

**RESOLUTION NO. 19-\_\_\_**

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING MODIFICATIONS TO CERTAIN CONDITIONS IN RESOLUTION 16-37, AS MODIFIED BY RESOLUTION 17-36, FOR MATER ACADEMY CUTLER BAY LOCATED AT 22025 SW 87 AVENUE, 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 certain conditions approved under the Condition Use Approval by Resolution 16-37 on July 20, 2016, as modified by Resolution 17-36 on May 17, 2017, for the property located at 22025 S.W. 87<sup>th</sup> Avenue (Folio #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 is recommending approval of the proposed modified conditions, subject to additional 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 meets 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. Recitals.** 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 with the additional conditions set forth in Section 3 below 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 by Resolution 17-36, 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:

\* \* \*

4. This approval shall only apply to grades Pre-K through 8<sup>th</sup> 12<sup>th</sup>.

\* \* \*

18. Subject to the receipt of all necessary governmental approvals, the Owner shall design and construct the following off-site improvements:

a. an exclusive southbound left turn lane on SW 87<sup>th</sup> Avenue onto the Property's southern driveway entrance, to be completed upon the earlier of the school exceeding a student enrollment of 748 students, or prior to the start of the 2018-2019 school year; and

b. the extension of the northbound left turn lane on SW 87<sup>th</sup> Avenue at SW 216<sup>th</sup> Street, to be completed prior to the start of the 2017-2018 school year; ~~and.~~

~~c. a pedestrian connection from the school site to the shared path on the west side of SW 87<sup>th</sup> Avenue, to be completed prior to the start of the 2017-2018 school year. This improvement shall be provided in the traffic operational plan within the traffic impact study.~~

\* \* \*

20. That no students of driving age be permitted to drive to and park at the school.

**Section 4.** **Conditions.** Except as modified by this Resolution, the approval and all other conditions provided for in Resolution 16-37, as modified by Resolution 17-36, 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 adoption.

PASSED and ADOPTED on this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
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 ONLY:

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

Moved By: \_\_\_\_\_  
Seconded By: \_\_\_\_\_

FINAL VOTE AT ADOPTION:

Mayor Tim Meerbott \_\_\_\_\_  
Vice Mayor Sue Ellen Lozelle \_\_\_\_\_  
Council Member Robert "BJ" Duncan \_\_\_\_\_  
Council Member Michael P. Callahan \_\_\_\_\_  
Council Member Roger Coriat \_\_\_\_\_