

Ms. Maria Teresa Rojas, Board Member

**SUBJECT:               SEEKING REQUIREMENTS THAT NOTICE BE PROVIDED TO THE SCHOOL BOARD AND THE SUPERINTENDENT OF SCHOOLS OF PLANNED DEVELOPMENTS THAT MAY IMPACT PUBLIC SCHOOLS**

**COMMITTEE:         FISCAL ACCOUNTABILITY & GOVERNMENT RELATIONS**

**LINK TO STRATEGIC BLUEPRINT:       INFORMED, ENGAGED AND EMPOWERED STAKEHOLDERS**

Unbeknownst to the School Board and our District, a local municipality recently permitted the development of a substantial commercial project in a residential neighborhood which will directly impact two of our public schools. Of greater concern is the fact that there is no evidence that the Board or the District had been formally notified of the approval of this proposed commercial development project that could bring significant and potentially objectionable activities within 1000 feet of a nearby public school. When such commercial establishments are approved by local authorities without input from the local school community, parents, students, teachers and school-site administrators, the parties can often feel that the safety, health, and well-being of the school community, their pedagogical interests and perspectives were not properly considered. In addition, once such commercial projects are established, such projects can have unintended consequences, impairing the fabric of the local school community and disrupting an established school environment due to its proximity to minors.

Moreover, the approval of this commercial development arose from a court-approved settlement of litigation between the municipality and the developer, so therefore, the municipality was apparently not legally required to provide the School Board and the Superintendent with any formal notice of the approval of this project. By the time the School Board and the District, school site administrators, and parents learned of this municipality's approval of the commercial project that will have a significant and potentially adverse impact on two of our schools, it was too late for the School Board, the Superintendent, and the school community to have any meaningful input in the process and to voice their concerns to the municipality.

Recently, it came to the attention of the Board that a settlement agreement between a developer and a local municipality will permit a commercial development that will sell alcoholic beverages to be located within 1,000 feet of a public school. The municipality indicated that the commercial developer had made certain verbal "assurances" that it would record an Amended Declaration of Restrictions (Covenant running with the Land) so that alcoholic beverages for sale would be limited to five percent of the floor area of the commercial development in question.

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As of the time of proffering of this item, such verbal assurances are not yet enforceable because, while the Amended Declaration of Restrictions has been executed by the developer, there is no record that the Covenant has been filed and recorded with the Clerk of Courts among the Public Records of Miami-Dade County, Florida. Following several meetings with the municipality, the municipality indicated that the Covenant will be recorded by the developer and a copy of the recorded Covenant will be provided to the Board, District staff and the School Board Attorney. The action proposed includes appropriate language to address this concern.

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It does not serve the public interest when there is no record that the School Board and the Superintendent received or was provided formal written notice and an opportunity to provide meaningful input concerning a commercial project that will significantly impact a local school community. As such, local school communities often feel, whether intended or not, that they were not afforded an opportunity to provide the local authorities their academic, health and safety, or pedagogic perspectives. Although some notice is typically required under the subject municipality's local ordinances, notices to the School Board and the Superintendent should be heightened when potentially objectionable projects are under consideration to be placed so close to the place of study and learning for our public school students. A heightened level of formal notice to the local school community should accompany proposed objectionable commercial activities that may accompany these development projects. Such objectionable activities could include, but are not limited to, temporary housing for registered sexual predators, medical marijuana dispensaries, adult entertainment stores, gasoline service stations, and establishments that sell alcoholic beverages.

This item is presented for the Board's consideration to authorize the Superintendent of Schools to advocate for changes, amendments and revisions to municipal and county zoning codes, local municipal compacts, and ordinances to require that the School Board and the Superintendent be notified by certified mail prior to the approval of any planned commercial development that is to be built within 1,000 feet of a public school. This formal notification should occur at every critical stage, including but not limited to, the zoning application and public hearing stages. In addition, the School Board Attorney should be notified of any proposed settlement with a developer that concerns any future commercial project to be located within 1,000 feet of a public school. This item also requests that the Superintendent seek the amendment of educational compacts with municipalities to include a requirement that such notice be provided to the District; and send correspondence to request local zoning authorities to identify and notify the School Board of any commercial development projects that were approved within the last 12 months, wherein such projects are proposed to be located within 1,000 feet of any public school, and indicate whether appropriate enforcement mechanisms have been (or will be) instituted to protect the health safety, and welfare of students. Finally, it requests that the Superintendent, in collaboration with the School Board Attorney, request a copy of a duly recorded Amended Declaration of Restriction (Covenant running with the Land) including all "assurances" and representations made by the developer in connection with the municipality's approval of its development and restricting the sale of alcoholic beverages made in the subject development.

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This item has been reviewed and approved by the School Board Attorney's office as to form and legal sufficiency.

**ACTION PROPOSED BY  
MS. MARIA TERESA ROJAS:**

That The School Board of Miami-Dade County, Florida, authorize the Superintendent of Schools to:

1. Advocate:

- a. for changes, amendments and revisions to municipal and county zoning codes, local municipal compacts, and ordinances to require that the School Board and the Superintendent be notified by certified mail prior to the approval of any planned commercial development that is to be built within 1,000 feet of a public school;
- b. that formal notification occurs at every critical stage, including but not limited to, the zoning application and public hearing stages;
- c. that the County or municipality be legally required to notify the School Board Attorney of any proposed settlement with a developer that concerns any future commercial project to be located within 1,000 feet of a public school; and
- d. for the amendment of all local educational compacts with municipalities to include a requirement that such notices be provided to the District.

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2. Send correspondence to request local zoning authorities to identify and notify the School Board of any commercial development projects that were approved within the last 12 months, wherein such projects are proposed to be located within 1,000 feet of any public school, and indicate whether appropriate enforcement mechanisms have been (or will be) instituted to protect the health, safety, and welfare of students.

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3. In collaboration with the School Board Attorney, request a copy of a duly recorded Amended Declaration of Restriction (Covenant running with the Land) including all "assurances" and representations made by the developer in connection with the municipality's approval of its development and restricting the sale of alcoholic beverages made in the subject development; and

4. Report back to the Board regarding paragraphs 1. a-d, 2 and 3 above by the April 2021 School Board meeting.

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