

# CITY OF WESTLAKE



## AGENDA

### **Local Planning Agency Meeting**

Tuesday, September 06, 2022, at 5:30 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, City Clerk  
Donald J. Doody, Esq., City Attorney  
Nilsa Zacarias, Planning and Zoning Director

[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: 2634 073 1608

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: 2634 073 1608

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

## 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 City Council Member request such, in which event, the item will be removed from the Consent Agenda and considered on a future agenda.*

- [A.](#) Minutes\_Local Planning Agency Meeting 10.11.2021 - DRAFT
- [B.](#) Minutes\_Local Planning Agency Meeting - 11.08.2021- DRAFT
- [C.](#) Minutes\_Local Planning Agency Meeting - 01.18.2022 DRAFT
- [D.](#) Minutes\_Local Planning Agency Meeting - 04.11.2022 DRAFT
- [E.](#) Minutes\_Local Planning Agency Meeting - 05.09.2022 DRAFT
- [F.](#) Minutes\_Local Planning Agency Meeting - 07.05.2022 DRAFT

## PUBLIC HEARING

- [A.](#) **CPA-2022-01:** Application of Minto PBLH, LLC proposing a small-scale future land use map amendment to change the future land use designation on a 9.137-acre site from Civic to Downtown Mixed Use designation. The site is located at the southwest corner of Persimmon Blvd and Ilex Way.

**Submitted By:** Planning and Zoning

- [B.](#) **ZC-2022-01:** Application of Minto PBLH, LLC requesting a zoning change from the Civic (C) zoning district to the Mixed Use (MU) zoning district. The site is located at the southwest corner of Persimmon Blvd and Ilex Way.

**Submitted By:** Planning and Zoning

## 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:** September 2, 2022

# CITY OF WESTLAKE



## MINUTES

### **Local Planning Agency Meeting**

Monday, October 11, 2021, at 6:00 PM

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

### **CITY COUNCIL:**

Roger Manning, Mayor  
JohnPaul O'Connor, Vice Mayor  
Patric Paul, Council Member – Seat 1  
Kara Crump, Council Member – Seat 2  
Katrina Long Robinson, Council Member – Seat 4

### **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 Local Planning Agency meeting of the City Council of the City of Westlake was held on Monday, October 11, 2021, 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. Join the Webex meeting from your computer, tablet or smartphone at the following link:  
<https://cityofwestlake.my.webex.com/>

Meeting ID: 2634 613 3737

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: 2634 613 3737

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.

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Ms. Burgess noted Councilwoman Long-Robinson was present via communications media technology at City Hall, 4001 Seminole Pratt Whitney Road.

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 that microphones are live.

Ms. Burgess further explained that microphones will be muted; audience members have the ability to 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 Manning called the Local Planning Agency meeting of Monday, October 11, 2022, to order at 6:03 PM.

### **ROLL CALL**

Present and constituting a quorum:

Councilwoman Long-Robinson (*present via communications media technology*)

Councilwoman Kara Crump

Vice Mayor JohnPaul O'Connor

Mayor Roger Manning

Absent:

Councilman Patric Paul

**PLEDGE OF ALLEGIANCE**

Mayor Manning led the Pledge of Allegiance.

**ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA**

Mayor Manning called for any additions, deletions or modifications to the Agenda.

Motion by Councilwoman Crump to approve Agenda, seconded by Vice Mayor O'Connor.

**UPON ROLL CALL:**

Councilwoman Crump	YES
Vice Mayor O'Connor	YES
Mayor Manning	YES

With all in favor, motion carried without dissent (3-0).

**PUBLIC COMMENTS AND REQUESTS- (OPEN FORUM NON-AGENDA ITEMS)**

*This section of the agenda allows for comments from the public to speak on any item not presented on the agenda. 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, and prior to addressing the Council, state your name and address for the record.*

Ms. Burgess notes there were no public comment cards received prior to the meeting.

Ms. Burgess gave the virtual participants a moment to raise a virtual hand or unmute their devices and provided a reminder to state name and address.

**Ms. Alicia Torres - 5847 Whippoorwill Circle** - Inquired of the Arts in Public Places Board. She is interested in the board and wants to know what kind of relationship the Board will have with the City and/or the developers and where would funding come from.

Ms. Zacarias stated she has information on the board and will present later in the meeting.

**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 City Council Member request such, in which event, the item will be removed from the Consent Agenda and considered on a future agenda.*

Mayor Manning introduced the Consent Agenda Item.

A. August 13, 2021 - Local Planning Agency Meeting Minutes

Motion by Councilwoman Crump to approve Consent Agenda, seconded by Vice Mayor O'Connor.

**UPON ROLL CALL:**

Councilwoman Crump	YES
Vice Mayor O'Connor	YES
Mayor Manning	YES

With all in favor, motion carried without dissent (3-0).

**PUBLIC HEARING**

A. Chapter 24, Art in Public Places

**Submitted By:** Planning and Zoning

**ORDINANCE 2021-08**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING CHAPTER 24 OF THE CITY’S CODE OF ORDINANCES ENTITLED “ART IN PUBLIC PLACES”; PROVIDING FOR DEFINITIONS; PROVIDING FOR EXEMPTION FOR -RESIDENTIAL DEVELOPMENT AND TEMPORARY STRUCTURES; PROVIDING FOR THE APPOINTMENT BY CITY COUNCIL TO THE PUBLIC PLACES ADVISORY BOARD; PROVIDING FOR THE REPAIR OR REPLACEMENT FOR DAMAGED OR DESTROYED ARTWORK; PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

Ms. Zacarias, Planning & Zoning director, discussed the amended Ordinance 2021-08 for Arts in Public Places Board. The boards’ purpose, funding, maintenance of public art and codification was discussed. The board will recommend to City Council for approval of artwork.

Council discussed amendment of the Arts in Public Places Ordinance. Council discussed not wanting to have student member be a voting member of the board.

Council recommended approval of the ordinance to City Council with changes to the language as to who can apply from *shall* to *should*.

Motion by Vice Mayor O’Connor to approve Consent Agenda, seconded by Councilwoman Crump.

**UPON ROLL CALL:**

Councilwoman Cump	YES
Vice Mayor O’Connor	YES
Mayor Manning	YES

With all in favor, motion carried without dissent (3-0).

**ADJOURNMENT**

There being no further business, Mayor Manning adjourned the meeting at 6:51 PM.

Zoie P. Burgess, City Clerk

JohnPaul O’Connor, Mayor

# CITY OF WESTLAKE



## MINUTES

### Local Planning Agency Meeting

Monday, November 08, 2021 at 6:00 PM

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

### CITY COUNCIL:

Roger Manning, Mayor  
JohnPaul O'Connor, Vice Mayor  
Patric Paul, Council Member – Seat 1  
Kara Crump, Council Member – Seat 2  
Katrina Long Robinson, Council Member – Seat 4

### 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 Local Planning Agency meeting of the City Council of the City of Westlake was held on Monday, November 8, 2021, 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. Join the Webex meeting from your computer, tablet or smartphone at the following link:  
<https://cityofwestlake.my.webex.com/>

Meeting ID: 2630 301 5700  
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: 2630 301 5700

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>

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 that microphones are live.

Ms. Burgess further explained that microphones will be muted; audience members have the ability to 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 Manning called the Local Planning Agency meeting of Monday, November 8, 2021, to order at 6:30 PM.

### **ROLL CALL**

Present and constituting a quorum:

Councilwoman Katrina Long-Robinson  
Councilwoman Kara Crump  
Vice Mayor JohnPaul O'Connor  
Mayor Roger Manning

### **PLEDGE OF ALLEGIANCE**

Mayor Manning led the Pledge of Allegiance.

**ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA**

Mayor Manning called for any additions, deletions or modifications to the Agenda.

Motion by Councilwoman Crump to approve Agenda, seconded by Councilwoman Long-Robinson

Councilwoman Long-Robinson	YES
Councilwoman Crump	YES
Vice Mayor O'Connor	YES
Mayor Manning	YES

With all in favor, motion carried without dissent (4-0).

**PUBLIC COMMENTS**

*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. Prior to addressing the Board, state your name and address for the record.*

Ms. Burgess notes there were no public comment cards received prior to the meeting.

Ms. Burgess gave the virtual participants a moment to raise a virtual hand or unmute their devices and provided a reminder to state name and address.

Resident Irani Beta, 1611 Whippoorwill Circle, appeared virtually and asked if Adrenaline Park was going to be discussed.

Council clarified it will be discussed in the following City Council Meeting.

**PUBLIC HEARING**

- A. Ordinance 2021-11 – Mobile Food Trucks

**Submitted By:** Planning & Zoning

**ORDINANCE NO. 2021-11**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ESTABLISHING REQUIREMENTS FOR MOBILE FOOD TRUCKS WHICH SHALL BECOME PART OF THE CITY'S CODE OF ORDINANCES ENTITLED "MOBILE FOOD TRUCKS"; PROVIDING FOR DEFINITIONS; PROVIDING FOR REQUIREMENTS FOR ALL MOBILE FOOD TRUCKS; PROVIDING FOR THE REGULATIONS RELATIVE TO CONDUCTING BUSINESS; PROVIDING PARKING AND STORAGE OF INACTIVE FOOD TRUCKS; PROVIDING FOR WASTE DISPOSAL; PROVIDING FOR LOCATIONS BY ZONING DISTRICT; PROVIDING FOR VIOLATIONS; PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

Ms. Zacarias, from the Planning & Zoning Department presented a PowerPoint presentation establishing an ordinance for mobile food trucks. Regulations, parking, and storage of inactive food trucks were

discussed as part of the ordinance. Ms. Zacarias defined mobile food trucks as any vehicle that is self-propelled or otherwise movable from place to place and is used to vend food and beverage products.

Council discussed the establishment of ordinance for mobile food trucks.

Motion by Vice Mayor O'Connor to approve recommendation of ordinance to City Council, seconded by Councilwoman Crump.

Councilwoman Crump	YES
Vice Mayor O'Connor	YES
Mayor Manning	YES
Councilwoman Long-Robinson	YES

With all in favor, motion carried without dissent (4-0).

**ADJOURNMENT**

There being no further business, Mayor Manning adjourned the meeting at 6:47 PM.

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Zoie P. Burgess, City Clerk

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JohnPaul O'Connor, Mayor

# CITY OF WESTLAKE



## MINUTES

### **Local Planning Agency Meeting**

Tuesday, January 18, 2022 at 6:00 PM

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

#### **CITY COUNCIL:**

Roger Manning, Mayor  
JohnPaul O'Connor, Vice Mayor  
Patric Paul, Council Member – Seat 1  
Kara Crump, Council Member – Seat 2  
Katrina Long Robinson, Council Member – Seat 4

#### **CITY STAFF:**

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

In efforts to balance the need for the City of Westlake to function and conduct business during the COVID19 pandemic, we will adhere to the recommended social/physical distancing (staying at least six feet away from each other) guidelines, per the Centers for Disease Control and Prevention (CDC) and Palm Beach County's directives. There will be limited seating available in the Council Chambers. Therefore, preregistration was required for in-person participation.

The instructions for preregistration attendance/participation and viewing of the meeting are outlined below:

#### **PREREGISTRATION FOR IN-PERSON ATTENDANCE:**

- All interested persons, Quasi-Judicial meeting applicants, their representatives, and witnesses must preregister to attend/participate in a meeting by sending an email to City Clerk, Zoie Burgess at [zburgess@westlakegov.com](mailto:zburgess@westlakegov.com) or by phone at 561-560-5880 no later than one (1) business day prior to the meeting date (e.g. by 4:00 P.M. on a Friday, if the meeting is scheduled for that Monday, etc.)
- In-person attendance/participation will be based upon the order in which the preregistration requests are received by the City Clerk. For Public Hearing Quasi-Judicial meetings, precedence into the Council Chambers will be given to applicants, their representatives and/or witnesses over all others preregistered parties.

#### **COMMUNICATIONS MEDIA TECHNOLOGY -WEBEX:**

Members of the public participated in this meeting through electronic means and 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: 2630 757 3058

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: 2630 757 3058

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 were available via the City website:

<https://www.westlakegov.com/cityclerk/page/covid-19-public-meetings>

A Local Planning Agency meeting of the City Council of the City of Westlake was held on Tuesday, January 18, 2022 at 6:00 PM., at the Westlake Community Center, 4005 Seminole Pratt Whitney Road.

As a preliminary matter, Ms. Burgess noted that Mayor Roger Manning, Vice Mayor JohnPaul O'Connor, Councilwoman Katrina Long-Robinson, are present physically. Councilwoman Kara Crump, was present Via Communications Media Technology.

Ms. Burgess noted that City Manager Kenneth Cassel, Interim City Attorney Donald J. Doody, and Planning & Zoning Director Nilsa Zacarias, were present physically. City Clerk, Zoie Burgess and City Engineer Suzanne Dombrowski, were present via communications media technology at City Hall, 4001 Seminole Pratt Whitney Road.

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 that microphones are live.

Ms. Burgess further explained that microphones will be muted; audience members have the ability to 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 Manning called the Local Planning Agency meeting of Tuesday, January 18, 2022, to order at 6:15 PM.

### **ROLL CALL**

Present and constituting a quorum:

Councilwoman Katrina Long-Robinson  
Councilwoman Kara Crump (Via Communications Media Technology)  
Vice Mayor JohnPaul O'Connor  
Mayor Roger Manning

Also, present:

Kenneth Cassel, City Manager  
Donald J. Doody, Interim City Attorney  
Zoie P. Burgess, CMC, City Clerk (Via Communications Media Technology)  
Nilsa Zacarias, Planning and Zoning Director  
Suzanne Dombrowski, City Engineer (Via Communications Media Technology)

### **PLEDGE OF ALLEGIANCE**

Mayor Manning led the Pledge of Allegiance.

### **ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA**

Mayor Manning called for any additions, deletions or modifications to the Agenda.

Motion by Councilwoman Long-Robinson to approve Agenda, seconded by Vice Mayor O'Connor.

**UPON ROLL CALL:**

Councilwoman Long-Robinson	YES
Vice Mayor O'Connor	YES
Mayor Manning	YES

With all in favor, motion carried without dissent (3-0).

**PUBLIC COMMENTS AND REQUESTS- (OPEN FORUM NON-AGENDA ITEMS)**

*This section of the agenda allows for comments from the public to speak on any item not presented on the agenda. 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, and prior to addressing the Council, state your name and address for the record.*

Mayor Manning inquired of any public comments.

Ms. Burgess noted there were no public comment cards received prior to the meeting.

Ms. Burgess gave the virtual participants a moment to raise a virtual hand or unmute their devices and provided a reminder to state name and address.

There being no comments, the next item followed.

**PUBLIC HEARING**

- A. **ORDINANCE NO. 2022-13:** AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ADOPTING AN AMENDMENT TO ITS COMPREHENSIVE DEVELOPMENT PLAN IN ACCORDANCE WITH THE MANDATES SET FORTH IN SECTION 163.3184, ET SEQ., FLORIDA STATUES, TO ADD AND ADOPT A PRIVATE PROPERTY RIGHTS ELEMENTS, PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

**Submitted By:** Planning and Zoning

Mr. Leon presented proposed amendment required per legislative mandate effective July 1, 2021, House Bill 59, Growth Management, requiring all local governments to have a property rights element included in their comprehensive plan. The legislation, modified chapter 163.3177, of the Florida statute to add a property rights element as one of the required elements in all comprehensive plans. Legislation also limits the ability to adopt any other comprehensive plan amendments initiated after July 1, 2021, from being adopted until the property rights element is adopted. There are no inconsistencies identified with the goals objectives and policies of the comprehensive plan. The proposed amendment meets all legislative requirements and is in compliance with chapter 163 of the Florida Statute.

Council discussion and further clarification that it is a mandate not a choice.

Mayor Manning called for further discussion of Council, there being none, Mayor Manning called for public comment.

Ms. Burgess noted that no prior comment cards were received and no comments from the public.

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Motion by Vice Mayor O'Connor as a recommendation to Council for first reading of Ordinance 2022-13, seconded by Councilwoman Long-Robinson.

**UPON ROLL CALL:**

Vice Mayor O'Connor	YES
Mayor Manning	YES
Councilwoman Long-Robinson	YES

With all in favor, motion carried without dissent (3-0).

**ADJOURNMENT**

Mayor Manning thanked everyone that worked on the items.

Mayor Manning identified the next Regular Council meeting to follow and adjourned at 6:22 PM.

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Zoie P. Burgess, City Clerk

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JohnPaul O'Connor, Mayor



# CITY OF WESTLAKE



## MINUTES

**Local Planning Agency Meeting**  
Monday, April 11, 2022, at 6:00 PM

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

### **CITY COUNCIL:**

JohnPaul O'Connor, Mayor  
Vacant, Vice Mayor  
Pilar Valle Ron, Council Member – Seat 1  
Julian Martinez, Council Member – Seat 2  
Greg Langowski, Council Member – Seat 4

### **CITY STAFF:**

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

A Local Planning Agency meeting of the City Council of the City of Westlake was held on Monday, April 11, 2022, 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. Join the Webex meeting from your computer, tablet or smartphone at the following link:  
<https://cityofwestlake.my.webex.com/>

Meeting ID: 2630 547 0723  
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: 2630 547 0723

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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 that microphones are live.

Ms. Burgess further explained that microphones will be muted; audience members have the ability to 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 Local Planning Agency meeting of Monday, April 11, 2022, to order at 6:01 PM.

### **ROLL CALL**

Present and constituting a quorum:

Councilman Greg Langowski  
Councilman Julian Martinez  
Councilwoman Pilar Valle Ron  
Mayor JohnPaul O'Connor

**PLEDGE OF ALLEGIANCE**

Mayor O'Connor led the Pledge of Allegiance.

**ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA**

Motion by Councilman Langowski, seconded by Councilwoman Valle Ron.

**UPON ROLL CALL:**

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

With all in favor, motion carried without dissent (4-0).

**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 City Council Member request such, in which event, the item will be removed from the Consent Agenda and considered on a future agenda.*

No items on the consent agenda.

**PUBLIC HEARING**

- A. Ordinance 2022-04 – Mobile Food Trucks

**Submitted By:** Planning & Zoning

**ORDINANCE NO. 2022-04**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES BY AMENDING CHAPTER \_\_\_\_ ENTITLED LAND DEVELOPMENT REGULATIONS BY CREATING SECTION \_\_\_\_\_ ENTITLED "MOBILE FOOD TRUCKS"; PROVIDING FOR DEFINITIONS; PROVIDING FOR REQUIREMENTS FOR ALL MOBILE FOOD TRUCKS; PROVIDING FOR THE REGULATIONS RELATIVE TO CONDUCTING BUSINESS; PROVIDING PARKING AND STORAGE OF INACTIVE FOOD TRUCKS; PROVIDING FOR WASTE DISPOSAL; PROVIDING FOR LOCATIONS BY ZONING DISTRICT; PROVIDING FOR VIOLATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Ms. Zacarias from Planning and Zoning discussed the amendment of Ordinance 2022-04 on mobile food trucks. Regulation, requirements, and parking was discussed under the amended ordinance. Everything must be enclosed with the mobile food truck unless it's part of an event where tables would be allowed. Food handlers must also be located within the truck unless under a special event where it allowed to have servers outside of the truck when it includes more than one truck.

Council discussed the amendments to the mobile food truck ordinance.

Motion by Councilman Langowski to recommend approval of amended ordinance 2022-04, seconded by Councilwoman Valle Ron.

**UPON ROLL CALL:**

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

With all in favor, motion carried without dissent (4-0).

B. Ordinance 2022-03 – Special Events

**Submitted By:** Planning & Zoning

**ORDINANCE NO. 2022-03**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER \_\_\_\_ ENTITLED LAND DEVELOPMENT CODE BY SPECIFICALLY CREATING SECTION \_\_\_\_\_ ENTITLED "SPECIAL EVENTS"; PROVIDING FOR A DEFINITION OF SPECIAL EVENTS; PROVIDING FOR THE REQUIREMENT OF A PERMIT; PROVIDING FOR PERMIT REQUIREMENTS; PROVIDING FOR REGULATIONS RELATIVE TO SIGNAGE, THE SALE OR SERVICE OF ALCOHOLIC BEVERAGES; PROVIDING FOR BATCH APPLICATIONS; PROVIDING FOR THE REGULATION OF GARAGE SALES; PROVIDING FOR CODIFICATION; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Council discussed not enough time was available to review new ordinance 2022-03.

Motion by Councilman Langowski to move the review of ordinance 2022-03 to the next Local Planning Agency Meeting, seconded by Councilman Martinez.

**UPON ROLL CALL:**

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

With all in favor, motion carried without dissent (4-0).

**ADJOURNMENT**

Motion by Vice Mayor Langowski adjourn meeting, seconded by Councilman Martinez.

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**UPON ROLL CALL:**

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

With all in favor, motion carried without dissent (4-0).

There being no further business, Mayor O'Connor adjourned the meeting at 6:30 PM.

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Zoie P. Burgess, City Clerk

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JohnPaul O'Connor, Mayor

# CITY OF WESTLAKE



## MINUTES

**Local Planning Agency Meeting**  
Monday, May 09, 2022 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

### **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 Local Planning Agency Meeting of the City of Westlake was held on Monday, May 09, 2022, 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. Join the Webex meeting from your computer, tablet or smartphone at the following link:  
<https://cityofwestlake.my.webex.com/>

Meeting ID: 2632 743 3999  
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 743 3999

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>

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 that microphones are live.

Ms. Burgess further explained that microphones will be muted; audience members have the ability to 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 Local Planning Agency meeting of Monday, May 9, 2022, to order at 6:00 PM.

### **ROLL CALL**

Present and constituting a quorum:

Councilwoman Pilar Valle Ron  
Vice Mayor Langowski  
Councilman Martinez  
Mayor JohnPaul O'Connor

**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.

Motion by Vice Mayor Langowski to approve Agenda, seconded by Councilwoman Valle Ron.

**UPON ROLL CALL:**

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

With all in favor, motion carried without dissent (4-0).

**PUBLIC HEARING**

A. Ordinance 2022-03 – Special Events

**Submitted By:** Planning & Zoning

**ORDINANCE NO. 2022-03**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER \_\_\_\_ ENTITLED LAND DEVELOPMENT CODE BY SPECIFICALLY CREATING SECTION \_\_\_\_\_ ENTITLED "SPECIAL EVENTS"; PROVIDING FOR A DEFINITION OF SPECIAL EVENTS; PROVIDING FOR THE REQUIREMENT OF A PERMIT; PROVIDING FOR PERMIT REQUIREMENTS; PROVIDING FOR REGULATIONS RELATIVE TO SIGNAGE, THE SALE OR SERVICE OF ALCOHOLIC BEVERAGES; PROVIDING FOR BATCH APPLICATIONS; PROVIDING FOR THE REGULATION OF GARAGE SALES; PROVIDING FOR CODIFICATION; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Osniel Leon from the Planning & Zoning presented amended Ordinance 2022-03 pertaining to special events requiring a permit, permit requirements and regulations of events and providing regulation on garage sales. No questions were asked by council.

Motion by Vice Mayor Langowski to recommend to City Council to approve ordinance, seconded by Councilman Martinez.

**UPON ROLL CALL:**

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

With all in favor, motion carried without dissent (4-0).



**ADJOURNMENT**

There being no further business, Mayor O'Connor adjourned the meeting at 6:05 PM.

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Zoie P. Burgess, City Clerk

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JohnPaul O'Connor, Mayor

# CITY OF WESTLAKE



## MINUTES

**Local Planning Agency Meeting**  
Tuesday, July 05, 2022, at 5:30 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 Local Planning Agency meeting of the City Council of the City of Westlake was held on Tuesday, July 5, 2022, at 5:30 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. Join the Webex meeting from your computer, tablet or smartphone at the following link:  
<https://cityofwestlake.my.webex.com/>

Meeting ID: 2630 447 9937  
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: 2630 447 9937

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>

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 that microphones are live.

Ms. Burgess further explained that microphones will be muted; audience members have the ability to 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 Local Planning Agency meeting of Tuesday, July 5, 2022, to order at 5:31 PM.

### **ROLL CALL**

Present and constituting a quorum:

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

**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.

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

**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).

**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 City Council Member requests such, in which event, the item will be removed from the Consent Agenda and considered on a future agenda.*

No items on the consent agenda.

**PUBLIC HEARING**

- A. Ordinance 2022-08 – Non-Conforming Lots, Uses, Characteristics, and Structures.

**Submitted By:** Planning & Zoning

**ORDINANCE NO. 2022-08**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY CREATING SECTION \_\_\_\_\_ ENTITLED “NON-CONFORMING LOTS, USES, CHARACTERISTICS, AND STRUCTURES”; PROVIDING FOR REGULATIONS FOR LOTS, USES, CHARACTERISTICS, AND STRUCTURES LAWFULLY EXISTING AT THE TIME OF AN AMENDMENT TO THE CITY’S CODE OF ORDINANCES AND THEREAFTER DEEMED NON-CONFORMING; PROVIDING FOR CODIFICATION; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Mr. Leon from Planning & Zoning discussed the amendment of Ordinance 2022-08 on Non-Conforming Lots, Uses, Characteristics, and Structures. If a building is to be updated more than fifty percent of the structure, it is to be brought up to the current code in place.

Council discussion to clarify compliance covered under the non-conforming Ordinance.

**ADJOURNMENT**

There being no further business, Mayor O'Connor adjourned the meeting at 5:42 PM.

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Zoie P. Burgess, City Clerk

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JohnPaul O'Connor, Mayor

Reply To: [tduhy@llw-law.com](mailto:tduhy@llw-law.com)**MEMORANDUM**

TO: Ken Cassel

FROM: Tara W. Duhy, Esquire

DATE: August 1, 2022

SUBJECT: **Data and Analysis and Justification Statement**

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**I. Introduction**

Minto PBLH, LLC, is requesting a small-scale comprehensive plan amendment to the City of Westlake's Comprehensive Plan Future Land Use Map ("FLUM") along with a rezoning for the parcel referred to as Pod PC-2, as more fully described in the Legal Description included as part of this application ("the Parcel"). Specifically, the Applicant is requesting that the future land use designation of the Parcel be amended from its current civic category to the downtown mixed use category and that the Parcel be rezoned from the civic district to the mixed use district. As will be discussed in greater detail below, these requests are consistent with the City's Comprehensive Plan ("Plan") and Land Development Regulations ("LDRs") as well as the Community Planning Act.

**II. Procedural Summary**

The two applications qualify for concurrent processing pursuant to Chapter 3, Article 2.3, Section 3 of the City's Land Development Regulations. A pre-application meeting was held with the City Manager and City attorney on July 15, 2022.

***Small Scale Comprehensive Plan Amendment***

The requested Amendment is consistent with Policy ADM 1.1.4 of the City's Plan and qualifies to be processed as a small-scale comprehensive plan amendment pursuant to Chapter 2, Article 2.2, Section 2(A) of the City's LDRs, which provides:

01784498-2

**JACKSONVILLE**  
245 Riverside Ave.,  
Suite 510  
Jacksonville, Florida 32202  
T: 904.353.6410  
F: 904.353.7619

**ST. PETERSBURG**  
100 Second Ave., South  
Suite 501-S  
St. Petersburg, Florida 33701  
T: 727.245.0820  
F: 727.290.4057

**TALLAHASSEE**  
315 South Calhoun St.,  
Suite 830  
Tallahassee, Florida 32301  
T: 850.222.5702  
F: 850.224.9242

**TAMPA**  
301 West Platt St.  
Suite 364  
Tampa, Florida 33606  
T: 813.775.2331

**WEST PALM BEACH**  
360 South Rosemary Ave.,  
Suite 1100  
West Palm Beach, FL 33401  
T: 561.640.0820  
F: 561.640.8202

(1) Comprehensive Plan amendment applications that meet the following criteria will be processed as Small-Scale Plan Amendments. In order to be processed as a Small-Scale Plan Amendment:

- (a) The proposed amendment relates to a parcel that is less than 10 acres in size;
- (b) The proposed amendment is only for a site-specific small scale development activity;
- (c) The parcel that is the subject of the proposed amendment is not located within an area of critical state concern;
- (d) The City must not have approved more than 120 acres of small scale amendments in the calendar year in which the application is submitted; and
- (e) Text amendments associated with the Small-Scale Plan Amendment to the Future Land Use Map ("Small Scale Map Amendment") are directly related to and will be adopted simultaneously with the Small-Scale Map Amendment

The Parcel is approximately 9.137 acres in size and the Applicant is only requesting an amendment to the FLUM for small scale development activity. The Parcel is not located within an area of critical state concern and the City has not approved any small-scale amendments in the current calendar year. Finally, while permitted, the Applicant is not seeking any text amendments related to the requested small-scale amendment. Therefore, the application is consistent with the City's LDRs. For the same reasons, the subject application is consistent with the requirements Section 163.3187, Florida Statutes.

Pursuant to Section 163.3187(2), Florida Statutes and Table 2.1 of Chapter 3 of the City's LDRs, a small-scale comprehensive plan amendment only requires one public hearing before the City Council, which shall be an adoption hearing as described in Section 163.3184(11), Florida Statutes.<sup>1</sup> "Small scale amendments may not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments may not become effective until the state land planning agency or Administrative Commission, respectively, issues a final order determining that the adopted small scale development amendment is in compliance." Section 163.3187(5)(c), Florida Statutes.

**Rezoning**

The requested rezoning is contingent on approval of the requested small-scale amendment to the City's FLUM and is consistent with the City's Plan and LDR. Pursuant to the Table 2-1 of Chapter 3 of

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<sup>1</sup> The City Code also requires that small-scale amendments be heard by the Land Planning Agency.

the City's LDRs, a Rezoning is subject to approval by the City Council and must be heard by the Land Planning Agency.

### **III. Comprehensive Plan Consistency and Compliance Analysis**

Florida Statutes requires that “[c]omprehensive plans may only be amended in such a way as to preserve the internal consistency of the plan pursuant to s. 163.3177.” See Section 163.3187(4), Florida Statutes. Section 163.3184 also requires that comprehensive plan amendments be “consistent with the requirements of ss. 163.3177, 163.3178, 163.3180, 163.3191, 163.3245, and 163.3248.”

In addition, Policies FLU 1.1.1 and FLU 1.1.2 of the City's Plan requires that “[a]ll future development orders shall be consistent with the Plan,” and “[a]mendments to the Plan, including the Future Land Use Map (FLU Map 2.1) shall be consistent with all Florida Statute Requirements.”

Below, please find an analysis demonstrating that the requested small-scale amendment and related rezoning are compatible with the City's Plan and are in compliance with all applicable Florida Statutes.<sup>2</sup>

#### ***Consistency with Policy FLU 1.1.15, HE 1.2.1, and the data and analysis supporting the existing FLUM***

The existing FLUM Category and Zoning District of the Parcel is civic. A future land use amendment and zoning change are requested to allow the potential development of additional non-residential uses to offset the existing development of a significant portion of the current downtown mixed use land area with civic uses. The City has approved the development of the Christ Fellowship Center located on the southern portion of Pod J along Seminole Pratt Whitney Road, consisting of approximately 68,000 square feet of civic uses on thirteen (13) acres. While civic uses are permissible within the downtown mixed use designation, Policy FLU 1.1.15(d) provides that the downtown mixed use area as a whole be developed with a minimum and maximum mix of residential, commercial, civic, light industrial and institutional uses. To maintain the balance called for in Policy 1.1.15, the subject amendment will offset the development of civic uses on thirteen acres of the existing downtown mixed use land area by adding commercial and other non-residential uses to the list of allowable uses on the subject Parcel.<sup>3</sup>

This request is supported by HE Policy 1.2.1, which provides:

Policy HE 1.2.1 Allow for and support commercial and light industrial development, which will provide employment

<sup>2</sup> Sections 163.3178 (Coastal management), 163.3191 (Evaluation and appraisal of comprehensive plan), 163.3245 (Sector Plans), and 163.3248 (Rural land stewardship areas) are not applicable to the subject request.

<sup>3</sup> Residential uses are not permitted within the Civic category but are permitted within the downtown mixed use category. While the Applicant does not anticipate the Parcel developing with residential uses, the same justification applies – the amendment will not call for any development not already contemplated by the Plan.



opportunities within the City to enable the purchase or rent of affordable housing.

By approving the requested amendment, the City will maintain land area for commercial uses that support economic activities as originally conceived by the Plan, while still providing civic uses at a different location within the downtown.

Because 13 acres of current land designated with the downtown mixed use category have developed with civic uses, the proposed amendment, which will allow commercial and other non-residential development on the property, is consistent with the population projections, non-residential needs and public facilities analyses that support the existing Comprehensive Plan and Future Land Use Map. The proposed amendment will not call for any development above what is already contemplated by the Plan.

**Compatibility – Policies FLU 1.6.1, 1.6.5, 1.6.7 and 1.6.8**

Table 1 demonstrates future land use, zoning, and land use designations of the adjacent site parcels. The subject Parcel is separated from the existing Downtown Mixed Use District by Ilex Way.

Table 1: Adjacent Property Land Uses

TABLE 1 SURROUNDING LAND USES			
	FUTURE LAND USE	ZONING	LAND USE
<b>NORTH</b>	N/A	N/A	Roadway – Persimmon Blvd E
<b>SOUTH</b>	Residential 2	Residential 2 (R-2)	Single-Family Residential – Sky Cove South (Pod N)
<b>EAST</b>	Residential 2	Residential 2 (R-2)	Single-Family Residential – Sky Cove South (Pod N)
<b>WEST</b>	N/A	N/A	Roadway – Ilex Way

The Plan addresses Consistency requirement in Objective 1.6. The proposed amendment is consistent with this Objective and its supporting Policies. Specifically, Policy FLU 1.6.1 reads:

**Policy FLU 1.6.1** Establish land use patterns that promote walking, biking, and mass transit to access goods, services, education, employment, and recreation, thereby reducing automobile dependency, vehicle miles traveled, and vehicle emissions.

The Parcel is centrally located and surrounded by residential and mixed use districts. The proximity of Sky Cove South residents to the Parcel will allow for multi-modal transportation opportunities via

cycling and walking to the site, which may provide opportunities for work or shopping that are not currently available under the civic designation.

**Policy FLU 1.6.5** Development abutting a different future land use category shall comply with the following minimum compatibility requirements. The City may adopt additional buffer requirements in the Land Development Regulations.

The proposed amendment is consistent with Policy FLU 1.6.5, which anticipates and addresses the development of different land uses adjacent to one another by requiring appropriate buffers and spacing. (See also Policies FLU 1.6.7 and 1.6.8, which provide alternative compatibility techniques). At the time a Site Plan is submitted for the Parcel, Policy 1.6.5 and implementing provisions of the City's LDRs will require the Parcel to achieve compatibility with adjacent existing residentially developed land. In addition, Sky Cove has a buffer averaging thirty-six feet (36') in depth along its western boundary and twenty to twenty-five feet (20'-25') along its northern boundary, adjacent to Parcel C-2. This condition further demonstrates the compatibility of the proposed land use amendment with the adjacent residential development.

***Public Facilities – Policies FLUE 1.4.2, TE 1.2.3, TE 1.2.7, INF 1.1.5, INF 1.1.6, INF 1.3.5, INF 1.3.6, INF 1.5.7, INF 1.5.8, INF 1.6.5, and CIE 1.3.2***

The proposed small-scale amendment to the FLUM and related rezoning are consistent with Policies FLUE 1.4.2, TE 1.2.3, TE 1.2.7, INF 1.1.5, INF 1.1.6, INF 1.3.5, INF 1.3.6, INF 1.5.7, INF 1.5.8, INF 1.6.5, and CIE 1.3.2 of the Comprehensive Plan which address public facilities within the City.

As mentioned above, the proposed amendment will not call for any development not already contemplated by the Plan. Thus, the underlying data and analysis for the existing Comprehensive Plan support the proposed amendment. Concurrency for drainage, potable water, wastewater, and solid waste will be addressed through the Site Planning process for any proposed use on the Property pursuant to Chapter 2, Article 2.2, Section 3. Thus, the subject amendment is consistent with the City's Comprehensive Plan relative to the provision of public facilities.

#### **IV. Consistency with City LDRs**

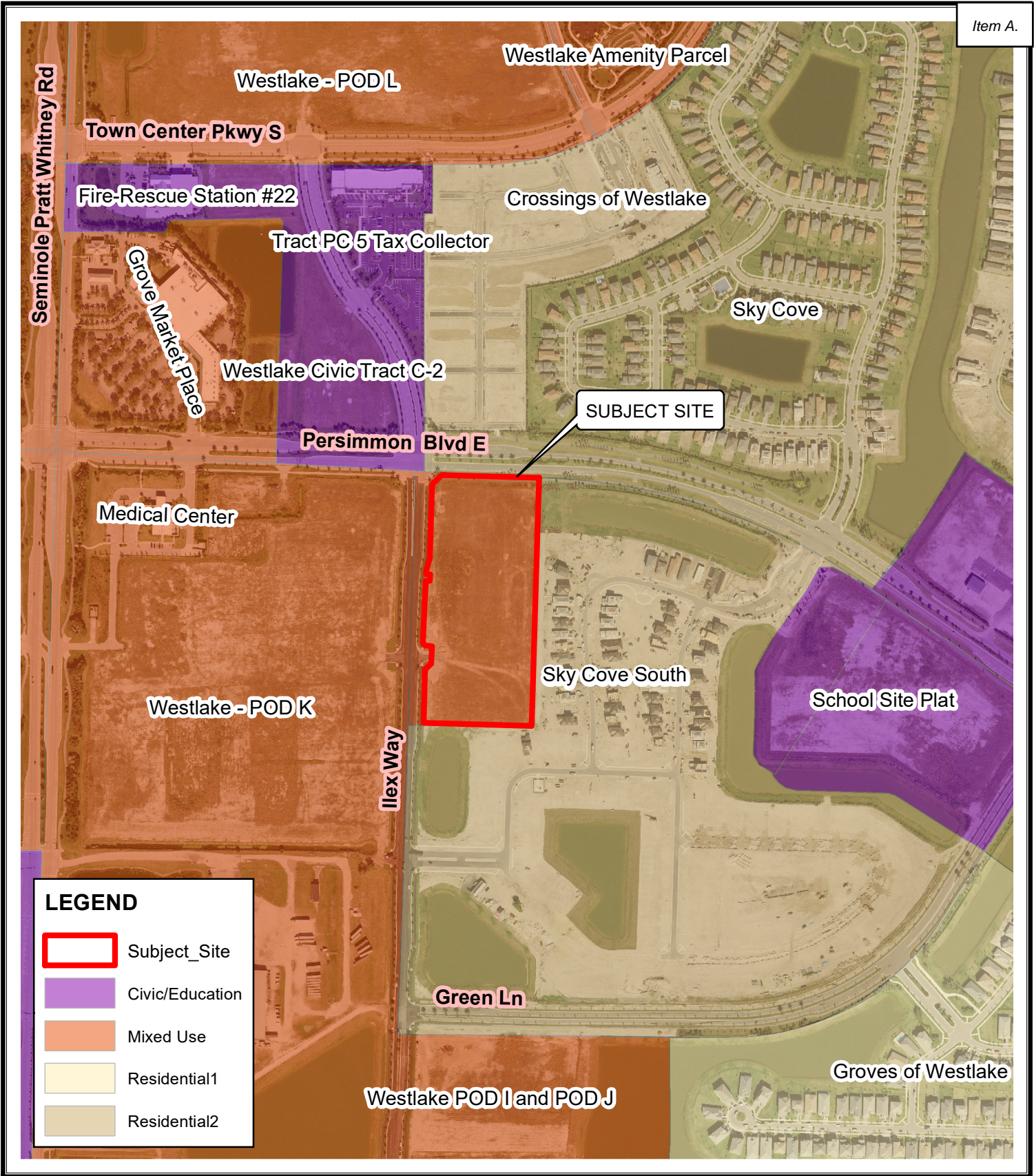
The Applicant proposes a mixed use zoning district within the downtown mixed use future land use designation, which is deemed consistent and pursuant to Chapter 3, Article 3.2, Section 1.

**TABLE 3-1: FUTURE LAND USE CONSISTENCY TABLE**

Future Land Use Category	Consistent Zoning Districts
Downtown Mixed Use	Mixed Use (MU) Town Center (TC) Medical District (M) Civic (C) Open Space and Recreation (OSR) Planned Development (PD)

**V. Conclusion**

The Applicant is requesting approval of the small-scale comprehensive plan amendment to the FLUM of the City’s Plan as presented, along with the related rezoning, both of which are consistent with the City’s Plan and LDRs as well as all applicable Florida Statutes.

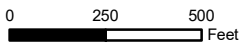


**LEGEND**

- Subject\_Site
- Civic/Education
- Mixed Use
- Residential1
- Residential2



1 inch equals 500 feet



Map Document:  
 (F:\Projects Active\13-0518.123 Minto Westlake Comp  
 Plan Amendment\Maps and Graphics\ArcMap\_Projects)  
 AS 06/21/2022 -- 02:15:00 PM

**Parcel PC-2**  
**Proposed Future Land Use Map**  
 Westlake, Florida



**Cotleur &  
 Hearing**

1934 Commerce Lane · Suite 1 · Jupiter, FL · 33458  
 561.747.6336 · 561.747.1377



# Meeting Agenda Item Coversheet

<b>MEETING DATE:</b>		9/6/22	<b>Submitted By:</b> Planning and Zoning	
<b>SUBJECT:</b> <i>This will be the name of the Item as it will appear on the Agenda</i>		<b>CPA-2022-01:</b> Application of Minto PBLH, LLC proposing a small scale future land use map amendment to change the future land use designation on a 9.137-acre site from Civic to Downtown Mixed Use designation. The site is located at the southwest corner of Persimmon Blvd and Ilex Way.		
<b>STAFF RECOMMENDATION:</b> (MOTION READY)		Motion to recommend approval of CPA-2022-01 Future Land Use Map Amendment		
<b>SUMMARY and/or JUSTIFICATION:</b>		The applicant is proposing a Small-Scale Future Land Use Map (FLUM) amendment to change the future land use designation on a 9.137 acre site from Civic to Downtown Mixed Use designation. The amendment will change the development potential on the site from civic use to a wide range of non-residential and residential uses.		
<b>SELECT, if applicable</b>	<b>AGREEMENT:</b>		<b>BUDGET:</b>	
	<b>STAFF REPORT:</b>	X	<b>PROCLAMATION:</b>	
	<b>EXHIBIT(S):</b>	X	<b>OTHER:</b>	
<b>IDENTIFY EACH ATTACHMENT.</b> <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 Justification Statement Maps			
<b>SELECT, if applicable</b>	<b>RESOLUTION:</b>		<b>ORDINANCE: 2022-10</b>	
<b>IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE</b> <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> <b><u>Please keep text indented.</u></b>				
<b>FISCAL IMPACT (if any):</b>				\$



**PETITION DESCRIPTION**

**PETITION NUMBER:** CPA-2022-01 (Pod C-2) Ordinance 2022-10

**OWNER:** Minto PBLH, LLC

**APPLICANT:** Cotleur & Hearing

**ADDRESS:** Southeast corner of Persimmon Blvd E and Ilex Way

**PCN:** 77-40-43-12-00-000-1010

**REQUEST:** The applicant is proposing a small scale future land use map amendment to change the future land use designation on a 9.13-acre site from Civic to Downtown Mixed Use designation. The site is located at the southwest corner of Persimmon Blvd and Ilex Way.

**SUMMARY**

The applicant is proposing a Small-Scale Future Land Use Map (FLUM) amendment to change the future land use designation on a 9.137 acre site from Civic to Downtown Mixed Use designation. The amendment will change the development potential on the site from civic use to a wide range of non-residential and residential uses. The applicant is also requesting a concurrent application to rezone the subject site from the Civic (C) district to the Mixed Use (MU) zoning district. No site plan has been submitted as part of this application. Once the City receives a site plan application for the subject site it will be reviewed for compliance with the development regulations under Chapter 3 Zoning Districts and Standards, and will need to be approved by the City Council.

This application is consistent with the provisions of Chapter 163.3184 and 163.3187 F.S concerning the processing of a Small-Scale Future Land Use Map (FLUM) amendment to the Comprehensive Plan, as well as providing all applicable data and analysis to support the amendment.

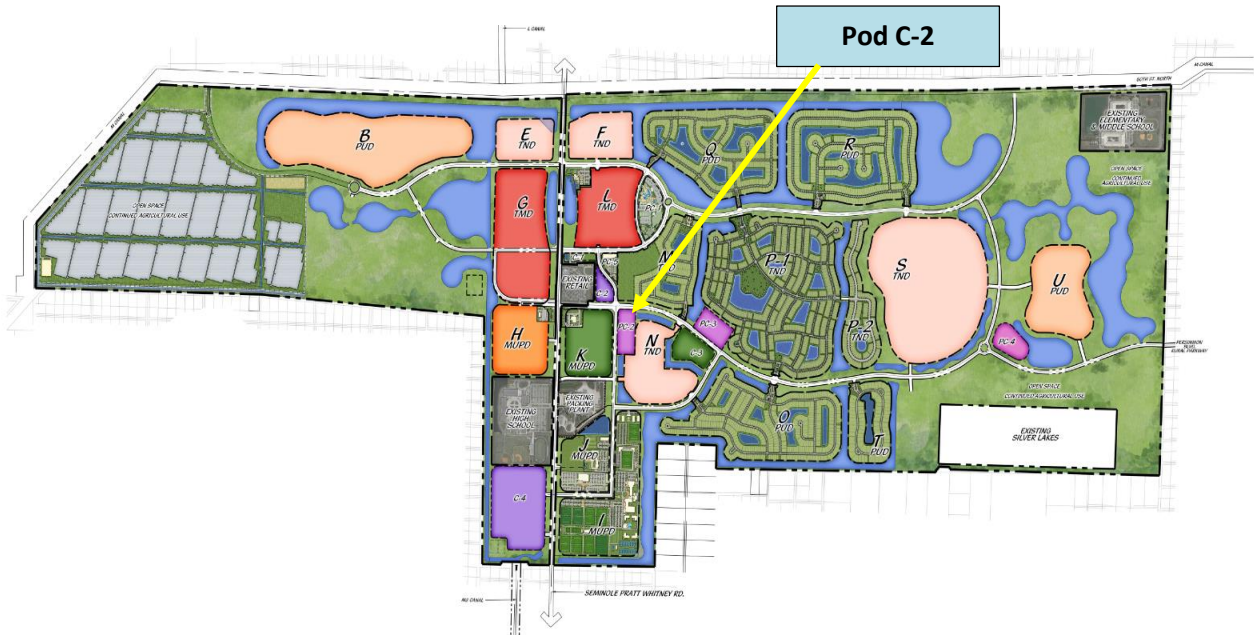
**STAFF RECOMMENDATION**

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

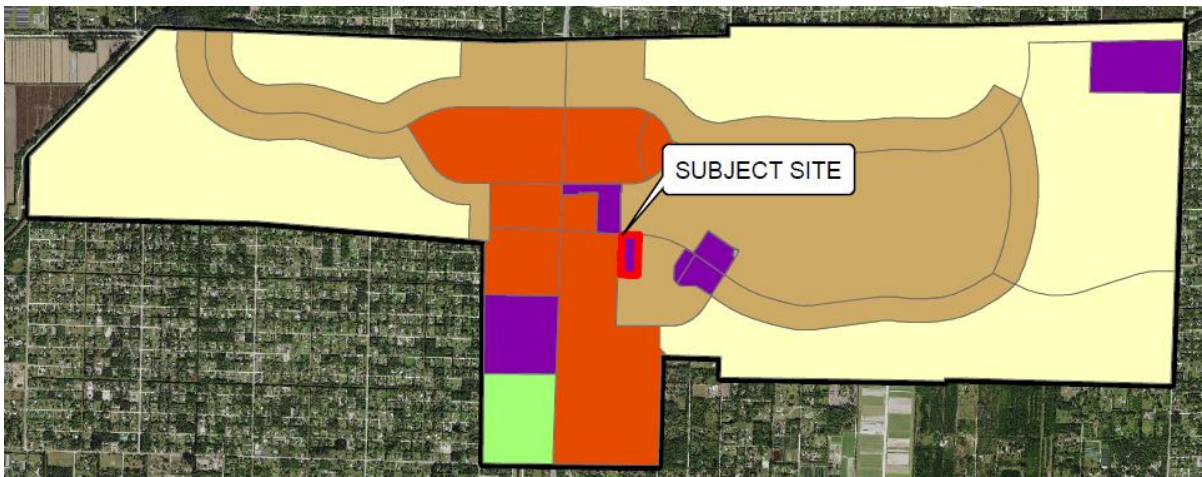
**PETITION FACTS**

- a. Total Gross Site Area: 9.137 acres
- b. Land Use and Zoning
  - Existing Land Use: Vacant
  - Existing Future Land Use: Civic
  - Proposed Future Land Use: Downtown Mixed Use
  - Existing Zoning: Civic (C)
  - Proposed Zoning: Mixed Use (MU)

	FUTURE LAND USE	ZONING
<b>SUBJECT PROPERTY</b>	Civic	Civic
<b>NORTH</b>	Residential-2	Residential-2
<b>SOUTH</b>	Residential-2	Residential-2
<b>EAST</b>	Residential-2	Residential-2
<b>WEST</b>	Mixed Use	Medical District



Current Land Use Map



## BACKGROUND

On June 20, 2016, the City of Westlake became the 39<sup>th</sup> municipality in Palm Beach County. On March 12, 2018, Ordinance No. 2017-05 approved the adoption of the City of Westlake Comprehensive Plan and Future Land Use Map. On September 23, 2019, Ordinance No. 2019-09 established Chapter 3 “Zoning Districts and Standards” and adopting of the Zoning Map. The subject application is the first future land use map amendment processed by the City.

According to the F.S. 163.3187 Process for adoption of small scale comprehensive plan amendment.

- (1) *A small scale development amendment may be adopted under the following conditions:*
- (a) *The proposed amendment involves a use of 50 acres or fewer and:*
- (b) *The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government’s comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity. However, text changes that relate directly to, and are adopted simultaneously with, the small scale future land use map amendment shall be permissible under this section.*
- (c) *The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of s. 420.0004(3), and is located within an area of critical state concern designated by s. 380.0552 or by the Administration Commission pursuant to s. 380.05(1).*
- (2) *Small scale development amendments adopted pursuant to this section require only one public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(11).*

## STAFF ANALYSIS

This small-scale future land use map amendment process is required in order to replace the existing future land use designation of Civic to the Downtown Mixed Use designation.

The current Civic designation included in the Comprehensive Plan includes the following policies and allowable uses:

### Policy FLU 1.1.14 Civic Future Land Use Category

The Civic future land use category will provide areas for the uses provided for below. The Civic future land use category may be applied to publicly or privately owned lands.

#### a) Allowable Uses:

Civic uses

Religious uses

Meeting halls, exhibition and conference centers, and fairgrounds

Educational uses

Recreational uses

Conservation uses

Accessory uses

#### b) Non Residential Intensity:

A maximum of a 1.5 FAR



The subject application is requesting change to the Downtown Mixed Use category, which includes the following policies and allowable uses:

Policy FLU 1.1.15

The Downtown Mixed-Use future land use category accommodates an active, pedestrian-friendly area of commercial, residential, and civic uses that provide substantial opportunities for employment, shopping, civic, and recreation activities accessible by mass transit.

Allowable Uses:

Commercial uses

Residential uses may include:

- Single family attached dwellings
- Multi-family dwellings
- Accessory dwelling units

Light industrial uses

Institutional uses

Assisted living facilities

Continuing care facilities

All uses allowed in the Civic future land use category

Accessory uses

Commercial recreation uses

Residential Density:

The minimum gross density is 4 units per gross acre, and the maximum gross density is 16 dwelling units per gross acre. Bonus densities may be granted up to 8 additional units per acre for senior, workforce, and/or affordable housing consistent with Policy FLU 1.2.4.

Non Residential Intensity:

Maximum of a 3.0 FAR.

Mix of Uses:

The table below identifies the mix of uses applied to the total area of the Downtown Mixed-Use future land use category within the City. The mix of uses is not required on a parcel-by-parcel basis. Not all of the land uses have to be developed at the same time, nor is one land use a prerequisite to another land use.

<b><u>Allowed -Land Uses</u></b>	<b>Minimum %</b>	<b>Maximum %</b>
<b>Residential`</b>	5%	25%
<b>Commercial and commercial recreation</b>	10%	70%
<b>Civic</b>	2%	30%
<b>Light industrial</b>	5%	25%
<b>Institutional and continuing care facilities</b>	0%	10%

**Compatibility:**

The adjacent existing land uses shows that the proposed land use is compatible with the adjacent properties. To the north, south and east are single-family residences with City future land use designations of Residential-2 (R-2). To the west is Wellington Medical Center with City future land use designation of Downtown Mixed Use. The existing development and future land use designations of the surrounding properties show that the proposed Downtown Mixed Use designation is compatible with the surrounding area since the designation is a continuation of the FLU designation of the property to the west, as well as consistent with the developed character of the area.

**Level of Service (LOS)**

The subject future land use map change is small scale amendment, and in the future any proposed development plan shall comply with the following adopted level of services:

## Portable Water

## Policy INF 1.1.3

The potable water LOS standard for residential uses shall be 110 gallons per capita per day.

## Policy INF 1.1.4

The potable water LOS standards for non-residential uses shall be 150 gallons per 1,000 sq. ft. per day with the following exceptions: schools shall have a LOS standard of 18 gpd per student; hotels shall have a LOS standard of 100 gpd per room; and parks shall have a LOS standard of 10 gpd per visitor.

## Wastewater and Resuse Water

## Policy INF 1.3.3

The wastewater LOS standard for residential uses shall be 100 gallons of wastewater per capita per day.

## Policy INF 1.3.4

The wastewater LOS standard for non-residential uses shall be 150 gallons of wastewater per 1,000 sq. ft. per day with the following exceptions: schools shall have a LOS standard of 18 gpd per student; hotels shall have a LOS standard of 100 gpd per room; and parks have a LOS standard of 10 gpd per visitor.

## Solid Waste

## Policy INF 1.5.2

The solid waste LOS standard shall be 7.02 pounds of solid waste per person per day.

#### Drainage

##### Policy INF 1.6.6

The City shall coordinate with SID to maximize the use of existing drainage facilities.

#### ***Consistency with the Comprehensive Plan:***

The proposed amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan.

Objective FLU 1.6: Ensure compatibility among various future land uses while promoting mixed use, economic development and multi-modal transportation.

Policy 1.6.1: Establish land use patterns that promote walking, biking, and mass transit to access goods, services, education, employment, and recreation, thereby reducing automobile dependency, vehicle miles traveled, and vehicle emissions.

Policy: 1.6.2: All allowable uses within a future land use category are deemed compatible with one another for purposes of the Plan and the Land Development Regulations.

##### Policy HE 1.2.1

Allow for and support commercial and light industrial development, which will provide employment opportunities within the City to enable the purchase or rent of affordable housing.

##### Policy FLU 1.6.1

Establish land use patterns that promote walking, biking, and mass transit to access goods, services, education, employment, and recreation, thereby reducing automobile dependency, vehicle miles traveled, and vehicle emissions.

##### Policy 1.6.5

Development abutting a different future land use category shall comply with the following minimum compatibility requirements. The City may adopt additional buffer requirements in the Land Development Regulations.

##### Policy 1.6.7

A public road, shared use path, or water feature at least 30 feet wide can be designated in lieu of a buffer.

##### Policy 1.6.8

Alternative compatibility techniques, including but not limited to one or a combination of the following: architectural features, building placement, setbacks, berms, and landscaping, that have the same effect as a buffer and promote mixed use and walkability, may be used in lieu of the compatibility requirements in Policies 1.6.5, 1.6.6 and 1.6.7.

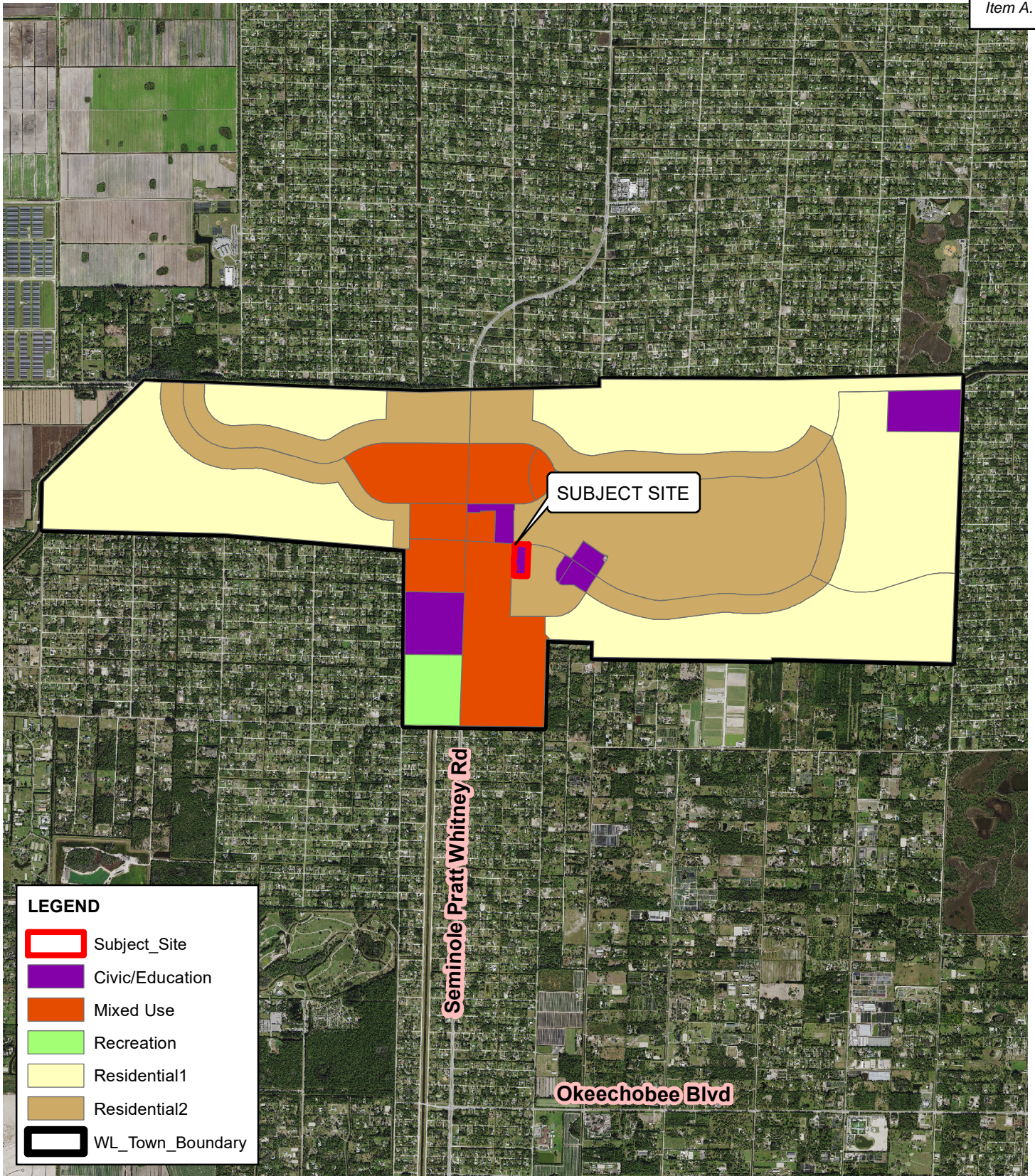
#### ***Consistency with Chapter 163, Florida Statutes:***

The amendment is consistent with the provisions of Chapter 163.3184 and 163.3187 F.S concerning the processing of a small-scale future land use amendment to the Comprehensive Plan, as well as providing all applicable data and analysis to support the amendment.








This small-scale future land use amendment to the Comprehensive Plan is compatible with adjacent land uses, adequately address concurrency issues, and is consistent with the City's Comprehensive Plan, and Chapter 163, F.S.

**STAFF RECOMMENDATION**

Please see page 1 for staff recommendation.

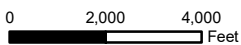


**LEGEND**

-  Subject\_Site
-  Civic/Education
-  Mixed Use
-  Recreation
-  Residential1
-  Residential2
-  WL\_Town\_Boundary



1 inch equals 4,000 feet



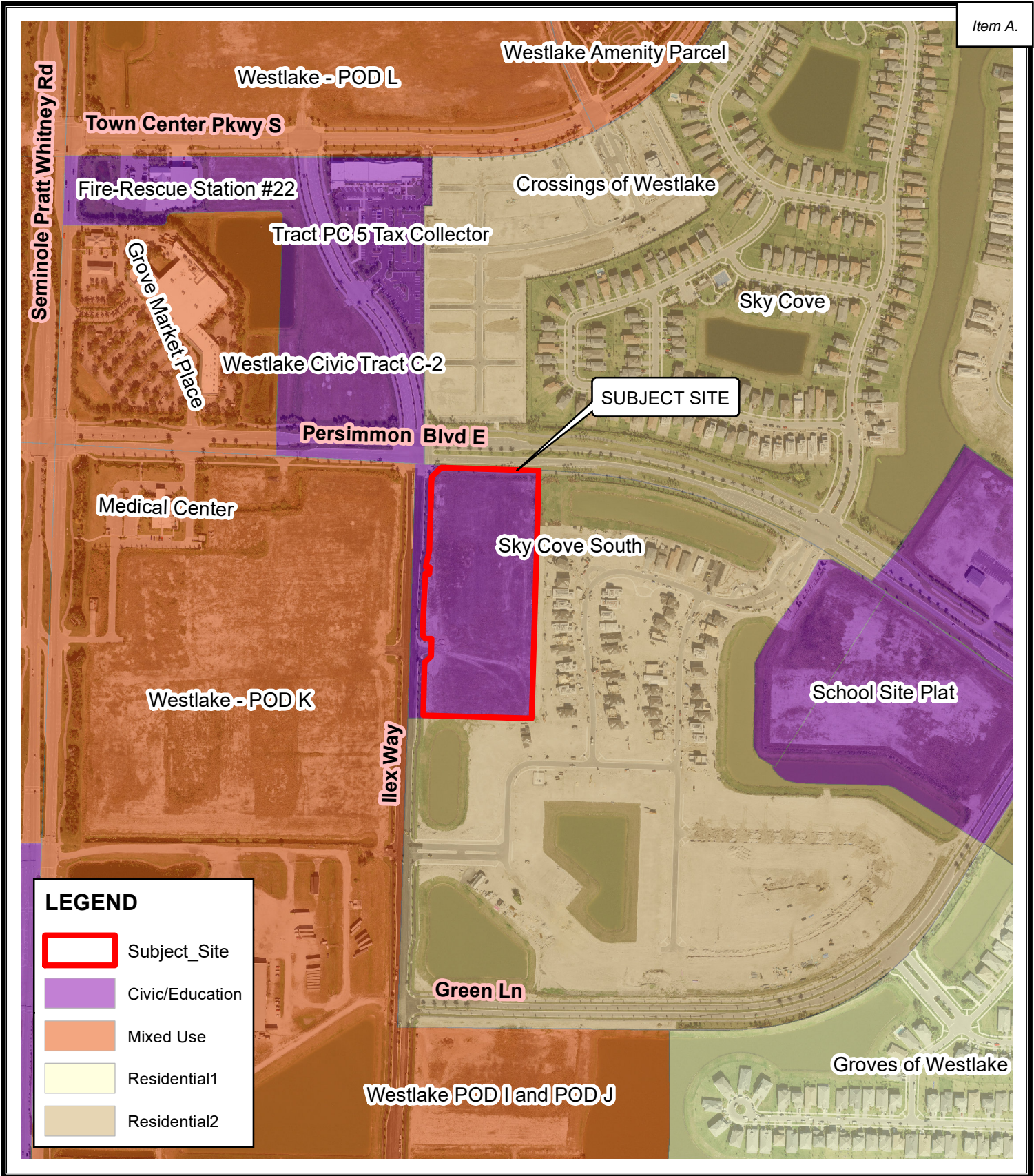
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**Parcel PC-2**  
**Existing Future Land Use Map**  
 Westlake, Florida



**Cotleur &  
 Hearing**

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 561.747.6336 · 561.747.1377

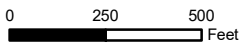


**LEGEND**

- Subject\_Site
- Civic/Education
- Mixed Use
- Residential1
- Residential2



1 inch equals 500 feet



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**Parcel PC-2**  
**Existing Future Land Use Map**  
 Westlake, Florida



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 561.747.6336 · 561.747.1377

Reply To: [tduhy@llw-law.com](mailto:tduhy@llw-law.com)

Ken Cassel, City Manager  
City of Westlake  
4001 Seminole Pratt Whitney Road  
Westlake, FL 33470

Dear Mr. Cassel:

Please accept the following responses to the comments from City Staff dated August 5, 2022 on the Small Scale Comprehensive Plan Amendment and Rezoning Applications. As you may recall, these applications were submitted as joint application, but on August 8, 2022, it was agreed that City Staff would duplicate the joint application and process the Small-Scale Comprehensive Plan Amendment and the Rezoning Application separately. Therefore, these responses apply to both applications.

### **Responses to Staff Comments**

1. **Staff Comment:** Provide two separate application requests. One for the FLUM Amendment and another for the Zoning Change including separate justification statements. Please note that City Council will hear these applications individually.

**Applicant Response:** Understood. As discussed with staff on August 8, 2022, because the rezoning and FLUM Amendment applications contain the same information as noted in the original submittal and because no additional fees are required, staff will duplicate the submitted information to be addressed as a separate Rezoning Application.

2. **Staff Comment:** Address Level of Service in the Justification Statement. Justification Statement states that concurrency will be addressed through the site planning process. However, Level of Service is required to be addressed as part of this FLUM Amendment for the highest intensity use allowed. Justification Statement must address level of service as follows:

01792604-6

**JACKSONVILLE**  
245 Riverside Ave.,  
Suite 510  
Jacksonville, Florida 32202  
T: 904.353.6410  
F: 904.353.7619

**ST. PETERSBURG**  
100 Second Ave., South  
Suite 501-S  
St. Petersburg, Florida 33701  
T: 727.245.0820  
F: 727.290.4057

**TALLAHASSEE**  
315 South Calhoun St.,  
Suite 830  
Tallahassee, Florida 32301  
T: 850.222.5702  
F: 850.224.9242

**TAMPA**  
301 West Platt St.  
Suite 364  
Tampa, Florida 33606  
T: 813.775.2331

**WEST PALM BEACH**  
360 South Rosemary Ave.,  
Suite 1100  
West Palm Beach, FL 33401  
T: 561.640.0820  
F: 561.640.8202

- Policy INF 1.1.4** The potable water LOS standards for non-residential uses shall be 150 gallons per 1,000 sq. ft. per day with the following exceptions: schools shall have a LOS standard of 18 gpd per student; hotels shall have a LOS standard of 100 gpd per room; and parks shall have a LOS standard of 10 gpd per visitor.
- Policy INF 1.3.4** The wastewater LOS standard for non-residential uses shall be 150 gallons of wastewater per 1,000 sq. ft. per day with the following exceptions: schools shall have a LOS standard of 18 gpd per student; hotels shall have a LOS standard of 100 gpd per room; and parks have a LOS standard of 10 gpd per visitor.
- Policy INF 1.5.2** The solid waste LOS standard shall be 7.02 pounds of solid waste per person per day.
- Policy INF 1.6.6** The City shall coordinate with SID to maximize the use of existing drainage facilities.

***Applicant Response:***

Policies INF 1.1.4, INF 1.3.4, and INF 1.5.2 set the level of service standards for the City.

Levels of service are analyzed and applied to specific developments through concurrency. As stated in the Justification Statement, concurrency for transportation, drainage, potable water, wastewater, and solid waste will be addressed through the Site Planning process for any proposed use on the Property pursuant to Chapter 2, Article 2.2, Section 3. Therefore, Applicant is not required to submit further information at this time.

However, as further explained in the Justification Statement, the level of service standards are based on data and analysis that rely on development occurring with a mix of uses, which mix is set forth in Policy FLU 1.1.15. As explained in the Justification Statement, the proposed plan amendment will preserve the mix of uses as contemplated in 1.1.15 because the development of the site with commercial and other non-residential uses will balance out the amount of the land in the Mixed Use District that has been developed with or permitted for civic use following the development of the Christ Fellowship Center. Thus, as explained in the Justification Statement, the proposed amendment will not call for any development not already contemplated by the Plan and the underlying data and analysis for the existing Comprehensive Plan support the proposed amendment. Therefore, it is anticipated that this amendment will not negatively impact the ability of public facilities to operate within the acceptable levels of service.



Ken Cassel  
 August 15, 2022  
 Page 3

Policy 1.6.6 speaks to the City's coordination with SID and requires no further information from the Applicant.

3. **Staff Comment:** Provide a traffic analysis/statement for the proposed change.  
**Applicant Response:** No change in use is proposed and no site plan has been filed with this application. Therefore, no traffic analysis/statement is required.
4. **Staff Comment:** Clarify the note on the Adjacent Parcel Buffer Map. Map shows the subject property providing a buffer? The type of buffer its [sic] not called out.

**Applicant Response:** No site plan has been filed with this Application. As discussed in the Justification Statement, the City's Comprehensive Plan and Land Development Regulations ("LDRs") require the applicant to provide appropriate buffering for the proposed use to ensure compatibility with adjacent development. Because a use has not yet been proposed and no site plan has been filed, this comment is premature. Buffering will be addressed, as required by the City's LDRs, as part of the site planning process once a use is proposed.

5. **Staff Comment:** Provide in Justification Statement reasons why the property cannot be used in accord with existing zoning. Justify the need to for the rezoning from Civic to the Mixed-Use district.

**Applicant Response:** There is no requirement in the City's LDRs to justify why the property cannot be used in accordance with existing zoning. Nonetheless, the basis for the application is to rebalance the mix of uses in the Mixed Use zoning district. This will allow for a more vibrant downtown and increase the City's tax base by allowing a balance of uses more consistent with what was contemplated in the City's Comprehensive Plan than what has been built to date. See attached Exhibit, which demonstrates the amount of existing and permitted civic uses already within the Mixed Use Zoning District, and within the City.

6. **Staff Comment:** Confirm the proposed change would not be contrary to the land use plan and would not have adverse impacts to the Comprehensive Plan.

**Applicant Response:** As detailed in the Justification Statement, the proposed amendment is consistent with the Comprehensive Plan.

7. **Staff Comment:** Confirm the proposed rezoning is consistent with the existing land use pattern.

**Applicant Response:** The rezoned property will be near other Mixed Use districts and is similar in type to the adjacent medical district. The rezoning will provide for an orderly development pattern consistent with the Comprehensive Plan.

Ken Cassel  
August 15, 2022  
Page 4

8. **Staff Comment:** Confirm the proposed rezoning will not create an isolated district unrelated to adjacent and nearby districts.

**Applicant Response:** There is no requirement in the City's LDRs to provide this justification; nonetheless, the rezoned property will be near to other Mixed Use districts, is similar in type to the adjacent medical district, and abuts the Downtown Mixed Use Future Land Use Category on the City's 2038 Future Land Use Map, FLU Map 2.1.

9. **Staff Comment:** Provide justification that the proposed change will not create or excessively increase traffic.

**Applicant Response:** No change in use is proposed and no site plan has been submitted as part of this application. Therefore, no traffic analysis/statement is required. However, as further explained in the Justification Statement, the level of service standards are based on data and analysis that rely on development occurring with a mix of uses, which mix is set forth in Policy FLU 1.1.15. As explained in the Justification Statement, the proposed plan amendment will preserve the mix of uses as contemplated in 1.1.15 because the development of the site with commercial and other non-residential uses will balance out the amount of the land in the Mixed Use District that has been developed with or permitted for civic use following the development of the Christ Fellowship Center. Thus, as explained in the Justification Statement, the proposed amendment will not call for any development not already contemplated by the Plan and the underlying data and analysis for the existing Comprehensive Plan support the proposed amendment. Therefore, it is anticipated that this amendment will not negatively impact the ability of public facilities to operate within the acceptable levels of service.


10. **Staff Comment:** Justify that the change will not adversely influence living conditions in the neighborhood.

**Applicant Response:** There is no requirement in the City's LDRs to justify that the property will not adversely influence living conditions in the neighborhood. Nonetheless, the basis for the application is to rebalance the mix of uses in the Mixed Use zoning district. This will allow for a more vibrant downtown and increase the City's tax base by allowing a balance of uses more consistent with what was contemplated in the City's Comprehensive Plan than what has been built to date. See attached Exhibit, which demonstrates the amount of existing and permitted civic uses already within the Mixed Use Zoning District, and within the City. Further, as discussed in the Justification Statement, compatibility with adjacent developments will be addressed through buffering as required by the City's Comprehensive Plan and LDRs.

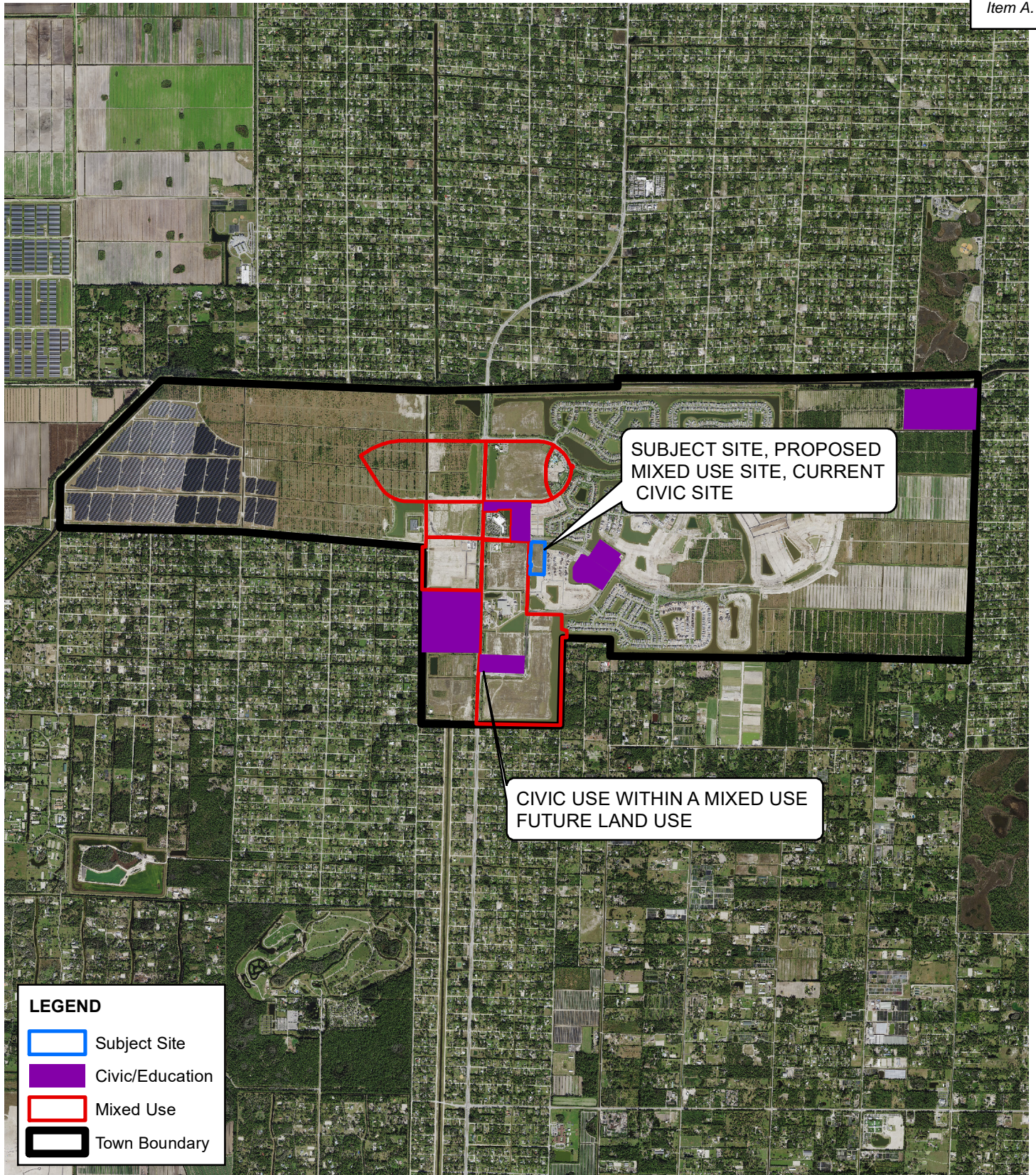
Ken Cassel  
August 15, 2022  
Page 5

**Additional Applicant Comments:** City staff and legal have stated their intention to adopt the small-scale comprehensive plan amendment by ordinance, with readings at both the September and October City Council meetings. The City Attorney further clarified on August 11, 2022, that only the September meeting shall be considered a public hearing for purposes of the adoption. While Minto does not agree that adoption of a small-scale amendment requires two readings, it will consent to the proposed schedule without further objection in this instance because it is agreed that the associated rezoning will require two meetings for adoption.

The Applicant will collaborate closely with City 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. If the City requires any additional information to process the subject applications, please do not hesitate to contact me.

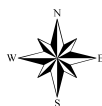
  
For Tara W. Duhy

CC: Donald J. Doody  
John Carter  
Don Hearing

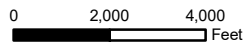


**LEGEND**

-  Subject Site
-  Civic/Education
-  Mixed Use
-  Town Boundary



1 inch equals 4,000 feet



Map Document:  
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 Plan Amendment\Maps and Graphics\ArcMap\_Projects)  
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# Parcel PC-2

## Mixed Use - Future Land Use Analysis Map

### Westlake, Florida



**Cotleur &  
 Hearing**

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 561.747.6336 · 561.747.1377

8/18 127p

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**ORDINANCE NO. 2022-10**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, SPECIFICALLY AMENDING A PORTION OF THE CITY OF WESTLAKE FUTURE LAND USE MAP AS A SMALL SCALE AMENDMENT; CHANGING THE FUTURE LAND USE DESIGNATION FROM CIVIC CATEGORY TO DOWNTOWN MIXED USE CATEGORY ON PROPERTY DESIGNATED AS POD PC-2, MORE PARTICULARLY DESCRIBED HEREIN AND CONTAINING 9.137 ACRES MORE OR LESS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

---

**WHEREAS**, an application filed by Minto PBLH, LLC (Applicant) seeks a small scale future land use map amendment of the hereinafter described property; and

**WHEREAS**, the City of Westlake Future Land Use Map designates the said property as Civic Site; and

**WHEREAS**, the Applicant wishes to amend the City’s Future Land Use map to change the land use designation from Civic Category to a Downtown Mixed Use Category for property on property designated as POD PC-2.

**WHEREAS**, said application was heard and considered before the City Council of the City of Westlake and at a duly scheduled public hearing all objections, if any, were heard.

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

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

**SECTION 2.** This application coming before the City Council pursuant to an application filed by Minto PBLH, LLC, and in accordance with the Florida Statutes, a Public Hearing having been held on October \_\_\_\_\_ 2022, the City Council hereby acknowledges and approves the application submitted by Minto PBLH, LLC, as the owner of the following described property and therefore, the Westlake Future Land Map is hereby amended to change the Future Land Use designation from current Civic category to Downtown Mixed Use category on property located on property designated as POD PC-2 and legally described as follows:

See attached *Exhibit “A”*

8/18 127p

1           **SECTION 3. Conflicts.** All ordinances or parts of ordinances,  
2 resolutions or parts of resolutions which are in conflict herewith, are hereby  
3 repealed to the extent of such conflict.  
4

5           **SECTION 4. Severability.** Should the provisions of this ordinance be  
6 declared to be severable and if any section, sentence, clause or phrase of this  
7 ordinance shall for any reason be held to be invalid or unconstitutional, such  
8 decision shall not affect the validity of the remaining sections, sentences, clauses,  
9 and phrases of this ordinance but they shall remain in effect, it being the  
10 legislative intent that this ordinance shall remain notwithstanding the invalidity  
11 of any part.  
12

13           **SECTION 5. Effective Date.** This ordinance shall be effective upon  
14 adoption on second reading.  
15

16 **PASSED** this \_\_\_\_ day of September, 2022, on first reading.

17 **PUBLISHED** on this \_\_\_\_ day of October, 2022 in the Palm Beach Post.

18 **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2022, on second reading.

19 \_\_\_\_\_  
20 City of Westlake  
21 John Paul O'Connor, Mayor

22 ATTEST:  
23 \_\_\_\_\_  
24 Zoie Burgess, City Clerk  
25

26 APPROVED AS TO LEGAL FORM:

27  
28 \_\_\_\_\_  
29 OFFICE OF THE CITY ATTORNEY  
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8/18 127p

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**Exhibit "A"**

2 A PARCEL OF LAND LYING IN SECTION 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY  
3 OF WESTLAKE, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

4 **COMMENCE** AT THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE  
5 40 EAST; THENCE S.01°33'05"W. ALONG THE EAST LINE OF SAID SECTION 1, A DISTANCE  
6 OF 250.33 FEET TO A POINT ON THE NORTH LINE OF THE 80 FOOT M-CANAL ROAD  
7 EASEMENT AS RECORDED IN DEED BOOK 1156, PAGE 58 OF THE PUBLIC RECORDS OF  
8 PALM BEACH COUNTY, FLORIDA AND AS SHOWN IN ROAD PLAT BOOK 6, PAGE 136 OF  
9 SAID PUBLIC RECORDS, AND AS MONUMENTED; THENCE S.88°36'57"W. ALONG SAID  
10 NORTH LINE OF THE 80 FOOT M-CANAL ROAD EASEMENT, A DISTANCE OF 3776.52 FEET  
11 TO A POINT ON THE ORIGINAL EAST RIGHT-OF-WAY LINE OF SEMINOLE PRATT  
12 WHITNEY ROAD AS RECORDED IN OFFICIAL RECORD BOOK 1544, PAGE 378 AND  
13 OFFICIAL RECORD BOOK 1640, PAGE 1626 BOTH OF SAID PUBLIC RECORDS; THENCE  
14 S.01°42'52"W. ALONG SAID ORIGINAL EAST RIGHT-OF-WAY LINE OF SEMINOLE PRATT  
15 WHITNEY ROAD, A DISTANCE OF 4364.18 FEET TO THE NORTHWEST CORNER OF THE  
16 EXISTING RIGHT-OF-WAY OF SEMINOLE PRATT WHITNEY ROAD AS RECORDED IN  
17 OFFICIAL RECORD BOOK 28479, PAGE 822 OF SAID PUBLIC RECORDS, ALSO A POINT ON  
18 THE SOUTH LINE OF PERSIMMON BOULEVARD AS RECORDED IN OFFICIAL RECORD  
19 BOOK 10202, PAGE 430, OF SAID PUBLIC RECORDS; THENCE S.88°17'08"E., ALONG SAID  
20 SOUTH LINE OF PERSIMMON BOULEVARD, A DISTANCE OF 646.56 FEET TO A POINT ON  
21 THE EAST LINE OF SAID EXISTING RIGHT-OF-WAY OF SEMINOLE PRATT WHITNEY  
22 ROAD; THENCE S.01°42'52"W., ALONG SAID EAST LINE, A DISTANCE OF 77.00 FEET;  
23 THENCE CONTINUE S.01°42'52"W., A DISTANCE OF 3.00 FEET TO A POINT ON THE  
24 ADDITIONAL RIGHT-OF-WAY OF PERSIMMON BOULEVARD, AS SHOWN ON PERSIMMON  
25 BOULEVARD EAST - PLAT 1, AS RECORDED IN PLAT BOOK 125, PAGES 106 AND 107, OF  
26 SAID PUBLIC RECORDS; THENCE CONTINUE ALONG SAID ADDITIONAL RIGHT-OF-WAY  
27 FOR THE FOLLOWING THREE (3) COURSES: 1) S.88°17'08"E., A DISTANCE OF 573.95 FEET;  
28 2) THENCE S.43°17'08"E., A DISTANCE OF 53.74 FEET; 3) THENCE S.88°17'08"E., A DISTANCE  
29 OF 112.50 FEET TO POINT ON THE EAST RIGHT-OF-WAY OF ILEX WAY II, AS SHOWN OF  
30 ILEX WAY II, AS RECORDED IN PLAT BOOK 128, PAGES 22 THROUGH 25, INCLUSIVE, OF  
31 SAID PUBLIC RECORDS AND THE **POINT OF BEGINNING**; THENCE CONTINUE  
32 S.88°17'08"E. ALONG SAID ADDITIONAL RIGHT-OF-WAY, A DISTANCE OF 1.50 FEET TO  
33 THE SOUTHEAST CORNER OF PERSIMMON BOULEVARD EAST - PLAT 1, AS RECORDED IN  
34 PLAT BOOK 125, PAGES 106 AND 107, OF SAID PUBLIC RECORDS, ALSO A POINT ON THE  
35 SOUTHERLY RIGHT-OF-WAY OF PERSIMMON BOULEVARD EAST, AS SHOWN ON  
36 PERSIMMON BOULEVARD EAST-PLAT 2, AS RECORDED IN PLAT BOOK 128, PAGES 22  
37 THROUGH 25, INCLUSIVE, OF SAID PUBLIC RECORDS; THENCE ALONG SAID SOUTHERLY  
38 RIGHT-OF-WAY OF PERSIMMON BOULEVARD EAST, FOR THE FOLLOWING THREE (3)  
39 COURSES: 1) N.01°42'52"E., A DISTANCE OF 12.00 FEET; 2) THENCE N.46°42'53"E., A  
40 DISTANCE OF 56.57 FEET; 3) THENCE S.88°17'08"E., A DISTANCE OF 373.13 FEET; THENCE  
41 S.01°41'49"W., A DISTANCE OF 947.92 FEET; THENCE N.88°18'58"W., A DISTANCE OF 419.92  
42 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF ILEX WAY II, AS RECORDED IN PLAT  
43 BOOK 128, PAGES 22 THROUGH 25, INCLUSIVE, OF SAID PUBLIC RECORDS; THENCE  
44 ALONG SAID EAST RIGHT-OF-WAY LINE OF ILEX WAY II FOR THE FOLLOWING SIX (6)  
45 COURSES: 1) N.01°42'52"E., A DISTANCE OF 286.41 FEET; 2) THENCE N.43°17'08"W., A

8/18 127p

1 DISTANCE OF 15.56 FEET; 3) THENCE N.01°42'52"E., A DISTANCE OF 38.40 FEET; 4) THENCE  
2 N.02°54'08"E., A DISTANCE OF 239.24 FEET; 5) THENCE N.14°07'19"E., A DISTANCE OF 51.38  
3 FEET; 6) THENCE N.01°42'52"E., A DISTANCE OF 270.96 FEET TO THE **POINT OF**  
4 **BEGINNING.**

5 CONTAINING: 398,017 SQUARE FEET OR 9.137 ACRES, MORE OR LESS.  
6





# Meeting Agenda Item Coversheet

<b>MEETING DATE:</b>		9/6/22	<b>Submitted By:</b> Planning and Zoning	
<b>SUBJECT:</b> <i>This will be the name of the Item as it will appear on the Agenda</i>		<b>ZC-2022-01:</b> Application of Minto PBLH, LLC requesting a zoning change from the Civic (C) zoning district to the Mixed Use (MU) zoning district. The site is located at the southwest corner of Persimmon Blvd and Ilex Way.		
<b>STAFF RECOMMENDATION:</b> (MOTION READY)		Motion to recommend approval of ZC-2022-01 zoning change from the Civic (C) zoning district to the Mixed Use (MU) zoning district.		
<b>SUMMARY and/or JUSTIFICATION:</b>		The applicant is requesting to change the zoning designation from the Civic (C) district to the Mixed Use (MU) zoning district on a 9.137 acre site. The amendment will change the development potential on the site from civic use to a wide range of commercial and residential uses. An application for a Future Land Use Map (FLUM) amendment is being processed concurrent with the subject application. The FLUM amendment is proposing to change the future land use designation from Civic to Downtown Mixed Use.		
<b>SELECT, if applicable</b>	<b>AGREEMENT:</b>		<b>BUDGET:</b>	
	<b>STAFF REPORT:</b>	X	<b>PROCLAMATION:</b>	
	<b>EXHIBIT(S):</b>	X	<b>OTHER:</b>	
<b>IDENTIFY EACH ATTACHMENT.</b> <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 Maps			
<b>SELECT, if applicable</b>	<b>RESOLUTION:</b>		<b>ORDINANCE: 2022-11</b>	
<b>IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE</b> <i>(if Item is <u>not</u> a Resolution or Ordinance, please erase all default text from this field's textbox and leave blank) <b><u>Please keep text indented.</u></b></i>				
<b>FISCAL IMPACT (if any):</b>				\$

Reply To: [tduhy@llw-law.com](mailto:tduhy@llw-law.com)**MEMORANDUM**

TO: Ken Cassel

FROM: Tara W. Duhy, Esquire

DATE: August 1, 2022

SUBJECT: **Data and Analysis and Justification Statement**

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**I. Introduction**

Minto PBLH, LLC, is requesting a small-scale comprehensive plan amendment to the City of Westlake's Comprehensive Plan Future Land Use Map ("FLUM") along with a rezoning for the parcel referred to as Pod PC-2, as more fully described in the Legal Description included as part of this application ("the Parcel"). Specifically, the Applicant is requesting that the future land use designation of the Parcel be amended from its current civic category to the downtown mixed use category and that the Parcel be rezoned from the civic district to the mixed use district. As will be discussed in greater detail below, these requests are consistent with the City's Comprehensive Plan ("Plan") and Land Development Regulations ("LDRs") as well as the Community Planning Act.

**II. Procedural Summary**

The two applications qualify for concurrent processing pursuant to Chapter 3, Article 2.3, Section 3 of the City's Land Development Regulations. A pre-application meeting was held with the City Manager and City attorney on July 15, 2022.

***Small Scale Comprehensive Plan Amendment***

The requested Amendment is consistent with Policy ADM 1.1.4 of the City's Plan and qualifies to be processed as a small-scale comprehensive plan amendment pursuant to Chapter 2, Article 2.2, Section 2(A) of the City's LDRs, which provides:

01784498-2

**JACKSONVILLE**  
245 Riverside Ave.,  
Suite 510  
Jacksonville, Florida 32202  
T: 904.353.6410  
F: 904.353.7619

**ST. PETERSBURG**  
100 Second Ave., South  
Suite 501-S  
St. Petersburg, Florida 33701  
T: 727.245.0820  
F: 727.290.4057

**TALLAHASSEE**  
315 South Calhoun St.,  
Suite 830  
Tallahassee, Florida 32301  
T: 850.222.5702  
F: 850.224.9242

**TAMPA**  
301 West Platt St.  
Suite 364  
Tampa, Florida 33606  
T: 813.775.2331

**WEST PALM BEACH**  
360 South Rosemary Ave.,  
Suite 1100  
West Palm Beach, FL 33401  
T: 561.640.0820  
F: 561.640.8202

(1) Comprehensive Plan amendment applications that meet the following criteria will be processed as Small-Scale Plan Amendments. In order to be processed as a Small-Scale Plan Amendment:

- (a) The proposed amendment relates to a parcel that is less than 10 acres in size;
- (b) The proposed amendment is only for a site-specific small scale development activity;
- (c) The parcel that is the subject of the proposed amendment is not located within an area of critical state concern;
- (d) The City must not have approved more than 120 acres of small scale amendments in the calendar year in which the application is submitted; and
- (e) Text amendments associated with the Small-Scale Plan Amendment to the Future Land Use Map ("Small Scale Map Amendment") are directly related to and will be adopted simultaneously with the Small-Scale Map Amendment

The Parcel is approximately 9.137 acres in size and the Applicant is only requesting an amendment to the FLUM for small scale development activity. The Parcel is not located within an area of critical state concern and the City has not approved any small-scale amendments in the current calendar year. Finally, while permitted, the Applicant is not seeking any text amendments related to the requested small-scale amendment. Therefore, the application is consistent with the City's LDRs. For the same reasons, the subject application is consistent with the requirements Section 163.3187, Florida Statutes.

Pursuant to Section 163.3187(2), Florida Statutes and Table 2.1 of Chapter 3 of the City's LDRs, a small-scale comprehensive plan amendment only requires one public hearing before the City Council, which shall be an adoption hearing as described in Section 163.3184(11), Florida Statutes.<sup>1</sup> "Small scale amendments may not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments may not become effective until the state land planning agency or Administrative Commission, respectively, issues a final order determining that the adopted small scale development amendment is in compliance." Section 163.3187(5)(c), Florida Statutes.

**Rezoning**

The requested rezoning is contingent on approval of the requested small-scale amendment to the City's FLUM and is consistent with the City's Plan and LDR. Pursuant to the Table 2-1 of Chapter 3 of

---

<sup>1</sup> The City Code also requires that small-scale amendments be heard by the Land Planning Agency.

the City’s LDRs, a Rezoning is subject to approval by the City Council and must be heard by the Land Planning Agency.

**III. Comprehensive Plan Consistency and Compliance Analysis**

Florida Statutes requires that “[c]omprehensive plans may only be amended in such a way as to preserve the internal consistency of the plan pursuant to s. 163.3177.” See Section 163.3187(4), Florida Statutes. Section 163.3184 also requires that comprehensive plan amendments be “consistent with the requirements of ss. 163.3177, 163.3178, 163.3180, 163.3191, 163.3245, and 163.3248.”

In addition, Policies FLU 1.1.1 and FLU 1.1.2 of the City’s Plan requires that “[a]ll future development orders shall be consistent with the Plan,” and “[a]mendments to the Plan, including the Future Land Use Map (FLU Map 2.1) shall be consistent with all Florida Statute Requirements.”

Below, please find an analysis demonstrating that the requested small-scale amendment and related rezoning are compatible with the City’s Plan and are in compliance with all applicable Florida Statutes.<sup>2</sup>

***Consistency with Policy FLU 1.1.15, HE 1.2.1, and the data and analysis supporting the existing FLUM***

The existing FLUM Category and Zoning District of the Parcel is civic. A future land use amendment and zoning change are requested to allow the potential development of additional non-residential uses to offset the existing development of a significant portion of the current downtown mixed use land area with civic uses. The City has approved the development of the Christ Fellowship Center located on the southern portion of Pod J along Seminole Pratt Whitney Road, consisting of approximately 68,000 square feet of civic uses on thirteen (13) acres. While civic uses are permissible within the downtown mixed use designation, Policy FLU 1.1.15(d) provides that the downtown mixed use area as a whole be developed with a minimum and maximum mix of residential, commercial, civic, light industrial and institutional uses. To maintain the balance called for in Policy 1.1.15, the subject amendment will offset the development of civic uses on thirteen acres of the existing downtown mixed use land area by adding commercial and other non-residential uses to the list of allowable uses on the subject Parcel.<sup>3</sup>

This request is supported by HE Policy 1.2.1, which provides:

Policy HE 1.2.1 Allow for and support commercial and light industrial development, which will provide employment

<sup>2</sup> Sections 163.3178 (Coastal management), 163.3191 (Evaluation and appraisal of comprehensive plan), 163.3245 (Sector Plans), and 163.3248 (Rural land stewardship areas) are not applicable to the subject request.

<sup>3</sup> Residential uses are not permitted within the Civic category but are permitted within the downtown mixed use category. While the Applicant does not anticipate the Parcel developing with residential uses, the same justification applies – the amendment will not call for any development not already contemplated by the Plan.

opportunities within the City to enable the purchase or rent of affordable housing.

By approving the requested amendment, the City will maintain land area for commercial uses that support economic activities as originally conceived by the Plan, while still providing civic uses at a different location within the downtown.

Because 13 acres of current land designated with the downtown mixed use category have developed with civic uses, the proposed amendment, which will allow commercial and other non-residential development on the property, is consistent with the population projections, non-residential needs and public facilities analyses that support the existing Comprehensive Plan and Future Land Use Map. The proposed amendment will not call for any development above what is already contemplated by the Plan.

**Compatibility – Policies FLU 1.6.1, 1.6.5, 1.6.7 and 1.6.8**

Table 1 demonstrates future land use, zoning, and land use designations of the adjacent site parcels. The subject Parcel is separated from the existing Downtown Mixed Use District by Ilex Way.

Table 1: Adjacent Property Land Uses

TABLE 1 SURROUNDING LAND USES			
	FUTURE LAND USE	ZONING	LAND USE
<b>NORTH</b>	N/A	N/A	Roadway – Persimmon Blvd E
<b>SOUTH</b>	Residential 2	Residential 2 (R-2)	Single-Family Residential – Sky Cove South (Pod N)
<b>EAST</b>	Residential 2	Residential 2 (R-2)	Single-Family Residential – Sky Cove South (Pod N)
<b>WEST</b>	N/A	N/A	Roadway – Ilex Way

The Plan addresses Consistency requirement in Objective 1.6. The proposed amendment is consistent with this Objective and its supporting Policies. Specifically, Policy FLU 1.6.1 reads:

**Policy FLU 1.6.1** Establish land use patterns that promote walking, biking, and mass transit to access goods, services, education, employment, and recreation, thereby reducing automobile dependency, vehicle miles traveled, and vehicle emissions.

The Parcel is centrally located and surrounded by residential and mixed use districts. The proximity of Sky Cove South residents to the Parcel will allow for multi-modal transportation opportunities via

cycling and walking to the site, which may provide opportunities for work or shopping that are not currently available under the civic designation.

**Policy FLU 1.6.5** Development abutting a different future land use category shall comply with the following minimum compatibility requirements. The City may adopt additional buffer requirements in the Land Development Regulations.

The proposed amendment is consistent with Policy FLU 1.6.5, which anticipates and addresses the development of different land uses adjacent to one another by requiring appropriate buffers and spacing. (See also Policies FLU 1.6.7 and 1.6.8, which provide alternative compatibility techniques). At the time a Site Plan is submitted for the Parcel, Policy 1.6.5 and implementing provisions of the City's LDRs will require the Parcel to achieve compatibility with adjacent existing residentially developed land. In addition, Sky Cove has a buffer averaging thirty-six feet (36') in depth along its western boundary and twenty to twenty-five feet (20'-25') along its northern boundary, adjacent to Parcel C-2. This condition further demonstrates the compatibility of the proposed land use amendment with the adjacent residential development.

***Public Facilities – Policies FLUE 1.4.2, TE 1.2.3, TE 1.2.7, INF 1.1.5, INF 1.1.6, INF 1.3.5, INF 1.3.6, INF 1.5.7, INF 1.5.8, INF 1.6.5, and CIE 1.3.2***

The proposed small-scale amendment to the FLUM and related rezoning are consistent with Policies FLUE 1.4.2, TE 1.2.3, TE 1.2.7, INF 1.1.5, INF 1.1.6, INF 1.3.5, INF 1.3.6, INF 1.5.7, INF 1.5.8, INF 1.6.5, and CIE 1.3.2 of the Comprehensive Plan which address public facilities within the City.

As mentioned above, the proposed amendment will not call for any development not already contemplated by the Plan. Thus, the underlying data and analysis for the existing Comprehensive Plan support the proposed amendment. Concurrency for drainage, potable water, wastewater, and solid waste will be addressed through the Site Planning process for any proposed use on the Property pursuant to Chapter 2, Article 2.2, Section 3. Thus, the subject amendment is consistent with the City's Comprehensive Plan relative to the provision of public facilities.

#### **IV. Consistency with City LDRs**

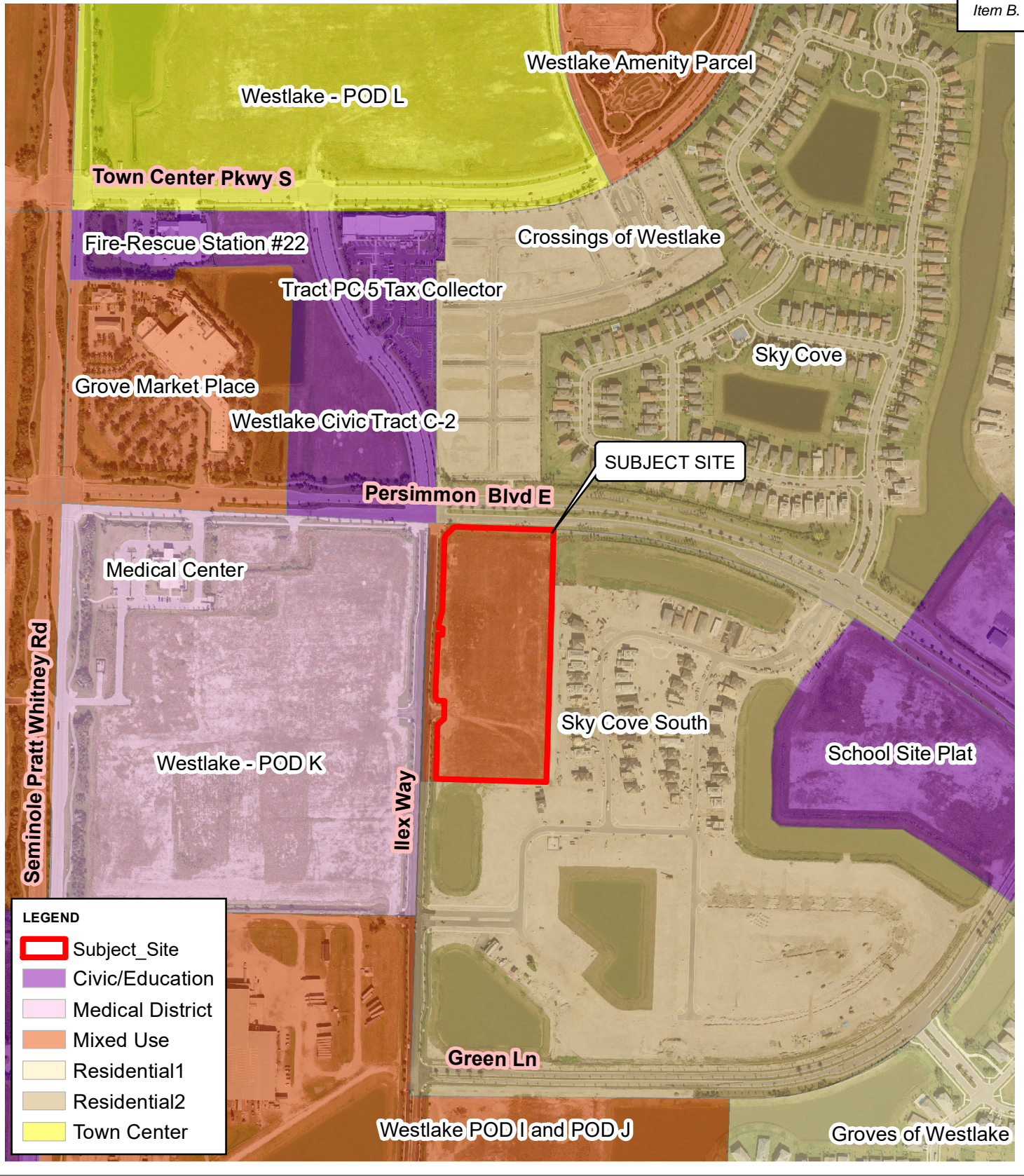
The Applicant proposes a mixed use zoning district within the downtown mixed use future land use designation, which is deemed consistent and pursuant to Chapter 3, Article 3.2, Section 1.

**TABLE 3-1: FUTURE LAND USE CONSISTENCY TABLE**

Future Land Use Category	Consistent Zoning Districts
Downtown Mixed Use	Mixed Use (MU) Town Center (TC) Medical District (M) Civic (C) Open Space and Recreation (OSR) Planned Development (PD)


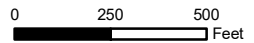
**V. Conclusion**

The Applicant is requesting approval of the small-scale comprehensive plan amendment to the FLUM of the City’s Plan as presented, along with the related rezoning, both of which are consistent with the City’s Plan and LDRs as well as all applicable Florida Statutes.



**LEGEND**

- Subject\_Site
- Civic/Education
- Medical District
- Mixed Use
- Residential1
- Residential2
- Town Center

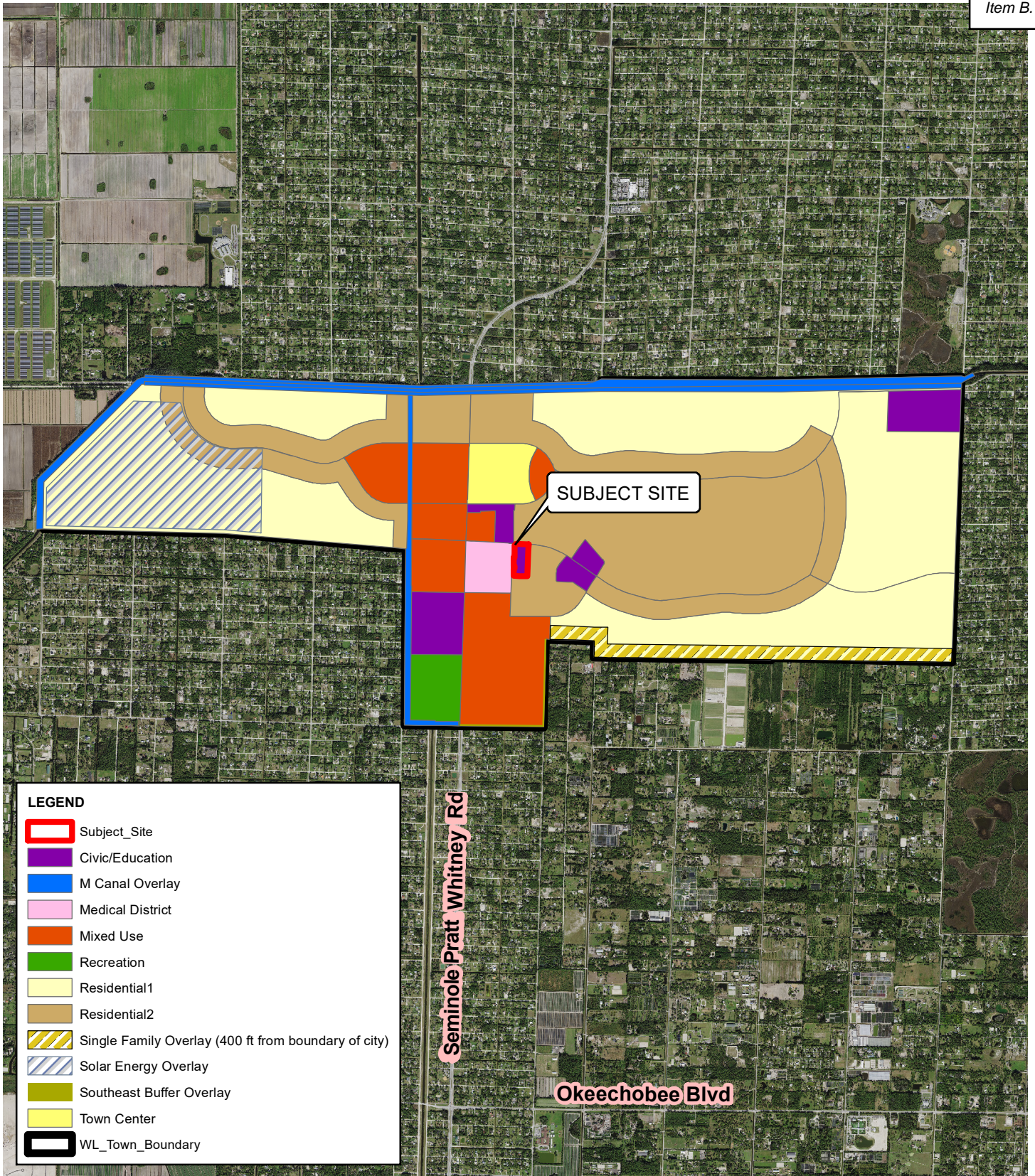

 1 inch equals 500 feet  


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











**Parcel PC-2**  
**Proposed Zoning Map**  
 Westlake, Florida


**Cotleur & Hearing**  
 1934 Commerce Lane · Suite 1 · Jupiter, FL · 33458  
 561.747.6336 · 561.747.1377



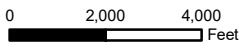


**LEGEND**

-  Subject\_Site
-  Civic/Education
-  M Canal Overlay
-  Medical District
-  Mixed Use
-  Recreation
-  Residential1
-  Residential2
-  Single Family Overlay (400 ft from boundary of city)
-  Solar Energy Overlay
-  Southeast Buffer Overlay
-  Town Center
-  WL\_Town\_Boundary



1 inch equals 4,000 feet



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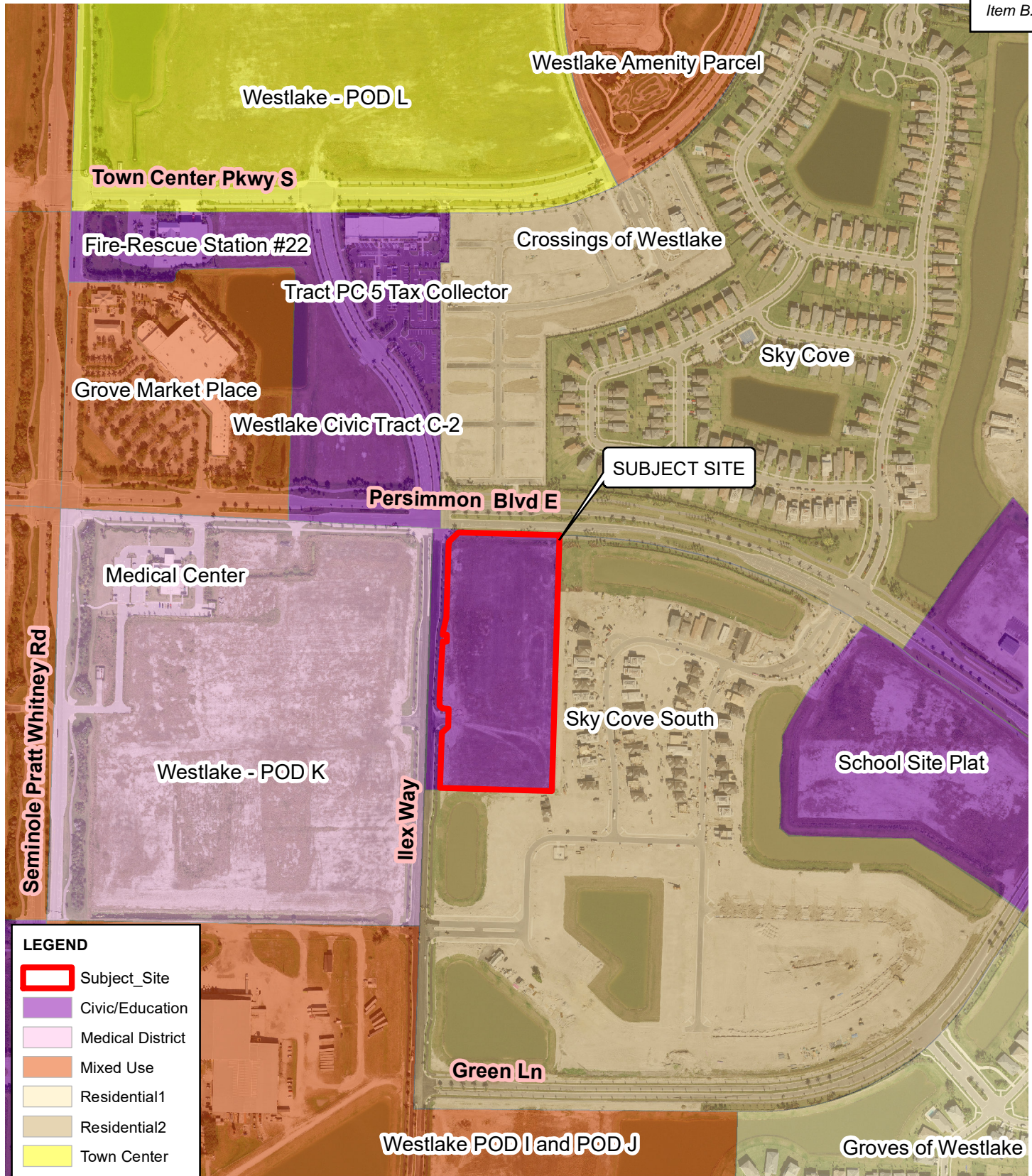
**Parcel PC-2**  
**Existing Zoning Map**

*Westlake, Florida*



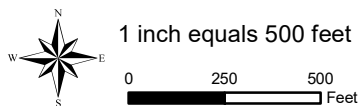
**Cotleur &  
 Hearing**

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 561.747.6336 · 561.747.1377



**LEGEND**

- Subject\_Site
- Civic/Education
- Medical District
- Mixed Use
- Residential1
- Residential2
- Town Center



**Parcel PC-2**  
**Existing Zoning Map**  
 Westlake, Florida

**Cotleur & Hearing**  
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 Plan Amendment\Maps and Graphics\ArcMap\_Projects)  
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**PETITION DESCRIPTION**

**PETITION NUMBER:** ZC-2022-01 (Pod C-2) Ordinance 2022-11

**OWNER:** Minto PBLH, LLC

**APPLICANT:** Cotleur & Hearing

**ADDRESS:** Southeast corner of Persimmon Blvd E and Ilex Way

**PCN:** 77-40-43-12-00-000-1010

**REQUEST:** The applicant is requesting a zoning change from the Civic (C) zoning district to the Mixed Use (MU) zoning district. The site is located at the southwest corner of Persimmon Blvd and Ilex Way.

**SUMMARY**

The applicant is requesting to change the zoning designation from the the Civic (C) district to the Mixed Use (MU) zoning district on a 9.137 acre site. The amendment will change the development potential on the site from civic use to a wide range of commercial and residential uses. An application for a Future Land Use Map (FLUM) amendment is being processed concurrent with the subject application. The FLUM amendment is proposing to change the future land use designation from Civic to Downtown Mixed Use.

No site plan has been submitted as part of this application. Once the City receives a site plan application for the subject site it will be reviewed for compliance with the development regulations under Chapter 3 Zoning Districts and Standards, and it will need to be approved by the City Council. The approval process includes a Local Planning Agency hearing, and two (2) City Council readings.

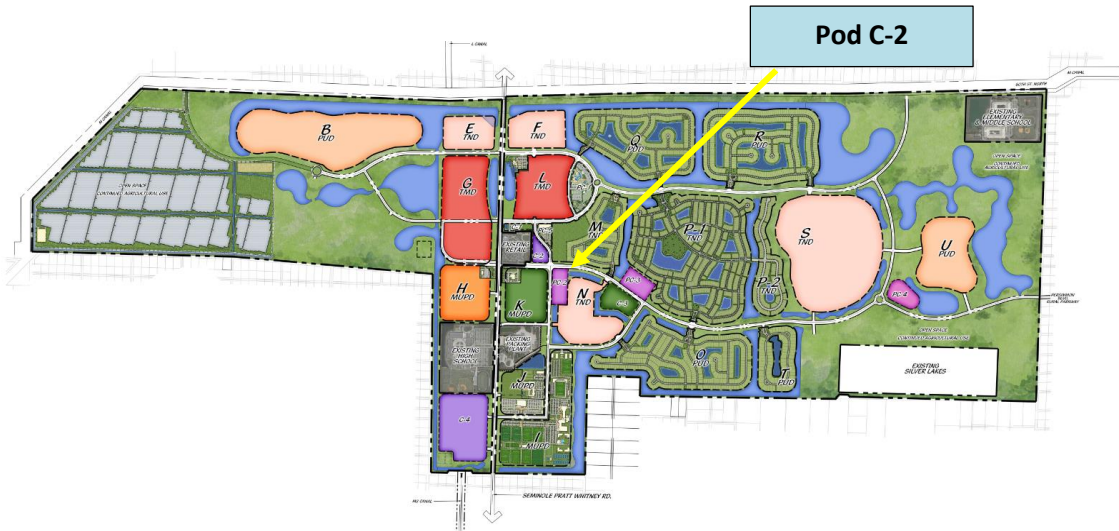
**STAFF RECOMMENDATION**

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

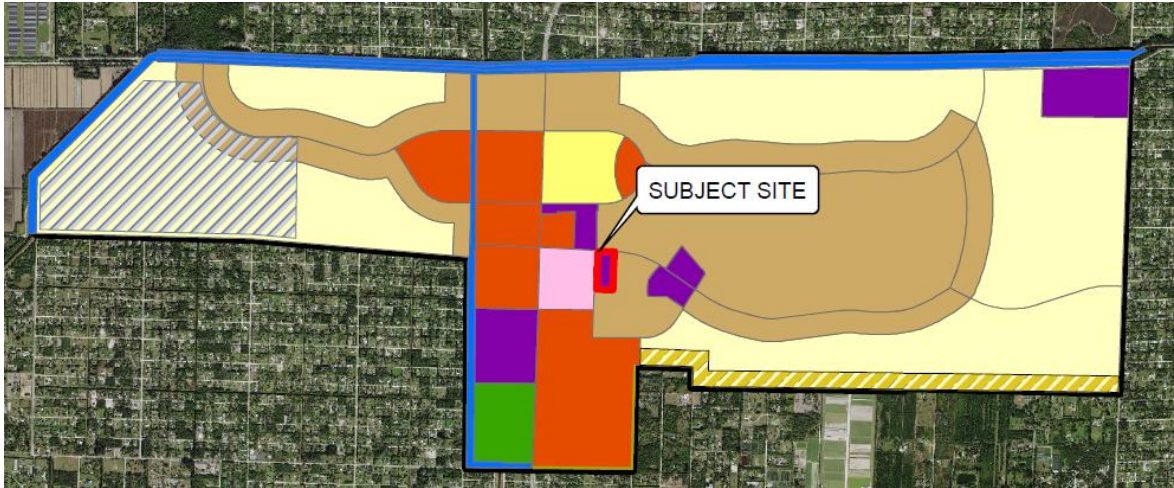
**PETITION FACTS**

- a. Total Gross Site Area: 9.137 acres
- b. Land Use and Zoning
  - Existing Land Use: Vacant
  - Existing Future Land Use: Civic
  - Proposed Future Land Use: Downtown Mixed Use
  - Existing Zoning: Civic (C)
  - Proposed Zoning: Mixed Use (MU)

	FUTURE LAND USE	ZONING
<b>SUBJECT PROPERTY</b>	Civic	Civic
<b>NORTH</b>	Residential-2	Residential-2
<b>SOUTH</b>	Residential-2	Residential-2
<b>EAST</b>	Residential-2	Residential-2
<b>WEST</b>	Downtown Mixed Use	Medical District



Existing Zoning Map



**BACKGROUND**

On June 20, 2016, the City of Westlake became the 39<sup>th</sup> municipality in Palm Beach County. On March 12, 2018, Ordinance No. 2017-05 approved the adoption of the City of Westlake Comprehensive Plan and Future Land Use Map. On September 23, 2019, Ordinance No. 2019-09 established Chapter 3 “Zoning Districts and Standards”, and Adopting of the Zoning Map. The subject application is the first zoning map amendment processed by the City.

**STAFF ANALYSIS**

Staff reviewed the subject application focusing on compatibility with the surrounding neighborhoods and for any negative impacts regarding the proposed zoning change to the Mixed use zoning district. The proposed Mixed Use zoning district allows a mix of non-residential and residential uses that may be developed on the same parcel, and may be integrated vertically or horizontally. The Mixed Use zoning districts includes all of the uses allowed under the Civic (C) zoning district plus the following uses:

**TABLE 3-11: MU DISTRICT RESIDENTIAL STANDARDS**

Residential Use Type	Minimum Lot Width Per Dwelling Unit (Feet)	Minimum Front Setback <sup>1</sup> (Feet)	Minimum Side Road Setback <sup>2, 3</sup> (Feet)	Minimum Side Yard Setback <sup>2, 3</sup> (Feet)	Minimum Rear Yard Setback <sup>2</sup> (Feet)	Maximum Building Height (Feet)	Maximum Lot Coverage	Minimum Pervious Percentage of Parcel
Single family attached dwellings	20	BLDG: 5	BLDG: 5	BLDG: 5	10	50	70%	20%
		FLG: 20	SLG: 20	SLG: 20				
Multi-family dwellings	-	5	20	10	20	100	50%	25%
Assisted living facilities	-	5	20	10	20	100	50%	25%
1. BLDG = Building without front-loading garage, or portion of building without front-loading garage. FLG = Front Loading Garage.								
2. For multi-family developments, setbacks shall be measured from the boundary of the parcel. No other setbacks apply to buildings within the parcel, except buildings are subject to building separation requirements in the Florida Building Code and fire safety codes.								
3. BLDG = Building without side-loading garage, or portion of building without side-loading garage. SLG = Side Loading Garage. No setback is required for single family attached dwelling units along the shared wall.								

**TABLE 3-12: MU DISTRICT NON-RESIDENTIAL STANDARDS**

Non-Residential Use Type	Minimum Parcel Size (Square Feet)	Minimum Front Setback (Feet)	Minimum Side Setback (Feet)	Minimum Rear Setback (Feet)	Minimum Building Separation (Feet)	Maximum Lot Coverage	Minimum Pervious Percentage of Parcel
Religious uses	43,560	20	10	10	20	35%	25%
Educational Uses	43,560	20	10	10	20	35%	25%
Recreational Uses	-	20	10	10	20	30%	60%
Conservation uses	-	-	-	-	-	-	-
Commercial Uses	-	20	10	10	20	45%	25%
Medical Uses	-	20	10	10	20	45%	25%
Sexually oriented business	-	30	10	10	20	35%	25%
Civic Uses	-	20	10	10	20	30%	25%
Light industrial uses	-	30	10	10	20	50%	25%
Institutional uses	-	10	10	10	20	35%	25%
Commercial recreation uses	-	20	10	10	20	35%	25%
Agricultural uses	-	-	-	-	-	-	-
Essential facilities and services	-	-	-	-	-	-	-
Utilities	-	-	-	-	-	-	-
1. Buildings separated from residential zoning districts by a road or canal are not considered adjacent to residential zoning districts.							

This rezoning request is consistent with the following goals, objections, and policies of the City of Westlake Comprehensive Plan:

*Objective FLU 1.6: Ensure compatibility among various future land uses while promoting mixed use, economic development and multi-modal transportation.*

*Policy 1.6.1: Establish land use patterns that promote walking, biking, and mass transit to access goods, services, education, employment, and recreation, thereby reducing automobile dependency, vehicle miles traveled, and vehicle emissions.*

*Policy: 1.6.2: All allowable uses within a future land use category are deemed compatible with one another for purposes of the Plan and the Land Development Regulations.*

Staff has reviewed the following criteria:

**1. The proposed change would not be contrary to the land use plan and would not have adverse impacts to the Comprehensive Plan.**

The requested Mixed Use (MU) zoning district, allows a minimum gross density of 4 units per acre, the maximum gross density is 16 dwelling units per acre, and a maximum of 3.0 FAR. This is consistent with the Downtown Mixed Use future land use designation that allows a minimum gross density of 4 units per gross acre, the maximum gross density of 16 dwelling units per gross acres, and a maximum of 3.0 FAR. This designation will be consistent with the proposed land use designation of Downtown Mixed Use that is being processed concurrently (CPA-2022-01).

*Applicant Response: As detailed in the Justification Statement, the proposed amendment is consistent with the Comprehensive Plan.*

**2. The proposed rezoning is consistent with the existing land use pattern.**

The proposed zoning district is compatible with the existing single-family residential use to the north, south and east, as well as with the existing development to the west.

*Applicant Response: The rezoned property will be near other Mixed Use districts and is similar in type to the adjacent medical district. The rezoning will provide for an orderly development pattern consistent with the Comprehensive Plan.*

**3. The proposed rezoning will not create an isolated district unrelated to adjacent and nearby districts.**

This proposed zoning change would not create an isolated zoning district and will be a continuation of the existing development pattern to the west.

*Applicant Response: There is no requirement in the City's LDRs to provide this justification; nonetheless, the rezoned property will be near to other Mixed Use districts, is similar in type to the adjacent medical district, and abuts the Downtown Mixed Use Future Land Use Category on the City's 2038 Future Land Use Map, FLU Map 2.1.*

**4. The proposed change will not create or excessively increase traffic.**

The subject site already allows a number of religious, education and civic uses. The proposed zoning change will not create excessive traffic in the area. Any future development will be reviewed for traffic impacts and will be required to provide a traffic study.

*Applicant Response: No change in use is proposed and no site plan has been submitted as part of this application. Therefore, no traffic analysis/statement is required. However, as further explained in the Justification Statement, the level of service standards are based on data and analysis that rely on development occurring with a mix of uses, which mix is set forth in Policy FLU 1.1.15. As explained in the Justification Statement, the proposed plan amendment will preserve the mix of uses as contemplated in 1.1.15 because the development of the site with commercial and other non-residential uses will balance out the amount of the land in the Mixed Use District that has been developed with or permitted for civic*

*use following the development of the Christ Fellowship Center. Thus, as explained in the Justification Statement, the proposed amendment will not call for any development not already contemplated by the Plan and the underlying data and analysis for the existing Comprehensive Plan support the proposed amendment. Therefore, it is anticipated that this amendment will not negatively impact the ability of public facilities to operate within the acceptable levels of service.*

**5. The change will not adversely influence living conditions in the neighborhood.**

The proposed change will not adversely affect the living conditions in the area. Any future development will be reviewed for compliance with the City's Comprehensive Plan and Land Development Regulations and will need to be approved by the City Council.

*Applicant Response: There is no requirement in the City's LDRs to justify that the property will not adversely influence living conditions in the neighborhood. Nonetheless, the basis for the application is to rebalance the mix of uses in the Mixed Use zoning district. This will allow for a more vibrant downtown and increase the City's tax base by allowing a balance of uses more consistent with what was contemplated in the City's Comprehensive Plan than what has been built to date. See attached Exhibit, which demonstrates the amount of existing and permitted civic uses already within the Mixed Use Zoning District, and within the City. Further, as discussed in the Justification Statement, compatibility with adjacent developments will be addressed through buffering as required by the City's Comprehensive Plan and LDRs.*

**STAFF RECOMMENDATION**

Please see page 1 for staff recommendation.



Reply To: [tduhy@llw-law.com](mailto:tduhy@llw-law.com)

Ken Cassel, City Manager  
City of Westlake  
4001 Seminole Pratt Whitney Road  
Westlake, FL 33470

Dear Mr. Cassel:

Please accept the following responses to the comments from City Staff dated August 5, 2022 on the Small Scale Comprehensive Plan Amendment and Rezoning Applications. As you may recall, these applications were submitted as joint application, but on August 8, 2022, it was agreed that City Staff would duplicate the joint application and process the Small-Scale Comprehensive Plan Amendment and the Rezoning Application separately. Therefore, these responses apply to both applications.

### **Responses to Staff Comments**

1. **Staff Comment:** Provide two separate application requests. One for the FLUM Amendment and another for the Zoning Change including separate justification statements. Please note that City Council will hear these applications individually.

**Applicant Response:** Understood. As discussed with staff on August 8, 2022, because the rezoning and FLUM Amendment applications contain the same information as noted in the original submittal and because no additional fees are required, staff will duplicate the submitted information to be addressed as a separate Rezoning Application.

2. **Staff Comment:** Address Level of Service in the Justification Statement. Justification Statement states that concurrency will be addressed through the site planning process. However, Level of Service is required to be addressed as part of this FLUM Amendment for the highest intensity use allowed. Justification Statement must address level of service as follows:

01792604-6

**JACKSONVILLE**  
245 Riverside Ave.,  
Suite 510  
Jacksonville, Florida 32202  
T: 904.353.6410  
F: 904.353.7619

**ST. PETERSBURG**  
100 Second Ave., South  
Suite 501-S  
St. Petersburg, Florida 33701  
T: 727.245.0820  
F: 727.290.4057

**TALLAHASSEE**  
315 South Calhoun St.,  
Suite 830  
Tallahassee, Florida 32301  
T: 850.222.5702  
F: 850.224.9242

**TAMPA**  
301 West Platt St.  
Suite 364  
Tampa, Florida 33606  
T: 813.775.2331

**WEST PALM BEACH**  
360 South Rosemary Ave.,  
Suite 1100  
West Palm Beach, FL 33401  
T: 561.640.0820  
F: 561.640.8202

- Policy INF 1.1.4** The potable water LOS standards for non-residential uses shall be 150 gallons per 1,000 sq. ft. per day with the following exceptions: schools shall have a LOS standard of 18 gpd per student; hotels shall have a LOS standard of 100 gpd per room; and parks shall have a LOS standard of 10 gpd per visitor.
- Policy INF 1.3.4** The wastewater LOS standard for non-residential uses shall be 150 gallons of wastewater per 1,000 sq. ft. per day with the following exceptions: schools shall have a LOS standard of 18 gpd per student; hotels shall have a LOS standard of 100 gpd per room; and parks have a LOS standard of 10 gpd per visitor.
- Policy INF 1.5.2** The solid waste LOS standard shall be 7.02 pounds of solid waste per person per day.
- Policy INF 1.6.6** The City shall coordinate with SID to maximize the use of existing drainage facilities.

***Applicant Response:***

Policies INF 1.1.4, INF 1.3.4, and INF 1.5.2 set the level of service standards for the City.

Levels of service are analyzed and applied to specific developments through concurrency. As stated in the Justification Statement, concurrency for transportation, drainage, potable water, wastewater, and solid waste will be addressed through the Site Planning process for any proposed use on the Property pursuant to Chapter 2, Article 2.2, Section 3. Therefore, Applicant is not required to submit further information at this time.

However, as further explained in the Justification Statement, the level of service standards are based on data and analysis that rely on development occurring with a mix of uses, which mix is set forth in Policy FLU 1.1.15. As explained in the Justification Statement, the proposed plan amendment will preserve the mix of uses as contemplated in 1.1.15 because the development of the site with commercial and other non-residential uses will balance out the amount of the land in the Mixed Use District that has been developed with or permitted for civic use following the development of the Christ Fellowship Center. Thus, as explained in the Justification Statement, the proposed amendment will not call for any development not already contemplated by the Plan and the underlying data and analysis for the existing Comprehensive Plan support the proposed amendment. Therefore, it is anticipated that this amendment will not negatively impact the ability of public facilities to operate within the acceptable levels of service.

Ken Cassel  
 August 15, 2022  
 Page 3

Policy 1.6.6 speaks to the City's coordination with SID and requires no further information from the Applicant.

3. **Staff Comment:** Provide a traffic analysis/statement for the proposed change.  
**Applicant Response:** No change in use is proposed and no site plan has been filed with this application. Therefore, no traffic analysis/statement is required.
4. **Staff Comment:** Clarify the note on the Adjacent Parcel Buffer Map. Map shows the subject property providing a buffer? The type of buffer its [sic] not called out.

**Applicant Response:** No site plan has been filed with this Application. As discussed in the Justification Statement, the City's Comprehensive Plan and Land Development Regulations ("LDRs") require the applicant to provide appropriate buffering for the proposed use to ensure compatibility with adjacent development. Because a use has not yet been proposed and no site plan has been filed, this comment is premature. Buffering will be addressed, as required by the City's LDRs, as part of the site planning process once a use is proposed.

5. **Staff Comment:** Provide in Justification Statement reasons why the property cannot be used in accord with existing zoning. Justify the need to for the rezoning from Civic to the Mixed-Use district.

**Applicant Response:** There is no requirement in the City's LDRs to justify why the property cannot be used in accordance with existing zoning. Nonetheless, the basis for the application is to rebalance the mix of uses in the Mixed Use zoning district. This will allow for a more vibrant downtown and increase the City's tax base by allowing a balance of uses more consistent with what was contemplated in the City's Comprehensive Plan than what has been built to date. See attached Exhibit, which demonstrates the amount of existing and permitted civic uses already within the Mixed Use Zoning District, and within the City.

6. **Staff Comment:** Confirm the proposed change would not be contrary to the land use plan and would not have adverse impacts to the Comprehensive Plan.

**Applicant Response:** As detailed in the Justification Statement, the proposed amendment is consistent with the Comprehensive Plan.

7. **Staff Comment:** Confirm the proposed rezoning is consistent with the existing land use pattern.

**Applicant Response:** The rezoned property will be near other Mixed Use districts and is similar in type to the adjacent medical district. The rezoning will provide for an orderly development pattern consistent with the Comprehensive Plan.

Ken Cassel  
August 15, 2022  
Page 4

8. **Staff Comment:** Confirm the proposed rezoning will not create an isolated district unrelated to adjacent and nearby districts.

**Applicant Response:** There is no requirement in the City's LDRs to provide this justification; nonetheless, the rezoned property will be near to other Mixed Use districts, is similar in type to the adjacent medical district, and abuts the Downtown Mixed Use Future Land Use Category on the City's 2038 Future Land Use Map, FLU Map 2.1.

9. **Staff Comment:** Provide justification that the proposed change will not create or excessively increase traffic.

**Applicant Response:** No change in use is proposed and no site plan has been submitted as part of this application. Therefore, no traffic analysis/statement is required. However, as further explained in the Justification Statement, the level of service standards are based on data and analysis that rely on development occurring with a mix of uses, which mix is set forth in Policy FLU 1.1.15. As explained in the Justification Statement, the proposed plan amendment will preserve the mix of uses as contemplated in 1.1.15 because the development of the site with commercial and other non-residential uses will balance out the amount of the land in the Mixed Use District that has been developed with or permitted for civic use following the development of the Christ Fellowship Center. Thus, as explained in the Justification Statement, the proposed amendment will not call for any development not already contemplated by the Plan and the underlying data and analysis for the existing Comprehensive Plan support the proposed amendment. Therefore, it is anticipated that this amendment will not negatively impact the ability of public facilities to operate within the acceptable levels of service.


10. **Staff Comment:** Justify that the change will not adversely influence living conditions in the neighborhood.

**Applicant Response:** There is no requirement in the City's LDRs to justify that the property will not adversely influence living conditions in the neighborhood. Nonetheless, the basis for the application is to rebalance the mix of uses in the Mixed Use zoning district. This will allow for a more vibrant downtown and increase the City's tax base by allowing a balance of uses more consistent with what was contemplated in the City's Comprehensive Plan than what has been built to date. See attached Exhibit, which demonstrates the amount of existing and permitted civic uses already within the Mixed Use Zoning District, and within the City. Further, as discussed in the Justification Statement, compatibility with adjacent developments will be addressed through buffering as required by the City's Comprehensive Plan and LDRs.

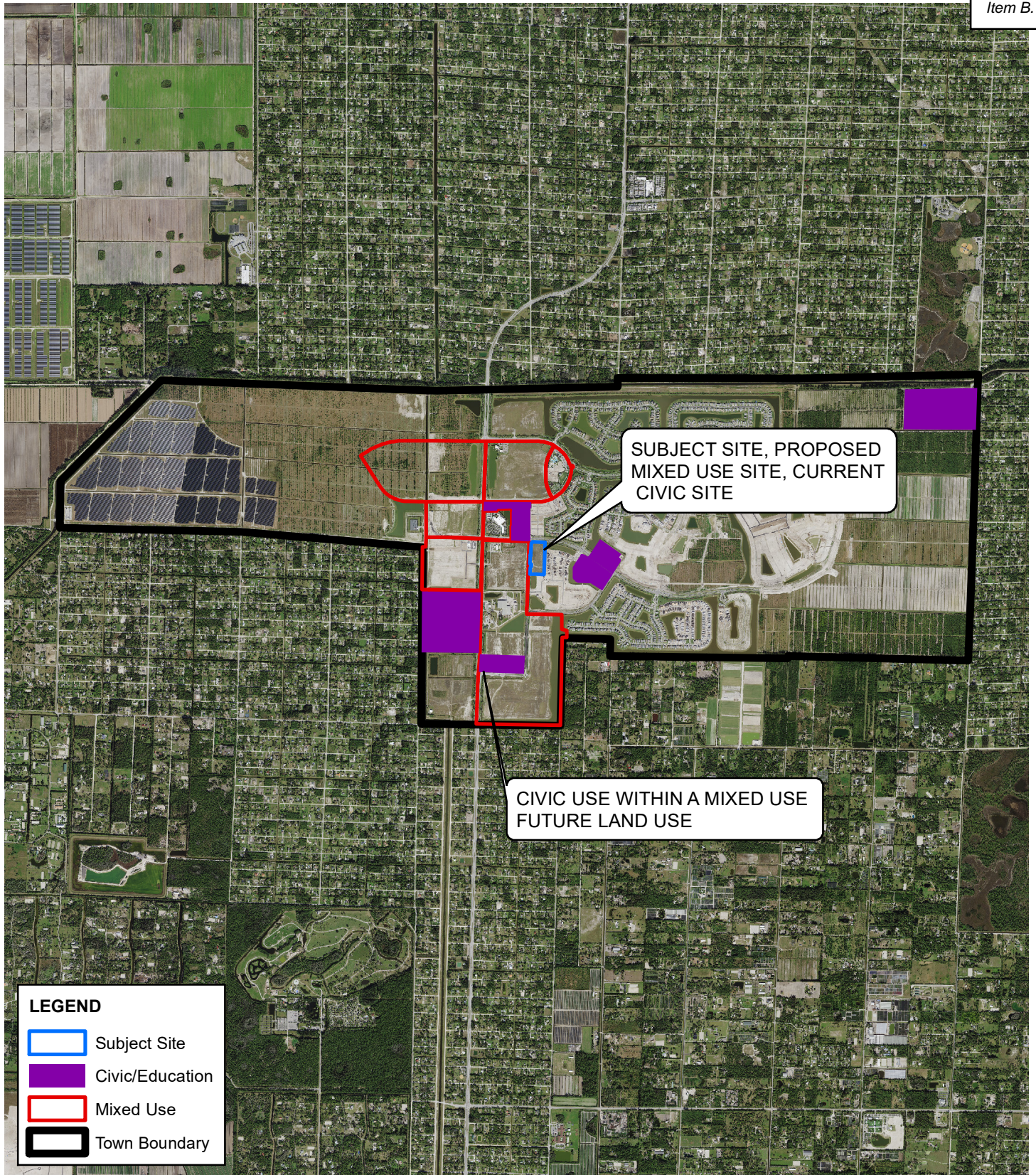
Ken Cassel  
August 15, 2022  
Page 5

**Additional Applicant Comments:** City staff and legal have stated their intention to adopt the small-scale comprehensive plan amendment by ordinance, with readings at both the September and October City Council meetings. The City Attorney further clarified on August 11, 2022, that only the September meeting shall be considered a public hearing for purposes of the adoption. While Minto does not agree that adoption of a small-scale amendment requires two readings, it will consent to the proposed schedule without further objection in this instance because it is agreed that the associated rezoning will require two meetings for adoption.

The Applicant will collaborate closely with City 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. If the City requires any additional information to process the subject applications, please do not hesitate to contact me.

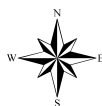
  
For Tara W. Duhy

CC: Donald J. Doody  
John Carter  
Don Hearing

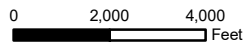


**LEGEND**

-  Subject Site
-  Civic/Education
-  Mixed Use
-  Town Boundary



1 inch equals 4,000 feet



Map Document:  
 (F:\Projects Active\13-0518.123 Minto Westlake Comp  
 Plan Amendment\Maps and Graphics\ArcMap\_Projects)  
 AS 08/15/2022 -- 03:00:00 PM

# Parcel PC-2

## Mixed Use - Future Land Use Analysis Map

### Westlake, Florida



**Cotleur &  
 Hearing**

1934 Commerce Lane · Suite 1 · Jupiter, FL · 33458  
 561.747.6336 · 561.747.1377

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**ORDINANCE NO. 2022-11**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE REZONING OF THE PROPERTY CONSISTING OF APPROXIMATELY 9.137 GROSS ACRES IN SIZE, FOR THE PARCEL REFERRED TO AS POD PC-2 FROM CIVIC DISTRICT TO MIXED USE DISTRICT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

---

**WHEREAS**, through an Application filed by Minto PBLH, LLC, the City of Westlake intends to rezone approximately 9.137 acres consisting of real property located at Westlake, Florida; and

**WHEREAS**, the City of Westlake Future Land Use Map designates this real property for Downtown Mixed Use category; and

**WHEREAS**, rezoning the area in question from Civic District to the Mixed Use District is consistent with the permitted uses as identified in the City of Westlake Comprehensive Plan Land Use Implementation; and

**WHEREAS**, the proposed rezoning to Mixed Use District is compatible with the surrounding existing zoning designations for properties in this vicinity; and

**WHEREAS**, the City proposes to rezone the site that consists of 9.137 acres more or less; and

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

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

**SECTION 2.** The City Council of the City of Westlake, Florida, after hearing any and all comments and objections made during the course of a duly advertised and scheduled public hearing hereby finds that this rezoning request is consistent with the following goals, objections, and policies of the City of Westlake Comprehensive Plan:

Objective FLU 1.6: Ensure compatibility among various future land uses while promoting mixed use, economic development and multi-modal transportation.

Policy 1.6.1: Establish land use patterns that promote walking, biking, and mass transit to access goods, services, education, employment, and recreation, thereby reducing automobile dependency, vehicle miles traveled, and vehicle emissions.

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1 Policy: 1.6.2: All allowable uses within a future land use category are deemed  
2 compatible with one another for purposes of the Plan and the Land Development  
3 Regulations.

4

5 **SECTION 3.** The City Council of Westlake, Florida hereby approves the  
6 rezoning of the real property as depicted in the map labeled Exhibit "A" to Mixed  
7 Use District.

8

9 **SECTION 4. Conflicts.** All ordinances or parts of ordinances,  
10 resolutions or parts of resolutions which are in conflict herewith, are hereby  
11 repealed to the extent of such conflict.

12

13 **SECTION 5. Severability.** Should the provisions of this ordinance be  
14 declared to be severable and if any section, sentence, clause or phrase of this  
15 ordinance shall for any reason be held to be invalid or unconstitutional, such  
16 decision shall not affect the validity of the remaining sections, sentences, clauses,  
17 and phrases of this ordinance but they shall remain in effect, it being the  
18 legislative intent that this ordinance shall remain notwithstanding the invalidity  
19 of any part.

20

21 **SECTION 6. Effective Date.** This ordinance shall be effective upon  
22 adoption on second reading.

23

24 **PASSED** this \_\_\_\_ day of \_\_\_\_\_, 2022, on first reading.

25 **PUBLISHED** on this \_\_\_\_ day of \_\_\_\_\_, 2022 in the Palm Beach Post.

26 **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2022, on second reading.

27

28

29

\_\_\_\_\_  
City of Westlake  
John Paul O'Connor, Mayor

30

31

32 **ATTEST:**

33 \_\_\_\_\_  
34 Zoie Burgess, City Clerk

35

36

APPROVED AS TO LEGAL FORM:

37

\_\_\_\_\_  
OFFICE OF THE CITY ATTORNEY

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**Exhibit A**

3 A PARCEL OF LAND LYING IN SECTION 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY  
4 OF WESTLAKE, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

5 **COMMENCE** AT THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE  
6 40 EAST; THENCE S.01°33'05"W. ALONG THE EAST LINE OF SAID SECTION 1, A DISTANCE  
7 OF 250.33 FEET TO A POINT ON THE NORTH LINE OF THE 80 FOOT M-CANAL ROAD  
8 EASEMENT AS RECORDED IN DEED BOOK 1156, PAGE 58 OF THE PUBLIC RECORDS OF  
9 PALM BEACH COUNTY, FLORIDA AND AS SHOWN IN ROAD PLAT BOOK 6, PAGE 136 OF  
10 SAID PUBLIC RECORDS, AND AS MONUMENTED; THENCE S.88°36'57"W. ALONG SAID  
11 NORTH LINE OF THE 80 FOOT M-CANAL ROAD EASEMENT, A DISTANCE OF 3776.52 FEET  
12 TO A POINT ON THE ORIGINAL EAST RIGHT-OF-WAY LINE OF SEMINOLE PRATT  
13 WHITNEY ROAD AS RECORDED IN OFFICIAL RECORD BOOK 1544, PAGE 378 AND  
14 OFFICIAL RECORD BOOK 1640, PAGE 1626 BOTH OF SAID PUBLIC RECORDS; THENCE  
15 S.01°42'52"W. ALONG SAID ORIGINAL EAST RIGHT-OF-WAY LINE OF SEMINOLE PRATT  
16 WHITNEY ROAD, A DISTANCE OF 4364.18 FEET TO THE NORTHWEST CORNER OF THE  
17 EXISTING RIGHT-OF-WAY OF SEMINOLE PRATT WHITNEY ROAD AS RECORDED IN  
18 OFFICIAL RECORD BOOK 28479, PAGE 822 OF SAID PUBLIC RECORDS, ALSO A POINT ON  
19 THE SOUTH LINE OF PERSIMMON BOULEVARD AS RECORDED IN OFFICIAL RECORD  
20 BOOK 10202, PAGE 430, OF SAID PUBLIC RECORDS; THENCE S.88°17'08"E., ALONG SAID  
21 SOUTH LINE OF PERSIMMON BOULEVARD, A DISTANCE OF 646.56 FEET TO A POINT ON  
22 THE EAST LINE OF SAID EXISTING RIGHT-OF-WAY OF SEMINOLE PRATT WHITNEY  
23 ROAD; THENCE S.01°42'52"W., ALONG SAID EAST LINE, A DISTANCE OF 77.00 FEET;  
24 THENCE CONTINUE S.01°42'52"W., A DISTANCE OF 3.00 FEET TO A POINT ON THE  
25 ADDITIONAL RIGHT-OF-WAY OF PERSIMMON BOULEVARD, AS SHOWN ON PERSIMMON  
26 BOULEVARD EAST - PLAT 1, AS RECORDED IN PLAT BOOK 125, PAGES 106 AND 107, OF  
27 SAID PUBLIC RECORDS; THENCE CONTINUE ALONG SAID ADDITIONAL RIGHT-OF-WAY  
28 FOR THE FOLLOWING THREE (3) COURSES: 1) S.88°17'08"E., A DISTANCE OF 573.95 FEET;  
29 2) THENCE S.43°17'08"E., A DISTANCE OF 53.74 FEET; 3) THENCE S.88°17'08"E., A DISTANCE  
30 OF 112.50 FEET TO POINT ON THE EAST RIGHT-OF-WAY OF ILEX WAY II, AS SHOWN OF  
31 ILEX WAY II, AS RECORDED IN PLAT BOOK 128, PAGES 22 THROUGH 25, INCLUSIVE, OF  
32 SAID PUBLIC RECORDS AND THE **POINT OF BEGINNING**; THENCE CONTINUE  
33 S.88°17'08"E. ALONG SAID ADDITIONAL RIGHT-OF-WAY, A DISTANCE OF 1.50 FEET TO  
34 THE SOUTHEAST CORNER OF PERSIMMON BOULEVARD EAST - PLAT 1, AS RECORDED IN  
35 PLAT BOOK 125, PAGES 106 AND 107, OF SAID PUBLIC RECORDS, ALSO A POINT ON THE  
36 SOUTHERLY RIGHT-OF-WAY OF PERSIMMON BOULEVARD EAST, AS SHOWN ON  
37 PERSIMMON BOULEVARD EAST-PLAT 2, AS RECORDED IN PLAT BOOK 128, PAGES 22  
38 THROUGH 25, INCLUSIVE, OF SAID PUBLIC RECORDS; THENCE ALONG SAID SOUTHERLY  
39 RIGHT-OF-WAY OF PERSIMMON BOULEVARD EAST, FOR THE FOLLOWING THREE (3)  
40 COURSES: 1) N.01°42'52"E., A DISTANCE OF 12.00 FEET; 2) THENCE N.46°42'53"E., A  
41 DISTANCE OF 56.57 FEET; 3) THENCE S.88°17'08"E., A DISTANCE OF 373.13 FEET; THENCE  
42 S.01°41'49"W., A DISTANCE OF 947.92 FEET; THENCE N.88°18'58"W., A DISTANCE OF 419.92  
43 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF ILEX WAY II, AS RECORDED IN PLAT  
44 BOOK 128, PAGES 22 THROUGH 25, INCLUSIVE, OF SAID PUBLIC RECORDS; THENCE  
45 ALONG SAID EAST RIGHT-OF-WAY LINE OF ILEX WAY II FOR THE FOLLOWING SIX (6)

8/18 126p

1 COURSES: 1) N.01°42'52"E., A DISTANCE OF 286.41 FEET; 2) THENCE N.43°17'08"W., A  
2 DISTANCE OF 15.56 FEET; 3) THENCE N.01°42'52"E., A DISTANCE OF 38.40 FEET; 4) THENCE  
3 N.02°54'08"E., A DISTANCE OF 239.24 FEET; 5) THENCE N.14°07'19"E., A DISTANCE OF 51.38  
4 FEET; 6) THENCE N.01°42'52"E., A DISTANCE OF 270.96 FEET TO THE **POINT OF**  
5 **BEGINNING.**

6 CONTAINING: 398,017 SQUARE FEET OR 9.137 ACRES, MORE OR LESS.  
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