V2021)	92,986
Population estimates base, April 1, 2020, (V2022)	NA
Population estimates base, April 1, 2020, (V2021)	91,736
Population, percent change - April 1, 2020 (estimates base) to July 1, 2022, (V2022)	NA
Population, percent change - April 1, 2020 (estimates base) to July 1, 2021, (V2021)	1.4%
Population, Census, April 1, 2020	91,750
Population, Census, April 1, 2010	84,855
Age and Sex	
Persons under 5 years, percent	5.7%
Persons under 18 years, percent	21.6%
Persons 65 years and over, percent	16.5%
Female persons, percent	51.2%
Race and Hispanic Origin	
White alone, percent	56.1%
Black or African American alone, percent (a)	23.0%
American Indian and Alaska Native alone, percent (a)	0.3%
Asian alone, percent (a)	4.4%
Native Hawaiian and Other Pacific Islander alone, percent (a)	0.0%
Two or More Races, percent	12.4%
Hispanic or Latino, percent (b)	28.7%
White alone, not Hispanic or Latino, percent	40.7%
Population Characteristics	
Veterans, 2017-2021	3,522
Foreign born persons, percent, 2017-2021	30.3%
Housing	
Housing units, July 1, 2021, (V2021)	X
Owner-occupied housing unit rate, 2017-2021	64.4%
Median value of owner-occupied housing units, 2017-2021	\$353,400
Median selected monthly owner costs -with a mortgage, 2017-2021	\$2,203
Median selected monthly owner costs -without a mortgage, 2017-2021	\$730
Median gross rent, 2017-2021	\$1,816
Building permits, 2021	X
Families & Living Arrangements	
Households, 2017-2021	35,317
Persons per household, 2017-2021	2.60
Living in same house 1 year ago, percent of persons age 1 year+, 2017-2021	84.7%
Language other than English spoken at home, percent of persons age 5 years+, 2017-2021	35.3%
Computer and Internet Use	
Households with a computer, percent, 2017-2021	97.5%
Households with a broadband Internet subscription, percent, 2017-2021	92.6%



Plantation city, Florida	NA
Plantation CDP, Florida	X
Lauderhill city, Florida	NA
Alachua city, Florida	NA
Alafaya CDP, Florida	X
Altamonte Springs city, Florida	NA
Apollo Beach CDP, Florida	X
Apopka city, Florida	NA
Arcadia city, Florida	NA



QuickFacts

Tamarac city, Florida

QuickFacts provides statistics for all states and counties, and for cities and towns with a population of 5,000 or more.

Dashboard - Tamarac city, Florida

Population Estimates, July 1 2022, (V2022)

All Topics ▼

Population Estimates, July 1 2022, (V2022) Tamarac city, Florida

PEOPLE

Population

Population Estimates, July 1 2022, (V2022)	NA
Population Estimates, July 1 2021, (V2021)	71,541
Population estimates base, April 1, 2020, (V2022)	NA
Population estimates base, April 1, 2020, (V2021)	71,891
Population, percent change - April 1, 2020 (estimates base) to July 1, 2022, (V2022)	NA
Population, percent change - April 1, 2020 (estimates base) to July 1, 2021, (V2021)	-0.5%
Population, Census, April 1, 2020	71,897
Population, Census, April 1, 2010	60,427

Age and Sex

Persons under 5 years, percent	4.2%
Persons under 18 years, percent	17.8%
Persons 65 years and over, percent	26.2%
Female persons, percent	55.0%

Race and Hispanic Origin

White alone, percent	51.7%
Black or African American alone, percent (a)	30.4%
American Indian and Alaska Native alone, percent (a)	0.2%
Asian alone, percent (a)	2.6%
Native Hawaiian and Other Pacific Islander alone, percent (a)	0.1%
Two or More Races, percent	10.3%
Hispanic or Latino, percent (b)	34.0%
White alone, not Hispanic or Latino, percent	31.9%

Population Characteristics

Veterans, 2017-2021	3,535
Foreign born persons, percent, 2017-2021	37.8%

Housing

Housing units, July 1, 2021, (V2021)	X
Owner-occupied housing unit rate, 2017-2021	73.2%
Median value of owner-occupied housing units, 2017-2021	\$197,300
Median selected monthly owner costs -with a mortgage, 2017-2021	\$1,595
Median selected monthly owner costs -without a mortgage, 2017-2021	\$614
Median gross rent, 2017-2021	\$1,562
Building permits, 2021	X

Families & Living Arrangements

Households, 2017-2021	30,289
Persons per household, 2017-2021	2.34
Living in same house 1 year ago, percent of persons age 1 year+, 2017-2021	85.9%
Language other than English spoken at home, percent of persons age 5 years+, 2017-2021	37.2%

Computer and Internet Use

Households with a computer, percent, 2017-2021	93.8%
Households with a broadband Internet subscription, percent, 2017-2021	87.7%

For places on the map, populations of 5,000 or more are shown

Legend: ▨ Selectable ▨ Not Selectable

Tamarac city, Florida	NA
Alachua city, Florida	NA
Alafaya CDP, Florida	X
Altamonte Springs city, Florida	NA
Apollo Beach CDP, Florida	X
Apopka city, Florida	NA
Arcadia city, Florida	NA
Asbury Lake CDP, Florida	X
Atlantic Beach city, Florida	NA

KPUS

FSED Validating KPUS

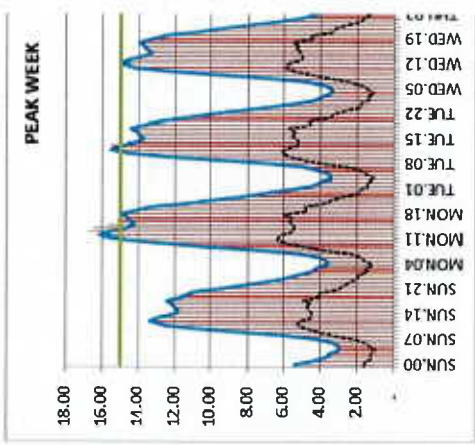
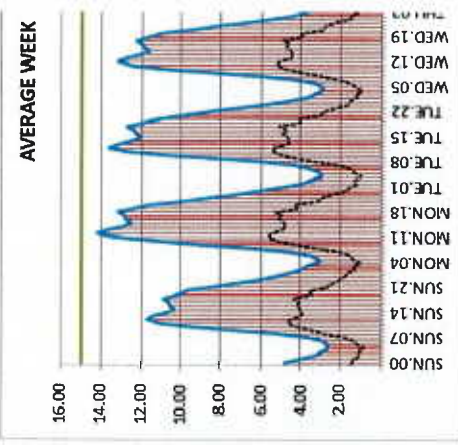
- 9 Adult Exam Rooms (1 Iso, 1 BH)
- 2 Resuscitation / Patient of Size
- 4 Pediatric / Flex Exam Rooms (1 Iso)
- 15 Patient Care Spaces
- 4 Triage/Quick Exam Spaces
- 3 Peds Low Acuity Treatment Stations
- 4 Adult Low Acuity Treatment Stations
- 11 Patient Care Support Spaces

DASHBOARD: ED WAIT TIMES per KPU + ALOS

YEARLY ED VISITS		W A I T T I M E S		
27,137	SCENARIO	A (1)	B	C1
1,809 per/mth	KPU	14.0	15.0	16.0
WEEK	TIME	156	156	156
1. AVERAGE WEEK	MAX	0:00	0:00	0:00
	MON	0:00	0:00	0:00
	TUE	0:00	0:00	0:00
	WED	0:00	0:00	0:00
	THU	0:00	0:00	0:00
	FRI	0:00	0:00	0:00
2. K84 WEEK	MAX	0:04	0:04	0:04
	MON	0:04	0:04	0:04
	TUE	0:04	0:04	0:04
	WED	0:04	0:04	0:04
	THU	0:04	0:04	0:04
	FRI	0:04	0:04	0:04
3. PEAK WEEK	MAX	0:18	0:18	0:18
	MON	0:18	0:18	0:18
	TUE	0:18	0:18	0:18
	WED	0:18	0:18	0:18
	THU	0:18	0:18	0:18
	FRI	0:18	0:18	0:18
4. PEAK DAY	MAX	1:02	1:02	1:11
	PEAK	1:02	1:02	1:11
	PEAK	0:25	0:25	0:17
	PEAK	0:20	0:10	0:10
	PEAK	0:21	0:03	0:03
	PEAK	0:04	0:06	0:06

CTRL-SHIFT+A: KPU for Zero Wait on k84 Week
 CTRL-SHIFT+B: ALOS for Zero Wait on k84 Week

ALOS	115	Adult	85%
Turnover	10	Peds	15%
...or Occ%	80%	Use Rate	100%
T+	0	Growth	0%





Real Estate Strategies, Inc.

STRATUS Reporting Tool

Rank Total:	100%	0%	35%	0%	30%	40%	15%	-10%	-10%
	Highlight if above		Highlight if above			Highlight if above			
	0%		20%			44%	19%	22%	15%

Scenario – Broward Single Site

Ranl	Facility Name	Facility	Payer Mix		
			Pre-Comp	Post-Comp	
			Total Market ED Visits	Estimated FSED Market Shar	Est. ED Visits w/ Comp.
1	West Sunrise-Pine Island & Oakland Park Blvd	70009	152,460	20%	30,463

Scenario – BH and BHS Baseline



Real Estate Strategies, Inc.

STRATUS Reporting Tool

Rank Total:	100%	0%	35%	0%	30%	40%	15%	-10%	-10%
	Highlight if above		Highlight if above			Highlight if above			
	89%		34%			53%	23%	27%	18%

Ranl	Facility Name	Facility	Payer Mix		
			Pre-Comp	Post-Comp	
			Total Market ED Visits	Estimated FSED Market Shar	Est. ED Visits w/ Comp.
1	Pine Island Rd	70009	124,597	21%	26,229
2	Broward Health: Broward Health Coral Springs (BHCS)	70001	105,339	21%	21,779
3	Broward Health: Broward Health North (BHN)	70002	85,217	37%	31,461
4	Broward Health: Broward Health Imperial Point (BHIP)	70003	68,311	32%	22,005
5	12401 WOakland Park Blvd.	70010	64,098	29%	18,641
6	Medical Center (BHMC) Outpatient (Hosp Svcs)	70008	87,598	27%	23,622

Prepared by and return to:

Name: Nectaria M. Chakas, Esq.
Lochrie & Chakas, P.A.
1401 E. Broward Boulevard, Suite 110
Ft. Lauderdale, FL 33301

Folio Numbers:
494120340020; 494120320010; 494120040092

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR PROCESSING DATA

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS ("Covenant") made this _____ of _____, 20____ by **NORTH BROWARD HOSPITAL DISTRICT**, a special taxing district of the State of Florida d/b/a Broward Health whose address is 1800 NW 49th Street, Fort Lauderdale, FL 33009 ("**Owner**"), shall be for the benefit of City of Sunrise ("**City**").

WITNESSETH:

WHEREAS, Owner is the fee simple owner of land located at 9001, 9201-9211 W. Oakland Park Blvd, Sunrise, FL 33351 in the City and more particularly described in **Exhibit "A"** attached hereto ("**Property**"); and

WHEREAS, Owner, has made an application to the City ("**City**") to change the zoning of the Property from B-2 to B-3 (Application No. RZ-000425-2022 ("**Application**")); and

WHEREAS, Owner voluntarily agrees to restrict certain uses from being developed on the Property; and

WHEREAS, Owner agrees to grant this Covenant upon the date which the rezoning becomes effective.

NOW, THEREFORE, in consideration of the promises and covenants herein contained, Owner hereby declares that the Property specifically referenced herein shall be owned, held, used, transferred, sold, conveyed, demised and occupied subject to the covenants, restrictions, and regulations hereinafter set forth.

1. **Recitations**. The recitations set forth above are true and correct and are incorporated into this Covenant by this reference.

2. **Use Restrictions**. The Property shall be used for any or all uses permitted by the City of Pompano Beach Code of Ordinances for the B-3 zoning district except for the uses listed on **Exhibit "B"** attached hereto and made a part hereof ("**Prohibited Uses**").

3. **Amendments**. This Covenant shall not be modified, amended or released as to any portion of the Property except by written instrument, executed by the then owner or owners of the portion of the Property affected by such modification, amendment, or release and approved in writing by the City. Any amendment, modification or release of this Covenant shall be recorded in the Public Records of Broward County, Florida.

4. Recordation and Effective Date. This instrument shall not become effective until recorded in the Public Records of Broward County, Florida. Once recorded, this Covenant shall run with the Property and shall bind all successors and assigns to the title of the Property.

5. Severability. If any court of competent jurisdiction shall declare any section, paragraph or part thereof invalid or unenforceable, then such judgment or decree shall have no effect on the enforcement or validity of any other section, paragraph or part hereof, and the same shall remain in full force and effect.

6. Captions, Headings and Titles. Headings and titles inserted throughout this Covenant are intended as a matter of convenience only and in no way shall such captions, headings or titles define, limit or in any way affect the subject matter or any of the terms and provisions thereunder or the terms and provisions of this Covenant.

SIGNATURES ON FOLLOWING PAGE

EXHIBIT "A"

PARCEL A

Parcel 1:

Parcel A, SUNRISE FINANCIAL CENTER, according to the Plat thereof as recorded in Plat Book 119, Page 48, of the Public Records of Broward County, Florida.

Parcel 2:

The South 1/2 of the South 1/2 of Tract 10, in the Southeast 1/4 of Section 20, Township 49 South, Range 41 East, CHAMBERS LAND COMPANY SUBDIVISION, according to the Plat thereof as recorded in Plat Book 1, Page 5A, lying East of Parcel A, "Sunrise Financial Center", according to the Plat thereof, as recorded in Plat Book 119, Page 48, of said Public Records, less the East 30 feet thereof and the right-of-way as described in Official Records Book 4796, Page 677 and Official Records Book 10183, Page 61, both of the Public Records of Broward County, Florida.

PARCEL B

Parcel B, of THE BEN ASH PLAT, according to the Plat thereof, as recorded in Plat Book 124, Page 15, of the Public Records of Broward County, Florida.

LESS and EXCEPT that portion conveyed to the City of Sunrise, a municipal corporation, in Official Records Book 10811, Page 769, of the Public Records of Broward County, Florida, described as follows:

A portion of the Southeast One-Quarter (SE 1/4) of Section 20, Township 49 South, Range 41 East, more particularly described as follows:

The West 25.00 feet of Tract 12 in the Southeast One-Quarter (SE 1/4) of the CHAMBERS LAND COMPANY SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 2, Page 68, of the Public Records of Miami-Dade County, Florida; LESS the North 15 feet thereof (as measured at right angles), and LESS the South 120 feet.

Said lands lying and being in Broward County, Florida.

EXHIBIT "B"
Prohibited Uses

1. Auto parts, Retail
2. Automobile wash
3. Boat rental
4. Bowling alleys
5. Building supplies retail, home improvement center
6. Contractors offices
7. Electronic Assembly up to 25% of floor area as ancillary use
8. Heating equipment
9. Millwork, retail
10. Parking garage or structure (private)
11. Repair shop (small appliances)
12. Small box discount stores



NOTICE OF PUBLIC HEARINGS

The City has received an application for approval to **Rezone** property that is near your home or business in order to develop a hospital use. The proposed development is located at north of W. Oakland Park Boulevard and west of NW 90 Terrace, Sunrise, Florida as shown on the attached map. The applicant has requested to change the zoning of the property from B-2 (Community Business District) to B-3 (General Business District). You are receiving this notice because you own property within 500 feet of this location. City staff has determined that this application meets all applicable code requirements. Therefore, it will be placed on the Local Planning Agency agenda and the City Commission quasi-judicial hearing agenda for further action. **The following hearings will occur in the Sunrise City Hall Commission Chambers located at 10770 W. Oakland Park Boulevard, 1st Floor, Sunrise, FL 33351:**

Local Planning Agency	Tuesday, 06/27/23 at 4:45 p.m.	Public Hearing
City Commission Meeting	Tuesday, 06/27/23 at 5:00 p.m.	1 st reading of ordinance at quasi-judicial hearing
City Commission Meeting	Tuesday, 07/11/23 at 5:00 p.m.	2 nd reading of ordinance at quasi-judicial hearing

This application is on file in the Community Development Department of the City of Sunrise, 1601 NW 136 Avenue, Building A, Suite 100, Sunrise, FL, and may be viewed by any interested person Monday through Friday (excluding City holidays) between 9:00 a.m. and 4:30 p.m. or requested via AskZoning@sunrisefl.gov.

The Local Planning Agency and the City Commission will be meeting in-person; however, the public may attend and participate in the meetings in-person or via telephone by using Vast Conference Calling as early as fifteen (15) minutes before the start time utilizing the details below:

- a. Dial in number: (954) 395-2401
- b. Access Code: 368262

Attendees can press 5* on their phone keypad to comment during public hearings or during the open discussion. Attendees will be called upon to speak, one at a time, by the meeting organizer. For technical difficulties, please call (954) 747-4661.

You may be an "Affected Party," which is someone who will suffer an adverse effect to a legally recognizable interest if the City's Comprehensive Plan requirements and Land Development Regulations are not properly applied, as set forth in Section 16-277 of the City's Code of Ordinances. **If you want to attend the quasi-judicial consent proceeding as an Affected Party, you must file a written notice of appearance with the Community Development Department by 4:30 p.m. on the last business day before the hearing.** The notice of appearance shall state with particularity the Comprehensive Plan requirement or Land Development Regulation the person asserting affected party status contends is not being properly applied and the nature of the affected party's legally recognizable interest that may be affected by the City's approval of the land development application. Forms are available online at www.sunrisefl.gov in the [Community Development Document Library](#).

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 or she will need a record of the proceedings, and that, for such purpose, he or she 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 based. See section 286.0105, Florida Statutes.

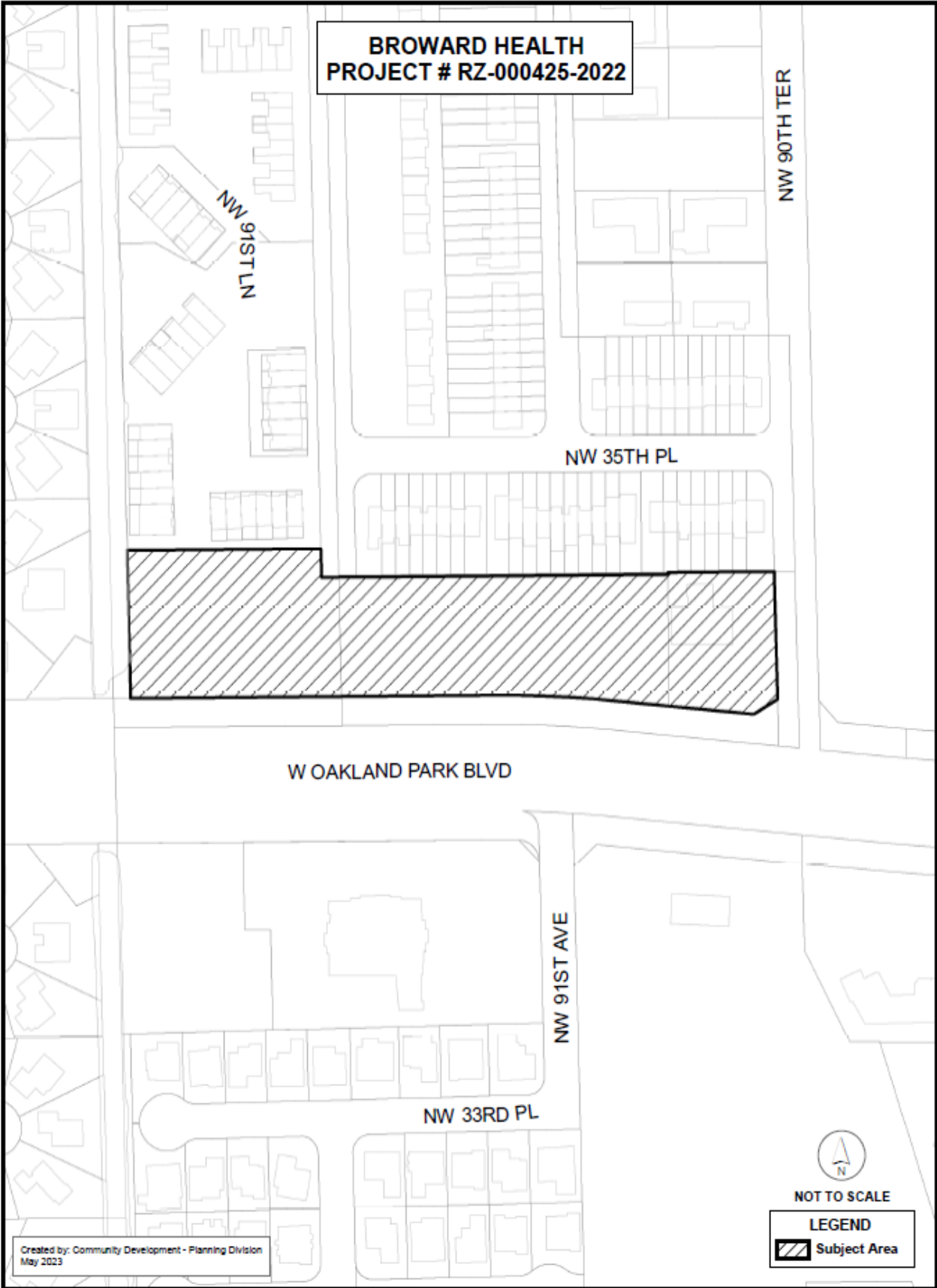
The City does not tolerate discrimination in any of its programs, services or activities; and will not exclude participation in, deny the benefits of, or subject to discrimination anyone on the grounds of real or perceived race, color, national origin, sex, gender identity, sexual orientation, age, disability/handicap, religion, family or income status.

In compliance with the ADA and Fla. Stat. § 286.26, any individual with a disability requesting a reasonable accommodation in order to participate in a public meeting should contact the City's ADA Coordinator at least 48 hours in advance of the scheduled meeting. Requests can be directed via e-mail to hr@sunrisefl.gov or via telephone to (954) 838-4522; Florida Relay: 711; Florida Relay (TIY/VCO): 1-800-955-8771; Florida Relay (Voice): 1-800-955-8770. Every reasonable effort will be made to allow for meeting participation.

If you have any questions about this notice, then please contact City staff in the Planning Division at (954) 746-3281 or e-mail AskZoning@sunrisefl.gov.

Notification Date: June 12, 2023

Location Map



**BROWARD HEALTH
PROJECT # RZ-000425-2022**

NW 91ST LN

NW 90TH TER

NW 35TH PL

W OAKLAND PARK BLVD

NW 91ST AVE

NW 33RD PL

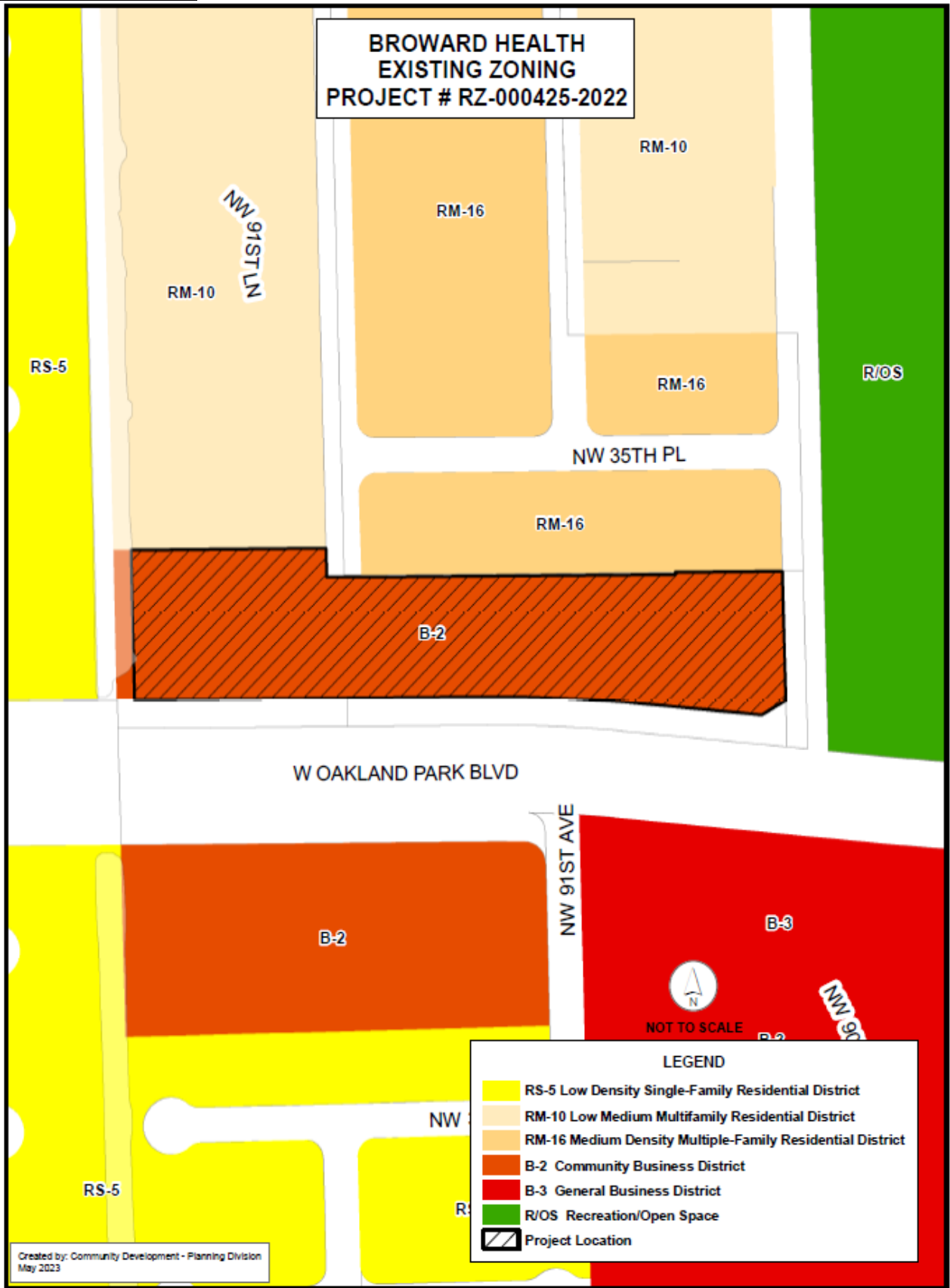


NOT TO SCALE

LEGEND
[Hatched Box] Subject Area

Created by: Community Development - Planning Division
May 2023

Existing Zoning Map



CITY OF SUNRISE NOTICE OF PROPOSED ZONING CHANGE

The City of Sunrise proposes to adopt by ordinance the following amendment to the City's Zoning Map:

AN ORDINANCE OF THE CITY OF SUNRISE, FLORIDA, APPROVING A REZONING FROM COMMUNITY BUSINESS DISTRICT (B-2) TO GENERAL BUSINESS DISTRICT (B-3) OF APPROXIMATELY FOUR (4) NET ACRES OF LAND GENERALLY LOCATED NORTH OF WEST OAKLAND PARK BOULEVARD AND WEST OF NW 90TH TERRACE, WITHIN THE CITY OF SUNRISE, BROWARD COUNTY, FLORIDA; AMENDING THE ZONING DISTRICT MAP TO REFLECT THE REZONING; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

North Broward Hospital District d/b/a Broward Health has applied to the City to rezone the property in order to allow a proposed hospital use. The proposed rezoning is generally located north of West Oakland Park Boulevard and west of NW 90TH Terrace, in Sunrise, Florida, as shown on the attached map.



The Applicant has requested to change the zoning of the property from Community Business District (B-2) to General Business District (B-3). The application is on file in the Community Development Department, 1601 NW 136 Avenue, Building A, Sunrise, Florida 33323, and may be viewed between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday (excluding City holidays). City Staff has determined that this application meets all applicable code requirements. Therefore, it will be placed on the quasi-judicial hearing agenda for City Commission action. **The following hearings will occur in the Sunrise City Hall Commission Chambers located at 10770 West Oakland Park Boulevard, 1st Floor, Sunrise, FL 33351:**

Local Planning Agency	Tuesday, 6/27/2023 at 4:45 p.m.	Public Hearing
City Commission	Tuesday, 6/27/2023 at 5:00 p.m.	1 st reading of ordinance
City Commission	Tuesday, 7/11/2023 at 5:00 p.m.	2 nd reading of ordinance

The City Commission and the Local Planning Agency will be meeting in-person. The public may attend and participate in the meetings in person or via telephone by using Vast Conference Calling as early as fifteen (15) minutes before the start time utilizing the details below:

- Dial in number: (954) 395-2401
- Access Code: 368262

Attendees can press 5* on their phone keypad to make a comment during the public hearing or during the open discussion. Attendees will be called upon to speak, one at a time, by the meeting organizer. For technical difficulties, please call (954) 747-4661.

You may be an "Affected Party", which is someone who will suffer an adverse effect to a legally recognizable interest if the City's Comprehensive Plan requirements and Land Development Regulations are not properly applied as set forth in Section 16-277 of the City's Code of Ordinances. If you want to attend the quasi-judicial hearing as an Affected Party you may attend the meeting or file a written notice of appearance with the Community Development Department, by 4:30 p.m., on the last business day before the hearing. The notice of appearance shall state with particularity the comprehensive plan requirement or Land Development Regulation the person asserting affected party status contends is not being properly applied and the nature of the affected party's legally recognizable interest that may be affected by the City's approval of the land development application. Forms are available online at www.sunrisefl.gov (in the Community Development Document Library).

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 or she will need a record of the proceedings, and that, for such purpose, he or she 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 based F.S.S. 286.0105. If you plan to distribute written documents at the meeting, you must provide 10 copies to the City Clerk prior to the start of the meeting.

The City does not tolerate discrimination in any of its programs, services or activities; and will not exclude participation in, deny the benefits of, or subject to discrimination anyone on the grounds of real or perceived race, color, national origin, sex, gender identity, sexual orientation, age, disability/handicap, religion, family or income status.

In compliance with the ADA and F.S.S. 286.26, any individual with a disability requesting a reasonable accommodation in order to participate in a public meeting, should contact the City's ADA Coordinator at least 48 hours in advance of the scheduled meeting. Requests can be directed via e-mail to hr@sunrisefl.gov or via telephone to (954) 838-4522; Florida Relay: 711; Florida Relay (TIV/VCO): 1-800-955-8771; Florida Relay (Voice): 1-800-955-8770. Every reasonable effort will be made to allow for meeting participation.