

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: March 19, 2008

Division: Growth Management and Housing and
Community Development

Bulk Item: Yes X No

Department: _____

Staff Contact Person: Lisa Tennyson/292-4462

AGENDA ITEM WORDING:

Approval of resolution to reserve 16 affordable allocations for Caya Place, LLC to construct 16 employee/workforce housing units in Big Pine Key.

ITEM BACKGROUND:

Mr. Richard Beal is the owner of a parcel of land, located at 30641 US Highway 1 on Big Pine Key, at approximate Mile Marker 31. Mr. Beal has expressed his intention to develop sixteen (16) units of workforce housing to be known as the Caya Place LLC project on the eastern parcel of the subject property. The contiguous western parcel of the property currently houses Skeeter's Marine. The subject parcel is scarified Tier III and is zoned Suburban Commercial (SC) allowing for the development of 16 units of employee housing as a minor conditional use. Mr. Beal is requesting to reserve 6 current affordable allocations for Big Pine Key and to borrow forward 10 affordable allocations for Big Pine Key for a total of 16 affordable allocations. The project also faces outstanding and unresolved mitigation issues related to the Big Pine Key HCP and US Fish and Wildlife Service's Incidental Take Permit. This ROGO reservation, if approved, does not absolve him from complying with the mitigation requirements.

PREVIOUS RELEVANT BOCC ACTION:

On March 15, 2006, the Board adopted Ordinance 009-2006 allowing for, upon BOCC approval, the reservation and borrowing forward of affordable dwelling unit allocations for affordable and employee housing projects.

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval

TOTAL COST: N/A

BUDGETED: Yes No

COST TO COUNTY: N/A

SOURCE OF FUNDS: _____

REVENUE PRODUCING: Yes No

AMOUNT PER MONTH **Year**

APPROVED BY: County Atty X OMB/Purchasing Risk Management

DOCUMENTATION: Included X Not Required

DISPOSITION: _____

AGENDA ITEM # _____

RESOLUTION NO. -2008

A RESOLUTION OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS DIRECTING RESERVATION FOR AWARD OF SIXTEEN AFFORDABLE DWELLING UNIT ALLOCATIONS FOR CAYA PLACE LLC WORKFORCE HOUSING UNITS ON THE EASTERN PARCEL (RE 00111078.000000) OF PROPERTY LOCATED AT 30641 US HIGHWAY 1 (COMMONLY KNOWN AS SKEETER'S MARINE) AND SETTING TERMS AND CONDITIONS

WHEREAS, the State of Florida and all local governments in the Florida Keys (each subject to Area of Critical State Concern mandates relating to housing affordability) recognize the need for affordable housing throughout the state and particularly in the Florida Keys where developable land for housing is extremely limited and expensive; and

WHEREAS, the challenge of providing affordable housing opportunities in the Florida Keys is one requiring sensible and responsive use of residential unit allocations, including implementation of effective long-term preservation mechanisms; and

WHEREAS, the owner of the property has expressed his intention to develop sixteen (16) units of workforce housing for the Caya Place LLC project (the "Project"), and has submitted a request to reserve allocations for this project (see attached Exhibit A) and has agreed to comply with the conditions set forth; and

WHEREAS, due consideration should be given to relevant factors such as the capacity for allocation recipients to promptly transform allocation awards/reservations into finished and occupied affordable/workforce housing units; and

WHEREAS, consideration must be given to factors such as individual developers' investments and commitments to embarking upon affordable/workforce housing projects, in the face of the time it takes to fully permit and finance a project; and

WHEREAS, the developers have legitimate needs for some assurance that allocations are in fact and will remain available and or reserved for a reasonable time so that follow-through on initial commitments will in fact be justified; and

WHEREAS, in accordance with Strategy 3.3 of the Master Plan for Future Development of Big Pine Key and No Name Key, the county shall retain and expand availability of affordable housing within the planning area to the greatest extent possible; and

WHEREAS, Action Item 3.2.4 of the Master Plan for Future Development of Big Pine Key and No Name Key directs staff to allocate residential units within the Planning Area at the rate of no greater than ten (10) in any given year. More than ten (10) residential awards may be allocated if the excess consists of affordable units that may be accumulated and issued in any allocation period or “borrowed forward” from future allocations; and

WHEREAS, two (2) affordable housing allocations are allowed per year on Big Pine Key and No Name Key, which can be borrowed forward five years as authorized by Ordinance No. 009-2006, for a total of ten (10) affordable allocations to be reserved for this Project; and

WHEREAS, there are presently eight (8) affordable housing allocations currently available for Big Pine Key and No Name Key from which this Project will draw six (6) affordable allocations, so that two (2) affordable allocations remain available; and

WHEREAS, the Incidental Take Permit in conjunction with the Big Pine Key Habitat Conservation Plan was issued by the USFWS on June 9, 2006 requiring the purchase of mitigated land to preserve a 3:1 H-value ratio for any development or redevelopment; and

WHEREAS, the BOCC finds that the Project identified herein is in the County’s interests and will not be built with any direct financial outlay from the county.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1: The Monroe County Planning Department shall direct and approve the reservation and set aside of sixteen (16) affordable ROGO allocations for sixteen units of workforce housing for the Caya Place LLC project on Big Pine.

Section 2: If building permits for the related units are not issued within one (1) year from the date of this resolution the allocations shall automatically without further County action revert to the County.

Section 2: The developer, Caya Place LLC, has committed, as per his correspondence to Growth Management dated February 22, 2008 (Exhibit A), to abide by Monroe County Code Affordable Housing guidelines and requirements, all applicable Building Code requirements, and requirements of the Planning Department.

Section 3: The developer, Caya Place LLC, has further committed in the same correspondence (Exhibit A) to abide by the requirements of all other appropriate regulatory agencies of the County, State, or Federal Government, including but not

limited to US Fish and Wildlife Service and the mitigation requirements of the Incidental Take Permit and the Big Pine Key Habitat Conservation Plan.

Section 4: The Planning Staff is hereby authorized to process expeditiously permit related applications for the above-referenced project.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the _____ day of _____, 2008.

Mayor Charles "Sonny" McCoy	_____
Mayor Pro Tem Mario Di Gennaro	_____
Commissioner Dixie Spehar	_____
Commissioner Sylvia Murphy	_____
Commissioner George Neugent	_____

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY: _____
Mayor Charles "Sonny" McCoy

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

Deputy Clerk

APPROVED AS TO FORM:

SM
County Attorney 3-3-2008

Exhibit "A"



PO Box 430273
Big Pine Key, Fl 33043
305-872-9040 ~ www.cayaplace.com

2/22/2008

Monroe County Growth Management
2798 Overseas Hwy Suite # 410
Marathon, Fl 33050

Andrew Trivette,

Please find below the scope of the Caya Place project and the conditions I understand and accept

- 1 In reference to my Caya Place proposed project, I request that Monroe county award, by resolution of the BOCC, the available 16 ROGO affordable housing allocations to my Big Pine Key property RE# 0011178-000000, before further expenditures are incurred.
- 2 I will abide with all the Monroe County Code laws and provisions of affordable / employee housing as written in the Monroe Count Code at time of ROGO allocation issuance.
- 3 I will construct the houses at no cost to Monroe County
- 4 I understand that the HCP & ITP for Big Pine Key requires mitigation
- 5 I do not offer to pay any mitigation either in moneys or any other type of payment, until fully informed, in writing, of such costs, if any and I accept the presented terms and costs
- 6 I understand that the ROGO allocations awarded will revert back to the ROGO bank if the building permits are not issued within one calendar year from the award by resolution from the BOCC of said allocations
- 7 I ask that the request for the above 16 ROGO allocations will be on the March agenda of the BOCC for possible approval and award

Richard Beal, President


A handwritten signature in black ink, appearing to read "Richard Beal".

Caya Place LLC



STAFF REPORT

TO: Monroe County Board of County Commissioners

FROM: Lisa Tennyson, Affordable Housing Coordinator 

THROUGH: Reggie Paros, Division Director of Housing and Community Development
Townsley Schwab, Acting, Sr., Director of Planning & Environmental Resources

DATE: February 28, 2008

SUBJECT: Reservation and Borrow Forward of affordable dwelling unit allocations for Caya Place LLC Workforce Housing project to be developed on the eastern parcel (RE 00111078.000000) of property located at 30641 US Highway (Commonly known as Skeeter's Marine)

MEETING DATE: March 19, 2008

1. Summary

Mr. Richard Beal is requesting that 16 affordable allocations be reserved from existing and future allocations for Big Pine Key for his proposed workforce housing project. Mr. Beal has expressed his intention to develop 16 single family homes for purchase, each deed-restricted as per the employee/affordable housing guidelines in the code of workforce housing

Mr. Beal is the owner of the subject parcel, located at 30641 US Highway 1 on Big Pine Key, at approximate Mile Marker 31. The property consists of two contiguous parcels, an eastern parcel where he intends to build the 16 employee housing units to be known as the Caya Place LLC, and a western parcel that currently houses a commercial/ light industrial boat repair and storage enterprise, Skeeter's Marine.

The subject parcel is zoned Suburban Commercial (SC) and is scarified Tier III. The proposed redevelopment for 16 units of workforce housing is consistent with this zoning and may be permitted with minor conditional use approval.

However, the project faces outstanding and unresolved mitigation issues related to the Big Pine Key HCP and US Fish and Wildlife Service's Incidental Take Permit. The owner is working to resolve this requirement and acknowledges that the granting of the ROGO reservation, if approved, does not absolve him from complying with the mitigation requirements.

2. Background

Mr. Beal has had several meetings with the Planning and Affordable Housing staff to discuss various approaches to the redevelopment of this property beginning in the early part of last year. His initial proposal, for which he was issued a Letter of Understanding in March 2007, included the aggregation of the eastern and western parcels and a mixed-use redevelopment including 35 new workforce housing units and the redevelopment of his commercial building. Previously, in January 2007, the Planning Department issued to Mr. Beal a Letter of Development Rights Determination stating the lawful establishment of 1,750 of non-residential floor area on the western parcel.

Currently however, Mr. Beal is proposing only to focus on the vacant eastern parcel, and to construct 16 workforce housing units. His proposal to build workforce housing on the site is a permissible use. He has provided staff with a preliminary site plan, but has not submitted a conditional use application. Mr. Beal acknowledges that he will be required to submit a minor conditional use application and to adhere to all development requirements as per the Monroe County code as well as all Affordable Housing requirements.

3. Reserving existing allocations and borrowing future allocations

Mr. Beal would like a commitment from the County that there will be available the necessary allocations for his workforce housing project on Big Pine Key before he commits the financial resources to the Caya Place project's design and development. He has submitted a written request to have 16 affordable ROGOs reserved for this project. This will require that we reserve Big Pine Key's current allocations and borrow forward from BPK's future allocations.

Specifically, Mr. Beal is asking to receive 6 of the 8 currently available affordable allocations for BPK (leaving 2 allocations remaining for other potential users) and to borrow forward 10 allocations, which represents BPK's yearly allocations of 2 per year for the next five years. Six current allocations plus 10 borrowed forward allocations totals the 16 allocations required by the proposed project.

Pursuant to MCC Section 9.5-122, the Board of County Commissioners may approve the reservation of housing allocations and the borrowing forward of affordable housing allocations available over the next five annual allocations.

In previous approvals for ROGO reservations, the County has recognized that developers of affordable and workforce housing need some assurance that upon investing time and financial resources in the design and approval of their projects, that allocations will then be available to them.

Additionally, in consideration that county subsidies for future affordable housing projects are not likely to be forthcoming due to severe budget constraints, projects such as this that can provide workforce housing with no direct subsidies may merit extra consideration.

4. Consistency with Livable Communikeys Plan for Big Pine Key and No Name Key

Mr. Beal's proposal for workforce housing on his site, as well as his request to reserve and borrow from future allocations, is consistent with *The Master Plan for Future Development of Big Pine Key and No Name Key*:

- Strategy 3.3 of the plan: retain and expand availability of affordable housing within the planning area to the greatest extent possible;
- Action Item 3.2.4: allocate residential units within the Planning Area at the rate of no greater than ten (10) in any given year. More than ten (10) residential awards may be allocated if the excess consists of affordable units that may be accumulated and issued in any allocation period or “borrowed forward” from future allocations
- Action Item 3.3.4: consider provision of incentives for businesses to build affordable housing, including employee housing in conjunction with their businesses on US 1.

5. Habitat Mitigation Requirements

Mr. Beal also faces significant habitat mitigation requirements that currently make his project financially unfeasible. The Incidental Take Permit in conjunction with the Big Pine Key Habitat Conservation Plan was issued by the US Fish and Wildlife Service (USFWS) on June 9, 2006 requires the purchase of mitigated land to maintain a 3 to 1 H-value ratio for any development or redevelopment.

Mr. Beal has addressed this issue with the Planning Department and has taken the matter before the Monroe County Planning Commission. Mr. Beal also reports that he has discussed and is challenging the matter directly with the USFWS. It is staff’s position that it is Mr. Beal’s obligation to comply with the mitigation requirements or to resolve the issue in one way or another to the satisfaction of USFWS.

6. Conditions for Approval of ROGO Reservations

Mr. Beal has submitted a request to reserve allocations for this project and agrees to comply with the conditions set forth (see attached Exhibit A, dated February 22, 2008):

- If building permits for the related units are not issued within one (1) year from the date of the resolution the allocations shall automatically without further County action revert to the County.
- Mr. Beal, aka Caya Place LLC, has committed, as per his correspondence to Growth Management (Exhibit A), to abide by Monroe County Code Affordable Housing guidelines and requirements, all applicable Building Code requirements, and requirements of the Planning Department.
- Mr. Beal, aka Caya Place LLC, has further committed in the same correspondence (Exhibit A) to abide by the requirements of all other appropriate regulatory agencies of the County, State, or Federal Government, including but not limited to US Fish and Wildlife Service and the mitigation requirements of the Incidental Take Permit and the Big Pine Key Habitat Conservation Plan.

7. Staff Recommendation

Provided that Mr. Beal comply with all conditions set forth, staff recommends approval.