

Office of School Facilities
Jaime G. Torrens, Chief Facilities Officer

SUBJECT: REQUEST APPROVAL TO SUBMIT RECOMMENDED CONDITIONS TO MIAMI-DADE COUNTY AND THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL FOR INCLUSION IN THE FINAL DEVELOPMENT ORDER OF THE DEVELOPMENT OF REGIONAL IMPACT (DRI) FILED BY PARKLAND 2014, AND LOCATED OUTSIDE THE URBAN DEVELOPMENT BOUNDARY AT THE NORTHWEST CORNER OF SW 162 AVENUE AND SW 152 STREET, WHICH CONDITIONS WOULD PROVIDE FOR A MONETARY DONATION OVER AND ABOVE EDUCATIONAL FACILITIES IMPACT FEES, AND A LAND SET-ASIDE, AS ALLOWED FOR UNDER THE INTERLOCAL AGREEMENT

COMMITTEE: FACILITIES AND CONSTRUCTION REFORM

**LINK TO
STRATEGIC PLAN: IMPROVE CONSTRUCTION SERVICES**

Parkland 2014 (applicant), has filed a Development of Regional Impact (DRI) application with the State of Florida to construct a residential development outside the Urban Development Boundary (UDB) on approximately 960 acres of land located at the northwest corner of SW 162 Avenue and SW 152 Street, and consisting of 6,941 residential units. The proposed residential development is estimated to generate approximately 2,747 additional students.

To date, Parkland 2014 has been discussed at two public hearings, and a third hearing is anticipated within the next sixty to ninety days before the Board of County Commissioners (BCC). That could mean a final public hearing by the BCC might occur by late summer or early fall of 2009.

Development of Regional Impact Process

Pursuant to State development regulations, in Miami-Dade County, any development that exceeds 3,000 dwelling units is considered to have regional impact and must be processed under an established DRI process. The process generally embodies the following steps:

- 1) An applicant files a DRI application with the applicable local government (in this case, Miami-Dade County), the Regional Planning Council and the Department of Community Affairs. Typically, after a series of preliminary meetings the Regional Planning Council then determines if the DRI application has reached sufficiency status in order to proceed further through the review and approval processes;

- 2) The applicable local government is then required to set public hearing(s) to consider the proposed development application, concurrent with consideration for any required comprehensive plan amendments, which in this case is a requirement since the property in question lies outside of the UDB and does not presently have a residential land use designation;
- 3) Upon approval of any and all required land use amendments, the applicable local government then transmits to the Department of Community Affairs a recommendation on the comprehensive plan amendment(s);
- 4) Concurrently with the processes outlined above, a set of conditions are formulated by each of the impacted public infrastructure providers, which includes the School District, for inclusion in the DRI's Development Order (D.O.);
- 5) At a final public hearing, the local government then reviews the application and the D.O., and if approved, will formally issue a D.O. for the development and transmit it to the Department of Community Affairs for review and action;
- 6) Upon approval by all the governing agencies, the development can then proceed in accordance with all the conditions established in the D.O.

Current Status of School Mitigation Process

School District staff and the applicant have met over the course of several months under the procedural umbrella of the F-7 Board-approved policy, in an attempt to reach agreement on acceptable public school mitigation options. While to date, a voluntary proffer has been submitted to the District as part of this process, which proffer is generally acceptable with some clarifications and changes, the applicant's counsel has advised that as of December 16, 2008, the consensus of the multiple parties involved in the transaction had not yet been secured and as such a firm commitment on the mitigation proffer could not be offered. Given that both the County and the Regional Planning Council have formulated a series of conditions for inclusion in a future D. O., and given that public school mitigation should appropriately be part of said document, District staff prepared a set of preliminary recommendations largely based on discussions with the applicant's attorney to date, and submitted them to the County and the Regional Planning Council, with the understanding by all parties concerned, that said recommendations are subject to final School Board approval. Listed below are said proposed public school mitigation conditions.

1. Pursuant to School Board policy referred to as "F-7", the School District has estimated the capital cost required to serve the student population to be generated by the project, to be \$58,215,478; this estimate was based on the State of Florida Department of Education's November 2007 Cost Per Student Station figures and a school utilization threshold of 115% of capacity. A credit was then applied against this capital cost impact, in the amount of the educational facilities impact fees (impact fees) to be generated by the proposed development, which credit, based on the current impact fee structure, is estimated at \$12,178,000. The net result is a contribution over and above impact fees of \$46,037,478, in a combination of land and monetary contribution, as described below in more detail:
 - Applicant to set aside, a 15-acre site, preferably adjacent to a public park, for the construction of K-8 facility(ies) to house approximately 2,100 students. Land value is to be established pursuant to a School District-commissioned

appraisal, with a not-to-exceed ceiling value of \$7.5 million. Land to be conveyed to School Board at the time of platting (first plat, if platting occurs in phases) with utilities to the site, fenced and filled to sub-grade;

➤ Applicants to donate, over and above impact fees, a minimum monetary contribution of \$38,537,478, for the construction of the above referenced K-8 facility(ies), generally in accordance with the following process and timelines:

- Prior to the development's first T-Plat approval, the monetary contribution shall be adjusted by the School Board to reflect the most current Department of Education Cost Per Student Station and the most current Educational Facility Impact Fees (Chapter 33K of the Miami-Dade County Code of Ordinances);
- Prior to the first T-Plat approval, Applicant shall provide the School Board with an irrevocable letter of credit (acceptable to the School Board Attorney's Office) for the entire monetary contribution, and from which monies may be drawn by the School Board as payments become due and as construction of the referenced facility(ies) ensues, and generally in accordance with the following schedule:
 - √ 1/3 of the payment shall be drawn by the School Board prior to Applicant's obtaining final plat approval for the first phase (it is envisioned that there will be at least three plats for this development);
 - √ The second 1/3 of the payment shall be drawn by the School Board prior to the 2000th residential permit being issued; and
 - √ The remaining 1/3 of the payment shall be drawn by the School Board prior to the 3000th residential permit being issued.

Note: Irrespective of the platting/phasing schedule, the entire monetary donation shall be paid to the School Board no later than ten (10) years from the date of approval of the D.O. for the DRI.

2. In the event that the School Board does not accept the proffered land set aside, the over and above monetary donation shall be increased to \$46,037,478 plus any adjustments made as stipulated above. The School Board shall devote the monetary donation to capital improvements to serve the students generated by the development.
3. If the DRI project is built and certified as a "green" community by the Florida Green Building Coalition, the facility(ies) to be built by the School Board shall also be certified as "green".
4. Upon approval of the DRI, the School Board shall amend its Capital Work Plan to reflect the construction of the 2,100 student station K-8 facility.

5. Miami-Dade County shall not approve the project's final plat nor issue the 2000th or 3,000th residential building permit until it has received written confirmation from the School Board that the relevant payments have been made by Applicant.
6. As an alternative, in lieu of providing a monetary donation, applicant may choose to construct the above referenced facility (ies) (in accordance with School Board's most current standards and criteria at the time of construction, as well as with Florida Department of Education requirements), and upon completion and acceptance of the facility (ies) by the School Board, provide clean title and transfer the improved property to School Board. At its option and own cost, applicant may re-use a School Board approved prototype, as applicable. The School Board shall not be responsible for any of the costs associated with design and construction of the facility (is), which shall be delivered to the Board at no cost, at completion.
7. In addition to the above mitigation, Applicant indicated it may wish to construct two additional public schools within the project, more specifically a 1,600 student-station high school to open prior to the issuance of the 3,000th residential certificate of occupancy, and an additional 1,100 student-station K-8 school to open for attendance prior to the issuance of the 5,000th residential certificate of occupancy. Under this scenario, the School Board shall be given the right of first refusal on the purchase of two other school sites within the Parkland DRI, at appraised value, as established by a School District-commissioned appraisal: one site is approximately 15 acres in size and would be developed by the School District to house the referenced 1,600-student station senior high school; the other site is approximately 5 acres in size and would be developed by the School District to house the referenced 1,100 student station K-8 facility. The School District would have 120 days to exercise the right of first refusal option, once notified in writing by the Applicant of each site's availability. The right of first refusal shall also apply to each of the sites separately (i.e. the District could exercise its right of first refusal on only one of the sites and still be in compliance with the proposed terms).

RECOMMENDED: That The School Board of Miami-Dade County, Florida, approve the submittal of the recommended conditions enumerated above to Miami-Dade County and the South Florida Regional Planning Council, for inclusion in the Final Development Order (D.O.) of the Development of Regional Impact (DRI) filed by Parkland 2014, and located outside the Urban Development Boundary at the Northwest corner of SW 162 Avenue and SW 152 Street, which conditions would provide for a monetary donation over and above educational facilities impact fees, and for a land set-aside as allowed for under the Interlocal Agreement.

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