

RESOLUTION NO. R-2013-1522

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/R-2013-01069  
(CONTROL NO. 1973-00085)  
a Requested Use  
APPLICATION OF Boca Wharfside LLC by TJAC Wharfside LLC - Zvi Schwarzman  
BY RKB Architects Planners Inc., AGENT  
(Wharfside at Boca Pointe)

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 applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application ZV/DOA/R-2013-01069 was presented to the Board of County Commissioners at a public hearing conducted on October 24, 2013; and

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

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a Requested Use; and

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County 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; and

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application ZV/DOA/R-2013-01069, the petition of Boca Wharfside LLC by TJAC Wharfside LLC - Zvi Schwarzman, by RKB Architects Planners Inc., agent, for a Requested Use to allow a Type I Restaurant in the Single Family Residential with a Special Exception for a Planned Unit Development (RS/SE) 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 October 24, 2013.

Commissioner Berger moved for the approval of the Resolution.

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

Commissioner Steven L. Abrams, Mayor	-	Abstained
Commissioner Priscilla A. Taylor, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Jess R. Santamaria	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on October 24, 2013.

Filed with the Clerk of the Board of County Commissioners on November 1, 2013.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

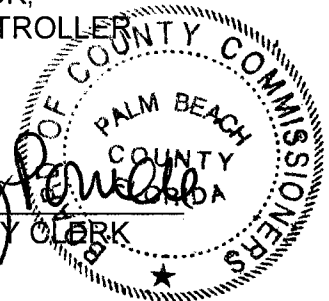
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



## EXHIBIT A

### LEGAL DESCRIPTION

#### PARCEL 1:

Tract T-2 of Boca Pointe No. 4, according to the plat thereof as recorded in Plat Book 43, at Pages 194-196, of the Public Records of Palm Beach County, Florida.

#### PARCEL 2:

A parcel of land lying in the North half of Section 34, Township 47 South, Range 42 East, Palm Beach County, Florida being a portion of Tracts 19 and 20 of The Palm Beach Farms Company Plat No. 6, as recorded in Plat Book 5, at Page 75; of the Public Records of Palm Beach County, Florida, said parcel being more particularly described as follows:

Beginning at the Northwest corner of Tract T-2 of Boca Pointe No. 4, as recorded in Plat Book 43, at Pages 194-196, of the Public Records of Palm Beach County, Florida; thence with a bearing of South 00° 27 minutes, 48 seconds East along the West line of said Tract T-2, a distance of 305.23 feet to the Northeast corner of Tract T-1 of the aforementioned plat of Boca Pointe No. 4; thence with a bearing of South 89° 32 minutes, 12 seconds West along the North line of said Tract T-1, a distance of 42.00 feet to a point; thence with a bearing of North 00° 27 minutes, 48 seconds West, a distance of 70.00 feet to a point; thence with a bearing of South 89° 32 minutes, 12 seconds West, a distance of 38.00 feet to a point; thence with a bearing of North 00° 27 minutes, 48 seconds West, a distance of 50.00 feet to a point; thence with a bearing North 89° 32 minutes, 12 seconds East, a distance of 38.00 feet to a point; thence with a bearing of North 00° 27 minutes, 48 seconds West, a distance of 165.23 feet to a point; thence with a bearing of North 45° 27 minutes, 48 seconds West, a distance of 29.70 feet to a point; thence with a bearing of North 00° 27 minutes, 48 seconds West, a distance of 54.09 feet to a point; thence with a bearing of North 89° 36 minutes, 55 seconds East, a distance of 54.04 feet to a point; thence with a bearing of South 00° 27 minutes, 48 seconds East, a distance of 25.00 feet to a point; thence with a bearing North 89° 36 minutes, 55 seconds East, a distance of 74.00 feet to a point; thence with a bearing of South 45° 23 minutes, 05 seconds East, a distance of 42.43 feet to a point lying on the North line of the aforesaid Tract T-2; thence with a bearing of South 89° 36 minutes, 55 seconds West, along said North line of Tract T-2, a distance of 95.00 feet, more or less, to the Point of Beginning.

#### PARCEL 3:

A parcel of land lying in the North half of Section 34, Township 47 South, Range 42 East, Palm Beach County, Florida, being a portion of Tracts 18 and 19 of the Palm Beach Farms Co. Plat No. 6, as recorded in Plat Book 5, at Page 75, of the Public Records of Palm Beach County, Florida, said parcel being more particularly described as follows:

Commencing at the Northwest corner of Tract T-2 of Boca Pointe No. 4, as recorded in Plat Book 43, at Pages 194-196, of the Public Records of Palm Beach County, Florida; thence with a bearing of North 89° 36 minutes, 55 seconds East, along the North line of said Tract T-2, a distance of 210.00 feet to the Point of Beginning; thence with a bearing of North 00° 23 minutes, 05 seconds West, a distance of 30.00 feet to a point; thence with a bearing of North 89° 36 minutes, 55 seconds East, a distance of 60.00 feet to a point; thence with a bearing of South 00° 23 minutes, 05 seconds East, a distance of 30.00 feet to a point lying on the North line of the aforesaid Tract T-2; thence with a bearing of South 89° 36 minutes, 55 seconds West, along said North line of Tract T-2, a distance of 60.00 feet, more or less, to the Point of Beginning.

#### PARCEL 4:

A parcel of land lying in the North half of Section 34, Township 47 South, Range 42 East, Palm Beach County, Florida, being a portion of Tract 18 of Palm Beach Farms Co. Plat No. 6, as recorded in Plat Book 5, at Page 75, of the Public Records of Palm Beach County, Florida, said parcel being more particularly described as follows:

Commencing at the Northwest corner of Tract T-2 of Boca Pointe No. 4, as recorded in Plat Book 43, at Pages 194-196, of the Public Records of Palm Beach County, Florida; thence with a bearing of North 89° 36 minutes, 55 seconds East, along the North line of said Tract T-2, a distance of 300.00 feet to the Point of Beginning; thence with a bearing

of North 00° 23 minutes, 05 seconds West, a distance of 110.00 feet to a point; thence with a bearing of North 89° 36 minutes, 55 seconds East, a distance of 150.00 feet to a point; thence with a bearing of South 00° 23 minutes, 05 seconds East, a distance of 110.00 feet to a point lying on the North line of the aforesaid Tract T-2; thence with a bearing of South 89° 36 minutes, 55 seconds West, along said North line of Tract T-2, a distance of 150.00 feet, more or less, to the Point of Beginning.

**PARCEL 5:**

A parcel of land lying in the North half of Section 34, Township 47 South, Range 42 East, Palm Beach County, Florida, being a portion of Tract 17 of Palm Beach Farms Co. Plat No. 6, as recorded in Plat Book 5, at Page 75, of the Public Records of Palm Beach County, Florida, said parcel being more particularly described as follows:

Commencing at the Northwest corner of Tract T-2 of Boca Pointe No. 4, as recorded in Plat Book 43, at Pages 194-196, of the Public Records of Palm Beach County, Florida; thence with a bearing of North 89° 36 minutes, 55 seconds East, along the North line of said Tract T-2, a distance of 532.89 feet to the Point of Beginning; thence with a bearing of North 00° 23 minutes, 05 seconds West, a distance of 42.50 feet to a point; thence with a bearing of North 89° 36 minutes, 55 seconds East, a distance of 25.00 feet to a point; thence with a bearing of South 00° 23 minutes, 05 seconds East, a distance of 42.50 feet to a point lying on the North line of the aforesaid Tract T-2; thence with a bearing of South 89° 36 minutes, 55 seconds West, along said North line of Tract T-2, a distance of 25.00 feet, more or less, to the Point of Beginning.

**PARCEL 6:**

A parcel of land lying in the North half of Section 34, Township 47 South, Range 42 East, Palm Beach County, Florida, being a portion of Tract 17 of Palm Beach Farms Co. Plat No. 6, as recorded in Plat Book 5, at Page 75, of the Public Records of Palm Beach County, Florida, said parcel being more particularly described as follows:

Commencing at the Northwest corner of Tract T-2 of Boca Pointe No. 4, as recorded in Plat Book 43, at Pages 194-196, of the Public Records of Palm Beach County, Florida; thence with a bearing of North 89° 36 minutes, 55 seconds East, along the North line of said Tract T-2; a distance of 649.89 feet to the Northeast corner of said Tract T-2; thence with a bearing of South 00° 23 minutes, 05 seconds East, along the East line of said Tract T-2, a distance of 44.00 feet to the Point of Beginning; thence with a bearing of North 89° 36 minutes, 55 seconds East, a distance of 32.50 feet to a point; thence with a bearing of South 00° 23 minutes, 05 seconds East, a distance of 28.00 feet to a point; thence with a bearing of South 89° 36 minutes, 55 seconds West, a distance of 32.50 feet to a point lying on the East line of the aforesaid Tract T-2; thence with a bearing of North 00° 23 minutes, 05 seconds West, along said East line of Tract T-2, a distance of 28.00 feet, more or less, to the Point of Beginning.

**PARCEL 7:**

A parcel of land lying in the North half of Section 34, Township 47 South, Range 42 East, Palm Beach County, Florida, being a portion of Tract 17 of Palm Beach Farms Co. Plat No. 6, as recorded in Plat Book 5 at Page 75, of the Public Records of Palm Beach County, Florida, said parcel being more particularly described as follows:

Commencing at the Northwest corner of Tract T-2 of Boca Pointe No. 4, as recorded in Plat Book 43, at Pages 194-196, of the Public Records of Palm Beach County, Florida; thence with a bearing of North 89° 36 minutes, 55 seconds East along the North line of said Tract T-2, a distance of 649.89 feet to the Northeast corner of said Tract T-2;; thence with a bearing of South 00° 23 minutes, 05 seconds East, along the East line of said Tract T-2, a distance of 148.56 feet to the Point of Beginning; thence with a bearing of South 45° 23 minutes, 05 seconds East, a distance of 61.52 feet to a point; thence with a bearing of South 00° 23 minutes, 05 seconds East, a distance of 42.50 feet to a point; thence with a bearing of South 89° 36 minutes, 55 seconds West, a distance of 33.50 feet to a point; thence with a bearing of South 00° 23 minutes, 05 seconds East, a distance of 94.00 feet to a point; thence with a bearing of North 89° 36 minutes, 35 seconds East, a distance of 35.00 feet to a point; thence with a bearing of South 00° 23 minutes, 05 seconds East, a distance of 16.00 feet to a point; thence with a bearing of South 89° 36 minutes, 55 seconds West, a distance of 35.00 feet to a point; thence with a bearing of South 00° 23 minutes, 05 seconds East, a distance of 91.00 feet to a point; thence with a bearing of South 89° 36 minutes, 55 seconds West, a distance of 10.00 feet to a point lying on the East line of the aforesaid Tract T-2; thence with a bearing of

North 00° 23 minutes, 05 seconds West, along said East line of Tract T-2, a distance of 287.00 feet, more or less, to the Point of Beginning.

Also known as the following:

A parcel of land lying in Section 34, Township 47 South, Range 42 East, Palm Beach County, Florida, said parcel being all of Tract T-2, Boca Pointe No. 4, according to the plat thereof as recorded in Plat Book 43, Pages 194-196 of the Public Records of Palm Beach County, Florida, together with a portion of Tract W-5, Boca Pointe No. 3, as recorded in Plat Book 46, Pages 123-125 of the Public Records of Palm Beach County, Florida, said parcel being more particularly described as follows:

Beginning at the Southeast corner of said Tract T-2; Thence with a bearing of S 89° 36'55" W, along the South Line of said Tract T-2 for a distance of 515.79 feet to a point; Thence with a bearing of N 83° 15'39" W, along the South Line of said Tract T-2 for a distance of 134.33 feet to the Southwest corner of Tract T-2; Thence with a bearing of N 00° 27'48" W, along the West Line of said Tract T-2 for a distance of 281.07 feet to a point; Thence with a bearing of S 89° 32'12" W, along the North Line of Tract T-1, said plat of Boca Pointe No. 4, for a distance of 42.00 feet to a point; Thence with a bearing of N 00° 27'48" W, for a distance of 70.00 feet to a point; Thence with a bearing of S 89° 32'12" W, for a distance of 38.00 feet to a point; Thence with a bearing of N 00° 27'48" W, for a distance of 50.00 feet to a point; Thence with a bearing of N 89° 32'12" E, for a distance of 38.00 feet to a point; Thence with a bearing of N 00° 27'48" W, for a distance of 165.23 feet to a point; Thence with a bearing of N 45° 27'48" W, for a distance of 29.70 feet to a point; Thence with a bearing of N 00° 27'48" W, for a distance of 54.09 feet to a point; Thence with a bearing of N 89° 36'55" E, for a distance of 54.04 feet to a point; Thence with a bearing of S 00° 27'48" E, for a distance of 25.00 feet to a point; Thence with a bearing of N 89° 36'55" E, for a distance of 74.00 feet to a point; Thence with a bearing of S 45° 23'05" E, for a distance of 42.43 feet to a point lying on the North Line of said Tract T-2; Thence with a bearing of N 89° 36'55" E, along the North Line of said Tract T-2 for a distance of 115.00 feet to a point; Thence with a bearing of N 00° 23'05" W, for a distance of 30.00 feet to a point; Thence with a bearing of N 89° 36'55" E, for a distance of 60.00 feet to a point; Thence with a bearing of S 00° 23'05" E, for a distance of 30.00 feet to a point lying on the North Line of said Tract T-2; Thence with a bearing of N 89° 36'55" E, along the North Line of said Tract T-2 for a distance of 30.00 feet to a point; Thence with a bearing of N 00° 23'05" W, for a distance of 110.00 feet to a point; Thence with a bearing of N 89° 36'55" E, for a distance of 150.00 feet to a point; Thence with a bearing of S 00° 23'05" E, for a distance of 110.00 feet to a point lying on the North Line of said Tract T-2; Thence with a bearing of N 89° 36'55" E, along the North Line of said Tract T-2 for a distance of 82.89 feet to a point; Thence with a bearing of N 00° 23'05" W, for a distance of 42.50 feet to a point; Thence with a bearing of N 89° 36'55" E, for a distance of 25.00 feet to a point; Thence with a bearing of S 00° 23'05" E, for a distance of 42.50 feet to a point lying on the North Line of said Tract T-2; Thence with a bearing of N 89° 36'55" E, along the North Line of said Tract T-2 for a distance of 92.00 feet to a point, said point being the Northeast corner of Tract T-2; Thence with a bearing of S 00° 23'05" E, along the East Line of said Tract T-2 for a distance of 44.00 feet to a point; Thence with a bearing of N 89° 36'55" E, for a distance of 32.50 feet to a point; Thence with a bearing of S 00° 23'05" E., for a distance of 28.00 feet to a point; Thence with a bearing of S 89° 36'55" W, for a distance of 32.50 feet to a point lying on the East Line of said Tract T-2; Thence with a bearing of S 00° 23'05" E, along the East Line of said Tract T-2 for a distance of 76.56 feet to a point; Thence with a bearing of S 45° 23'05" E, for a distance of 61.52 feet to a point; Thence with a bearing of S 00° 23'05" E, for a distance of 42.50 feet to a point; Thence with a bearing of S 89° 36'55" W, for a distance of 33.50 feet to a point; Thence with a bearing of S 00° 23'05" E, for a distance of 94.00 feet to a point; Thence with a bearing of N 89° 36'55" E, for a distance of 35.00 feet to a point; Thence with a bearing of S 00° 23'05" E, for a distance of 16.00 feet to a point; Thence with a bearing of S 89° 36'55" W, for a distance of 35.00 feet to a point; Thence with a bearing of S 00° 23'05" E, for a distance of 91.00 feet to a point; Thence with a bearing of S 89° 36'55" W, for a distance of 10.00 feet to a point lying on the East Line of said Tract T-2; Thence with a bearing of S 00° 23'05" E, along the East Line of said Tract T-2 for a distance of 167.40 feet, more or less, to the Point of Beginning.

Said lands situated in Palm Beach County, Florida. Containing 436,701 square feet (10.025 acres) more or less.

EXHIBIT B

VICINITY SKETCH

