

RESOLUTION NO. **R-89- 1322**

RESOLUTION DENYING ZONING PETITION NO. **87-96**
PETITION OF **J & M DIVERSIFIED INDUSTRIES, INC.**

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 have been satisfied; and

WHEREAS, Petition No. **87-96** was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March **30, 1989**; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, pursuant to the criteria set forth in the Zoning Code of Palm Beach County, Florida, Sections **102, 202.2** (Special Exception), and **402.5** 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is not consistent with the requirements of the Comprehensive Plan and local land development regulations.
2. This proposal is not consistent with the present and future development of the area and not an appropriate use in this location.
3. This nonconforming lot cannot meet the minimum property development regulations to support the intensity of use proposed.
4. The original rezoning of this lot from CN to CG was based on the intent that the use be limited and not intense.
5. This proposal does not promote the public health, safety, and needs of the community.

WHEREAS, Section **402.5** of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. **87-96** the petition of **J & M DIVERSIFIED INDUSTRIES, INC.**, by **Bruce L. Randall**, Agent, for a **SPECIAL EXCEPTION TO PERMIT AN ADULT ENTERTAINMENT ESTABLISHMENT WHICH WILL EXTINGUISH THE SPECIAL EXCEPTION FOR A PLANNED COMMERCIAL DEVELOPMENT** (PETITION

NO. 85-132) on a parcel of land lying on the West 150.00 feet of the South 150.00 feet of the North 185.00 feet of Tracts A and B, Block 3, Palm Beach Farms Company, Plat No. 7 in Section 30, Township 44 South, Range 42 East, recorded in Plat Book 5, Page 72, being located on the south side of Lake Worth Road (SR 802), approximately .2 mile west of Congress Avenue (SR 807), in a CG-General Commercial Zoning District, was denied on March 30, 1989, with prejudice.

Commissioner Marcus moved for adoption of the Resolution.

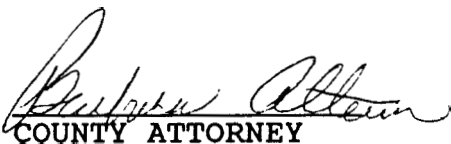
The motion was seconded by the Commissioner Howard and, upon being put to a vote, the vote was as follows:

Carol J. Elmquist, Chair	--	Aye
Karen T. Marcus	--	Aye
Carol Roberts	--	Aye
Ron Howard	--	Aye
Carole Phillips	--	Absent

The Chair thereupon declared the resolution was duly passed and adopted this 11th day of July, 1989.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

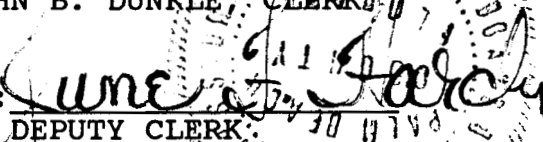
BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK

Meeting Date: July 11, 1989

Agenda Item #: 361

361
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P.ab

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Consent (X)

Regular ()

Public Hearing ()

I. EXECUTIVE BRIEF

Request Submitted By: Planning, Zoning and Building/Zoning

Motion and Title:

Motion to adopt resolutions for zoning petitions heard by the Board of County Commissioners (Zoning Authority) on March 30, 1989 and March 31, 1989 as follows:

Resolutions approving Zoning Petition Nos:

- 88-126 - Rezoning;
- 89-14 - Rezoning and Special Exception;
- 88-124 - Rezoning and Special Exception;
- 88-120 - Rezoning and Special Exception;
- 85-134(B) - Modification of Commission Requirements;
- 88-132 - Rezoning and Special Exception;
- 77-133(B) - Modification of Commission Requirements;
- 86-106(B) - Modification of Commission Requirements;
- 89-22 - Special Exception;
- 89-23 - Special Exception;
- 73-93(A) - Special Exception;
- 84-118(D) - Special Exception;
- 89-19 - Rezoning and Special Exception;

and Resolution denying Zoning Petition No:

- 87-96 Special Exception.

Background and Justification:

Exhibits Attached for Board (list by letter):

- a. Summary
- b. Resolutions

THIS AGENDA ITEM DOES () DOES NOT () HAVE A FISCAL IMPACT.

Note: If it does, please complete Fiscal Impact Analysis on page 2.

Recommended By: *Donna H. Kristaponis*
Donna H. Kristaponis, Department Director

OFMB Review and Comments:

N/a

Tom Elliott 6/29/89

OFMB Signature & Date

Legal Sufficiency: *Barbara Allen* 7/3/89
(If Applicable) County Attorney