### CITY COUNCIL AGENDA STATEMENT



Meeting Date: March 25, 2025

**To:** Honorable Mayor and Members of City Council

From: Brian Shea, Planning Director

**Through:** George Garrett, City Manager

**Item:** Resolution 2025-14, Approving The Ranking And Allocations Of The Market Rate And Affordable Residential Building Permit Allocation System (RBPAS) For Period 1, Year 33 (January 14, 2025 to July 13, 2025); And Providing For An Effective Date.

# RECOMMENDATION

Based on the result of all BPAS applications, Planning Staff recommends that the City Council **APPROVE** the award of two (2) Market Rate General and two (2) Market Rate Owner Occupied BPAS allocations as shown in "Attachment A" and one (1) Affordable BPAS allocations "Attachment B".

### I. BACKGROUND AND JUSTIFICATION

This evaluation report has been prepared pursuant to Chapter 107 Article 1 of the City of Marathon Land Development Regulations (the "Code"). The residential dwelling unit allocation rankings attached to this report correspond to Period 1, Year 33, as defined by the Residential Building Permit Allocation System (RBPAS). This period includes January 14, 2024, To July 13, 2024.

Monroe County adopted the Rate of Growth Ordinance (016-1992), commonly referred to as ROGO, on July 13, 1992, to implement portions of its Comprehensive Plan. The ROGO established a building permit allocation system for residential construction, for the purpose of directing and limiting growth and enabling the safe and timely evacuation of the Keys in the event of a hurricane.

The City adopted new Land Development Regulations by Ordinance 2007-03 which replaced the Rate of Growth Ordinance with the Residential Building Permit Allocation System (RBPAS).

In this, its thirty first year, the BPAS allocation system may issue up to 30 awards for residential construction within the boundaries of the City, pursuant to the agreement between the City, the Department of Economic Opportunity (DEO) and Monroe County. Of the 30 allocation awards, 80% (24) are assigned to market-rate residential units and 20% (6) are assigned to affordable housing. Applications for permits are evaluated, scored, and ranked according to criteria outlined in Chapter 107 Article 1 of the City of Marathon Land Development Regulations twice a year.

To provide some remedy for the decline in building permits being issued, the City adopted Ordinance 2009-09 that called for a temporary procedure to be implemented to RBPAS. This allowed the Planning Department to create a new list from the applicants that are able and willing to move forward with an awarded allocation and pick up building permits. Temporary Procedures have sunset, however, to maintain the efficiency of permitting, a similar process is followed. Rather than bringing a new list back to Council each time an owner responds to defer, the owners are asked before the list is created.

In June of 2009 City Council adopted Ordinance 2009-18, creating a "TBR Affordable Pool". Additionally, in November of 2010, the City Council adopted Ordinance 2010-12, which would allow up to 50% of the annual allocations to be distributed to the "Administrative Relief Pool" at the City Council's discretion and by the criteria set forth in the Ordinance.

Resolution 2022-22 amends the available allocation awards as set by Council. This resolution amends the previous Resolution 2010-18 that revised the annual allocations available.

Based upon the aforementioned MOU commercial square footage is also given out through the BPAS process. 500,000 square feet were set to be given out over the 10-year period. This amounts to 25,000 square feet every six months. New commercial development is rare, with the majority falling under commercial redevelopment. Therefore, applications for commercial BPAS are few and far between. Any commercial square footage not awarded rolls over into the next period.

## II. ALLOCATION AWARDS AVAILABLE

The following allocation awards are available this period:

<u>Category</u>		BPAS / Period
(Market Rate)		
(a)	Owner-occupied Pool	2 / period
(b)	General Pool	2 / period
(Affordable)		
(c)	General Affordable Pool	1 / period
(d)	Community Workforce Pool	
(e)	TBR Affordable Pool	
(To be granted	d to highest scoring allocation within the 3 pools)	
(Administrati	ve Relief)	
(e)	Administrative Relief Pool	0 / period

On January 1, 2011, the Florida Cabinet (sitting as the Administration Commission) passed Rule 28-18.400 F.A.C., which changes the roll-over procedure for building permit allocations for the City of Marathon. Per the rule:

"The number of allocations issued annually for residential development under the Residential Building Permit Allocation System (BPAS) shall not exceed a total annual unit cap of 30, plus any available unused BPAS allocations from a previous year. Unused BPAS allocations may be retained and made available only for affordable housing and Administrative Relief from BPAS year to BPAS year. Unused market rate allocations shall be available for Administrative Relief. Any unused affordable allocations will roll over to affordable housing. This BPAS allocation represents the total number of allocations for development that may be issued during a year. A BPAS year means the twelve-month period beginning on July 13. Policy 1-3.5.18 supersedes Policy 1-3.5.2 of the City of Marathon Comprehensive Plan."

The above language has also been made part of the City of Marathon Comprehensive Plan, Policy 1-3.5.1.

## III. EVALUATION AND RANKING

Staff's evaluation of the BPAS applications was performed according to the provisions of the Building Permit Allocation System; positive points were granted in compliance with the evaluation criteria contained in Section 107.09 of the City Land Development Regulations. Each allocation application was ranked based on the total number of points scored. RBPAS applications with identical scores were further ranked based on the date and time they applied for RBPAS.

The final Rankings and proposed allocations are presented in the RBPAS Allocation Resolution.

Administrative relief may be provided through the above-mentioned code section. In making a determination in review of an application for administrative relief, the City Council may:

- (a) Offer to purchase the property at its fair market value as its preferred action if the property is considered environmentally sensitive; or
- (b) Grant the applicant an allocation award for all or a number of dwelling units requested in the next succeeding allocation period or extended pro rata over several succeeding quarterly allocation periods as the preferred action for buildable properties not meeting any of the criteria in subsection (f)(1) of this section; or
- (c) Suggest or provide such other relief as may be necessary and appropriate.

# IV. ANALYSIS AND RECOMMENDATION

The market rate applications for consideration for an allocation this Period are shown on Attachment "A". The ranking of the applications is shown on both attachments.

See Attachment A of the Resolution: Ranking of Market Rate RBPAS.

The affordable applications for consideration for an allocation this Period are shown on Attachment "B". The ranking of the applications is shown on both attachments.

See Attachment B of the Resolution: Ranking of Affordable RBPAS.

Based on the result of the BPAS System, Planning Staff recommends that the City Council **APPROVE** the award of two (2) Market Rate General and two (2) Market Rate Owner Occupied BPAS allocations as shown in "Attachment A" and one (1) Affordable BPAS allocations as shown in "Attachment B".

# CITY OF MARATHON, FLORIDA RESOLUTION 2025-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, APPROVING THE RANKING AND ALLOCATIONS OF THE MARKET RATE AND AFFORDABLE RESIDENTIAL BUILDING PERMIT ALLOCATION SYSTEM (RBPAS) FOR PERIOD 2, YEAR 33 (JANUARY 14, 2025, TO JULY 13, 2025); AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Marathon City Council (the "City") reviewed the market rate and affordable residential dwelling unit application rankings for Period 2, Year 33 in compliance with the RBPAS Procedures promulgated in Section 107.07 of the Land Development Regulations (the "LDRs");

**WHEREAS**, the City conducted a properly advertised public hearing (the "Public Hearing") regarding the proposed residential BPAS rankings, Period 2, Year 33 pursuant to Chapter 107 Article 1 of the LDRs.

# NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:

- **Section 1.** The above recitals are true and correct and incorporated herein.
- **Section 2.** Based upon the evidence and testimony presented by City Staff and members of the public, the City Council hereby finds:

# **Residential Building Permit Allocation (RBPAS)**

- (1) The Public Hearing was properly advertised and held, as required by law, and the Applicants and all interested parties concerned in the matter were given an opportunity to be heard; and
- (2) Based upon the RBPAS Rankings shown in the staff recommendation, attached as "Attachment A" for the Market Rate RBPAS pools and "Attachment B" for the Affordable pools, the City Council awards four (4) Market Rate Residential, one (1) Affordable Residential allocation; and
- (3) The remaining RBPAS Applicants will retain their relative positions in the RBPAS ranking list and will be marked as deferred in accordance with Section 107.07 of the LDRs.
- **Section 3.** Based upon the above Findings of Fact, the City Council does hereby make the following Conclusions of Law:

- 1. The RBPAS applications for Period 1, Year 33 of RBPAS have been processed in accordance with Chapter 107 Article 1 of the LDRs.
- 2. In rendering its decision, as reflected in this Resolution, the City Council has:
  - (a) Accorded procedural due process;
  - (b) Observed the essential requirements of the law; and
  - (c) Supported its decision by substantial competent evidence of record.
- 3. The attached RBPAS allocations are awarded. Applicants requesting transfer of building rights as part of the provision of affordable allocations shall be required to meet the criteria established in Chapter 107,17 C, prior to the receipt of affordable allocations from the City completion of transfer of market rate residential units to other locations.

**Section 4.** This Resolution shall become effective immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 25<sup>th</sup> DAY OF MARCH 2025.

THE CITY OF MARATHON, FLORIDA

AYES:
NOES:
ABSENT:
ABSTAIN:
ATTEST:

Diane Clavier, City Clerk

(City Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:

Steven T. Williams, City Attorney

# Attachment A: Ranking of BPAS Applications for Year 33 Period 2 January 13, 2025 to July 13, 2025

	ROGO/BPAS		BPAS	DATE	TIME	
RANK	NUMBER	NAME	SCORE	ENTERED	ENTERED	RE NUMBER
	TYOTYEE		SCORE	ETTERE	Di (ILICE)	
		MARKET RATE	YEAR 33	PERIOD 2		
	_	Market I	Rate General	Pool		
1	BPAS-04-93	Faris, Refat	77	11/18/2004	8:00 AM	00373010-000000
2	BPAS-21-11	KEYS LUXE LIFE LLC	76	1/15/2021	10:17AM	00368450-000000
3	BPAS-21-42	Liron Gozlan	76	2/17/2021	9:00 AM	00325080-000000
4	BPAS-21-53	Morshedi, Christine	75	5/17/2021	9:19 AM	00352890-000000
5	BPAS-21-34	QUINCOSES FELICIA	73	2/11/2021	9:00 AM	00364370-000000
6	BPAS-07-14	Blue Castle Holdings, LLC	72	2/5/2007	2:10 PM	00353690-000000
7	BPAS-21-64	Bueno Concrete	71	7/8/2021	2:59 PM	00328950-000000
8	BPAS-22-17	KANTHETY SANTOSH	71	6/7/2022	10:06 AM	00360440-000000
9	BPAS-04-49	Hallman, John & Carol	70	8/19/2004	10:48 AM	00365410-000000
10	BPAS-04-81	Rodriguez, Jose	70	9/7/2004	10:30 AM	00331061-002000
11	BPAS-21-96	Perona, Bernard P.	70	11/28/2005	11:17AM	00320990-000100
12	BPAS-21-3	Hole, Cheri	70	4/23/2018	11:22 AM	00331061-000500
13 14	BPAS-18-39 BPAS-21-30	Epifano, Robert GEM Homes LLC	70 70	8/3/2018 12/2/2020	12:00 PM 10:00 AM	00105240-001000 00101340-00000
15	BPAS-21-85	GEM Homes LLC	70	12/2/2020	10:00 AM 10:00 AM	00101340-0000
16	BPAS-21-86	GEM Homes LLC	70	12/2/2020	10:00 AM 10:00 AM	00101340-000
17	BPAS-21-87	GEM Homes LLC	70	12/2/2020	10:00 AM	00101340 0000
18	BPAS-21-88	GEM Homes LLC	70	12/2/2020	10:00 AM	00101340-1 200
19	BPAS-18-44	Firstco Marine LLC	68	12/28/2018	9:55 AM	00347480-000
20	BPAS-22-22	Cruz, Mildred	67	12/26/2023	4:21 PM	00356740-00000
21	BPAS-04-34	Felling, Michael	66	8/4/2004	3:02 PM	76160 000000
22	BPAS-06-16	Held, Michael & Robin	66	2/14/2006	12:00 PM	7010s. 201900
23	BPAS-18-27	4 Avenue D LLC	66	1/16/2018	8:30 AM	0363840
24	BPAS-21-99	4 Avenue D LLC	66	1/16/2018	8:31 AM	638 -000000
25	BPAS-18-42	Fisher, Aaron	66	12/12/2018	1:30	0 260-000000
26	BPAS-19-21	JC Construction	66	1/10/2019	2 PM	00. 970-000000
27	BPAS-19-31	The Royal Company	66	7/12/2019	4:57 PM	0010 41-000200
28	BPAS-19-30	Guerra, Roger	66	7/15/2019	2:23 PM	00332 0-000000
29	BPAS-20-27	Corrie, Brent	66	7/6/2020	1:26 P	650-000100
30	BPAS-21-71	FLORIDA KEYS HOMES	66	7/13/2021	AIVI	00376220-000000
31	BPAS-18-35	Epifano, Pamela	65	7/12/	4. PM	00105240-000500
32	BPAS-21-36	Andrew George	65	12021	2:22	00376410-000000
33	BPAS-21-70	Cruz in the Keys	65	//1/2021	2:28 PM	00341930-000000
34	BPAS-20-25	Florida Keys Homes LLC	64	6/17/2020	:00 PM	00354180-000000
35	BPAS-21-38	Adkins, Michael	64	7/16/2020	46 PM	00373830-000100
36	BPAS-22-5	Reichert, Timothy	64	2/2022	0 AM	00333641-009800
37	BPAS-22-16	Miseki, Igor	64	3/2 922	5:46 PM	00355820-000000
38	BPAS-22-21 BPAS-20-28	Kennedy, James & Margaret 93 Stirrup Key LLC	64 63	6/7/2 7/6/202	1:45 PM 4:22 PM	00326080-000100 00333641-009300
40	BPAS-20-28 BPAS-23-10	Palma	62	11/16/2023	9:21 AM	00356690-000000
41	BPAS-21-100	4 Avenue D LLC	61	1/16/2018	9.21 AM 8:32 AM	00363840-000000
42	BPAS-06-11	Moreau, Guy	60	1/19/2016	3:00 PM	00329300-000000
43	BPAS-21-26	DESIGN CENTER INC	60	1/15/2021	12:54 PM	00376420-000000
44	BPAS-04-96	Prieto, Rogel	60	12/21/2004	2:21 PM	00328900-000000
45	BPAS-05-47	Forthman, Todd & Leslie	58	10/5/2005	12:30 PM	00339910-000000
46	BPAS-04-52	Mann, James	57	8/9/2004	11:25 AM	00355980-000000
47	BPAS-07-20	Osborne, Robert F	55	3/9/2007	4:40 PM	00319870-000000
48	BPAS-21-101	Osborne, Robert F	55	3/9/2007	4:40 PM	00319870-000000
49	BPAS-07-21	Hetuin, Jean Michael	55	3/9/2007	4:41 PM	00319880-000000
50	BPAS-21-102	Hetuin, Jean Michael	55	3/9/2007	4:41 PM	00319880-000000
51	BPAS-08-3	Torres, Luis & Maria Elena	54	6/3/2008	1:55 PM	00100750-001200
52	BPAS-22-23	Trujillo, Osvaldo	54	9/6/2022	1:20 PM	00322060-000000
53	BPAS-04-63	Tolton, Frank	53	8/16/2004	8:00 AM	00355418-001800
54	BPAS-05-38	33 Southpoint, LLC	53	7/13/2005	3:22 PM	00358230-000106
55	BPAS-08-9	Jutstrom, Bryan	49	3/7/2008	3:50 PM	00345780-000000

# Attachment A: Ranking of BPAS Applications for Year 33 Period 2 January 13, 2025 to July 13, 2025

56	BPAS-05-25	Valentin, Barbara	46	5/19/2005	4:00 PM	00345570-000000		
57	BPAS-13-1	Keys Dragon Marathon	45	1/14/2013	2:00 PM	00102440-000000		
58	BPAS-18-28	Vitale, John	44	1/16/2018	8:34 AM	00356720-000000		
59	BPAS-21-112	Hernandez, Jacqueline	43	11/30/2021	11:05AM	00354430-000000		
60	BPAS-19-25	JRC LLC	42	3/22/2019	3:31 PM	00355370-000101		
61	BPAS-16-11	Tatro Michigan, LTD	40	1/11/2016	10:00AM	00355417-003100		
62	BPAS-21-104	Waite, Peggy	28	10/20/2021	10:19AM	00375000-000000		
63	BPAS-21-105	Waite, Peggy	23	10/20/2021	3:17 PM	00375000-000000		
	1	Market Ra	te Owner Occi	ipied Pool	Γ			
RANK	ROGO/BPAS	NAME	BPAS	DATE	TIME	RE NUMBER		
	NUMBER		SCORE	ENTERED	ENTERED			
1	BPAS-24-4	Peck, Gloria	64	7/3/2024	1:05 PM	00344170-000000		
2	BPAS-22-27	Perez, Luis	62	11/19/2022	9:40 PM	00347440-000000		
			4 11 11	D 1.1	ъ			
		Awards	Available	Recommended	Remaining			
		General	2	2	0			
		Owner Occupied	2	2	0			

		AFFORDABLE	YEAR 33	PERIOD 2		
Affordable Go	eneral Pool					
RANK	ROGO/BPAS NUMBER	NAME	BPAS	DATE	TIME	DE MIMDED
KANK	ROGO/BPAS NUMBER	NAME	SCORE	ENTERED	<b>ENTERED</b>	RE NUMBER
1	BPAS-21-81	GEM Homes	68	12/2/2020	5:05 AM	00101340-000000
2	BPAS-21-82	GEM Homes	68	12/2/2020	5:06 AM	00101340-000000
3	BPAS-21-83	GEM Homes	68	12/2/2020	5:07 AM	00101340-000000
4	BPAS-21-84	GEM Homes	68	12/2/2020	5:08 AM	00101340-000000
5	BPAS-24-2	Joanne Marie GK LLC	63	1/11/2024	3:10 PM	00376310-000000
6	BPAS-25-1	Alicia Diaz	45	11/19/2024	12:00 PM	00319780-000000
7	BPAS-25-2	Alicia Diaz	45	11/19/2024	12:00 PM	00319780-000000
8	BPAS-25-3	Alicia Diaz	45	11/19/2024	12:00 PM	00319780-000000
9	BPAS-25-4	Alicia Diaz	45	11/19/2024	12:00 PM	00319780-000000
10	BPAS-21-89	QOF, Inc	43	7/21/2020	9:05 AM	00350630-000000
11	BPAS-21-90	QOF, Inc	43	7/21/2020	9:05 AM	00350630-000000
12	BPAS-21-91	QOF, Inc	43	7/21/2020		00350630-000000
	-	,				
			1			
			1			
Community '	Workforce Housing					<u> </u>
•		NAME:	BPAS	DATE	TIME	DE MIL (DED
RANK	ROGO/BPAS NUMBER	NAME	SCORE	ENTERED	<b>ENTERED</b>	RE NUMBER
1	BPAS-21-111	Sexton, Matt	28	11/25/2021		00371010-000000
2	BPAS-22-9	Sexton, Matt	27	2/22/2022	10:28 AM	00371010-000000
3	BPAS-22-10	Sexton, Matt	27	2/22/2022	10:31 AM	00371010-000000
4	BPAS-22-11	Sexton, Matt	27	2/22/2022		00371010-000000
5	BPAS-22-12	Sexton, Matt	27	2/22/2022		00371010-000000
6	BPAS-22-13	Sexton, Matt	27	2/22/2022		00371010-000000
7	BPAS-22-14	Sexton, Matt	27	2/22/2022		00371010-000000
8	BPAS-22-14 BPAS-22-15	Sexton, Matt	27	2/22/2022		00371010-000000
9	BPAS-23-2	Vastola, Jeff	26	1/9/2023		00375960-000000
10	BPAS-23-3	Vastola, Jeff	26	1/9/2023		00375960-000000
11	BPAS-23-4	Vastola, Jeff	26	1/9/2023	9:49 AM	00375960-000000
12	BPAS-23-5	Vastola, Jeff	26	1/9/2023		00375960-000000
TBR Afforda	able Deel					
DANIZ	able rool			<u> </u>		
DANIZ		NAME	BPAS	DATE	TIME	DE MUMDED
RANK	ROGO/BPAS NUMBER	NAME	BPAS SCORE	DATE ENTERED	TIME ENTERED	RE NUMBER
RANK 1		NAME Andrew George	SCORE 42		ENTERED	RE NUMBER 00341720-000000
	ROGO/BPAS NUMBER		SCORE	ENTERED	ENTERED 10:20 AM	
1 2	ROGO/BPAS NUMBER BPAS-21-44	Andrew George	SCORE 42	ENTERED 3/18/2021 3/18/2021	ENTERED 10:20 AM 11:10 AM	00341720-000000
1	ROGO/BPAS NUMBER BPAS-21-44 BPAS-21-46	Andrew George Blanco	SCORE 42 42	ENTERED 3/18/2021	ENTERED 10:20 AM 11:10 AM 1:11 PM	00341720-000000 00102830-000401

RANK	ROGO/BPAS NUMBER	NAME	BPAS	DATE	TIME	RE NUMBER
			SCORE	ENTERED	ENTERED	
6	BPAS-21-40	212 Lindahl LLC-	28	9/21/2020	3:40 PM	00333370-000000
7	BPAS-21-92	212 Lindahl LLC	28	9/21/2020	3:40 PM	00333370-000000
8	BPAS-21-93	212 Lindahl LLC	28	9/21/2020	3:40 PM	00333370-000000
9	BPAS-21-94	212 Lindahl LLC	28	9/21/2020	3:40 PM	00333370-000000
10	BPAS-21-47	Cameron	27	3/30/2021	1:11 PM	00350490-000000
11	BPAS-21-48	Cameron	27	3/30/2021	1:11 PM	00350490-000000
12	BPAS-21-49	Cameron	27	3/20/2021	1:11 PM	00350490-000000
13	BPAS-21-54	Matlock	27	4/20/2021	9:00 AM	00338880-000000
14	BPAS-21-55	Matlock	27	4/20/2021	9:00 AM	00333880-000000
15	BPAS-21-56	Griffith	27	6/1/2021	7:56 AM	00320460-000000
16	BPAS-21-57	Griffith	27	6/1/2021	7:56 AM	00320460-000000
17	BPAS-21-58	Griffith	27	6/1/2021	7:56 AM	00320460-000000
18	BPAS-21-59	Griffith	27	6/1/2021	7:56 AM	00320460-000000
19	BPAS-21-115	Dovelle, Frank	27	12/10/2021	12:37PM	00333520-000000
20	BPAS-21-116	Dovelle, Frank	27	12/10/2021	12:38PM	00333530-000000
21	BPAS-24-5	Sam Williams	27	7/30/2024	9:55AM	00333790-000000
22	BPAS-24-6	Sam Williams	27	7/30/2024	9:55AM	00333790-000000
		Awards	Available	Recommended	Remaining	
		General	1	1	0	
		Workforce	0	0	0	
		TBR	0	0	0	