



Application No.: ModRes-2017-004

Attachment "A"

Consultant's Report

Mater Academy

Modifications to Certain Conditions in Resolution 16-37
for Mater Academy.



Memorandum

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Date: May 17, 2017

To: Honorable Mayor and Town Council

From: Alex A. David, AICP, Planning Consultant

Subject: Mater Academy Cutler Bay Modification to Conditions of Conditional Use Approval /
22025 SW 87th Avenue

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

REQUEST

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING MODIFICATIONS TO CERTAIN CONDITIONS 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.

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 Institutional/Water/Estate-Density Residential-Conservation
Map Designation:

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 Exhibit "A"

BACKGROUND AND ANALYSIS

Request Summary

The purpose of this request is to seek approval of modifications to Condition 18 Sub-conditions a., b. and c. approved as part of the Conditional Use Approval approved by the Town Council on July 20, 2017 under Resolution No. 16-37.

Mater Academy Foundation, Inc. is utilizing the educational facility at 22025 SW 87th Avenue 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 has renovated the property in order to operate the approved 1,200 student (K thru 8) charter school (with no residential component) and which is called "Mater Academy Cutler Bay." The current enrollment is 160 students and will increase over time.

The Applicant is requesting modifications to Condition 18 of Resolution 16-37 as follows:

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

As rewritten in this request, the only significant change is to permit a maximum one-year extension of the requirement to construct the exclusive southbound turn lane on SW 87th Avenue. The

northbound turn lane and pedestrian connection will both be completed as required by the beginning of the 2017-18 school year.

Property Background

The property was previously used as a private school which was operated by Bay Point Schools and is now being utilized as Mater Academy Cutler Bay.

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. Mater Academy Foundation has renovated the campus and began accepting students in August 2016. The property also contains a conservation easement that surrounds the property on the north, east and south sides.

MODIFICATION OF CONDITIONS APPROVED UNDER A CONDITIONAL USE - EVALUATION CRITERIA

Staff has analyzed the request based on the following criteria:

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

The proposed modifications are in general compliance with Transportation Element Policy T1-1F. The applicant only wishes to extend the timeframe for the southbound left turn lane by one year or, if the enrollment exceeds 748. Whichever comes first.

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

The proposed modifications are consistent with the zoning districts. The applicant only wishes to extend the timeframe for the southbound left turn lane by one year.

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

Not applicable.

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

The proposed addition of a southbound left turn lane is compatible with the surrounding uses.

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

The proposed southbound left turn lane will not adversely affect development and will promote better traffic flow as enrollment rises.

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.

The southbound left turn lane condition will improve vehicular movement along SW 87th Avenue. Currently, the threshold for construction of the southbound left turn lane will not be met until enrollment exceeds 748. The applicant has committed to construction prior to the 2018-2019 even if the enrollment threshold is not exceeded.

7. Potential for fire and/or other equally or greater dangerous hazards.

The proposed time extension 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).

The proposed time extension 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.

The planned southbound left turn lane is part of the planned circulations within the Town.

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

Not applicable.

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

The proposed extension of time will not affect any sites or features of importance.

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.

The approval of this modification of the timeframe will not be contrary to the public health, safety, and welfare of the residents of the Town of Cutler Bay.

RECOMMENDATIONS

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

1. 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 87th 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;
 - b. the extension of the northbound left turn lane on SW 87th Avenue at SW 216th 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 87th 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.