

MEMORANDUM

TO: State and Regional Agencies and Affected Local Governments

FROM: South Florida Regional Planning Council

DATE: April 6, 2022

RE: Roles and Responsibilities in the Review of the Proposed Parkland/Krome Groves Development of Regional Impact [DRI]

Background

The South Florida Regional Planning Council (SFRPC) has received a request from Parkland/Krome Groves representatives to recommence the review of its DRI application. The project area 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. Miami-Dade County rules and regulations require proposed developments located outside the UDB to be reviewed with an amendment to the Comprehensive Development Master Plan and a concurrent zoning application.

Pursuant to §380.06(1), Florida Statutes (Fla. Stat.), 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 DRI Program. There were two exemptions (§380.06(12)(b)1. and 2., Fla. 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 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.

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.

State and Regional Review Agencies and Interested Local Government Roles and Responsibilities

The SFRPC, pursuant to §380.06, Fla. Stat. (2017), convenes and facilitates the participation of state, regional, and local governments in the review of DRI Applications for Development Approval (ADA) and the preparation of a Regional Report on the ADA with a draft Development Order. These functions do not supplant nor obviate its powers under §186.505(10), Fla. Stat. (2021), "to act in an advisory capacity to the constituent local governments in regional, metropolitan, county, and municipal planning matters."

There are four stages during which federal, state, regional, and local governments may participate:

I. Pre-Application Conference

Upon the request of the developer, the SFRPC will convene a Pre-Application Conference with federal, state, regional, and local governments. The agencies shall identify the applicable types of permits they would require, the level of information required, and the permit issuance procedures as applied to the proposed development. Federal, state, regional, and local governments also may provide recommendations regarding the data, methodologies, assumptions, and analysis the Applicant should employ to assess whether the proposed development would adversely impact state and regional resources and facilities.

The Florida Legislature's intent is to encourage reduction of paperwork, discourage unnecessary gathering of data, and encourage the coordination of the development-of-regional-impact review process with federal, state, and local environmental reviews when such reviews are required by law. The ADA will be considered concurrently with a proposed amendment to Miami-Dade County's Comprehensive Development Master Plan and a zoning application. To the maximum extent possible, data and analysis will be consolidated.

II. Sufficiency Determination

When an ADA is filed with Miami-Dade County, the Applicant shall also send copies to the SFRPC, Department of Economic Opportunity, and other federal, state, regional, and local governments. The SFRPC, using input from federal, state, regional, and local governments, will advise the applicant whether the ADA is sufficient within 30-days of the receipt of the application. Sufficiency means the ADA contains the information necessary to determine if the potential impacts of the proposed development.

III. Regional Report

Once the ADA is determined to be sufficient, the SFRPC will notify Miami-Dade County to schedule the public hearing to consider the ADA, CDMP amendment, and zoning application. Within 50 days after receipt of the notice of the public hearing, the SFRPC will prepare and submit to Miami-Dade County a report and recommendations on the impact of the proposed development and a draft Development Order. The report and recommendations will address:

A. If the development will have a favorable or unfavorable impact on state or regional resources or facilities identified in the Strategic Regional Policy Plan for South Florida.

B. If the development will significantly impact adjacent jurisdictions. At the request of the appropriate local government, the SFRPC may also review and comment upon issues that affect only the requesting local government.

C. If the development will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment if the regional planning agency has adopted an affordable housing policy as part of its strategic regional policy plan. The determination should take into account information on factors that are relevant to the availability of reasonably accessible adequate housing. Adequate housing means housing that is available for occupancy and that is not substandard.

If the proposed development adversely impacts state or regional resources and facilities, affordable housing, or an adjacent jurisdiction, the report and draft Development Order will recommend potential mitigation.

IV. Miami-Dade County Development Order

If Miami-Dade County authorizes the DRI, it will adopt a Development Order. Once the adopted Development Order is provided to the SFRPC, federal, state, regional, and local governments will be asked to provide their recommendations whether said Development Order adequately mitigates any substantial impacts to important state and regional resources.

The Council looks forward to your participation in the review of the Parkland/Krome Groves DRI. An introductory virtual meeting for federal, state, regional, and local governments will be held next week, and an Outlook invite has been sent to your representatives. If you have any questions, please contact sfadmin@sfrpc.com.