

RESOLUTION NO. R- 85-807B

RESOLUTION APPROVING ZONING PETITION 85-24, Special Exception

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 85-24 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 28th March 1985; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 28th of March 1985, that Petition No. 85-24 the petition of GUY AND LOIS SCOTCHEL By Richard Lubin, Attorney, for a SPECIAL EXCEPTION TO ALLOW AN ADULT ENTERTAINMENT ESTABLISHMENT on the South 150 feet of the North 353 feet of the East 198 feet of the West 238 feet; Together with:

The South 100 feet of the North 453 feet of the East 195 feet of the West 235 feet of the Replat of Madrid Park, Section 29, Township 43 South, Range 43 East. Said property located on the east side of Congress Avenue (S.R. 807), approximately 170 feet south of Okeechobee Boulevard (S.R.704) in a CG-General Commercial District was approved as advertised subject to the following conditions:

1. The petitioner shall make the most effective use of its valet parking service, fully utilizing the parking lots of neighboring businesses, and ensuring, to the extent feasible, that vehicles of

Bogie's lounge patrons' not be permitted to block the driveway entrances of neighboring residential properties on Congress Avenue.

2. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division. Stormwater runoff shall not flow onto adjacent private properties.

3. The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. Presently, the Fair Share Fee for this project is \$357.00.

4. The grant of this special exception shall entail a limitation of this male revue show to one night per week, and shall not authorize any other adult entertainment activity within the scope of the Adult Entertainment Establishment section of the Zoning Code of Palm Beach County, Florida.

5. A minimum of twenty-eight (28) additional parking spaces shall be made permanently available for use of the customers of this business establishment on the commercially zoned property at the rear of this site by June 30, 1985. If additional spaces can be provided on this adjacent site, such spaces shall be installed.

6. There shall be no on-site signage advertising adult entertainment or a male revue show.

Commissioner Spillias, moved for approval of the petition. The motion was seconded by Commissioner Marcus, and upon being put to a vote, the vote was as follows:

Ken Adams, Chairman	--	ABSENT
Karen T. Marcus, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	ABSENT
Dorothy Wilken, Member	--	NEY

The foregoing resolution was declared duly passed and adopted this 21 day of May, 1985 confirming action of the 28th March 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Jean H. Ellington
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Sandy Sprague
County Attorney