

ORDINANCE NO. C-21-04

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, RESCINDING ORDINANCE NO. C-02-11, AS AMENDED BY ORDINANCE NO. C-07-100, WHICH ORDINANCE AMENDED AND RESTATED THE DEVELOPMENT OF REGIONAL IMPACT (DRI) DEVELOPMENT ORDER FOR THE COMMONS AT CYPRESS CREEK DEVELOPMENT OF REGIONAL IMPACT LOCATED SOUTH OF CYPRESS CREEK ROAD, NORTH OF N.W. 60<sup>TH</sup> STREET, EAST OF ANDREWS AVENUE AND WEST OF I-95 WITHIN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, the Commons at Cypress Creek Development of Regional Impact (DRI) development order was approved by the City Commission of the City of Fort Lauderdale ("City") by the adoption of Ordinance No. C-02-11 on June 18, 2002 ("Development Order"), subsequently amended by Ordinance No. C-07-100 on October 16, 2007; and

WHEREAS, pursuant to the Development Order, the Commons at Cypress Creek DRI was approved for 730,000 square feet of office space, 250,000 square feet of communications facility, 40,000 square feet of retail space, a 400-room hotel, 556 parking spaces as part of a park-and-ride lot, and the construction of a pedestrian bridge over Andrews Avenue; and

WHEREAS, the DRI consists of approximately 11.5 acres of land, 5.1 acres of which is located within the City of Fort Lauderdale and the remaining land located within the City of Oakland Park, Florida; and

WHEREAS, the Commons at Cypress Creek DRI was developed at an intensity less than that originally approved; and

WHEREAS, currently, the DRI contains surface parking as part of an existing Florida Department of Transportation ("FDOT") park-and-ride lot; and

WHEREAS, there exists an Interlocal Agreement (ILA) between the City of Fort Lauderdale and the City of Oakland Park relating to the DRI which will either be amended or dissolved upon passage of this ordinance; and

WHEREAS, applicant, Cypress Creek Partners, LLC, has requested the recession of the Development Order pursuant to Section 380.115(1)(b), Florida Statutes; and

WHEREAS, the applicant is proposing future development plans that are far less than the intensity established in the original DRI Development and is therefore requesting to rescind the DRI;

WHEREAS, applicant has submitted to the City documentation regarding the existing development of the Commons at Cypress Creek DRI; and

WHEREAS, the City has reviewed the documentation presented by the applicant and after complying with all applicable notice requirements, has conducted a public hearing and determined that applicant's request to rescind the Development Order is consistent with Section 380, Florida Statutes, and accordingly the developer is entitled to such rescission;

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

SECTION 1. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed and made a part of this Ordinance.

SECTION 2. That Applicant has submitted all documentation required under Section 380.115(1)(b), Florida Statutes, for the City to rescind the Development Order including documentation of the satisfaction of all required mitigation under the Development Order relating to the amount of existing development in the Commons at Cypress Creek Development of Regional Impact.

SECTION 3. That Ordinance No. C-02-11 on June 18, 2002, as amended, is hereby rescinded and shall be of no further force and effect. This rescission of the Development Order does not affect the effectiveness and requirements of any other local government approvals, permits, development orders, zoning or land use approvals.

SECTION 4. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 5. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

PASSED FIRST READING this 5<sup>th</sup> day of January, 2021.

PASSED SECOND READING this \_\_\_\_ day of \_\_\_\_\_, 2021.

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Mayor  
DEAN J. TRANTALIS

ATTEST:

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City Clerk  
JEFFREY A. MODARELLI