BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: January 19, 2012
Bulk Item: Yes __ No X

Division: Growth Management
Department: Planning & Environmental Resource
Staff Contact Person: Michael Roberts
(305 289- 2502

AGENDA ITEM WORDING: Approval of a Resolution to reserve 0.1392 H_{IMPACT} with 0.261 '$H_{MITIGATION}$' for Caya Place LLC on Big Pine Key on the eastern parcel (RE 00111078.000000) of property located at 30641 US Highway 1 (aka Skeeter's Marine) for a period not to exceed four (4) months.

ITEM BACKGROUND: The owner of the property, Richard C. Beal, has requested to develop sixteen (16) units of affordable employee housing in the name of Caya Place LLC on Big Pine Key at a location commonly known as Skeeter's Marine. Caya Place LLC received a minor conditional use permit by Development Order 01-09 to develop the affordable housing project. To date, the building permit application deadline has been extended twice. First, the applicant received a two year extension pursuant to Senate Bill 360. Second, the applicant received a one year extension pursuant to the Monroe County Land Development County Code. To date, a building permit application relating to the scope of work has not been submitted. Thereby, the current deadline(s) to submit a building permit application is October 28, 2012.

The BOCC has approved the reservation of 0.0261 $H_{MITIGATION}$ for Caya Place LLC for the last three years. The third reservation expired March 31, 2011. During the last HCP reporting period (March 2011) the U.S. Fish & Wildlife Service determined the H calculations for Caya Place were not consistent with the HCP and resulted in an incorrect H_{IMPACT} and thus $H_{MITIGATION}$ value. FWS indicated at the time that the impact calculations needed to follow the calculations provided in the HCP and that based on the vacant nature of the parcel it may constitute new development rather than re-development. Following the methods established in the HCP, staff determined that the project constitutes re-development and calculated the H_{IMPACT} for the parcel to be 0.087 with a mitigation requirement of 0.261 $H_{MITIGATION}$. If the FWS determines the project constitutes new development, the H_{IMPACT} would be 0.1392 and the $H_{MITIGATION}$ required would be 0.4176. The reservation of 0.4176 H has the potential for the H Bank not having sufficient H to compensate for possible impacts associated with future commercial development and the known impacts associated with future SFR development (see attached memo). However, in order to allow the property owner the opportunity to obtain a building permit for affordable housing, staff is recommending a reservation of 0.261 $H_{MITIGATION}$ for a period of four (4) months.

PREVIOUS RELEVANT COMMISSION ACTION:
December 14, 2011 – BOCC gave staff direction to prepare a resolution for consideration to grant a 4 month reservation for 16 affordable housing allocations at the January 2012 board meeting.
March 17, 2010 – BOCC approved resolution 090-2010 reserving 16 affordable dwelling units and reserving "H" value necessary for Caya Place LLC which expired March 31, 2011.
February 19, 2009 – BOCC approved resolution 060-2009 reserving 16 affordable dwelling units and reserving "H" value necessary for Caya Place LLC which expired March 19, 2010.
October 15, 2008 - BOCC approved Resolution 346-2008 reserving the "H" value necessary for a proposed affordable dwelling unit development for Caya Place LLC.
March 19, 2008 - BOCC approved Resolution 077-2008 reserving 16 affordable dwelling unit allocations for Caya Place LLC.

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATION: Approval

TOTAL COST: N/A **INDIRECT COST:** _____ **BUDGETED:** Yes ___ No N/A
COST TO COUNTY: N/A **SOURCE OF FUNDS:** N/A
REVENUE PRODUCING: Yes ___ No N/A **AMOUNT PER MONTH:** N/A **Year** __

APPROVED BY: County Attorney X OMB / Purchasing _____ Risk Management ___

DOCUMENTATION: Included X Not Required_____

DISPOSITION: _____ **AGENDA ITEM #** _____

RESOLUTION NO _____ 2012

A RESOLUTION OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS RESERVING 0.261 $H_{MITIGATION}$ FOR A PROPOSED AFFORDABLE DWELLING UNIT DEVELOPMENT RESOLUTION 346 2008 ON BIG PINE KEY FOR CAYA PLACE LLC ON THE EASTERN PARCEL REm00111078 000000 OF PROPERTY LOCATED AT 30641 US HIGHWAY 1 (COMMONLY KNOWN AS SKEETER S MARINE)

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 effect long term preservation mechanisms; and

WHEREAS, due consideration should be given to relevant factors such as the capacity for $H_{MITIGATION}$ recipients to promptly transform reservations into finished and occupied affordable workforce housing units; and

WHEREAS, the developers have legitimate needs for some assurance that $H_{MITIGATION}$ is in fact and will remain available 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, the BOCC on March 19, 2008 approved Resolution 077-2008 reserving 16 affordable dwelling unit allocations for Caya Place LLC; and

WHEREAS, the BOCC on October 15, 2008 approved Resolution 346-2008 reserving the H value necessary for a proposed affordable dwelling unit development for Caya Place LLC; and

WHEREAS, the BOCC, on February 19, 2009 approved Resolution 060-2009 extending the reservation of "H" value and 16 affordable housing ROGO allocations for the Caya Place LLC affordable housing project; and

WHEREAS, the BOCC, on March 10, 2010 approved Resolution 090-2010 extending the reservation of "H" value and 16 affordable housing ROGO allocations for the Caya Place LLC affordable housing project; and

WHEREAS, the developer did not commence construction of the 16 affordable housing units by March 31, 2011 and therefore the ROGO allocations and "H" reservation expired March 31, 2011; and

WHEREAS, the developer has requested reservation of the "$H_{MITIGATION}$" value and 16 affordable dwellings unit allocations; and

WHEREAS, because of the current economic conditions, the developer wants an assurance that $H_{MITIGATION}$ for the proposed development will be available; and

WHEREAS, an extension of the minor conditional use was granted so that the developer must apply for building permits by October 28, 2012; and

WHEREAS, the developer wants an assurance that the reserved allocations of the 16 affordable housing units and the $H_{MITITATION}$ value necessary for proposed development to Caya Place LLC will be available and has agreed to comply with the conditions set forth; and

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

Section 1. The Monroe County Planning Department shall reserve 0.261 $H_{MITIGATION}$ for the Caya Place LLC project on Big Pine Key until May19, 2012.

Section 2. If building permits for the related units are not issued by May 19, 2012 the H value shall automatically without further County action revert to the County.

Section 3. The developer Caya Place LLC shall abide by Monroe County Code Affordable Housing guidelines and requirements for all applicable Building Code requirements and requirements of the Planning Department.

Section 4. The developer Caya Place LLC shall 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 5. The Planning Staff is hereby authorized to expeditiously process permit related applications for the above referenced project.

(REMAINDER OF PAGE LEFT INTENTIONALLY BLANK)

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County Florida at a regular meeting held on the 19th day of January 2012.

Mayor David Rice _____
Mayor Pro Tem Kim Wigington _____
Commissioner Heather Carruthers _____
Commissioner George Neugent _____
Commissioner Sylvia Murphy _____

BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA

BY _____
Mayor David Rice

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

_____
DEPUTY CLERK

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
Date: 1-3-12