



MEMORANDUM

AGENDA ITEM III.F

DATE: JUNE 4, 2012

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: TIME EXTENSIONS FOR DEVELOPMENTS OF REGIONAL IMPACT (DRI) REVIEW

Background

At the April 2, 2012 meeting, the Council directed staff to provide information regarding DRIs that have received extensions from Council staff. There are seven (7) proposed DRIs that have not been presented to the host local government for consideration of a Development Order at a public hearing. The attached DRI Status Report provides the name of the development, its general location, types and amounts of development, and where the project is in the review process. Council staff has been providing extensions, as requested by the Applicant.

In 2009, Governor Scott signed the Community Planning Act, which included a provision to exempt developments from the DRI Program if the development is located in a dense urban land area (DULA), except within 2-miles of the Everglades Protection Area. Broward and Miami-Dade Counties are DULAs. A DRI that had received its D.O. prior to the Community Planning Act could elect to continue in the Program or rescind the D.O. (§380.115, Fla. Stat.).

The DRIs that have been provided time extensions or tolling can be grouped into three categories:

Category 1: (Downtown Miami and Florida Panthers Entertainment District) A pre-application conference was held, but an Application for Development Approval (ADA) was not submitted. Council staff provided an extension to submit the ADA. Section 380.06(7)(c), Florida Statutes (Fla. Stat.), and Rule 73C-40.021(3), *Florida Administrative Code* (F.A.C.) state: "if the application for development approval is not submitted within one year after the date of the preapplication conference, the regional planning agency, the local government having jurisdiction, or the applicant may request that another preapplication conference be held."

It should note that both of these DRIs have an existing Development Order (D.O.). In the case of Florida Panthers, the Applicant was filing a Substantial Deviation ADA. The DRI is also within two miles of the Everglades Protection Area. The Downtown Miami DRI was filing the third increment that was identified and approved as part of its approved Master DRI D.O.

Category 2: (Davie Commons and Riverbend) A pre-application conference was held; ADA was submitted and found insufficient. "Sufficiency" means the information needed to assess a development has been provided. Rule 73C-40.022(3)(c), F.A.C., states "if the applicant does not provide information requested by the regional planning agency within 120 days of the regional planning agency's request, or within a time agreed upon by the applicant and the regional planning agency, the application shall be considered withdrawn."

Category 3: (Southeast Overtown Park West, Beacon Countyline, and Parkland) A pre-application conference was held; ADA was submitted and found sufficient; and a Regional Report issued by the Council. The Applicant requested suspension of timelines in §380.06(11)d, Fla. Stat., to accommodate D.O. conditions' negotiations.

The referenced statute states: "A public hearing date shall be set by the appropriate local government at the next scheduled meeting. The public hearing shall be held no later than 90 days after issuance of notice by the regional planning agency that a public hearing may be set, unless an extension is requested by the applicant." The local government D.O. hearing has not been held.

Council Action

At its May 7, 2012 meeting, the Council directed staff to implement the following actions for the three categories of DRIs:

In Category 1, the time period had passed for the Downtown Miami and the Florida Panthers DRIs; a letter can be sent, once there is guidance and set a date to clarify that to process a new ADA, a new set of data will be required. A draft letter to the representatives of the two DRIs is attached as Appendix 1.

For Category 2, the staff attempted to contact representatives of Davie Commons and Riverbend DRIs to determine a common date with the understanding that new data, not more than a year old, will be necessary for the review. Staff will continue to establish dates for the July Council meeting.

For Category 3, staff has prepared a draft a letter for Council's review to be sent to the City of Miami and Miami-Dade County stating the SFRPC recommends that the local government request updated data and consider the application soon at a public hearing. The draft letter to the local governments and representatives of the DRIs is attached as Appendix 2.

Recommendation

Approve the letters for transmittal to the respective parties.

APPENDIX 1
(To be sent to Category I DRIs)
(Sample letter below)

June 4, 2012

Mr. Neisen Kasdin
Attorney-at-Law
Akerman Senterfitt
1 SE 3rd Ave Fl 25
Miami, Florida 33131-1700

Re: Downtown Miami, Inc. Development of Regional Impact

Dear Mr. Kasdin:

On April 16, 2008, staff of the South Florida Regional Planning Council (Council) hosted the Pre-Application Conference for Increment III of the Downtown Miami, Inc. Development of Regional Impact (DRI). As you are aware, the Application for Development Approval for Increment III has not been submitted. Section 380.06(7)(c), Florida Statutes (Fla. Stat.), and Rule 73C-40.021(3), *Florida Administrative Code* (F.A.C.) state: "if the application for development approval is not submitted within one year after the date of the preapplication conference, the regional planning agency, the local government having jurisdiction, or the applicant may request that another preapplication conference be held."

This letter is to inform you that the Council, at its May 7, 2012 meeting, voted to require a new Pre-application Conference be held for proposed DRIs that exceed one year between its Pre-Application Conference and submitting an ADA. Council staff is prepared to assist you at such time you are prepared to move forward with Increment III.

Please contact Bob Cambric (bcambric@sfrpc.com or 954.985.4416) if you have any questions.

Sincerely,

James F. Murley
Executive Director

JFM/

APPENDIX 2
(To be sent to Category III local governments)
(Sample letter below)

June 4, 2012

Mr. B. Jack Osterholt
Deputy Mayor and Director
Regulatory and Economic Resources Department
Stephen P. Clark Center
111 NW 1st Street
Miami, FL 33128

Re: Parkland Development of Regional Impact

Dear Mr. Osterholt:

On November 14, 2008, the South Florida Regional Planning Council (Council) found the Application for Development Approval (ADA) for the Parkland Development of Regional Impact (DRI) sufficient. The Applicant requested suspension of timelines in §380.06(11)d, Fla. Stat., to accommodate Development Order (D.O.) conditions' negotiations.

At its May 7, 2012 meeting, the Council voted to recommend two items to local governments that have DRIs pending for more than one year after a sufficiency determination. The items are: (1) the requisite public hearings should be calendared as soon as possible and (2) the local government should request the Applicant submitted updated data to revise and support the ADA.

The Council determined that DRIs and other master planned communities provide advantages to communities; however, their approvals should be based on the best available data. Council staff is prepared to assist as needed. Please contact Bob Cambric (bcambric@sfrpc.com or 954.985.4416) if you have any questions or need assistance.

Sincerely,

James F. Murley
Executive Director

JFM/

cc: Mr. Jeffrey Bercow, Attorney-at-Law, Parkland DRI