



MEMORANDUM

AGENDA ITEM #VI.B

DATE: AUGUST 8, 2016

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: DEVELOPMENT OF REGIONAL IMPACT STATUS REPORT

BACKGROUND

A **Development of Regional Impact** (DRI) is defined by the Florida Legislature 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, (§380.06(1), Florida Statutes). The Legislature sets thresholds for the types and amount of development that is subject to DRI review. In 2011, the Legislature exempted new development within Dense Urban Land Areas (DULAs) from DRI review unless it is a new development located within an "area of critical state concern" or "within two miles of the boundary of the Everglades Protection Zone." DRI review and approval is governed by §380.06, Florida Statutes, and Rules 28-24 and 73C-40 of the Florida Administrative Code.

COUNCIL ROLE

The South Florida Regional Council is responsible for:

- Coordinating the review of local, regional, and state agencies of the **Application for Development Approval** (ADA) for DRIs. As part of this process, the Council, at a regular meeting, must consider and act upon the **Regional Impact Report**, which identifies if a DRI would adversely impact state and regional resources and facilities, adequately mitigate any impacts, and recommend the content for the local DRI **Development Order** (DO). The Council also considers, at a regular meeting, the adopted DO and recommends to the Florida Department of Economic Opportunity (DEO) whether to challenge the DO if it does not meet the requirements of state law.
- Coordinating the review of **Notices of Proposed Change** (NOPC), advising if the changes constitute a substantial deviation and whether the adopted development order is consistent with state requirements. The Council, at a regular meeting, votes to recommend to DEO a NOPC constitutes a substantial deviation pursuant to §380.06 (19)(b), Florida Statutes. The Council delegated authority to the Executive Director to recommend a NOPC does not constitute a substantial deviation. The Council, at a regular meeting, also votes to recommend to DEO an adopted DO does not meet state requirements. The Executive Director is delegated the authority to advise DEO the DO meets requirements.

- Coordinating the review of the **Annual Report**. The local government issuing the DO is primarily responsible for monitoring the development and enforcing the provisions of the DO. The developer shall submit an annual report on the DRI to the local government, the regional planning agency, the state land planning agency, and all affected permit agencies in alternate years on the date specified in the DO, unless the DO by its terms requires more frequent monitoring.

The Annual Report, which may be submitted biennially at the option of the local government, is one of the primary tools to assist in monitoring the progress and compliance of the DRI with the DO. Local governments shall not issue any permits or approvals or provide any extensions of services if the developer fails to act in substantial compliance with the DO. The Council, at a regular meeting, considers whether to request a local government not issue permits or approvals if the Annual Report indicates substantial non-compliance.

**DRI ACTIVITY SUMMARY
2015-2016**

DRI	ACTION	DESCRIPTION	RECEIVED	STATUS
Downtown Miami Increment III	ADA Review and Regional Impact Report	ADA for area-wide development	11/20/2015	Council approved ADA @ June 6 Council Meeting
Beacon Lakes	Annual Report Review	Annual/Biennial Report Submission	2/3/2016	In Compliance
Dolphin Center North	Annual Report Review	Annual/Biennial Report Submission	2/3/2016	In Compliance
Kendall Town Center	Annual Report Review	Annual/Biennial Report Submission	2/16/2016	In Compliance
Northport	Annual Report Review	Annual/Biennial Report Submission	12/7/2015	In Compliance
Sawgrass Mills	Annual Report Review	Annual/Biennial Report Submission	12/16/2016	In Compliance
Westpointe DRI	Annual Report Review	Annual/Biennial Report Submission	5/23/2016	In Compliance
Westside Corporate Center	Annual Report Review	Annual/Biennial Report Submission	1/28/2016	In Compliance
Beacon Lakes	NOPC	Addition of land, increase of industrial uses, and extension of build-out date	12/23/2015 extension of review timeline sought and granted	In the process of being reviewed
Northport	NOPC	Extension of Development Order build-out date	12/7/2015	Impacts not adverse and significant
Villages of Homestead	NOPC	Simultaneous increase and decrease of approved uses	12/4/2015	Impacts not adverse and significant

DRI	ACTION	DESCRIPTION	RECEIVED	STATUS
Villages of Homestead	NOPC	Determination that adopted NOPC is consistent with proposed version	5/31/2016	DO found to be consistent with state requirements
Pembroke Lakes Regional Center	NPOC	Simultaneous increase and decrease of approved uses	11/19/2015	Impacts not adverse and significant

COORDINATED REVIEW OF LARGE-SCALE COMPREHENSIVE PLAN AMENDMENTS

Council staff is working with development teams and review agencies on a facilitated review process that is similar to the DRI process for projects that may have extra-jurisdiction impacts but are exempt from the DRI requirements.

American Dream Mall – Entertainment center and shopping in NW Miami-Dade County.

Graham Properties – Mixed-use development (including market-rate housing) in NW Miami-Dade County.

The assessment and review of these two companion projects is ongoing.

Recommendation

Information only.