

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, A PUBLIC SCHOOL CONCURRENCY PROPORTIONATE SHARE MITIGATION DEVELOPMENT AGREEMENT ("AGREEMENT"), ATTACHED HERETO AS EXHIBIT "1," BETWEEN THE CITY OF MIAMI BEACH ("CITY"), MIAMI-DADE COUNTY SCHOOL BOARD ("M-DCSB") AND KGTC, LLC ("PROPERTY OWNER"), RELATING TO THE PROPERTY LOCATED AT 7125, 7135, AND 7145 CARLYLE AVENUE; 7100, 7108, 7118, 7134, AND 7144 BYRON AVENUE, AND 527 71 STREET ("PROPERTY"); WHICH AGREEMENT PROVIDES FOR THE PAYMENT OF MITIGATION TOWARD SCHOOL BOARD CONCURRENCY BY PROPERTY OWNER TO M-DCSB DUE TO THE PROPERTY OWNER'S APPLICATION TO CONSTRUCT MULTIFAMILY RESIDENTIAL UNITS ON THE PROPERTY; AND WHICH AGREEMENT IS CONSISTENT WITH THE REQUIREMENTS OF THE AMENDED AND RESTATED INTERLOCAL AGREEMENT BETWEEN M-DCSB AND THE CITY, DATED DECEMBER 12, 2007 ("ILA").

WHEREAS, on February 13, 2008, and pursuant to Resolution No. 2008-26762, the Mayor and City Commission approved and authorized the Mayor to execute that certain Amended and Restated Interlocal Agreement, between the City and the Miami-Dade County School Board ("M-DCSB"), for Public School Facility Planning in Miami-Dade County, to implement public school concurrency and to coordinate the approval of residential development with the provision of adequate public school facilities ("ILA"); and

WHEREAS, during review of an application for new construction, the City requires all applicants to comply with applicable school concurrency requirements associated with the project, in order to ensure that the intent of the ILA is adhered to by all developers and to ensure sufficient and proper educational facilities are provided for the City's residents; and

WHEREAS, KGTC, LLC ("Property Owner"), is the property owner of a development project to be constructed at 7125, 7135, and 7145 Carlyle Avenue, 7100, 7108, 7118, 7134, 7144 Byron Avenue, and 527 71 Street, Miami Beach (hereinafter the "Property"); and

WHEREAS, on October 2, 2019, the Property Owner obtained Design Review Board approval from the City of Miami Beach (File No. DRB 19-0407) to develop the Property, with 270 multifamily residential dwelling units, which are composed of 121 microunits (counted as 61 for density calculations) and 149 regular units; and

WHEREAS, the Property currently holds a credit for 47 existing units, which are proposed to be demolished, for a net total of 163 residential units for school concurrency calculation purposes; and

WHEREAS, pursuant to the ILA, the Property Owner is required to mitigate its impacts to senior high schools in order to proceed with the development. In order to mitigate the project's impact, a Proportionate Share Mitigation Agreement will be required; and

WHEREAS, the ILA requires that the M-DCSB, the City, and the Property Owner approve the attached Agreement; and

WHEREAS, upon performing a Concurrency Review for the proposed development, the M-DCSB determined that the required public school level of service would not be met, pursuant to the following findings:

1) Adequate school facility capacity is not available for three (3) of the senior high school students anticipated to be generated by the proposed residential dwelling units, at the level of service standard within the applicable Concurrency Service Area.

2) The needed school facility capacity for the applicable Concurrency Service Area is not available in any contiguous Concurrency Service Areas within the same geographic area.

3) Available school facility capacity will not be in place or under actual construction within three years after the approval of the development proposal; and

WHEREAS, as required by the ILA, the Parties agree that the Property Owner has selected, as its proportionate share mitigation option, the purchase of three (3) banked seats ("Monetary Proportionate Share Mitigation") from Mitigation Bank #2016-004; and the Parties further agree that the Applicant shall pay the Monetary Proportionate Share Mitigation funds; and

WHEREAS, Public School Concurrency shall be satisfied by the Property Owner's execution and compliance with the attached Agreement, which Agreement ensures the Property Owner shall provide mitigation proportionate to the demand for Public School Facilities to be created by these new residential dwelling units; and

WHEREAS, the Property Owner shall be required to comply with the Proportionate Share Mitigation requirements of the ILA; and

WHEREAS, the Administration recommends the approval of the attached Agreement, in order to ensure compliance with the City's ILA with M-DCSB, and ensures that the Property Owner complies with applicable school concurrency requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, the Mayor and City Commission approve and authorize the City Manager to execute, in a form acceptable to the City Attorney, a Public School Concurrency Proportionate Share Mitigation Development Agreement ("Agreement") attached hereto as Exhibit "1," between the City of Miami Beach ("City"), Miami-Dade County School Board ("M-DCSB") and KGTC, LLC ("Property Owner"), relating to the property located at 7125, 7135, and 7145 Carlyle Avenue; 7100, 7108, 7118, 7134, and 7144 Byron Avenue; and 527 71st Street ("Property"); which Agreement provides for the payment of mitigation toward School Board concurrency by Property Owner to M-DCSB due to the Property Owner's application to construct multifamily residential units on the Property; and which Agreement is consistent with the requirements of the Amended and Restated Interlocal Agreement between M-DCSB and the City, dated December 12, 2007 (the "ILA").

PASSED AND ADOPTED this _____ day of _____, 2020.

ATTEST:

Rafael Granado, City Clerk

Dan Gelber, Mayor

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

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Rafael Granado 2-4-20

City Attorney Date

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