

Facilities Operations, Maintenance and Planning
Ana Rijo-Conde, Interim Assistant Superintendent

SUBJECT: AUTHORIZATION TO ACCEPT A DECLARATION OF RESTRICTIONS IN CONNECTION WITH APPLICATION NO. 01-217, PETER M. HODKIN, TRUSTEE, LOCATED NORTH OF KENDALL DRIVE AND WEST OF S.W. 151 AVENUE, PROVIDING FOR A MONETARY DONATION IN ADDITION TO EDUCATIONAL FACILITIES IMPACT FEES AS ALLOWED FOR UNDER THE INTERLOCAL AGREEMENT IN THE EVENT A CHARTER SCHOOL IS NOT BUILT

COMMITTEE: FACILITIES MANAGEMENT

Background

Peter M. Hodkin, Trustee (applicant), requested a zoning change from GU (Interim Use) to RU-3M (Minimum Apartment House), on 9.8 acres located north of Kendall Drive and west of S.W. 151 Avenue (see location map). The Miami-Dade County Board of County Commissioners approved the application on July 24, 2003. The proposed 99-unit residential development is estimated to generate 54 students (see attached school impact analysis).

Pursuant to the terms of the Interlocal Agreement for School Facility Planning (Interlocal), the School Board (Board), local government, in this instance Miami-Dade County (County), and the development community are to collaborate to develop options which seek to address the impact of proposed residential development on public schools where the development would result in an increase in the schools' FISH % utilization (permanent and relocatable), beyond the threshold review level of 115%. Please note that only two school facilities impacted by the proposed development (middle and senior high schools) meet the referenced threshold.

Additional Information

In connection with the rezoning request and to mitigate the impact of the proposed development on the public school system, the applicant voluntarily proffering a Declaration of Restrictions (Covenant) to the County in order to set aside approximately 3 acres of land for a future charter school. In the event the charter school site is not developed within five years from date of zoning approval, the applicant has voluntarily proffered a covenant to the Board to donate \$64,800, in addition to educational facilities impact fees estimated at \$242,352. Prior to final plat approval, the applicant will provide the District a letter of credit in the amount of \$64,800, as assurance that the donation will be made if the charter school

is not built. The letter of credit will expire once the District receives documentation that the charter school has received a certificate of occupancy from the County. The owner is not entitled to a refund if the charter school is built after the donation is provided to the District. In the event the County approves fewer units, the donation would be reduced on a pro-rata basis.

The donation is to be utilized for capital improvements at the impacted schools (Kendale Elementary School, Howard Doolin Middle School and/or Felix Varela Senior High School). To the extent that there are no pending or proposed capital improvements at the referenced schools, the donation would be utilized for capital improvements at other schools within the affected feeder pattern.

The Covenant will be reviewed by the School Board Attorney's Office prior to recordation.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, authorize the Superintendent to accept a Declaration of Restrictions in connection with Miami-Dade County Application No. 01-217, Peter M. Hodkin, Trustee, located north of Kendall Drive and west of S.W. 151 Avenue, for the provision of a voluntary monetary donation over and above educational facilities impact fees in the amount of \$64,800, in the event a charter school is not built within five years of zoning approval.

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SCHOOL IMPACT REVIEW ANALYSIS

APPLICATION: No. 01-217, Peter Hodkin (CC11)

REQUEST: Zone change from GU to RU-3M

ACRES: 9.8 acres

LOCATION: North of Kendall Drive and West of S.W. 151 Avenue

UNITS: 99 units

**ESTIMATED
STUDENT
POPULATION:** 54 students*

ELEMENTARY: 25

MIDDLE: 13

SENIOR: 16

SCHOOLS SERVING AREA OF APPLICATION:

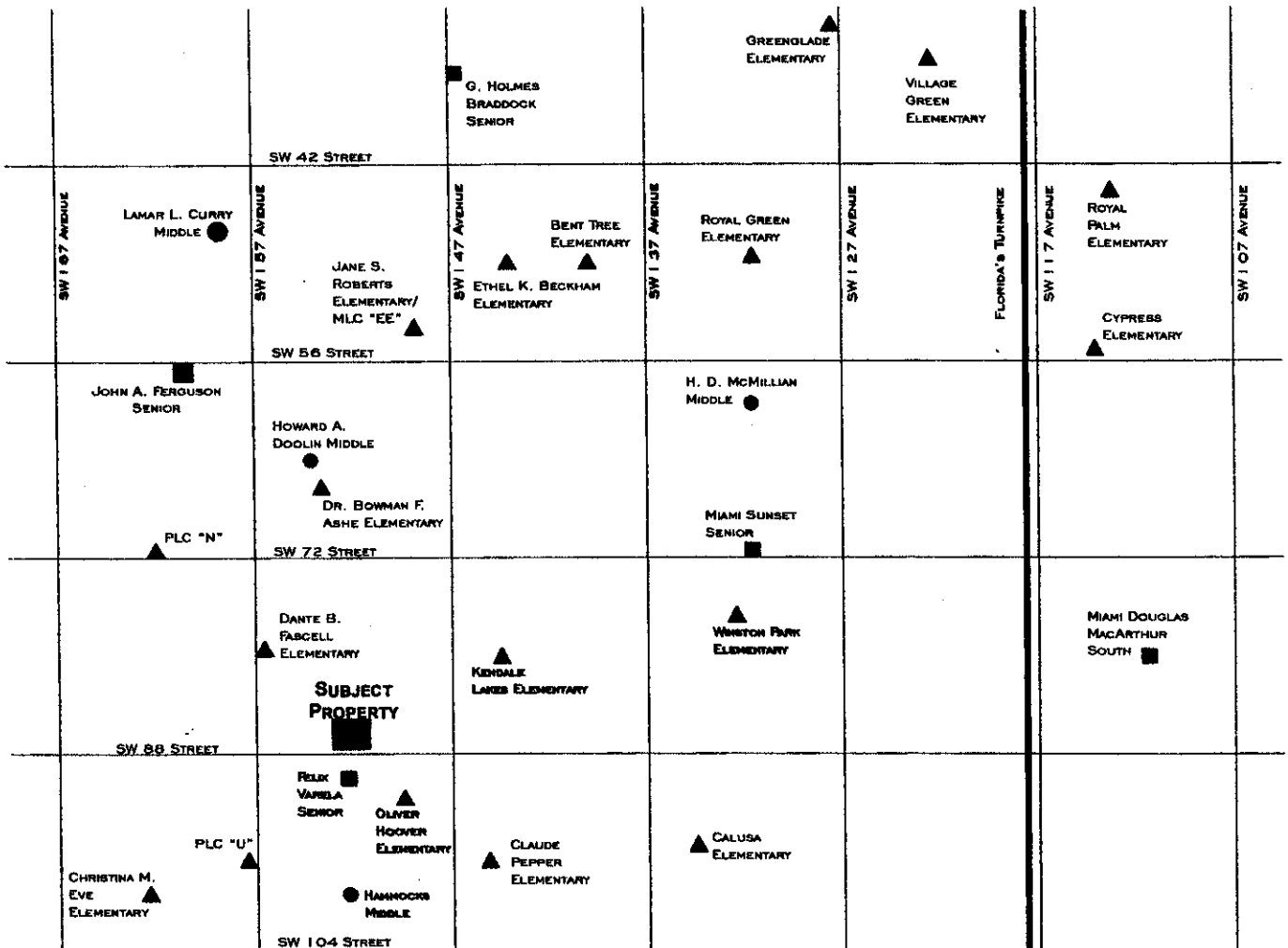
ELEMENTARY: Kendale Lakes Elementary - 8000 S.W. 142 Ave.
Access Center VI

MIDDLE: Howard A. Doolin Middle - 6400 S.W. 152 Ave.
Access Center VI

SENIOR HIGH: Felix Varela Senior - 15255 S.W. 96 St.
Access Center VI

* Based on Census 2000 information provided by the Miami-Dade County Department of Planning and Zoning.

LOCATION MAP



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