



County Administration

115 S. Andrews Avenue, Room 409 • Fort Lauderdale, Florida 33301 • 954-357-7000 • FAX 954-357-7360

Ms. Isabel Cosio Carballo
Executive Director
South Florida Regional Council
3440 Hollywood Boulevard, Suite 140
Hollywood, Florida 33021

November 24, 2015

Re: Notice of Proposed Change for Northport / Broward County Convention Center Development
of Regional Impact (DRI)

Dear Ms. Cosio Carballo:

On behalf of Broward County Board of County Commissioners, owner of Northport DRI, I am submitting the attached Notice of Proposed Change (NOPC), to extend the buildout and termination dates of the DRI Development Order to December 29, 2020. In addition, I have attached an updated Annual Report for the period ending October 16th, 2015.

I have attached check# 700005 in the amount of \$2,750 for the NOPC and Annual Report review fees of \$2,500 and \$250 respectively.

Please advise if you require any additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alan J. Cohen".

Alan J. Cohen
Assistant to the County Administrator

Attach. (2)

CC: Jenni Morejon, Dept. of Sustainable Development, City of Fort Lauderdale
James Stansbury, Department of Economic Opportunity, Division of Community Development

Broward County Board of County Commissioners

Mark D. Bogen • Beam Furr • Dale V.C. Holness • Martin David Kiar • Chip LaMarca • Stacy Ritter • Tim Ryan • Barbara Sharief • Lois Wexler
www.broward.org

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
DEVELOPMENT OF REGIONAL IMPACT (DRI)
SUBSECTION 380.06(19), 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, Bertha Henry, the undersigned owner/authorized representative of the Broward County Board of County Commissioners, hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the Northport/Broward County Convention Center Development of Regional Impact (DRI), 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 Fort Lauderdale, to the South Florida Regional Council, and to the Bureau of Community Planning, Department of Economic Opportunity.

Broward County Board of County Commissioners
By and through Bertha Henry, Broward County
Administrator

November 24, 2015
Date


Bertha Henry

2. Applicant (name, address, phone).

Broward County Board of County Commissioners
115 South Andrews Avenue
Fort Lauderdale, FL 33301
(954) 357-7300

3. Authorized Agent (name, address, phone).

Bertha Henry, Broward County Administrator
115 South Andrews Avenue, Room 409
Fort Lauderdale, FL 33301
(954) 357-7362

4. Location (City, County, Township/Range/Section) of approved DRI and proposed change.

Fort Lauderdale, Broward County, Florida, a portion of the East one-half (E ½) of the Southeast one-quarter (SE ¼) of Section 14 and the West one-half (W ½) of the Southwest one-quarter (SW ¼) of Section 13, Township 50 South, Range 42 East.

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.

This NOPC involves two (2) amendments to the Northport/Broward County Convention Center DRI Development Order.

1. Recognition of the automatic extensions to build out date for three (3) years and four (4) years pursuant to Section 380.06(19)(c), Florida Statutes, in 2008 and 2011, including language confirming that the three (3) and four (4) year extensions shall not be considered in determining whether subsequent extensions are a substantial deviation.
2. Extension of the existing build out date of December 30, 2015, by four (4) years and 364 days to December 29, 2020, pursuant to Sections 380.06(19)(e)1 and 380.06(19)(f)6, Florida Statutes.

Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Additional information may be requested by the Department or any reviewing agency to clarify the nature of the change or the resulting impacts.

The proposed extension of the build out date does not change the project master site plan.

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.

The proposed extension of the build out date does not result in any changes in land use types approved in the DRI Development Order.

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). Has there been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued? If so, has the annexing local government adopted a new DRI development order for the project?

There has been no change in local government jurisdiction for any portion of the development since the last Development Order amendment was issued.

All development orders issued for the Northport/Broward County Convention Center DRI are as follows:

City of Fort Lauderdale Ordinance No. C-89-9: adopted February 7, 1989, is the original Development Order.

City of Fort Lauderdale Ordinance No. C-89-34: adopted April 18, 1989, amended the period of vested development rights, the build out date, and the effective date of the Development Order from December 31, 1991, to December 31, 1990.

City of Fort Lauderdale Ordinance No. C-90-100: adopted December 18, 1990, amended the period of vested development rights, the build out date, and the effective date of the Development Order from December 31, 1990, to December 30, 1995, and added a phasing schedule for road improvements.

City of Fort Lauderdale Ordinance No. C-95-40: adopted July 18, 1995, amended the period of vested development rights, the build out date and the effective date of the Development Order from December 30, 1995, to December 30, 1997.

City of Fort Lauderdale Ordinance No. C-97-2: adopted February 18, 1997, deleted the requirement in the Development Order for construction of expansion of Eisenhower Boulevard and Spangler Boulevard as a five (5) lane or six (6) lane divided roadway from S.E. 20th Street to the Port Everglades entrance on Spangler Boulevard and added bonding and traffic improvement requirements for the Northport Marketplace.

City of Fort Lauderdale Ordinance No. C-97-63: adopted April 21, 1998, amended the vested development rights and the effective date of the Development Order from December 30, 1997, to December 30, 1998.

City of Fort Lauderdale Ordinance No. C-98-25: adopted April 21, 1988, created a Phase IA development program within the Development Order and provided a vested development rights and build out date of December 30, 2002, for that portion of the DRI subject to a 99 year lease between Broward County and Northport Marketplace, Ltd. ("Northport").

City of Fort Lauderdale Ordinance No. C-98-45: adopted October 6, 1998, approved Application for Development Approval of a Substantial Deviation modifying the permitted development within the Development Order to include future convention center, hotel, retail and office uses, and extended the build out date from December 30, 1997, and the effective date of the Development Order from December 30, 1998, to December 30, 2008. The amended Development Order allowed for 1,020,000 square feet of building floor area and 1,000 hotel rooms, including 550,000 square feet of convention center (370,000 square feet existing and 180,000 square feet addition); 1,000 hotel rooms, including restaurant usage within the hotel not to exceed 30,000 square feet; 200,000 square feet of retail use and 170,000 square feet of office (Northport); and 100,000 square feet of retail or office use.

City of Fort Lauderdale Ordinance No. C-02-1: adopted February 26, 2002, extended the build out date for Northport from December 30, 2002, to March 31, 2006, including the phasing schedule for Parcel IA; revised Northport's traffic study requirement; and added an option for Northport to change from retail use to an office use.

City of Fort Lauderdale Ordinance No. C-06-21: adopted July 18, 2006, extended the Northport build out date from March 31, 2006, to December 30, 2008, including the phasing schedule for Phase IA.

8. Describe any lands purchased or optioned within ¼ 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 ½ mile on a project master site plan or other map.

N/A

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.

N/A

Do you believe this notification of change proposes a change which meets the criteria of Subparagraph 380.06(19)(e)2., F.S.

YES _____ NO X

10. Does the proposed change result in a change to the buildout date or any phasing date of the project? If so, indicate the proposed new buildout or phasing dates.

No, as to the recognition that the automatic three (3) and four (4) year extensions permitted by the revisions to Chapter 380.08(19)(c), Florida Statutes, in 2008 and 2011 result in an extended build out date of December 30, 2015.

Yes, as to the extension of the build out date and effective date of Development Order by four (4) years and 364 days, to December 29, 2020.

11. Will the proposed change require an amendment to the local government comprehensive plan? 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:

No.

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.

N/A

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:

- 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;
- 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;
- c. A proposed amended development order deadline for commencing physical development of the proposed changes, if applicable;
- d. A proposed amended development order termination date that reasonably reflects the time required to complete the development;
- 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; 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.

Subsection E. of Section 2 of the Development Order shall be amended to read as follows:

- E. Development Summary. The development will consist of 1,020,000 square feet of building floor area and 1,000 hotel rooms on 33 acres of land. This development shall include:
1. 550,000 square feet of convention center (370,000 square feet existing; 180,000 square feet addition)
 2. 1,000 hotel rooms, including restaurant usage within the hotel not to exceed 30,000 square feet
 3. 200,000 square feet of retail use; (Northport Leasehold Area)*
 4. 170,000 square feet of office use; (Northport Leasehold Area) and
 5. 100,000 square feet of retail or office use

*All or a portion of the existing retail use in Phase I may be changed to office use, subject to site plan approval by city commission.

Provided, however, that the 4± acres legally described on Exhibit "B"

hereto, and delineated on Revised Map H, (Exhibit "C") as to the "Northport Leasehold Area" (such area being subject to that certain Amended and Restated Lease by and between Broward County and Northport Land partners, Ltd.) shall be limited to that portion of the overall development described herein as follows:

Northport Leasehold Area Development Program	
Phase I (existing)	75,000 square feet retail*
Phase IA (proposed) (1997-2008 <u>2020</u>)	125,000 square feet retail 170,000 square feet office

*All or a portion of the existing retail use in Phase I may be changed to office use, subject to site plan approval by the city commission.

The balance of the 33± acres, aside from the Northport Leasehold Area, shall be allocated the following development:

Broward County Development Program	
Phase I (existing)	370,000 square feet convention center;
Phase II (1998 – 2003 <u>2015</u>)	500 hotel rooms, including restaurants not to exceed 21,000 square feet; 180,000 square feet convention center expansion;
Phase III (2003 – 2008 <u>2020</u>)	500 hotel rooms including restaurants not to exceed 9,000 square feet; 100,000 square feet retail/office.

Subsection 2. of Section 4 of the Development Order shall be amended to read as follows:

2. This Development Order shall remain in effect until December ~~30, 2008~~ 29, 2020 and development shall be completed on or before December ~~30, 2008~~ 29, 2020, provided that the applicant, its successors and/or assigns, within 30 days of the effective date of the Development Order records the Northport/Broward County Convention Center Development Order pursuant to Section 380.06(15), Florida Statutes, specifying that the Development Order runs with the land and is binding on the applicant, its successors, and/or assigns, jointly or severally, provided, however, as to the Northport Leasehold Area Development Program this development

shall remain in effect and development shall be completed on or before December 30, ~~2008~~ 29, 2020, provided that the applicant, its successors and/or assigns, within 30 days of the effective date of the Development Order records this amendment to the Northport/Broward County Convention Center Development Order pursuant to Section 380.06(15), Florida Statutes, specifying that the Development Order runs with the land and is binding on the applicant, its successors, and/or assigns, jointly or severally. The termination date may only be modified in accordance with Section 380.06(19)(c), Florida Statutes.

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			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	External Vehicle Trips			
	D.O. Conditions			
	ADA Representations			
	Runway (length)			
Airports	Runway (strength)			
	Terminal (gross square feet)			
	# Parking Spaces			
	# Gates			
	Apron Area (gross square feet)			
	Site locational changes			
	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.

SUBSTANTIAL DEVIATION DETERMINATION CHART

Airports (cont.)	# External Vehicle Trips			
	D.O. Conditions			
	ADA representations			
Hospitals	# Beds			
	# Parking Spaces			
	Building (gross square feet)			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	External Vehicle Trips			
Industrial	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			

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

Industrial (cont.)	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
Mining Operations	Acreage mined (year)			
	Water withdrawal (gal/day)			
	Size of mine (acres), including drainage, ROW, easements, etc.			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
Office	Acreage, including drainage, ROW, easements, etc.			
	Building (gross square feet)			
	# Parking Spaces			
	# Employees			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			

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

Office (cont.)	ADA representations			
Petroleum/Chemical Storage	Storage Capacity (barrels and/or pounds)			
	Distance to Navigable Waters (feet)			
	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			
	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.

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			
Wholesale, Retail, Service	Acreage, including drainage, ROW, easements, etc.			
	Floor Space (gross square feet)			
	# Parking Spaces			
	# 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

Hotel/Motel	# Rental Units			
	Floor space (gross square feet)			
	# Parking Places			
	# Employees			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
R.V. Park	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
	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			
	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.

**NORTHPORT / BROWARD COUNTY CONVENTION CENTER
DEVELOPMENT OF REGIONAL IMPACT (DRI)**

City of Fort Lauderdale, Florida

DRI ANNUAL REPORT

July 18th, 2012 to October 16th, 2015

Prepared by:
Michael Miller Planning Associates, Inc.
7522 Wiles Road / Suite B-203
Coral Springs, Florida 33067

FORM RPM-BSP-ANNUAL REPORT-1

**DEVELOPMENT OF REGIONAL IMPACT
ANNUAL REPORT**

Subsection 380.06(18), Florida Statutes (F.S.), places the responsibility on the developer of an approved Development of Regional Impact (DRI) for submitting annual reports to the local government, the regional planning agency, the state land planning agency, and to all affected permit agencies on the date specified in the development order. The law requires biennial annual reports; however, the local government may require more frequent reporting. The failure of a developer to submit the report on the date specified in the development order may result in the temporary suspension of the development order by the local government until the annual report is submitted to the review agencies. This requirement applies to all developments of regional impact which have been approved since August 6, 1980. Questions about this required report may contact the Florida Department of Economic Opportunity (DEO) DRI Planner at (850) 487-4545 or the South Florida Regional Planning Council (SFRPC) at 954-985-4416.

Send the original completed annual report to the designated local government official stated in the development order with one copy to each of the following:

- a) South Florida Regional Planning Council
3440 Hollywood Boulevard, Suite 140
Hollywood, Florida 33021
(954) 985-4416
- b) All affected permitting agencies;
- c) Florida Department of Transportation

District IV Office of Planning
3400 W. Commercial Blvd., 3rd Floor
Fort Lauderdale, Florida 33309-3421
- d) Florida Department of Economic Opportunity
Division of Community Planning
Bureau of Local Planning
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399-2100
850-488-4925

ANNUAL STATUS REPORT

Reporting Period: July 18th, 2012 to October 16th, 2015
Month/Day/Year Month/Day/Year

Development: Northport / Broward County Convention Center Development of Regional Impact
Name of DRI

Location: Fort Lauderdale, Broward
City County

Developer:

Name: Broward County & Portside Yachting Center
Company Name

- 1) Describe any changes made in the proposed plan of development, phasing, or in the representations contained in the Application for Development Approval since the Development of Regional Impact received approval. Note any actions (substantial deviation determinations) taken by local government to address these changes.

Note: If a response is to be more than one sentence, attach as Exhibit A, a detailed description of each change and copies of the modified site plan drawings. Exhibit A should also address the following additional items, if applicable:

- a) Describe changes in the plan of development or phasing for the reporting year and for the subsequent years;
- b) State any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;
- c) Attach a copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Paragraph 380.06(15)(f), F.S.

RESPONSE: See Exhibit "A" attached hereto.

- 2) Has there been a change in local government jurisdiction for any portion of the development since the development order was issued? If so, has the annexing local government adopted a new Development of Regional Impact development order for the project? Provide a copy of the order adopted by the annexing local government.

RESPONSE: There has been no change in local government jurisdiction since the DRI Development Order was issued in 1989.

- 3) Provide copies of any revised master plans, incremental site plans, etc., not previously submitted.

Note: If a response is to be more than one or two sentences, attach as Exhibit B.

RESPONSE: There have been no changes to the DRI Master Plan since the last DRI Annual Report was submitted in July 2012.

- 4) Provide a summary comparison of development activity proposed and actually conducted for the reporting year as well as a cumulative total of development proposed and actually conducted to date.

Example: Number of dwelling units constructed, site improvements, lots sold, acres mined, gross floor area constructed, barrels of storage capacity completed, permits obtained, etc.

Note: If a response is to be more than one sentence, attach as Exhibit C.

RESPONSE: There has been no new development activity conducted within the DRI boundaries for the reporting period covered by this Annual Report. See Exhibit "C".

- 5) Have any undeveloped tracts of land in the development (other than individual single-family lots) been sold to a separate entity or developer? If so, identify tract, its size and the buyer. Provide maps which show the tracts involved.

Note: If a response is to be more than one sentence, attach as Exhibit D.

RESPONSE: No portion of the DRI has been sold to a separate entity or developer during the reporting period covered by this Annual Report.

- 6) Describe any lands purchased or optioned adjacent to the original Development of Regional Impact site subsequent to issuance of the development order. Identify such land, its size and intended use on a site plan and map.

Note: If a response is to be more than one sentence, attach as Exhibit E.

RESPONSE: No additional property has been purchased or optioned adjacent to the DRI since issuance of the Development Order in 1989. However, in 2004 the County re-acquired the lease rights to a 4.038 acre parcel located on Eisenhower Boulevard immediately adjacent to and west of the Convention Center. The existing building has 38,889 square feet and about 302 parking spaces. The property is approved and exclusively utilized for parking to accommodate the Convention Center. Attached hereto as Exhibit "E" is an aerial photograph identifying the proximity of this parcel in relation to the DRI.

- 7) List any substantial local, state, and federal permits which have been obtained, applied for, or denied during this reporting period. Specify the agency, type of permit, and duty for each.

Note: If a response is to be more than one sentence, attach as Exhibit F.

RESPONSE: See Exhibit "F" attached hereto.

- 8) Provide a list specifying each development order condition and each developer commitment as contained in the ADA and state how and when each condition or commitment has been complied with during the annual report reporting period.

Note: Attach as Exhibit G.

RESPONSE: See Exhibit "G" attached hereto.

- 9) Provide any information that is specifically required by the development order to be included in the annual report.

The DRI Development Order does not require specific information over and above the information requested on this form.

- 10) Provide a statement certifying that all persons have been sent copies of the annual report in conformance with Subsections 380.06(15) and (18), F.S.

RESPONSE: See Certification Below.

I hereby certify that all persons required to receive copies of this report pursuant to Section 380.06, F.S., have been sent copies of this annual report.

Michael J. Miller, AICP

Person / Firm completing the questionnaire:

**Michael J. Miller, AICP
Michael Miller Planning Associates, Inc.
7522 Wiles Road
Suite B-203
Coral Springs, Florida 33067**

Exhibit "A"

1. Describe any changes made in the proposed plan of development , phasing, or in the representations contained in the Application for Development Approval since the Development of Regional Impact (DRI) received approval. Note any actions (substantial deviation determinations) taken by local government to address these changes.

Modifications to the plan of development were incorporated into the Development Order pursuant to the following ordinances:

- (1) **Original Development Order adopted by the City of Fort Lauderdale - Ordinance No. C-89-9 adopted on February 7th, 1989 has been subsequently amended by the following Ordinances.**

- (2) **Ordinance No. C-89-34 adopted on April 18th, 1989;**

Purpose: Modified the Vested Development Rights period and the date of development completion to 12/31/90.

- (3) **Ordinance No. C-90-100 adopted on December 18th, 1990;**

Purpose: Modified the Vested Development Rights period and the date of development completion from 12/31/90 to 12/30/95; modified the time period for completion of certain roadway improvements to be phased with the granting of COs.

- (4) **Ordinance No. C-95-40 adopted on July 18th, 1995;**

Purpose: Modified the Vested Development Rights period and the date of development completion from 12/30/95 to 12/30/97.

- (5) **Ordinance No. C-97-2 adopted on February 18th, 1997;**

Purpose: Modified the requirement to construct certain roadway improvements and required the posting of a security instrument in the amount of \$678,622 to fund a traffic study (NTE \$15,000) and secure funds to build anticipated traffic improvements (NTE \$663,622).

- (6) **Ordinance No. C-97-63 adopted on December 16th, 1997;**

Purpose: Modified the Vested Development Rights period and the effective date of the DO from 12/30/97 to 12/30/98 but left the date of development completion at 12/30/97.

- (7) Ordinance No. C-98-25 adopted on April 21st, 1998;

Purpose: Provided for the creation of Phase IA of the development (4-acre Northport Leasehold Area fronting SE 17th Street); modified the uses and square footages as follows:

Phase I (Existing)	75,000 square feet retail
Phase IA (Proposed) (1997-2002)	125,000 square feet retail 170,000 square feet office

Modified provisions related the preparation of a traffic studies based on the percentage of completion and occupancy.

Required the approval of a site plan by the City Commission for Phase IA prior to the issuance of building permits.

Established a separate Vested Development Rights period for the new NLA lands until 12/30/02 but left the 12/30/98 date for all other lands in the DRI boundaries.

- (8) Ordinance No. C-98-45 adopted on October 6th, 1998;

Purpose: (Substantial Deviation resulting in Amended and Restated DRI Development Order) Added language that City exempts the project from regional roadway concurrency pursuant to the Broward County LDC and LUP; added language that all previous roadway construction and/or contribution obligations from previous DO have been satisfied or deleted except for the Northport Marketplace lands; modified the uses and square footages as follows:

Development Summary

1,020,000 sq. ft. of building floor area
1,000 Hotel Rooms
On 33 Acres of Land

Convention Center - 550,000 sq. ft. (370,000 square feet existing; 180,000 square feet addition)

Hotel Rooms – 1,000, including up to 30,000 square feet of restaurants within the hotels

Northport Marketplace Retail Use – 200,000 square feet

Northport Marketplace Office Use – 170,000 square feet

Retail or Office – 100,000 square feet

Northport Leasehold Area (NLA) Development Program
(Limited to that portion of the above overall development)

Phase I (Existing)	75,000 square feet retail
Phase IA (Proposed)	125,000 square feet retail
(1997-2002)	170,000 square feet office

Broward County Development Program

Phase I (Existing)	370,000 square feet Convention Center
Phase II (1998-2003)	180,000 square feet Convention Center Expansion; 500 Hotel Rooms, including restaurants not to exceed 21,000 square feet
Phase III (2003-2008)	500 Hotel Rooms, including restaurants not to exceed 9,000 square feet; 100,000 square feet retail / office

Added a requirement for the developers to utilize economic development enhancement resource agencies and programs to involve small and minority businesses in the development

Added a requirement that prior to the issuance of any additional building permits, the "Applicant" had to place a notation on the face of the underlying plat (Port Everglades Plat #2) stating the uses and square footage limitations consistent with the DO; the "Applicant" had to commit to the expenditure of not less than \$288,624 in Broward County road impact fees. The use of the funds was to be mutually agreed to within 1 year of the recordation of the plat note amendment.

Added a requirement that prior to 2008, the "Applicant" had to construct a ramp serving either level 3, 4 or 5 of the existing parking garage and if not complete additional air quality measures would be required.

Required the approval of a site plan by the City Commission for Phases II and III prior to the issuance of building permits.

Added a requirement that if any modification to all or portions of Eller Drive, Spangler Boulevard or Eisenhower Boulevard which reduces capacity of any one or more roadways by 5% or more of the facilities at LOS E, shall require the Applicant to submit a revised traffic impact study. If the traffic impact study indicated additional transportation improvements were necessary, the City could require an amendment to the DO. The City cannot withhold building permits or COs within the "Property" if a prior site plan approval

had been granted. The City cannot withhold future site plan approvals if a traffic impact study has been submitted to the City. The "Property" does not include the NLA or the are leased to the BCCC Hotel Limited Partnership.

Modified the Vested Development Rights period and the date of development completion from 12/30/98 to 12/30/08.

- (9) Ordinance No. C-98-68 adopted on December 15th, 1998

Purpose: Added new language that provided that during the DO Vested Rights and completion dates, the City could not downzone or reduce density / intensity limits affecting the DRI.

- (10) Ordinance No. C-02-01 adopted on February 26th, 2002

Purpose: Modified several provisions related to the private developer name, permitted uses, construction dates, funding for transportation improvements, clerical changes and DO dates.

Modified the name of the private developer to remove Northport Marketplace, Ltd. and insert Leasehold Area Owner.

Modified the language to allow all or portions of the 200,000 square feet of retail use in Phase I of the DRI to be changed to office use if a site plan is approved by the City Commission. This also allows the 75,000 square feet of existing retail use in the Northport Leasehold Area to be changed to office use if a site plan is approved by the City Commission

Modified the date of future proposed uses in Phase IA of the Northport Leasehold Area from 1997-2002 to 1997-2006.

Modified the timing, amount of funding and security provisions for transportation improvements; changed the timing of posting a security from CO for the Northport Marketplace on the NLA to the issuance of additional building permits in Phase 1, Phase IA or both of the NLA. The security amount was changed from \$678,622 to \$663,622. Prior to the issuance of a CO in the NLA, \$50,000 was to be paid to the City to conduct a transit study regarding transit connections along 17th Street Causeway to the Beach and to the Downtown. If the funds were paid the security amount was to be reduced from \$663,622 to \$613,622. Those funds are to secure the Leasehold Area Owner's obligation to traffic improvements. Not less than 60 days prior to the City Commission reviewing a site plan for a change of use or new development within the NLA, a traffic study addressing traffic impacts on local roads in the vicinity of the project must be submitted. Former language related to agreement on the study methodology and the schedule for preparation of the

study linked to a percentage of occupancy during certain time periods was removed. The limitation on the amount (\$15,000) for the City to hire an outside traffic consultant was deleted.

The Vested Development Rights period remained at 12/30/08, but as related the development within the NLA, the effective date of the DO and the date of development completion was changed from 12/30/02 to 3/31/06.

(11) Ordinance No. C-06-21 adopted July 18th, 2006

Purpose: Amended the Development Order to extended the buildout date for the 4-acre Northport Leasehold Area from 3/31/06 to 12/30/08. The Vested Development Rights period and the buildout date for the remainder of the DRI remained at 12/30/08.

Modified the date of future proposed uses in Phase IA of the Northport Leasehold Area from 1997-2006 to 1997-2008.

- (a) Describe changes in the plan of development or phasing for the reporting year and for the subsequent years;

Modifications to the plan of development or phasing were incorporated into the Development Order pursuant to the following ordinances:

- 1. Ordinance No. C-97-63 adopted on December 16th, 1997 extended the vested development rights and effective date to December 30th, 1998.**
- 2. Ordinance No. C-98-25 adopted on April 21st, 1998 authorized the creation of a new phase for the development program known as the Northport Leasehold Area (NLA) and a new build-out date for the NLA (December 30th, 2002).**
- 3. Ordinance No. C-02-01 adopted on February 26th, 2002 provided that existing retail use in the NLA could be changed to office if a site plan was approved by the City, the build-out date for the NLA was extended to March 31st, 2006 and a revision was made to the traffic study requirement.**
- 4. Ordinance No. C-06-21 adopted on July 18th, 2006 extended the buildout date for the 4-acre Northport Leasehold Area from 3/31/06 to 12/30/08. The Vested Development Rights period and the buildout date for the remainder of the DRI remained at 12/30/08. Also, it modified the date of future proposed uses in Phase IA of the Northport Leasehold Area from 1997-2006 to 1997-2008.**

5. As related to the recent economic recession a series of Florida Senate / House legislative actions (SB 360 / SB1752 / HB 7207 / Sec. 252.363 F.S.) occurred over the past several years that granted build-out date extensions for development permits under certain circumstances (written notice by a specified deadline). The two (2) entities that control areas of the DRI (Broward County / Northport Leasehold Area) have relied on those legislative provisions to obtain timeframe extensions, although differently. The current Broward County build-out date is December 30th, 2015 according to available records. The Northport Leasehold Area buildout date has been extended to November 21st, 2020 via a letter issued by the City of Fort Lauderdale dated October 16th, 2012.

- (b) State any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year; and

There have been no changes in the plan of development or phasing for the DRI since the last DRI Annual Report was submitted on July 17th, 2012. Broward County intends to file an application shortly to extend the buildout date timeframe and other DO provisions.

- (c) Attach a copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Paragraph 380.06(15)(f), F.S.

There have been no Development Orders adopted or recorded during the reporting period covered by this DRI Annual Report.

Exhibit “C”

4. Provide a summary comparison of development activity proposed and actually conducted for the reporting year as well as a cumulative total of development proposed and actually conducted to date.

No development activity (other than interior renovations) has occurred within the NLA or overall DRI boundaries during the reporting period. The following chart shows the existing development as well as future development. The 2002 NOPC submitted to the City requested a change to the build-out date within the NLA to 2008, however, the City approved an extension to 2006. However, pursuant to applicable Florida Laws adopted over the past few years and Governor’s Executive Orders which allowed development order extension upon written notice to the local government, and the County’s / Northport Leasehold Area notices to the City of Fort Lauderdale in accordance with same, the DRI buildout date for the County’s area has been extended to 12/30/15 and the DRI buildout date for the Northport Leasehold Area has been extended to 11/21/20.

<u>Northport Leasehold Area (NLA)</u>	
<u>Development Program</u>	
Phase I (existing)	75,000 square feet of retail*
Phase IA (proposed) (1997-2020)	125,000 square feet of retail 170,000 square feet of office
<u>Broward County Development</u>	
<u>Program</u>	
Phase I (existing)	370,000 square feet convention center
Phase II (1998-2020)	500 Hotel Rooms, including restaurants not to exceed 21,000 square feet; 180,000 square feet of convention center expansion
Phase III (2003-2020)	500 Hotel Rooms, including restaurants not to exceed 9,000 square feet; 100,000 square feet retail / office

*Notes: (1) All or a portion of the existing retail use in Phase I may be changed to office use, subject to site plan approval by the City Commission. (2) Other than the Convention Center expansion, no other development in BC Phase II and III has occurred.

TOTAL EXISTING DEVELOPMENT AS OF OCTOBER 16th, 2015

	<u>Allowed</u>	<u>Constructed</u>
Broward County Convention Center	550,000 sq. ft.	550,644 sq. ft.
Hotel Rooms	1,000	0
Hotel Restaurant	30,000 sq. ft.	0
Retail / Office	100,000 sq. ft.	0
Northport Leasehold Area Phase 1	75,000 sq. ft.	75,000 sq. ft.
Phase 1A Retail	125,000 sq. ft.	0 sq. ft.
Phase 1A Office	170,000 sq. ft.	<u>3,342 sq. ft.</u>
		78,342 sq. ft.
Terminal 1 (Pre-dated DRI)	N/A	73,382 sq. ft.
Parking Garage (Built with BCCC Phase I - 1991)	N/A	2,500 spaces

Notes: The Parking Garage serves uses within the Broward County Development Program only
(See Question 31 of 1989 ADA / Question 37 of 1999 ADA).

Northport Leasehold Area (NLA) is required to provide separate parking structures for
uses within the NLA Development Program (See Question 31 of 1989 ADA).

Exhibit “F”

7. List any substantial local, state and federal permits which have been obtained, applied for, or denied during the reporting period. Specify the agency, type of permit, and duty for each.

There have been no substantial local, state or federal permits obtained, applied for or denied during the reporting period. As related to the recent economic recession a series of Florida Senate / House legislative actions (SB 360 / SB1752 / HB 7207 / Sec. 252.363 F.S.) occurred over the past several years that granted build-out date extensions for development permits under certain circumstances (written notice by a specified deadline). The two (2) entities that control areas of the DRI (Broward County / Northport Leasehold Area) have relied on those legislative provisions to obtain timeframe extensions, although differently. The current Broward County build-out date is December 30th, 2015 according to available records. The Northport Leasehold Area buildout date has been extended to November 21st, 2020 via a letter issued by the City of Fort Lauderdale dated October 16th, 2012.

Exhibit "G"

8. Provide a list specifying each development order condition and each developer commitment as contained in the ADA and state how and when each condition or commitment has been complied with during the annual reporting period.

Following is a list of the current Ordinance requirements as found in Ordinance No. C-02-01 in Section 3, entitled Development Approval:

A. THE DEVELOPERS, THEIR SUCCESSORS, AND/OR ASSIGNS, JOINTLY OR SEVERALLY, SHALL:

1. Incorporate the following into the project design and operation:

- (a) Actively encourage and promote ridesharing by establishing a car and van pool information program;

An informational program was established concurrently with the occupancy of the Portside Yachting Center. The County also established and promotes an informational program for the Convention Center employees.

- (b) Encourage transit use by provision of bus shelters, development of turnout lanes, or provision of other amenities to increase ridership, and provide transit route and schedule information, as available, in convenient locations throughout the project;

A significant portion of the Convention Center and cruise ship traffic utilize bus transportation to and from the airport and hotels. At the southeast corner of the SE 17th Street Causeway and Eisenhower Boulevard, a large transit stop with a bus bay / shelter was constructed. A bus lane was also constructed along the entire east frontage of the Convention Center and the first floor of the Parking Garage is dedicated to bus loading/unloading. Transit route and schedule information is available throughout the project , including the bus bay / shelter.

- (c) Provide on-site bicycle storage facilities to encourage use of alternative modes of transportation; and,

Bicycle storage facilities and bike racks are located throughout the project to encourage the use of alternative modes of transportation.

- (d) Regularly schedule vacuum sweeping of all parking lots of eleven or more parking spaces, runways and roadways serving the parking lots.

The owners within the DRI boundaries regularly maintain all parking facilities and drive aisles.

- 2. Design, construct and maintain any additions, expansions, or replacements to the stormwater management system to meet the following standards:

- (a) Comply with the regulations and requirements of the South Florida Water Management District (SFWMD), Broward County Department of Natural Resources Protection, and applicable local government comprehensive plan drainage level of service requirements for surface water management in effect at that time.

Completed per applicable agency requirements at the time of construction of the existing facilities.

- (b) Install pollution retardant structures to treat all stormwater runoff at each of the new project outfall structures in accordance with the master drainage plan, and periodically remove pollutant accumulations.

Completed per applicable agency requirements at the time of construction of the existing facilities.

- (c) Use silt screens and aprons or other best management practices during any phase of project construction that any increase turbidity in adjacent surface waters.

Completed per applicable agency requirements at the time of construction of the existing facilities.

- (d) Mulch, spray, or grass exposed areas to prevent soil erosion and minimize air pollution and stormwater runoff.

All developed areas have been either grassed or mulched.

- 3. New structures in the flood plain shall be designed so as not to impede the flow of water through the floodplain and shall comply with applicable City of Fort Lauderdale Comprehensive Plan policies related to new structures in the floodplain.

No new structures were constructed in the reporting period. Any new structures will be required to meet current regulations.

4. Design, construct, and maintain any additions, expansions, or replacements to the on-site irrigation system to minimize salt-water intrusion and excessive irrigation in accordance with SFWMD guidelines. When practicable, use recycled water for landscape irrigation and other water conservation techniques to reduce the demand on the region's potable water supply; including the installation of rain sensors or irrigation timers, in compliance with City of Fort Lauderdale and Broward County Code restrictions on irrigation timing.

There have no expansions to the on-site irrigation system since the last reporting period.

5. Incorporate the use of water sensors, ultra-low volume water use plumbing fixtures, self-closing and/or metered water faucets, and other water conserving devices/methods to reduce the demand on the region's potable water supply. These devices and methods shall meet the criteria outlined in the water conservation plan of the public water supply permit issued to the City of Fort Lauderdale by the SFWMD.

Completed per applicable agency requirements at the time of construction of the existing facilities.

6. Remove Melaleuca, Casuariana, Schinus and all other invasive exotic vegetation, as recognized by the Florida Exotic Pest Plant Council in each phase of the development. Place visible barriers around the trees or tree clusters to remain on site, prior to the removal of exotic vegetation with heavy equipment.

Completed per Section 47-21, City of Fort Lauderdale's Uniform Land Development Regulations (ULDR). In April 1997 BC DNRP staff inspected the site and issued a memo finding the property did not contain any significant vegetative communities.

7. Comply with the tree preservation requirements and the landscaping standards of Section 47-21 of the City of Fort Lauderdale Code of Ordinances, and other applicable local government requirements and standards. The Applicant shall follow xeriscape principles in landscaping design and the selection of species for planting.

Completed per Section 47-21, City of Fort Lauderdale's Uniform Land Development Regulations (ULDR).

8. The Developers shall, to the best of their ability fully utilize economic development enhancement resource agencies and programs to involve small and minority businesses in the development and expansion of permanent job opportunities. Examples of such resource agencies and programs include, but are not limited to, those listed on the attached Exhibit D. The Developers are specifically encouraged to concentrate on efforts to assist the economically disadvantaged by adopting a plan of action. The economic

disparity action plan may be accomplished by utilizing programs designated for enterprise zones as well as other economic and employment opportunity programs. The Developers should provide goals and policies defining steps and procedures that affirmatively address social and economic disparity. The Developers are further encouraged to work with community development corporations and other community-based agencies to promote its plan and achieve its obligations.

Broward County is a pro-active employer that has adopted and utilizes many employment programs, including opportunities for economically disadvantaged persons. The Portside Yachting Center, through its various office / retail tenants, creates similar opportunities to the best of its ability.

9. Within 120 days of the issuance of the first Certificate of Occupancy after the effective date of this development order, the Applicant in consultation with leaseholders shall submit a Hazardous Materials Management Plan (HMMP) for review and approval by the City of Fort Lauderdale, DNRP, the Florida Department of Environmental Protection (FDEP), and the South Florida Regional Planning Council (SFRPC). Provide a copy of the approved plan to the City of Fort Lauderdale Fire Department and the Port Everglades Public Safety Division. The HMMP shall incorporate into the development by lease as long as the property is owned by Broward County and incorporate into the development by sale agreement and restrictive covenant when any of the property is conveyed, as applicable, the following provisions:

- (a) A designation of the person or job title responsible for the onsite monitoring and enforcement of the HMMP. The responsible party shall annually (1) monitor the compliance of the HMMP and report the results of the monitoring to the City, the SFRPC, DCA and any other affected State agency, in the annual report required pursuant to Subsection 380.06(18), F.S., and this development order and (2) conduct a yearly education and orientation program for all onsite occupants utilizing hazardous materials to familiarize them with the provisions of the HMMP.
- (b) Contain a condition naming the State of Florida and DNRP as parties with the right to enforce the HMMP, allowing access to the site upon request, requiring notice to them of any proposed changes to the HMMP, and providing them with full enforcement rights, should the HMMP be violated.
- (c) Require tenants or other appropriate parties to comply with all applicable reporting provisions of Title III of the Superfund Amendment and Reauthorization Act (SARA) of the Emergency Planning and Community Right-to-know Act (EPCRA) and DNRP, Chapter 27 of the Broward County Code.

- (d) Require that buildings where hazardous materials or hazardous wastes are to be used, displayed, handled, generated, or stored shall be constructed with impervious floors, without drains, to ensure containment and facilitate cleanup of any spill or leakage.
- (e) Prohibit any outside storage of hazardous materials or hazardous waste. The exception to this condition is for retail goods typically associated with residential nursery activity such as lawn fertilizers and garden pesticides.
- (f) Provide for proper maintenance, operation, and monitoring of hazardous materials management systems, including spills, hazardous materials and biohazardous waste containment systems, and equipment necessary on-site for the handling of first response to releases of oil or hazardous materials along with the capacity to employ such equipment.
- (g) Provide minimum standards and procedures for storage, prevention of spills, containment of spills, and transfer and disposal of hazardous materials and describe design features, response actions and procedures to be followed in case of spills or other accidents involving hazardous materials, biohazardous waste or hazardous waste; and require tenants or other appropriate parties to notify appropriate authorities in the event of a release as required by applicable regulations.
- (h) Require that any area used for loading and unloading of hazardous material be covered and equipped with a collection system to contain accidental spills.
- (i) Require all hazardous waste generators to contract with licensed public or private hazardous waste disposal service or processing facility and to provide the Broward County Resource Recovery Board copies of the following:
 - 1) hazardous waste manifest;
 - 2) documentation of shipment to a permitted hazardous waste management facility; or
 - 3) confirmation of receipt of materials from a recycler or a waste exchange operation.

The HMMP was prepared within the prescribed timeframe and has been updated as needed over the years.

10. Incorporate energy conservation measures into the design and operation of the project. At a minimum, construct all development in conformance with the specifications of the Florida Energy Code. Consider using natural gas and/or renewable energy sources (e.g. solar heating) for water heating,

space heating, air cooling and lighting control. Monitor design review procedures and electrical energy conservation measures, proposed in the ADA, during the project construction phase to assess the effectiveness of same.

Energy conservation measures per applicable agency requirements were incorporated at the time of construction for the existing facilities; all new construction will comply as well.

11. All excavation, dredging and filling on site shall be subject to all provisions of Chapter 27, Broward County Code of Ordinances and any licenses issued pursuant to that Chapter shall remain in full force and effect. All other excavation operations undertaken by developers on such lands, which are not incidental to construction work, shall be governed by applicable City of Fort Lauderdale and Broward County Ordinances. Assure that any fill material utilized at the site, whether from onsite excavation activities or from offsite sources, meets the clean soils criteria of the Department of Environmental Protection.

Construction activities have been conducted in compliance with Broward County Chapter 27 and applicable City of Fort Lauderdale requirements as construction occurs. All future construction activities will comply as well.

12. Notify state archeological officials at the Division of Historical Resources of the Florida Department of State of construction schedules. Delay construction up to three months in any area where potentially significant historical or archeological artifacts are uncovered, and permit state and local historical preservation officials to survey and excavate the site.

Construction activities have been conducted in compliance with notification requirements as construction has occurred. In 1986-87 the Florida Department of State issued letters finding the site did not contain and significant archeological or historical resources. No archeological artifacts have been found during construction.

13. Limit primary project vehicle access points to the off-site roadway network to the locations shown in Exhibit E.

Project access has been limited to the locations specified in Exhibit E.

B. THE APPLICANT SHALL:

1. Prior to the issuance of any additional building permits within the property, Applicant shall place a notation on the face of the "Port Everglades Plat No. 2" (Plat Book 108, Page 31) which is consistent with this Development Order. As a condition of the approval of this request, Applicant shall commit to the expenditure of no less than \$288,624.00 in road impact fees, pursuant to Section 5-162(a)(4)(c) of the Broward

County Land Development Code. The use of these funds shall be mutually agreed upon by the City and the Applicant within one year of the recordation of the notation on the face of the plat.

Ordinance No. C-98-45 adopted on October 6th, 1998 added this condition to the DO. Research of the Broward County records and conversations with BC Development Management Department staff revealed that no Delegation Requests to amend the plat notation for Port Everglades Plat No. 2 was ever filed or processed. Under the revised County impact fee system transit impact fees are determined and paid at the time building permits are requested. The City and County have been exploring alternatives that would offset the former DO road impact fee amount.

2. Submit an annual report to the City of Fort Lauderdale, the SFRPC, the DCA, and the Florida Department of Transportation (District 4) on each anniversary date of the effective date of the development. The annual report shall include, at a minimum, a complete response to each question in Exhibit F.

Although state law requires biennial annual reports the adopted DO requires an annual report each year. Following is a listing of all known Annual Reports for this DRI:

May 1990 – Submitted by Northport Venture Associates (Deutsch Ireland Affiliate) for the Northport Leasehold Area only and covered the period 5/26/89 to 5/26/90.

May 1996 - Submitted by Madison Associates, Inc. for the Northport Leasehold Area only (no time period specified).

Jan. 2002 - Submitted by the law firm Greenberg Traurig for the Northport Leasehold Area only and covered the period 5/26/97 to 11/20/01.

May 2005 - Submitted by Michael Miller Planning Associates and covered the period 11/21/01 to 3/15/05.

Jan. 7th, 2008 - Submitted by Kimley-Horn and Associates and covered the period 3/16/05 to 12/31/07.

March 24th, 2008 - Submitted by Siegel, Lipman, Dunay, Shepard & Miskel and covered the period 1/01/08 to 6/01/09.

June 15th, 2010 - Submitted by Siegel, Lipman, Dunay, Shepard & Miskel and covered the period 6/02/09 to 6/01/10.

July 17th, 2012 - Submitted by Siegel, Lipman, Dunay, Shepard & Miskel and covered the period 6/02/10 to 7/17/12.

Oct. 2015 – Current Annual Report prepared by Michael Miller Planning Associates and covers the period 7/18/12 to 10/16/15.

3. Within 30 days of the effective date of the development order, record notice of the adoption of the development order pursuant to Section 380.06(15), F.S., specifying that the development order runs with the land and is binding on the Applicant, its successors, and assigns, jointly and severally.

All DRI Development Orders are recorded in the Official Public Records of Broward County, Florida.

4. Prior to the year 2008, the Applicant shall construct a ramp serving either level 3, 4, or 5 of the existing parking garage to simulate the recently completed air quality modeling study. If said ramp is not completed, additional mitigation measures will be required to meet acceptable air quality standards.

The express ramp was constructed as requested in 2004 from the upper floors of the parking garage to the entrance of the garage.

5. Prior to the issuance of any building permits for Phases II and III, there must be a corresponding site plan approved by the City Commission.

To date no construction has occurred in Phases II or III other than the Convention Center expansion. The City approved a site plan for the BCCC expansion in 1999 (Resolution No. 99-8). Additional site plan approvals will be requested from the City in the future for any additional expansions.

6. Any proposed modification (other than temporary modification, which is defined to mean an interim or non-permanent improvement including but not limited to road modifications as a result of construction, traffic accidents or other short term causes) by Applicant to all, or any portion of Eller Drive, Spangler Boulevard or Eisenhower Boulevard, which reduces capacity of any one or more of such roadways by 5% or more of such facilities' capacity at Level of Service E, shall require the Applicant to submit to the City a revised traffic impact analysis incorporating such changes. Upon City's request Applicant shall submit such traffic impact analysis. Should a traffic impact analysis required pursuant to this section indicate that additional transportation mitigation is required, then the City may require an amendment to the Developer Order prior to the implementation of the modification. Applicant's traffic impact analysis shall be subject to the review and concurrence of City's traffic consultants.

Based on the requirements of this section, the City shall not withhold building permits or certificates of occupancy for any development within the Property for which site plan approval has been granted.

The City shall not withhold any future site plan approval for any development within the Property based upon the requirement of this section unless the traffic impact analysis required herein has been submitted by the applicant to the City. Any such delay to the approval of any site plan shall not extend beyond the date when either: 1) the City determines that no amendment to the Development Order is needed, or 2) an amendment to the DRI is adopted by the City, or 3) a bond is posted with the City to cover the cost of any mitigation measures which may need to be taken in order to address traffic impacts and the application to amend the Development Order has been submitted and the Applicant is taking action to complete the proposed amendment. Cost will be established by an estimate of a licensed professional engineer qualified to give such estimates, which engineer shall be chosen by City and Applicant. Any request by Applicant to City for review or a determination under this provision shall be acted upon by City on an expedited basis. For purposes of this condition, the Property does not include the Northport Leasehold Area or the area leased to Broward County Convention Center Hotel Limited Partnership.

As a result of the events of 9/11/01, Broward County secured through access through Port Everglades. Access is permitted but motorists are screened. The City of Fort Lauderdale did not exercise its option to require a traffic analysis as a result of the access changes. Between 2011-13 the City / County coordinated to prepare traffic methodologies / studies and a bypass road plan was developed. Due to the Phase 2 development being discontinued the work effort was suspended via a letter dated July 1st, 2013 from Bertha Henry, Broward County Administrator to Lee Feldman, Fort Lauderdale City Manager. Commitments were made to continue to work together on further traffic studies / improvements as are warranted and cost feasible.

C. THE LEASEHOLD AREA OWNER SHALL:

Prior to issuance of additional building permits for development within Phase 1, Phase 1A, or both, of the Northport Leasehold Area the Leasehold Area shall post a bond or other security acceptable to the City in the amount of \$663,622. Prior to the issuance of a certificate of occupancy within the Northport Leasehold Area, the Leasehold Area Owner shall pay \$50,000 to the City for the City to conduct a transit study regarding transit connections along 17th Street Causeway to the Beach and to the Downtown areas and the bond or other security shall be reduced accordingly. The remaining amount of \$613,622 shall secure the Leasehold Area Owner's obligation to construct traffic improvements, if any, which are identified upon completion of a traffic study as outlined below. Not less than sixty (60) days prior to review by the City Commission of a site plan for a change of use or a new development within the Northport Leasehold Area pursuant to this Development Order, the Leasehold Area Owner shall submit a traffic study regarding the local traffic impacts of such change of use or new development. The City and

the Leasehold Area Owner shall agree upon a methodology to be utilized by the City's consultant in conducting a detailed analysis of the impacts of the development within the Northport Leasehold Area on the road capacities. Such traffic study shall analyze impacts upon the local roadways in the vicinity of the project, operations (e.g., peak traffic queuing) and physical conditions of the transportation system.

In the event the above-described study identifies any needed traffic improvements, the Leasehold Area Owner shall, within twenty-four (24) months of completion of such study, complete construction of such identified needed traffic improvements; provided, however, in no event shall the Leasehold Area Owner's obligation to construct needed traffic improvements exceed a cost of \$613,662 based upon estimates for such construction agreed to by the Leasehold Area Owner and City staff. Upon satisfaction of the Leasehold Area Owner's obligations pursuant to this condition, any remaining funds left from the \$613,662 shall be paid to the City to be used for transit improvements.

According to the Leasehold Area Holder, approximately \$50,000.00 of the \$663,662.00 has been provided to the City for a transit study, the remaining amount is not required to be posted until additional building permits are requested within the Northport Leasehold Area. The former Northport Marketplace building along SE 17th Street was previously converted to the Portside Yachting Center and COs were issued by the City to tenants upon occupancy. The conversion of the building was approved by the City administratively.

Prior to the issuance of any building permit for Phase 1A, there must be a site plan for Phase 1A approved by the City Commission.

The former Northport Marketplace building along SE 17th Street has been converted to the Portside Yachting Center and COs were issued by the City to tenants upon occupancy. The conversion of the building was approved by the City administratively.

D. THE CITY OF FORT LAUDERDALE SHALL:

1. Withhold the issuance of building permits or certificates of occupancy, or both, if potable water and wastewater treatment demand exceeds capacity adequate to serve the demand.

The City has not had to withhold and building permits or COs as capacity remains for the existing and proposed uses.

2. Participate as necessary to meet the requirements as outlined in the Hazardous Materials Management Plan.

The City is provided with updates of the HMMP and coordination efforts occur as needed.

3. Review project landscape plans to ensure that only those plant species identified in Chapter 39, Article VIII, Broward County Code of Ordinances and applicable portions of the City of Fort Lauderdale codes are used for project landscaping and that xeriscape principles are utilized in such landscape plans, as practicable.

The City has reviewed each development application for the Convention Center and NLA development. All development has been designed to comply with the County's and City's Landscape Code provisions.

4. Monitor site development to ensure that exotic plant species are removed.

The City has reviewed each development application for the Convention Center and NLA development. All development has been designed to comply with the County's and City's Landscape Code provisions. Both City and County staff monitor the site to note any exotic plant species.

5. In the event the Applicant, its successors, or assigns violates any of the conditions of the development order or otherwise fails to act in substantial compliance with the development order (hereinafter "violator"), stay the effectiveness of the development order as to the tract, or portion of the tract, in which the violative activity or conduct has occurred and withhold future permits, approvals, and services for development in said tract, or portion of the tract, upon passage of any appropriate resolution by the local governments of jurisdiction, adopted in accordance with this section, finding that such violation has occurred. The violator will be given written notice by the local government of jurisdiction that states: 1) the nature of the purported violation, and 2) that unless the violation is cured within 15 days of said notice, the local government of jurisdiction will hold a public hearing to consider the matter within 30 days of the date of said notice. If the violation is not curable in 15 days, the violator's diligent good faith efforts to cure the violation within that period will obviate the need to hold a public hearing and the development order will remain in effect unless the violator does not diligently pursue the curative action to completion within a reasonable time, in which event the local government of jurisdiction will give 15 days notice to the violator of its intention to stay the effectiveness of the development order and withhold further permits, approvals, and services as to the tract, or portion of tract, in which the violation has occurred and until the violation is cured. For purposes of this paragraph, the word "tract" shall be defined to mean any area of the development identified on the Northport / Broward County Convention Center Development Plan (Exhibit 3). In addition, the phrase "portion of a tract" means a division of a tract into more than one ownership as created by deed or plat.

Neither the applicant, nor its successors, or assigns have violated any of the conditions of the Development Order or otherwise failed to act in substantial compliance with the Development Order.

6. The City of Fort Lauderdale hereby designates the Director of the Construction Services Bureau, or his / her designee, or such other person designated by the City Manager as the local official responsible for monitoring all conditions of this Development Order.

The City has designated several staff members over the years to monitor this development. However, key staff persons assigned to this project that coordinated and approved all development permits have left the employment of the City. The City will assign new staff.

Section 4. Period of Vested Development Rights and Date of Completion.

1. Physical development of the Project has commenced. For purposes of this paragraph, physical development means development as defined in Section 380.04, F.S.
2. This Development Order shall remain in effect until December 30, 2008 and development shall be completed on or before December 30, 2008, provided that the applicant, its successors, and / or assigns, within 30 days of the effective date of the Development Order records this amended Northport / Broward County Convention Center Development Order pursuant to Section 380.06(15), Florida Statutes, specifying that the Development Order, as amended, runs with the land and is binding on the applicant, its successors, and / or assigns, jointly or severally, provided, however, as to the Northport Leasehold Area Development Program this Development Order shall remain in effect and development shall be completed on or before March 31, 2006, provided that the applicant, its successors, and / or assigns, within 30 days of the effective date of the Development Order records this amendment to the Northport / Broward County Convention Center Development Order pursuant to Section 380.06(15), Florida Statutes, specifying that the Development Order, as amended, runs with the land and is binding on the applicant, its successors, and / or assigns, jointly or severally. Neither the Northport Leasehold Area Development Program nor the Northport / Broward County Convention Center DRI shall be subject to downzoning, unit density reduction or intensity reduction on or before their respective completion dates as provided herein, unless the City can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the DRI development order have occurred, or that the DRI Development Order was based on substantially inaccurate information provided by the applicant, or that the change is clearly essential to the public health, safety or welfare. The termination date may only be modified in accordance with Section 380.06(19)(c), Florida Statutes.

Copies of all previous Ordinances affecting this project were obtained from the City files. The Ordinances contain a provisions that the document will be recorded in the public records. Although none of the Ordinances in the City files reflected they had been recorded, it is assumed that they were recorded as some documentation as to notice of recording was found. A legal document search would confirm this.

The Convention Center as described in the DRI is completed, although the as-built square footage slightly exceeds the DRI allowances by about 644 square feet. The City was aware of this but issued building permits and a Certificate of Occupancy for the last expansion. The Northport Marketplace within the NLA was built in accordance with DRI allowances. All existing improvements have been constructed within the timeframes specified.

As related to the recent economic recession a series of Florida Senate / House legislative actions (SB 360 / SB1752 / HB 7207 / Sec. 252.363 F.S.) occurred over the past several years that granted build-out date extensions for development permits under certain circumstances (written notice by a specified deadline). The two (2) entities that control areas of the DRI (Broward County / Northport Leasehold Area) have relied on those legislative provisions to obtain timeframe extensions, although differently. The current Broward County build-out date is December 30th, 2015 according to available records. The Northport Leasehold Area buildout date has been extended to November 21st, 2020 via a letter issued by the City of Fort Lauderdale dated October 16th, 2012. The County anticipates shortly requesting a build-out date extension and other Development Order modifications.

Attachments