



DEVELOPMENT REVIEW COMMITTEE (DRC) COMMENT REPORT

MEETING DATE: May 23, 2023

PROPERTY OWNER / APPLICANT: Cypress Creek Leaseholder, LLC. Florida Department of Transportation

AGENT: Elizabeth Tsouroukdissiar, Pulice Land Surveyors

PROJECT NAME: Cypress Creek West Plat

CASE NUMBER: UDP-P23002

REQUEST: Plat Review

LOCATION: 6000-6150 N. Andrews Avenue

ZONING: General Business District (B-2)

LAND USE: Commercial

CASE PLANNER: Nancy Garcia



Case Number: UDP-P23002

CASE COMMENTS:

Please provide a written response to each of the following comments:

1. Provide documentation for the right-of-way or easement vacation or abandonment of the following encumbrances.
 - a. 8'x80' Pedestrian Access Easement per plat 177/32
 - b. Water Easement per ORB 9065, Pg 68 and ORB 16743, Pg 227
 - c. 8'x80' +/- right-of-way dedication for Pedestrian Access landing Pad per Plat 177/62
2. The property survey shall be based on a Standard Title Commitment issued by a title insurer licensed to do business in Florida or an Opinion of Title issued by an attorney admitted to the Florida Bar. The title commitment or Opinion of Title must have an effective date no more than thirty days prior to the date of submittal of the survey and must be certified to the City of Fort Lauderdale. Provide copy of recorded documents related to any encumbrances/ restrictions within the property as indicated on Standard Title Commitment or Opinion of Title.
3. The proposed access opening on NW 60th Street should be relocated away from the curve as necessary to prevent conflict with the decision points and the burdening of the driver with the need for rapid decisions or maneuvers. In addition, the proposed location conflicts with the city of Fort Lauderdale Sight Triangle Sec. 47-2.2.Q and definition on Sec. 47-35.1.
4. Please provide a copy of Florida Department of Transportation (FDOT) Pre-Application.
5. Provide copy of latest corresponding Site Plan, so that it can be reviewed for consistency. Confirm that proposed NVAL driveway access openings shown on Plat are consistent with driveway access locations shown on Site Plan (if applicable); confirm that scope of Site Plan improvements is consistent with any land use restrictions shown on the Plat.
6. Indicate/discuss whether any easements may be required by the Zoning District for utility, public access, or amenities (determined by reviewing the appropriate Zoning District requirements). These easements shall be dedicated by plat rather than separate instruments later.
7. Plat review and approval from the City Surveyor is required prior to requesting a sign off from the engineering staff for the Planning & Zoning Board meeting. Please coordinate the City Surveyor review with engineering staff assigned to this case.

Additional comments may be forthcoming at the meeting.



Case Number: UDP-P23002

CASE COMMENTS:

1. According to the 2018 AASHTO greenbook driveways should not be placed within intersections influence area. Verify that the proposed access point is outside all minimum site triangles and other factors that may affect the intersections influence area such as queuing, turning movements etc.
2. Is it possible to have the driveway aligned with the Andrews Way approach?
3. Additional comments may be provided upon further review.

Case Number: UDP-P23002

CASE COMMENTS:

Please provide a response to the following:

1. Pursuant to Unified Land Development Regulation (ULDR), Section 47-24, the proposed plat requires review and recommendation by the Planning and Zoning Board and approval by the City Commission. A separate application and fee are required for PZ Board review, and a separate submittal is required for City Commission review. The applicant is responsible for all public notice requirements. Note: The City Clerk's office requires 48 hours notice prior to a City Commission meeting if a computer presentation is planned i.e. Power Point, to be provided on CD or flash drive and a copy submitted to the City Clerk, contact the project planner for more information at ngarcia@fortlauderdale.gov or 954-828-8958.
2. Pursuant to the State Statute 166.033(1) applications must be deemed approved, approved with conditions, or denied within 180 days, November 4, 2023, for applications subject to a quasi-judicial hearing or a public hearing, unless a mutually agreed upon time extension is established between the City and the applicant. Failure to meet the applicable timeframe or request an extension will result in the application being denied by the City and the applicant will be required to refile a new application and fees to proceed. The applicant has submitted a waiver to the timeline requirements.
3. The applicant is strongly encouraged to contact neighbors adjacent to, as well as condominium and neighborhood associations located within three hundred feet (300') of the development site, to advise of this proposal (a listing of officially recognized associations are provided on the City's website: <https://www.fortlauderdale.gov/departments/city-manager-s-office/office-of-neighbor-support/neighborhood-associations> and a map of neighborhood associations may be found at: <http://gis.fortlauderdale.gov>). Please provide acknowledgement and/or documentation of any public outreach.
4. The site is designated Commercial on the City's Future Land Use Map. The proposed commercial use is permitted in this land use designation, but the residential use is not permitted in this designation unless the applicant meets the requirements of ULDR, Section 47-23.16. This is not a determination on consistency with Comprehensive Plan Goals, Objectives, and Policies.
5. Please contact Karina Da Luz, Broward County Urban Planning Division at Kdaluz@broward.org or 954-357-6623 to ensure the proposed plat note language meets their standards before moving forward. Please provide staff with written response from the County.
6. Staff reserves the right review the plat again based on any changes made to the plat during full agency review. In addition, there is a concurrent site plan being reviewed, DRC Case No. UDP-S22083, which may need to be amended based on the plat review.
7. No final plat of any subdivision shall be approved unless the subdivider shall file with the City a surety bond executed by a surety company authorized to do business in the state and having a resident agent in the county, conditioned to secure the construction of the improvements required under this section, in a satisfactory manner and within a time period specified by the City Commission, such period not to exceed two (2) years. No such bond shall be accepted unless it is enforceable by or payable to the City in a sum at least equal to one and one-half (1½) times the cost of constructing the improvements as estimated by the City Engineer and in form with surety and conditions approved by the City Attorney. In lieu of a bond, cash deposit or other acceptable security may be made. In case of forfeiture, the City shall proceed with the improvements to the extent of the available money realized from such forfeiture.



8. Note, the plat proposes residential units which are subject to unit availability at the time of site plan approval on a first come, first served basis, as granted by the final approving body. Application submittal does not guarantee unit availability. According to the City's most recent Unified Flex Table, there are insufficient flex units to accommodate the project. Therefore, to develop residential units on the subject site the applicant may apply for units, as part of the site plan application, under the following requirements:
 - a. Per Unified Land Development Regulations (ULDR) Section 47-23.16.B.2.c, Broward County Land Use Plan (BCLUP) Permitted Density Bonus for Affordable Housing, bonus residential density can be applied to access residential units if the development includes a component of affordable housing or provides a payment in lieu.
 - b. Per ULDR Section 47-23.16.D.8, Payment In-Lieu of Affordable Housing, applicants providing a payment in-lieu of affordable housing development shall provide a calculation breakdown of the payment in-lieu fee. In-lieu payments shall be equally split between the Broward County Affordable Housing Trust Fund and the City of Fort Lauderdale Affordable Housing Trust Fund. At the time of building permit issuance, 50% of the total payment in-lieu of fee shall be paid to the City of Fort Lauderdale and 50% of the total payment shall be paid to Broward County.
 - c. Per ULDR Section 47-23.16.B.2.c, BCLUP Permitted Density Bonus for Affordable Housing, residential units can be applied for when demonstrating compliance with the affordability requirements of Section 47-23.16.B.2.c, by providing a point-by-point narrative.
 - d. Per ULDR Section 47-23.16, Affordable Housing Regulations, applicants seeking incentives shall provide an Affordable Housing Development Plan, as outlined in Section 47-23.16.D.1., Application and Affordable Housing Development Plan, to be reviewed and approved by staff during the Development Review Committee (DRC) process. Additionally, the applicant shall provide an Affordable Housing Development Agreement, per Section 47-23.16.D.2, Affordable Housing Development Agreement and Deed Restriction, to be recorded prior to the issuance of building permits.
 - e. Per ULDR Section 7-23.16.D.6, Annual Affidavit, the applicant shall provide an annual affidavit certifying rental affordable housing units are leased to eligible persons or households. The affidavit shall state the number of units required to be set-aside, required income levels, the monthly rent for each unit, monthly income for tenants of each affordable unit, and other information as required by the City.
9. Pursuant to ULDR, Section 47-24.5.D.1.n, all existing Right-of-Way Easements, Ingress/Egress Easements, City and Private Utility Easements, etc. within the property shall be accurately shown and labeled on Plat. Please confirm if there are any additional easements that may need to be dedicated to the City, including utility easement(s) that allow the City perpetual maintenance access to existing public sewer, storm drain, and water infrastructure located within the proposed development plat rather than separate instruments.
10. The proposed site plan notes various easements that are "to be abandoned". Provide documentation for the right-of-way or easement vacation or abandonment of the following instruments:
 - a. 8'x80' Pedestrian Access Easement (Per plat 177/32)
 - b. Water Easement (Per ORB 9065, Pg 68 and ORB 16743, Pg 227)
 - c. 8'x80' +/- right-of-way dedication for Pedestrian Access landing Pad (Per Plat 177/62)



11. The proposed access opening on NW 60th Street should be relocated away from the curve to prevent anticipated conflicts in maneuver for future vehicular drivers.
12. Pursuant to ULDR, Section 47-25.2.M.5, the application may be subject to a dedication of right-of-way per the Broward County Trafficways Plan (North Andrews Avenue & Cypress Creek Road). The dedication shall be depicted on the plat/plans and noted as dedication. Setbacks and other applicable ULDR measurements must be measured from the new property line.
13. This plat is proposing residential units which will be subject to a park impact fee based on the number of units indicated in the plat note. Note, the impact fee must be paid prior to issuance of a building permit for the project.

GENERAL COMMENTS

The following comments are for informational purposes.

1. A Site Plan application has not been submitted for the subject parcel. Upon completion of the plating process the applicant will be able to submit a site plan application.
2. An additional follow-up coordination meeting may be required to review project changes necessitated by the DRC comments.
3. Additional comments may be forthcoming at the DRC meeting.



PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FL 33351

Phone: (954) 572-1777 Fax: (954) 572-1778
www.pulicelandsurveyors.com



March 6, 2025

Ms. Nancy Garcia, Case Planner
Urban Design and Planning Division
City of Fort Lauderdale
700 NW 19th Avenue
Fort Lauderdale, FL 33301

RE: "CYPRESS CREEK WEST" PLAT – Case No. UDP-P23002

Dear Ms. Garcia,

Please accept this letter as a response to an ongoing project known as Waypoint Aspire, located at the southeast corner of E. Cypress Creek Road and N. Andrews Avenue. DRC comments were issued on May 23rd of 2023 in reference to the above-referenced Plat, which is associated with this project. Applicant is proposing to redevelop the current FDOT "park-and-ride" parcel on this location to construct a mixed-use complex together with the eastern portion of said parking lot, which falls within the City of Oakland Park. This application is running along a Land Use Plan Amendment, to be finalized soon.

Following, we reproduce all DRC comments with our responses **in bold** for your convenience.

URBAN DESIGN AND PLANNING

1. Pursuant to Unified Land Development Regulation (ULDR), Section 47-24, the proposed plat requires review and recommendation by the Planning and Zoning Board and approval by the City Commission. A separate application and fee are required for PZ Board review, and a separate submittal is required for City Commission review. The applicant is responsible for all public notice requirements. Note: The City Clerk's office requires 48 hours notice prior to a City Commission meeting if a computer presentation is planned i.e. Power Point, to be provided on CD or flash drive and a copy submitted to the City Clerk, contact the project planner for more information at ngarcia@fortlauderdale.gov or 954-828-8958.

RESPONSE: Acknowledged; the applicable fee for Planning & Zoning Board review will be submitted as required.

2. Pursuant to the State Statute 166.033(1) applications must be deemed approved, approved with conditions, or denied within 180 days, November 4, 2023, for applications subject to a quasi-judicial hearing or a public hearing, unless a mutually agreed upon time extension is established between the City and the applicant. Failure to meet the applicable timeframe or request an extension will result in the application being denied by the City and the applicant will be required to refile a new application and fees to proceed. The applicant has submitted a waiver to the timeline requirements.

RESPONSE: A waiver request of State Statute 166.033(1) was provided via e-mail on 5/08/23.

3. The applicant is strongly encouraged to contact neighbors adjacent to, as well as condominium and neighborhood associations located within three hundred feet (300') of the development site, to advise of this proposal (a listing of officially recognized associations are provided on the City's website, as well as a map of neighborhood associations). Please provide acknowledgement and/or documentation of any public outreach.

RESPONSE: There are no City recognized neighborhood associations within 300 feet of the proposed site. However, a public participation meeting was conducted on 7/13/23 in relation

to the Site Plan and Rezoning for this project. The Public Participation Summary is included in the upload.

4. The site is designated Commercial on the City's Future Land Use Map. The proposed commercial use is permitted in this land use designation, but the residential use is not permitted in this designation unless the applicant meets the requirements of ULDR, Section 47-23.16. This is not a determination on consistency with Comprehensive Plan Goals, Objectives, and Policies.

RESPONSE: A Land Use Plan Amendment (LUPA) to change the land use designation from Commercial to TOD was adopted by Broward County Commission in February 11, 2025 and by the City Commission on March 4, 2025. The TOD was approved with over 4,000 units therefore there is sufficient number of units to allocate to this Plat.

5. Please contact Karina Da Luz, Broward County Urban Planning Division at Kdaluz@broward.org or 954-357-6623 to ensure the proposed plat note language meets their standards before moving forward. Please provide staff with written response from the County.

RESPONSE: Karina Da Luz is no longer working at Broward County. However, we discussed this Plat during the pre-application meeting with County Staff (the current Planning Section Supervisor is Jennifer Lu-Chong: JLUCHONG@broward.org) and subsequently filed the application, which is under review. The proposed Plat Note language is acceptable now that the LUPA has been approved.

6. Staff reserves the right review the plat again based on any changes made to the plat during full agency review. In addition, there is a concurrent site plan being reviewed, DRC Case No. UDP-S22083, which may need to be amended based on the plat review.

RESPONSE: Acknowledged.

7. No final plat of any subdivision shall be approved unless the subdivider shall file with the City a surety bond executed by a surety company authorized to do business in the state and having a resident agent in the county, conditioned to secure the construction of the improvements required under this section, in a satisfactory manner and within a time period specified by the City Commission, such period not to exceed two (2) years. No such bond shall be accepted unless it is enforceable by or payable to the City in a sum at least equal to one and one-half (1½) times the cost of constructing the improvements as estimated by the City Engineer and in form with surety and conditions approved by the City Attorney. In lieu of a bond, cash deposit or other acceptable security may be made. In case of forfeiture, the City shall proceed with the improvements to the extent of the available money realized from such forfeiture.

RESPONSE: The adjacent rights-of-way are under the jurisdiction of Broward County, and appropriate sureties will be made directly to Broward County prior to recordation of the Plat (as required by Broward County). The City does not have jurisdiction over any right-of-way improvements as to this Plat.

8. Note, the plat proposes residential units which are subject to unit availability at the time of site plan approval on a first come, first served basis, as granted by the final approving body. Application submittal does not guarantee unit availability. According to the City's most recent Unified Flex Table, there are insufficient flex units to accommodate the project. Therefore, to develop residential units on the subject site the applicant may apply for units, as part of the site plan application, under the following requirements:

a. Per Unified Land Development Regulations (ULDR) Section 47-23.16.B.2.c, Broward County Land Use Plan (BCLUP) Permitted Density Bonus for Affordable Housing, bonus residential density can be applied to access residential units if the development includes a component of affordable housing or provides a payment in lieu.

b. Per ULDR Section 47-23.16.D.8, Payment In-Lieu of Affordable Housing, applicants providing a payment in-lieu of affordable housing development shall provide a calculation breakdown of the

payment in-lieu fee. In-lieu payments shall be equally split between the Broward County Affordable Housing Trust Fund and the City of Fort Lauderdale Affordable Housing Trust Fund. At the time of building permit issuance, 50% of the total payment in-lieu of fee shall be paid to the City of Fort Lauderdale and 50% of the total payment shall be paid to Broward County.

c. Per ULDR Section 47-23.16.B.2.c, BCLUP Permitted Density Bonus for Affordable Housing, residential units can be applied for when demonstrating compliance with the affordability requirements of Section 47-23.16.B.2.c, by providing a point-by-point narrative.

d. Per ULDR Section 47-23.16, Affordable Housing Regulations, applicants seeking incentives shall provide an Affordable Housing Development Plan, as outlined in Section 47-23.16.D.1., Application and Affordable Housing Development Plan, to be reviewed and approved by staff during the Development Review Committee (DRC) process. Additionally, the applicant shall provide an Affordable Housing Development Agreement, per Section 47-23.16.D.2, Affordable Housing Development Agreement and Deed Restriction, to be recorded prior to the issuance of building permits.

e. Per ULDR Section 7-23.16.D.6, Annual Affidavit, the applicant shall provide an annual affidavit certifying rental affordable housing units are leased to eligible persons or households. The affidavit shall state the number of units required to be set-aside, required income levels, the monthly rent for each unit, monthly income for tenants of each affordable unit, and other information as required by the City.

RESPONSE: The above provisions are not applicable to this site. The LUPA approved by the County and City provides for over 4,000 units for the TOD; therefore, the Applicant is drawing from the newly enacted TOD unit pool.

9. Pursuant to ULDR, Section 47-24.5.D.1.n, all existing Right-of-Way Easements, Ingress/Egress Easements, City and Private Utility Easements, etc. within the property shall be accurately shown and labeled on Plat. Please confirm if there are any additional easements that may need to be dedicated to the City, including utility easement(s) that allow the City perpetual maintenance access to existing public sewer, storm drain, and water infrastructure located within the proposed development plat rather than separate instruments.

RESPONSE: All existing easements are depicted on the Plat, with the addition of a sidewalk easement that was deemed necessary. Required utility or drainage easements, if any, will be provided by separate instrument.

10. The proposed site plan notes various easements that are "to be abandoned". Provide documentation for the right-of-way or easement vacation or abandonment of the following instruments:

a. 8'x80' Pedestrian Access Easement (Per plat 177/32)

RESPONSE: This was dedicated per the underlying Plat. Upon recordation of this new Plat, the pedestrian access easement automatically vacates the underlying easement.

b. Water Easements (Per ORB 9065, Pg 68 and ORB 16743, Pg 227)

RESPONSE: These will remain shown on the Plat as they will not be vacated until after the utilities are relocated. The vacation is directly with Broward County since these water easements were directly granted to Broward County.

c. 8'x80'+/- right-of-way dedication for Pedestrian Access landing Pad (Per Plat 177/32)

RESPONSE: No changes are proposed. This continues to be accommodated on the new Plat.

11. The proposed access opening on NW 60th Street should be relocated away from the curve to prevent anticipated conflicts in maneuver for future vehicular drivers.

RESPONSE: This was discussed in the Site Plan process, and the Applicant is proposing the access point on NW 60th Street to remain so buses will have access to the garage.

County Engineering and Broward County Transit are fine with the access opening as shown.

12. Pursuant to ULDR, Section 47-25.2.M.5, the application may be subject to a dedication of right-of-way per the Broward County Trafficways Plan (North Andrews Avenue & Cypress Creek Road). The dedication shall be depicted on the plat/plans and noted as dedication. Setbacks and other applicable ULDR measurements must be measured from the new property line.

RESPONSE: The Plat now shows Broward County's requirement of the dedication of additional right-of-way for:

- i. **Corner chord on Andrews Avenue and Cypress Creek Road.**
- ii. **Corner chord on Andrews Avenue and NW 60th Street.**
- iii. **Additional right-of-way for right turn lane on Cypress Creek Road.**

Site Plan and setback calculations were taken from the ultimate right-of-way line.

13. This plat is proposing residential units which will be subject to a park impact fee based on the number of units indicated in the plat note. Note, the impact fee must be paid prior to issuance of a building permit for the project.

RESPONSE: Acknowledged.

GENERAL COMMENTS:

The following comments are for informational purposes.

1. A Site Plan application has not been submitted for the subject parcel. Upon completion of the platting process the applicant will be able to submit a site plan application.
2. An additional follow-up coordination meeting may be required to review project changes necessitated by the DRC comments.
3. Additional comments may be forthcoming at the DRC meeting.

ENGINEERING

1. Provide documentation for the right-of-way or easement vacation or abandonment of the following encumbrances.

- a. 8'x80' Pedestrian Access Easement per plat 177/32
- b. Water Easement per ORB 9065, Pg 68 and ORB 16743, Pg 227
- c. 8'x80'+/- right-of-way dedication for Pedestrian Access landing Pad per Plat 177/32

RESPONSE: Dedications provided by the underlying Lightspeed Broward Center Plat (Plat Book 177, Page 32) will become null and void with the new Cypress Creek West Plat without the need of vacating said dedications, as they are being vacated "by plat". Easements created by OR Book 9065, Page 68 and OR Book 16743, Page 227 are easements granted directly to Broward County, and as is customary, Applicant works directly with the County to vacate/remove these upon relocation of any utilities. This will not be completed until building permit phase, as the County requires the utilities to be relocated prior to agreeing to vacate.

2. The property survey shall be based on a Standard Title Commitment issued by a title insurer licensed to do business in Florida or an Opinion of Title issued by an attorney admitted to the Florida Bar. The title commitment or Opinion of Title must have an effective date no more than thirty days prior to the date of submittal of the survey and must be certified to the City of Fort Lauderdale. Provide copy of recorded documents related to any encumbrances/restrictions within the property as indicated on Standard Title Commitment or Opinion of Title.

RESPONSE: Please see Title Certificate (Opinion of Title) and documents uploaded with this resubmittal. Note that the water easements (granted to Broward County) will be abandoned directly with Broward County upon relocation of the infrastructure. Additionally, the FPL easements will be relocated and terminated directly with FPL.

3. The proposed access opening on NW 60th Street should be relocated away from the curve as necessary to prevent conflict with the decision points and the burdening of the driver with the need for rapid decisions or maneuvers. In addition, the proposed location conflicts with the city of Fort Lauderdale Sight Triangle Sec. 47-2.2.Q and definition on Sec. 47-35.1.

RESPONSE: Please refer to UDP comment #11 above.

4. Please provide a copy of Florida Department of Transportation (FDOT) Pre-Application.

RESPONSE: An FDOT pre-application letter is not needed for this Plat since there is no access opening shown on this Plat to an FDOT right-of-way. However, the adjacent development to the east (located in Oakland Park) obtained a pre-application letter from FDOT for its proposed platted opening. A copy of this letter is included in this resubmittal.

5. Provide copy of latest corresponding Site Plan, so that it can be reviewed for consistency. Confirm that proposed NVAL driveway access openings shown on Plat are consistent with driveway access locations shown on Site Plan (if applicable); confirm that scope of Site Plan improvements is consistent with any land use restrictions shown on the Plat.

RESPONSE: The latest version of the Site Plan is being provided with this resubmittal. The Site Plan and Plat are consistent with one another.

6. Indicate/discuss whether any easements may be required by the Zoning District for utility, public access, or amenities (determined by reviewing the appropriate Zoning District requirements). These easements shall be dedicated by plat rather than separate instruments later.

RESPONSE: The only easement required by Site Plan review is a pedestrian easement for the portion of the 10' sidewalk along Andrews Avenue as shown on the Plat.

7. Plat review and approval from the City Surveyor is required prior to requesting a sign off from the engineering staff for the Planning & Zoning Board meeting. Please coordinate the City Surveyor review with engineering staff assigned to this case.

RESPONSE: Acknowledged.

TRAFFIC ENGINEERING

1. According to the 2018 AASHTO greenbook driveways should not be placed within intersections influence area. Verify that the proposed access point is outside all minimum site triangles and other factors that may affect the intersections influence area such as queuing, turning movements etc.

RESPONSE: This aspect has been reviewed with the Site Plan.

2. Is it possible to have the driveway aligned with the Andrews Way approach?

RESPONSE: The driveway was approved by Broward County and Broward County Transit; therefore, we would like to keep the alignment as shown on the proposed Plat.

3. Additional comments may be provided upon further review.

RESPONSE: Acknowledged.

This concludes our responses to DRC comments. Thank you for your assistance with this project and if there are any questions or if we can be of further assistance, please give us a call.

For **PULICE LAND SURVEYORS, INC.**



Elizabeth Tsouroukdissian
Platting Assistant