



Southwest Ranches Town Council

REGULAR MEETING

Agenda of August 28, 2014

Southwest Ranches Council Chambers
7:00 PM THURSDAY

13400 Griffin Road
Southwest Ranches, FL 33330

Mayor
Jeff Nelson

Vice-Mayor
Gary Jablonski

Town Council
Steve Breitzkreuz
Freddy Fisikelli
Doug McKay

Town Administrator
Andrew D. Berns

**Town Financial
Administrator**
Martin Sherwood, CPA CGFO

Town Attorney
Keith M. Poliakoff, J.D.

Town Clerk
Russell C. Muñiz, MMC

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter or hearing impaired to participate in this proceeding should contact the Town Clerk at (954) 434-0008 for assistance no later than four days prior to the meeting.

- 1. Call to Order/Roll Call**
- 2. Pledge of Allegiance**

Quasi-Judicial Hearings

Please be advised that the following items on the Council agenda are quasi-judicial in nature. All witnesses who will testify on any item in this portion of the Agenda will be sworn. Participants who are members of the general public need not be sworn and will not be subject to cross-examination if they are not sworn. However, the Council shall not assign un-sworn testimony the same weight or credibility as sworn testimony in its deliberations.

The applicant has the burden of proof. After the applicant's concluding remarks, the hearing will be closed and no additional testimony, material or argument will be allowed unless the Council chooses to request additional testimony. The members of the Town Council will then deliberate.

All evidence relied upon by reasonably prudent persons in the conduct of their affairs may be considered in these proceedings, regardless of whether such evidence would be admissible in a court. Hearsay evidence may supplement or explain other evidence, but shall not alone support a conclusion unless it would be admissible over objection in court. The material in the Town Council agenda will be considered as evidence without authentication.

Anyone representing an organization must present written evidence of his or her authority to speak on behalf of the organization in regard to the matter under consideration. Each person who appears during a public hearing shall identify himself or herself and give their address, and if appearing on behalf of an organization state the name and mailing address of the organization. The Council may, on its own motion or at the request of any person, continue the hearing to a fixed date, time and place.

No notice shall be required if a hearing is continued to a fixed date, time and place. Any Applicant shall have the right to request and be granted one continuance; however, all subsequent continuance shall be granted at the discretion of the Council and only upon good cause shown.

- 3. Master Sign Plan Amendment** - Consideration of Master Sign Plan Amendment Application SP-059-14, Coquina Station, LLC, owner, Thomas Sign & Awning Co., Inc., petitioner. Property generally located on the north side of Sheridan Street and east of Dykes Road in the Town of Southwest Ranches, and known as Coquina Plaza. Legally described as a portion of Parcel A of Coquina Flats, according to the Plat thereof as recorded in Plat Book 155, Page 29 of the Public Records of Broward County, Florida, said land being situate in Southwest Ranches, Broward County, Florida. Petitioner is seeking amendment of the wall sign criteria of the Coquina Plaza Master Sign Plan on behalf of Publix Super Markets, Inc.
{Petitioner has withdrawn the item}

4. **Variance** - Consideration of Variance Application VA-070-14, Coquina Station, LLC, owner, Thomas Sign & Awning Co., Inc., petitioner. Property generally located on the north side of Sheridan Street and east of Dykes Road in the Town of Southwest Ranches, and known as Coquina Plaza. Legally described as a portion of Parcel A of Coquina Flats, according to the Plat thereof as recorded in Plat Book 155, Page 29 of the Public Records of Broward County, Florida, said land being situate in Southwest Ranches, Broward County, Florida. Petitioner is requesting relief from the maximum allowable dimensions and area for wall signage on behalf of Publix Super Markets, Inc. **{Petitioner has withdrawn the item}**
5. **Public Comment**
 - All Speakers are limited to 3 minutes.
 - Public Comment will last for 30 minutes.
 - All comments must be on non-agenda items.
 - All Speakers must fill out a request card prior to speaking.
 - All Speakers must state first name, last name, and mailing address.
 - Speakers will be called in the order the request cards were received.
 - Request cards will only be received until the first five minutes of public comment have concluded.
6. **Board Reports**
7. **Council Member Comments**
8. **Legal Comments**
9. **Administration Comments**
10. **Ordinance – 2nd Reading** - AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE REZONING OF APPROXIMATELY 1.06 ACRES FROM RURAL ESTATE DISTRICT TO COMMUNITY FACILITY DISTRICT, GENERALLY LOCATED 600 FEET SOUTH OF GRIFFIN ROAD ON THE WEST SIDE OF SW 130TH AVENUE, MORE PARTICULARLY DESCRIBED AS THE SOUTH 173.00 FEET OF THE NORTH 844.00 FEET OF SECTION 26, TOWNSHIP 50 SOUTH, RANGE 40 EAST, LYING SOUTH OF SOUTH NEW RIVER CANAL, LESS THE EAST 2631.70 FEET AND LESS THE WEST 2331.66 FEET, LESS THE EAST 50.00 FEET THEREOF (SOUTH FLORIDA HINDU TEMPLE, 5000 SW 130TH AVENUE, APPLICATION #RZ-017-12); PROVIDING FOR RECORDATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. **{Tabled from the July 10, 2014 Town Council Meeting}**
11. **Ordinance – 1st Reading** - AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING OBJECTIVES AND POLICIES WITHIN SEVERAL ELEMENTS OF THE ADOPTED TOWN OF SOUTHWEST RANCHES COMPREHENSIVE PLAN PERTAINING TO BROWARD COUNTY LAND USE PLAN ("BCLUP") CONSISTENCY REQUIREMENTS, INTERGOVERNMENTAL COORDINATION, AND LOCAL STREET CONNECTIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR RECERTIFICATION BY THE BROWARD COUNTY PLANNING COUNCIL; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE. **{Requires a Super Majority Vote - Second reading will be held at a later date}**

- 12. Resolution** – A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING A CONSERVATION EASEMENT TO BE PLACED ON A PORTION OF THE COUNTRY ESTATES FISHING HOLE PARK IN FURTHERANCE OF THE PERMIT REQUIREMENTS; APPROVING THE FORM OF THE CONSERVATION EASEMENT; AND AUTHORIZING THE MAYOR, TOWN ADMINSTRATOR, AND TOWN ATTORNEY TO EXECUTE THE CONSERVATION EASEMENT.
- 13. Resolution** - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING RESOLUTION NO. 2014-020 TO REPLACE VICE MAYOR JABLONSKI'S APPOINTMENT ON THE SCHOOLS AND EDUCATION ADVISORY BOARD; AND PROVIDING FOR AN EFFECTIVE DATE.
- 14. Discussion** – CSI/Mellgren Planning Group
- 15. Discussion/Motion** – FEMA Reimbursement Settlement
- 16. Approval of Minutes**
 - a. Minutes for July 24, 2014 – Regular Council Meeting
 - b. Minutes for August 12, 2014 – Budget Workshop
- 17. Adjournment**

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

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Town of Southwest Ranches
13400 Griffin Road
Southwest Ranches, FL 33330-2628

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Town Council
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Gary Jablonski, Vice Mayor
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COUNCIL MEMORANDUM

TO: Honorable Mayor Nelson and Town Council

THRU: Andy Berns, Town Administrator

FROM: The Mellgren Planning Group

DATE: August 28, 2014

SUBJECT: SUPPLEMENTAL REPORT FOR REZONING APPLICATION No. RZ-017-12, SOUTH FLORIDA HINDU TEMPLE (SFHT)

RECOMMENDATION: If the Town Council approves the Application, it should do so with the following stipulations:

- a. Execution of the Declaration of Restrictive Covenants (DRC) and Unity of Title Agreement by parties authorized to do so pursuant to an Opinion of Title to be produced by the property owner and found acceptable by the Town Attorney.
- b. No building permit shall be issued for the Property until a plat has been processed and recorded, and a site plan has been approved by the Town.
- c. 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 application, prior to the issuance of the first building permit. This includes, 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.
- d. Revise the conceptual site plan to show two (2) rows of staggered trees along SW 130th Avenue, pursuant to the terms of the DRC.

PREVIOUS ACTION

July 10, 2014 – The Town Council conducted a third public hearing and subsequently deferred final action on the application until August 28, 2014 in order to facilitate potential resolution of the neighborhood's traffic concerns.

March 7, 2013 – The Town Council deferred final action on second reading of the application to a date and time uncertain in order to provide the applicant and the adjacent neighborhood additional opportunity to discuss concerns.

February 7, 2013 - The Town Council approved Application No. RZ-017-12 on first reading subject to the conditions of approval recommended in the staff report, with the following additional stipulations that the petitioner has now incorporated into the declaration of restrictive covenants, attached.

- Increase the height of the perimeter wall from 6 feet to 8 feet.
- Emergency access gate to be opaque.
- Existing house shall be used only for storage upon rezoning.
- Town shall have the right to inspect the existing house to ensure it is being used only for storage as of March 1, 2013.
- Temple shall remove all exotic trees under the power lines by June 1, 2013.

CHANGES TO APPLICATION SUBSEQUENT TO THE MARCH 7, 2013 PUBLIC HEARING

In the months following the Town Council deferral of second reading, the Town Administrator met with residents of the immediate neighborhood in order to obtain additional feedback. The Town Administrator then shared the residents' concerns and ideas with SFHT representatives. In April, 2014, the SFHT submitted a revised proposal.

The revised proposal addresses a key resident concern: that the height and mass of the building would not be residential in character. By reducing the second story from 5,700 square feet to 2,800 square feet (a 50 percent reduction), the size of the second floor will be comparable to that of a large, two-story single-family home. The revised proposal also reduces the maximum height of the building from 32 feet to 28 feet.

In reducing the size of the proposed building's second story (technically to be considered a mezzanine on the new plan), SFHT proposes to expand the ground floor from 5,700 square feet as originally proposed to 7,000 square feet in order to maintain a similar building size to that originally proposed. The total community center building area on the proposed plan is 11,200 square feet, which represents a 200 square-foot reduction from the original plan.

SFHT also agreed to:

- Erect an ornamental metal fence along SW 130th Avenue with landscaping, in lieu of a concrete wall.
- Minimize use of the rezoning parcel driveway by construction traffic.
- Bring all existing parking lot lighting into conformance with the Town's Dark Sky Ordinance.

Please refer to the original agenda report (attached) for the numerous commitments the SFHT had made before second reading in March, 2013.

SUMMARY OF RESIDENT FEEDBACK

The Town Administrator met with residents of 130th Avenue and SW 52nd Street on several occasions. Staff synthesized the feedback into several recommendations for the applicant to consider. Staff met with and discussed the recommendations with the applicant.

Common resident concerns:

1. Traffic on SW 130th Avenue.
2. Insufficient parking.
3. Additional special events, and location of same further into the neighborhood on the site of the proposed community center building.
4. Construction equipment using SW 130th Avenue to access the site.
5. Nonresidential sale of the new building.
6. Landscape buffer design.

7. Lighting intrusion.
8. Noise from patio activity behind the existing temple building.
9. Further expansion conflicts with original representations made when the original site plan was approved.
10. Additional signage.
11. Possible reduction of property values.

DISCUSSION OF RESIDENT FEEDBACK

✚ Resident comments are listed below in *italics*. Staff analysis follows each comment.

1. Traffic on SW 130th Avenue.

- (i) *Resident(s) stated that they already experience traffic congestion from the existing temple facility, which they would like to see ameliorated, and are concerned that expansion will only exacerbate this condition.*

The addition of a community center can be expected to result in additional events and activities that generate traffic at times and/or in volumes that are additional to current operations. The amount of traffic to and from the site at any time will be limited by available parking. Operation of the SFHT facilities in a manner that results in illegally parked cars will be subject to enforcement.

The Institute of Traffic Engineers (ITE) *Trip Generation Manual, 9th Edition* predicts that peak hour (weekend) use of the Property after the expansion would increase 57 percent, from 188 trips to 294 trips. However, the ITE data do not correlate traffic generation with the composition of building space at a place of worship, and therefore has limited value. Moreover, the parking facility—even as proposed to be expanded—cannot accommodate this predicted increase in vehicles. The predicted traffic increase would require an additional 106 parking spaces, whereas only 41 additional spaces can be provided, noting that the existing parking facility is fully utilized during peak periods. Accordingly, the use of the property will be subject to restrictions governing concurrent use of the facilities as part of site plan approval, which will effectively limit the amount of additional peak hour traffic that will be generated. All nonresidential facilities in the Town are subject to code enforcement action should the number of parked cars exceed the number of legal parking spaces onsite.

- ❖ Staff suggested that the SFHT consider closing the SW 130th Avenue driveway to departing traffic after large events, which would address residents' existing complaint that departing traffic clogs SW 130th Avenue and disobeys the stop sign posted at the exit. SFHT has not accepted this recommendation.

Note: The adequacy of the existing left turn lane on Griffin Road will be reevaluated by Broward County Highway Construction and Engineering Division at the time of platting.

- (ii) *Resident(s) stated that some vehicles seeking to enter the temple facility via SW 130th Avenue inadvertently miss the entrance, and turn around in residents' driveways, representing an intrusion into the residential neighborhood.*

The SFHT is proposing new signage adjacent to the SW 130th Avenue entrance that should decrease the number of missed turns into the facility (see No. 10 for further discussion). Residents objected to additional ground signs, so the SFHT has agreed that no new ground sign will be permitted unless the SFHT presents the Town

Council with a specific signage proposal that is of a size and design that is acceptable to the Town Council, after review and comment by residents of SW 130th Avenue and SW 52nd Street.

- (iii) *Resident(s) stated that SFHT should hire BSO traffic details to ensure that exiting vehicles obey the stop sign, and to smooth traffic operations.*

SFHT responded that it provides active traffic management during special events where traffic exceeds weekly levels and off-site parking and shuttles are utilized, but does not believe that it is warranted during weekly peak traffic periods.

- ❖ It is noted that at the time of county plat approval in 1996, the county commission specifically relied on SFHT's commitment on the record that it would hire police to direct traffic if "traffic becomes an impact to the area" (specifically referencing SW 130th Avenue). Based upon resident's complaints in response to the rezoning application, the Town Council could find that peak weekly traffic has become an impact to the neighborhood. Although this representation from 1996 itself is not enforceable, the Town Council may consider this representation in its evaluation of the application for rezoning and expansion of the SFHT.

- (iv) *Resident(s) stated that the SW 130th Avenue driveway into the temple facility is not secondary in terms of traffic volume.*

The original Town staff report characterized the SW 130th Avenue entrance as being secondary in relation to the Griffin Road entrance, given its location on a residential side street and not an arterial roadway. This characterization may not be accurate based upon the distribution of traffic using the two (2) driveways. In the absence of professionally acceptable traffic counts at both driveways, the determination as to which driveway is primary and which is secondary in terms of traffic volumes cannot be made.

- (v) *Resident(s) stated a concern that traffic generated by the expansion will use the existing residential driveway within the rezoning/expansion property, as SFHT traffic already does use this driveway.*

SFHT has already agreed, as part of its voluntary declaration of restrictive covenants ("DRC"), that the residential driveway will be closed to all but emergency vehicle access. All terms of the DRC are enforceable as code requirements, and are subject to additional enforcement remedies set forth in the DRC.

2. Parking.

- i. *Resident(s) stated a concern that parking in the 130th Avenue swale will get worse if the SFHT expands, as it is adding a relative few parking spaces compared to the size of the proposed building.*

SFHT closed the gap in the hedge in response to earlier complaints, and will install a 6-foot ornamental fence with landscaping that will prevent direct access to the preferred east entrance via SW 130th Street. Furthermore, as a condition of site plan approval, SFHT will not be permitted to schedule events and activities in the two buildings that would at any time require a greater number of parking spaces than are available. Again, "overparking" (more cars than legal spaces) is a ULDC violation and is subject to Town enforcement.

SFHT has installed two (2) "No Parking" signs on the west side of SW 130th, and is required to install four (4) more pursuant to the terms of the DRC, including the east

side of the street. All signs will be required to conform to the specifications of standard roadway traffic control signs and include towing language.

3. **Special events.** *Resident(s) stated a concern about disruptive noise and traffic during special events. A bloodmobile parked on the 130th Avenue swale was also mentioned.*

SFHT has agreed in the DRC not to hold any outdoor activity on the community center parcel unless the Town has issued a special event permit. The frequency and duration of outdoor special events is limited by Sec. 035-040 to six (6) events annually. SFHT is required, as a condition of an outdoor event permit for the existing Temple property, to provide for traffic direction and off-site parking.

4. **Construction access.** *Resident(s) commented that construction equipment and related traffic should not be allowed to use 130th Avenue to access the proposed community center construction site.*

The residents' concern appears to be the potential for enduring a prolonged period of construction traffic, perhaps spanning years, should construction progress be tied to ongoing fundraising for each new phase of building and site construction. To address the concern, SFHT has agreed in the DRC to direct construction traffic to use the Griffin Road entrance to the facility unless use of the rezoning parcel driveway is necessary for the safety of congregants during Temple services and events (i.e. at defined times when construction typically does not take place). In order to further address the concern, the opaque gate that SFHT is required to construct (before issuance of building permits for the new community center) must remain closed when not being used for ingress and egress of construction equipment.

5. **Scale of new building.** *Resident(s) stated a concern that the proposed community center building will be larger and higher than the code would allow for a residential structure, and it will look institutional.*

A two-story single-family residence on the subject property can currently be built to exceed 18,000 square feet in area and up to 35 feet in height with a 50-foot front setback and 25-foot side setback. SFHT is proposing to construct 11,200 square feet under roof with a partial second story (25% of the total building area), maximum height of 28 feet, an 81.5-foot front setback, and a 50-foot south side setback.

Staff requested that SFHT consider giving at least the second story of the community center building a residential appearance, using design techniques to reduce the mass of the second story and use a residential-style hip or gable roof. Discussion ensued, and SFHT resisted such a stipulation because of the vagueness of "residential appearance" and a concern that culturally significant aspects of its architecture could be compromised.

However, subsequent to the March 7, 2013 public hearing, SFHT determined that it would reduce the size of the second story from 5,600 square feet to 2,800 square feet and instead increase the building footprint to make up the difference. This revised building massing is more consistent with that of a large single-family residence.

6. **Landscape buffer design.** *Resident(s) stated that they should have input on the design of the buffer (some feel that it is insufficient; some commented that the drainage retention ponds that would be located behind the masonry wall won't benefit the residents because they won't be able to see it, and some residents did not want an 8-foot wall along SW 130th Avenue).*

The landscape buffer design is subject to site plan approval by the Town Council. Residents will be able to review and comment on the proposed buffer design and materials at that time. In response to resident comments, SFHT is substituting an ornamental metal fence for the masonry wall along SW 130th Avenue, and limiting its height to 6 feet, and reducing the height of the future wall on the south property line from eight (8) feet to six (6) feet.

- 7. Lighting.** *Resident(s) are concerned that the site lighting will be brighter than would be permitted in a residential area.*

Lighting fixtures must be full cut-off (shielded on all four sides) and set back at least 50 feet or twice the height of the fixture (an incentive for lower fixtures). All existing lighting must also come into compliance with code requirements for cut-off fixtures prior to issuance of a building permit for the community center building.

- 8. Patio activity.** *Resident(s) complained that the covered patio behind the temple building is used as a place of frequent congregation, including music.*

The covered patio was approved and constructed for outdoor congregation. During several site visits to SFHT, staff observed gatherings on the patio, although noise was either not audible or minimally audible from the street.

- 9. Further expansion.** *Resident(s) are concerned that SFHT can continue to expand into their neighborhood. Resident(s) are concerned that the SFHT is growing into a regional facility that is beyond the scale that the SFHT represented to county government officials when it was originally approved.*

SFHT clearly is, and will be, a larger facility than was originally represented to the Broward County Board of County Commissioners when it obtained approvals in 1996. Several residents of SW 130th Avenue attended one or more of the Commission public hearings and recall these representations, however the representations were not binding upon the property.

The proposed expansion would bring the total site area to 4.6 acres. The Comprehensive Plan limits the size of community facilities to five (5) acres in area, meaning that SFHT could still potentially acquire an additional 0.4 acre for further expansion. Any future building expansion within the existing 4.6 acres of SFHT property would be subject to Town Council amendment of the DRC.

- 10. Additional signage.** *Resident(s) do not want additional temple identification signage on 130th Avenue.*

SFHT is not permitted to erect a monument or other ground sign along SW 130th Avenue pursuant to the DRC unless the Town Council approves the sign based upon its size, design and placement, after considering the input of residents living on SW 130th Avenue and SW 52nd Street. The Town Council may decline to approve a ground sign, and instead allow an alternative sign such as a sign attached to a perimeter fence column.

- 11. Taxes.** *Resident(s) are concerned that the rezoning will remove the proposed community center parcel from the tax rolls.*

The rezoning subject property is already owned by the SFHT, and already receives a property tax exemption as a not-for-profit entity.

- 12. Property values.** *Resident(s) are concerned that the SFHT expansion will lower their property values because of the expansion deeper into their neighborhood.*

The lowering of property value is a common concern among residential property owners when a rezoning is proposed. There are land uses and aspects of development design (height, setbacks, design, access location, etc.) that are incompatible with single-family residential neighborhoods that can be expected to reduce property values.

A place of worship is not a land use that is presumptively incompatible with a single-family neighborhood, and in some contexts, is seen as a desirable amenity. This is one reason that the land use plans of Broward County and its municipalities permit community facilities within the low-density residential land use plan designations. Compatibility of a place of worship with an adjacent single-family neighborhood in a quasi-suburban setting is largely determined by the juxtaposition and orientation of the facility to the neighborhood, physical scale of the buildings in relation to their distance from property lines and extent of buffering, the size of the principal assembly area—which correlates to the amount of traffic that can be potentially generated, access locations, building design, the amount of landscaping (and maintenance thereof), and the concentration of community facilities in an area.

For these reasons, the Town limits the size of a place of worship and most other community facilities to five (5) acres, restricts their location to arterial road frontages, limits their access to arterial roads (unless the facility pre-existed the adoption of these requirements), restricts maximum height to thirty-five (35) feet and Floor Area Ratio to 0.25, requires a 50-foot yard abutting residential zoning and use, prohibits day care centers and schools, and requires dispersal of community facilities within the Town.

All of the preceding protections and limitations do not guarantee that residential property values will be unaffected by the location of a place of worship. In the case of SFHT, the facility already exists, and an incremental yet significant expansion is proposed. The expansion does extend approximately one-third further into the adjacent neighborhood. As a result, SFHT has made several commitments intended to offset any impact the expansion would have on the neighborhood, including building height, building placement, massing design, screening and buffering, use, signage, and lighting. Compatibility with adjacent uses is one of the criteria for evaluating whether or not to grant a petition for rezoning. Staff finds that the restrictions and commitments that are set forth in the DRC and Conceptual Site Plan substantially address the compatibility of the proposed expansion with the neighborhood, and should improve certain existing conditions by virtue of improvements that SFHT is committing to make. Nevertheless, Staff does not have sufficient information to determine whether or not the expansion will reduce the values of abutting and adjacent properties.

Fiscal Impact

N/A

Staff Contact

Jeff Katims, AICP, CNU-A – Deputy Town Planner

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COUNCIL MEMORANDUM

TO: Honorable Mayor Nelson and Town Council

THRU: Andy Berns, Town Administrator

FROM: The Mellgren Planning Group

DATE: June 25, 2014

SUBJECT: SUPPLEMENTAL REPORT FOR REZONING APPLICATION No. RZ-017-12, SOUTH FLORIDA HINDU TEMPLE (SFHT)

RECOMMENDATION: If the Town Council approves the Application, it should do so with the following stipulations:

- a. Execution of the Declaration of Restrictive Covenants and Unity of Title Agreement by parties authorized to do so pursuant to an Opinion of Title to be produced by the property owner and found acceptable by the Town Attorney.
- b. No building permit shall be issued for the Property until a plat has been processed and recorded, and a site plan has been approved by the Town.
- c. 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 application, prior to the issuance of the first building permit. This includes, 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.

PREVIOUS ACTION

February 7, 2013 - The Town Council approved Application No. RZ-017-12 on first reading subject to the conditions of approval recommended in the staff report, with the following additional stipulations that the petitioner has now incorporated into the declaration of restrictive covenants, attached.

- Increase the height of the perimeter wall from 6 feet to 8 feet.
- Emergency access gate to be opaque.
- Existing house shall be used only for storage upon rezoning.
- Town shall have the right to inspect the existing house to ensure it is being used only for storage as of March 1, 2013.
- Temple shall remove all exotic trees under the power lines by June 1, 2013.

March 7, 2013 – The Town Council deferred final consideration of the application on second reading to a date and time uncertain in order to provide the applicant and the adjacent neighborhood additional opportunity to discuss concerns.

CHANGES TO APPLICATION SUBSEQUENT TO THE MARCH 7, 2013 PUBLIC HEARING

In the months following the Town Council deferral of second reading, the Town Administrator met with residents of the immediate neighborhood in order to obtain additional feedback. The Town Administrator then shared the residents' concerns and ideas with SFHT representatives. In April, 2014, the SFHT submitted a revised proposal.

The revised proposal addresses a key resident concern: that the height and mass of the building would not be residential in character. By reducing the second story from 5,700 square feet to 2,800 square feet (a 50 percent reduction), the size of the second floor will be comparable to that of a large, two-story single-family home. The revised proposal also reduces the maximum height of the building from 32 feet to 28 feet.

In reducing the size of the proposed building's second story (technically to be considered a mezzanine on the new plan), SFHT proposes to expand the ground floor from 5,700 square feet as originally proposed to 7,000 square feet in order to maintain a similar building size to that originally proposed. The total community center building area on the proposed plan is 11,200 square feet, which represents a 200 square-foot reduction from the original plan.

SFHT also agreed to:

- Erect an ornamental metal fence along SW 130th Avenue with landscaping, in lieu of a concrete wall.
- Minimize use of the rezoning parcel driveway by construction traffic.
- Bring all existing parking lot lighting into conformance with the Town's Dark Sky Ordinance.

Please refer to the original agenda report (attached) for the numerous commitments the SFHT had made before second reading in March, 2013.

SUMMARY OF RESIDENT FEEDBACK

The Town Administrator met with residents of 130th Avenue and SW 52nd Street on several occasions. Staff synthesized the feedback into several recommendations for the applicant to consider. Staff met with and discussed the recommendations with the applicant.

Common resident concerns:

1. Traffic on SW 130th Avenue.
2. Insufficient parking.
3. Additional special events, and location of same further into the neighborhood on the site of the proposed community center building.
4. Construction equipment using SW 130th Avenue to access the site.
5. Nonresidential sale of the new building.
6. Landscape buffer design.
7. Lighting intrusion.
8. Noise from patio activity behind the existing temple building.
9. Further expansion conflicts with original representations made when the original site plan was approved.
10. Additional signage.
11. Possible reduction of property values.

DISCUSSION OF RESIDENT FEEDBACK

✚ Resident comments are listed below in *italics*. Staff analysis follows each comment.

1. Traffic on SW 130th Avenue.

- (i) *Resident(s) stated that they already experience traffic congestion from the existing temple facility, which they would like to see ameliorated, and are concerned that expansion will only exacerbate this condition.*

The addition of a community center can be expected to result in additional events and activities that generate traffic at times and/or in volumes that are additional to current operations. The amount of traffic to and from the site at any time will be limited by available parking. Operation of the SFHT facilities in a manner that results in illegally parked cars will be subject to enforcement.

The Institute of Traffic Engineers (ITE) *Trip Generation Manual, 9th Edition* predicts that peak hour (weekend) use of the Property after the expansion would increase 57 percent, from 188 trips to 294 trips. However, the ITE data do not correlate traffic generation with the composition of building space at a place of worship, and therefore has limited value. Moreover, the parking facility—even as proposed to be expanded—cannot accommodate this predicted increase in vehicles. The predicted traffic increase would require an additional 106 parking spaces, whereas only 41 additional spaces can be provided, noting that the existing parking facility is fully utilized during peak periods. Accordingly, the use of the property will be subject to restrictions governing concurrent use of the facilities as part of site plan approval, which will effectively limit the amount of additional peak hour traffic that will be generated. All nonresidential facilities in the Town are subject to code enforcement action should the number of parked cars exceed the number of legal parking spaces onsite.

- ❖ Staff suggested that the SFHT consider closing the SW 130th Avenue driveway to departing traffic after large events, which would address residents' existing complaint that departing traffic clogs SW 130th Avenue and disobeys the stop sign posted at the exit. SFHT has not accepted this recommendation.

Note: The adequacy of the existing left turn lane on Griffin Road will be reevaluated by Broward County Highway Construction and Engineering Division at the time of platting.

- (ii) *Resident(s) stated that some vehicles seeking to enter the temple facility via SW 130th Avenue inadvertently miss the entrance, and turn around in residents' driveways, representing an intrusion into the residential neighborhood.*

The SFHT is proposing new signage adjacent to the SW 130th Avenue entrance that should decrease the number of missed turns into the facility (see No. 10 for further discussion). Residents objected to additional ground signs, so the SFHT has agreed that no new ground sign will be permitted unless the SFHT presents the Town Council with a specific signage proposal that is of a size and design that is acceptable to the Town Council, after review and comment by residents of SW 130th Avenue and SW 52nd Street.

- (iii) *Resident(s) stated that SFHT should hire BSO traffic details to ensure that exiting vehicles obey the stop sign, and to smooth traffic operations.*

SFHT responded that it provides active traffic management during special events where traffic exceeds weekly levels and off-site parking and shuttles are utilized, but does not believe that it is warranted during weekly peak traffic periods.

- ❖ It is noted that at the time of county plat approval in 1996, the county commission specifically relied on SFHT's commitment on the record that it would hire police to direct traffic if "traffic becomes an impact to the area" (specifically referencing SW 130th Avenue). Based upon resident's complaints in response to the rezoning application, the Town Council could find that peak weekly traffic has become an impact to the neighborhood. Although this representation from 1996 itself is not enforceable, the Town Council may consider this representation in its evaluation of the application for rezoning and expansion of the SFHT.

- (iv) *Resident(s) stated that the SW 130th Avenue driveway into the temple facility is not secondary in terms of traffic volume.*

The original Town staff report characterized the SW 130th Avenue entrance as being secondary in relation to the Griffin Road entrance, given its location on a residential side street and not an arterial roadway. This characterization may not be accurate based upon the distribution of traffic using the two (2) driveways. In the absence of professionally acceptable traffic counts at both driveways, the determination as to which driveway is primary and which is secondary in terms of traffic volumes cannot be made.

- (v) *Resident(s) stated a concern that traffic generated by the expansion will use the existing residential driveway within the rezoning/expansion property, as SFHT traffic already does use this driveway.*

SFHT has already agreed, as part of its voluntary declaration of restrictive covenants ("DRC"), that the residential driveway will be closed to all but emergency vehicle access. All terms of the DRC are enforceable as code requirements, and are subject to additional enforcement remedies set forth in the DRC.

2. Parking.

- i. *Resident(s) stated a concern that parking in the 130th Avenue swale will get worse if the SFHT expands, as it is adding a relative few parking spaces compared to the size of the proposed building.*

SFHT closed the gap in the hedge in response to earlier complaints, and will install a 6-foot ornamental fence with landscaping that will prevent direct access to the preferred east entrance via SW 130th Street. Furthermore, as a condition of site plan approval, SFHT will not be permitted to schedule events and activities in the two buildings that would at any time require a greater number of parking spaces than are available. Again, "overparking" (more cars than legal spaces) is a ULDC violation and is subject to Town enforcement.

SFHT has installed two (2) "No Parking" signs on the west side of SW 130th, and is required to install four (4) more pursuant to the terms of the DRC, including the east side of the street. All signs will be required to conform to the specifications of standard roadway traffic control signs and include towing language.

- 3. Special events.** *Resident(s) stated a concern about disruptive noise and traffic during special events. A bloodmobile parked on the 130th Avenue swale was also mentioned.*

SFHT has agreed in the DRC not to hold any outdoor activity on the community center parcel unless the Town has issued a special event permit. The frequency and duration of outdoor special events is limited by Sec. 035-040 to six (6) events annually. SFHT is required, as a condition of an outdoor event permit for the existing Temple property, to provide for traffic direction and off-site parking.

4. **Construction access.** *Resident(s) commented that construction equipment and related traffic should not be allowed to use 130th Avenue to access the proposed community center construction site.*

The residents' concern appears to be the potential for enduring a prolonged period of construction traffic, perhaps spanning years, should construction progress be tied to ongoing fundraising for each new phase of building and site construction. To address the concern, SFHT has agreed in the DRC to direct construction traffic to use the Griffin Road entrance to the facility unless use of the rezoning parcel driveway is necessary for the safety of congregants during Temple services and events (i.e. at defined times when construction typically does not take place). In order to further address the concern, the opaque gate that SFHT is required to construct (before issuance of building permits for the new community center) must remain closed when not being used for ingress and egress of construction equipment.

5. **Scale of new building.** *Resident(s) stated a concern that the proposed community center building will be larger and higher than the code would allow for a residential structure, and it will look institutional.*

A two-story single-family residence on the subject property can currently be built to exceed 18,000 square feet in area and up to 35 feet in height with a 50-foot front setback and 25-foot side setback. SFHT is proposing to construct 11,200 square feet under roof with a partial second story (25% of the total building area), maximum height of 28 feet, an 81.5-foot front setback, and a 50-foot south side setback.

Staff requested that SFHT consider giving at least the second story of the community center building a residential appearance, using design techniques to reduce the mass of the second story and use a residential-style hip or gable roof. Discussion ensued, and SFHT resisted such a stipulation because of the vagueness of "residential appearance" and a concern that culturally significant aspects of its architecture could be compromised.

However, subsequent to the March 7, 2013 public hearing, SFHT determined that it would reduce the size of the second story from 5,600 square feet to 2,800 square feet and instead increase the building footprint to make up the difference. This revised building massing is more consistent with that of a large single-family residence.

6. **Landscape buffer design.** *Resident(s) stated that they should have input on the design of the buffer (some feel that it is insufficient; some commented that the drainage retention ponds that would be located behind the masonry wall won't benefit the residents because they won't be able to see it, and some residents did not want an 8-foot wall along SW 130th Avenue).*

The landscape buffer design is subject to site plan approval by the Town Council. Residents will be able to review and comment on the proposed buffer design and materials at that time. In response to resident comments, SFHT is substituting an ornamental metal fence for the masonry wall along SW 130th Avenue, and limiting its height to 6 feet, and reducing the height of the future wall on the south property line from eight (8) feet to six (6) feet.

7. **Lighting.** *Resident(s) are concerned that the site lighting will be brighter than would be permitted in a residential area.*

Lighting fixtures must be full cut-off (shielded on all four sides) and set back at least 50 feet or twice the height of the fixture (an incentive for lower fixtures). All existing lighting must also come into compliance with code requirements for cut-off fixtures prior to issuance of a building permit for the community center building.

8. **Patio activity.** *Resident(s) complained that the covered patio behind the temple building is used as a place of frequent congregation, including music.*

The covered patio was approved and constructed for outdoor congregation. During several site visits to SFHT, staff observed gatherings on the patio, although noise was either not audible or minimally audible from the street.

9. **Further expansion.** *Resident(s) are concerned that SFHT can continue to expand into their neighborhood. Resident(s) are concerned that the SFHT is growing into a regional facility that is beyond the scale that the SFHT represented to county government officials when it was originally approved.*

SFHT clearly is, and will be, a larger facility than was originally represented to the Broward County Board of County Commissioners when it obtained approvals in 1996. Several residents of SW 130th Avenue attended one or more of the Commission public hearings and recall these representations, however the representations were not binding upon the property.

The proposed expansion would bring the total site area to 4.6 acres. The Comprehensive Plan limits the size of community facilities to five (5) acres in area, meaning that SFHT could still potentially acquire an additional 0.4 acre for further expansion. Any future building expansion within the existing 4.6 acres of SFHT property would be subject to Town Council amendment of the DRC.

10. **Additional signage.** *Resident(s) do not want additional temple identification signage on 130th Avenue.*

SFHT is not permitted to erect a monument or other ground sign along SW 130th Avenue pursuant to the DRC unless the Town Council approves the sign based upon its size, design and placement, after considering the input of residents living on SW 130th Avenue and SW 52nd Street. The Town Council may decline to approve a ground sign, and instead allow an alternative sign such as a sign attached to a perimeter fence column.

11. **Taxes.** *Resident(s) are concerned that the rezoning will remove the proposed community center parcel from the tax rolls.*

The rezoning subject property is already owned by the SFHT, and already receives a property tax exemption as a not-for-profit entity.

12. **Property values.** *Resident(s) are concerned that the SFHT expansion will lower their property values because of the expansion deeper into their neighborhood.*

The lowering of property value is a common concern among residential property owners when a rezoning is proposed. There are land uses and aspects of development design (height, setbacks, design, access location, etc.) that are incompatible with single-family residential neighborhoods that can be expected to reduce property values.

A place of worship is not a land use that is presumptively incompatible with a single-family neighborhood, and in some contexts, is seen as a desirable amenity. This is one reason that the land use plans of Broward County and its municipalities permit community facilities within the low-density residential land use plan designations. Compatibility of a place of worship with an adjacent single-family neighborhood in a quasi-suburban setting is largely determined by the juxtaposition and orientation of the facility to the neighborhood, physical scale of the buildings in relation to their distance from property lines and extent of buffering, the size of the principal assembly area—which correlates to the amount of traffic that can be potentially generated, access locations, building design, the amount of landscaping (and maintenance thereof), and the concentration of community facilities in an area.

For these reasons, the Town limits the size of a place of worship and most other community facilities to five (5) acres, restricts their location to arterial road frontages, limits their access to arterial roads (unless the facility pre-existed the adoption of these requirements), restricts maximum height to thirty-five (35) feet and Floor Area Ratio to 0.25, requires a 50-foot yard abutting residential zoning and use, prohibits day care centers and schools, and requires dispersal of community facilities within the Town.

All of the preceding protections and limitations do not guarantee that residential property values will be unaffected by the location of a place of worship. In the case of SFHT, the facility already exists, and an incremental yet significant expansion is proposed. The expansion does extend approximately one-third further into the adjacent neighborhood. As a result, SFHT has made several commitments intended to offset any impact the expansion would have on the neighborhood, including building height, building placement, massing design, screening and buffering, use, signage, and lighting. Compatibility with adjacent uses is one of the criteria for evaluating whether or not to grant a petition for rezoning. Staff finds that the restrictions and commitments that are set forth in the DRC and Conceptual Site Plan substantially address the compatibility of the proposed expansion with the neighborhood, and should improve certain existing conditions by virtue of improvements that SFHT is committing to make. Nevertheless, Staff does not have sufficient information to determine whether or not the expansion will reduce the values of abutting and adjacent properties.

Fiscal Impact

N/A

Staff Contact

Jeff Katims, AICP, CNU-A – Deputy Town Planner

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Previous Agenda Backup from first and second readings in 2013



Town of Southwest Ranches
13400 Griffin Road
Southwest Ranches, FL 33330-2628
(305) 434-0008 Town Hall
(305) 434-1490 Fax

Town
Jeff Nels
Steve Breitreuz, V
Doug McKay, Coun
Freddy Fisikelli, Coun
Gary Jablonski, Coun

Andy Berns, Town A
Keith M. Poliakoff, T
Erika Gonzalez-Santamaria, CMC
Martin D. Sherwood, CPA CGFO, Town Financial A

COUNCIL MEMORANDUM

TO: Honorable Mayor Nelson and Town Council

THRU: Andy Berns, Town Administrator

FROM: The Mellgren Planning Group

DATE: March 7, 2013

**SUBJECT: REZONING APPLICATION No. RZ-017-12
SOUTH FLORIDA HINDU TEMPLE**

Previous Action

The Town Council approved Application No. RZ-017-12 on February 7, 2013, subject to the conditions in the staff report, with the following additional stipulations that the petitioner has now incorporated into the declaration of restrictive covenants, attached.

- Increase the height of the perimeter wall from 6 feet to 8 feet.
- Emergency access gate to be opaque.
- Existing house shall be used only for storage upon rezoning.
- Town shall have the right to inspect the existing house to ensure it is being used only for storage as of March 1, 2013.
- Temple shall remove all exotic trees under the power lines by June 1, 2013.

Issue

The applicant is requesting rezoning of a 1.06 acre property located immediately south of the South Florida Hindu Temple, from RE, Rural Estate District, to CF, Community Facility District.

Background

The subject property ("Property") is located on the west side of SW 130th Avenue, approximately 700 feet south of Griffin Road. The Property is owned by the South Florida Hindu Temple ("Applicant") and lies directly south of the Community Worship Center plat, also owned by the Applicant. The Property contains one single-family residence on 1.06 net acres, is zoned RE, Rural Estate District, and is designated Rural Estate on the Future Land Use Map. Adjacent parcels are zoned RE and contain single family homes to the south and east, and vacant land to the west. The north side of the Property is contiguous to the existing worship center parcel, which is zoned CF, Community Facility District, and designated Rural Estate on the Future Land Use Map.

The Applicant originally filed for rezoning and proceeded to a public hearing in 2009. The Applicant requested an indefinite tabling after the close of the public hearing in order to consider and address feedback from the public and the Town Council. Feedback generally pertained to potential impacts the rezoning could have on the neighborhood. That application did not include a conceptual plan, impact statement, or Unity of Title Agreement as the current application does, all of which address potential impacts. At the same hearing, the Applicant also requested a site plan modification to allow several modular storage buildings at the existing worship center site. The Applicant tabled the site plan application as well and is no longer requesting the modular buildings.

APPLICATION DETAILS AND ANALYSIS

The Applicant's new application for rezoning includes a conceptual site plan, a Unity of Title Agreement for the Property and the existing worship center, and a voluntary Declaration of Restrictive Covenants. Approval of the rezoning would allow the Temple to use the Property to expand their facilities with the addition of a new community center building, which would house areas for religious instruction, cultural events, administrative offices, the priest's living quarters, restrooms and storage. All other uses, including day care or academic instruction, would not be permitted. The full site, containing both the north and south parcels, would contain a total of 4.6 net acres; less than the 5.0-acre maximum acreage limitation in the Community Facility District.

The Town of Southwest Ranches Unified Land Development Code (ULDC) requires that properties in the CF District have frontage on, and access to, certain roads on the Town's perimeter, including Griffin Road. The primary access to the site is from Griffin Road, with an already existing secondary entrance at SW 130th Avenue. There is an existing driveway currently used for the south parcel, which will be gated and used for emergency access only.

In order to comply with the requirement of having frontage on Griffin Road, the Applicant has executed a Unity of Title Agreement to merge the two properties. The combined site will contain the main Temple building, the proposed community center building, and a shared parking lot and playground.

Improvements

The Applicant's conceptual site plan indicates future improvements on the combined properties. The existing single-family residence on the Property, which is the subject of this rezoning application, would be replaced with a two-story community center building totaling not more than 11,400 square feet in building area. The existing worship center consists of a single-story 11,130 square feet building; the sum of both structures would be less than the maximum allowed floor area in the CF District (approximately 50,000 square feet for the combined properties). The maximum allowed lot coverage would not be exceeded with the addition of the proposed community center building. The conceptual plan also shows an extension of the existing parking lot, with additional spaces to provide parking for the proposed community center. Currently, 41 new parking spaces are being provided; however, this number will be evaluated once specific floor plans of the proposed building are submitted with the site plan application. A new walkway connecting the east entrance of the worship center to the northern parking lot will be added, which is a requirement set forth by the previous rezoning and site plan applications for this site. The site will also feature a new open playground area south of the worship center, and two retention ponds east of the proposed community center building. The ponds will also provide a natural open space buffer from street view and the residential uses on the east side of SW 130th Avenue. Central Broward Water Control District will review the retention ponds at time of site plan approval. The existing dumpster enclosure will be relocated in compliance with setback requirements. An existing walkway that provides pedestrian access from Griffin Road will be removed to allow for additional grassed landscape buffering on the west side of the existing facility.

Perimeter Buffer

The Applicant agreed to erect a buffer along the south, east and west property lines. The buffer along the east property line (SW 130th Avenue) will extend the full frontage of the subject Property and will continue along SW 130th Avenue to the general location of the existing driveway into the worship center parcel. Subject to approval by the Town Council, the buffer will include a masonry wall or decorative pre-fabricated panel wall with columns, six (6) feet in height, uninterrupted except for vehicular driveways. Two rows of shade trees will be planted, with one row interior to the wall, and the other row on the outside of the wall, unless waived in writing by the owners of the abutting properties to the south and west. The SW 130th Avenue buffer will contain both rows of shade trees, and will include a continuous hedge on the outside of the wall.

Note that there is a utility easement along the west side of the existing worship parcel, which requires authorization from the applicable utilities in order for the wall to encroach. Similarly, installation of the trees along the outside of the west side wall may require authorization and acceptance from the adjoining property owner. The Applicant has agreed to make diligent efforts to obtain such authorizations as may be necessary to install the west side buffer.

The Applicant has agreed that no building permit shall be issued for any demolition or construction on the Property (south parcel) other than for the perimeter buffer, unless the full buffer along the south and SW 130th Avenue property lines will have been installed and approved on final inspection by the Town at least ninety (90) days prior to issuance of the permit. The Applicant has also stipulated that the buffer along the west property line shall be installed and approved on final inspection by the Town prior to the earlier of: 1) issuance of a certificate of occupancy for the community center building; or 2) one hundred twenty (120) days from the date the Town mails a notice to South Florida Hindu Temple that the adjacent property owner has submitted a site plan application; provided that failure to complete the buffer and receive final inspection within said one hundred twenty (120) days will be a violation of the terms of conceptual site plan approval, and will be prosecutable as a violation of the Town's Code.

Use

The Applicant has agreed that use of the existing single-family dwelling for living quarters will cease immediately upon rezoning; any continued use of the existing dwelling must be passive (e.g. storage), and there shall be no use of the building that would require a change of occupancy under the Florida Building Code. The driveway currently used for the existing dwelling will be closed except for emergency access and for construction use only while a valid building permit is in effect.

The proposed community center building will be used for cultural event gatherings, religious instruction (but not day care or academic instruction), priest's living quarters (not to exceed 1,500 square feet), administrative offices, restrooms, and storage. Other uses, including day care, will not be permitted. Outdoor activities must first be authorized by issuance of a Town Special Event Permit, and no outdoor event will be permitted on the Property until the perimeter landscape buffer and wall previously described has been installed and has passed final inspection by the Town.

Lighting and Signage

Any lighting of the parking lot will require that the fixtures are located a minimum of fifty (50) feet from the south and west property lines, or set back a distance equal to at least twice the height of the fixture if closer than fifty (50) feet. All fixtures must comply with the outdoor lighting restrictions of the ULDC.

The Temple currently has a single ground sign facing Griffin Road. The Applicant has stipulated that there will be no additional ground signage along SW 130th Avenue. A single sign may be permitted at the existing entrance on SW 130th Avenue, either on the buffer wall or at the top of the proposed wrought iron gate to the parking lot.

Note that both lighting and signage are subject to Town Council approval as part of a site plan review.

Considerations for Request

Consideration of a rezoning request must be in conjunction with the criteria contained in Section 130-030 of the Unified Land Development Code (ULDC). These include consideration of materials provided by the petitioner, the public and the staff report, as well as the following criteria enumerated in the ULDC.

(A) That the request does NOT meet any of the following criteria whereby the request would be considered contract, or spot zoning:

- (1) The proposed rezoning would give privileges not generally extended to similarly situated property in the area.
- (2) The proposal is not in the public's best interest and it only benefits the property owner.
- (3) The proposed zoning request violates the Town's Comprehensive Plan.
- (4) The proposed change will result in an isolated district unrelated to adjacent or nearby districts.

If the Town Council finds that the rezoning request does not meet the foregoing criteria above, then the Council must next evaluate the request in conjunction with the four criteria contained immediately below. In evaluating the four criteria contained in (B) below, the Council shall consider the three criteria contained in (C) below.

(B) A zoning modification may be approved if the applicant can demonstrate by competent substantial evidence that the request is consistent with one of the following four criteria:

- (1) That there exists an error or ambiguity that must be corrected.
- (2) That there exists changed or changing conditions that make approval of the request appropriate.
- (3) That substantial reasons exist why the property cannot be used in accordance with the existing zoning.
- (4) That the request would advance a public purpose, including but not limited to, protecting, conserving, or preserving environmentally critical areas and natural resources.

(C) When determining if one of the four (4) criteria delineated in (B), above, has been satisfied, the following considerations shall be made:

- (1) That the request is compatible with surrounding zoning districts and land uses.
- (2) That the request is consistent with, or furthers the goals, objectives, policies, and the intent of the Town's Comprehensive Plan and the Town's Future Land Use Map.
- (3) That the anticipated impact of the application would not create an adverse impact upon public facilities such as schools and streets.

Fiscal Impact

N/A

Staff Contact

Jeff Katims, AICP, CNU-A – Deputy Town Planner

**TOWN OF SOUTHWEST RANCHES
TOWN COUNCIL AGENDA REPORT**

February 7, 2013

SUBJECT: Rezoning application RZ-017-12

ADDRESS: 5000 SW 130th Avenue
Southwest Ranches, FL 33330

LOCATION: Generally located on the west side of SW 130th Avenue, approximately 700 feet south of Griffin Road

APPLICANT: South Florida Hindu Temple
13010 Griffin Road
Southwest Ranches, FL 33330

AGENT: Dilip Nersian, Secretary
South Florida Hindu Temple, Inc.

REQUEST: FROM: RE, Rural Estate District

TO: CF, Community Facility District

PUBLIC NOTICE: Ad in the *Sun-Sentinel*, sign posting, mail notice

EXHIBITS: Staff Report, Aerial Photograph, Conceptual Site Plan, Unity of Title, Declaration of Restrictive Covenants, notification map and mailing label list, and Lobbyist Registration and Ethics Form for applicant and agent

BACKGROUND

The subject property ("Property") is located on the west side of SW 130th Avenue, approximately 700 feet south of Griffin Road. The Property is owned by the South Florida Hindu Temple ("Applicant") and lies directly south of the Community Worship Center plat, also owned by the Applicant. The Property contains one single-family residence on 1.06 net acres, is zoned RE, Rural Estate District, and is designated Rural Estate on the Future Land Use Map. Adjacent parcels are zoned RE and contain single family homes to the south and east, and vacant land to the west. The north side of the Property is contiguous to the existing worship center parcel, which is zoned CF, Community Facility District, and designated Rural Estate on the Future Land Use Map.

The Applicant originally filed for rezoning and proceeded to a public hearing in 2009. The Applicant requested an indefinite tabling after the close of the public hearing in order to consider

and address feedback from the public and the Town Council. Feedback generally pertained to potential impacts the rezoning could have on the neighborhood. That application did not include a conceptual plan, impact statement, or Unity of Title Agreement as the current application does, all of which address potential impacts. At the same hearing, the Applicant also requested a site plan modification to allow several modular storage buildings at the existing worship center site. The Applicant tabled the site plan application as well and is no longer requesting the modular buildings.

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natural open space buffer from street view and the residential uses on the east side of SW 130th Avenue. Central Broward Water Control District will review the retention ponds at time of site plan approval. The existing dumpster enclosure will be relocated in compliance with setback requirements. An existing walkway that provides pedestrian access from Griffin Road will be removed to allow for additional grassed landscape buffering on the west side of the existing facility.

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Note that there is a utility easement along the west side of the existing worship parcel, which requires authorization from the applicable utilities in order for the wall to encroach. Similarly, installation of the trees along the outside of the west side wall may require authorization and acceptance from the adjoining property owner. The Applicant has agreed to make diligent efforts to obtain such authorizations as may be necessary to install the west side buffer.

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Use

The Applicant has agreed that use of the existing single-family dwelling for living quarters will cease immediately upon rezoning; any continued use of the existing dwelling must be passive (e.g. storage), and there shall be no use of the building that would require a change of occupancy under the Florida Building Code. The driveway currently used for the existing dwelling will be closed except for emergency access and for construction use only while a valid building permit is in effect.

The proposed community center building will be used for cultural event gatherings, religious instruction (but not day care or academic instruction), priest's living quarters (not to exceed 1,500 square feet), administrative offices, restrooms, and storage. Other uses, including day care, will not be permitted. Outdoor activities must first be authorized by issuance of a Town Special Event Permit, and no outdoor event will be permitted on the Property until the perimeter landscape buffer and wall previously described has been installed and has passed final inspection by the Town.

Lighting and Signage

Any lighting of the parking lot will require that the fixtures are located a minimum of fifty (50) feet from the south and west property lines, or set back a distance equal to at least twice the height of the fixture if closer than fifty (50) feet. All fixtures must comply with the outdoor lighting restrictions of the ULDC.

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Note that both lighting and signage are subject to Town Council approval as part of a site plan review.

Considerations for Request

Consideration of a rezoning request must be in conjunction with the criteria contained in Section 130-030 of the Unified Land Development Code (ULDC). These include consideration of materials provided by the petitioner, the public and the staff report, as well as the following criteria enumerated in the ULDC.

- (A) That the request does NOT meet any of the following criteria whereby the request would be considered contract, or spot zoning:
- (1) The proposed rezoning would give privileges not generally extended to similarly situated property in the area.
 - (2) The proposal is not in the public's best interest and it only benefits the property owner.
 - (3) The proposed zoning request violates the Town's Comprehensive Plan.
 - (4) The proposed change will result in an isolated district unrelated to adjacent or nearby districts.

If the Town Council finds that the rezoning request does not meet the foregoing criteria above, then the Council must next evaluate the request in conjunction with the four criteria contained immediately below. In evaluating the four criteria contained in (B) below, the Council shall consider the three criteria contained in (C) below.

(B) A zoning modification may be approved if the applicant can demonstrate by competent substantial evidence that the request is consistent with one of the following four criteria:

- (1) That there exists an error or ambiguity that must be corrected.
- (2) That there exists changed or changing conditions that make approval of the request appropriate.
- (3) That substantial reasons exist why the property cannot be used in accordance with the existing zoning.
- (4) That the request would advance a public purpose, including but not limited to, protecting, conserving, or preserving environmentally critical areas and natural resources.

(C) When determining if one of the four (4) criteria delineated in (B), above, has been satisfied, the following considerations shall be made:

- (1) That the request is compatible with surrounding zoning districts and land uses.
- (2) That the request is consistent with, or furthers the goals, objectives, policies, and the intent of the Town's Comprehensive Plan and the Town's Future Land Use Map.
- (3) That the anticipated impact of the application would not create an adverse impact upon public facilities such as schools and streets.

STAFF RECOMMENDATION

1. The Council could choose to deny this application finding that the applicant has failed to show by competent substantial evidence that they have met the requirements of the ULDC.
2. The Council could choose to approve this item finding that the applicant has shown by competent substantial evidence that they have met the requirements of the ULDC.
3. The Council could table this item to seek additional information.
4. The Council could choose to approve this item while considering the voluntary stipulations provided by the Applicant and the following conditions:
 - a. 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 application, prior to the issuance of the first building permit. This includes, 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.

- b. The Declaration of Restrictive Covenants and Unity of Title are subject to Town Attorney as to form.
- c. No building permit shall be issued for the Property until a plat has been processed and recorded, and site plan approved by the Town.

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A&A ARCHITECT, INC.

Architecture • Planning • Construction

Florida State Registered Architectural Corporation

Lic. No.: AA-0003169

2864 OAKBROOK DRIVE
WESTON, FL 33332-3414

AARCHITECT@NETZERO.NET
TEL. 954-349-6966

October 17, 2012

Mr. Jeff Katims
The Mellgren Planning Group
6535 Nova Drive, Suite 110
Fort Lauderdale, FL 33317

RE: **Rezoning Application for the Attached subject Property**
From Rural Estate to Community Facility District to complement existing land use

Dear Mr Katims:

I really want to thank you and Ms. Elizabeth Tsouroukdissian for your time and valuable input during our meeting held on October 11, 2012 in order to assist us with the review of the conceptual plan and rezoning application for the subject property located in the Town of Southwest Ranches. As discussed during the meeting, we have corrected and modified the Conceptual Plan and we are attaching the revised plan with this letter. Following is the summary of significant changes:

1. The two-story proposed building is shown with the dotted outline for conceptual plan purposes and a note has been added to clarify that it is not the final building footprint outline, but necessary to indicate proposed setbacks.
2. The existing driveway will be removed and a new 15'-0" wide Emergency Access road for Emergency Vehicles will be provided.
3. Landscape islands have been added for every 10 parking spaces.
4. A 6'-0" high perimeter wall/fence with landscaping has been added around the entire perimeter of the consolidated property.
5. A new walkway will be added to the front of the east building entrance.
6. Existing concrete slab sidewalk on the west side will be removed and replaced with grass and landscaping.
7. This letter also addresses the construction time-line and the intended use of the existing and proposed structure after rezoning approval.

As you know, the South Florida Hindu Temple (SFHT) board has retained my company, A&A Architect, Inc. to represent them with the proposed conceptual plan and to assist them in the efforts for a successful rezoning of the subject property which also follows the conceptual and legal precedents of a Comprehensive Master Plan zoning criteria. This letter supplements and revises our earlier letter dated August 11, 2012 which included other documents such as: 1) application, 2) fee deposit, 3) surveys, 4) proof of ownership and 5) old conceptual plan.

A&A Architect Inc.,
October 17, 2012

1



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PROPOSED CONCEPTUAL PLAN:

The SFHT bought the subject property in 2002 with an objective to complement the current use of its existing adjacent property. The current temple building and site does not provide sufficient space; parking spaces and kids' play areas to adequately perform some of the community purposes they want to offer to the community. The conceptual plan proposes the following:

1. A two-story mixed used occupancy building for gathering for cultural events, training, priest's living areas (not to exceed 1,500 SF), administrative offices, restrooms and other spiritual support areas.
2. Perimeter Wall/Fence and landscaping on all sides of the combined property with gates to properly buffer the rural estate residential areas.
3. An Emergency Vehicular Access road from the side street for fire department access, and better traffic movement during emergencies.
4. Additional parking for the combined properties including handicap parking as mandated and required by Code requirements.
5. Relocation of a substantial part of the water retention area from the adjacent property.
6. The proposed development clearly represents and provides an improved buffer zone between the two different zoning districts.

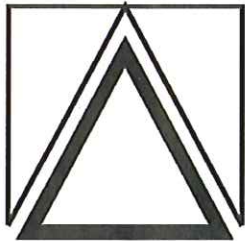
As reflected on the conceptual site plan, the proposed development fully complies and meets all zoning laws and code requirements with regards to pervious/impervious areas, floor area ratios (FAR), building coverage, setbacks from the boundaries, and parking requirements.

CONSTRUCTION TIME-LINE:

Following the approval of the rezoning request, the SFHT plans to begin demolition and start construction within the 6-12 months time frame. The task of preparing the site plan and boundary surveys will start in the next few weeks. Immediately following the approval of the rezoning, we will start the process of combining the titles of the two properties and the application for platting.

INTERIM INTENDED USE:

The existing residential building which is currently used for our priest's living quarters and Sunday classes. The use of this building will cease and desist to exist immediately upon the approval of this rezoning request to avoid any conflicts with the new land use classification and to be in full compliance with all zoning laws and regulations.



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JUSTIFICATION FOR REZONING:

Following the Section 130-030 of the Town of Southwest Ranches Unified Land Development Code for rezoning criteria, we submit the following in support of our request for rezoning the subject property:

I. ALTHOUGH PHYSICALLY ADJACENT TO THE OTHER ZONING DISTRICT PROPERTY CANNOT BE USED IN ACCORDANCE WITH THE EXISTING ZONING – As noted in the application, the property is currently zoned as “RURAL ESTATE DISTRICT” and is adjacent to the property owned by the SFHT, zoned as “COMMUNITY FACILITY”. There is no physical or natural barrier that justifies a different zoning use of the property, and the owner plans to use the property for community purposes for social worthy purposes, including but not limited to education limited to Sunday classes, cultural events, general gathering and worship.

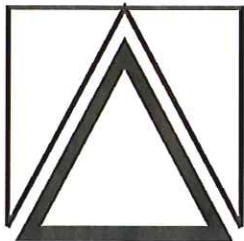
Since the current zoning does not permit such use, this rezoning request is being submitted with the conceptual plan outlining the planned use of the land. The planned use of this property along with the proposed fence and landscaping also creates an effective buffer between the existing COMMUNITY FACILITY and residential RURAL ESTATE DISTRICT.

The attached proposal fully complies and follows the universally accepted criteria for a Comprehensive Master Plan including, but not limited to spot zoning; criteria for the establishment of zoning districts, etc. therefore a positive recommendation from your office prior to the public hearing on the subject matter would be highly appreciated.

II. TO ADVANCE A PUBLIC PURPOSE – This request significantly facilitates advancement of a public purpose. The Hindu community (represented through the SFHT), has been an integral part of the Southwest ranches from 1989 and throughout these years has greatly contributed to the surrounding community with a message of faith, knowledge, peace and harmony. In addition to providing a forum for worship, it has greatly helped to instill and to propagate moral, ethical, religious and human values in people of all ages. The Temple has been at the forefront of a number of community events, free health camps for everyone, charities and assistance with national and international crises (such as 9-11, hurricanes earthquake etc). In its decades of existence, to the best of my knowledge and belief there have been only positive and commendable feedbacks from the community, neighbors, the town and the county.

We all thank you very much for your valuable input and time you granted us for the review of the conceptual plan that as you can see; has successfully incorporated all comments and suggestions your office made during our very productive meeting, which is to be commended.

I am looking forward for the next step in this critically important matter to the community that selected your Town to call it home and play such an important social role.



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TEL. 954-349-6966

Please feel free to contact me anytime via email or at my cellular phone 305-218-8976 with any questions, comments or concerns you might have.

Sincerely,

Juan Carlos Arteaga, AIA, NCARB, CBO, CGC, LEED® AP BD+C
President, A&A Architect

Enclosures

Cc. Dr. ChanderShayker – SFHT Founding Trustee
Dr. Vinod Patel – SFHT Founding Trustee
Mr. NareshBhasin, SFHT Chairperson of Executive Committee
Mr. Naveen Mehan, SFHT Chairperson for Construction Committee
Ms. Smeeta Patel, President of Governing Body
Dr. Ashish Kumar, SFHT Member
File R2012002

ORDINANCE NO. 2014 -

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE REZONING OF APPROXIMATELY 1.06 ACRES FROM RURAL ESTATE DISTRICT TO COMMUNITY FACILITY DISTRICT, GENERALLY LOCATED 600 FEET SOUTH OF GRIFFIN ROAD ON THE WEST SIDE OF SW 130TH AVENUE, MORE PARTICULARLY DESCRIBED AS THE SOUTH 173.00 FEET OF THE NORTH 844.00 FEET OF SECTION 26, TOWNSHIP 50 SOUTH, RANGE 40 EAST, LYING SOUTH OF SOUTH NEW RIVER CANAL, LESS THE EAST 2631.70 FEET AND LESS THE WEST 2331.66 FEET, LESS THE EAST 50.00 FEET THEREOF (SOUTH FLORIDA HINDU TEMPLE, 5000 SW 130TH AVENUE, APPLICATION #RZ-017-12); PROVIDING FOR RECORDATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the South Florida Hindu Temple, Inc. is the owner of the subject property ("Property"), described in Exhibit "A" attached hereto and incorporated herein by reference, has petitioned the Town of Southwest Ranches for a change in the zoning designation for the property from Rural Estate to Community Facility District; and

WHEREAS, the Town Council of the Town of Southwest Ranches, has held two duly advertised public hearings on this rezoning in accordance with Florida law; and

WHEREAS, the property owner has voluntarily proffered, as part of the application for rezoning, certain restrictions and limitations upon the use and development of the Property, attached hereto and incorporated herein by reference as Exhibits "B" and "C"; and

WHEREAS, these restrictions and limitations are intended to maximize the compatibility of such use and development with adjacent properties and to help protect the Town's rural character and lifestyle; and

WHEREAS, the Town Council finds that the application is consistent with the adopted Comprehensive Plan, and satisfies the criteria for the consideration and approval of rezoning applications set forth in the Town of Southwest Ranches Unified Land Development Code.

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

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

Section 2: Zoning change. That in consideration of the proffered restrictions and limitations, attached hereto and incorporated herein by reference as Exhibits "B" and "C", the Town hereby finds that the rezoning is consistent with the Town's Unified Land Development Code and that the zoning map designation of the property described in Exhibit "A", attached

Ordinance No. 2014-____

hereto and incorporated herein by reference, is hereby amended and changed from Rural Estate to Community Facility.

Section 3: Map amendment and recordation. That the Town Administrator or designee shall, immediately following the effective date of this Ordinance, cause this Ordinance to be recorded in the Public Records of Broward County, Florida, and shall cause the Town of Southwest Ranches Official Zoning Map to be updated to reflect this amendment.

Section 4: Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 5: Severability. If any word, phrase, clause, sentence or section of this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

Section 6: Effective Date. This Ordinance shall take effect immediately upon passage and adoption.

PASSED ON FIRST READING this 7th day of February, 2013 on a motion made by _____ and seconded by _____.

PASSED AND ADOPTED ON SECOND READING this __ day of ____, 2014, on a motion made by _____ and seconded by _____.

Nelson _____
Jablonski _____
Fisikelli _____
Breitkreuz _____
McKay _____

Ayes _____
Nays _____
Absent _____
Abstaining _____

Jeff Nelson, Mayor

ATTEST:

Russell Muñiz, MMC, Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, J.D., Town Attorney
ACTIVE: 4462600_1

Ordinance No. 2014-____

EXHIBIT "A"

The South 173.00 feet of the north 844.00 feet of Section 26, Township 50 South, Range 40 East, lying south of the South New River Canal, less the east 2631.70 feet and less the west 2331.66 feet; less the east 50 feet thereof. (Broward County Property Appraiser Tax Folio Number 504026000174).

Ordinance No. 2014-____

EXHIBIT “B”
Unity of Title Agreement

(Attached)

Ordinance No. 2014-____

EXHIBIT “C”

Declaration of Restrictive Covenants

(Attached)

To:

Name: Town of Southwest Ranches.
Address:
13400 Griffin Road
Southwest Ranches, Florida 33330

This Instrument Prepared by:
Juan Carlos Arteaga, AIA, NCARB.
A&A Architect, Inc.
Architecture, Urban Planning, Construction
2864 Oakbrook Drive
Weston, Florida 33332

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR PROCESSING DATA

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS ("Declaration") is made this ____day of _____, 2014 by South Florida Hindu Temple, Inc., a Florida non-profit organization, with a principal address of 13010 W Griffin Road, Town of Southwest Ranches, FL 33330 ("Declarant"); and

WITNESSETH:

WHEREAS, Declarant owns and operates a place of worship, zoned Community Facility District ("CF"), located on 3.548 acres legally described in **Exhibit "A"**, attached hereto and made a part hereof (the "Worship Center Plat"); and

WHEREAS, Declarant also owns a property of approximately 1.056 acres of land, zoned Rural Estate District ("RE") and containing a single-family dwelling, legally described in **Exhibit "A-1"**, attached hereto and made a part hereof (the "Annex Parcel"); and

WHEREAS, Declarant has submitted an application to the Town of Southwest Ranches, a Florida municipal corporation ("Town") to rezone the Annex Parcel from RE to CF in order to construct a community center building for its congregation (the "Application"); and

WHEREAS, the Declarant has proffered a Unity of Title Agreement to the Town, which upon rezoning of the Annex Parcel, will combine and unify the title of the Annex Parcel with that of the Worship Center Plat for a total unified site area of 4.6 acres ("the Unified Property"); and

WHEREAS, the Applicant has proffered a conceptual site plan, attached as **Exhibit "B"**, hereto and made a part hereof ("Conceptual Plan"); and

WHEREAS, Declarant has voluntarily offered to enter into this Declaration to place restrictions on the use and development of the Unified Property in connection with the Application as soon as the application is approved.

NOW, THEREFORE, in consideration of the promises and covenants herein contained, Declarant hereby declares that the Unified Property shall be owned, held, used, and occupied subject to the covenants, restrictions, and regulations hereinafter set forth.

1. **Recitations.** The recitations set forth above are true and correct and are incorporated into this Declaration by this reference.
2. **Conceptual Plan.** The Unified Property shall be developed only in accordance with the Conceptual Plan attached hereto and incorporated herein as Exhibit "B". Development shall be subject to all requirements of the Town of Southwest Ranches Unified Land Development Code ("ULDC"), which may affect the amount, location or configuration of development depicted on the Conceptual Plan. The textual landscaping and screening stipulations herein prevail over the generalized depictions of same shown on the conceptual plan.
3. **Interim Use of Annex Parcel; Inspections.** The use of the existing single-family dwelling on the Annex Parcel for living quarters shall cease immediately upon rezoning of the Annex Parcel. The use of the building shall thereafter be limited to accessory passive storage use only by the Declarant until such time as the building is demolished. No other use of the Annex Parcel shall be permitted until the Town issues a

Certificate of Occupancy for the new community center building. The Town of Southwest Ranches is hereby authorized to inspect the building from time to time to ensure compliance with this paragraph.

4. Permanent Community Center Use of Annex Parcel. Use of the Annex Parcel is permitted only by the owner of the Unified Property, including its congregation membership, and only for the following specified uses in connection with the worship use of the Worship Center Plat and legal occupancy of a new community center building: gathering for cultural events, religious instruction (but not day care or academic instruction), priest's living quarters (not to exceed 1,500 square feet), administrative offices, restrooms, and storage. Any use not specifically listed above is prohibited. Furthermore, no part of the Unified Property shall be leased, and no part shall be utilized by other than the owner of the Unified Property. Notwithstanding the above permitted use, outdoor gatherings within the Annex Parcel shall be prohibited unless the Town has issued an Outdoor Event Permit for the gathering.

5. Perimeter Buffer. Declarant shall erect a buffer along the south, east and west property lines. The buffer along the east property line shall extend the full frontage of the Annex Parcel and at least the portion of the Worship Center Plat south of the SW 130th Avenue parking lot entrance. The buffer shall be erected as shown on the Conceptual Plan, and shall contain the following elements:

- a. *Wall.* An unpierced masonry wall or decorative pre-fabricated panel wall with columns, subject to approval by the Town Council of the Town of Southwest Ranches ("Town Council"), six (6) feet in height along the south and west property lines, and a decorative/ornamental metal fence (ex: aluminum or wrought iron picket) along the SW 130th Avenue frontage of the Worship Center Plat. The fence shall be continuous and unpierced, except for an emergency access gate as shown on the Conceptual Plan. Said access gate shall be six (6) feet in height and shall be opaque. Any masonry wall shall be finished with two (2) courses of stucco and shall be painted a neutral color. Any pre-fabricated panel wall with columns can be of a stamped, colored and texture-treated variety so as to appear site-built of stone or a design approved by the Town Council.
 - i. Since a utility easement exists in between the existing parking lot of the Worship Center Plat and the west property line, Declarant shall request approval from all applicable utilities to allow the wall to encroach within the easement. In the event that the encroachment request is denied, Declarant shall diligently request an easement within the adjoining vacant property to construct and maintain the wall upon said property.
- b. *Exterior trees.* A row of shade trees planted thirty (30) feet on center, located exterior to the wall. This requires that the wall be set back from the property lines in order to accommodate the landscaping regardless of any depictions to the contrary on the Conceptual Plan. Alternatively, along the south and west property lines:
 - i. The Declarant may obtain permission from abutting property owners to locate the landscaping on said properties; or
 - ii. The Declarant can obtain a written waiver from said abutting property owners for the landscaping otherwise required to be placed exterior to the wall facing private property. Any such waiver shall include an acknowledgement by the applicable property owner as to the development plans for the Annex Parcel.
- c. *Interior trees.* A second row of shade trees staggered with the first row, planted thirty (30) feet on center on the interior side of the wall along the south and east (SW 130th Avenue) property lines.
- d. *Exterior hedge.* A continuous hedge shall be planted on the SW 130th Avenue side of the wall and shall be maintained at a height of at least four (4) feet once mature.
- e. *Compliance with ULDC.* All landscape materials and their installation shall comply with the requirements of the ULDC.
- f. *Timing.* No building permit shall be issued for any demolition or construction on the Annex Parcel other than the perimeter buffer, unless the full buffer along the south and SW 130th Avenue property lines shall have been installed and approved on final inspection by the Town at least ninety (90) days prior to issuance of the permit. The buffer along the west property line shall be installed and approved on final inspection by the Town prior to the earlier of: 1) issuance of a certificate of occupancy for the community center building; or 2) one hundred twenty (120) days from the date the town mails notice to SFHT that the adjacent property owner has submitted a site plan application; provided that failure to complete the buffer and receive final inspection within said one hundred twenty (120) days shall be a violation of the terms of conceptual site plan approval, and shall be prosecutable as a violation of the Town's Code.

6. Removal of exotic vegetation. Declarant shall remove all exotic vegetation within all utility easements and under all power lines no later than August 1, 2014. Declarant is responsible for obtaining a Town tree removal permit prior to commencement of this activity.

7. Parking lot lighting. Any new parking lot lighting poles or fixtures shall either be located a minimum of fifty (50) feet from the south and west property lines, or the fixtures shall be set back a distance

equal to at least twice the height of the fixture. All fixtures shall comply with the outdoor lighting restrictions of Article 95 the ULDC. Furthermore, all existing lighting within the Unified Property shall be brought into full compliance with the outdoor lighting restrictions of Article 95 of the ULDC, as required in Sec. 095-050 prior to issuance of a building permit for the proposed community center building.

8. Use of existing driveway on Annex Parcel. The existing driveway on the Annex Parcel shall not be utilized—and the opaque gate across the driveway shall remain in a closed position—except for emergency ingress and egress, and when necessary for the ingress and egress of construction equipment only while a valid building permit is in effect. Declarant agrees to consistently direct construction-related traffic to use the Griffin Road driveway for ingress and egress, except during Temple activities and events when use of the Annex Parcel driveway is necessary for the safety of Temple congregants on the Worship Center Plat premises.

9. Signage. There shall be no ground signage along SW 130th Avenue unless approved by the Town Council at an advertised public hearing after mail notification to each owner of property that accesses either SW 130th Avenue or SW 52nd Street. A freestanding wall sign without changeable copy for “South Florida Hindu Temple”, of a size and design that is determined to be acceptable by the Town Council, shall be permitted in lieu of ground signage at the SW 130th Avenue entrance to the Worship Center Plat, subject to the requirements of Article 70 and clear sight distance requirements.

10. No parking on swale. Declarant shall erect at least three (3) metal “no parking” signs on standard metal posts in the SW 130th Avenue swale on each side of the street with Town “tow-away” signage. Declarant shall obtain approval and permits from Town Engineer prior to installation of signs.

11. Unity of Title. The Unified Property is subject to a Unity of Title recorded in Official Records Book_____, at Page _____ amongst the Public Records of Broward County, Florida. Accordingly, the Unified Property shall be owned and developed by a single owner including, but not limited to, an individual, partnership, corporation, limited liability company, trust or other person or legal entity.

12. Maintenance of the Unified Property. The Unified Property shall be maintained, operated and managed by the Declarant, its successors and/or assigns, in accordance with all applicable governmental laws, rules, ordinances, regulations and code provisions; provided, however, Declarant, its successors and/or assigns, shall be permitted to assign its obligations to maintain, operate and manage the Unified Property to a property association, or a management company.

13. Amendments. This Declaration shall not be modified, amended, released or terminated, except by written instrument, executed by the then owner or owners of the Unified Property, and by Resolution of the Town Council.

14. Recordation and Effective Date. This Agreement shall be recorded in the Public Records of Broward County, Florida, at the sole cost and expense of the Declarant, and the provisions hereof shall constitute a covenant running with the land and shall remain in full force and effect and binding upon the undersigned, its heirs, legal representatives, estate successors, grantees, successors and/or assigns until released as provided for herein. This instrument shall not become effective and shall not be recorded in the Public Records of Broward County, Florida until after approval by the Town of the Application, changing the zoning of the Annex Parcel from RE to CF.

15. These covenants and restrictions during their lifetime shall be for the benefit of, and limitation upon all present and future owners of the Unified Property and for the public welfare.

16. Severability. If any court of competent jurisdiction shall declare any section, paragraph or part hereof invalid or unenforceable, then such judgment or decree shall have no effect on the enforcement or validity of any other section, paragraph or part hereof, and the same shall remain in full force and effect.

17. Captions, Headings and Titles. Articles and paragraph captions, headings and titles inserted throughout this Declaration are intended as a matter of convenience only and in no way shall such captions, headings or titles define, limit or in any way affect the subject matter or any of the terms and provisions there under or the terms and provisions of this Declaration.

18. Context. Whenever the context requires or admits, any pronoun used herein may be deemed to mean the corresponding masculine, feminine or neuter form thereof, and the singular form of any nouns or pronouns herein may be deemed to mean the corresponding plural form thereof and vice versa.

19. This Declaration shall be construed and shall be enforced in accordance with the laws of the State of Florida in the courts of Broward County, Florida.

20. The prevailing party in any action or suit pertaining to or arising out of enforcement of this Declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the

Court may adjudge to be reasonable for costs and attorney’s fees. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

21. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

IN WITNESS WHEREOF, Declarant has executed this Declaration of Restrictive Covenants on the day first above written.

WITNESSES:

South Florida Hindu temple, Inc., a Florida
Non-profit organization

Print Name: _____

By: _____
Print Name: _____

Title: _____

Address: _____

Print Name: _____

STATE OF _____)
) SS
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____day of _____, 2014, by _____, the _____ of South Florida Hindu Temple, Inc., a Florida non-profit organization, freely and voluntarily under authority vested in him/her by said corporation. He/She is personally known to me or has produced as identification.

Notary Public

Typed, printed or stamped name of Notary Public

My Commission Expires: _____

EXHIBIT "A"

"Community Worship Plat"

Tract "A" of the Community Worship Center, according to the plat thereof, as recorded in Plat Book 161, Page 39 of the Public Records of Broward County, Florida.

Together with:

EXHIBIT "A-1"

"Annex Parcel"

The South 173.00 feet of the north 844.00 feet of Section 26, Township 50 South, Range 40 East, lying south of the South New River Canal, less the east 2631.70 feet and less the west 2331.66 feet (Broward County Property Appraiser Tax Folio Number 504026000174).

EXHIBIT "B"

CONCEPTUAL SITE PLAN

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LEGAL DESCRIPTION:

TRACT "A", COMMUNITY WORSHIP CENTER, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 161, PAGE 39 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

TOGETHER WITH:

THE SOUTH 173.00 FEET OF THE NORTH 844.00 FEET OF SECTION 26, TOWNSHIP 50 SOUTH, RANGE 40 EAST, LYING SOUTH OF SOUTH NEW RIVER CANAL, LESS THE EAST 2631.70 FEET AND LESS THE WEST 2331.66 FEET; LESS THE EAST 50.00 FEET THEREOF.

SAID LAND LYING IN BROWARD COUNTY, FLORIDA, CONTAINING 200.695 SQUARE FEET (4.607 ACRES), MORE OR LESS

ZONING DATA

EXISTING ZONING DISTRICT:
RURAL ESTATE

PROPOSED ZONING DISTRICT:
COMMUNITY FACILITY

JUSTIFICATION: THE PLAT SOUTH OF THE COMMUNITY FACILITY DISTRICT BELONGS TO THE SAME OWNER BY ANNEXING THIS LOT TO THE FACILITY PROVIDES A MUCH BETTER BUFFER BETWEEN THE COMMUNITY FACILITY DISTRICT ZONED EXISTING LOT AND THE RURAL ESTATE DISTRICT SOUTH AND WEST OF THE COMMUNITY CENTER. THIS ANNEXATION REQUEST FOR REZONING OF THE SMALL PLOT SOUTH OF THE MAIN COMMUNITY FACILITY PLOT FULLY COMPLIES WITH THE MINIMUM REQUIREMENTS AND THE USE SPECIFIED IN THE UNIFIED LAND DEVELOPMENT CODE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA.

PLOT DATA DESCRIPTION:

LOT SIZE:
MINIMUM REQUIRED: 43,560 SF (1 ACRE)
PLOT SIZE: 46,139.10 SF (1+ ACRES)
FLOOR AREA RATIO:
FAR ALLOWED: 25% (11,534 SF)
FAR PROPOSED: 24% (11,200 SF)
SETBACKS:
NORTH: 0'-0" (MIN REQ'D) - 30'-0" PROPOSED
SOUTH: 50'-0" (MIN REQ'D) - 50'-0" PROPOSED
EAST: 50'-0" (MIN REQ'D) - 81'-6" PROPOSED
WEST: 50'-0" (MIN REQ'D) - 80'-0" PROPOSED
PERVIOUS AREA:
MIN REQUIRED: 18,456 SF (40%)
PROPOSED: 25,570 SF (55%)
FLOOR AREA RATIO:
MAX ALLOWED: 11,534 SF (25%)
PROPOSED: 11,200 SF (24%)
LANDSCAPING:
PROPOSED COMPLETE LANDSCAPE/FENCE BUFFER WHERE ABUTTING DIFFERENT ZONING DISTRICTS

BUILDING DATA:

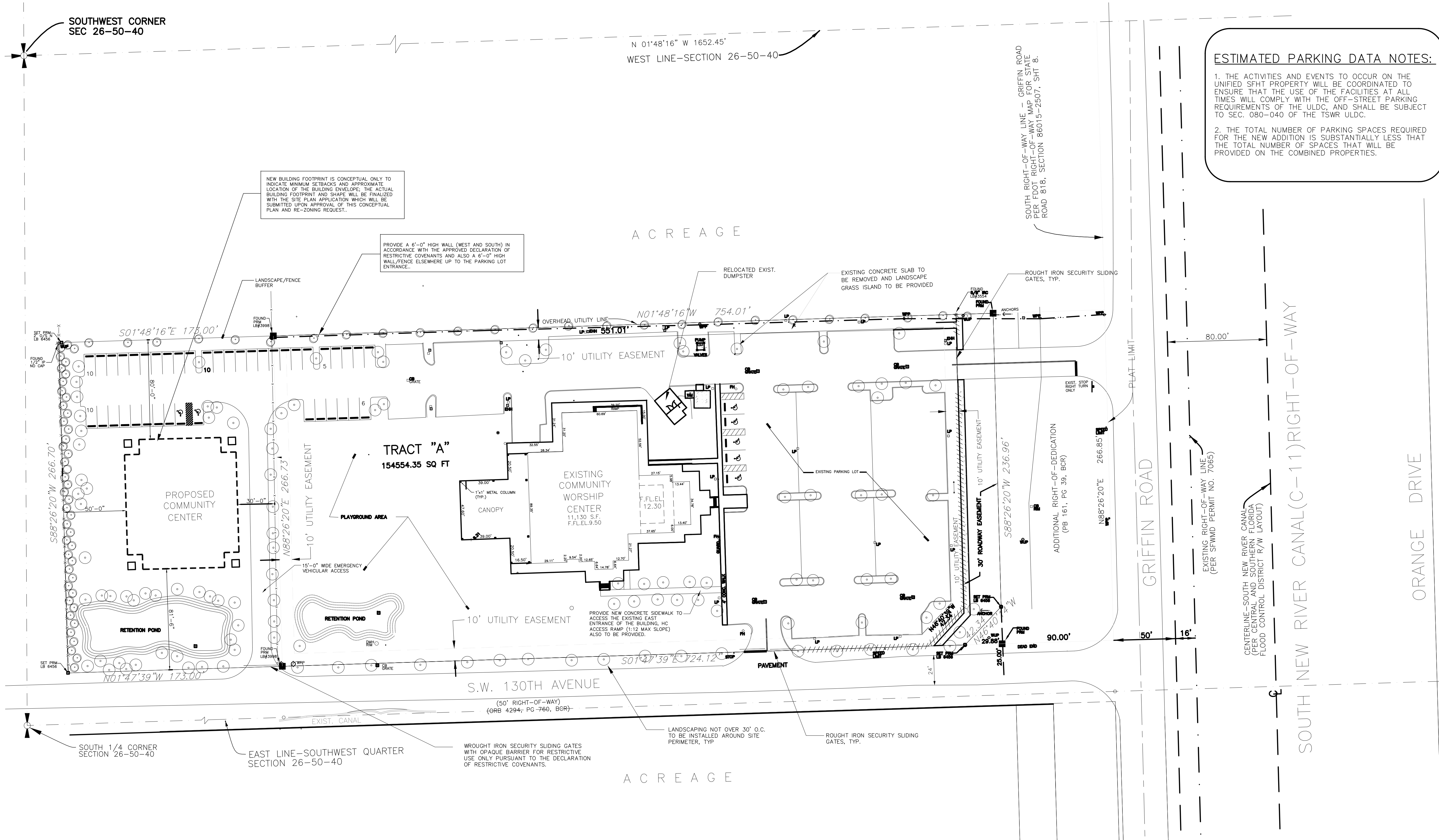
TOTAL BUILDING AREA:
MAX ALLOWED: 11,534 SF
PROPOSED: 11,200 SF
BUILDING HEIGHT:
MAX ALLOWED: 35'-0"
PROPOSED: 28'-0"
NUMBER OF STORIES:
MAX ALLOWED: 3
PROPOSED: 1 + MEZZANINE
TOTAL BUILDING AREA PROPOSED:
TOTAL= 11,200 SF
GROUND FLOOR= 8,400 SF
MEZZANINE= 2,800 SF
ASSEMBLY USE: 4,200 SF
COMMUNITY SERVICES USE: 7,000 SF
TOTAL: 11,200 SF

ESTIMATED PARKING REQUIREMENTS:

OFF-STREET PARKING REQUIREMENTS:
ASSEMBLY/CONGREGATION USE:
1 PER 50 SF OF GROSS FLOOR AREA
4,200/50 = 84 SPACES REQUIRED
MISCELLANEOUS AREAS:
1 PER 200 SF OF GROSS AREA
7,000/200 = 35 SPACES REQUIRED
TOTAL OFF-STREET PARKING REQUIRED:
84 + 35 = 119 PARKING SPACES REQUIRED
OFF-STREET PARKING PROVIDED:
119 SPACES (INCLUDING HC)
NUMBER OF HC REQUIRED SPACES:
AS PER FLORIDA BUILDING CODE, ACCESSIBILITY CHAPTER 2 SCOPING - TABLE 208.2
PARKING SPACES:
119 PARKING SPACES:
MINIMUM 5 HC REQUIRED
5+ HC SPACES PROVIDED
SEE ESTIMATED PARKING DATA NOTES BELOW.

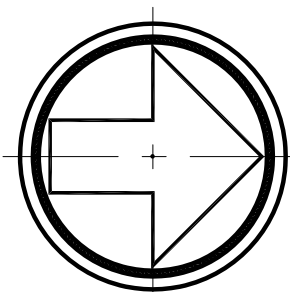
ESTIMATED PARKING DATA NOTES:

1. THE ACTIVITIES AND EVENTS TO OCCUR ON THE UNIFIED SFHT PROPERTY WILL BE COORDINATED TO ENSURE THAT THE USE OF THE FACILITIES AT ALL TIMES WILL COMPLY WITH THE OFF-STREET PARKING REQUIREMENTS OF THE ULDC, AND SHALL BE SUBJECT TO SEC. 080-040 OF THE TSWR ULDC.
2. THE TOTAL NUMBER OF PARKING SPACES REQUIRED FOR THE NEW ADDITION IS SUBSTANTIALLY LESS THAN THE TOTAL NUMBER OF SPACES THAT WILL BE PROVIDED ON THE COMBINED PROPERTIES.



CONCEPTUAL SITE PLAN

SCALE: 1" = 40'-0"

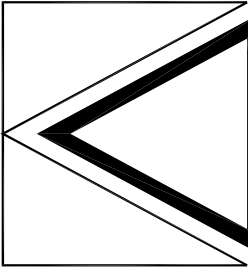


CONCEPTUAL SITE PLAN CLARIFICATION NOTES:

1. INFORMATION SHOWN ON CONCEPTUAL SITE PLAN DATA APPLIES FOR THE EXPANSION PROPERTY FOR WHICH A REZONING IS REQUESTED. A CONSOLIDATED FINAL SITE PLAN WILL BE PREPARED AND SUBMITTED UPON RE-ZONING APPLICATION APPROVAL BY THE TOWN.
2. THE PARKING REQUIREMENTS AND ACTUAL PARKING STALLS TO BE ADDED WILL BE SUBMITTED AT THE TIME OF SITE AND BUILDING PLAN APPROVAL. THIS INFORMATION IS SHOWN HERE JUST TO ILLUSTRATE THAT FINAL SITE PLAN WILL COMPLY WITH ZONING REQUIREMENTS UTILIZING THE SHARED PARKING PROVISIONS OF SEC. 080-040 OF THE ULDC. CONSTRUCTION OF THE COMMUNITY CENTER WILL BE SUBJECT TO FULL COMPLIANCE WITH TSWR OFF-STREET PARKING REQUIREMENTS.
3. ALL INFORMATION SHOWN HERE IS CONCEPTUAL IN NATURE INTENDED ONLY TO INDICATE CONCEPTUAL BUILDING SETBACKS AND LOCATION; DIMENSIONS ARE APPROXIMATIONS WHICH WILL NOT TO BE EXCEEDED AT FINAL SITE PLAN.
4. FINAL SITE PLAN WILL COMPLY WITH ALL APPLICABLE ZONING AND CODE TOWN REQUIREMENTS.
5. ALL OTHER REQUIREMENTS SPECIFIED ON THE DECLARATION OF RESTRICTIVE COVENANTS SHALL APPLY.

A&A ARCHITECT, INC.
Architecture · Planning · Construction
Florida State Registered Architectural Corporation Lic. No.: AA-0003169

2864 OAKBROOK DRIVE
WESTON, FL 33332-3414
Architect@nelzeronet.net
Tel 954-349-6966
Cel 954-907-6566



PROJECT:
SFHT COMMUNITY CENTER
BROWARD COUNTY, FLORIDA

SOUTH WEST RANCHES, FLORIDA

| NO. | REVISION | DATE |
|-----|-----------------------------|------|
| 1 | ADD PERIMETER WALL 10/17/12 | |
| 2 | PLANNING COMMENTS 01/10/13 | |
| 3 | SECOND HEARING 04/01/14 | |
| 4 | REV 2ND HEARING 07/02/14 | |

PROJECT NO.:

2012002

ISSUED DATE:
07/23/12

SCALE:
1" = 40'-0"

DRAWN BY:

JCA

DRAWING TITLE:
CONCEPTUAL SITE PLAN

SHEET NO.

C-1

JUAN CARLOS ARTEAGA, AIA
FLORIDA REG. AR-0014735

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Town of Southwest Ranches
13400 Griffin Road
Southwest Ranches, FL 33330-2628

(954) 434-0008 Town Hall
(954) 434-1490 Fax

Town Council
Jeff Nelson, Mayor
Gary Jablonski, Vice Mayor
Steve Breitreuz, Council Member
Freddy Fisikelli, Council Member
Doug McKay, Council Member

Andy Berns, Town Administrator
Keith M. Poliakoff, Town Attorney
Russell Muñiz, MMC, Town Clerk
Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

TOWN COUNCIL MEMORANDUM

TO: Honorable Mayor Nelson and Council

THRU: Andy Berns, Town Administrator

FROM: Jeff Katims, AICP, CNU-A, Assistant Town Planner

DATE: August 28, 2014

SUBJECT: **Ordinance amending the Text of the Comprehensive Plan mainly to comply with Broward County Planning Council Requirements**

RECOMMENDATION

Staff recommends that the Council approve the proposed ordinance on first reading, thereby authorizing staff to transmit the ordinance to the State Land Planning Agency for review.

ISSUE

The Town is required to amend its comprehensive plan to add or modify objectives and policies needed for consistency with the Broward County Land Use Plan.

BACKGROUND

Pursuant to the Broward County Charter, all adopted municipal land use plans must be consistent with the Countywide Land Use Element, otherwise known as the Broward County Land Use Plan ("BCLUP"). Under the charter, the Broward County Planning Council must certify a municipal plan as being consistent with BCLUP. As well, amendments to municipal land use plans, including text amendments, must be recertified by the Planning Council in order to become legally effective.

The Town recently applied for recertification of all text and map amendments that have been adopted since 2009, including the major plan update known as the "Evaluation and Appraisal Report (EAR) -Based amendments", the recent changes to Recreation and Open Space permitted uses and Community Facility permitted uses, and the map amendments that designated all of the Town's parks as "Recreation and Open Space."

In June, the Broward County Planning Council recertified the Town's Future Land Use Map amendments, but determined that the Town must adopt several changes to objectives and policies in its Comprehensive Plan before the plan can be found fully consistent with the BCLUP. Therefore, the Planning Council granted the Town a "Provisional Recertification", which requires that the Town take remedial actions within 12 months to ensure consistency with the objections BCLUP. The inconsistencies were likely either overlooked during the plan's initial certification or were created during the EAR-Based Amendment process, which entailed a substantial rewrite and reformat of the plan.

ANALYSIS

Staff addressed all of the changes requested by the Planning Council in a manner that was acceptable both to Town staff and the Planning Council staff, and which do not result in any changes to "core" policies that protect the Town's rural lifestyle. Most of the changes relate to intergovernmental coordination and school-related issues. All of the changes are internally consistent with the remainder of the Comprehensive Plan.

The Comprehensive Plan Advisory Board reviewed the proposed ordinance and recommends approval, including three new policies developed by the Board that are unrelated to the provisional recertification. Future Land Use Element (FLUE) Policy 1.3-o on Page 2 of the ordinance addresses actions that the Town should take to effect a "quiet zone" relative to train horns, should the proposed rail corridor west of US 27 come to fruition. Transportation Element (TE) Policy 1.2-e on Page 4 of the ordinance precludes local street connections with SW 184th Avenue. Finally, TE Policy 1.2-f on Page 5 of the ordinance protects the limited access into the Rolling Oaks community.

Should the Council approve the ordinance on first reading, staff will transmit it to the State Land Planning Agency for review. Second reading can be anticipated to occur in early November.

Fiscal Impact

N/A

Staff Contact

Jeff Katims, AICP, CNU-A, Assistant Town Planner

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WHEREAS, provisions of the Local Government Comprehensive Planning and Land Development Regulation Act of 1985, as amended, require adoption of a comprehensive plan; and

WHEREAS, the Town Council of the Town of Southwest Ranches ("Town Council") requested that the Broward County Planning Council ("BCPC") recertify amendments to the Future Land Use Element of the Town of Southwest Ranches Comprehensive Plan ("Comprehensive Plan"); and

WHEREAS, the BCPC issued a report ("Report") outlining several BCLUP objectives and/or policies that are not reflected or adequately referenced within the Comprehensive Plan; and

WHEREAS, the BCPC provisionally recertified several text amendments on June 26, 2014, subject to the Town agreeing to amend its Plan within one year to comply with the Report; and

WHEREAS, the Town Council desires to add policy language addressing interlocal coordination necessary to establish a “quiet zone” around any future rail corridor; and

1 **WHEREAS**, the Town Council desires to add policy language addressing local
2 street connections to the proposed SW 184th Avenue and Rolling Oaks community; and
3

4 **WHEREAS**, the Local Planning Agency of the Town of Southwest Ranches
5 conducted a duly noticed public hearing on August 28, 2014 to consider the
6 amendments; and
7

8 **WHEREAS**, the Town Council finds that the amendments are in the best interests
9 of the residents of the Town of Southwest Ranches, and protect the Town's rural
10 character.
11

12 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE**
13 **TOWN OF SOUTHWEST RANCHES, FLORIDA:**
14

15 **Section 1:** That the foregoing "WHEREAS" clauses are hereby ratified and
16 confirmed as being true and correct and are hereby made a specific part of this
17 Ordinance.
18

19 **Section 2:** That the Future Land Use Element of the adopted Town of
20 Southwest Ranches Comprehensive Plan is hereby amended as follows:
21

22 * * * * *

23 FLUE POLICY 1.3-o In the event that the Florida Department of Transportation
24 engages in project design for a rail corridor within or adjacent to the Town, the
25 Town shall initiate a dialogue with FDOT and the Federal Railroad Administration
26 ("FRA"), and use all available means to establish a "quiet zone" for the
27 Southwest Ranches area in accordance with FRA rules for establishing New Quiet
28 Zones, which may include the use of Supplemental Safety Measures and/or
Alternative Safety Measures at any rail crossings.

29 * * * * *

30 FLUE POLICY 1.15-i: The Town shall not accept a building permit application,
31 nor issue a building permit, for new or additional residential units, unless the
32 applicant presents evidence from Broward County that the impact of the
33 proposed development on public educational sites and facilities has been
34 mitigated by payment of school impact fees, based on the fee schedule and
35 accompanying provisions of the Broward County Land Development Code.
36 Alternative methods of mitigation for school impacts may only be approved via a
37 recorded agreement among the property owner(s), Broward County, and/or the
38 applicable local government(s) and the School Board of Broward County. {BCLUP
39 Policy 8.07.02}
40

FLUE POLICY 1.15-j: The Town shall not accept a building permit application, nor issue a building permit, unless the applicant presents evidence from Broward County either that the impact of the proposed development on the regional transportation network has been mitigated by payment of road impact fees or transit impact fees, based on the appropriate provisions of the Broward County Land Development Code, or that no such payment is due. The County Commission may adopt land development regulations which exempt from this requirement categories of building permits that clearly do not create additional transportation impacts.
{BCLUP Policy 12.01.10}

FLUE POLICY 1.15-k: The Town shall coordinate with the School Board of Broward County to achieve an expedited development review procedure for any proposed public elementary and secondary education facilities within the Town.
{BCLUP Policy 8.07.03}

FLUE POLICY 1.15-l: Intergovernmental Coordination Element Policies 1.3-c and 1.3-e are hereby incorporated by reference.

* * * * *

FLUE POLICY 1.19-g: Post disaster redevelopment and hazard mitigation plans shall include measures encouraging the acquisition of private property and/or redevelopment rights of hazard prone property, if applicable, to reduce future property damages and losses. {BCLUP Policy 8.08.03}

* * * * *

FLUE POLICY 1.21-a: The Town of Southwest Ranches adopts the following Goals, Objectives and Policies as part of the Future Land Use Element in compliance with Broward County's Land Use Plan and Administrative Rules:

**BCLUP
POLICY**

* * * * *

GOAL 5.00.00 – RECREATION & OPEN SPACE USES
OBJECTIVE 5.02.00
POLICY 5.02.01
POLICY 5.02.03
POLICY 5.02.04
OBJECTIVE 5.04.00

**TOWN'S
DIRECTIVE**

~~TE~~ ROS Obj. 1.1
~~TE~~ ROS Obj. 1.2
~~TE~~ ROS Policy 1.2-a
~~TE~~ ROS Policy 1.2-b
~~TE~~ ROS Policy 1.2-c
~~TE~~ ROS Obj. 1.4

POLICY 5.04.01

~~TE~~ ROS Policy 1.4-a

* * * * *

GOAL 8.00.00 – PUBLIC FACILITIES & PHASED GROWTH

* * * * *

POLICY 8.07.02(A)

ICE Policy 1.3-f

* * * * *

POLICY 8.07.09

TE Policy 1.1-m

POLICY 8.07.10

HE Policy 1.1-i

* * * * *

OBJECTIVE 9.02.00 PROTECT WELL FIELDS

POLICY 9.02.03

POLICY 9.02.05

POLICY 9.02.06

CONS Obj. F4 14

CONS Policy II-F4.1.4-a

UE Policy II-F4.3 1.2-w

CONS Policy II-F41.4-d

OBJECTIVE 9.14.00 AIR QUALITY

CONS Obj. ~~1.10~~ 1.11

* * * * *

POLICY 9.02.05

POLICY 9.02.06

UE Policy 1.2-~~wy~~

CONS Policy 1.4-d

UE Policies 1.2-b, 1.2-c*

**[Commentary: UE Policies 1.2-b and 1.2-c, combined with CONS Policy 1.4-d implement BCLUP Policy 9.02.06. It is noted that Chapter 34 of the Broward County Code of Ordinances specifically exempts properties within the Rural Ranches and Rural Estates land use plan designations from the connection requirements that apply elsewhere in Broward County.]*

Section 3: That the Transportation Element of the adopted Town of Southwest Ranches Comprehensive Plan is hereby amended as follows:

* * * * *

TE POLICY 1.1-m: The land development regulations shall provide for safe pedestrian and/or bicycle access to public schools. {BCLUP Policy 8.07.09}

* * * * *

TE POLICY 1.2-e: Local street connections with SW 184th Avenue shall not be permitted. The Town shall further this policy by initiating the vacation and

1 abandonment of the portions of intersecting rights-of-way, easements and
2 reservations that would accommodate such connections, while preserving the
3 east-west continuity of the Town's equestrian and recreation trail system.
4

5 TE POLICY 1.2.-f: Access to the Rolling Oaks community shall continue to be
6 exclusively from Griffin Road via SW 178th Avenue. It shall be the policy of the
7 Town to prohibit street connections that would provide additional access. The
8 Town shall further this policy by initiating the vacation and abandonment of the
9 portions of intersecting rights-of-way, easements and reservations that would
10 accommodate such connections.
11

12
13 **Section 4:** That the Housing Element of the adopted Town of Southwest
14 Ranches Comprehensive Plan is hereby amended as follows:

15 * * * * *

16 HE POLICY 1.1-i: Reserved. The Town shall support the efforts of the School
17 Board of Broward County to achieve diversity within Broward County district
18 schools. {BCLUP Policy 8.07.10}

19 *[Commentary: The Town of Southwest Ranches was founded upon the principal*
20 *of rural character, with Broward County's land use and zoning designations*
21 *requiring 1 and 2-acre minimum lot sizes, where clustering is specifically*
22 *prohibited. In this instance, the Town's founding principles, and the land use*
23 *and zoning policies that Broward County promulgated—and Southwest Ranches*
24 *has subsequently maintained—would result in an internal conflict within the*
25 *Town's adopted comprehensive plan. Therefore, we respectfully submit a*
26 *variation of BCLUP Policy 8.07.10 that allows the plan to remain internally*
27 *consistent.]*
28

29 **Section 5:** That the Intergovernmental Element of the adopted Town of
30 Southwest Ranches Comprehensive Plan is hereby amended as follows:

31 * * * * *

32 ~~ICE POLICY 1.1 c: The Town has chosen to utilize the Broward County Land Use~~
33 ~~Plan "Flexibility Rules," as per County Policies 1.01.03, 1.01.04, 1.02.01, 1.02.02,~~
34 ~~2.04.04, 2.04.05, 3.01.06 and 3.02.02 in order to utilize Broward County's 5%~~
35 ~~commercial flex rule on non-rural land use properties. All proposed uses shall be~~
36 ~~subject to a determination by the Broward County Commission that such~~

1 allocation is compatible with adjacent land uses, and that impacts on public
2 school facilities have been adequately considered.

3 * * * * *

4 ICE POLICY 1.3-f: The Town shall coordinate with the efforts of the School
5 Board of Broward County to address school overcrowding and meet future school
6 needs consistent with the provisions outlined in the Amended Interlocal
7 Agreement for Public School Facility Planning. Also, should the Town at some
8 future time initiate an amendment to the BCLUP and Future Land Use Element to
9 include a mixed use category, said amendment shall also fully incorporate the
10 BCLUP provisions regarding school impact coordination within mixed-use
11 designations. {BCLUP Policy 8.07.02(A)}
12
13

14 **Section 6: Ch. 163, F.S. Transmittal.** That the Town Planner is hereby
15 directed to transmit the amendments set forth herein to the state land planning agency
16 immediately following first reading of this Ordinance, and is hereby directed to transmit
17 the adopted amendments immediately following the second and final reading of this
18 Ordinance.
19

20 **Section 7: Recertification.** That the Town Planner is hereby directed to
21 apply to the Broward County Planning Council for recertification of the Future Land Use
22 Element subsequent to the effective date of this Ordinance, and that the Town Council
23 hereby requests such recertification.
24

25 **Section 8: Conflicts.** All Ordinances or parts of Ordinances, Resolutions or
26 parts of Resolutions in conflict herewith, be and the same are hereby repealed to the
27 extent of such conflict.
28

29 **Section 9: Severability.** If any word, phrase, clause, sentence or section of
30 this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof
31 shall not affect the validity of any remaining portions of this Ordinance.
32

33 **Section 10: Effective Date.** This Ordinance shall take effect 31 days after the
34 Department of Economic Opportunity notifies the Town that the plan amendment
35 package is complete, unless timely challenged pursuant to sec. 163.3184(5), F.S., in
36 which case the Ordinance shall take effect on the date that the Department of
37 Economic Opportunity or the Administration Commission enters a final order
38 determining the adopted amendment to be in compliance.
39
40

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[Signatures on Next Page]

PASSED ON FIRST READING this ___ day of ____, 2014 on a motion made by _____ and seconded by _____.

PASSED AND ADOPTED ON SECOND READING this ___ day of ____, 2014, on a motion made by _____ and seconded by _____.

| | | | |
|------------|-------|------------|-------|
| Nelson | _____ | Ayes | _____ |
| Jablonski | _____ | Nays | _____ |
| McKay | _____ | Absent | _____ |
| Fisikelli | _____ | Abstaining | _____ |
| Breitkreuz | _____ | | |

Jeff Nelson, Mayor

Attest:

Russell Muñiz, MBA, MPA, MMCI , Town Clerk

Approved as to Form and Correctness:

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

111821284.1



Town of Southwest Ranches
13400 Griffin Road
Southwest Ranches, FL 33330-2628

(954) 434-0008 Town Hall
(954) 434-1490 Fax

Town Council
Jeff Nelson, Mayor
Gary Jablonski, Vice Mayor
Steve Breitreuz, Council Member
Freddy Fisikelli, Council Member
Doug McKay, Council Member

Andy Berns, Town Administrator
Keith M. Poliakoff, Town Attorney
Russell Muniz, MMC, Town Clerk
Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor Nelson and Town Council

THRU: Andy Berns, Town Administrator

FROM: Emily McCord, Community Services Coordinator

DATE: August 14, 2014

SUBJECT: **Establishment of a Conservation Easement for the Wetland Portion of Country Estates Fishing Hole Park as Per the South Florida Water Management District Permit**

Recommendation

To place this item on the agenda to approve a conservation easement to be established on approximately 2.5 acres of jurisdictional wetlands in Country Estates Fishing Hole Park as required by the South Florida Water Management District Permit.

Issue

A conservation easement is required as per the Town's SFWMD permit No. 111012-8 for Country Estates Fishing Hole Park.

Background

Approximately 2.5 acres of jurisdictional wetlands have been identified in Country Estates Fishing Hole Park. The permit scope of work includes removing the exotic plant materials by hand cutting, slashing, spraying with an approved herbicide and disposing of the materials offsite.

Fiscal Impact

This conservation easement will have no impact to the Capital Projects Fund account #301-5300-572-63200 (Parks, Recreation and Open Spaces Infrastructure). The Town was awarded a \$25,000 Partners in Preservation Grant from Broward County to remove the exotics from these wetlands.

Staff Contact

Emily McCord, Community Services Coordinator

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RESOLUTION NO.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING A CONSERVATION EASEMENT TO BE PLACED ON A PORTION OF THE COUNTRY ESTATES FISHING HOLE PARK IN FURTHERANCE OF THE PERMIT REQUIREMENTS; APPROVING THE FORM OF THE CONSERVATION EASEMENT; AND AUTHORIZING THE MAYOR, TOWN ADMINSTRATOR, AND TOWN ATTORNEY TO EXECUTE THE CONSERVATION EASEMENT.

WHEREAS, the Town purchased the real property located at 18900 Griffin Road to develop a passive public park; and

WHEREAS, approximately three acres of jurisdictional wetlands have been identified on the site; and

WHEREAS, the Town has received permits from Broward County, South Florida Water Management District (SFWMD), and the Army Corps and Engineers to remove the exotics from the jurisdictional wetlands; and

WHEREAS, it is a requirement of the adopted park Management Plan to improve these wetlands; and

WHEREAS, the Town received a Partners in Preservation Grant from Broward County for the removal of exotic plants from the wetlands in this park; and

WHEREAS, it is a requirement of the SFWMD permit to place a conservation easement on these wetlands; and

WHEREAS, the Town is desirous of satisfying this grant condition.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southwest Ranches, Florida:

Section 1. The above-referenced recitals are true and correct and are incorporated herein by reference.

Section 2. The Town Council hereby approves the establishment of a conservation easement on the Country Estates Fishing Hole Park as referenced in the legal description attached hereto as Exhibit "A" and survey attached hereto as Exhibit "B", which are incorporated herein by reference.

Section 3. The Town Council hereby authorizes the Mayor, Town Administrator, and Town Attorney to enter into the conservation easement in substantially the same form as that attached hereto as Exhibit "C", and to execute any and all documents necessary and proper to effectuate the intent of the Resolution. Once a conservation easement has been effectuated, it shall remain as a covenant running with the land into perpetuity.

PASSED AND ADOPTED by the Town Council of the Town of Southwest

Ranches, Florida, this ____ day of _____, _____ on a motion by

_____ and seconded by _____.

Nelson _____
Jablonski _____
Breitkreuz _____
Fisikelli _____
McKay _____

Ayes _____
Nays _____
Absent _____
Abstaining _____

Jeff Nelson, Mayor

Attest:

Russell Muñiz, MMC, Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, Town Attorney

111795706.1

EXHIBIT A

ALL THAT PART OF TRACT 52 SOUTH OF THE SOUTH NEW RIVER CANAL AND ALL OF TRACT 61, OF ``THE EVERGLADES LAND COMPANY'S SUBDIVISION OF SECTION 36 AND SOUTH HALF OF SECTION 25, TOWNSHIP 50 S., RANGE 39 E.", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 63 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. SAID LAND SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA.

ALSO KNOWN AS:

ALL THAT PORTION OF TRACT 52 THAT LIES SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF THE SOUTH NEW RIVER CANAL AND ALL OF TRACT 61 IN SECTION 25, TOWNSHIP 50 SOUTH, RANGE 39 EAST, ALL OF THE ABOVE ACCORDING TO THE PLAT OF ``THE EVERGLADES LAND COMPANY'S SUBDIVISION OF SECTION 36 AND SOUTH HALF OF SECTION 25, TOWNSHIP 50 SOUTH, RANGE 39 EAST", AS RECORDED IN PLAT BOOK 1, PAGE 63 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. SAID LAND SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA.

LESS AND EXCEPT THEREFROM

PARCEL 121

A PORTION OF TRACT 52, OF ``THE EVERGLADES LAND COMPANY'S SUBDIVISION OF SECTION 36 AND SOUTH HALF OF SECTION 25, TOWNSHIP 50 S., RANGE 39 EAST", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 63 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA AND LYING IN SECTION 25, TOWNSHIP 50 SOUTH, RANGE 39 EAST, BROWARD COUNTY, FLORIDA CONVEYED TO BROWARD COUNTY, FLORIDA BY VIRTUE OF WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 20978, PAGE 952, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 25; THENCE NORTH 00°07'32" WEST ALONG THE EAST LINE OF SAID SECTION 25 FOR 1156.60 FEET; THENCE SOUTH 88°07'59" WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF THE C-11 CANAL FOR 1992.08 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°34'35" EAST FOR 26.19 FEET; THENCE NORTH 88°56'04" WEST FOR 179.42 FEET; THENCE NORTH 01°52'01" WEST FOR 17.00 FEET; THENCE NORTH 88°07'59" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF THE C-11 CANAL FOR 179.78 FEET TO THE POINT OF BEGINNING;

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Document prepared by:
Carol Capri Kalliche, Attorney at Law
Arnstein & Lehr LLP
200 East Las Olas Blvd.
Suite 1000
Fort Lauderdale, FL 33301

Return recorded document to:
Broward County Environmental Protection and
Growth Management Department
Development and Environmental Regulation Division
1 North University Drive, Suite 301
Plantation, Florida 33324

Town of Southwest Ranches
JOINT DEED OF CONSERVATION
EASEMENT AND AGREEMENT

THIS JOINT DEED OF CONSERVATION EASEMENT ("Conservation Easement") is given this ____ day of _____, 2014 by Town of Southwest Ranches, a Florida municipal corporation ("Grantor") whose mailing address is 13400 Griffin Road Southwest Ranches, FL 33330 to the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, Florida 33406, and Broward County, a political subdivision of the state of Florida, 115 South Andrews Avenue, Room 423, Fort Lauderdale, Florida 33301 (collectively referred to as "Grantees"). As used herein, the term "Grantor" shall include any and all heirs, assigns, successors, or successors-in-interest of the Grantor, and all subsequent owners of the "Property" and "Conservation Area(s)" (as hereinafter defined) and the term "Grantees" shall include any successors, successors-in-interest or assignees of Grantees.

W I T N E S S E T H

WHEREAS, the Grantor is the owner of certain lands situated in Broward County, Florida, and more specifically described in Exhibit A, attached and incorporated herein by reference and referred to as the ("Property"); and

WHEREAS, the Grantor desires to construct a park-site with a wetland area ("Project") on the Property, which Project is subject to regulatory jurisdiction of the South Florida Water Management District ("District") and the Broward County Environmental Protection and Growth Management Department ("EP&GMD or the County"); and

WHEREAS, EP&GMD License No. DF11-1152 as may be modified or reissued and District Permit No. 06-06509-P ("District Permit") as may be modified authorize certain activities which affect waters in or of the State of Florida, and/or regulated aquatic or wetland resources located in Broward County, Florida.

[Type here]

WHEREAS, the Grantor has developed and proposed as part of the license and permit conditions a conservation tract, and buffers, as described in Exhibit B attached hereto and incorporated by reference, involving creation, restoration, enhancement and/or preservation of the wetland and/or upland systems ("Conservation Area"); and

WHEREAS, the Grantor, in consideration of the consent granted by the EP&GMD License and District Permit, is agreeable to granting and securing to the Grantees a perpetual Conservation Easement as defined in Section 704.06, Florida Statutes, over the Conservation Area.

NOW, THEREFORE, in consideration of the issuance of the EP&GMD License and District Permit, to construct and operate the permitted activity, and as an inducement to Grantees in issuing the EP&GMD License and District Permit, together with other good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, Grantor hereby grants, creates, and establishes a perpetual Conservation Easement for and in favor of the Grantees upon the Conservation Area which shall run with the land(s) as described in Exhibits A and B, and be binding upon the Grantor, and shall remain in full force and effect forever.

The scope, nature, and character of this Conservation Easement shall be as follows:

1. Recitals. The recitals hereinabove set forth are true and correct and are hereby incorporated into and made a part of this Conservation Easement.

2. Purpose. It is the purpose of this Conservation Easement to retain land and/or water of the Conservation Area in their natural, vegetative, hydrologic, scenic, open, agricultural or wooded condition and to retain such areas as suitable habitat for fish, plants or wildlife. It is the purpose and intent of this Conservation Easement to assure that the Conservation Area will be retained and maintained forever predominantly in the vegetative and hydrologic condition as specified in the EP&GMD License and District Permit. The Conservation Area shall be maintained forever by the Grantor, in the enhanced, restored, preserved and/or created conditions required by the EP&GMD License and District Permit. To carry out this purpose, the following rights are conveyed to Grantees by this Conservation Easement:

(a) To enter upon and cross such portions of the Property and the Conservation Area in a reasonable manner and at reasonable times with any necessary equipment or vehicles to ensure compliance and to enforce the rights herein granted.

. Page 2 of 8

(b) To enjoin any activity on or use of the Conservation Area that is inconsistent with this Conservation Easement and to enforce the restoration of such areas or features of the Conservation Area that may be damaged by any inconsistent activity and/or use.

3. Prohibited Uses. Except for the restoration, creation, enhancement, maintenance and monitoring activities, surface water management improvements, or other activities and improvements related to the Conservation Area that are permitted or required by the EP&GMD License and the District Permit, the following activities are prohibited in or on the Conservation Area:

- (a) Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground;
- (b) Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;
- (c) Removal or destruction of trees, shrubs, or other vegetation, except for the removal of nuisance or exotic vegetation as approved by EP&GMD and District;
- (d) Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface;
- (e) Surface use except for purposes that permit the land or water area to remain in its natural or enhanced vegetative and hydrologic condition as specified in the EP&GMD License and District Permit;
- (f) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation, including but not limited to ditching, diking, and fencing;
- (g) Acts or uses detrimental to said aforementioned retention and maintenance of land or water areas; and
- (h) Acts or uses detrimental to the preservation of any features or aspects of the Conservation Area having historical, archeological or cultural significance.

4. Grantor's Reserved Rights. Grantor reserves all rights as owner of the Conservation Area, including the right to engage in uses of the Conservation Area that are not prohibited herein and which are not inconsistent with the intent

and purpose of this Conservation Easement, or any District rule, criteria, or permit, or any County ordinance, license or approval.

5. No Dedication. No right of access by the general public to any portion of the Conservation Area is conveyed by this Conservation Easement.

6. Grantees' Liability. Grantees shall not be responsible for any costs or liabilities related to the operation, upkeep, and maintenance of the Conservation Area and Grantor does hereby indemnify and hold harmless the Grantees from the same.

7. Acts Beyond Grantor's Control. Should any Conservation Area be injured or changed from natural causes, including but not limited to fire, flood, storm and earth movement, the Grantor shall be provided notice and a reasonable opportunity to restore the affected Conservation Area to a condition that satisfies the EP&GMD License and District Permit requirements prior to either Grantee bringing any action for noncompliance with the EP&GMD License and District Permit.

8. Property Taxes. Grantor shall pay any and all real property taxes and assessments levied by competent authority on the Conservation Area. Grantor shall keep the payment of taxes and assessments on the Conservation Area or Property current and shall not allow any lien on the Conservation Area or Property superior to this Conservation Easement. In the event Grantor fails to extinguish or obtain a subordination of such lien, in addition to any other remedy, the Grantees may, but shall not be obligated to, elect to pay the lien on behalf of the Grantor and Grantor shall reimburse Grantees for the amount paid by the Grantees, together with Grantees' reasonable attorney's fees and costs, with interest at the maximum rate allowed by law, no later than thirty days after such payment. In the event the Grantor does not so reimburse the Grantees, the debt owed to Grantees shall constitute a lien against the Conservation Area and/or Property which shall automatically relate back to the recording date of this Conservation Easement. Grantees may foreclose this lien on the Conservation Area or Property in the manner provided for mortgages on real property.

9. Enforcement. The terms and conditions of this Conservation Easement may be enforced by the Grantees by injunctive relief and other available remedies. In any action in which the Grantees prevail, the Grantees shall be entitled to recover the cost of restoring the Conservation Area to the natural vegetative, hydrologic, scenic, open, agricultural or wooded condition existing at the time of execution of this Conservation Easement or to the vegetative and hydrologic condition required by the aforementioned EP&GMD License and

District Permit. Venue for said actions shall be exclusively in the Seventeenth Judicial Circuit, in and for Broward County, Florida. These remedies are in addition to any other remedy, fine or penalty which may be applicable under the most recent versions of Chapter 27 of the Broward County Code of Ordinances, Chapter 40E-4, F.A.C., et. seq., Chapter 373, Florida Statutes, or as otherwise provided by law. Enforcement of the terms, provisions, and restrictions of this Conservation Easement shall be at the reasonable discretion of Grantees, and any forbearance on behalf of Grantees to exercise their rights hereunder in the event of any breach hereof by Grantor, shall not be deemed or construed to be a waiver of Grantees' rights hereunder.

10. Assignment. Grantees will hold this Conservation Easement exclusively for conservation purposes. Grantees will not assign their rights and obligations under this Conservation Easement except to another organization or entity qualified to hold such interests under the applicable state laws.

11. Restoration. Grantor agrees to restore the Conservation Area to the vegetative and hydrologic condition required by the aforementioned EP&GMD License and District Permit if any third party exercises any easement right or property interest or conducts any other activity on the property that causes damage, degradation or negative impacts to the Conservation Area.

12. Maintenance. Grantor's obligation to retain and maintain the Conservation Area forever predominantly in the vegetative and hydrologic condition as herein specified shall run with the lands(s) described in Exhibits A and B, and shall be binding upon the Grantor, and shall inure to the benefit of the Grantees, and more particularly set forth herein. The intent of this Conservation Easement is that the responsibilities and liabilities associated with the Conservation Easement shall run with the land(s) described in Exhibits A and B, and be binding upon the fee simple title holder of those land(s) as required hereunder.

13. Severability. If any provision of this Conservation Easement or the application thereof to any person or circumstances is found to be invalid, the remainder of the provisions of this Conservation Easement shall not be affected thereby, as long as the purpose of the Conservation Easement is preserved.

14. Written Notice. All notices, consents, approvals or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor-in-interest.

15. Terms and Restrictions. The terms, conditions, restrictions and purpose of this Conservation Easement shall be inserted by Grantor in any subsequent deed or other legal instrument by which Grantor divests itself of any interest in the land(s) described in Exhibit A or B. Any future holder of the Grantor's interest in the land(s) described in Exhibit A or B shall be notified in writing by Grantor of this Conservation Easement.

16. Modifications. This Conservation Easement may be amended, altered, released or revoked only by written agreement between the Grantor and Grantees.

TO HAVE AND TO HOLD unto Grantees forever. This Conservation Easement shall be recorded in the Public Records of Broward County and the covenants, terms, conditions, restrictions and purpose imposed with this Conservation Easement shall not only be binding upon Grantor, but also its agents, heirs, assigns, successors and successor-in-interest and shall continue as a servitude running in perpetuity with the land(s) described in Exhibits A and B.

Grantor hereby covenants with said Grantees that Grantor is lawfully seized of said Conservation Area in fee simple; that the Conservation Area is free and clear of all encumbrances that are inconsistent with the terms of this Conservation Easement and all mortgages have been joined or subordinated; that Grantor has good right and lawful authority to convey this Conservation Easement; and that it hereby fully warrants and defends the title to this Conservation Easement hereby conveyed against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Town of Southwest Ranches has hereunto set its authorized hand this _____ day of _____, 2014.

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SIGNATURES ON FOLLOWING PAGES**

. Page 6 of 8

TOWN OF SOUTHWEST RANCHES

ATTEST: By: _____
Jeff Nelson, Mayor

Russell Muñiz, Town Clerk By: _____
Andrew Berns, Town Administrator

Approved as to Form and Correctness: Dated: _____, 2014

Keith Poliakoff, Town Attorney

STATE OF FLORIDA :
COUNTY OF BROWARD :

The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by JEFF NELSON, as Mayor and ANDREW BERNs, as Town Administrator for the Town of Southwest Ranches, who are personally known to me, or produced _____ as identification, and he/she did/did not take an oath.

My Commission Expires:

Notary Public

Printed name of Notary

ACCEPTANCE BY BROWARD COUNTY

The Broward County Board of County Commissioners hereby accepts this
Conservation Easement for EP&GMD License No.

_____.

ATTEST;

BROWARD COUNTY, through its
BOARD OF COUNTY COMMISSIONERS

County Administrator and
Ex-Officio Clerk of the
Board of County Commissioners
of Broward County, Florida

By _____
Mayor

_____ day of _____, 20 _____.

Approved as to form by
Office of County Attorney
Broward County, Florida
JEFFREY J. NEWTON, County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-6968

Assistant County Attorney

111723963.1

DESCRIPTION

THAT PORTION OF TRACT 61 OF "THE EVERGLADES LAND COMPANY'S SUBDIVISION OF SECTION 36 AND THE SOUTH HALF OF SECTION 25, TOWNSHIP 50 SOUTH, RANGE 39 EAST" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 63 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, AND LYING IN SECTION 25, TOWNSHIP 50 SOUTH, RANGE 39 EAST, DESCRIBED AS FOLLOWS COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 25; THENCE RUN NORTH 00°43'23" WEST (BASIS OF BEARINGS A GRID BEARING) 299.53 FEET ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE RUN NORTH 89°16'37" EAST 77.34 FEET TO THE POINT OF BEGINNING;

THENCE RUN NORTH 4°02'26" WEST 63.00 FEET;

THENCE RUN NORTH 2°17'30" EAST 54.28 FEET; THENCE RUN NORTH 72°23'02" EAST 61.25 FEET;

THENCE RUN NORTH 88°30'26" EAST 69.22 FEET; THENCE RUN NORTH 52°27'16" EAST 25.60 FEET;

THENCE RUN NORTH 02°06'36" EAST 31.89 FEET; THENCE RUN NORTH 40°33'46" EAST 134.91 FEET;

THENCE RUN NORTH 82°15'59" EAST 54.85 FEET; THENCE RUN SOUTH 58°55'50" EAST 46.80 FEET;

THENCE RUN SOUTH 27°52'37" EAST 49.15 FEET; THENCE RUN SOUTH 21°43'27" EAST 46.22 FEET;

THENCE RUN SOUTH 46°39'18" EAST 63.66 FEET; THENCE RUN SOUTH 70°12'44" EAST 76.60 FEET;

THENCE RUN SOUTH 40°53'42" EAST 61.15 FEET; THENCE RUN SOUTH 04°29'39" WEST 55.02 FEET;

THENCE RUN NORTH 88°21'56" WEST 302.53 FEET; THENCE RUN NORTH 89°10'37" WEST 128.74 FEET;

THENCE RUN SOUTH 86°03'29" WEST 72.78 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN THE TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA AND CONTAINING 2.0062 ACRES, MORE OR LESS.

GRIFFIN ROAD

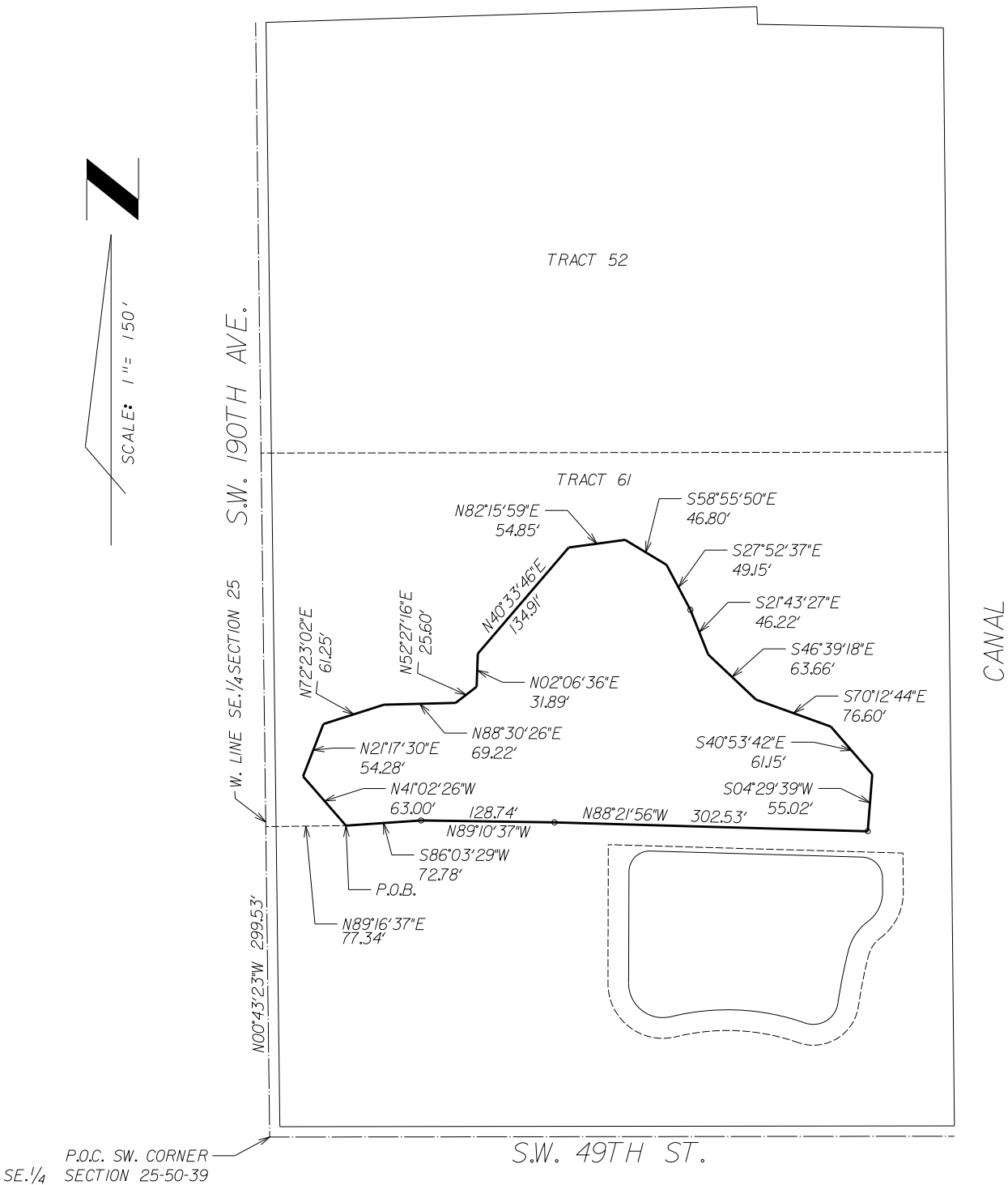


EXHIBIT B (1 of 2)

| | | | |
|--|--------------------------|--|----------------------------|
| PORTION TRACT 61 EVERGLADES LAND CO. SUBD. SEC. 36 AND S. 1/2 25 TOWNSHIP 50 SOUTH RANGE 39 EAST TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA | | SKETCH AND DESCRIPTION JURISDICTIONAL WETLAND NO. 1 | |
|  WINNINGHAM & FRADLEY, INC. ENGINEERS • PLANNERS • SURVEYORS 111 N.E. 44th STREET, OAKLAND PARK, FL 33334 954-771-7440 FAX: 954-771-0298 | EB-0002995 LB-0002995 | DRAWN: CEG DATE: 3-8-12 CHECKED: DATE: | PROJECT NUMBER S10.0006 |
| | | | SHEET 1 OF 2 |

DESCRIPTION
THAT PORTION OF TRACTS 52 AND 61 OF "THE EVERGLADES LAND COMPANY'S SUBDIVISION OF SECTION 36 AND THE SOUTH HALF OF SECTION 25, TOWNSHIP 50 SOUTH, RANGE 39 EAST" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 63 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, AND LYING IN SECTION 25, TOWNSHIP 50 SOUTH, RANGE 39 EAST, DESCRIBED AS FOLLOWS COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 25; THENCE RUN NORTH 00°43'23" WEST (BASIS OF BEARINGS A GRID BEARING) 10.00 FEET ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE RUN NORTH 89°55'38" EAST 10.00 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 00°43'23" WEST 787.14 FEET ALONG A LINE 10 FEET EAST OF, AS MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 25; THENCE RUN SOUTH 20°34'46" EAST 56.79 FEET; THENCE RUN SOUTH 00°03'11" WEST 665.93 FEET; THENCE RUN SOUTH 20°25'12" EAST 50.31 FEET; THENCE RUN NORTH 89°21'12" EAST 593.76 FEET; THENCE RUN SOUTH 33°48'45" EAST 32.16 FEET; THENCE RUN SOUTH 89°55'38" WEST 638.59 FEET ALONG A LINE 10 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 25 TO THE POINT OF BEGINNING. SAID LANDS SITUATE IN THE TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA AND CONTAINING 0.6005 ACRES, MORE OF LESS.

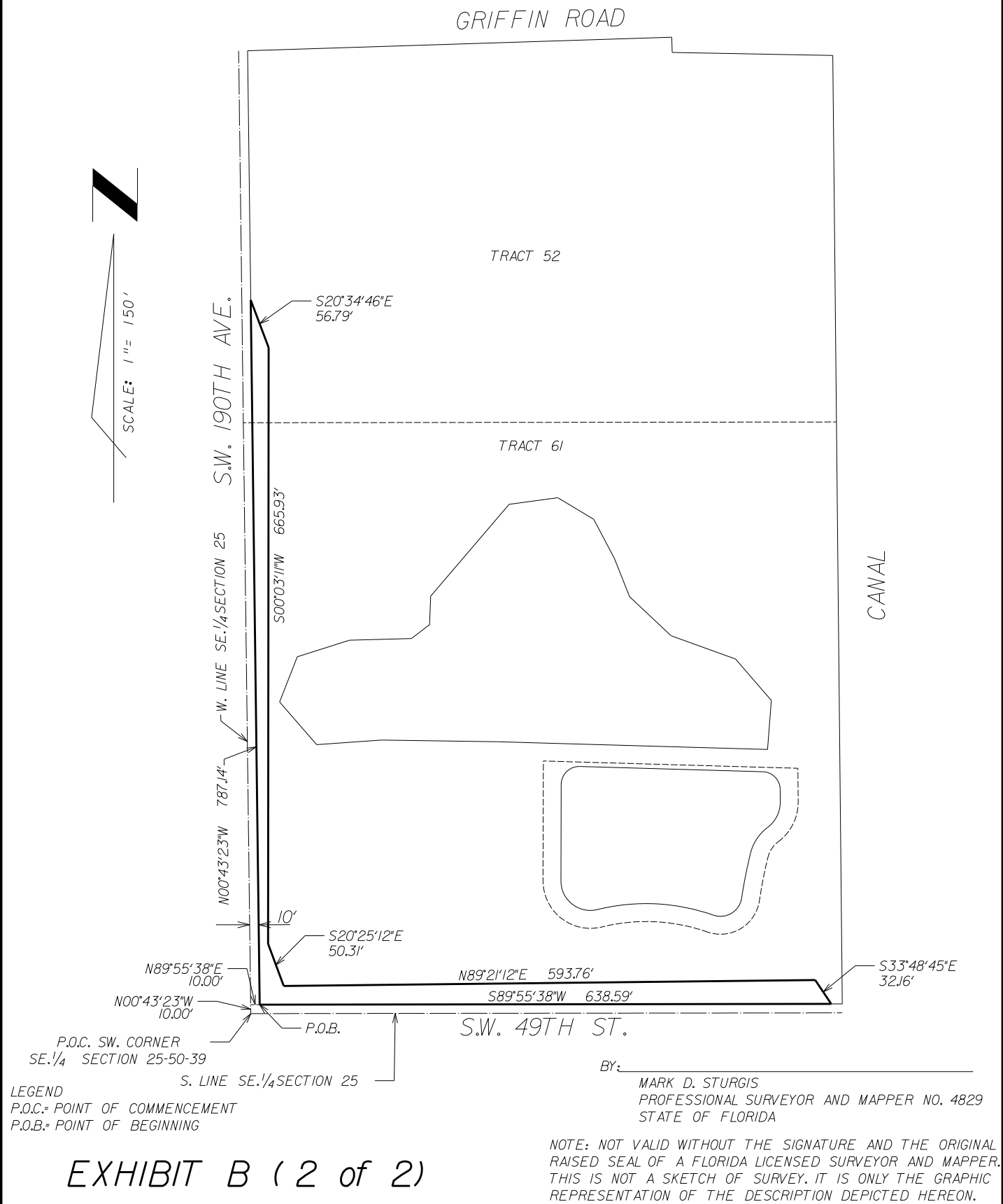


EXHIBIT B (2 of 2)

NOTE: NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. THIS IS NOT A SKETCH OF SURVEY. IT IS ONLY THE GRAPHIC REPRESENTATION OF THE DESCRIPTION DEPICTED HEREON.

| | | | | | |
|--|--|--|---|----------------------------|-----------------|
| PORTION TRACT 61 EVERGLADES LAND CO. SUBD. SEC. 36 AND S. 1/2 25 TOWNSHIP 50 SOUTH RANGE 39 EAST TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA | | SKETCH AND DESCRIPTION JURISDICTIONAL WETLAND NO. 2 | | | |
| WINNINGHAM & FRADLEY, INC. ENGINEERS • PLANNERS • SURVEYORS 111 N.E. 44th STREET, OAKLAND PARK, FL 33334 954-771-7440 FAX: 954-771-0298 | | EB-0002995 LB-0002995 | DRAWN: CEG DATE: 3-8-12 CHECKED: DATE: | PROJECT NUMBER S10.0006 | SHEET 2 OF 2 |



Town of Southwest Ranches
13400 Griffin Road
Southwest Ranches, FL 33330-2628

(954) 434-0008 Town Hall
(954) 434-1490 Fax

Town Council
Jeff Nelson, Mayor
Gary Jablonski, Vice Mayor
Steve Breitreuz, Council Member
Freddy Fisikelli, Council Member
Doug McKay, Council Member

Andy Berns, *Town Administrator*
Keith M. Poliakoff, *Town Attorney*
Martin Sherwood, *Town Financial Administrator*
Russell C. Muñiz, MMC, *Town Clerk*

COUNCIL MEMORANDUM

TO: Honorable Mayor Nelson and Town Council

THRU: Andrew Berns, Town Administrator

FROM: Russell C. Muñiz, MMC, Town Clerk

DATE: August 28, 2014

SUBJECT: SCHOOL AND EDUCATION ADVISORY BOARD APPOINTMENT

Recommendation

It is recommended that Council consider the appointment of Manon Stevens as a School and Education Advisory Board Member.

Background

Michelle Hurst, a member of the Schools and Education Advisory Board, has resigned. The Town of Southwest Ranches Administrative Policies and Procedures states as follows:

PROCEDURES

II. Appointment of BOARD Members;

- g) BOARD members shall be Town residents or experts working within a BOARD'S particular scope and having regular business within the Town.

Analysis

Michelle Hurst was appointed to the Schools and Education Advisory Board by Vice Mayor Jablonski. This resolution seeks to appoint Manon Stevens as her replacement.

Fiscal Impact

There is no budget impact since advisory boards are comprised of volunteers.

Staff Contact

Russell C. Muñiz, MMC, Town Clerk

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RESOLUTION NO. 2014 -

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
SOUTHWEST RANCHES, FLORIDA, AMENDING
RESOLUTION NO. 2014-020 TO REPLACE VICE MAYOR
JABLONSKI'S APPOINTMENT ON THE SCHOOLS AND
EDUCATION ADVISORY BOARD; AND PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, on January 4, 2007, the Town Council adopted Resolution No. 2007-028, establishing a Schools and Education Advisory Board; and

WHEREAS, on December 22, 2013, pursuant to Resolution No. 2014-020, the Town Council extended the Board's term through December 31, 2014, redefined the Board's objectives, and provided the appointment of Board Members; and

WHEREAS, Vice Mayor Jablonski's Board Appointment, Michelle Hurst, has resigned; and

WHEREAS, Vice Mayor Jablonski desires to fill this Board vacancy.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southwest Ranches, Florida:

Section 1. The above reference recitals are true and correct and are incorporated herein by reference.

Section 2. The Town Council hereby amends Resolution No. 2014-020 and appoints Manon Stevens to replace Michelle Hurst as Vice Mayor Jablonski's appointment to the Schools and Education Advisory Board.

Section 3. All other provisions of Resolution No. 2014-020 shall remain in full force and effect.

Section 4. This Resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this ____ day of ____ 2014, on a motion by _____ and seconded by _____.

Nelson _____
Fisikelli _____
Breitkreuz _____
Jablonski _____
McKay _____

Ayes _____
Nays _____
Absent _____
Abstaining _____

Jeff Nelson, Mayor

ATTEST:

Russell C. Muñiz, MMC, Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, Town Attorney
111770430.1

REGULAR MEETING MINUTES OF THE TOWN COUNCIL
Southwest Ranches, Florida

Thursday 7:00 PM

July 24, 2014

13400 Griffin Road

Present:

Mayor Jeff Nelson

Vice Mayor Gary Jablonski

Council Member Doug McKay

Council Member Freddy Fisikelli

Council Member Steve Breitreuz

Andrew Berns, Town Administrator

Keith Poliakoff, Town Attorney

Martin Sherwood, Town Financial Administrator

Russell Muñiz, Town Clerk

Regular Meeting of the Town Council of Southwest Ranches was held at 13400 Griffin Road in the Southwest Ranches Council Chambers. The meeting, having been properly noticed, was called to order by Mayor Nelson at 7:09 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

3. Public Comment – The following member of the public addressed the Town Council: Barry Neunzig and Mary Gay Chaples.

4. Board Reports

Barry Neunzig, indicated that although he is a member of the Fire Advisory Board, he was not speaking on their behalf this evening. He advised that the Southwest Ranches Volunteer Fire Department would no longer be responding to response zone 112D.

5. Council Member Comments

Council Member Fisikelli spoke of a near accident that occurred at the intersection of Dykes and Stirling Road and felt something needed to be done.

Council Member Breitreuz spoke about the petition that has been generated concerning the widening of Griffin Road. He advised that he had not endorsed the petition and was disappointed that his name and that of Vice Mayor Jablonski were used which he felt was misleading. He indicated that he was looking forward to reviewing the feedback once it is presented.

Vice Mayor Jablonski also emphasized that he did not endorse the petition but was looking forward to the study of the area. He listed all of the ongoing projects that the Town is currently undertaking and felt it was important for residents to know how much would be going on within the Town in the next several months.

Mayor Nelson asked the Town Administrator to provide an update at the next Town Council Meeting on Town construction projects that have been approved by the state for funding. He advised that he had been monitoring the activity on the online petition concerning Griffin Road.

6. Legal Comments

Town Attorney Poliakoff spoke of the drainage project on SW 54th Place that had been approved for funding by the State. He also advised that the Town received \$91,000 as part of a bank foreclosure.

7. Administration Comments

Town Administrator Berns advised that he has also been monitoring the online petition. He spoke of the Town's request to Broward County regarding replacement of the stop signs at the intersection of Dykes and Stirling Road. He spoke about the workshop held on Monday July 21st regarding non-commercial farm designations. Lastly, he commended staff regarding the preparation of the budget. He also provided an update on the ongoing construction at the Rolling Oaks Barn.

8. Ordinance – 2nd Reading – AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TEXT OF THE FUTURE LAND USE AND UTILITIES ELEMENTS OF THE TOWN OF SOUTHWEST RANCHES COMPREHENSIVE PLAN TO ESTABLISH AN EMPLOYMENT CENTER LAND USE DESIGNATION WITH SUPPORTING OBJECTIVES AND POLICIES; REVISING THE LISTS OF PERMITTED USES WITHIN NONRESIDENTIAL LAND USE DESIGNATIONS AND SUPPORTING OBJECTIVES AND POLICIES; ESTABLISHING CRITERIA FOR THE EXTENSION OF CENTRALIZED POTABLE WATER AND SANITARY SEWER SERVICE WITHIN THE TOWN; MAKING REVISIONS OF A HOUSEKEEPING NATURE; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR RECERTIFICATION BY THE BROWARD COUNTY PLANNING COUNCIL; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE. **{Staff requesting item to be tabled to September 30, 2014}**

The following motion was made by Council Member Breitkreuz, seconded by Council Member Fisikelli and passed by 5-0 roll call vote. The vote was as follows: Council Members Breitkreuz, Fisikelli, McKay, Jablonski, and Mayor Nelson voting Yes.

MOTION: TO TABLE THE ITEM TO September 30, 2014 AT 7 P.M.

9. Resolution - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, SETTING THE PROPOSED MILLAGE RATE AND CURRENT ROLL BACK RATE PURSUANT TO SECTION 200.065, FLORIDA STATUTES; AND ESTABLISHING THE DATE, TIME AND PLACE AT WHICH PUBLIC HEARINGS WILL BE HELD TO CONSIDER THE PROPOSED MILLAGE RATE AND THE TENTATIVE BUDGET FOR FISCAL YEAR 2015; AND DIRECTING THE TOWN CLERK TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER OF BROWARD COUNTY PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE FOR THE STATE OF FLORIDA; DIRECTING THAT A CERTIFIED COPY OF THIS RESOLUTION BE SENT TO THE BROWARD COUNTY PROPERTY APPRAISER AND TAX COLLECTOR; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Council Member McKay, seconded by Council Member Breitkreuz and passed by 5-0 roll call vote. The vote was as follows: Council Members Breitkreuz, Fisikelli, McKay, Jablonski, and Mayor Nelson voting Yes.

MOTION: TO APPROVE THE RESOLUTION.

10. Resolution - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, RELATING TO THE PROVISION OF SOLID WASTE SERVICES, FACILITIES AND PROGRAMS TO RESIDENTIAL PROPERTIES IN THE TOWN OF SOUTHWEST RANCHES, FLORIDA; PROVIDING AUTHORITY FOR SOLID WASTE SERVICES ASSESSMENTS; PROVIDING PURPOSE AND DEFINITIONS; PROVIDING FINDINGS; INCORPORATING THE SOLID WASTE SPECIAL ASSESSMENT METHODOLOGY REPORT; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Council Member Breitkreuz, seconded by Council Member McKay and passed by 5-0 roll call vote. The vote was as follows: Council Members Breitkreuz, Fisikelli, McKay, Jablonski, and Mayor Nelson voting Yes.

MOTION: TO APPROVE THE RESOLUTION.

11. Resolution - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE PRELIMINARY FIRE SERVICES ASSESSMENT RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF SOUTHWEST RANCHES, FLORIDA; PROVIDING PURPOSE AND DEFINITIONS; PROVIDING FOR THE IMPOSITION AND COMPUTATION OF FIRE PROTECTION ASSESSMENTS; INCORPORATING THE FIRE PROTECTION ASSESSMENT REPORT; PROVIDING FOR LEGISLATIVE DETERMINATION OF SPECIAL BENEFIT AND FAIR APPORTIONMENT; ESTABLISHING THE RATE OF ASSESSMENT; DIRECTING THE PREPARATION OF A PRELIMINARY ASSESSMENT ROLL; PROVIDING FOR A DISABLED VETERANS EXEMPTION; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Council Member Breitkreuz, seconded by Council Member McKay and passed by 5-0 roll call vote. The vote was as follows: Council Members Breitkreuz, Fisikelli, McKay, Jablonski, and Mayor Nelson voting Yes.

MOTION: TO APPROVE THE RESOLUTION.

12. Discussion – Reconsideration of Architect for Construction Oversight at Country Estates Fishing Hole Park at the request of Council Member Fisikelli

The following motion was made by Council Member Fisikelli, and seconded by Council Member Breitkreuz. The motion did not pass. The vote was as follows: Council Members Breitkreuz, and Fisikelli voting Yes. Council Members McKay, Jablonski, and Mayor Nelson voting No.

MOTION: TO RECONSIDER THE APPROVED RESOLUTION.

13. Discussion – Reconsideration of Roof Eaves Ordinance at the request of Council Member Fisikelli

The following motion was made by Council Member McKay, and seconded by Council Member Breitkreuz and passed by 5-0 roll call vote. The vote was as follows: Council Members Breitkreuz, Fisikelli, McKay, Jablonski, and Mayor Nelson voting Yes.

MOTION: TO RECONSIDER THE APPROVED ORDINANCE.

The following motion was made by Council Member Breitkreuz, seconded by Council Member McKay and passed by 5-0 roll call vote. The vote was as follows: Council Members Breitkreuz, Fisikelli, McKay, Jablonski, and Mayor Nelson voting Yes.

MOTION: TO APPROVE THE AMENDED ORDINANCE.

14. Discussion – Resolution to MPO regarding Griffin Road Widening

The Town Council directed Town Administrator Berns to contact Broward County and request that traffic counts be performed in the requested area.

15. Approval of Minutes

a. Minutes for June 26, 2014 – Regular Council Meeting

The following motion was made by Council Member Fisikelli, seconded by Council Member McKay and passed by 5-0 roll call vote. The vote was as follows: Council Members Breitkreuz, Fisikelli, McKay, Jablonski, and Mayor Nelson voting Yes.

MOTION: TO APPROVE THE MINUTES.

16. Adjournment – Meeting was adjourned at 9:09 p.m.

Respectfully submitted:

Russell Muñiz, MMC, Town Clerk

*Adopted by the Town Council on
this 28TH day of August, 2014.*

Jeff Nelson, Mayor

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

WORKSHOP MEETING MINUTES OF THE TOWN COUNCIL
Southwest Ranches, Florida

Thursday 7:00 PM

August 12, 2014

13400 Griffin Road

Present:

Mayor Jeff Nelson

Vice Mayor Gary Jablonski

Council Member Doug McKay

Council Member Freddy Fisikelli

Council Member Steve Breitreuz

Andrew Berns, Town Administrator

Martin Sherwood, Town Financial Administrator

Russell Muñiz, Town Clerk

A workshop meeting of the Town Council of Southwest Ranches was held at 13400 Griffin Road in the Southwest Ranches Council Chambers. The meeting, having been properly noticed, was called to order by Mayor Nelson at 7:11 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

A moment of silence was observed in honor of Town Attorney Emeritus Gary Poliakoff who recently passed away.

Town Administrator Berns spoke of the format for the meeting and spoke of the genesis of the additional millage rate which was intended to fund the Transportation Surface Drainage Ongoing Rehabilitation (TSDOR) plan. He also spoke of the recommendations being developed by the Fire Advisory Board relative to the future of the Volunteer Fire Department and the fiscal impact of these two prominent issues.

Town Financial Administrator Sherwood, gave a detailed summary of the proposed Fiscal Year 2015 budget through the use of a PowerPoint presentation.

The following members of the public addressed the Town Council: Newell Hollingsworth, Tammy Farthing, Bob Busch, John Eastman, and Barry Neunzig.

Council Member Breitreuz indicated his appreciation of the public input and addressed some of the issues raised. He spoke of the complexity of the methodology used to develop the fire assessment. He indicated his support of the seed money for the School Education Advisory Board scholarship. He spoke of the Town's reserves and felt that the Town needed to be more conservative because the Town does not have the "deep pockets" that larger municipalities have. He felt that the additional millage assigned for TSDOR would be much lower than that projected because the timeline would be 20 years not 12 years. In addition, the first year would mainly be used to plan the project. He felt that all of the information regarding the Volunteer Fire Department had been gathered and indicated his eagerness for the recommendations to come from the Fire Advisory Board and for the decision making process to move along.

Vice Mayor Jablonski recognized staff for their hard work on the budget. He asked that funds be budgeted for possible unanticipated items for the Rolling Oaks Barn. He also asked that funds be

budgeted for further traffic enhancements on Stirling Road between Flamingo Road and Volunteer Road. He also objected to the funding increase requested by the Area Agency on Aging and asked that their funding be consistent with last year's request.

Council Member Fisikelli asked about the program modification for the automated agenda system. Town Administrator Berns indicated the item was not funded at this time. Council Member Fisikelli questioned the increase in parks ground maintenance. He felt the Town was losing a lot of money because of false agricultural exemptions claimed by property owners and asked that the Town contact the Property Appraiser's office. He asked about proposed staff increases. Town Administrator Berns indicated the increases were primarily due to the retirement plan established for employees. Council Member Fisikelli spoke about the Town's reserves and indicated it is not as liquid as some might perceive.

Council Member McKay thanked staff for their effort with the budget.

Town Financial Administrator Sherwood addressed some of the concerns raised by Council Member Fisikelli regarding the reserves. He indicated that the Town's reserves could fund Town operations for 4 months. He felt that even with the utilization proposed in Fiscal Year 2015 the Town's reserves were sufficient. He also indicated that the Town also had unrestricted net assets in the Solid Waste Enterprise fund which could be utilized in the event of a hurricane emergency for debris removal.

Mayor Nelson was pleased that even with the proposed additional millage rate for TSDOR the Town still had one of the lowest millage rates in Broward County. He looked forward to the proposed special meeting regarding the recommendations for the Volunteer Fire Department.

Adjournment – Meeting was adjourned at 9:04 p.m.

Respectfully submitted:

Russell Muñiz, MMC, Town Clerk

*Adopted by the Town Council on
this 28TH day of August, 2014.*

Jeff Nelson, Mayor

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