

**RESOLUTION NO. 2014 - 004**

**A RESOLUTION AND FINAL ORDER OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING RESOLUTION NO. 2006-020, AND APPROVING BELLA ACRE ESTATES PLAT DELEGATION REQUEST, SUBJECT TO CERTAIN CONDITIONS; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE THEREFOR.**

**WHEREAS**, Bella CES, LLC is the current owner ("Owner") of property platted as Bella Acre Estates, according to the plat thereof as recorded in Plat Book 177, Page 58 of the Broward County, Florida Public Records; and

**WHEREAS**, Owner has requested the following plat modifications:

Request 1: To eliminate the requirement for constructing a left turn lane into the development.

Request 2: To modify the Non-Vehicular Access Line (NVAL) along SW 172<sup>nd</sup> Avenue on a temporary basis to allow for a driveway that serves a construction and sales trailer; and

**WHEREAS**, at a public meeting held on November 14, 2013, Owner modified Request 1 such that the requirement to construct the left turn lane was not mandatory until after two Certificates of Occupancy had been issued on the project for the development of two single family homes; and

**WHEREAS**, although Owner could pull a permit for the development of a third single family home, no Certificate of Occupancy will be issued, temporary or otherwise, until the left turn lane has been completed and approved by the Town; and

**WHEREAS**, the Town Council of the Town of Southwest Ranches, Florida, having considered the Applicant's request, submitted evidence, criteria set forth in the Town's Unified Land Development Code, the analysis and recommendations of the Town Staff, and comments from other interested parties, upon motions duly made and acted upon, approved the modification subject to the conditions set forth herein.

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:**

**Section 1. Recitals.** That the foregoing recital clauses are hereby ratified and confirmed as being true and correct and are hereby incorporated and made a specific part of this Resolution.

**Section 2.** That, upon reviewing the testimony and the evidence submitted at a duly noticed public hearing held November 14, 2013 the Town Council of the Town of Southwest Ranches, hereby amends Resolution No. 2006-020, and approves Delegation Request Application No. DE-18-13, in accordance with the following stipulated conditions:

- (A) The requirement to construct the off-site left hand turn lane on SW 172<sup>nd</sup> Ave. shall not be required until the second (2<sup>rd</sup>) Certificate of Occupancy has been issued for a single family home within this project. Although a building permit may be issued for a third (3<sup>rd</sup>) single family home, a Certificate of Occupancy, temporary or otherwise, may not be issued until the off-site left hand turn lane on SW 172<sup>nd</sup> has been completed and approved by the Town.
- (B) The existing Non-Vehicular Access Line (NVAL) along SW 172<sup>nd</sup> Ave. is modified in accordance with the application provided that the temporary NVAL opening shall expire, and the opening shall be sealed off to vehicular traffic, upon the earlier of March 31, 2015, or within thirty (30) calendar days after the sales trailer site has approved driveway access from the completed internal street, whichever is sooner.
- (C) Petitioner shall pay to the Town of Southwest Ranches an amount equal to the total expenses incurred by the Town in the processing and finalizing of this plat, prior to second and final signoff of the plat. This includes, but may not be limited to, expenses for engineering, planning, legal, advertising, 5 percent administrative fee, and any related expenses that the Town has or will incur as a direct cost of this plat.

**Section 4. Severability.** If any word, phrase, clause, sentence or section of this Resolution is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Resolution, provided that such severability does not affect the intent of this Resolution.

**Section 5. Effective Date.** This Resolution shall become effective immediately upon adoption.

**[Signatures on Following Page]**

DONE AND ORDERED this 14<sup>th</sup> day of November, 2013, on a motion to approve made by Council Member McKay and seconded by Vice Mayor Breitkreuz.

Nelson	<u>YES</u>
Breitkreuz	<u>YES</u>
Jablonski	<u>YES</u>
Fisikelli	<u>YES</u>
McKay	<u>YES</u>

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

TOWN OF SOUTHWEST RANCHES TOWN COUNCIL

By: 

Jeff Nelson, Mayor

This is to certify that this Resolution and Final Order has been filed by the undersigned for the records, and a copy provided to the Applicant and/or authorized agent this 12<sup>th</sup> day of December 2013.

Town of Southwest Ranches Board of Adjustment

By: 

Erika Gonzalez-Santamaria, CMC, Town Clerk

Approved as to Form and Correctness:

  
Keith M. Poliakoff, Town Attorney

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