

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

SUBJECT: AUTHORIZATION TO RECOMMEND APPROVAL TO MIAMI-DADE COUNTY OF A REQUEST FROM SUNKAP CORAL GABLES, LLC, FOR EXEMPTION OF EDUCATIONAL FACILITIES IMPACT FEES IN CONNECTION WITH A PROPOSED HOUSING PROJECT FOR THE ELDERLY, LOCATED AT 1505 PONCE DE LEON BOULEVARD, CORAL GABLES

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 June 26, 2007, the County's Planning and Zoning Director requested a recommendation from the School Board on the exemption application from SunKap Coral Gables, LLC (Applicant), which is constructing a 124-unit housing project for the elderly, located at 1505 Ponce de Leon Boulevard. 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;
- b) The Impact Fees will become due and payable by the then current owner of the project at such time as the housing project loses its status as a development for the elderly, or any resident is under twenty-one years of age, or any capital educational facilities demand is created;
- c) The Applicant shall furnish to the County a report each year for a period of five years from the date of the Covenant, and thereafter when required by written notice to the Director of Planning and Zoning, certifying compliance with the household age requirement and other provisions of the 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 residents comply with the household age requirement provisions of the Covenant.

It should be noted that on March 14, 2007, 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 SunKap Coral Gables, LLC, for exemption of Educational Facilities Impact Fees in connection with a proposed housing project for the elderly, located at 1505 Ponce de Leon Boulevard, Coral Gables.

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