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# Cudjoe Gardens POA Meeting Minutes

## Board of Directors Monthly Meeting

### May 8, 2023

### Location: Home of Greg and Donna Daniels

#### Call to order

**The Meeting was called to Order at: 7:07 pm**

**Roll Call: Present – President Kathy Niemann, Vice President Mary Bell, Recording Secretary Donna Daniels, Corresponding Secretary Leigh Anne Schuler, Directors: Robert Blair, Andrew Daly, Greg Daniels, David Dornseif.**

**Absent: Treasurer Lisa Ferringo, Jean Mirabal, Jean Pessolano**

**Guests: Chase Herbig and Star Herbig from 4<sup>th</sup> Avenue W.**

#### Guest Input

The Herbig's introduced themselves as new residents of 4<sup>th</sup> Avenue W.

#### April 2023 Board Meeting Minutes.

Motion to approve by Robert , Seconded by Andrew, Motion carried.

#### Reports

Treasurer's Report. No Report.

#### Committee Reports

Government and Legislative Committee. Andrew submitted several County Commission items, attached. Andrew reported that Greg Velez of FKAA is going to speak at the BOCC meeting on May 17 at 10am at Harvey Government Center regarding the status of the water supply. Andrew feels that someone from the CGPOA board needs to attend this meeting and that the water supply issues need to be resolved prior to more units being built. Andrew also spoke about the affordable housing units at Sugarloaf as the developer is trying to put in 60 units. This is the same property as the Walsh project, but with a different developer. They were approved for 28 units, but the management company wants 60. Also on the agenda for May 17<sup>th</sup> is a second attempt at increasing the density on Cudjoe Key (gulf side) for low income housing. This is the area behind Broil Steak House. They also want 60 units. Discussion ensued. It was suggested by Donna that perhaps we invite Michelle Coldiron to one of our board meetings. Andrew suggested that we put a note in the E-Minder that Michelle would be a guest at a meeting and ask for community involvement in the meeting. Discussion ensued. It was decided that we will invite Michelle to meet the board, but not necessarily at a board meeting.

Building Committee. Greg asked if there was communication regarding 7<sup>th</sup> Avenue. Kathy reminded Greg that he needed to send her the resident's name and address. Greg received the plans from Robert Blair regarding his renovation project and everything looks good. Andrew brought up that the duplex was red-tagged. Greg has heard nothing more from the gentleman on Sawyer Drive. President Kathy doesn't need to send anything to the person on 7<sup>th</sup> Avenue.

Program and Entertainment Committee. Leigh Anne reported that Happy Hour at the KOA Kampground was very well received. The next Happy Hour will be at Leigh Anne Schuler's house on May 18 with BBQ and she is looking for community participation with sides. Kathy has offered to do another cookout this year, perhaps July. Donna inquired about a Memorial Day Raft Off and the board learned that the people who used to organize that have moved away. Discussion ensued about doing a July 4<sup>th</sup> raft off.

Newsletter. No Report on the Newsletter.

Welcome Committee. Leigh Anne wondered who was on the committee. Donna Daniels volunteered to join the committee. Robert said that his wife would like to join the committee. Andrew made a motion to offer a basket with local goods. David seconded the motion. Motion carried.

Investment Committee. No Report.

Deed Restriction Committee. Kathy stated that there is a meeting set for next week.

## Old Business

Google Storage – On track.

Status of Buoys – Andrew spoke to the Coast Guard regarding whether they are legal. Andrew believes that the CG wants more information.

New Directory—Leigh Anne has gone through returned mail. She will put it into Google Storage and also ask Cindy Dresdow if we have everything correct.

Property on 3<sup>rd</sup> – Kathy said that they were doing a review on it and now you can tell that there are two houses. They have also moved the car. Kathy will look again on a County Point of View, but we will need to use the provision on our deed provisions where we can clean it up. Greg and David asked what Monroe County is doing. Greg stated that we should print out the County Code Enforcement and let Michelle know that we are having issues with it.

Property on 1<sup>st</sup> – Kathy asked Robert if the property owner realized that he cannot bring his camper back. Robert said that the owner said that if other people are being cited for the same thing, he would comply. Discussion ensued that Jean P. stated that the property owner is in violation of codes and he cannot have the RV there.

Storage of CGPOA Stuff – Kathy stated that she sent an email regarding who had items needing to be stored and had no feedback.

## New Business

Donna stated that there are copies of the by-laws available for anyone who wants them.



Robert stated that Carolyn from the new restaurant is having a soft opening on June 14. Also starting June 14, the restaurant will start taking reservations so that they can have a handle on how many people are coming in.

Robert stated that he feels that CGPOA dues should be mandatory. The board agreed.

**Open Discussion**—Greg asked if anyone has been by the half lot on Sawyer. Discussion ensued.

**Adjournment:**

Motion by Greg, Seconded by David. Motion carried. The meeting was adjourned at 8:23 p.m.

**Next Meeting at President Kathy Nieman's House on June 12.**

Respectfully submitted,

Donna L. Daniels,  
Recording Secretary



**County Commission Meeting**  
**May 17, 2023**  
**Agenda Item Number: N.1**  
**Agenda Item Summary #12087**

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**BULK ITEM:** No

**DEPARTMENT:** BOCC District 2

**TIME APPROXIMATE:**  
10:00 AM

**STAFF CONTACT:** Michelle Lincoln (305) 292-4512

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**AGENDA ITEM WORDING:** An update from Greg Veliz, Executive Director of the Florida Keys Aqueduct Authority, on the utility's water system.

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**ITEM BACKGROUND:** N/A

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**PREVIOUS RELEVANT BOCC ACTION:**

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**CONTRACT/AGREEMENT CHANGES:**  
N/A

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**STAFF RECOMMENDATION:** N/A

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**DOCUMENTATION:**

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**FINANCIAL IMPACT:**

**Effective Date:** N/A

**Expiration Date:**

**Total Dollar Value of Contract:**

**Total Cost to County:**

**Current Year Portion:**

**Budgeted:**

**Source of Funds:**

**CPI:**

**Indirect Costs:**

**Estimated Ongoing Costs Not Included in above dollar amounts:**

**Revenue Producing:**

**If yes, amount:**



**Grant:**  
**County Match:**  
**Insurance Required:**

**Additional Details:**

N/A

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**REVIEWED BY:**

Bob Shillinger

Completed

04/28/2023 3:35 PM

Lindsey Ballard

Completed

05/02/2023 11:00 AM

Board of County Commissioners

Pending

05/17/2023 9:00 AM



County Commission Meeting  
May 17, 2023  
Agenda Item Number: F.1  
Agenda Item Summary #12032

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**BULK ITEM:** Yes  
Management

**DEPARTMENT:** County Land Acquisition and Land

**TIME APPROXIMATE:**  
9:15 A.M.

**STAFF CONTACT:** Christine Hurley (305) 295-5180

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**AGENDA ITEM WORDING:** Approval of a contract to purchase a less than fee interest in Block 37, Lots 15 and 16, Sands on Big Pine Key near mile marker 31 from Randy E. Whidden and Ana Whidden for density reduction purposes for the price of \$22,500.

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**ITEM BACKGROUND:** This acquisition is proposed pursuant to BOCC Resolution 128-2022 (the Less Than Fee Acquisition Program) to protect property rights, to reduce density, and to reduce the County's potential liability for takings suits.

The subject property is a 10,000 square foot site at 31040 Avenue F on the bay side of Big Pine Key near mile marker 31 and is developed with one dwelling unit. Lot 15 is developed with a house. Lot 16 is a pea rock lot that is being used for parking. The less than fee interest being purchased by the County will combine the site into a single Unified Parcel and will:

- Limit the total density of the Unified Parcel to one residential dwelling unit
- Retire all other density and prohibit the transfer of density off site
- Prohibit new accessory structures providing habitable space
- Not prohibit accessory uses and non-habitable accessory structures
- Not prohibit additions to the lawfully established existing residential unit

The Seller has executed the attached purchase agreement requiring a restrictive covenant to be recorded in the public records imposing the above restrictions.

The purchase price for the less than fee interest is \$22,500. Since there is no separate market land value listed for Lot 16 on the Monroe County Property Appraiser's website, this purchase price is based on the \$22,500 current market land value listed for a comparable lot in the subdivision on Avenue E (Block 37, Lot 6). The estimated closing costs for this transaction will be approximately \$1,285.

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**PREVIOUS RELEVANT BOCC ACTION:** The Board established and modified the Less Than Fee program through the adoption of Resolutions 175-2018, 438-2018, 063-2020, and 128-2022.

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**CONTRACT/AGREEMENT CHANGES:**

N/A

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**STAFF RECOMMENDATION:** Approval

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**DOCUMENTATION:**

MCPA Record Card - Subject Property  
MCPA Aerial - Subject Property  
MCPA Record Card - Comparable Property  
Purchase Agreement with Exhibit A Restrictive Covenant

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**FINANCIAL IMPACT:**

**Effective Date:** May 17, 2023  
**Expiration Date:** None  
  
**Total Dollar Value of Contract:** \$22,500.00 plus estimated closing costs of \$1,285.00  
**Total Cost to County:** \$23,785.00  
**Current Year Portion:** \$23,785.00  
**Budgeted:** Yes  
**Source of Funds:** 316 Land Acquisition Fund.  
**CPI:** N/A  
**Indirect Costs:** N/A  
**Estimated Ongoing Costs Not Included in above dollar amounts:** N/A  
  
**Revenue Producing:** No                      **If yes, amount:**  
**Grant:** No  
**County Match:** N/A  
**Insurance Required:** N/A  
**Additional Details:** \$22,500.00 plus closing costs estimated to be approximately \$1,285.00

05/17/23    NEW COST CENTER ADDED

\$23,785.00

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**REVIEWED BY:**

Mark Rosch	Completed	04/27/2023 3:49 PM
Cynthia Guerra	Completed	04/27/2023 3:54 PM
Christine Hurley	Completed	04/28/2023 12:26 PM
Bob Shillinger	Completed	04/28/2023 3:44 PM
Purchasing	Completed	05/01/2023 10:24 AM
Budget and Finance	Completed	05/01/2023 11:25 AM
Risk Management	Completed	05/01/2023 12:01 PM
Lindsey Ballard	Completed	05/02/2023 9:48 AM
Board of County Commissioners	Pending	05/17/2023 9:00 AM





**County Commission Meeting**  
**May 17, 2023**  
**Agenda Item Number: F.4**  
**Agenda Item Summary #12071**

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**BULK ITEM:** Yes  
Management

**DEPARTMENT:** County Land Acquisition and Land

**TIME APPROXIMATE:**  
9:15 A.M.

**STAFF CONTACT:** Christine Hurley (305) 295-5180

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**AGENDA ITEM WORDING:** Approval of a contract to purchase a less than fee interest in Block 24, Lots 11, 12, 13, and 14, Palm Villa on Big Pine Key near mile marker 30 from Greg Lepock and Cynthia Gavin, also known as Cynthia Ann Gavin for density reduction purposes for the price of \$46,876.

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**ITEM BACKGROUND:** This acquisition is proposed pursuant to BOCC Resolution 128-2022 (the Less Than Fee Acquisition Program) to protect property rights, to reduce density, and to reduce the County's potential liability for takings suits.

The subject property is a 25,000 square foot site at 30416 Coconut Highway on the bay side of Big Pine Key near mile marker 30 and is developed with one dwelling unit. Lots 11 and 12 are developed with a house and attached garage. Lots 13 and 14 are partially mowed lots with patches of native vegetation and a chain link fence. The less than fee interest being purchased by the County will combine the site into a single Unified Parcel and will:

- Limit the total density of the Unified Parcel to one residential dwelling unit
- Retire all other density and prohibit the transfer of density off site
- Prohibit new accessory structures providing habitable space
- Not prohibit accessory uses and non-habitable accessory structures
- Not prohibit additions to the lawfully established existing residential unit

The Seller has executed the attached purchase agreement requiring a restrictive covenant to be recorded in the public records imposing the above restrictions.

The purchase price for the less than fee interest is \$46,876. Since there is no separate market land value listed for Lots 13 and 14 on the Monroe County Property Appraiser's website, this purchase price of \$46,876 (\$23,438 per lot x 2 lots) is based on the \$23,438 current market land value listed for a comparable lot in the subdivision on Coconut Highway (Block 24, Lot 3). The estimated closing costs for this transaction will be approximately \$1,285.



Lindsey Ballard  
Board of County Commissioners

Completed  
Pending

05/02/2023 10:33 AM  
05/17/2023 9:00 AM





**County Commission Meeting**  
**May 17, 2023**  
**Agenda Item Number: J.3**  
**Agenda Item Summary #12102**

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**BULK ITEM:** Yes

**DEPARTMENT:** Planning/Environmental Resources

**TIME APPROXIMATE:**  
n/a

**STAFF CONTACT:** Emily Schemper (305) 289-2500

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**AGENDA ITEM WORDING:** Approval of a Resolution to Extend the Reservation of Twenty-Eight (28) Low-Income Category Affordable Housing ROGO Allocations Pursuant to Monroe County Code Section 138-24(b)(2) for a 28-Unit Affordable-Employee Housing Development Located on U.S. Highway 1, South Point Drive and Cypress Road, Tract "B", Revised Plat of Amended Plat of Sugarloaf Shores Section F, Sugarloaf Key (Approximate Mile Marker 16.5), Currently Having Property Identification Number 00166976-011400, until May 17, 2024.

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**ITEM BACKGROUND:**

Lower Keys Community Center Corporation is requesting an extension of the reservation for twenty-eight (28) low-income category affordable(-employee) ROGO allocations pursuant to Monroe County Land Development Code ("LDC") Section 138-24(b)(2) through May 17, 2024.

Lower Keys Community Center Corp. (the "Applicant" or "LKCCC") is proposing to develop the property with twenty-eight (28) affordable-employee housing units. At a regularly scheduled public meeting held on November 20, 2018, the Monroe County Board of County Commissioners ("Board", "BOCC", "Monroe County", or the "County") adopted Resolution No. 411-2018, reserving **twenty-eight (28) low-income category affordable ROGO allocations** pursuant to Section 138-24(b)(2) of the Monroe County LDC, for the proposed affordable-employee housing development, to expire if building permits were not obtained by November 20, 2019. On January 22, 2020, the BOCC adopted Resolution No. 028-2020, extending the reservation to November 20, 2020. On January 20, 2021, the BOCC approved Resolution No. 029-2021 extending the reservation to November 20, 2021. On November 17, 2021, the BOCC approved Resolution No. 438-2021, extending the reservation to May 17, 2023.

The Applicant has been awarded Low Income Housing Tax Credit ("LIHTC") financial assistance from the Florida Housing Finance Corporation ("FHFC") to offset the costs of its proposed twenty-eight (28) unit development (the "development" or the "project"), and has been pursuing the project, including hosting three (3) community meetings to solicit feedback and ideas from property owners in the Lower Keys, incorporating such ideas into development design, and working with the Florida Department of Transportation ("FDOT") regarding the feasibility of various traffic and access

modifications.

On December 16, 2020, the Monroe County Planning Commission approved the owner's request for a major conditional use permit for development of the proposed housing units on the property, via Planning Commission Resolution Nos. P35-20 and P36-20.

On February 5, 2021, a group of property owners on Sugarloaf Key individually and through the entities Sugarloaf Shores Property Owners Association Inc., South Point Homeowners LLC, and "Lower Density for Lower Sugarloaf, LLC" (collectively "Neighborhood Opponents") filed an administrative appeal of Planning Commission Resolution No. P35-20 to the Florida Division of Administrative Hearings ("DOAH") and made an effort toward attempting to perfect an appeal to the BOCC regarding Planning Commission Resolution No. P36-20.

On July 22<sup>nd</sup>, 2021, DOAH Administrative Law Judge ("ALJ") E. Gary Early issued a Final Order (attached) in favor of Monroe County and the Applicant and against the Neighborhood Opponents, and affirmed the Planning Commission's decision memorialized in Planning Commission Resolution No. P35-20.

On or about August 23, 2021, the Neighborhood Opponents then filed an appeal of the DOAH ALJ's Final Order to the Circuit Court appellate division. **Before a decision from the Circuit Court could be reached, the Applicant and the Neighborhood Opponents on or about January 3, 2023, agreed to settle their dispute through a Settlement Agreement recorded at Book 3208, Page 1980, Document No. 2403832, of the Official Records of Monroe County, in which those parties mutually agreed to, *inter alia*, settle on up to twenty-eight (28) units of affordable employee housing to be developed in a modified form on the subject property.** On or about January 11, 2023, the Circuit Court case was dismissed, and also on January 11, 2023, those of or associated with the Neighborhood Opponents 'withdrew' their attempt to pursue an appeal of Planning Commission Resolution No. P36-20 to the BOCC.

**The subject request is for a one-year extension of the reservation of twenty-eight (28) low-income category affordable(-employee) housing ROGO allocations. If approved, building permit(s) must be obtained by May 17, 2024, or the reservation will expire.**

The subject property is outlined below in blue.





**Relevant Monroe County Land Development Code Section:**

Monroe County Code Section 138-24 (b) *Reservation of affordable housing allocations.*

Notwithstanding the provisions of Section 138-26 for awarding of affordable housing allocations, the BOCC may reserve by resolution some or all of the available affordable housing allocations for award to certain sponsoring agencies or specific housing programs consistent with all other requirements of this chapter. Building permits for these reserved allocations shall be picked up within six months of the effective reservation date, unless otherwise authorized by the BOCC in its resolution. The BOCC may, at its discretion, place conditions on any reservation as it deems appropriate. These reservations may be authorized by the BOCC for:

- (1) The county housing authority, nonprofit community development organizations, pursuant to Section 139-1(e), and other public entities established to provide affordable housing by entering into a memorandum of understanding with one or more of these agencies;
- (2) Specific affordable or employee housing projects participating in a federal/state housing financial assistance or tax credit program or receiving some form of direct financial assistance from the county upon written request from the project sponsor and approved by resolution of the BOCC;
- (3) Specific affordable or employee housing projects sponsored by nongovernmental not-for-profit organizations above upon written request from the project sponsor and approved by resolution of the BOCC;



- (4) Specific affordable or employee housing programs sponsored by the county pursuant to procedures and guidelines as may be established from time to time by the BOCC;
- (5) Specific affordable or employee housing projects by any entity, organization, or person, contingent upon transfer of ownership of the underlying land for the affordable housing project to the county, a not-for-profit community development organization, or any other entity approved by the BOCC, upon written request from the project sponsor and approved by resolution of the BOCC; or
- (6) Rental employee housing projects situated on the same parcel of land as the nonresidential workplace for the tenants of these projects, upon written request from the property owner and approved by resolution of the BOCC.

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**PREVIOUS RELEVANT BOCC ACTION:**

November 20, 2018 - The BOCC approved Resolution No. 411-2018 for the reservation of twenty-eight (28) low-income category affordable housing allocations.

January 22, 2020 - The BOCC approved Resolution No. 028-2020 for the reservation of twenty-eight (28) low-income category affordable housing allocations.

January 20, 2021 - The BOCC approved Resolution No. 029-2021 for the reservation of twenty-eight (28) low-income category affordable housing allocations through November 20, 2021.

November 17, 2021 - The BOCC approved Resolution No. 438-2021 for the reservation of twenty-eight (28) low-income category affordable ROGO allocations through May 17, 2023.

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**CONTRACT/AGREEMENT CHANGES:**

n/a

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**STAFF RECOMMENDATION:** Approval.

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**DOCUMENTATION:**

Reso 411-2018 Initial Reservation

Resolution Extension of Dockside Reservations

Reso 028-2020 Extension

Reso 029-2021 Extension

Reso 438-2021 Extension

DOAH Final Order - Lower Density for Lower Sugarloaf, LLC, et al. v. Monroe County, Florida, et al., Case No. 21-0494 (DOAH July 22, 2021)

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**FINANCIAL IMPACT:**

**Effective Date:**

**Expiration Date:**

**Total Dollar Value of Contract:**

**Total Cost to County:**

**Current Year Portion:**

**Budgeted:**

**Source of Funds:**

**CPI:**

**Indirect Costs:**

**Estimated Ongoing Costs Not Included in above dollar amounts:**

**Revenue Producing:**                      **If yes, amount:**

**Grant:**

**County Match:**

**Insurance Required:** N/A

**Additional Details:**

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**REVIEWED BY:**

Emily Schemper	Completed	05/02/2023 11:22 AM
Peter Morris	Completed	05/02/2023 4:59 PM
Purchasing	Completed	05/02/2023 5:01 PM
Budget and Finance	Completed	05/02/2023 5:02 PM
Brian Bradley	Completed	05/02/2023 5:04 PM
Lindsey Ballard	Completed	05/02/2023 5:05 PM
Board of County Commissioners	Pending	05/17/2023 9:00 AM





**County Commission Meeting**  
**May 17, 2023**  
**Agenda Item Number: J.4**  
**Agenda Item Summary #12103**

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**BULK ITEM:** Yes

**DEPARTMENT:** Planning/Environmental Resources

**TIME APPROXIMATE:**  
n/a

**STAFF CONTACT:** Emily Schemper (305) 289-2500

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**AGENDA ITEM WORDING:** Approval of a Resolution to Extend the Reservation of Twenty-Eight (28) of the Original Sixty (60) Affordable Housing Allocations, Consisting of Twelve (12) Low-Income and Sixteen (16) Moderate-Income Affordable Housing Allocations, Pursuant to Monroe County Code Section 138-24(b)(2), For a 28-Unit Affordable-Employee Housing Development Located on U.S. Highway 1, South Point Drive and Cypress Road, Tract "A", Revised Plat of Amended Plat of Sugarloaf Shores Section F, Sugarloaf Key (Approximate Mile Marker 16.5), Currently Having Property Identification No. 00166976-011300, Until May 17, 2024.

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**ITEM BACKGROUND:**

Lower Keys Community Center Corporation (the "Applicant") is requesting an extension of the reservation of twenty-eight (28) of the originally reserved sixty (60) affordable ROGO allocations, consisting of twelve (12) low-income and sixteen (16) moderate-income affordable housing allocations pursuant to Monroe County Code Land Development ("LDC") Section 138-24(b)(2) through May 17, 2024.

The Applicant originally proposed to develop the property with sixty (60) affordable employee housing units. At a regularly scheduled public meeting held on November 20, 2018, the Monroe County Board of County Commissioners ("Board", "BOCC", "Monroe County", or the "County") adopted Resolution No. 410-2018, reserving sixty (60) affordable ROGO allocations under LDC Section 138-24(b)(2), consisting of 27 low-income and 33 moderate-income category allocations for the proposed affordable-employee housing development, to expire if building permits were not obtained by November 20, 2019. On January 22, 2020, the BOCC adopted Resolution No. 027-2020 extending the reservation to November 20, 2020. On January 20, 2021, the BOCC adopted Resolution No. 030-2021 extending the reservation to November 20, 2021. On November 17, 2021, the BOCC adopted Resolution No. 439-2021, extending the reservation to May 17, 2023.

The Applicant has been awarded Low Income Housing Tax Credit ("LIHTC") financial assistance from the Florida Housing Finance Corporation ("FHFC") to offset the costs of its proposed 60-unit development (the "development" or the "Project"), and has been pursuing the development, including hosting three (3) community meetings to solicit feedback and ideas from property owners



in the Lower Keys, incorporating such ideas into development design, and working with the Florida Department of Transportation (“FDOT”) regarding the feasibility of various traffic and access modifications.

On December 16, 2020, the Monroe County Planning Commission approved the owner’s request for a major conditional use permit for development of the proposed housing units on the property, via Planning Commission Resolution Nos. P35-20 and P36-20.

On February 5, 2021, a group of property owners on Sugarloaf Key individually and through the entities Sugarloaf Shores Property Owners Association Inc., South Point Homeowners LLC, and “Lower Density for Lower Sugarloaf, LLC” (collectively “Neighborhood Opponents”) filed an administrative appeal of Planning Commission Resolution No. P35-20 to the Florida Division of Administrative Hearings (“DOAH”) and made an effort toward attempting to perfect an appeal to the BOCC regarding Planning Commission Resolution No. P36-20.

On July 22<sup>nd</sup>, 2021, DOAH Administrative Law Judge (“ALJ”) E. Gary Early issued a Final Order (attached) in favor of Monroe County and the Applicant and against the Neighborhood Opponents, and affirmed the Planning Commission’s decision memorialized in Planning Commission Resolution No. P35-20.

On or about August 23, 2021, the Neighborhood Opponents then filed an appeal of the DOAH ALJ’s Final Order to the Circuit Court appellate division. **Before a decision from the Circuit Court could be reached, the Applicant and the Neighborhood Opponents on or about January 3, 2023, agreed to settle their dispute through a Settlement Agreement recorded at Book 3208, Page 1980, Document No. 2403832, of the Official Records of Monroe County, in which those parties mutually agreed to, *inter alia*, settle on up to twenty-eight (28) units of affordable employee housing to be developed in a modified form on the subject property.** On or about January 11, 2023, the Circuit Court case was dismissed, and also on January 11, 2023, those of or associated with the Neighborhood Opponents ‘withdrew’ their attempt to pursue an appeal of Planning Commission Resolution No. P36-20 to the BOCC.

**The subject request is for a one-year extension to the reservation of 12 low-income and 16 moderate-income affordable housing ROGO allocations. If approved, building permit(s) must be obtained by May 17, 2024, or the reservation will expire.**

The subject property is outlined in blue below.





The Applicant has also expressed interest in developing affordable housing units utilizing the remaining thirty-two (32) affordable ROGO allocations in partnership with Rockland Key, LLC, the owner of property located at 99 Calle Uno, East Rockland Key. A separate request for reservation of those allocations will be submitted to the BOCC at a later meeting date.

**Relevant Land Development Code Section:**

Monroe County LDC Section 138-24 (b) *Reservation of affordable housing allocations.*

Notwithstanding the provisions of Section 138-26 for awarding of affordable housing allocations, the BOCC may reserve by resolution some or all of the available affordable housing allocations for award to certain sponsoring agencies or specific housing programs consistent with all other requirements of this chapter. Building permits for these reserved allocations shall be picked up within six months of the effective reservation date, unless otherwise authorized by the BOCC in its resolution. The BOCC may, at its discretion, place conditions on any reservation as it deems appropriate. These reservations may be authorized by the BOCC for:

- (1) The county housing authority, nonprofit community development organizations, pursuant to Section 139-1(e), and other public entities established to provide affordable housing by entering into a memorandum of understanding with one or more of these agencies;
- (2) Specific affordable or employee housing projects participating in a federal/state housing financial assistance or tax credit program or receiving some form of direct financial assistance from the county upon written request from the project sponsor and approved by resolution of the BOCC;



(3) Specific affordable or employee housing projects sponsored by nongovernmental not-for-profit organizations above upon written request from the project sponsor and approved by resolution of the BOCC;

(4) Specific affordable or employee housing programs sponsored by the county pursuant to procedures and guidelines as may be established from time to time by the BOCC;

(5) Specific affordable or employee housing projects by any entity, organization, or person, contingent upon transfer of ownership of the underlying land for the affordable housing project to the county, a not-for-profit community development organization, or any other entity approved by the BOCC, upon written request from the project sponsor and approved by resolution of the BOCC;  
or

(6) Rental employee housing projects situated on the same parcel of land as the nonresidential workplace for the tenants of these projects, upon written request from the property owner and approved by resolution of the BOCC.

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**PREVIOUS RELEVANT BOCC ACTION:**

November 20, 2018 – The BOCC adopted Resolution No. 410-2018, reserving sixty (60) affordable housing allocations (27 low income and 33 moderate income) through November 20, 2019.

January 22, 2020 – The BOCC adopted Resolution No. 027-2020, extending the reservation of sixty (60) affordable housing allocations (27 low income and 33 moderate income) through November 20, 2020.

January 20, 2021 – The BOCC adopted Resolution No. 030-2021, extending the reservation of sixty (60) affordable housing allocations (27 low income and 33 moderate income) through November 20, 2021.

November 17, 2021 – The BOCC adopted Resolution No. 439-2021, extending the reservation of sixty (60) affordable housing allocations (27 low income and 33 moderate income) through May 17, 2023.

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**CONTRACT/AGREEMENT CHANGES:**

n/a

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**STAFF RECOMMENDATION:** Approval.

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**DOCUMENTATION:**

Resolution Extending Reservation of 28 affordable ROGO allocations

Reso 410-2018 Initial Reservation

Resolution 027-2020 Extension

Resolution 030-2021 Extension

Resolution 439-2021 Extension

DOAH Final Order - Lower Density for Lower Sugarloaf, LLC, et al. v. Monroe County, Florida, et al., Case No. 21-0494 (DOAH July 22, 2021)

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**FINANCIAL IMPACT:**

**Effective Date:**

**Expiration Date:**

**Total Dollar Value of Contract:**  
**Total Cost to County:**  
**Current Year Portion:**  
**Budgeted:**  
**Source of Funds:**  
**CPI:**  
**Indirect Costs:**  
**Estimated Ongoing Costs Not Included in above dollar amounts:**

**Revenue Producing:**                      **If yes, amount:**

**Grant:**

**County Match:**

**Insurance Required:** N/A

**Additional Details:**

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**REVIEWED BY:**

Emily Schemper	Completed	05/02/2023 11:29 AM
Peter Morris	Completed	05/02/2023 4:38 PM
Purchasing	Completed	05/02/2023 4:43 PM
Budget and Finance	Completed	05/02/2023 5:00 PM
Brian Bradley	Completed	05/02/2023 5:02 PM
Lindsey Ballard	Completed	05/02/2023 5:04 PM
Board of County Commissioners	Pending	05/17/2023 9:00 AM