

Facilities Planning and Construction  
Paul J. Phillips, Chief Facilities Officer

**SUBJECT: AUTHORIZATION TO NEGOTIATE A DECLARATION OF RESTRICTIONS AND NECESSARY AGREEMENTS IN CONNECTION WITH APPLICATION NO. 99-221 CELOMADING, S.A., FOR THE PROVISION OF LAND FOR A FUTURE MIDDLE SCHOOL SITE WITH A PORTION AS A VOLUNTARY CONTRIBUTION IN ADDITION TO EDUCATIONAL FACILITIES IMPACT FEES**

Celomading, S.A., (applicant), is requesting a zoning change from GU (Interim) to RU-1M(a) (Modified Single-Family), RU-1M(b) (Modified Single-Family) and RU-3M (Minimum Apartment House) on 198 gross acres located between S.W. 8 Street and Coral Way and between S.W. 149 Avenue and S.W. 152 Avenue (see attached location map). The proposed development of 784 units has been deemed by the County to be consistent with the Miami-Dade County Comprehensive Development Master Plan (CDMP) and is within the current Urban Development Boundary. It should be noted that the applicant's prior zoning application to Miami-Dade County for 848 units with an estimated student generation of 428 students was denied by the Miami-Dade County Board of County Commissioners. The application had been reviewed by District staff and the applicant had, at the time, proffered to set aside 11.2 net acres, 8 acres of which would have been donated. However as a result of the development's downsizing, the applicant has now made commensurate adjustments to his voluntary contribution as described below.

The estimated student population generated by this application is 398 students. Schools impacted are Zora N. Hurston Elementary School and Joe Hall Elementary School (215 students - permanent utilization of 72% and 79%, respectively), Paul W. Bell Middle School and W. R. Thomas Middle School (95 students - permanent utilization of 146% and 127%, respectively), and G. Holmes Braddock Senior High School (88 students - permanent utilization of 148%). The impacted feeder pattern is G. Holmes Braddock Senior High School with an overall feeder pattern utilization of 120% (see attached analysis).

Pursuant to established procedures, a Management Team meeting was held December 14, 2000, to consider mitigation proposals from the applicant. Based on these negotiations and in order to mitigate the impact of this proposed 784-unit development, the applicant is willing to negotiate the necessary agreements and to proffer a Declaration of Restrictions (Declaration) to benefit the Board with substantially the following terms:

- Applicant will set aside an approximate 16.6 net acre site within the proposed development (see attached location map), of which 5.1 net buildable acres (fully mitigated and filled) will be a donation over and above impact fees (estimated to be \$1,411,200, based on a countywide average impact fee). The donated portion of the site shall be conveyed to the Board within 60 days following final zoning approval. The conveyance date may only be extended by approval of the Board. In May of 2000, a District-commissioned appraisal for the undeveloped site indicated a fair market value of \$90,000 per gross acre. However, the value of a buildable and fully mitigated site will likely be higher once wetland mitigation and fill are factored in.
- The balance of the acreage (approximately 11.5 net buildable acres) may be purchased by the District based on the fair market value of the property at the time the property is purchased, as established by District-commissioned appraisals. Prior to property transfer, an agenda item for the purchase agreement will be presented to the Board for its consideration. Applicant has agreed to allow the Board until December 31, 2004, to purchase the 11.5 net acres of land. All transactions necessary to complete the conveyance shall be at the expense of the applicant.
- Applicant will be responsible for any required wetland mitigation fees and will handle any required storm water retention on the balance of the development, excluding the school site, at the sole cost to the owner, so that the full 16.6 net acre site is usable for construction.
- Applicant agrees to fill and compact the entire 16.6 net acre site to comply with all applicable building and zoning codes. Additionally, the applicant shall provide all utilities including water and sewer lines, electric and phone service (with no additional connection fees) at the perimeter of the site. Paved road access will be provided along two sides of the 5.1 acre site and along two sides of the 11.5 acre site. The applicant will need to complete the required infrastructure improvements for the entire 16.6 net acre site within one year of final zoning approval or March 1, 2002, whichever occurs first.
- Pursuant to Florida Statutes, the site was submitted to Miami-Dade County for determination of consistency with the CDMP. The County has indicated that the site is consistent with the CDMP and is acceptable for use as a middle school site.
- The applicant shall provide a Phase I Environmental Assessment to the District prior to conveyance of the 5.1 acre portion of the site and prior to District purchase of the 11.5 acre portion of the site. Additionally, acceptance by the District shall be conditioned upon both sites complying with all regulations governing a public school site.
- No impact fee credits shall be provided to the developer for the value of any portion of the 16.6 acre site.
- The Declaration will run with the land and be binding on future owners.

- Any negotiated Agreements and/or Declaration will be subject to Miami-Dade County approval of the requested zoning change.

The Declaration and/or Agreements have been reviewed by the School Board Attorney's Office, and a copy of the proposed Declaration will be placed on file in the Citizen Information Center and the Recording Secretary's Office.

The Owner of the subject property is Mr. Jose Lamas.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, authorize the Superintendent to:

- 1) negotiate a Declaration of Restrictions in connection with Miami-Dade County Application No. 99-221, Celomading, S.A. for the provision of an approximate 16.6-acre site within the proposed development, of which 5.1 net acres will be a donation over and above educational facilities impact fees; and
- 2) negotiate any necessary agreements making available the balance of the acreage (approximately 11.5 net acres) for purchase by the District, by or before December 31, 2004, based on the fair market value of the property at the time of property purchase, as established by the District-commissioned appraisals. Prior to property transfer, an agenda item for the purchase agreement will be presented to the Board for its consideration.

PG:am

## **SCHOOL IMPACT REVIEW ANALYSIS**

**APPLICATION:** No. 99-221, Celomading, S.A.

**REQUEST:** Zone change from GU to RU-1M(a), RU-1M(b) and RU-3M

**ACRES:** 198 acres

**LOCATION:** Between S.W. 8 St. and Coral Way and between S.W. 149 Ave. and S.W. 152 Ave.

**NUMBER OF UNITS:** 784 (410 single-family units and 374 townhouses)

**ESTIMATED STUDENT POPULATION:** 398 students

**ELEMENTARY:** 215

**MIDDLE:** 95

**SENIOR:** 88

**SCHOOLS SERVING AREA OF APPLICATION:**

**ELEMENTARY:** Zora Neale Hurston Elementary - 13137 S.W. 26 St.  
Joe Hall Elementary - 1901 S.W.134 St.

**MIDDLE:** Paul W. Bell Middle - 11800 N.W. 2 St.  
W.R. Thomas Middle - 13001 S.W. 26 Street

**SENIOR HIGH:** G. Holmes Braddock Senior - 3601 S.W. 147 Ave.

**SCHOOL UTILIZATION:** The October 2000 FTE membership, permanent utilization, permanent/temporary utilization and program capacity utilization are as follows:

	<b>MEMBERSHIP</b>	<b>PERMANENT UTILIZATION</b>	<b>PERMANENT/ TEMPORARY UTILIZATION</b>	<b>PROGRAM CAPACITY UTILIZATION</b>
		<b>(1)</b>	<b>(2)</b>	<b>(3)</b>
<b>Zora Neale Hurston El.</b>	720	72%	72%	96%
<b>Joe Hall El.</b>	667	79%	77%	118%
<b>Paul W. Bell Middle</b>	1932	146%	135%	157%
<b>W.R. Thomas Mid.</b>	1195	127%	127%	109%
<b>G. Holmes Braddock Sr.</b>	4856	148%	111%	154%

**Feeder Pattern: G. Holmes Braddock Sr. 120%**

- (1) Ratio of total students to permanent student stations
- (2) Ratio of total students to permanent and relocatable (portables) student stations
- (3) Ratio of total students to permanent and relocatable (portables) student stations after programmatic changes

**PLANNED RELIEF SCHOOLS IN THE AREA:**

<u>School</u>	<u>Status</u>	<u>Occupancy Date</u>
Dr. Carlos Finlay Elem.	Construction	Winter/2001
Primary Learning Center "U"	Developer to build pursuant to contract	Spring/2001
State School "VV1"	Design	Fall/2002
Hammocks Middle/Major Addition	Design	Winter/2001
State School "PPP"	Design	Fall/2003

**OPERATING COSTS:** According to Financial Affairs, the average cost for K-12 grade students amounts to \$5,062 per student. The total annual operating cost for additional students residing in this development, if approved, would total \$2,014,676.

**CAPITAL COSTS:** Based on the 1994-95 Educational Facilities Impact Fee Study, construction costs for the estimated additional students to be generated by the proposed development are:

ELEMENTARY	215	x	\$ 11,790	=	\$ 2,534,850
MIDDLE	95	x	\$ 12,232	=	\$ 1,162,040
SENIOR	88	x	\$ 18,619	=	\$ 1,638,472
Total Potential Capital Cost					\$ 5,335,362

The School Board's estimated capital costs are based upon the actual costs of land acquisition, land development and construction of elementary, middle or senior high school facilities. Such costs do not include furniture, fixtures or equipment, buses or other capital costs.

# LOCATION MAP

