

RESOLUTION NO. 21-52

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA, GRANTING THE REQUEST FOR VARIANCE PETITION #V 6-5-21, ATTACHED HERETO AS EXHIBIT “A” AND INCORPORATED HEREIN, FROM SPG COOPER CITY II TR FOR THE PROPERTY GENERALLY LOCATED at 12399 S.W. 53rd STREET, SUITE 102 IN COOPER CITY, FLORIDA, TO DECREASE THE REQUIRED PARKING RATIO FROM 1/100SQ/FT (147 SPACES) TO 1/450SQ/FT (32 SPACES) AND TO INCREASE THE MAXIMUM ALLOTTED PERCENTAGE OF COMMUNITY ASSEMBLY FROM 25% TO 36%; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, SPG Cooper City II TR, the property owner, through Diane Fernandez, the petitioner, and Jeff Katims, the owner’s agent (collectively, the “Applicant”) filed an application for a variance (#V 6-5-21) from Section 25-4(g) of the City’s Code of Ordinances (the “Code”), to decrease the parking ratio from 1/100 sq/ft to 1/450 sq/ft or 147 spaces to 32 spaces, and from Section 23-95(2) of the Code to increase the maximum allotted percentage of community assembly from 25% to 36% for the property generally located at 12399 S.W. 53rd Street, Suite 102, Cooper City, Florida; and

WHEREAS, a Public Hearing on this request was held by the Planning & Zoning Board on October 18, 2021, 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 attached hereto as Exhibit “B”, and recommends approval of the requested variance; and

WHEREAS, public notice was provided in accordance with law;

WHEREAS, the City Commission has reviewed the Applicant's request and considered the recommendation of the Planning and Zoning Board and finds that granting the Applicant's request for a variance is in the best interests of the citizens and residents of the 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.

Section 2: **Approval.** That the Applicant's request (#V6-5-21) is hereby approved and in accordance with Section 23-153 of the Code of Ordinances of the City of Cooper City, as reflected on Exhibit "A", attached hereto and made a part hereof by this reference, a variance is granted from Section 25-4(g) of the City Code, to decrease the parking ratio from 1/100 sq/ft to 1/450 sq/ft or 147 spaces to 32 spaces, and from Section 23-95(2) of the Code to increase the maximum allotted percentage of community assembly from 25% to 36% for the property generally located at 12399 S.W. 53rd Street, Cooper City, Florida.

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.

PASSED AND ADOPTED this ____ day of _____, 2021.

GREG ROSS
Mayor

ATTEST:

KATHRYN SIMS
City Clerk

APPROVED AS TO LEGAL FORM:

OFFICE OF THE CITY ATTORNEY

ROLL CALL

Mayor Ross _____
Commissioner Pulcini _____
Commissioner Meltzer _____
Commissioner Shrouder _____
Commissioner Green _____