



STAFF REPORT

GOLF VIEW GARDENS (VARIANCE)

Summary

This is an application requesting a variance from right-of-way buffering requirements for an existing multi-family residential property known as Golf View Gardens, located at 7300 NW 30 Place, as shown on the location map. The property is currently zoned RM-25 (Higher Density Multiple-family Residential District) and designated Medium-High (25) Residential (restricted to eighteen (18) units per acre as part of the *Flacond Realty Corp. v. Broward County and the City of Sunrise 17th Judicial Circuit of Florida, Agreed Amendment Final Judgement May 21, 1981* court order), as shown on the City of Sunrise Future Land Use Map (FLUM). This application requires City Commission approval per Subsection 16-48(e) of the Land Development Code (LDC) for a variance.

General Information

On September 25, 2001, via Resolution No. 01-151, the City of Sunrise City Commission approved a Site Plan for an affordable housing development consisting of 160 rental dwelling units restricted to persons fifty-five (55) years of age and above. On January 22, 2002, via Resolution No. 02-14, the City Commission approved a Revised Site Plan increasing the number of stories from five (5) to six (6), but maintaining the overall height of the building, as well as adding two (2) gazebos, and reducing the overall footprint of the building.

The subject parcel is generally located south of NW 30 Place, between Sunrise Lake Drive East and East Aragon Boulevard, on the northern perimeter of the former Sunrise Golf & Country Club. The properties to the west and east of the subject site are multifamily residential developments zoned RM-25 (Higher Density Multiple-family Residential District). North of the subject site is a canal zoned Recreation/Open Space and to the south is the former golf course known as Sunrise Golf & Country Club which is zoned Commercial Recreation. The Sunrise Golf & Country Club site is currently under review to change the existing land use designations from Commercial Recreation, Low-Medium (10) Residential and Medium-High (25) Residential to Commercial Recreation and Irregular (9du/ac) Residential land uses.

Project Description

The subject property measures approximately 7.7 net acres and includes 160 multi-family units. The applicant is requesting a variance from Sec. 16-169 (a)(1)(d) of the LDC that requires:

“Where residential developments abut a street right-of-way or designated open space abutting such rights-of-way, a bermed landscaped strip at least twenty (20) feet in width is required. Such landscaped strips shall contain a combination of berm and masonry or concrete wall at least six (6) feet in height where abutting a street right-of-way. The wall shall be set back ten (10) feet from the sidewalk. Low, mid, and upper level landscaping and one (1) tree per twenty-five (25) feet shall be planted on the exterior side of the wall. Walls required under this section shall conform to section 16-192.”

The request is to exempt the subject property’s western property line from this requirement. The applicant notes the request is the result of the eminent domain action taken by the City to acquire property for the purposes of a new public road. This effectively would require a new right-of-way buffer, where none was previously required. The condemnation in process accommodates the development of a public road to provide access from NW 30 Place to a proposed public park to be dedicated to the City, located south of the subject site. The application includes a cross section drawing of the proposed “after” condition and depicts the newly established right-of-way and modified western property line. The roadway design does include certain landscape elements such as a ten-foot (10’) landscape buffer, ten-foot (10’) multi-use path, and another twelve-foot (12’) landscape buffer on the opposite side of the path. Together, these enhance the roadway design and effectively provide a similar screening to meet the intent of the LDC. Of note, the subject property’s western yard is almost entirely developed as a stormwater management lake.

As a result of the condemnation, and in conjunction with the existing physical subject site conditions, the applicant notes a hardship in complying with the required right-of-way landscape buffer and therefore is requesting relief via the subject variance application.

Staff Evaluation

When being considered for a variance from a portion of the LDC, an applicant must demonstrate the seven (7) criteria are met pursuant to LDC Subsection 16-48(d)(1). The Variance request is analyzed in response to the seven (7) variance criteria below:

1. *That special conditions and circumstances exist affecting the land, structure or building involved preventing the reasonable use of said land, structure or building.*

The applicant states the property is impacted by the creation of a new right-of-way. Additionally, the applicant notes to require further modification of the remaining site would create an undue burden for the property owner and may require significant impacts to the current layout of the site.

2. *That the circumstances which cause the hardship are peculiar to the property or to such a small number of properties that they clearly constitute marked exceptions to other properties in the district.*

The applicant states the hardship is caused by a proposed condemnation of a portion of the property and its conversion to right-of-way. The portion of the private property that immediately abuts this new right-of-way is an existing lake area, making it impractical to plant trees or build a wall. The applicant further notes, the addition of this right-of-way in this manner is an uncommon occurrence as most public rights-of-way in the City of Sunrise are either already constructed, or at the very least, platted. The applicant also states, due to the uniqueness of the site conditions and the fact that the transfer of land is happening

via eminent domain authority, the strict implementation of the code cannot and should not be implemented on this site.

3. *That the literal interpretation of the provisions of this chapter would deprive the applicant of a substantial property right that is enjoyed by other property owners in the district. (It is of no importance whatsoever that the denial of the variance might deny to the property owner some opportunity to use the property in a more profitable way, or to sell it at a greater profit than is possible under the terms of this chapter.)*

The applicant states all but two properties that surround the former golf course to the south only have a single right-of-way frontage. This property currently only has one frontage, but the creation of the right-of-way will add a second frontage where none previously existed and thus require an additional buffer.

4. *That the hardship is not self-created or the result of mere disregard for, or ignorance of, the provisions of this chapter.*

The applicant states the hardship is not self-created but rather is created as a result of the condemnation of the western portion of the property. The applicant notes there is no correlation with any action taken to enlarge or modify the existing building, parking, lighting, or any other feature required of this development.

5. *That the variance is the minimum variance that will make possible the reasonable use of the property and that the variance will be in harmony with the general purposes and intent of this chapter and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.*

The applicant states the right-of-way buffer is the only new requirement based on the proposed bifurcation of the parcel for the right-of-way. No other relief is being sought. The new western boundary of the site will not differ much from the existing boundary. The lake will still exist and there is no construction proposed in this area. The applicant further states, the lack of the code required buffer will be limited to approximately 163 linear feet and will not have a significant impact to the safety or aesthetics of the area. The proposed roadway within the right-of-way provides a twelve (12) foot buffer on the east side of the sidewalk between the sidewalk and the lake bank. There is also a landscape buffer provided on the east side of the lake, between the west edge of the existing Golf View Gardens parking lot and the east lake edge of water. This existing landscape buffer varies between fifteen (15) and twenty-five (25) feet and contains existing mature trees.

6. *That granting the variance requested will not be detrimental to adjacent properties or adversely affect the public welfare. No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted use of land, structures or buildings in other districts shall be grounds for the issuance of a variance.*

The applicant states the request is not based on the condition of any other parcel. Only the impact from the new right-of-way creates the need for relief. The applicant further notes, as this is an existing parcel, the surrounding area will not be deprived of anything that wasn't already there. Instead, this relief would leave the property in a very similar condition as it is now.

7. *Under no circumstances shall the Board of Adjustment recommend a variance to permit a use not generally permitted in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.*

The applicant notes the property is an existing multi-family use and will continue to be a multi-family use. The approval of the relief would not have any impact on the use. Furthermore, as noted by the applicant, the variance is not use related and therefore the applicant is not seeking approval of any use expressly or by implication prohibited by the LDC, or this chapter, within this district.

Staff Recommendation to the Board of Adjustment. January 3, 2023

Staff finds this application meets all applicable requirements of the Land Development Code for granting the requested Variance to eliminate the requirement for right-off-way buffer and wall along the western property line of the subject property as required by Sec. 16-169(a)(1)d of the land development code. Therefore, staff recommends approval of the application.

Board of Adjustment Recommendation, January 3, 2023

At its meeting on January 3, 2023, the Board approved Staff's recommendation.

Final Staff Recommendation to the City Commission. January 24, 2023

Staff recommends approval of the application.

Planners: Kaitlyn Forbes, AICP, CNU-A, SEPI, Inc.
Matthue Goldstein, City of Sunrise

File Number: VAR-00453-2022 (94:06002-19)

Location Map

