



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#17-0367

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

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

DATE: April 4, 2017

TITLE: Resolution to Approve Execution of Essentially Built-Out Agreement for The
New River Center Florida Quality Development

Recommendation

It is recommended that the City Commission determine whether The New River Center Florida Quality Development (FQD) is essentially built-out and approve a resolution authorizing the City Manager to execute an Essentially Built-Out Agreement for the FQD.

Background

KG Las Olas Trustee, the applicant for the 100 E Las Olas mixed use development, has requested that the City execute an Essentially Built-Out Agreement (EBOA) for the New River FQD. The build out date for the New River FQD is August 29, 2016; however, the FQD is subject to a tolling period that began on June 23, 2016 due to the declaration of a state of emergency through the execution of Executive Order 16-149 pursuant to Section 252.363, Florida Statutes and subsequently extended by executive orders 16-193 and 17-43. The Applicant is the owner of the 100 E Las Olas parcel which is the last remaining undeveloped parcel of the FQD.

The FQD program was created by the State of Florida to encourage development that has been thoughtfully planned to take into consideration protection of Florida's natural amenities, while balancing the financial impact local governments incur providing services for growing communities. The program was an alternative to the Developments of Regional Impact (DRI) land use program, established in 1972 as part of the State's growth management policies. Section 380.061(7)(a), Florida Statutes, states that FQD development orders are enforceable in the same manner as DRIs pursuant to Section 380.06, Florida Statutes.

Subsection 380.06(15)(g), Florida Statutes, provides that a local government may not issue a permit for a development subsequent to the build out date contained in the development order unless the project has been evaluated under the substantial deviation provisions, the development order has been abandoned, FQD is determined essentially built out with all requirements of the development order satisfied or the FQD is determined essentially built-out through an agreement executed by the developer, the state land

planning agency and the City (the EBOA). The following table outlines the approved, built and remaining development under the FQD:

	Approved	Currently Built	Remaining Development under the FQD	Proposed by EBOA
Phase I	<ul style="list-style-type: none"> • 295,000 sf of office • 13,000 sf of retail 	<ul style="list-style-type: none"> • 295,000 sf of office (Parcel B) • 13,000 sf of retail (Parcel B) 	None	None
Phase II	<ul style="list-style-type: none"> • 400 room hotel • 22,000 sf of retail • 650,000 sf of office • 375 dwelling units¹ 	<ul style="list-style-type: none"> • 284 dwelling units (River House condominiums: Parcel A, partially, and Parcel D) 	Parcels A (partially) and D: <ul style="list-style-type: none"> • 400 room hotel • 22,000 sf of retail • 650,000 sf of office • 91 dwelling units 	Parcel A <ul style="list-style-type: none"> • 231 hotel rooms • 10,546 sf of commercial use • 121 dwelling units

Pursuant to Section 380.06(15(g)(4)), Florida Statutes, a FQD is considered essentially built out if:

- developers are in compliance with all applicable terms and conditions of the development order except the buildout date or reporting requirements; and
- either, if
 - The amount of development that remains to be built is less than the substantial deviation threshold specified in paragraph (19)(b) for each individual land use category, or, for a multiuse development, the sum total of all unbuilt land uses as a percentage of the applicable substantial deviation threshold is equal to or less than 100 percent; or
 - The state land planning agency and the local government have agreed in writing that the amount of development to be built does not create the likelihood of any additional regional impact not previously reviewed.

Staff finds that the New River FQD qualifies as essentially built out because the developers are in compliance with all applicable terms and conditions of the development order and the proposed amount of development does not create the likelihood of any additional regional impact not previously reviewed.

On August 16, 2016, a site plan was approved for the 100 E. Las Olas parcel of the FQD

consistent with the requirements of the FQD development order. Prior to the approval of the site plan, the City reviewed the documented history and current status of the FQD and determined that all of the mitigation required by the development order had been satisfied and that the FQD is in compliance with all applicable terms and conditions of the development order.

The form and language of the proposed EBOA has been approved by the DEO and its legal counsel.

Resource Impact

There is no fiscal impact associated with this action.

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 5: Be a community of strong, beautiful, and healthy neighborhoods.
- Objective 2: Enhance the beauty, aesthetics, and environmental quality of neighborhoods.

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

Attachments

Exhibit 1 – Resolution

Exhibit 2 – Essentially Built-Out Agreement

Exhibit 3 – Agreement Backup

Prepared by: Lorraine Tappen, Principal Planner

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