

ORDINANCE 2005-105

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CORAL SPRINGS ADOPTING A DEVELOPMENT ORDER FOR THE CORAL SPRINGS DOWNTOWN DEVELOPMENT OF REGIONAL IMPACT, WHICH CONSISTS OF PROPERTY KNOWN AS THE CITY OF CORAL SPRINGS COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR APPROVAL WITH CONDITIONS OF THE DEVELOPMENT OF NEW RETAIL, OFFICE, RESIDENTIAL, HOTEL, GOVERNMENT OFFICE AND MOVIE USES; PROVIDING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING GENERAL PROVISIONS FOR THE DEVELOPMENT ORDER; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR RECORDATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, this Development Order constitutes the Development Order for the City of Coral Springs Downtown Development of Regional Impact (DDRI) pursuant to Section 380.06 Florida Statutes; and

WHEREAS, pre-application conferences were held on June 26, 2002 and September 5, 2002, with all affected agencies; and

WHEREAS, an application for development approval (ADA) for the proposed City of Coral Springs Downtown Development of Regional Impact was filed by the City of Coral Springs Community Redevelopment Agency (CRA) with the South Florida Regional Planning Council (SFRPC); and

WHEREAS, the DDRI encompasses the area within the City of Coral Springs (City) known as the Community Redevelopment Area, as described in Exhibit A attached hereto, and encompassing approximately 136 acres; and

WHEREAS, on January 16, 2004 the South Florida Regional Planning Council issued its notice finding the ADA sufficient; and

WHEREAS, on January 3, 2005 the South Florida Regional Planning Council recommended approval of the DDRI pursuant to the provisions of 380.06(12) Fla. Stat., subject to certain conditions being incorporated into this Development Order by the City of Coral Springs; and

WHEREAS, the DDRI is consistent with the City of Coral Springs Comprehensive Plan, the Broward County Land Use Plan, the Strategic Regional Policy Plan for South Florida, and the State of Florida Comprehensive Plan; and

WHEREAS, the Coral of Springs City Commission has held two public hearings on the Development Order for the City of Coral Springs DDRI on March 22, 2005 and April 19, 2005, pursuant to the notice and public hearing provisions of Section 380.06(25), Florida Statutes (2004); and

WHEREAS, the City Commission has determined that the issuance of this Development Order for the DDRI is in the best interests of the residents of the City, and furthers the health, safety and general welfare of the City;

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CORAL SPRINGS, FLORIDA:

SECTION 1. GENERAL.

- 1.01 The above recitals are true and correct and incorporated herein.
- 1.02 This ordinance, including all exhibits hereto, is the Development Order of the City of Coral Springs issued in response to the City of Coral Springs Downtown Development of Regional Impact ADA filed by the City of Coral Springs Community Redevelopment Agency (Developer or CRA), approving the ADA with conditions. By reference, the exhibits to this Order, and the ADA itself, are hereby incorporated herein as if fully set forth.

SECTION 2. FINDINGS OF FACT AND CONCLUSIONS OF LAW.

- 2.01 FINDINGS OF FACT. The City Commission of the City of Coral Springs makes the following findings of fact:
 - (A) The City is a municipal corporation organized under the laws of the State of Florida, whose mailing address is c/o City Clerk, 9551 W. Sample Rd., Coral Springs, Florida 33065, and whose authorized agent is Michael S. Levinson, City Manager.
 - (B) The Community Redevelopment Agency is a duly organized community redevelopment agency under the laws of Florida, and is the Developer for the purposes of encouraging and guiding redevelopment in the Downtown pursuant to this Development Order. The City and the

CRA anticipate that the vast majority of redevelopment in the Downtown will be accomplished by multiple individual Project Developers who own and develop property within the DDRI. The Project Developers shall be bound to the provisions of this Development Order. The authorized agent of the CRA is Michael S. Levinson, City Manager.

(C) The proposed development is not in an area of critical state concern designated pursuant to the provisions of Section 380.05, Fla. Stat. (2004).

(D) No interest in the land within the land area is owned, leased, or otherwise controlled by a person, corporate or natural for the purpose of mining or beneficiation of minerals.

(F) The DDRI is a 7-year project located on approximately 136 acres, within the City of Coral Springs, described in Exhibit A. The land uses and the amount of development approved within each land use category in the DDRI, attached hereto as Exhibit B and incorporated herein, are described in the ADA. The land uses generally include retail, office, residential, hotel, government office and movie uses.

2.02

CONCLUSIONS OF LAW. The City Commission of the City of Coral Springs reach the following conclusions of law.

(A) The DDRI does not unreasonably interfere with the achievement of the objectives of Chapter 187, State Comprehensive Plan, Fla. Stat., applicable to the development permitted by this Order. The development permitted with this Order is consistent with the State Comprehensive Plan.

(B) The DDRI is consistent with the City of Coral Springs Comprehensive Plan and the Broward County Land Use Plan and shall be developed consistent with all applicable City land development ordinances and regulations as may be amended from time to time.

(C) The DDRI is consistent with the SFRPC Development of Regional Impact Assessment report and recommendations, dated January 3, 2005 and submitted by the SFRPC pursuant to Section 380.06(14), Fla. Stat., in that it provides adequate protection for regional resources.

(D) The DDRI makes adequate provision for the public facilities needed to accommodate the impacts of the proposed development pursuant to the City's adopted level of service standards.

(E) The public hearing notice requirements of Section 380.06(25), Fla. Stat., have been satisfied.

SECTION 3. GENERAL PROVISIONS.

- 3.01 Until December 31, 2020, the City agrees that the DDRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the City can demonstrate that substantial changes in the conditions underlying the approval of this Development Order have occurred or the Development Order was based upon substantially inaccurate information provided by the Applicant, or that the change is clearly essential to the public health, safety, or welfare.
- 3.02 The City is involved in a legal dispute over the development restrictions placed by the original Coral Springs developer on properties within the CRA. The build-out date for the Coral Springs DDRI shall be the earlier of 1) eight years from the date the dispute is resolved through the judicial system or 2) December 31, 2015.
- 3.03 December 31, 2035 is hereby established as the termination and expiration dates for the Development Order.
- 3.04 Within thirty (30) calendar days after the final DDRI public hearing is concluded, a certified completed copy of this Development Order shall be sent by the City via first class certified U.S. Mail to the South Florida Regional Planning Council, the Florida Department of Community Affairs (“DCA”) and the City of Coral Springs Community Redevelopment Agency.
- 3.05 Enforcement. In the event the Applicant, Project Developers, their successors or assigns violate any of the conditions of the Development Order or otherwise fail to act in substantial compliance with the Development Order (hereinafter “violator”), the City shall stay the effectiveness of the Development Order as to the tract, or portion of the tract, in which the violation or conduct has occurred and withhold further permits, approvals, and services for development in said tract, or portion of the tract, upon passage of any appropriate resolution by the City, adopted in accordance with this section, finding that such violation has occurred. The violator will be given written notice by the City that states: 1) the nature of the purported violation, and 2) that unless the violation is cured within 15 calendar days of said notice, the City 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 calendar 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 City will give 15 calendar 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 the 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 development identified on the Coral Springs DDRI. 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.

The lessees of tracts or portions of tracts within the property from the Applicant shall not be considered successors of the Applicant for the purpose of affirmative compliance hereunder, including but not limited to all obligations for notification, execution of utility agreements and reporting requirements. Compliance by a lessee as to its tract or portion of tract shall be considered compliance by the Applicant. However, nothing herein shall be construed to limit the obligation of the Applicant to ensure compliance with this Development Order.

- 3.06 Biennial Report. The CRA will be the responsible party for submitting an biennial report to the City of Coral Springs, the SFRPC, the DCA, and the Florida Department of Transportation (District 4) on each two year anniversary date of the effective date of the Development Order. The CRA will also submit copies of the biennial report to the School Board of Broward County and the North Broward Hospital District until the residential components of the project are substantially complete, to promote planning and coordination of facilities and needs. The biennial report shall include, at a minimum, a complete response to each question in Exhibit C.

SECTION 4. CONDITIONS OF APPROVAL.

- 4.01 THE CRA SHALL COMPLY, OR AS APPLICABLE THE CRA SHALL REQUIRE PROJECT DEVELOPERS WITHIN THE DOWNTOWN DRI, THEIR SUCCESSORS, AND/OR ASSIGNS, JOINTLY OR SEVERALLY, TO COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL:

(A) Design, construct and maintain any additions, expansions, or replacements to the stormwater management system to meet the following standards:

1. Comply with the regulations and requirements of the South Florida Water Management District (SFWMD), Broward County Department of Planning and Environmental Protection (DPEP), and applicable local government comprehensive plan drainage level of service requirements for surface water management in effect at that time.
2. Install pollutant retardant structures to treat all stormwater runoff at each of the new project outfall structures in accordance with the stormwater management system drainage permits and master drainage plan, and periodically remove pollutant accumulations as required by the stormwater permitting agencies.

3. Use silt screens and aprons during any phase of project construction that may increase turbidity in adjacent surface waters.
4. Mulch, spray, or grass exposed areas to prevent soil erosion, minimize air pollution and stormwater runoff.

(B) 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 water conserving techniques to reduce the demand on the region's potable water supply; including the installation of rain sensors on irrigation timers, and compliance with any applicable code restrictions on irrigation timing required by the City of Coral Springs.

(C) Incorporate, as practicable, 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, at a minimum, the criteria outlined in the water conservation plan of the public water supply permit issued to Broward County by the SFWMD. To the extent feasible, follow construction practices in accordance with LEED (Leadership in Energy and Environmental Design) Certification.

(D) Remove Melaleuca, Casuarina, Schinus and all other invasive exotic vegetation, as recognized by the Florida Exotic Pest Plant Council as Category I species, in each phase of the development. Monitor common areas, including but not limited to roadways, rights-of-way, easements and public open spaces to ensure that invasive, exotic plants do not become reestablished. Place visible barriers around the desirable trees or tree clusters that are proposed to remain on site, prior to removal of invasive exotic vegetation with heavy equipment.

(E) Comply with the tree preservation requirements and the landscaping standards of applicable requirements and standards of the City of Coral Springs. When practicable, the Applicant should follow xeriscape principles in landscape design and the selection of species for planting. Substitute landscaping species may only be used if written approval is provided by the City of Coral Springs in consultation with the Broward County and SFRPC staff. Such approval will be based on the following criteria for plant materials:

1. Does not require excessive irrigation or fertilizer;
2. Is not prone to insect infestation or disease;
3. Does not have invasive root systems; and
4. Other criteria as may be appropriate.

(F) The CRA, through Project Developers, shall be permitted to develop a maximum amount of land uses in accordance with the land uses listed below, which have been subject to the required approvals. The exchange of these uses are permitted as governed by Condition (AA) and Exhibit D of this Development Order. In all cases, no Certificates of Occupancy shall be issued for Net New Development that would, in the aggregate, exceed the total nn2wph (net new 2- way peak hour) trips of 2,802 vehicles per hour as shown in the Consolidated ADA. Initial development will be limited to:

Development Program Summary

<i>Land Use</i>	<i>Existing Development</i>	<i>Proposed Total Development</i>	<i>Net New Development</i>	<i>Minimum Amount of Development</i>	<i>Maximum Amount of Development</i>
Office	624,168 SF GFA*	1,379,000 SF GFA*	754,832 SF GFA*	400,000 SF GFA*	2,000,000 SF GFA*
Retail	215,191 SF GLA**	783,057 SF GLA**	567,866 SF GLA**	215,191 SF GLA**	1,200,000 SF GLA**
Residential Condominium	121 DUs***	1,670 DUs***	1,549 DUs***	400 DUs***	2,400 DUs***
Library	72,000 SF GFA*	72,000 SF GFA*	0 SF GFA*	Existing	Existing
School	1,600 Students	1,600 Students	0 Students	Existing	Existing
Government Office	92,475 SF GFA*	95,000 SF GFA*	2,525 SF GFA*	50,000 SF GFA*	100,000 SF GFA*
Hotel	103 Rooms	500 Rooms	397 Rooms	103 Rooms	750 Rooms
Movies	0 SF GLA**	65,000 SF GLA**	65,000 SF GLA**	0	80,000 SF GLA**

* Square Feet; Gross Floor Area (GFA)

** Square Feet; Gross Leasable Area (GLA)

*** Dwelling Units (DU)

(G) Utilize economic development enhancement resource agencies and programs designed to involve small and minority businesses in the development and expansion of permanent job opportunities within the project. Examples of such agencies and programs include, but are not limited to, those contained in the South Florida Small and Minority Business Resource Directory. Project Developers will attempt to access

the range of job skills available in the region and promote greater labor force enhancement. At a minimum, Project Developers are encouraged to provide potential commercial tenants with information about employment and training agencies that maintain a database of trained/skilled workers to consider in meeting the project's employment needs. This information shall be biennially updated and submitted as a part of the Biennial Status Report, using a form that is attached as Exhibit C.

(H) The DDRI is not anticipated to include laboratories, storage facilities, warehouse space or other uses which have a significant hazardous materials generation/usage impact as defined in Rule 9J-2.044(2)(f) and (5)(a) of the Florida Administrative Code. In the event that hazardous material usage on any property within the DDRI will have a significant impact, prior to issuance of a certificate of occupancy for any such use, the owner(s) and/or Project Developer, to the extent necessary and appropriate, after consultation with any leaseholders, shall submit a Hazardous Materials Management Plan (HMMP) for review and approval by the City of Coral Springs, Broward County Department of Planning and Environmental Protection (DPEP), the Florida Department of Environmental Protection (FDEP), and the SFRPC which conforms with the requirements of Rule 9J-2.044(5)(b)2 of the Florida Administrative Code. The Project Developer, its successors and/or assigns shall provide a copy of the approved plan to the City of Coral Springs Fire Department. The HMMP shall be incorporated into the development by lease as applicable and shall be incorporated into the project by sale agreement, restrictive covenant or other appropriate legally binding enforcement provision when any of the property is conveyed, as applicable.

(I) Incorporate, as practicable, energy conservation measures into the design and operation of projects developed within the DDRI. At a minimum, Project Developers shall construct all development in conformance with the specifications of the applicable building code at the time of the issuance of the building permit and 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. The City shall encourage other energy conservation measures as appropriate and as an example to Project Developers, and shall monitor design review procedures and electrical energy conservation measures, proposed in the ADA, during the project construction phase to assess the effectiveness of same. To the extent feasible, follow construction practices in accordance with LEED (Leadership in Energy and Environmental Design) Certification.

(J) Assure that any fill material utilized at a project site, whether from onsite excavation activities or from offsite sources, meets the clean soils criteria of the FDEP and DPEP, as applicable.

(K) 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.

(L) The CRA shall work with the City to ensure the adequate provision of fire/rescue services necessary to serve development within the CRA. A Project Developer shall submit a site plan to the City Fire Marshal for review in order to identify any additional sites, equipment and/or facilities that the project will generate.

(M) Maintain an understanding with the City's Police Department to ensure adequate provision of police services for the DDRI.

(N) Assure that for any project containing surface parking areas generating 1,500 (or greater) vehicle trips/hour or any parking garage generating 750 (or greater) vehicle trips or any combination of surface parking and parking garage generating 1000 (or greater) P.M. peak hour vehicle trips, a Carbon Monoxide (CO) air quality analysis shall be submitted and a Broward County DPEP Parking Facility license required. In addition, any intersections operating at LOS "E" or "F", with 5% project traffic, shall also be considered for a CO air quality analysis through the build-out date. The analysis shall be reviewed and approved by DPEP, FDEP, the SFRPC and the City of Coral Springs, prior to the issuance of the first certificate of occupancy for the project. It shall incorporate the methodology of the latest FDEP guidelines. The study should include, if necessary, mitigation measures for which the individual project shall be responsible.

(O) If the results of the air quality analysis study, as described in condition (N) above, exceed State standards for CO concentrations, do one of the following:

1. Revise the analysis using DPEP and FDEP approved Transportation Control Measures and/or physical planning measures (e.g., signalization, parking area locations, addition of turn lanes, etc.), for which the Applicant or Developer shall be responsible, to ensure that State standards for CO concentrations are met.

2. Withhold the issuance of any building permits for Net New Development within the sub-area that shows exceedences.

(P) Actively encourage transit use, carpooling and vanpooling by disseminating rideshare and transit information to tenants and employees, or provision of other amenities to increase ridership, utilizing the services and programs of such agencies as the Florida Department of Transportation's South Florida Commuter Services.

(Q) Actively encourage transit use by provision of amenities to increase ridership, and provide transit route and schedule information, as available, in convenient locations throughout the project in coordination with Broward County Transit (BCT).

(R) Designate three percent of employee parking spaces, conveniently located, for exclusively high occupancy vehicle use and alternative fuel vehicle use.

(S) Provide on-site bicycle storage facilities, along with consideration for shower facilities, to encourage use of alternative modes of transportation.

(T) Regularly schedule vacuum sweeping of all parking lots of eleven or more parking spaces and roadways serving the parking lots.

(U) To the extent cost-effective, utilize efficient, low emission vehicles for on-site services like parking enforcement, maintenance, and security services, with specific consideration of alternative fuel vehicles.

(V) Vehicle access points to the off-site roadway network will be identified during the driveway permitting process.

(W) Prior to the issuance of the first certificate of occupancy for the uses approved in the DDRI Pre-Development Agreement (PDA), which is 72,000 square feet of gross floor area of office and 24,000 square feet of gross leasable area of retail development, or 285 net new two-way pm peak hour trips (nn2wph), or 10% of the total nn2wph trips, the portion of the Group i improvements shown in Exhibit E, Transportation Improvements Candidates, equal to maximum amount of \$500,574.51 (10% of the proportionate share), will be open to traffic.

(X) Prior to the issuance of a certificate of occupancy for any use more than 285 nn2wph trips (10% of the total nn2wph trips), a portion of the Group ii and Group iii improvements, to be determined by the City, shown in Exhibit E, Transportation Improvements Candidates, equal to a maximum of \$1,001,149.02 (20% of the proportionate share) will be open to traffic. The selection of the improvements within Group ii and Group iii to meet that maximum will be based on preliminary engineering and right of way cost estimates at that time. In lieu of construction of these same improvements, an amount equal to the full or unspent amount will be dedicated to the agency maintaining the facility.

(Y) Prior to the issuance of a certificate of occupancy for any use more than 840 nn2wph trips (30% of the total nn2wph trips), a portion of the Group ii and Group iii improvements, to be determined by the City, shown in Exhibit E, Transportation Improvements Candidates, equal to a maximum of \$ \$1,001,149.02 (20% of the proportionate share) will be open to traffic. The selection of the improvements within Group ii and Group iii to meet that maximum will be based on preliminary engineering

and right of way cost estimates at that time. In lieu of construction of these same improvements, an amount equal to the full or unspent amount will be dedicated to the agency maintaining the facility.

(Z) Prior to the issuance of a certificate of occupancy for any use more than 1,401 nn2wph trips (50% of the total nn2wph trips) have open for use a Neighborhood Transit Center (NTC) within the boundaries of the CRA. This NTC will provide the type of operations and facilities described in Exhibit F, Transit/Transportation Demand Management (TDM) Strategies Candidates - A, B, and C - with a maximum of \$ 2,502,872.54 (50% of the proportionate share) for the construction and right-of-way for this facility. If the NTC within the CRA does not require this maximum amount for implementation, then the unspent amount will be dedicated to first, Transit Enhancements (TE) candidates D-G of Exhibit F. Once the Transit Enhancements projects of Exhibit F have been implemented as determined by the City in consultation with Broward County Transit to be appropriate and feasible, then the unspent amount will be dedicated to roadway improvements or TDM candidates H-X of Exhibit F, to be determined in consultation with Broward County Transit and the Florida Department of Transportation. The selection of Transit Enhancement and/or roadway improvement projects will be based on preliminary engineering and right of way cost estimates at that time. In lieu of construction of these same improvements, an amount equal to the full or unspent amount will be dedicated to the entity(ies) maintaining the facility(ies).

(AA) Upon the issuance of a Certificate of Occupancy for any of the land use categories in Condition (F), the City shall make appropriate subtractions from the land use totals shown in that Condition. The City may permit simultaneous increases and decreases in the above described land use categories using the land use exchange rates in Exhibit D, Land Use Exchange Rate, without filing for an NOPC (Notice of Proposed Change). New land uses categories may be added to Exhibit D using the rate formula shown on that Exhibit. In all cases, the total revised Net New Development for the site shall not generate traffic volumes that exceed the total nn2wph trips of 2,802 vehicles per hour as shown in the Consolidated ADA. The annual traffic monitoring report prepared by the City shall include a calculation of the nn2wph trips for the revised Net New Development summary as well as the remaining nn2wph trips as of the date of each report.

(BB) Within 90 calendar days of the City of Coral Springs' adoption of this Development Order, the City shall contribute \$7,000 in cash to the City of Coral Springs' State Housing Initiative Partnership (SHIP) program

(CC) The CRA's Housing Affordability Study dated February 24, 2005 further demonstrates that the DDRI will not adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment. Nevertheless, to further enhance affordable housing within the City, the City and CRA commit that they shall use their best efforts to

ensure the continued availability of affordable housing to serve the needs of the workforce anticipated to be employed within the DDRI and to encourage its provision by Project Developers where appropriate.

(DD) The City and CRA also shall cooperate with Broward County in the establishment and funding of a “Subordinated Second Mortgage Program to Support Affordable Housing in Broward County” in order to make home ownership more feasible for low and moderate income families.

4.02 THE CITY OF CORAL SPRINGS SHALL:

(A) Withhold the issuance of building permits or certificates of occupancy, or both, if the Project Developer fails to meet the requirements of Conditions of paragraph 4.01. Withhold the issuance of building permits or certificates of occupancy, or both, if potable water and wastewater treatment demand exceeds capacity adequate to serve that demand.

(B) Review project landscape plans to ensure that only those plant species identified in the applicable codes of the City of Coral Springs are used for project landscaping and that xeriscape principles are utilized in such landscape plans, as practicable.

(C) Monitor site development to ensure that invasive exotic plant species are removed and the property maintained to prevent the re-establishment of invasive exotic species.

(D) Withhold the issuance of building permits or certificates of occupancy for any use that will have a significant hazardous materials generation/usage impact as defined in Rule 9J-2.044(2)(f) and (5)(a), Florida Administrative Code, until the submittal of an HMMP in accordance with Condition 4.01 (H).

(E) In the event the Applicant, its successors, or assigns violate 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 violation or conduct has occurred and withhold further 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 calendar days of said notice, the local government of jurisdiction will hold a public hearing to consider the matter within 30 calendar days of the date of said notice.

(F) If the violation is not curable in 15 calendar 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 calendar 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 the 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 development identified on the Downtown Coral Springs DRI Development Plan. 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.

(G) The lessees of tracts or portions of tracts within the property from the CRA shall not be considered successors of the CRA for the purpose of affirmative compliance hereunder, including but not limited to all obligations for notification, execution of utility agreements and reporting requirements. Compliance by a lessee as to its tract or portion of tract shall be considered compliance by the CRA. However, nothing herein shall be construed to limit the obligation of the CRA to ensure compliance with this Development Order.

4.03 MONITORING OFFICIAL

(A) The City Monitoring Official shall be responsible for assuring compliance of the Applicant, Project Developers, their grantees, successors and assigns, with this Development Order. The person with the authority to stay the effectiveness of this Order upon notification and verification of a violation of any condition herein shall be the City Manager or his/her designee. The City Monitoring Official shall insure that the conditions set forth herein shall be reviewed prior to the issuance of any development permits pursuant to the applicable provisions of the Code of the City of Coral Springs. The City Monitoring Official is designated as the Director of Development Services or his/her designee.

(B) Upon the written request of the owner(s) or developers of the property or tract, the City Monitoring Official shall certify in writing to the owner(s), developers, mortgagees, and potential mortgagees or other designees of the above, the compliance status of the conditions of this Development Order relative to the stated property or tract. If all conditions of this Development Order are being satisfied or are otherwise in compliance, the certification shall provide that the Development Order is in full compliance. If all conditions are not being complied with, the City Monitoring Official shall specify in writing, which conditions are not in compliance.

SECTION 5. RECORDATION.

Within thirty (30) calendar days of the effective date of this Development Order, the CRA shall record this Development Order with the Clerk of the Circuit Court of the Seventeenth Judicial Circuit, in and for Broward County, Florida pursuant to Section 380.06(15)(f), Fla. Stat. This Development Order runs with the land and is binding upon the CRA, Project Developers, and their successors, grantees and assigns, jointly or severally. The CRA shall provide a recorded copy of this Development Order to the City, SFRPC and DCA.

SECTION 6. CONFLICTS.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflicts.

SECTION 7. SEVERABILITY.

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 8. EFFECTIVE DATE

The effective date of this Development Order shall be forty-five (45) calendar days from the date of transmittal by the City to the DCA and the SFRPC; provided, however, that the Ordinance shall not take effect until the day after all appeals, if any, have been withdrawn or resolved pursuant to Section 380.07(2), Fla. Stat.

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PUBLISHED the _____ day of _____, 2005.

PASSED FIRST READING this _____ day of _____, 2005.

PASSED SECOND READING this _____ day _____, 2005.

CITY OF CORAL SPRINGS, FLORIDA

RHON ERNEST-JONES, Mayor

ATTEST:

PETER M.J. RICHARDSON, CRM, CITY CLERK

Unanimous _____
Motion/2nd

			<i>Yes</i>	<i>No</i>
___	___	<i>Mayor Ernest-Jones</i>	___	___
___	___	<i>Vice Mayor Calhoun</i>	___	___
___	___	<i>Commissioner Brook</i>	___	___
___	___	<i>Commissioner Gold</i>	___	___
___	___	<i>Commissioner Mena</i>	___	___

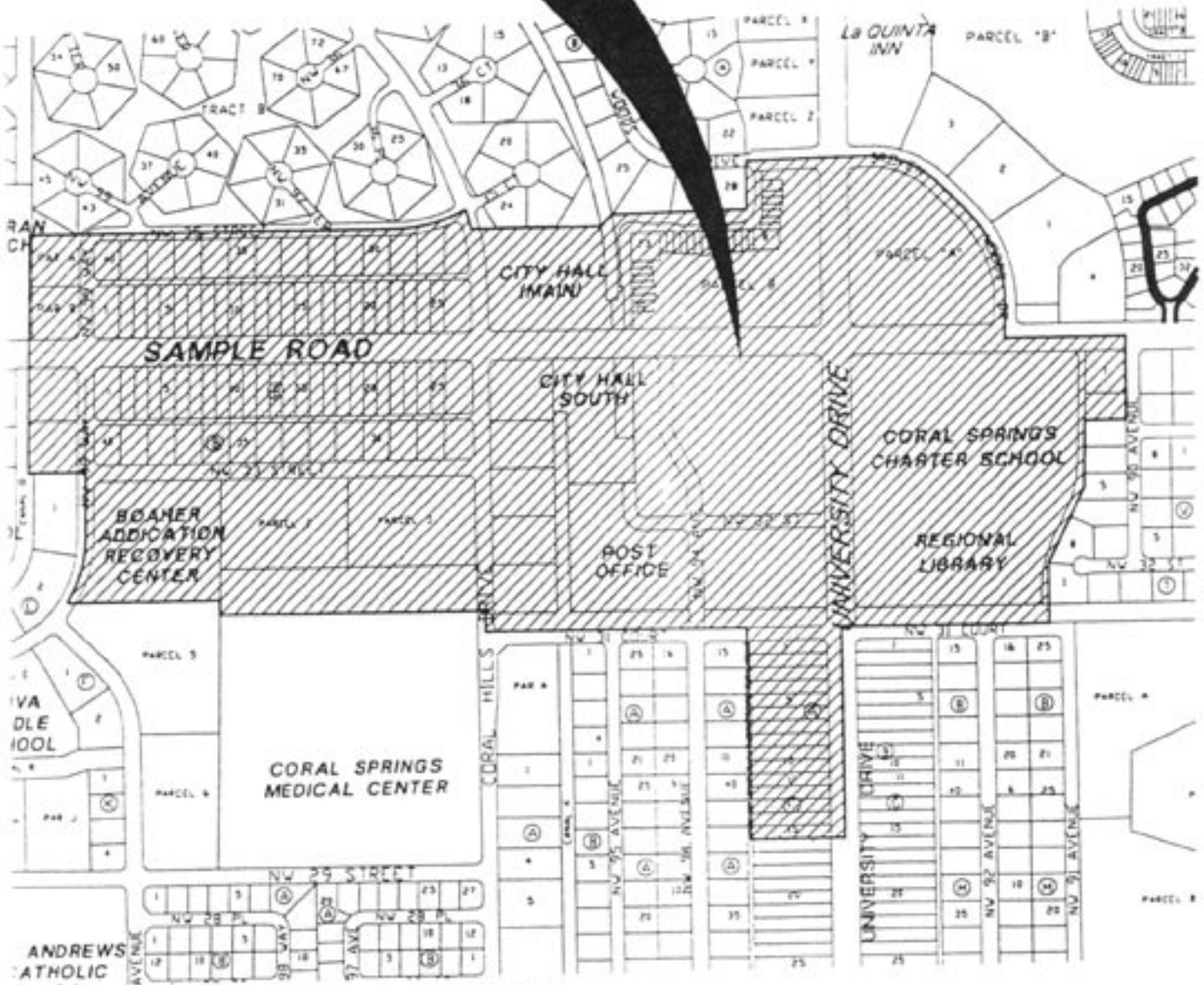


(NOT TO SCALE)



LOCATION PLAN
N T S

DOWNTOWN DRI



LEGEND


 -138.34 ACRES - CRA AREA

EXHIBIT “B”

**LAND USES APPROVED
Downtown Coral Springs Development of Regional Impact**

<i>Land Use</i>	<i>Existing Development</i>	<i>Proposed Total Development</i>	<i>Net New Development</i>	<i>Minimum Amount of Development</i>	<i>Maximum Amount of Development</i>
Office	624,168 SF GFA*	1,379,000 SF GFA*	754,832 SF GFA*	400,000 SF GFA*	2,000,000 SF GFA*
Retail	215,191 SF GLA**	783,057 SF GLA**	567,866 SF GLA**	215,191 SF GLA**	1,200,000 SF GLA**
Residential Condominium	121 DUs***	1,670 DUs***	1,549 DUs***	400 DUs***	2,400 DUs***
Library	72,000 SF GFA*	72,000 SF GFA*	0 SF GFA*	Existing	Existing
School	1,600 Students	1,600 Students	0 Students	Existing	Existing
Government Office	92,475 SF GFA*	95,000 SF GFA*	2,525 SF GFA*	50,000 SF GFA*	100,000 SF GFA*
Hotel	103 Rooms	500 Rooms	397 Rooms	103 Rooms	750 Rooms
Movies	0 SF GLA**	65,000 SF GLA**	65,000 SF GLA**	0	80,000 SF GLA**

* Square Feet; Gross Floor Area (GFA)

** Square Feet; Gross Leasable Area (GLA)

*** Dwelling Units (DU)

Exchange of Land Uses are permitted as governed by Condition AA and Exhibit D of the Development Order

EXHIBIT “C”

**DEVELOPMENT OF REGIONAL IMPACT
BIENNIAL 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 a biennial report to the local government, the regional planning agency, the Department of Community Affairs, and to all affected permit agencies, on the date specified in the development order. 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 biennial report is submitted to the review agencies. This requirement applies to all developments of regional impact which have been approved since August 6, 1980. If you have any questions about this required report, call the DRI Planner at (904) 488-4925.

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

- a) The regional planning agency of jurisdiction (along with the required \$2,500 review fee).
- b) All affected permitting agencies (particularly the County and FDOT).
- c) Division of Resource Planning and Management
Bureau of Local Planning
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399
904/488-4925

BIENNIAL STATUS REPORT

Reporting Period: _____ to _____
Month/Day/Year Month/Day/Year

Development: _____
Name of DRI

Location: _____,
City County

Developer: Name: _____
Company Name

Address: _____
Street Location

City, State, Zip

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.
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 DRI development order for the project? Provide a copy of the order adopted by the annexing local government.

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.

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.

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.

Buyer

Tract

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

6. Describe any lands purchased or optioned adjacent to the original DRI 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.

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.

8. Provide a list specifying each development order conditions and each developer commitment as continued in the ADA land sate how and when each condition or commitment has been complied with during the biennial report-reporting period.

Note: Attach as Exhibit G.

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

10. Provide a statement certifying that all persons have sent copies of the biennial report in conformance with Subsections 380.0(15) and (18), F.S.

Person completing the questionnaire:

Title: _____

Representing: _____

EXHIBIT "D"

**LAND USE EXCHANGE RATES
TWO-WAY PM PEAK HOUR ITE TRIPS
Downtown Coral Springs Development of Regional Impact**

	Office 1.351	Retail 4.605	Residential Condominium/ Townhouse 0.423	Government Office 7.874	Hotel 0.564	Movies 3.800	Apartment 0.62	Medical Office 3.66
Office 1.351	1	0.293	3.191	0.172	2.395	0.356	2.179	0.369
Retail 4.605	3.409	1	10.878	0.585	8.165	1.212	7.427	1.258
Residential Condominium/ Townhouse 0.423	0.313	0.092	1	0.054	0.751	0.111	0.683	0.116
Government Office 7.874	5.828	1.710	18.598	1	13.960	2.072	12.699	2.151
Hotel 0.564	0.417	0.122	1.332	0.072	1	0.148	0.910	0.154
Movies 3.800	2.813	0.825	8.976	0.483	6.738	1	6.129	1.038
Apartment 0.62	0.459	0.135	1.464	0.079	1.099	0.163	1	0.169
Medical Office 3.66	2.709	0.795	8.652	0.465	6.489	0.963	5.903	1

The land uses are measured in the units listed below:

Land Use

Office
Retail
Residential Condominium
Government Office
Hotel
Movies
Apartment
Medical Office

Unit

1,000 Square Feet of Gross Floor Area
1,000 Square Feet of Gross Leasable Area
Dwelling Unit
1,000 Square Feet of Gross Floor Area
Rooms
1,000 Square Feet of Gross Leasable Area
Dwelling Unit
1,000 Square Feet of Gross Floor Area

EXHIBIT “E”

TRANSPORTATION IMPROVEMENT CANDIDATES Downtown Coral Springs Development of Regional Impact

i. Platting Improvements required for PDA

BUS PULLOUT BAY (BOND FOR AND CONSTRUCT)

- 1) Construct one (1) modified, northbound bus pullout bay on University Drive near the intersection of Northwest 31 Court.
- 2) Construct one (1) eastbound bus pullout bay on Sample Road near the intersection of University Drive.

TURN LANE IMPROVEMENTS (BOND FOR AND CONSTRUCT)

- 3) An eastbound right turn lane on Sample Road (SR#834) at the west 80-foot opening.
- 4) A northbound right turn lane on University Drive (SR #817) at Sample Road (SR #834) with 435 feet of storage and 50 feet of transition. Design of this turn is subject to approval by the Florida Department of Transportation.
- 5) A northbound right turn lane on University Drive (SR #817) at the 80-foot opening.

SIDEWALK REQUIREMENTS (BOND FOR AND CONSTRUCT)

- 6) Along Sample Road (SR #834) adjacent to this plat, displaced by turn lane construction.
- 7) Along University Drive (SR #817) adjacent to this plat, displaced by turn lane construction.

SIGNALIZATION IMPROVEMENTS (BOND FOR CONSTRUCTION)

- 8) Any necessary modifications to the existing traffic signal at the intersection of Sample Road (SR #34) and University Drive (SR #817) to provide for the required improvements.

SCHOOL ZONE FLASHER IMPROVEMENTS (BOND FOR AND CONSTRUCT)

- 9) Bond or letter of credit to provide for all improvements and equipment, including pavement markings and signs, necessary for school zone flasher installations.

ii. Additional Transportation improvements

1. University Drive/Wiles Road, add NB and SB through lanes, add NB and SB LT lanes, add EB and WB left turn lanes.
2. University Drive/Sample Road, add SB right turn lane, EB right turn lane and WB right turn lane.

3. Sample Road/Coral Springs Drive, add EB right turn lane, and WB right turn lane.
4. Sample Road/Riverside Drive, add EB right turn lane, NB left turn lane and SB left turn lane.
5. Sample Road/NW 85 Avenue, add NB left turn lane and SB left turn lane.
6. Sample Road/Sportplex Drive, install new traffic signal.
7. Coral Hills Drive, Sample Road to NW 29 Street, widen to provide a 3-lane cross section.
8. NW 33 Street, Coral Hills Drive to NW 99th Way, widen to provide a 3-lane cross section.
9. Other improvements, as determined in consultation with the Florida Department of Transportation, if needed.

iii. Reimbursable Improvements

- a. University Drive, Wiles Road to NW 40 Street, widen from 4 lanes to 6 lanes;
- b. Wiles Road, University Drive to Riverside Drive, widen from 4 lanes to 6 lanes.

Notes:

- Detailed Engineering Cost Estimates for construction, engineering design, and right-of-way will be prepared for each candidate shown above during the selection process for each phase. In all cases, the proportionate share for each phase will control the amount of improvement dollars spent in that same phase.
- Proportionate Share was calculated in 2004 construction dollars. Adjustments to current year dollars will be made to update to the year when the improvement is built based on the State Highway Bid Index for the State of Florida.
- Reimbursable improvements, as shown above, are the responsibility of the Florida Department of Transportation and Broward County, respectively. The proportionate share money may be made available to advance their construction. If any of the improvements listed above are ultimately funded by a jurisdiction other than the City, the improvement cost amount will be available (after reimbursement) for additional improvements.

EXHIBIT “F”

TRANSIT/TRANSPORTATION DEMAND STRATEGIES CANDIDATES Downtown Coral Springs Development of Regional Impact

The applicant commits to construct a Neighborhood Transit Center within the Downtown Coral Springs DRI to encourage transit use. This center will incorporate the following into the project design and operation:

- A. The proposed Neighborhood Transit Center (NTC) and shuttle system will be located within the boundaries of the approved Community Redevelopment Area (CRA).
- B. The NTC will provide kiss and ride, walk to outside destinations, bicycle storage, and bus transfer operation facilities.
- C. The NTC is not intended as a park and ride facility and will not include parking for this purpose.

In the case that Broward County Transit (BCT) provides funding for the NTC, then the City, in consultation with BCT, will follow the NTC guidelines below.

- City shall ensure that a qualified consultant(s) provide for design and preparation of a complete set of contract documents for the construction of roadways, walkways, a commuter parking lot, bus bays, station platform canopies, signage and pavement markings, signalization, lighting, drainage, landscape, landscaping, and utility relocation.
- Bus platform canopies and pedestrian/bicycle-friendly streetscape improvements should be designed to be compatible with the surrounding area. The City shall ensure that the Neighborhood Transit Center plans include appropriate intermodal transportation facilities with public rest rooms, pay telephones, bicycle storage facilities, a bus operation comfort station, ticket office, vending machines, and other amenities such as an ATM for automated ticket sales.
- Improvement to pedestrian circulation should include covered walkways, passenger shelters, benches, exterior lighting at platform waiting areas, information kiosks, public art, and other transit-related capital improvements.
- City shall also ensure that consultant(s) develop a schedule of public participation meetings and assist City and County in community involvement activities and maintain close coordination throughout design and construction with all agencies involved in the project. These agencies consist of, but are not limited to: aesthetic review committee, bicycle coordinators, ADA coordinators, FDOT, and community organizations.
- Design and construction will be in compliance with all applicable Broward County and City of Coral Springs Public Works Department Manuals and Guidelines and the South Florida Building Code. The estimated design and construction costs for the Downtown Coral Springs Neighborhood Transit Center is \$830,000.

If the proportionate share money is available after the NTC is completed, the CRA and/or the City of Coral Springs shall use the full or unspent amount on Transit Enhancements (D-G), as below. If the Transit Enhancements of Exhibit F have been implemented through other means, then the full or unspent amount will be dedicated to TDM projects (H-X) of Exhibit F or roadway improvements, to be determined in consultation with Broward County Transit and the Florida Department of Transportation.

Transit Enhancements

- A. Establishment or enhancement of community shuttle service: Bus or van service that provides transportation between the company's facilities or from the employer's site to transportation facilities such as: Park and Ride lots & Tri-rail stations.
- B. Improvements to Broward County Transit routes serving the project area.
- C. Establishment or enhancement of South Florida Regional Transportation Authority transit service to the project area.
- D. Additional amenities at bus stops, including shade, seating, covers and lighting.

TDM Improvement Candidates

- E. Promote and encourage all employees to take advantage of Tri-Rail's introductory employee discount programs, employer subsidy programs and pre-tax set-asides for transit fares.
- F. Coordinate and support the distribution of Broward County Transit and Tri-Rail Passes to employees for AM and PM peak hour use.
- G. Actively participate and support initiatives by Broward County Transit (BCT) to implement transit improvements that will improve the transit service for the employees and employers of the Downtown Coral Springs DRI.
- H. Assist and scheduling of the existing shuttle service so that routes and timings are coincident with routes provided by BCT and work schedules.
- I. Implement through its web site marketing information programs to promote transit.
- J. On-Site Employer Transportation Coordinator (ETC): An on-site person assigned to coordinate transportation activities of major employers. This is a person who is responsible for coordinating rider-sharing activities at the company's site.
- K. Promote rider-sharing: A vehicle shared by several persons for trips to and from work. The following categories are defined in this strategy:
 - a. Carpooling: Use of a private car to carry fellow employees to work. Not necessarily limited to employees of the same company.
 - b. Vanpooling: Use of an 8-15 passenger van, driven by one of the employees. Participants pay a monthly fee to share capital and operating costs.
 - c. Subscription Bus: Use of a mini-bus to provide transportation to a transit facility or place of employment. This service is usually sponsored by employers to facilitate the commute of their employees. However, participants pay a monthly fee to cover operational costs. This is a subscription service that participants may cancel at any time.
- L. Marketing Information Programs: Transit and traffic congestion marketing and educational programs are developed by employers and government agencies to promote travel reduction strategies for employees. Areas of focus in this strategy are: Mobility improvement, congestion alleviation and air quality improvement. The campaign is oriented to create public awareness of transit services and alternatives. This can be done

- by using printed materials, visual aids, conferences, seminars and workshops, among others.
- M. Preferential Parking: Employers provide preferential parking spaces and treatments for carpool and vanpool vehicles. These parking spaces usually are located within close proximity to the main entrance.
 - N. Emergency Ride Home Program: Employer provides an allowance for a taxi or a company vehicle for ridesharing employees when and if an emergency situation arises. This is an incentive for ridesharing.
 - O. Employer Subsidized Transit Use: Employer provides full or partially paid transit passes to employees for commuting by public transit in lieu of a free parking space.
 - P. Employee Transportation Allowance: Transportation allowance provided by employers to employees exclusively for or to encourage use of public transit or nontraditional modes such as carpool, vanpool, walk or bike. This allowance usually replaces free parking provisions.
 - Q. Parking Management: Employers eliminate or reduce the number of parking spaces for employees to discourage driving alone to work; construction of peripheral parking garages; elimination of subsidies to employees for parking costs; and; development of advanced parking information systems.
 - R. Alternative Work Hours: This strategy spreads the demand for travel at peak-periods. Some alternatives are:
 - a. Staggered Work Hours: Different work groups are assigned to begin work at different times.
 - b. Flex-Time: Employees are allowed to choose their own working schedules within company guidelines.
 - c. Compressed Work Week: Employees are allowed to work four ten-hour days.
 - S. Telecommuting: Employees are allowed to work from home or a satellite office using Personal Computer Systems and phone lines connected to the main office.
 - T. Areawide Commute Management Organization: A public or private organization that coordinates and promotes matching services.
 - U. Formation of Transportation Management Association (TMAs): A partnership between business and location government looking for transportation solutions within a specific area. This strategy promotes private sector involvement in the decision-making process. Local governments are not necessarily part of the TMAs.