



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#17-0201

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

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

DATE: February 7, 2017

TITLE: **WALK ON** - Motion to Approve Modifications to First Amendment to the 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)

Recommendation

It is recommended that the City Commission approve modifications to 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 Plan 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). 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. Broward County Planning Council (BCPC) conditioned the approval of the LUPA on 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.

The First Amendment to Education Mitigation Agreement was presented and approved by the City Commission on September 7, 2016, approved by the School Board of Broward County on November 1, 2016; however, the Broward County Attorney's Office subsequently raised concerns regarding the agreements methodology for calculating the cost of mitigation and requested that the agreement be modified.

The agreement has been modified to remove the stipulation that the 5,000 residential units be assessed for school impacts at mid-rise unit cost. The School Board's, County's, and City's attorneys approve of the proposed language and the methodology of assessing the cost per unit based upon the Broward County Educational Impact Fee schedule in effect at the time when a project review is completed by Broward County Environmental Protection and Growth Management Division. City staff agrees with this modification as it consistent with the typical review process for residential projects throughout Broward County. The revised agreement is attached as Exhibit 1.

Next Steps

The City will transmit the agreement to the School Board staff for placement on the February 22, 2017 School Board agenda. The agreement will then be transmitted to Broward County for execution.

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.

Attachments

Exhibit 1 – First Amendment to Education Mitigation Agreement

Prepared by: Jim Hetzel, Principal Planner, Sustainable Development

Department Director: Anthony Greg Fajardo, Sustainable Development