

RESOLUTION NO. 2014 - 005

A RESOLUTION AND FINAL ORDER OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING RESOLUTION NO. 2008-027, AND APPROVING MODIFICATIONS TO 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; 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 requests Town approval for the temporary construction of a sales trailer, with associated temporary parking facility and driveway; and

WHEREAS, Owner requests Town approval to shift the location of perimeter landscaping and fencing north of the project entrance, in order to align the landscaping and fencing with the right-of-way line of SW 172nd Avenue; and

WHEREAS, Owner requests Town approval to increase the height of the entrance feature by one (1) foot in order to better accommodate two (2) lines of signage copy; and

WHEREAS, Owner requests Town approval to rename "Bella Drive" to "Reserve Court"; 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 site plan modification subject to the conditions set forth herein.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL 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. Site Plan Modification Approval. 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. 2008-0027, and approves Site Plan Modification Application No. SP-54-13, in accordance with the following stipulated conditions:

Drainage and road improvements

1. Within thirty (30) business days of the date of approval of Application No. SP-054-13, and prior to the issuance of any building permit, owner shall record a declaration of restrictive covenants that has been approved by the Town Attorney, acknowledging that the owner must construct or cause the construction of all paving and drainage improvements required by the Town, and that said improvements must be found acceptable by the Town Engineer prior to the issuance of any building permit, except as set forth below. Failure to comply with this condition within the prescribed period shall render the approval of SP-054-13 null and void.
 - a. The Town may issue a building permit for the completion of the existing dwelling on Lot 6, provided that the Town will not issue a Certificate of Occupancy, temporary or otherwise, until the aforementioned improvements have been completed and approved by the Town. If the Florida Building Code has changed since the initial construction has begun, the Applicant shall bring the home into compliance with today's standards, unless the Town's Chief Building Officer advises in writing to the contrary.
 - b. The Town may issue a building permit for the construction of a sales trailer and the Town may also issue a building permit for the construction of a home on one other lot, provided that the Town will not issue a Certificate of Occupancy, temporary or otherwise, for the home on one other lot until the aforementioned improvements have been completed and approved by the Town.

Trailer, Temporary Driveways, and Turn Lane

2. Obtain a building permit for completion of the existing single-family dwelling prior to issuance of the building permit for the construction/sales trailer.
3. Remove the existing asphalt driveway at north end of the property prior to issuance of a Certificate of Occupancy for the trailer.
4. Install all required perimeter and street landscaping shown on the approved site plan along SW 172nd Avenue within 120 calendar days of the date the building permit is issued for the trailer or the home on one other lot, whichever event occurs first. Prior to issuance of a building permit for the trailer, provide a letter of credit acceptable to the Town Attorney for the cost of removing the

trailer should the landscaping not be installed and pass Town inspection within the 120 day period.

5. The trailer, parking area improvements, sales office signage and temporary project sign shall be removed within ten (10) calendar days of the date that a building permit is issued for the final dwelling unit.
6. Town Council approval of Application DE-18-03, and County Commission approval and subsequent recordation of temporary vehicular access agreement are required prior to temporary SW 172nd Avenue driveway construction. Driveway shall be removed the earlier of March 31, 2015, or within thirty (30) calendar days after the trailer site has approved driveway access from the completed internal street, whichever is sooner.
7. In addition to the sales trailer, Owner may receive two certificate of occupancies prior to the construction of the dedicated turn lane. No further certificates of occupancy, temporary or otherwise, will be issued until all off site improvements, including but not limited to construction of the left turn lane on SW 172nd Ave, have been completed and approved by the Town.

Homeowner Association (HOA)

8. Developer shall provide final HOA documents to the Town Attorney for review and approval prior to recordation.
9. Owner shall record an agreement deemed acceptable by Town Attorney allowing police access and citation authority, and access by Town officials and agents in the course of official duties.
10. Owner shall record an agreement deemed acceptable by the Town Attorney obligating the HOA to maintain the multi-use trail and landscaping in the right-of-way adjacent to the plat, and shall indemnify the Town for any liability resulting from landscaping within the right-of-way.
11. HOA documents shall not restrict the keeping of horses or animals except as restricted by the ULDC. Further, HOA documents shall specifically advise potential purchasers that the community cannot be gated, in accordance with the Town's Comprehensive Plan.

Miscellaneous

12. A tree removal permits is required prior to removal of any tree.
13. Update and provide all plan sheets necessary to reflect relocated fence, perimeter hedge and Live Oak Trees.
14. Applicant 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 site plan, including, but may not be limited to, expenses for engineering, planning, legal, advertising, five (5) percent administrative fee, and any

related expenses that the Town has or will incur as a direct cost of this application.

Section 3. 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 4. Effective Date. This Resolution shall become effective immediately upon adoption.

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

Nelson	<u>YES</u>	Ayes	<u>5</u>
Breitkreuz	<u>YES</u>	Nays	<u>0</u>
Jablonski	<u>YES</u>	Absent	<u>0</u>
Fisikelli	<u>YES</u>		
McKay	<u>YES</u>		

[Signatures on Following Page]

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 12th 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, J.D. Town Attorney
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