

**RESOLUTION NO. 2016-042**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE ROLLING OAKS ESTATES SITE PLAN, APPLICATION NO. SP-60-15, FOR EIGHTEEN SINGLE-FAMILY DETACHED DWELLING UNITS ON APPROXIMATELY 37.95 ACRES, LEGALLY DESCRIBED AS THE CLINGAN'S COVE PLAT, AS RECORDED IN PLAT BOOK 168, PAGE 49 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; GENERALLY LOCATED ON THE WEST SIDE OF SW 178<sup>TH</sup> AVENUE AT SW 58<sup>TH</sup> STREET; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Broward County Board of County Commissioners approved the Clingan's Cove Plat ("Plat") on February 15, 2000; and

**WHEREAS**, the Town Council of the Town of Southwest Ranches ("Town Council") approved the Rolling Oaks Estates Site Plan via Resolution No. 2006-069 on June 8, 2006 in conformity with plat; and

**WHEREAS**, the Town Council granted a site plan modification on May 10, 2007 pursuant to Resolution No. 2007-06; and

**WHEREAS**, the original developer conveyed Lot 10 to another entity but retained title to the remaining lots; and

**WHEREAS**, Lot 10 is subject to the existing, recorded declaration of restrictive covenants and any amendments thereto that govern the use and development of all lots within the Plat; and

**WHEREAS**, the original developer did not fulfil its obligations to complete the development, causing the site plan approval to lapse; and

**WHEREAS**, a successor in title to Lots 1-9 and 11-18 has applied for reapproval of the site plan; and

**WHEREAS**, the Town Council finds that the site plan complies with the applicable requirements of the Town of Southwest Ranches Unified Land Development Code.

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

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

**Section 2.** That, at a duly noticed public hearing held on July 28, 2016 following the review of the staff report and all written and oral evidence received during the public hearing, the Town Council hereby approves Site Plan Application No. SP-60-15 for development of 18 single-family homes on the Clingan's Cove Plat, as recorded in Plat Book 168, Page 49 of the Public Records of Broward County, Florida, subject to the developer/owner complying with the following conditions:

- (A) Relocate the common mailbox to the west, provide an easement as necessary, and provide a pull-off parking space to access the mailboxes. Such new location shall be subject to approval by the Town's Engineering and Zoning Departments.
- (B) Provide mailbox plan detail for administrative approval, which shall include any protective canopy structure.
- (C) In accordance with South Broward Drainage District's approval, dredge the North and South canals to bedrock and regrade.
- (D) The Homeowner's Association documents shall not prohibit or restrict the keeping of animals.
- (E) The internal roadway shall be given a name commensurate with a rural community, which shall be subject to approval by the Town's Engineer.
- (F) Provide an engineer's opinion of cost for all improvements and changes signed and sealed by a licensed engineer in the State of Florida. Include a 25 percent contingency added to the cost estimate total for bonding purposes. Upon review and approval by the Town Engineer, a bond for all onsite and common area improvements must be issued to the Town of Southwest Ranches.
- (G) Apply for a site development permit from the Town Engineering Department. The application shall provide and include complete construction plans, drainage calculations, and related development permit application data, signed, dated, and sealed by a registered engineer in compliance with all ULDC requirements and contemporary engineering principals and practice.
- (H) Any sales trailer or model home shall require additional approval.
- (I) 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.
- (J) All paving, grading and drainage improvements shall pass final inspection and receive approval from the Town Engineer prior to the issuance of the first Certificate of Occupancy.

- (K) Prior to issuance of any engineering permit or building permit, comply with, or provide evidence of compliance with, Section 2.b. of Resolution No. 2007-067 (attached hereto for reference).
- (L) Submit a complete building permit application for one (1) single-family dwelling within twelve (12) months following the effective date of this Resolution. The permit must be issued within eighteen (18) months following the date of site plan approval, and must remain valid and in effect until a Certificate of Occupancy is issued. Failure to make such application and secure and maintain such permit pursuant to the terms of this paragraph shall cause the site plan approval to expire, and become null and void.

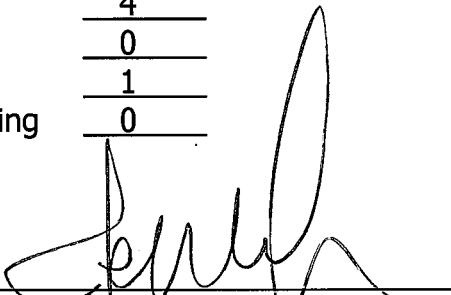
**Section 3.** The Mayor, Town Administrator and Town Attorney are each authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

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

**PASSED AND ADOPTED** by the Town Council of the Town of Southwest Ranches, Florida, this 28<sup>th</sup> day of July, 2016, on a motion by Council Member Jablonski and seconded by Council Member Breitkreuz.

Nelson	<u>Yes</u>
McKay	<u>Absent</u>
Fisikelli	<u>Yes</u>
Breitkreuz	<u>Yes</u>
Jablonski	<u>Yes</u>

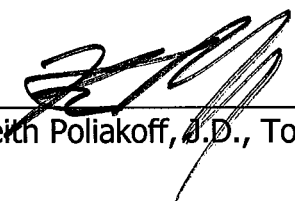
Ayes	<u>4</u>
Nays	<u>0</u>
Absent	<u>1</u>
Abstaining	<u>0</u>

  
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 Jeff Nelson, Mayor

ATTEST:

  
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 Russell Muñiz, MMC, Assistant Town Administrator/ Town Clerk

Approved as to Form and Correctness:

  
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 Keith Poliakoff, J.D., Town Attorney

**RESOLUTION NO. 2007-067**

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

**WHEREAS**, the Rolling Oaks Estates Site Plan is described as:

LOTS 1 THROUGH 18 INCLUSIVE, ACCORDING TO THE PLAT OF CLINGAN'S COVE, AS RECORDED IN PLAT BOOK 168 AT PAGE 49 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. SAID LANDS SITUATE IN BROWARD COUNTY, FLORIDA AND CONTAINING 37.1069 ACRES, MORE OR LESS; and

**WHEREAS**, the property is generally located on the west side of 178<sup>th</sup> Avenue, North of Stirling Road; and

**WHEREAS**, the property contains approximately 37.95 gross acres, and is comprised of 18 lots; and

**WHEREAS**, on June 8, 2006, pursuant to Resolution No. 2006-069, the Town Council approved a site plan to construct eighteen single family dwelling units on the property in accordance with the Clingan's Cove Plat; and

**WHEREAS**, as part of the site plan approval the applicant agreed that the landscape berm along 178<sup>th</sup> Avenue would be lowered from four feet to two feet; and

**WHEREAS**, notwithstanding this agreement, when the site was developed the berm was installed at a height of four feet, in violation of the approved site plan and in violation of the submitted building permit; and

**WHEREAS**, the applicant desires to rectify this violation by seeking to modify the site plan to increase the berm height from two feet to four feet.

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

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

**Section 2.** That, at a duly noticed public hearing held on May 11<sup>th</sup>, 2007, following the review of the staff report and all written and oral evidence received during the advertised public hearing, the Town Council hereby approves the modification to the Rolling Oaks Estates, LLC Site Plan subject to the following agreed upon conditions:

- a. That the applicant shall ensure that the berm will meet all of the necessary drainage requirements of the Town and the applicable Water Management District(s).
- b. That to help mitigate the damages caused by the installation of the berm, including but not limited to the aesthetic effect on the community, the applicant has offered to provide the Town with Fourteen Thousand Dollars (\$14,000.00) in direct payment or, at the Town Administrator's sole option, in kind services, to help beautify the Town's Equestrian Park.
- c. All other conditions of the original site plan approval shall remain in full force and effect.

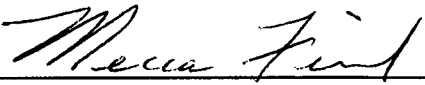
**Section 3.** The Mayor, Town Administrator and Town Attorney are each authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

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

Fink	<u>Y</u>	Ayes	<u>5</u>
Maines	<u>Y</u>	Nays	<u>0</u>
Breitkreuz	<u>Y</u>	Absent	<u>0</u>
Knight	<u>Y</u>	Abstaining	<u>0</u>
Nelson	<u>Y</u>		

**PASSED AND ADOPTED** by the Town Council of the Town of Southwest Ranches, Florida, this 10<sup>th</sup> day of May 2007, on a motion by Council Member Jeff Nelson and seconded by Council Member Aster Knight.

**[Signatures on Following Page]**

  
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Mecca Fink, Mayor

ATTEST:

  
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Susan A. Owens, Town Clerk

Approved as to Form and Correctness:

  
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Gary A. Poliakoff, J.D., Town Attorney

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