

Bill to oust DRIs, revamp development

BY ANJALI FLUKER

John Adams wants to scrap the old rules governing large-scale development.

The rules require developers and landowners to go through what he calls an expensive, cumbersome regional planning review process for developments of regional impact (DRIs) in areas with established residents, businesses and services. A DRI is a large development that affects the resources, facilities and residents of more than one county due to its size, location or type.

“It’s an antiquated process, and the expense — especially in today’s economy — is a deterrent to development,” said Adams, the vice president of Kissimmee-based planning and civil engineering firm R.J. Whidden & Associates, which represented a half-dozen DRIs in Osceola and Orange counties during the last several years.

That’s why Adams favors Senate Bill 174, a proposed state law slated to go before the Florida Legislature, which convenes March 8 for the 2011 regular session. The bill would, in part, eliminate the costly

Environmental, anti-development groups want growth confined to urban areas

BILL

FROM PAGE 1

process, thereby encouraging more smart urban development — and less sprawl — and help attract new business to the state, he said.

Two years ago, Adams supported a similar growth management proposal, SB 360. It became law in summer 2009, but last year was struck down by a Leon County circuit judge who ruled it unconstitutional.

The ruling was a result of a lawsuit filed in South Florida in July 2009 by nearly 20 local governments, including city of Fruitland Park. The suit, in part, alleged legislators violated the Florida Constitution by not sticking to a single subject in the bill, while also forcing communities to institute mandates without a funding source.

Fruitland City Clerk Diane Gibson Smith said the city joined the lawsuit against SB 360 because it didn't have the money to put in those mandates.

State Sen. Mike Bennett, R-Bradenton, who introduced SB 360, said this year he got around the lawsuit's concerns by separating the former bill into three parts. SB 174, or Growth Management, is the main piece that deals with removing the 38-year-old DRI process for redevelopment in urban areas that meet certain popu-



Bennett

lation and service requirements. Additionally, a two-thirds majority vote of the legislation in favor of the bill would resolve the issue with the unfunded mandates.

The new bill also would remove current requirements that developers pay to upgrade roads in designated areas and, instead, have local governments establish a mobility fee to pay for those transportation upgrades.

SB 174 was approved by the Senate's Governmental Oversight & Accountability committee on Feb. 8 and moved into budget committee on Feb. 9.

Naiop, the real estate organization made up of professionals associated with industrial and office properties nationwide, supports the law because it would make development easier.

Mary Hurley, past president of Naiop Central Florida and real estate and leasing manager for Orlando-based Pineloch Management Corp., said SB 360 was struck down due to a technicality, not its content. Rather, the bill's purpose is beneficial by removing the costly and lengthy approvals for redevelopments now stuck with the same rules as sprawling developments. "It will give local governments the flexibility to adopt land-use changes," without all the red tape now required at the state level, she said.

Some environmental and anti-development groups opposed the former law because of how the rules apply.



Hurley



BILL ORBEN

R.J. Whidden's John Adams supports a proposed bill to revamp rules regarding large-scale development. He calls current rules "antiquated."

Charles Pattison, executive director of the nonprofit 1,000 Friends of Florida, said though most environmental groups support keeping growth in urban areas, thereby protecting the state's ecosystem, they wanted to see it limited to areas that are more dense. SB 174 follows the same language as its predecessor, which described dense urban land areas as communities with 1,000 people per square mile, which works out to one home per acre.

"That's not dense and that's not urban," said Pattison, adding that he hoped

SB 174

Description: Defines developed urban areas for local government comprehensive planning and land development; requires local governments to enact a mobility fee to cover the cost of traffic caused by the new development; ends the development of regional impact (DRI) process for areas that meet population and development standards

Filed: Dec. 31

Sponsors: Sen. Mike Bennett, R-Bradenton; Sen. Don Gaetz, R-Destin

Related bill: HB 7001

Status: In the budget committee

that part of the proposed bill would be amended. "Let's focus it more and keep development in those very urban areas."

But supporters said the bill needs to pass since keeping the rules as they are discourages smart development.

"You want compact, dense, walkable communities," said Chirag Kabrawala, a real estate attorney with Orlando-based law firm Latham, Shuker, Eden & Beaudine LLP. "But developers are being forced to pay for transportation improvements through impact fees that already exist in urban areas. That discourages smart development."

afluker@bizjournals.com | (407) 241-2910



Kabrawala