

Office of School Facilities  
Jaime G. Torrens, Temporary Chief Facilities Officer

**SUBJECT: AUTHORIZATION TO RECOMMEND APPROVAL TO MIAMI-DADE COUNTY OF A REQUEST FROM PALERMO LAKES, INC., FOR EXEMPTION OF EDUCATIONAL FACILITIES IMPACT FEES IN CONNECTION WITH A PROPOSED HOUSING PROJECT FOR THE ELDERLY, LOCATED AT 5311 NW 7 STREET, MIAMI, FLORIDA**

**COMMITTEE: FACILITIES AND CONSTRUCTION REFORM**

**LINK TO STRATEGIC PLAN: IMPROVE CONSTRUCTION SERVICES**

Pursuant to the terms of the Educational Facilities Impact Fee Ordinance (Ordinance), and Section 33k-8(a) of the Miami-Dade County (County) Code of Ordinances, an applicant shall be exempt from the terms of the Ordinance if the proposed development activity is not capable of creating a demand for educational facilities during its useful lifetime, as a matter of law and fact. The Ordinance also requires the County to seek a recommendation from the School Board as it relates to any claim for an exemption under the Ordinance.

On January 22, 2007, the County's Planning and Zoning Director requested a recommendation from the School Board on the exemption application from Palermo Lakes, Inc. (Applicant), which is constructing a 110-unit housing project for the elderly, located at 5311 NW 7 Street. The Applicant has requested an exemption from the County for Educational Facilities Impact Fees (Impact Fees), and proffered to the County a Covenant Related to Elderly Housing (Covenant), which would ensure that the project is constructed and subsequently used for elderly housing. The Covenant stipulates the following general terms:

- a) The project shall be occupied on a continuous basis by members of the general public who comply with the eligibility requirements of the Ordinance and Section 202 of the Housing Act of 1959, for housing projects serving elderly households; and
- b) The Impact Fees will become due and payable by the then current owner of the project at such time any resident is under 21 years of age, or creates any educational facilities demand; and
- c) The Applicant shall furnish to the County a report each year for a period of five years from the date of this Covenant, and thereafter when required by written notice to the Director of Planning and Zoning, certifying that the residents are in compliance with the requirements and the provisions of this Covenant; and

d) Prior to any sale of any portion of the project, the Applicant shall provide all documentation as required by the County to prove that the prospective buyers and occupants comply with the household age requirement provisions of the Covenant.

It should be noted that on March 15, 2006, the School Board approved one such similar request in connection with a proposed elderly housing development in the City of Miami.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, recommend approval to Miami-Dade County of a request from Palermo Lakes, Inc., for exemption of Educational Facilities Impact Fees in connection with a proposed housing project for the elderly, located at 5311 NW 7 Street, Miami.

VGv:mo