

RESOLUTION APPROVING ZONING PETITION CA96-128
CLASS A CONDITIONAL USE
PETITION OF RICHARD CONNELL
BY GREGORY KINO, AGENT
(BOCANUTS)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, 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 Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA96-128 was presented to the Board of County Commissioners at a public hearing conducted on April 24, 1997; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

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

1. This Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse **effects**, including **visual impact** and intensity of the proposed use on adjacent lands.
8. This Class A Conditional **Use has a concurrency** determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
9. This Class **A** Conditional Use, with conditions **as** adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands **and the** natural functioning of the environment.
10. This Class A Conditional Use, with conditions **as** adopted, **will** result in logical, timely and orderly development patterns.

WHEREAS, **Article 5** of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted **by** resolution.

NOW, THEREFORE, **BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA**, that Zoning Petition **CA96-128**, the ~~petition~~ of Richard Connell, **by** Gregory Kino, agent, for a Class A Conditional Use **(CA)** to allow a Cocktail lounge in the General Commercial (CG) Zoning District, on a parcel of land legally described in **EXHIBIT A**, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in **EXHIBIT B**, attached hereto **and** made a part hereof, **was approved on** April **24**, 1997, subject to the conditions of approval described in **EXHIBIT C**, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

Burt Aaronson, Chair	--	Aye
Maude Ford Lee, Vice Chair	--	Absent
Ken Foster	--	Aye
Karen T. Marcus	--	Absent
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on **April 24, 1997**.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY **ITS BOARD OF COUNTY**
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A
LEGAL DESCRIPTION

EXHIBIT "A"

LEGAL DESCRIPTION

**TRACT 64, LESS THE NORTH 25 FEET AND LESS THE SOUTH 65 FEET THEREOF BLOCK
76 PALM BEACH FARMS COMPANY PLAT No. 3 AS RECORDED IN PLAT BOOK 2 AT
PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY,
FLORIDA
CONTAINING 4.318 ACRES MORE OR LESS**

EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses, location and site design as approved by the Board of County Commissioners. The approved site plan is dated January 8, 1997. **All** modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. BUILDING AND SITE DESIGN

1. The entrance **and** exit **doors** for the Comedy Club shall **be** limited to the east side of the building. This condition shall not apply to required emergency exits. (BLDG PERMIT: BLDG - Zoning)

C. USE LIMITATIONS

1. Hours of operation for the Comedy Club **and** the sale of alcoholic beverages **shall be** limited **from** 7:00 p.m. to 12:00 a.m Sunday **thru** Thursday and from 7:00 p.m. to 2:00 a.m. Friday and Saturdays. (ONGOING: CODE ENF)
2. The use shall be limited to a Comedy club only with a maximum **4,964** square feet and two hundred and twenty six (226) seats. (ONGOING: CODE ENF)
3. The Petitioner shall place traffic cones or similar temporary traffic barriers at the northwest **corner** of the building in order to **discourage** the Comedy Club patrons from parking on the west side of the building. (ONGOING: CODE ENF)

E. ENGINEERING

1. The property owner 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. The Fair Share Fee for this **project**, Zoning Petition No. 96-128, to be paid at the time of issuance of the interior renovation permit presently is \$12,870.00 (234 additional trips **X \$55.00** per trip) (ONGOING: ACCOUNTING - Fair Share Fee Coordinator).

F. COMPLIANCE

1. Failure **to** comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation **of** a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of **the subject** property; the revocation of any **other** permit, license or approval from any developer, owner, lessee, or user of the subject property; **and/or**

- b. The revocation of the Official **Map** Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of ~~the~~ ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may ~~be~~ directed by the Executive Director of PZ&B or a majority vote ~~of the~~ Code Enforcement Board to ~~schedule~~ a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation ~~of~~ any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to ~~the~~ Palm Beach County Board of Adjustment or ~~as~~ otherwise provided in ~~the~~ Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on ~~a~~ Board of County Commission decision shall be ~~by~~ petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)