



## MEMORANDUM

AGENDA ITEM #VI.D

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DATE: NOVEMBER 8, 2021

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: REQUEST FOR AUTHORIZATION TO ENTER INTO A MULTI-PARTY AGREEMENT:  
DRI APPLICATION PROCESS RE PARKLAND/KROME GROVES DEVELOPMENT OF REGIONAL  
IMPACT

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Authorization is requested from Council for the Executive Director, in consultation with the General Counsel, to execute a multi-party agreement with the Department of Economic Opportunity, Miami-Dade County, and the applicant of the "Parkland / Krome Groves" Development of Regional Impact (DRI) located in South Miami-Dade County. The purpose of the DRI Review Process is to determine if proposed project impacts state or regional resources and facilities and what steps must be taken to mitigate the impacts. There is no judgement on the merits of a particular development proposal.

Although the DRI process was eliminated by the Florida Legislature in 2018, this application was grandfathered in. The agreement will provide the framework for the application to be considered using a process that is agreeable to all parties including, but not limited to, standards for review and the identification of opportunities to potentially reduce duplicative data and analyses.

### **Legislative Changes to the DRI Process**

Pursuant to Section 380.06(1), Florida Statutes, a DRI is defined 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."

In 2018, Florida enacted statutory changes eliminating developments from review through the Developments of Regional Impact (DRI) Program. There were two exemptions - Section 380.06(12)(b)1. and 2., Florida Statutes:

1. Amendments to a development order governing an existing development of regional impact.
2. An application for development approval filed with a concurrent plan amendment application pending as of May 14, 2015, if the applicant elects to have the application reviewed pursuant to



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this section as it existed on that date. The election shall be in writing and filed with the affected local government, regional planning council, and state land planning agency before December 31, 2018.

### **Parkland / Krome Groves DRI – Background**

The Applicant submitted its initial DRI Application for Development Approval (ADA) in 2005. While the Council found the ADA sufficient on October 31, 2008, the Applicant exercised its statutory right to waive the DRI timeline. The Council voted in July 2012 and advised the Applicant a further review of the ADA should be based on updated data and analysis.

### **Project Area – Description**

The proposed project area of 961.15 acres is located west of SW 162 Avenue to SW 177 Avenue, between SW 136 Street and theoretical SW 152 Street, outside of the Urban Development Boundary. The development program to be reviewed will be in the ADA.

### **2021 Recommencement of the Process**

On September 20, 2021, the Council Executive Director received correspondence from the applicant to request recommencement of the “Parkland”/ Krome Groves” DRI process (DCA No. 11-07-005), and it meets the requirements of the exemption. The DRI is in southern Miami-Dade County, outside of the Urban Development Boundary (UDB), west of the Miami Executive Airport. Miami-Dade County regulations require that proposed development outside the UDB requires an amendment to the Miami-Dade Comprehensive Development Master Plan with a concurrent zoning application.

The 2018 statutory changes related to the DRI process also required the Department of Economic Opportunity (DEO) and Regional Planning Councils to repeal rules adopted to implement the DRI Program. These rules included standards and guidelines governing:

- SFRPC fees
- hurricane preparedness
- protected plants and wildlife
- archaeological and historic resources
- water supply and quality
- air quality
- potable water
- sanitary sewer
- solid waste
- affordable housing
- transportation
- Council’s Regional Report, and the
- Development Order.

### **Multi-Party Agreement**

The Council, Miami-Dade County, and DEO has proposed to the Applicant that we enter into a multi-party agreement that memorializes the legislation, rules, and other standards that will be used by the Applicant and review agencies. Additionally, the agreement would seek, to the maximum extent feasible,

consolidating the DRI, CDMP, and zoning applications. This agreement will create a mutual understanding among the parties, review agencies, and the public regarding how the applications will be developed and standards for review regarding potential impacts to state and regional resources and facilities.

Section 380.06.032(3), Florida Statutes, states that “the state land planning Agency [DEO] shall have the power and duty to enter into agreements with any landowner, developer, or governmental agency as may be necessary to effectuate the provisions and purposes of this act or any rules promulgated hereunder.”

**Recommendation**

Authorize the Executive Director, in consultation with the General Counsel, to execute a s.380.032(3), Florida Statutes, agreement with DEO, Miami-Dade County, and the applicant.



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September 20, 2021

**VIA ELECTRONIC MAIL**

Isabel Cosio Carballo, MPA  
Executive Director  
South Florida Regional Planning Council  
1 Oakwood Boulevard, Suite 250  
Hollywood, Florida 33020

RE: Recommendation of "Parkland"/"Krome Groves" Development Regional Impact Process (DCA No. 11-07-005).

Dear Ms. Carballo:

We represent Krome Groves Land Trust (the "Applicant"), the proposed developer of the Development of Regional Impact ("DRI") project previously known as "Parkland" in Miami-Dade County. Please consider this letter the Applicant's formal notification of its intent to recommence the processing of the DRI application for development approval (the "Application") and request to schedule a pre-application conference with Council staff.

Initial Filing and Hold. After a pre-application and transportation methodology conference in 2005, the Applicant filed the Application with the Council on August 10, 2006. Under the terms of the Miami-Dade County regulations, the DRI development required a companion Comprehensive Development Master Plan ("CDMP") amendment. The CDMP amendment proceeded through the County's public hearing process in advance of the Application. The Applicant deferred the CDMP application indefinitely in late 2008, which served to place a hold on both the CDMP change and the Application.

DRI Process and Authority. At the time of the initial Application filing, a DRI application was initiated through a pre-application process managed by the SFRPC (FAC 9J-2.021). The pre-application process contemplated one or more scoping meetings through which the SFRPC, Miami-Dade County, and Applicant would enter into an

"Agreement to Delete Questions."

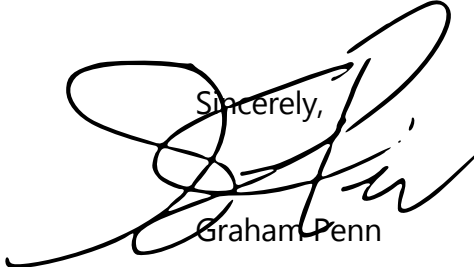
Once the lengthy pre-application process was complete, an Applicant would file an "Application for Development Approval" (ADA) simultaneously with the SFRPC, DCA, and Miami-Dade County (FAC 9J-2.021). The application would thereafter enter a period of "sufficiency" review by the SFRPC (FAC 9J-2.022). No action on the ADA could take place prior to the SFRPC issuing a sufficiency determination, and the SFRPC was required to "keep all affected agencies informed of the progress of the DRI review process and otherwise coordinate reviews of DRIs."

Statutory Changes. The DRI system in the State of Florida went through major changes in the last decade. First, through the Community Planning Act, the State removed the requirement to process a DRI within a "Dense Urban Land Area," of which Miami-Dade County was one. Second, in 2018 the State removed the requirement to seek DRI approval for any development. The DRI process was retained for: (1) amendments to existing DRIs; and (2) applications pending as May 14, 2015 that provide notice of an intent to continue with the application to the state, regional planning council, and local government by December 31, 2018.

Parkland Notification and Amendment. The Parkland DRI Application met the statutory requirement as it was pending on May 14, 2015. On July 11, 2018, Parkland's representatives sent certified letters to the Department of Economic Opportunity, the SFPRC, and Miami-Dade County notifying each agency of the Applicant's intent to continue to process the DRI ADA. The SFRPC's response, through which the Council noted it stood ready to resume its coordinator role, is attached. The Applicant is now prepared to move forward and we have informed Miami-Dade County that we will be communicating with the Council. Accordingly, the Applicant hereby requests the Council to schedule a pre-application conference and transportation methodology meeting at the earliest available date.

Summary of the Project. The Applicant, with the assistance of SWA Group, an internationally known community planning and urban design firm, has revised the conceptual plan for the project, currently known as "Krome Groves." The Krome Groves project is proposed on the same approximately 961 acres located west of SW 162 Avenue and east of SW 177 Avenue, between SW 136 Street and theoretical SW 152 Street. The revised project contemplates the development of a mixed-use community, including residential, commercial, civic and institutional, and industrial uses, designed to comply with applicable Miami-Dade County CDMP policies and zoning code provisions. The Applicant will develop Krome Groves in a manner that will provide all needed infrastructure to mitigate all impacts. The current conceptual plan is attached for staff review.

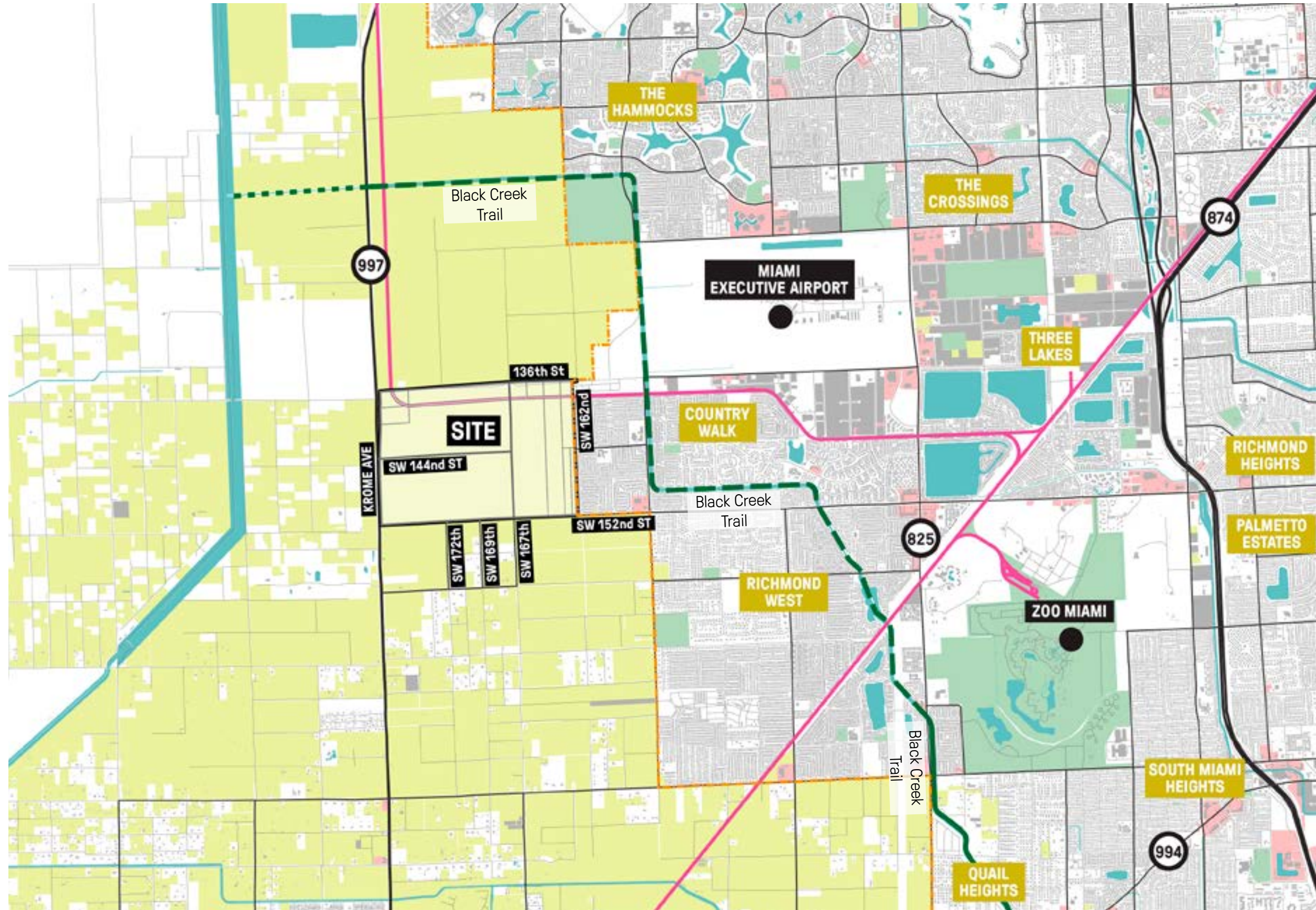
Conclusion. The Applicant fully understands that significant work will need to be undertaken to amend the pending Application, including, but certainly not limited to, the preparation of updated and new impact analyses and modifications to the development program. We look forward to your response regarding the pre-application process. If you have any questions or concerns regarding this letter, please do not hesitate to phone my direct line at (305) 377-6229 or email at [gpenn@brzoninglaw.com](mailto:gpenn@brzoninglaw.com).

Sincerely,  
  
Graham Penn

cc: Lourdes Gomez, Miami-Dade County RER  
Nathan Kogon, Miami-Dade County RER  
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# Local Context





# DRI Review Process

