

CITY OF WESTLAKE



AGENDA

City Council Regular Meeting

Tuesday, February 07, 2023 at 6:00 PM

Westlake Council Chambers
4005 Seminole Pratt Whitney Road
Westlake, Florida 33470

CITY COUNCIL:

JohnPaul O'Connor, Mayor
Greg Langowski, Vice Mayor
Pilar Valle Ron, Council Member – Seat 1
Julian Martinez, Council Member – Seat 2
Charlotte Leonard, Council Member – Seat 3

CITY STAFF:

Ken Cassel, City Manager
Zoie P. Burgess, CMC, City Clerk
Donald J. Doody, Esq., City Attorney
Nilsa Zacarias, AICP, Planning and Zoning Director
Suzanne Dombrowski, P.E., ENV SP, City Engineer

[TENTATIVE: SUBJECT TO REVISION]

This is a Public Meeting and members of the public may attend in-person; however, the option to attend and participate via Communications Media Technology is available via the Cisco WebEx Platform and may be accessed as follows:

1. Join the Webex meeting from your computer, tablet or smartphone at the following link:
<https://cityofwestlake.my.webex.com/>

Meeting ID: 2632 888 9851

Password: hello

2. Participants may also dial in using your phone with any of the following number(s):

United States Toll: +1-408-418-9388

Meeting ID: 2632 888 9851

For participants attending the meeting via WebEx, public comments will be accepted via an electronic comment card, at least 24 hours prior to the public meeting and also acknowledged during the meeting when participants utilize the “raise your hand” feature during the designated time.

Procedures for Public Comment are also provided via the City website:
<https://www.westlakegov.com/cityclerk/page/covid-19-public-meetings>

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

PUBLIC COMMENTS AND REQUESTS

This section of the agenda allows for comments from the public to speak. Each speaker will be given a total of three (3) minutes to comment. A public comment card should be completed and returned to the City Clerk. When you are called to speak, please go to the podium or unmute your device, and prior to addressing Council, state your name and address for the record.

CONSENT AGENDA

This section of the agenda consists of routine or administrative items that require final approval by the City Council and may be approved in its entirety by a single motion. There will be no discussion of these items unless a Council Member, requests such, in which event, the item will be removed from the Consent Agenda and considered on a future agenda.

- [A.](#) Minutes_Regular City Council Meeting - 01.03.2023 DRAFT
- [B.](#) Financial Report - December 2022

PUBLIC HEARING - QUASI-JUDICIAL

- [A.](#) A Resolution for Persimmon Boulevard East – Plat 5
Submitted By: Engineering

RESOLUTION 2023-05

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING PERSIMMON BOULEVARD EAST – PLAT 5, BEING A PORTION OF SECTIONS 7 AND 8, TOWNSHIP 43 SOUTH, RANGE 41 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA. PROVIDING FOR RECORDATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

- [B.](#) **MSP-2022-04:** The applicant is requesting approval for a Master Signage Plan Modification for Christ Fellowship Church, a one (1) story, 38,155 square foot Worship Center. The applicant is requesting a Master Signage Plan Modification to add three (3) directional signs and eight (8) pole mounted banner signs. The request includes one (1) waiver request to allow identification letters for the pole mounter banner signs. The subject application is located at 16561 Waters Edge Drive, Westlake, Florida, 33470.

Submitted By: Planning and Zoning

NEW BUSINESS

A. FIRST READING: Ordinance 2022-16 – Sexually Oriented Businesses

Submitted By: Planning and Zoning

ORDINANCE NO. 2022-16

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY CREATING _____ ENTITLED “SEXUALLY ORIENTED BUSINESSES”; PROVIDING FOR DEFINITIONS OF SEXUALLY ORIENTED BUSINESSES; PROVIDING FOR LICENSING AND REGULATION OF SUCH BUSINESSES AND THEIR EMPLOYEES; PROVIDING FOR A DISTANCE SEPARATION BETWEEN ENTERTAINERS AND PATRONS IN SEXUALLY ORIENTED BUSINESSES; PROVIDING FOR CODIFICATION; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

B. Resolution 2023-06 - Minto PBLH, LLC Property Lease Amendment

Submitted by: Administration

RESOLUTION NO. 2023-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY COUNCIL MEMBER TO EXECUTE THE LEASE AMENDMENT BETWEEN MINTO PBLH, LLC AND THE CITY OF WESTLAKE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

C. Third Addendum to Agreement with Chen Moore and Associates

Submitted by: Administration

RESOLUTION NO. 2023-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY COUNCIL MEMBER TO EXECUTE THE THIRD ADDENDUM TO PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF WESTLAKE AND CHEN MOORE & ASSOCIATES, INC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

D. Termination of Agreement - NZ Consultants

Submitted By: Administration

RESOLUTION NO. 2023-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY COUNCIL MEMBER TO EXECUTE A TERMINATION OF PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF WESTLAKE AND NZ CONSULTANTS, INC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

OLD BUSINESS

A. Resolution 2023-04 - Complete Streets Policy

Submitted By: Administration

RESOLUTION NO. 2023-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, APPROVING AND ADOPTING THE CITY'S COMPLETE STREET POLICY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

CITY COUNCIL COMMENTS

- A. Councilwoman Charlotte Leonard
- B. Councilman Julian Martinez
- C. Councilwoman Pilar Valle Ron
- D. Vice Mayor Greg Langowski
- E. Mayor JohnPaul O'Connor

REPORT - STAFF

REPORT - CITY ATTORNEY

REPORT - CITY MANAGER

PUBLIC COMMENTS AND REQUESTS

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ADJOURNMENT

NOTICE: If a person, firm or corporation decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, you will need a record of the proceedings, and you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (The above notice is required by State Law. Anyone desiring a verbatim transcript shall have the responsibility, at his own cost, to arrange for the transcript). The City of Westlake does not prepare or provide such verbatim record.

In accordance with the Americans with Disabilities Act, persons who need an accommodation in order to attend or participate in this meeting should contact the City Clerk at (561) 530-5880 at least three (3) business days prior to the meeting in order to request such assistance.

AGENDA POSTED: February 3, 2023

File Attachments for Item:

A. Minutes_Regular City Council Meeting - 01.03.2023 DRAFT

CITY OF WESTLAKE



MINUTES

City Council Regular Meeting

Tuesday, January 03, 2023 at 6:00 PM

Westlake Council Chambers
4005 Seminole Pratt Whitney Road
Westlake, Florida 33470

CITY COUNCIL:

JohnPaul O'Connor, Mayor
Greg Langowski, Vice Mayor
Pilar Valle Ron, Council Member – Seat 1
Julian Martinez, Council Member – Seat 2
Charlotte Leonard, Council Member – Seat 3

CITY STAFF:

Ken Cassel, City Manager
Zoie P. Burgess, CMC, City Clerk
Donald J. Doody, Esq., City Attorney
Nilsa Zacarias, Planning and Zoning Director
Suzanne Dombrowski, City Engineer

A regular meeting of the City Council of the City of Westlake was held on Tuesday, January 3, 2023, at 6:00 PM., at the Westlake Community Center, 4005 Seminole Pratt Whitney Road. Members of the public also participated in the meeting through electronic means and accessed as follows:

1. Webex meeting from a computer, tablet or smartphone at the following link:
<https://cityofwestlake.my.webex.com/>

Meeting ID: 2632 888 9851

Password: hello

2. Participants also dialed in using phone with the following number:

United States Toll: +1-408-418-9388

Meeting ID: 2632 888 9851

As a preliminary matter, Ms. Burgess noted that council members are present physically constituting a quorum.

Ms. Burgess provided further instruction regarding public comments, noting that comments will be acknowledged by the mayor and accepted at the appropriate times as indicated in the agenda and those who wish to speak may use the "virtual" hand raise feature.

Ms. Burgess provided the disclaimer that the meeting is being recorded by both voice and video, reminding the audience microphones are live. Ms. Burgess further explained that microphones will be muted; audience members can unmute themselves and anyone that has called in should mute their device.

Ms. Burgess noted that anyone causing a disruption or being inappropriate will be removed from the meeting. Ms. Burgess reminded Council Members physically present to utilize microphones.

CALL TO ORDER

Mayor O'Connor called the City of Westlake Regular City Council meeting of Tuesday January 3, 2023, to order at 6:01 p.m.

ROLL CALL

Present and constituting a quorum:

Councilwoman Charlotte Leonard
Councilman Julian Martinez
Councilwoman Pilar Valle Ron
Vice Mayor Greg Langowski
Mayor John Paul O'Connor

Also present:

Kenneth Cassel, City Manager
Donald J. Doody, Esq., City Attorney
Zoie P. Burgess, CMC City Clerk
Nilsa Zacarias, Planning and Zoning Director

PLEDGE OF ALLEGIANCE

Mayor O'Connor led the Pledge of Allegiance.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Mayor O'Connor called for any additions, deletions, or modifications to the agenda.

Mayor O'Connor called for Item B. under New Business to be removed from agenda and to be heard at a later date.

Motion by Councilman Martinez to amend agenda, seconded by Councilwoman Leonard.

UPON ROLL CALL:

Councilwoman Leonard	YES
Councilman Martinez	YES
Councilwoman Valle Ron	YES
Vice Mayor Langowski	YES
Mayor O'Connor	YES

With all in favor, motion carried without dissent (5-0).

Mayor O'Connor called for a Motion to approve the agenda as amended.

Motion by Councilwoman Leonard to approve agenda as amended, seconded by Councilwoman Valle Ron.

UPON ROLL CALL:

Councilman Martinez	YES
Councilwoman Valle Ron	YES
Vice Mayor Langowski	YES
Mayor O'Connor	YES
Councilwoman Leonard	YES

With all in favor, motion carried without dissent (5-0).

PUBLIC COMMENTS AND REQUESTS

This section of the agenda allows for comments from the public to speak. Each speaker will be given a total of three (3) minutes to comment. A public comment card should be completed and returned to the City Clerk. When you are called to speak, please go to the podium or unmute your device, and prior to addressing Council, state your name and address for the record.

Mayor O'Connor called for public comments.

Ms. Burgess noted there were no public comment cards received prior to the meeting and gave the virtual audience a moment to comment.

Ms. Ramirez noted a comment card was received by Tara Duhy.

Public Comment – Tara Duhy from Lewis, Longman and Walker on behalf of Minto PBLH, LLC

Ms. Duhy discussed upcoming litigation that affects the city and impacts Seminole Improvement District (SID), as SID is a plaintiff in the case. Ms. Duhy stated the local delegation will be meeting to consider legislation filed on behalf of Indian Trail Improvement District to amend their special act giving them powers to privatize the roads and restricting access. Ms. Duhy noted that all three sides of the city are surrounded by the acreage. This will directly impact residents and prevent them from having any future connections to Indian Trail. Ms. Duhy also stated there is a provision in state statute to allow municipalities to declare safe neighborhood districts for the prevention of crime which allows them to privatize abandoned block streets to deal with crime issues. Ms. Duhy discussed Persimmon Blvd. as an identified Palm Beach County Road for regional connectivity. Ms. Duhy mentioned it is important to inform oneself about the lawsuit and she wanted to bring it to the attention of the city.

There being no further comments, the next item followed.

CONSENT AGENDA

This section of the agenda consists of routine or administrative items that require final approval by the City Council and may be approved in its entirety by a single motion. There will be no discussion of these items unless a Council Member, requests such, in which event, the item will be removed from the Consent Agenda and considered on a future agenda.

- A. November Financial Report
- B. Minutes_Regular City Council Meeting - 12.06.2022 DRAFT

Mayor O'Connor identified the consent agenda items and called for a motion to approve.

Motion by Vice Mayor Langowski to approve Consent Agenda, seconded by Councilman Martinez.

UPON ROLL CALL:

Councilwoman Valle Ron	YES
Vice Mayor Langowski	YES
Mayor O'Connor	YES
Councilwoman Leonard	YES
Councilman Martinez	YES

With all in favor, motion carried without dissent (5-0).

PRESENTATIONS/PROCLAMATIONS

- A. Complete Streets and Vision Zero

Presented By: Brian Ruscher, Deputy Director of Multimodal - Palm Beach Transportation Planning Agency

Mr. Ruscher presented a PowerPoint discussing Vision Zero and Complete Streets Policy. Mr. Ruscher went over the Mission and Vision of the Transportation Planning Agency (TPA), and discussed the below items accompanied with pictures displaying concepts they have created for other areas in Palm Beach County:

- **Complete Streets** - safe access for transportation users of all ages and abilities
- **Vision Zero** – commitment to zero traffic-related fatalities and serious injuries
- **Mode Shift** – walking, bicycling, and transit ridership to maximize efficiency and enhance prosperity

Councilwoman Leonard questioned out of the eleven communities participating in Vision Zero, have there been any reduction in traffic fatalities in the other communities.

Mr. Ruscher stated in the municipality of West Palm Beach there was a decline in fatalities.

Councilwoman Leonard inquired to how long the program has been in place.

Mr. Ruscher mentioned the program has been in place for about a decade.

Council discussed the progress of the Vision Zero program and the benefits it would provide to the residents of Westlake.

There being no further comments, next item followed.

PUBLIC HEARING - QUASI JUDICIAL

A. QUASI JUDICIAL - A Resolution for the Plat of The Pines of Westlake - Phase I

Submitted By: Engineering

RESOLUTION 2023-01

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE PLAT OF THE PINES OF WESTLAKE – PHASE I, BEING A PORTION OF SECTION 5, TOWNSHIP 43 SOUTH, RANGE 41 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA. PROVIDING FOR RECORDATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced item and asked Mr. Doody to swear in individuals who intend to testify.

Mr. Doody asked all those who intend to testify during this proceeding to please stand and raise their right hand to be sworn in.

Mr. Doody read item, by title only, into the record.

Mayor O'Connor called for staff presentations.

Mr. Hearing discussed presentation for Resolution 2023-01, Pod V Plat, approving the Plat of the Pines of Westlake. Mr. Hearing discussed the review for technical compliance and stated the Plat meets all requirements of the Florida statute and is recommending approval. Phase I of the Plat was presented, and a concept of Phase II was shown.

Mayor O'Connor asked what the ballpark range or percentage of homes in the Pines and the Oaks that are on the lake. Mr. Hearing explained that thirty to forty-five percent of the homes are on lakes. Some lots are back-to-back which are generally larger. They provide a variation in pricing. The lake is adjacent to the road and accessible to the residents.

Mayor O'Connor asked if the models were the same as what is currently being offered at the Meadows and the Orchards. Mr. Hearing stated the intent is to build a new model. They might provide new details and be based on models that have been successful in Westlake to date.

Councilman Martinez asked if any homes in the new neighborhood would meet eligibility for the HAPPY Program.

Mr. Hearing stated he does not believe they will qualify for the HAPPY Program but there is another community in review called the Terraces that might qualify for the program. Mr. Hearing stated they will hear more about that project later in the year.

Mayor O'Connor asked how the multimodal will connect to the school allowing residents to be able to drive through the gate, and what kind of responses they are getting from the school board.

Mr. Hearing stated the school board has been very cooperative and are dealing with their own security issues. He noted that they are discussing the ability for the residents to park their vehicles and then walk the students into the schools.

Mayor O'Connor stated he would like to see how the process is going to work and what are the ideas that are being proposed.

Ms. Duhly stated the school board has their own security concerns. She also stated that it would benefit if council opposed the redistricting out of the local elementary school, it would help the residents of the City of Westlake.

Councilwoman Valle Ron requested if the size of the lots could be discussed. Mr. Hearing stated the lots are very similar in size to the Hammocks, Orchards and the Groves.

Mayor O'Connor asked when the residents could expect for the multimodal drop off accessing the school would become operational as it is a huge issue getting kids to the school. Mr. Cassel stated it could take between fourteen to sixteen months from now.

Mayor O'Connor called for public comments.

Public Comment - Alicia Torres 5847 Whipoorwill Circle – Ms. Torres began to inquire o the upcoming lawsuit. Mayor O'Connor interrupted and stated this was a time to comment on the Quasi-Judicial item and any other public comments she has can be discussed at the end.

There being no further comments, Mayor O'Connor asked for a motion to approve Resolution 2023-01.

Motion by Vice Mayor Langowski to approve Resolution 2023-01, seconded by Councilwoman Valle Ron.

UPON ROLL CALL:

Vice Mayor Langowski	YES
Mayor O'Connor	YES
Councilwoman Leonard	YES
Councilman Martinez	YES
Councilwoman Valle Ron	YES

With all in favor, motion carried without dissent (5-0).

B. QUASI JUDICIAL - A Resolution for the Plat of Pod V-2

Submitted By: Engineering

RESOLUTION 2023-02

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE PLAT OF POD V-2, BEING A PORTION OF SECTION 5, TOWNSHIP 43 SOUTH, RANGE 41 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA. PROVIDING FOR RECORDATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced item.

Mr. Doody requested to swear in for Quasi-Judicial proceedings. Mr. Doody asked all those who intend to testify during this proceeding to please stand and raise their right hand to be sworn in.

Mr. Doody read item, by title only, into the record.

Mayor O'Connor asked for staff presentations and comments. There being none, Mayor O'Connor asked for applicant presentations.

Mr. Hearing discussed Resolution 2023-02 POD V-2 Plat. Mr Hearing stated city staff reviewed permit, noting it to be fully consistent with the requirements of Florida Statutes and is requesting approval from council.

Mayor O'Connor asked for staff comments. There being none, Mayor O'Connor invited council comments. There being none, Mayor O'Connor called for public comments.

Ms. Burgess noted there were no public comment cards received prior to the meeting and gave the virtual audience a moment to comment. There being no comments, Mr. O'Connor asked for any comments from the public, present in the chambers. There being no further comments, Mayor O'Connor called for a motion to approve Resolution 2023-02.

Mr. Doody asked if there was any ex-parte communication regarding this application to please note it for the record.

Motion by Councilwoman Villar Ron to approve Resolution 2023-02, seconded by Vice Mayor Langowski.

UPON ROLL CALL:

Mayor O'Connor	YES
Councilwoman Leonard	YES
Councilman Martinez	YES
Councilwoman Valle Ron	YES
Vice Mayor Langowski	YES

With all in favor, motion carried without dissent (5-0).

PUBLIC HEARING

A. SECOND READING: Ordinance 2022-15 – Temporary Structures and Uses.

Submitted By: Planning and Zoning

ORDINANCE NO. 2022-15

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES BY CREATING ARTICLE _____ ENTITLED "TEMPORARY STRUCTURES AND USES"; PROVIDING FOR THE REGULATION OF TEMPORARY STRUCTURES AND USES; PROVIDING FOR THE ESTABLISHMENT OF A MATRIX FOR TEMPORARY STRUCTURES AND TEMPORARY USES; PROVIDING FOR THE REGULATION OF SALE MODELS; PROVIDING FOR THE REGULATION OF TEMPORARY CONSTRUCTION TRAILERS AND PORTABLE STORAGE UNITS; PROVIDING FOR CODIFICATION; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced item.

Mr. Doody read item, by title only, into the record.

Mayor O'Connor asked for staff presentation.

Ms. Zacarias discussed the second reading of Ordinance 2022-15. Ms. Zacarias reminded council that the item was reviewed by the Local Planning Agency, and City Council on first reading and it was recommended for

approval. She is requesting approval, noting it is specifically for temporary uses such as tents, storage units, sales offices, emergency uses and mobile homes.

Mayor O'Connor asked for council comments. There being none, Mayor O'Connor called for public comments.

Ms. Burgess noted there were no public comment cards received prior to the meeting and gave the virtual audience a moment to comment.

There being no further comments, Mayor O'Connor called for a motion to approve Ordinance 2022-15.

Motion by Vice Mayor Langowski to approve second reading of Ordinance 2022-15, seconded by Councilwoman Valle Ron.

UPON ROLL CALL:

Councilwoman Leonard	YES
Councilman Martinez	YES
Councilwoman Valle Ron	YES
Vice Mayor Langowski	YES
Mayor O'Connor	YES

With all in favor, motion carried without dissent (5-0).

NEW BUSINESS

- A. Vision Zero City Resolution 2023-03

Submitted By: Administration

RESOLUTION NO. 2023-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE TO DESIGNATE AS A "VISION ZERO CITY", ESTABLISHING A GOAL OF NO SEVERE TRAFFIC INJURIES WITHIN THE CITY OF WESTLAKE'S BOUNDARIES; PROVIDING FOR THE ADOPTION OF VISION ZERO AS CITY POLICY FOR ALL ROADWAYS TO PROMOTE TRAFFIC AND PEDESTRIAN SAFETY WITHIN THE CITY OF WESTLAKE'S BOUNDARIES; AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced item.

Mr. Doody read item, by title only, into the record.

Mayor O'Connor called on Mr. Cassel to discuss item.

Mr. Cassel discussed item and its focus on reducing severe traffic injuries within city boundaries.

Council further discussed the importance of item and its impact on the residents of the City of Westlake.

Mayor O'Connor called for council comments. There being none, Mayor O'Connor called for public comments.

Ms. Burgess noted there were no public comment cards received prior to the meeting and gave the virtual audience a moment to comment.

Mr. Ruscher informed council there was a spelling error in the item stating colluded where it should state collision.

Mayor O'Connor called for Council comments. There being none, Mayor O'Connor called for public comments.

Ms. Burgess noted there were no public comment cards received prior to the meeting and gave the virtual audience a moment to comment.

There being no comments, Mayor O'Connor called for a motion to approve Resolution 2023-03.

Motion by Vice Mayor Langowski to approve Resolution 2023-03, seconded by Councilwoman Valle Ron.

UPON ROLL CALL:

Councilman Martinez	YES
Councilwoman Valle Ron	YES
Vice Mayor Langowski	YES
Mayor O'Connor	YES
Councilwoman Leonard	YES

With all in favor, motion carried without dissent (5-0).

B. Transportation - Complete Streets Policy

Submitted By: Administration

RESOLUTION NO. 2023-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, APPROVING AND ADOPTING THE CITY'S COMPLETE STREET POLICY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Item was removed from agenda. Mayor O'Connor asked what the reason for removal was. Mr. Cassel stated the current way Resolution is worded is for existing cities that have issues. The City does not own any of the streets as they belong to SID. The Resolution will be tweaked and modified to make specific to the needs of the city and SID and its complexities.

Mr. Ruscher commented on resolution and stated the resolution was issued and meant to be rewritten to suit the needs of the city.

CITY COUNCIL COMMENTS

- A. Councilwoman Charlotte Leonard – Councilwoman Leonard had no comments.
- B. Councilman Julian Martinez – Councilman Martinez had no comments.
- C. Councilwoman Pilar Valle Ron – Councilwoman Valle Ron had no comments.
- D. Vice Mayor Greg Langowski – Vice Mayor Langowski had no comments.
- E. Mayor JohnPaul O'Connor - Mayor O'Connor had no comments.

REPORT – STAFF

Fire Chief discussed the reports issued and placed on the dais.

Mayor O'Connor wanted to give a moment of silence to an inaugural resident that died recently.

REPORT - CITY ATTORNEY

Mr. Doody had no comments.

REPORT - CITY MANAGER

A. Reuse Water Tank Expansion

Mr. Cassel discussed handout that was placed on dais for council to review.

B. Park Status & Update

Mr. Cassel discussed SID digging the lake by the park to create a waterway to use as a buffer for the park in the future. Mr. Cassel discussed some ideas for the park and the new community center to be located at the park.

Councilwoman Valle Ron stated many residents have asked if there were any plans for a tennis court at the park. Mr. Cassel explained they are trying to maximize the use of the park and the open space.

Council discussed other ideas for the park.

Mr. Cassel discussed item received from the county. One being from the Northlake, the right of way is being extended. The other item discussed by Mr. Cassel was the comp plan change of 60th street North.

Mayor O'Connor commented on the Indian Trails connection. Mayor O'Connor stated he would like to see if the city is willing to join the fight for the connections to be allowed. Mr. Doody noted there to be many issues associated with joining a lawsuit of this nature. He would have to consult with Council representing Minto and to request a motion to intervene. He would first need to review the pros and cons, cost, and the benefits to the city. Mr. Doody stated he would have to review and see what the basis would be for the city to intervene. At this time, he is unable to recommend the city's involvement

Council discussed the lawsuit and the benefits of having those connections.

PUBLIC COMMENTS AND REQUESTS

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Mayor O'Connor called for public comments.

Public Comment – Tara Duhya from Lewis, Longman and Walker on behalf of Minto PBLH, LLC

Ms. Duhya discussed the lawsuit and what she was allowed to discuss. Ms. Duhya thanked the support of the city and stated they are hopeful for the upcoming court date. She wanted to mention the reason why it has taken this long is because of the change of judge.

Public Comment - Alicia Torres 5847 Whippoorwill Circle

Ms. Torres stated her question was answered earlier but commented on the multimodal passage to the high school and thanked the innovative ideas from the city.

Mayor O'Connor called for additional public comments.

Ms. Burgess noted there were no additional comments received. There being no comments, the next item followed.

ADJOURNMENT

There being no further business, Mayor O'Connor adjourned the meeting at 7:40 PM.

Zoie P. Burgess, City Clerk

JohnPaul O'Connor, Mayor

File Attachments for Item:

B. Financial Report - December 2022



MEMORANDUM

TO: Members of the City Council, City of Westlake
FROM: Steven Fowler, Accountant; Kadem Ramirez, Accounting Supervisor
CC: Ken Cassel, City Manager
DATE: January 23, 2023
SUBJECT: December Financial Report

Please find attached the December 2022 financial report. During your review, please keep in mind that the goal is for revenue to meet or exceed the year-to-date budget and for expenditures to be at or below the year-to-date budget. An overview of the City's funds is provided below. Should you have any questions or require additional information, please contact me at Steven.Fowler@inframark.com.

General Fund

- Total Revenues through December were approximately 61% of the annual budget. Collections of the FY2023 Ad Valorem Tax and Special Assessments were approximately 80% and 94%, respectively. The annual budget includes revenue from a funding agreement with the Developer. The Developer is invoiced quarterly for any year-to-date excess of actual expenditures over actual revenue.
- Total Expenditures through December were approximately 16% of the annual budget.

Special Revenue Fund – Housing Assistance Program

- Total Revenues through December were approximately 91% of the annual budget, which was a result of a higher than anticipated rate of construction. A donation of \$1,500 per Single Family Residence building permit is paid into the Housing Assistance Program.

Special Revenue Fund – Comprehensive Planning Services

- Total Revenues through December were approximately 18% of the annual budget.
- Total Expenditures through December were approximately 27% of the annual budget.

City of Westlake

Financial Report

December 31, 2022



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City of Westlake

Financial Statements

December 31, 2022

Balance Sheet
December 31, 2022

<u>ACCOUNT DESCRIPTION</u>	<u>GENERAL FUND</u>	<u>SPECIAL REVENUE FUND - HOUSING ASSISTANCE PROGRAM</u>	<u>SPECIAL REVENUE FUND - COMPREHENSIVE PLANNING SVCS</u>	<u>TOTAL</u>
<u>ASSETS</u>				
Current Assets				
Cash - Checking Account	\$ 3,980,731	\$ -	\$ -	\$ 3,980,731
Assessments Receivable	43,059	-	-	43,059
Due From Other Funds	-	-	1,871,475	1,871,475
Investments:				
Money Market Account	1,763,260	3,171,002	-	4,934,262
Deposits	666	-	-	666
Total Current Assets	<u>5,787,716</u>	<u>3,171,002</u>	<u>1,871,475</u>	<u>10,830,193</u>
Noncurrent Assets				
Mortgages Receivable	-	626,297	-	626,297
Total Noncurrent Assets	<u>-</u>	<u>626,297</u>	<u>-</u>	<u>626,297</u>
TOTAL ASSETS	\$ 5,787,716	\$ 3,797,299	\$ 1,871,475	\$ 11,456,490

Balance Sheet
December 31, 2022

ACCOUNT DESCRIPTION	GENERAL FUND	SPECIAL REVENUE FUND - HOUSING ASSISTANCE PROGRAM	SPECIAL REVENUE FUND - COMPREHENSIVE PLANNING SVCS	TOTAL
<u>LIABILITIES</u>				
Current Liabilities				
Accounts Payable	\$ 144,971	\$ -	\$ 252,499	\$ 397,470
Accrued Expenses	5,622	-	51,059	56,681
DBPR surcharge	7,398	-	-	7,398
DCA surcharge	10,925	-	-	10,925
Impact Fees	194,781	-	-	194,781
Unearned Revenue	99,658	-	-	99,658
Due To Other Districts	7,231	-	-	7,231
Deferred Revenue-Developer Submittals (Minto)	-	-	113,296	113,296
Due To Other Funds	<u>1,871,475</u>	<u>-</u>	<u>-</u>	<u>1,871,475</u>
Total Current Liabilities	<u>2,342,061</u>	<u>-</u>	<u>416,854</u>	<u>2,758,915</u>
Long-Term Liabilities				
Deferred Inflow of Resources	<u>43,059</u>	<u>-</u>	<u>-</u>	<u>43,059</u>
Total Long-Term Liabilities	<u>43,059</u>	<u>-</u>	<u>-</u>	<u>43,059</u>
TOTAL LIABILITIES	2,385,120	-	416,854	2,801,974
<u>FUND BALANCES</u>				
Nonspendable:				
Deposits	666	-	-	666
Restricted for:				
Special Revenue	-	3,797,299	1,454,621	5,251,920
Unassigned:	3,401,930	-	-	3,401,930
TOTAL FUND BALANCES	\$ 3,402,596	\$ 3,797,299	\$ 1,454,621	\$ 8,654,516
TOTAL LIABILITIES & FUND BALANCES	\$ 5,787,716	\$ 3,797,299	\$ 1,871,475	\$ 11,456,490

Statement of Revenues, Expenditures and Changes in Fund Balances
For the Period Ending December 31, 2022

<u>ACCOUNT DESCRIPTION</u>	<u>ANNUAL ADOPTED BUDGET</u>	<u>YEAR TO DATE BUDGET</u>	<u>YEAR TO DATE ACTUAL</u>	<u>VARIANCE (\$) FAV(UNFAV)</u>
<u>REVENUES</u>				
Interest - Investments	\$ -	\$ -	\$ 10,861	\$ 10,861
Ad Valorem Taxes	3,126,601	2,407,483	2,499,072	91,589
Ad Valorem Taxes - Discounts	(125,064)	(96,299)	(99,838)	(3,539)
FPL Franchise	119,700	29,925	82,324	52,399
Solid Waste	15,200	3,800	4,091	291
Electricity	116,000	29,000	55,003	26,003
Water	58,700	14,675	-	(14,675)
Gas	75,200	18,800	14,111	(4,689)
Communication Services Taxes	53,200	13,300	22,420	9,120
Occupational Licenses	6,100	1,525	11,462	9,937
Building Permits - Admin Fee	77,100	19,275	27,293	8,018
General Government	-	-	1,041	1,041
State Revenue Sharing Proceeds	24,200	6,050	4,983	(1,067)
Alcoholic Beverage License	1,900	475	-	(475)
Shared Rev - Other Local Units	1,000	250	-	(250)
Administrative Fees	13,000	3,250	-	(3,250)
Other Public Safety Chrgs/Fees	2,400	600	1,331	731
Garbage/Solid Waste Revenue	250,600	62,650	25,454	(37,196)
Other Operating Revenues	5,400	1,350	4,420	3,070
Special Events	-	-	5,300	5,300
Judgements and Fines	-	-	144	144
Special Assmnts- Tax Collector	358,326	333,243	338,473	5,230
Special Assmnts- Discounts	(14,300)	(13,302)	(12,769)	533
Developer Contribution	776,737	-	-	-
Lien Search Fee	1,300	325	3,373	3,048
TOTAL REVENUES	4,943,300	2,836,375	2,998,549	162,174
<u>EXPENDITURES</u>				
<u>Legislative</u>				
Mayor/Council Stipend	60,000	15,000	15,000	-
FICA Taxes	4,600	1,148	1,148	-
ProfServ-Legislative Expense	24,000	6,000	-	6,000
Telephone, Cable & Internet Service	1,900	475	528	(53)
Public Officials Insurance	3,800	3,800	3,500	300
Misc-Event Expense	193,300	30,000	6,085	23,915
Council Expenses	30,000	7,500	7,228	272
Dues, Licenses, Subscriptions	3,000	2,100	923	1,177
Total Legislative	320,600	66,023	34,412	31,611
<u>City Manager</u>				
Contracts-City Manager	213,600	53,400	53,400	-
Office Supplies	14,900	3,725	1,424	2,301
Dues, Licenses, Subscriptions	2,700	984	1,774	(790)
Total City Manager	231,200	58,109	56,598	1,511

Statement of Revenues, Expenditures and Changes in Fund Balances
For the Period Ending December 31, 2022

<u>ACCOUNT DESCRIPTION</u>	<u>ANNUAL ADOPTED BUDGET</u>	<u>YEAR TO DATE BUDGET</u>	<u>YEAR TO DATE ACTUAL</u>	<u>VARIANCE (\$) FAV(UNFAV)</u>
<u>City Clerk</u>				
ProfServ-Web Site Maintenance	8,200	2,050	1,150	900
Contracts-City Clerk	212,200	53,050	53,050	-
Postage and Freight	1,500	375	134	241
Printing	14,800	3,700	-	3,700
Legal Advertising	31,200	7,800	8,972	(1,172)
Miscellaneous Services	1,300	325	100	225
Office Supplies	1,100	275	-	275
Dues, Licenses, Subscriptions	15,500	1,256	10,119	(8,863)
Total City Clerk	285,800	68,831	73,525	(4,694)
<u>Finance</u>				
Auditing Services	5,300	-	-	-
Contracts-Finance	83,100	20,775	20,775	-
Total Finance	88,400	20,775	20,775	-
<u>Legal Counsel</u>				
ProfServ-Legal Services	85,400	21,350	13,323	8,027
Total Legal Counsel	85,400	21,350	13,323	8,027
<u>Other Administrative Services</u>				
ProfServ-Info Technology	202,000	50,500	44,684	5,816
Contracts-Admin. Service	280,900	70,225	68,853	1,372
Misc-Public Relations	60,000	15,000	-	15,000
Misc-Assessment Collection Cost	3,600	3,346	3,068	278
General Government	90,000	22,500	-	22,500
Total Other Administrative Services	636,500	161,571	116,605	44,966
<u>Facility Services</u>				
Telephone, Cable & Internet Service	15,900	3,975	5,070	(1,095)
Lease - Copier	32,600	8,150	2,160	5,990
Lease - Building	86,700	21,675	-	21,675
Insurance (Liab,Auto,Property)	6,900	6,900	6,781	119
Miscellaneous Services	1,700	425	564	(139)
Cleaning Services	24,200	6,050	6,377	(327)
Principal-Capital Lease	9,500	2,272	2,272	-
Interest-Capital Lease	700	270	282	(12)
Total Facility Services	178,200	49,717	23,506	26,211
<u>Community Services</u>				
Contracts-Solid Waste	578,500	144,625	170,828	(26,203)
Contracts-Sheriff	954,900	208,151	208,151	-
Electricity	134,800	33,700	29,632	4,068
R&M-Community Maintenance	28,300	7,075	7,075	-
Operating Supplies	30,800	7,700	29,120	(21,420)
Roadway Services	22,400	5,600	-	5,600
Total Community Services	1,749,700	406,851	444,806	(37,955)

Statement of Revenues, Expenditures and Changes in Fund Balances
For the Period Ending December 31, 2022

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
<u>Capital Expenditures & Projects</u>				
Capital Improvements	50,000	30,000	-	30,000
Total Capital Expenditures & Projects	50,000	30,000	-	30,000
<u>Reserves</u>				
Misc-Contingency	178,800	44,700	5,020	39,680
1st Quarter Operating Reserves	938,700	234,675	-	234,675
Reserve - Buildings	200,000	50,000	-	50,000
Total Reserves	1,317,500	329,375	5,020	324,355
TOTAL EXPENDITURES & RESERVES	4,943,300	1,212,602	788,570	424,032
Excess (deficiency) of revenues				
Over (under) expenditures	-	1,623,773	2,209,979	586,206
Net change in fund balance	\$ -	\$ 1,623,773	\$ 2,209,979	\$ 586,206
FUND BALANCE, BEGINNING (OCT 1, 2022)	1,192,617	1,192,617	1,192,617	
FUND BALANCE, ENDING	\$ 1,192,617	\$ 2,816,390	\$ 3,402,596	

Statement of Revenues, Expenditures and Changes in Fund Balances
For the Period Ending December 31, 2022

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
REVENUES				
Interest - Investments	\$ 4,800	\$ 1,200	\$ 18,526	\$ 17,326
Donations	300,000	75,000	260,160	185,160
TOTAL REVENUES	304,800	76,200	278,686	202,486
EXPENDITURES				
Public Assistance				
Misc-Admin Fee (%)	21,000	5,250	4,858	392
Assistance Program	283,800	70,950	-	70,950
Total Public Assistance	304,800	76,200	4,858	71,342
TOTAL EXPENDITURES	304,800	76,200	4,858	71,342
Excess (deficiency) of revenues Over (under) expenditures	-	-	273,828	273,828
Net change in fund balance	\$ -	\$ -	\$ 273,828	\$ 273,828
FUND BALANCE, BEGINNING (OCT 1, 2022)	3,523,471	3,523,471	3,523,471	
FUND BALANCE, ENDING	\$ 3,523,471	\$ 3,523,471	\$ 3,797,299	

Statement of Revenues, Expenditures and Changes in Fund Balances
For the Period Ending December 31, 2022

<u>ACCOUNT DESCRIPTION</u>	<u>ANNUAL ADOPTED BUDGET</u>	<u>YEAR TO DATE BUDGET</u>	<u>YEAR TO DATE ACTUAL</u>	<u>VARIANCE (\$) FAV(UNFAV)</u>
REVENUES				
Building Permits	\$ 1,820,900	\$ 455,225	\$ 322,313	\$ (132,912)
Reinspection Fees	-	-	2,400	2,400
Building Permits - Surcharge	16,700	4,175	4,015	(160)
Other Building Permit Fees	30,000	7,500	15,150	7,650
Building Permits - Admin Fee	109,100	27,275	38,622	11,347
Engineering Permits	374,600	93,650	98,082	4,432
Planning & Zoning Permits	299,600	74,900	3,765	(71,135)
TOTAL REVENUES	2,650,900	662,725	484,347	(178,378)
EXPENDITURES				
Comprehensive Planning				
ProfServ-Engineering	352,600	88,150	73,983	14,167
ProfServ-Info Technology	170,900	42,725	-	42,725
ProfServ-Legal Services	118,700	29,675	10,000	19,675
ProfServ-Planning/Zoning Board	299,600	74,900	71,695	3,205
ProfServ-Compliance Service	100,000	25,000	48,960	(23,960)
ProfServ-Consultants	22,000	5,500	-	5,500
ProfServ-Building Permits	1,395,700	348,925	485,465	(136,540)
Outside Legal Services	1,800	450	-	450
Telephone, Cable & Internet Service	4,700	1,175	497	678
Lease - Copier	5,800	1,450	1,461	(11)
Lease - Building	43,400	10,850	-	10,850
Printing	2,200	550	144	406
Miscellaneous Services	-	-	279	(279)
Misc-Admin Fee (%)	113,200	28,300	28,300	-
Office Supplies	4,500	1,125	195	930
Cleaning Services	15,800	3,950	4,225	(275)
Total Comprehensive Planning	2,650,900	662,725	725,204	(62,479)
TOTAL EXPENDITURES	2,650,900	662,725	725,204	(62,479)
Excess (deficiency) of revenues				
Over (under) expenditures	-	-	(240,857)	(240,857)
Net change in fund balance	\$ -	\$ -	\$ (240,857)	\$ (240,857)
FUND BALANCE, BEGINNING (OCT 1, 2022)	1,695,478	1,695,477	1,695,478	
FUND BALANCE, ENDING	\$ 1,695,478	\$ 1,695,477	\$ 1,454,621	

City of Westlake

Supporting Schedules

December 31, 2022

Cash and Investment Report

December 31, 2022

GENERAL FUND

<u>Account Name</u>	<u>Bank Name</u>	<u>Investment Type</u>	<u>Yield</u>	<u>Balance</u>
Checking Account - Operating	BankUnited	Checking Account	n/a	\$3,980,731
Money Market	BankUnited	MMA	3.00%	\$1,763,260
		Subtotal		\$5,743,991

SPECIAL REVENUE FUND

Money Market	BankUnited	MMA	3.00%	\$517,249
Money Market	Valley Bank		3.50%	\$2,653,752
		Subtotal		\$3,171,002
		Total		\$8,914,992

File Attachments for Item:

A. A Resolution for Persimmon Boulevard East – Plat 5

Submitted By: Engineering

RESOLUTION 2023-05

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING PERSIMMON BOULEVARD EAST – PLAT 5, BEING A PORTION OF SECTIONS 7 AND 8, TOWNSHIP 43 SOUTH, RANGE 41 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA. PROVIDING FOR RECORDATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.



Meeting Agenda Item Coversheet

MEETING DATE:		February 7, 2023	Submitted By: Engineering	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		A Resolution for the Plat of Persimmon Boulevard East – Plat 5		
STAFF RECOMMENDATION: (MOTION READY)		Motion to Approve		
SUMMARY and/or JUSTIFICATION:		The City of Westlake has the exclusive jurisdiction to approve the plat pursuant to Florida Statutes, §177.071. The application has been reviewed and approved by a Professional Surveyor and Mapper for the City of Westlake, and said Surveyor and Mapper has found the application to be consistent with the requirement under Florida Statutes, Chapter 177. The plat includes 12.526 acres of land. The plat has been reviewed and approved by the City Engineer, SID, and the City Attorney.		
SELECT, if applicable	AGREEMENT:		BUDGET:	
	STAFF REPORT:	X	PROCLAMATION:	
	EXHIBIT(S):	X	OTHER:	
IDENTIFY EACH ATTACHMENT. <i>For example, an agreement may have 2 exhibits, identify the agreement and Exhibit A and Exhibit B</i>	Agenda Item Cover Sheet Staff Report Resolution Legal Description Plat Boundary Survey Approval Letter(s)			
SELECT, if applicable	RESOLUTION:	X	ORDINANCE:	
IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE <i>(if Item is <u>not</u> a Resolution or Ordinance, please erase all default text from this field's textbox and leave blank)</i>	A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING PERSIMMON BOULEVARD EAST – PLAT 5, BEING A PORTION OF SECTIONS 7 AND 8, TOWNSHIP 43 SOUTH, RANGE 41 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA. PROVIDING FOR RECORDATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.			
FISCAL IMPACT (if any):				\$

RESOLUTION 2023-05

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING PERSIMMON BOULEVARD EAST – PLAT 5, BEING A PORTION OF SECTIONS 7 AND 8, TOWNSHIP 43 SOUTH, RANGE 41 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA. PROVIDING FOR RECORDATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, KH Westlake, LLC, a Florida Limited Liability Company, as the Owner has requested approval for Persimmon Boulevard East – Plat 5, Being a Portion of Sections 7 and 8, Township 43 South, Range 41 East, City of Westlake, Palm Beach County, FL, containing approximately 12.526 acres as described in Exhibit "A", attached hereto; and

WHEREAS, the City of Westlake has the exclusive jurisdiction to approve the plat and boundary survey pursuant to Florida Statutes, §177.071; and

WHEREAS, the application has been reviewed and approved by a Professional Surveyor and Mapper for the City of Westlake, and said Surveyor and Mapper has found the application to be consistent with the requirements under Florida Statutes, Chapter 177; and

WHEREAS, the Building staff, Engineering staff and Planning staff for the City of Westlake have reviewed the application, the final plat, attached hereto as “Exhibit B”, and the boundary survey, attached hereto as “Exhibit C”, and the collective staff has recommended approval; and

WHEREAS, after careful review and consideration, the collective staff has determined that this application has complied with the City’s Land Development Regulations and Florida law.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, THAT:

- Section 1: **INCORPORATION.** The above recitals are true and correct and are incorporated herein by this reference.
- Section 2: **CITY COUNCIL APPROVAL.** The City Council for the City of Westlake hereby approves the final plat, “Exhibit B” and boundary survey, “Exhibit C” for Persimmon Boulevard East – Plat 5, as described in the attached Exhibit "A", containing approximately 12.526 acres, which is located in the City of Westlake, and in Palm Beach County, Florida.
- Section 3. **RECORDATION.** The applicant shall provide a certified copy of the recorded plat and the applicant shall cover the costs of recording the plat in the public records in and for Palm Beach County Florida.
- Section 4: **SCRIVENER'S ERRORS.** This Resolution can be renumbered or re-lettered and typographical errors and clarification of ambiguous wording that do not affect the intent can be corrected

with the authorization of the City Manager and City Attorney without the need for public hearing.

Section 5: **EFFECTIVE DATE.** This resolution shall take effect immediately upon its adoption.

Section 6: **CONFLICTS.** All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 7: **SEVERABILITY.** If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

PASSED AND APPROVED by City Council for the City of Westlake, on this ____ day of _____, 2022.

PUBLISHED on this ____ day of _____ in the Palm Beach Post.

City of Westlake
JohnPaul O' Connor, Mayor

Zoie Burgess, City Clerk

Approved as to Form and Sufficiency
_____, City Attorney
(PRINT NAME)



CITY OF WESTLAKE
Engineering Department
4001 Seminole Pratt Whitney Road
Westlake, Florida 33470
Phone: (561) 530-5880
www.westlakegov.com

STAFF MEMORANDUM

DATE: 1/18/2023
PETITION NO.: ENG-2022-19
DESCRIPTION: Review of Persimmon Boulevard East – Plat 5
APPLICANT: Cotleur and Hearing
OWNER: Minto PBLH, LLC
REQUEST: Owner (Minto PBLH, LLC) is requesting approval of the Persimmon Boulevard East – Plat 5

Final Recommendation

The Office of the City Engineer has reviewed the documents associated with the application referenced above and recommends approval by the Council. The Seminole Improvement District’s Engineering Department approval for the subject referenced plat is scheduled for February 6, 2023, and approval by the Board of Supervisors is scheduled for February 7, 2023.

Discussion

This portion of Persimmon Boulevard East is located within the southeast portion of Westlake, bounded on the north by Town Center Parkway and River Bend, and on the west by previously platted and completed construction areas of Persimmon Boulevard East. See graphic below for location.

Location Map



Persimmon Boulevard East – Plat 5 is in Sections 7 and 8, Township 43 South, Range 41 East in the City of Westlake, Palm Beach County, FL. Works of Seminole Improvement District (SID) that are involved with the permit include utilities (potable watermain and reuse watermain) and drainage structures and pipes. The project includes construction of a 0.58-mile road with utilities and drainage. Once completed, the road will serve as a collector road within the City of Westlake, connecting internal commercial and residential pods to the main exit and entrance routes. The project area is +/- 12.526 acres. The Legal Description of the Plat can be found in Exhibit A, and replications of the plat and topographical survey can be found in Exhibits B and C, respectively.

Review Criteria

Plats shall be prepared in accordance with the provisions of Chapter 177 F.S., as amended, and the City of Westlake Land Development Regulations. The plat was reviewed for clarity, legibility, and conformance with this statute and City requirements. The plat provides a graphic depiction of the legal description through geometric data. The data includes but is not limited to parcel, block, tract, right-of-way, street and associated names, easement, permanent reference monuments and permanent control points, and interior excepted parcels. Other requirements such as paper size, line work, layout of sheet and required content including the subdivision name, title, legal description, key map, vicinity map, north arrow, scale and legend are verified in the Engineering Department review.

Conclusion

One (1) review of the plat occurred, which resulted in an acceptable plat. The review was done for compliance with Chapters 177, 5J-17, Florida Statutes, and the City of Westlake's codes and ordinances. All comments have been adequately addressed and the plat is in compliance. We therefore recommend that the plat be approved for recording.

Exhibit 'A'
PERSIMMON BOULEVARD EAST – PLAT 5
LEGAL DESCRIPTION

DESCRIPTION: PERSIMMON BOULEVARD EAST – PLAT 5

KNOW ALL MEN BY THESE PRESENTS THAT MINTO PBLH, LLC, A FLORIDA LIMITED LIABILITY COMPANY, OWNER OF THE LAND SHOWN AND DESCRIBED HEREON AS PERSIMMON BOULEVARD EAST - PLAT 5, BEING A PORTION OF SECTIONS 7 AND 8, TOWNSHIP 43 SOUTH, RANGE 41 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 41 EAST; THENCE S.89°48'53"E. ALONG THE NORTH BOUNDARY LINE OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 41 EAST, A DISTANCE OF 4149.27 FEET; THENCE S.00°11'07"W., DEPARTING SAID NORTH BOUNDARY LINE OF SECTION 6, A DISTANCE OF 6111.74 FEET TO THE NORTHEAST PLAT CORNER OF THE PLAT OF PERSIMMON BOULEVARD EAST - PLAT 4, AS RECORDED IN PLAT BOOK 131, PAGES 106 THROUGH 107, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ALSO BEING A POINT ON THE SOUTHERLY BOUNDARY LINE OF THE PLAT OF ORCHARDS OF WESTLAKE - PHASE II, AS RECORDED IN PLAT BOOK 133, PAGES 88 THROUGH 98, INCLUSIVE, OF SAID PUBLIC RECORDS, ALSO BEING THE POINT OF BEGINNING: THENCE BY THE FOLLOWING FIVE (5) COURSES BEING ALONG SAID SOUTHERLY BOUNDARY LINE OF THE PLAT OF ORCHARDS OF WESTLAKE - PHASE II; 1) THENCE S.87°22'37"E., A DISTANCE OF 292.26 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, WITH A RADIUS OF 1998.00 FEET; 2) THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 33°34'37", A DISTANCE OF 1170.88 FEET TO A POINT OF TANGENCY; 3) THENCE N.59°02'46"E., A DISTANCE OF 520.37 FEET TO A POINT OF NON-TANGENT INTERSECTION WITH A CURVE CONCAVE TO THE SOUTHEAST WITH A RADIUS OF 140.00 FEET, AND A RADIAL BEARING OF S.74°07'51"E. AT SAID INTERSECTION; 4) THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 54°25'19", A DISTANCE OF 132.98 FEET TO A POINT OF NON-TANGENT INTERSECTION WITH A CURVE CONCAVE TO THE NORTHWEST WITH A RADIUS OF 4506.00 FEET, AND A RADIAL BEARING OF N.66°56'58"W. AT SAID INTERSECTION; 5) THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°10'31", A DISTANCE OF 13.79 FEET TO A POINT OF NON-TANGENCY, ALSO BEING THE SOUTHWEST PLAT CORNER OF THE PLAT OF TOWN CENTER PARKWAY - PHASE III AND RIVER BEND, AS RECORDED IN PLAT BOOK 134, PAGES 58 THROUGH 62, INCLUSIVE, OF SAID PUBLIC RECORDS, ALSO BEING A POINT ON THE SOUTHERLY BOUNDARY LINE OF THE SAID PLAT OF TOWN CENTER PARKWAY - PHASE III AND RIVER BEND; THENCE S.67°07'30"E., DEPARTING SAID SOUTHERLY BOUNDARY LINE OF THE PLAT OF ORCHARDS OF WESTLAKE - PHASE II, AND ALONG THE SAID SOUTHERLY BOUNDARY LINE OF THE SAID PLAT OF TOWN CENTER PARKWAY - PHASE III AND RIVER BEND, A DISTANCE OF 188.00 FEET TO THE SOUTHEAST PLAT CORNER OF THE SAID PLAT OF TOWN CENTER PARKWAY - PHASE III AND RIVER BEND, ALSO BEING A POINT OF NON-TANGENT INTERSECTION WITH A CURVE CONCAVE TO THE NORTHEAST WITH A RADIUS OF 30.00 FEET, AND A RADIAL BEARING OF S.67°07'30"E. AT SAID INTERSECTION; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 86°36'53", A DISTANCE OF 45.35 FEET TO A POINT OF TANGENCY; THENCE S.63°44'22"E., A DISTANCE OF 502.13 FEET; THENCE S.26°15'37"W., A DISTANCE OF 188.00 FEET; THENCE N.63°44'23"W., A DISTANCE OF 490.24 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTH, WITH A RADIUS OF 140.00 FEET; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 57°12'51", A DISTANCE OF 139.80 FEET TO A POINT OF TANGENCY; THENCE S.59°02'46"W., A

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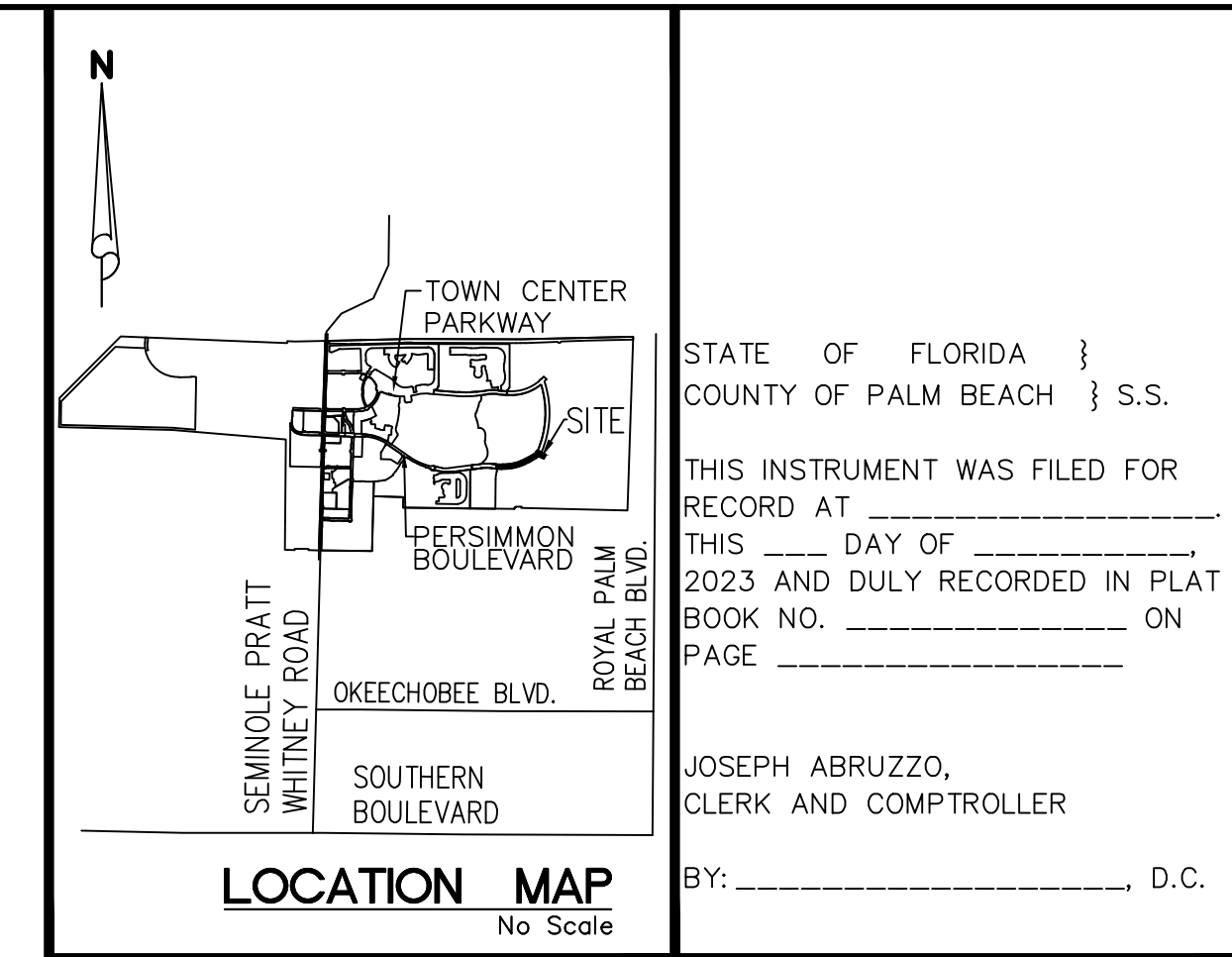
CONTAINING: 545,616 SQUARE FEET OR 12.526 ACRES, MORE OR LESS.

Exhibit 'B'
PERSIMMON BLVD. EAST – PLAT 5
PLAT

THIS SPACE INTENTIONALLY LEFT BLANK

PERSIMMON BOULEVARD EAST - PLAT 5

BEING A PORTION OF SECTIONS 7 AND 8, TOWNSHIP 43 SOUTH, RANGE 41 EAST,
CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA



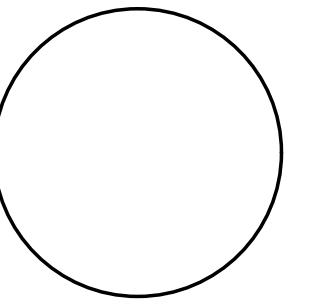
STATE OF FLORIDA }
COUNTY OF PALM BEACH } S.S.

THIS INSTRUMENT WAS FILED FOR
RECORD AT _____
THIS ____ DAY OF _____
2023 AND DULY RECORDED IN PLAT
BOOK NO. _____ ON
PAGE _____

JOSEPH ABRUZZO,
CLERK AND COMPTROLLER

BY: _____, D.C.

CLERK'S SEAL



DEDICATION AND RESERVATION

KNOW ALL MEN BY THESE PRESENTS THAT MINTO PBLH, LLC, A FLORIDA LIMITED LIABILITY COMPANY, OWNER OF THE LAND SHOWN AND DESCRIBED HEREON AS PERSIMMON BOULEVARD EAST - PLAT 5, BEING A PORTION OF SECTIONS 7 AND 8, TOWNSHIP 43 SOUTH, RANGE 41 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING: 545,616 SQUARE FEET OR 12.526 ACRES, MORE OR LESS.

HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN HEREON AND DO HEREBY DEDICATE AND RESERVE AS FOLLOWS:

ROAD RIGHT-OF-WAY

TRACT "A", AS SHOWN HEREON AS PERSIMMON BOULEVARD EAST, IS HEREBY DEDICATED TO THE SEMINOLE IMPROVEMENT DISTRICT, AN INDEPENDENT SPECIAL DISTRICT OF THE STATE OF FLORIDA, ITS SUCCESSORS AND ASSIGNS, IN FEE SIMPLE, FOR ROAD RIGHT-OF-WAY PURPOSES AND FOR ANY AND ALL PURPOSES AUTHORIZED BY CHAPTER 2000-431, LAWS OF FLORIDA AND CHAPTERS 189 AND 298, FLORIDA STATUTES. RESPONSIBILITY FOR THE INSTALLATION, MAINTENANCE, OPERATIONS, REPAIR AND/OR REPLACEMENT OF THE RIGHT-OF-WAY AND ANY FACILITIES SHALL REMAIN THE PERPETUAL OBLIGATION OF THE SEMINOLE IMPROVEMENT DISTRICT WITHOUT RECOURSE TO THE CITY OF WESTLAKE.

THE CITY OF WESTLAKE, A FLORIDA MUNICIPAL CORPORATION, ITS SUCCESSORS AND ASSIGNS, IS HEREBY GRANTED AND RESERVED AN EASEMENT OVER TRACT "A" FOR ANY AND ALL MUNICIPAL PURPOSES, INsofar AS SUCH USES ARE NOT INCONSISTENT WITH ITS UTILIZATION FOR ROAD RIGHT-OF-WAY PURPOSES.

OPEN SPACE TRACT

TRACTS O.S.T. #1 THROUGH O.S.T. #3, AS SHOWN HEREON, ARE HEREBY DEDICATED TO THE SEMINOLE IMPROVEMENT DISTRICT, AN INDEPENDENT SPECIAL DISTRICT OF THE STATE OF FLORIDA, ITS SUCCESSORS AND ASSIGNS, IN FEE SIMPLE, AND ARE THE PERPETUAL MAINTENANCE OBLIGATION OF SAID DISTRICT, ITS SUCCESSORS AND ASSIGNS, WITHOUT RECOURSE TO THE CITY OF WESTLAKE.

UTILITY EASEMENTS

ALL UTILITY EASEMENTS DESCRIBED ON THE PLAT ARE PRIVATE NON-EXCLUSIVE EASEMENTS UNLESS EXPRESSLY STATED OTHERWISE THEREIN. ALL UTILITY RIGHTS AND EASEMENTS ESTABLISHED BY OR RESERVED BY THIS PLAT ARE HEREBY DEDICATED IN PERPETUITY TO THE SEMINOLE IMPROVEMENT DISTRICT, (A LOCAL UNIT OF SPECIAL PURPOSE GOVERNMENT ESTABLISHED PURSUANT TO CHAPTERS 189 AND 298, FLORIDA STATUTES, AS A PUBLIC UTILITY PROVIDER OF WATER, SEWER AND RECLAIMED WATER), ITS SUCCESSORS AND ASSIGNS, SUBJECT TO THOSE CERTAIN RESTRICTION OF RIGHTS, COVENANTS AND DEDICATIONS AS MAY HEREAFTER BE IMPOSED BY GRANTOR; PROVIDED FURTHER SAID GRANTS OR ASSIGNMENTS SHALL NOT BE DEEMED A PUBLIC DEDICATION OF SAID RIGHTS OR EASEMENTS. THE SEMINOLE IMPROVEMENT DISTRICT SHALL HAVE THE RIGHT TO GRANT OTHER UTILITY PROVIDERS THE ABILITY TO USE THE EASEMENT, IN ITS SOLE DISCRETION.

IN FURTHERANCE OF THE FOREGOING, THERE IS HEREBY GRANTED TO FLORIDA POWER & LIGHT COMPANY, A FLORIDA CORPORATION, ITS AFFILIATES, LICENSEES, AGENTS, SUCCESSORS, AND ASSIGNS ("FPL"), A NON-EXCLUSIVE EASEMENT FOREVER OVER, UNDER, IN, ON, UPON AND ACROSS THE UTILITY EASEMENTS DESCRIBED ON THE PLAT, FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF UNDERGROUND ELECTRIC UTILITY FACILITIES (INCLUDING CABLES, CONDUITS, APPURTENANT EQUIPMENT, AND APPURTENANT ABOVE-GROUND EQUIPMENT) TO BE INSTALLED FROM TIME TO TIME, TOGETHER WITH THE RIGHT TO PERMIT FPL TO ATTACH OR PLACE WIRES TO OR WITHIN ANY FACILITIES HEREUNDER AND LAY CABLE AND CONDUIT WITHIN THE EASEMENT AREA AND TO OPERATE THE SAME FOR FPL'S COMMUNICATIONS PURPOSES IN CONNECTION WITH ELECTRIC SERVICE AND THE RIGHT OF INGRESS AND EGRESS TO THE UTILITY EASEMENTS AT ALL TIMES.

IN WITNESS WHEREOF, MINTO PBLH, LLC, A FLORIDA LIMITED LIABILITY COMPANY HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS MANAGER AND ITS COMPANY SEAL TO BE AFFIXED HERETO BY AND WITH THE AUTHORITY OF ITS MEMBERS THIS ____ DAY OF _____, 2023.

MINTO PBLH, LLC
A FLORIDA LIMITED LIABILITY COMPANY

WITNESS: _____ BY: _____
JOHN F. CARTER, MANAGER

PRINT NAME: _____

WITNESS: _____

PRINT NAME: _____

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF PALM BEACH

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF PHYSICAL PRESENCE OR ONLINE NOTARIZATION, THIS ____ DAY OF _____, 20____, BY _____ FOR _____, ON BEHALF OF THE COMPANY, WHO IS PERSONALLY KNOWN TO ME OR HAS PRODUCED _____ AS IDENTIFICATION.

MY COMMISSION EXPIRES: _____ SIGNATURE

(PRINT NAME) - NOTARY PUBLIC

(SEAL)

ACCEPTANCE OF DEDICATION & RESERVATIONS

STATE OF FLORIDA
COUNTY OF PALM BEACH

SEMINOLE IMPROVEMENT DISTRICT, AN INDEPENDENT SPECIAL DISTRICT OF THE STATE OF FLORIDA, HEREBY ACCEPTS THE DEDICATIONS AND RESERVATIONS TO SAID DISTRICT AS STATED AND SHOWN HEREON, AND ITS MAINTENANCE OBLIGATIONS FOR SAME, AND HEREBY JOINS IN AND CONSENTS TO THE UTILITY EASEMENTS DEDICATION, DATED THIS ____ DAY OF _____, 2023.

SEMINOLE IMPROVEMENT DISTRICT, AN INDEPENDENT
SPECIAL DISTRICT OF THE STATE OF FLORIDA

WITNESS: _____ BY: _____
SCOTT MASSEY, PRESIDENT

PRINT NAME: _____

WITNESS: _____

PRINT NAME: _____

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF PALM BEACH

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF PHYSICAL PRESENCE OR ONLINE NOTARIZATION, THIS ____ DAY OF _____, 20____, BY _____ FOR _____, ON BEHALF OF THE DISTRICT, WHO IS PERSONALLY KNOWN TO ME OR HAS PRODUCED _____ AS IDENTIFICATION.

MY COMMISSION EXPIRES: _____ SIGNATURE

(PRINT NAME) - NOTARY PUBLIC

(SEAL)

ACCEPTANCE OF DEDICATION

STATE OF FLORIDA
COUNTY OF PALM BEACH

THE CITY OF WESTLAKE, FLORIDA, A MUNICIPAL CORPORATION, HEREBY ACCEPTS THE GRANT OF EASEMENT OVER THE TRACT "A" ROAD RIGHT-OF-WAY AS STATED AND SHOWN HEREON, DATED THIS ____ DAY OF _____, 2023.

CITY OF WESTLAKE
A MUNICIPAL CORPORATION

WITNESS: _____

PRINT NAME: _____

WITNESS: _____

PRINT NAME: _____

BY: _____

CITY MAYOR, JOHN PAUL O'CONNOR

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF PALM BEACH

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF PHYSICAL PRESENCE OR ONLINE NOTARIZATION, THIS ____ DAY OF _____, 20____, BY JOHN PAUL O'CONNOR AS CITY MAYOR FOR THE CITY OF WESTLAKE, FLORIDA, A MUNICIPAL CORPORATION, ON BEHALF OF THE MUNICIPAL CORPORATION, WHO IS PERSONALLY KNOWN TO ME OR HAS PRODUCED _____ AS IDENTIFICATION.

MY COMMISSION EXPIRES: _____ SIGNATURE

(PRINT NAME) - NOTARY PUBLIC

(SEAL)

CITY OF WESTLAKE'S APPROVAL

THIS CERTIFIES THAT THIS PLAT HAS BEEN ACCEPTED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF WESTLAKE BY A RESOLUTION DULY ADOPTED BY THE CITY COUNCIL THIS ____ DAY OF _____, 2023, IN ACCORDANCE WITH CHAPTER 177, F.S., AND HAS BEEN REVIEWED BY A PROFESSIONAL SURVEYOR & MAPPER EMPLOYED BY THE CITY OF WESTLAKE IN ACCORDANCE WITH CHAPTER 177, F.S.

ATTEST: _____ BY: _____
CITY MANAGER, KEN CASSEL CITY MAYOR, JOHN PAUL O'CONNOR

TITLE CERTIFICATION

STATE OF FLORIDA
COUNTY OF _____

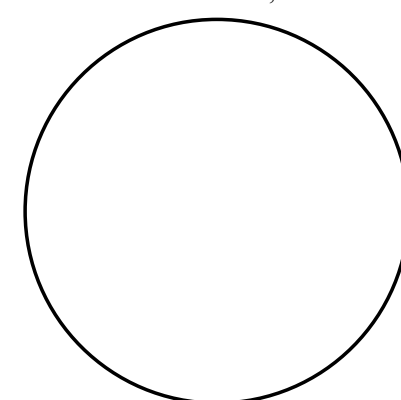
WE, FOUNDERS TITLE, A TITLE INSURANCE COMPANY, AS DULY AUTHORIZED TO DO BUSINESS IN THE STATE OF FLORIDA DO HEREBY CERTIFY THAT WE HAVE EXAMINED THE TITLE TO THE HEREON DESCRIBED PROPERTY; THAT WE FIND THE TITLE TO THE PROPERTY IS VESTED IN MINTO PBLH, LLC; THAT THE CURRENT TAXES HAVE BEEN PAID; AND THAT ALL PALM BEACH COUNTY SPECIAL ASSESSMENT ITEMS, AND ALL OTHER ITEMS HELD AGAINST SAID LANDS HAVE BEEN SATISFIED; THAT ALL MORTGAGES NOT SATISFIED OR RELEASED OF RECORD NOR OTHERWISE TERMINATED BY LAW ARE SHOWN HEREON; AND THAT THERE ARE ENCUMBRANCES OF RECORD BUT THOSE ENCUMBRANCES DO NOT PROHIBIT THE CREATION OF THE SUBDIVISION DEPICTED BY THIS PLAT.

DATED: _____ HARRY BINNIE, PRESIDENT
FOUNDERS TITLE

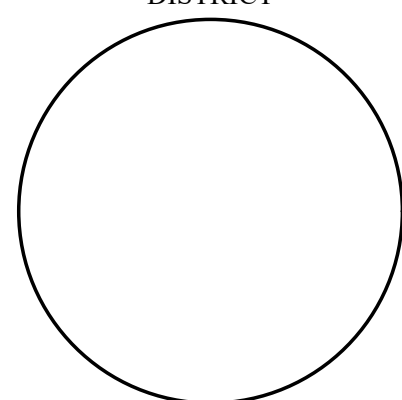
AREA TABULATION (IN ACRES)

ROADWAY TRACT (TRACT "A"):	5.907
OPEN SPACE TRACT #1:	2.846
OPEN SPACE TRACT #2:	0.672
OPEN SPACE TRACT #3:	3.101
TOTAL ACRES, MORE OR LESS:	12.526

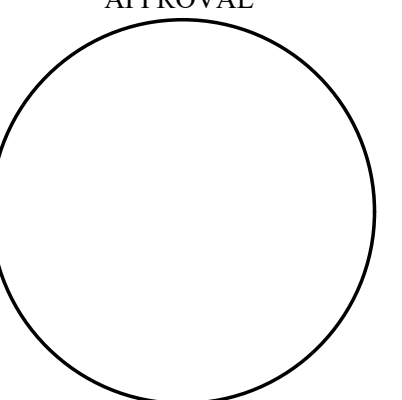
MINTO PBLH, LLC



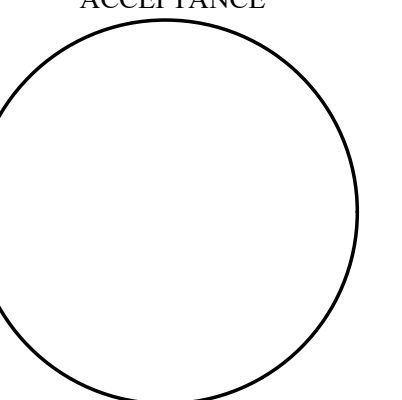
SEMINOLE IMPROVEMENT DISTRICT



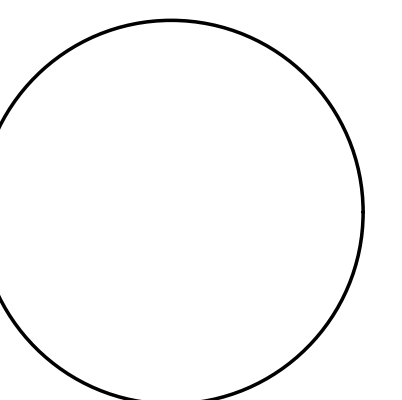
CITY OF WESTLAKE APPROVAL



CITY OF WESTLAKE ACCEPTANCE



SURVEYOR'S SEAL



SURVEYOR & MAPPER'S CERTIFICATE

THIS IS TO CERTIFY THAT THE PLAT SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION; THAT SAID SURVEY IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT PERMANENT REFERENCE MONUMENTS ("P.R.M.S.") HAVE BEEN PLACED AS REQUIRED BY LAW, AND THAT PERMANENT CONTROL POINTS ("P.C.P.S.") AND MONUMENTS ACCORDING TO SEC. 177.091(9), F.S., WILL BE SET UNDER THE GUARANTEES POSTED WITH THE CITY OF WESTLAKE FOR THE REQUIRED IMPROVEMENTS; AND, FURTHER, THAT THE SURVEY DATA COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AS AMENDED, AND THE ORDINANCES OF CITY OF WESTLAKE, FLORIDA.

DATE: _____ GARY A. RAGER, P.S.M.
LICENSE NO. LS4828
STATE OF FLORIDA

THIS INSTRUMENT PREPARED BY
GARY A. RAGER, P.S.M.
LS4828 STATE OF FLORIDA
GEOPOINT SURVEYING, INC.
4152 WEST BLUE HERON BOULEVARD, SUITE 105,
RIVIERA BEACH, FLORIDA 33404.
CERTIFICATE OF AUTHORIZATION NO. LB7768

GeoPoint
Surveying, Inc.

4152 W. Blue Heron Blvd. Phone: (561) 444-2720
Suite 105 www.geopointsurvey.com
Riviera Beach, FL 33404 Licensed Business Number: LB 7768
Sheet No. 1 of 4 Sheets

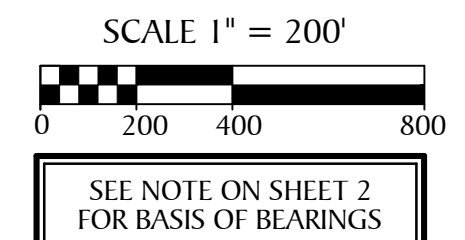
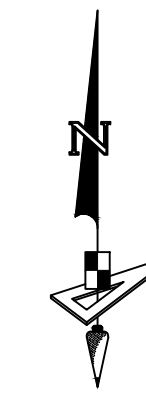
PERSIMMON BOULEVARD EAST - PLAT 5

BEING A PORTION OF SECTIONS 7 AND 8, TOWNSHIP 43 SOUTH, RANGE 41 EAST,
CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA

BASIS OF BEARINGS
NORTH BOUNDARY OF SECTION 6,
TOWNSHIP 43 S., RANGE 41 E.
S.89°48'53"E, 5270.23' (MEASURED)
S.89°48'52"E, 5270.39' (COUNTY)

NORTHEAST CORNER
SECTION 6-43-41
FOUND BRASS DISK IN
CONCRETE "P.B.C."
N:884609.6818 E:891407.3638
NAD83 (2007 ADJUSTMENT)
CERTIFIED CORNER
RECORD #107591

POINT OF COMMENCEMENT
NORTHWEST CORNER OF SECTION 6,
TOWNSHIP 43 S., RANGE 41 E.
3.5" IRON PIPE "PUBLIC LAND SURVEY
CORNER-TALLAHASSEE MERIDIAN"
BRASS DISK "10' EAST" SET IN CONCRETE
FOUND 10' EAST ON SECTION LINE
N: 884626.7147 / E: 886137.1629
NAD83 (2007 ADJUSTMENT)
CERTIFIED CORNER RECORD #107597

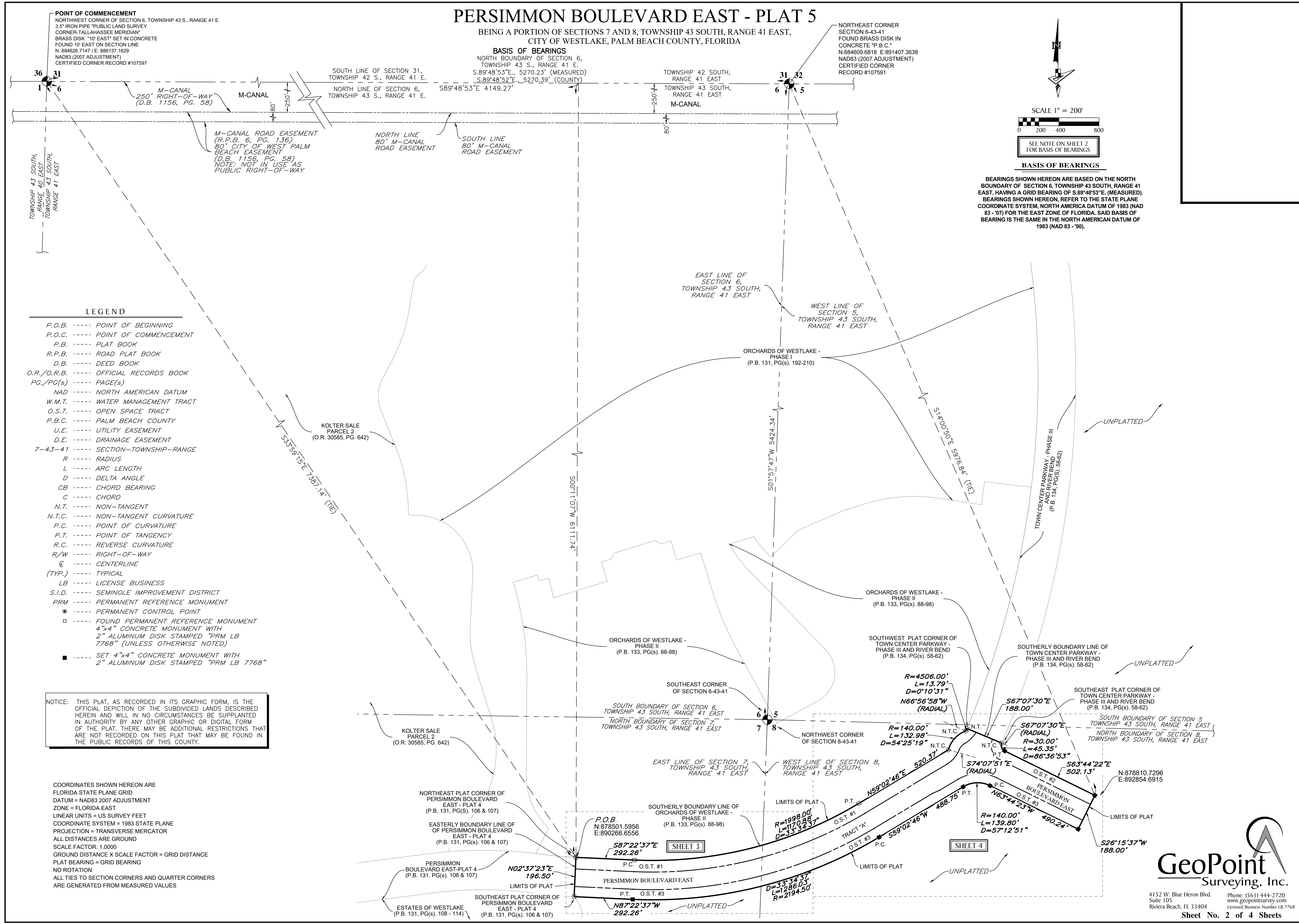


BASIS OF BEARINGS
BEARINGS SHOWN HEREON ARE BASED ON THE NORTH
BOUNDARY OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 41
EAST, HAVING A GRID BEARING OF S.89°48'53"E. (MEASURED).
BEARINGS SHOWN HEREON, REFER TO THE STATE PLANE
COORDINATE SYSTEM, NORTH AMERICA DATUM OF 1983 (NAD
83 - 07) FOR THE EAST ZONE OF FLORIDA. SAID BASIS OF
BEARING IS THE SAME IN THE NORTH AMERICAN DATUM OF
1983 (NAD 83 - 90).

LEGEND	
P.O.B. -----	POINT OF BEGINNING
P.O.C. -----	POINT OF COMMENCEMENT
P.B. -----	PLAT BOOK
R.P.B. -----	ROAD PLAT BOOK
D.B. -----	DEED BOOK
O.R./O.R.B. -----	OFFICIAL RECORDS BOOK
PG./PG(s) -----	PAGE(S)
NAD -----	NORTH AMERICAN DATUM
W.M.T. -----	WATER MANAGEMENT TRACT
O.S.T. -----	OPEN SPACE TRACT
P.B.C. -----	PALM BEACH COUNTY
U.E. -----	UTILITY EASEMENT
D.E. -----	DRAINAGE EASEMENT
7-43-41 -----	SECTION-TOWNSHIP-RANGE
R -----	RADIUS
L -----	ARC LENGTH
D -----	DELTA ANGLE
CB -----	CHORD BEARING
C -----	CHORD
N.T. -----	NON-TANGENT
N.T.C. -----	NON-TANGENT CURVATURE
P.C. -----	POINT OF CURVATURE
P.T. -----	POINT OF TANGENCY
R.C. -----	REVERSE CURVATURE
R/W -----	RIGHT-OF-WAY
Ⓢ -----	CENTERLINE
(TYP.) -----	TYPICAL
LB -----	LICENSE BUSINESS
S.I.D. -----	SEMINOLE IMPROVEMENT DISTRICT
PRM -----	PERMANENT REFERENCE MONUMENT
● -----	PERMANENT CONTROL POINT
□ -----	FOUND PERMANENT REFERENCE MONUMENT 4"x4" CONCRETE MONUMENT WITH 2" ALUMINUM DISK STAMPED "PRM LB 7768" (UNLESS OTHERWISE NOTED)
■ -----	SET 4"x4" CONCRETE MONUMENT WITH 2" ALUMINUM DISK STAMPED "PRM LB 7768"

NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE
OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED
HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED
IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM
OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT
ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN
THE PUBLIC RECORDS OF THIS COUNTY.

COORDINATES SHOWN HEREON ARE
FLORIDA STATE PLANE GRID
DATUM = NAD83 2007 ADJUSTMENT
ZONE = FLORIDA EAST
LINEAR UNITS = US SURVEY FEET
COORDINATE SYSTEM = 1983 STATE PLANE
PROJECTION = TRANSVERSE MERCATOR
ALL DISTANCES ARE GROUND
SCALE FACTOR = 1.0000
GROUND DISTANCE X SCALE FACTOR = GRID DISTANCE
PLAT BEARING = GRID BEARING
NO ROTATION
ALL TIES TO SECTION CORNERS AND QUARTER CORNERS
ARE GENERATED FROM MEASURED VALUES

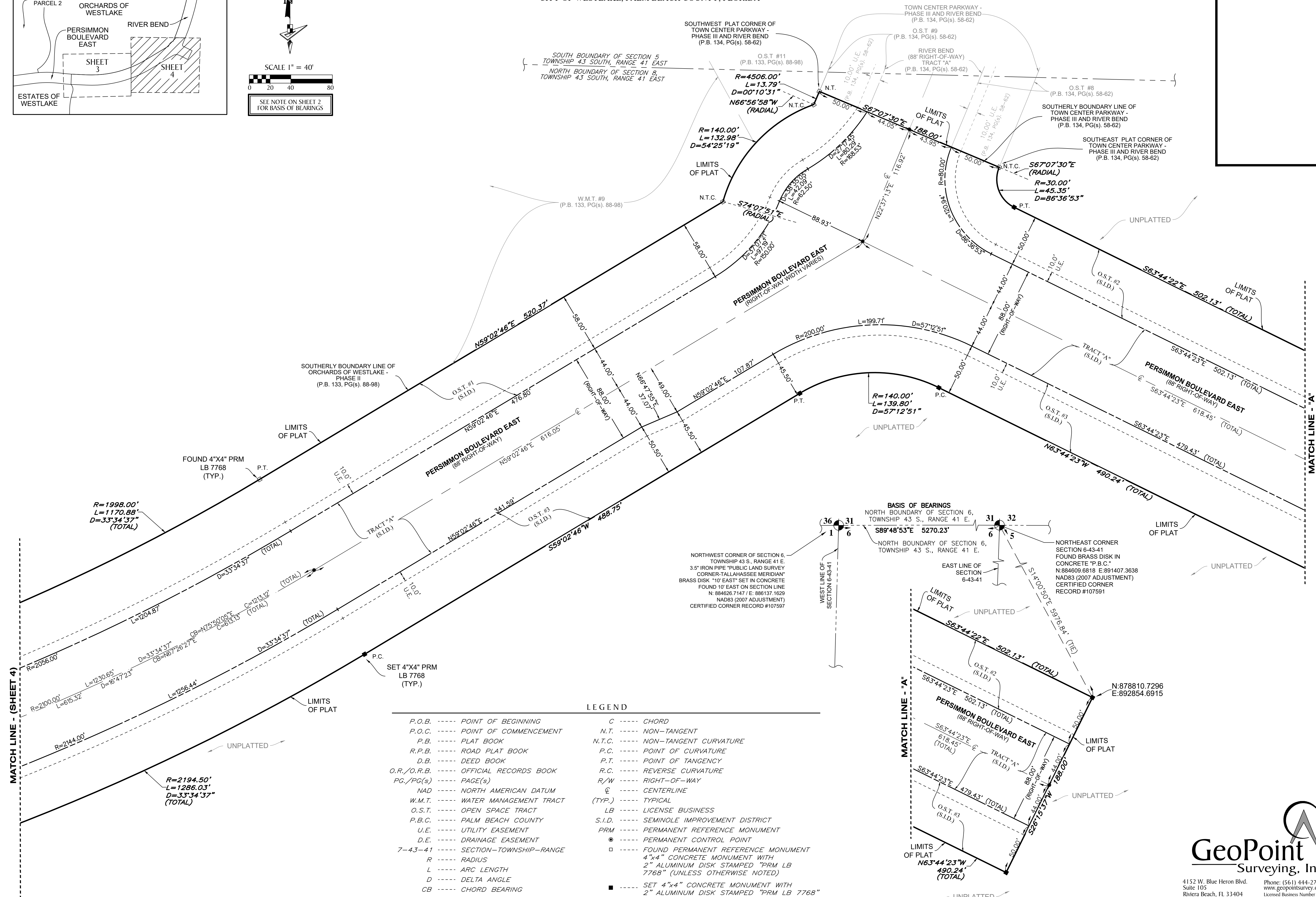
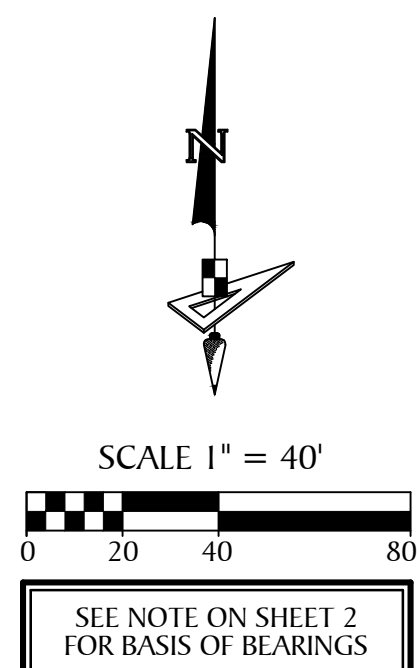
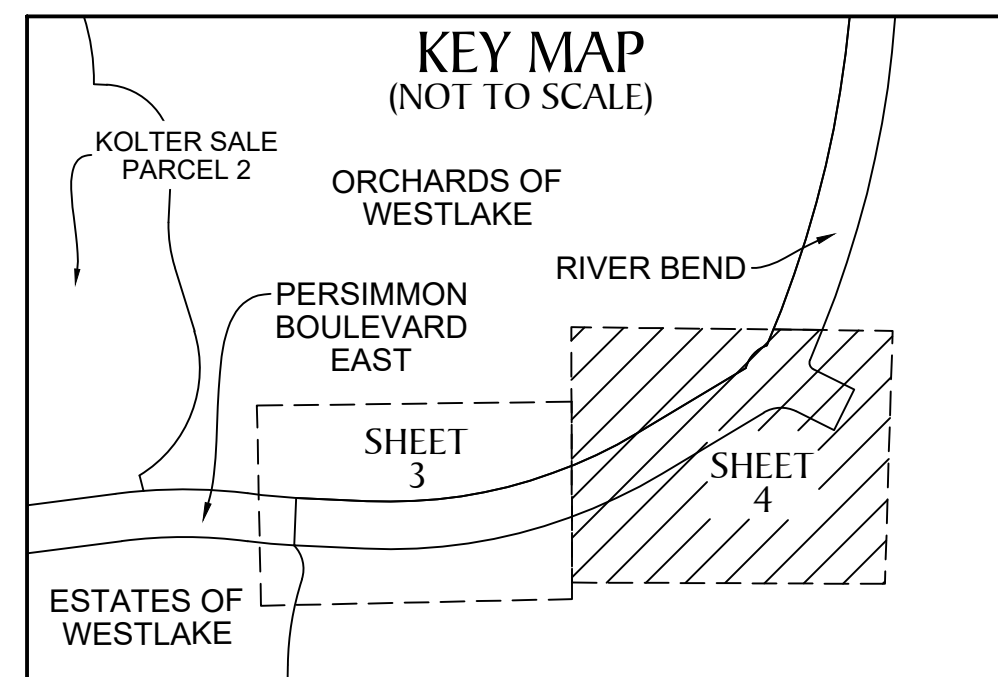


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Riviera Beach, FL 33404
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D:\WORK\PLATS\WESTLAKE - NAD83\PLAT PERSIMMON BOULEVARD EAST - PLAT 5.DWG PLOTTED BY SERGIO MACHADO ON 12/20/23 11:55 AM LAST SAVED BY SERGIO ON 12/20/23 11:55 AM

PERSIMMON BOULEVARD EAST - PLAT 5

BEING A PORTION OF SECTIONS 7 AND 8, TOWNSHIP 43 SOUTH, RANGE 41 EAST,
CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA



LEGEND

P.O.B. ----- POINT OF BEGINNING	C ----- CHORD
P.O.C. ----- POINT OF COMMENCEMENT	N.T. ----- NON-TANGENT
P.B. ----- PLAT BOOK	N.T.C. ----- NON-TANGENT CURVATURE
R.P.B. ----- ROAD PLAT BOOK	P.C. ----- POINT OF CURVATURE
D.B. ----- DEED BOOK	P.T. ----- POINT OF TANGENCY
O.R./O.R.B. ----- OFFICIAL RECORDS BOOK	R.C. ----- REVERSE CURVATURE
PG./PG(s) ----- PAGE(S)	R/W ----- RIGHT-OF-WAY
NAD ----- NORTH AMERICAN DATUM	℄ ----- CENTERLINE
W.M.T. ----- WATER MANAGEMENT TRACT	(TYP.) ----- TYPICAL
O.S.T. ----- OPEN SPACE TRACT	LB ----- LICENSE BUSINESS
P.B.C. ----- PALM BEACH COUNTY	S.I.D. ----- SEMINOLE IMPROVEMENT DISTRICT
U.E. ----- UTILITY EASEMENT	PRM ----- PERMANENT REFERENCE MONUMENT
D.E. ----- DRAINAGE EASEMENT	● ----- PERMANENT CONTROL POINT
7-43-41 ----- SECTION-TOWNSHIP-RANGE	□ ----- FOUND PERMANENT REFERENCE MONUMENT
R ----- RADIUS	4"x4" CONCRETE MONUMENT WITH
L ----- ARC LENGTH	2" ALUMINUM DISK STAMPED "PRM LB
D ----- DELTA ANGLE	7768" (UNLESS OTHERWISE NOTED)
CB ----- CHORD BEARING	■ ----- SET 4"x4" CONCRETE MONUMENT WITH
	2" ALUMINUM DISK STAMPED "PRM LB 7768"

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Sheet No. 4 of 4 Sheets

0: NAME: WESTLAKE WESTLAKE - NAD83 - PLAT PERSIMMON BOULEVARD EAST - PLAT 5 - PLOTTED BY: SERGIO MACHADO - ON: 10/20/23 11:55 AM - LAST SAVED BY: SERGIO MACHADO - ON: 10/20/23 11:55 AM

Exhibit 'C'
PERSIMMON BLVD. EAST – PLAT 5
TOPOGRAPHICAL SURVEY

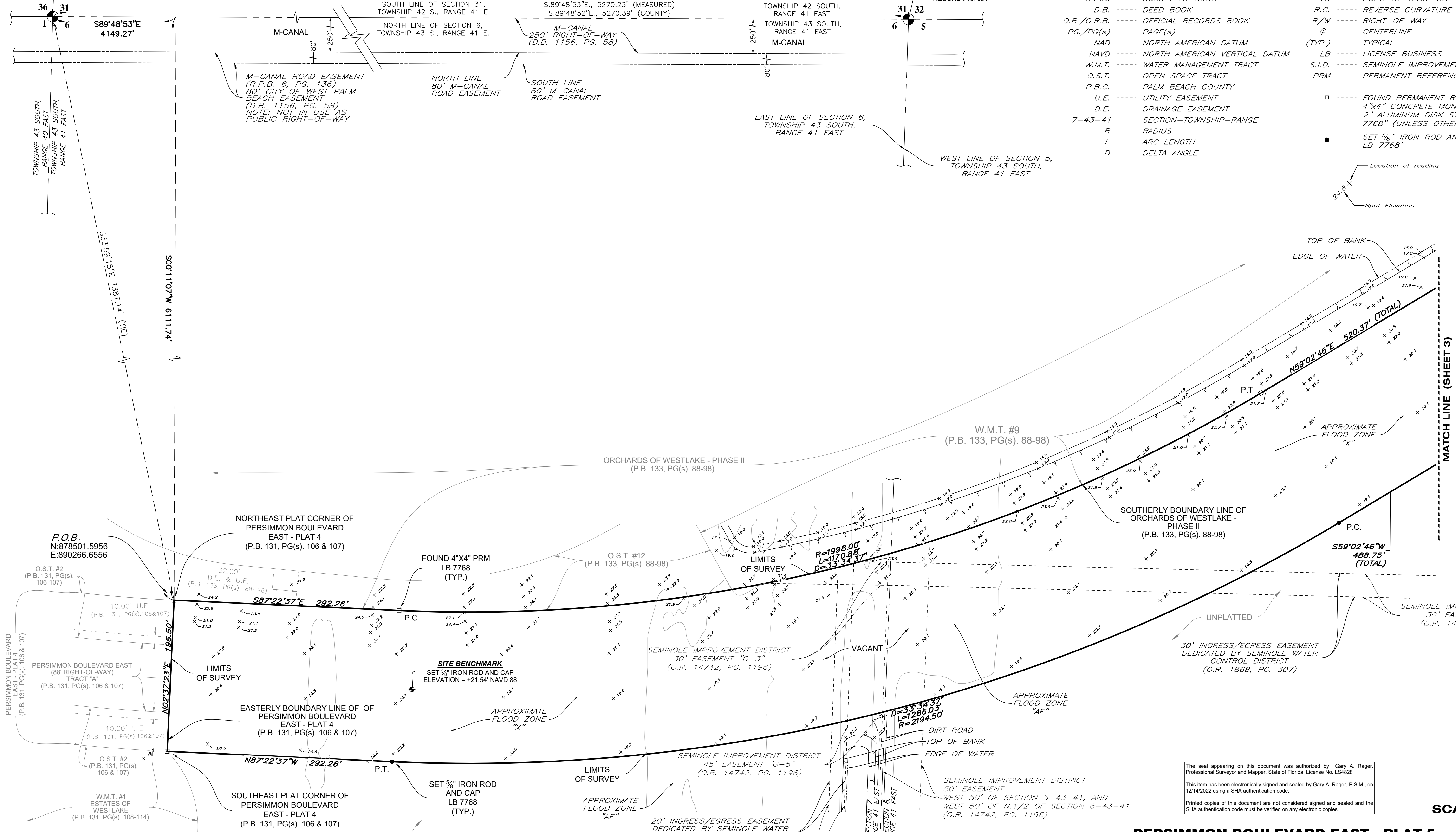
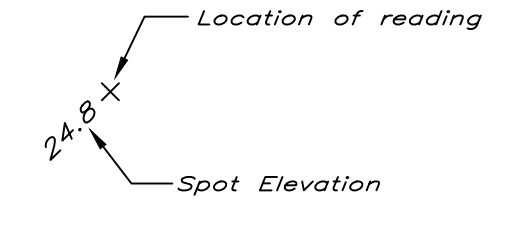
THIS SPACE INTENTIONALLY LEFT BLANK

POINT OF COMMENCEMENT
 NORTHWEST CORNER OF SECTION 6, TOWNSHIP 43 S., RANGE 41 E.
 3.5" IRON PIPE "PUBLIC LAND SURVEY
 CORNER-TALLAHASSEE MERIDIAN"
 BRASS DISK "10' EAST" SET IN CONCRETE
 FOUND 10' EAST ON SECTION LINE
 N: 884626.7147 / E: 886137.1629
 NAD83 (2007 ADJUSTMENT)
 CERTIFIED CORNER RECORD #107597

BASIS OF BEARINGS
 NORTH BOUNDARY OF SECTION 6,
 TOWNSHIP 43 S., RANGE 41 E.
 S.89°48'53"E., 5270.23' (MEASURED)
 S.89°48'52"E., 5270.39' (COUNTY)

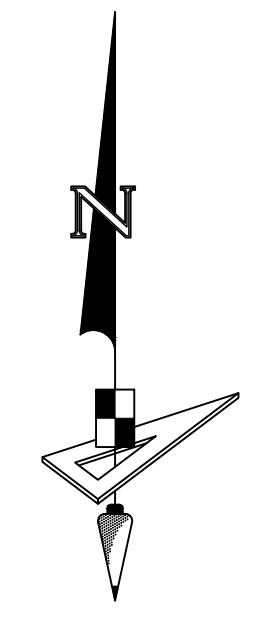
NORTHEAST CORNER
 SECTION 6-43-41
 FOUND BRASS DISK IN
 CONCRETE "P.B.C."
 N:884609.6818 E:891407.3638
 NAD83 (2007 ADJUSTMENT)
 CERTIFIED CORNER
 RECORD #107591

LEGEND	
P.O.B. -----	POINT OF BEGINNING
P.O.C. -----	POINT OF COMMENCEMENT
P.B. -----	PLAT BOOK
R.P.B. -----	ROAD PLAT BOOK
D.B. -----	DEED BOOK
O.R./O.R.B. -----	OFFICIAL RECORDS BOOK
PG./PG(s) -----	PAGE(S)
NAD -----	NORTH AMERICAN DATUM
NAVD -----	NORTH AMERICAN VERTICAL DATUM
W.M.T. -----	WATER MANAGEMENT TRACT
O.S.T. -----	OPEN SPACE TRACT
P.B.C. -----	PALM BEACH COUNTY
U.E. -----	UTILITY EASEMENT
D.E. -----	DRAINAGE EASEMENT
7-43-41 -----	SECTION-TOWNSHIP-RANGE
R -----	RADIUS
L -----	ARC LENGTH
D -----	DELTA ANGLE
N.T. -----	NON-TANGENT
N.T.C. -----	NON-TANGENT CURVATURE
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P.T. -----	POINT OF TANGENCY
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R/W -----	RIGHT-OF-WAY
CL -----	CENTERLINE
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● -----	SET 5/8" IRON ROD AND CAP LB 7768"



MATCH LINE (SHEET 3)

The seal appearing on this document was authorized by Gary A. Rager, Professional Surveyor and Mapper, State of Florida, License No. LS4828
 This item has been electronically signed and sealed by Gary A. Rager, P.S.M., on 12/14/2022 using a SHA authentication code.
 Printed copies of this document are not considered signed and sealed and the SHA authentication code must be verified on any electronic copies.



SCALE: 1" = 60'

**PERSIMMON BOULEVARD EAST - PLAT 5
 BOUNDARY AND TOPOGRAPHIC SURVEY**

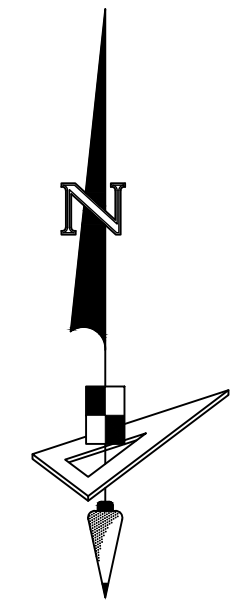
REVISIONS				Prepared For: MINTO COMMUNITIES, LLC.	
No.	Date	Description	Dwn.	Last Date of Field Survey:	12/14/2022

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 Surveying, Inc.

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Drawn: DJS Date: 12/07/2022 Data File:
 Check: GAR P.C.: DS Field Book: 2022-35W/29
 Section: 7 & 8 Twn. 43 S. Rng. 41 E. Job #: WL_PERSIMMON 5.BST

DATE: 12/14/2022 10:02:22 AM PLOT FILE: 12-09-22-DWG PLOT BY: DENNIS SCHOLZ ON: 12/14/2022 2:21 PM LAST SAVED BY: DSCHOLZ ON: 12/14/2022 2:21 PM



0 60
SCALE: 1" = 60'

BASIS OF BEARINGS

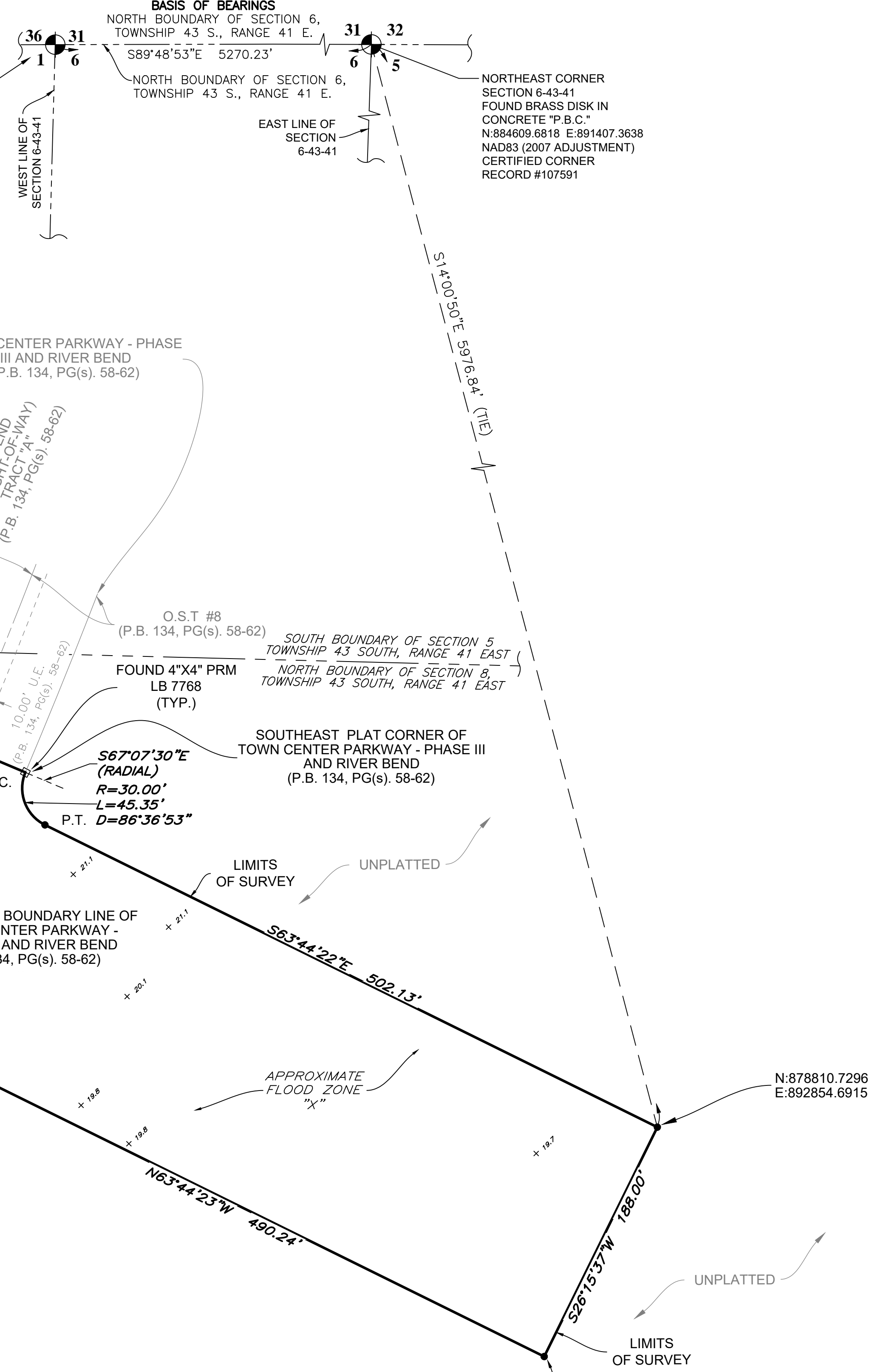
NORTH BOUNDARY OF SECTION 6,
TOWNSHIP 43 S., RANGE 41 E.
S89°48'53"E 5270.23'

NORTH BOUNDARY OF SECTION 6,
TOWNSHIP 43 S., RANGE 41 E.

EAST LINE OF SECTION
6-43-41

NORTHEAST CORNER
SECTION 6-43-41
FOUND BRASS DISK IN
CONCRETE "P.B.C."
N:884609.6818 E:891407.3638
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TOWNSHIP 43 S., RANGE 41 E.
3.5" IRON PIPE "PUBLIC LAND SURVEY
CORNER-TALLAHASSEE MERIDIAN"
BRASS DISK "10' EAST" SET IN CONCRETE
FOUND 10' EAST ON SECTION LINE
N: 884626.7147 E: 886137.1629
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CERTIFIED CORNER RECORD #107597



LEGEND

- P.O.B. ----- POINT OF BEGINNING
- P.O.C. ----- POINT OF COMMENCEMENT
- P.B. ----- PLAT BOOK
- R.P.B. ----- ROAD PLAT BOOK
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- PRM ----- PERMANENT REFERENCE MONUMENT
- ----- FOUND PERMANENT REFERENCE MONUMENT
4"x4" CONCRETE MONUMENT WITH
2" ALUMINUM DISK STAMPED "PRM LB
7768" (UNLESS OTHERWISE NOTED)
- ----- SET 5/8" IRON ROD AND CAP
LB 7768"

Location of reading
Spot Elevation

The seal appearing on this document was authorized by Gary A. Rager, Professional Surveyor and Mapper, State of Florida, License No. LS4828. This item has been electronically signed and sealed by Gary A. Rager, P.S.M., on 12/14/2022 using a SHA authentication code. Printed copies of this document are not considered signed and sealed and the SHA authentication code must be verified on any electronic copies.

**PERSIMMON BOULEVARD EAST - PLAT 5
BOUNDARY AND TOPOGRAPHIC SURVEY**

REVISIONS			
No.	Date	Description	Dwn.

Prepared For: MINTO COMMUNITIES, LLC.
Last Date of Field Survey: 12/14/2022

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Drawn: DJS Date: 12/07/2022 Data File:
Check: GAR P.C.: DS Field Book: 2022-35W/29

Sheet No. 03 of 03 Sheets

NOT VALID WITHOUT THE ELECTRONIC AND/OR ORIGINAL SIGNATURE & RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER

Section: 7 & 8 Twn. 43 S Rng. 41 E Job #WV_PERSIMMON 5.BS13

DRAWN: WJW/LS/PLAT 5.BS13 12-09-22-DWG PLOTTED BY: DENNIS SCHALL ON: 12/14/2022 2:22 PM LAST SAVED BY: DSSCHALL ON: 12/14/2022 2:21 PM



CITY OF WESTLAKE

Engineering Department

4001 Seminole Pratt Whitney Road

Westlake, Florida 33470

Phone: (561) 530-5880

www.westlakegov.com

DATE: 1/11/2023
PETITION NUMBER: ENG-2022-19
DESCRIPTION: Persimmon Blvd. East Phase 5 Plat
APPLICANT: Cotleur & Hearing
OWNER: Minto PBLH, LLC
REQUEST: Plat & Boundary Survey Review
LOCATION: Westlake, Florida
STAFF REVIEW: **RECOMMENDED APPROVAL**

This is the first review of this plat. This review is done for compliance with Chapters 177, Florida Statutes, and the City of Westlake's codes and ordinances. All previous comments have been adequately addressed. This plat is now in compliance with Chapter 177 Florida Statutes. We therefore recommend that the plat be approved by City Council.

This letter has been prepared by the following individual, in association with their consultants and subconsultants:

A handwritten signature in blue ink, appearing to read "S. Dombrowski".

Suzanne Dombrowski, P.E.

Chen Moore and Associates

Tel: 561.746.6900 x 1035

Email: sdombrowski@chenmoore.com

File Attachments for Item:

B. MSP-2022-04: The applicant is requesting approval for a Master Signage Plan Modification for Christ Fellowship Church, a one (1) story, 38,155 square foot Worship Center. The applicant is requesting a Master Signage Plan Modification to add three (3) directional signs and eight (8) pole mounted banner signs. The request includes one (1) waiver request to allow identification letters for the pole mounter banner signs. The subject application is located at 16561 Waters Edge Drive, Westlake, Florida, 33470.

Submitted By: Planning and Zoning



Meeting Agenda Item Coversheet

MEETING DATE:	2/7/2023	Submitted By: Planning and Zoning	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>	MSP-2022-04: The applicant is requesting approval for a Master Signage Plan Modification for Christ Fellowship Church, a one (1) story, 38,155 square foot Worship Center. The applicant is requesting a Master Signage Plan Modification to add three (3) directional signs and eight (8) pole mounted banner signs. The request includes one (1) waiver request to allow identification letters for the pole mounter banner signs. The subject application is located at 16561 Waters Edge Drive, Westlake, Florida, 33470.		
STAFF RECOMMENDATION: (MOTION READY)	Motion to Approve MSP-2022-04 Christ Fellowship Master Signage Plan Modification.		
SUMMARY and/or JUSTIFICATION:	<p>The subject parcel is located in Pod J. The Christ Fellowship Worship Center was approved on December 9, 2019, by Resolution 2019-39, and consist of one (1) story building, 38,155 sq. ft. facility with 800 seats. The site also included an additional 2,500 sq. ft. future development structures. On April 11, 2022, City Council approved Master Signage Plan (MSP-2021-07) consisting of one (1) monument sign and four (4) walls signs; one (1) wall sign on each the east and west elevation, two (2) wall signs on the south elevation, and a total of nine (9) waivers for the Principal Tenant Wall signs.</p> <p>The applicant is requesting approval for a Master Signage Plan Modification to add three (3) directional signs and eight (8) pole mounted banner signs to be installed in the parking lot. <u>The applicant is also requesting one (1) waiver</u> for the pole mounted banner signs copy requirements from the following: Chapter 6, Section 6.43. (c). Criteria to Permit. Pole-mounted banners shall only be permitted provided the following conditions are met: (c) <i>The pole-mounted banner's copy shall be limited to the name of the development, the development's logo, and the development's branding, which does not include any individual business name, tenant, or individual business' logo.</i></p>		
SELECT, if applicable	AGREEMENT:		BUDGET:
	STAFF REPORT:	X	PROCLAMATION:
	EXHIBIT(S):	X	OTHER:
IDENTIFY EACH ATTACHMENT. <i>For example, an agreement may have 2 exhibits, identify the agreement and Exhibit A and Exhibit B</i>	Agenda Item Sheet Final Staff Report Application Justification Statement Christ Fellowship Signage Plan		
SELECT, if applicable	RESOLUTION:		ORDINANCE:

**IDENTIFY FULL
RESOLUTION OR
ORDINANCE TITLE**

*(if Item is not a
Resolution or Ordinance,
please erase all default
text from this field's
textbox and leave blank)*

**Please keep text
indented.**

FISCAL IMPACT *(if any):*

\$



City of Westlake

Planning and Zoning Department – Staff Report

City Council Meeting 2/7/2023

PETITION DESCRIPTION

PETITION NUMBER: MSP-2022-04 Christ Fellowship Master Signage Plan Modification
OWNER: Christ Fellowship Church
APPLICANT: Cotleur & Hearing
ADDRESS: 16561 Waters Edge Drive
PCN: 77-40-43-12-00-000-1010

REQUEST:

The applicant is requesting approval for a Master Signage Plan Modification for Christ Fellowship Church, a one (1) story, 38,155 square foot Worship Center. Per Chapter 6. Sign. Section 6.9 Master Sign Plan. The previously approved Master Signage Plan includes nine (9) waivers for Principal Tenant Wall Signs. The applicant is requesting a Master Signage Plan Modification to add three (3) directional signs and eight (8) pole mounted banner signs. The request includes one (1) waiver request to allow identification letters for the pole mounter banner signs.

SUMMARY

The subject parcel is located in Pod J. The Christ Fellowship Worship Center was approved on December 9, 2019, by Resolution 2019-39, and consist of one (1) story building, 38,155 sq. ft. facility with 800 seats. The site also included an additional 2,500 sq. ft. future development structures. On April 11, 2022, City Council approved Master Signage Plan (MSP-2021-07) consisting of one (1) monument sign and four (4) walls signs; one (1) wall sign on each the east and west elevation, two (2) wall signs on the south elevation, and a total of **nine (9)** waivers for the Principal Tenant Wall signs.

The applicant is requesting approval for a Master Signage Plan Modification to add three (3) directional signs and eight (8) pole mounted banner signs to be installed in the parking lot. The applicant is also requesting one (1) waiver for the pole mounted banner signs copy requirements from the following: Chapter 6, Section 6.43. (c). Criteria to Permit. Pole-mounted banners shall only be permitted provided the following conditions are met:

(c) *The pole-mounted banner's copy shall be limited to the name of the development, the development's logo, and the development's branding, which does not include any individual business name, tenant, or individual business' logo.*

STAFF RECOMMENDATION

Based upon the facts and findings contained herein, the **Department of Planning and Zoning** recommends approval of the subject application without conditions.

BACKGROUND

The subject site was originally approved by City Council on December 9, 2019, by Resolution 2019-39, to develop a one (1) story building, 38,155 square foot Worship Center (Christ Fellowship Church) with 800 seats. The site also included an additional 25,000 sq. ft. of future development. On December 6, 2021, the City Council approved a Site Plan Modification to allow a reduction of decorative pavers on the site entrance, and update the building façade colors.

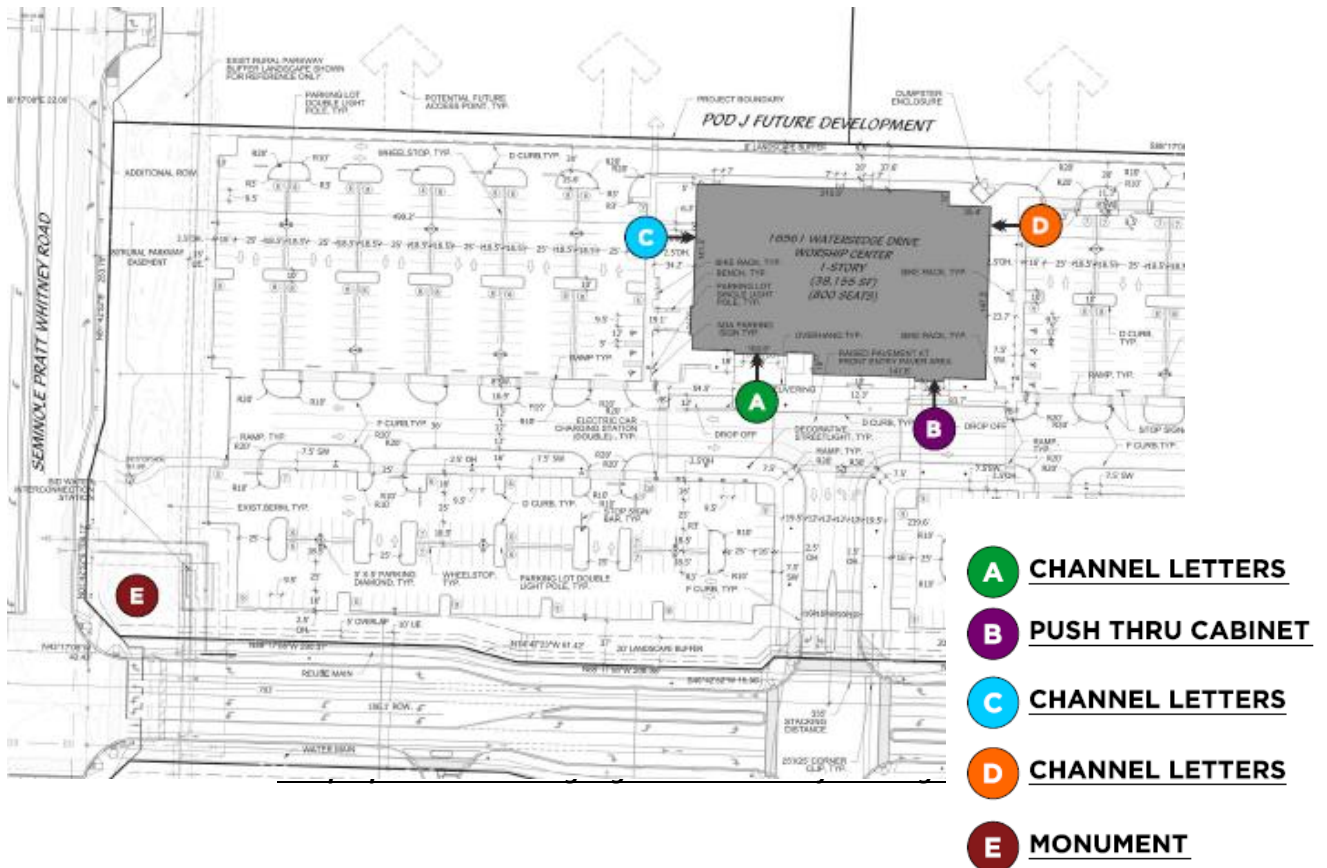
On April 11, 2022, City Council approved Master Signage Plan (MSP-2021-07) consisting one (1) monument sign and four (4) walls signs; one (1) wall sign on each the east and west elevation, two (2) wall signs on the south elevation, and a total of nine (9) waivers for the Principal Tenant Wall signs.

STAFF ANALYSIS

The applicant is requesting approval of a Master Signage Plan Modification for the Christ Fellowship Church development, per Chapter 6. Sign. Section 6.9 Master Sign Plan. The proposed signage plan modifications includes the following:

- Three (3) directional monument signs, one for each point of entry; Seminole Pratt Whitney, Waters Edge Drive and Ilex Way.
- Eight (8) total pole mounted banner signs (18"×18.75") mounted on existing light poles identifying parking lot areas with letters.
- One (1) waiver request from Section 6.43 (c) to allow for letter identification on the copy area of the pole mounted banner signs.

The approved Master Signage Plan includes the following signs:



Proposed Master Signage Plan additional signs:



The applicant is also requesting **one (1)** waiver for the pole mounted banner signs copy requirements from Section 6.43. (c).

Per Chapter 6. Sign. Section 6.43 *Criteria to Permit. Pole-mounted banners shall only be permitted in civic, commercial, or mixed-use zoned areas for the limited purpose of brand identification or as a holiday decoration, provided the following conditions are met:*

- (c) *The pole-mounted banner's copy shall be limited to the name of the development, the development's logo, and the development's branding, which does not include any individual business name, tenant, or individual business' logo.*

As part of the subject Master Signage Plan Modifications, the applicant is requesting the following waiver:

1. Pole Mounted Banner Sign: To allow the pole-mounted banner's copy to display letters for parking lot areas identification.

POLE MOUNTED BANNER SIGNS

Exterior Sign Type - P

Top View

Loc. P1 & P2
Qty. 02

$$\frac{18" \times 18.75"}{144} = 2.34 \text{ sq.ft.}$$

Loc. P7 & P8
Qty. 02

Loc. P5 & P6
Qty. 02

Loc. P3 & P4
Qty. 02

FLAT ALUMINUM PANEL - D/F - LIGHT POLE MOUNTED

- 18" h. x 18" w. x 1/8" thick flat aluminum panel with bracket and mounting straps to be mounted to existing light pole.
- Panels be painted with parking color code: PMS 3025C Blue, PMS 711C Red, PMS 1495C Orange & PMS 570C
- Letters to be White Reflective vinyl applied

DIRECTIONAL MONUMENT SIGN - No waivers requested

Exterior Sign Type - D

Side A **Side B**

$$\frac{40" \times 56"}{144} = 15.55 \text{ sq.ft.}$$

Side A **Side B**

DOUBLE SIDE SIGN & FRAME - POST & PANEL - Non Illuminated

- 36" h. x 56" w. x 3/4" deep Alucab face custom sign & frame
- Dual 3" square posts, 40" gable to top of sign, extended 24"
- for direct burial installation into dirt
- Cabinets will be painted two(2) colors: MAP Natural White & Light Blue (190)
- Posts painted MAP Black
- Arrows, Letters & Parking Lot color code will be digitally printed HP vinyl applied

FINAL REMARKS

MSP-2022-04 will be heard by the City Council on February 7, 2023. The public hearing was advertised in compliance with the City's code.

*Based upon the facts and findings contained herein, the **Planning and Zoning Department** recommends approval of the subject application.*

Christ Fellowship Church West Campus Master Sign Plan Amendment Justification Statement

January 17, 2023

Revised: January 19, 2023

Introduction

The applicant is requesting an amendment to their previously approved master sign plan, approved by Development Order on April 4, 2022, for the Christ Fellowship Church West Campus site located within the Westlake Traditional Town Development (TTD). This site is approximately 12.771 acres located on the southern portion of the TTD on the east side of Seminole Pratt Whitney Road. This project spans a portion of Pod J, adjacent to Waters Edge Drive. The approved, and platted, Worship Center is a 1-story, 38,155 SF building with 800 seats, situated in the southern, central portion of the City, east of Seminole Pratt Whitney Road, and adjacent to Waters Edge Drive and Ilex Way. The Worship Center has an assigned address of 16561 Waters Edge Drive, Westlake, FL, and is under construction.

Background

The original Minto Westlake site is located East and West of Seminole Pratt Whitney Blvd., South of 60th Street North, and North of 50th Street N, East of Mead Hill Drive, and 44th Street North, East of 190th Terrace North and West of 140th Avenue North. Per the adopted Comprehensive Plan, the 3,788.60-acre property has FLUA designations of R1, R2, DTMU, Civic, OS&R and SE Overlay. Portions of the Minto Westlake site have been sold since the adoption of the Comprehensive Plan.

The original Minto Westlake is roughly co-extensive with Seminole Improvement District (SID), a legislatively created special district with the authority to provide public infrastructure and services and to operate district facilities. SID provides drainage, water, and wastewater services for the subject property, and owns a canal right-of-way and/or easement for access and drainage from the subject site running approximately four miles south to the C-51 Canal.

Historic and Recent Planning and Zoning Entitlements

Prior to the City's incorporation, Palm Beach County issued several Development Orders to Minto permitting development on Minto's property that is now within the City of Westlake. Specifically, the County approved Resolution 2014-1646 (as later amended by 2014-1892) rezoning the Westlake Property, and Resolutions 2014-1647 and 2014-1648 approving Hotel

and College/University as requested uses on the Westlake Property. At that same time, Palm Beach County revised its Comprehensive Plan and Unified Land Development Code (“ULDC”) to facilitate development of the Westlake Property pursuant to Ordinances 2014-030 and 2014-031. At the same time, to address the County’s traffic concurrency requirements related to the approved density and intensity, Minto entered into a Proportionate Fair Share Agreement with Palm Beach County dated October 29, 2014.

Subsequent to incorporation, Minto proceeded with the development of its property pursuant to the County Development Orders and the Interim Code. The City has adopted its own Comprehensive Plan and has implemented land development regulations (“LDRs”). Further, most of the conditions of approval contained in the County development orders have either been completed or are superseded by the City’s Comprehensive Plan, Land Development Regulations and state law. As a result, on December 01, 2021, Minto notified the City of Westlake of its intention to hereinafter proceed under § 163.3167(5) to complete development of its density and intensity vested by the Proportionate Fair Share Agreement and state law, pursuant to the City’s Comprehensive Plan and Land Development Regulations.

Subject Request

On April 11, 2022, the applicant received approval for a master sign plan (MSP), by Development Order. At this time, the applicant is requesting an amendment to the approved MSP to incorporate directional signs for the site. (This site plan was approved on December 9, 2019, by Resolution 2019-39. An amendment to the site plan was subsequently approved by Development Order on December 06, 2021).

In accordance with the current sign code, the Applicant is proposing three (3) directional signs on the site; one for each point of entry; Seminole Pratt Whitney, Waters Edge Drive and Ilex Way. Each sign will contain a maximum of 15.5 sq. ft. of copy and are consistent with the current sign code.

In addition, the applicant is requesting eight (8) pole mounted banner signs. These permanent pole mounted pole signs will contain a maximum size of 2.34 sq. ft. (18” x 18.75”) and is a stationary panel which will mounted on an existing light pole identifying parking lot areas within the site consistent with the directional ground signs described above. However, the pole mounted banner signs are not entirely consistent with code, in that they are not displaying a brand or holiday decorations but rather will identify by letter code the locations of 4 different parking lot areas of the facility. They are intended to provide organized and safe traffic control, particularly during large congregation gatherings, thus creating a safer experience for guests. Therefore, a waiver is requested to allow these pole mounted banner signs for this purpose (refer to Waiver Table on the following page).

The master sign plan has been amended to include the locations and details of the directional ground signs and the pole mounted banner signs.

Waiver Table

Sign Type	Code Requirement	Applicant Request	Deviation
<p>Pole -mounted banner signs</p> <p>Eight (8)</p> <p>18” x 18.5 “ (2.34 sq.ft.)</p>	<p>The pole-mounted banner’s copy shall be limited to the name of the development, the development’s logo, and the development’s branding, which does not include any individual business name, tenant, or individual business logo</p>	<p>Identify by letter code the locations of 4 different parking lot areas of the facility</p>	<p>Copy to be used for the intended use as described</p>

Conclusion

The Applicant is requesting approval of this amendment to the master sign plan as presented, requesting one (1) waiver. The Applicant will work closely with Staff to bring this application to completion as quickly as possible. The Applicant and the entire development team are available to answer any questions Staff might have and/or provide necessary information to supplement the information provided in the submittal.

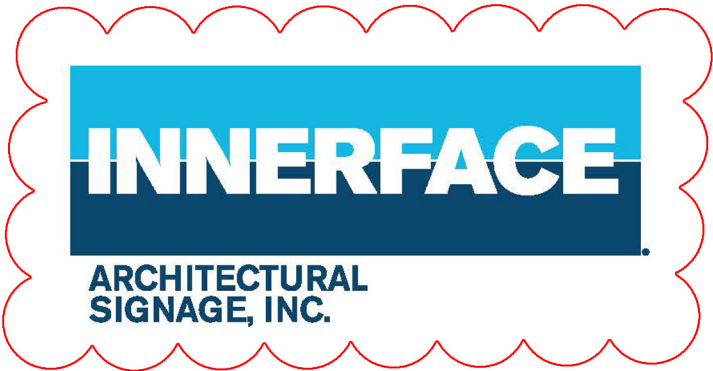


Christ Fellowship CHURCH

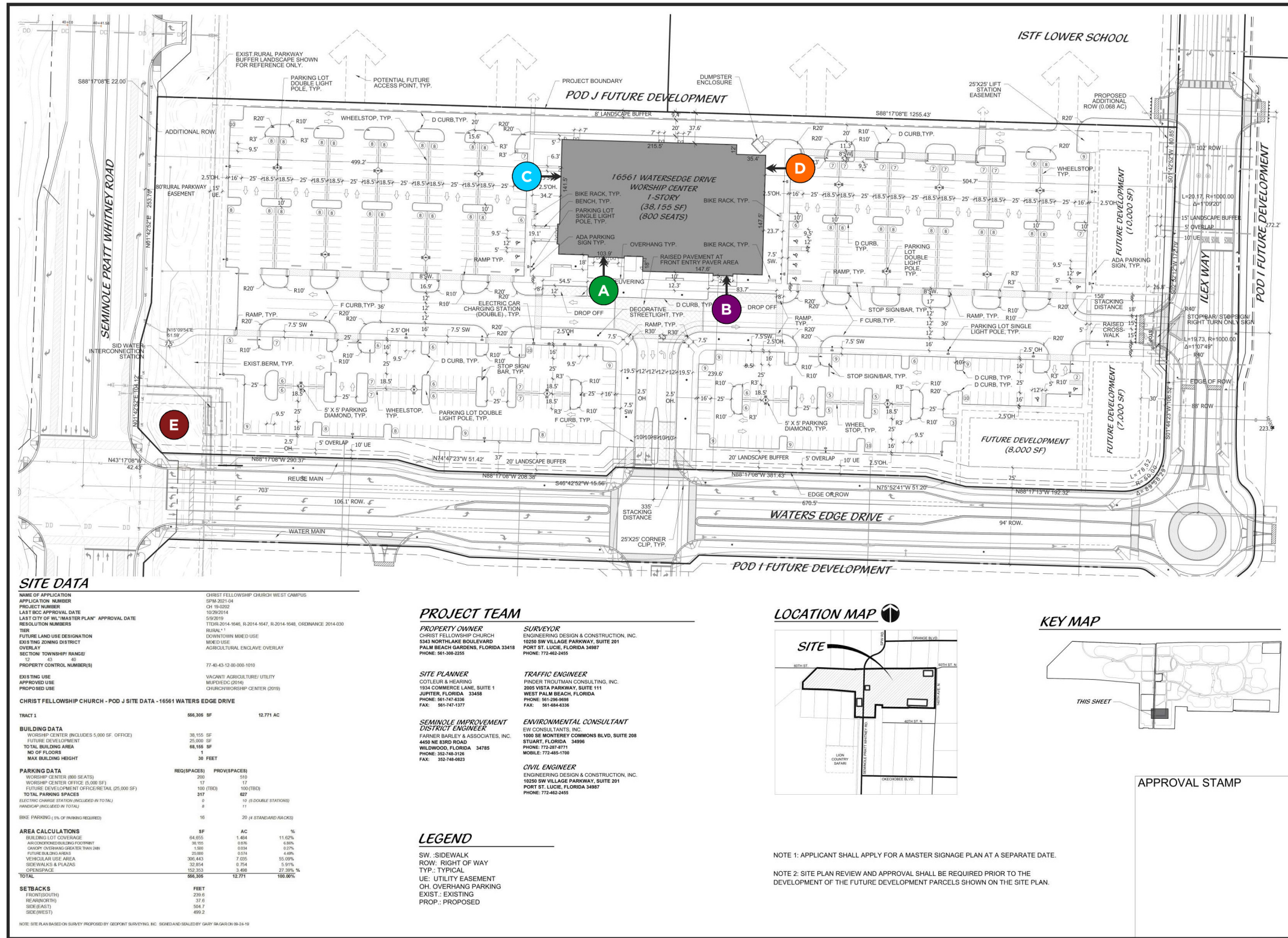
MSP-2022-04 Master Sign Plan Amendment

SIGN PACKAGE

City of Westlake



MAP LEGEND



SITE DATA

NAME OF APPLICATION	CHRIST FELLOWSHIP CHURCH WEST CAMPUS
APPLICATION NUMBER	SPR-2021-04
PROJECT NUMBER	OH 19-0202
LAST BCC APPROVAL DATE	10/29/2014
LAST CITY OF W/L MASTER PLAN APPROVAL DATE	5/9/2019
RESOLUTION NUMBERS	17-08-2014-9546, R-2014-1547, R-2014-1548, ORDINANCE 2014-030
TIER	RURAL-1
FUTURE LAND USE DESIGNATION	COMMERCIAL MEDIUM DENSITY
EXISTING ZONING DISTRICT	MIXED USE
OVERLAY	AGRICULTURAL ENCLAVE OVERLAY
SECTION/TOWNSHIP/RANGE	12/43
PROPERTY CONTROL NUMBER(S)	77-40-43-12-000-1010
EXISTING USE	VACANT AGRICULTURE UTILITY
APPROVED USE	MUP/EDC (2014)
PROPOSED USE	CHURCH/WORSHIP CENTER (2019)

CHRIST FELLOWSHIP CHURCH - POD J SITE DATA - 16561 WATERS EDGE DRIVE

TRACT 1	956,306 SF	12.771 AC
---------	------------	-----------

BUILDING DATA

WORSHIP CENTER (INCLUDES 5,000 SF OFFICE)	38,155 SF
FUTURE DEVELOPMENT	25,000 SF
TOTAL BUILDING AREA	63,155 SF
NO OF FLOORS	1
MAX BUILDING HEIGHT	30 FEET

PARKING DATA

WORSHIP CENTER (800 SEATS)	200
WORSHIP CENTER OFFICE (5,000 SF)	17
FUTURE DEVELOPMENT OFFICE/RETAIL (25,000 SF)	100 (TBC)
TOTAL PARKING SPACES	317
ELECTRIC CHARGE STATION (INCLUDED IN TOTAL)	8
BIKE PARKING (5% OF PARKING REQUIRED)	16

AREA CALCULATIONS

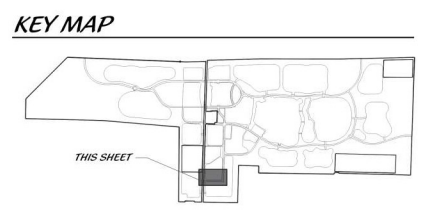
SP	AC	%
BUILDING LOT COVERAGE	1.464	11.62%
ARC COVERED BUILDING FOOTPRINT	36.155	6.8%
CANOPY COVERED PARKING TRANSFER	1.800	0.17%
FUTURE BUILDING AREA	25,000	6.4%
VEHICULAR USE AREA	305,443	32.0%
SIDEWALKS & PLAZAS	32,854	5.91%
GREENSPACE	192,323	20.1%
TOTAL	956,306	100.00%

SETBACKS

FRONT(SOUTH)	239.6
REAR(NORTH)	37.6
SIDE(EAST)	304.7
SIDE(WEST)	499.2

PROJECT TEAM

PROPERTY OWNER CHRIST FELLOWSHIP CHURCH 5343 NORTHLAKE BOULEVARD PALM BEACH GARDENS, FLORIDA 33418 PHONE: 561-366-2255	SURVEYOR ENGINEERING DESIGN & CONSTRUCTION, INC. 16250 SW VILLAGE PARKWAY, SUITE 201 PORT ST. LUCIE, FLORIDA 34987 PHONE: 772-462-3455
SITE PLANNER COTLEUR & HEARING 1934 COMMERCIAL LANE, SUITE 111 JUPITER, FLORIDA 33458 PHONE: 561-747-6339 FAX: 561-747-1977	TRAFFIC ENGINEER PINDER TROUTMAN CONSULTING, INC. 2888 VISTA PARKWAY, SUITE 111 WEST PALM BEACH, FLORIDA PHONE: 561-296-8688 FAX: 561-664-6338
SEMINOLE IMPROVEMENT DISTRICT ENGINEER FARMER BASKLEY & ASSOCIATES, INC. 4450 NE 83RD ROAD WILDLAND, FLORIDA 34785 PHONE: 352-748-3126 FAX: 352-748-0823	CIVIL ENGINEER ENGINEERING DESIGN & CONSTRUCTION, INC. 16250 SW VILLAGE PARKWAY, SUITE 201 PORT ST. LUCIE, FLORIDA 34987 PHONE: 772-462-3455



NOTE 1: APPLICANT SHALL APPLY FOR A MASTER SIGNAGE PLAN AT A SEPARATE DATE.
NOTE 2: SITE PLAN REVIEW AND APPROVAL SHALL BE REQUIRED PRIOR TO THE DEVELOPMENT OF THE FUTURE DEVELOPMENT PARCELS SHOWN ON THE SITE PLAN.

APPROVAL STAMP

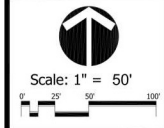
Cotleur & Hearing
Landscape Architects
Land Planners
Environmental Consultants
1934 Commercial Lane
Suite 111
Jupiter, Florida 33458
561.747.6336 · Fax 747.1377
www.cotleurhearing.com
Lic# LC-C000239

MINTO WESTLAKE
Christ Fellowship-Pod J
SITE PLAN
City of Westlake, Florida

- A CHANNEL LETTERS**
- B PUSH THRU CABINET**
- C CHANNEL LETTERS**
- D CHANNEL LETTERS**
- E MONUMENT**
- F WAYFINDING**

SHEET 01 - WAYFINDING SITE LOCATIONS
SHEET 02 - SIGN TYPE D
SHEET 03 - SIGN TYPE P

DESIGNED	DEH
DRAWN	MCR
APPROVED	DEH
JOB NUMBER	19-0202
DATE	08-24-19
REVISIONS	10-18-19
	11-08-19
	11-21-19
	04-02-21
	05-18-21



May 18, 2021 11:35:57 a.m.
Drawing: 190202 BASE.DWG

SHEET 1 of 1



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FT. LAUDERDALE, FL 33311
954.763.4410 | artsignfl.com

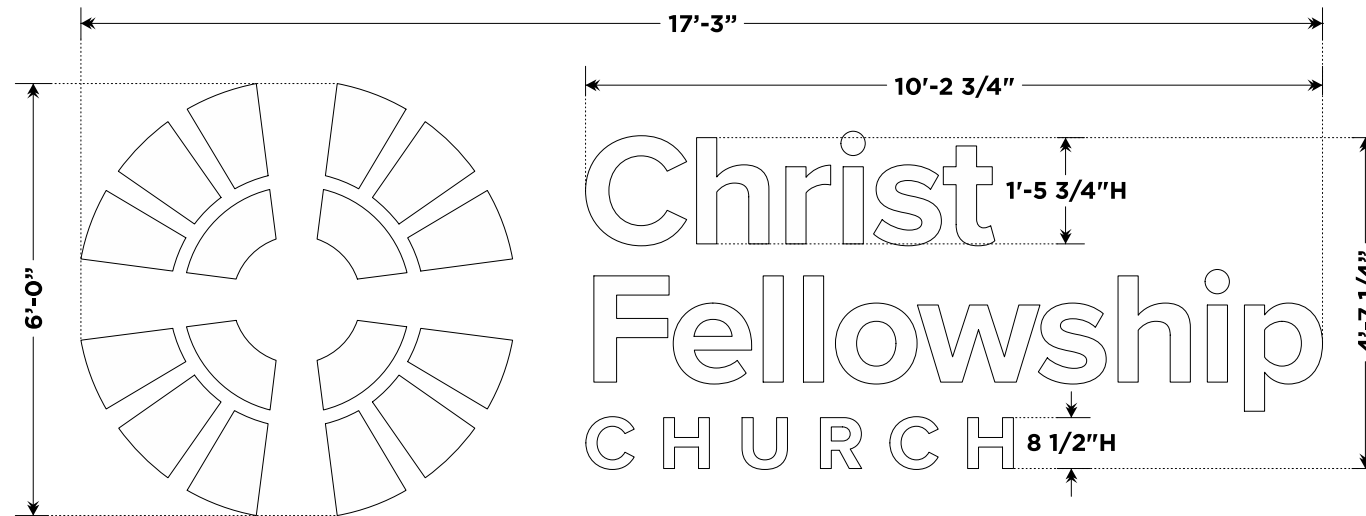
FILE: ChristFellowship_Exterior Signage_SM_V18
ADDRESS:
MUNICIPALITY: City of Westlake

SITE LOCATION PLAN

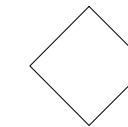
CLIENT APPROVAL:
START DATE: 08/05/2021 **SALE REP:** Tina **ARTIST:** Alisha
AMENDMENT DATE: 01/19/2023

FRONT-LIT CHANNEL LETTERS

NO CHANGE



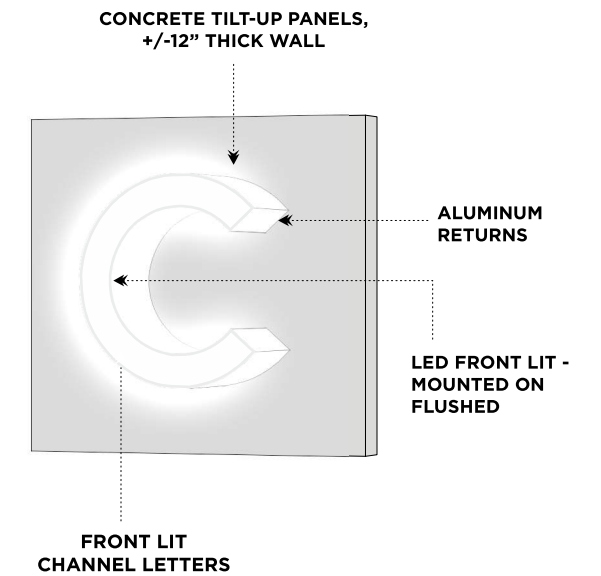
A2 MEASUREMENTS & SPECS
Scale: 3/8" = 1'



- Faces:** White
- Returns:** White
- Letter Style:** Avenir Heavy
- Allowed Sq. Ft:** 90 per elevation
- Proposed Sq. Ft:** 106.88



A1 SOUTH ELEVATION
Scale: 1/8" = 1'



PUSH THRU CABINET

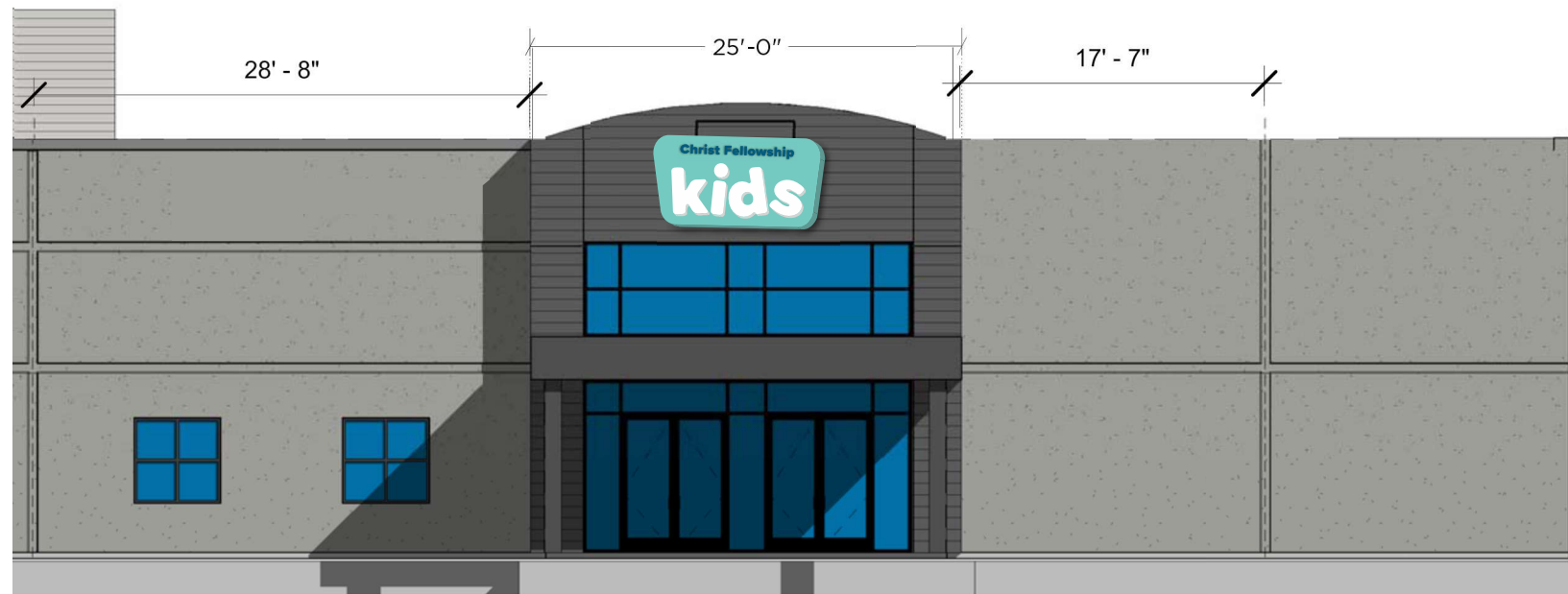
push thru aluminum cabinet faced w/ vinyl

NO CHANGE



B2 MEASUREMENTS & SPECS
Scale: 1/2" = 1'

- Faces:** Teal
- Copy:** White / Blue
- Returns:** To match face
- Letter Style:** Logo
- Allowed Sq. Ft:** 90 per elevation
- Proposed Sq. Ft:** 29



B1 SOUTH ELEVATION
Scale: 1/8" = 1'

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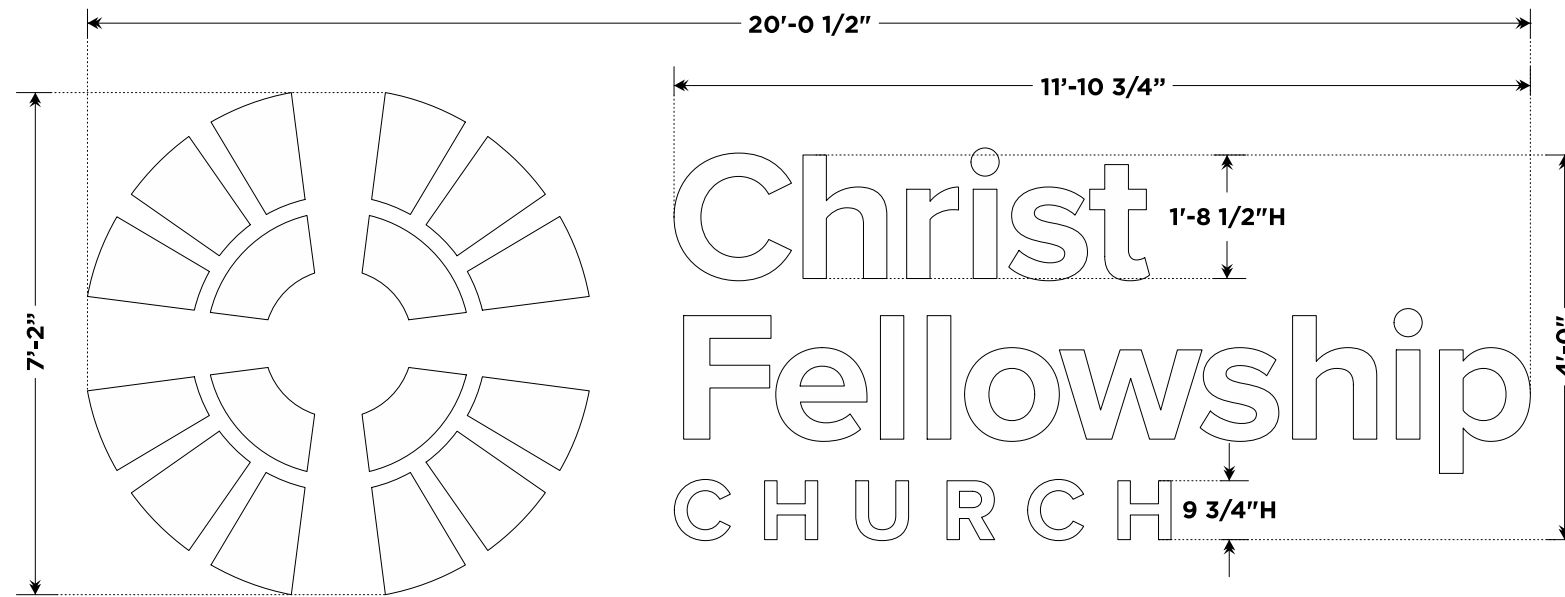
FILE: ChristFellowship_Exterior Signage_SM_V18
ADDRESS:
MUNICIPALITY: City of Westlake

CLIENT APPROVAL:
START DATE: 08/05/2021 **SALE REP:** Tina **ARTIST:** Alisha

Colors shown on drawing are for presentation purposes. All colors must be confirmed initialed by project manager before painting. Any party accepting this document does so in confidence and agrees that it should not be duplicated, in whole or in part, nor disclose to others without the written consent of Art Sign Company, Inc. Reference copy list for copy/graphic specific to each sign location. Contractor shall verify all conditions on site and notify any variation from what is shown on the drawings before proceeding with fabrication.

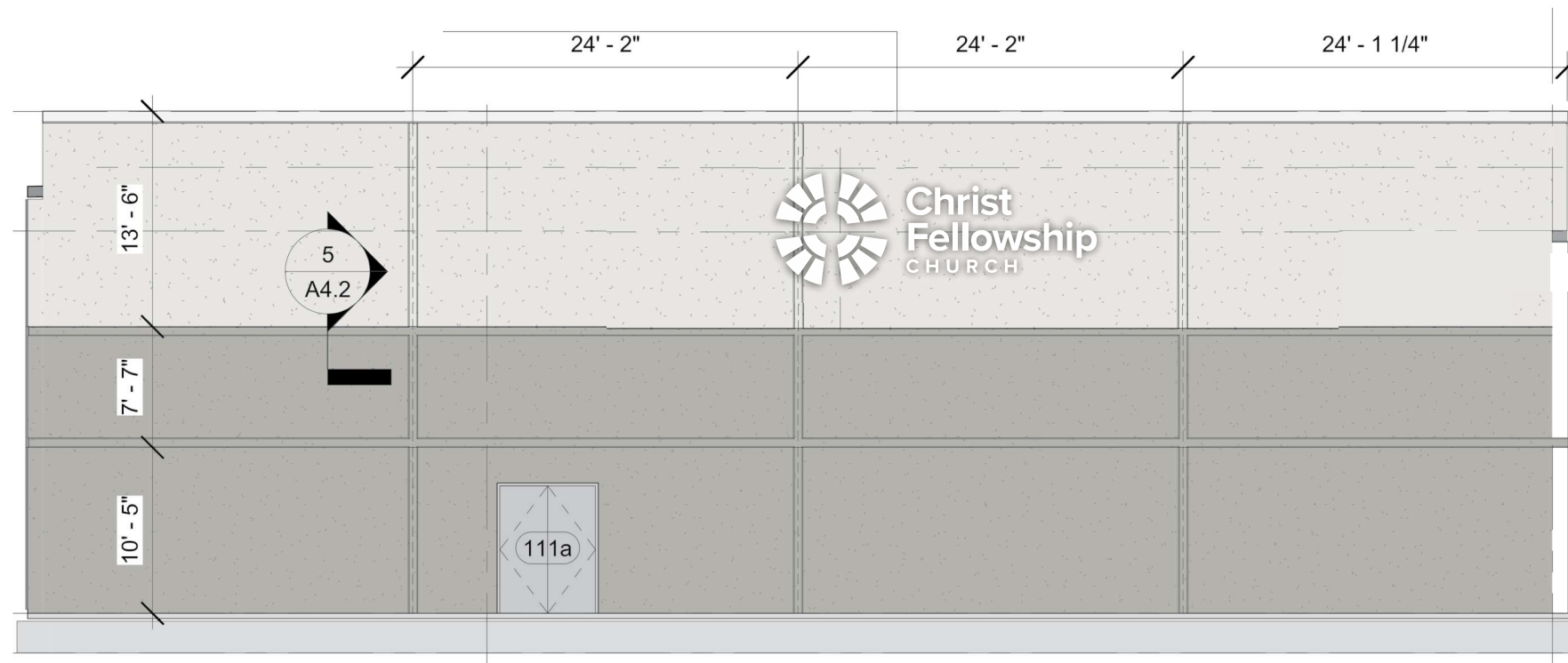
FRONT-LIT CHANNEL LETTERS

NO CHANGE

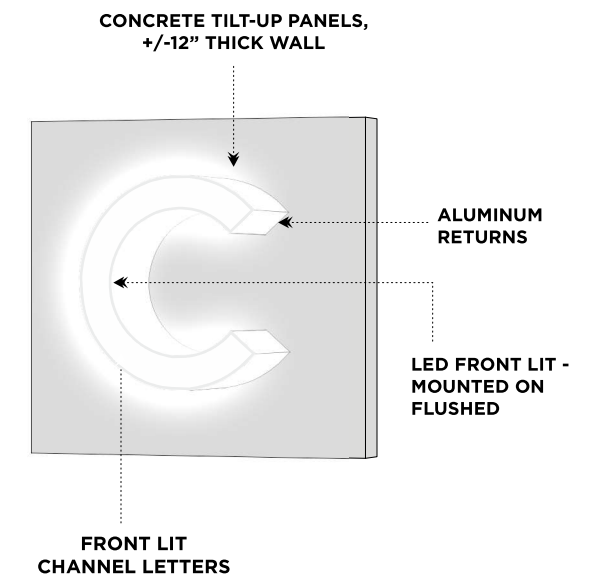


C2 MEASUREMENTS & SPECS
Scale: 3/8"= 1'

- Faces:** White
- Returns:** White
- Letter Style:** Avenir Heavy
- Allowed Sq. Ft:** 90 per elevation
- Proposed Sq. Ft:** 144.37

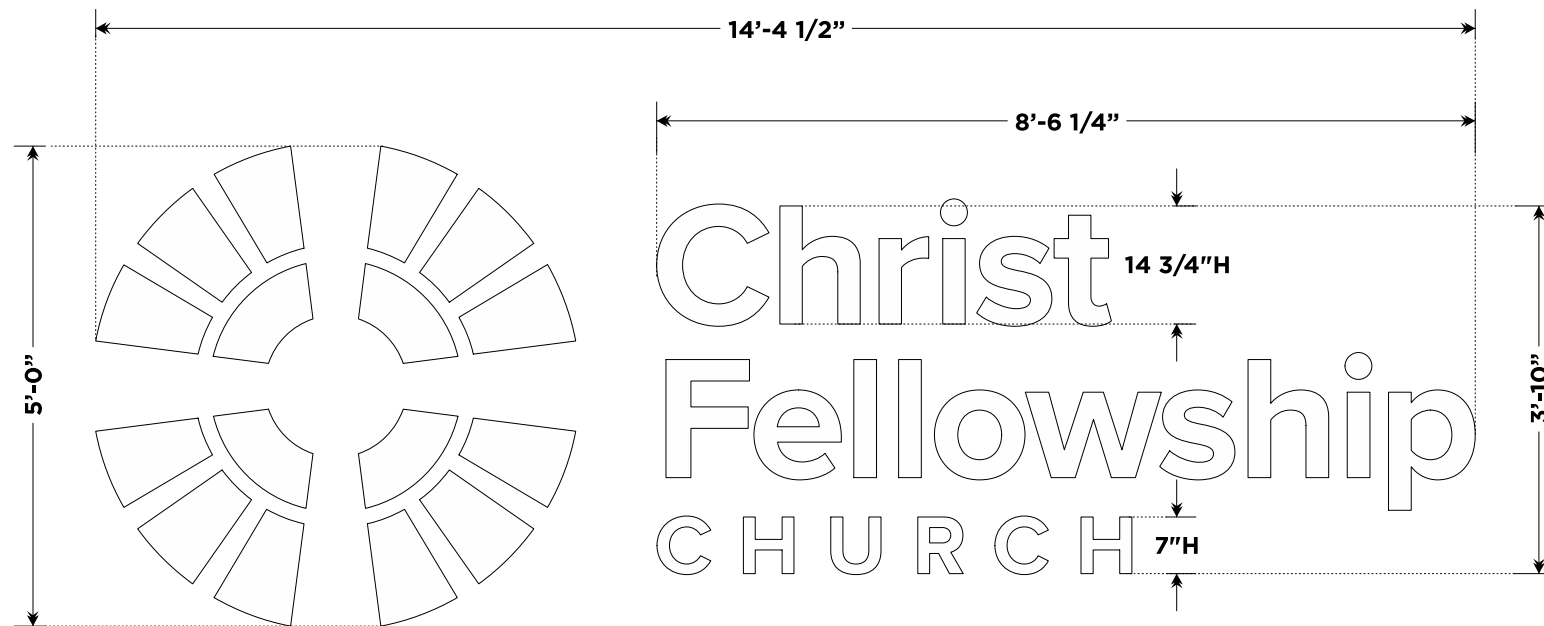


C1 WEST ELEVATION
Scale: 3/32"= 1'



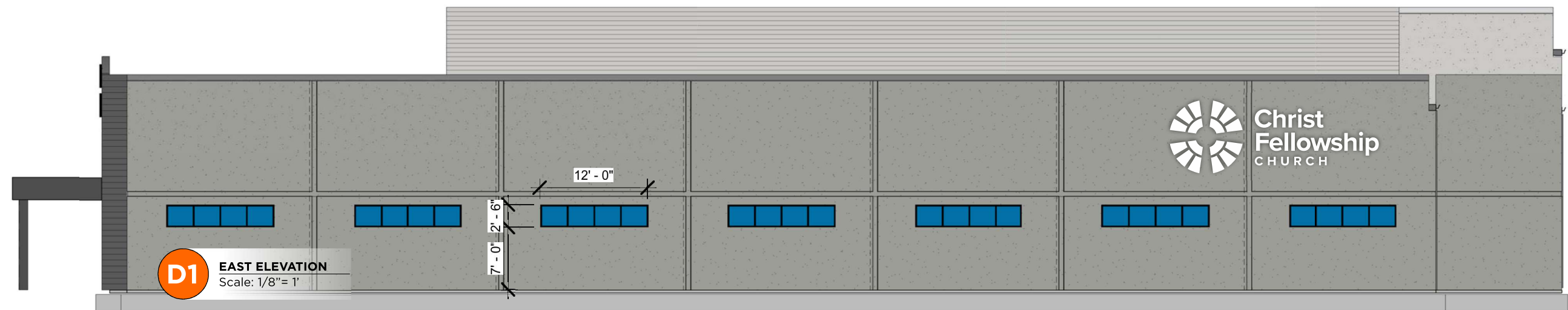
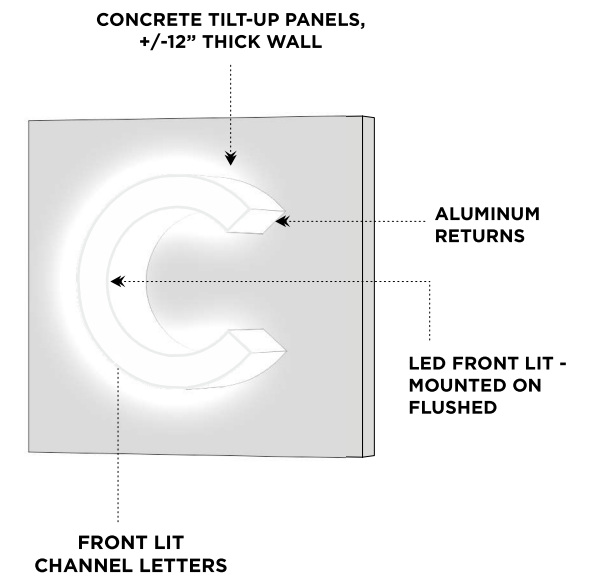
FRONT-LIT CHANNEL LETTERS

NO CHANGE



D2 MEASUREMENTS & SPECS
Scale: 3/8" = 1'

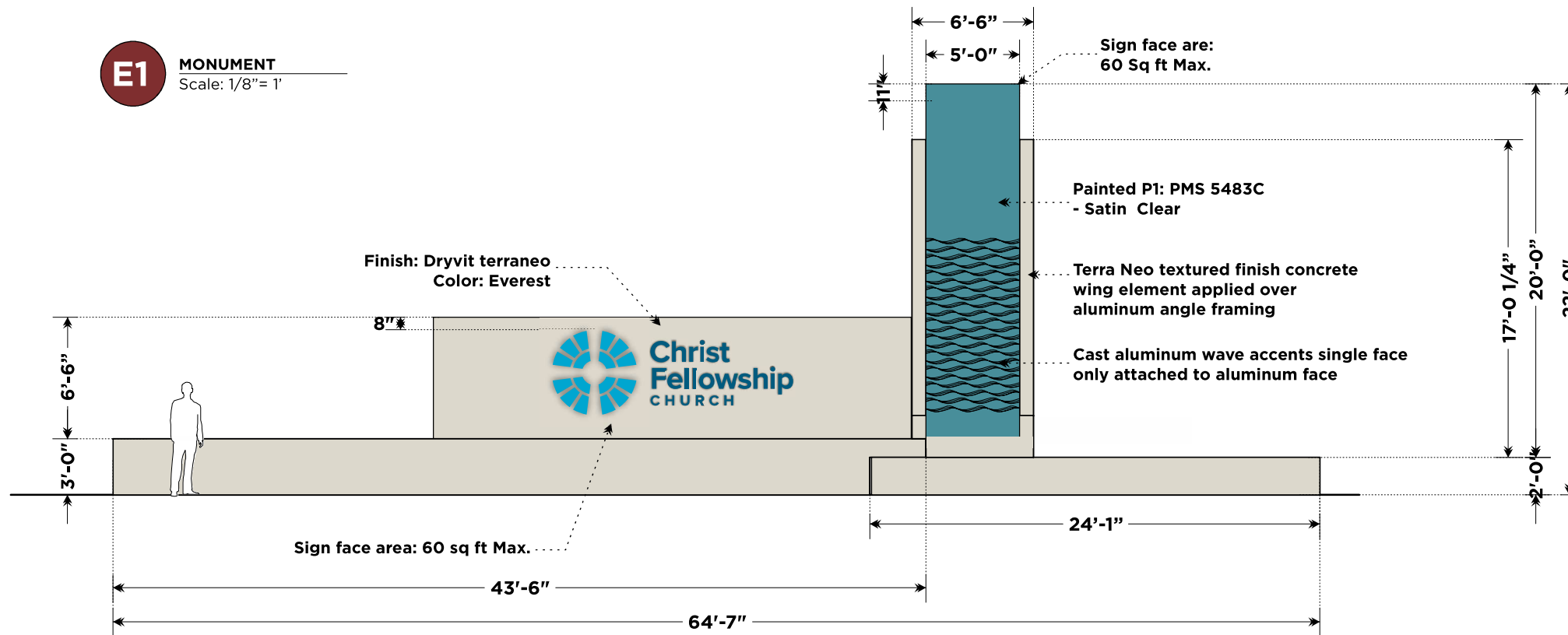
- Faces:** White
- Returns:** White
- Letter Style:** Avenir Heavy
- Allowed Sq. Ft:** 90 per elevation
- Proposed Sq. Ft:** 71.875



INTERNALLY-ILLUMINATED SINGLE SIDED MONUMENT SIGN W/ REVERSE CHANNEL LETTERS

NO CHANGE

E1 MONUMENT
Scale: 1/8" = 1'



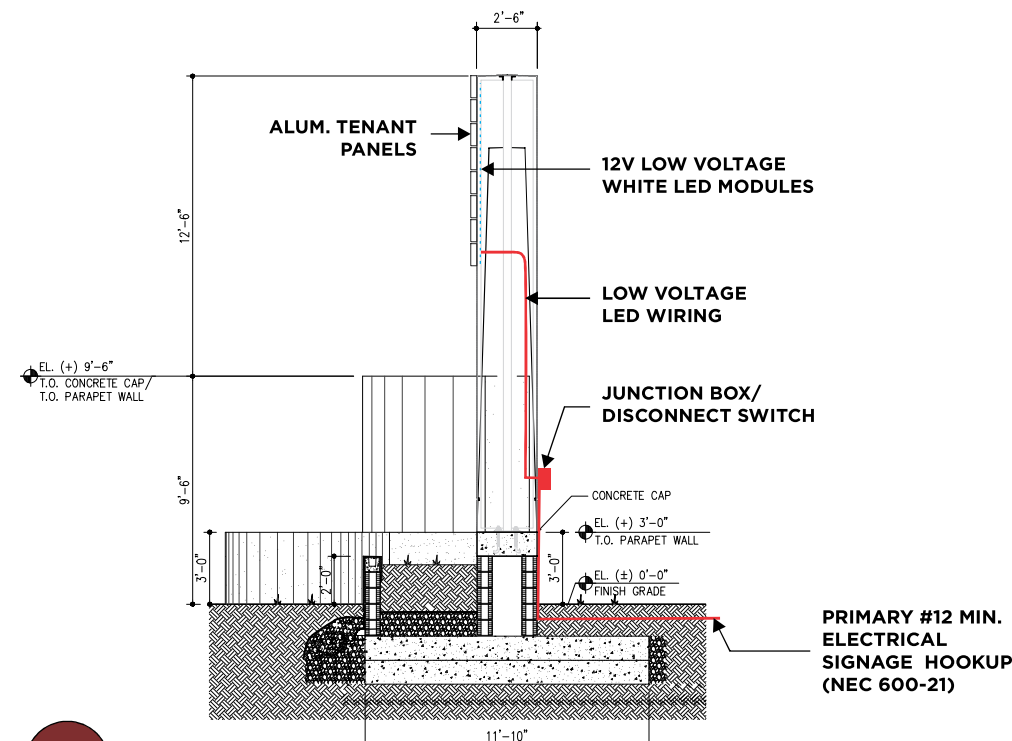
E2 MEASUREMENTS & SPECS
Scale: 1/8" = 1'



- Main cabinet color:** Dryvit Terraneo Everest
- Header color:** Grey PMS 3005
- Pole cover:** PMS 5483
- Embellishments:** Dryvit Terraneo
- Allowed Sq. Sign Area Ft.:** 60
- Proposed Sq. Sign Area Ft:** 59.56



E3 COPY MEASUREMENTS
Scale: 1/4" = 1'



E4 SIDE VIEW
Scale: 1/8" = 1'

Broward & North Freestanding

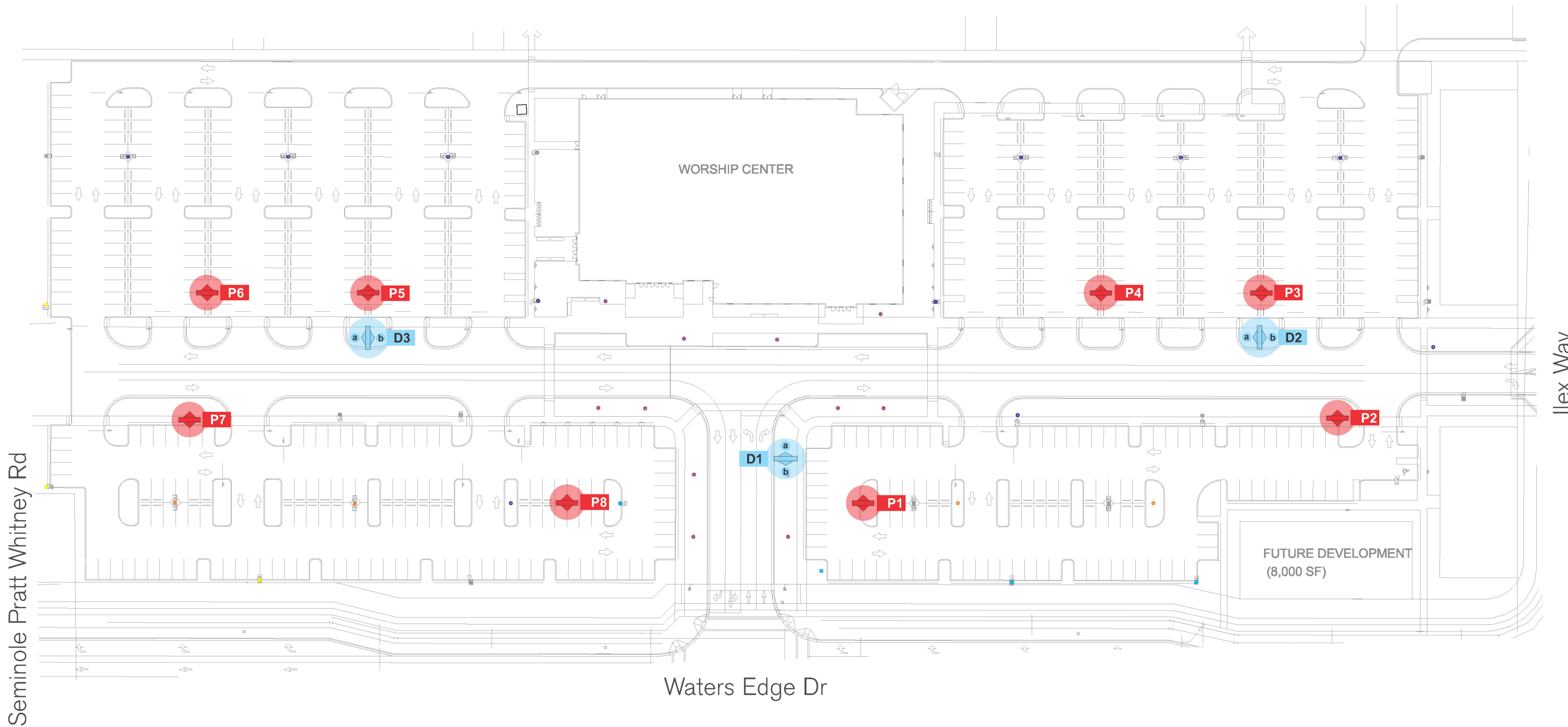
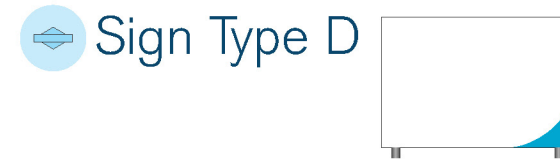
- Design, fabrication and construction to the following codes and specifications:
 - The Florida Building Code (2020) 7th edition
 - American Welding Society AWS D1.1-04 & D1.2
 - American Concrete Institute building code requirements for structural concrete ACI 318-11
- Structural Steel requirements:
 - Plates, rolled shapes and bars shall be ASTM A36, or equal
 - Standard pipe shall be ASTM A53, Grade B or equal (Fy=35 KSI)
 - Structural tubing shall be ASTM A500, Grade B or equal (Fy=46 KSI)
 - All bolted connections shall be made with ASTM A307 bolt or equal
 - All anchors bolts shall be ASTM A307 or equal (flat washers at nut)
 - All welds shall be made with E70XX electrodes or equal
 - Structural steel shall be shop prime coated with a rust inhibitive primer
- All field welds shall comply with AWS code by a AWS certified welder
- NEC 2017 compliant.
- All concrete shall have a minimum compressive strength at 28 days/ 3000 PSI
- Grout shall be non-metallic and non-shrink with a minimum comprehensive strength of 5000 PSI at one day
- All reinforced steel shall have a minimum yield strength of 60,000 PSI and shall conform to ASTM A615
All reinforcement steel shall be installed in accordance with ACI 318-11 with a minimum concrete cover of 3 inches
- H.V.H.Z., section 1620 F.B.C., ASCE 7-16 170 MPH, exposure C, Category 2, Chapter 16.
- All ferrous to non ferrous surfaces shall be separated by 3M #355 polyester clear tape or equal

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FILE: ChristFellowship_Exterior Signage_SM_V18
ADDRESS:
MUNICIPALITY: City of Westlake

CLIENT APPROVAL:
START DATE: 08/05/2021 **SALE REP:** Tina **ARTIST:** Alisha

Exterior Wayfinding



Seminole Pratt Whitney Rd

Waters Edge Dr

Ilex Way



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1.800-445-4796 | innerfacesign.com

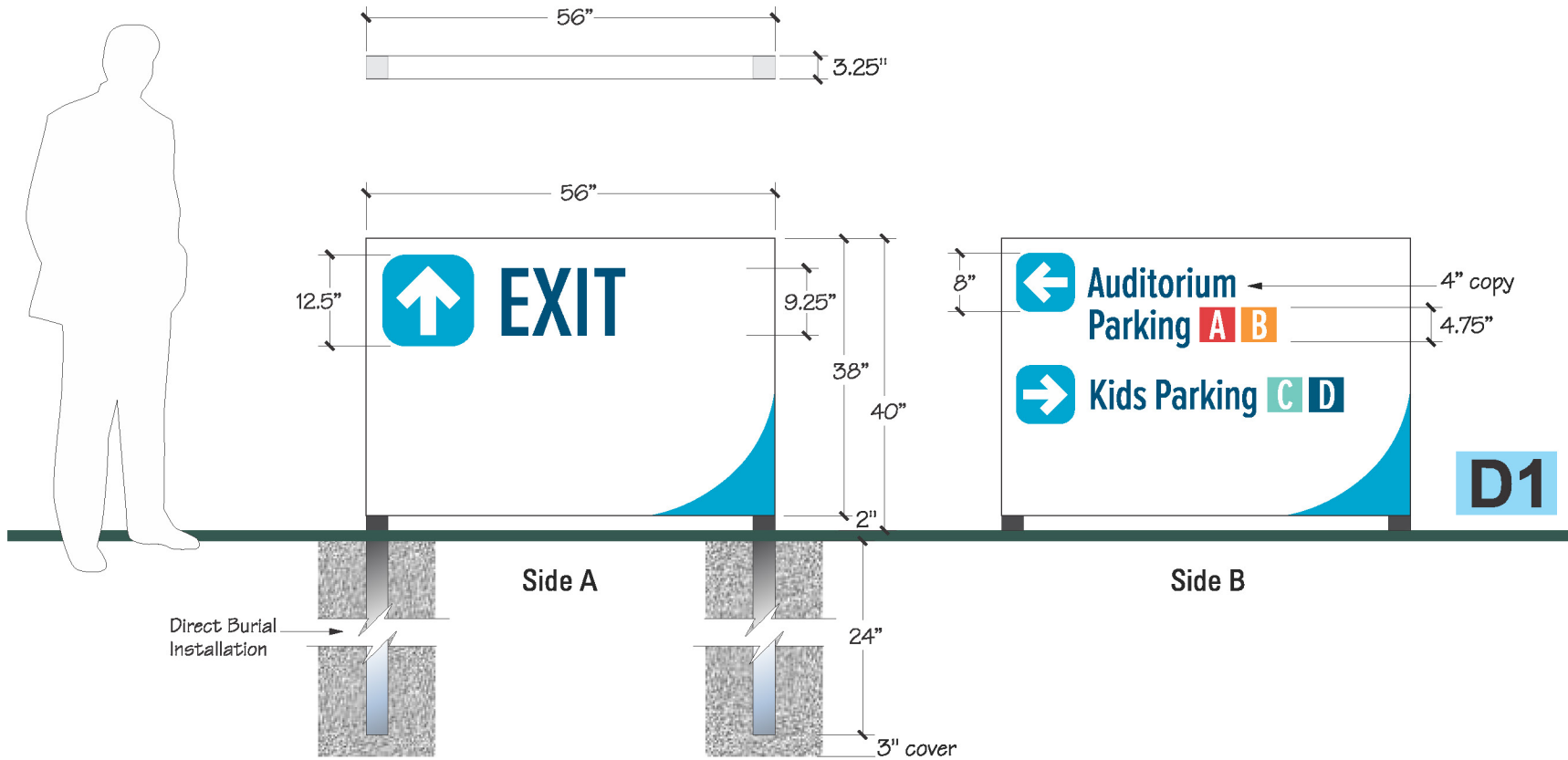
- 06.28.22 - rev. 0, ema
- 07.27.22 - rev. 1, ema
- 08.05.22 - rev. 2, ema
- 09.27.22 - rev. 3, ema
- 12.09.22 - rev. 4, ema
- 12.15.22 - rev. 5, ema
- 12.27.22 - rev. 6, ema
- 01.16.23 - rev. 7, ema

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Westlake Interior / Exterior Signage
Christ Fellowship Church
Designer: Edith Aponte
File Name: cfc westlake - exterior

Exterior Sign Type - D

$$\frac{40'' \times 56''}{144} = 15.55 \text{ sq.ft.}$$



DOUBLE SIDE SKIN & FRAME - POST & PANEL - Non Illuminated

- 38"h. x 56"w. x 3/4" deep double face custom skin & frame
- Dual 3" square posts, 40" grade to top of sign, extended 24" for direct burial installation into dirt
- Cabinet will be painted two(2) colors: MAP Natural White & Light Blue (TBD)
- Posts painted MAP Black
- Arrows, Letters & Parking Lots color code will be digitally printed HP vinyl applied



	Project #: R22412	<input checked="" type="checkbox"/> Contour Cut	
	Date In: -	Need by: -	<input checked="" type="checkbox"/> Surface Print
	Substrate: White HP vinyl		<input type="checkbox"/> Flat bed
	Color: -		<input type="checkbox"/> Reverse Print
	Loc.: -	Qty. -	<input type="checkbox"/> Laminated

X _____ Date: _____



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1.800-445-4796 | innerfacesign.com

- | | |
|-------------------------|---------------|
| MAP 11477 Natural White | Pantone 313C |
| Pantone 313C | Pantone 711C |
| Pantone 3025C | Pantone 570C |
| | Pantone 1495C |

Font: Proxima Nova ExCn Medium

Project: R22412
Drawn By: TB

Location: D1, D2, D3
Qty: 03

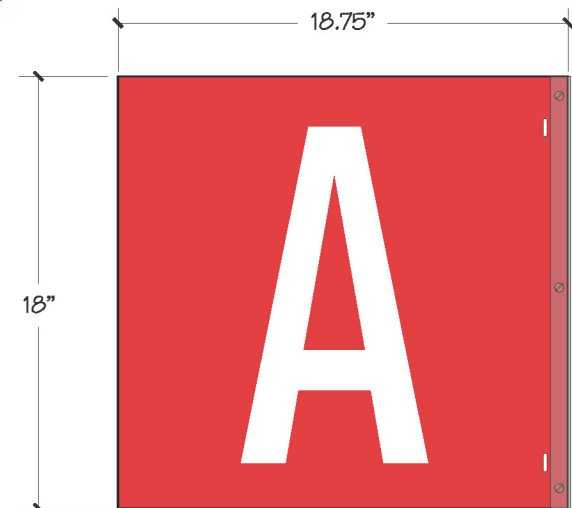
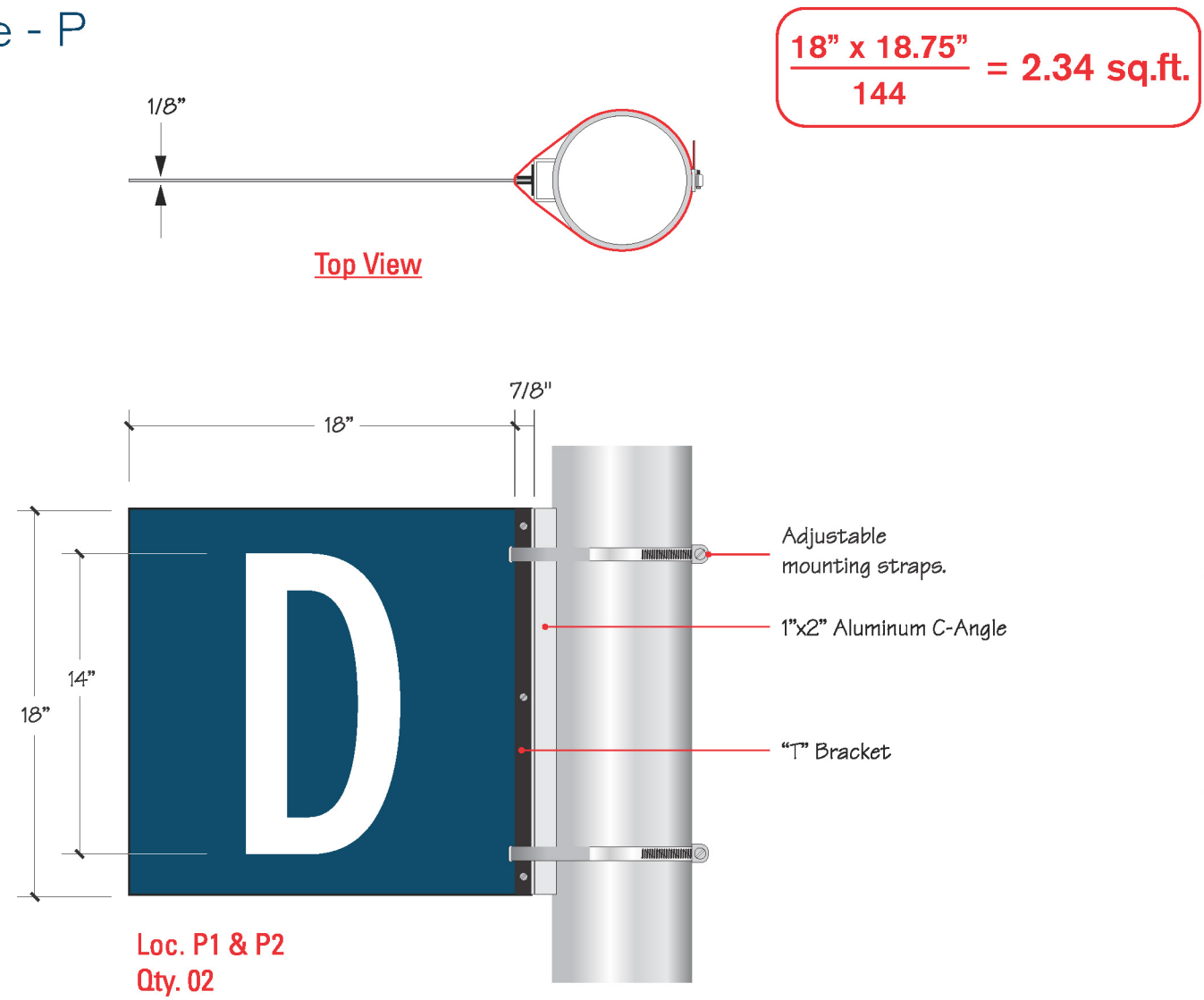
Scale: 3/4" = 1'-0"

06.28.22 - rev. 0, ema
07.27.22 - rev. 1, ema
08.05.22 - rev. 2, ema
09.27.22 - rev. 3, ema
12.09.22 - rev. 4, ema
12.15.22 - rev. 5, ema
12.27.22 - rev. 6, ema
01.16.23 - rev. 7, ema

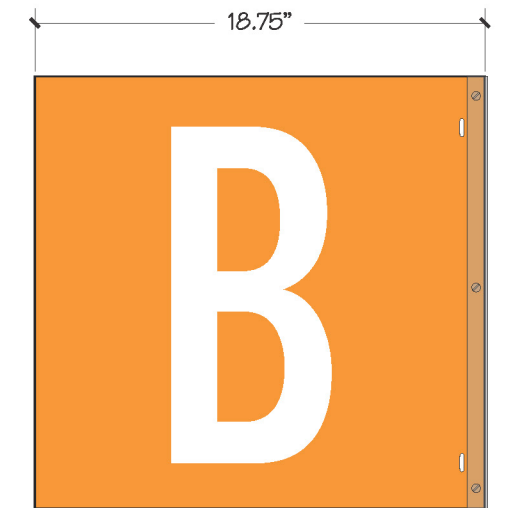
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Westlake Interior / Exterior Signage
Christ Fellowship Church
Designer: Edith Aponte
File Name: cfc westlake - exterior

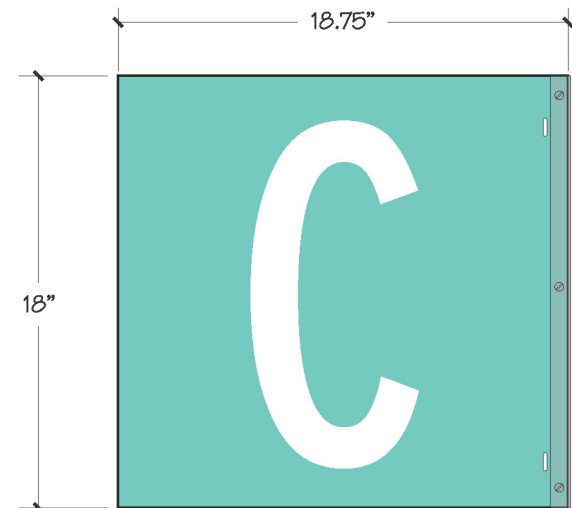
Exterior Sign Type - P



Loc. P7 & P8
Qty. 02



Loc. P5 & P6
Qty. 02



Loc. P3 & P4
Qty. 02

FLAT ALUMINUM PANEL - D/F - LIGHT POLE MOUNTED
 - 18"h. x 18"w. x 1/8" thick flat aluminum panel with bracket and mounting straps to be mounted to existing light pole.
 - Panels be painted with parking color code: PMS 3025C Blue, PMS 711C Red, PMS 1495C Orange & PMS 570C
 - Letters to be White Reflective vinyl applied

X _____ Date: _____





CITY OF WESTLAKE
Planning and Zoning Department
 4001 Seminole Pratt Whitney Road
 Westlake, Florida 33470
 Phone: (561) 530-5880
 www.westlakegov.com

DEPARTMENTAL USE ONLY	
Ck. #	_____
Fee:	_____
Intake Date:	_____
PROJECT #	<div style="border: 1px solid black; width: 80px; height: 20px;"></div>

APPLICATION FOR MASTER SIGN PLAN AMENDMENT

PLANNING & ZONING BOARD

Meeting Date: _____

CITY COUNCIL

Meeting Date: _____

INSTRUCTIONS TO APPLICANTS:

1. Please complete all sections of this application. If not applicable, indicate with N/A.
2. Provide all required documents as shown on the attached checklist. If not applicable, indicate with N/A.

The Planning & Zoning Board meets the second Monday of the month at 6:00 p.m., as needed in the City Council Chambers, 4005 Seminole Pratt Whitney Road. The applicant will be informed in writing of their scheduled meeting date. After review and recommendation by the Planning & Zoning Board, applications will be heard by the City Council. The City Council meets on the second Monday of the month at 6:30 p.m., in the City Council Chambers.

I. PROJECT DESCRIPTION & APPLICANT INFORMATION

PROJECT NAME: Christ Fellowship - Westlake

PROJECT ADDRESS: 16561 Waters Edge Drive

DESCRIPTION OF PROJECT: MSP-2022-04 – Amend previously approved master sign plan to include Wayfinding signs

Property Control Number (PCN), list additional on a separate sheet: 77-40-43-12-00-000-1010

Estimated project cost: TBD

Property Owner(s) of Record (Developer) Christ Fellowship Church

Address: 5343 Northlake Boulevard, Palm Beach Gardens

Phone No.: 561-308-2255 Fax No.: _____ E-mail Address: leo.abdella@christfellowship.church.

Agent (if other than owner complete consent section on page 3):

Name: Cotleur & Hearing

Address: 1934 Commerce Lane, Suite 1

Phone No.: 561-747-6336 Fax No.: _____ E-mail Address: dhearing@cotleur-hearing.com

II. LAND USE & ZONING

A) **ZONING MAP DESIGNATION** Mixed Use B) **FUTURE LAND USE MAP DESIGNATION** Downtown Mixed Use
 C) Existing Use(s) Vacant/Agriculture/Utility
 D) Proposed Use(s), as applicable Approved Use - Church/Worship Center master sign plan

III. ADJACENT PROPERTIES

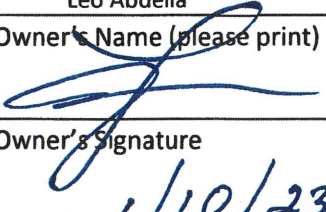
	Name of Business/ Subdivision	Land Use Designation	Zoning Designation	Existing Use(s)	Approved Use(s)
NORTH	Pod J	Downtown Mixed Use	MUPD	Vacant	Vacant
SOUTH	Pod I	Downtown Mixed Use	MUPD	Vacant	Vacant
EAST	Pod I	Downtown Mixed Use	MUPD	Vacant	Vacant
WEST	Parcel C-4	Open Space/Recreation	OPEN SPACE/REC	Vacant	Vacant

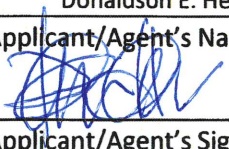
V. OWNER/APPLICANT ACKNOWLEDGEMENT AND CONSENT

Consent statement (to be completed if owner is using an agent)

I/we, the owners, hereby give consent to Cotleur & Hearing to act on my/our behalf to submit this application, all required material and documents, and attend and represent me/us at all meetings and public hearings pertaining to the application and property I/we own described in the application.

By signing this document, I/we affirm that I/we understand and will comply with the provisions and regulations of the City of Westlake, Florida, Code of Ordinances. I/we further certify that all of the information contained in this application and all the documentation submitted is true to the best of my/our knowledge.

Leo Abdella
 Owner's Name (please print)

 Owner's Signature
1/10/23
 Date

Donaldson E. Hearing
 Applicant/Agent's Name (please print)

 Applicant/Agent's Signature
1/17/2023
 Date

File Attachments for Item:

A. FIRST READING: Ordinance 2022-16 – Sexually Oriented Businesses

Submitted By: Planning and Zoning

ORDINANCE NO. 2022-16

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY CREATING _____ ENTITLED “SEXUALLY ORIENTED BUSINESSES”; PROVIDING FOR DEFINITIONS OF SEXUALLY ORIENTED BUSINESSES; PROVIDING FOR LICENSING AND REGULATION OF SUCH BUSINESSES AND THEIR EMPLOYEES; PROVIDING FOR A DISTANCE SEPARATION BETWEEN ENTERTAINERS AND PATRONS IN SEXUALLY ORIENTED BUSINESSES; PROVIDING FOR CODIFICATION; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.



Meeting Agenda Item Coversheet

MEETING DATE:		2/7/2023	Submitted By: Planning and Zoning	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		FIRST READING: Ordinance 2022-16 – Sexually Oriented Businesses		
STAFF RECOMMENDATION: (MOTION READY)		Motion to approved first reading of Ordinance 2022-16 “Sexually Oriented Businesses”.		
SUMMARY and/or JUSTIFICATION:		This Ordinance establishes provisions for licensing and regulations of such business and their employees. Provides distance separation between entertainers and patrons in sexually oriented business.		
SELECT, if applicable	AGREEMENT:		BUDGET:	
	STAFF REPORT:		PROCLAMATION:	
	EXHIBIT(S):	X	OTHER:	
IDENTIFY EACH ATTACHMENT. <i>For example, an agreement may have 2 exhibits, identify the agreement and Exhibit A and Exhibit B</i>	Exhibit A: Ordinance 2022-16: Sexually Oriented Businesses			
SELECT, if applicable	RESOLUTION:		ORDINANCE: 2022-16	X
IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE <i>(if Item is <u>not</u> a Resolution or Ordinance, please erase all default text from this field’s textbox and leave blank)</i> <u>Please keep text indented.</u>	<p style="text-align: center;">ORDINANCE NO. 2022-16</p> <p>AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY CREATING _____ ENTITLED “SEXUALLY ORIENTED BUSINESSES”; PROVIDING FOR DEFINITIONS OF SEXUALLY ORIENTED BUSINESSES; PROVIDING FOR LICENSING AND REGULATION OF SUCH BUSINESSES AND THEIR EMPLOYEES; PROVIDING FOR A DISTANCE SEPARATION BETWEEN ENTERTAINERS AND PATRONS IN SEXUALLY ORIENTED BUSINESSES; PROVIDING FOR CODIFICATION; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.</p>			
FISCAL IMPACT (if any):				\$

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ORDINANCE NO. 2022-16

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY CREATING _____ ENTITLED "SEXUALLY ORIENTED BUSINESSES"; PROVIDING FOR DEFINITIONS OF SEXUALLY ORIENTED BUSINESSES; PROVIDING FOR LICENSING AND REGULATION OF SUCH BUSINESSES AND THEIR EMPLOYEES; PROVIDING FOR A DISTANCE SEPARATION BETWEEN ENTERTAINERS AND PATRONS IN SEXUALLY ORIENTED BUSINESSES; PROVIDING FOR CODIFICATION; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Westlake finds that sexually oriented businesses, as category of establishments, are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature; and

WHEREAS, the concern over sexually transmitted diseases is a legitimate health concern of the City which demands reasonable regulation of sexually oriented businesses in order to protect the health and well-being of the citizens; and

WHEREAS, licensing is a legitimate and reasonable means of accountability to ensure that operators of sexually oriented businesses comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation; and

WHEREAS, there is convincing documented evidence that sexually oriented businesses have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, and are often associated with crime and the downgrading of property values; and

WHEREAS, underage performers have been used in sexually oriented entertainment, both in films and in live performances; and

WHEREAS, the City Council desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and

1 **WHEREAS**, the City Council has determined that locational criteria alone do not
2 adequately protect the health, safety, and general welfare of the people of this City;
3 and
4

5 **WHEREAS**, it is not the intent of the City Council to condone or legitimize the
6 distribution of obscene material, and the Council recognizes that state and federal law
7 prohibits the distribution of obscene materials and expects and encourages state law
8 enforcement officials to enforce state obscenity statutes against any such illegal
9 activities in the City; and
10

11 **WHEREAS**, the City recognizes its constitutional duty to interpret, construe, and
12 amend its laws and ordinances to comply with constitutional requirements as they
13 are announced; and
14

15 **WHEREAS**, with the passage of any ordinance, the City and the City Council accept
16 as binding the applicability of general principles of criminal and civil law and
17 procedure and the rights and obligations under the United States and Florida
18 Constitutions, and the Florida Rules of Civil and Criminal Procedure; and
19

20 **WHEREAS**, it is not the intent of this ordinance to suppress any speech activities
21 protected by the U.S. Constitution or the Florida Constitution, but to enact an
22 ordinance to further the content-neutral governmental interests of the City, to wit, the
23 controlling of secondary effects of sexually oriented businesses;
24

25 **NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY FOR THE**
26 **CITY OF WESTLAKE, FLORIDA, AS FOLLOWS:**
27

28 **SECTION 1.** Recitals. The foregoing recitals are confirmed, adopted and
29 incorporated herein and made a part hereof by this reference.

30 **SECTION 2.** The City Council hereby creates Section
31 _____ of the City's Code of Ordinances as follows:

32 **ARTICLE . SEXUALLY ORIENTED BUSINESSES**

33 **Sec. . Purpose and findings.**

34 **(a) Purpose. It is the purpose of this article to regulate sexually oriented**
35 **businesses in order to promote the health, safety, morals, and general welfare of**
36 **the citizens of the city, to establish reasonable and uniform regulations to prevent**
37 **the deleterious secondary effects of sexually oriented businesses within the city,**
38 **and to prevent illicit activity and other undesirable community conditions**
39 **associated with the combination of sexually oriented businesses and alcohol**
40 **consumption. The provisions of this article have neither the purpose nor effect of**

1 imposing a limitation or restriction on the content or reasonable access to any
2 communicative materials, including sexually oriented materials. Similarly, it is
3 neither the intent nor effect of this article to restrict or deny access by adults to
4 sexually oriented materials protected by the First Amendment, or to deny access by
5 the distributors and exhibitors of sexually oriented entertainment to their intended
6 market. Neither is it the intent nor effect of this article to condone or legitimize the
7 distribution of obscene material.

8 (b) Findings. Based on evidence of the adverse secondary effects related to
9 sexually oriented businesses presented in hearings and in reports made available
10 to the Council, and on findings, interpretations, and narrowing constructions
11 incorporated in numerous cases, including, but not limited to Pap's A.M. v. City of
12 Erie, 529 U.S. 277 (2000); City of Los Angeles v. Alameda Books, Inc., 535 U.S. 425
13 (2002);City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986),Young v.
14 American Mini Theatres, 426 U.S. 50 (1976), Barnes v. Glen Theatre, Inc., 501 U.S.
15 560 (1991); FW/PBS, Inc. v. City of Dallas, 493 U.S. 215 (1990); California v. LaRue,
16 409 U.S. 109 (1972); as well as in the cases of Artistic Entertainment, Inc. v. City of
17 Warner Robins, 223 F.3d 1306 (11th Cir. 2000); Peek-A-Boo Lounge of Bradenton,
18 Inc. v. Manatee County, 337 F.3d 1251 (11th Cir. 2003); Gary v. City of Warner
19 Robins, 311 F.3d 1334 (11th Cir. 2002); Ward v. County of Orange, 217 F.3d 1350
20 (11th Cir. 2000); Boss Capital, Inc. v. City of Casselberry, 187 F.3d 1251 (11th Cir.
21 1999); David Vincent, Inc. v. Broward County, 200 F.3d 1325 (11th Cir. 2000);
22 Sammy's of Mobile, Ltd. v. City of Mobile, 140 F.3d 993 (11th Cir. 1998); Lady J.
23 Lingerie, Inc. v. City of Jacksonville, 176 F.3d 1358 (11th Cir. 1999); Lady J. Lingerie,
24 Inc. v. City of Jacksonville, 973 F.Supp. 1428 (M.D. Fla. 1997;Grand Faloon Tavern,
25 Inc. v. Wicker, 670 F.2d 943 (11th Cir. 1982);Board of County Commissioners v.
26 Dexterhouse, 348 So. 2d 916 (Ct. App. Fla. 1977);International Food & Beverage
27 Systems v. Ft. Lauderdale, 794 F.2d 1520 (11th Cir. 1986); and other cases; and
28 reports of secondary effects occurring in and around sexually oriented businesses,
29 including, but not limited to, Phoenix, Arizona - 1979; Minneapolis, Minnesota-
30 1980; Houston, Texas - 1997; Indianapolis, Indiana - 1984; Amarillo, Texas - 1977;
31 Garden Grove, California - 1991; Los Angeles, California - 1977; Whittier, California
32 - 1978; Austin, Texas - 1986; Seattle, Washington - 1989; Oklahoma City, Oklahoma
33 - 1986; Cleveland, Ohio - 1977 ; and Dallas, Texas - 1997; St. Croix County,
34 Wisconsin - 1993; Bellevue, Washington, - 1998; Newport News, Virginia - 1996;
35 New York Times Square study - 1994; Phoenix, Arizona -1995-98; and also on
36 findings of physical abuse from the paper entitled "Stripclubs According to
37 Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program
38 Director, Freedom and Justice Center for Prostitution Resources, Minneapolis,
39 Minnesota, and from "Sexually Oriented Businesses: An Insider's View," by David
40 Sherman, presented to the Michigan House Committee on Ethics and Constitutional
41 Law, Jan. 12, 2000, and the Report of the Attorney General's Working Group On The

1 Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the
2 council finds:

3 (1) Sexually oriented businesses, as a category of commercial uses, are
4 associated with a wide variety of adverse secondary effects including, but not
5 limited to, personal and property crimes, prostitution, potential spread of disease,
6 lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative
7 impacts on property values, urban blight, pornographic litter, and sexual assault
8 and exploitation.

9 (2) Sexual acts, including masturbation, oral and anal sex, sometimes occur at
10 unregulated sexually oriented businesses, especially those which provide private
11 or semi-private booths, rooms, or cubicles for view films, videos, or live sexually
12 explicit shows, which acts constitute a public nuisance and pose a risk to public
13 health through the spread of sexually transmitted diseases.

14 (3) The prevention of sexual contact between patrons and employees at
15 sexually oriented businesses is unrelated to the suppression of free expression and
16 serves to address the concerns raised in the findings contained herein.

17 (4) Separating entertainers from patrons and prohibiting entertainers and
18 patrons from engaging in sexual fondling and caressing in sexually oriented
19 businesses would reduce the opportunity for prostitution transactions and thus
20 should deter prostitution.

21 (5) Each of the foregoing negative secondary effects constitutes a harm which
22 the city has a substantial government interest in preventing and/or abating.

23 Sec. . Definitions.

24 For purposes of this article, the words and phrases defined in the sections
25 hereunder shall have the meanings therein respectively ascribed to them unless a
26 different meaning is clearly indicated by the context.

27

28 Adult bookstore/adult video store means a commercial establishment which has
29 significant or substantial portion of its stock-in trade or derives a significant or
30 substantial portion of its revenues or devotes a significant or substantial portion of
31 its interior business or advertising, or maintains a substantial section of its sales or
32 display space to the sale or rental, for any form of consideration, of any one or more
33 of the following:

34 Books, magazines, periodicals or other printed matter, or photographs, films,
35 motion pictures, video cassettes, compact discs, slides, or other visual
36 representations which are characterized by their emphasis upon the exhibition or
37 description of "specified sexual activities" or "specified anatomical areas."

1 The term "adult bookstore/adult video store" shall also include a commercial
2 establishment which regularly maintains one or more "adult arcades." "Adult
3 arcade" means any place to which the public is permitted or invited wherein coin-
4 operated or slug-operated or electronically, electrically, or mechanically controlled
5 still or motion picture machines, projectors, or other image-producing devices are
6 regularly maintained to show images to five (5) or fewer persons per machine at
7 any one time, and where the images so displayed are distinguished or characterized
8 by their emphasis upon matter exhibiting or describing "specified sexual activities"
9 or specified "anatomical areas."

10 Adult cabaret means a nightclub, bar, juice bar, restaurant, bottle club, or similar
11 commercial establishment, whether or not alcoholic beverages are served, which
12 regularly features persons who appear semi-nude.

13 Adult motel means a motel, hotel, or similar commercial establishment which:

14 (1) Offers accommodations to the public for any form of consideration; provides
15 patrons with closed-circuit television transmissions, films, motion pictures, video
16 cassettes, other photographic reproductions, or live performances which are
17 characterized by the depiction or description of "specified sexual activities" or
18 "specified anatomical areas"; and which advertises the availability of such material
19 by means of a sign visible from the public right-of-way, or by means of any on or
20 off-premises advertising, including but not limited to, newspapers, magazines,
21 pamphlets or leaflets, radio or television; or

22 (2) Offers a sleeping room for rent for a period of time that is less than ten (10)
23 hours; or

24 (3) Allows a tenant or occupant of a sleeping room to subrent the room for a
25 period of time that is less than ten (10) hours.

26 Adult novelty store means a commercial establishment to which minors are
27 restricted access by reason of age and which regularly features instruments,
28 devices, or paraphernalia which are designed for use or marketed primarily for
29 stimulation of human genital organs or for sadomasochistic use or abuse of
30 themselves or others, including such items as dildos, vibrators, penis rings, rubber
31 vaginas, and similar devices. The foregoing instruments, devices, or paraphernalia
32 shall not be interpreted to include condoms, diaphragms, intra-uterine devices
33 (IUDs), or similar prophylactic means of preventing pregnancy.

34 Adult motion picture theater means a commercial establishment where films,
35 motion pictures, videocassettes, slides, or similar photographic reproductions
36 which are characterized by their emphasis upon the exhibition or description of
37 "specified sexual activities" or "specified anatomical areas" are regularly shown for
38 any form of consideration.

39

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1 Alcoholic beverage shall mean all distilled spirits and all beverages containing one-
2 half of one percent or more alcohol by volume.

3 Controlling interest means the power, directly or indirectly, to direct the operation,
4 management or policies of a business or entity, or to vote twenty (20 percent or
5 more of any class of voting securities of a business. The ownership, control, or
6 power to vote twenty per cent or more of any class of voting securities of a business
7 shall be presumed, subject to rebuttal, to be the power to direct the management,
8 operation or policies of the business.

9 Distinguished or characterized by an emphasis upon means the dominant or
10 principal theme of the object described by such phrase. For instance, when the
11 phase refers to films "which are distinguished or characterized by an emphasis
12 upon the exhibition or description of specified sexual activities or specified
13 anatomical areas," the films so described are those whose dominant or principal
14 character and theme are the exhibition or description "specified anatomical areas"
15 or "specified sexual activities."

16 Employ, employee, and employment" describe and pertain to any person who
17 performs any service on the premises of a sexually oriented business, on a full time,
18 part time, or contract basis, whether or not the person is denominated an employee,
19 independent contractor, agent, or otherwise. Employee does not include a person
20 exclusively on the premises for repair or maintenance of the premises or for the
21 delivery of goods to the premises.

22 Establish or establishment shall mean and include any of the following:

23 (1) The opening or commencement of any sexually oriented business as a new
24 business;

25 (2) The conversion of an existing business, whether or not a sexually oriented
26 business, to any sexually oriented business; or

27 (3) The addition of any sexually oriented business to any other existing sexually
28 oriented business.

29 Hearing officer shall mean an individual licensed to practice law in Florida
30 appointed by the City Council of the City of Westlake.

31 Licensee shall mean a person or business entity in whose name a license to operate
32 a sexually oriented business has been issued, as well as the individual or individuals
33 listed as an applicant on the application for a sexually oriented business license.

34 Nudity or a state of nudity means the showing of the human male or female genitals,
35 pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering,
36 or the showing of the female breast with less than a fully opaque covering of any
37 part of the nipple and areola.

1 Operate or cause to operate shall mean to cause to function or to put or keep in a
2 state of doing business. "Operator" means any persons on the premises of a sexually
3 oriented business who is authorized to exercise overall operational control of the
4 business or who causes to function or who puts or keeps in operation the business.
5 A person may be found to be operating or causing to be operated a sexually oriented
6 business whether or not that person is an owner, part owner, or licensee of the
7 business.

8 Person shall mean individual, proprietorship, partnership, corporation,
9 association, or other legal entity.

10 Regularly features or regularly shown means a consistent or substantial course of
11 conduct, such that the films or performances exhibited constitute a substantial
12 portion of the films or performances offered as a part of the ongoing business of the
13 sexually oriented business.

14 Semi-nude, state of semi-nudity, or semi-nude condition shall mean the showing of
15 the female breast below a horizontal line across the top of the areola and extending
16 across the width of the breast at that point, or the showing of the male or female
17 buttocks. This definition shall include the entire lower portion of the human female
18 breast, but shall not include any portion of the cleavage of the human female breasts
19 exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel
20 provided the areola is not exposed in whole or in part.

21 Semi-nude model studio means any place where a person, who regularly appears
22 in a state of semi-nudity is provided for money or any form of consideration to be
23 observed, sketched, drawn, painted, sculptured, photographed, or similarly
24 depicted by other persons.

25 It is a defense to prosecution for any violation of this article that a person appearing
26 in a state of semi-nudity or semi-nudity did so in a modeling class operated:

27 (1) By a college, community college, or university supported entirely or partly
28 by taxation;

29 (2) By a private college or university which maintains and operates educational
30 programs in which credits are transferable to college, community college, or
31 university supported entirely or partly by taxation; or

32 (3) In a structure:

33 a. Which has no sign visible from the exterior of the structure and no other
34 advertising that indicates a semi-nude person is available for viewing; and

35 b. Where, in order to participate in a class a student must enroll at least three
36 days in advance of the class.

1 Sexual encounter center shall mean a business or commercial enterprise that, as
2 one of its principal business purposes, purports to offer for any form of
3 consideration:

4 (1) Physical contact in the form of wrestling or tumbling between persons of the
5 opposite sex; or

6 (2) Physical contact between male and female persons and/or persons of the
7 same sex when one or more of the persons is semi-nude.

8 Sexually oriented entertainment activity means the sale, rental, or exhibition for
9 any form of consideration, of books, films, video cassettes, magazines, periodicals,
10 or live performances which are characterized by an emphasis on the exposure or
11 display of specific sexual activity.

12 Specified anatomical areas means and includes:

13 (1) Less than completely and opaquely covered: human genitals, pubic region;
14 buttock; and female breast below a point immediately above the top of the areola;
15 and

16 (2) Human male genitals in a discernibly turgid state, even if completely and
17 opaquely covered.

18 Specified criminal activity means any of the following offenses:

19 (1) Fla. Stat. § 787.025 (luring or enticing a child); Fla. Stat. § 794.011 (sexual
20 battery); Fla. Stat. § 794.05 (unlawful sexual activity with certain minors); Fla. Stat.
21 Ch. 796 (prostitution offenses); Fla. Stat. Ch. 800 (lewdness; indecent exposure);
22 Fla. Stat. Ch. 847 (obscenity); Fla. Stat. Ch. 815 (racketeering); Fla. Stat. § 896.101
23 (Florida Money Laundering Act); Fla. Stat. § 893.13 (controlled substance offenses);
24 criminal attempt, conspiracy or solicitation to commit any of the foregoing offenses
25 or offenses in other jurisdictions that, if the acts would have constituted any of the
26 foregoing offenses if the acts had been committed in Florida; for which:

27 a. Less than two (2) years have elapsed since the date of conviction or the date
28 of release from confinement imposed for the conviction, whichever is the later date,
29 if the conviction is of a misdemeanor offense;

30 b. Less than five (5) years have elapsed since the date of conviction or the date
31 of release from confinement for the conviction, whichever is the later date, if the
32 conviction is of a felony offense; or

33 c. Less than five (5) years have elapsed since the date of the last conviction or
34 the date of release from confinement for the last conviction, whichever is the later
35 date, if the convictions are of two or more misdemeanor offenses or combination of
36 misdemeanor offenses occurring within any 24-month period.

1 (2) The fact that a conviction is being appealed shall have no effect on the
2 disqualification of the applicant.

3 Specified sexual activity means simulated or actual:

4 (1) Showing of human genitals in a state of sexual stimulation or arousal;

5 (2) Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia,
6 sado-masochistic abuse, felatio or cunnilingus;

7 (3) Fondling or erotic touching of human genitals, pubic region, buttock or
8 female breasts; or

9 (4) Excretory functions as a part of or in connection with any of the activities
10 described in (1), (2) and (3) above.

11 Transfer of ownership or control of a sexually oriented business shall mean any of
12 the following:

13 (1) The sale, lease, or sublease of the business;

14 (2) The transfer of securities which constitute a controlling interest in the
15 business, whether by sale, exchange, or similar means; or

16 (3) The establishment of a trust, gift, or other similar legal device which
17 transfers the ownership or control of the business, except for transfer by bequest
18 or other operation of law upon the death of the person possessing the ownership
19 or control.

20 Viewing room shall mean the room, booth, or area where a patron of sexually
21 oriented business would ordinarily be positioned while watching a film,
22 videocassette, or other video reproduction.

23

24 Sec. _____ . Classification.

25 Sexually oriented businesses shall be classified as follows:

26 (1) Adult bookstores/adult video stores;

27 (2) Adult cabarets;

28 (3) Adult motels;

29 (4) Adult motion picture theaters;

30 (5) Adult novelty stores;

31 (6) Semi-nude model studios

32

33 Sec _____ . License required.

{00534142.1 3540-0000000 }

1 (a) Requirement. No sexually oriented business establishment shall be permitted
2 to operate without having been first granted an sexually oriented business license
3 by the City planning department under this code.

4
5 (b) It shall be unlawful for any person or business entity to operate a sexually
6 oriented business in the City of Westlake without a valid sexually oriented business
7 license.

8
9 (c) An applicant for a sexually oriented business license shall file in person at
10 the office of the city clerk a completed application made on a form provided by the
11 city clerk. The application shall be signed by the applicant and notarized, and shall
12 state that the applicant is swearing or affirming all information on the application
13 is true and correct. An application shall be considered complete when it contains
14 the information required in paragraphs (1) through (6) as follows:

15 (1) The applicant's full true name and any other names used in the preceding
16 five (5) years.

17 (2) Current business address or another mailing address of the applicant.

18 (3) Written proof of age, in the form of a copy of a birth certificate and a picture
19 identification document issued by a governmental agency.

20 (4) The business name, location, legal description, mailing address and phone
21 number of the sexually oriented business.

22 (5) The name and business address of the statutory agent or other agent
23 authorized to receive service of process.

24 (6) A statement of whether the applicant has been convicted or has pled guilty
25 or nolo contendere, regardless of whether adjudication is withheld, to a specified
26 criminal activity as defined in this article, and if so, the specified criminal activity
27 involved, including the date, place, and jurisdiction of each as well as the dates of
28 conviction and release from confinement, where applicable.

29 The information provided pursuant to paragraphs (1) through (6) of this
30 subsection shall be supplemented in writing by certified mail, return receipt
31 requested, to the city clerk within ten (10) working days of a change of
32 circumstances which would render the information originally submitted incorrect
33 or incomplete.

34 (d) An application for a sexually oriented business license shall be accompanied
35 by a sketch or diagram showing the configuration of the premises, including a
36 statement of total floor space occupied by the business. The sketch or diagram need
37 not be professionally prepared but shall be drawn to a designated scale or drawn

1 with marked dimensions of the interior of the premises to an accuracy of plus or
2 minus six (6) inches. Applicants who are required to comply with sections _____
3 and _____ of this article shall submit a diagram indicating that the premises meets
4 the requirements of those sections.

5 (e) If a person who wishes to operate a sexually oriented business is an
6 individual, he or she shall sign the application for a license as applicant. If a person
7 who wishes to operate a sexually oriented business is other than an individual, each
8 officer, director, general partner or other person who will participate directly in
9 decisions relating to management and control of the business shall sign the
10 application for a license as applicant. Each applicant must be qualified under
11 section _____ and each applicant shall be considered a licensee if a license
12 is granted.

13

14

15 Sec. _____ . Issuance of license.

16 (a) Upon the filing of a completed application under section _____ for a
17 sexually oriented business license, the city clerk shall immediately issue a
18 temporary license to the applicant, which temporary license shall expire upon the
19 final decision of the city to deny or grant the license. Within twenty (20) days of the
20 initial filing date of the completed application, the clerk shall issue a license to the
21 applicant or issue to the applicant a letter of intent to deny the application. The
22 clerk shall approve the issuance of a license unless one or more of the following is
23 found to be true:

24 (1) An applicant is less than eighteen (18) years of age.

25 (2) An applicant has failed to provide information as required by section
26 _____ for issuance of a license or has falsely answered a question or request for
27 information on the application form.

28 (3) The license application fee required by this article has not been paid.

29 (4) An applicant has had a license revoked under this article within one (1) year
30 preceding the date of application.

31 (5) The sexually oriented business premises is not in compliance with the
32 interior configuration requirements of this article or is not in compliance with
33 locational requirements established in the applicable zoning regulations.

34 (6) An applicant has been convicted of a specified criminal activity, as defined
35 in this article.

36 (b) The license, if granted, shall state on its face the name of the person or
37 persons to whom it is granted, the number of the license issued to the licensee(s).

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1 the expiration date, and, the address of the sexually oriented business. The sexually
2 oriented business license shall be posted in a conspicuous place at or near the
3 entrance to the sexually oriented business so that it may be easily read at any time.

4
5 Sec. _____ . Fees.

6 The initial license and annual renewal fees for sexually oriented business licenses
7 shall be as established by resolution adopted by City Council.

8 Sec. _____ . Inspection.

9 (a) Sexually oriented businesses shall permit officers or agents of the City of
10 Westlake to inspect, from time to time on an occasional basis, the portions of the
11 sexually oriented business premises where patrons are permitted, for the purpose
12 of ensuring compliance with the specific regulations of this article, during those
13 times when the sexually oriented business is occupied by patrons or is open for
14 business. A licensee's knowing or intentional refusal to permit such an inspection
15 shall not constitute a misdemeanor, but shall constitute a violation of this section
16 for purposes of license denial, suspension, and/or revocation. This section shall be
17 narrowly construed by the city to authorize reasonable inspections of the licensed
18 premises pursuant to this article, but not to authorize a harassing or excessive
19 pattern of inspections.

20 (b) The provisions of this section do not apply to areas of an adult motel which
21 are currently being rented by a customer for use as a permanent or temporary
22 habitation.

23
24 Sec. _____ . Expiration of license.

25 (a) Each license shall remain valid for a period of one (1) calendar year from the
26 date of issuance unless otherwise suspended or revoked. Such license may be
27 renewed only by making application and payment of a fee as provided in section
28 _____ and section _____ .

29 (b) Application for renewal should be made at least ninety (90) days before the
30 expiration date, and when made less than ninety (90) days before the expiration
31 date, the expiration of the license will not be affected.

32 Sec. _____ . Suspension.

33 The city shall issue a written letter of intent to suspend a sexually oriented business
34 license for a period not to exceed thirty (30) days if the sexually oriented business
35 licensee has knowingly violated this article or has knowingly allowed an employee
36 to violate this article.

37 Sec. _____ . Revocation.

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1 (a) The city shall issue a letter of intent to revoke a sexually oriented business
2 license if the licensee commits two or more causes of suspension in section
3 _____ within a twelve-month period.

4 (b) The city shall issue written intent to revoke a sexually oriented business
5 license, as applicable, if it determines that:

6 (1) The licensee has knowingly given false information in the application for the
7 sexually oriented business license.

8 (2) The licensee has knowingly engaged in or allowed possession, use, or sale of
9 controlled substances on the premises;

10 (3) The licensee has knowingly engaged in or allowed prostitution on the
11 premises;

12 (4) The licensee knowingly operated the sexually oriented business during a
13 period of time when the license was suspended;

14 (5) The licensee has knowingly engaged in or allowed any specified sexual
15 activity to occur in or on the licensed premises.

16 (c) The fact that any relevant conviction is being appealed shall have no effect
17 on the revocation of the license, provided that, if any conviction which serves as a
18 basis of a license revocation is overturned on appeal, that conviction shall be
19 treated as null and of no effect for revocation purposes.

20 (d) Nature of revocation. When, after the notice and hearing procedure
21 described in section _____, the hearing officer revokes a license, the revocation shall
22 continue for one (1) year and the licensee shall not be issued a sexually oriented
23 business license for one (1) year from the date revocation becomes effective,
24 provided that, if the conditions of section _____ (b) are met, a provisional license
25 will be granted pursuant to that section.

26

27 Sec. _____. Hearing; denial, revocation, and suspension; appeal.

28 (a) If the city determines that facts exist for denial, suspension, or revocation of
29 a license under this chapter, the city shall notify the applicant or licensee
30 (respondent) in writing of the intent to deny, suspend or revoke the license,
31 including the grounds thereof, by personal delivery, or by certified mail. The
32 notification shall be directed to the most current business address or other mailing
33 address on file with the city clerk for the respondent. Within ten (10) working days
34 of receipt of such notice, the respondent may provide to the city clerk a written
35 response that shall include a statement of reasons why the respondent believes the
36 license should not be denied, suspended, or revoked.

1 Within five (5) days of the receipt of respondent's written response, the city clerk
2 shall notify respondent in writing of the hearing date on respondent's denial,
3 suspension, or revocation proceeding. Within twenty (20) working days of the
4 receipt of respondent's written response, the hearing officer shall conduct a
5 hearing at which respondent shall have the opportunity to present all of
6 respondent's arguments and to be represented by counsel, present evidence and
7 witnesses on his or her behalf, and cross-examine any of the city's witnesses. The
8 city shall also be represented by counsel, and shall bear the burden of proving the
9 grounds for deny, suspending, or revoking the license. The hearing shall take no
10 longer than two (2) days, unless extended to meet the requirements of due process
11 and proper administration of justice. The hearing officer shall issue a written
12 opinion within five (5) days after the hearing.

13 If a court action challenging the city's decision is initiated, the city shall prepare and
14 transmit to the court a transcript of the hearing within ten (10) days after the
15 issuance of the hearing officer's written opinion. If a response is not received by the
16 city clerk in the time stated or, if after the hearing the hearing officer finds that
17 grounds as specified in this article exist for denial, suspension, or revocation, then
18 such denial, suspension, or revocation shall become final five (5) days after the city
19 sends, by certified mail, written notice to the respondent that the license has been
20 denied, suspended, or revoked. Such notice shall include a statement advising the
21 respondent of the right to appeal such decision to a court of competent jurisdiction.
22 If the hearing officer finds that no grounds exist for denial, suspension, or
23 revocation of a license, then within five (5) days after the hearing, the hearing
24 officer shall order the city clerk to immediately withdraw the intent to deny,
25 suspend, or revoke the license and to notify the respondent in writing by certified
26 mail of such action. The city clerk shall contemporaneously therewith issue the
27 license to the applicant.

28 (b) When a decision to deny, suspend or revoke a license becomes final, the
29 applicant or licensee (aggrieved party) whose application for a license has been
30 denied or whose license has been suspended or revoked shall have the right to
31 appeal or challenge such action to any court of competent jurisdiction. Upon the
32 filing of any court action to appeal, challenge, restrain, or otherwise enjoin the city's
33 enforcement of the denial, suspension, or revocation, the city shall immediately
34 issue the aggrieved party a provisional license. The provisional license shall allow
35 the aggrieved party to continue operation of the sexually oriented business and will
36 expire upon the court's entry of a judgment on the aggrieved party's appeal or other
37 action to restrain or otherwise enjoin the city's enforcement.

38 (c) Application of article during temporary license or provisional license
39 periods. Sexually oriented businesses operating or working under temporary
40 licenses (as provided for in section _____ (a)), provisional licenses (as provided for
41 in section _____ (b)), or de facto temporary licenses (as provided for in section

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1 _____) shall be subject to the provisions of section _____, section _____,
2 section _____, section _____, section _____, and section _____
3 of this article.

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9 Sec. _____. Transfer of license.

10 A licensee shall not transfer license to another, nor shall a licensee operate a
11 sexually oriented business under the authority of a license at any place other than
12 the address designated in the sexually oriented business license application.

13

14 Sec. _____. Hours of operation.

15 No sexually oriented business shall be or remain open for business between 1:00
16 a.m. and 8:00 a.m.

17

18 Sec. _____. Regulations pertaining to exhibition of sexually explicit films or videos.

19 (a) A person who operates or causes to be operated a sexually oriented
20 business, other than an adult motel, which exhibits on the premises in a viewing
21 room of less than one hundred fifty (150) square feet of floor space, a film, video
22 cassette, or other video reproduction characterized by an emphasis on the display
23 of specified sexual activities or specified anatomical areas shall comply with the
24 following requirements.

25 (1) Each application for a sexually oriented business license shall contain a
26 diagram of the premises showing the location of all manager's stations, viewing
27 rooms, overhead lighting fixtures, video cameras and monitors installed for
28 monitoring purposes and restrooms, and shall designate all portions of the
29 premises in which patrons will not be permitted. Restrooms shall not contain video
30 reproduction equipment. The diagram shall also designate the place at which the
31 permit will be conspicuously posted, if granted. A professionally prepared diagram
32 in the nature of an engineer's or architect's blueprint shall not be required;
33 however, each diagram shall be oriented to the north or to some designated street
34 or object and shall be drawn to a designated scale or with marked dimensions
35 sufficient to show the various internal dimensions of all areas of the interior of the
36 premises to an accuracy of plus or minus six (6) inches. The clerk may waive the

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1 foregoing diagram for renewal applications if the applicant adopts a diagram that
2 was previously submitted and certifies that the configuration of the premises has
3 not been altered since it was prepared.

4 (2) The application shall be sworn to be true and correct by the applicant.

5 (3) No alteration in the configuration or location of a manager's station or
6 viewing room may be made without the prior approval of the city.

7 (4) It shall be the duty of the operator, and of any employees present on the
8 premises, to ensure that no patron is permitted access to any area of the premises
9 which has been designated as an area in which patrons will not be permitted in the
10 application filed pursuant to paragraph (1) of this subsection.

11 (5) The interior premises shall be equipped with overhead lighting fixtures of
12 sufficient intensity to illuminate every place to which patrons are permitted access
13 at an illumination of not less than one (1) foot candle as measured at the floor level.
14 It shall be the duty of the operator, and of any employees present on the premises,
15 to ensure that the illumination described above is maintained at all times that the
16 premises is occupied by patrons or open for business.

17 (6) It shall be the duty of the operator, and of any employees present on the
18 premises, to ensure that no sexual activity occurs in or on the licensed premises.

19 (7) It shall be the duty of the operator, and of any employees present on the
20 premises, to ensure that not more than one person is present in a viewing room at
21 any time. No person shall enter a viewing room that is occupied by another person.

22 (8) It shall be the duty of the operator, and of any employees present on the
23 premises, to ensure that no openings of any kind exist between viewing rooms. No
24 person shall make an attempt to make an opening of any kind between viewing
25 rooms.

26 (9) It shall be the duty of the operator, or of any employee who discovers two
27 or more patrons in a viewing room or discovers any person making or attempting
28 to make an opening of any kind between viewing rooms, to immediately escort such
29 persons from the premises.

30 (10) It shall be the duty of the operator, or of any employee, who discovers an
31 opening of any kind between viewing rooms to immediately secure such rooms,
32 and prevent entry into them by any patron until such time as the wall between the
33 rooms has been repaired to remove the opening. Removal and repairing openings
34 between viewing rooms shall be in a manner that is as structurally substantial as
35 the original wall construction.

36 (11) It shall be the duty of the operator, at least once each business day, to inspect
37 the walls between viewing rooms for openings of any kind, documented by
38 appropriate logs.

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1 (12) It shall be the duty of the operator to post conspicuous signs in well-lighted
2 entry areas of the business stating all of the following:

3 a. That no loitering is permitted in viewing rooms.

4 b. That the occupancy of viewing rooms is limited to one (1) person.

5 c. That sexual activity on the premises is prohibited.

6 d. That the making of openings between viewing rooms is prohibited.

7 e. That violators will be required to leave the premises.

8 f. That violations of subparagraphs b., c. and d. of this paragraph are unlawful.

9 (13) It shall be the duty of the operator to ensure that floor coverings in viewing
10 rooms are nonporous, easily cleanable surfaces, with no rugs or carpeting.

11 (14) It shall be the duty of the operator to ensure that all wall surfaces and seating
12 surfaces in viewing rooms are constructed of or permanently covered by
13 nonporous easily cleanable material.

14 (15) It shall be the duty of the operator to ensure that premises are clean and
15 sanitary. Such duty shall be fulfilled if the operator complies with the following
16 cleaning procedures:

17 a. The operator shall maintain a regular cleaning schedule of at least two (2)
18 cleanings per day, documented by appropriate logs.

19 b. The operator shall provide an employee to check all areas for garbage, trash,
20 body fluids and excrement and to remove and clean all areas with a disinfectant.

21 c. Thorough cleaning of the entire interior of any room providing patron
22 privacy shall be done using a disinfectant. Cleaning shall include floors, walls, doors,
23 seating, monitors, video cameras, and windows and other surfaces.

24 (16) The interior of the premises shall be configured in such a manner that there
25 is an unobstructed view from a manager's station of every area of the premises,
26 including the interior of each viewing room but excluding restrooms, to which any
27 patron is permitted access for any purpose. A manager's station shall not exceed
28 thirty-two (32) square feet of floor area. If the premises has two (2) or more
29 manager's stations designated, then the interior of the premises shall be configured
30 in such a manner that there is an unobstructed view of each area of the premises to
31 which any patron is permitted access for any purpose from at least one (1) of the
32 manager's stations. The view required in this paragraph must be by direct line of
33 sight from the manager's station. It is the duty of the operator to ensure that at least
34 one (1) employee is on duty and situated in each manager's station at all times that
35 any patron is on the premises. It shall be the duty of the operator, and it shall also
36 be the duty of any employees present on the premises, to ensure that the view area
37 specified in this paragraph remains unobstructed by any doors, curtains, walls,

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1 merchandise, display racks or other materials or enclosures at all times that any
2 patron is present on the premises.

3 (17) It shall be the duty of the operator or manager of the business to ensure that
4 no sexually oriented entertainment activity or visual depictions characterized by
5 an emphasis on actual "specified anatomical areas" or "specified sexual activities"
6 are visible from a public right of way adjacent to the establishment.

7 (b) It shall be unlawful for a person having a duty under this section to
8 knowingly fail to fulfill that duty.

9

10 Sec. ____ . Loitering and exterior lighting and monitoring requirements.

11 (a) It shall be the duty of the operator of a sexually oriented business to:

12 (1) Post conspicuous signs stating that no loitering is permitted on such
13 property;

14 (2) Designate one or more employees to monitor the activities of persons on
15 such property by visually inspecting such property at least once every ninety (90)
16 minutes or inspecting such property by use of video cameras and monitors; and

17 (3) Provide lighting of the exterior premises to provide for visual inspection or
18 video monitoring to prohibit loitering. If used, video cameras and monitors shall
19 operate continuously at all times that the premises are open for business. The
20 monitors shall be installed within a manager's station.

21 (b) It shall be unlawful for a person having a duty under this section to
22 knowingly fail to fulfill that duty.

23

24 Sec. ____ . Penalties and enforcement.

25 (a) A person who knowingly violates, disobeys, omits, neglects, or refuses to
26 comply with or resists the enforcement of any of the provisions of this chapter shall
27 be subject to a penalty, not to exceed five hundred dollars (\$500.00) and sixty (60)
28 days in jail, upon proper adjudication in a court of competent jurisdiction. Each day
29 the violation is committed, or permitted to continue, shall constitute a separate
30 offense and shall be fined as such.

31 (b) The city attorney is hereby authorized to institute proceedings necessary for
32 the enforcement of this article to prosecute, restrain, or correct violations hereof.
33 Such proceedings, including injunction, shall be brought in the name of the city,
34 provided, however, that nothing in this section and no action taken hereunder, shall
35 be held to exclude such criminal proceedings as may be authorized by other
36 provisions of the City Code, or any of the laws or ordinances in force in the city or

1 to exempt anyone violating this Code or any part of the said laws from any penalty
2 which may be incurred.

3 Sec. _____ . Applicability of article to existing businesses.

4 Upon the passage of Ord. No. _____ , the provisions of this article shall apply
5 to the activities of all sexually oriented businesses described herein, regardless of
6 whether such businesses or activities were established or commenced before, on,
7 or after the effective date of this article, provided that:

8 (1) All existing sexually oriented businesses are hereby granted a de facto
9 temporary license to continue operation or employment for a period of ninety (90)
10 days following the effective date of this article.

11 (2) Within said one hundred ninety (90) days, all sexually oriented businesses
12 must make application for a license pursuant to this article.

13 (3) Within said ninety (90) days, all sexually oriented businesses must make
14 any necessary changes to the interior configurations of the regulated business
15 premises (e.g., building a stage, removing doors from video booths) to conform to
16 this article. This ninety (90) day grace period for making interior configuration
17 changes shall not relieve the sexually oriented business and its employees of the
18 duty to maintain the distance of six (6) feet between semi-nude employees and
19 patrons, as required by section _____ (b), nor shall it relieve the business and its
20 employees of the duty to abide by the provisions of subsections _____ (a), (c) and (d).

21

22 Sec. _____ . Prohibited activities.

23 (a) It is unlawful for a sexually oriented business to knowingly violate the
24 following regulations or to knowingly allow an employee or any other person to
25 violate the following regulations.

26 (1) It shall be a violation of this article for a patron, employee, or any other
27 person to knowingly or intentionally, in a sexually oriented business, appear in a
28 state of nudity, regardless of whether such public nudity is expressive in nature.

29 (2) It shall be a violation of this article for a person to knowingly or
30 intentionally, in a sexually oriented business, appear in a semi-nude condition
31 unless the person is an employee who, while semi-nude, remains at least six (6) feet
32 from any patron or customer and on a stage at least eighteen (18) inches from the
33 floor in a room of at least one thousand (1,000) square feet.

34 (3) It shall be a violation of this article for any employee who regularly appears
35 semi-nude in a sexually oriented business to knowingly or intentionally touch a
36 customer or the clothing of a customer on the premises of a sexually oriented
37 business.

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1 (4) It shall be a violation of this article for any person to sell, use, or consume
2 alcoholic beverages on the premises of a sexually oriented business.

3 (b) A sign in a form to be prescribed by the city clerk and summarizing the
4 provisions of paragraphs (1), (2), (3), and (4) of subsection (a), shall be posted near
5 the entrance of the sexually oriented business in such a manner as to be clearly
6 visible to patrons upon entry.

7
8 Sec. _____ . Scierter required to prove violation or business licensee liability.

9 Notwithstanding anything to the contrary, for the purposes of this article, an act by
10 an employee that constitutes grounds for suspension or revocation of that
11 employee's license shall be imputed to the sexually oriented business licensee for
12 purposes of finding a violation of this article, or for purposes of license denial,
13 suspension, or revocation, only if an officer, director, or general partner, or a person
14 who managed, supervised, or controlled the operation of the business premises,
15 knowingly, or with constructive knowledge, allowed such act to occur on the
16 premises. It shall be a defense to liability that the person to whom liability is
17 imputed was powerless to prevent the act.

18
19 Sec. _____ . Failure of city to meet time frame not to risk applicant/licensee rights.

20 In the event that a city official is required to take an act or do a thing pursuant to
21 this article within a prescribed time, and fails to take such act or do such thing
22 within the time prescribed, said failure shall not prevent the exercise of
23 constitutional rights of an applicant or licensee. If the act required of the city under
24 this article is not completed in the time prescribed, includes approval of
25 condition(s) necessary for approval by the city of an applicant or licensee's
26 application for a sexually oriented business license (including a renewal), the
27 applicant or licensee shall be allowed to commence operations or employment the
28 day after the deadline for the city's action has passed.

29
30 Sec. _____ . - Standards and requirements for sexually oriented business
31 establishments.

32
33 (a)Location. Sexually oriented business establishments as defined herein which
34 meet all requirements set forth in this chapter shall be permitted only in the Mixed
35 Use district and shall be located the following minimum distances from other
36 uses:(1) Another sexually oriented business establishment or use: 1,000 feet. (2)A
37 church or place of worship: 1,000 feet. (3)An educational institution:

1 1,000 feet.(4)A public park: 1,000 feet.(5)Existing residence residentially
2 zoned and/or real property: 1,000 feet.

3

4 (b)Measurement. For the purpose of measuring distances in the determination of
5 locations for sexually oriented business establishments and related accessory uses,
6 as defined herein, all distances shall be measured from property line to property
7 line in a straight path without regard to intervening structures or objects. Location
8 requirements may not be varied.

9

10 (c)On-site parking requirements. One parking space per each 100 square feet of
11 gross floor area is required. Off-site parking is strictly prohibited.

12 Sec. _____. Severability.

13 This article and each section and provision of said chapter hereunder, are hereby
14 declared to be independent divisions and subdivisions and, notwithstanding any
15 other evidence of legislative intent, it is hereby declared to be the controlling
16 legislative intent that if any provisions of said chapter, or the application thereof to
17 any person or circumstance is held to be invalid, the remaining sections or
18 provisions and the application of such sections and provisions to any person or
19 circumstances other than those to which it is held invalid, shall not be affected
20 thereby, and it is hereby declared that such sections and provisions would have
21 been passed independently of such section or provision so known to be invalid.
22 Should any procedural aspect of this article be invalidated, such invalidation shall
23 not affect the enforceability of the substantive aspects of this article.

24 **SECTION 3. Codification.** It is the intention of the City Council of the City of
25 Westlake that the provisions of this Ordinance shall become and be made a part of
26 the Code of Ordinances of the City of Westlake, Florida, and that the Sections of this
27 Ordinance may be renumbered, re-lettered and the word "Ordinance" may be
28 changed to "Section," "Article" or such other word or phrase in order to accomplish
29 such intention.

30

31 **SECTION 4. Conflicts.** All ordinances or parts of ordinances,
32 resolutions or parts of resolutions which are in conflict herewith, are hereby
33 repealed to the extent of such conflict.

34

35

36 **SECTION 5. Effective Date.** This ordinance shall be effective upon
37 adoption on second reading.

38

39 **PASSED** this ____ day of _____, 2022, on first reading.

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1 **PUBLISHED** on this ____ day of _____, 2022 in the Palm Beach Post.

2 **PASSED AND ADOPTED** this ____ day of _____, 2022, on second reading.

3

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City of Westlake

5

John Paul O'Connor, Mayor

6 **ATTEST:**

7

Zoie Burgess, City Clerk

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10

APPROVED AS TO LEGAL FORM:

11

12

OFFICE OF THE CITY ATTORNEY

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14

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File Attachments for Item:

B. Resolution 2023-06 - Minto PBLH, LLC Property Lease Amendment

Submitted by: Administration

RESOLUTION NO. 2023-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY COUNCIL MEMBER TO EXECUTE THE LEASE AMENDMENT BETWEEN MINTO PBLH, LLC AND THE CITY OF WESTLAKE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.



Meeting Agenda Item Coversheet

MEETING DATE:		02.07.2023	Submitted By: Administration	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		Minto PBLH, LLC Property Lease Amendment		
STAFF RECOMMENDATION: (MOTION READY)		Motion to Approve Resolution 2023-06 and Authorize the Mayor to execute the Lease Amendment between Minto PBLH LLC.		
SUMMARY and/or JUSTIFICATION:		<p>Through a Lease Agreement dated August 22, 2016, Minto PBLH, LLC leased 2 structures to the City for the purposes of holding meetings and conducting other City business. This lease has come to term, and in efforts to continue operating in the facilities, a renewal agreement has been extended to the city through the year 2028.</p> <p>Additionally, the renewal includes an amendment to reflect current parking facilities and an additional structure.</p>		
SELECT, if applicable	AGREEMENT:		BUDGET:	
	STAFF REPORT:		PROCLAMATION:	
	EXHIBIT(S):		OTHER:	
IDENTIFY EACH ATTACHMENT. <i>For example, an agreement may have 2 exhibits, identify the agreement and Exhibit A and Exhibit B</i>				
SELECT, if applicable	RESOLUTION:		ORDINANCE:	
IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE <i>(if Item is <u>not</u> a Resolution or Ordinance, please erase all default text from this field's textbox and leave blank)</i> <u>Please keep text indented.</u>				
FISCAL IMPACT (if any):				\$

LEASE AMENDMENT

THIS LEASE AMENDMENT ("Amendment") is entered into this ___ day of _____, 2023, ("Effective Date") between MINTO PBLH, LLC, a Florida limited liability company, having an address of 4400 W. Sample Road, Suite 200, Coconut Creek, FL 33073 ("MINTO"), and the CITY OF WESTLAKE, a Florida municipal corporation, having an address of 4001 Seminole Pratt Whitney Road, Westlake, FL 33470 ("CITY").

RECITALS:

WHEREAS, the Parties entered into that certain Lease Agreement ("Lease"), dated August 22, 2016, wherein MINTO leased to the CITY property, including three structures, located at 4001 and 4005 Seminole Pratt Whitney Road, Westlake, FL 33470 (the "Property") for the purpose of holding meetings and conducting other City business; and

WHEREAS, the Lease has expired according to its terms; and

WHEREAS, MINTO and the CITY mutually desire to extend and amend the Lease in accordance with the terms and conditions contained herein.

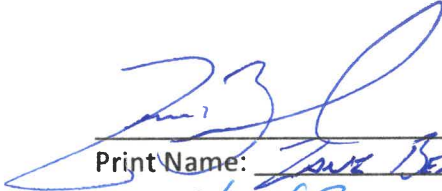
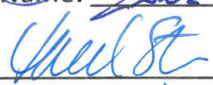
NOW, THEREFORE, in consideration of the above recitals and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, MINTO and the CITY hereby agree as follows:

AGREEMENT:

1. RECITALS. The above Recitals are true and correct and are incorporated herein by reference.
2. OTHER LEASE PROVISIONS. Unless specifically amended by this Amendment, all other terms and conditions of the Lease, as previously amended, remain unchanged and in full force and effect.
3. EXTENSION OF TERM. MINTO and the CITY hereby agree that the Lease term is extended for an additional five (5) year term commencing on Effective Date and expiring on _____, 2028.
4. LEASE PROPERTY. The Property leased is hereby amended to reflect current parking facilities and an additional structure, as set forth on the attached Exhibit "A," including the right of access to the Property.
5. USE OF PROPERTY. This Lease is non-exclusive. MINTO reserves the right to authorize other governmental entities to utilize the Property, consistent with the terms of the Lease.

IN WITNESS WHEREOF, the MINTO and CITY have executed this Amendment effective as of the day and year first above written.

Signed, sealed and delivered in the presence of:


Print Name: Lawrence Beard

Print Name: JAMES STEIN

MINTO PBLH, LLC

By: 
John Carter, Senior Vice President

LESSEE:

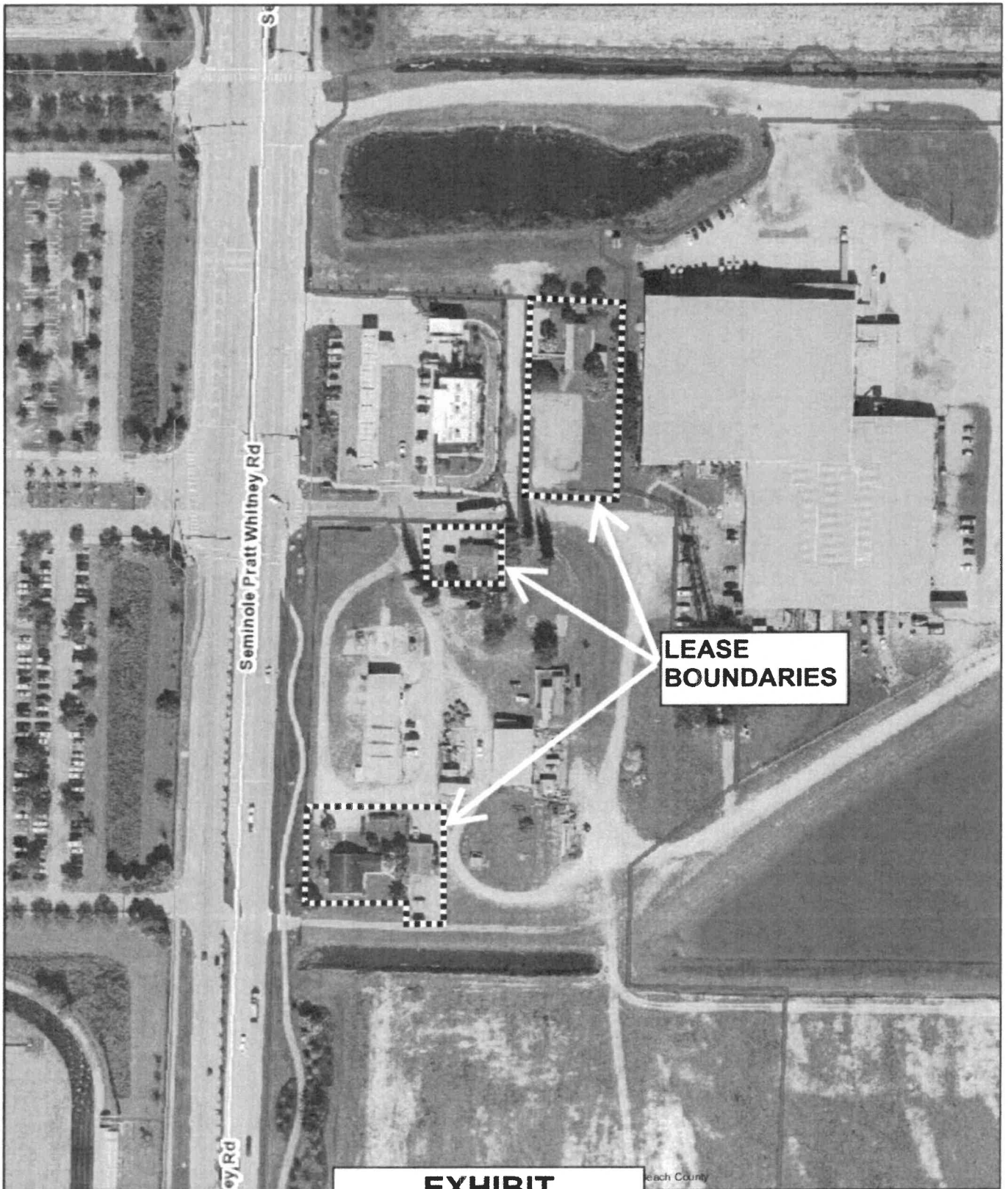
CITY OF WESTLAKE

By: _____
JohnPaul O'Connor, Mayor

Print Name: _____

Print Name: _____

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October 17, 2022

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CITY OF WESTLAKE

RESOLUTION NO. 2023- 06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY COUNCIL MEMBER TO EXECUTE THE LEASE AMENDMENT BETWEEN MINTO PBLH, LLC AND THE CITY OF WESTLAKE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council deems it to be in the best interests of the City to approve and authorize the proper City Council Member to execute the Lease Amendment between Minto PBLH, LLC and the City of Westlake;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA:

SECTION 1. The foregoing "WHEREAS" clause is hereby ratified and confirmed by the City Council and incorporated herein by this reference.

SECTION 2. The City Council of the City of Westlake, Florida, hereby approves and authorizes the proper City Council Member to execute the Lease Amendment between Minto PBLH, LLC and the City of Westlake. A copy of the Lease Amendment is attached hereto as Exhibit "A".

SECTION 3. All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

SECTION 4. CONFLICTS. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. SEVERABILITY. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

SECTION 6. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage and adoption.

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PASSED AND APPROVED by City Council for the City of Westlake, on this _____
day of _____ 2023.

City of Westlake
JohnPaul O'Connor, Mayor

Zoie Burgess, City Clerk

File Attachments for Item:

C. Third Addendum to Agreement with Chen Moore and Associates

Submitted by: Administration

RESOLUTION NO. 2023-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY COUNCIL MEMBER TO EXECUTE THE THIRD ADDENDUM TO PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF WESTLAKE AND CHEN MOORE & ASSOCIATES, INC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.



Meeting Agenda Item Coversheet

MEETING DATE:		02.07.2023	Submitted By: Administration	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		Third Addendum to Agreement with Chen Moore and Associates		
STAFF RECOMMENDATION: (MOTION READY)		Motion to Approve Resolution 2023-07 for the Third Addendum to Agreement with Chen Moore and Associates		
SUMMARY and/or JUSTIFICATION:		<p>NZ Consultants is now providing planning services under Chen Moore and Associates, which in turn allows our current agreement, most recently renewed August 2, 2022, for an additional 3-year term, to be expanded.</p> <p>This third addendum to the agreement expanding the scope of work shall be for a term of five (5) years and shall renew automatically each five years for additional five-year terms, unless either party gives notice to terminate pursuant to paragraph 14 amended herein.</p> <p>The expanded scope of work is identified to provide general planning services on an as needed basis which would include preparing required comprehensive plan elements and map series, coordinate comprehensive plan and land development regulations, prepare legal ads for public hearings, initiate State coordinated review process and timeframes, and other projects as assigned by the City Manager of the City of Westlake, Florida.</p>		
SELECT, if applicable	AGREEMENT:		BUDGET:	
	STAFF REPORT:		PROCLAMATION:	
	EXHIBIT(S):		OTHER:	
IDENTIFY EACH ATTACHMENT. <i>For example, an agreement may have 2 exhibits, identify the agreement and Exhibit A and Exhibit B</i>				
SELECT, if applicable	RESOLUTION:		ORDINANCE:	
IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE <i>(if Item is <u>not</u> a Resolution or Ordinance, please erase all default text from this field's textbox and leave blank) <u>Please keep text indented.</u></i>				
FISCAL IMPACT (if any):				\$

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CITY OF WESTLAKE

RESOLUTION NO. 2023-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY COUNCIL MEMBER TO EXECUTE THE THIRD ADDENDUM TO PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF WESTLAKE AND CHEN MOORE & ASSOCIATES, INC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council deems it to be in the best interests of the City to approve and authorize the proper City Council Member to execute the Third Addendum to Professional Services Agreement between the City of Westlake and Chen Moore & Associates, Inc.;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA:

SECTION 1. The foregoing "WHEREAS" clause is hereby ratified and confirmed by the City Council and incorporated herein by this reference.

SECTION 2. The City Council of the City of Westlake, Florida, hereby approves and authorizes the proper City Council Member to execute the Third Addendum to Professional Services Agreement between the City of Westlake and Chen Moore & Associates, Inc. A copy of the Third Addendum is attached hereto as Exhibit "A".

SECTION 3. All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extend of such conflict.

SECTION 4. CONFLICTS. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. SEVERABILITY. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

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SECTION 6. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND APPROVED by City Council for the City of Westlake, on this ____ day of _____ 2023.

City of Westlake
JohnPaul O'Connor, Mayor

Zoie Burgess, City Clerk

**THIRD ADDENDUM TO PROFESSIONAL SERVICES AGREEMENT BETWEEN CITY OF WESTLAKE
AND CHEN MOORE & ASSOCIATES, INC.**

THIS THIRD ADDENDUM TO AGREEMENT ("Second Addendum"), dated the ____ day of _____, 2023, between:

THE CITY OF WESTLAKE, a Florida municipal corporation, hereinafter referred to as "CITY,"

and

CHEN MOORE & ASSOCIATES, INC., a Florida corporation hereinafter referred to as "CONSULTANT".

WHEREAS, on September 19, 2016, the CITY entered into an agreement with CONSULTANT for professional services (the "Original Agreement") pursuant to Section 287.055, F.S.; and

WHEREAS, on September 9, 2019, the CITY and CONSULTANT entered into an Addendum to Professional Services Agreement to renew the term of the Original Agreement for an additional three (3) years; and

WHEREAS, on August 2, 2022, the CITY and CONSULTANT entered into a Second Addendum to Professional Services Agreement to renew the term for an additional three (3) years and provided for an additional renewal period of two (2) years upon mutual consent of the parties; and

WHEREAS, the CITY and CONSULTANT agree to expand the Scope of Work to add professional planning services; and

WHEREAS, the CITY reserves the right to modify the Scope of Work and/or Services as deemed necessary; and

NOW, THEREFORE, in consideration of the mutual promises, covenants and agreements herein contained and other good and valuable consideration, the receipt of which are hereby acknowledged, the CITY and CONSULTANT agree to amend the Original Agreement as amended, as follows:

1. **RECITALS:** Each whereas clause set forth above is true and correct and incorporated herein by this reference.
2. **TERM OF AGREEMENT.** Article 1 entitled "Term of Agreement" of the Original Agreement is hereby amended as follows:

~~The Agreement shall commence upon full execution by all parties hereto and shall be for a three (3) year term, with the option to renew for an additional three (3) year term.~~

This Agreement shall be for a term of five (5) years, and shall renew automatically each five years for additional five year terms, unless either party gives notice to terminate pursuant to paragraph 14 amended herein.

3. **SCOPE OF SERVICES:** ARTICLE 2 entitled “Scope of Services” of the Original Agreement is hereby amended to include additional scope of services as identified below and incorporated herein:

Consultant will provide general planning services on an as needed basis which would include preparing required comprehensive plan elements and map series, coordinate comprehensive plan and land development regulations, prepare legal ads for public hearings, initiate State coordinated review process and timeframes, and other projects as assigned by the City Manager of the City of Westlake, Florida.

4. **TERMINATION:** Article 14 entitled “Termination” of the Original Agreement is hereby amended as follows:

The CITY or Engineer may terminate this Agreement without cause upon ~~sixty (60)~~ one hundred twenty (120) days written notice.

5. **SCOPE OF SERVICES CHANGES:** Notwithstanding anything contrary contained in the Original Agreement, the CITY may upon written notice to CONSULTANT for any reason or at the discretion of the CITY modify or amend the Scope of Services and Services as deemed necessary. CONSULTANT shall be advised of any such changes by written change orders or other written notification from CITY describing the change.
6. A new rate schedule is attached hereto as **Exhibit A** and incorporated herein.
7. **ORIGINAL AGREEMENT:** All of the terms and conditions of the Original Agreement, as amended from time to time, shall be binding and remain in full force and effect except as expressly amended hereinabove. In the event of a conflict between the Original Agreement, First Addendum, Second Addendum, this Third Addendum shall prevail.

Intentionally Left Blank

IN WITNESS OF THE FOREGOING, the parties have set their hands and seal the day and year first written above.

CITY OF WESTLAKE:

Attest:

BY: _____
Kenneth G. Cassel, City Manager

Zoie P. Burgess, CMC
City Clerk

Approved as to form and legal
sufficiency:

Donald J. Doody, Esq.
City Attorney

CONSULTANT:

**CHEN MOORE & ASSOCIATES, INC., a Florida
corporation**

ATTEST:

_____, President & CEO

Name: _____

File Attachments for Item:

D. Termination of Agreement - NZ Consultants

Submitted By: Administration

RESOLUTION NO. 2023-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY COUNCIL MEMBER TO EXECUTE A TERMINATION OF PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF WESTLAKE AND NZ CONSULTANTS, INC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.



Meeting Agenda Item Coversheet

MEETING DATE:		02.07.2023	Submitted By: Administration		
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		Termination of Agreement - NZ Consultants			
STAFF RECOMMENDATION: (MOTION READY)		Motion to Approve Resolution 2023-08 and authorize the Mayor to execute termination of professional services agreement for NZ Consultants Inc.			
SUMMARY and/or JUSTIFICATION:		On December 1, 2022, Chen Moore and Associates acquired NZ Consultants and in turn NZ Consultants desires to terminate the original agreement and subsequent addendums.			
SELECT, if applicable		AGREEMENT:		BUDGET:	
		STAFF REPORT:		PROCLAMATION:	
		EXHIBIT(S):		OTHER:	
IDENTIFY EACH ATTACHMENT. <i>For example, an agreement may have 2 exhibits, identify the agreement and Exhibit A and Exhibit B</i>					
SELECT, if applicable		RESOLUTION:		ORDINANCE:	
IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE <i>(if Item is <u>not</u> a Resolution or Ordinance, please erase all default text from this field's textbox and leave blank) <u>Please keep text indented.</u></i>					
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CITY OF WESTLAKE

RESOLUTION NO. 2023-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY COUNCIL MEMBER TO EXECUTE A TERMINATION OF PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF WESTLAKE AND NZ CONSULTANTS, INC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council deems it to be in the best interests of the City to approve and authorize the proper City Council Member to execute a Termination of Professional Services Agreement Between the City of Westlake and NZ Consultants, Inc.;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA:

SECTION 1. The foregoing "WHEREAS" clause is hereby ratified and confirmed by the City Council and incorporated herein by this reference.

SECTION 2. The City Council of the City of Westlake, Florida, hereby approves and authorizes the proper City Council Member to execute a Termination of Professional Services Agreement Between the City of Westlake and NZ Consultants, Inc. A copy of the Termination is attached hereto as Exhibit "A".

SECTION 3. All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

SECTION 4. CONFLICTS. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. SEVERABILITY. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

SECTION 6. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage and adoption.

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PASSED AND APPROVED by City Council for the City of Westlake, on this _____
day of _____ 2023.

City of Westlake
JohnPaul O'Connor, Mayor

Zoie Burgess, City Clerk

**TERMINATION OF PROFESSIONAL SERVICES AGREEMENT
BETWEEN CITY OF WESTLAKE AND NZ CONSULTANTS, INC.**

THIS TERMINATION AGREEMENT (“Termination Agreement”), dated the ____ day of _____, 2023, between:

THE CITY OF WESTLAKE, a Florida municipal corporation, hereinafter referred to as "CITY,"

and

NZ CONSULTANTS, INC., a Florida corporation hereinafter referred to as "CONSULTANT".

WHEREAS, on or about September 19, 2016, the CITY entered into an agreement with CONSULTANT for professional services (the "Original Agreement") pursuant to Section 287.055, F.S.; and

WHEREAS, on or about September 9, 2019, the CITY and CONSULTANT entered into an Addendum to Professional Services Agreement; and

WHEREAS, in August of 2021 CITY and CONSULTANT entered into a Second Addendum to Professional Services Agreement; and

WHEREAS, on December 1, 2022 CONSULTANT, NZ Consultants, Inc., was acquired by Chen Moore and Associates; and

WHEREAS, CITY and CONSULTANT desire to terminate the Original Agreement and subsequent Addendums.

NOW, THEREFORE, in consideration of the mutual promises, covenants and agreements herein contained and other good and valuable consideration, the receipt of which are hereby acknowledged, the CITY and CONSULTANT agree as follows:

1. Termination of the Contract. CITY and CONSULTANT mutually agree that the Original Agreement and subsequent Addendums shall be terminated effective December 1, 2022 (the "Termination Date"). Upon the Termination Date, the Original Agreement and subsequent Addendums shall have no further force or effect.

2. Consideration. CITY and CONSULTANT acknowledge and agree that it has already received all payments and amounts owed from the other party under the Original Agreement and subsequent Addendums and that no additional consideration of any kind is due from the other party with respect to the Original Agreement and subsequent Addendums.

IN WITNESS OF THE FOREGOING, the parties have set their hands and seal the day and year first written above.

CITY OF WESTLAKE:

Attest:

BY: _____
Kenneth G. Cassel, City Manager

Zoie P. Burgess, CMC
City Clerk

Approved as to form and legal
sufficiency:

Donald J. Doody, Esq.
City Attorney

**NZ CONSULTANTS, INC., a Florida
corporation**

ATTEST:

Nilsa Zacarias, AICP, President

Name: _____

File Attachments for Item:

A. Resolution 2023-04 - Complete Streets Policy

Submitted By: Administration

RESOLUTION NO. 2023-04

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA,
APPROVING AND ADOPTING THE CITY'S COMPLETE STREET POLICY; PROVIDING FOR
CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

City of Westlake Complete Streets Policy

“Complete Streets” mean roads including adjacent sidewalks and shared use paths that are designed and operated to enable safe access and travel for all users, which may include pedestrians, bicyclists, transit riders, and motorists. Complete Streets incorporate different elements based on the different role, function, and characteristic of the facility.

As has been the case since its incorporation in 2016, it shall be the policy of the City of Westlake to implement, in coordination with the Seminole Improvement District, a Complete Streets program as set forth in the City’s adopted Comprehensive Plan and Land Development Regulations, to enable safe access, mobility, economic development, attractive public spaces, health, and wellbeing for all people.

Vision & Intent

The Transportation Element of the City’s Comprehensive Plan states as Goal TE 1:

PROVIDE A SAFE AND CONVENIENT MULTI-MODAL TRANSPORTATION SYSTEM IN THE CITY OF WESTLAKE THAT IS COORDINATED WITH THE FUTURE LAND USE MAP (FLU MAP 2.1) AND SUPPORTIVE OF THE PLAN, FOR THE LONG- AND SHORT-TERM PLANNING PERIODS.

The Comprehensive Plan implements this Goal through the establishment of Objectives and Policies that call for the construction of roads, sidewalks and multimodal paths throughout the City to ensure level of service requirements are met for vehicular transportation while at the same time providing safe, attractive areas for pedestrian and non-motorized modes of transportation for the purpose of meeting the Goals of this Policy, which include:

1. Safety and Convenience for All Transportation Users – maintain a transportation system that is designed and operated in ways that ensure the safety, security, comfort, access, and convenience of all users of all ages and abilities, including pedestrians, bicyclists, public transit users, emergency responders, transporters of commercial goods, motor vehicles, and freight providers.
2. Connected Facilities that Accommodate All Travel Modes – Create a transportation system that includes integrated networks of connected facilities accommodating all modes of travel.
3. Increase Walking, Bicycling, and Public Transit – Create transportation system that encourages walking, bicycling and public transit.
4. Economic Development – Create a transportation system that promotes economic development and connectivity to activity centers.
5. Equity – Create a transportation system that, to the greatest extent possible, ensures equity by actively pursuing the elimination of health, economic and access disparities.
6. Community Health & Sustainability – Create a transportation system that reduces automobile dependence and improves environmental and community health (i.e. reduce fossil fuel consumption and greenhouse gas emissions; decrease air and noise pollution; and improve air quality; encourage social interaction and physical activity.

Applicability

All projects undertaken by or under the authority of or subject to the supervision of the City of Westlake, for improvement of any street or public right of way (ROW), shall be subject to the City’s

Complete Streets program as set forth in the City's Comprehensive Plan and implementing Land Development Regulations. In the case of a project within the City that involves another entity, staff shall work with the ROW owner, Seminole Improvement District, Florida Department of Transportation (FDOT), Palm Beach County, and Palm Beach TPA as appropriate, to the greatest extent possible, to advance Complete Streets improvements.

Land Use and Context Sensitivity

As designed in the City's Comprehensive Plan, and as implemented by the City's Land Development Regulations, the City's Complete Streets program is sensitive to the community's physical, economic, and social setting, consistent with the Goals of this Policy. The City's Complete Streets program considers the community's current and expected land use and transportation needs. The City's Complete Streets program seeks to represent the community's desires while taking into account the connectivity of the transportation system as a whole for all modes and users. The City of Westlake will strive to overcome barriers to engagement associated with race, income, age, disability, English language proficiency, and vehicle access of populations affected by a project, including measuring success in overcoming these barriers.

Design

The City's Complete Streets program, as established in the City's Comprehensive Plan and as implemented through the City's Land Development Regulations, in cooperation with the Seminole Improvement District, is designed such that transportation projects and maintenance activities are:

- Suitable and appropriate to the function and context of the transportation facility;
- Sensitive to the land use context and cognizant of community needs;
- Flexible in project design to ensure that all users have safe access and use;
- Provides an integrated and interconnected transportation network that allows all users to choose between different modes of travel; and
- Consistent and compatible with the Seminole Improvement District's Construction and Development Manual.

All facilities will be designed in accordance with current applicable laws and regulations, considering the best practices, design standards and guidance from a variety of organizations, as applicable, including but not limited to:

- Palm Beach Transportation Planning Agency Complete Streets Design Guidelines,
- The American Association of State Highway and Transportation Officials (AASHTO) *Guide for Development of Bicycle Facilities*,
- USDOT *Achieving Multimodal Networks: Applying Design Flexibility & Reducing Conflicts*,
- Federal Highway Administration (FHWA) *Separated Bike Lane Planning and Design Guide*,
- FHWA *Incorporating On-Road Bicycle Networks into Resurfacing Projects Report*,
- FHWA *Separated Bike Lane Planning and Design Guide*,
- Institute of Transportation Engineers (ITE) *Designing Walkable Urban Thoroughfares: A Context Sensitive Approach*,

- National Association of City Transportation Officials (NACTO) Global Street Design Guide, Urban Streets Design Guide, Urban Bikeway Design Guide, Transit Street Design Guide, Urban Street Stormwater Guide,
- National Cooperative Highway Research Program, Report 616, Multi-Modal Level Of Service Analysis for Urban Streets,
- American With Disabilities Act (ADA) *Standards for Accessible Design*,
- AASHTO A Policy on Geometric Design of Highway and Streets (AASHTO Green Book)
- FDOT Design Manual,
- FDOT *Manual of Uniform Minimum Standards for Design, Construction and Maintenance (Florida Green Book)*,
- The Seminole Improvement District (SID) *Construction Detail Standards*,
- FDOT *Plans Preparation Manual (PPM)*, and
- United States Department of Transportation (USDOT) Manual on Uniform Traffic Control Devices (MUTCD).

Project Selection Criteria

The City of Westlake shall coordinate with Seminole Improvement District to annually update the City's Five Year Schedule of Capital Improvements related to implementing its Complete Streets program as set forth in the City's Comprehensive Plan, Transportation Element.

Implementation and Monitoring

The City of Westlake will continue to review and monitor the implementation of its Complete Streets program by:

- Monitoring and evaluating implementation of the City's Comprehensive Plan Policies and Land Development regulations regarding Complete Streets;
- Coordinating annually with the Seminole Improvement District on the status of buildout of the City's mobility system as set forth in the City's Comprehensive Plan;
- Coordinating with the Seminole Improvement District on the implementation of best practices and design standards regarding Complete Streets;
- Identifying local, state and federal funds to implement Complete Streets Improvements to supplement the City of Westlake's Capital Improvements Program; including coordinating with Palm Beach TPA, FDOT, and Palm Beach County as applicable;
- Offering Complete Streets workshops and other training opportunities to City and SID staff, community leaders and the general public to provide education on the importance of the Complete Streets vision;
- Coordinating with Palm Beach County PalmTran to establish and expand transit service within the City; and
- Ensuring equitable community engagement through outreach strategies such as holding public meetings at easily accessible times and places, collecting input at community gathering spaces, and hosting and attending community meetings.

Performance Measures

As part of the adoption of its annual update to the City's Five-Year Schedule of Capital Improvements, the City shall publish performance measures evaluating the effectiveness of the City's Complete Streets program. This annual report will evaluate the following performance measures, as applicable:

- Miles of bicycle lanes, routes, or paths built or dedicated by width and type;
- Number of bicycle parking facilities installed;
- Linear feet of pedestrian accommodations built or repaired;
- Number of transit accessibility improvements built/installed;
- User data – bicycle, pedestrian, transit and traffic counts where available;
- Bicycle and pedestrian crash data involving serious injuries and fatalities;
- Total dollar amount spent on Complete Streets Improvements; and
- Connectivity between bicycle facilities or bicycle lane gap fillers.

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CITY OF WESTLAKE

RESOLUTION NO. 2023-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, APPROVING AND ADOPTING THE CITY’S COMPLETE STREET POLICY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council deems it to be in the best interests of the City to approve and adopt the City of Westlake’s Complete Street Policy;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA:

SECTION 1. The foregoing "WHEREAS" clause is hereby ratified and confirmed by the City Council and incorporated herein by this reference.

SECTION 2. The City Commission of the City of Westlake, Florida, hereby approves and adopts the City of Westlake’s Complete Street Policy. A copy of the Policy is attached hereto as Exhibit “A”.

SECTION 3. All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

SECTION 4. CONFLICTS. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. SEVERABILITY. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

SECTION 6. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage and adoption.

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PASSED AND APPROVED by City Council for the City of Westlake, on this
___ day of _____ 2023.

City of Westlake
JohnPaul O'Connor, Mayor

Zoie Burgess, City Clerk