

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

SUBJECT: AUTHORIZATION TO RECOMMEND APPROVAL TO MIAMI-DADE COUNTY OF A REQUEST FROM AMBER GARDEN, LLC, FOR EXEMPTION FROM EDUCATIONAL FACILITIES IMPACT FEES IN CONNECTION WITH A PROPOSED HOUSING PROJECT FOR THE ELDERLY, LOCATED AT 1301 NW 23 STREET, MIAMI

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 capital educational facilities during its useful lifetime, as a matter of law and fact. The Ordinance also requires that the County seek a recommendation from the School Board as it relates to any claim for an exemption under the Ordinance.

On December 19, 2008, the County's Planning and Zoning Director requested a recommendation from the School Board on the exemption application from Amber Garden, LLC (Applicant), which is constructing a housing project (Project) for the elderly at 1301 NW 23 Street, Miami. The Applicant has requested an exemption from 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 exclusively 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 Project loses its eligibility or creates any capital educational facilities demand, or at such time any resident is under twenty-one years of age;
- c) The Applicant shall furnish to the County's Department of Planning and Zoning (Department) a report each year for a period of five years from the date of this Covenant, and thereafter when required by written notice from the Director of the Department, certifying that the age requirement of Project residents is in compliance with the provisions of this Covenant; and

- d) Prior to the sale of any portion of the Project, the Applicant shall provide all documentation as required by the Director of the Department to prove that the prospective buyers and occupants will comply with the household age requirement, the Ordinance and the provisions of this Covenant.

It should be noted that the School Board approved similar requests in connection with proposed elderly housing developments in the City of Miami, on March 17, 2004, March 15, 2006, March 14, 2007, February 13, 2008, October 15, 2008, and January 19, 2009.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, recommend approval to Miami-Dade County of a request from Amber Garden, LLC, for exemption from Educational Facilities Impact Fees in connection with a proposed housing project for the elderly, located at 1301 NW 23 Street, Miami.

VGv:mo