

Business Operations  
Larry W. Stanart, Chief Business Officer

**SUBJECT:            AUTHORIZATION TO NEGOTIATE A DECLARATION OF RESTRICTIONS IN CONNECTION WITH APPLICATION NO. 02-228, ALLAPATTAH NURSERY LTD., FOR THE PROVISION OF A 9.97-GROSS ACRE SCHOOL SITE LOCATED ON THE NORTHEAST CORNER OF S.W. 112 AVENUE AND 240 STREET TO THE SCHOOL BOARD AS A PARTIAL CONTRIBUTION IN-LIEU-OF EDUCATIONAL FACILITIES IMPACT FEES, SUBJECT TO DUE DILIGENCE**

**COMMITTEE:        FACILITIES PLANNING AND CONSTRUCTION**

**Introduction**

Pursuant to the terms of the Educational Facilities Impact Fee Ordinance (Ordinance) and the Interlocal Agreement (Agreement) the School Board (Board) may accept contributions in-lieu-of impact fees from developers if the Board determines that such contributions are appropriate and desirable. Allapattah Nursery, Ltd., (applicant), proposes such contribution in connection with a zoning change scheduled before the Miami-Dade Community Zoning Appeals Board on December 11, 2002.

The applicant is requesting a zoning change from AU (Agriculture) to RU-TH (Townhouse) and RU-1M(a) (Modified Single-Family), on 78.64 acres located at the northeast corner SW. 240 Street and S.W. 112 Avenue (see attached location map). The proposed townhouse and single-family development of 477 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 estimated student population generated by this application is 255 students. Schools impacted are Pine Villa Elementary School (138 students - permanent utilization of 127%), Centennial Middle School (61 students - permanent utilization of 132%), and Homestead Senior High School (56 students - permanent utilization of 129%, see attached analysis).

**Additional Information**

In order to mitigate the impact of this proposed 477-unit development, the applicant is willing to negotiate and voluntarily proffer a Declaration of Restrictions (Declaration) to benefit the Board. The applicant is proffering to dedicate a 9.97-acre school site within the proposed development. The site would be conveyed to the Board within 30 days of the recordation of the final plat for the subject property.

The school site dedication would be provided to the Board as a partial contribution in-lieu of impact fees, subject to due diligence and a determination that 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.

In order to determine the fair market value of the site, the Ordinance requires that a District Commissioned appraisal be conducted. The applicant has voluntarily agreed to receive only partial impact fee credit for the school site dedication by limiting the applicable impact fee credit amount to \$75,000 per acre or 60% of the fair market value of the site, whichever is less. Should the impact fees calculated for the development of the property be greater than the agreed upon value, the applicant will be required to pay the balance of impact fees owed by the proposed development. In the event the impact fees are less than said value, then no refund will be owed by the School District to the applicant.

In the event the due diligence results deem the property to be unsuitable for the intended purpose, the land contribution will be declined and the applicant will then be required to pay the applicable impact fees for the entire development.

Based on current student population and available student stations, as well as county generated student projections for 2005, 2010 and 2015 and proposed school projects listed in the District's Five-Year Work Program for this general area it appears that there will be a continuing need for additional student stations at all levels; as such, it seems reasonable to pursue the present land contribution in lieu of impact fees. Region VI has, in concept, endorsed pursuing the proposed land contribution.

Last, should this property be accepted by the Board as a contribution in-lieu of impact fees, the Five-Year Work Program will need to be revisited to incorporate construction of a school facility, as part of the next cycle.

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 to negotiate a Declaration of Restrictions in connection with Miami-Dade County Application No. 02-228, Allapattah Nursery Ltd., for the provision of a 9.97-gross acre school site as a partial contribution in-lieu-of educational facilities impact fees, at a discount of \$75,000/acre or 60% of the fair market value, whichever is less, subject to due diligence. Prior to property transfer, an agenda item will be presented to the Board for consideration and action.

PG:am

## SCHOOL IMPACT REVIEW ANALYSIS

**APPLICATION:** No. 02-155, Allapattah Nursery, Ltd. (CC15)

**REQUEST:** Zone change from AU to RU-TH and RU-1M(a)

**ACRES:** 78.64 acres

**LOCATION:** Northeast corner of SW 112 Avenue and North of SW 240 Street

**UNITS:** 477 units (222 townhouse units and 255 single-family units)

**ESTIMATED STUDENT POPULATION:** 255 students

**ELEMENTARY:** 138

**MIDDLE:** 61

**SENIOR:** 56

**SCHOOLS SERVING AREA OF APPLICATION:**

**ELEMENTARY:** Pine Villa Elementary - 21799 SW 117 Ct.

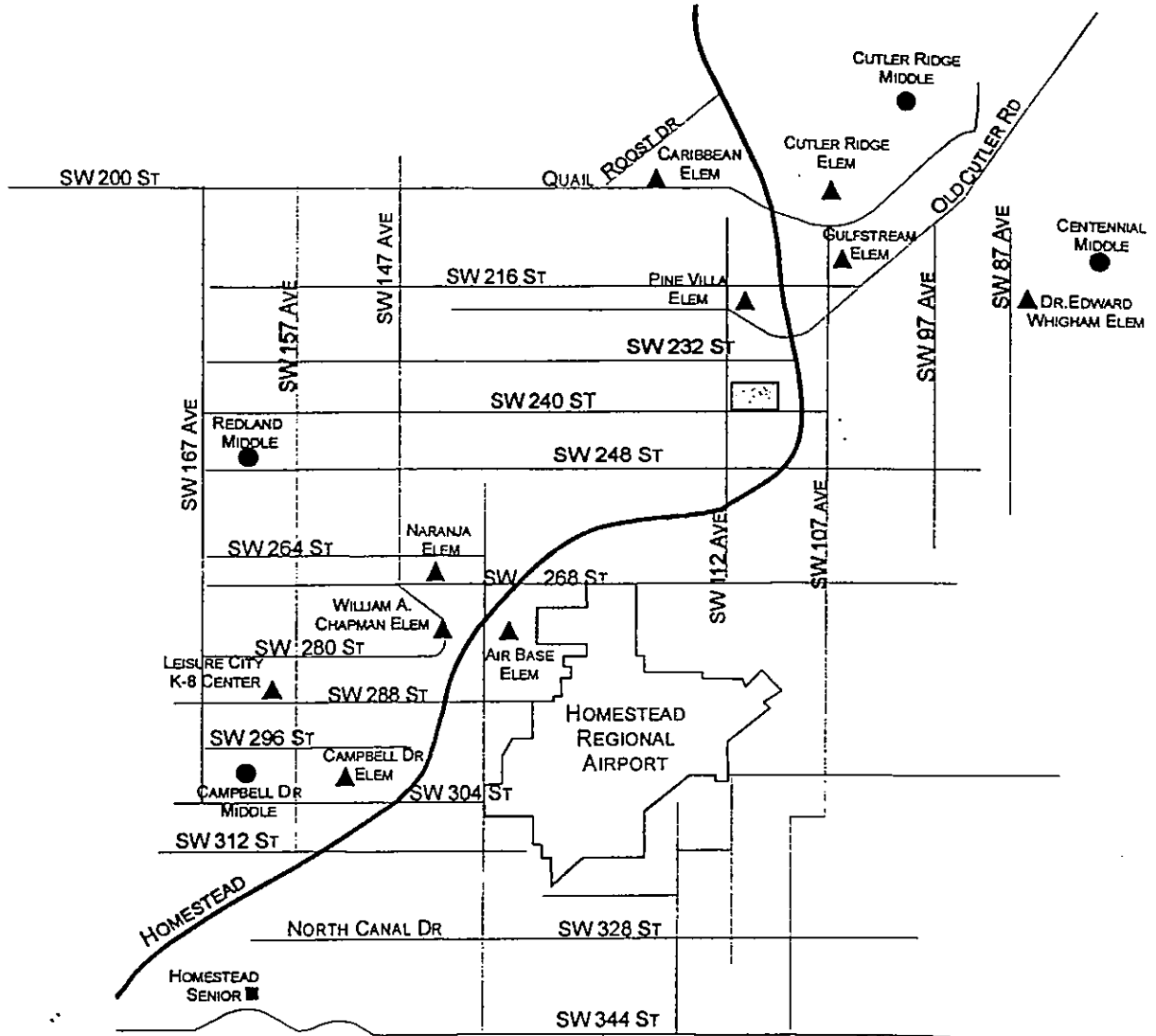
**MIDDLE:** Centennial Middle - 8601 SW 212 St.

**SENIOR HIGH:** Homestead Senior - 2351 SW 12 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
Pine Villa Elem.	711	561	127%	210
Centennial Middle	1203	913	132%	116
Homestead Sr.	3315	2569	129%	0

# LOCATION MAP



## LEGEND

SUBJECT PROPERTY



# ATTACHMENT

