



MEMORANDUM

AGENDA ITEM III.F

DATE: JULY 9, 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.

Recommendation

For Category 1, send a letter to the Downtown Miami and the Florida Panthers DRIs indicating that more than a year has passed since the Pre-Application Conference and a new one would need to determine the specific methodologies and new data that will be required in the event the Applicant resumes the process. A draft letter to the representatives of the two DRIs is attached as Appendix 1.

For Category 2, send a letter to the Davie Commons and Riverbend DRIs providing an extension until January 31, 2013. The letter will note that prior to resuming the DRI review process, the Applicant would need to meet with the Council and applicable review agencies to determine methodologies and data in the event the Applicant resumes the DRI review process. A draft letter to the representatives is attached as Appendix 2.

For Category 3, send a letter to the Parkland, Beacon Countyline, and Southeast Overtown Park West DRIs recommending the Applicant schedule the required local public hearing. In addition, the letter will recommend the Applicant review the ADA using up-to-date data prior to the public hearing. The draft letter to the Applicant is attached as Appendix 3.

Approve the letters for transmittal to the respective parties.

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

July 9, 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 July 9, 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 II local governments)
(Sample letter below)

July 9, 2012

Mr. Carl William Laystrom, Jr.
Attorney at Law
Doumar Allsworth Laystrom
1177 SE 3rd Ave
Fort Lauderdale, Florida 33316-1109

Re: Davie Commons Development of Regional Impact

Dear Mr. Laystrom:

On May 23, 2007, the South Florida Regional Planning Council (Council) found the Application for Development Approval (ADA) for the Davie Commons Development of Regional Impact (DRI) sufficient. On January 22, 2009, the Applicant requested the Council defer its consideration of the Regional Impact Assessment Report (IAR) until a later time. Since that request, Council staff has provided extensions to the Applicant for consideration of the IAR.

At its July 9, 2012 meeting, the Council voted to provide Applicants that had filed an Application for Development Approval but had not proceeded to receiving an IAR an extension to resume the DRI review process. The extension is to January 31, 2013. Any additional extension would need to be considered by the Council.

The Council also voted to require, prior to the Applicant resuming the DRI review process, an assessment of the Pre-Application Conference's agreement on methodologies and data. The Applicant will be required to provide revised and up-to-date data in order to resume the DRI review process.

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. David Quigley, Town of Davie

APPENDIX 3
(To be sent to Category III local governments)
(Sample letter below)

July 9, 2012

Mr. Jeffrey Bercow
Attorney at Law
Bercow Radell & Fernandez, P.A.
200 S. Biscayne Blvd., Suite 850
Miami, Florida 33131

Re: Parkland Development of Regional Impact

Dear Mr. Bercow:

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 July 9, 2012 meeting, the Council voted to recommend two items to applicants that have a DRI 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 Applicant should submit updated data to revise and support the ADA. It is our understanding that the Parkland DRI has a concomitant Comprehensive Plan amendment, which also should be supported by the best available data and analysis.

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. Mark Woerner, Miami-Dade County

SFRPC DEVELOPMENT OF REGIONAL IMPACT (DRI) STATUS REPORT

7/6/2012

Project Name & Description:	Project Status:					Notes:	
	Pre-Appli-cation	Sufficiency Review			Council Review & Transmittal		Local Govt. Adoption
	1	2+	S				
BROWARD COUNTY DRIs							
The Commons <i>Town of Davie</i> NW Corner of I-75 & Royal Palm Blvd.	Retail	1.1million sf					Council found Town of Davie Land Use Plan Amendment generally inconsistent with Strategic Regional Policy Plan (SRPP) for South Florida 2/2/09. DCA ORC Report 3/13/09.
	Office	885,000 sf					
	Hotel	300 rooms					
FL Panthers Entertain Dist* Substantial Deviation <i>City of Sunrise</i> SE Corner of NW 136th Ave. & Sawgrass Expy.	Residential	4,800 units					Pre-application Conference held 2/26/09. Pre-application Summary sent 4/17/09. Agency Pre-app comments sent 5/13/09. Applicant response received 10/2/09. Applicant granted extension to submit ADA by 6/25/10. Applicant has requested an additional extension until 08/25/11. Applicant has requested an extension but is revising the request to include a proposed date.
	Retail	950,000 sf					
	Hotel	1,450 rooms					
	Office	1,850,000 sf					
	Classroom	30,000 sf					
	Theater	9,200 seats					
Riverbend <i>City of Fort Lauderdale</i> Between SW 27th Ave. & I-95 split by Broward Blvd.	Residential	1,250 units					Pre-application Conference held 2/29/08. ADA received 11/24/08. Applicant granted extension to respond to SIN1 comments by 07/20/11. The Applicant advised Council staff by email that the ADA would be withdrawn.
	Retail	992,042 sf					
	Office	3.27 million sf					
	Hotel	850 rooms					
SIN = Statement of Information Needed					completed	Additional information on ADAs and a database of all DRI projects are found at www.sfrpc.com/dri.htm .	
D.O. = Development Order					in process		

SFRPC DEVELOPMENT OF REGIONAL IMPACT (DRI) STATUS REPORT

7/6/2012

Project Name & Description:	Project Status:					Notes:		
	Pre-Applic- ation	Sufficiency Review			Council Review & Transmittal		Local Govt. Adoption	Council Review of Dev. Order
		1	2+	S				
MIAMI-DADE COUNTY DRIs								
Parkland <i>Miami-Dade County</i> NE Corner of SW 177th Ave. & SW 152nd St.	Residential Retail Office Industrial Schools Hospital	6,941 units 200,000 sf 100,000 sf 33 acres 2 K-8 & High 200 bed						ADA found sufficient 10/31/08. Development Order (D.O..) Conditions meeting held 11/24/08. Second meeting to be determined. Application for concurrent CDMP Amendment in process.
Beacon Countyline <i>City of Hialeah</i> NW 154th St. & NW 97th Ave.	Retail Office Warehouse Hotel	350,000 sf 750,000 sf 4,300,000 sf 350 rooms						ADA found sufficient 11/14/08. D.O.. Conditions meeting held 12/16/08. Second meeting to be determined. Council found Adopted FLUM Amendment consistent with SRPP 6/1/09. Applicant considering options allowed under SB 360 and has until 12/31/11 to decide to continue in the DRI Program.
Downtown Miami Inc. III <i>City of Miami</i> Between NW 2nd Ave. & Biscayne Bay	Residential Retail Office	10,000 units 1.0 million sf 4.0 million sf						Pre-application Conference held 4/16/08. Applicant granted a second 12-month extension to submit ADA by 4/15/12.
SE Overtown Park W Inc. III <i>City of Miami</i> N at I-395, E at Biscayne Blvd., S at NW/NE 5th St., W at I-95	Office Retail Residential Hotel Recreation Convention	2,300,000 sf 1,250,000 sf 4,000 du 2,100 rooms 8,000 seats 200,000 sf						Council Impact Assessment Report approved for transmittal to City of Miami at the Feb. 2012 meeting.

MONROE COUNTY DRIs

No projects under review.

Definitions:

ADA = Application for Development Approval

D.O. = Development Order

 completed
 in process

Additional information on ADAs and a database of all DRI projects are found at www.sfrpc.com/dri.htm.