

RESOLUTION NO. 16-37

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.

WHEREAS, Mater Academy Foundation, Inc. (the "Applicant" or "Owner") has submitted a Conditional Use Application (the "Application") for the property located at 22025 S.W. 87th Avenue (Folio #36-6015-000-0040) (the "Property"), as legally described in Exhibit "A" to permit an educational facility/school (with no residential component) pursuant to Sections 3-61(2) and 3-212(F) of the Town Code; and

WHEREAS, Town staff has reviewed the Application and is recommending approval, subject to 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 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 set forth in Sections 3-61(2) 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. 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 and during summer/winter breaks (to the extent not used by the Owner) 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 at the school's ingress and egress point(s) 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 pre-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. Special events, except for traditional school functions pre-identified by the Applicant at the beginning of the school year, will be subject to Town 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, except for field trips.
10. There shall be no residential component to the proposed charter school.
11. The 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's 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.
19. That the school be named Mater Academy Cutler Bay.

Section 4. **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 5. **Effective Date.** This Resolution shall take effect immediately upon enactment.

PASSED and ADOPTED on this 20th day of July, 2016.



PEGGY R. BELL
Mayor

Attest:



JACQUELINE N. WILSON
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: Council Member Loyzelle
Seconded By: Council Member Mixon

FINAL VOTE AT ADOPTION:

Mayor Peggy R. Bell	YES
Vice Mayor Ernest N. Sochin	YES
Council Member Roger Coriat	YES
Council Member Sue Ellen Loyzelle	YES
Council Member Mary Ann Mixon	YES

EXHIBIT "A"

LEGAL DESCRIPTION

Legal Description:

LEGAL DESCRIPTION of PARCEL HM-12

A Tract or Parcel of Land lying in the N.W. $\frac{1}{4}$ of Section 15, Township 56 South, Range 40 East, Dade County, Florida, more particularly described as follows:

For a point of reference, COMMENCE at the Northwest Corner of said Section 15; run thence South $00^{\circ} 58' 00''$ East along the West line of said Section 15, a distance of 1255.43 feet to a point; thence North $89^{\circ} 05' 55''$ East, a distance of 125 feet to the POINT OF BEGINNING.

From the POINT OF BEGINNING, continue North $89^{\circ} 05' 55''$ East, a distance of 1380 feet to a point; thence South $00^{\circ} 58' 00''$ East a distance of 1415 feet to the South Line of the N.W. $\frac{1}{4}$ of said Section 15; thence South $89^{\circ} 05' 55''$ West, a distance of 1380 feet to a point; thence North $00^{\circ} 58' 00''$ West, a distance of 1415 feet to the POINT of BEGINNING, containing 44.83 acres, more or less.

LEGAL DESCRIPTION OF ACCESS EASEMENT

A Tract or Parcel of Land 110 feet by 125 feet, located in the N.W. $\frac{1}{4}$ of Section 15, township 58 South, Range 40 East, Dade County, Florida, more particularly described as follows:

A Tract of Parcel of Land lying adjacent to and 55 feet on each side of the following described centerline in said Section 15.

For a point of reference, COMMENCE at the Northwest Corner of said Section 15; run thence South $00^{\circ} 58' 00''$ East along the West line of said Section 15, a distance of 1255.43 feet to a point; thence North $89^{\circ} 05' 55''$ East, a distance of 125 feet; thence South $00^{\circ} 58' 00''$ East, for a distance of 765.49 feet to the POINT OF BEGINNING.

From the POINT of BEGINNING, run thence South $89^{\circ} 05' 55''$ West a distance of 125 feet to the POINT of TERMINATION, containing 0.32 acres, more or less