

RESOLUTION NO. 23-16

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA, GRANTING SITE PLAN APPROVAL PURSUANT TO SITE PLAN AMENDMENT PETITION # SPA 5-2-23, FOR THE APPROXIMATELY 6.99 ACRES OF REAL PROPERTY, GENERALLY LOCATED AT ON THE SOUTHWEST CORNER OF UNIVERSITY DRIVE AND MONTERRA BOULEVARD, IN COOPER CITY, FLORIDA (THE “PROPERTY”); PROVIDING FOR CERTAIN OUTDOOR SEATING AT THE PROPERTY; PROVIDING FOR CONDITIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Monterra Investments, LLC, through its agent, Craven Thompson and Assoc. (the “Applicant”), filed Site Plan Amendment petition #SPA-5-2-23 (the “Petition”), seeking to amend the site plan for the approximately 6.99 acres of real property, known as Shoppes of Monterra Commons, generally located at on the southwest corner of University Drive ad Monterra Boulevard (the “Property”); and

WHEREAS, the Applicant seeks to amend the site plan to provide for outdoor seating for the 1st Watch restaurant building on the north portion of the Property; and

WHEREAS, the City’s professional staff, as detailed on the Staff Report attached hereto as Exhibit “A” and incorporated herein, recommends approval of the Applicant’s site plan amendment petition; and

WHEREAS, pursuant to the City’s Code of Ordinances and applicable law, a public meeting has been advertised setting forth the date, time and place of the meeting regarding the review of the Petition; and

WHEREAS, the City Commission has examined the Petition and staff recommendations and determined that the Petition is in compliance with the City Code and applicable design guidelines for the Property; and

WHEREAS, a Public Hearing on this request was held by the Planning & Zoning Board on July 10, 2023, after due notice of publication; and

WHEREAS, the Planning & Zoning Board has submitted to the City Commission their recommendation, a copy of which is included in the Staff Report, and recommends the approval of the Petition; and

WHEREAS, the City Commission finds that approving the Petition for the site plan amendment is in the best interests of the citizens and residents of the City of Cooper City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA:

Section 1: **Recitals Adopted.** That each of the above stated recitals is hereby adopted and confirmed. All exhibits attached hereto and incorporated herein and made a part hereof.

Section 2: **Approval.** That the Applicant's site plan amendment petition (SPA#5-2-23) is hereby approved.

Section 3: Issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed

by a state or federal agency or undertakes actions that result in a violation of state or federal law.

Section 4. **Conflicts.** All resolutions inconsistent or in conflict herewith shall be and are hereby repealed insofar as there is conflict or inconsistency.

Section 5. **Severability.** If any section, sentence, clause, or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this resolution.

Section 6. **Effective Date.** This Resolution shall become effective upon its passage and adoption by the City Commission.

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PASSED AND ADOPTED this _____ day of _____, 2023.

GREG ROSS
Mayor

ATTEST:

TEDRA ALLEN
City Clerk

APPROVED AS TO LEGAL FORM:

JACOB G. HOROWITZ
City Attorney

ROLL CALL

Mayor Ross _____
Commissioner Green _____
Commissioner Shrouder _____
Commissioner Katzman _____
Commissioner Mallozzi _____