

**RESOLUTION NO. 21-51**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA, APPROVING THE CONDITIONAL USE PETITION #CU 6-3-21, FROM SPG COOPER CITY II TR (OWNER) AND DIANE FERNANDEZ (PETITIONER) FOR THE APPROXIMATELY 8.5 ACRES OF REAL PROPERTY GENERALLY LOCATED AT 12399 S.W. 53<sup>rd</sup> STREET, SUITE 102; APPROVING AND AUTHORIZING THE USE OF THE PROPERTY FOR A VOCATIONAL EMPLOYMENT AND LIFE SKILLS TRAINING CENTER FOR ADULTS WITH DEVELOPMENTAL DISABILITIES; PROVIDING FOR CONDITIONS; 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 Petition #CU 6-3-21, seeking a conditional use approval, as detailed herein, for the approximately 8.5 acres of real property located at 12399 S.W. 53<sup>rd</sup> Street, Suite 102 (the “Property”); and

**WHEREAS**, Section 23-56 of the City’s Code of Ordinances authorizes special needs education centers certified by the Florida Agency for Persons with Disabilities as a conditional use within the I-1 light industrial zoning district, subject to the requirements of Section 23-152 of the Code; and

**WHEREAS**, the City’s professional staff, as detailed on the Staff Report attached hereto as Exhibit “A” and incorporated herein, has determined that the petition has satisfied all of the applicable review criteria, subject to the conditions detailed on the report; and

**WHEREAS**, the City’s professional staff has recommended approval of the petition for conditional use; 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, and recommends the approval of the petition per the commitments in the operation plan and with the condition that a sale or transfer of ownership would require approval of a new conditional use request; and

**WHEREAS**, public notice was provided in accordance with law; and

**WHEREAS**, the City Commission finds that approving Conditional Use Petition #CU 6-3-21 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 and Conditions.** That Conditional Use Petition #CU 6-3-21 is hereby granted, subject to the following conditions:

1. Approval of the variance being processed concurrently with this application.
2. Any increase in enrollment or changes to the Applicant’s operation plan are subject to review and approval by the City.

3. Satisfactory building permit & life safety plan review for the proposed occupant load within the proposed unit.

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

**Section 7.** **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 8.** **Effective Date.** This Resolution shall become effective upon its passage and adoption by the City Commission.

THE REST OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

---

**GREG ROSS**  
Mayor

ATTEST:

---

**KATHRYN SIMS**  
City Clerk

APPROVED AS TO LEGAL FORM:

---

**JACOB G. HOROWITZ**  
City Attorney

**ROLL CALL**

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