

## **RESOLUTION NO. 2021-30**

**A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING AN APPLICATION FOR A SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT IN A RESIDENTIAL MEDIUM-2 AND A RESIDENTIAL HIGH (RH) ZONING DISTRICT, LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION BETWEEN SOUTH HAVERHILL ROAD AND NASH TRAIL WHICH IS APPROXIMATELY 1,400 FEET NORTH OF LANTANA ROAD, AS REQUESTED BY THE PETITIONER, WANTMAN GROUP INC., AGENT FOR THE OWNERS, ANN & FRED K MENOR, AARON & FRANCES LLC, AMERICAN GERMAN CLUB INC., ERNEST & LYNNE CHEETHAM, CLAUDIA, CORNEL & COSTEL DUMITRESCU, MATTHEW GREENE, MELODY & NOE MALDONADO, SHIPLEY ENTERPRISE INC., PHILIPPE SZE, VIRGINIA WALTER AND KFIR BARANES; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Wantman Group Inc., hereinafter "Petitioner", as agent for the owners, Ann & Fred Menor, Aaron & Frances LLC, American German Club Inc., Ernest & Lynne Cheetham, Claudia, Cornel & Costel Dumitrescu, Matthew Greene, Melody & Noe Maldonado, Shipley Enterprise Inc., Philippe Sze, Virginia Walter and Kfir Baranes, has made an application for a Special Exception approval to allow for a Planned Unit Development (PUD) to be located within a Residential Medium Density-2 (RM-2) and a Residential High Density (RH) zoning district, located at the Northwest corner of the intersection between South Haverhill Road and Nash Trail is approximately 1,400 feet North of Lantana Road, pursuant to Section 16-771 through Section 16-784, Planned Unit Developments (PUD) regulations of the Zoning Code; and

**WHEREAS**, the Petitioner presented this matter to the Land Development Staff of the City of Greenacres which provided comments to the Planning and Engineering Department which, in turn, recommended approval of the Special Exception to allow for a Planned Unit Development and a Zero Lot Line Development within a Residential Medium Density-2 (RM-2) and a Residential High Density (RH) zoning district, with the conditions identified in the Land Development Staff Report and Recommendation, Exhibit "A" dated November 24, 2021, as revised; and

**WHEREAS**, the Planning Commission reviewed the Petitioner's project for compliance with the Special Exception Criteria as indicated by the Findings of Fact contained in the Land Development Staff Report and Recommendation and has found that the project is in compliance with said criteria; and

**WHEREAS**, the Planning Commission held a public hearing on December 1, 2021, reviewed the Petitioner's request, and made a recommendation on the petition; and

**WHEREAS**, this matter has been presented to the City Council for final approval, and the Council has voted to approve the Special Exception to allow for a Planned Unit Development within a Residential Medium Density-2 (RM-2) and a Residential High Density (RH) zoning district, subject to the conditions stipulated in the Land Development Staff Report and Recommendation at the January 3, 2022 Public Hearing.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:**

**SECTION 1.** The petition, SE-PUD-20-03, a Special Exception to allow for a Planned Unit Development within a Residential Medium Density-2 (RM-2) and a Residential High Density (RH) zoning district, is hereby approved.

**SECTION 2.** The approval of Petition SE-PUD-20-03 is subject to all conditions contained in the Land Development Staff Report and Recommendation, Exhibit "A", dated October 19, 2021, as revised (attached).

**SECTION 3.** All resolutions in conflict herewith are hereby repealed.

**SECTION 4.** This approval is subject to the following conditions, which shall be the responsibility of and binding upon the Applicant, its successors, or assigns:

1. The most stringent requirements of Exhibit "A" Land Development Staff Report and Recommendation dated November 24, 2021 and Exhibit "B" Conceptual Plan stamped dated October 19, 2021, as hereafter defined shall apply.

2. Site and Development Plan approval is required prior to the issuance of development permits. (Planning and Building)
3. The Special Exception is limited to the 76 zero lot line single-family homes and the approval of the planned unit development (PUD).
4. In accordance with Section 16-778 (5)(D), Street trees, which are consistent with the provisions of Article VII (Landscaping), shall be planted within all platted rights-of-way or within the platted lots of the subdivision within the zero lot line homes spaced no less than fifty (50) feet on center. Townhouse units shall be landscaped according to the approved landscape plans. (Planning and Building)
5. Non-compliance with any of the conditions of approval will result in withholding of building permits or Certificates of Occupancy. (Planning and Building)
6. All advertisements and legal addresses on insurance policies and business correspondence shall clearly state that the project is located within the "City of Greenacres".
7. All terms, conditions, safeguards and stipulations made at the time of approval for SE/ZLL/PUD shall be binding upon the applicant or any successors in interest. Deviation from any portion of the approved master plan, or failure to comply with any requirement, condition or safeguard imposed by the City during the approval or platting procedure shall render the SE/ZLL approval null and void upon determination by the City Council.

**Section 5.** This resolution shall be subject to strict compliance with the documents listed below, which are incorporated herein as reference and placed in the record with the Planning & Engineering Department as SE-20-03:

1. Conceptual Site Plan, Sheet FSP.1, prepared by Dynamic Engineering, revision dated September 13, 2021.

**Section 6.** This resolution shall be effective shall become effective on the effective date of Ordinance 2021-05.

**RESOLVED AND ADOPTED this 3<sup>rd</sup> of day of January 2022.**

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**Joel Flores**, Mayor

**Attest:**

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**Quintella Moorer**, City Clerk

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**John Tharp**, Deputy Mayor

*Voted:*

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**Peter Noble**, Council Member, *District II*

*Voted:*

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**Judith Dugo**, Council Member, *District III*

*Voted:*

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**Jonathan Pearce**, Council Member, *District IV*

*Voted:*

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**Paula Bousquet**, Council Member, *District V*

*Voted:*

**Approved as to Form and Legal Sufficiency:**

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**Glen J. Torcivia**, City Attorney