

RESOLUTION NO. 2022-040

A RESOLUTION AND FINAL ORDER OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING APPLICATION NO. SP-82-22 TO MODIFY THE APPROVED AKAI ESTATES SITE PLAN LOCATED WITHIN THE TARA PLAT 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 PROPERLY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council approved the Downey Equestrian Ranches Site Plan for 16 single-family homes on the Tara Plat in 2005 via Resolution No. 2005-051, which subsequently expired; and

WHEREAS, the Town Council approved the Akai Estates Site Plan for 16 single-family homes in 2017 via Resolution No. 2017-017 and again in 2019 via Resolution No. 2019-001 after the 2017 approval expired; and

WHEREAS, Akai Estates, LLC ("Petitioner") wishes to reconfigure the permanent access to the development and to modify the entrance improvements; and

WHEREAS, Application VC-31-22, to vacate various easement and rights-of-way in accordance with the revised permanent access configuration is pending Town Council consideration, and is necessary to authorize the changes in the site plan; and

WHEREAS, a delegation request to amend the Non Vehicular Access Line is pending Broward County approval and recordation in the Public Records of Broward County; and

WHEREAS, the proposed site plan modification will comply the development standards of the ULDC, subject to the conditions of approval set forth herein.

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 February 24, 2022, following the review of the staff report and all written and oral evidence received during the public hearing, the Town Council hereby approves Application No. SP-82-22 to modify the approved Akai Estates Site Plan, subject to satisfaction of the following conditions:

1. Council approval of accompanying Application No. VC-31-22 to vacate and to re-dedicate Akai Drive as an ingress/egress, drainage, and utilities easement, and to vacate SW 49th Street east of Akai Drive.
2. Petitioner shall grant a minimum 15-foot-wide recreational trail easement through SW 49th Street east of Akai Drive (if vacated per VC-31-22) and along the west side of the canal over the SBDD canal maintenance easement and portions of road easement where applicable, extending the full length of the site plan from the southern development boundary to the Griffin Road right-of-way. [Note: this is also a condition of Application No. VC-31-22 that must be satisfied prior to its approval on second reading.] At such time as the portion of SW 184th Avenue is constructed adjacent to the development and open to traffic, the Petitioner or its successors and assigns shall create an opening in the landscaping and berm for trail access to and from Griffin Road acceptable to the Town Administrator. The access point at Griffin Road may be gated, provided that the gate remains open from dusk to dawn, as may be further defined in the easement agreement. Step-ups shall be provided adjacent to the Griffin Road access and at the southern end of the trail easement, subject to design and location approval by the Town Administrator and the SBDD. Concurrent with installation of the entrance area landscaping, Petitioner shall plant the easement with Bahia grass, or if irrigated, St. Augustine sod, over a minimum one inch of topsoil, which shall be maintained in healthy condition. Petitioner shall either grade the easement to slope away from the canal or install a lip at the top of bank to keep stormwater runoff from entering the canal, as approved by the SBDD. The easement shall provide for HOA maintenance of the trail, permissible gating, and indemnification of the Town, in a form acceptable to the Town Attorney. The HOA documents shall be amended to reflect these requirements and such amendments approved as to form by the Town Attorney.
3. Petitioner shall revise the landscape plans consistent with staff comments and to ensure trail users can access Griffin Road via an Akai Drive swale. Staff is authorized to approve landscape plan revisions.
4. The Petitioner, successors and assigns including but not limited to the HOA, shall be responsible for maintaining the private road and recreational trails within the plat and shall indemnify and hold the Town harmless for same.
5. Show lot lines extending to centerline of road south of lots 1-4, and address other minor staff comments, to be approved administratively.
6. The recorded declaration of restrictive covenants that shall run with the community (i.e. part of the homeowner's association documents) shall be approved by the Town Attorney. The declaration shall, other than the following exceptions, specify that it shall be in full compliance with the Town Code of Ordinances. Full compliance means not regulating differently than the Town's Code of Ordinances with the following exceptions:
 - a. Only prior to turnover may the homeowner's association restrict the architectural elements of homes.

- b. Aside from farm products, retail sales of goods shall be prohibited.
 - c. The homeowner's association may enforce their property standards that shall be in compliance with the Town's Code of Ordinances, but may restrict or prohibit short-term rentals
7. The conditions set forth above shall be satisfied no later than March 28, 2022, and prior to issuance of any further building permits for a residence unless otherwise provided above, provided that the Town Administrator may grant a single 30-day extension upon show of good cause. Failure to satisfy these conditions, within the timeframe set forth herein, shall cause this approval to be null and void.
 8. No lot may be transferred in title unless Power of Attorney or other legal documents acceptable to the Town Attorney have been granted to Petitioner for purposes of obtaining and maintaining unity of control for approval and effectuating this site plan modification.
 9. The SBDD approval is required for any plantings in drainage easements.
 10. Broward County Highway Construction and Engineering Division approval is required for signage, landscaping and frontage road improvements within the Griffin Road Right-of-Way.
 11. No gates or other barriers or hinderances to entry are permitted in conjunction with the guardhouse. Speed bumps or a similar device may be employed to slow cars as they approach the guardhouse for the purpose of recording license plates, provided that vehicles, bicyclists and pedestrians shall not be required to stop, produce identification, or any other restriction or hinderance to entering and traversing Akai Drive, SW 49th Street and trail easements.
 12. Construction of any models with associated signage and parking, and any construction trailer shall require permits and administrative approval.

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 its passage and adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 24th day of February, 2022, on a motion by Vice Mayor Jablonski and seconded by Council Member Kuczenski.

Breitkreuz	<u>Yes</u>	Ayes	<u>5</u>
Jablonski	<u>Yes</u>	Nays	<u>0</u>
Allbritton	<u>Yes</u>	Absent	<u>0</u>
Hartmann	<u>Yes</u>	Abstaining	<u>0</u>
Kuczenski	<u>Yes</u>		



Steve Breitkreuz, Mayor

ATTEST:



Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:



Keith Poliakoff, J.D., Town Attorney
1001.930.01