

Business Operations
Larry W. Stanearth, Chief Business Officer

SUBJECT: AUTHORIZATION TO NEGOTIATE A DECLARATION OF RESTRICTIONS IN CONNECTION WITH APPLICATION NO. 02-192 DIAZ LANDSCAPING AND NURSERY, INC PROVIDING FOR A DEVELOPER BUILT PLC AT PINE VILLA ELEMENTARY SCHOOL LOCATED AT 21799 S.W. 117TH COURT, AS A COMBINATION OF A CONTRIBUTION IN-LIEU-OF EDUCATIONAL FACILITIES IMPACT FEES AND A REIMBURSEMENT

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. Diaz Landscaping & Nursery, Inc. (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-3M (Townhouse) and RU-1M(a) (Modified Single-Family), on 83.54 acres located at the southeast corner SW. 240 Street and S.W. 112 Avenue (see attached location map). The proposed townhouse and single-family development of 476 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 254 students. Schools impacted are Pine Villa Elementary School (137 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 476-unit development, the applicant is willing to negotiate and voluntarily proffer a Declaration of Restrictions (Declaration) to benefit the Board. In an effort to provide elementary school relief in the impacted area, the applicant is proffering to build a Primary Learning Center (PLC) at Pine Villa Elementary School, as a contribution in-lieu-of educational facilities impact fees. Region VI has given the proposal a favorable recommendation.

Recommended terms and conditions of the proposed agreement are substantially as follows:

- Prior to tentative plat approval the applicant will provide to the School District. an executed Agreement outlining the terms and conditions.
- The PLC will be constructed in conformance with Developer-provided and District-approved architectural plans and specifications. District staff will provide assistance, at the applicant's request, in reviewing plans and ensuring to ensure compliance with all regulations.
- The Construction of the PLC will commence prior to the issuance of a building permit representing fifty percent (51%) of the building permits for the proposed project.
- The PLC must be completed and receive approval from the District for its occupancy prior to the applicant obtaining the 400th Certificate of Occupancy or within eighteen (18) months of commencement, which ever occurs earlier.
- Prior to obtaining the first building permit (excluding model homes), the applicant will post a bond in an amount sufficient to construct the PLC, including associated site work. If for any reason the applicant is unable to complete construction within the designated time period, the building, necessary easements, and other improvements designated for the PLC will be immediately dedicated and conveyed to the District at the Applicant's expense and the District shall have the right to use the bond for PLC construction.
- On February 5, 1997 the Board had re-established the value of a PLC as \$1.8 million plus the fair market value of the land. In this particular case, the site is Board owned. The proposed residential project is estimated to generate \$1,100,000 in impact fees. As such, the applicant is requesting to be reimbursed the difference between the impact fees owed by the development and the cost of constructing the PLC. In addition, the Ordinance permits reimbursement to the applicant for District-approved differences or changes that increase the cost of a facility to be built by a developer. Once all reimbursable items are identified, a full informational item will be presented to the Board at a future meeting for final review and action. The Ordinance is silent as to when these reimbursements are to be made. The applicant is requesting that 50% of the reimbursable amount be released at the time the District certifies 50% of the PLC is complete; with the balance being reimbursed upon District approval of PLC occupancy. Prior to release of any reimbursement funds, the applicant will provide a letter of credit to the District, which shall provide the financial guarantees for payment of any warranty/facility compliance issues, which the applicant fails to resolve.
- Failure to complete construction within the designated time period, including receipt of District approval for its occupancy, shall result in the applicant paying the

applicable impact fees based on the terms of the Ordinance, plus interest. Interest shall begin accruing from the date of obtaining the building permit for the first unit. Any funds used from the posted bonds will be a credit against fees owed.

- Upon completion of the PLC, the District shall have the right to inspect and approve as to its ability to occupy. Should the building be acceptable to District for use as a PLC, the Applicant will convey the building and improvements to the Board. All transactions necessary to complete the conveyance to the Board are at the Applicant's sole expense.
- The Declaration will run with the land and be binding on any future owners.

Based on current student population and available student stations, as well as county generated student projections for 2005, 2010 and 2015 there appears to be a continuing need for additional student stations at all levels; as such, it seems reasonable to pursue the proposed developer built PLC in lieu of impact fees. Region VI has given a favorable recommendation on the project.

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

The Declaration and/or Agreements 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:

- 1) Negotiate a Declaration of Restrictions in connection with Miami-Dade County Application No. 02-192, Diaz Landscaping & Nursery, Inc., providing for a developer built PLC at Pine Villa Elementary School located at 21799 S.W. 117 Court, as a contribution in-lieu-of educational facilities impact fees, and allowed reimbursements to the developer, pursuant to previously established Board Policy and the governing Ordinance. Prior to any such reimbursements, an agenda item will be presented to the Board for its review and action.

PG:am

SCHOOL IMPACT REVIEW ANALYSIS

APPLICATION: No. 02-192, Diaz Landscaping Nursery, Inc. (CC15)

REQUEST: Zone change from AU to RU-3M and RU-1M(a)

ACRES: 83.54 acres

LOCATION: Southeast corner of SW 112 Avenue and SW 240 Street

UNITS: 476 units (230 townhouse units and 246 single-family units)

ESTIMATED STUDENT POPULATION: 254 students

ELEMENTARY: 137

MIDDLE: 61

SENIOR: 56

SCHOOLS SERVING AREA OF APPLICATION:

ELEMENTARY: Pine Villa Elementary - 21799 SW 117 Ct.

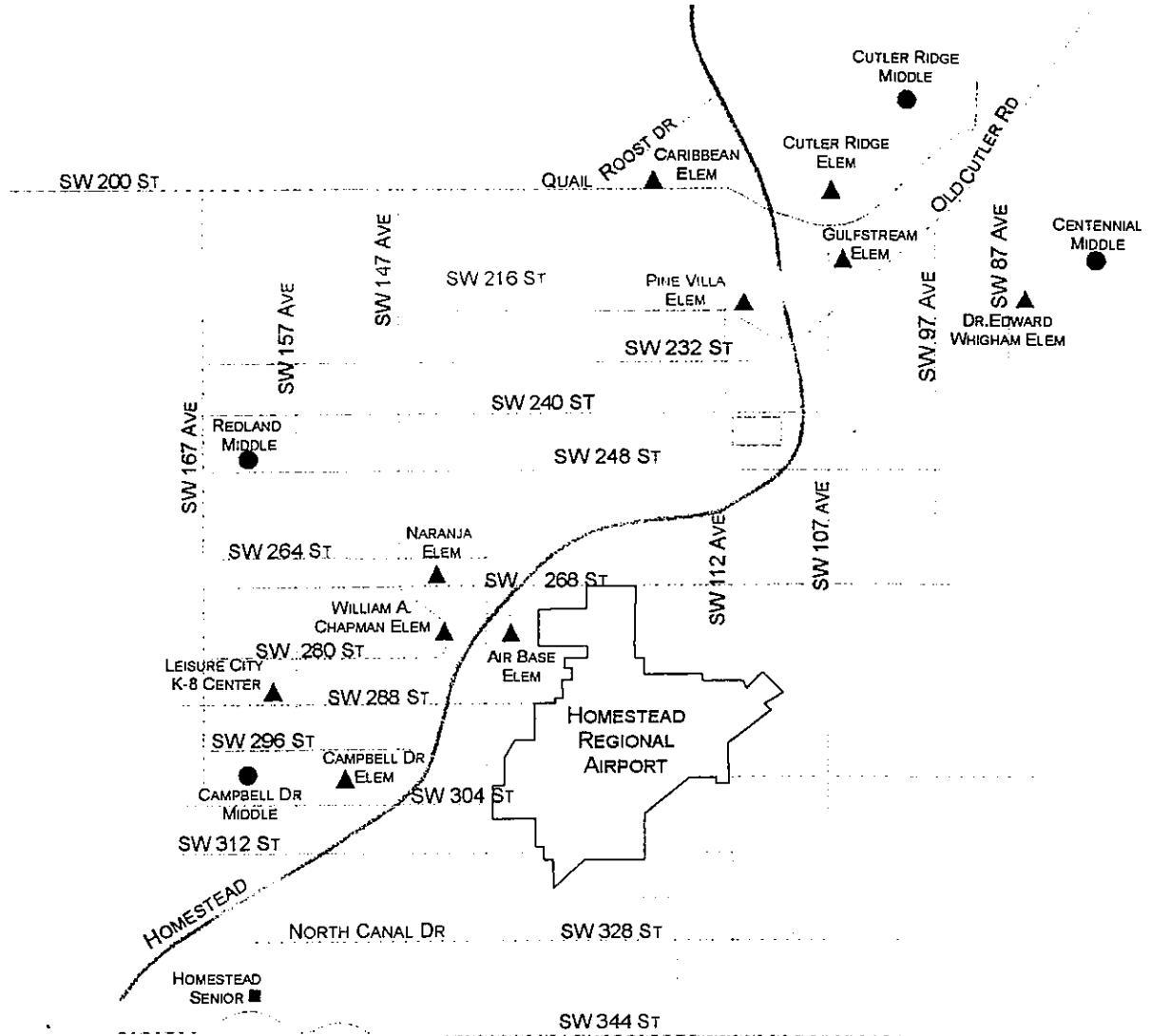
MIDDLE: Centennial Middle - 8601 SW 212 St.

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



N

LEGEND

- SUBJECT PROPERTY