



Memorandum

- Fort Lauderdale Office** · 1800 Eller Drive · Suite 600 · Fort Lauderdale, FL 33316 · 954.921.7781(p) · 954.921.8807 (f)
- West Palm Beach Office** · 560 Village Boulevard · Suite 340 · West Palm Beach, FL 33409 · 561.684.6161(p) · 561.684.6360 (f)

Date: July 20, 2016

To: Honorable Mayor and Town Council

From: Sarah Sinatra Gould, AICP, Planning Consultant

Subject: Mater Academy Conditional Use / 22025 SW 87th Avenue

CC: Rafael G. Casals, CFM, Town Manager
Kathryn Lyon, AICP, CFM, Planning and Zoning Director
Alex David, AICP, Planning and Zoning Consultant

REQUEST

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A CONDITIONAL USE APPLICATION TO PERMIT A SCHOOL (WITH NO RESIDENTIAL COMPONENT) AT 22025 SW 87 AVENUE, AS LEGALLY DESCRIBED IN EXHIBIT “A”, CONSISTING OF APPROXIMATELY 44.03 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

APPLICATION SUMMARY

Staff Coordinator: Kathryn Lyon – Planning and Zoning Director

Applicant/Representative: Mater Academy Foundation, Inc./Hugo P. Arza, Esq.

Site Location: 22025 SW 87th Avenue

Total Acreage: 44.03 +/- Acres

Future Land Use Map Designation: Institutional/Water/Estate-Density Residential-Conservation

Zoning Classification: INT (Institutional District) & WU (Water Use District)

Existing Site Condition: Educational Facility/School Buildings/Vacant

Proposed Site Condition: Educational Facility/School Buildings

Folio Number: 36-6015-000-0040

Legal Description: See Appendix "A"

BACKGROUND AND ANALYSIS

Request Summary

The purpose of this request is to seek approval of a Conditional Use application by Mater Academy Foundation, Inc. (Appendix "B") to utilize an existing educational facility at 22025 SW 87th Avenue (Appendix "C") in the Institutional District (INT) and Water Use District (WU). The INT zoning district permits educational facilities/school as a Conditional Use as indicated in Section 3-61 of the Town Code. The applicant is the owner of the property and plans to renovate the property in order to operate a 1,200 student (K thru 8) charter school (with no residential component) to be called "Mater Academy Bay Elementary."

Property Background

The following Resolutions were adopted by the Metropolitan Dade County Zoning Appeals Board (ZAB) and the Board of County Commissioners (BCC):

- Resolution No. 4-ZAB-293-93- September 15, 1993. Unusual Use to permit a temporary living facility, administration building, and dining hall relating to Hurricane Andrew.
- Resolution No. 5-ZAB-71-95 – February 15, 1995. Deletion of Condition #4 of Resolution 4-ZAB-293-93, which required building permits and inspections for all structures within 90 days of approval of the application, unless an extension was granted by the Zoning Director.
- Resolution No. 5-ZAB-216-96 – July 17, 1996. Provided for approval of Special Exceptions, Unusual Use Permits, Non-Use Variances, and modification and deletions of existing conditions in pervious Resolutions, except for Item No, 7 in Resolution 5-ZAB-71-95, which required permanent structures to be constructed within three years and all temporary structures to be abated.
- Resolution No. Z-27-97 – March 20, 1997. BCC overruled ZAB's decision to deny the deletion of Item No. 7.

The following is the history of the property:

On August 10, 1995, Interfaith Coalition for the Andrew Recovery Effort (ICARE) entered into a contract with the Department of Juvenile Justice to accept 36 moderate risk adjudicated level 6

offenders, which are defined as youth classified as a moderate risk to public safety. On September 7, 1995, ICARE filed a letter of intent with the County to delete the condition limiting the use of the facility to the housing of volunteer builders, which would allow for the operation of the Bay Point School Program.

On April 30, 1996, ICARE was found guilty failure to obtain permits and inspections on all structures, failure to obtain a Certificate of Use and Occupancy and the erection of wooden structures.

After the Town of Cutler Bay incorporated on November 8, 2005, the Town reviewed the approval of Resolution Nos. 5-ZAB-216-96 and Z-27-67 and found that the applicant failed to comply with three of the 24 conditions agreed to by the parties. The Town continued communication with the applicant on the outstanding deficiencies through December 7, 2011, where the Town Council approved the revocation of Resolution No. Z-27-97 for failure to comply with conditions of the Resolution.

The current applicant has no relationship with the prior applicant and is proposing a charter school with no residential component.

Existing Conditions

The property is approximately 44.03 acres of land located south of SW 216th Street and east of SW 87th Avenue. The site has existing improvements that include six (6) 1-story and 2-story buildings for a total of 104,492 square feet of floor area but is currently vacant. The applicant is proposing to renovate the existing buildings to accommodate their proposed educational facility/charter school with no additional square footage being added. The property also contains a conservation easement that surrounds the property on the north, east and south sides.

CONDITIONAL USE EVALUATION CRITERIA

1. Compliance with the Town's Growth Management Plan.

Yes. The site has a Future Land Use Map designation of Institutional/Water/Estate Density Residential Conservation (Appendix "D") and the proposed use as an education facility/ school is consistent with the uses outlined within Objective FLU-1 for the Institutional land use category. In addition the proposed educational facility/school is in general compliance with the Transportation Element Policies T1-1C, T1-1D, T1-7M and Educational Facilities Element Objective EDU-5 and Policies EDU-3 and EDU-7I.

2. Consistent with the "character and purpose" of the zoning district.

Yes. The site has a zoning district designation of Institutional District and Water (Appendix "E") which provides for the continued and future use, expansion, and new development of academic and religious campuses, as well as government and health related facilities. Since the applicant

is proposing to utilize the site as an educational facility / charter school for grades K through 8th (no residential component) and since the existing site layout is in a campus-like setting, the application is consistent with the character and purpose of the zoning district.

3. The size, shape and character of the property are suited for the proposed use.

Yes. The property is well suited for the proposed use as an educational facility / school since it has been used for such use in the past and has an existing campus- like setting.

4. Is compatible with the existing uses near the property.

Yes. The educational facility/school use of the property would be compatible with existing uses near the property since abutting or adjacent uses are conservation, park or institutional. Whigham Elementary School and Lake by the Bay Park are just to the north of the property across 216th Street. There are single-family and multi-family uses across SW 87th Avenue which are also compatible with an educational facility/ school use. In addition, the site is surrounded with a conservation easement which provides a buffer between the proposed use and the surrounding land uses.

5. Will not adversely affect the development of the general neighborhood or district.

Yes with conditions. The proposed educational facility/school is not expected to have any negative external impacts. Consideration should be given to ensure that traffic during morning and afternoon drop-off and pick-up times is mitigated. The applicant's traffic consultant has submitted a traffic study which includes a proposed traffic operations plan that defines the arrival and dismissal periods at the proposed school. In addition, the traffic study proposes to make the following off site traffic improvements:

- An exclusive southbound turn lane at the project's southern driveway
- Lengthen the northbound left-turn lane on SW 87th Avenue at SW 216th Street
- An 8' wide pedestrian and bicycle connection from the school site to the sidewalk on SW 87th Avenue.
- Coordinate with Miami Dade County Traffic Signals and Signs Division to optimize the traffic signal timings at the signalized intersection of SW 87th Avenue and SW 216th Street

6. Will not generate vehicular traffic or create vehicular circulation problems or parking demands that have an unfavorable impact on surrounding properties when compared with uses permitted by right in the same district.

Yes with conditions. The project will have some impacts during drop-off and pick-up times to the immediate area. The applicant has submitted a traffic study / analysis and has proposed a plan to mitigate the impacts. The recommendation section of this memo has several conditions to alleviate the impacts to surrounding roads and properties. The applicant's traffic consultant

has submitted a traffic study which includes a proposed traffic operations plan that defines the arrival and dismissal periods at the proposed school. In addition, the traffic study proposes to make the following off site traffic improvements:

- An exclusive southbound turn lane at the project's southern driveway
- Lengthen the northbound left-turn lane on SW 87th Avenue at SW 216th Street
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7. Potential for fire and/or other equally or greater dangerous hazards.

No. The proposed educational facility/school will not create any known hazards.

8. Create an unfavorable environmental impact on surrounding uses (e.g. noise, glare, smoke, dust, odor, fumes, water pollution, or general nuisance).

No. The proposed educational facility will not create any unfavorable environmental impacts on the surrounding uses.

9. Is consistent with existing and planned pedestrian and vehicular circulations adjacent to and near the property.

A multimodal connection from SW 87th Avenue to the main school entrance has been requested from the applicant. An 8' wide pedestrian and bicycle connection from the school site to the sidewalk on SW 87th Avenue has been agreed upon. During subsequent meetings and discussion with Miami Dade County, the preferred location of this connection is between the two ponds. This connection would include a midblock crossing at SW 87th Avenue that would line up with the existing Biscayne Trail that runs north south along SW 87th Avenue.

10. Site is adequately served by essential public services and facilities not requiring additional public expense in infrastructure improvements.

Yes. The proposed educational facility/charter school with no residential component should not have any additional impacts on essential public services and facilities since the site is existing and has been utilized as an educational facility in the past. Level-of-Service standards adopted in the Growth Management Plan for roads, drainage, water, wastewater, and solid waste will be maintained.

11. Will not adversely affect any site or feature of historical, cultural, natural, or scenic importance.

Yes. The proposed use will not adversely affect any site or feature of historic, cultural, natural or scenic importance. The site facilities are already in existence and only minor adjustments are proposed to the site layout.

12. Will not be contrary to the public health, safety, and welfare, provided that a denial based exclusively on this language shall include explicitly findings regarding the way in which granting the special exception would be contrary to the public health, safety and welfare.

Yes with conditions. The approval of this conditional use application with appropriate conditions as discussed above and noted in the Recommendations section will not be contrary to the public health, safety, and welfare of the residents of the Town of Cutler Bay. It will provide an additional educational resource for the Town and the adjacent areas of Miami-Dade County.

ADDITIONAL EDUCATIONAL USE STANDARDS

Town Code Section 3-212(F) provides additional standards which must be considered when a conditional use application for an educational facility or school, public or private, is filed. These standards are presented and discussed below.

1. When determining impacts on surrounding uses, neighborhood compatibility, traffic and on-site stacking and circulation shall be considered. The applicant will be required to submit a traffic management plan prior to conditional use approval. The plan must be prepared by a qualified traffic engineer and indicate methods to resolve internal/external traffic conflicts due to ingress, egress, stacking, drop-off, pick-up, and other parking issues related to the site and adjoining properties. The plan should be supported by a traffic study which demonstrates that vehicular access and circulation standards are being met and that pedestrian and vehicular circulation can be provided in an efficient and safe manner.

Yes with conditions. The applicant has submitted a traffic study which has been reviewed by the Town, the Town's Traffic Consultant, and Miami-Dade County Public Works. Any issues and conditions identified during the review must be addressed by the applicant at Site Plan Approval. The applicant's traffic consultant has submitted a traffic study which includes a proposed traffic operations plan that defines the arrival and dismissal periods at the proposed school. In addition, the traffic study proposes to make the following off site traffic improvements:

- An exclusive southbound turn lane at the project's southern driveway
- Lengthen the northbound left-turn lane on SW 87th Avenue at SW 216th Street
- An 8' wide pedestrian and bicycle connection from the school site to the sidewalk on SW 87th Avenue.
- Coordinate with Miami Dade County Traffic Signals and Signs Division to optimize the traffic signal timings at the signalized intersection of SW 87th Avenue and SW 216th Street

2. All traffic calming, signage and any proposed changes to traffic lanes on any roadways associated with the school must obtain prior approval from the Miami-Dade County Public Works Department.

Yes with conditions. The applicant has submitted a traffic study which has been reviewed by the Town, the Town's Traffic Consultant, and Miami-Dade County Public Works. Any issues and conditions identified during the review must be addressed by the applicant at Site Plan Approval. The applicant's traffic consultant has submitted a traffic study which includes a proposed traffic operations plan that defines the arrival and dismissal periods at the proposed school. In addition, the traffic study proposes to make the following off site traffic improvements:

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The applicant must submit signed and sealed pavement marking and signage plans for the on-site/off-site traffic improvements for review and approval by the Town, The Town's Traffic Consultant and Miami-Dade County Public Works.

3. All outdoor play areas shall be buffered from any residential uses for the purpose of mitigating noise.

Yes. Outdoor play areas are shown to be internal to the property. The property is not adjacent to residential uses and is surrounded by a conservation easement.

4. No off-site parking or queuing is permitted at any time of the day.

Yes. The applicant is not proposing off-site parking and all queuing is required to be internal to the site as shown on the Site Plan,

5. An accumulation assessment is required to meet all Miami-Dade County standards.

The accumulation assessment was established by the applicant's traffic consultant per direction by Miami Dade County Public Works identified in the approved traffic study methodology. The

results of the accumulation assessment of the surrogate school have been provided in the applicant's traffic consultant's traffic impact study.

RECOMMENDATIONS

It is recommended the Town Council **Approve** the attached Resolution subject to the following conditions:

1. The Owner shall enter into a use agreement with the Town for the use by the Town of Building D (as shown on the proposed site plan) on weekends for the purpose of providing meeting space for the Town to hold public meetings, particularly environmental education programs. The use agreement shall define the availability of the building for Town use, permitted and anticipated uses, and any other considerations the parties deem appropriate.
2. The applicant shall be responsible for associated costs for traffic management requiring police assistance following the charter school's opening.
3. The charter school approved by this Resolution shall only operate at 22025 SW 87th Avenue, as indicated in the application. Operating this school from another location will require approval from the Town and other regulatory agencies as required.
4. This approval shall only apply to grades K through 8th.
5. The proposed charter school total population shall not exceed a maximum of 1,200 students.
6. The proposed charter school will operate from Monday through Friday, between the hours of 7:00 AM to 6:00 PM and special events will be subject to Town of Cutler Bay permit and Code requirements.
7. There shall be no queuing of vehicles off the school site.
8. There shall be no parking of vehicles off the school site.
9. All students shall be maintained on site during schools hours.
10. There shall be no residential component to the proposed charter school.
11. Applicant must secure administrative site plan approval for the site prior to operation of the charter school.
12. The Applicant shall reimburse the Town for professional fees incurred (cost recovery) as part of the conditional use application approval process. The cost-recovery reimbursement shall be paid to the Town prior to the issuance of the Certificate of Use.

13. The Applicant shall provide the Town of Cutler Bay Department of Community Development a certified copy of the enrollment on November 1st of each school year.

14. The school must comply with the approved Traffic Operations Plan and Site Plan.

15. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Town Code of Ordinances, and this Resolution may be revoked by the Town Council at any time upon a determination that the Applicant is not in compliance with the Town Code or the conditions of this Resolution.

16 All state and local permits shall be obtained by the Applicant prior to the issuance of the Certificate of Use.

17. The applicant agrees to provide a travel time and delay study for the road segments of SW 87th Avenue (Galloway Road) between SW 216th Street and SW 208th Street during normal traffic conditions. The 2018 Total Traffic per the Build conditions is 1,518 vehicles and 1,457 vehicles respectfully in the A.M. and P.M. peak hours. The LOS D capacity is 1,600 vehicles. The travel time and delay study should be conducted after the charter school is operating per the criteria in the FDOT Manual of Uniform Traffic Studies Chapter 13. The applicant's traffic consultant should coordinate with the Town's traffic consultant to determine the methodology of the travel time and delay study.

18. Subject to the receipt of all necessary governmental approvals, prior to the start of the 2017-2018 school year, the owner shall design and construct the following off-site improvements:

a. an exclusive southbound left turn lane on SW 87th Avenue onto the Property's southern driveway entrance;

b. the extension of the northbound left turn lane on SW 87th Avenue at SW 216th Street; and

c. a pedestrian connection from the school site to the shared path on the west side of SW 87th Avenue. This improvement shall be provided in the traffic operational plan within the traffic impact study.

APPENDICES

Appendix "A" – Legal Description

Appendix "B" – Letter of Intent and Conditional Use Application

Appendix "C" – Location Map/Aerial Photograph

Appendix "D" – Future Land Use Map

Appendix "E" – Zoning Map