



MEMORANDUM

AGENDA ITEM V. C.

DATE: DECEMBER 5, 2011
TO: COUNCIL MEMBERS
FROM: STAFF
SUBJECT: DEVELOPMENTS OF REGIONAL IMPACT STATUS REPORT

Section 380.06(1), Florida Statutes (Fla. Stat.), defines a "development of regional impact" (DRI) as any development, which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county. Senate Bill 360 (2009 Session) created Dense Urban Land Areas (DULA) and exempted any new development within a DULA from review as a DRI (§380.06(29), Fla. Stat.), unless it is within an Area of Critical State Concern or within two miles of the Everglades Protection Zone. A DRI that has received its development order and projects that were in the process of being reviewed could remain within the DRI Program; they also had the option to request the local government rescind the development order or they could withdraw the DRI application. The DULA exemption was reaffirmed by HB 7207 (2011), the Community Planning Act.

On November 7, 2011, the Florida Senate's Committee on Community Affairs released "The Development of Regional Impact Process, Interim Report 2012-114." The Report, which can be accessed at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-114ca.pdf>, concludes by recommending the Program be retained.

However, many people agree that the DRI program helps to improve large-scale developments. The quality of these large developments could affect the State of Florida for many decades to come. Infrastructure and natural resource problems that exist at the beginning of a new project are much more difficult and costly to change at a later date. Many types of DRIs, such as mining and waterports, which were doubly regulated by significant environmental permit requirements, have been exempted from the DRI process. Additionally, the program only remains in those communities that do not qualify as dense urban land areas. As a result, the DRI program continues only in Florida's rural areas, the areas that need the technical assistance the most. Although elimination of the DRI process would be feasible, it has been pared back and still adds value. Therefore, professional staff recommends retaining the process at this time. [Interim Report 2012-114, pp. 11-12.]

The implication for the South Florida Region is there will be a limited number of opportunities in the future for Councilmembers to provide recommendations for developments that affect the health, safety, or welfare of citizens of more than one county. The Council's role in DRI review can be divided into two categories: (1) new DRIs and (2) changes to existing DRIs.

New DRI Review

The present process employed by the SFRPC is Councilmembers review the potential impacts of a proposed DRI and make recommendations to the host local government through an Impact Assessment Report, which includes a draft development order. The Impact Assessment Report is developed by staff using information from the Application for Development Approval; host and adjacent local governments; Departments of Economic Opportunity, Environment Protection, State, and Transportation; Florida Fish and Wildlife Conservation Commission; and South Florida Water Management District.

If the local government adopts the development order, Councilmembers will review and recommend to the Department of Economic Opportunity (State Land Planning Agency) whether the development order should be appealed. The basis for the recommendation to appeal is the development would create impacts to state or regional resources or facilities and those impacts are not adequately mitigated.

Changes to Existing DRIs

The DRI Program recognizes the dynamic nature of long-term development and provides the Notice of Proposed Change Process as the means to make adjustments to the type, amount, and phasing of development. The present process employed by the Council relies on staff to review proposed changes, in coordination with the host and adjacent local governments; Departments of Economic Opportunity, Environment Protection, State, and Transportation; Florida Fish and Wildlife Conservation Commission; and South Florida Water Management District, to determine if the change(s) would cause a substantial deviation.

Council staff notifies the local government and applicant in writing about the substantial deviation determination. A change that is substantial deviation would need to provide a revised application for development approval.

Councilmembers would be asked to take action, via a recommendation to the Department of Economic Opportunity to appeal the development order, if a change to a development order would create impacts to state or regional resources or facilities and those impacts are not adequately mitigated.

The following pages indicate the developments that are in the Application for Development Approval review phase.

Recommendation

Information Only

§360.06(29), Fla. Stat.:

(a) The following are exempt from this section:

(1) Any proposed development in a municipality that has an average of at least 1,000 people per square mile of land area and a minimum total population of at least 5,000;

(2) Any proposed development within a county, including the municipalities located in the county, that has an average of at least 1,000 people per square mile of land area and is located within an urban service area as defined in s. 163.3164 which has been adopted into the comprehensive plan;

(3) Any proposed development within a county, including the municipalities located therein, which has a population of at least 900,000, that has an average of at least 1,000 people per square mile of land area, but which does not have an urban service area designated in the comprehensive plan; or

(4) Any proposed development within a county, including the municipalities located therein, which has a population of at least 1 million and is located within an urban service area as defined in s. 163.3164 which has been adopted into the comprehensive plan.

SFRPC DEVELOPMENT OF REGIONAL IMPACT (DRI) STATUS REPORT

11/16/2011

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 Office 885,000 sf Hotel 300 rooms						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.
Riverbend <i>City of Fort Lauderdale</i> Between SW 27th Ave. & I-95 split by Broward Blvd.	Residential 1,250 units Retail 992,042 sf Office 3.27 million sf Hotel 850 rooms						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.
FL Panthers Entertain Dist* Substantial Deviation <i>City of Sunrise</i> SE Corner of NW 136th Ave. & Sawgrass Expy.	Residential 4,800 units Retail 950,000 sf Hotel 1,450 rooms Office 1,850,000 sf Classroom 30,000 sf Theater 9,200 seats						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.



*For substantial deviations, the square footage and units shown are for the requested change not the total project.

Definitions:

ADA = Application for Development Approval

SIN = Statement of Information Needed

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.

SFRPC DEVELOPMENT OF REGIONAL IMPACT (DRI) STATUS REPORT

11/16/2011

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	1	2+	S				
MIAMI-DADE COUNTY DRIs							
Parkland <i>Miami-Dade County</i> NE Corner of SW 177th Ave. & SW 152nd St.	Residential	6,941 units					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.
	Retail	200,000 sf					
	Office	100,000 sf					
	Industrial	33 acres					
	Schools	2 K-8 & High					
	Hospital	200 bed					
Beacon Countyline <i>City of Hialeah</i> NW 154th St. & NW 97th Ave.	Retail	350,000 sf					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.
	Office	750,000 sf					
	Warehouse	4,300,000 sf					
	Hotel	350 rooms					
Downtown Miami Inc. III <i>City of Miami</i> Between NW 2nd Ave. & Biscayne Bay	Residential	10,000 units					Pre-application Conference held 4/16/08. Applicant granted a second 12-month extension to submit ADA by 4/15/12.
	Retail	1.0 million sf					
	Office	4.0 million sf					
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	2,300,000 sf					Application submitted by the ADA on 04/07/11. The ADA was determined "sufficient" on 09/28/11. The Staff Report will be presented at the Dec. Council meeting.
	Retail	1,250,000 sf					
	Residential	4,000 du					
	Hotel	2,100 rooms					
	Recreation	8,000 seats					
	Convention	200,000 sf					

MONROE COUNTY DRIs

No projects under review.

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