

RESOLUTION NO. 19-__

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING MODIFICATIONS TO CERTAIN CONDITIONS IN RESOLUTION 14-20 FOR EDUCATIONAL FACILITY USE IN THE SOUTHLAND MALL LOCATED AT 20505 SOUTH DIXIE HIGHWAY, AS LEGALLY DESCRIBED IN EXHIBIT “A”, CONSISTING OF APPROXIMATELY 90.35 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Southland Mall Properties, LLC (the “Applicant” or “Owner”) has submitted an Application (the “Application”) to modify certain conditions approved under the Conditional Use Approval by Resolution 14-20 on March 19, 2014 for the property located at 20505 South Dixie Highway (Folio #36-60007-020-0020) (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 14-20 Modified.** The Town Council, after review of competent substantial evidence in the record and a duly noticed public hearing, hereby modifies Town Resolution 14-20, 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:

- (1) Proposed conditional use must be an accredited private educational facility and can occupy no more than a total of ~~25,777~~ 28,945 square feet of leasable interior Mall space.

- (8) ~~Prior to school operation, the opening of the Culinary Arts Program (Florida Technical College), the bus stop License Agreement allowing access to Mall entrances on a daily basis shall be submitted to the Town for its review, approval and execution. applicant will work with Town staff to allow the Town's Municipal Circulator and Miami Dade Transit to access Mall entrances on a daily basis.~~

- (12) The Culinary Arts Program (Florida Technical College) shall prepare and offer for sale fresh snacks and baked goods at a kiosk that will be centrally located in front of its facilities and adjacent to the entrance of the Cinemas.

- (13) The Culinary Arts Program (Florida Technical College) offer, at a minimum six (6) times per year, an after-hours "kitchen Experience" that includes cooking lessons to allow Town residents and visitors to experience the Culinary Arts Program.

Section 4. **Conditions.** Except as modified by this Resolution, the approval and all other conditions provided in Resolution 14-20 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, 2019.

TIM MEERBOTT
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 Tim Meerbott _____

Vice Mayor Sue Ellen Loyzelle _____

Council Member Robert "BJ" Duncan _____

Council Member Michael P. Callahan _____

Council Member Roger Coriat _____