

RESOLUTION NO. 2017-017

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE AKAI ESTATES SITE PLAN, APPLICATION NO. SP-57-14, TO CONSTRUCT SIXTEEN SINGLE FAMILY DWELLING UNITS WITHIN THE TARA PLAT LOCATED AT THE SOUTHWEST QUADRANT OF GRIFFIN ROAD AND UNIMPROVED SW 184TH AVENUE; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council approved the Downey Equestrian Ranches Site Plan for 16 single-family homes on the Tara Plat ("Plat") in 2005; and

WHEREAS, the developer failed to obtain building permits and commence construction, causing the site plan to expire; and

WHEREAS, Akai Estates, LLC ("Owner," which shall include its successors and assigns in title) submitted Application No. SP-57-14 for approval of the Akai Estates site plan ("Site Plan"); and

WHEREAS, the Site Plan employs temporary access from Griffin Road because the platted access from SW 184th Avenue will not available until Broward County obtains the necessary right-of-way for the actual construction of SW 184th Avenue from Griffin Road to the Plat; and

WHEREAS, the temporary access from Griffin Road requires construction of a frontage road into the Plat from an existing driveway onto Griffin Road located west of the Plat, and dedication of a new ingress and egress easement extending north from the platted street right-of-way within the Plat to the point of intersection with the frontage road, which easement will be fully contained within the bounds of a vacated drainage easement and will not affect lot area calculations; and

WHEREAS, when access to SW 184th Avenue becomes available, the platted entrance to the community will be utilized, and Akai Drive will terminate in a cul-de-sac in between Lots 1 and 2; and

WHEREAS, the requisite changes to the Non-Vehicular Access Line were approved by the Town (Application No. DG-19-15) and Broward County to reflect the change in access conditions and absolve the developer from having to construct SW 184th Avenue and relocate the canal to the west as platted; and

WHEREAS, the Site Plan reconfigures the platted drainage easements to reflect changes in hydrology and deferred relocation of the SW 184th Avenue Canal associated with the construction of SW 184th Avenue; and

WHEREAS, South Broward Drainage District ("SBDD") vacated platted drainage easements and accepted new drainage easements in May, 2015, and the Town took the same actions on December 8, 2016; and

WHEREAS, the temporary ingress and egress easement within the Site Plan crosses in front of a community facility located along Griffin Road; and

WHEREAS, to help ensure a complete bifurcation of the community facility and residential properties, and to provide Akai Estates with some additional security until SW 184th Avenue has been completed, Akai Estates Site Plan includes an entrance structure with a guardhouse\; and

WHEREAS, the Site Plan has no street lights, curbs or sidewalks, and the Homeowner's Association documents approved by the Town Attorney prohibit the HOA from adding restrictions on the keeping of livestock beyond those contained in the Town's Code; and

WHEREAS, the streets shall remain open to the public, but maintenance of the internal street and drainage system shall be the sole responsibility of a homeowner's association; 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 and the Town of Southwest Ranches Comprehensive Plan.

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 December 8, 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-57-14 for development of 16 single-family homes and ancillary structures, subject to Owner complying with the following conditions:

1. Approval of accompanying Application No. VC-27-17 to vacate and re-dedicate drainage easements within the Plat.
2. Execution and Recordation of a Temporary Ingress/Egress Easement to connect Akai Drive to Griffin Road prior to issuance of the first building permit for a principal building.

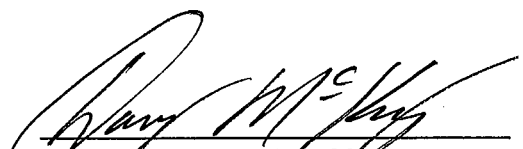
3. Execution and Recordation of an Ingress/Egress Easement to extend the internal street (Akai Drive) to the north, as new access for Lots 1 through 4 (originally to be accessed directly from SW 184th Avenue) prior to issuance of the first building permit for a principal building.
4. The HOA shall be responsible for maintenance of the public right-of-way within the plat. Owner shall record an indemnification, indemnifying the Town for the public right-of-way within the Plat prior to issuance of the first building permit for a principal building.
5. Final approval of the HOA documents by the Town Attorney prior to their recordation, prior to issuance of the first building permit for a principal building.
6. Provide certified cost estimate for onsite and designated offsite improvements (if any not bonded to Broward County) and surety bond in the amount of 125 percent of construction costs prior to issuance of the first building permit. Such improvements shall include the demucking and sodding or mulching of the multi-use trail.
7. Record a document in the Broward County Public Records, to be approved as to form by the Town Attorney, providing notice to potential purchasers that there are substantial improvements required in connection with the site plan approval that have not been bonded or otherwise guaranteed, and that the Town will not issue a building permit for any home until such time as the improvements have been bonded with the Town.
8. SBDD approval required for plantings in drainage easements.
9. Broward County Highway Construction and Engineering Division approval required for signage, landscaping and frontage road improvements within the Griffin Road Right-of-Way.
10. Construction of any models with associated signage and parking, and any construction trailer shall require Administrative approval.
11. Administrative site plan modification will be required for the re-establishment of the signage and any entrance features at the permanent community entrance.
12. 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. This includes, but may not be limited to, expenses for engineering, legal, and any related expenses that the Town has or will incur as a direct cost of this application.
13. No gates are permitted in conjunction with the guardhouse. Speed bumps or a similar traffic calming devices may be employed to slow cars as they approach the guardhouse.

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 passage and adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 8th day of December, 2016 on a motion by Vice Mayor Breitkreuz and seconded by Council Member Jablonski.

Mckay	<u>Yes</u>	Ayes	<u>5</u>
Breitkreuz	<u>Yes</u>	Nays	<u>0</u>
Fisikelli	<u>Yes</u>	Absent	<u>0</u>
Jablonski	<u>Yes</u>	Abstaining	<u>0</u>
Schroeder	<u>Yes</u>		



Doug McKay, Mayor

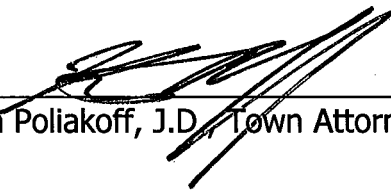
ATTEST:

This is to certify that this Resolution and Final Order has been filed by the undersigned for the records, and a copy provided to the Applicant and/or authorized agent this 8th day of December, 2016.



Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:



Keith Poliakoff, J.D., Town Attorney

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