

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

SUBJECT: AUTHORIZATION TO RECOMMEND APPROVAL TO MIAMI-DADE COUNTY OF A REQUEST FROM CUTLER BAY CENTRE, LLC AND CUTLER BAY CENTRE ASSOCIATES, LLC, FOR EXEMPTION FROM EDUCATIONAL FACILITIES IMPACT FEES IN CONNECTION WITH A PROPOSED HOUSING PROJECT FOR THE ELDERLY, LOCATED AT 11150 SW 211 STREET, TOWN OF CUTLER BAY

COMMITTEE: FACILITIES PLANNING AND CONSTRUCTION

LINK TO

STRATEGIC FRAMEWORK: FINANCIAL EFFICIENCY/STABILITY

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 August 30, 2012, the County's Planning and Zoning Director requested a recommendation from the School Board on the exemption application from Cutler Bay Centre, LLC and Cutler Bay Centre Associates, LLC (collectively referred to as Applicant), which is constructing a housing project (Project) for the elderly at 11150 SW 211 Street. 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 terms and conditions of said Covenant have been reviewed by the Board Attorney's Office for compliance with the elderly housing status. The amount of impact fees covered under the proposed exemption is \$124,781.70.

The Covenant stipulates the following:

- 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 any resident is under twenty-one years of age, or creates any educational facilities demand;

- 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 any 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.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, recommend approval to Miami-Dade County of a request from Cutler Bay Centre, LLC and Cutler Bay Centre Associates, LLC, for exemption from Educational Facilities Impact Fees in connection with a proposed housing project for the elderly, located at 11150 SW 211 Street, Town of Cutler Bay.

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