

Facilities Operations, Maintenance and Planning
Ana Rijo-Conde, Interim Assistant Superintendent

**SUBJECT: AUTHORIZATION TO NEGOTIATE AND ACCEPT A
RESTATEMENT OF DECLARATION OF RESTRICTIONS IN
CONNECTION WITH APPLICATION NO. 02-210 LAUTARO
DEVELOPMENT, L.L.C., LOCATED AT THE NORTHWEST
CORNER OF S.W. 137 AVENUE AND S.W. 120 STREET,
PROVIDING FOR A MONETARY DONATION IN ADDITION TO
EDUCATIONAL FACILITIES IMPACT FEES, AS ALLOWED FOR IN
THE INTERLOCAL AGREEMENT**

COMMITTEE: FACILITIES MANAGEMENT

Background

In October, 1999, Application No. 98-221, Reverend John C. Favalora, (applicant), requested a zoning change from GU (Interim) to BU-1A (Limited Business) and RU-3M (Minimum Apartment House), on approximately 54 gross acres located at the northwest corner of S. W. 137 Avenue and S.W. 120 Street (attached location map). The proposed development, which consisted of 320 units generated an estimated 122 students. Miami-Dade County (County) pursuant to Resolution No CZAB11-39-99 approved this application.

At that time, in connection with the rezoning and in order to mitigate the impact of the proposed 320-unit development, the applicant voluntarily proffered a Declaration of Restrictions (Covenant) to the Miami-Dade County. Pursuant to the covenant, the applicant proffered to the School Board a monetary donation in the amount of \$177,000, in addition to educational facilities impact fees. The donation was payable in two installments and could be reduced on a pro-rata basis in the event that less than the requested density was approved. The first installment was due prior to final plat and the second installment was due prior to issuance of the 160th building permit.

Additional Information

In February 2002, Lautaro Development, L.L.C. (Lautaro) purchased approximately 28 acres from the applicant. On December 28, 2000, the County Manager declared a moratorium on the property and the Community Zoning Appeals Board (Zoning Board) rezoned the property from RU-3M to its prior zoning of GU.

Subsequently, Lautaro filed a new application seeking a zoning change from GU (Interim Use) to RU-TH (Townhouse) in order to develop a 208-unit residential development generating an estimated student population of 121 students (see attached school impact analysis). In connection with the zoning change, approved by the Zoning Board 11, on

February 4, 2003, Lautaro indicated to the Zoning Board their willingness to voluntarily proffer a Restatement of Declaration of Restrictions (Covenant) to the District in order to once again provide a monetary donation over and above educational facilities impact fees. A monetary donation in the amount of \$175,548 would be paid to the School Board in one payment prior to the issuance of the first building permit. In the event that fewer units are approved the contribution would be reduced on a pro-rata basis.

The donation is to be utilized for capital improvements at the impacted schools (Claude Pepper Elementary, Arvida Middle School, and/or Miami Sunset Senior High School). To the extent that there are no pending or proposed capital improvements at the referenced schools then the donation would be utilized for capital improvements at the schools within the affected feeder pattern.

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

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to negotiate a Restatement of the Declaration of Restrictions in connection with Miami-Dade County Application No. 02-210, Lautaro Development L.L.C., for the provision of a voluntary monetary donation over and above educational facilities impact fees in the amount of \$175,548.

PG:am

**UPDATED
SCHOOL IMPACT REVIEW ANALYSIS**

APPLICATION: No. 02-210, Lautaro Development, LLC (CC11)
REQUEST: Zone change from GU to RU-3M
ACRES: 28.15 acres
LOCATION: Northwest corner of SW 137 Avenue and SW 120 Street
UNITS: 208 townhouse units (as per site plan provided)

**ESTIMATED
STUDENT
POPULATION:** 121 students*

ELEMENTARY: 56
MIDDLE: 30
SENIOR: 35

SCHOOLS SERVING AREA OF APPLICATION:

ELEMENTARY: Claude Pepper Elementary - 14550 SW 96 St.
MIDDLE: Arvida Middle - 10900 SW 127 Ave.
SENIOR HIGH: Miami Sunset Senior - 13125 SW 72 St.

* 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 October, 2002:

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELOCATABLE
Claude Pepper Elem.	1105/ 1161*	877	126%/ 132%*	115	111%/ 117%*
Arvida Middle	1905/ 1935*	1036	184%/ 187%*	184	156%/ 159%*
Miami Sunset Sr.	3586/ 3621*	2680	134%/ 135%*	976	98%/ 99%*

* includes proposed development

Pursuant to the Interlocal Agreement, please note that the senior high school does not meet the review threshold.

PLANNED RELIEF SCHOOLS IN THE AREA (information as of March 2003):

<u>School</u>	<u>Status</u>	<u>Projected Occupancy Date</u>
N/A		

OPERATING COSTS: According to Financial Affairs, the average cost for K-12 grade students amounts to \$5,833 per student. The total annual operating cost for additional students residing in this development, if approved, would total \$705,793.

CAPITAL COSTS: Based on the State's April-2003 student station cost factors*, capital costs for the estimated additional students to be generated by the proposed development are:

ELEMENTARY	56	x	\$ 13,185	=	\$ 738,360
MIDDLE	30	x	\$ 15,118	=	\$ 453,540
SENIOR	35	x	\$ 20,005	=	\$ 700,175

Total Potential Capital Cost	\$1,892,075
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* Based on Information provided by the Florida Department of Education, Office of Educational Facilities Budgeting. Cost per student station does not include land cost.

LOCATION MAP

