

**RESOLUTION NO. 22-47**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA, GRANTING SITE PLAN APPROVAL PURSUANT TO SITE PLAN AMENDMENT PETITION # SPA 10-1-21 FOR THE APPROXIMATELY 4.2 ACRES OF REAL PROPERTY KNOWN AS NUR-UL-ISLAM, GENERALLY LOCATED AT 10600 S.W. 59<sup>th</sup> AVENUE, ON THE WEST SIDE OF S.W. 106<sup>th</sup> STREET APPROXIMATELY 140 FEET NORTH OF STIRLING ROAD, IN COOPER CITY, FLORIDA; PROVIDING FOR CONDITIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Nur-Ul-Islam of South Florida, Inc. (the “Applicant”), through its agent, Liz Adler of Greenspoon Marder, LLP, filed Site Plan Amendment petition #SPA-10-1-21 (the “Petition”), seeking to amend the site plan for the approximately 4.2 acres of real property known as the Nur-Ul-Islam generally located at 10600 S.W. 59<sup>th</sup> Avenue, on the west side of S.W. 106<sup>th</sup> Street, approximately 140 feet north of Stirling Road (the “Property”); and

**WHEREAS**, the Applicant seeks to amend the site plan to construct a new three-story school building and a new mosque building with three (3) minarets and a dome roof within the existing Nur-Ul-Islam development at 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, subject to certain conditions; 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 pursuant to staff's recommendation; 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#10-1-21) is hereby approved, subject to the following conditions, which are further detailed in the Staff Report attached hereto as Exhibit "A":

- 1) All required offsite roadway improvement work shall be completed before a temporary or final certificate of occupancy is issued.

- 2) The Applicant honors its commitment letter confirming that should any traffic congestion along S.W. 106<sup>th</sup> Avenue occur as a result of this approval, the alternative vehicle entrance plan from S.W. 110<sup>th</sup> Avenue shall be implemented.

**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 \_\_\_\_\_, 2022.

\_\_\_\_\_  
**GREG ROSS**  
Mayor

ATTEST:

\_\_\_\_\_  
TEDRA ALLEN  
City Clerk

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
JACOB G. HOROWITZ  
City Attorney

**ROLL CALL**

Mayor Ross \_\_\_\_\_  
Commissioner Pulcini \_\_\_\_\_  
Commissioner Meltzer \_\_\_\_\_  
Commissioner Shrouder \_\_\_\_\_  
Commissioner Green \_\_\_\_\_



# MEMORANDUM

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To: City Commission

From: Jason Chockley, Community Development Asst. Director

Date: November 29, 2022

Re: Nur-Ul-Islam – New School Building & Mosque Site Plan Amend.  
SPA # 10-1-21

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LOCATION: 10600 S.W. 59<sup>th</sup> Avenue; generally located on the west side of SW 106<sup>th</sup> Street, approximately 140 feet north of Stirling Road.

SIZE/ACRES: 4.2 acres

AGENT: Liz Adler, Greenspoon Marder, LLP

OWNER: Nur-Ul-Islam of South Florida, Inc.

FUTURE LAND USE PLAN DESIGNATION: E-Estate

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

ANALYSIS: This item is a Site Plan Amendment to construct a new three-story school building and a new mosque building with three minarets and a dome roof within the existing Nur-Ul-Islam development.

The proposed school building has ground floor covered parking with school recreation space on the 2<sup>nd</sup> floor and middle school classrooms on the 3<sup>rd</sup> floor. The proposed school building will be 14,055 sq/ft and will hold 135 students, increasing the total enrollment from 425 to 560 students. If this school building is approved the site will have 51,600 sq/ft of school use on the property.

The new two-story mosque building totals 11,927 sq/ft with open (no fixed seats), worship areas on both floors along with restrooms and storage closets. On the roof of this building are 3 minaret towers with one at 100ft and two at 70ft along with a dome at 51ft in height. A separate variance application for the proposed heights is being requested. The new mosque building had been previously approved by Broward County when the property was unincorporated, but has since expired. The request is to restore the mosque on the site plan as originally approved in the County, as they were subsequently removed through previous site plan amendments.

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PLANNING AND ZONING BOARD 10-17-22

Site plan modifications throughout the site include new parking areas, additional water retention areas and some landscape changes. Central Broward Water Control District has approved the proposed drainage/retention plans. Changes to the landscape plans will result in a payment to the City's Tree Canopy Trust Fund of \$2,400.

Off-site work includes two road widening projects. The first, is the widening of SW 106<sup>th</sup> Avenue at the intersection of SW 59<sup>th</sup> Street to create a dedicated left turn lane onto SW 59<sup>th</sup> Street to prevent delays for any cars traveling northbound on 106<sup>th</sup> Avenue. The second, is to widen SW 59<sup>th</sup> Street at 106<sup>th</sup> Avenue to allow for a dedicated left turn lane out to 106<sup>th</sup> Avenue going north-bound. In addition to the above, the proportionate share costs for roadway trips added to the Griffin Road and Stirling Road intersections on SW 106<sup>th</sup> Avenue equates out to \$23,366.92 (\$14,274.19 & \$9,092.76 respectively).

A revised parent drop-off/stacking plan is proposed and includes staff members stationed at numerous locations to ensure an organized and efficient drop-off (7:30-am-8:30am) and pick-up (2:45pm, 2:55pm & 3:07pm). Included in the backup materials is a letter from the school committing to an alternate arrival plan, requiring parents to access the school entrance via 110<sup>th</sup> avenue from West if stacking delays are experience on SW 106<sup>th</sup> Avenue.

The parking requirements associated with these new buildings are met with the restriction that the cafeteria/multi-purpose hall only be used for assembly purposes during the weekends and that the school releases students on Fridays at 11:50am to ensure parking for Friday prayers, which start at 1:30pm.

The school currently has a full-time school security guard who screens all visitors to the property at the front locked gate. The school and mosque are within a chain link fence the encloses the entire property.

To support their petitions, the applicant has submitted the following documents for review:

- 1) Full traffic report
- 2) Mosque and School Operations Plan

HISTORICAL BACKGROUND:

10/21/1999 Pre-annexation paperwork filed with Cooper City which included a letter to Mike Woolsey (Planning Dept. Director), which noted Broward County approvals for the construction of up to 36,000 sq/ft of a full-time school building and a mosque/hall facility (letter in variance justification packet).

9/7/2000 Broward County approved a height variance of a 28ft tall school building, 30ft for a cafeteria, 35ft for a mosque, and 100ft for a tower instead of the maximum allowable height of 20ft. Variance approval expired after 180 days per County Code section 39-43 (original County variance approval in justification packet).

10/1/2000 Nur-Ul-Islam property is annexed into the City of Cooper City.

OUTSTANDING STAFF COMMENTS:

None, all DRC comments have been addressed.

DEVELOPMENT REVIEW COMMITTEE RECOMMENDATION:

Staff recommends approval of the proposed Site Plan Amendment petition subject to the following conditions:

- 1) All required offsite roadway improvement work be completed before a temporary or final certificate of occupancy is issued.
- 2) The school honors their commitment letter that should any traffic back-ups along SW 106<sup>th</sup> Ave take place, the alternate vehicle entrance plan from SW 110<sup>th</sup> Ave be implemented.

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