

**RESOLUTION NO. 20R-07-134**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA GRANTING A SPECIAL EXCEPTION USE DEVELOPMENT ORDER TO BURLINGTON COAT FACTORY WAREHOUSE CORPORATION, SUBJECT TO CONDITIONS, TO ALLOW IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT A RETAIL, CITY-SCALE USE ON A 14.02± ACRE SITE LEGALLY DESCRIBED AS C&U SHOPPING CENTER 81-49 B POR TR A AND ALL OF TR A OF PLAT C&U SHOPPING CENTER ACCORDING TO THE PLAT THEREOF, AS RECORDED IN OFFICIAL RECORDS BOOK 81, PAGE 49, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE COMMONLY KNOWN AS 7350 W. COMMERCIAL BLVD, LAUDERHILL, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, this property is zoned General Commercial (CG) by the City of Lauderhill Zoning Map; and

WHEREAS, pursuant to the Land Development Regulations (LDR), this use is permitted in the General Commercial zoning district by Special Exception approval only; and

WHEREAS City Staff recommends that the City Commission vote IN FAVOR OF this Special Exception Use Development Order request, subject to the following conditions;

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

Section 1. The Special Exception Use Order of Burlington Coat Factory Warehouse Corporation, to allow in the General Commercial (CG) Zoning District a Retail, City-Scale Use on a 14.02 ± acre site legally described as C&U Shopping Center 81-49 B POR TR A and all of TR A of plat C&U Shopping Center according to the Plat thereof, as recorded in the Official Public Records of Broward County, Florida, at Book 81, Page 49, more commonly known as 7350 W. Commercial Blvd., Lauderhill, Florida, is hereby approved subject to the following conditions:

1. This Special Exception Use development order for an a Retail, City-Scale Use shall be specifically granted to Burlington Coat Factory Warehouse Corporation and such development order cannot be assigned, leased, subleased, transferred or otherwise conveyed to another entity. Further, this special exception use development order shall automatically expire and become null and void if any entity other than Burlington Coat Factory Warehouse Corporation

operates the use. Any change of corporate ownership affecting 51% or more of the interest of the business or any of its assets in any manner shall trigger this provision.

1. The Retail, City Scale use is restricted to 44,450 square feet as depicted in the attached floor plan Consistent with Article IV., Part 4.0., Section 4.3., the expansion, alteration, enlargement, or removal to another location of this use is prohibited and shall be unlawful unless the City Commission amends this development order to allow such expansion, alteration, enlargement, or removal to another location.
2. The days and hours of operation are limited to Sunday from 9:00 a.m. to 10:00 p.m., Monday through Thursday from 9:30 a.m. to 10:30 p.m., and Friday and Saturday from 9:00 a.m. to 10:30 p.m.
3. Loading and unloading of inventory, equipment, refuse, and similar must take place in the loading zones designated on the existing site plan and approved dumpster turn around areas.
4. Outdoor storage is prohibited.
5. Any violation of these conditions of approval may result in a public hearing before the City Commission and may result in the modification, suspension or revocation of this special exception use development order or its conditions or both.
6. Any special exception approval granted by the City Commission shall expire one hundred eighty (180) days after the date of approval, unless a development permit or site plan approval, if appropriate, is applied for within the one hundred eighty-day period.
7. If the use which has been granted a Special Exception shall cease to operate for a period of one (1) year, the Special Exception Use approval shall expire.

Section 2. The Staff Report, as prepared by City staff, and all other substantial competent evidence presented at the Commission meeting, is incorporated herein and is hereby adopted as the findings of fact as to this special exception.

Section 3. This Resolution shall take effect immediately upon its passage.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

PASSED AND ADOPTED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
PRESIDING OFFICER

ATTEST:

\_\_\_\_\_  
CITY CLERK

MOTION \_\_\_\_\_  
SECOND \_\_\_\_\_

M. BATES \_\_\_\_\_  
H. BERGER \_\_\_\_\_  
R. CAMPBELL \_\_\_\_\_  
D. GRANT \_\_\_\_\_  
K. THURSTON \_\_\_\_\_

Approved as to Form

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W. Earl Hall  
City Attorney