

RESOLUTION NO. 2008 - 027

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE BELLA ACRE ESTATES SITE PLAN; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

WHEREAS, the Bella Acre Estates Site Plan is legally described as:

Parcels A, B, C & D, HUMPHRIES HIDEAWAY, according to the Plat thereof, as recorded in Plat Book 169, Page 3 of the Public Records of Broward County, Florida.; and

WHEREAS, the Bella Acre Estates Site Plan contains approximately 8.02 net acres, generally located on the east side of 172nd Avenue two hundred ninety (290) feet south of SW 49th Street; and

WHEREAS, the site has a land use plan designation of Rural Estate, which allows residential development at one (1) unit per net acre; and

WHEREAS, the zoning of the site is RE, Rural Estate, which also allows development at one (1) unit per net acre; and

WHEREAS, the applicant has requested site plan approval to develop a eight (8) single-family residential lots; and

WHEREAS, this site received second and final plat signatures in August 2007; and

WHEREAS, the plat and site plan satisfy both the minimum lot width and area requirements; and

WHEREAS, access to the site will be provided from SW 172nd Avenue; and

WHEREAS, a 50-foot wide private road, with a proposed name of "Bella Drive", will provide access to the eight (8) lots off of SW 172nd Avenue and terminate in a cul-de-sac; and

WHEREAS, all lots within the development shall have access from the ingress/egress easement ("Bella Drive") and Lots 1 and 8 are restricted from having direct access from SW 172nd Avenue due to the platted non-vehicular access lines along SW 172nd Avenue; and

WHEREAS, each lot has dedicated drainage easements and surface water management areas around their perimeters; and

WHEREAS, a 12-foot utility easement provides access of applicable utility companies to all lots; and

WHEREAS, the entrance to the subdivision is proposed to contain monument wall signs on either side of "Bella Drive"; and

WHEREAS, the entry feature proposed will be five (5) feet in height and fifteen (15) feet long; and

WHEREAS, the entrance to the site will not be gated and is not permitted to be gated; and

WHEREAS, street lighting, sidewalks, curbs, and gutters are neither proposed nor permitted; and

WHEREAS, site landscaping will be provided by the applicant, which is proposed to run the entire length of ingress/egress easement terminating at the cul-de-sac; and

WHEREAS, the Landscape plan has been reviewed and approved by the Town's Landscape Reviewer; and

WHEREAS, additional landscaping will be required for each lot and will be reviewed during the permitting phase; and

WHEREAS, landscaping material includes: Live Oak, Bald Cypress, Thatch Palm and various shrubs; and

WHEREAS, the Town's proposed trail system runs north/south along the as side of SW 172nd Avenue; and

WHEREAS, the applicants must maintain the existing 12-foot wide stabilized path through the portion of the swale of the 200-foot right-of-way of SW 172nd Avenue that this site fronts; and

WHEREAS, the applicants are providing landscaping along the east side of the trail, which include Live Oak shade trees and St. Augustine sod.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

Section 1. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

Section 2. That, at a duly noticed public hearing held on December 13, 2007, following the review of the staff report and all written and oral evidence received during the advertised public hearing, the Town Council hereby approves the Bella Acre Estates site plan subject to the following agreed upon conditions:

- a. That all construction drawings shall comply with the remaining DRC technical requirements.
- b. Prior to issuance of any certificate of occupancy, the applicant shall construct all required site improvements listed in the DRC comments from Winningham & Fradley, Inc. and the Mellgren Planning Group, and prior to the issuance of a building permit shall provide security to the Town, in a form approved by the Town Attorney, ensuring that all required site improvements will be completed.
- c. That the applicant shall pay to the Town an amount equal to the total expense incurred by the Town in processing and finalizing this site plan, within thirty (30) days of approval of this application. This includes, but may not be limited to, expenses for engineering, planning, legal, advertising, a five (5) percent administrative fee, and any related expenses that the Town has or will incur as a direct cost of this site plan. If the Town is not reimbursed for expenses incurred within thirty (30) days, this application shall be deemed denied.
- d. That the applicant shall record an agreement, which shall be approved by the Town Attorney, to allow the Town's law enforcement to patrol and to issue citations on Bella Drive.

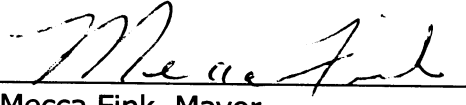
Section 3. The Mayor, Town Administrator and Town Attorney are each authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

Section 4. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 13th day of December 2007, on a motion by Council Member Aster Knight and seconded by Council Member Don Maines.

Fink	<u>Y</u>
Nelson	<u>Y</u>
Breitkreuz	<u>Y</u>
Knight	<u>Y</u>
Maines	<u>Y</u>

Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>0</u>




Mecca Fink, Mayor

ATTEST:



Susan A. Owens, Town Clerk

Approved as to Form and Correctness:



Gary A. Poliakoff, J.D., Town Attorney
FTL_DB: 1087852_1