

Business Operations
Larry W. Stanearth, Chief Business Officer

SUBJECT: AUTHORIZATION TO NEGOTIATE A DECLARATION OF RESTRICTIONS IN CONNECTION WITH APPLICATION NO. 02-111 LANDMARK 107, LC, ET AL., FOR THE PROVISION OF SIX NET-ACRE SCHOOL SITE AS A DONATION OVER AND ABOVE EDUCATIONAL FACILITIES IMPACT FEES OR IN THE EVENT SUITABLE LAND IS UNAVAILABLE A MONETARY DONATION OF UP TO \$800,000 OVER AND ABOVE EDUCATIONAL FACILITIES IMPACT FEES

Introduction

Landmark 107 LC, et al., (applicant) is requesting a zoning change from GU (Interim) and BU-1A (Limited business) to TND (Traditional Neighborhood Development), on 120 gross acres located at the northeast corner N.W. 58 Street and N.W. 107 Avenue (see attached location map). The proposed mixed-use development of 1016 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. The applicant is scheduled before the Miami-Dade Community Zoning Appeals Board (CZAB) on December 12, 2002. As part of the TND approval process, if the applicant receives the initial zoning approval, the proposed development plan must be also receive subsequent site plan approvals from the Miami-Dade County Developmental Impact Committee (D.I.C.).

Additional Information

The estimated student population generated by this application is 389 students. Schools impacted are John I. Smith Elementary School (210 students - permanent utilization of 136%), Doral Middle School (93 students - permanent utilization of 106%), and Miami Springs Senior High School (86 students - permanent utilization of 100%/Session 1 and 81%/Session 2, see attached analysis).

In order to mitigate the impact of this proposed 1016-unit development, the applicant is willing to negotiate and voluntarily proffer a Declaration of Restrictions (Declaration) to benefit the Board with substantially the following terms:

- Prior to D.I.C. intermediate site plan submittal and approval, the applicant shall use best efforts to secure and dedicate a six (6) net-acre school site within the Doral area impacted by the proposed development.
- Within 30 days of approval by the CZAB, the applicant's best efforts shall be demonstrated by the applicant's submittal to the School Board of a list of up to six (6) possible sites but not less than three (3) that may be suitable for the construction of a public school. The proposed school sites must be located outside the Airport's No School Zone.

- In the event the School District determines that a specific site from the list provided by the applicant is suitable for the construction of a public school, due diligence will be conducted to determine if the site is suitable for its intended purpose. Should all due diligence investigations reveal positive results, a full informational item will be presented to the Board at a future meeting for final review and action. Upon Board approval, the applicant shall have 60 days to convey the school site to the School Board.
- Should the School District determine that none of the sites provided by the applicant are suitable for the construction of a school, the applicant shall contribute to the Board the appraised value of a hypothetical six net-acre site in the Doral area, not to exceed \$800,000.
- The applicant acknowledges that neither the conveyance of the school site or the monetary contribution to the School Board shall entitle the applicant or successors to a credit against educational impact fees.

The Declaration will be reviewed by the School Board Attorney's Office prior to execution.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent or his designee to negotiate a Declaration of Restrictions in connection with Miami-Dade County Application No. 02-111, Landmark 107 LC, et al. as follows:

- 1) provision of a six net-acre school site as a donation over and above educational facilities impact fees subject to due diligence. Prior to property transfer, an agenda item would be presented to the Board for its consideration, and action; or
- 2) in the event suitable land is unavailable, the provision of a monetary donation equal to the appraised value of a hypothetical six net-acre site in the Doral area, up to \$800,000, over and above educational facilities impact fees.

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SCHOOL IMPACT REVIEW ANALYSIS

APPLICATION: No. 02-111, Landmark 107, L.C., et al. (CC9)

REQUEST: Zone change from BU-1A & GU to TND

ACRES: 120 acres

LOCATION: Northeast corner of NW 107 Avenue and North of NW 58 Street

UNITS: 1016 units (100 single-family units, 182 townhouse and 734 multi-family units)

ESTIMATED STUDENT POPULATION: 389 students

ELEMENTARY: 210

MIDDLE: 93

SENIOR: 86

SCHOOLS SERVING AREA OF APPLICATION:

ELEMENTARY: John I. Smith Elementary - 10415 NW 52 St.

MIDDLE: Doral Middle - 5005 NW 112 Ave.

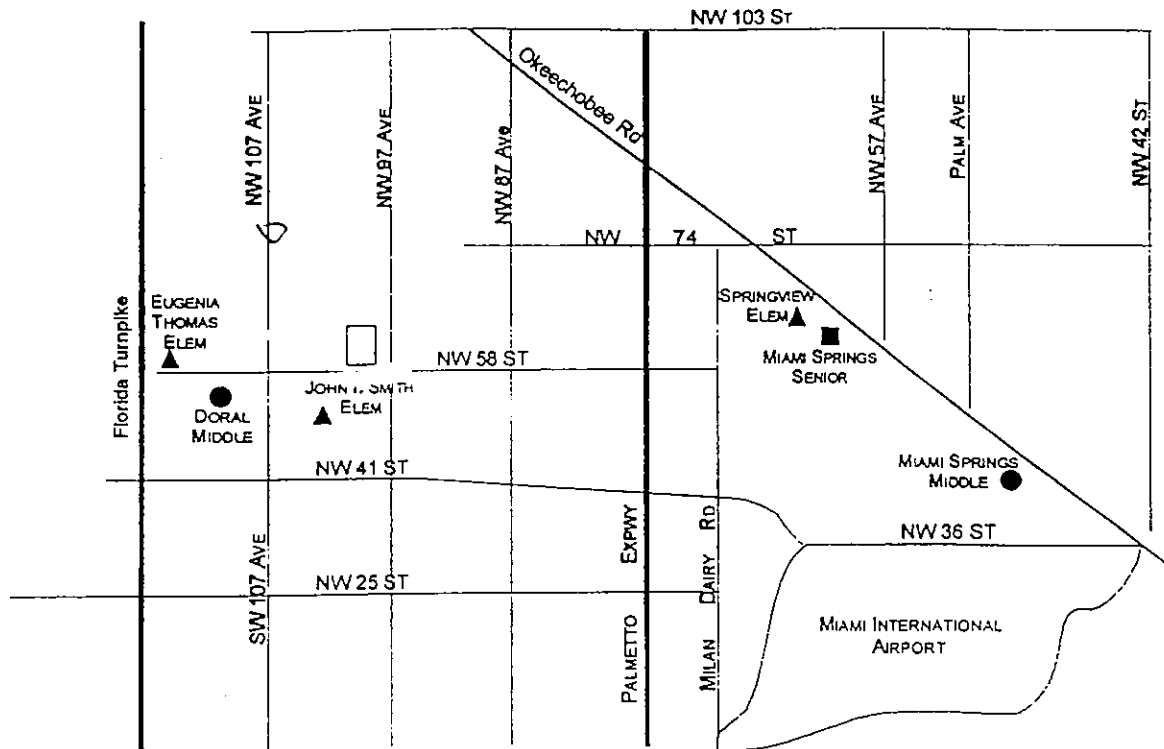
SENIOR HIGH: Miami Springs Senior - 751 Dove Ave.

The following population and facility capacity data are as reported by the Office of Information Technology, as of October, 2002:

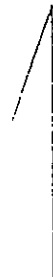
	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS
John I. Smith Elem. (Including PLC A1)	1296	1094	118%	95
Doral Middle	1238	1166	106%	0
Miami Springs Sr. (Session 1)	2114*	2120	100%	642
Miami Springs Sr. (Session 2)	1711*	2120	81%	642
Miami Springs Sr.	3825	2120	180%	642

*Figure reflect operation of school in double session

LOCATION MAP



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LEGEND

 SUBJECT PROPERTY