

RESOLUTION NO. 22-49

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA, APPROVING THE PLAT NOTE AMENDMENT PURSUANT TO PETITION #PA 4-2-22 FOR THE APPROXIMATELY 4.2 ACRES OF REAL PROPERTY GENERALLY LOCATED AT 10600 S.W. 59th AVENUE IN COOPER CITY, FLORIDA; AMENDING THE PLAT TO ALLOW FOR THE CONSTRUCTION OF A NEW 14,055 SQ/FT SCHOOL BUILDING WITH CLASSROOMS AND RECREATION SPACE FOR AN ADDITIONAL ONE HUNDRED THIRTY-FIVE (135) STUDENTS AND A NEW MOSQUE BUILDING TOTALING 11,927 SQ/FT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Nur-Ul-Islam, (the “Applicant”), through its agent, Liz Adler of Greenspoon Marder LLP, filed Petition #PA 4-2-22 (the “Petition”) seeking to amend the plat to bring it into compliance with the proposed future expansion of the site in order to construct a new 14,055 sq/ft school building with classroom and recreation space for an additional one hundred thirty-five (135) students and a new mosque building totaling 11,927 sq/ft, for the approximately 4.2 acres of real property generally located at 10600 S.W. 59th Avenue in Cooper City (the “Property”); 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 satisfies all of the minimum submission requirements for a plat amendment and confirmed that the Petition is ripe for consideration by the City Commission; 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 October 17, 2022, 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 a plat note 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 Petition #PA 4-2-22 is approved. The plat note is hereby amended, as follows:

From: “This plat is restricted to 8,545 square feet of church use (3,645 square feet existing and 4,900 square feet proposed); 17,880 square feet of school use (5,880 square feet existing and 12,000 square feet proposed); and 9,575 square feet of existing multi-purpose use ancillary to the church and school. No day/pre-school uses are permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts. ”

To: “This plat is restricted 12,500 square feet of place of worship including administrative use; 51,600 square feet of private school use (K-12) including administrative use.”

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.

THE REST OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK.

PASSED AND ADOPTED this _____ day of _____, 2022.

GREG ROSS
Mayor

ATTEST:

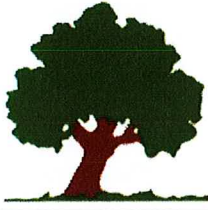
TEDRA ALLEN
City Clerk

ROLL CALL

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

APPROVED AS TO LEGAL FORM:

JACOB G. HOROWITZ
City Attorney



MEMORANDUM

To: City Commission

From: Jason Chockley, Community Development Asst. Director

Date: November 29, 2022

Re: Nur-UI-Islam Mosque & School Expansion Plat Amendment
Petition # PA 4-2-22

LOCATION: 10600 S.W. 59th Avenue

AGENT/OWNER: Liz Adler, Greenspoon Marder, LLP / Nur-UI-Islam of S. Florida, Inc.

ZONING: I-1, Institutional-Educational Zoning District, Broward County

PROPERTY SIZE: 4 acres

LAND USE PLAN: E, Estate

REQUEST: The applicant requests the Plat Amendment in order to bring the plat in compliance with proposed uses of a school expansion and new mosque building.

This item is a Plat amendment in order to build a new 14,055sq/ft school building with classrooms & recreation space for an additional 135 students and a new mosque building totaling 11,927 sq/ft.

This petition is also paired with a Site Plan Amendment as well as a Variance request for minarets and a dome on the mosque building.

In order to develop the above new buildings on the property, the Applicant is requesting to amend the note on the face of the plat as follows:

FROM: This plat is restricted to 8,545 square feet of church use (3,645 square feet existing and 4,900 square feet proposed); 17,880 square feet of school use (5,880 square feet existing and 12,000 square feet proposed); and 9,575 square feet of existing multi-purpose use ancillary to the church and school. No day care/pre-school uses are permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

PLAT AMENDMENT PETITION # PA 4-2-22
CITY COMMISSION 11-15-22

TO: This plat is restricted to 12,500 square feet of place of worship including administrative use; 51,600 square feet of private school use (K-12) including administrative use.

The above numbers equate out to 64,100 sq/ft of buildings and covered areas on the 4.2 acre property.

STAFF FINDING: The applicant has met all of the minimum submission requirements for the Plat Amendment request to be considered.

OUTSTANDING STAFF COMMENTS:

None.

PLANNING AND ZONING BOARD RECOMMENDATION: The Planning and Zoning Board, at their meeting of October 17, 2022, recommended **Approval** of the proposed Plat Amendment 6-2 with Mr. David Rouse and Ms. Kelly Brown dissenting.