

RESOLUTION NO. 17-__

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.

WHEREAS, Mater Academy Foundation, Inc. (the “Applicant” or “Owner”) has submitted an Application (the “Application”) to modify certain conditions approved under the Conditional Use Approval by Resolution 16-37 on July 20, 2016 for the property located at 22025 S.W. 87th 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; 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. 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 does meet 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, after review of competent substantial evidence in the record and a duly noticed public hearing, hereby modifies Section 3 of Resolution 16-37 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:

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.

Section 4. **Conditions.** Except as modified by this Resolution, the approval and all other conditions provided in Resolution 16-37 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 on this _____ day of May, 2017.

PEGGY R. BELL
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 Peggy R. Bell	_____
Vice Mayor Sue Ellen Loyzelle	_____
Council Member Mary Ann Mixon	_____
Council Member Michael P. Callahan	_____
Council Member Roger Coriat	_____