

Office of School Facilities  
Rose Diamond, Chief Facilities Officer

**SUBJECT:            AUTHORIZATION TO ACCEPT A VOLUNTARY PROFFER FROM  
                         DYNAMIC BISCAYNE SHORES ASSOCIATES, LTD. IN  
                         CONNECTION WITH LAND USE APPLICATION NO. 3 OF THE  
                         APRIL 2005 CYCLE TO AMEND THE MIAMI-DADE COUNTY  
                         COMPREHENSIVE DEVELOPMENT MASTER PLAN, PROVIDING  
                         FOR A DONATION OF A MINIMUM OF 37,000 NET SQUARE FEET  
                         OF LAND WITHIN PROPOSED MIXED-USE DEVELOPMENT, TO  
                         BE LOCATED BETWEEN BISCAYNE BOULEVARD AND NE 13  
                         AVENUE, AND BETWEEN NE 112 STREET AND NE 115 STREET,  
                         AS A CONTRIBUTION IN-LIEU-OF EDUCATIONAL FACILITES  
                         IMPACT FEES**

**COMMITTEE:        FACILITIES AND CONSTRUCTION REFORM**

Background

Dynamic Biscayne Shores Associates, Ltd. (applicant), requested and received approval for a change to the Miami-Dade County Future Land Use Map on an approximate 21.54-acre site (site). The applicant is seeking to re-designate land from Low (2.5 - 6 DU/acre) and Low-Medium Density Residential (5 - 13DU/acre) and Business and Office, to Medium Density Residential (13 - 25DU/acre on Parcels A, B, C, & D) and Business and Office (Parcel E). The site is located between Biscayne Boulevard and NE 13 Avenue, and between NE 112 Street and NE 115 Street (see location map). The proposed additional 754 multi-family units are estimated to generate 90 students (see attached school impact analysis). The existing land use presently allows the applicant to build 209 Townhouse and 6 single-family units, for a total of 969 multi-family units.

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%; in this case, all schools that would serve the proposed development, meet the referenced threshold.

Additional Information

At its April 13, 2005 meeting, the Board approved School District criteria that allow District staff to make recommendations on residential zoning applications that impact upon public schools beyond the 115% of FISH capacity review threshold. The criteria outline specific steps to guide District staff's consultation with developers and input at public hearings, in an attempt to provide the required number of student stations to mitigate the impact of proposed residential development. Subsequent to a determination by District staff that the

proposed development is above the review threshold, the developer is requested to consider and select from several mitigation options. As a result, the District met with the above applicant to discuss possible mitigation options.

The applicant has proffered to donate a minimum of 37,000 net square feet of land (School Site), as a contribution in-lieu-of educational facilities impact fees. The School Site, to be located at approximately the northwest corner of Parcel E, will be developed pursuant to the applicant's master development plan and utilized for an Early Childhood Center intended to relieve W.J. Bryan Elementary School. Additionally, other needed District offices, such as office space for Regional Center II, currently in a lease, and a Professional/Teacher Resource Center, could be constructed on upper floors of the proposed Early Childhood Center building.

Additional terms and conditions of the applicant's proffer stipulate that:

- a. The District shall be responsible for the cost of design, construction and operation of its facility. Alternatively, the District has the option to request the applicant to deliver a turn-key facility, in tandem with its development, based on mutually agreed upon terms and conditions;
- b. Once zoning is approved for the entire property (parcels A, B, C, D and E), which is projected for mid to late 2006, and as required by the Educational Facilities Impact Fee Ordinance, a District commissioned appraisal will establish the value of the School Site to determine the amount of the applicant's contribution in-lieu-of impact fees. In the event the actual impact fee amount generated by the development exceeds the appraised value of the land, the applicant shall be responsible for payment of educational facilities impact fees representing the difference between the two amounts. Should the appraised value of the School Site be greater than the actual impact fees to be generated, the Board shall not reimburse the applicant for the difference between these two values;
- c. Transfer of title of the School Site will not affect the applicant's development rights, zoning or site plan approvals for the balance of the site;
- d. The District and applicant will enter into future agreement(s) to determine the rights of the parties, including the development and use of ancillary facilities, such as rights-of-ways, access and egress to and from the site, and any additional parking that might not be included within the School Site; and
- e. The School Site shall be conveyed to the Board within 60 days following the zoning approval of the application or when applicant is granted an impact fee credit in the full amount of the appraised value of the donated land, whichever occurs first.

The District will conduct all required environmental assessments on the School Site.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, authorize the Superintendent to accept a voluntary proffer from Dynamic Biscayne Shores Associate, Ltd., in connection with Land Use Application No. 3 of the April 2005 Cycle to amend the Miami-Dade County Comprehensive Development Master Plan, providing for a voluntary donation of a minimum of 37,000 net square feet of land within the proposed mixed-use development located between Biscayne Boulevard and NE 13 Avenue, and between NE 112 Street and NE 115 Street, as a contribution in-lieu-of educational facilities impact fees, subject to the terms and conditions noted above.

IMR:ir

**SCHOOL IMPACT REVIEW ANALYSIS  
(Revised August 22, 2005)**

**APPLICATION:** No. 3, Dynamic Biscayne Shores Associates, Ltd.

**REQUEST:** Land use amendment from Low (2.5 - 6 DU/ acre) & Low-Medium Density Residential (5 - 13DU/acre) & Business and Office to Medium Density Residential (13 - 25DU/acre on Parcel A, B, C, & D) and Business and Office (Parcel E)

**ACRES:** 20.88 net acres

**LOCATION:** Between Biscayne Boulevard and NE 13 Avenue, and between NE 112 Street and NE 115 Street

**MSA/  
MULTIPLIER:** 4.1/ .51(single-family), .62 (townhouse) and .23 (multifamily)

**NUMBER OF  
UNITS:** 754 additional units (209 townhouse and 6 single-family units currently permitted under existing land use), for a total of 969 multi-family units

**ESTIMATED  
STUDENT  
POPULATION:** 90 additional students\*

**ELEMENTARY:** 41

**MIDDLE:** 23

**SENIOR:** 26

**SCHOOLS SERVING AREA OF APPLICATION:**

**ELEMENTARY:** W. J. Bryan Elementary – 1200 NE 125 Street

**MIDDLE:** North Miami Middle - 13105 NE 7 Avenue

**SENIOR HIGH:** North Miami Senior - 800 NE 137 Street

All schools are located in Regional Center II

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

The following population and facility capacity data are as reported by the Office of Information Technology, as of August 2005:

|                              | STUDENT POPULATION | FISH DESIGN CAPACITY PERMANENT | % UTILIZATION FISH DESIGN CAPACITY PERMANENT | NUMBER OF PORTABLE STUDENT STATIONS | % UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELOCATABLE | CUMULATIVE STUDENTS ** |
|------------------------------|--------------------|--------------------------------|--|-------------------------------------|--|------------------------|
| <b>W.J. Bryan Elementary</b> | 1355<br>1396*      | 916                            | 148%/152%                                    | 278                                 | 113%<br><b>117%*</b>   | 1396                   |
| <b>North Miami Middle</b>    | 1362<br>1385*      | 822                            | 166%/168%                                    | 20                                  | <b>162%</b><br><b>164%*</b>                                  | 1385                   |
| <b>North Miami Senior</b>    | 3126<br>3152*      | 2268                           | 137%/139%                                    | 214                                 | <b>126%</b><br><b>127%*</b>                                  | 3154                   |

\* Student population increase as a result of the proposed development.

\*\* Estimated number of students (cumulative) based on zoning/land use log (2001- present) and assuming all approved developments are built; also assumes none of the prior cumulative students are figured in current population.

Note:

1. Figures above reflect the impact of the class size amendment.
2. Pursuant to the Interlocal Agreement, all of the schools meet the review threshold.

### PLANNED RELIEF SCHOOLS IN THE AREA

(Information included in proposed 5-Year Capital Plan, 2005-2009, dated April 2005):

#### Projects in Planning, Design or Construction

| <u>School</u>  | <u>Status</u> | <u>Projected Occupancy Date</u> |
|--|---------------|---------------------------------|
| K-8 Conversion at Linda Lentin El.<br>(North Miami Middle Relief)<br>(515 student stations)  | Construction  | June 2006                       |
| State School QQ-1<br>(W.J. Bryan and Natural Bridge<br>Elementary Relief; North Miami Middle Relief)<br>(1593 student stations)  | Construction  | April 2006                      |
| K-8 on campus of current North Miami Senior High<br>School Opening School as approved under the<br>proposed Interlocal with the City of North Miami<br>in October 2005 – 2100 student stations |               | 2008                            |



# LOCATION MAP

