

Business Operations
J.E. Surash, P.E., Chief Business Officer

SUBJECT: AUTHORIZATION TO ACCEPT A DECLARATION OF RESTRICTIONS IN CONNECTION WITH APPLICATION NO. 03-010, NARANJA LAKES HOLDINGS, LLC, AND NARANJA LAKES HOLDINGS II, LLC, PROVIDING FOR A DONATION OF 3.26 ACRES OF VACANT LAND OVER AND ABOVE EDUCATIONAL FACILITIES IMPACT FEES, AND THE PURCHASE OF A 4.84 ACRE CONTIGUOUS PARCEL AS A CREDIT IN-LIEU-OF EDUCATIONAL FACILITES IMPACT FEES, LOCATED AT THE NORTHEAST CORNER OF SW 280 STREET AND THEORETICAL SW 150 AVENUE, MIAMI, FLORIDA

COMMITTEE: FACILITIES MANAGEMENT

Introduction

Pursuant to the terms of the Educational Facilities Impact Fee Ordinance (Ordinance) and the Interlocal Agreement (Agreement) between the School Board (Board) and Miami-Dade County (County), the Board may accept land donations and contributions in-lieu-of impact fees from developers as a form of mitigating the impact of residential developments, if the Board determines that such contributions are appropriate and desirable.

Mandarin Lakes, a Traditional Neighborhood Development (Applicant), is proposing such mitigation options, in connection with an application for site plan approval of its proposed Master Plan. On December 15, 1998, the Board of County Commissioners passed and adopted Resolution No. R-1445-98 directing the Director of the Miami-Dade Department of Planning and Zoning to file a zoning application for a zoning district boundary change to rezone the Naranja Lakes site to Traditional Neighborhood District (TND). On December 20, 2001, the Board of County Commissioners passed and adopted Resolution No. Z-31-0 rezoning the Naranja Lakes site to TND. It should be noted that because the County previously rezoned the property to TND, the Applicant was not required to collaboratively develop options to mitigate the impact of the proposed development, pursuant to the terms of the Agreement. The Applicant nonetheless chose to do so in order to benefit the surrounding community. The proposed Master Plan application provides for the development of approximately 1,567 dwelling units, generating an estimated student population of 1,317 students.

In order to accommodate the new students that would be generated by the proposed development, the Applicant voluntarily proffered a Declaration of Restrictions (Covenant), dedicating a 3.26 gross acre site (Donated Site), over and above impact fees, along with an option to acquire an adjacent 4.84 gross acre parcel (Sale Parcel),

which would allow for the construction of an educational facility on the combined 8.10-acre site (see location map). The 4.84-acre Sale Parcel would be acquired at a cost of \$144,628 per acre (total purchase price of \$700,000), as a credit in-lieu-of educational facilities impact fees. This value is based on two District commissioned appraisals and a review appraisal pursuant to State Law and School Board Rules governing acquisition of property for educational purposes. In the event that the impact fees calculated for the development of the TND Master Plan exceed the \$700,000 value of the Sale Parcel, the Applicant shall pay to the County the difference between the calculated impact fees and the amount paid for the land. In the event that the value of the Sale Parcel is greater than the impact fees calculated for the development of the Property, the Applicant shall not be reimbursed by the Board for the difference between the \$700,000 value of the land and the calculated impact fees.

In the event that the proposed Donated Parcel is found to be unsuitable for use as a public school facility, as determined solely by the Board, the Applicant shall have the option to remedy the cause. In the alternative, the Applicant may dedicate an alternate site, acceptable to the Board, within the general vicinity of the original Donated Parcel site or pay the Board a mitigation fee of \$390,000. In addition, prior to conveyance of the Donated Parcel, the Applicant shall:

- a) Provide a 10' wide landscaped buffer consisting of 16' high trees at time of planting and placed 25' on center installed along the northerly property line of the site. The landscaped buffer shall be in accordance with District landscaping criteria; and
- b) Install a 6' perimeter chain link fence along the boundary of the site.

In accordance with School Board Rule 6Gx13-2C-1.083, the School Site Planning and Construction Committee (SSPCC), at its June 2, 2004 meeting, recommended that staff submit to the Board for approval, an agenda item requesting authorization to accept the proffered donation of the 3.26-acre Donated Site, over and above educational facilities impact fees, and to purchase the adjacent 4.84-acre Sale Parcel, as a credit in-lieu-of educational facilities impact fees. The combined 8.10-acre parcel (Subject Site) is located at the northeast corner of SW 280 Street and SW 150 Avenue, Miami, Florida. Acquisition of the Subject Site would enable the District to construct a future elementary school or K-8 facility to relieve overcrowded schools in the general area. Funding for the construction of a future educational facility is being proposed for inclusion in the District's Five-Year Work Program for fiscal year 2006-07. As an illustration of the need for schools in this area of the County, Campbell Drive Elementary and Irving & Beatrice Peskoe Elementary Schools are currently operating at permanent utilization percentages of 126% and 162%, respectively. Campbell Drive Middle School and the Leisure City K-8 Center are operating at 113% and 208%, respectively.

Summary of Due Diligence Results:

The completed due diligence results for the Subject Site are summarized below. A copy of due diligence records will be submitted to the Board under separate cover and a copy placed with Citizen's Information.

- 1) Comprehensive Plan/Zoning Compliance: The Miami-Dade County Planning and Zoning Department has indicated that the Subject Site is consistent with the Comprehensive Development Master Plan and is acceptable for use as a school.
- 2) Compliance with Airport Operations: The Miami-Dade Aviation Department has indicated the Subject Site is compatible with airport operations and is located outside the no-school zone.
- 3) Determination of Historic or Cultural Resources: The Miami-Dade County Office of Historic Preservation has indicated the Subject Site has no archaeological designations.
- 4) Phase I Environmental Audit: A Phase I Environmental Assessment has been completed and indicates no evidence of on-site environmental conditions in connection with the historic or current use of the Subject Site. However, because the Subject Site had been previously utilized as a multi-story apartment complex, the consultant recommended that further soil sampling and trenching be undertaken to determine whether unsuitable fill materials have been improperly buried on the site. A copy of the Executive Summary of findings and conclusions of the Phase I Environmental Audit will be included in the supplemental information to be submitted to the Board under separate cover, and a copy will be placed with Citizen's Information. A Phase II environmental assessment has been commissioned, and the Board will not be obligated to proceed with this proposed acquisition if any environmental problems are discovered.
- 5) Jurisdictional Statements: Miami-Dade Department of Environmental Resources (DERM,) has indicated a Class IV Wetlands Permit will not be required and that no jurisdictional wetlands were identified on the Subject Site. DERM's Water Control Section has advised that the Subject Site is not subject to water retention requirements. The South Florida Water Management District has indicated that wetlands, as defined by Chapter 62-340 Florida Administrative Code, are not present on the Subject Site. The Army Corps of Engineers has not issued a statement.

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

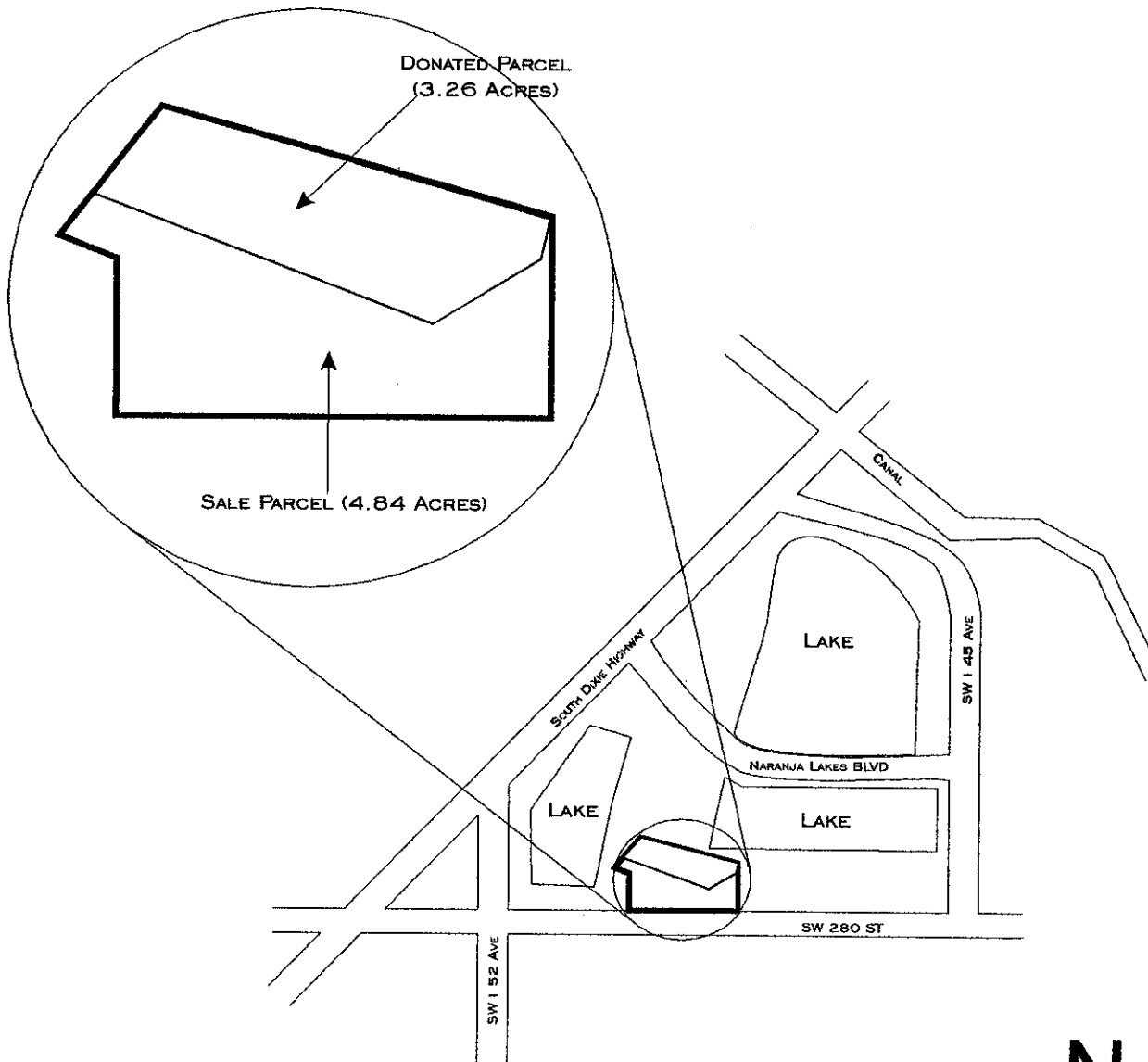
RECOMMENDED:

That The School Board of Miami-Dade County, Florida, subject to an acceptable Phase II Environmental Audit:

- 1) authorize the Superintendent to accept a voluntary donation of a 3.26-acre site located at the northeast corner of SW 280 Street and theoretical SW 150 Avenue, as a donation over and above educational facilities impact fees, subject to the provision that in the event the proposed Donated Parcel is found to be unsuitable for use as a public school facility, as determined solely by the Board, the Applicant shall have the option to remedy the cause or dedicate an alternate site, acceptable to the Board, within the general vicinity of the original Donated Parcel site or pay the Board a mitigation fee of \$390,000, and other terms and conditions set forth above; and
- 2) authorize the purchase of an additional 4.84-acre site located adjacent to the donated land, at a purchase price of \$700,000, as a credit in-lieu-of educational facilities impact fees, subject to the District receiving any future impact fees over \$700,000, and not providing a reimbursement in the event impact fees fail to reach \$700,000, and other terms and conditions set forth above, all in connection with Application No. 03-010, Naranja Lakes Holdings, LLC, and Naranja Lakes Holdings II, LLC.

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LOCATION MAP



NOT TO SCALE