

RESOLUTION NO. 2010-032

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE FISIKELLI PLAT; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE THE PLAT; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

WHEREAS, the Fisikelli Plat is legally described as:

A REPLAT OF A PORTION OF TRACTS 36 ACCORDING TO THE PLAT OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, OF SECTION 5, TOWNSHIP 51 SOUTH, RANGE 40 EAST, AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORD OF DADE COUNTY, FLORIDA.

WHEREAS, the Fisikelli Plat contains two lots, Parcel A and Parcel B; and

WHEREAS, Parcel A is located on the eastern half of the plat with frontage on SW 166th Avenue, and contains 1.001 net acres and Parcel B is on the western half of the plat, and contains 1.003 net acres; and

WHEREAS, the Applicant is platting the site in order to construct a single-family home on Parcel B of the plat; and

WHEREAS, a portion of the plat has an Estate (1) Residential land use plan designation, and a portion has a Rural Estates land use plan designation, both of which allow residential development at a density of one unit per one (1) net acre; and

WHEREAS, the majority of Parcel B of the plat has a zoning designation of Rural Estate (RE); and

WHEREAS, Parcel A and a portion of Parcel B are within the Agricultural Estate District (A-1) zoning district; and

WHEREAS, Rural Estate (RE) District requires one (1) net acre per single-family residence, and the Agricultural Estate (A-1) District requires 2 net, or 2.5 gross acres per single-family residence; and

WHEREAS, the Applicant is requesting to change the Agricultural Estate (A-1) District to Rural Estate (RE) District to reflect the lot configuration shown on the plat; and

WHEREAS, the rezoning application is submitted for the Town Council's consideration concurrently with the plat application; and

WHEREAS, the plat approval is contingent upon the Town Council's approval of the rezoning application; and

WHEREAS, in 2006, 8.57 acres to the west of Parcel A and inclusive of Parcel B were rezoned from Agricultural Estate (A-1) District to Rural Estate (RE) District; and

WHEREAS, access to Parcel A is from both SW 166th Avenue and SW 69th Street; and

WHEREAS, access to Parcel B will be provided from SW 69th Street, which will function as a shared driveway until such time as it must comply with public street standards that apply to access for four (4) or more homes; and

WHEREAS, a temporary turnaround easement will be recorded just West of Parcel B by a separate instrument prior to plat recordation and the Applicant has provided the easement deed and recording fee to the Town Attorney's Office; and

WHEREAS, the Applicant intends to utilize the City of Pembroke Pines potable water system, which currently serves Parcel A; and

WHEREAS, sanitary sewer service will be via septic system; and

WHEREAS, South Broward Drainage District has issued preliminary approval for this plat and any additional required drainage easements or surface-water management areas will be designated by a separate instrument; and

WHEREAS, the plat creates a twelve (12) foot utility easement on the perimeter of the plat, which will be a utility/trail easement for the portion of the plat abutting SW 166th Avenue; and

WHEREAS, overlying the north-side of the utility easement, there is an existing ten (10) foot Florida Power & Light easement (O.R. Book 10042, Page 664 BCR); and

WHEREAS, according to the Town Engineer, adequate right-of-way already exists for SW 166th Avenue.

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 January 21, 2010, following the review of the staff report and all written and oral evidence received during the public hearing, the Town Council hereby approves the Fisikelli Plat subject to the following stipulated conditions:

- a. The approval of the plat is contingent upon adoption of an Ordinance on second reading for the rezoning of Parcel A from the Agricultural Estates (A-1) District to the Rural Estates (RE) District.
- b. That the Applicant shall designate a utility/recreation and equestrian trail easement within the twelve (12) foot utility easement shown on the plat along SW 166th Avenue.
- c. That by April 21, 2010, the Applicant shall remove all structures located within twenty-five (25) feet of the new side lot lines created by Parcel B.
- d. That there is sufficient capacity of the regional roadway network as determined by Broward County. In the event that sufficient capacity is not met, then the plat shall be deemed denied by the Town of Southwest Ranches.
- e. That the Applicant shall eliminate of the term "+/-" when labeling the acreage and square footage of the parcels, with correct gross acreage.
- f. That the 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 plat, prior to second and final signoff of the plat. 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 result of this plat.

- g. That the Applicant shall ensure that both parcels standing independently meet the drainage requirements established by the applicable drainage district.
- h. That this Resolution shall be recorded in the public records of Broward County, Florida.
- i. That no flexibility units or any additional density may be assigned to Parcels A or B.
- j. That SW 69th Street shall remain a public right-of-way maintained solely by the property owners utilizing this right-of-way for access to their properties.
- k. All modifications required herein shall be made on the face of the plat prior to being submitted to the Town for the Mayor's signature.

Section 3. The Mayor, Town Administrator and Town Attorney are each authorized to execute said plat.

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

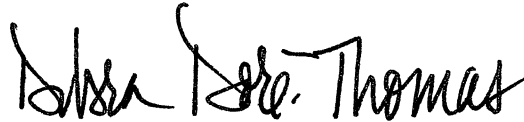
PASSED AND ADOPTED this 21st day of January, 2010, on a motion made by Council Member Breitkreuz and seconded by Vice Mayor Knight.

Nelson	<u>Y</u>	Ayes	<u>4</u>
Knight	<u>Y</u>	Nays	<u>0</u>
Breitkreuz	<u>Y</u>	Absent	<u>0</u>
Fisikelli	<u>A</u>	Abstaining	<u>1</u>
McKay	<u>Y</u>		

[Signatures on Following Page]




Jeff Nelson, Mayor

Attest: 

Debra Doré-Thomas, CMC, Town Clerk

Approved as to Form and Correctness:



Gary A. Poliakoff, J.D., Town Attorney
ACTIVE: 2866348_1