



**CITY OF FORT LAUDERDALE**  
**City Commission Agenda Memo**  
**REGULAR MEETING**

**#16-0583**

**TO:** Honorable Mayor & Members of the  
Fort Lauderdale City Commission

**FROM:** Lee R. Feldman, ICMA-CM, City Manager

**DATE:** September 7, 2016

**TITLE:** Motion to Approve Execution of First Amendment to Education Mitigation Agreement with Broward County, the City of Fort Lauderdale, and the School Board of Broward County, Florida for the Downtown Regional Activity Center (RAC)

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**Recommendation**

It is recommended that the City Commission approve execution of First Amendment to Education Mitigation Agreement with School Board of Broward County and Broward County for the Downtown Regional Activity Center (RAC) in substantially the form attached.

**Background**

In July 2014, the City of Fort Lauderdale processed a Land Use Amendment (LUPA) application to the Downtown RAC to increase the residential density from 11,060 dwelling units to 16,060 dwelling units (5,000 new dwelling units). The Broward County Charter outlines that proposed LUPA applications demonstrate substantial conformity with the Broward County Land Use Plan, including maintaining level of service for public schools.

During the review of the City's LUPA application, Broward County School Board staff indicated that the LUPA approval should be contingent on the City amending the existing Educational Mitigation Agreement between Broward County, the City of Fort Lauderdale, and the School Board of Broward County as conditioned by School Board staff as stated above.

Broward County Planning Council (BCPC) staff further conditioned the approval subject to the recordation, in the public record of Broward County, Florida, to the satisfaction of Broward County, of a legally enforceable mechanism as proffered and executed by the City regarding conditions of approval. The effectiveness of the LUPA approval shall not be final until such agreements are publicly recorded. The land use amendment was approved by BCPC on October 22, 2015, Broward County Board of Commissioners on December 8, 2016, with final adoption hearing by the City Commission on January 20, 2016.

Subsequent to the City Commission adoption hearing, staff began coordinating school board staff on specific language to amend the agreement. In general, the amended agreement includes changes as listed below:

- Previously approved 3,000 dwelling units are subject to the existing conditions;
- Added the new 5,000 dwellings units per approved land use amendment;
- New 5,000 dwellings units are subject to public school concurrency review to meet mitigation;
- Establishes a minimum amount of \$1,098 per unit to meet mitigation as outlined in Broward County Educational Impact Fee schedule or Student Station Costs, consistent with public school concurrency.

Exhibit 1 is drafted First Amendment to Education Mitigation Agreement.

### **Next Steps**

The City will transmit the agreement to the school board staff for placement on the School Board agenda. City staff requested a timeline from school board staff to which the anticipated agenda meeting would be in November. City staff will provide the meeting date when item is formally scheduled.

In addition, City staff has prepared an accompanying agreement, per conditions of approval on the land use amendment, which is the Development Monitoring Agreement, for the Downtown RAC (CAM #16-0722).

### **Strategic Connections**

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the Neighborhood Enhancement Cylinder of Excellence, specifically advancing:

- Goal 6: Be an inclusive community made up of distinct, complementary, and diverse neighborhoods.

This item advances the *Fast Forward Fort Lauderdale Vision Plan 2035: We Are Prosperous*.

### **Resource Impact**

There is no fiscal impact associated with this action.

### **Related CAM**

#16-0722

### **Attachments**

Exhibit 1 – Draft First Amendment to Education Mitigation Agreement

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Prepared by: Jim Hetzel, Principal Planner, Sustainable Development

Department Director: Anthony Greg Fajardo, Sustainable Development