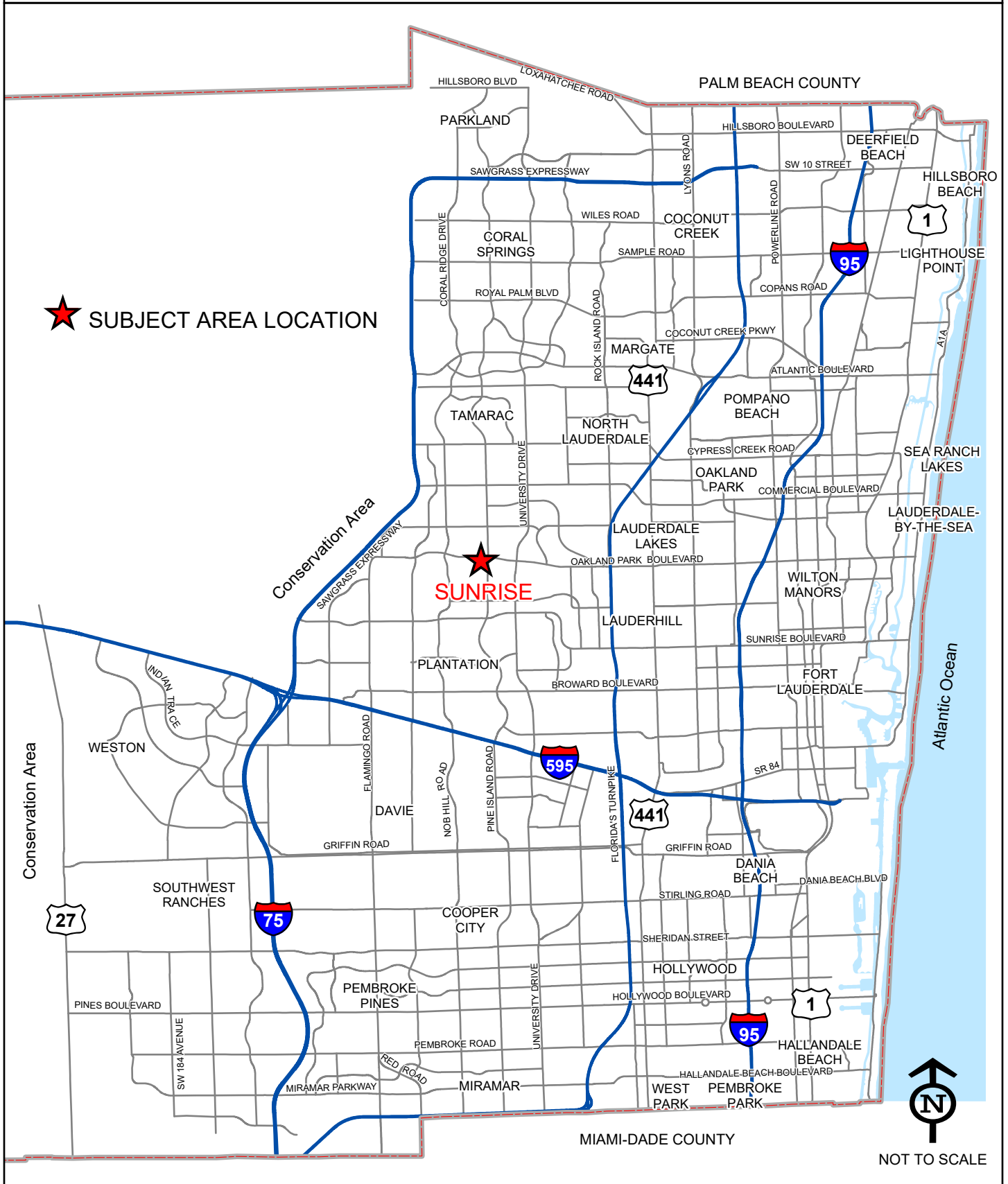


EXHIBIT 2

BROWARDNEXT - BROWARD COUNTY LAND USE PLAN GENERALIZED LOCATION MAP AMENDMENT PC 21-8



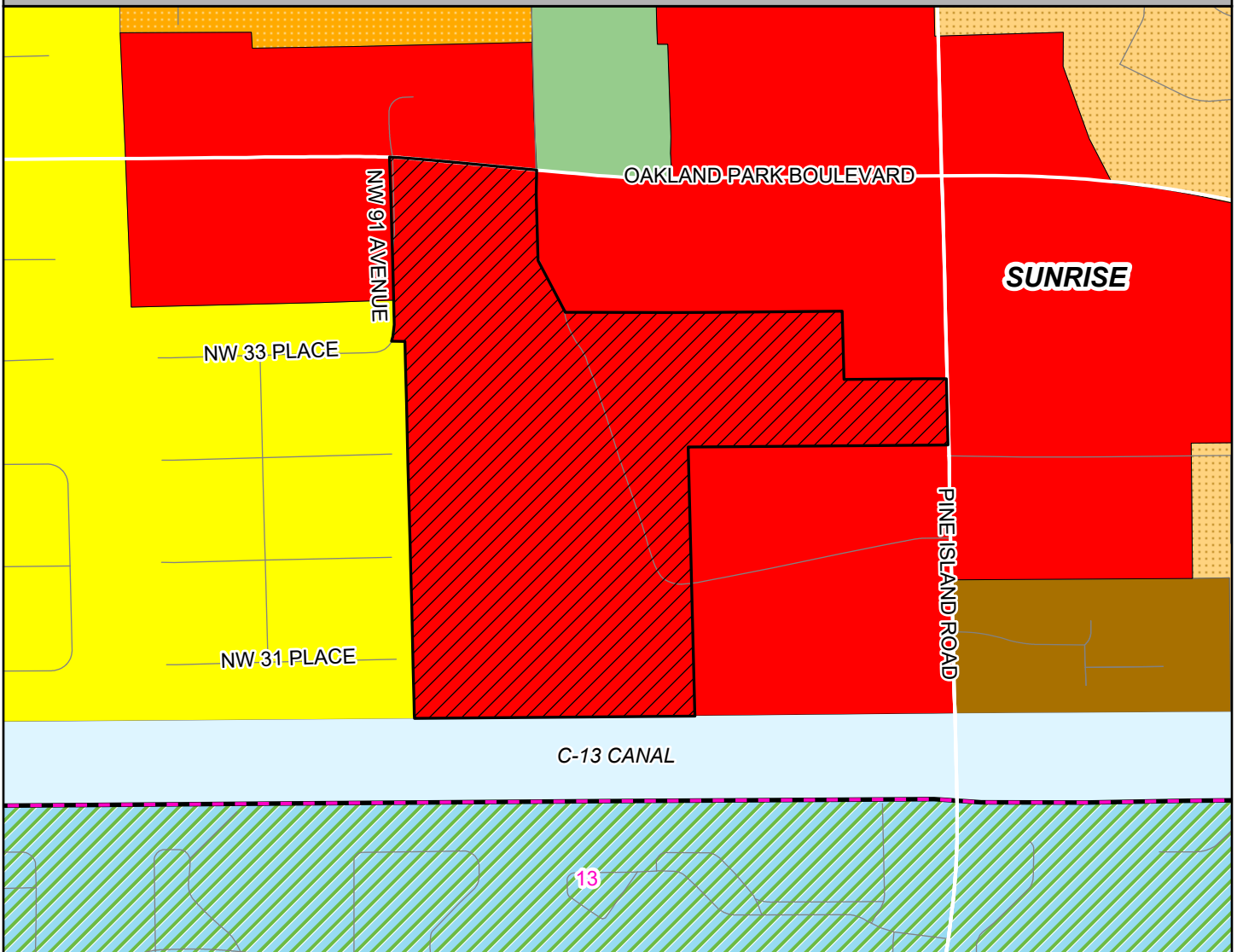
MAP 1
BROWARDNEXT - BROWARD COUNTY LAND USE PLAN
AERIAL PHOTOGRAPH
AMENDMENT PC 21-8













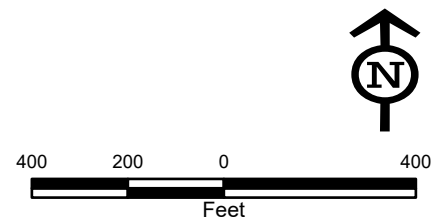
MAP 2
BROWARDNEXT - BROWARD COUNTY LAND USE PLAN
CURRENT FUTURE LAND USE DESIGNATIONS
AMENDMENT PC 21-8

Current Land Use: **Commerce**

Gross Acres: **Approximately 22.5 acres**



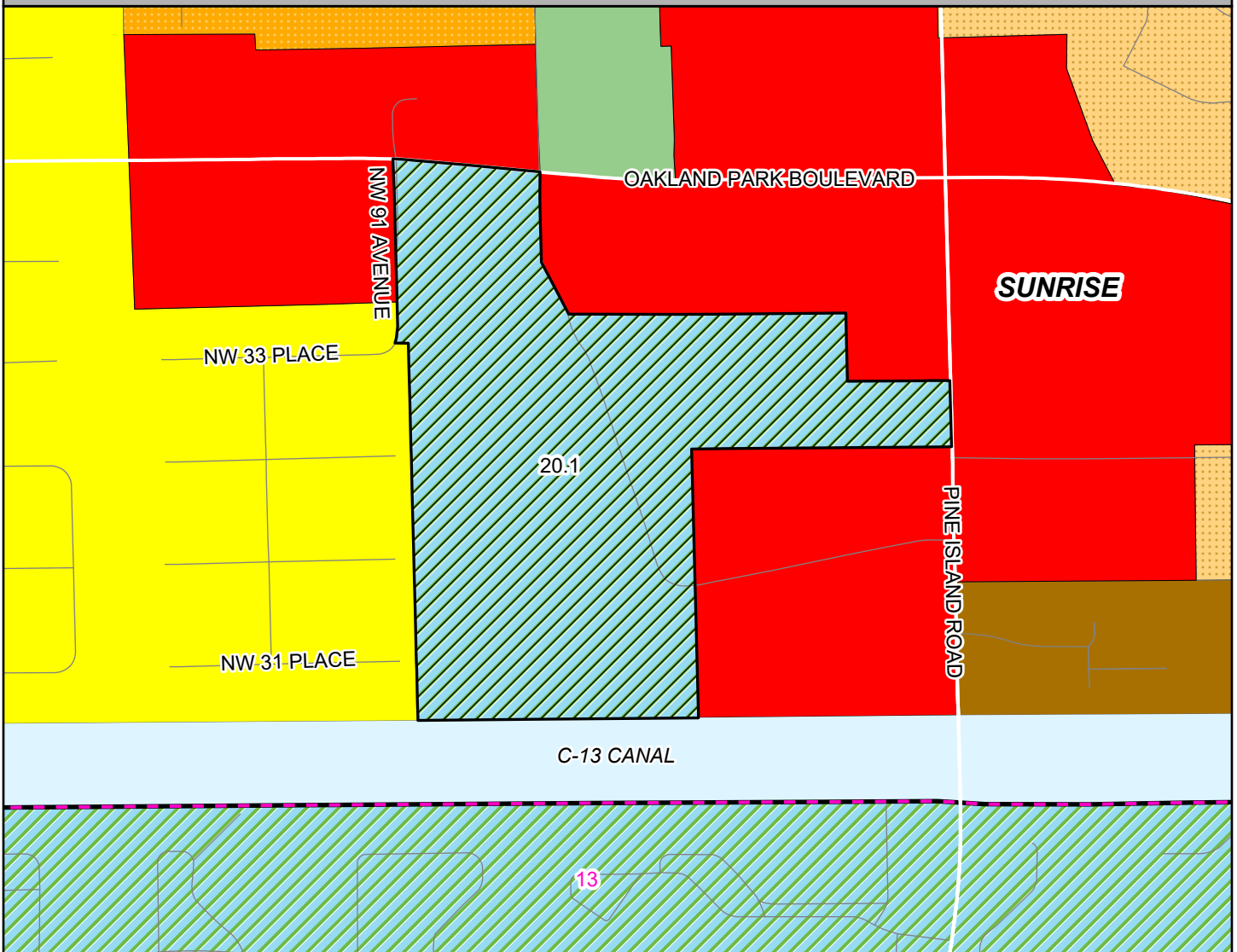
- | | |
|---|--|
|  Site |  Medium-High (25) Residential |
|  Dashed-Line Area |  Irregular Residential |
|  Low (5) Residential |  Commerce |
|  Low-Medium (10) Residential |  Recreation and Open Space |
|  Medium (16) Residential |  Water / Primary Drainage |













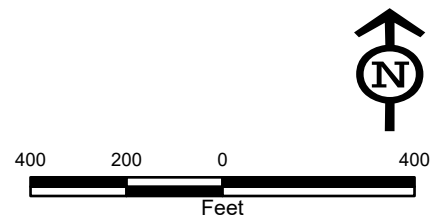
MAP 3 **BROWARDNEXT - BROWARD COUNTY LAND USE PLAN** **PROPOSED FUTURE LAND USE DESIGNATIONS** **AMENDMENT PC 21-8**

Proposed Land Use: Irregular (20.1) Residential

Gross Acres: Approximately 22.5 acres



- | | |
|---|--|
|  Site |  Medium-High (25) Residential |
|  Dashed-Line Area |  Irregular Residential |
|  Low (5) Residential |  Commerce |
|  Low-Medium (10) Residential |  Recreation and Open Space |
|  Medium (16) Residential |  Water / Primary Drainage |



SECTION I
AMENDMENT REPORT
BROWARD COUNTY LAND USE PLAN
PROPOSED AMENDMENT PC 21-8
(SUNRISE)

RECOMMENDATIONS/ACTIONS

DATE

I. Planning Council Staff Recommendation

August 17, 2021

Planning Council staff finds the proposed amendment is generally consistent with the policies of the BrowardNext – Broward County Land Use Plan and recommends approval subject to the applicant’s voluntary commitment to restrict 15% of the proposed dwelling units as moderate-income affordable housing units (up to 120% of median income) for a minimum of 30 years. See Attachment 9.

In addition, the applicant’s confirmation to continue coordinating with Broward County to record the appropriate historical structures with the Florida Master Site File and to research the potential historical significance of the portion of the site associated with the Frusciante family is recognized. See Attachment 8.

Effectiveness of the approval of the land use plan amendment shall not occur until the municipal recertification of the local amendment is complete, subject to the recordation in the public records of Broward County, Florida, to the satisfaction of Broward County, of a legally enforceable agreement, such as a Declaration of Restrictive Covenants, to memorialize the voluntary commitments proffered by the applicant, as an inducement for Broward County to favorably consider its application.

As the Planning Council is aware, the Broward County Charter requires at least one Planning Council public hearing and Article 1.2(A) of the *Administrative Rules Document: BrowardNext* outlines the following circumstances in which a second Planning Council public hearing may be recommended or required:

- (1) At its initial public hearing, the Planning Council takes an action to recommend denial of a proposed amendment; or
- (2) At its initial public hearing, the Planning Council takes an action to recommend approval subject to meeting specific criteria or policy prior to a second Planning Council public hearing; or
- (3) At its initial public hearing, the Planning Council votes by a majority of the members present with a minimum of six (6) affirmative votes for a second Planning Council public hearing; or
- (4) If the County Commission requests by a vote of the majority of members present to request a second Planning Council public hearing; or
- (5) If an objection or comment on adverse impacts to important state resources or facilities is issued during the State of Florida Chapter 163 review process; or
- (6) If State of Florida Chapter 163 requires or is modified to require a second local planning agency public hearing.

RECOMMENDATIONS/ACTIONS (continued)

DATE

I. Planning Council Staff Recommendation (continued)

August 17, 2021

If the Planning Council chooses to require a second Planning Council public hearing per Article 1.2(A)(1)(2) or (3), such recommendation must be made as part of its motion.

In addition, if the Planning Council does not require a second Planning Council public hearing and the Broward County Land Use Plan amendment is adopted by the County Commission, this action by the Planning Council shall be considered the “conditional” recertification of the municipal land use plan amendment, which directly correlates to the referenced BCLUP amendment. The recertification will not be deemed effective until such time as the Planning Council Executive Director and Attorney determine that the municipality has fulfilled all application requirements for recertification of local land use plans, as outlined in the *Administrative Rules Document: BrowardNext*. The Planning Council Executive Director will issue a written letter of effectiveness to the municipality upon satisfaction of the same.

II. Planning Council Public Hearing Recommendation

August 26, 2021

Approval per Planning Council staff recommendation, including not requiring a second Planning Council public hearing. (Vote of the board; Unanimous; 16-0: Blackwelder, Breslau, Brunson, Castillo, Fernandez, Gomez, Good, Grosso, Hardin, Maxey, Parness, Rich, Romaner, Rosenof, Williams and DiGiorgio)

INTRODUCTION AND APPLICANT'S RATIONALE

- 11 - 1

INTRODUCTION AND APPLICANT’S RATIONALE (continued)

VI. Applicant/Petitioner

- | | | |
|----|-------------------------|--|
| A. | <i>Applicant:</i> | The Morgan Group of Texas, Inc. |
| B. | <i>Agent:</i> | Dennis D. Mele, Esq., Greenspoon Marder, LLP |
| C. | <i>Property Owners:</i> | 3363 Pine Island, LLC
Humboldt 18, LLC |

VII. Recommendation of Local Governing Body:

The City of Sunrise recommends approval of the proposed amendment.

VIII. Applicant’s Rationale

The applicant states: “The Subject Property is currently designated Commercial on the City of Sunrise Land Use Plan and Commerce on the Broward County Land Use Plan. The property is currently developed with single family homes and an abandoned ice skating facility. A large portion of the property is vacant. The surrounding area is developed with a mix of commercial and residential uses. This underutilized property provides a redevelopment opportunity for residential development that will help meet the housing demands for the existing and future residents. The Subject Property provides a location for sustainable infill development where residents can live in a community where mass transit is available to connect residents to recreation, shopping, and employment centers throughout the County. There are also safe pedestrian paths that connect the future residents to the commercial establishments in the area that will help to further reduce the number of trips made with a personal vehicle. In addition, all public facilities are available at this location to serve the proposed development. The Irregular (20.1) Residential designation is requested to support a quality residential development in this location that has a superior architectural design and provides open space and pedestrian improvements that will enhance the surrounding neighborhood.”

SECTION III
AMENDMENT REPORT
PROPOSED AMENDMENT PC 21-8

REVIEW OF PUBLIC FACILITIES AND SERVICES

I. Potable Water/Sanitary Sewer/Solid Waste/Drainage/Parks & Open Space

Adequate potable water facility capacity and supply, sanitary sewer facility capacity, drainage and solid waste services, and park and open space acreage will be available to serve the proposed land use. See Attachment 1.

Regarding the long-range planning horizon for potable water supply, it is noted that the City of Sunrise adopted its 10-year Water Supply Facilities Work Plan on July 14, 2020.

II. Transportation & Mobility

The proposed amendment from the Commerce land use category to the Irregular (20.1) Residential land use category is projected to **decrease** the number of p.m. peak hour vehicle trips on the regional transportation network at the long-term planning horizon by approximately 813 p.m. peak hour trips. See Attachment 2. As such, the proposed amendment would not negatively impact the operating conditions of the regional transportation network.

Planning Council staff notes the following roadway levels of service for informational purposes only:

- **Oakland Park Boulevard**, between Nob Hill Road and Pine Island Road, is currently operating at and projected to continue operating at level of service (LOS) “C,” with or without the subject amendment.
- **Oakland Park Boulevard**, between Pine Island Road and University Drive, is currently operating at LOS “C,” and projected to operate at LOS “D,” with or without the subject amendment.
- **Pine Island Road**, between Northwest 44 Street and Sunrise Lakes Boulevard, is currently operating at LOS “C,” and projected to operate at LOS “F,” with or without the subject amendment.

The Broward County Transit Division (BCT) report states that current and planned fixed-route county transit service is provided to the proposed amendment site. In addition, the BCT report identifies planned Mobility Advancement Program (MAP) transit improvements to the County routes serving the amendment site. The BCT report notes that existing or future bus stops located adjacent or within the amendment site will be addressed during the development review process. Further, the BCT staff recommends that any proposed development be designed to provide safe movement for pedestrians and bicycles, including transit connectivity to the existing sidewalk/bicycle network and bus stops. See Attachment 3.

REVIEW OF PUBLIC FACILITIES AND SERVICES (continued)

III. Public Schools

The School Board of Broward County staff report states that the proposed amendment would generate 108 additional students into Broward County Public Schools, consisting of 40 elementary school students, 21 middle school students and 47 high school students. The report further states that Welleby Elementary, West Pine Middle and Piper High schools are all under-enrolled in the 2020-2021 school year and are anticipated to operate below the adopted level of service (LOS) of the higher of 100% of gross capacity or 110% of permanent capacity through the 2021-2022 school year. In addition, the School Board report indicates that there are two (2) charter schools located within a two-mile radius of the proposed amendment site. See Attachment 4.

The School Board report indicates that there are no planned improvements which increase the capacities of the affected elementary, middle and high schools in the currently adopted 5-year or 10-year School Board District Educational Facilities Plans. See Attachment 4.

Based on the School District's Seven Long Range Planning Areas, the proposed amendment is located within School District Planning Area "5," which is anticipated to have sufficient excess capacity to support the students generated by the residential units proposed in the Planning Area. The residential dwelling units will be subject to a public school concurrency review at the plat or site plan phase of development review, whichever comes first. See Attachment 4.

SECTION IV
AMENDMENT REPORT
PROPOSED AMENDMENT PC 21-8

REVIEW OF NATURAL RESOURCES

I. Designated Protected/Regulated Areas

The Broward County Environmental Protection and Growth Management Department (EPGMD) report indicates that the proposed amendment site does not contain Natural Resource Areas, Local Areas of Particular Concern, Urban Wilderness Inventory sites, or Protected Natural Lands within its boundaries. The EPGMD report notes that a municipal owned natural land is separated from the amendment site by Oakland Park Boulevard. See Attachment 5. The applicant acknowledges the Local Area of Particular Concern located across Oakland Park Boulevard from the amendment site. See Attachment 6.

II. Wetlands

The EPGMD report states that a wetland determination for the site is required prior to any land clearing or filling. Any impacts to identified wetlands or surface waters within the amendment site require an Environmental Resource License. The EPGMD recommends contacting the Environmental Engineering and Permitting Division prior to undertaking surface disturbing activities. See Attachment 5. The applicant acknowledges that a wetland determination is required prior to any site work and will comply with all required regulations, including obtaining an Environmental Resource License if necessary. See Attachment 6.

III. Sea Level Rise

The EPGMD report indicates that the proposed amendment site does not contain, fall within, or overlap with an area for planning consideration, as indicated on the Priority Planning Areas for Sea Level Rise Map. See Attachment 5.

IV. Other Natural Resources

The EPGMD report states that the subject site contains mature tree canopy. Development of the site must comply with the tree preservation regulations of the City of Sunrise. The applicant is required to minimize the number of trees to be removed by incorporating suitable existing trees in the site plan design. If trees cannot be incorporated into the site plan in their current location, the applicant is required to relocate suitable trees. Any trees permitted for removal must be replaced. If the above requirements are adhered to, the proposed land use designation is not expected to have a negative impact on upland resources. It is further noted that development of the proposed amendment area should be coordinated with the NatureScape Broward Program for guidance in development of any related landscaping plans. See Attachment 5. The applicant has indicated that it will incorporate suitable trees and relocate suitable trees as feasible, as well provide proper mitigation in the event it is required. See Attachment 6.

REVIEW OF NATURAL RESOURCES (continued)

IV. Other Natural Resources (continued)

The EPGMD report notes that the proposed amendment could result in a net increase in the volume of water available for recharge and recommends that the redevelopment design include open space to maximize availability for water recharge. Open space includes but is not limited to parks, stormwater retention, ponds, drainage easements, landscaped areas and other pervious areas. See Attachment 5. The applicant provided correspondence stating that the stormwater management system for the proposed development will include open space and landscaped areas that will direct runoff to a proposed lake, which will provide water recharge into the aquifer and improve the quality of groundwater recharge. See Attachment 6.

V. Historical/Cultural Resources

The Broward County Planning and Development Management Division (PDMD) report states that the amendment site contains several structures that are over 50 years of age and recommends recording same with the Florida Master Site File (FMSF) prior to redevelopment of the site. The PDMD report also recommends additional research to assess the potential historical significance of the portion of the property associated with the Frusciante family. See Attachment 7. The applicant has provided correspondence stating that it will continue coordinating with Broward County to record the appropriate structures with the FMSF and to research the potential historical significance of the portion of the site associated with the Frusciante family. See Attachment 8.

SECTION V
AMENDMENT REPORT
PROPOSED AMENDMENT PC 21-8

OTHER PLANNING CONSIDERATIONS/INFORMATION

I. Affordable Housing

The proposed land use plan amendment is subject to Broward County Land Use Plan (BCLUP) Policy 2.16.2, as it proposes an additional 452 dwelling units to be permitted by the BCLUP. The amendment application was submitted with a voluntary commitment to designate at least 15% of the dwelling units (67 dwelling units) as moderate-income affordable housing (up to 120% of median income) for a period of 30 years. Therefore, the proposed amendment was exempt from the land use plan amendment fee and is in compliance with Policy 2.16.2. See Attachment 7. The applicant has submitted a draft Declaration of Restrictive Covenants outlining its voluntary commitment regarding affordable housing. See Attachment 9.

II. BrowardNext - Broward County Land Use Plan Policies

The proposed amendment is found to be generally consistent with the policies of the BrowardNext - Broward County Land Use Plan, recognizing the applicant's voluntary commitment to restrict 15% of the proposed dwelling units as moderate-income affordable housing (up to 120% of median income) for a minimum of 30 years. See Attachment 9.

III. Other Pertinent Information

This is a small scale amendment due to the passage of House Bill 487, which became effective on July 1, 2021 and redefined small scale amendments as less than 50 acres for urban areas. Therefore, the amendment review process includes up to two (2) Planning Council public hearings and only one (1) subsequent County Commission adoption hearing. The small scale amendment is not subject to Florida Department of Economic Opportunity (DEO) review; therefore, no report will be issued by the DEO, or other State review agencies.

The proposed amendment site is adjacent to the C-13 Canal, which is part of Broward County's primary drainage system, and of which, the South Florida Water Management District (SFWMD) is the maintaining agency. Planning Council staff solicited comments from the SFWMD, which stated that there does not appear to be any regionally significant water resource issues. See Attachment 10.

The applicant conducted a virtual community outreach meeting with neighboring property owners to present the proposed development plan and will continue to engage with the public during the approval process.

OTHER PLANNING CONSIDERATIONS/INFORMATION (continued)

III. Other Pertinent Information (continued)

Regarding notification of the public, the Broward County Planning Council staff sent approximately 277 courtesy notices to all property owners within the land use plan amendment boundaries, as well as within 300 feet of the boundaries.

SECTION VI
AMENDMENT REPORT
PROPOSED AMENDMENT PC 21-8

PLANNING ANALYSIS

The proposed BrowardNext – Broward County Land Use Plan (BCLUP) amendment from Commerce to Irregular (20.1) Residential would result in an addition of 452 dwelling units. The amendment site is currently partially developed with single-family homes and a vacant ice skating rink. The site is generally surrounded by office uses to the north and east, multi-family residential uses and the C-13 Canal to the south and office and single-family residential uses to the west. In addition, the proposed amendment site is located along Oakland Park Boulevard and Pine Island Road, which are both primary transportation corridors. Development of the amendment site with higher density multi-family will serve to promote the transportation and housing connection recognized by the BCLUP. Regarding the transition between the proposed multi-family residential use and the adjacent, existing single-family development to the west, it is felt that the interface between the planned and existing densities can be adequately addressed on reliance that the municipal code requirements regarding buffering and setbacks will be implemented.

Planning Council staff's analysis finds that adequate **potable water plant capacity and supply, sanitary sewer, drainage, solid waste capacity and park acreage** will be available to serve the proposed land use. In addition, staff's analysis finds that the proposed amendment is not projected to negatively impact the operating conditions of the **regional transportation network**. See Attachment 2.

Regarding impacts to **public schools**, the School Board of Broward County staff report states that the proposed amendment would generate 108 additional students into Broward County Public Schools, consisting of 40 elementary school students, 21 middle school students and 47 high school students. Based on the School District's Seven Long Range Planning Areas, the amendment is located within School District Planning Area "5," which is anticipated to have sufficient excess capacity to support the students generated by the residential units proposed in the Planning Area. In addition, the residential dwelling units will be subject to a public school concurrency review at the plat or site plan phase of development review, whichever comes first. See Attachment 4.

Concerning impacts to **natural resources**, the Broward County Environmental Protection and Growth Management Department (EPGMD) report indicates that a wetlands determination is required for the proposed amendment site and that any impacts identified to wetlands or surface waters will require an Environmental Resource License. See Attachment 5. The applicant acknowledges that a wetland determination is required prior to any site work and will comply with all required regulations, including obtaining an Environmental Resource License if necessary. See Attachment 6.

PLANNING ANALYSIS (continued)

The EPGMD report also notes that the proposed amendment could result in a net increase in the volume of water available for recharge and recommends that the redevelopment design maximize support for its capture. See Attachment 5. The applicant provided correspondence stating that the stormwater management system for redevelopment of the site includes open space and landscaped areas that will direct runoff to the proposed lake, which will provide water recharge into the aquifer and improve the quality of groundwater recharge. See Attachment 6.

Regarding impacts to **historical resources**, the Broward County Planning and Development Management Division (PDMD) report recommends recording structures that are over 50 years of age with the Florida Master Site File (FMSF) prior to redevelopment of the site. The PDMD report also recommends additional research to assess the potential historical significance of the portion of the property associated with the Frusciante family. See Attachment 7. The applicant has provided correspondence stating that it will continue coordinating with Broward County to record the appropriate structures with the FMSF and to research the potential historical significance of the portion of the site associated with the Frusciante family. See Attachment 8.

Regarding **affordable housing**, the proposed land use plan amendment is subject to Broward County Land Use Plan (BCLUP) Policy 2.16.2, as it proposes an additional 452 dwelling units to be permitted by the BCLUP. The amendment application was submitted with a voluntary commitment to designate at least 15% of the dwelling units (67 dwelling units) as moderate-income affordable housing (up to 120% of median income) for a period of 30 years. Therefore, the proposed amendment was exempt from the land use plan amendment fee and is in compliance with Policy 2.16.2. See Attachment 7. The applicant has submitted a draft Declaration of Restrictive Covenants outlining its voluntary commitment regarding affordable housing. See Attachment 9.

In conclusion, Planning Council staff finds that the proposed amendment is generally consistent with the policies of the BrowardNext - Broward County Land Use Plan and recommends approval subject to the applicant's voluntary commitment to restrict 15% of the proposed dwelling units as moderate-income affordable housing units (up to 120% of median income) for a minimum of 30 years. See Attachment 9.

SECTION VII
AMENDMENT REPORT
PROPOSED AMENDMENT PC 21-8

ATTACHMENTS

1. Broward County Planning Council Supplemental Report of July 2021
2. Broward County Planning Council Traffic Analysis of May 14, 2021
3. Broward County Transit Division Report of May 25, 2021
4. School Board of Broward County Consistency Review Report of June 10, 2021
5. Broward County Environmental Protection and Growth Management Department Report of June 29, 2021
6. Correspondence from Dennis D. Mele, Esquire, Partner, Greenspoon Marder LLP, to Barbara Blake Boy, Executive Director, Broward County Planning Council, dated July 15, 2021
7. Broward County Planning and Development Management Division Report of June 25, 2021
8. Correspondence from Dennis D. Mele, Esquire, Partner, Greenspoon Marder LLP, to Barbara Blake Boy, Executive Director, Broward County Planning Council, dated August 11, 2021
9. Draft Declaration of Restrictive Covenants Regarding Affordable Housing
10. Email correspondence from Terry Manning, Senior Policy and Planning Analyst, South Florida Water Management District, to Barbara Blake Boy, Executive Director, Broward County Planning Council, dated June 18, 2021
11. Broward County Parks and Recreation Division Report of June 29, 2021
12. Broward County Water Management Division Report of May 25, 2021

ATTACHMENT 1

BROWARD COUNTY PLANNING COUNCIL SUPPLEMENTAL REPORT PUBLIC SERVICES AND FACILITIES

BROWARD COUNTY LAND USE PLAN AMENDMENT NUMBER PC 21-8

Prepared: July 2021

POTABLE WATER

The proposed amendment site will be served by the Sunrise Water Treatment Plants, which have a combined current capacity of 51.5 million gallons per day (mgd). The current and committed demand on the treatment plants is 31.32 mgd, with 20.18 mgd available. The wellfields serving the amendment site have a permitted withdrawal of 32.77 mgd, which expires on December 27, 2065. Planning Council staff utilized a level of service of 102 gallons per day (gpd) per capita (2.58 persons per household (pph)) for residential uses and 0.1 gpd per square foot for commerce uses. The proposed amendment will result in a net increase of 0.10 mgd on the projected demand for potable water. Sufficient potable water supply and treatment capacity will be available to serve the proposed amendment site.

SANITARY SEWER

The proposed amendment site will be served by the Sunrise Wastewater Treatment Plants, which have a combined current capacity of 30.99 mgd. The current and committed demand on the treatment plants is 23.99 mgd, with 7.0 mgd available. Planning Council staff utilized a level of service of 93 gpd per capita (2.58 pph) for residential uses and 0.1 gpd per square foot for commerce uses. The proposed amendment will result in a net increase of 0.09 mgd on the projected demand for sanitary sewer. Sufficient sanitary sewer capacity will be available to serve the proposed amendment site.

SOLID WASTE

The proposed amendment site will be served by Republic Industries, Inc. for solid waste disposal service. Republic Industries, Inc. collects and transports the City's solid waste to the South Broward County Wheelabrator Facility for processing, which has a capacity of 2,301 tons per day (tpd) and a demand of 2,290 tpd, with 11 tpd available. Planning Council staff utilized a level of service of 5 pounds per capita (2.58 pph) per day for residential uses and 5.0 pounds per 100 square feet per day for commerce uses. The proposed amendment will result in a net decrease of 5,420 pounds per day or 2.71 tons per day on the projected demand for solid waste. Sufficient solid waste capacity will be available to serve the proposed amendment site.

DRAINAGE

The proposed amendment site is located within the jurisdiction of the Broward County Environmental Protection and Growth Management Department (EPGMD). A surface water management permit from EPGMD may be required prior to any construction.

PARKS AND OPEN SPACE

The City of Sunrise has 333.5 acres in its parks and open space inventory. The 2045 projected population (105,224) requires approximately 315.67 acres to meet the community parks acreage requirement of 3 acres per one thousand persons population. The proposed amendment will result in a net increase of 3.5 acres on the projected demand for local parks. The City of Sunrise continues to meet the community parks acreage requirement of the Broward County Land Use Plan of 3 acres per one thousand persons population.

ATTACHMENT 2

TRAFFIC ANALYSIS PC 21-8

Prepared: May 14, 2021

INTRODUCTORY INFORMATION

Jurisdiction:	City of Sunrise
Size:	Approximately 22.5 acres

TRIPS ANALYSIS

Potential Trips – Current Land Use Designations

Current Designation:	Commerce
Potential Development:	225,000 square feet of commercial use
Trip Generation Rate:	“ITE Equation (820) Shopping Center”*
Total P.M. Peak Hour Trips:	1,012 peak hour trips

Potential Trips – Proposed Land Use Designation

Proposed Designation:	Irregular (20.1) Residential
Potential Development:	452 dwelling units
Trip Generation Rate:	“ITE Equation (221) Multifamily Housing (Mid Rise)”
Total P.M. Peak Hour Trips:	199 peak hour trips

<u>Net P.M. Peak Hour Trips</u>	<u>- 813 peak hour trips</u>
--	-------------------------------------

PLANNING COMMENTS

The proposed amendment is projected to decrease traffic on the regional transportation network by approximately 813 p.m. peak hour trips at the long-range planning horizon.

*Institute of Transportation Engineers (ITE) traffic generation equations from “Trip Generation - Tenth Edition,” the professionally accepted methodology for estimating the number of vehicle trips likely to be generated by a particular land use.



Transportation Department

Service and Strategic Planning Division

1 N. University Drive, Suite 3100A • Plantation, Florida 33324 • 954-357-8340 • FAX 954-357-8482

ATTACHMENT 3

VIA EMAIL

May 25, 2021



Dawn B. Teetsel
Director of Planning
Broward County Planning Council
115 South Andrews, Room 307
Fort Lauderdale, FL 33301

RE: Transit Verification Letter – PC 21-8 (Pearl Sunrise)

Dear Ms. Teetsel:

Broward County Transit (BCT) has reviewed your correspondence dated May 18, 2021 regarding the Land Use Plan Amendment (LUPA) located in the City of Sunrise for current and planned transit service. The current transit service provided within a quarter mile of the amendment site is limited to BCT Routes 56, 72 and 88. Please refer to the following table for detailed information.

BUS ROUTE	DAYS OF SERVICE	SERVICE SPAN A.M. – P.M	SERVICE FREQUENCY
BCT 56	Weekday	6:30a – 11:23a	45 minutes
BCT 72	Weekday	5:13a – 12:40x	14 minutes
	Saturday	5:13a – 12:40x	14 minutes
	Sunday	7:45a – 10:08p	19 minutes
BCT 88	Weekday	6:30a – 11:06p	42 minutes
	Saturday	6:30a – 11:06p	42 minutes
	Sunday	6:50a – 10:16p	42 minutes

As part of the 30 year [Mobility Advancement Program](#), BCT plans to implement several fixed route bus improvements, including shorter headways, increased span of service, and route realignment to better meet passenger needs. Rapid Bus service via Oakland Park Boulevard, between Sawgrass Mall and US 1, is currently prioritized for study as part of a countywide Transit Systems Plan.

Please be advised that the needs of any existing or future bus stops located adjacent or within the amendment site will be addressed during the project's development review process.



Transportation Department

Service and Strategic Planning Division

1 N. University Drive, Suite 3100A • Plantation, Florida 33324 • 954-357-8340 • FAX 954-357-8482

BCT has adequate capacity for current and planned services to meet additional service demand as described in this proposed LUPA. BCT recommends that any proposed (re)development on the amendment site be designed to provide safe movement for pedestrians and bicycles including transit connectivity between the existing sidewalk / bicycle network and proposed future bus stops.

Please feel free to call me at 954-357-8387 or email me at Dimunoz@broward.org if you require any additional information or clarification on this matter.

Sincerely,

Diego B. Munoz

Diego B. Munoz

Planner

Service and Strategic Planning

Broward County Board of County Commissioners

Mark D. Bogen • Lamar P. Fisher • Beam Furr • Steve Geller • Dale V.C. Holness • Nan H. Rich • Tim Ryan • Barbara Sharief • Michael Udine

www.broward.org

The School Board of Broward County, Florida
SCHOOL CONSISTENCY REVIEW REPORT

LAND USE
SBBC-2927-2020
County No: PC 21-8
Pearl Sunrise Land Use Plan Amendment

June 10, 2021



Growth Management
Facility Planning and Real Estate Department
600 SE 3rd Avenue, 8th Floor
Fort Lauderdale, Florida 33301
Tel: (754) 321-2177 Fax: (754) 321-2179
www.browardschools.com

SCHOOL CONSISTENCY REVIEW REPORT - LAND USE

PROJECT INFORMATION		IMPACT OF PROPOSED CHANGE		PROPERTY INFORMATION	
Date: June 10, 2021		Units Permitted 0	Units Proposed 452	Existing Land Use: commercial	
Name: Pearl Sunrise Land Use Plan Amendment		NET CHANGE (UNITS): 452		Proposed Land Use: TBDirregular (20.1)	
SBBC Project Number: SBBC-2927-2020		Students Permitted	Proposed	Current Zoning	B-3
County Project Number: PC 21-8		Elem	0 40	Proposed Zoning:	TBD
Municipality Project Number: LUPA-000294-2020		Mid	0 21	Section:	20
Owner/Developer: 3363 Pine Island, LLC / Humboldt 18, LLC		High	0 47	Township:	49
Jurisdiction: Sunrise		Total	0 108	Range:	41

SHORT RANGE - 5-YEAR IMPACT

Currently Assigned Schools	Gross Capacity	LOS* Capacity	Benchmark** Enrollment	Over/Under LOS	Classroom Equivalent Needed to Meet LOS	% of LOS*** Capacity	
Welleby Elementary	915	915	719	-196	0	78.6%	
Westpine Middle	1,272	1,399	1,029	-370	0	73.6%	
Piper High	3,479	3,479	2,221	-1,258	-25	63.8%	

Currently Assigned Schools	Adjusted Benchmark	Over/Under LOS-Adj. Benchmark Enrollment	% LOS Capacity Adjusted Benchmark	Projected Enrollment				
				21/22	22/23	23/24	24/25	25/26
Welleby Elementary	719	-196	78.6%	743	727	701	687	675
Westpine Middle	1,029	-370	73.6%	1,049	1,080	1,099	1,105	1,110
Piper High	2,221	-1,258	63.8%	2,264	2,210	2,155	2,096	2,042

Students generated are based on the student generation rates contained in the currently adopted Broward County Land Development Code. A traditional cohort survival methodology is used to project school-by-school District traditional school enrollment out over the next five years, and a proportional share of charter school enrollment is used to project future charter school enrollment by school level Districtwide. For more information: <http://www.broward.k12.fl.us/dsa/EnrollmentProj.shtml>. The annual benchmark enrollment is used to apply individual charter school enrollment impacts against school facility review processes. * This number already represents the higher of 100% gross capacity or 110% permanent capacity. ** The first Monday following Labor Day. *** Greater than 100% represents above the adopted Level Of Service (LOS)

INFORMATION CONTAINED HEREIN IS CURRENT AS OF THE DATE OF REVIEW

LONG RANGE - TEN-YEAR IMPACT

Impacted Planning Area	School District's Planning Area Data			Aggregate Projected Enrollment				
	Aggregate School Capacity	Aggregate Enrollment	Aggregate Over/(Under) Enrollment	25/26	26/27	27/28	28/29	29/30
Area 5 - Elementary	19,415	13,015	-6,400	13,153	12,976	12,822	12,670	12,514
Area 5 - Middle	10,154	6,416	-3,738	6,748	6,840	6,870	6,901	6,931
Area 5 - High	12,259	8,539	-3,720	7,910	7,766	7,630	7,495	7,359

* See comments for additional Impacted Planning Area information

CHARTER SCHOOL INFORMATION

Charter Schools within 2-mile radius	2020-21 Contract Permanent Capacity	2020-21 Benchmark** Enrollment	Over/(Under)	Projected Enrollment		
				21/22	22/23	23/24
Championship Acad Of West Broward	640	299	-341	299	299	299
Franklin Academy Sunrise	1,475	1,357	-118	1,357	1,357	1,357

Students generated are based on the student generation rates contained in the currently adopted Broward County Land Development Code. A traditional cohort survival methodology is used to project school-by-school District traditional school enrollment out over the next five years, and a proportional share of charter school enrollment is used to project future charter school enrollment by school level Districtwide. For more information: <http://www.broward.k12.fl.us/dsa/EnrollmentProj.shtml>. The annual benchmark school enrollment is used to apply individual charter school enrollment impacts against school facility review processes.

**The first Monday following Labor Day
 INFORMATION CONTAINED HEREIN IS CURRENT AS OF THE DATE OF REVIEW

PLANNED AND FUNDED CAPACITY ADDITION IN THE ADOPTED DISTRICT EDUCATIONAL FACILITIES PLAN (Years 1 - 5)

School(s)	Description of Capacity Additions
Welleby Elementary	There are no capacity additions scheduled in the ADEFP that would increase the reflected FISH capacity of the school.
Westpine Middle	There are no capacity additions scheduled in the ADEFP that would increase the reflected FISH capacity of the school.
Piper High	There are no capacity additions scheduled in the ADEFP that would increase the reflected FISH capacity of the school.

PLANNED CAPACITY ADDITION IN THE ADOPTED DISTRICT EDUCATIONAL FACILITIES PLAN (Years 6 - 10)

Capacity Additions for Planning Area 5	
School Level	Comments
Elementary	None
Middle	None
High	None

INFORMATION CONTAINED HEREIN IS CURRENT AS OF THE DATE OF REVIEW

Comments

Information contained in the application indicates that the approximately 22.5-acre site is generally located west of North Pine Island Road and south of West Oakland Park Boulevard in the City of Sunrise. The current land use designation for the site is Commercial, which allows no residential units. The applicant proposes to change the land use designation to Irregular (20.1) Residential to allow 452 garden (all three or more bedroom) residential units. The land use change as proposed is anticipated to generate 108 additional students (40 elementary, 21 middle, and 47 high) into Broward County Public Schools.

This application was reviewed based on its location in the School District's Long Range Seven Planning Areas, and Ten-Year Long Range Plan contained in the Adopted District Educational Facilities Plan (DEFP). However, the statistical data regarding the Level of Service (LOS) standard status of the actual schools impacted by this land use application in the initial five years of the ten-year period is depicted herein for informational purposes only.

Schools serving the amendment site in the 2020-21 school year are Welleby Elementary, Westpine Middle, and Piper High. Based on the District's Public School Concurrency Planning Document, all the schools are operating below the adopted LOS of the higher of 100% gross capacity or 110% permanent capacities in the 2020-21 school year. Incorporating the cumulative students anticipated from approved and vested developments anticipated to be built within the next three years (2020-21 – 2022-23), all schools are expected to operate below the adopted LOS of the higher of 100% gross capacities or 110% permanent through the 2021-22 school year. It should be noted that the school capacity or Florida Inventory of School Houses (FISH) for the impacted schools reflects compliance with the class size constitutional amendment and the permanent capacity additions that are planned for the schools within the first three years of the Five-Year Adopted DEFP, FY 2020-21 – 2024-25. In addition, to ensure maximum utilization of the impacted Concurrency Service Areas, the Board may utilize other options such as school boundary changes to accommodate students generated from developments in the County. Charter schools located within a two-mile radius of the subject site in the 2020-21 school year are depicted herein.

Capital Improvements scheduled in the long-range section (2025-26 to 2029-30) of the currently Adopted DEFP Fiscal Years 2020-21 – 2024-25 regarding pertinent impacted schools are depicted above. Based on the School District's Seven Long Range Planning Areas, the amendment site is located within School District Planning Area "5" and the elementary, middle, and high schools currently serving Planning Area "5" and their cumulative student enrollments, cumulative capacities, and pertinent student enrollment projections are depicted herein. Therefore, Planning Area "5" is anticipated to have sufficient excess capacity to support the students generated by the residential units proposed in the Planning Area.

Please be advised that if approved, the units from this project will be subject to a public school concurrency review at the plat, site plan (or functional equivalent) phase of development review, whichever comes first.

The School Board of Broward County, Florida
SCHOOL CONSISTENCY REVIEW REPORT
PROJECT NUMBER: SBBC-2927-2020

June 10, 2021

Date

Reviewed By:

Mohammed Rasheduzzaman

Signature

Mohammed Rasheduzzaman, AICP

Name

Planner

Title

ATTACHMENT 5

EPGMD Environmental Comments
PC 21-8
Page 1



ENVIRONMENTAL PROTECTION & GROWTH MANAGEMENT DEPARTMENT REVIEW AND COMMENTS ON PROPOSED BROWARD COUNTY LAND USE PLAN MAP AMENDMENT

For: Broward County Planning Council

Applicant: The Morgan Group of Texas, Inc./ Dennis D. Mele, Esq., Greenspoon Marder, LLP

Amendment No.: PC 21-8

Jurisdiction: City of Sunrise

Size: Approximately 22.5 acres

Existing Use: Vacant retail and vacant single-family residential.

Current Land Use Designation: Commerce

Proposed Land Use Designation: Irregular (20.1) Residential

Estimated Net Effect: **Addition of 452 dwelling units**
[0 dwelling units currently permitted by the Broward County Land Use Plan]
Reduction of 22.5 acres of Commerce

Location: In Section 20, Township 49 South, Range 41 East; generally located on the south side of Oakland Park Boulevard, between Pine Island Road/Northwest 88 Avenue and Northwest 91 Avenue.

Note: Findings and Recommendations do not constitute waivers from any federal, state or local law.

ANALYSIS AND FINDINGS

ENVIRONMENTAL ENGINEERING AND PERMITTING DIVISION

Wetlands - [CP: Objective C8 and Policies C8.1, C.8.2, C.8.3, C.8.4, C.8.5, C.8.6, C.8.7, C.8.9, C.8.10, C.8.11, C.8.12, WM3.9, WM3.15, WM3.30, WM4.7, WM4.9; BCLUP Strategy EP-2 and Policies 2.5.5, 2.22.1, 2.22.2, 2.22.3]

The Water and Environmental Licensing Section of the Environmental Engineering and Permitting

Division has not yet conducted a site inspection on this project; however, aerial photographs and light detection and ranging data (LIDAR) indicate that this property may contain County jurisdictional wetlands and surface waters. The applicant must request a wetland determination from the Water and Environmental Licensing Section prior to any land clearing or filling. If the site is determined to contain wetlands or surface waters that will be impacted, an Environmental Resource License will be required prior to any dredging, filling, or other alteration of wetlands. Contact the Environmental Engineering and Permitting Division at 954-519-1483 or AWRLicense@broward.org for specific code requirements.

Upland Resources (including Tree Preservation and Greenways) - [CP Objective C6 and Policies C6.7, C6.8, C6.10, C6.11; BCLUP Strategy CCR-2 and EP-3 and Policies 2.5.5, 2.20.17, 2.29.3.]

Review of aerial photographs indicates that the subject site contains mature tree canopy. Development of the site must comply with the tree preservation regulations of the City of Sunrise. The applicant is required to minimize the number of trees to be removed by incorporating suitable existing trees in the site plan design. If trees cannot be incorporated into the site plan in their current location, the applicant is required to relocate suitable trees. Any trees permitted for removal must be replaced, except as indicated in Section 163.045, F.S. If the above requirements are adhered to, the proposed land use plan amendment is not expected to have a negative impact on upland resources.

Contaminated Sites - [CP Policies C1.6, C2.1, C2.4, C2.5, C2.7, WM3.6; BCLUP Strategy EP-3 and Policy 2.5.5]

The list of known contaminated sites (from EPGMD's GIS Database of Contaminated Locations in Broward County) has been reviewed. There **are no** listed contaminated sites found within one-quarter mile of the proposed amendment location. (MO 6/10/2021)

Solid Waste - [CP Policies (SW) 6.1.2, 6.1.3, 6.2.6, 6.2.7, 6.2.10, WM3.18; BCLUP Policies 2.11.8, 2.20.3, 2.20.13, 2.34.1, 3.4.3 and Implementation Regulations and Procedures – 1. Development Review Requirements]

There **are no** active or inactive solid waste facilities located within one mile of the proposed amendment location.

(MO 6/10/2021)

ENVIRONMENTAL AND CONSUMER PROTECTION DIVISION

Wellfield Protection - [CP Policies (SW) 6.2.6, 6.2.7, 6.2.10, WM3.5, WM3.6, WM3.7, WM3.8, WM3.18, WM3.21, WM3.24; BCLUP Policies 2.26.1, 2.26.2, 2.26.3, 2.11.5]

The proposed amendment site is not currently within a wellfield zone of influence. However, Zone three (3) is in close proximity (0.25 miles) of the proposed amendment site. No special restrictions apply under Broward County's Wellfield Protection regulations. (VM 06/18/2021)

SARA TITLE III (Community Right to Know) - [CP Policy C2.5, (SW) 6.2.10, 6.2.12, WM3.18; BCLUP Strategy EP-3 and Policy 2.5.5]

The list of known SARA Title III Facilities in Broward County has been reviewed. There are two (2) SARA Title III Facilities on, adjacent to, or within ¼ mile of the proposed amendment site. These are: 1) B S T-Sunrise Comprtr Ctr E-4464 AT&T at 8650 W Oakland Park Blvd, Sunrise 33322; and 2) B S T-Sunrise E-4410 AT&T at 8750 W Oakland Park Blvd, Sunrise 33351. (VM 06/18/2021)

Hazardous Material Facilities - [CP Policies (SW) 6.1.1, 6.2.6, 6.2.7, 6.2.10, WM3.18; BCLUP Strategy EP-3 and Policy 2.26.21]

The list of known hazardous material facilities and storage tank facilities (from ECPD's GIS Database of hazardous material facilities in Broward County) has been reviewed. There are three (3) known hazardous material/storage tank facilities on, adjacent to, or within ¼ mile of the amendment site. Of the three (3) facilities, one (1) is a storage tank facility and two (2) are facilities that have both hazardous materials and storage tanks. (VM 06/18/2021)

ENVIRONMENTAL PLANNING & COMMUNITY RESILIENCE DIVISION

Air Quality - [CP Objective C1 and C2, and Policy C2.5, C2.6, C2.9, C2.10, (SW) 6.2.10; BCLUP Strategy EP-3 and Policies 2.9.2, 2.25.1]

The preliminary traffic analysis indicates that the proposed amendment would result in a **decrease by 831** PM peak hour trips per day compared to trips associated with the current designation. Based upon the trips generated and the projected levels of service on surrounding roadways, an amendment to the proposed land use designation can reasonably be assumed to have a **minimal impact** on air quality. There **are no** air permitted facilities located within half a mile of the proposed amendment site. (MO 6/10/2021)

Specially Designated Areas - [CP Objective C6 and policies C6.1, C6.3, C6.5, C6.6, C7.2, C7.4; BCLUP Strategies EP-3, IG-3 and Policies 2.5., 2.12.4, 2.23.1, 2.23.2, 2.23.3, 2.29.1, 3.3.7, 3.3.9, 3.3.10, Implementation Regulations And Procedures - 7. Criteria and Procedures For Environmentally Sensitive Lands And Local Areas of Particular Concern]

County specially designated areas, e.g. Natural Resource Areas, Native Vegetative Communities Category Local Areas of Particular Concern, Urban Wilderness Inventory sites, do not exist within the boundaries of the proposed amendment site.

Protected Natural Lands – The project site is not included, nor is it directly adjacent to any site in the Protected Natural Lands Inventory. It is located across Oakland Park Blvd. from the Oakland Park Boulevard Park, a city owned natural land included in the inventory (#60). The Protected Natural Lands Inventory is a comprehensive database of public and private native vegetative communities that have been protected through acquisition or regulatory mechanisms and are managed for conservation purposes. The Inventory provides information regarding the ownership and management for each of the Protected Natural Lands and may be accessed at: <http://www.broward.org/NaturalResources/LandStewardship/Pages/NaturalLands.aspx>.

Marine and Riverine Resources - [CP Objectives CM1, CM4 and Policies C.7.7 C7.6, C7.8; BCLUP Strategy EP-1 and Policies 2.7.1, 2.11.7, 2.20.3, 2.24.2, 2.27.1, 2.27.2, 2.27.3, 2.27.4, 2.27.5, 2.28.1, 3.3.4, 3.3.7, 3.3.9, 3.3.12] The proposed land use designation is not expected to have an impact on marine or riverine resources. Impacts to resources require review and licensing under Article XI of Chapter 27, Broward County Code of Ordinances.

Priority Planning Areas for Sea Level Rise – [CP Policies CC1.7, CC2.1, CC2.9, CC2.10, CC2.12, CC2.14, CC2.15, CC3.6, CM2.6; BCLUP Strategy CCR-2 and Policies 2.21.1, 2.21.2, 2.21.3, 2.21.5, 2.21.6, 2.21.7]

The Priority Planning Areas for Sea Level Rise Map identifies areas that are at increased risk of flooding due to, or exacerbated by, sea level rise by the year 2060. In review of land use plan amendments, the County requires the applicant to demonstrate that the project will not increase saltwater intrusion or areawide flooding, not adversely affect groundwater quality or environmentally sensitive lands, and that subsequent development will be served by adequate stormwater management and drainage facilities.

The County also strongly discourages those amendments which would place additional residential and non-residential development at risk of flooding from sea level rise. The County will take into consideration sea level rise and flood protection mitigation strategies and requirements included within the city's local comprehensive plans and/or development regulations, or improvements committed to by the applicant which would mitigate or enhance flood protection and adaptation from rising sea levels.

While the County encourages applicants to consider these and other impacts from climate change during the site planning process, the proposed amendment site does not contain, fall within, or overlap with an area for planning consideration, as indicated on the Priority Planning Areas for Sea Level Rise Map. Therefore, Broward County Land Use Plan Policies 2.21.1, 2.21.5 and Comprehensive Plan Policies CC2.1, CC2.12 and CC2.14, do not apply to the review of this project. See attached zoomed in PPA map for additional information.

NatureScape Program – [CP Policies C6.8, CC3.9, WM3.33, WM4.17; BCLUP 2.20.14, 2.20.17]

NatureScape is about creating Florida-friendly landscapes that conserve water, protect water quality, and create wildlife habitat. Development of the proposed amendment site should be coordinated with the NatureScape Broward Program for guidance in development of any related landscaping plans.

Information regarding Naturescape can be accessed at:
<http://www.broward.org/NatureScape/Pages/Default.aspx>

Surface Water Management - [CP Policies BMSD1.2.2, BMSD1.1.3, BMSD1.2.3, IC7.4, WM2.4, WM2.5, WM3.4, WM3.5, WM3.9, WM3.10, WM3.15, WM3.23, WM3.34, WM4.6, 7.4.2, 7.4.3, 7.5.2, 7.5.9, 13.2.4, 13.3.12; BCLUP Strategy CCR-2, EP-2, DP-2, and Policies 2.12.5, 2.21.1, 2.21.3, 2.21.5, 2.21.7, 2.24.1, 2.24.2, 2.24.4, 2.24.5, 2.26.5]

The proposed amendment site is located within the jurisdiction of the South Florida Water Management District (SFWMD), the City of Sunrise and Broward County. Development within

the site will be required to meet the drainage standards of Broward County and the South Florida Water Management District. Successful compliance with the criteria established should result in reducing the potential danger from flooding and maintaining the quality of surface waters. A surface water management permit may be needed prior to any construction on the site.

Tracts within the proposed amendment site are located within the Federal Emergency Management Agency (FEMA) flood insurance Zones AE, AH, and X-Below 500 Year flood plain. Some of these flood zones require flood insurance. For more information, visit: <https://www.broward.org/Environment/FloodZoneMaps/Pages/FloodNews.aspx>

Water Recharge - [CP Policies WM1.15, WM2.2, WM3.8, WM3.9, WM3.32, WM4.3; BCLUP Policies 2.26.1]

The proposed land use designation would involve a major percentage of impervious area. The development resulting from the proposed land use designation could potentially result in a net increase in the volume of water available for recharge. Based solely on land use designations, the change in recharge capacity resulting from development under the proposed designation is expected to be minor; however, the aerial of the property shows that approximately 25% of the property is currently built on/impervious. Therefore, based on current development, the change in recharge capacity would be significant on the subject site.

This impact level is determined by factoring the size of the site with the percent change of impervious area from the current designation to the proposed designation.

We suggest that the design of the new residential project seek to maximize open space or provide other alternatives to offset negative impacts on recharge capacity on the property. Open space can include but not be limited to parks and open space, stormwater retention, ponds, drainage easements, landscaped areas and other pervious areas fulfilling the goal of water recharge into the aquifer.

Please see attached Water Recharge Questionnaire.

BROWARD COUNTY PLANNING COUNCIL
WETLAND RESOURCE QUESTIONNAIRE
as completed by the
ENVIRONMENTAL PROTECTION & GROWTH MANAGEMENT
DEPARTMENT

I. Introductory Information

- A. *Amendment No.:*** PC 21-8
- B. *Municipality:*** City of Sunrise
- C. *Project Name:*** Pearl Sunrise

II. Site Characteristics

- A. *Size:*** Approximately 22.5 acres
- B. *Location:*** In Section 20, Township 49 South, Range 41 East; generally located on the south side of Oakland Park Boulevard, between Pine Island Road/Northwest 88 Avenue and Northwest 91 Avenue.
- C. *Existing Use:*** Vacant retail and vacant single-family residential.

III. Broward County Land Use Plan Designation

- A. *Current Land Use Designation:*** Commerce
- B. *Proposed Land Use Designation:*** Irregular (20.1) Residential
- C. *Estimated Net Effect:*** Addition of 452 dwelling units [0 dwelling units currently permitted by the Broward County Land Use Plan]
Reduction of 22.5 acres of commerce

IV. Wetland Review

- A. *Are wetlands present on subject property?*** Unknown at this time.
- B. *Describe extent (i.e. percent) of wetlands present on subject property.***
- C. *Describe the characteristics and quality of wetlands present on subject property.***

Wetland Resource Questionnaire
PC 21-8

D. Is the property under review for an Environmental Resource License? No

E. Has the applicant demonstrated that should the proposed Land Use designation be approved, the proposed project will be consistent with the requirements of Article XI, Chapter 27 of the Broward County Code of Ordinances? Unknown at this time.

V. Comments:

The Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division has not yet conducted a site inspection on this project; however, aerial photographs and light detection and ranging data (LIDAR) indicate that this property may contain County jurisdictional wetlands and surface waters. The applicant must request a wetland determination from the Water and Environmental Licensing Section prior to any land clearing or filling. If the site is determined to contain wetlands or surface waters that will be impacted, an Environmental Resource License will be required prior to any dredging, filling, or other alteration of wetlands. Contact the Environmental Engineering and Permitting Division at 954-519-1483 or AWRLicense@broward.org for specific code requirements.

Completed by:

Linda Sunderland, PWS
Environmental Program Supervisor

BROWARD COUNTY PLANNING COUNCIL

WATER RECHARGE QUESTIONNAIRE

as completed by

ENVIRONMENTAL PROTECTION & GROWTH MANAGEMENT DEPARTMENT

I. Introductory Information

- A. *Amendment No.:*** PC 21-8
- B. *Municipality:*** Sunrise, FL
- C. *Applicant:*** The Morgan Group of Texas, Inc.

II. Site Characteristics

- A. *Size:*** Approximately 22.5 acres
- B. *Location:*** In Section 20, Township 49 South, Range 41 East; generally located on the south side of Oakland Park Boulevard, between Pine Island Road/Northwest 88 Avenue and Northwest 91 Avenue.
- C. *Existing Use:*** Vacant retail and vacant single-family residential

III. Water Recharge Review based on Broward County Land Use Plan Designations

A. Describe the general impacts of the current land use designation on water recharge:

Current Land Use Designation: Commerce

A typical value for an impervious area produced by this type of development is approximately 70.0 percent.

B. Describe the general impacts of the proposed land use designation on water recharge:

Proposed Land Use Designation: Irregular (20.1) Residential

A typical value for an impervious area produced by this type of development is potentially 75.0 percent.

C. Describe the general impacts of the proposed land use change on water recharge:

Estimated Net Effect:

Addition of 452 dwelling units. [0 dwelling units currently permitted by the
Broward County Land Use Plan]
Reduction of 22.5 acres of commerce

V. Analysis of Impact of Change in Land Use Designation

The purpose of this review is to consider County policies regarding water recharge. Aquifer recharge is one of several significant methods that will aid in the protection and conservation of the Surficial Aquifer System. Therefore, the County will continue to promote the development of alternative water supply strategies, including Aquifer recharge, and protect the quality of our potable water supply sources. [Applicable County Policies include: CP WM1.15, WM2.2, WM3.8, WM3.9, WM3.32, WM4.3; BCLUP Strategy CCR-3; Policies 2.5.5, 2.26.1, 2.26.2]

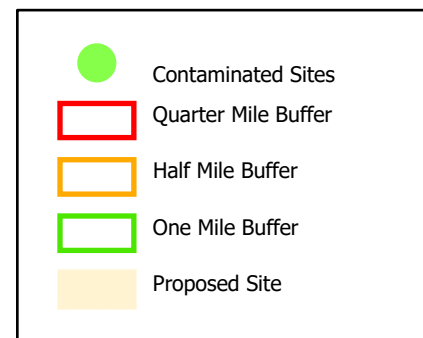
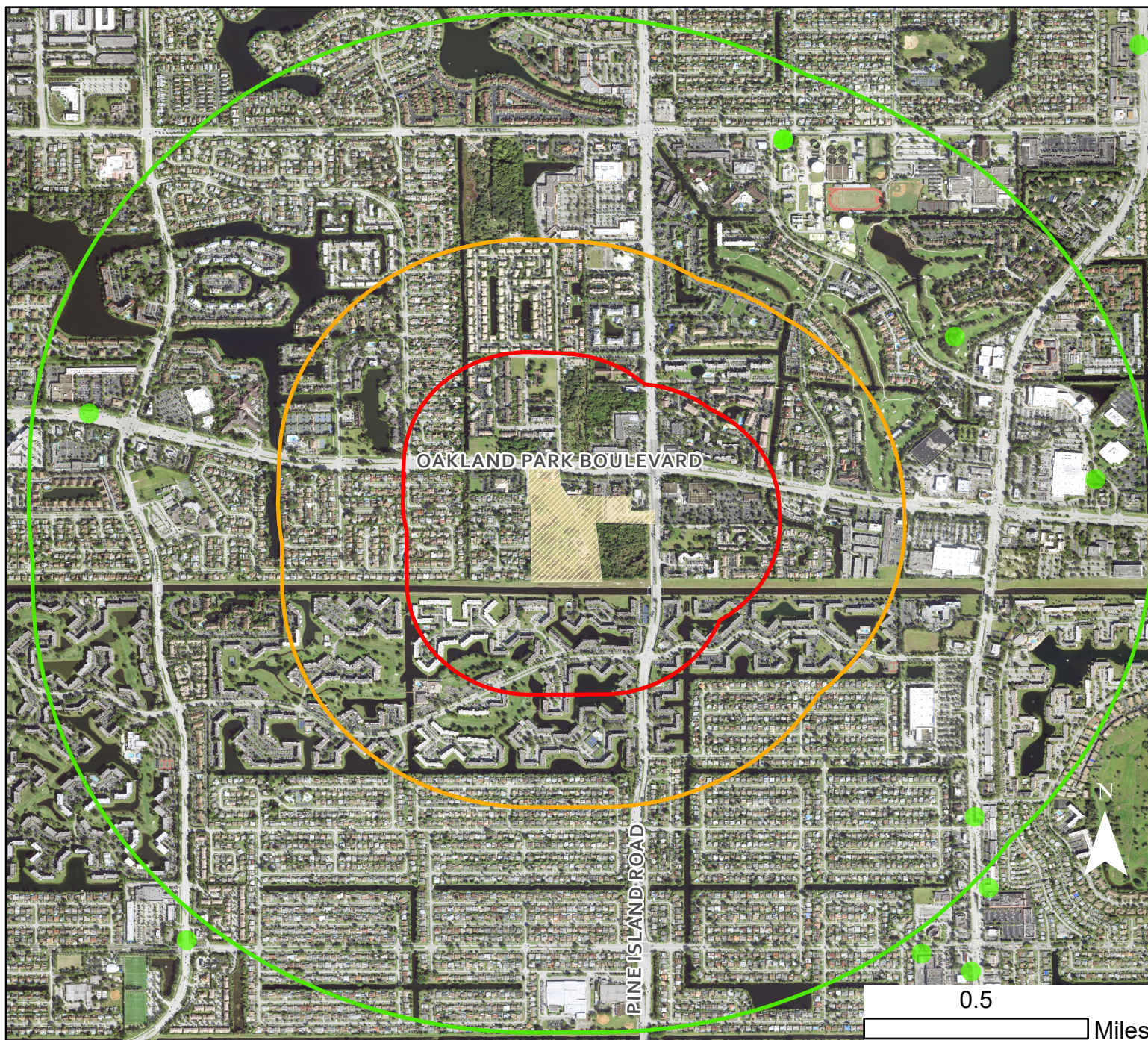
The proposed land use designation would involve a major percentage of impervious area. The development resulting from the proposed land use designation could potentially result in a net increase in the volume of water available for recharge. Based solely on land use designations, the change in recharge capacity resulting from development under the proposed designation is expected to be minor; however, the aerial of the property shows that approximately 25% of the property is currently built on/impervious. Therefore, based on current development, the change in recharge capacity would be significant on the subject site.

This impact level is determined by factoring the size of the site with the percent change of impervious area from the current designation to the proposed designation.

VI. Comments

We suggest that the design of the new residential project seek to maximize open space or provide other alternatives to offset negative impacts on recharge capacity on the property. Open space can include but not be limited to parks and open space, stormwater retention, ponds, drainage easements, landscaped areas and other pervious areas fulfilling the goal of water recharge into the aquifer.

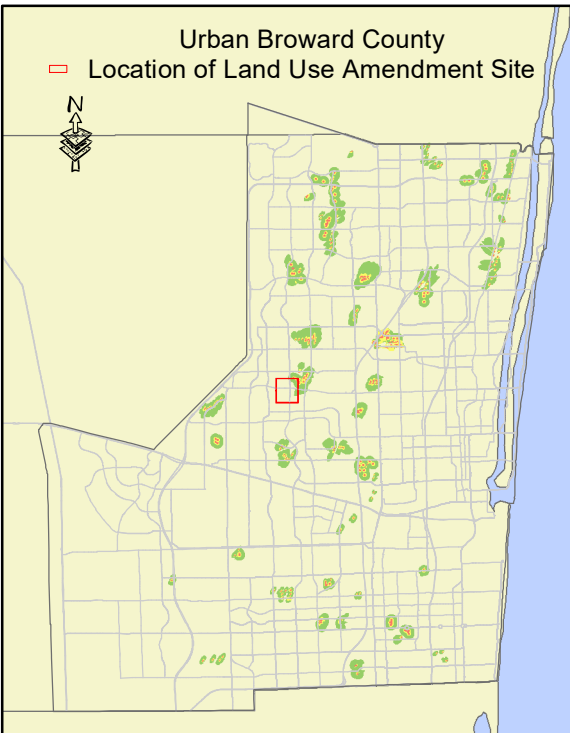
Land Use Amendment Comments Site PC 21-8



Generated for location purposes only. Marker size is a visual aid and neither represents exact location nor area of designated facility.

Prepared by: MOSPINA 6/10/2021
Environmental Engineering and Permitting Division

Land Use Amendment Site: LUA PC 21-8



Land Use Amendment Map Legend

- ▲ Hazardous Materials Facility
- ★ Sara Title III 302 Facility
- - - 0.25 Mile Buffer
- ▨ Proposed Amendment Site
- Wellfield Zone 1
- Wellfield Zone 2
- Wellfield Zone 3

Miles 0 0.125 0.25

Environmental and Consumer Protection Division review of Land Use Amendments for presence of hazardous materials and community right to know sites within urban Broward County. Review includes also the location of Wellfield Protection Zones. The display is generated for location purposes only. Marker (if present) is a visual aid and neither represents exact location nor distance to project site. If data are associated, data are provided "as is".

The division does not accept responsibility for damages suffered as a result of using, modifying, contributing or distributing the materials.

Prepared by: VMEBANE - June 2021

Environmental and Consumer Protection Division



Hazardous Materials Facilities within, adjacent to, or in close proximity (.25 miles) of Land Use Amendment			
Name of Facility	Address	Type of Facility based on SIC	Type of License
Shell	8787 W OAKLAND PARK BLVD, Sunrise, FL 33351	5541 - Gasoline Service Stations	Storage Tank
B S T-Sunrise Comptr Ctr E-4464 AT&T	8650 W OAKLAND PARK BLVD, Sunrise, FL 33322	4813 - Telephone Communications, Except Radiotelephone	Hazardous Materials and Storage Tank
B S T-Sunrise E-4410 AT&T	8750 W OAKLAND PARK BLVD, Sunrise, FL 33351	4813 - Telephone Communications, Except Radiotelephone	Hazardous Materials and Storage Tank

Broward County Land Use Plan
Proposed Amendment
PC 21-8



0 125 250 500 Feet



Proposed Land Use Plan Amendment

Priority Planning Areas for Sea Level Rise near tidal water bodies at an increased risk of inundation under a 40 inch sea level rise scenario projected to occur by 2070 (PC21-8 is not located in a Priority Planning Area)

ATTACHMENT 6



Dennis D. Mele, Partner
PNC Building
200 East Broward Boulevard, Suite 1800
Fort Lauderdale, Florida 33301
Direct Phone: 954.527.2409
Direct Fax: 954.333.4009
Email: dennis.mele@gmlaw.com

July 15, 2021

Barbara Blake-Boy, Executive Director
Broward County Planning Council
115 South Andrews Ave., Suite 307
Fort Lauderdale, FL 33301



Re: PC 21-8 Pearl Sunrise – Responses to Agency Comments

Dear Barbara:

We have reviewed agency comments concerning PC 21-8. On behalf of the Applicant, we are providing the additional information below regarding this amendment in response to the comments received.

ENVIRONMENTAL ENGINEERING AND PERMITTING DIVISION – WETLANDS

The Applicant will apply for and obtain all necessary environmental permits and licenses necessary for a residential development on the property that is the subject of land use plan amendment PC 21-8. The proposed development includes a large lake that will be created for the drainage system that will serve the Subject Property and additional soil will be added to the Subject Property to raise the elevation of the site. The Environmental Permitting and Growth Management Department has indicated that these dredge and fill activities will require a wetland determination prior to any land clearing or filling. If it is determined that there are jurisdictional wetlands and surface waters on the Subject Property, the Applicant will submit applications to the following agencies for review and analysis pursuant to their individual rules and regulations:

- State of Florida, Environmental Resource Permit with Surface Water Management Authorization
- Broward County, Environmental Resource License and Surface Water Management License

ENVIRONMENTAL ENGINEERING AND PERMITTING DIVISION – UPLAND RESOURCES

The Applicant acknowledges that there is mature tree canopy of the Subject Property and recognizes the importance of preserving as much of the existing tree canopy as possible. The Applicant will minimize the number of trees to be removed by incorporating suitable trees into the site design. The Applicant will relocate any suitable trees on the Subject Property. The Applicant will provide proper mitigation for any suitable trees that cannot be incorporated or relocated in the site design.

July 15, 2021
Page No. 2

ENVIRONMENTAL PLANNING & COMMUNITY RESILIENCE DIVISION - WATER RECHARGE

The existing land use plan designation on the Subject Property is Commerce and the Applicant is requesting a change to Irregular (20 1) Residential. Generally the difference in the amount of water recharge areas between those uses would be minor. In order offset any change in water recharge capacity on the Subject Property resulting from the proposed development, the site plan will include public and private open space, landscaped areas and a lake that will be part of the stormwater management system. The stormwater management system proposed for the Pearl development will provide a positive drainage system to direct all runoff to the lake. This system of open spaces and lake area will provide for water recharge into the aquifer and improve the quality of groundwater recharge

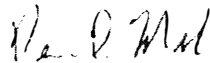
ENVIRONMENTAL PLANNING & COMMUNITY RESILIENCE DIVISION - PROTECTED NATURAL LANDS

The Applicant would like to update the response to item 6.D. of the application and acknowledge that the Subject Property is not located in or adjacent to a Local Area of Particular Concern, nor is it directly adjacent to any site protected by Broward County. The Subject Property is located across Oakland Park Boulevard from the Oakland Park Boulevard Park, a city owner natural land.

Thank you for your time and attention to this matter.

Very truly yours,

GREENSPOON MARDER LLP



Dennis D. Mele, Partner



ATTACHMENT 7

Environmental Protection and Growth Management Department

PLANNING AND DEVELOPMENT MANAGEMENT DIVISION

115 S. Andrews Avenue, Room 329K • Fort Lauderdale, Florida 33301 • 954-357-6634 • FAX 954-357-8655

DATE: June 25, 2021

TO: Barbara Blake Boy, Executive Director
Broward County Planning Council

FROM: Josie P. Sesodia, AICP, Director
Planning and Development Management Division



JOSIE

Digitally signed by JOSIE
SESODIA
Date: 2021.06.25
16:43:34 -04'00'

SUBJECT: Broward County Land Use Plan
Review of Proposed Amendment – Sunrise PC 21-8

The Broward County Planning and Development Management Division (PDMD) staff has reviewed proposed amendment PC 21-8. The subject site is located in Sunrise involving approximately 22.5 acres. The amendment proposes:

Current Designations: 22.5 acres of Commerce

Proposed Designation: Irregular (20.1) Residential

Estimated Net Effect: Addition of 452 dwelling units [Zero (0) dwelling units currently permitted by the BCLUP]
Reduction of 22.5 acres of Commerce

Item 7 – Analysis of Natural and Historic Resources

- A. The County's archaeological consultant and Historic Preservation Officer reviewed the application, and based on the available information including archival documents, maps, the Broward County Land Use Plan and the Florida Master Site File (FMSF), determined that the proposed project will effect known historical or archaeological resources or areas of archaeological or paleontological sensitivity.
- B. Comments and recommendations pertaining to this land use plan amendment for historic/archaeological resources:
 1. The subject property is located within the City of Sunrise, within jurisdiction of the Broward County historic preservation ordinance (B.C. Ord. 2014-32).
 2. Structures on property:
 - a. Main House (south end);
 - b. Ex Ice Skating Rink (fronting Pine Island Road);
 - c. Barn (north end, near W. Oakland Park Blvd.);
 - d. Brick house at center of property.

- e. Brick house in NE end of property.
 - f. Small masonry house (NW of Main House).
3. Main House (south end)
- a. Deteriorated brick house with dormer windows and large carport.
 - b. Possibly the residence of former Broward Judge John A. Frusciante and family.
 - c. Historical aerials indicate the property was not existing in 1984, but was extant in 1986.
4. Former Ice Skating Rink: "Sunrise Ice Chalet."
- a. A long masonry building with faux exposed timbers, dormer windows, and several steep pitched gable roofs fronting Pine Island Road.
 - b. Historical aerials indicate the structure was built in 1979.
5. Barn: Presently in use as horse stalls.
- a. A long masonry and wood structure measuring 49 feet (sides facing north and south) by 42 feet (gable ends, facing east and west).
 - b. Historical aerials indicate the building was extant in 1955 (but not standing in a 1947 aerial).
 - c. The structure appears as one of the earliest structures in this area of Sunrise.
6. Brick house at center of property
- a. A masonry and brick residence with 'C' shape plan configuration with two gable ends at front.
 - b. This residence is also associated with former Broward Judge John A. Frusciante and family.
 - c. Historical aerials indicate the building was built in 1976.
7. Brick house at NE end of property:
- a. A masonry and brick residence with hip roof.
 - b. Historical aerials indicate the building was built in 1971.
8. Small masonry house (NW of Main House)
- a. A simple masonry residence with side-to-side gable roof.
 - b. Historical aerials indicate the building was extant in 1955 (but not standing in a 1947 aerial).
 - c. Along with the barn, the house appears as one of the earliest structures in this area of Sunrise.
9. **Historic Preservation recommendations:**
- a. The barn and small masonry house (NW of Main House) are over 50 years of age and should be recommended for recording (with the Florida Master Site File).
 - b. The brick house at NE end of the property which meets the 50-year minimum benchmark for recording and possibly the brick house at center of the property (45 years of age) - - should be recorded as well.

- c. Historical Significance – Additional research would be required to assess any potential significance. The property and its structures include a connection with former Judge John Frusciante, a well-known retired County judge who specialized in juvenile affairs. Judge Frusciante’s son (also named John A. Frusciante) is a member of renowned alternative rock band the Red Hot Chilly Peppers. He is considered one of America’s top guitarists and was inducted to the Rock and Roll Hall of Fame with fellow band members in 2012. Earlier property history and ownership is not known.
- d. **Preservation** – If any structures were to be targeted for preservation, on-site preservation would be recommended (not relocation). A plan for preservation (and/or possible designation) would require municipal initiative and support. At this time, only historical recordation is recommended.
- e. If, in the event that unmarked burials are discovered, then, pursuant to Florida State Statutes, Chapter 872.05, “all activity that may disturb the unmarked burial shall cease immediately, and the district medical examiner shall be notified. Such activity shall not resume unless specifically authorized by the district medical examiner or State Archaeologist.”

Contact: Broward County Medical Examiner
5301 S.W. 31st Avenue
Fort Lauderdale, Florida 33312
Telephone: (954) 357-5200
Fax: (954) 327-6580
Email: Med_Exam_Trauma@broward.org
Website: <http://www.broward.org/MedicalExaminer>

Item 8 - Affordable Housing

The Planning and Development Management Division (PDMD) staff has reviewed this application and has determined that it generally meets the requirements of BCLUP Policy 2.16.2 and Article 5 of the Administrative Rules Document.

Amendments that propose to add 100 or more residential dwelling units to the existing densities approved by the Broward County Land Use Plan (BCLUP) are subject to the requirements of BCLUP Policy 2.16.2 and Article 5 of the Administrative Rules Document. Policy 2.16.2 requires the involved municipality to provide those professionally accepted methodologies, policies, and best available data and analysis, which the municipality has used to define affordable housing needs and solutions within the municipality. A total of zero (0) residential units are currently permitted under the existing Land Use Plan and this request represents an increase of 452 dwelling units. **Therefore, Policy 2.16.2 applies to this project.**

An affordable housing supply/demand analysis for Sunrise was not provided with this application. However, the Broward County Affordable Housing Needs Assessment Update (2018) provides a housing supply/demand analysis for the City of Sunrise, which reveals a deficit of 476 low-income owner units and a combined shortage of 1,526 very-low and low-income rental units (704 and 822 units, respectively).

The City's comprehensive plan includes objectives and policies supporting the Housing Element's Goal *"to provide decent, safe and sanitary housing in suitable locations at affordable costs to meet existing and future housing needs of City residents, by expanding and increasing meaningful partnerships with public, private, and non-for-profit housing providers."* As an entitlement city, Sunrise participates in the Community Development Block Grant (CDBG) program and Homes Investment Partnerships Program (HOME). In addition, the City's Land Development Code enables staff to expedite affordable housing applications by prioritizing the applications and assigning a specific planner to the project.

As indicated in both Item 7 (Affordable Housing) of the application and draft Declaration of Restrictive Covenants (Exhibit N), the applicant proposes to set aside 15% of the 425 multi-family units (64 units) as affordable, moderate income housing, for a period of 30 years.

The PDMD staff finds this application to be generally consistent with Broward County Land Use Plan Policy 2.16.2 and Article 5, based on the City's provision of affordable housing policies and requirements in its comprehensive plan and Land Development Code. This finding is also subject to the execution and recordation of an agreement, acceptable to the County Attorney's Office, which restricts 15% of the 425 proposed dwelling units (64 units) as affordable moderate income housing units for a minimum term of 30 years.

Item 11 – Redevelopment Analysis

The proposed amendment site is not located within a Community Redevelopment Area.

Item 12 – Intergovernmental Coordination

The proposed amendment site is not located adjacent to or in close proximity to any Broward County Unincorporated Area lands or County-owned facilities/property. The nearest local government is the City of Lauderhill, located approximately 1.2 miles west of the proposed amendment site.

cc: Leonard Vialpando, Director, Environmental Protection and Growth Management Department
Ralph Stone, Director, Housing Finance and Community Redevelopment Division
Darby Delsalle, AICP, Assistant Director, Planning and Development Management Division
Susanne Carrano, Senior Planner, Planning and Development Management Division
Heather Cunniff, AICP, Senior Planner, Planning and Development Management Division
Richard Ferrer, Historic Preservation Officer, Planning and Development Management Division

JS/hec

ATTACHMENT 8



Dennis D. Mele, Partner
PNC Building
200 East Broward Boulevard, Suite 1800
Fort Lauderdale, Florida 33301
Direct Phone: 954.527.2409
Direct Fax: 954.333.4009
Email: dennis.mele@gmlaw.com

August 11, 2021

Barbara Blake-Boy, Executive Director
Broward County Planning Council
115 South Andrews Ave., Suite 307
Fort Lauderdale, FL 33301



Re: PC 21-8 Pearl Sunrise – Responses to Agency Comments

Dear Barbara:

We have reviewed agency comments concerning PC 21-8. On behalf of the Applicant, we are providing the additional information below regarding this amendment in response to the comments received.

PLANNING AND DEVELOPMENT MANAGEMENT DIVISION – HISTORIC RESOURCES

The Applicant will cooperate and assist the County to: 1) record the appropriate structures with the Florida Master Site File, 2) research the potential historical significance of the portion of the site associated with the Frusciante family; and, 3) provide any additional information regarding the historical significance of the property.

Thank you for your time and attention to this matter.

Very truly yours,

GREENSPOON MARDER LLP

Dennis D. Mele, Partner

ATTACHMENT 9

Return to: (enclose self-addressed stamped envelope)

Name: Elizabeth Adler, Esq.

Address:

Greenspoon Marder LLP
200 E. Broward Boulevard, Suite 1800
Fort Lauderdale, FL 33301

This Instrument Prepared by:

Elizabeth Adler, Esq.
Greenspoon Marder LLP
200 E. Broward Boulevard, Suite 1800
Fort Lauderdale, FL 33301



SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR PROCESSING DATA

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS ("Declaration") made this _____ of _____, 2021, by **THE MORGAN GROUP OF TEXAS, INC.**, a Texas corporation, ("Declarant"), which shall be for the benefit of **BROWARD COUNTY, FLORIDA**, a political subdivision of the State of Florida ("County"), and the **CITY OF SUNRISE**, a municipal corporation organized pursuant to the State of Florida ("City").

WITNESSETH:

WHEREAS, Declarant is the fee simple owner of land located in the City, more particularly described in **Exhibit "A"** ("Property"); and

WHEREAS, Declarant made applications to the City and the County Planning Council requesting that the land use plan designation on the Property be changed from Commercial on the City Land Use Plan and Commerce on the County Land Use Plan to Irregular (20.1) Residential on both the City Land Use Plan and County Land Use Plan in conjunction with redevelopment of the Property ("Project"); and

WHEREAS, the Property is being developed as a rental apartment complex, subject to the affordable housing restrictions set forth in this Declaration. Declarant reserves the right to convert the Property, or a portion thereof, to a condominium or other fee simple ownership structure in the future, subject to the affordable housing restrictions as set forth in this Declaration (a "Conversion");

WHEREAS, in connection with the Project, Declarant has voluntarily agreed to place certain restrictions on the development of the Property as set forth below in favor of the County and the City; and

WHEREAS, Declarant agrees to make certain provisions for affordable housing for the period of time provided herein.

NOW, THEREFORE, in consideration of the foregoing premises and the promises and covenants herein contained, Declarant hereby declares that the Property shall be subject to the covenants, restrictions, and regulations hereinafter set forth, all of which shall run with the land and

which shall be binding upon all parties having any right, title or interest in the Property or any part thereof, their heirs, successors and assigns.

1. Recitations. The recitals set forth above are true and correct and are incorporated into this Declaration by this reference.

2. Covenants. Declarant hereby declares the following: Fifteen (15) percent of the residential units to be constructed on the Property (as set forth on the final site plan approved by the City) shall be affordable moderate income units as defined in the County Comprehensive Plan, and as further restricted by this Declaration ("Affordable Housing Units"). If fifteen (15) percent of the actual residential units to be constructed on the Property does not yield a whole number of Affordable Housing Units, the partial of Affordable Housing Units yielded shall be rounded up to the next whole number.

3. Affordable Housing Units Offered For Sale. In the event of a Conversion, Declarant hereby declares all Affordable Housing Units offered for sale shall be purchased in accordance with the following:

- (a) All Affordable Housing Units constructed on the Property shall be used solely as each owner's principal residence and shall be used solely for residential purposes. No Affordable Housing Unit may be used for any non-residential purpose, other than home offices when permitted by applicable zoning regulations; and
- (b) All Affordable Housing Units shall be purchased solely by persons who meet the following criteria at the time of purchase of an Affordable Housing Unit. "Purchased" shall be defined to mean by sale, inheritance, court order, or other legal method of transfer or acquisition.

1) One or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 120 percent of the median annual adjusted gross income for Broward County, adjusted for family size, shall occupy said Affordable Housing Unit. Said limits to be published annually by Broward County or other appropriate governmental entity designated by Broward County. For the purposes of this provision, the term "adjusted gross income" shall mean all wages, assets, regular cash or noncash contributions or gifts from persons outside the household and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less deductions allowable under section 62 of the Internal Revenue Code. For the purposes of this provision, the term "adjusted for family size" means adjusted in a manner which results in an income eligibility level which is lower for households with fewer than four people, or higher for households with more than four people, based upon a formula as established by the United States Department of Housing and Urban Development; and

2) The purchaser of the Affordable Housing Unit shall have monthly mortgage payments (including taxes and insurance) that do not exceed thirty (30) percent of their monthly adjusted gross income; and

3) Excluding government subsidies, the down payment, if any, for the purchase of the Property must not exceed twenty (20) percent of the purchase price; and

4) During the term of this Declaration, as defined herein, every deed of sale or equivalent document transferring title to the Affordable Housing Unit shall include a restriction stating as follows:

This property is to be sold and occupied as an "Affordable Housing Unit," in accordance with the Declaration of Restrictive Covenants recorded in the Official Records of Broward County at O.R. Book _____, Page _____.

5) Prior to any transfer of title or closing on a purchase of an Affordable Housing Unit, each purchaser shall cause to be provided to the City written certification that the criteria in (b) 1), 2), and 3) above have been satisfied.

(c) At the time of sale of any Affordable Housing Unit, Declarant shall record a Notice of Designation of Affordable Housing Unit (an "Affordable Housing Notice") corresponding to the sale, the form of which Affordable Housing Notice is set forth on "**Exhibit B**" attached hereto and incorporated herein.

4. Affordable Housing Units Offered For Rent. Declarant hereby declares all Affordable Housing Units offered for rent shall be rented in accordance with the following:

(a) All Affordable Housing Units constructed on the Property shall be used solely as each renter's principal residence and shall be used solely for residential purposes. No Affordable Housing Unit may be used for any non-residential purpose, other than home offices when permitted by applicable zoning regulations; and

(b) All Affordable Housing Units shall be rented solely by persons who meet the following criteria at the time of lease:

1) One or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 120 percent of the median annual adjusted gross income for Broward County, adjusted for family size, shall occupy said Affordable Housing Unit. Said limits to be published annually by Broward County or other appropriate governmental entity designated by Broward County. For the purposes of this provision, the term "adjusted gross income" shall mean all wages, assets, regular cash or noncash contributions or gifts from persons outside the

household and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less deductions allowable under section 62 of the Internal Revenue Code. For the purposes of this provision, the term "adjusted for family size" means adjusted in a manner which results in an income eligibility level which is lower for households with fewer than four people, or higher for households with more than four people, based upon a formula as established by the United States Department of Housing and Urban Development; and

2) The renter of an Affordable Housing Unit shall have monthly rental payments (including taxes and insurance) that do not exceed thirty (30) percent of their monthly adjusted gross income.

(c) On an annual basis, beginning no later than 12 months after the Effective Date of this Declaration, the owner of a Affordable Housing Unit offered for rent shall (through owner or owner's property manager or other owner representative) cause to be provided to the City written certification that the criteria in 4(b) has been satisfied.

5. Amendments. Except as otherwise provided herein, this Declaration 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(s) of the portion of the Property affected by such modification, amendment, or release and approved in writing by the County and City. The appropriate governmental authority of the County and City shall execute a written instrument effectuating and acknowledging such modification, amendment or release. Any amendment, modification or release of this Declaration shall be recorded in the Public Records of Broward County, Florida, at the then owner's sole expense. No amendment to this Declaration shall be necessary in the event of a Conversion (as may occur from time to time).

6. Recordation and Effective Date.

(a) This Declaration shall not become effective ("Effective Date") until the later of (i) Final Approval and (ii) recordation amongst the Public Records of Broward County, Florida. As used herein, "Final Approval" shall mean final approval and adoption of the City plan amendment application and the County plan amendment application, and the expiration of any appeal periods applicable thereto without an appeal having been taken or, if taken, when finally dismissed with no further appeal permitted.

(b) Once recorded, this Declaration shall run with the Property for the sole benefit of the City and the County and does not operate as a restriction in favor of any Property owner, and shall bind all successors and assigns to the title of the Property.

(c) From and after such time as any Affordable Housing Unit is conveyed by Declarant to a third party purchaser, following a Conversion, Declarant shall have no further obligations under this Declaration with respect to that

particular Affordable Housing Unit and such third party purchaser shall be obligated to comply with all of the provisions of this Declaration with respect to said Affordable Housing Unit.

7. Severability. If any court of competent jurisdiction shall declare any section, paragraph or part of this Declaration 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. The agreed upon venue shall be Broward County, Florida.

8. Captions, Headings and Titles. Articles and paragraph captions, headings and titles inserted throughout this Declaration 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 Declaration.

9. Context. Whenever the context requires or admits, any pronoun used herein may be deemed to mean the corresponding masculine, feminine or neuter form thereof, and the singular form of any nouns or pronouns herein may be deemed to mean the corresponding plural form thereof and vice versa.

10. Term. Release and Termination. The restrictions, covenants, rights and privileges granted, made and conveyed herein ("Affordable Housing Restrictions") shall be valid for a period of thirty (30) years from the Effective Date ("Term"); thereafter the Affordable Housing Restrictions shall be of no further force and effect and shall automatically terminate without the consent of the City or the County, or the necessity to record any instrument in the Public Records of Broward County, Florida.

11. Remedies for Violation. In the event the Declarant, its successors or assigns, violate any of the covenants and restrictions contained herein, Declarant hereby acknowledges and agrees that the City and/or County may withhold further permits and approvals with respect to the Property, provided the City and/or County first provides Declarant with written notice and thirty (30) day opportunity to cure the violation. The City and/or County's option to withhold further permits and approvals with respect to the Property shall not be exercised if within the thirty (30) day notice period: (i) the violation is cured by Declarant; or (ii) the violation cannot reasonably be cured within that time period but the Declarant begins to cure such violation within such time period and thereafter diligently pursues such cure to completion, with such diligence period not to exceed one hundred and twenty (120) days from the date of the notice of violation. The City and County are the beneficiaries of these covenants and restrictions, and as such, the City and County may enforce these covenants and restrictions by action at law or in equity, including, without limitation, a decree of specific performance or mandatory or prohibitory injunction, against any person or persons, entity or entities, violating or attempting to violate the terms of these covenants and restrictions.

12. Waiver. Any failure of the City or the County to enforce these restrictive covenants shall not be deemed a waiver of the right to do so thereafter. This document shall be construed in accordance with the laws of Florida and venue shall be Broward County, Florida.

IN WITNESS WHEREOF, Declarant has executed this Declaration on the day first above written.

By: _____

Printed Name: _____

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, by _____, as _____ of THE MORGAN GROUP OF TEXAS, Inc., a Texas corporation, who is personally known to me or who has produced as identification.

Notary Public

Typed, printed or stamped name of Notary Public

6

Mortgagee Consent:

Mortgagee, being the holder of a mortgage to the parcels(s) described in Exhibit “A” hereby consents and joins in for the purpose of agreeing that its mortgage shall be subordinated to the foregoing Declaration.

WITNESSES:

Signature

Print Name

Signature

Print Name

By:

Name:

Title:

Date:

STATE OF _____)
) SS:
COUNTY OF _____)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, _____, the _____ of _____, freely and voluntarily under authority duly vested in her/him by said corporation and that the seal affixed thereto is the true corporate seal of said corporation. She/he is personally known to me or who has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2021.

Notary Public

Typed, printed or stamped name of Notary Public

My Commission Expires:

EXHIBIT A
LEGAL DESCRIPTION
PROPERTY

LEGAL DESCRIPTION:

PARCEL 1:

PARCEL "A", "SUNRISE ICE CHALET", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 97, PAGE 21, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

PARCEL B:

PARCEL "A", "FRUSCIANS TRACT", ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 175, PAGE 55, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

EXHIBIT B

Return to: (enclose self-addressed stamped envelope)

Name:

Address:

This Instrument Prepared by:

SPACE ABOVE THIS LINE FOR PROCESSING DATA

Notice of Designation of Affordable Housing Unit

By recordation of this Notice, THE MORGAN GROUP OF TEXAS, INC., a Texas corporation, hereby designates for the Restriction Period, as hereinafter defined, the following unit as an "Affordable Housing Unit," as defined by that certain Declaration of Restrictive Covenants recorded in Official Records Book_____, Page _____ of the public records of Broward County, Florida, which requires that Affordable Housing Units be sold only to persons who meet the following criteria at the time of sale: (a) one or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 120 percent of Broward County's median income as reported by the United States Department of Housing and Urban Development and adjusted to family size; and (b) the purchaser of the Affordable Housing Unit shall have monthly mortgage payments (including taxes and insurance) that do not exceed thirty (30) percent of their monthly adjusted gross income.

Unit Address

and/or Unit Number: _____

The restriction of the foregoing designation shall be thirty (30) years from the recordation of this Notice against the applicable Affordable Housing Unit or until the expiration of the Term of the underlying Declaration, whichever time period expires first ("Restriction Period").

Witnesses:

By _____

Name typed:

Name:

Address:

Name typed:

_____ day of _____, 20__

THE MORGAN GROUP OF TEXAS, INC.

By: _____

Printed Name: _____

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, by _____, as _____ of THE MORGAN GROUP OF TEXAS, INC., a Texas corporation, who is personally known to me or who has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 20__.

Typed, printed or stamped name of Notary Public

10

ATTACHMENT 10

From: [Manning, Terese](#)
To: [Blake Boy, Barbara](#)
Cc: [Teetsel, Dawn](#); [Von Stetina, Deanne](#)
Subject: FW: Informal Review Comments on Broward County Planning Council Proposed Land Use Plan Amendment in Sunrise
Date: Friday, June 18, 2021 3:44:49 PM

Dear Ms. Blake Boy:

The South Florida Water Management District (District) has completed an informal review of a land use plan map amendment submitted to the Broward County Planning Council, Application PC 21-8, located in the City of Sunrise. There appear to be no regionally significant water resource issues; therefore, the District forwards no comments on the proposed amendment package.

Please contact me if you have any questions or need additional information.

Sincerely,

Ms. Terry Manning, Senior Policy and Planning Analyst
South Florida Water Management District
Water Supply Implementation Unit
3301 Gun Club Road
West Palm Beach, FL 33406
Phone: 561-682-6779
Fax: 561-681-6264
E-Mail: tmanning@sfwmd.gov



ATTACHMENT 11

PARKS AND RECREATION DIVISION • Administrative Offices
950 N.W. 38th St. • Oakland Park, FL 33309-5982 • 954-357-8100 • TTY 954-537-2844 • FAX 954-357-5991

*Winner of the National Gold Medal Award for Excellence in Park and Recreation Management
Accredited by the Commission for Accreditation of Park and Recreation Agencies (CAPRA)*

MEMORANDUM



June 29, 2021

To: Barbara Blake Boy, Executive Director
Broward County Planning Council

Thru: Dan West, Director *Dan West*
Parks and Recreation Division

From: Linda Briggs Thompson, Environmental Program Manager *LBT*
Parks and Recreation Division

Re: **Land Use Plan Amendment Comments**
Proposed Amendment PC 21-8, Pearl Sunrise LUPA (Sunrise)

Broward County Parks and Recreation Division has reviewed the proposed amendment to the Broward County Land Use Plan for Pearl Sunrise (Sunrise). Our comment is as follows:

PC 21-8 No objections to the Land Use Plan Amendment. However, regional park impact fees will be required for the additional 452 dwelling units planned for this project.

If you or your staff has any questions about our comments, please call me at 954-357-8120.

ATTACHMENT 12



Public Works Department – Water and Wastewater Services

WATER MANAGEMENT DIVISION

2555 West Copans Road • Pompano Beach Florida 33069 • PHONE: 954-831-0751 • FAX: 954 831-3285

May 25, 2021



Broward County Planning Council
115 South Andrews Avenue, Room 307
Fort Lauderdale, FL 33301
Attn: Dawn B. Teetsel, Director of Planning
[Via email to dteetsel@broward.org](mailto:dteetsel@broward.org)

SUBJECT: PC 21-8 Pearl Sunrise
Land Use Plan Amendment – Drainage Analysis

Dear Ms. Teetsel:

The information in the above-captioned land use plan amendment (LUPA) is essentially correct. Our office has no objection to this LUPA.

Sincerely,

A handwritten signature in blue ink that reads "Susan Juncosa".

Susan Juncosa
Natural Resource Specialist
Broward County Water Management Division
2555 W. Copans Road, Pompano Beach, FL 33069
Office: (954)-831-0778
E-mail: sjuncosa@Broward.org