

RESOLUTION NO. 15-55

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DETERMINING A PROPOSED CHANGE TO THE NEW RIVER CENTER FLORIDA QUALITY DEVELOPMENT ORDER ("FQDO") ISSUED BY THE STATE OF FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY, TO REMOVE PARCEL "C" FROM THE FQDO, IS NOT A SUBSTANTIAL CHANGE AS DEFINED IN SECTION 73C-42.024 OF THE FLORIDA ADMINISTRATIVE CODE AND EXPRESSING NO OBJECTION TO THE MODIFICATION OF THE DEVELOPMENT ORDER.

WHEREAS, pursuant to Resolution No. 89-105 adopted on April 18, 1989, the City Commission recommended that the New River Center development be designated under the Florida Quality Development Program as provided in Section 380.061, Florida Statutes, and approved the issuance of a development order for the project; and

WHEREAS, the Department of Community Affairs, now known as the Department of Economic Opportunity issued the Development Order for the New River Center Florida Quality Development ("FQD") on May 5, 1989; and

WHEREAS, pursuant to Resolution No. 93-185 adopted on November 2, 1993, the City Commission recommended an amendment to the FQDO to extend the buildout date for the FQD until December 31, 2003; and

WHEREAS, on November 17, 1993 the Department of Economic Opportunity approved the amendment to the FQDO; and

WHEREAS, pursuant to Resolution No. 96-108 adopted on July 2, 1996, the City Commission recommended a second amendment to the FQDO to revise the fair share obligation, revise the phasing for the project and authorize the development of 300 residential units within the FQD; and

WHEREAS, on September 19, 1996 the Department of Economic Opportunity approved the Second Amendment to the FQDO; and

WHEREAS, pursuant to Resolution No. 97-156 adopted on October 7, 1997, the City Commission recommended a third amendment to the FQDO to authorize the increase of the number of residential units within the FQD; and

WHEREAS, on October 16, 1997, the Department of Economic Opportunity approved the Third Amendment to the FQDO; and

WHEREAS, pursuant to Resolution No. 05-147 adopted on September 7, 2005, the City Commission recommended a fourth amendment to the FQDO to extend the buildout date for the FQD to December 31, 2008 to reduce the amount of office development in Phase II and provide for Bi-annual reports; and

WHEREAS, on April 18, 2006, the Department of Economic Opportunity approved the Fourth Amendment to the FQDO; and

WHEREAS, the applicant, Riverwalk Center I Joint Venture, has submitted an application for an amendment to the FQDO to remove Parcel "C" from the FQD; and

WHEREAS, the amendment to the FQDO has been reviewed and recommended for approval by the Department of Sustainable Development of the City of Fort Lauderdale and the South Florida Regional Planning Council as they have determined that the proposed change is not a substantial change as defined in Section 73C-42.024 of the Florida Administrative Code; and

WHEREAS, the application has been reviewed and the City Commission of the City of Fort Lauderdale has found that the amendment to the FQDO does not constitute a substantial change as defined in Section 73C-42.024;


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

SECTION 1. That each WHEREAS clause set forth above is true and correct and herein incorporated by this reference.


SECTION 2. That the City Commission of the City of Fort Lauderdale, Florida hereby finds that the proposed change to the FQDO is not a substantial change as defined in Section 73C-42.024 of the Florida Administrative Code.

SECTION 3. That the City Commission of the City of Fort Lauderdale, Florida hereby expresses no objection to the modification of the FQDO for the New River Center Florida Quality Development by the State of Florida Department of Economic Opportunity as shown in the Exhibit attached hereto and incorporated herein.

ADOPTED this the 17th day of March, 2015.

  
\_\_\_\_\_  
Mayor  
JOHN P. "JACK" SEILER

ATTEST:

  
\_\_\_\_\_  
City Clerk  
JONDA K. JOSEPH

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STATE OF FLORIDA  
DEPARTMENT OF ECONOMIC OPPORTUNITY  
DIVISION OF COMMUNITY PLANNING & DEVELOPMENT  
The Caldwell Building, MSC 160  
107 East Madison Street  
Tallahassee, Florida 32399

**NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED  
FLORIDA QUALITY DEVELOPMENT (FQD)  
SUBSECTION 380.061, FLORIDA STATUTES**

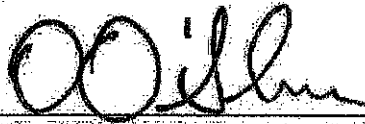
Subsection 380.06(19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

1. I, Dennis F. O'Shea, the undersigned owner/authorized representative of Riverwalk Center I Joint Venture (developer) of Parcel C of the New River Center Florida Quality Development, hereby give notice of a proposed change to a previously approved Florida Quality Development in accordance with Subsection 380.061, Florida Statutes. In support thereof, I submit the following information concerning the New River Center Florida Quality Development, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to the City of Ft. Lauderdale,  
(local government)

to the South Florida Regional Planning Council, and to the Bureau of Community  
Planning, Department of Economic Opportunity.

1/30/15

Date



Signature

PLEASE NOTE: ALL RESPONSES ARE HIGHLIGHTED BELOW

2. Applicant (name, address, phone). Riverwalk Center I Joint Venture; Address: Tribune Real Estate Holdings, LLC., 435 N. Michigan Ave., 6<sup>th</sup> Floor; Attn: Rita DeBoer; Chicago, IL 60611
3. Authorized Agent (name, address, phone). Stiles Corporation, 301 East Las Olas Blvd., Ft. Lauderdale, FL, 33301; Contact: Dennis F. O'Shea, General Counsel, 954 627 9345.
4. Location (City, County, Township/Range/Section) of approved DRI and proposed change. Ft. Lauderdale, Broward County, Township 50 South, Range 42 East, Section 10.
5. Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or to the representations contained in either the development order or the Application for Development Approval. The proposed change is merely the removal of a specific portion of land (Parcel "C") of the New River Center Plat contained within the originally approved FQD. The New River Center Plat contains all of the land that was subject to the New River Center FQD. The build out date to develop Parcel C was terminated as of December 31, 2003, pursuant to the Fourth Amendment to Development Order for the FQD and said Fourth Amendment also made the determination that the FQD project, "does not include Parcel C as referenced in Paragraph 1 as referenced in Paragraph 1 of this Fourth Amendment." The Fourth Amendment to the FQD is attached for ease in reference as Exhibit 1.

Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Parcel C of the FQD was never vertically developed and presently only serves as a surface parking lot. The New River Center Plat is attached as Exhibit 2 and Parcel C has been highlighted for ease in reference. Additional information may be requested by the Department or any reviewing agency to clarify the nature of the change or the resulting impacts.

6. Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, indicate no change. Please see attached Substantial Deviation Chart responses.
7. List all the dates and resolution numbers (or other appropriate identification numbers) of all modifications or amendments to the originally approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e., any information not already addressed in the Substantial Deviation Determination Chart). Please see attached Exhibit 3. Has there been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued? No, but Broward County and Ft. Lauderdale are now designated as a Dense Urban Areas exempt from DRI review and there is also a Regional

Activity Center in Place that encompasses the Property. If so, has the annexing local government adopted a new DRI development order for the project?

8. Describe any lands purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within 1/2 mile on a project master site plan or other map. Within the original FQD site, on October 16, 2000 One Las Olas Ltd. Purchased Parcel A and portion of Partial D, from Smith Property Holdings Las Olas Tower L.L.C. On March 14, 2002, East Las Olas, Ltd, and 100 East Las Olas Ltd purchased the remaining portion of Parcel A from Riverwalk Group, LLC. On December 18, 2014, PRII SR 200 East Las Olas Venture , LLC bought Parcel B from Lauderdale River, Inc., a Texas Corporation.
9. Indicate if the proposed change is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes. Yes.

<p>Do you believe this notification of change proposes a change which meets the criteria of Subparagraph 380.06(19)(e)2., F.S.</p> <p>YES <input checked="" type="checkbox"/>, this NOPC does not constitute a Substantial Deviation.</p> <p>NO <input type="checkbox"/></p>
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10. Does the proposed change result in a change to the buildout date or any phasing date of the project? No. If so, indicate the proposed new buildout or phasing dates.
11. Will the proposed change require an amendment to the local government comprehensive plan? No.

Provide the following for incorporation into such an amended development order, pursuant to Subsections 380.06 (15), F.S., and 73-40.025, Florida Administrative Code:

12. An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or development order conditions. The New River Center Plat (Exhibit 2) with the depicted removal of Parcel C from the FQD best portrays the proposed change.
13. Pursuant to Subsection 380.06(19)(f), F.S., include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify:

The proposed language for this non substantial deviation would be:

NOW, THEREFORE, BE IT ORDERED BY THE BUREAU OF COMMUNITY PLANNING, DEPARTMENT OF ECONOMIC OPPORTUNITY THAT THE MAY 5, 1989 NEW RIVER CENTER AMENDED AND RESTATED DEVELOPMENT ORDER IS HERBY AMENDED AS FOLLOWS:

1. General Provision III of the Development Order is hereby amended as follows. The fifth sentence shall now read:
2. The right to develop subject to the terms, general provisions and conditions of this Development shall terminate on December 31, 2008, unless otherwise extended in accordance with the provisions of Paragraph III.H.4 herein. Parcel C of the New River Center FQD is removed from said FQD and is no longer subject to the terms and conditions contained therein.
  - a. All proposed specific changes to the nature, phasing, and build-out date of the development; to development order conditions and requirements; to commitments and representations in the Application for Development Approval; to the acreage attributable to each described proposed change of land use, open space, areas for preservation, green belts; to structures or to other improvements including locations, square footage, number of units; and other major characteristics or components of the proposed change; No longer applicable given removal of Parcel C from the FQD.
  - b. An updated legal description of the property, if any project acreage is/has been added or deleted to the previously approved plan of development; Please see

attached Exhibit 4.

- c. A proposed amended development order deadline for commencing physical development of the proposed changes, if applicable; Not applicable.
- d. A proposed amended development order termination date that reasonably reflects the time required to complete the development; Not applicable.
- e. A proposed amended development order date until which the local government agrees that the changes to the DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, if applicable; Not applicable, and
- f. Proposed amended development order specifications for the annual report, including the date of submission, contents, and parties to whom the report is submitted as specified in Subsection 73C-40.025 (7), F.A.C. Not applicable.



**SUBSTANTIAL DEVIATION DETERMINATION CHART**

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Attraction/Recreation	# Parking Spaces			
	# Spectators			
	# Seats			
<b>NOT APPLICABLE</b>	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	External Vehicle Trips			
	D.O. Conditions			
	ADA Representations			
	Runway (length)			
	Runway (strength)			
	Terminal (gross square feet)			
	# Parking Spaces			
	# Gates			
<b>NOT APPLICABLE</b>	Apron Area (gross square feet)			
	Site locational changes			
<b>NOT APPLICABLE</b>	Airport Acreage, including drainage, ROW, easements, etc.			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

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**SUBSTANTIAL DEVIATION DETERMINATION CHART**

Airports (cont.)	# External Vehicle Trips D.O. Conditions ADA representations	# Beds # Parking Spaces	Building (gross square feet) Site locational changes	Acreage, including drainage, ROW, easements, etc.	External Vehicle Trips D.O. conditions ADA representations	Acreage, including drainage, ROW, easements, etc.	# Parking spaces Building (gross square feet)	# Employees chemical storage (barrels and pounds)	Site locational changes
Hospitals	<b>NOT APPLICABLE</b>								
Industrial	<b>NOT APPLICABLE</b>								

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

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**SUBSTANTIAL DEVIATION DETERMINATION CHART**

Industrial (cont.)	# External vehicle trips			
	D.O. Conditions			
Mining Operations	ADA representations			
	Acreage mined (year)			
<b>NOT APPLICABLE</b>	Water withdrawal (gal/day)			
	Size of mine (acres), including drainage, ROW, easements, etc.			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
	Acreage, including drainage, ROW, easements, etc.			
<b>NO CHANGE</b>	Building (gross square feet)			
	# Parking Spaces			
	# Employees			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
	Office			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

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**SUBSTANTIAL DEVIATION DETERMINATION CHART**

Office (cont.)	ADA representations		
Petroleum/Chemical Storage	Storage Capacity (barrels and/or pounds)		
	Distance to Navigable Waters (feet)		
<b>NOT APPLICABLE</b>	Site locations changes		
	Facility Acreage, including drainage, ROW, easements, ect.		
	# External vehicle trips		
	D.O. Conditions		
	ADA representations		
Ports (Marinas)	# Boats, wet storage		
	# Boats, dry storage		
<b>NOT APPLICABLE</b>	Dredge and fill (cu. yds.)		
	Petroleum storage (gals.)		
	Site locational changes		
	Port Acreage, including drainage, ROW, easements, etc.		
	# External vehicle trips		
	D.O. Conditions		
	ADA representations		

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

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**SUBSTANTIAL DEVIATION DETERMINATION CHART**

Residential	# Dwelling units			
	Type of dwelling units			
	# of lots			
	Acreage, including drainage, ROW, easements, etc.			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
	Acreage, including drainage, ROW, easements, etc.			
	Floor Space (gross square feet)			
	# Parking Spaces			
Wholesale, Retail, Service	# Employees			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
NO CHANGE				

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

**SUBSTANTIAL DEVIATION DETERMINATION CHART**

Hotel/Motel	# Rental Units				
NOT APPLICABLE	Floor space (gross square feet)				
	# Parking Places				
	# Employees				
	Site locational changes				
	Acreage, including drainage, ROW, easements, etc.				
	# External vehicle trips				
	D.O. Conditions				
	ADA representations				
	R. V. Park	Acreage, including drainage, ROW, easements, etc.			
		# Parking Spaces			
Buildings (gross square feet)					
# Employees					
Site locational changes					
# External vehicle trips					
D.O. conditions					
ADA representations					

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

**SUBSTANTIAL DEVIATION DETERMINATION CHART**

Open Space (All natural and vegetated non-impervious surfaces)	Acreage			
	Site locational changes			
<b>NOT APPLICABLE</b>	Type of open space			
	D.O. Conditions			
	ADA representations			
Preservation, Buffer or Special Protection Areas Preservation (cont.)	Acreage			
	Site locational changes			
	Development of site proposed			
	D.O. Conditions			
	ADA representations			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

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