

RESOLUTION NO. 15-____

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A CONDITIONAL USE APPLICATION TO PERMIT THE CONVERSION OF 58,428 SQUARE FEET OF OFFICE SPACE IN AN EXISTING 4 STORY BUILDING LOCATED AT 10750 CARIBBEAN BOULEVARD FROM BUSINESS USE TO A CHARTER SCHOOL, AS LEGALLY DESCRIBED IN EXHIBIT “A”, CONSISTING OF APPROXIMATELY 2.16 NET ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Pinnacle Investment Properties (the “Applicant”) located at 10750 Caribbean Boulevard (the “Property”), as legally described in Exhibit A, has submitted a conditional use application (the “Application”) to permit the conversion of an existing office building consistent with the criteria set forth in Sections 3-39(B), 3-211 and 3-212(F) of the Town Code; and

WHEREAS, Town staff has reviewed the application and is recommending approval; 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 met the requirements of the Town Code 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. 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 it meets the conditional use requirements set forth in Sections 3-39, 3-211 and 3-212(F) of the Town Code.

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:

1. Virtus Academy shall only be operated at 10750 Caribbean Boulevard, as indicated in the Plan of Survey, dated October 2, 2014, prepared by Ricardo Rodriguez, P.S.M. Operating this school

from another location will require conditional use approval from the Town and applicable regulatory agencies.

2. Must maintain all storm water runoff on site.
3. A storm water management plan that meets the Town's sustainability requirements for on-site retention, surface bioswale treatment, and pervious surface standards should be developed and provided at site plan approval.
4. This approval shall only apply to grades 6th through 12th Grade.
5. Applicant must secure administrative site plan approval for the site prior to operation of the Charter School. Site plan must show substantial landscape, pavement marking, traffic circulation, adequate parking onsite, and pedestrian safety improvements to the parking field. Lighting must also be analyzed for compliance with Code standards and improved if necessary. During administrative site plan review, the Town may impose reasonable development standards and conditions in accordance with s. 1013.51(1) and consider the site plan and its adequacy as it relates to environmental concerns, health, safety and welfare, and effects on adjacent property.
6. 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.
7. 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.
8. Traffic operations shall not create internal site queues that would potentially back-up through the driveway and thus impede traffic flow. If this occurs, the Applicant has 72 hours to provide an alternative internal traffic circulation plan to the Town with specific actions to mitigate the queues problem.
9. The school must comply with PWWM's approved Traffic Evaluation, Traffic Operations Plan and Site Plan as follows:
 - A. Traffic Study Comments:
 1. A trip assignment illustration with existing, background, project trips (in and out) and total trips should be included within the report.
 - B. School Traffic Operation Plan (TOP) Comments:
 1. The attached TOP must be signed and dated.
 2. Table 4.2-2 School Schedule Shift Descriptions should be completed by describing the Middle and High shift as instructional. Any other shifts such as early care, after care and/or after school activities should be stated and described.
 3. Table 8.0-1 School Crossing Description should include the intersection street names as part of the description.
 4. The open parking spaces may be assigned to student drivers if the school policy allows for student to drive their own vehicles to school.
 - C. Operational Requirements:
 1. A signed and dated copy of the attached TOP must be submitted to PWWM.

2. The school shall operate as per the TOP attached. The school must maintain a 507 student maximum limit per arrival and dismissal shift with a minimum 20 minute time schedule separation between any two shifts, and no more than three shifts during any arrival and/or dismissal period.

D. Offsite Infrastructure Requirements:

1. The Caribbean Boulevard median opening at the intersection of Caribbean Boulevard with Chase Driveway East must be permanently closed with a curbed median.
2. The applicant will be required to install a school speed zone, as per the governing standards, for any existing or future uncontrolled school crossings that provide direct access to the school's property, or for any remote school crossings serving the school site that has been warranted as per FDOT Topic No. 750-010-027-h, Section 2. "School Zone Speed Regulations." Additionally, the school will be required to conduct and submit the traffic studies stated in FDOT Topic No. 750-010-027-h, Section 2. "School Zone Speed Regulations," following a request by PWWM. PWWM may request the traffic studies for a time period beginning with the school's opening until two years after the school operates with at least 90% student enrollment capacity or upon any future traffic operation plan modifications. Failure to provide traffic studies and/or school speed zone once the need has been determined by PWWM will be considered a violation of resolution and should prohibit the school from obtaining a future Certificate of Use."

E. Standard Requirements:

1. All off-site improvements must be completed prior to the school's opening.
2. Public sidewalks are required to extend across all school driveways around the site. This will include pedestrian (ADA) ramps where applicable. All pedestrian crosswalks around the school must have zebra pavement markings.
3. Safe sight distance clearance is required at all driveways; therefore, all tree placements in sight triangles shall meet or exceed FDOT Index 546. No tree foliage or branches shall descend below 7 feet within the public right-of-way. No trees shall remain or be planted in any clear zones.
4. Plans submitted for Permit shall conform to MUTCD, MDPWD and other appropriate standards for engineering design in the public right-of-way. Existing and proposed striping, signs, and lane widths must be shown on these plans for all adjacent roadways. Also, plans must indicate any existing or proposed private driveways across the streets adjacent to the school site.
5. All roadway improvements including, but not limited to, traffic signs, markings and signals shall be installed by the applicant adjacent to, or nearby, this facility to ameliorate any adverse vehicular impacts caused by the traffic attracted to this facility. Also, traffic control devices, e.g., crosswalks, may be required at locations remote from this site along safe routes to school to provide for pedestrian student safety. These requirements may be determined at the time of Dry Run submittal of Paving and Drainage Plans.

Miami-Dade County Public Works and Waste Management reserves the right to add or modify requirements based upon any additional information that may be received during this process.

10. The proposed school total population shall not exceed a maximum of 888 students.
11. The proposed school will operate from Monday through Friday, between the hours of 7:00 AM to 6:00 PM. After hour and special events will be subject to Town of Cutler Bay permit and code requirements.

12. The Applicant shall not use adjacent properties without written permission from the property owner(s). A copy of the authorization letter shall be provided to the Town Department of Community Development.
13. 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.
14. All state and local permits shall be obtained by the Applicant prior to the issuance of the Certificate of Use.
15. Issuance of this development permit by the Town of Cutler Bay does not in any way create any right on the part of an Applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the Town of Cutler Bay for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
16. All applicable local, state and federal permits must be obtained before commencement of the development.
17. There shall be no queuing of vehicles off the charter school site.
18. There shall be no parking of vehicles off the charter school site.
19. All students shall be maintained on site during schools hours.
20. No double stacking of vehicles shall be permitted during student drop-off and pick-up times.
21. The applicant shall provide one (1) school resource officer.

Section 4. Effective Date. This Resolution shall take effect immediately upon enactment.

PASSED and ADOPTED on this _____ day of _____, 2015.

Attest:

PEGGY R. BELL
Mayor

JACQUELINE N. WILSON
Interim 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 Peggy R. Bell _____

Vice Mayor Ernest N. Sochin _____

Council Member Roger Coriat _____

Council Member Sue Ellen Loyzelle _____

Council Member Mary Ann Mixon _____