



Application No.: ModRes-2018-043

Attachment "A"

Consultant's Report

Mater Academy

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

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Date: January 16, 2019

To: Honorable Mayor and Town Council

From: Alex A. David, AICP
Miami-Dade Director Office | Planning

Subject: Mater Academy Cutler Bay Modification of Condition 4. And Deletion of Condition 18.c. of Conditional Use Approval/22025 SW 87th Avenue

Project: 16-8626

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, 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.

APPLICATION SUMMARY

Staff Coordinator: Kathryn Lyon – Planning and Zoning Director

Applicant/Representative: Mater Academy Cutler Bay
Academy Foundation, Inc./Hugo P. Arza, Esq.

Site Location: 22025 SW 87th Avenue

Total Acreage: 44.03 +/- Acres

Future Land Use
Map Designation: Institutional/Water/Estate-Density Residential-Conservation

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 the first request is to seek approval of a modification to Condition 4, which was approved as part of the Conditional Use Approval approved by the Town Council on July 20, 2016 under Resolution No. 16-37. A second request is the deletion of Condition 18.c. approved under Resolution No. 16-37 and modified under Resolution No. 17-36 on May 17, 2017.

Mater Academy Foundation, Inc. is utilizing the educational facility, now known as Mater Academy Cutler Bay, 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 currently 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 875 students and will increase over time.

The Applicant is requesting modifications to Condition 4. of Resolution 16-37 as follows:

4. This approval shall only apply to grades Pre-K through 8~~th~~ 12th.

As rewritten in this request, the change is to permit the addition of Grades 9-12 to the Academy. The maximum number of students permitted remains the same at 1200.

The Applicant is also requesting deletion of Condition 18.c. which was initially approved under Resolution 16-37 and later modified under Resolution 17-36 as follows:

~~18.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.~~

This change is due to the fact that Miami-Dade Department of Transit and Public Works will not approve this connection as enumerated further in Exhibit "G".

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 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 AND DELETION OF CONDITIONS APPROVED UNDER A CONDITIONAL USE -
EVALUATION CRITERIA**

Staff has analyzed the requests based on the following criteria:

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

The proposed modification and deletion as proposed are generally in compliance with the Town's Growth Management Plan.

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

The proposed modification is consistent with the zoning districts. The applicant is requesting the addition of Grades 9 through 12 at the Academy. This request does not increase the permitted number of students. The proposed deletion does not impact the character and purpose of the zoning district.

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 addition of Grades 9-12 will be compatible with the existing uses. This criterion is not applicable to the pedestrian connection.

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

The proposed addition of Grades 9-12 and the deletion of the pedestrian not adversely affect development of the neighborhood.

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 addition of Grades 9-12 will not generate more traffic as the maximum number of students remains the same. In addition, a condition is being proposed that will prohibit students driving to and parking at campus. The deletion of the pedestrian connection requirement will not generate traffic or create circulation problems.

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

The proposed addition of grades 9 through 12 and the deletion of the pedestrian connection requirement 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 addition of grades 9 through 12 and the deletion of the pedestrian connection requirement 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.

Consistent.

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

The site is currently adequately served by public services.

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

The proposed addition of grades 9 through 12 and the deletion of the pedestrian connection requirement 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 to add grades 9 through 12 and delete the pedestrian connection requirement 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 condition:

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