



CITY OF
FORT LAUDERDALE

December 13, 2011

Ms. Bertha W. Henry
County Administrator
Broward County Board of County Commissioners
115 S. Andrews Avenue, Room 409
Fort Lauderdale, FL 33301

Re: Northport/Broward County Convention Center Development of Regional Impact
("DRI")

I have received your letter dated December 7, 2011 giving notice of extension of the buildout date of the DRI pursuant to Senate Bills 360 and 1752 for an additional four (4) years. You have also requested an additional eleven-month extension of the buildout date under Section 252.363, Florida Statutes and certain Florida governor's Executive Orders.

In response to the notice for extension under Senate Bills 360 and 1752, by letter dated December 29, 2009 and sent to counsel for Broward County, the County was advised that the Northport Development of Regional Impact (DRI) was in significant non-compliance and SB 360 would not apply to the DRI. I have attached a copy of the letter for your reference. The facts and reasoning supporting the City's position that an extension of the DRI under SB 360 continues to be true and for these reasons neither SB 360 or SB 1752 are applicable to the DRI and an extension of the termination date is not applicable.

With regard to Broward County's notice to extend the build out date pursuant to Section 252.363, Florida Statutes and certain Florida Governor's Executive Orders, subsection (d) 3. of Section 252.363, Florida Statute provides that the tolling and extensions of permits does not apply to:

"The holder of a permit or other authorization who is determined by the authorizing agency to be in significant noncompliance with the conditions of the permit or other authorization through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or an equivalent action."

Since the DRI is in significant noncompliance, this extension of the buildout date under Section 252.363, Florida Statutes does not apply to the DRI.

OFFICE OF THE CITY MANAGER
100 NORTH ANDREWS AVENUE, FORT LAUDERDALE, FLORIDA 33301
TELEPHONE (954) 828-5013 FAX (954) 828-5021
www.fortlauderdale.gov

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In conclusion, the DRI terminates on December 31, 2011 and no development permits will be issued by the City for development pursuant to the DRI.

Sincerely,



Lee R. Feldman, ICMA-CM
City Manager

Attachment

cc: Honorable Mayor and City Commissioners
Harry Stewart, City Attorney
Susanne Torriente, Assistant City Manager
Greg Brewton, Sustainable Development Director
Jenni Morejon, Principal Planner
Sharon Miller, Assistant City Attorney



Venice of America

CITY OF
FORT LAUDERDALE

December 29, 2009

Mr. Scott Backman
Siegel, Lipman, Dunay, Shepard & Miskel, LLP
The Plaza, Suite 801
5355 Town Center Road
Boca Raton, FL 33486
Attorney for Broward County

2009 DEC 30 PM 1:51

RECEIVED
FORT LAUDERDALE
CITY ATTORNEY'S OFFICE

RE: Northport Development of Regional Impact (DRI) Notice of SB 360
Extension

Dear Mr. Backman:

The City has received your notice for extension pursuant to Senate Bill (SB) 360.

Notice from Broward County was received by letter filed with the City on August 30, 2009. This extension would take the buildout date from December 29, 2011 to December 30, 2013.

The following excerpt from Section 14 of SB 360 (page 44 of the Bill) provides in part as follows:

"(1) Except as provided in subsection (4), and in recognition of 2009 real estate market conditions, any permit issued by the Department of Environmental Protection or a water management district pursuant to part IV of chapter 373, Florida Statutes, that has an expiration date of September 1, 2008, through January 1, 2012, is extended and renewed for a period of 2 years following its date of expiration. This extension includes any local government-issued development order or building permit. The 2-year extension also applies to build out dates including any build out date extension previously granted under s. 380.06(19)(c), Florida Statutes.

(2) The commencement and completion dates for any required mitigation associated with a phased construction project shall be extended such that mitigation takes place in the same timeframe relative to the phase as originally permitted.

(3) The holder of a valid permit or other authorization that is eligible for the 2-year extension shall notify the authorizing agency in writing no later than December 31, 2009, identifying the specific authorization for which the holder intends to use the extension and the anticipated timeframe for acting on the authorization.

(4) The extension provided for in subsection (1) does not apply to:

DEPARTMENT OF PLANNING AND ZONING
700 N.W. 19TH AVENUE, FORT LAUDERDALE, FLORIDA 33311

BUILDING SERVICES:(954) 828-5191 • PLANNING & ZONING SERVICES:(954) 828-6031 • ZONING COUNTER:(954) 828-5203

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(a)...

(b) A permit or other authorization held by an owner or operator determined to be in significant noncompliance with the conditions of the permit or authorization as established through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or other equivalent action by the authorizing agency."

City Departments' staff have determined all or portions of Eisenhower Boulevard, Spangler Boulevard and Eller Drive do not function at Level of Service E or have reduced capacity by at least 5% due to the blocking of these roadways as per Section 3 (B)(6) of the Development Order (DO). Therefore, it is the City staff's position that the DRI is in significant noncompliance with the conditions of the DO. SB 360 would not apply to this DRI until the DRI is brought into compliance with the DO, prior to the DO expiration date.

The City acknowledges that a traffic study, with recommended mitigation, has been submitted by the County and is under review by the City Departments' staff. Therefore, as per Section 3 (D)(5) of the Development Order, diligent good faith efforts to cure the violation are on going. Should the County's diligent curative actions cease, the City will provide written notice to the County that states the nature of the purported violation and that unless the violation is cured within 15 days of said notice, a public hearing will be held by the City to consider the matter within 30 days of said notice. City staff is committed to assisting the County and continues to request that the County continue its good faith efforts. Furthermore, City staff requests that the County complete its curative action to bring the DRI into substantial compliance with the DO within one year of this letter.

If you have any questions, please do not hesitate to contact me (954) 828-5266 or Jim Koeth at (954) 828-5276.

Sincerely,


Greg Brewton
Director of Planning & Zoning Dept.

Cc: Elliot Auerhahn, Broward County Strategic Planning Director
Harry Stewart, City Attorney
Ted Lawson, Assistant City Manager
✓ Sharon Miller, Assistant City Attorney
Wayne Jessup, Deputy Director of Planning & Zoning
Peter Partington, City Engineer
Dennis Girisgen, Land Development Manager
Jim Koeth, Principal Planner