

RESOLUTION NO. 20-__

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A MODIFICATION TO A CONDITION IN RESOLUTION 16-37 FOR MATER ACADEMY CUTLER BAY, LOCATED AT 22025 SW 87 AVENUE, AS LEGALLY DESCRIBED IN EXHIBIT “A”, CONSISTING OF APPROXIMATELY 44.03 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Mater Academy Foundation, Inc. (the “Applicant” or “Owner”) has submitted an Application (the “Application”) to modify one of the conditions approved under the Conditional Use Approval by Resolution No. 16-37 on July 20, 2016 for the property located at 22025 S.W. 87th Avenue (Folio No. 36-6015-000-0040) (the “Property”), as legally described in Exhibit “A”, pursuant to Section 3-39 of the Town Code; and

WHEREAS, Town staff has reviewed the Application and recommended approval of the modified conditions, subject to conditions; and

WHEREAS, public notice was provided in accordance with law; and

WHEREAS, after a duly noticed public hearing, the Town Council, based upon competent substantial evidence in the record, found that the Application does meet the requirements of the Town Land Development Regulations and is consistent with the Town’s Comprehensive Plan; and

WHEREAS, the Town Council finds that this Resolution is in the best interest and welfare of the residents of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:

Section 1. Recital. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Approval with Conditions. The Town Council, after review of competent substantial evidence in the record and a duly noticed public hearing, hereby approves the Application and finds that the Application meets the conditional use requirements for modification of conditions set forth in Section 3-39 of the Town Code.

Section 3. Resolution 16-37 Modified. The Town Council hereby modifies Section 3 of Resolution 16-37, as modified in Resolutions 17-36 and 19-06 (Collectively, the “Resolutions”) as follows:

Section 3. Conditions. The approval granted by this Resolution is subject to compliance with the following conditions, to which the Applicant stipulated and agreed to at the public hearing:

5. The proposed charter school total population shall not exceed a maximum of ~~1,200~~ 1,600 students.

21. The enrollment increase to 1,600 students shall be fully contained within the buildings already approved.

Section 4. Conditions. Except as modified by this Resolution, the approval and all other prior conditions of the Resolutions shall remain in full force and effect.

Section 5. Violation. Failure to adhere to the terms of any approval shall be considered a violation of the Town Code. Penalties for such violation shall be as prescribed by the Town Code, which include, but are not limited to, the revocation of the approval granted by this Resolution.

Section 6. Effective Date. This Resolution shall take effect immediately upon enactment.

PASSED and ADOPTED this ____ day of July, 2020

TIM MEERBOTT
Mayor

Attest:

DEBRA E. EASTMAN, MMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN
COLE & BIERMAN, P.L.
Town Attorney

Moved By: _____
Seconded By: _____

FINAL VOTE AT ADOPTION:

Mayor Tim Meerbott _____

Vice Mayor Sue Ellen Loyzelle _____

Council Member Robert “BJ” Duncan _____

Council Member Michael P. Callahan _____

Council Member Roger Coriat _____