

RESOLUTION NO. 2014 – 028

A RESOLUTION AND FINAL ORDER OF THE BOARD OF ADJUSTMENT OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING VARIANCE APPLICATION NO. VA-068-14 BY FLORIDA POWER AND LIGHT COMPANY FOR THE ANDYTOWN ELECTRIC SUBSTATION; GRANTING VARIANCES FROM THE TOWN'S UNIFIED LAND DEVELOPMENT CODE, SUBSECTION 045-030(A) (LIMITING THE HEIGHT OF A FENCE OR WALL TO 8 FEET WITHIN REQUIRED YARDS IN THE A-1 DISTRICT) TO ALLOW FOR A TWELVE FOOT HIGH SECURITY WALL AND SUBSECTION 075-070(D) (REQUIRING LANDSCAPING ALONG THE OUTSIDE PERIMETER OF A FENCE OR WALL) TO WAIVE THE LANDSCAPING REQUIREMENT UNTIL SUCH TIME AS A SINGLE FAMILY HOME IS CONSTRUCTED WITHIN 1000 LINEAR FEET OF THE SUBSTATION; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO PROPERLY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Applicant, Florida Power and Light Company, is the owner of approximately 187 acres of real property ("Property") located at 7101 U.S. Highway 27, on the west side of US Highway 27 immediately north of the westerly extension of Sheridan Street, legally described in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, the Applicant proposes to construct a security wall twelve (12) feet in height to replace an existing chain-link fence that is ten (10) feet in height that surrounds the paved and improved electrical substation area that occupies approximately 22 acres within the larger Property; and

WHEREAS, the portion of the Property to which the Application pertains is designated Utilities on the Future Land Use Plan Map and is zoned A-1, Agriculture District; and

WHEREAS, Subsection 045-030(A) of the Town of Southwest Ranches Unified Land Development Code establishes a maximum height of eight (8) feet for any fence or wall located within any required yard in the A-1 District; and

WHEREAS, the Applicant requests relief from Subsection 045-030(A) in order to exceed the maximum permitted fence or wall height within a required yard by four (4) feet in order to construct a twelve (12) foot opaque security wall; and

WHEREAS, the Application requests complete relief from Subsection 075-070(D) landscaping requirements until such time as a single family home is constructed within 1000 linear feet from its Property; and

WHEREAS, the Property is located within a remote portion of Southwest Ranches, and is surrounded by undeveloped land owned by various governmental agencies for conservation, water management, transportation, or sanitary landfill purposes.

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 March 13, 2014, following the review of the staff report and all written and oral evidence received during the public hearing, the Board of Adjustment finds that the Applicant has demonstrated by competent substantial evidence that requested variances are warranted. Accordingly, the Board of Adjustment of the Town of Southwest Ranches hereby grants the Applicant's variance from Subsection 045(A) of the Town's Unified Land Development Code in order to construct a twelve (12) foot high security wall, and Subsection 075-070D of the Town's Unified Land Development Code to waive the landscaping requirements until such time as a single family home is constructed within 1000 linear feet from the Property. The Applicant has agreed that these variances will be in accordance with the following stipulated conditions:

1. In the event that a single-family residence is constructed within 1,000 linear feet of the Property, the Applicant, its successors or assigns, shall, within one hundred and eighty (180) days, cause the outside perimeter of all walls to be fully landscaped in compliance with Subsection 075-070(D) of the Town of Southwest Ranches Unified Land Development Code, as may be amended from time to time.
2. That the Applicant shall pay to the Town an amount equal to the total expense incurred by the Town in processing this application prior to issuance of a building permit for the wall. This fee includes, but, shall not be limited to expenses for engineering, planning, legal, advertising, a five percent administrative fee, and any related expenses that the Town has or will incur as a direct cost of this application.

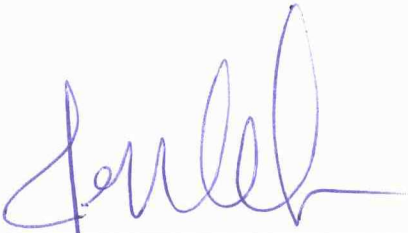
Section 3. The Mayor, Town Administrator and Town Attorney are each authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

Section 4. In furtherance of Section 140-030(H) of the Town's Unified Land Development Code, the Town Clerk is hereby authorized to record a copy of this Resolution in the Public Records of Broward County, Florida

Section 5. 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 March, 2014 on a motion by Council Member McKay and seconded by Council Member Breitkreuz.

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



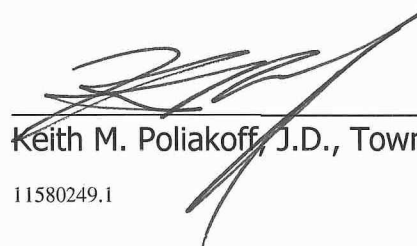
Jeff Nelson, Mayor

ATTEST:



Erika Gonzalez-Santamaria, CMC, Town Clerk

Approved as to Form and Correctness:



Keith M. Poliakoff, J.D., Town Attorney

11580249.1

EXHIBIT "A"

LEGAL DESCRIPTION: FLORIDA POWER & LIGHT COMPANY ANDYTOWN SUBSTATION 89-6 B PARCEL A TOG WITH EVERGLADES LAND CO SUB 2-1 D 3-51-39 TRS 8, 9,24,25, TRS 37,38 LESS ST RD R/W TRS 40,41,42 & PT VAC RD LYING S OF TRS 41 & 42, TRS 43,44 & 53 LESS ST RD R/W, TRS 54,55,56 & PT VAC RD LYING N OF TRS 55 & 56, TRS 57,58,59 & TR 60 LESS ST RD