

CITY OF WESTLAKE



AGENDA

City Council Regular Meeting

Monday, January 08, 2024, at 6:00 PM

The Lodge at Westlake Adventure Park
5490 Kingfisher Blvd.
Westlake, Florida 33470

Live Broadcasting:

<https://cityofwestlake.my.webex.com>

Meeting ID: 2630 557 5663 | Password: hello

or

United States Toll: 408-418-9388

CITY COUNCIL:

JohnPaul O'Connor, Mayor

Greg Langowski, Vice Mayor

Gary Werner, Council Member – Seat 1

Julian Martinez, Council Member – Seat 2

Charlotte Leonard, Council Member – Seat 3

CITY STAFF:

Ken Cassel, City Manager

Zoie P. Burgess, CMC, City Clerk

Donald J. Doody, Esq., City Attorney

Nilsa Zacarias, AICP, Planning and Zoning Director

Suzanne Dombrowski, P.E., ENV SP, City Engineer

[TENTATIVE: SUBJECT TO REVISION]

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

PUBLIC COMMENTS AND REQUESTS

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

CONSENT AGENDA

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

- [A.](#) Monthly Financial Report - November
- [B.](#) Minutes_City Council Regular Meeting - 12.05.2023 DRAFT

PRESENTATIONS/PROCLAMATIONS

- [A.](#) Proclamation 2024-01 - Martin Luther King Jr. Day
Sponsored By: Councilwoman Leonard

PUBLIC HEARING - QUASI-JUDICIAL

- [A.](#) **MPA-2023-03:** The applicant is requesting approval of a Master Plan amendment for a 20.321 acres Commercial Plaza in the Downtown Mixed Use Zoning District. The applicant proposes to relocate previously approved outparcel users. The applicant submitted a concurrent Site Plan application (SPR-2023-05) for Parcel D, a 6.45 acres-(Phase Two) will consists of a 25,000 sq.ft. building for a proposed Planet Fitness facility and an additional 9,000 sq.ft. of in line retail/office/medical and fast-food restaurant with drive through for a total of 34,024 sq. ft. The subject application is located at 16841 Persimmon Blvd. West Westlake, FL 33470 (Pod G South)

Submitted By: Planning and Zoning

- [B.](#) **SPR-2023-05:** The applicant is requesting approval of a Site Plan Review for Phase Two of the Publix at Westlake Plaza development. Phase Two consists of a 25,000 sq.ft. building for a proposed Planet Fitness facility and an additional 9,000 sq.ft. of in line retail/office/medical and fast-food restaurant with drive-through for a total of 34,024 sq. ft. The subject application is located at 16841 Persimmon Blvd. West Westlake, FL 33470 (Pod G South).

Submitted By: Planning and Zoning

PUBLIC HEARING

A. SECOND READING: Ordinance 2023-07 – ARCADE AMUSEMENT CENTERS AND ELECTRONIC GAMING ESTABLISHMENTS

Submitted By: Planning and Zoning

ORDINANCE NO. 2023-07

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING CHAPTER 3 ZONING DISTRICTS AND USES AS SET FORTH IN THE CITY'S CODE OF ORDINANCES; PROVIDING FOR THE CREATION OF SECTION _____ TO BE ENTITLED "ARCADE AMUSEMENT CENTERS AND ELECTRONIC GAMING ESTABLISHMENTS" PROVIDING _____ FOR _____ PURPOSE _____ AND FINDINGS; PROVIDING FOR CODIFICATION, PROVIDING CONFLICTS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

B. SECOND READING: Ordinance 2023-08 – Massage Establishment

Submitted By: Planning and Zoning

ORDINANCE NO. 2023-08

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING CHAPTER 3 ZONING DISTRICTS AND USES AS SET FORTH IN THE CITY'S CODE OF ORDINANCES; PROVIDING FOR A DEFINITION OF A MASSAGE ESTABLISHMENT; PROVIDING FOR HOURS OF OPERATION; PROVIDING FOR EXEMPTIONS; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

C. SECOND READING: Ordinance 2023-09 – Repealing & Reconstituting the Education Advisory Board

Submitted By: Administration

ORDINANCE 2023-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, REPEALING ORDINANCE 2020-05 AND 2020-10 WHICH REGULATED THE CITY EDUCATION AND YOUTH ADVISORY BOARD AND ADOPTING A NEW ORDINANCE RECONSTITUTING THE BOARD AND RESTATING THE TERMS AND CONDITIONS UNDER WHICH THE EDUCATION ADVISORY BOARD WILL OPERATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

D. SECOND READING: ORDINANCE 2023-10 - Amending Art in Public Places - Establishing Terms

Submitted By: Administration

ORDINANCE NO 2023-10

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," TO CREATE ARTICLE 24.2 SECTION 6(A)(5) FOR THE PURPOSE OF ESTABLISHING TERMS FOR THE COMPOSITION OF THE ART IN PUBLIC PLACES ADVISORY BOARD; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

NEW BUSINESS

- A. RESOLUTION 2024-01** - Approving and Authorizing the City Manager to Execute an Engagement Letter with Berger, Toombs, Elam, Gaines & Frank for Auditing Services FY ended September 30, 2023.

Submitted By: Administration/City Clerk's Office

RESOLUTION NO. 2024-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN ENGAGEMENT LETTER WITH BERGER, TOOMBS, ELAM, GAINES, AND FRANK FOR PROFESSIONAL AUDIT SERVICES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

- B.** Fee increase for Inframark contract - Memorandum of Understanding for Additional Personnel

Submitted By: Administration

CITY COUNCIL COMMENTS

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

REPORT - STAFF

REPORT - CITY ATTORNEY

REPORT - CITY MANAGER

PUBLIC COMMENTS AND REQUESTS

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ADJOURNMENT

Next Meeting (Subject to Change or be Cancelled): **Tuesday, February 6, 2023**

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: Thursday, January 4, 2023

File Attachments for Item:

A. Monthly Financial Report - November



MEMORANDUM

TO: Members of the City Council, City of Westlake
FROM: Steven Fowler, Accountant; Miriam Barahona, Accounting Supervisor
CC: Ken Cassel, City Manager
DATE: December 14, 2023
SUBJECT: November Financial Report

Please find attached the November 2023 financial report. During your review, please keep in mind that the goal is for revenue to meet or exceed the year-to-date budget and for expenditures to be at or below the year-to-date budget. An overview of the City's funds is provided below. Should you have any questions or require additional information, please contact me at Steven.Fowler@inframark.com.

General Fund

- Total Revenues through November were approximately 9% of the annual budget. Collections of the FY2024 Ad Valorem Tax and Special Assessments were approximately 7% and 4%, respectively.
- Total Expenditures and Contingency through November were approximately 5% of the annual budget.

Special Revenue Fund – Housing Assistance Program

- Total Revenues through November were approximately 72% of the annual budget, which was a result of a higher than anticipated rate of construction and donations on commercial permits. A donation of \$1,500 per Single Family Residence building permit is paid into the Housing Assistance Program.

Special Revenue Fund – Comprehensive Planning Services

- Total Revenues through November were approximately 7% of the annual budget.
- Total Expenditures through November were approximately 14% of the annual budget.

City of Westlake

Financial Report

November 30, 2023



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City of Westlake

Financial Statements

November 30, 2023

Balance Sheet
November 30, 2023

ACCOUNT DESCRIPTION	GENERAL FUND	SPECIAL REVENUE FUND - HOUSING ASSISTANCE PROGRAM	SPECIAL REVENUE FUND - COMPREHENSIVE PLANNING SVCS	TOTAL
<u>ASSETS</u>				
Current Assets				
Cash - Checking Account	\$ 3,660,654	\$ -	\$ -	\$ 3,660,654
Accounts Receivable	-	-	4,000	4,000
Assessments Receivable	41,659	-	-	41,659
Due From Other Funds	-	-	560,650	560,650
Investments:				
Money Market Account	472,043	1,024,911	-	1,496,954
Treasury Bills (3 months)	-	1,205,118	-	1,205,118
Treasury Bills (6 months)	-	1,806,817	-	1,806,817
Deposits	666	-	-	666
Total Current Assets	4,175,022	4,036,846	564,650	8,776,518
Noncurrent Assets				
Mortgages Receivable	-	568,373	-	568,373
Total Noncurrent Assets	-	568,373	-	568,373
TOTAL ASSETS	\$ 4,175,022	\$ 4,605,219	\$ 564,650	\$ 9,344,891

LIABILITIES**Current Liabilities**

Accounts Payable	\$ 115,496	\$ -	\$ 139,766	\$ 255,262
Accrued Expenses	33,031	-	50,100	83,131
DBPR surcharge	4,056	-	-	4,056
DCA surcharge	6,006	-	-	6,006
Impact Fees	329,524	-	-	329,524
Unearned Revenue	337,542	-	-	337,542
Due To Other Districts	477	-	-	477
Deferred Revenue-Developer Submittals (Minto)	-	-	71,638	71,638
Due To Other Funds	560,650	-	-	560,650
Total Current Liabilities	1,386,782	-	261,504	1,648,286

Balance Sheet
November 30, 2023

ACCOUNT DESCRIPTION	GENERAL FUND	SPECIAL REVENUE FUND - HOUSING ASSISTANCE PROGRAM	SPECIAL REVENUE FUND - COMPREHENSIVE PLANNING SVCS	TOTAL
Long-Term Liabilities				
Deferred Inflow of Resources	41,659	-	-	41,659
Total Long-Term Liabilities	41,659	-	-	41,659
TOTAL LIABILITIES	1,428,441	-	261,504	1,689,945
FUND BALANCES				
Nonspendable:				
Deposits	666	-	-	666
Restricted for:				
Special Revenue	-	4,605,219	303,146	4,908,365
Unassigned:	2,745,915	-	-	2,745,915
TOTAL FUND BALANCES	\$ 2,746,581	\$ 4,605,219	\$ 303,146	\$ 7,654,946
TOTAL LIABILITIES & FUND BALANCES	\$ 4,175,022	\$ 4,605,219	\$ 564,650	\$ 9,344,891

Statement of Revenues, Expenditures and Changes in Fund Balances

For the Period Ending November 30, 2023

2025

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
REVENUES				
Interest - Investments	\$ -	\$ -	\$ 7,567	\$ 7,567
Ad Valorem Taxes	4,721,257	708,189	341,583	(366,606)
Ad Valorem Taxes - Discounts	(188,850)	(29,508)	(13,990)	15,518
FPL Franchise	365,200	60,867	87,761	26,894
Gas	60,100	10,017	-	(10,017)
Solid Waste	22,200	3,700	3,989	289
Electricity	430,600	71,767	52,898	(18,869)
Water	109,000	18,167	19,543	1,376
Gas	102,900	17,150	8,820	(8,330)
Communication Services Taxes	148,400	24,733	21,297	(3,436)
Occupational Licenses	6,100	1,017	1,742	725
Building Permits - Admin Fee	95,700	15,950	16,935	985
State Revenue Sharing Proceeds	43,200	7,200	7,191	(9)
Other Public Safety Chrgs/Fees	5,400	900	750	(150)
Garbage/Solid Waste Revenue	228,900	38,150	3,927	(34,223)
Other Operating Revenues	13,200	3,300	1,603	(1,697)
Special Events	-	-	2,000	2,000
Judgements and Fines	-	-	1,040	1,040
Special Assmnts- Tax Collector	499,468	37,460	18,622	(18,838)
Special Assmnts- Discounts	(19,979)	(1,498)	(800)	698
Other Miscellaneous Revenues	-	-	240	240
Lien Search Fee	5,900	983	1,378	395
TOTAL REVENUES	6,648,696	988,544	584,096	(404,448)
EXPENDITURES				
Legislative				
Mayor/Council Stipend	60,000	10,000	10,000	-
FICA Taxes	4,600	767	765	2
ProfServ-Legislative Expense	24,000	4,000	-	4,000
Telephone, Cable & Internet Service	3,800	633	788	(155)
Lease - Building	16,000	2,667	1,000	1,667
Public Officials Insurance	4,200	4,200	4,557	(357)
Misc-Election Fee	-	-	240	(240)
Misc-Event Expense	250,000	-	1,531	(1,531)
Council Expenses	50,000	8,333	24,942	(16,609)
Dues, Licenses, Subscriptions	1,600	900	1,552	(652)
Total Legislative	414,200	31,500	45,375	(13,875)
City Manager				
Contracts-City Manager	220,000	36,667	36,667	-
Office Supplies	12,300	2,050	2,120	(70)
Dues, Licenses, Subscriptions	2,900	1,406	1,350	56
Total City Manager	235,200	40,123	40,137	(14)

Statement of Revenues, Expenditures and Changes in Fund Balances

For the Period Ending November 30, 2023

2025

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
<u>City Clerk</u>				
ProfServ-Web Site Maintenance	6,100	767	1,017	(250)
Contracts-City Clerk	218,600	36,433	36,433	-
Postage and Freight	1,500	250	35	215
Printing	15,500	2,583	-	2,583
Legal Advertising	23,200	3,867	1,124	2,743
Miscellaneous Services	1,300	217	-	217
Office Supplies	2,900	483	-	483
Dues, Licenses, Subscriptions	19,700	10,070	8,724	1,346
Total City Clerk	288,800	54,670	47,333	7,337
<u>Finance</u>				
Auditing Services	7,000	-	-	-
Contracts-Finance	85,600	14,267	14,267	-
Total Finance	92,600	14,267	14,267	-
<u>Legal Counsel</u>				
ProfServ-Legal Services	101,400	16,900	13,340	3,560
Total Legal Counsel	101,400	16,900	13,340	3,560
<u>Other Administrative Services</u>				
ProfServ-Info Technology	81,100	13,517	17,589	(4,072)
Contracts-Admin. Service	286,100	47,683	46,729	954
Misc-Assessment Collection Cost	5,000	375	178	197
General Government	150,000	25,000	-	25,000
Total Other Administrative Services	522,200	86,575	64,496	22,079
<u>Facility Services</u>				
Telephone, Cable & Internet Service	16,200	2,700	2,249	451
Lease - Copier	12,500	2,083	2,076	7
Lease - Building	86,700	14,450	-	14,450
Insurance (Liab,Auto,Property)	8,100	8,100	8,624	(524)
Miscellaneous Services	1,700	283	523	(240)
Cleaning Services	26,000	4,333	4,764	(431)
Principal-Capital Lease	18,200	4,156	5,014	(858)
Interest-Capital Lease	4,400	787	1,103	(316)
Total Facility Services	173,800	36,892	24,353	12,539
<u>Community Services</u>				
Contracts-Solid Waste	926,300	154,383	166,229	(11,846)
Contracts-Sheriff	1,025,600	170,933	170,931	2
Electricity	142,700	23,783	22,340	1,443
R&M-Community Maintenance	29,100	4,850	4,850	-
Operating Supplies	57,300	14,325	27,955	(13,630)
Roadway Services	28,000	-	5,000	(5,000)
Total Community Services	2,209,000	368,274	397,305	(29,031)

Statement of Revenues, Expenditures and Changes in Fund Balances

For the Period Ending November 30, 2023

2025

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
<u>Capital Expenditures & Projects</u>				
Capital Improvements	50,000	20,000	-	20,000
Cap Outlay - Equipment	-	-	37,761	(37,761)
Total Capital Expenditures & Projects	50,000	20,000	37,761	(17,761)
<u>Reserves</u>				
Misc-Contingency	201,900	33,650	1,974	31,676
1st Quarter Operating Reserves	1,059,800	176,633	-	176,633
Reserve - Capital Projects	200,000	33,333	-	33,333
Total Reserves	1,461,700	243,616	1,974	241,642
TOTAL EXPENDITURES & RESERVES	5,548,900	912,817	686,341	226,476
Excess (deficiency) of revenues				
Over (under) expenditures	1,099,796	75,727	(102,245)	(177,972)
<u>OTHER FINANCING SOURCES (USES)</u>				
Contribution to (Use of) Fund Balance	1,099,796	-	-	-
TOTAL FINANCING SOURCES (USES)	1,099,796	-	-	-
Net change in fund balance	\$ 1,099,796	\$ 75,727	\$ (102,245)	\$ (177,972)
FUND BALANCE, BEGINNING (OCT 1, 2023)	2,848,826	2,848,826	2,848,826	
FUND BALANCE, ENDING	\$ 3,948,622	\$ 2,924,553	\$ 2,746,581	

Statement of Revenues, Expenditures and Changes in Fund Balances

For the Period Ending November 30, 2023

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
REVENUES				
Interest - Investments	\$ -	\$ -	\$ 8,190	\$ 8,190
Net Incr (Decr) In FMV-Invest	-	-	27,393	27,393
Donations	300,000	50,000	181,500	131,500
TOTAL REVENUES	300,000	50,000	217,083	167,083
EXPENDITURES				
Public Assistance				
Misc-Admin Fee (%)	21,000	3,500	-	3,500
Assistance Program	279,000	46,500	-	46,500
Total Public Assistance	300,000	50,000	-	50,000
TOTAL EXPENDITURES	300,000	50,000	-	50,000
Excess (deficiency) of revenues Over (under) expenditures	-	-	217,083	217,083
Net change in fund balance	\$ -	\$ -	\$ 217,083	\$ 217,083
FUND BALANCE, BEGINNING (OCT 1, 2023)	4,388,136	4,388,136	4,388,136	
FUND BALANCE, ENDING	\$ 4,388,136	\$ 4,388,136	\$ 4,605,219	

Statement of Revenues, Expenditures and Changes in Fund Balances
For the Period Ending November 30, 2023

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
REVENUES				
Building Permits	\$ 2,284,500	\$ 380,750	\$ 158,473	\$ (222,277)
Reinspection Fees	4,800	800	-	(800)
Building Permits - Surcharge	4,200	700	1,116	416
Other Building Permit Fees	30,000	5,000	20,550	15,550
Building Permits - Admin Fee	135,400	22,567	29,416	6,849
Engineering Permits	330,500	55,083	8,621	(46,462)
Planning & Zoning Permits	293,200	48,867	2,025	(46,842)
TOTAL REVENUES	3,082,600	513,767	220,201	(293,566)
EXPENDITURES				
Comprehensive Planning				
ProfServ-Engineering	308,500	51,417	41,096	10,321
ProfServ-Info Technology	200,800	33,467	81,192	(47,725)
ProfServ-Legal Services	75,300	12,550	4,830	7,720
ProfServ-Planning/Zoning Board	293,200	48,867	48,944	(77)
ProfServ-Compliance Service	185,800	30,967	30,960	7
ProfServ-Consultants	22,000	3,667	-	3,667
ProfServ-Building Permits	1,796,000	299,333	205,954	93,379
Outside Legal Services	1,800	300	-	300
Telephone, Cable & Internet Service	5,300	883	745	138
Lease - Copier	6,800	1,133	496	637
Lease - Building	43,400	7,233	-	7,233
Printing	2,200	367	-	367
Miscellaneous Services	1,300	217	125	92
Misc-Admin Fee (%)	116,600	19,433	19,433	-
Office Supplies	2,100	350	-	350
Cleaning Services	15,900	2,650	3,000	(350)
Principal-Capital Lease	4,500	989	-	989
Interest-Capital Lease	1,100	197	-	197
Total Comprehensive Planning	3,082,600	514,020	436,775	77,245
TOTAL EXPENDITURES	3,082,600	514,020	436,775	77,245
Excess (deficiency) of revenues				
Over (under) expenditures	-	(253)	(216,574)	(216,321)
Net change in fund balance	\$ -	\$ (253)	\$ (216,574)	\$ (216,321)
FUND BALANCE, BEGINNING (OCT 1, 2023)	519,720	519,719	519,720	
FUND BALANCE, ENDING	\$ 519,720	\$ 519,466	\$ 303,146	

City of Westlake

Supporting Schedules

November 30, 2023

Cash and Investment Report

November 30, 2023

GENERAL FUND

<u>Account Name</u>	<u>Bank Name</u>	<u>Investment Type</u>	<u>Yield</u>	<u>Balance</u>
Checking Account - Operating	BankUnited	Checking Account	n/a	\$3,660,654
Money Market	BankUnited	MMA	5.45%	\$472,043
			Subtotal	\$4,132,696

SPECIAL REVENUE FUND

Money Market	BankUnited	MMA	5.45%	\$960,931
Money Market	Valley Bank	Checking Account	5.38%	\$63,981
				\$1,205,118
				\$1,806,817
			Subtotal	\$4,036,846
			Total	\$8,169,543

File Attachments for Item:

B. Minutes_City Council Regular Meeting - 12.05.2023 DRAFT

CITY OF WESTLAKE



MINUTES

City Council Regular Meeting

Tuesday, December 05, 2023, at 6:00 PM

The Lodge at Westlake Adventure Park
5490 Kingfisher Blvd.
Westlake, Florida 33470

CITY COUNCIL:

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

CITY STAFF:

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

A regular meeting of the City Council of the City of Westlake was held on Tuesday, December 5, 2023, at 6:00 PM., at The Lodge at Westlake Adventure Park, 5490 Kingfisher Blvd. Members of the public also participated in the meeting through electronic means and accessed as follows:

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

Meeting ID: 2633 788 1730

Password: hello

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

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

Meeting ID: 2633 788 1730

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

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

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

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

CALL TO ORDER

Mayor O'Connor called the City of Westlake Regular City Council meeting of Tuesday December 5, 2023, to order at 6:02 PM.

ROLL CALL

Present and constituting a quorum:

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

Also present:

Kenneth Cassel, City Manager
Donald J. Doody, Esq., City Attorney
Zoie Burgess, City Clerk

PLEDGE OF ALLEGIANCE

Mayor O'Connor led the Pledge of Allegiance.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Mayor O'Connor called for any additions, deletions, or modifications to the agenda. Mayor O'Connor recommended New Business Item B to be presented at the beginning of the meeting. Mr. Cassel asked if this would be completed prior to the consent agenda or prior to the public hearing. Mayor O'Connor stated to have it completed after the consent agenda and before the public hearing.

Mr. Doody asked for a motion to amend the agenda to move item B under New Business to after the consent agenda. Mayor O'Connor called for a motion to amend the agenda.

Motion by Vice Mayor Langowski to approve the agenda as presented, seconded by Councilwoman Leonard.

UPON ROLL CALL:

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

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

Mr. Doody asked for a motion to approve the agenda as amended. Mayor O'Connor called for a motion to approve the agenda as amended.

Motion by Councilman Martinez to approve the agenda as amended, seconded by Councilwoman Leonard.

UPON ROLL CALL:

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

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

PUBLIC COMMENTS AND REQUESTS

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

Mayor O'Connor called for public comments.

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

There being no further comments, the next item followed.

CONSENT AGENDA

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

- A. Minutes_City Council Regular Meeting - 11.07.2023 DRAFT
- B. Financial Report – October

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

Motion by Councilman Martinez to approve the Consent Agenda, seconded by Councilwoman Leonard.

UPON ROLL CALL:

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

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

PUBLIC HEARING

- B. Vacancy to Fill Council Member Unexpired Term - Seat 1

Submitted by: Administration

RESOLUTION NO. 2023-34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, APPOINTING _____ AS A CITY COUNCIL MEMBER (SEAT 1) OF THE CITY OF WESTLAKE TO FILL THE UNEXPIRED TERM OF A COUNCIL MEMBER WHO TENDERED THEIR RESIGNATION EFFECTIVE NOVEMBER 8, 2023; PROVIDING THAT THE INDIVIDUAL APPOINTED TO THE COUNCIL SHALL SERVE UNTIL THE CITY COUNCIL MEMBER ELECTED AT THE NEXT REGULARLY SCHEDULED CITY ELECTION, DETERMINED BY THE CITY COUNCIL TO BE ON MARCH 2024, IS SWORN INTO OFFICE; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor O'Connor introduced the item.

Mayor O'Connor asked Mr. Doody to read item by title only into the record. Mr. Doody asked Council to review the selection of applicants, interview them and then entertain the resolution with the applicant they decided on.

Mayor O'Connor discussed the applications received and stated he strongly recommends Gary Werner to be appointed to the vacancy as Mr. Werner was the only one who qualified for the seat during election qualification, and it would make more sense for him to take the seat now. Council discussed item further and agreed to appoint Mr. Werner to fill the unexpired term of Seat one.

Motion by Vice Mayor Langowski to appoint Mr. Werner to seat one. Mayor O'Connor called for Mr. Doody to read item by title only into the record. Mr. Doody stated they are separate motions and then he will introduce the resolution. Mayor O'Connor stated a motion has been made and a second is needed. Seconded by Councilman Martinez.

UPON ROLL CALL:

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

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

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

Mayor O'Connor asked if Mr. Werner should be sworn in. Mr. Doody asked for a motion to adopt the resolution.

Motion by Councilman Martinez to adopt Resolution 2023-24, seconded by Vice Mayor Langowski.

UPON ROLL CALL:

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

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

Mr. Doody asked for Mr. Wener to be sworn in. Mayor O'Connor called for Mr. Werner and Ms. Burgess to step up to the podium and have Mr. Werner sworn in and seated. Ms. Burgess swore in Mr. Werner.

A. RESOLUTION 2023-32 - A Resolution for the Plat of Terraces of Westlake – Phase II

Submitted By: Engineering

RESOLUTION 2023-32

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE TERRACES OF WESTLAKE – PHASE II, BEING A REPLAT OF TRACT “I”, TERRACES OF WESTLAKE – PHASE I, PLAT BOOK 136, PAGES 143 THROUGH 149, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA. PROVIDING FOR RECORDATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced the item and asked Mr. Doody to read item by title only, in the record.

Mr. Doody called for all parties who were present to testify, please stand and be sworn in.

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

Mayor O'Connor called for any applicant presentations.

Donaldson Hearing with Cotleur & Hearing, on behalf of Minto PBLH, LLC, presented PowerPoint for the Plat of the Terraces of Westlake Phase II.

Council discussed the item further.

Mr. Cassel noted the item has already been approved by Seminole Improvement District.

Mayor O'Connor called for additional Council or staff comments. There being none, Mayor O'Connor called for any public comments.

Ms. Burgess stated no comment cards were received prior to the meeting and gave the virtual audience a moment to raise their virtual hand.

There being no further comments, Mayor O'Connor called for a motion.

Motion by Vice Mayor Langowski to approve Resolution 2023-32, seconded by Councilwoman Leonard Langowski.

UPON ROLL CALL:

Councilwoman Leonard	YES
Councilman Martinez	YES
Vice Mayor Langowski	YES
Mayor O'Connor	YES
Gary Werner	YES

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

B. FIRST READING: Ordinance 2023-07 – ARCADE AMUSEMENT CENTERS AND ELECTRONIC GAMING ESTABLISHMENTS

Submitted By: Planning and Zoning

ORDINANCE NO. 2023-07

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING CHAPTER 3 ZONING DISTRICTS AND USES AS SET FORTH IN THE CITY'S CODE OF ORDINANCES; PROVIDING FOR THE CREATION OF SECTION _____ TO BE ENTITLED "ARCADE AMUSEMENT CENTERS AND ELECTRONIC GAMING ESTABLISHMENTS" PROVIDING FOR PURPOSE AND FINDINGS; PROVIDING FOR CODIFICATION, PROVIDING CONFLICTS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced the item.

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

Mayor O'Connor called for any staff presentations.

Mr. Leon stated the presentation was shared at the Local Planning Agency and recommended to Council with revisions. Staff will modify language and bring back item for second reading.

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

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

There being no further comments, Mayor O'Connor called for a motion.

Motion by Councilman Martinez to approve Ordinance 2023-07 at first reading, seconded by Vice Mayor Langowski.

UPON ROLL CALL:

Councilman Martinez	YES
Councilman Werner	YES
Vice Mayor Langowski	YES
Mayor O'Connor	YES
Councilwoman Leonard	YES

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

C. FIRST READING: Ordinance 2023-08 – Massage Establishment

Submitted By: Planning and Zoning

ORDINANCE NO. 2023-08

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING CHAPTER 3 ZONING DISTRICTS AND USES AS SET FORTH IN THE CITY'S CODE OF ORDINANCES; PROVIDING FOR A DEFINITION OF A MASSAGE ESTABLISHMENT; PROVIDING FOR HOURS OF OPERATION; PROVIDING FOR EXEMPTIONS; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced the item.

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

Mayor O'Connor called for any staff presentations.

Mr. Leon stated the presentation was shared at the Local Planning Agency and recommended to Council with Modifications. He noted that staff will modify language as recommended and bring item back for second reading.

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

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

There being no further comments, Mayor O'Connor called for a motion.

Motion by Councilwoman Leonard to approve Ordinance 2023-08 at first reading, with the recommended amended language, seconded by Vice Mayor Langowski.

UPON ROLL CALL:

Councilman Werner	YES
Vice Mayor Langowski	YES
Mayor O'Connor	YES
Councilwoman Leonard	YES
Councilman Martinez	YES

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

D. FIRST READING: ORDINANCE 2023-10 - Amending Art in Public Places - Establishing Terms

Submitted By: Administration

ORDINANCE NO 2023-10

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," TO CREATE ARTICLE 24.2 SECTION 6(A)(5) FOR THE PURPOSE OF ESTABLISHING TERMS FOR THE COMPOSITION OF THE ART IN PUBLIC PLACES ADVISORY BOARD; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor O'Connor introduced the item.

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

Mayor O'Connor called for Mr. Cassel to discuss item further.

Mr. Cassel discussed the ordinance was modified to establish terms allowing board members to be reviewed and reappointed on a yearly basis.

Council further discussed item.

Mr. Cassel stated he recommends every March to do the reappointing of the committee.

Mayor O'Connor called for public comments.

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

There being no further comments, Mayor O'Connor called for a motion.

Mr. Doody stated the language should be added to the ordinance identifying the term to expire on March 31 and the appointments to take place in the April meeting.

Motion by Councilman Werner to adopt Ordinance 2023-10 as amended, seconded by Councilwoman Leonard.

UPON ROLL CALL:

Vice Mayor Langowski	YES
Mayor O'Connor	YES
Councilwoman Leonard	YES
Councilman Martinez	YES
Councilman Werner	YES

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

E. FIRST READING: Ordinance 2023-09 – Repealing & Reconstituting the Education Advisory Board

Submitted By: Administration

ORDINANCE 2023-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, REPEALING ORDINANCE 2020-05 AND 2020-10 WHICH REGULATED THE CITY EDUCATION AND YOUTH ADVISORY BOARD AND ADOPTING A NEW ORDINANCE RECONSTITUTING THE BOARD AND RESTATING THE TERMS AND CONDITIONS UNDER WHICH THE EDUCATION ADVISORY BOARD WILL OPERATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced the item.

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

Mayor O'Connor called for Mr. Cassel to discuss item further.

Mr. Cassel stated the item was reviewed with Vice Mayor Langowski and adjusted to make more functional.

Vice Mayor Langowski stated out of the thirty-nine municipalities in Palm Beach County only eight have an educational advisory board. Vice Mayor Langowski explained that he attended a few of the meetings in the surrounding area with one of the current members of the education board, Anita Kaplan, and he met with the city clerk and reviewed the ordinances, and he identified items from the other city ordinances to create one. Vice Mayor Langowski explained his hope to promote more interactions with the schools.

Council discussed item further.

Mr. Doody asked council to consider the period of appointments.

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

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

There being no further comments, Mayor O'Connor called for a motion.

Motion by Vice Mayor Langowski to approve Ordinance 2023-09, on first reading, with changes to section three changing the period of appointments to coincide with the Art in Public Places Board, seconded by Councilman Werner.

UPON ROLL CALL:

Mayor O'Connor	YES
Councilwoman Leonard	YES
Councilman Martinez	YES
Councilman Werner	YES
Vice Mayor Langowski	YES

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

NEW BUSINESS

- A. Art in Public Places Board Appointment - 2 Alternates and 1 Student Member

Submitted By: Administration

RESOLUTION NO. 2023-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, APPOINTING TWO (2) ALTERNATE MEMBERS AND ONE (1) STUDENT REPRESENTATIVE TO SERVE ON THE ART IN PUBLIC PLACES ADVISORY BOARD; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor O'Connor introduced the item and asked Mr. Doody to read item by title only, into record.

Mr. Doody asked for council to consider the applicants first.

Mayor O'Connor asked how many applications were received. Ms. Burgess stated there were two applications received and two alternate positions available.

Mayor O'Connor stated there needs to be no discussion as there are only two seats and two applications. Mayor O'Connor called for a motion to appoint the members to the open positions.

Motion by Councilwoman Leonard to accept Resolution 2023-33 filling the unexpired vacancy of the Art in Public Places with Johanna Jimenez and Carole Waldman, seconded by Vice Mayor Langowski.

UPON ROLL CALL:

Councilwoman Leonard	YES
Councilman Martinez	YES
Councilman Werner	YES
Vice Mayor Langowski	YES

Mayor O'Connor YES

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

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

Mayor O'Connor called for a motion to approve resolution.

Motion by Vice Mayor Langowski to approve resolution 2023-33, seconded by Councilman Martinez.

UPON ROLL CALL:

Councilman Martinez	YES
Councilman Werner	YES
Vice Mayor Langowski	YES
Mayor O'Connor	YES
Councilwoman Leonard	YES

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

- C. ARPA Subrecipient Agreement between the City of Westlake and Seminole Improvement District for ARPA Funds to Be Used for Storm Water Infrastructure

Submitted By: Administration

RESOLUTION 2023-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR OR VICE MAYOR TO EXECUTE THE ARPA SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF WESTLAKE, FLORIDA AND SEMINOLE IMPROVEMENT DISTRICT FOR AMERICAN RESCUE PLAN ACT ("ARPA") FUNDS TO BE USED FOR STORMWATER INFRASTRUCTURE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced the item.

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

Mayor O'Connor called for Mr. Cassel to explain item.

Mr. Cassle discussed item further.

Mayor O'Connor called for any council comments.

Council discussed item further. There being no additional comments Mayor O'Connor called for public comments.

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

There being no further comments, Mayor O'Connor called for a motion.

Motion by Vice Mayor Langowski to accept Resolution 2023-31, seconded by Councilman Werner.

UPON ROLL CALL:

Councilman Werner	YES
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Vice Mayor Langowski	YES
Mayor O'Connor	YES
Councilwoman Leonard	YES
Councilman Martinez	YES

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

D. Discussion - Legislative Initiatives for Palm Beach County

Mayor O'Connor introduced the item.

Mayor O'Connor stated his main initiative is to ask for money for the proposed city parks. Councilman Martinez stated he would like to meet with our senators and representatives as soon as their schedules open. Councilman Martinez stated he agreed with going with the plan to get funding for the park, and present identifying what is being requested, noting our needs and what the city is bringing to the table. Councilman Martinez also stated he would like to know what grants are available that may be applied for. Vice Mayor Langowski asked for printed takeout. Councilwoman Leonard stated a previous meeting she attended it was requested to not provide printouts, but to send an email ahead of time and just bring in a summary of what is being discussed. Mr. Cassel stated he will be requesting BK funding who specializes in grants, to help bring money to the city. Councilwoman Leonard stated if funding is no longer available grants is another way to receive funds. Councilwoman Leonard suggested the city hire a grant writer. Mayor O'Connor asked Mr. Cassel to start looking for a lobbyist. Mr. Cassel stated he will see if he can squeeze it into the budget.

There being no further comments, next item followed.

CITY COUNCIL COMMENTS

A. Councilwoman Charlotte Leonard – Ms. Leonard wished everyone happy holidays and stated she would like to bring an MLK proclamation to the January meeting.

B. Councilman Julian Martinez – Mr. Martinez stated he is looking forward to the Holiday Pop Up Market and announced that the City of Westlake's 5K will have an official date soon.

C. Gary Werner – Mr. Werner thanked council for their support and is looking forward to working with them and staff. Mr. Werner also thanked his supporters that attended the meeting at the council chambers. Mr. Werner wished everyone happy holidays.

D. Vice Mayor Greg Langowski – Vice Mayor Langowski stated he would like to discuss the possibility of changing the city council meetings back to either the first or second Monday of the month starting in February. Council discussed item further and decided to leave the meeting on Tuesdays, due to Councilman Martinez having a conflict.

E. Mayor JohnPaul O'Connor – Mayor O'Connor welcomed Mr. Werner to the council. Mayor O'Connor stated he stopped by a resident's home prior to the meeting where Florida Power and Light and the media were decorating the veterans home for the holidays. Mayor O'Connor also reminded everyone the Holiday Pop Up Market will be the upcoming weekend.

REPORT - STAFF

A. Palm Beach County Fire Rescue Response Time Reports - October 2023

Mayor O'Connor called for Palm Beach County Fire Rescue to discuss the monthly report. Battalion Chief Corlas Goodman discussed the monthly call report in place of Chief Vomero as she had a prior engagement. Mr. Goodman confirmed Palm Beach County Fires Rescue attendance for the upcoming Holiday Pop Up event and asked if council wanted the public educator to come out and give out firemen helmets to kids and other goodies.

Mayor O'Connor called Palm Beach Sheriff Office to discuss any reports. Lieutenant Sours discussed the monthly call volume and response time reports.

REPORT - CITY ATTORNEY

Mr. Doody had no additional comments.

REPORT - CITY MANAGER

Mr. Cassel welcomed Councilman Werner. Mr. Cassel wished everyone happy holidays.

Mr. Cassel asked for a consensus to have the Holiday Pop Up Market on an annual basis; Council agreed on an annual basis.

Mr. Cassel also asked for a consensus to SpringFest and verified it is to be held a week before easter on Sunday.

Mr. Cassel inquired if FourthFest is to remain on the fourth of the month or if council wanted to move the event to the weekend. Mr. Cassel stated the Temporary Use Agreement, and the insurance Binder are currently being worked on and will be ready for the Holiday Pop Up event.

Mr. Cassel explained that the City is still broadcasting city meetings and stated he wanted to revert back to pre-covid meetings where public comments are to be made by people who are in person. Mr. Cassel asked for a consensus from Council; they all agreed.

Mr. Cassel noted the fitness trail is currently under construction.

Mr. Cassel noted that the building department has completed 1,336 permits between the months of January and November.

Mr. Cassel stated he wanted to make a public statement regarding the burning that occurs in the neighboring community and the complaints received. Mr. Cassel stated they are in continuous communication with the City Manager of Loxahatchee Groves. They are currently trying to find other avenues that may be used to deal with the situation.

Lastly, Mr. Cassel stated that the water utility deposits are being raised for Seminole Improvemnet District. There have been many renters that have skipped their bills, and the deposits are not able to cover the amounts. Turnoff fees are also increasing to fifty dollars for the first time and one hundred dollars for the second time. Council discussed water utility accounts further.

PUBLIC COMMENTS AND REQUESTS

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

Mayor O'Connor called for public comments.

Ms. Burgess noted a comment card was received prior to the meeting.

Mariann Lynch – 15779 Orchard Drive – Ms. Lynch discussed the smell that is coming from the burning located at Loxahatchee Groves. Ms. Lynch shared her frustration and stated she cannot enjoy her pool or walking in the neighborhood as the smell is unbearable. Ms. Lynch stated she has three questions she wants answers to. Ms. Lynch first asked what is actively being done. Mr. Cassel stated he put the City Manager for Loxahatchee Groves on Notice again, informing her the stench continues and to do something about it. Mr. Cassel stated they must look at their business operation licenses. Mr. Cassel stated he has reached out to DEP and EPA on burning and their requirements for burning, and if this type of business can burn and if they are allowed to burn. Mr. Cassel stated they are trying to use any avenue they can to try and stop the burning. Mr. Lynch asked Mr. Cassel what has been done previously, physically to combat the smell. Mr. Cassel stated he has been over there, and code enforcement has been over there, and he has also spoken with the owner, and they stated they are allowed to do it. Mr. Cassel clarified the city does not have jurisdiction over that area. Any issues must be referred to Loxahatchee Groves to take care of. Ms. Lynch asked what kind of pressure can be put on them. Mr. Cassel stated the only pressure he can put is the relationship between the city manager and their council and code people to see if any violations are being done. Mr. Council continued to discuss item with Ms. Lynch. Ms. Lynch asked when the DEP was coming to check the problem and what kind of plan is in place. Mr. Cassel stated they have not yet responded. Mr. Cassel stated if they are allowed to burn there isn't much that can be done. Mr. Cassel stated his understanding is they are within code and allowed to burn but he believes there are other avenues he can use to try and address this and provide some relief. Ms. Lynch inquired as to the last time EPA was contacted. Mr. Cassel stated about every two weeks he sends an email back to them to notify them the issue is still occurring.

Mr. Doody wanted to make it clear the city does not have any enforcement authority over another municipality.

Alicia Torres – 5847 Whippoorwill Circle - Ms. Torres congratulated Mr. Werner on his appointment to the city council. She also thanked Vice Mayor Langowski for his efforts in revamping the Education Board. Ms. Torres stated she was not happy that no students applied for the vacancy on the Art in Public Places Board and asked if anyone reached out to the art department at Seminole Ridge High School. She also asked if a student was interested can they still apply. Ms. Burgess stated the high school art department was notified of the vacancy and it was forwarded to other art teachers and the vacancy remains open until someone applies. Ms. Torres also wanted to mention only about fifty percent of the streetlights are working. She stated it would be prettier to have all the lights working and can cause a safety issue. Mr. Cassel stated he sent multiple requests to FPL to fix the lights in the city. Mayor O'Connor asked Mr. Cassel to copy him in the email being sent to FPL. Council further discussed the city lights.

ADJOURNMENT

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

Zoie P. Burgess, City Clerk

JohnPaul O'Connor, Mayor

File Attachments for Item:

A. Proclamation 2024-01 - Martin Luther King Jr. Day

Sponsored By: Councilwoman Leonard

Proclamation

DECLARING JANUARY 15, 2024, MARTIN LUTHER KING, JR. DAY

WHEREAS, the Civil Rights movement of the 1960's has profoundly impacted the course of American history and continues to shape the direction and debate of our society; and

WHEREAS one of the great leaders of that 20th century movement is Dr. Martin Luther King, Jr., whose "dream" is no less inspirational and important today than when he first expressed it more than 50 years ago; and

WHEREAS, even with the gains of the Civil Rights movement over the years, there are many goals and needs that must be pursued to continue our commitment to achieve justice in our society, including a commitment to economic justice in the face of increasing disparity between rich and poor; and

WHEREAS, as we look forward to the future with optimism—inspired by Dr. King's legacy and informed by his wisdom and vision—let us rededicate ourselves to keeping his dream alive and be reminded that we are united together as one community.

NOW, THEREFORE, ON BEHALF OF THE CITY COUNCIL AND THE PEOPLE OF THE CITY OF WESTLAKE, I, JOHNPAUL O'CONNOR, MAYOR OF THE CITY OF WESTLAKE, BY VIRTUE OF THE AUTHORITY VESTED IN ME, DO HEREBY OFFICIALLY PROCLAIM AND RECOGNIZE JANUARY 15, 2024:

"MARTIN LUTHER KING, JR. DAY"

BE IT FURTHER PROCLAIMED BY THE CITY OF WESTLAKE that this proclamation is duly sealed, ribboned and approved by the members of this Council. The foregoing proclamation was sponsored by Councilwoman Charlotte Leonard, and upon unanimous consent of the Council, the Mayor declared the proclamation duly enacted.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Westlake, Florida to be affixed this 8th day of January 2024.

JohnPaul O'Connor, Mayor

ATTEST:

Zoie P. Burgess, CMC
City Clerk

File Attachments for Item:

A. MPA-2023-03: The applicant is requesting approval of a Master Plan amendment for a 20.321 acres Commercial Plaza in the Downtown Mixed Use Zoning District. The applicant proposes to relocate previously approved outparcel users. The applicant submitted a concurrent Site Plan application (SPR-2023-05) for Parcel D, a 6.45 acres-(Phase Two) will consists of a 25,000 sq.ft. building for a proposed Planet Fitness facility and an additional 9,000 sq.ft. of in line retail/office/medical and fast-food restaurant with drive through for a total of 34,024 sq. ft. The subject application is located at 16841 Persimmon Blvd. West Westlake, FL 33470 (Pod G South)

Submitted By: Planning and Zoning



Meeting Agenda Item Coversheet

MEETING DATE:		1/8/2024		Submitted By: Planning and Zoning	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		MPA-2023-03: The applicant is requesting approval of a Master Plan amendment for a 20.321 acres Commercial Plaza in the Downtown Mixed Use Zoning District. The applicant proposes to relocate previously approved outparcel users. The applicant submitted a concurrent Site Plan application (SPR-2023-05) for Parcel D, a 6.45 acres-(Phase Two) will consists of a 25,000 sq.ft. building for a proposed Planet Fitness facility and an additional 9,000 sq.ft. of in line retail/office/medical and fast-food restaurant with drive through for a total of 34,024 sq. ft. The subject application is located at 16841 Persimmon Blvd. West Westlake, FL 33470 (Pod G South)			
STAFF RECOMMENDATION: (MOTION READY)		<p>Motion to Approve MPA-2023-03 Publix at Westlake Plaza Master Plan Amendment with the following Conditions:</p> <ol style="list-style-type: none"> 1. Maintain vacant parcels (A, B, C) to keep a visual appearance. The subject parcels will be stabilized, seeded , mulched , regular mowed and receive temporary watering by way of traditional water trucks. 2. Applicant shall revise the Land Development Permit for Publix (ENG-2021-05), or submit new Land Development permit for Publix Phase II. 			
SUMMARY and/or JUSTIFICATION:		<p><u>The subject Plaza consists of a number of parcels that will be developed in phases.</u> The applicant is requesting approval of a Master Plan amendment for a 20.321 acres Commercial Plaza in the Downtown Mixed Use Zoning District fronting our Seminole Pratt Whitney Road.</p> <p>Phase Two consists of a 25,000 sq.ft. building for a proposed Planet Fitness facility and an additional 9,000 sq.ft. of inline retail/office/medical and fast-food restaurant with drive through building for a total of 34,024 sq.ft. In the future, the Plaza will also include a fast food and a sit down restaurants, a bank with drive through, and additional retail space.</p> <p>On November 9, 2020, the City Council approved the original Master Plan for Pod G South and Phase One for a 48,367 sq. ft Publix grocery store with a drive through pharmacy and a 1,400 sq. ft. liquor store and included an attached 9,600 sq. ft. inline retail/office/medical building; and a plaza landscaping plan.</p>			
SELECT, if applicable		AGREEMENT:		BUDGET:	
		STAFF REPORT:		PROCLAMATION:	
		EXHIBIT(S):		OTHER:	
IDENTIFY EACH ATTACHMENT. <i>For example, an agreement may have 2 exhibits, identify the agreement and Exhibit A and Exhibit B</i>		Agenda Item Sheet Final Staff Report Application Justification Statement Master Plan			

SELECT, if applicable	RESOLUTION:		ORDINANCE:	
<p>IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE <i>(if Item is <u>not</u> a Resolution or Ordinance, please erase all default text from this field's textbox and leave blank)</i> <u>Please keep text indented.</u></p>				
FISCAL IMPACT (if any):				\$

1-12-22



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

DEPARTMENTAL USE ONLY

Ck. # _____

Fee: _____

Intake Date: _____

PROJECT # _____

APPLICATION FOR (MASTER) SITE PLAN AMENDMENT REVIEW

CITY COUNCIL MEETING DATE: _____

The City Council meets on the second Monday of the month at 6:30 p.m., in the Westlake City Council Chambers, located at 4005 Seminole Pratt Whitney Road.

See page 3 for review process and submittal deadline.

INSTRUCTIONS TO APPLICANTS:

1. Please complete all sections of this application. If not applicable, indicate with N/A.
2. Provide all required documents as shown on the Site Plan Review Application Checklist (see page 4). If not applicable, indicate with N/A.
3. The applicant must be present at scheduled City Council meeting.
4. If project is to be developed in phases, a Master Site Plan Review Application shall be required.

I. PROJECT DESCRIPTION & APPLICANT INFORMATION

PROJECT NAME: Publix (MPA-2023-03)

PROJECT ADDRESS: 16841 Persimmon Blvd. West

DESCRIPTION OF PROJECT: Publix Phase II in-line retail and stand-alone Planet Fitness building

Estimated Project Cost: TBD

Property Control Number (PCN): A portion of 77404301240010000

Section/Township/Range: 774043

Property Owner(s) of Record (Developer) Publix Super Markets, Inc. C/O WindCrest Development Group, Inc.

Address: 605 Robinson Street, Suite 340, Orlando, FL 32801

Phone No.: 407-219-3540 **Fax No.** 408-219-3541 **E-mail Address:** tmurray@windcrestinc.com

Applicant/Agent (if other than owner, complete Acknowledgement and Consent section on page 2):

Name: Cotleur & Hearing

Address: 1934 Commerce Lane, Ste. 1, Jupiter, FL 33458 **Phone No.:** 561-747-6336

Fax No.: 561-747-1377 **E-mail Address:** dhearing@cotleur-hearing.com

II. LAND USE & ZONING

A) ZONING DISTRICT Mixed Use B) FUTURE LAND USE DESIGNATION Downtown Mixed Use

C) EXISTING USE(S) Publix Supermarket – Pod G, Parcel D, Phase 1

D) PROPOSED USE(S), AS APPLICABLE Grocery Store and in-line retail

III. ADJACENT PROPERTIES

	EXISTING USE(S)	FUTURE LAND USE DESIGNATION	ZONING DISTRICT
SUBJECT PROPERTY	Pod G, Parcel D, Phase II – Vacant	Downtown Mixed Use	Mixed Use
NORTH	Pod G North – Vacant	Downtown Mixed Use	Mixed Use
SOUTH	Pod G South, Parcel E – Publix Phase I - Constructed	Downtown Mixed Use	Mixed Use
EAST	Pod G North, Parcels A and B – Vacant	Downtown Mixed Use	Mixed Use
WEST	Pod G SW – James Business Park – Under Construction	Downtown Mixed Use	Mixed Use

IV. OWNER AND APPLICANT/AGENT ACKNOWLEDGEMENT AND CONSENT

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

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

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

Thomas J Murray, P.E.

Owner's Name (please print)



Owner's Signature

9/21/2023

Date

Donaldson E. Hearing

Applicant/Agent's Name (please print)



Applicant/Agent's Signature

Date

LAND USE:
DOWNTOWN MIXED USE
ZONING: MIXED USE

TOWN CENTER PARKWAY (WEST)

KEY MAP

LOCATION MAP

SITE DATA

NAME OF APPLICATION: WESTLAKE PUBLIX RETAIL CENTER
PROJECT NUMBER: CH 20-0616
LAST REVISION DATE: 10/05/2024
LAST CITY OF WEST PALM BEACH PLAN APPROVAL DATE: 10/05/2024
RESOLUTION NUMBER: 20-0616-1668, R-2014-1667, R-2014-1668, ORDINANCE 2014-030

FUTURE LAND USE DESIGNATION: DOWNTOWN MIXED USE
EXISTING ZONING DISTRICT: MIXED USE

SECTION (TOWNSHIP/RANGE): 43S/16E
PROJECT: 16-00-0000-0000-0000
VACANT AGRICULTURAL/UTILITY: 16-00-0000-0000-0000
MIXED USE: 16-00-0000-0000-0000

POD G-S SITE DATA

PROPOSED PLAY AREA (INCLUDES RPE)
MAXIMUM LOT COVERAGE: 1.144
MINIMUM PREVIOUS AREA: 5.080

PARCEL DATA

BUILDING DATA

PHASE I PARCEL E OPEN SPACE CALCULATIONS

PHASE II PARCEL D OPEN SPACE CALCULATIONS

PHASE I PARCEL A OPEN SPACE CALCULATIONS

PHASE II PARCEL D OPEN SPACE CALCULATIONS

PHASE I PARCEL A OPEN SPACE CALCULATIONS

PHASE II PARCEL D OPEN SPACE CALCULATIONS

PHASE I PARCEL A OPEN SPACE CALCULATIONS

PHASE II PARCEL D OPEN SPACE CALCULATIONS

PHASE I PARCEL A OPEN SPACE CALCULATIONS

PHASE II PARCEL D OPEN SPACE CALCULATIONS

PHASE I PARCEL A OPEN SPACE CALCULATIONS

PHASE II PARCEL D OPEN SPACE CALCULATIONS

PHASE I PARCEL A OPEN SPACE CALCULATIONS

PHASE II PARCEL D OPEN SPACE CALCULATIONS

PHASE I PARCEL A OPEN SPACE CALCULATIONS

PHASE II PARCEL D OPEN SPACE CALCULATIONS

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PHASE II PARCEL D OPEN SPACE CALCULATIONS

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PHASE I PARCEL A OPEN SPACE CALCULATIONS

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PHASE I PARCEL A OPEN SPACE CALCULATIONS

PHASE II PARCEL D OPEN SPACE CALCULATIONS

PHASE I PARCEL A OPEN SPACE CALCULATIONS

PHASE II PARCEL D OPEN SPACE CALCULATIONS

PHASE I PARCEL A OPEN SPACE CALCULATIONS

PHASE II PARCEL D OPEN SPACE CALCULATIONS

LEGEND

SID: SEMINOLE IMPROVEMENT DISTRICT
ROW: RIGHT OF WAY
AC: ACRES
UE: UTILITY EASEMENT
DE: DRAINAGE EASEMENT
LAE: LIMITED ACCESS EASEMENT
TTD: TRADITIONAL TOWN DEVELOPMENT
ESMT: EASEMENT
CL: CENTER LINE
SW: SIDEWALK
PBC: PALM BEACH COUNTY
LME: LAKE MAINTENANCE EASEMENT
WMT: WATER MANAGEMENT TRACT
FH: FIRE HYDRANT
CB: DRAINAGE CATCH BASIN
PROP: PROPOSED
OH: VEHICULAR OVER HANG
RPE: RURAL PARKWAY EASEMENT
SPW: SEMINOLE PRATT WHITNEY
TCP: TOWN CENTER PARKWAY
PBW: PERSIMMON BLVD. WEST

PHASE 1 PEDESTRIAN CONNECTION
FUTURE PHASE PEDESTRIAN CONNECTION
DECORATIVE PAVER CROSSWALK

LAND USE:
DOWNTOWN MIXED USE
ZONING: MIXED USE

LEGAL DESCRIPTION

A PORTION OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

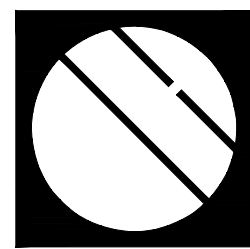
COMMENCE AT THE NORTHWEST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST; THENCE S.01°07'07"W, ALONG THE WEST BOUNDARY OF SAID SECTION 1, A DISTANCE OF 349.11 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF M-CANAL, A 250 FOOT WIDE CITY OF WEST PALM BEACH RIGHT-OF-WAY, DESCRIBED IN DEED BOOK 1156, PAGE 58, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S.87°46'28"E, ALONG SAID SOUTHERLY BOUNDARY OF M-CANAL, AS FOUND MONUMENTED, A DISTANCE OF 370.84 FEET; THENCE N.88°36'57"E, ALONG SAID SOUTHERLY BOUNDARY OF M-CANAL, AS FOUND MONUMENTED, A DISTANCE OF 1406.04 FEET TO THE WEST RIGHT-OF-WAY LINE OF SEMINOLE-PRATT WHITNEY ROAD, A 100 FOOT WIDE RIGHT-OF-WAY, DESCRIBED IN OFFICIAL RECORDS BOOK 1544, PAGE 378, AND ROAD PLAT BOOK 4, PAGE 34, BOTH OF SAID PUBLIC RECORDS; THENCE S.01°42'52"W, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 3323.29 FEET; THENCE N.88°17'08"W, A DISTANCE OF 30.00 FEET TO A POINT ON THE WEST LINE OF RIGHT-OF-WAY PARCEL 101, AS RECORDED IN OFFICIAL RECORDS BOOK 28479, PAGE 822, OF SAID PUBLIC RECORDS, SAID POINT BEING THE POINT OF BEGINNING

THENCE THE FOLLOWING COURSES BEING ALONG SAID WEST LINE OF RIGHT-OF-WAY PARCEL 101; THENCE S.01°42'52"W, A DISTANCE OF 13.97 FEET; THENCE S.04°59'06"W, A DISTANCE OF 210.34 FEET; THENCE S.01°42'52"W, A DISTANCE OF 50.63 FEET; THENCE S.01°33'22"E, A DISTANCE OF 210.34 FEET; THENCE S.01°42'52"W, A DISTANCE OF 123.26 FEET; THENCE S.14°59'41"W, A DISTANCE OF 52.24 FEET; THENCE S.01°42'52"W, A DISTANCE OF 290.78 FEET; THENCE S.46°42'49"W, A DISTANCE OF 56.57 FEET; THENCE N.88°17'15"W, A DISTANCE OF 33.03 FEET; THENCE N.75°52'48"W, ALONG THE NORTH RIGHT-OF-WAY LINE OF PERSIMMON BOULEVARD, AS SHOWN ON PERSIMMON BOULEVARD WEST - REPLAY, ROCK ROAD PLAT BOOK 129, PAGES 129 AND 130, OF SAID PUBLIC RECORDS, AND ITS EASTERLY EXTENSION, A DISTANCE OF 69.82 FEET; THENCE CONTINUE ALONG SAID NORTH RIGHT-OF-WAY LINE OF PERSIMMON BOULEVARD, FOR THE FOLLOWING SEVEN (7) COURSES:

N.88°17'15"W, A DISTANCE OF 440.37 FEET; THENCE S.46°42'45"W, A DISTANCE OF 14.54 FEET; THENCE S.89°29'36"W, A DISTANCE OF 48.11 FEET; THENCE N.78°05'58"W, A DISTANCE OF 51.20 FEET; THENCE S.89°29'36"W, A DISTANCE OF 179.16 FEET; THENCE S.44°29'36"W, A DISTANCE OF 16.30 FEET; THENCE N.88°17'15"W, A DISTANCE OF 27.23 FEET.

THENCE N.44°29'36"W, A DISTANCE OF 29.47 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST, WITH A RADIUS OF 500.00 FEET; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE CONCAVE THROUGH A CENTRAL ANGLE OF 42°29'36", A DISTANCE OF 37.08 FEET TO A POINT OF TANGENCY; THENCE N.02°00'00"E, A DISTANCE OF 50.84 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST, WITH A RADIUS OF 1000.00 FEET; THENCE NORTHERLY, ALONG THE ARC OF A SAID CURVE THROUGH A CENTRAL ANGLE OF 02°00'00", A DISTANCE OF 34.91 FEET; THENCE N.04°00'00"E, A DISTANCE OF 90.00 FEET; THENCE N.02°00'00"E, A DISTANCE OF 800.00 FEET; THENCE S.88°17'08"E, A DISTANCE OF 581.00 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH, WITH A RADIUS OF 500.00 FEET; THENCE EASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 06°00'43", A DISTANCE OF 52.46 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTH, WITH A RADIUS OF 500.00 FEET; THENCE EASTERLY, ALONG THE ARC SAID CURVE THROUGH A CENTRAL ANGLE OF 06°00'43", A DISTANCE OF 52.46 FEET TO A POINT ON THE WEST LINE OF RIGHT-OF-WAY PARCEL 101, AS RECORDED IN OFFICIAL RECORDS BOOK 28479, PAGE 822, OF SAID PUBLIC RECORDS; THENCE S.88°17'08"E, ALONG SAID WEST LINE OF RIGHT-OF-WAY PARCEL 101, A DISTANCE OF 52.00 FEET; THENCE S.43°17'08"E, ALONG SAID WEST LINE OF RIGHT-OF-WAY PARCEL 101, A DISTANCE OF 56.57 FEET TO THE POINT OF BEGINNING.

CONTAINING 20.3205 ACRES, 885,162 SQ. FT. MORE OR LESS.



Cotleur & Hearing

Landscape Architects
Land Planners
Environmental Consultants

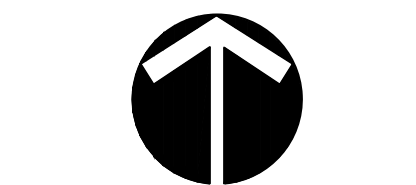
1934 Commerce Lane
Suite 1
Jupiter, Florida 33458
561.747.6336 • Fax 747.1377
www.cotleurhearing.com

Lic# LC-C000239

PUBLIX at WESTLAKE PLAZA

MASTER SITE PLAN
City of Westlake, Florida

DESIGNED: DEH
DRAWN: RNK
APPROVED: DEH
JOB NUMBER: 20-0616
DATE: 08-26-20
REVISIONS: 09-11-20
03-03-23 10-01-20
10-18-23 10-08-20
11-20-23 11-13-20
12-13-23 01-14-21



Scale: 1" = 60'

December 13, 2023 1:01:36 p.m.
Drawing: 20-0616-MP.DWG

SHEET 1 OF 1
© COTLEUR & HEARING, INC.
These drawings are the property of the architect and are not to be used for extensions or on other projects except by agreement in writing with the architect. Immediately report any discrepancies to the architect.

Pod G-S, Parcel D
PUBLIX at Westlake Plaza – Phase II & Planet Fitness
Justification Statement
October 27, 2023
Revised: December 13, 2023

Introduction

On November 09, 2020, Resolution 2020-33, approved the Master Site Plan for the Publix at Westlake Plaza; Resolution 2020-34 approved the Site Plan for the Publix Grocery Store, Drive through Pharmacy, Liquor Store , and 9,600 sf of Inline retail. The Final Plat for the Westlake Plaza (Publix) was also approved on this date. Publix is pleased to now submit the Phase II development plan, including in line Retail and a stand-alone Planet Fitness facility.

The PUBLIX shopping plaza is located on 20.321 acres in the southern portion of Pod G-South. The PUBLIX grocery store consists of approximately 48,000 square feet and includes in line retail and three (3) outparcels housing a fast-food restaurant with a drive-thru, a sit -down restaurant, and a bank with a drive-thru. The future retail tract, Parcel D, is now being submitted as Phase II and is earmarked for approximately 34,000 total square feet to accommodate a 25,000 square foot Planet Fitness facility and an additional 9,000 square feet of in line retail/office/medical and a fast-food restaurant with drive thru. In all, the Publix Plaza will consist of approximately 130,000 square feet of use, uniquely positioned to serve the residents of Westlake, as well as the western community at large.

Background

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

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

Historic and Recent Planning and Zoning Entitlements

Prior to the City’s incorporation, Palm Beach County issued several Development Orders to Minto permitting development on Minto’s property that is now within the City of Westlake. Specifically, the County approved Resolution 2014-1646 (as later amended by 2014-1892) rezoning the Westlake Property, and Resolutions 2014-1647 and 2014-1648 approving Hotel and College/University as requested uses on the Westlake Property. At that same time, Palm Beach County revised its Comprehensive Plan and Unified Land Development Code (“ULDC”) to facilitate development of the Westlake Property pursuant to Ordinances 2014-030 and 2014-031. At the same time, to address the County’s traffic concurrency requirements related to the approved density and intensity, Minto entered into a Proportionate Fair Share Agreement with Palm Beach County dated October 29, 2014.

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

(A complete, updated, list of approved entitlements within the City is attached for additional reference).

Subject Request

The Applicant is requesting site plan approval for Pod G-South, Parcel D. This site has a Mixed-Use zoning designation allowing Commercial and Retail Center.

The site plan for the Publix Phase II at Westlake Plaza will be processed in accordance with Article 3 “Zoning Districts” of the Westlake Code of Ordinances. The subject site maintains a Land Use designation of Downtown Mixed Use and a Zoning designation of Mixed Use and is subject to site plan review and approval. The proposed shopping center / retail commercial use is considered permitted use within the Mixed-Use Zoning District. The site development plan will require approval by the Westlake City Council with public notice as required by Article 2, Table 2.3. All of the proposed uses are permitted uses (**P**) within the Mixed Use (**MU**) zoning district as defined by Article 3 Table 3-20 of the City of Westlake Code of Ordinances.

The Site design orients the PUBLIX grocery store and attached inline retail uses towards Seminole Pratt Whitney Road to the east and Persimmon Blvd. (West) to the south. The overall site

provides six points of vehicular access to the site, three from Town Center Parkway (West) from the north, and three from Persimmon Boulevard West, from the south. The western most access point on both Town Center Parkway and Persimmon Boulevard West are intended to primarily support the service and delivery functions of the plaza.

The overall project site contains 20.321 acres. The Publix at Westlake Plaza will be developed in multiple phases as market demand dictates. The first phase of development is now constructed and includes approximately 59,000 square feet of commercial retail/ shopping center uses. Phase I anchors the center with a 48,000 square foot grocery store, and 11,000 square feet of inline retail/office/medical uses.

As noted previously Phase II will consist of approximately 34,000 total square feet to accommodate a 25,000 square foot Planet Fitness facility and an additional 9,000 square feet of in line retail/office/medical and a fast-food restaurant with drive thru. All future development on the site will be subject to the review and approval of the City of Westlake and City Council.

A comparison master plan amendment is proposed to address the equivalency of the proposed Fitness use with the previously approved retail square footage. The master plan amendment also relocates the previously approved outparcel users. It is worth noting that approximately 21,000 square feet will remain available within the outparcels for future uses.

The first phase of this project provides pedestrian connectivity to Persimmon Boulevard West. Phase II will provide additional pedestrian access points to Town Center Parkway and to the multimodal pathway system along Seminole Pratt Whitney Boulevard. Vehicle parking is provided to the east of the existing PUBLIX and retail store fronts and will also accommodate the proposed Planet Fitness and additional retail store fronts. Low Speed Electric Vehicle (LSEV) parking Electric Vehicle (EV) Charging Stations will be provided to accommodate the entire plaza. The LSEV parking spaces are located in a common location convenient to all of the users. All vehicular use areas are well buffered in excess of the minimum requirements. The site is well landscaped in accordance with the requirements of Article 7 “Landscape” of the City of Westlake’s code of ordinances. The foundation Plantings have been installed and conform to the requirements of Article 7, Section 4.15, providing rows of large specimen Royal Palms to line the primary access drives through the Plaza. The specimen Royal Palms will provide a strong sense of arrival and elegance while preserving the needed visibility to the retail stores. The applicant is particularly sensitive to maintaining good visibility as the 80’ rural parkway along the east boundary totally obscures all visibility from Seminole Pratt Whitney Boulevard. The project Signage will comply with the requirements of Article 6, Signage. The applicant has received approval for a Master Signage Plan in accordance with the requirements Section 6.9 of the code.

Art in Public Places

Pursuant to CHAPTER 24: ART IN PUBLIC PLACES, Section 3) Art Acquisition Fund, as set forth in Ordinance No. 2021-22, the Applicant chooses to voluntarily contribute one percent (1%) of the building construction costs of the Publix Phase II project as a fee to the Art Acquisition Fund.

Conclusion

The Applicant is requesting approval Pod G-South, Parcel D (Publix Phase II) Site Plan Approval, as presented. The Applicant will work closely with Staff to bring this application to completion as quickly as possible. The Applicant and the entire development team are available to answer any questions Staff might have and/or provide necessary information to supplement the information provided in the submittal.



City of Westlake

Planning and Zoning Department – Staff Report

City Council Meeting 1/8/2024

PETITION DESCRIPTION

PETITION NUMBER: MPA-2023-03 Publix Westlake Plaza Master Plan Amendment
OWNER: Minto PBLH, LLC
APPLICANT: Cotleur & Hearing
ADDRESS: 16841 Persimmon Blvd. West Westlake, FL 33470 (Pod G South)
PCN: 77-40-43-01-00-000-1010
REQUEST: The applicant is requesting approval of a Master Plan amendment for a 20.321 acres Commercial Plaza in the Downtown Mixed Use Zoning District. The applicant proposes to relocate previously approved outparcel users. The applicant submitted a concurrent Site Plan application (SPR-2023-05) for **Parcel D**, a 6.45 acres-**(Phase Two)** will consists of a 25,000 sq.ft. building for a proposed Planet Fitness facility and an additional 9,000 sq.ft. of in line retail/office/medical and fast-food restaurant with drive through for a total of 34,024 sq. ft.

The subject master plan also includes 1.88 acres Rural Parkway Easement; **Parcel A**-1.11 acres-with a 5,750 Sq.Ft. Retail; **Parcel B**-1.05 acres-with a 4,000 Sq. Ft. Fast Food with Drive Thru; **Parcel C**-1.12 acres- with a 5,500 Sq.Ft. Bank with Drive Thru; and **Parcel E**-8.72 acres- with a 48,367 sq. ft Publix grocery store with a drive through pharmacy and a 1,400 sq. ft. liquor store; and, 9,600 sq. ft. inline retail/office/medical building (Phase One).

SUMMARY

The subject Plaza consists of a number of parcels that will be developed in phases. The applicant is requesting approval of a Master Plan amendment for a 20.321 acres Commercial Plaza in the Downtown Mixed Use Zoning District fronting our Seminole Pratt Whitney Road.

Phase Two consists of a 25,000 sq.ft. building for a proposed Planet Fitness facility and an additional 9,000 sq.ft. of inline retail/office/medical and fast-food restaurant with drive through building for a total of 34,024 sq.ft. In the future, the Plaza will also include a fast food and a sit down restaurants, a bank with drive through, and additional retail space.

On November 9, 2020, the City Council approved the original Master Plan for Pod G South and Phase One for a 48,367 sq. ft Publix grocery store with a drive through pharmacy and a 1,400 sq. ft. liquor store and included an attached 9,600 sq. ft. inline retail/office/medical building; and a plaza landscaping plan.

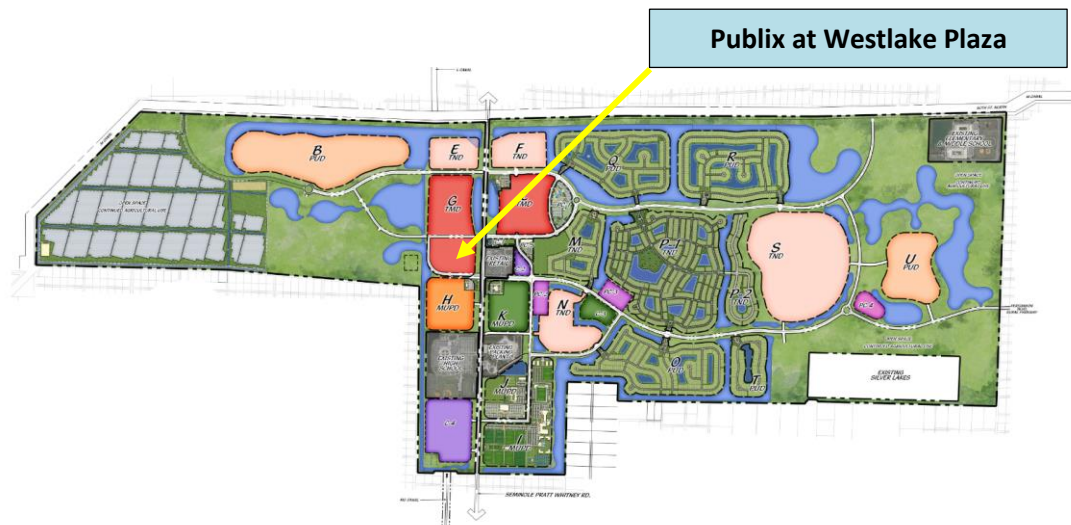
STAFF RECOMMENDATION

Based upon the facts and findings contained herein, the **Planning and Zoning Department** and **Engineering Department** recommend approval of the subject application with the following Conditions:

1. Maintain vacant parcels (A, B, C) to keep a visual appearance. The subject parcels will be stabilized, seeded, mulched, regular mowed and receive temporary watering by way of traditional water trucks.
2. Applicant shall revise the Land Development Permit for Publix (ENG-2021-05), or submit new Land Development permit for Publix Phase II.

PETITION FACTS

- a. Total Gross Site Area: 20.321 acres
- b. Land Use and Zoning:
 - Existing Land Use: Vacant/Agricultural
 - Future Land Use: Downtown Mixed Use
 - Zoning: Downtown Mixed Use



BACKGROUND

On November 9, 2020, the City Council approved the original Master Plan of Pod G South known as Publix at Westlake Plaza (Resolution 2020-03) which is a 20.321 acres, and a total 129,700 sq. ft. commercial development in the Downtown Mixed Use Zoning District. On November 9, 2020, the City Council also approved a concurrent site plan application for Publix Grocery Store Phase One located in Parcel E (Resolution 2020-34). Phase One is now constructed containing 48,367 sq. ft Publix grocery store with a drive through pharmacy and a 1,400 sq. ft. liquor store and included an attached 9,600 sq. ft. inline retail/office/medical building; and a plaza landscaping plan.

The subject application is requesting a Master Plan Amendment approval to relocate previously approved outparcel users and include Phase Two of Pod G South located in Parcel D. The applicant submitted a concurrent site plan application for Phase Two (SPR-2023-05).

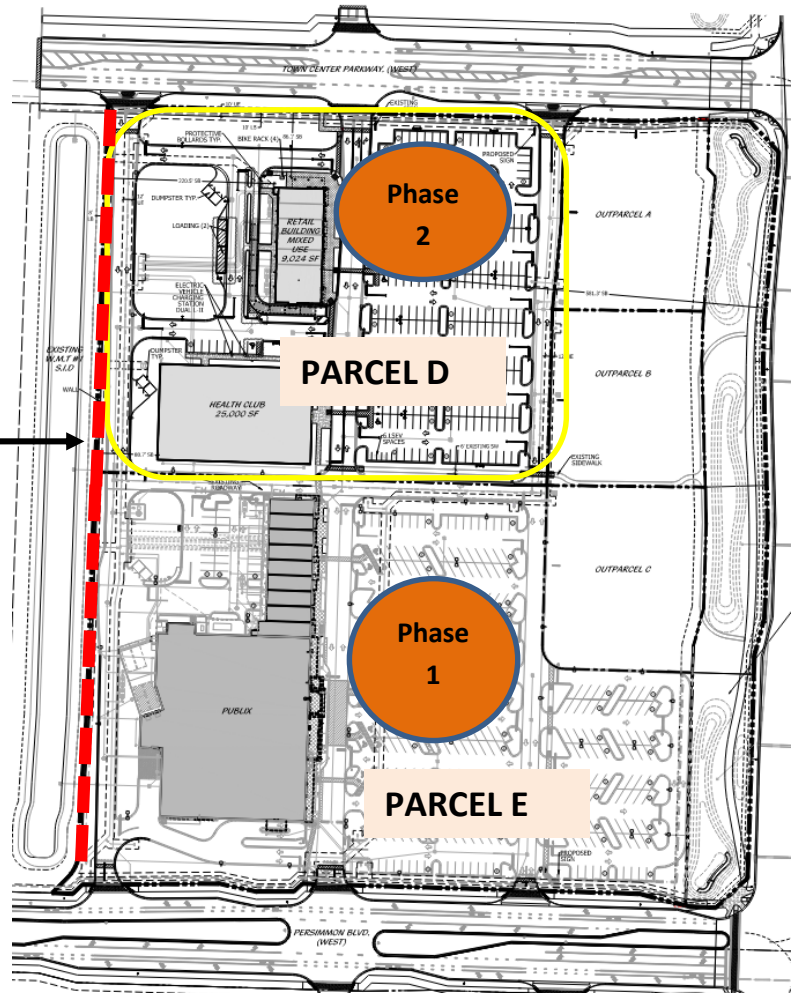
STAFF ANALYSIS

The applicant is requesting approval of a Master Plan Amendment for a 20.321 acres Commercial Plaza in the Downtown Mixed Use Zoning District. The subject Plaza is located west of Seminole Pratt Whitney Road; includes 1.88 acres Rural Parkway Easement and the following parcels:

The Master Site Plan includes Phase One and Two as shown on graphics. Additional phases will be market driven.

Location of proposed Concrete Slip Wall Panel

Phase One and Two development will include all parcel E and D with landscape buffers on Town Center Parkway and along the western boundary of the entire site including a 6' Buffer Concrete Slip Wall Panel Wall.



Currently, the applicant only defined Phase One and Two. Additional phases will be determined by market demand and respective site plans will be submitted for staff review and approval by the City Council.

The commercial Plaza Master Site Plan provides **six** (6) points of vehicular access to the site, three (3) from Town Center Parkway (West) from the north, and three (3) from Persimmon Boulevard West, from the south. The western most access point on both Town Center Parkway and Persimmon Boulevard West are intended to primarily support the service and delivery functions of the plaza. Applicant is also proposing **two** (2) connecting sidewalks from Rural Parkway Easement to plaza, as well as, **one** (1) internal sidewalk.



**Sidewalk
Connecting
Multimodal Path
to Plaza**

City's Comprehensive Plan and Vision

The City of Westlake Comprehensive Plan adopted in 2018 includes a Data and Analysis section that define the City's Vision and Guiding Principles. These are the building blocks of the City, and they were formulated by the City Council through a series of workshops. "Build City Character and Identity" guiding principle emphasizes how important is aesthetics and design for the City's identity and urban character. The subject document includes the following key paragraphs:

Vision for the City

The City will be a vibrant, desirable and welcoming place to live, work and play. The City will support mixed uses and promote safe neighborhoods with access to thriving business districts, employment centers, schools, parks and open spaces. The City will create incentives to promote the development of diverse housing, and will offer public open spaces. An emphasis on the development of complete streets will promote multi-modal transportation opportunities. The City's plans and policies will embrace public participation, encourage a sustainable community, and stimulate a vibrant economy.

The City's Guiding Principles

Build City Character and Identity

The City will promote economic development and provide for attractive public spaces through the coordination of building architecture, site design, and streetscape improvements.

Balance the Central Communities in Palm Beach County

The development of the City will include commercial, employment, and recreational opportunities to help alleviate the existing urban sprawl pattern of development that currently exists in central Palm Beach County.

Promote Mixed-Use Corridor

The Downtown Mixed-Use Category is important to the development of the City as a center of commerce, employment, and services. Neighborhood centers, which will vary in scale, use, and intensity, will be developed within walking distance of residential neighborhoods to provide accessible and convenient opportunities to work, shop, and participate in civic life.

Emphasize Housing Diversity and Livable Neighborhoods

A variety of housing choices will be provided to accommodate a diverse range of residents at varying income levels and at all stages of life, including young adults, families, non-family households, empty nesters, retirees, and seniors. Housing opportunities will include small lots, multi-family housing, and live-work units, in addition to the traditional large, single family homes. Neighborhood commercial centers will offer convenient and walkable amenities to residents by providing retail and service facilities.

Grow A Vibrant Economy

The City will work towards becoming a Sustainable Community with an environmentally, socially, and economically healthy and resilient City for existing and future populations. A healthy and sustainable business environment will be promoted through investment in efficient infrastructure, the provision of incentives, and by fostering development of a community that is attractive to employers and their workers. The Plan will seek to enhance the City's competitive advantage and to attract high quality companies, entrepreneurs, and knowledge-based businesses to the area.

Promote Complete Streets, Transportation Choice and Mobility

A safe, reliable, and integrated transportation system that supports multiple modes of transportation including walking, biking, mass transit, and motor vehicles will be encouraged within the City. Investment

in the transportation system should promote multi-modal travel solutions, especially in the Downtown Mixed-Use Category, around schools, and between neighborhoods.

Landscape

The subject site is landscaped in accordance with Article 7 “Landscape” of the City of Westlake’s Code of Ordinances. Plantings are placed around the perimeter of the building and throughout the parking lot per requirements. Royal Palms line the primary access drive through the plaza. Landscape buffers are proposed along the north, south and west property boundaries. The eastern property boundary is buffered by the existing Rural Parkway Easement.

Maintenance of Vacant Parcels

All landscaped areas will be fully irrigated and maintained on a regular basis. The future development parcels (A, B, C) will be stabilized and seeded and mulched with Argentine Bahia Grass. These areas will receive temporary watering by way of traditional water trucks during the initial establishment period. The future development parcels will be regular mowed consistent with industry standards to maintain a neat visual appearance.

Drainage

Drainage for each outparcel is not presented at this time. Applicant is required to comply with drainage requirements at the time of each parcel’s development.

Traffic

The total trips projected for this application do not exceed the approved trips for Westlake per the Development Order. Therefore, the proposed Site Plan Application is in compliance with the Westlake Development Order.

Roadway Connections

Entry and exit points onto Town Center Parkway are approved for the configuration of Town Center Parkway that was presented in this application.

FINAL REMARKS

MPA-2023-03 will be heard by the City Council on January 8, 2024. The public hearing was advertised in compliance with the City’s code. The subject application was reviewed by the City of Westlake staff (Planning and Zoning, Engineering), Seminole Improvement District (SID) and Palm Beach County Fire Rescue.

File Attachments for Item:

B. SPR-2023-05: The applicant is requesting approval of a Site Plan Review for Phase Two of the Publix at Westlake Plaza development. Phase Two consists of a 25,000 sq.ft. building for a proposed Planet Fitness facility and an additional 9,000 sq.ft. of in line retail/office/medical and fast-food restaurant with drive-through for a total of 34,024 sq. ft. The subject application is located at 16841 Persimmon Blvd. West Westlake, FL 33470 (Pod G South).

Submitted By: Planning and Zoning



Meeting Agenda Item Coversheet

MEETING DATE:		1/8/2024		Submitted By: Planning and Zoning	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		SPR-2023-05: The applicant is requesting approval of a Site Plan Review for Phase Two of the Publix at Westlake Plaza development. Phase Two consists of a 25,000 sq.ft. building for a proposed Planet Fitness facility and an additional 9,000 sq.ft. of in line retail/office/medical and fast-food restaurant with drive-through for a total of 34,024 sq. ft. The subject application is located at 16841 Persimmon Blvd. West Westlake, FL 33470 (Pod G South).			
STAFF RECOMMENDATION: (MOTION READY)		Motion to Approve SPR-2023-05 Publix at Westlake Plaza Phase Two Site Plan with the following conditions: <ol style="list-style-type: none"> 1. Applicant shall contribute one percent (1%) of the building's construction costs of Phase Two to the City of Westlake Art Acquisition Fund prior to building permit issuance. 2. Applicant shall revise the Land Development Permit for Publix (ENG-2021-05), or submit new Land Development permit for Publix Phase II. 			
SUMMARY and/or JUSTIFICATION:		<p><u>The subject application, Phase Two, is part of Pod G South, a 20.321 acres, and a total 129,700 sq. ft. commercial development in the Downtown Mixed Use Zoning District.</u></p> <p>The applicant is requesting approval of a Site Plan Review for Phase Two of the Publix at Westlake Plaza development. Phase Two consists of a 25,000 sq.ft. building for a proposed Planet Fitness facility and an additional 9,000 sq.ft. of in line retail/office/medical and fast-food restaurant with drive through building for a total of 34,024 sq.ft. Phase Two proposes aesthetic materials (pavers) on the entire front walkways of the inline mixed use building, continuing the Phase One (Publix) paver walkway theme.</p> <p>On November 9, 2020, the City Council approved Phase One for a 48,367 sq. ft Publix grocery store with a drive through pharmacy and a 1,400 sq. ft. liquor store and included an attached 9,600 sq. ft. inline retail/office/medical building; and a plaza landscaping plan.</p>			
SELECT, if applicable		AGREEMENT:		BUDGET:	
		STAFF REPORT:		X	PROCLAMATION:
		EXHIBIT(S):		X	OTHER:
IDENTIFY EACH ATTACHMENT. <i>For example, an agreement may have 2 exhibits, identify the</i>		Agenda Item Sheet Final Staff Report Application Justification Statement Site Plan Landscape Plan			

<i>agreement and Exhibit A and Exhibit B</i>	Building Elevations		
SELECT , <i>if applicable</i>	RESOLUTION:		ORDINANCE:
IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE <i>(if Item is not a Resolution or Ordinance, please erase all default text from this field's textbox and leave blank)</i> <u>Please keep text indented.</u>			
FISCAL IMPACT <i>(if any):</i>			\$

Pod G-S, Parcel D
PUBLIX at Westlake Plaza – Phase II & Planet Fitness
Justification Statement
October 27, 2023
Revised: December 13, 2023

Introduction

On November 09, 2020, Resolution 2020-33, approved the Master Site Plan for the Publix at Westlake Plaza; Resolution 2020-34 approved the Site Plan for the Publix Grocery Store, Drive through Pharmacy, Liquor Store , and 9,600 sf of Inline retail. The Final Plat for the Westlake Plaza (Publix) was also approved on this date. Publix is pleased to now submit the Phase II development plan, including in line Retail and a stand-alone Planet Fitness facility.

The PUBLIX shopping plaza is located on 20.321 acres in the southern portion of Pod G-South. The PUBLIX grocery store consists of approximately 48,000 square feet and includes in line retail and three (3) outparcels housing a fast-food restaurant with a drive-thru, a sit -down restaurant, and a bank with a drive-thru. The future retail tract, Parcel D, is now being submitted as Phase II and is earmarked for approximately 34,000 total square feet to accommodate a 25,000 square foot Planet Fitness facility and an additional 9,000 square feet of in line retail/office/medical and a fast-food restaurant with drive thru. In all, the Publix Plaza will consist of approximately 130,000 square feet of use, uniquely positioned to serve the residents of Westlake, as well as the western community at large.

Background

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

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

Historic and Recent Planning and Zoning Entitlements

Prior to the City’s incorporation, Palm Beach County issued several Development Orders to Minto permitting development on Minto’s property that is now within the City of Westlake. Specifically, the County approved Resolution 2014-1646 (as later amended by 2014-1892) rezoning the Westlake Property, and Resolutions 2014-1647 and 2014-1648 approving Hotel and College/University as requested uses on the Westlake Property. At that same time, Palm Beach County revised its Comprehensive Plan and Unified Land Development Code (“ULDC”) to facilitate development of the Westlake Property pursuant to Ordinances 2014-030 and 2014-031. At the same time, to address the County’s traffic concurrency requirements related to the approved density and intensity, Minto entered into a Proportionate Fair Share Agreement with Palm Beach County dated October 29, 2014.

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

(A complete, updated, list of approved entitlements within the City is attached for additional reference).

Subject Request

The Applicant is requesting site plan approval for Pod G-South, Parcel D. This site has a Mixed-Use zoning designation allowing Commercial and Retail Center.

The site plan for the Publix Phase II at Westlake Plaza will be processed in accordance with Article 3 “Zoning Districts” of the Westlake Code of Ordinances. The subject site maintains a Land Use designation of Downtown Mixed Use and a Zoning designation of Mixed Use and is subject to site plan review and approval. The proposed shopping center / retail commercial use is considered permitted use within the Mixed-Use Zoning District. The site development plan will require approval by the Westlake City Council with public notice as required by Article 2, Table 2.3. All of the proposed uses are permitted uses (**P**) within the Mixed Use (**MU**) zoning district as defined by Article 3 Table 3-20 of the City of Westlake Code of Ordinances.

The Site design orients the PUBLIX grocery store and attached inline retail uses towards Seminole Pratt Whitney Road to the east and Persimmon Blvd. (West) to the south. The overall site

provides six points of vehicular access to the site, three from Town Center Parkway (West) from the north, and three from Persimmon Boulevard West, from the south. The western most access point on both Town Center Parkway and Persimmon Boulevard West are intended to primarily support the service and delivery functions of the plaza.

The overall project site contains 20.321 acres. The Publix at Westlake Plaza will be developed in multiple phases as market demand dictates. The first phase of development is now constructed and includes approximately 59,000 square feet of commercial retail/ shopping center uses. Phase I anchors the center with a 48,000 square foot grocery store, and 11,000 square feet of inline retail/office/medical uses.

As noted previously Phase II will consist of approximately 34,000 total square feet to accommodate a 25,000 square foot Planet Fitness facility and an additional 9,000 square feet of in line retail/office/medical and a fast-food restaurant with drive thru. All future development on the site will be subject to the review and approval of the City of Westlake and City Council.

A comparison master plan amendment is proposed to address the equivalency of the proposed Fitness use with the previously approved retail square footage. The master plan amendment also relocates the previously approved outparcel users. It is worth noting that approximately 21,000 square feet will remain available within the outparcels for future uses.

The first phase of this project provides pedestrian connectivity to Persimmon Boulevard West. Phase II will provide additional pedestrian access points to Town Center Parkway and to the multimodal pathway system along Seminole Pratt Whitney Boulevard. Vehicle parking is provided to the east of the existing PUBLIX and retail store fronts and will also accommodate the proposed Planet Fitness and additional retail store fronts. Low Speed Electric Vehicle (LSEV) parking Electric Vehicle (EV) Charging Stations will be provided to accommodate the entire plaza. The LSEV parking spaces are located in a common location convenient to all of the users. All vehicular use areas are well buffered in excess of the minimum requirements. The site is well landscaped in accordance with the requirements of Article 7 “Landscape” of the City of Westlake’s code of ordinances. The foundation Plantings have been installed and conform to the requirements of Article 7, Section 4.15, providing rows of large specimen Royal Palms to line the primary access drives through the Plaza. The specimen Royal Palms will provide a strong sense of arrival and elegance while preserving the needed visibility to the retail stores. The applicant is particularly sensitive to maintaining good visibility as the 80’ rural parkway along the east boundary totally obscures all visibility from Seminole Pratt Whitney Boulevard. The project Signage will comply with the requirements of Article 6, Signage. The applicant has received approval for a Master Signage Plan in accordance with the requirements Section 6.9 of the code.

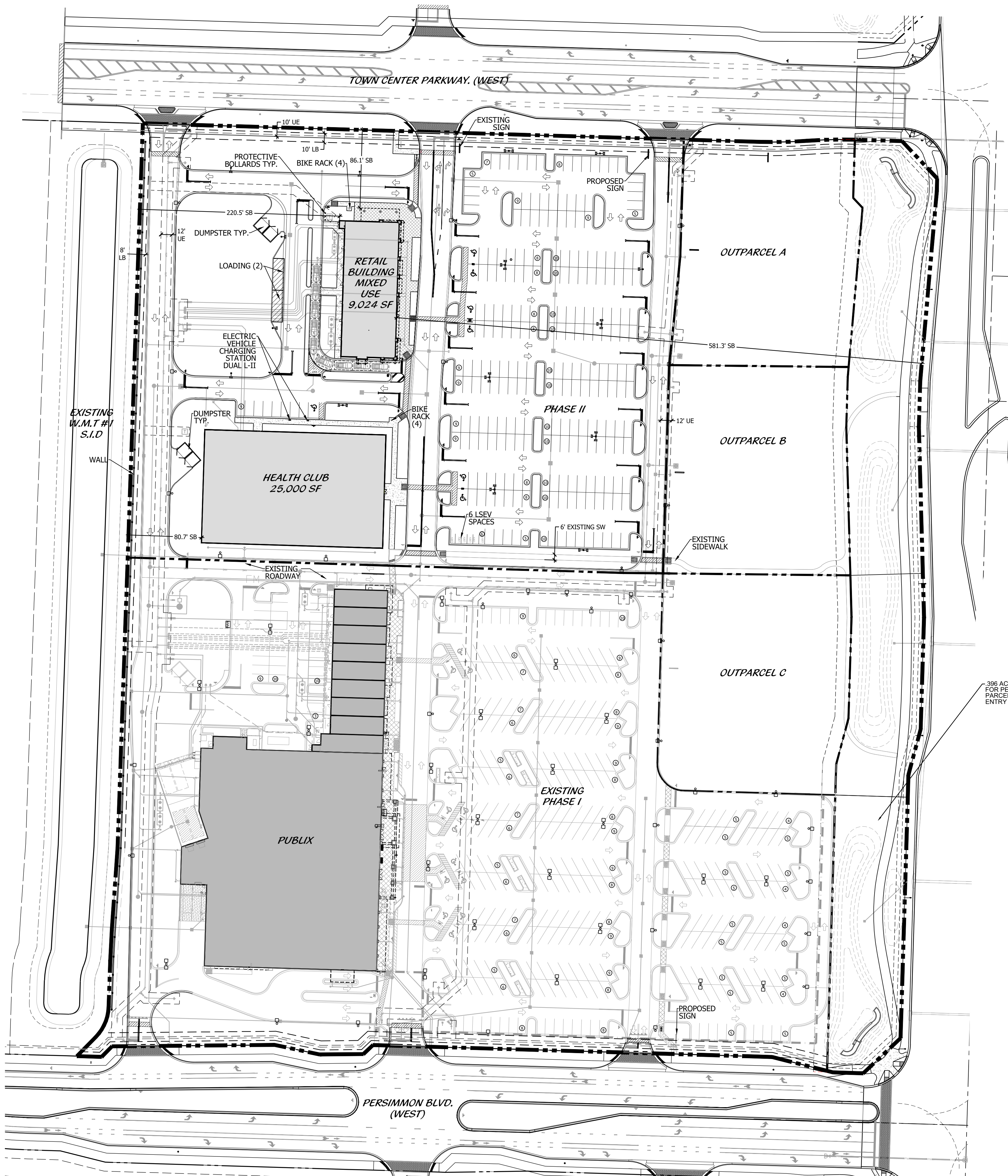
Art in Public Places

Pursuant to CHAPTER 24: ART IN PUBLI9C PLACES, Section 3) Art Acquisition Fund, as set forth in Ordinance No. 2021-22, the Applicant chooses o voluntarily contribute one percent (1%) of the building construction costs of the Publix Phase II project as a fee to the Art Acquisition Fund.

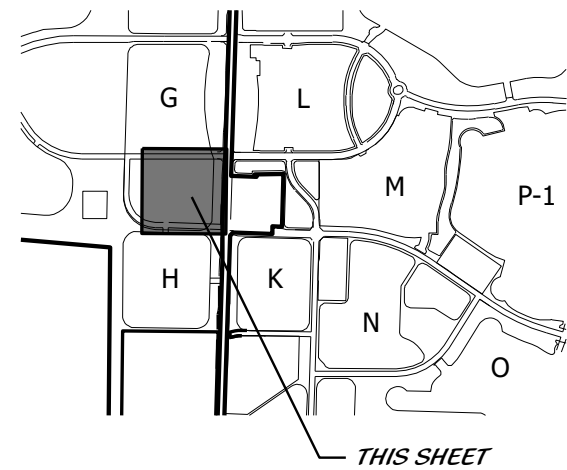
Conclusion

The Applicant is requesting approval Pod G-South, Parcel D (Publix Phase II) Site Plan Approval, as presented. The Applicant will work closely with Staff to bring this application to completion as quickly as possible. The Applicant and the entire development team are available to answer any questions Staff might have and/or provide necessary information to supplement the information provided in the submittal.

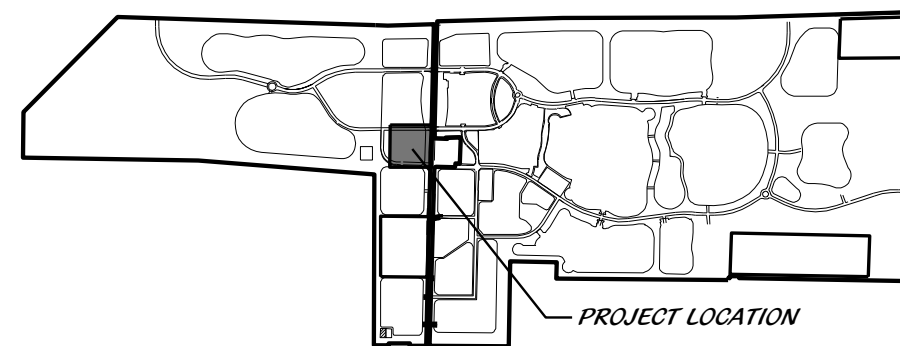
PARCEL G



KEY MAP



LOCATION MAP



SITE DATA

NAME OF APPLICATION	WESTLAKE PUBLIX RETAIL CENTER
APPLICATION NUMBER	SPR-2023-05
PROJECT NUMBER	CH 20-0616.01
CITY OF WESTLAKE RESOLUTION NUMBERS	R-2020-32, R-2020-33, R-2020-34, R-2022-39
FUTURE LAND USE DESIGNATION	DOWNTOWN MIXED USE
EXISTING ZONING DISTRICT	MIXED USE
SECTION TOWNSHIP RANGE	01 43 40
PROPERTY CONTROL NUMBER	77-40-43-01-24-001-0000
EXISTING USE	PARTIALLY DEVELOPED RETAIL CENTER
APPROVED USE	MIXED USE
PROPOSED USE	COMMERCIAL / RETAIL CENTER

POD G-S SITE DATA		
PROPOSED PLAT AREA (INCLUDES RPE)	885,161 SF	20.321 AC
PARCEL DATA		
PUBLIX RETAIL CENTER	8.72 AC	379,626 SF
OUTPARCEL A RETAIL (TIRE STORE)	1.11 AC	48,247 SF
OUTPARCEL B FAST FOOD WITH DRIVE THRU	1.05 AC	43,738 SF
OUTPARCEL C BANK WITH DRIVE THRU	1.12 AC	48,838 SF
PARCEL D PLANET FITNESS MIXED USE RETAIL TRACT / FAST FOOD WITH DRIVE THRU	6.45 AC	288,853 SF
RPE EASEMENT AREA	1.88 AC	81,758 SF
TOTAL PARCEL DATA	20.3205 AC	885,161 SF

BUILDING DATA		
FUTURE PARCEL A RETAIL (TIRE STORE)	5,750 SF	
FUTURE PARCEL B FAST FOOD WITH DRIVE THRU	4,000 SF	
FUTURE PARCEL C BANK WITH DRIVE THRU	5,500 SF	
PLANET FITNESS HEALTH, PHYSICAL FITNESS, MASSAGE THERAPY & SPA	25,000 SF	
PARCEL D IN LINE RETAIL/OFFICE/MEDICAL MIXED USE	6,000 SF	
PARCEL E FAST FOOD WITH DRIVE THRU	3,024 SF	
PARCEL F PUBLIX GROCERY (PHASE 1)	48,387 SF	
PARCEL E IN LINE RETAIL/OFFICE/MEDICAL (PHASE 1)	11,000 SF	
UN ASSIGNED RETAIL ENTITLEMENT	21,039 SF	
TOTAL BUILDING AREA	129,700 SF	

NO OF FLOORS	1
PROPOSED BUILDING HEIGHT	40 FEET
MAX BUILDING HEIGHT FOR MU	120 FEET
MAXIMUM LOT COVERAGE	43.560 SQUARE FEET
MINIMUM PERVIOUS AREA	45 PERCENT
MINIMUM BUILDING SEPARATION	20 FEET

PH I RETAIL PARKING DATA	REQ(SPACES)	PROV(SPACES)
RETAIL SHOPPING CENTER (1025 SF)	264	355
SUB TOTAL PARKING SPACES	264	355
AREA INCLUDED IN TOTAL	8	17

PH II PARKING DATA	REQ(SPACES)	PROV(SPACES)
PHYSICAL FITNESS, MASSAGE THERAPY & SPA (1/250)	100	27
RETAIL MIXED USE SHOPPING CENTER (1/250 SF)	32	32
FAST FOOD RESTAURANT W DRIVE THRU (1/150+1/250)	6	6
OUTDOOR SEATING 600 SF (1/150 + 1/250 SF)	165	251
SUB TOTAL PARKING SPACES	303	316
AREA INCLUDED IN TOTAL	3	4

TOTAL PARKING SPACES	REQ(SPACES)	PROV(SPACES)
AREA INCLUDED IN TOTAL	11	19
BIKE PARKING 1% OF PARKING REQUIRED	3	6
LSEV PARKING 2% OF REQUIRED	6	12
EY CHANGING STATIONS 2% OF REQUIRED	2	4

OUT PARCEL PARKING DATA		
OUTPARCEL A (TBD) RETAIL - TIRE STORE (1000 SF)		
OUTPARCEL B (TBD) FAST FOOD REST (1/150 SF INCL. OUTDOOR PLUS 1/250 SF)		
OUTPARCEL C (TBD) BANK (1/1000 SF)		

AREA CALCULATION PHASE I & II		
BUILDING LOT COVERAGE	131,150 SF	3.011
AIR CONDITIONED BUILDING FOOTPRINT	65,411	1.555%
CANOPY OVERHANG GREATER THAN 24IN	1,483	0.16%
FUTURE BUILDING AREA (ESTIMATED)	36,289	0.83%

SETBACKS	Required	PROV PH I	PROV PH II
FRONT (EAST)	580'	588.4'	588.4'
REAR (WEST)	71'	80.7'	80.7'
SIDE (SOUTH)	10'	85'	N/A
SIDE (NORTH)	10'	507'	86'

- NOTE: SITE PLAN BASED ON SURVEY & PLAT BY CAULFIELD & WHEELER INC.
- NOTE: THE PROPOSED SITE PLAN IS CONSISTENT WITH THE APPROVED MASTER PLAN.
- NOTE: THE MINIMUM NUMBER OF 10 X 20' QUE SPACES FOR THE PHARMACY DRIVE THRU IS 3 SPACES.
- NOTE: ACCESS POINTS TO PARCELS FROM ACCESS DRIVES TO BE PARAPET AT TIME OF INDIVIDUAL SITE PLAN REVIEW.
- NOTE: PEDESTRIAN CONNECTIVITY BETWEEN PARCELS TO BE DETERMINED AT TIME OF INDIVIDUAL SITE PLAN REVIEW.
- NOTE: BUILD 100' LINES FOR PARCELS A-C TO BE DETERMINED AT TIME OF INDIVIDUAL SITE PLAN REVIEW.
- NOTE: THE MINIMUM OVERALL PERVIOUS AREA IS 35% PARCEL E CONTAINS 21.0% OF PERVIOUS AREA EXCLUDING THE RPE. THE RPE CONTIGUOUS TO PARCELS E CONTAINS 5.4% ACRES EQUIVALENT TO 2,376, 3.0% ACRES (15,849.24 SF) OF PERVIOUS AREA. THE RPE ADJACENT TO PH I IS BEING UTILIZED TO SATISFY THE MIN 35% REQUIREMENT FOR PARCEL E.
- NOTE: RESTAURANTS EXCLUDING FAST FOOD W/ DRIVE THRU LESS THAN 500 SF LOCATED WITHIN THE IN LINE RETAIL BUILDINGS ARE PARKED IN ACCORDANCE WITH THE MIXED USE SHOPPING CENTER PARKING RATE.

LEGAL DESCRIPTION

PARCEL A, WESTLAKE PLAZA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 132, PAGES 777 THROUGH 80 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PDR CHART

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)	Minimum Lot Coverage
Commercial Uses	43560	20	10	10	20	45%
Medical Uses	43560	20	10	10	20	45%

1. Buildings separated from residential zoning districts by a road or canal are not considered adjacent to residential zoning districts.

PROJECT TEAM

PROPERTY OWNER PUBLIX SUPER MARKETS, INC. LAKELAND, FLORIDA 33802	SURVEYOR CAULFIELD & WHEELER, INC. 7900 GLADES ROAD, SUITE 100 BOCA RATON, FLORIDA 33434 PHONE: 561-392-1991 FAX: 561-750-1452
SITE PLANNER COTLEUR & HEARING 1934 COMMERCE LANE, SUITE 1 JUPITER, FLORIDA 33458 PHONE: 561-747-6336 FAX: 561-747-1377	TRAFFIC ENGINEER PINDER TROUTMAN CONSULTING, INC. 2005 VISTA PARKWAY, SUITE 111 WEST PALM BEACH, FLORIDA PHONE: 561-296-0699 FAX: 561-684-6336
CIVIL ENGINEER SIMMONS & WHITE 2581 METROCENTRE BLVD, SUITE 3 WEST PALM BEACH, FLORIDA 33407 PHONE: 561-478-7848	ENVIRONMENTAL CONSULTANT EW CONSULTANTS, INC. 1000 SE MONTEREY COMMONS BLVD, SUITE 208 STUART, FLORIDA 34996 PHONE: 772-287-8771 MOBILE: 772-485-1700
SEMINOLE IMPROVEMENT DISTRICT ENGINEER CAULFIELD & WHEELER 7900 GLADES ROAD, SUITE 100 BOCA RATON, FLORIDA 33434 PHONE: 561-392-1991	DEVELOPER WINDCREST DEVELOPMENT GROUP, INC. 605 E. ROBINSON STREET, SUITE 340 ORLANDO, FLORIDA 32801 OFFICE: 407-219-3540 EXT. 3 FAX: 407-219-3541

Cotleur & Hearing

Landscape Architects
Land Planners
Environmental Consultants

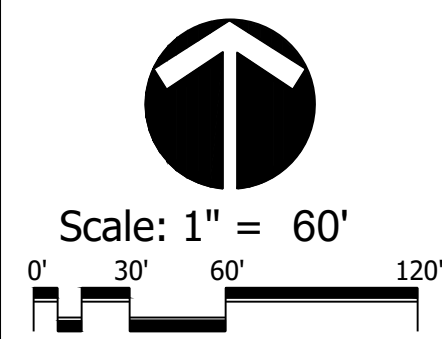
1934 Commerce Lane
Suite 1
Jupiter, Florida 33458
561.747.6336 • Fax 747.1377
www.cotleurhearing.com
Lic# LC-C000239

PUBLIX AT WESTLAKE PLAZA

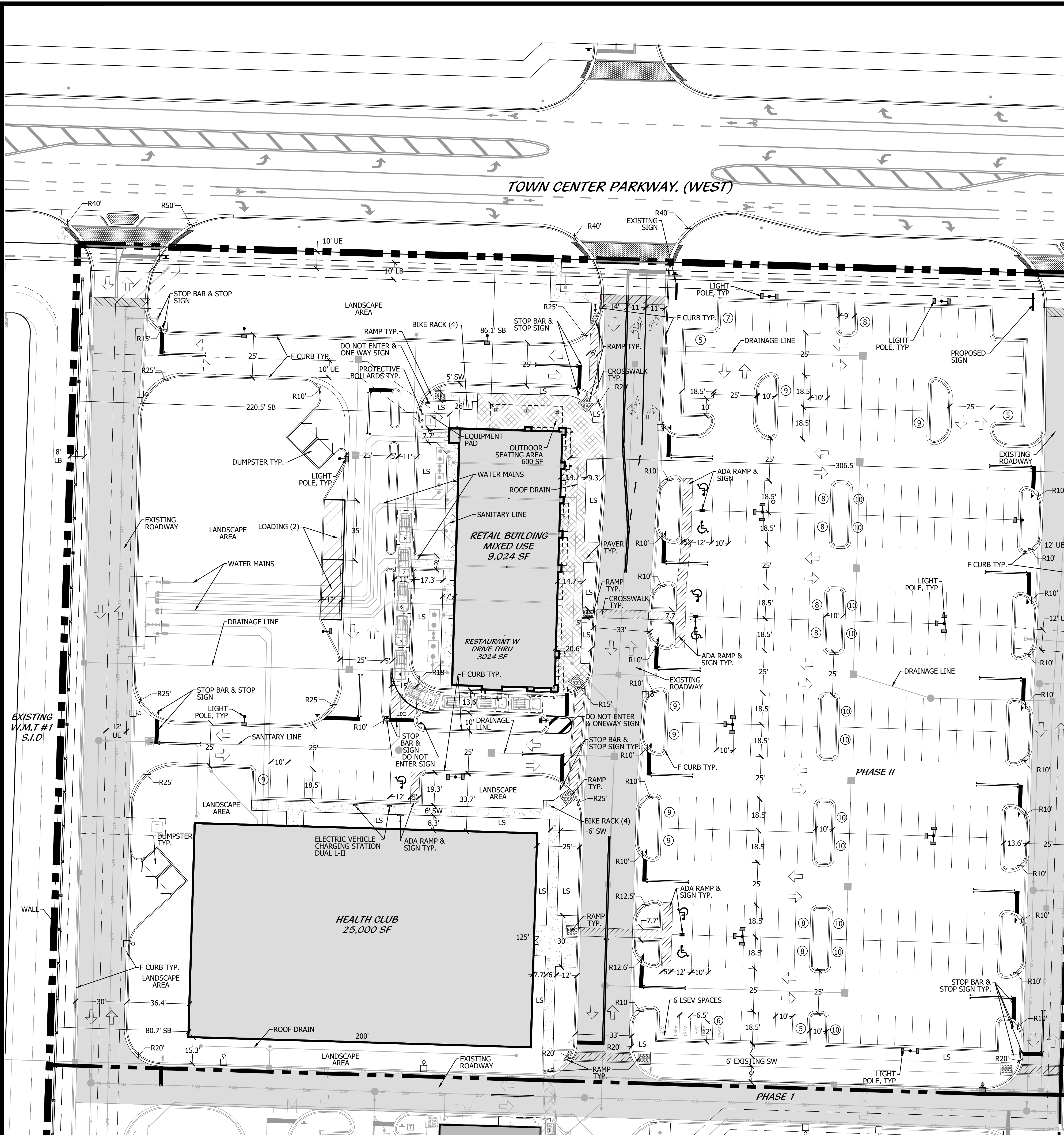
PHASE II - HEALTH CLUB SITE PLAN

City of Westlake, Florida

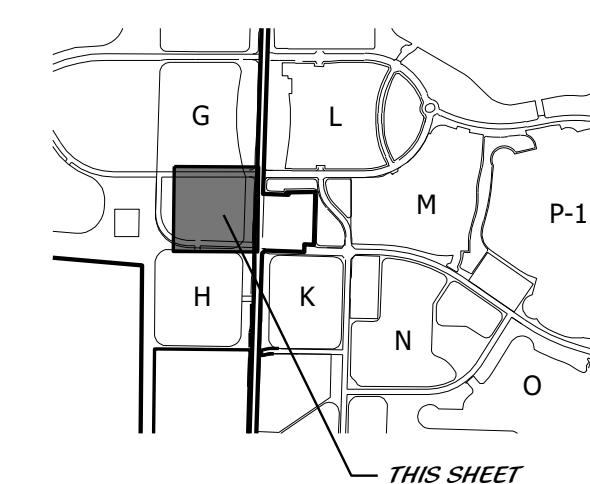
DESIGNED	DEH
DRAWN	JAE/RNK
APPROVED	DEH
JOB NUMBER	20-0616.01
DATE	10-25-2023
REVISIONS	12-01-2023 (12-16-2023)



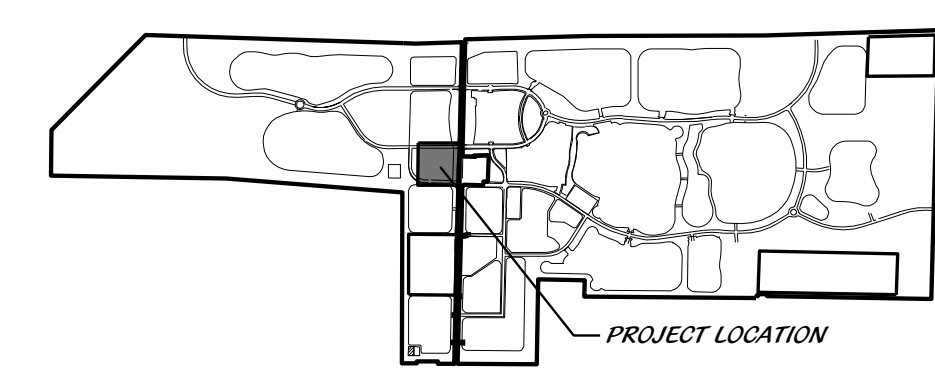
December 18, 2023 10:13:22 a.m.
Drawing: 20-0616.01_SP.DWG



KEY MAP



LOCATION MAP



SITE DATA

NAME OF APPLICATION	WESTLAKE PUBLIC RETAIL CENTER
APPLICATION NUMBER	SPR-2023-05
PROJECT NUMBER	CH 20-0616.01
CITY OF WESTLAKE RESOLUTION NUMBERS	R-2020-32, R-2020-33, R-2020-34, R-2022-39
FUTURE LAND USE DESIGNATION	DOWNTOWN MIXED USE
EXISTING ZONING DISTRICT	MIXED USE
SECTION/TOWNSHIP/RANGE	01 43 40
PROPERTY CONTROL NUMBER	77-40-43-01-24-001-0000
EXISTING USE	PARTIALLY DEVELOPED RETAIL CENTER
APPROVED USE	MIXED USE
PROPOSED USE	COMMERCIAL / RETAIL CENTER
POD G-S SITE DATA	
PROPOSED PLAT AREA (INCLUDES RPE)	885,161 SF
PARCEL DATA	
PUBLIC RETAIL CENTER	8,72 AC
OUTPARCEL A RETAIL (TIRE STORE)	1.11 AC
OUTPARCEL B FAST FOOD WITH DRIVE THRU	1.05 AC
OUTPARCEL C BANK WITH DRIVE THRU	1.12 AC
OUTPARCEL D PLANET FITNESS MIXED USE RETAIL TRACT / FAST FOOD WITH DRIVE THRU	6.45 AC
OUTPARCEL E RETAIL OFFICE MEDICAL (PHASE 1)	1.88 AC
UN ASSIGNED RETAIL ENTITLEMENT	20.3205 AC
TOTAL PARCEL DATA	379,626 SF
BUILDING DATA	
FUTURE PARCEL A RETAIL (TIRE STORE)	5,750 SF
FUTURE PARCEL B FAST FOOD WITH DRIVE THRU	4,000 SF
FUTURE PARCEL C BANK WITH DRIVE THRU	5,000 SF
PLANET FITNESS HEALTH, PHYSICAL FITNESS, MASSAGE THERAPY & SPA	25,000 SF
PARCEL D IN LINE RETAIL OFFICE MEDICAL MIXED USE	6,000 SF
OH: FAST FOOD WITH DRIVE THRU	3,024 SF
PARCEL E IN LINE RETAIL OFFICE MEDICAL (PHASE 1)	48,387 SF
UN ASSIGNED RETAIL ENTITLEMENT	11,000 SF
TOTAL BUILDING AREA	21,039 SF
NO OF FLOORS	1
PROPOSED BUILDING HEIGHT	40 FEET
MAX BUILDING HEIGHT FOR MU	120 FEET
MAXIMUM LOT COVERAGE	43.560 SQUARE FEET
MINIMUM PERVIOUS AREA	45 PERCENT
MINIMUM BUILDING SEPARATION	20 FEET
PH I RETAIL PARKING DATA	
RETAIL SHOPPING CENTER (1/225 SF)	REQ(SPACE) 264
SUB TOTAL PARKING SPACES	264
BIKE PARKING 5% OF REQUIRED	13
BIKE PARKING 2% OF REQUIRED	6
EV CHARGING STATIONS 2% OF REQUIRED	5
PH II PARKING DATA	
PHYSICAL FITNESS, MASSAGE THERAPY & SPA (1/250)	REQ(SPACE) 100
RETAIL MIXED USE SHOPPING CENTER (1/225 SF)	27
FAST FOOD RESTAURANT W DRIVE THRU (1/150+1/250)	32
OUTDOOR SEATING 400 SF (1/150 + 1/250 SF)	6
SUB TOTAL PARKING SPACES	165
BIKE PARKING 5% OF REQUIRED	8
BIKE PARKING 2% OF REQUIRED	3
EV CHARGING STATIONS 2% OF REQUIRED	4
TOTAL PARKING SPACES	429
BIKE PARKING 5% OF REQUIRED	21
BIKE PARKING 2% OF REQUIRED	9
EV CHARGING STATIONS 2% OF REQUIRED	4
OUT PARCEL PARKING DATA	
OUTPARCEL A (TBD) RETAIL - TIRE STORE (1/300 SF)	8 SF
OUTPARCEL B (TBD) FAST FOOD REST (1/150 SF INCL. OUTDOOR PLUS 1/250 SF)	131,153 SF
OUTPARCEL C (TBD) BANK (1/300 SF)	65,411 SF
AREA CALCULATION PHASE I & II	
BUILDING LOT COVERAGE	3,011
AIR CONDITIONED BUILDING FOOTPRINT	2,144
CANOPY OVERHANG GREATER THAN 24IN	1,463
FUTURE BUILDING AREA (ESTIMATED)	36,289
SETBACKS	
FRONT (EAST)	20'
REAR (WEST)	71'
SIDE (SOUTH)	10'
SIDE (NORTH)	10'

LEGEND

- SID: RIGHT OF WAY
- AC: ACRES
- UE: UTILITY EASEMENT
- DE: DRAINAGE EASEMENT
- LAE: LIMITED ACCESS EASEMENT
- TTD: TRADITIONAL TOWN DEVELOPMENT
- ESMT: EASEMENT
- CL: CENTER LINE
- SW: SIDEWALK
- PBC: PALM BEACH COUNTY
- LME: LAKE MAINTENANCE EASEMENT
- WMT: WATER MANAGEMENT TRACT
- FH: FIRE HYDRANT
- CB: DRAINAGE CATCH BASIN
- PROP: PROPOSE
- RPE: RURAL PARKWAY EASEMENT
- SPW: SEMINOLE PRATT WHITNEY
- TC: TOWN CENTER PARKWAY
- PBW: PERSIMMON BLVD. WEST
- TYP: TYPICAL
- LB: LANDSCAPE BUFFER
- LS: LANDSCAPE AREA

LEGAL DESCRIPTION

PARCEL A, WESTLAKE PLAZA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 132, PAGES 77 THROUGH 80 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PDR CHART

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
Commercial Uses	43660	20	10	10	20	45%	25%
Medical Uses	43660	20	10	10	20	45%	25%

1. Buildings separated from residential zoning districts by a road or canal are not considered adjacent to residential zoning districts.

PROJECT TEAM

PROPERTY OWNER PUBLIX SUPER MARKETS, INC. LAKELAND, FLORIDA 33802	SURVEYOR CAULFIELD & WHEELER, INC. 7900 GLADES ROAD, SUITE 100 BOCA RATON, FLORIDA 33434 PHONE: 561-992-1991 FAX: 561-750-1452
SITE PLANNER COTLEUR & HEARING 1934 COMMERCE LANE, SUITE 1 JUPITER, FLORIDA 33458 PHONE: 561-747-6336 FAX: 561-747-1377	TRAFFIC ENGINEER PINDER TROUTMAN CONSULTING, INC. 2005 VISTA PARKWAY, SUITE 111 WEST PALM BEACH, FLORIDA PHONE: 561-296-8698 FAX: 561-684-6336
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ENLARGED SITE PLAN PHASE II - PARCEL D

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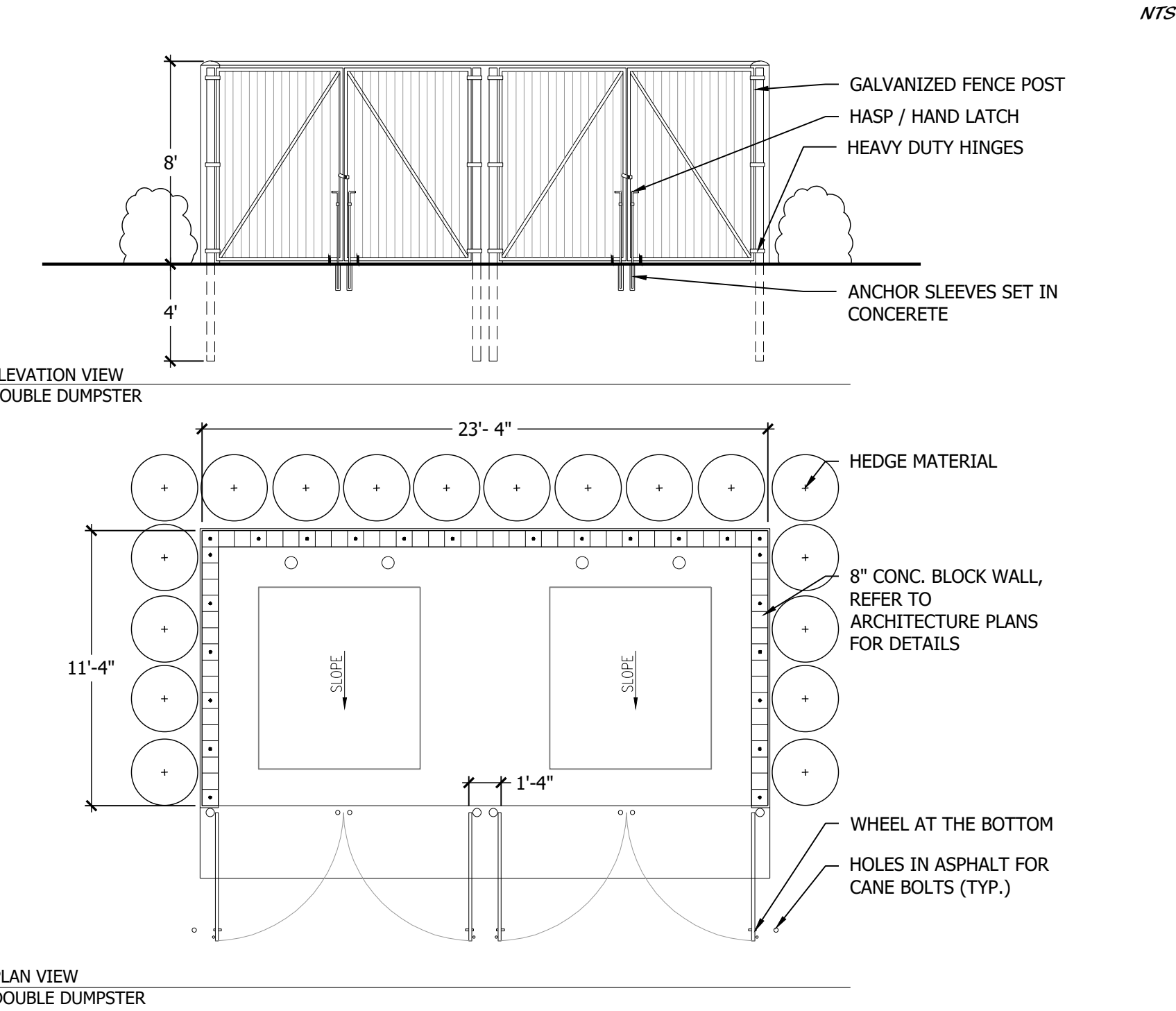
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DATE	10-25-2023
REVISIONS	12-01-2023 (12-18-2023)

Scale: 1" = 30'

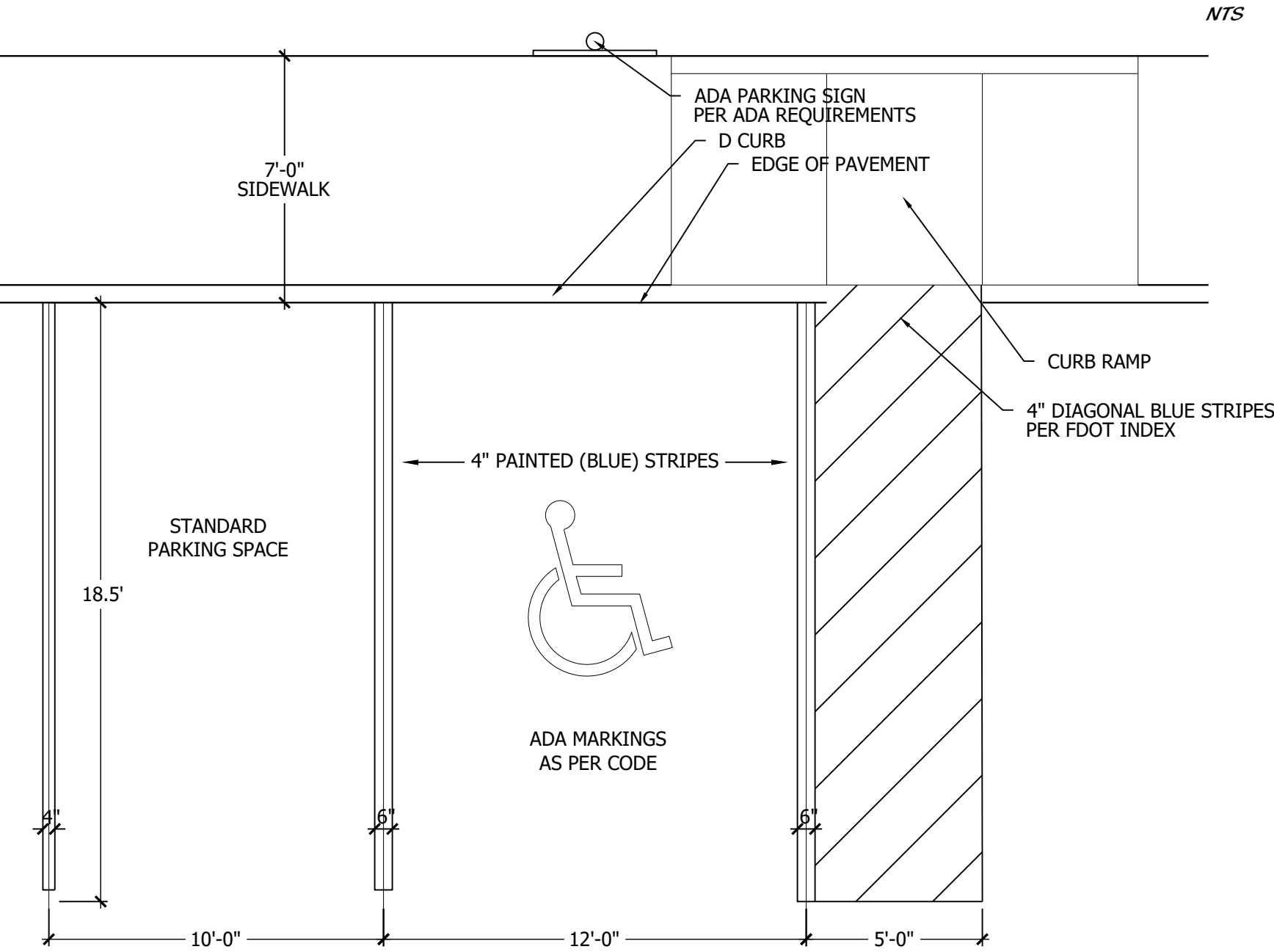
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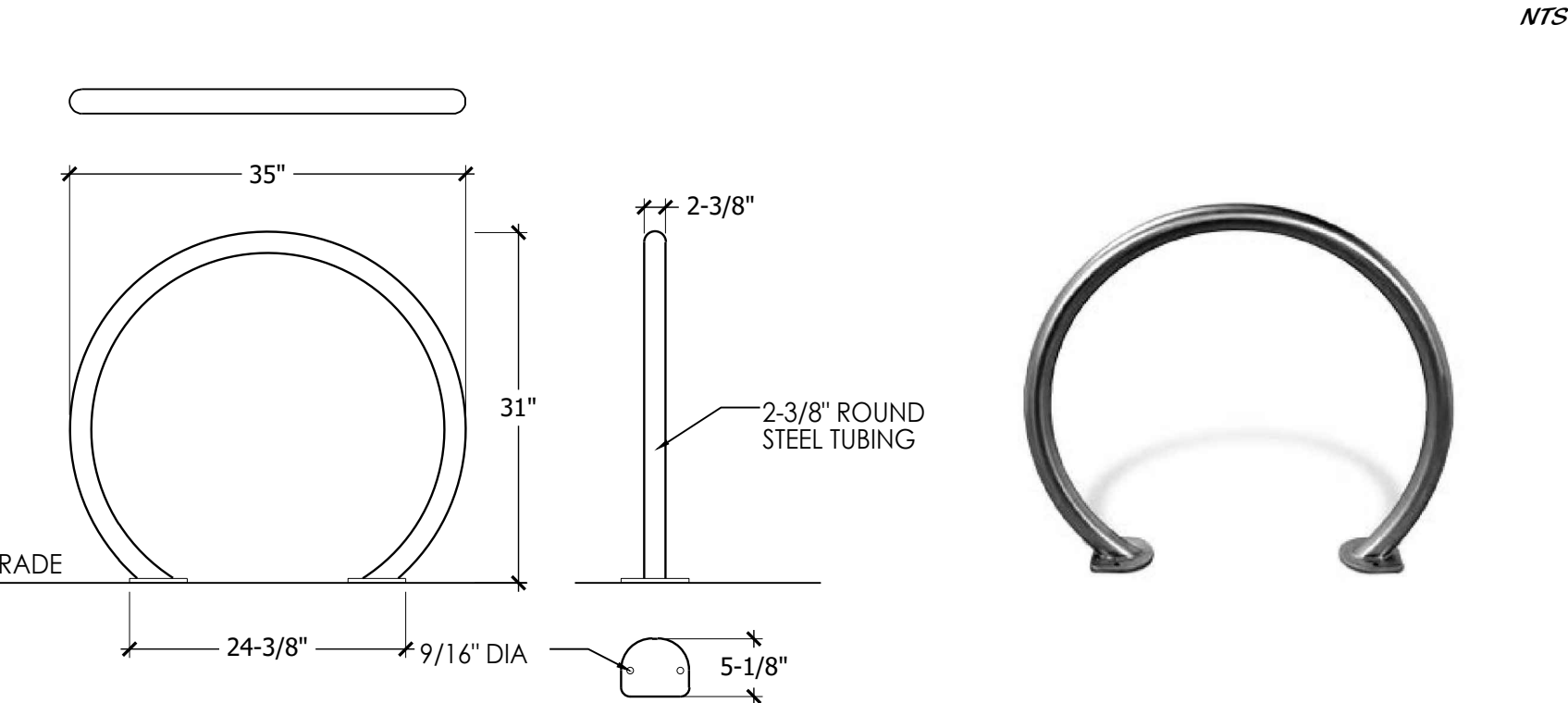
DUMPSTER DETAIL



STANDARD AND ADA PARKING DETAIL



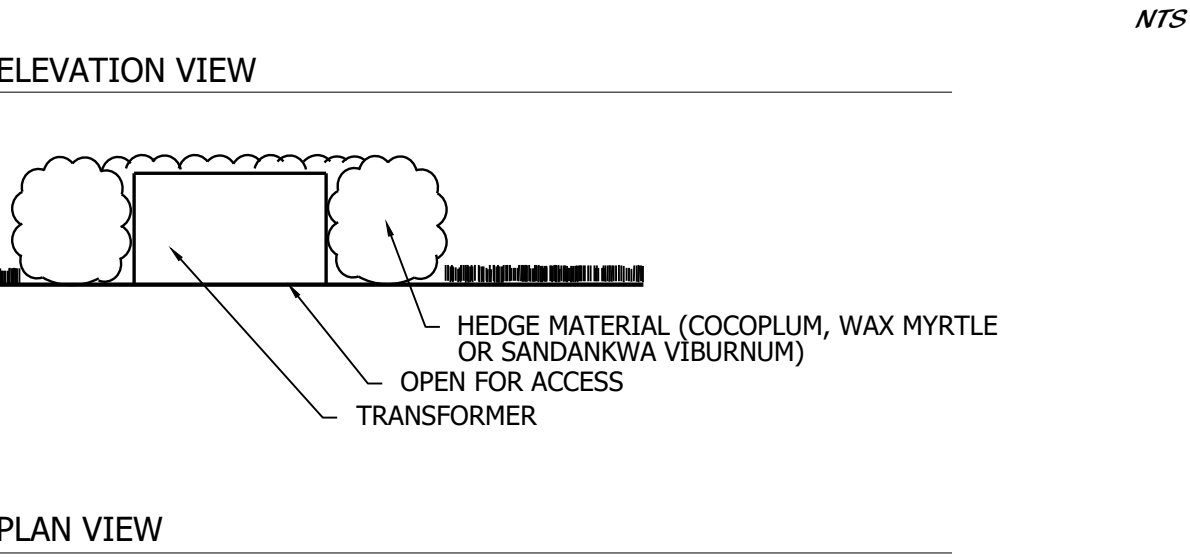
BIKE RACK DETAIL



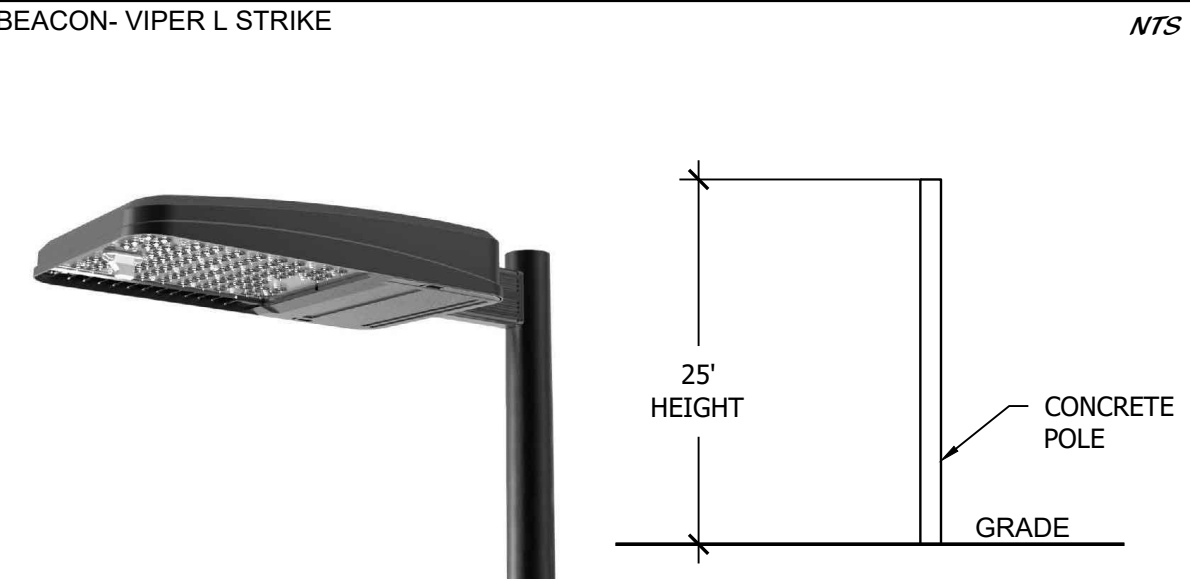
CIRCULAR BIKE RACK, EMBEDDED (OR EQUAL)

BELSON OUTDOORS
MODEL - CBBR-2CR-SS
STAINLESS STEEL, SURFACE MOUNT
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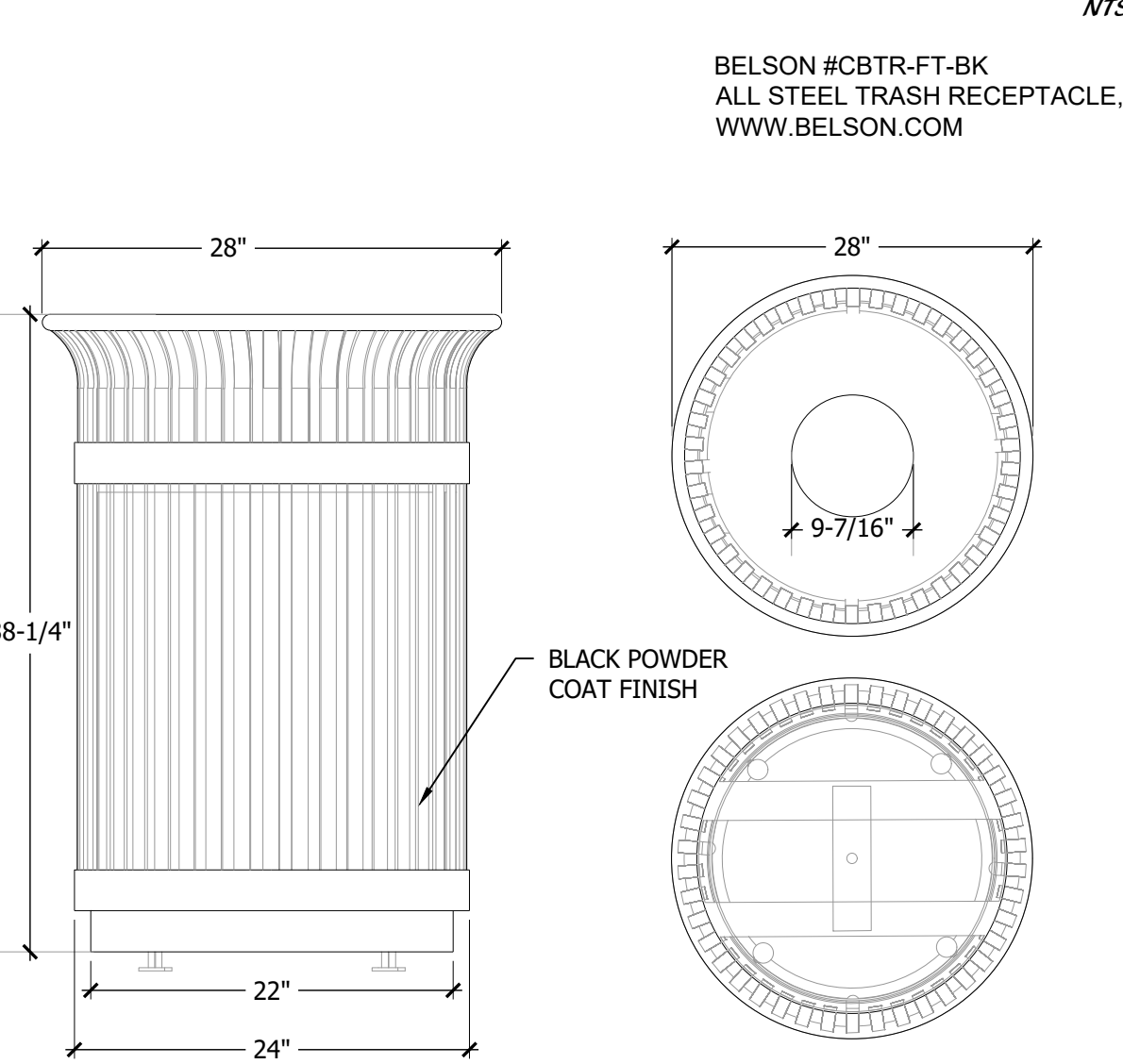
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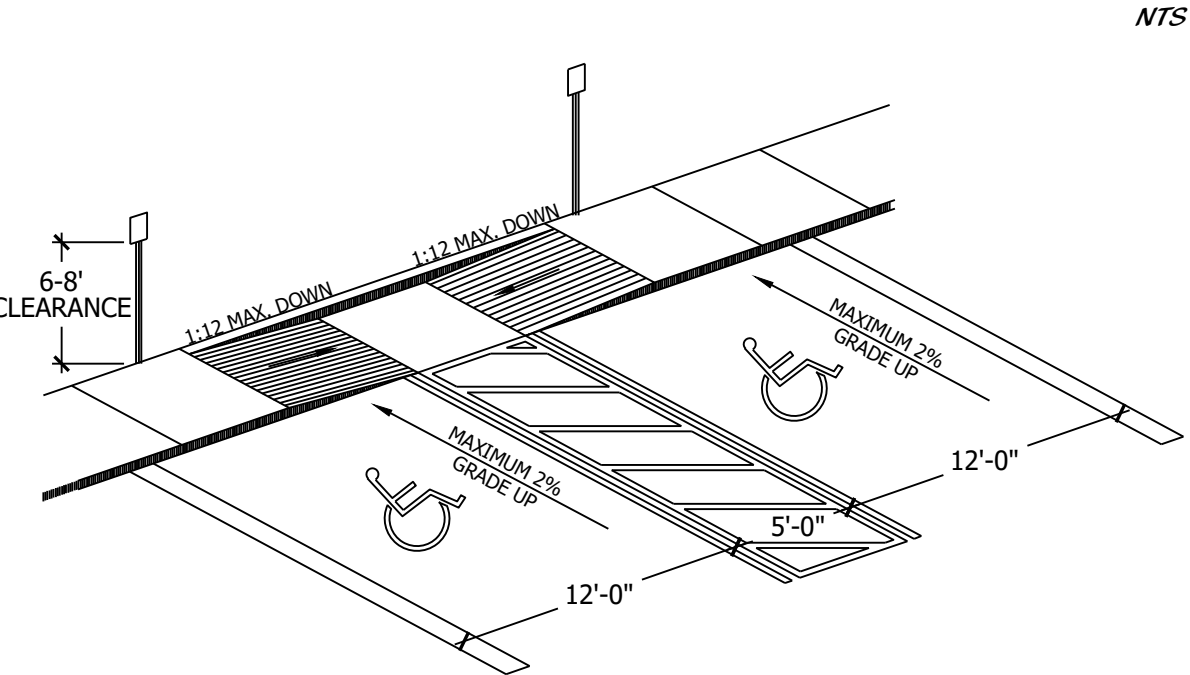
PARKING LOT LIGHT DETAIL



TRASH CAN DETAIL



ADA RAMP DETAIL



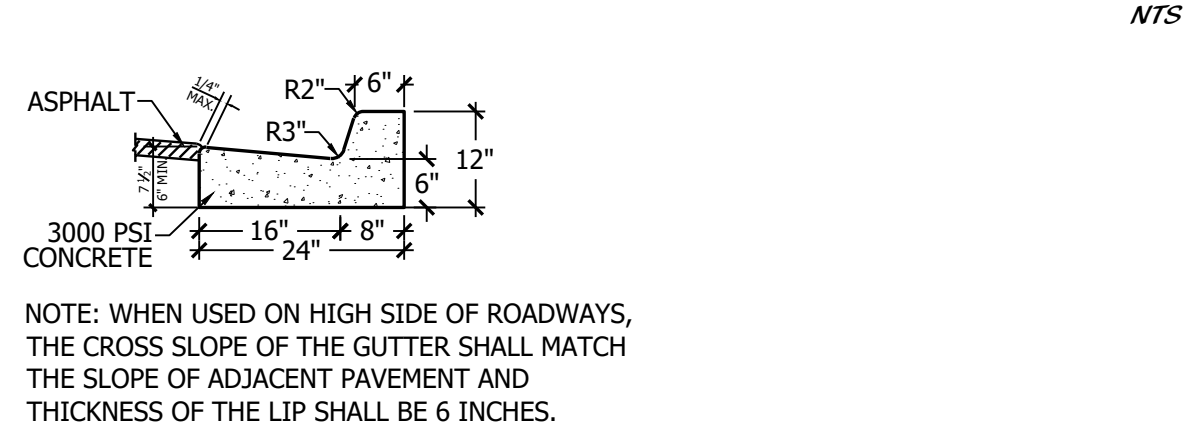
NOTE: IN THIS APPLICATION RAMPS CAN BE SEPARATED AND SIDEWALK CAN BE FLUSH ACROSS ALL HC SPACES

NOTE: HCR#3-MOD MEANS ONLY 1 RAMP BUILT TO REQUIRED SIDE OF SIDEWALK. OR RAMPS SEP. TO ENDS OF HC SPACES

D CURB DETAIL

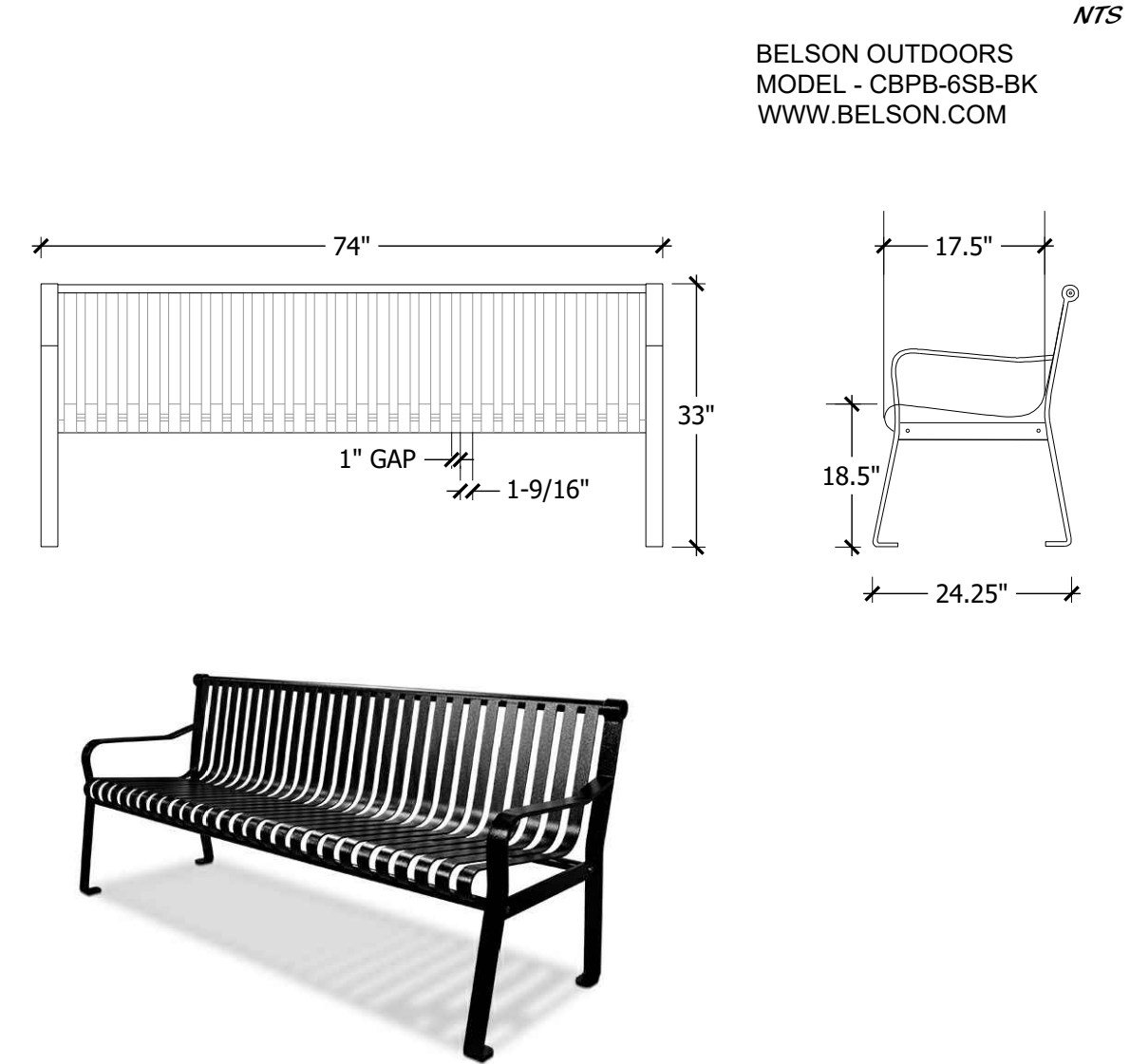


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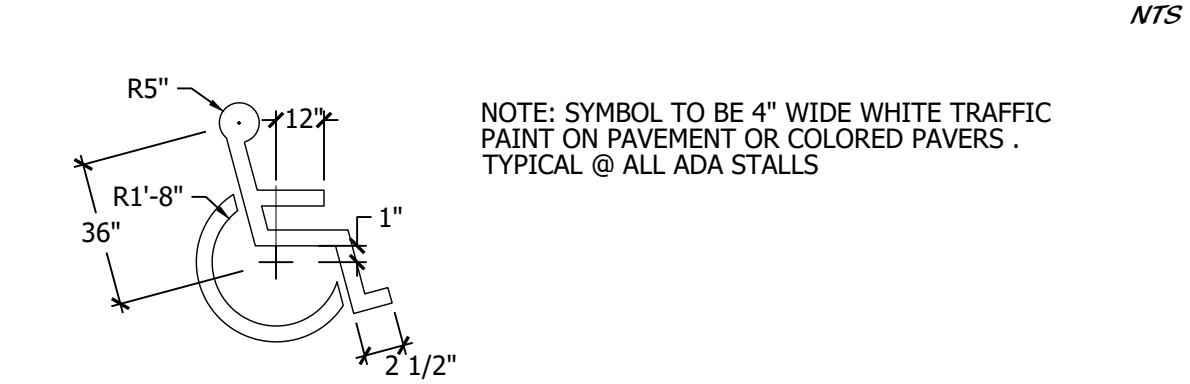


NOTE: WHEN USED ON HIGH SIDE OF ROADWAYS, THE CROSS SLOPE OF THE GUTTER SHALL MATCH THE SLOPE OF ADJACENT PAVEMENT AND THICKNESS OF THE LIP SHALL BE 6 INCHES.

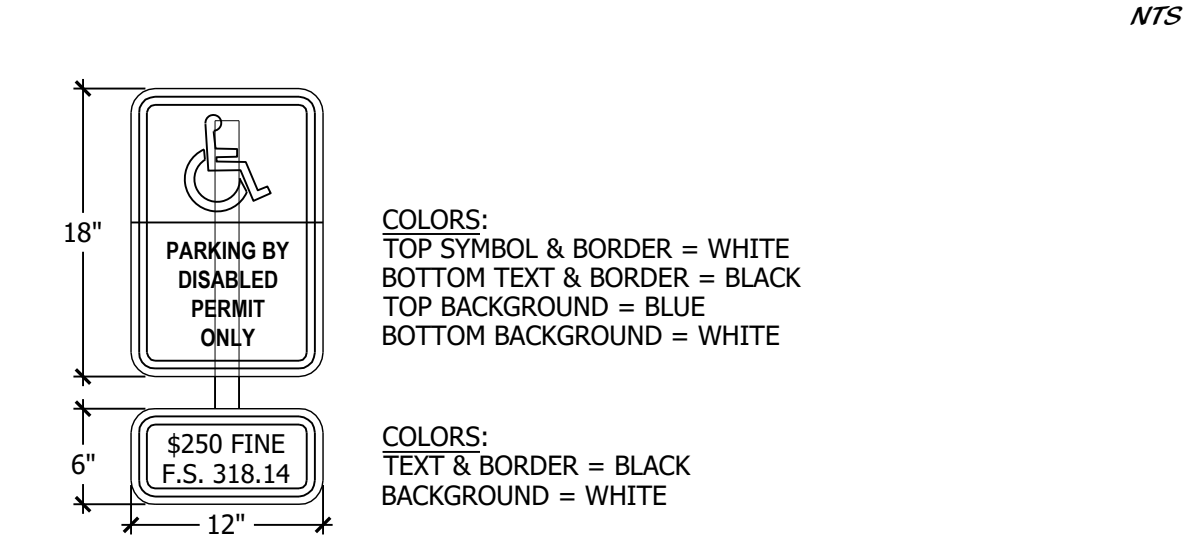
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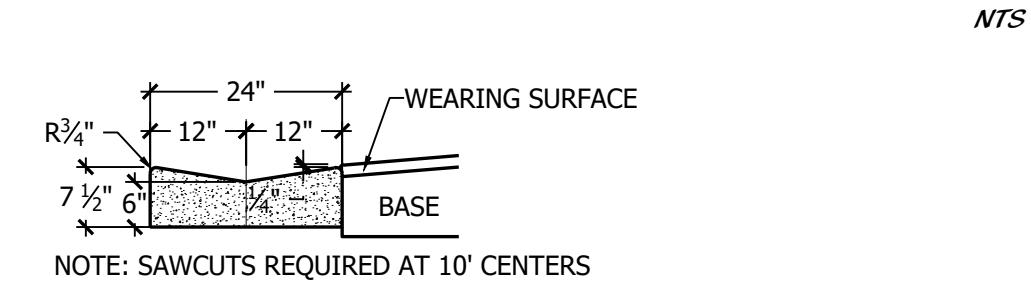
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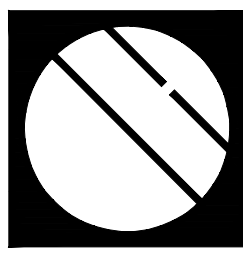
ADA SIGN DETAIL



VALLEY CURB DETAIL



NOTE: SAWCUTS REQUIRED AT 10' CENTERS

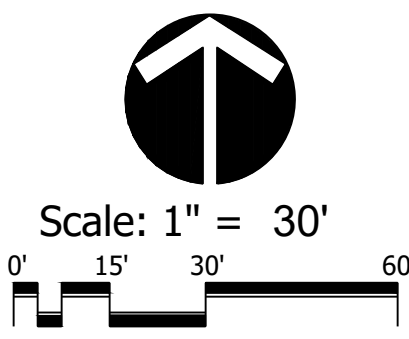


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PHASE II - HEALTH CLUB SITE PLAN
City of Westlake, Florida

DESIGNED DEH
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APPROVED DEH
JOB NUMBER 20-0616.01
DATE 10-25-2023
REVISIONS 12-01-2023
(12-16-2023)



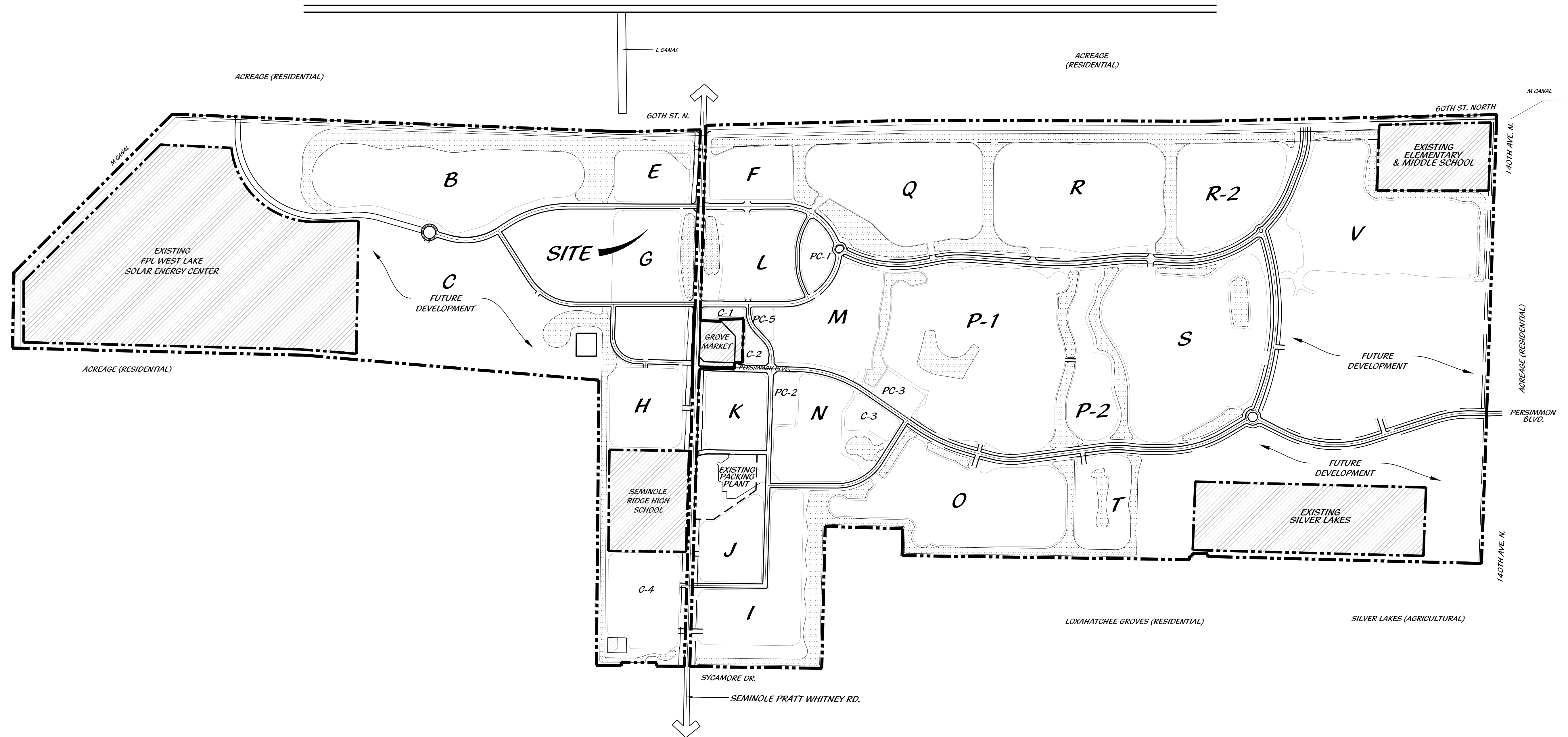
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SHEET 3 OF 3

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Site Details

Health Club at Westlake Plaza



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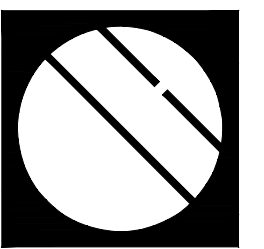
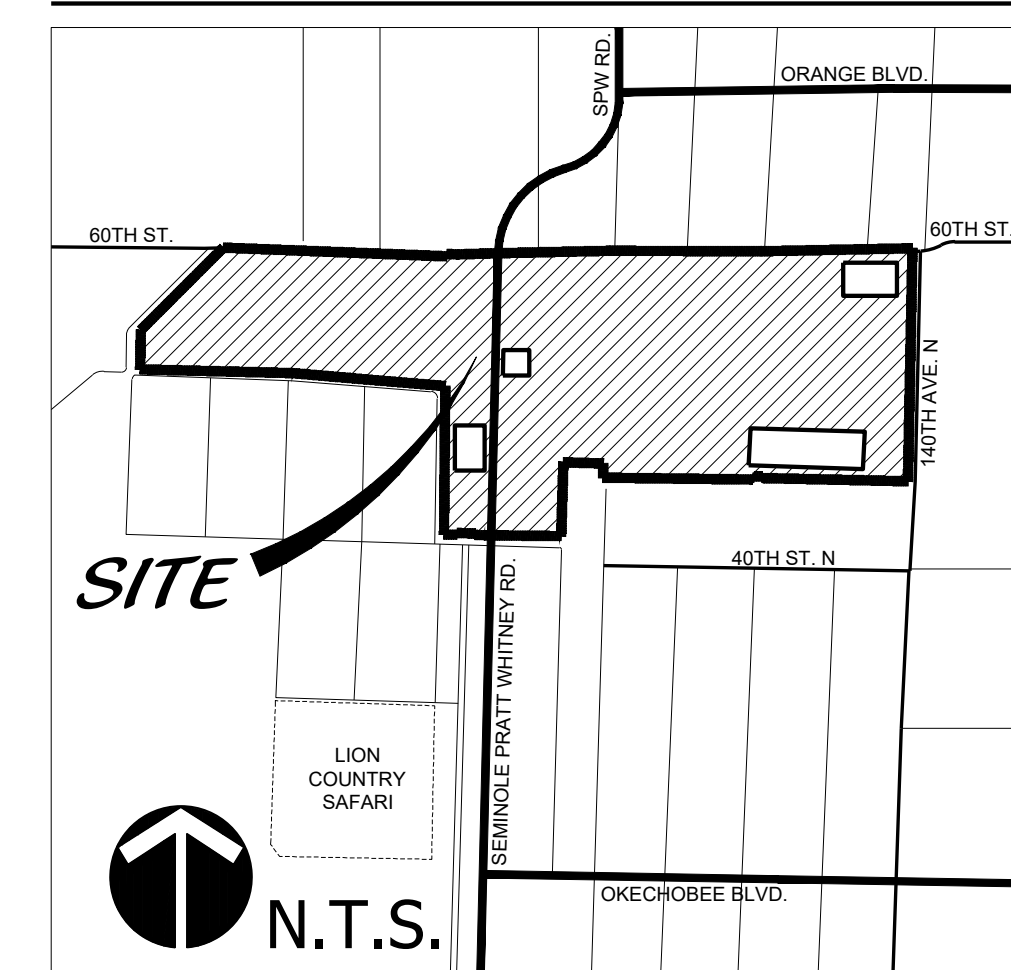
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LOCATION MAP



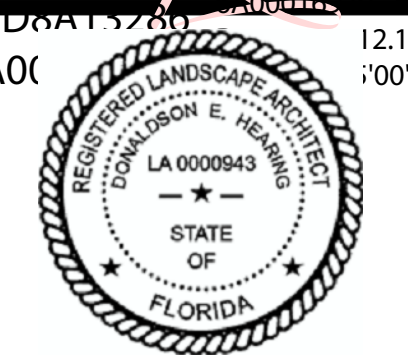
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Hearing: A01 Hearing: A01098
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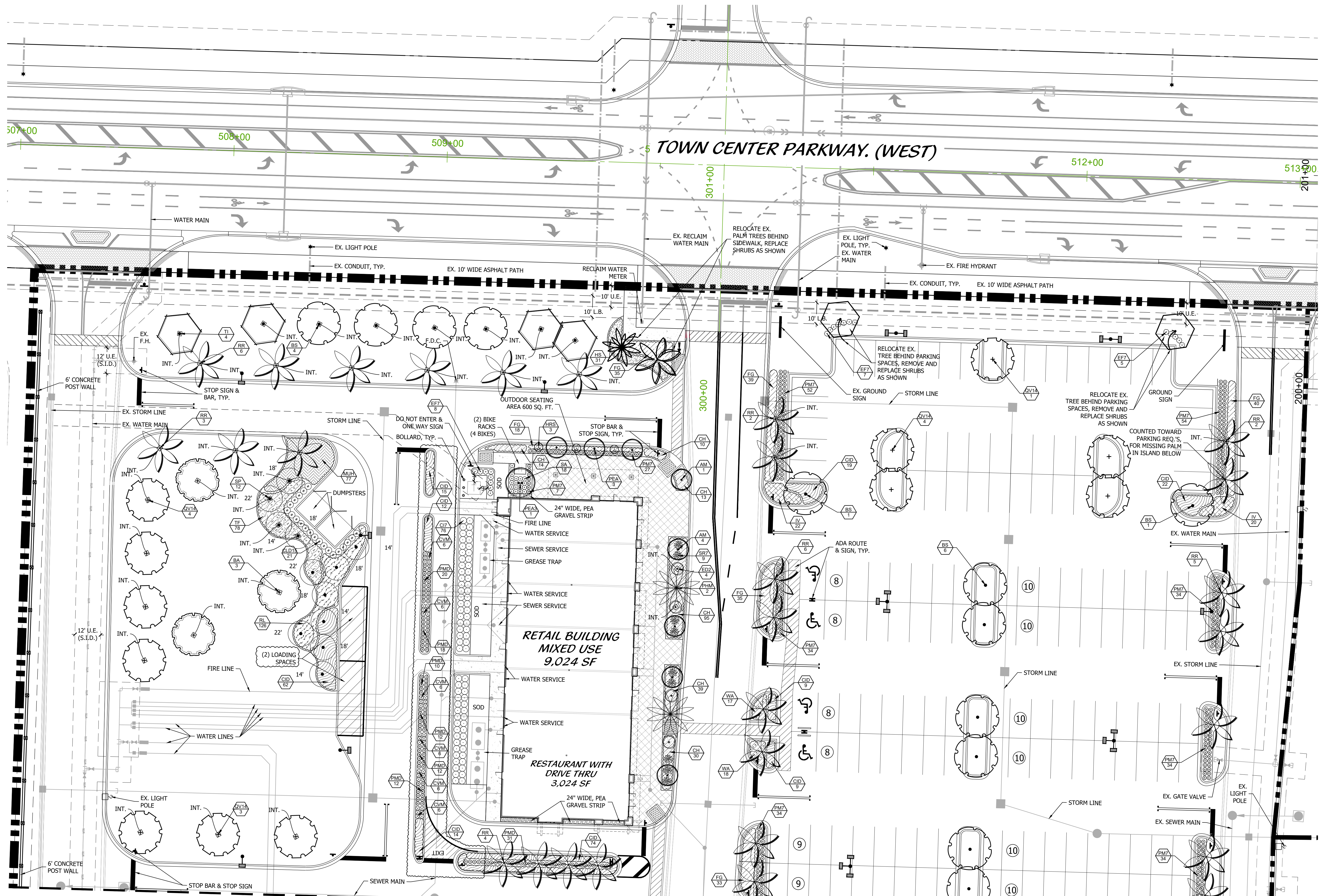


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LEGEND

EX. EXISTING
F.D.C. FIRE DEPARTMENT CONNECTION
F.H. FIRE HYDRANT
INT. INTERIOR LANDSCAPE TREES AND PALMS
TYP. TYPICAL

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MATCHLINE - SHEET LP3

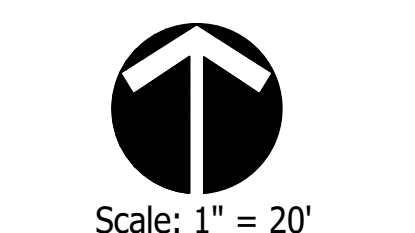
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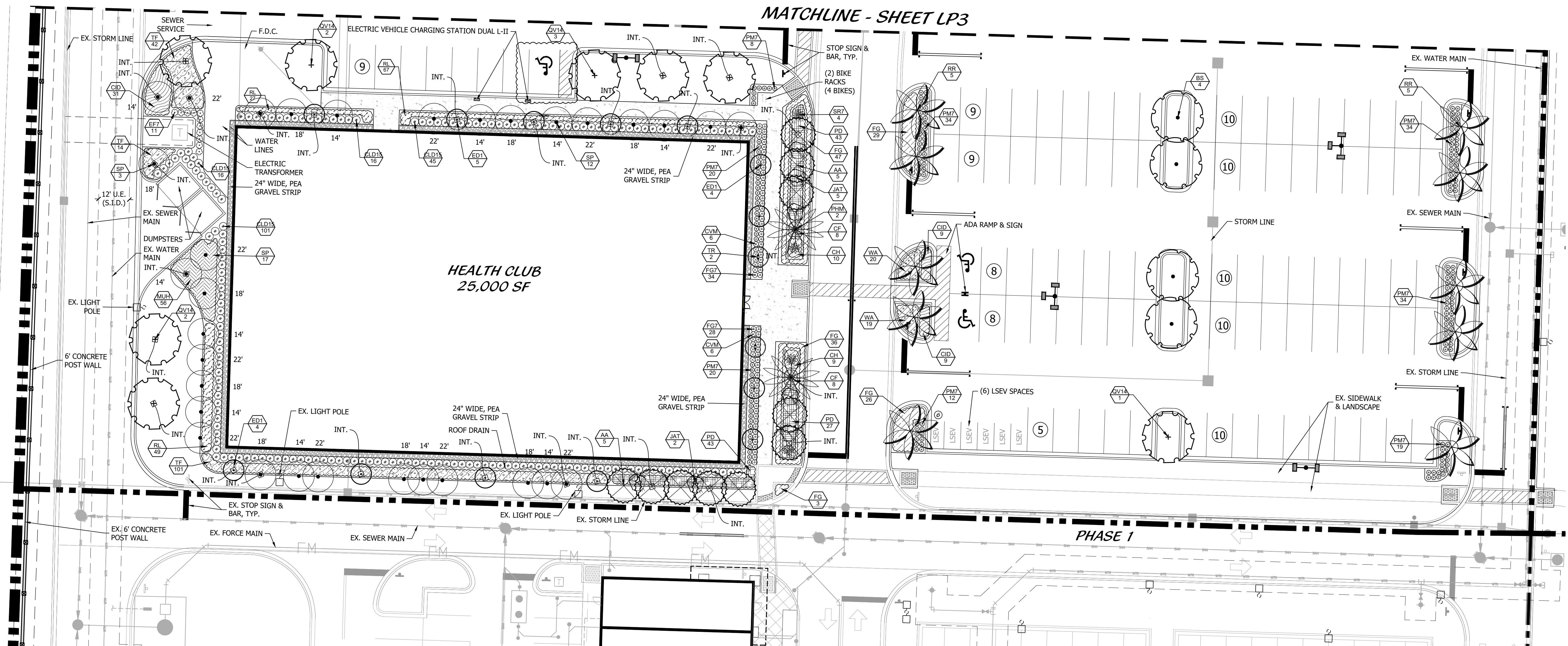
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12-12-23



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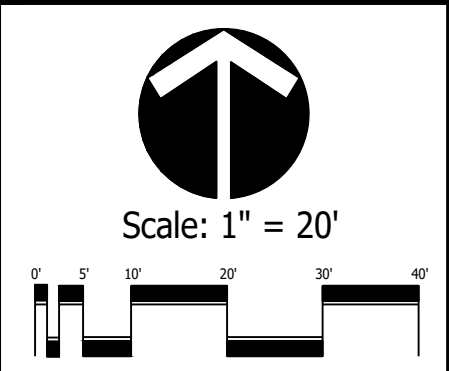
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LANDSCAPE SPECIFICATIONS

1. GENERAL LANDSCAPE REQUIREMENTS

LANDSCAPE CONTRACT WORK INCLUDES, BUT IS NOT LIMITED TO, SOIL PREPARATION, FINE OR FINISH GRADING, FILLING IN, INSTALLING PLANT MATERIAL, WATERING, STAKING, GUYING AND MULCHING.

PLANT SIZE AND QUALITY

TREES, PALMS, SHRUBS, GROUNDCOVERS:

PLANT SPECIES AND SIZES SHALL CONFORM TO THOSE INDICATED ON THE DRAWINGS. NOMENCLATURE SHALL CONFORM TO STANDARD PLANT NAMES, 1942 EDITION. ALL NURSERY STOCK SHALL BE IN ACCORDANCE WITH GRADES AND STANDARDS FOR NURSERY PLANTS PARTS 1 AND 11, LATEST EDITION, PUBLISHED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, UNLESS SPECIFIED OTHERWISE. ALL PLANTS SHALL BE FLORIDA GRADE NUMBER 1 OR BETTER AS DETERMINED BY THE FLORIDA DIVISION OF PLANT INDUSTRY. TIGHTLY KNIT PLANT; SO TRAINED OR FAVORED IN ITS DEVELOPMENT THAT FIRST APPEARANCE IS UNQUESTIONABLE AND IT IS OUTSTANDINGLY SUPERIOR IN FORM, NUMBER OF BRANCHES, COMPACTNESS AND SYMMETRY. ALL PLANTS SHALL BE FRESHLY DUG, SOUND, HEALTHY, VIGOROUS, WELL BRANCHED AND FREE OF DISEASE AND INSECT EGGS AND LARVAE AND SHALL HAVE ADEQUATE ROOT SYSTEMS. TREES AND PALMS FOR PLANTING ROWS SHALL BE UNIFORM IN SIZE AND SHAPE. ALL MATERIALS SHALL BE SUBJECT TO APPROVAL BY THE LANDSCAPE ARCHITECT. THE PLANTS FURNISHED SHALL BE NORMAL FOR THE VARIETY AND FLORIDA NUMBER 1.

ALL CONTAINER GROWN MATERIAL SHALL BE HEALTHY, VIGOROUS, WELL ROOTED PLANTS AND ESTABLISHED IN THE CONTAINER IN WHICH THEY ARE SOLD. THE PLANTS SHALL HAVE THE TOPS OF GOOD QUALITY AND BE IN A HEALTHY GROWING CONDITION.

AN ESTABLISHED CONTAINER GROWN PLANT SHALL BE TRANSPLANTED INTO A CONTAINER AND GROWN IN THAT CONTAINER SUFFICIENTLY LONG ENOUGH FOR THE NEW FIBROUS ROOTS TO BE WELL DEVELOPED SO THAT THE ROOTS WILL RETAIN ITS SHAPE AND HOLD TOGETHER WHEN REMOVED FROM THE CONTAINER.

STANDARD PLANTING MIXTURE SHALL BE AS PER THE SDM SOIL NOTES, THIS PAGE.

REPLACEMENT SOIL SHALL BE USED AS SPECIFIED TO REPLACE EXISTING SOILS THAT ARE DETERMINED BY THE LANDSCAPE ARCHITECT TO BE UNSUITABLE FOR PLANTING, IE, ROAD BASE, PAVEMENT, ETC. REFER TO THE SDM SOIL NOTES, THIS PAGE, FOR PLANTING SOIL MIX SPECIFICATIONS.

MULCH SHALL BE COCO BROWN DYED & GRADE MULCH. ALL MULCH IS TO BE APPLIED TO A DEPTH OF 3", EXCEPT AS WITHIN 6" OF PLANT STEMS.

FERTILIZER IN BACKFILL MIXTURE FOR ALL PLANTS SHALL CONSIST OF MILORGANITE ACTIVATED SLUDGE MIXED WITH THE BACKFILL AT A RATE OF NOT LESS THAN 50 LBS. PER CUBIC YARD.

(F) FERTILIZER FOR TREES AND SHRUBS SHALL UTILIZE AN 8-12-14 ANALYSIS, PLUS MICRO NUTRIENTS, 100 PERCENT OF THE (1) DIAMMORPHIC (N) (NITROGEN), (M) (MAGNESIUM), AND (B) BORON MUST BE IN CONTROLLED RELEASE FORM. THE (M) (MANGANESE) AND (FE) (IRON) SOURCES MUST BE WATER SOLUBLE (SULFATE OR CHLORIDE).

FERTILIZER WILL BE APPLIED PER THE MANUFACTURERS RECOMMENDATIONS.

"FLORIDA EAST COAST PALM SPECIAL" SHALL BE APPLIED TO ALL PALMS AT THE RATE RECOMMENDED BY THE MANUFACTURER.

FIELD GROWN TREES AND PALMS PREVIOUSLY ROOT PRUNED SHALL OBTAIN A ROOT BALL WITH SUFFICIENT ROOTS FOR CONTINUED GROWTH WITHOUT RESULTING SHOCK.

CONTRACTOR SHALL NOT MARK OR SCAR TRUNK IN ANY FASHION.

PLANTS SHALL BE WATERED AS NECESSARY OR WITHIN 24 HOURS AFTER NOTIFICATION BY THE LANDSCAPE ARCHITECT.

THE LOCATIONS OF PLANTS, AS SHOWN IN THESE PLANS, ARE APPROXIMATE. THE FINAL LOCATIONS MAY BE ADJUSTED TO ACCOMMODATE UNFORESEEN FIELD CONDITIONS. WATER DISTRIBUTION & THE LAYOUT ARE TO BE APPROVED BY THE LANDSCAPE ARCHITECT.

ALL PLASTIC FABRIC SHALL BE REMOVED FROM PLANT MATERIAL AT TIME OF INSTALLATION.

ALL TREES MUST BE STAKED AS SHOWN ON THE PLANTING DETAILS WITHIN 24 HOURS OF PLANTING. STAKES TO REMAIN FOR A MINIMUM OF 9 MONTHS, BUT NO LONGER THAN 18 MONTHS. CONTRACTOR IS RESPONSIBLE FOR MAINTENANCE AND REMOVAL OF THE STAKES.

ALL TREES MUST BE PRUNED AS PER LANDSCAPE ARCHITECT'S DIRECTION. SABAL PALMS MAY BE HURRICANE CUT.

ALL SHRUBS, TREES AND GROUND COVER WILL HAVE IMPROVED SOIL AS PER PLANTING SOIL NOTES. THE SOILS SHALL BE PLACED IN THE HOLE DURING PLANTING. TOP DRESSING ONLY IS NOT ACCEPTABLE.

DO NOT ALLOW AIR POCKETS TO FORM WHEN BACKFILLING. ALL TREES SHALL BE SPIKED IN UTILIZING WATER AND A TREE BAR.

THE LANDSCAPE CONTRACTOR SHALL WATER, MULCH, WEED, PRUNE, AND OTHERWISE MAINTAIN ALL PLANTS, INCLUDING SOD, UNTIL COMPLETION OF CONTRACT OR ACCEPTANCE BY LANDSCAPE ARCHITECT. SETTLED PLANTS SHALL BE RESET TO PROPER GRADE, PLANTING SAUCERS RESTORED, AND DEFECTIVE WORK CORRECTED.

THE LANDSCAPE CONTRACTOR SHALL AT ALL TIMES KEEP THE PREMISES FREE FROM ACCUMULATION OF WASTE MATERIAL OR DEBRIS CAUSED BY HIS CREWS DURING THE PERFORMANCE OF THE WORK. UPON COMPLETION OF THE WORK, THE CONTRACTOR SHALL PROMPTLY REMOVE ALL WASTE MATERIALS, DEBRIS, UNUSED PLANT MATERIAL, EMPTY PLANT CONTAINERS AND ALL EQUIPMENT FROM THE PROJECT SITE.

UPON COMPLETION OF THE WORK, THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT AND REQUEST A FINAL INSPECTION. ANY ITEMS THAT ARE JUDGED INCOMPLETE OR UNACCEPTABLE BY THE LANDSCAPE ARCHITECT OR OWNER'S REPRESENTATIVE SHALL BE CORRECTED BY THE LANDSCAPE CONTRACTOR WITHIN 14 DAYS.

ALL LABOR AND MATERIAL FOR SOIL AMENDMENTS AND FERTILIZER THAT IS REQUIRED TO INSURE THE SUCCESSFUL ESTABLISHMENT AND SURVIVAL OF THE PROPOSED VEGETATION, AS WELL AS ALL THE COST FOR THE REMOVAL OF UNSUITABLE OR EXCESS BACKFILL MATERIAL, SHALL BE PAID BY THE CONTRACTOR'S BID TO PERFORM THE WORK REPRESENTED IN THIS PLAN SET.

2. PLANTING TREES

EXCAVATE PIT AS PER PLANTING DETAILS.

BACKFILL AROUND BALL WITH PLANTING SOIL MIX AS PER THE SDM SOIL NOTES, THIS PAGE, AND SLIGHTLY COMPACT WATER THOROUGHLY 3 LAYERS ARE PLACED TO ELIMINATE VOIDS AND AIR POCKETS. BUILD A 6" HIGH BERM OF THE PLANTING SOIL MIX BEYOND EDGE OF EXCAVATION. APPLY 3" (AFTER SETTLEMENT) OF MULCH EXCEPT WITHIN 6" OF TRUNK.

PRUNE TREE TO REMOVE DAMAGED BRANCHES ONLY. DO NOT REMOVE MORE THAN 15% OF BRANCHES. DO NOT PRUNE BACK TERMINAL LEADER.

GUY AND STAKE TREE IN ACCORDANCE WITH THE STAKING DETAILS IMMEDIATELY AFTER PLANTING.

3. PLANTING SHRUBS

LAYOUT SHRUBS TO CREATE A CONTINUOUS SMOOTH FRONT LINE AND FILL IN BEHIND.

EXCAVATE PIT OR TRENCH TO 1-1/2 TIMES THE DIAMETER OF THE BALLS OR CONTAINERS OR 1'-0" WIDER THAN THE SPREAD OF ROOTS FOR POSITIONING AT PROPER HEIGHT. BACKFILL AROUND PLANTS WITH PLANTING SOIL MIX PER THE SDM SOIL NOTES, THIS PAGE, COMPACTED TO ELIMINATE VOIDS AND AIR POCKETS. FORM GRADE SLIGHTLY DISHD AND BERMED AT EDGES OF EXCAVATION. APPLY 3" OF MULCH EXCEPT WITHIN 6" OF STEMS.

4. PLANTING GROUND COVER

LOOSEN SUBGRADE TO DEPTH OF 4" IN AREAS WHERE TOPSOIL HAS BEEN STRIPPED AND SPREAD SMOOTH.

SPACE PLANTS AS OTHERWISE INDICATED. DIG HOLES LARGE ENOUGH TO ALLOW SPREADING OF ROOTS. COMPACT BACKFILL TO ELIMINATE VOIDS AND LEAVE GRADE SLIGHTLY DISHD AT EACH PLANT. WATER THOROUGHLY. APPLY 3" OF MULCH OVER ENTIRE PLANTING BED, LIFTING PLANT FOLLIAGE ABOVE MULCH.

DURING PERIODS OF HOT SUN AND/OR WIND AT TIME OF PLANTING, PROVIDE PROTECTIVE COVER FOR SEVERAL DAYS OR AS NEEDED.

5. PLANTING LAWNS

SODDING: SOD TYPE SPECIFIED ON PLANT LIST SHALL BE MACHINE STRIPPED NOT MORE THAN 24 HOURS PRIOR TO LAYING.

LOOSEN SUBGRADE TO DEPTH OF 4" AND GRADE WITH TOPSOIL EITHER PROVIDED ON SITE OR IMPORTED. STANDARD PLANTING MIX TO FINISH DESIGN ELEVATIONS. ROLL PREPARED LAWN SURFACE. WATER THOROUGHLY, BUT DO NOT CREATE MUDDY SOIL CONDITION.

FERTILIZE SOIL AT THE RATE OF APPROXIMATELY 10 LBS. PER 1,000 S.F. SPREAD FERTILIZER OVER THE AREA TO BE LAID. REMOVE GRASS BY USING AN APPROVED DISTRIBUTION DEVICE CALIBRATED TO DISTRIBUTE THE FERTILIZER TO THE DESIRED RATE. FERTILIZER SHOULD NOT EXCEEDS 15 M.P.H. THOROUGHLY MIX FERTILIZER INTO THE TOP 2" OF TOPSOIL.

LAY SOD STRIPS WITH TIGHT JOINTS, DO NOT OVERLAP. STAGGER STRIPS TO OFFSET JOINTS IN ADJACENT COURSES. WORK SIFTED PLANTING SOIL MIX AS PER THE SDM SOIL NOTES, THIS PAGE, INTO MINOR CRACKS BETWEEN PIECES OF SOD AND REMOVE EXCESS SOD DEPOSITS FROM SURFACE. SOD ON SLOPES GREATER THAN 3:1 SHALL BE STAKED IN PLACE. ROLL OR STAMP LIGHTLY AND WATER THOROUGHLY WITH A FINE SPRAY IMMEDIATELY AFTER PLANTING.

6. MISCELLANEOUS LANDSCAPE WORK

LANDSCAPE MAINTENANCE

MAINTAIN LANDSCAPE WORK UNTIL FINAL ACCEPTANCE IS ISSUED BY THE OWNER'S REPRESENTATIVE. INCLUDE WEEDING, FERTILIZING, CULTRATING, RESTORATION OF GRADE, MOWING AND TRIMMING GRASS, PRUNING TREES AND SHRUBS, PROTECTION FROM INSECTS AND DISEASES, FERTILIZING AND SIMILAR OPERATIONS AS NEEDED TO INSURE NORMAL GROWTH AND GOOD HEALTH FOR LIVE PLANT MATERIAL.

PLANT MATERIAL SUBSTITUTION

NO SUBSTITUTION OF PLANT MATERIAL, TYPE OR SIZES WILL BE PERMITTED WITHOUT THE LANDSCAPE ARCHITECT'S APPROVAL.

PLANTING BED PREPARATION

ALL PLANTING BEDS SHALL BE PROPERLY PREPARED PRIOR TO THE COMMENCEMENT OF ANY PLANTING. PLANTING AREAS, INCLUDING LAWNS SHALL BE FREE OF ALL WEEDS AND NUISANCE VEGETATION. IF TORPEDO GRASS (PANICUM REPENS) IS PRESENT OR ENCOUNTERED DURING PLANTING, THE LANDSCAPE CONTRACTOR SHALL STOP ALL PLANTING UNTIL IT CAN BE DEMONSTRATED THAT IT HAS BEEN COMPLETELY REMOVED OR ERADICATED. THERE SHALL BE NO EXCEPTIONS TO THIS PROVISION.

ALL LANDSCAPE ISLANDS AND BEDS WILL BE FREE OF SHELL ROCK AND CONSTRUCTION DEBRIS AND WILL BE EXCAVATED TO A DEPTH OF 30 INCHES OR TO CLEAN, NATIVE SOIL AND FILLED WITH THE PLANTING SOIL MIX AS PER THE SDM SOIL NOTES, THIS PAGE.

LANDSCAPE WARRANTY

THE LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIAL FOR A PERIOD OF TWELVE (12) MONTHS FROM THE DATE OF CONDITIONAL ACCEPTANCE IN WRITING FROM THE LANDSCAPE ARCHITECT. AT THE TIME OF CONDITIONAL ACCEPTANCE, THE TWELVE (12) MONTH PERIOD SHALL COMMENCE. ANY MATERIALS WHICH HAVE DIED OR DECLINED TO THE POINT WHERE NO LONGER VISIBLE GROWTH OCCURS, SHALL BE REPLACED WITHIN THIS PERIOD SHALL BE PROMPTLY REPLACED WITH SPECIMENS THAT MEET THE MINIMUM REQUIREMENTS CALLED FOR ON THE DRAWINGS. THE LANDSCAPE CONTRACTOR SHALL NOT BE HELD RESPONSIBLE FOR THE DEATH OR DAMAGE RESULTING FROM ACTS OF GOD SUCH AS LIGHTNING, VANDALISM, AND AUTOMOBILES FROM NEGLIGENCE BY THE OWNER. CONTRACTOR SHALL BE RESPONSIBLE FOR WATERING AND OTHERWISE MAINTAINING PLANTS UP TO THE FINAL ACCEPTANCE, UNLESS A WRITTEN AGREEMENT WITH THE LANDSCAPE ARCHITECT PROVIDES FOR A DIFFERENT ARRANGEMENT.

IRRIGATION

ALL LANDSCAPE AREAS (INCLUDING SOD AREAS) SHALL BE IRRIGATED WITH AN UNDERGROUND AUTOMATIC SPRINKLER SYSTEM PROVIDING 100 PERCENT COVERAGE. LANDSCAPE INSTALLATION SHALL NOT OCCUR UNTIL THE IRRIGATION SYSTEM IS OPERATIONAL, UNLESS THE OWNER, OWNER'S REPRESENTATIVE, OR THE PROJECT LANDSCAPE ARCHITECT GRANTS APPROVAL.

GENERAL LANDSCAPE NOTES

ALL PROPOSED PLANT MATERIAL AND ABOVE GROUND STRUCTURES SHOWN HEREON ARE DESIGNED AND ARE TO BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH SEMINOLE IMPROVEMENT DISTRICT (S.I.D.) STREETScape STANDARDS.

ALL PROPOSED PLANT MATERIAL SHALL BE FLORIDA NUMBER 1 OR BETTER AS DESCRIBED IN GRADES AND STANDARDS FOR NURSERY PLANTS, PARTS 1 AND 11, LATEST EDITION, PUBLISHED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICE.

ALL PLANTED AREAS SHALL RECEIVE A 3" LAYER OF MULCH.

ALL PLANT MATERIAL SHALL BE PRUNED, IF NEEDED, TO ACHIEVE THE SHAPE AND FORM CHARACTERISTIC TO THEIR DESIGN INTENT. PRUNING TO BE IN STRICT ACCORDANCE WITH ISA STANDARDS.

ALL SOD OR SEED SHALL BE CERTIFIED (IF APPLICABLE) AND WEED AND INSECT FREE. VEGETATION REMOVAL PERMITS ARE REQUIRED PRIOR TO REMOVING, CLEARING OR STRIPPING ANY VEGETATION FROM THE PROPERTY.

AT THE TIME OF BUILDING PERMIT, THE APPLICANT SHALL EXECUTE HOLD HARMLESS AGREEMENTS WITH ALL APPLICABLE UTILITIES FOR LANDSCAPING WITHIN UTILITY EASEMENTS.

THE LANDSCAPE CONTRACTOR SHALL NOT MAKE ANY SUBSTITUTIONS OR CHANGES WITHOUT THE AUTHORIZATION OF S.I.D., THE OWNER, AND THE LANDSCAPE ARCHITECT.

THE LANDSCAPE CONTRACTOR SHALL REVIEW THE PROJECT DRAINAGE AND UTILITY PLANS PRIOR TO CONSTRUCTION AND AVOID ALL CONFLICTS. THE LANDSCAPE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO COMMENCING WORK.

CALL SUNSHINE ONE CALL SERVICE FOR UNDERGROUND UTILITY LOCATIONS 48 HOURS PRIOR TO ANY EXCAVATION OF DIGGING 1-800-432-4470.

THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL PERMITS REQUIRED TO PERFORM LANDSCAPE WORK.

THE CONTRACTOR SHALL COORDINATE THE PLANTING AND TRIMMING OF STREET TREES TO ENSURE FULL VISIBILITY TO TRAFFIC CONTROL AND SAFETY SIGHTING.

TREES SHALL BE POSITIONED TO AVOID CONFLICTS WITH SIGNAGE AND SITE LIGHTING. LARGER TREES WILL BE INTERSECTED WITH SIGNAGE WHERE DEEMED NECESSARY BY S.I.D. DESIGN REQUIREMENTS.

ANY PLANT MATERIAL PLANTED WITHIN SAFE SIGHT DISTANCE TRIANGLES SHALL BE MAINTAINED IN A WAY THAT PROVIDES UNOBSTRUCTED VISIBILITY AT A LEVEL BETWEEN 30" AND 8' ABOVE THE PAVEMENT SURFACE OF THE ADJACENT ROADWAY.

VEGETATION LOCATED WITHIN SAFE SIGHT DISTANCE TRIANGLE AREAS SHALL BE TRIMMED SO THAT NO CANOPY LIMBS OR FOLIAGE EXTEND INTO REQUIRED VISIBILITY AREA.

ALL ABOVE GROUND UTILITIES I.E. TRANSFORMERS, SWITCH BOXES, AC CONDENSERS AND ALIKE SHALL BE FULLY SCREENED FROM VIEW ON THREE SIDES WITH LANDSCAPING. THE LANDSCAPING SHALL TO THE TALLEST POINT OF SAID EQUIPMENT AT TIME OF PLANTING.

LOCAL UTILITY AND FIRE RESCUE CLEARANCE ZONES SHALL BE PROVIDE AROUND ALL ABOVE GROUND OR AT GRADE METERS AND EQUIPMENT.

ALL TREES SHALL BE LOCATED WITHIN A MULCH PLANTING BED WITH A MINIMUM OF TWO (2) FEET OF CLEARANCE TO THE EDGE OF THE BED.

ALL SOD SHALL BE STENOTAPHRUM SECONDATUM FLORITAM-PALMETTO (ST. AUGUSTINE SOD) UNLESS OTHERWISE NOTED ON PLANS.

TYPE D, E OR F RAISED CONCRETE CURBING SHALL BE PROVIDED AROUND ALL PLANTING ISLANDS WITHIN VEHICULAR USE AREAS.

ALL TREES PLANTED UNDER OR ADJACENT TO FPL POWER LINES WILL COMPLY WITH THE FPL RIGHT TREE IN THE RIGHT PLACE GUIDELINES (REV 5/08).

ALL TREES AND PALMS SHALL BE STAKED/GUYED IN ACCORDANCE WITH THE SPECIFICATIONS AND PLANTING DETAILS.

STREET TREE LOCATIONS SHALL BE COORDINATED WITH DRIVEWAYS, STREET LIGHTS, UTILITIES AND FIRE HYDRANTS.

THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE 100% OVERLAP COVERAGE TO ALL LANDSCAPE AND SOD AREAS.

THE IRRIGATION SYSTEM SHALL BE EQUIPPED WITH A RAIN SENSOR/CUT OFF SWITCH IN ACCORDANCE WITH STATE AND LOCAL REQUIREMENTS.

ALL LANDSCAPE ISLANDS SHALL INCORPORATE THE INSTALLATION OF MOUNDING OF NATIVE SOILS A MINIMUM OF SIX INCHES (6") ABOVE THE TOP OF CURB.

ROYAL PALM TREES WITHIN THE ROW SHALL BE REGULARLY MAINTAINED AND TRIMMED SO FRONDS DO NOT FALL ONTO ROADWAYS.

ALL LANDSCAPE ISLANDS AND MEDIANS SHALL BE EXCAVATED TO A DEPTH OF 30" MINIMUM AND BACKFILLED WITH THE PLANTING SOIL MIX AS SDM SOIL NOTES, THIS PAGE.

CLEARANCE BETWEEN LANDSCAPE AND UTILITIES WILL BE REVIEWED BY SEMINOLE IMPROVEMENT DISTRICT.

REFER TO THE SDM SOIL NOTES, THIS PAGE, FOR STANDARD PLANTING SOIL MIX SPECIFICATIONS.

MAINTAIN A 12" MIN. PLANT MATERIAL SETBACK FROM CURBS ADJACENT TO ALL VEHICULAR AND PEDESTRIAN AREAS.

TREES SHOWN ON THIS PLAN ARE FOR GRAPHIC REPRESENTATION ONLY. TREE SPACING IS BASED ON SEMINOLE IMPROVEMENT DISTRICT (S.I.D.) STREETScape STANDARDS AND THE TREES SHOWN ON THESE PLANS ATTEMPT TO ACCOMPLISH THAT SPACING WHILE MAINTAINING THE REQUIRED SETBACKS FROM S.I.D. UTILITIES. TREES MAY BE FIELD ADJUSTED TO AVOID CONFLICTS WITH DRIVEWAYS AND UNDERGROUND UTILITIES. IN ANY CASE THE TREES SHALL BE LOCATED IN THE FIELD IN ACCORDANCE WITH THE PLANTING DETAILS SHOWN HEREIN.

ADDITIONALLY, LARGE TREES OR PALMS ARE TO BE INSTALLED WITH A TEN FOOT (10') SEPARATION FROM ANY WATER OR SEWER MAIN AND/OR SERVICE, HYDRANTS AND LIFT STATIONS. IF A TEN FOOT (10') SEPARATION CANNOT BE ACHIEVED, THE TREE SHALL BE INSTALLED WITH A ROOT BARRIER SYSTEM. REFER TO THE "ROOT BARRIER" DETAIL FOR INSTALLATION REQUIREMENTS. HOWEVER, IN NO CASE SHALL TREE ENCRACH INTO A SID U/L WITHOUT PRIOR SID APPROVAL, AND ONLY SOD CAN BE INSTALLED WITHIN 7.5' OF A FIRE HYDRANT UNLESS OTHERWISE APPROVED BY THE FIRE MARSHALL.

ALL LANDSCAPING AND ABOVE GROUND STRUCTURE SHOWN HEREIN ARE DESIGNED AND ARE TO BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH SEMINOLE IMPROVEMENT DISTRICT STANDARDS.

ROYAL PALM TREES PLANTED WITHIN RIGHT OF WAYS SHALL BE REGULARLY MAINTAINED SO THAT FRONDS DO NOT FALL INTO THE RIGHT OF WAY.

TREES SHALL HAVE A MINIMUM TWO FOOT SEPARATION FROM BIKE PATHS AND SIDEWALKS.

OVERALL PLANT LIST

ACCENT PALMS	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	SIZE	NATIVE	REMARKS
TR	2	THRINAX RADICATA	FLORIDA THATCH PALM	25 GAL.	---	6" O.A.	Y	FULL CANOPY, DOUBLE
ACCENT TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	SIZE	NATIVE	REMARKS
HRS	3	HIBISCUS ROSA-SINENSIS 'SEMINOLE PINK'	SEMINOLE PINK HIBISCUS	15 GAL.	---	5" O.A.	Y	FULL CANOPY, STANDARD, MATCHED
JAT	7	JATROPHA INTERGERIMA	JATROPHA TREE	25 GAL.	---	5' HT. X 3' SPRD.	N	FULL CANOPY, MULTI-STEM, FLORIDA FANCY, LIMB UP 2'
CANOPY TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	SIZE	NATIVE	REMARKS
BA	3	BULNESIA ARBOREA	VERAWOOD	45 GAL	2.5" CAL	12' HT X 5' SPRD	N	FULL CANOPY
BS	16	BURSERA SIMARUBA	GUMBO LIMBO	65 GAL. MIN.	3.5" CAL.	16' HT. X 7' SPRD.	Y	FULL CANOPY
ED1	13	ELAEOCARPUS DECIPENS	JAPANESE BLUEBERRY TREE	45 GAL. MIN.	2.5" CAL.	14' HT. X 6' SPRD.	N	FULL & THICK, SHEARED CONICAL SHAPE, FLORIDA FANCY, SINGLE STRAIGHT TRUNK. 4' CT.
QV14	20	QUERCUS VIRGINIANA	LIVE OAK	65 GAL. MIN.	4" CAL.	14' MIN. X 7' SPRD.	Y	FULL CANOPY
TI	4	THECABUA IMPETIGINOSA	PINK TRUMPET TREE	45 GAL. MIN.	2.5" CAL.	12' HT. X 5' SPRD.	N	FULL CANOPY
PALM TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	SIZE	NATIVE	REMARKS
AM	5	ADONIDIA MERRILLII	CHRISTMAS PALM	F.G.	---	12' -14' O.A.	N	FULL CANOPY, SINGLE TRUNK, MATCHED
AA	10	ARCHONTOPHOENIX ALEXANDRAE	KING ALEXANDER PALM	F.G.	---	20' O.A.	N	SINGLE TRUNK, FLORIDA FANCY, ROOT PRUNED, MATCHED
PEA	3	PTYCHOSPERMA ELEGANS	ALEXANDER PALM	F.G.	---	12' -14' O.A.	N	FULL, MATCHED
PEA3	1	PTYCHOSPERMA ELEGANS	ALEXANDER PALM	F.G.	---	12' -14' O.A.	N	FULL, DOUBLE
SP	44	SABAL PALMETTO	CABBAGE PALM	F.G.	---	14', 18', & 22' C.T., SEE PLAN Y	Y	SLICK, STRAIGHT TRUNK
SMALL TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	SIZE	NATIVE	REMARKS
ED2	4	ELAEOCARPUS DECIPENS	JAPANESE BLUEBERRY TREE	25 GAL.	1.5" CAL.	5' - 6' O.A.	N	FULL CANOPY, SHEARED CONICAL SHAPE, FLORIDA FANCY, SINGLE STRAIGHT TRUNK, MATCHED, FULL TO BASE
SPECIMEN PALMS	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	SIZE	NATIVE	REMARKS
PHM	4	PHOENIX DACTYLIFERA 'MEDJOOL'	MEDJOOL DATE PALM	F.G.	---	14' C.T.	N	STRAIGHT TRUNK, FULL CANOPY, DIAMOND CUT. ROOT PRUNED, FLORIDA FANCY, MATCHED
RR	38	ROYSTONEA REGIA	ROYAL PALM	F.G.	---	16' G.W.	Y	HEAVY CALIPER, FLORIDA FANCY, ROOT PRUNED, FULL CANOPY, MIN. 7 LEAF COUNT
SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	CONT	SIZE	SPACE	NATIVE	REMARKS
C17	76	CHRYSOBALANUS ICACO 'RED TIP'	RED TIP COCCULUM	7 GAL.	30" X 24"	3" O.C.	Y	FULL & THICK
CLD15	199	CLUSIA GUTTIFERA	CLUSIA	15 GAL.	6' HT. X 3' SPRD.	3" O.C.	N	FULL & THICK
C18	46	CODIADUM VARIAGTUM 'MANGO'	MANGO CROTON	3 GAL.	18" X 18"	3" O.C.	N	FULL & THICK
EF7	31	EUGENIA FORTUNA	SPINSTER STOMPER	7 GAL.	30" X 24"	2.5" O.C.	N	FULL & THICK
FG7	62	FICUS MACROPHYLLA 'GREEN ISLAND'	GREEN ISLAND FICUS	7 GAL.	15" X 15"	2" O.C.	N	FULL & THICK
PH7	491	PODOCARPUS MACROPHYLLUS 'MAKI'	PODOCARPUS	7 GAL.	3" X 2"	2" O.C.	N	FULL & THICK
PMD	115	PODOCARPUS MACROPHYLLUS 'DWARF PRINGLES'	DWARF PODOCARPUS	3 GAL.	18" X 18"	2" O.C.	N	FULL & THICK
SA	18	SCHOFFERIA ARBOREOLA 'DAZZLE'	DAZZLE SCHEFFERA	3 GAL.	2" X 2"	2" O.C.	N	FULL & THICK
SR7	13	STRELTIZIA REGINAE	ORANGE BIRD OF PARADISE	7 GAL.	2.5' X 2'	A.S.	N	FULL & THICK, FLORIDA FANCY
SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	CONT	SIZE	SPACE	NATIVE	REMARKS
CH	220	CALLIANDRA HAEMETOCOPHALA	DWARF POWDERPUFF	3 GAL.	18" X 18"	24" O.C.	Y	FULL & THICK
C10	285	CHRYSOBALANUS ICACO 'HORIZONTAL'	DWARF COCCULUM	3 GAL.	12" X 12"	24" O.C.	Y	FULL & THICK, NOT STRETCHED, FLORIDA FANCY
CL	113	CODIADUM VARIAGTUM 'FRANKLIN ROOSEVELT'	FRANKLIN ROOSEVELT CROTON	3 GAL.	18" X 18"	24" O.C.	Y	FULL & THICK
CG	341	FICUS MACROPHYLLA 'GREEN ISLAND'	GREEN ISLAND FICUS	3 GAL.	15" X 15"	24" O.C.	N	FULL & THICK
HS	31	HIBISCUS 'SEMINOLE PINK'	SEMINOLE PINK HIBISCUS	7 GAL.	24" X 24"	30" O.C.	N	FULL & THICK
IV	42	ILEX VOMITORIA 'SHILLINGS DWARF'	DWARF YAUPOIN HOLLY	3 GAL.	15" X 15"	24" O.C.	Y	FULL & THICK
MUH	133	MULLENBERGIA CAPILLARIS	PINK MUHLY GRASS	3 GAL.	24" X 24"	30" O.C.	Y	FULL & THICK
PD	113	PODOCARPUS MACROPHYLLUS 'DWARF PRINGLES'	DWARF PODOCARPUS	3 GAL.	15" X 15"	18" O.C.	Y	FULL & THICK
RL	269	RONDELETTA LEUCOPHYLLA	PANAMA ROSE	3 GAL.	18" X 18"	24" O.C.	N	FULL & THICK
TF	235	TRIPSACUM FLORIDANA	DWARF FAKAHATCHEE GRASS	3 GAL.	24" X 24"	30" O.C.	Y	FULL & THICK
WA	74	WRIGHTIA ANTIDYSENTERICA	ASIAN SNOW JASMINE	3 GAL.	18" X 18"	24" O.C.	N	FULL & THICK

SOD: STENOTAPHRUM SECONDATUM 'FLORITAM' - ST. AUGUSTINE 'FLORITAM' SOD = APPROXIMATELY 40,885 SQ. FT.

SDM SOIL NOTES

Existing Site Soil

1. Test existing soil in a minimum of four (4) landscape beds, from two (2) tree planting pits in addition to taking 2 to 3 samples along the perimeter of the proposed site and a sample from the retention pond immediately after the notice to proceed has been issued. Coordinate locations with landscape architect. Submit soil test report for each location from the University of Florida Extension - Institute of Food and Agricultural Sciences (IFAS) Soil Testing Laboratory or another local certified commercial soil testing facility at least four (4) weeks before planting operations. Collect soil samples in accordance with recommendations of the laboratory. https://sfyl.ifas.ufl.edu/agriculture/soil-testing/

2. Soil test reports should provide the pH, and the fertility levels of the principal nutrients phosphorus (P), potassium (K), calcium (Ca), magnesium (Mg), and recommendations for adjustment. The report may also include levels of soluble salts, organic content, and levels of micronutrients including copper (Cu), manganese (Mn), and zinc (Zn) - as directed by the landscape architect.

Planting Soil Mix Imported to Site
Planting soil mix imported to site shall consist of natural, friable, sandy loam, native topsoil and shall be free from objects larger than 1-1/2 inches maximum dimension including hard clods of heavy clay or other subsoil, noxious weed parts (roots, seeds, or shoots), grass, refuse, stumps, roots, brush, construction materials or other foreign matter, hazardous or toxic substances, and material that may be harmful to plant growth or may hinder grading, planting, or maintenance. Deliver soil in a normally moist condition, neither muddy nor wet.

2. The required soil mix combination for the landscaping beds must consist of 25% mushroom compost, 25% pine bark fines and 50% of a soil with a pH less than 7 which is then mixed into 50% native soil. Landscaping plans must include this detail in the notes.

##



FRONT RETAIL ELEVATION


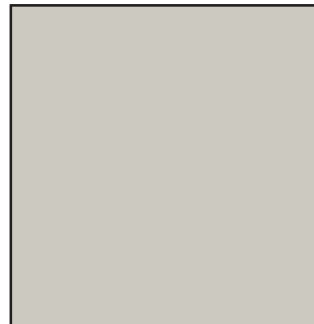





LEFT RETAIL ELEVATION

RIGHT RETAIL ELEVATION



REAR RETAIL ELEVATION

	PAINT SW 7013 IVORY LACE		PAINT SW 7015 REPOSE GRAY		PAINT SW 7019 GAUNTLET GRAY		METAL (PF1) PREFINISHED METAL - CLEAR ANODIZED		STUCCO TABBY STUCCO
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WESTLAKE RETAIL

DESIGN DEVELOPMENT

WESTLAKE, FL

08.15.2023

PAINT (PT-1)

SW 7013

IVORY LACE

PAINT (PT-2)

SW 7015

REPOSE GRAY

PAINT (PT-3)

SW 7017

DORIAN GRAY

PAINT (PT-4)

SW 7019

GAUNTLET GRAY

STUCCO

SWIRL TEXTURE

GAUNTLET GRAY

FINISH (PT-4)

*image is only texture

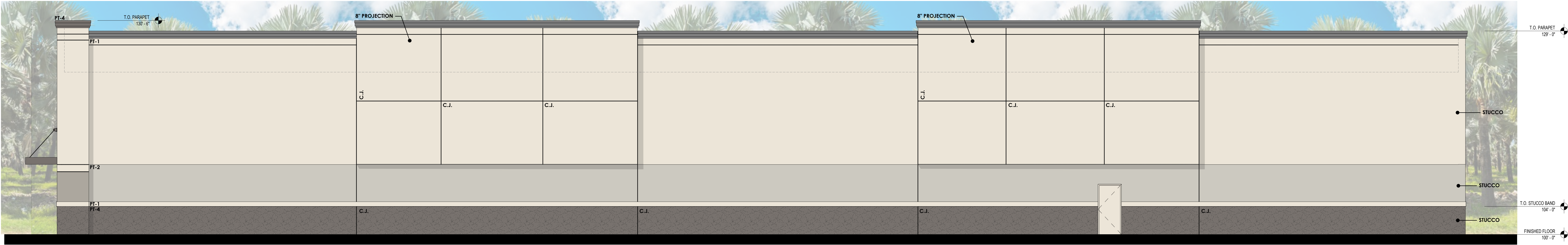
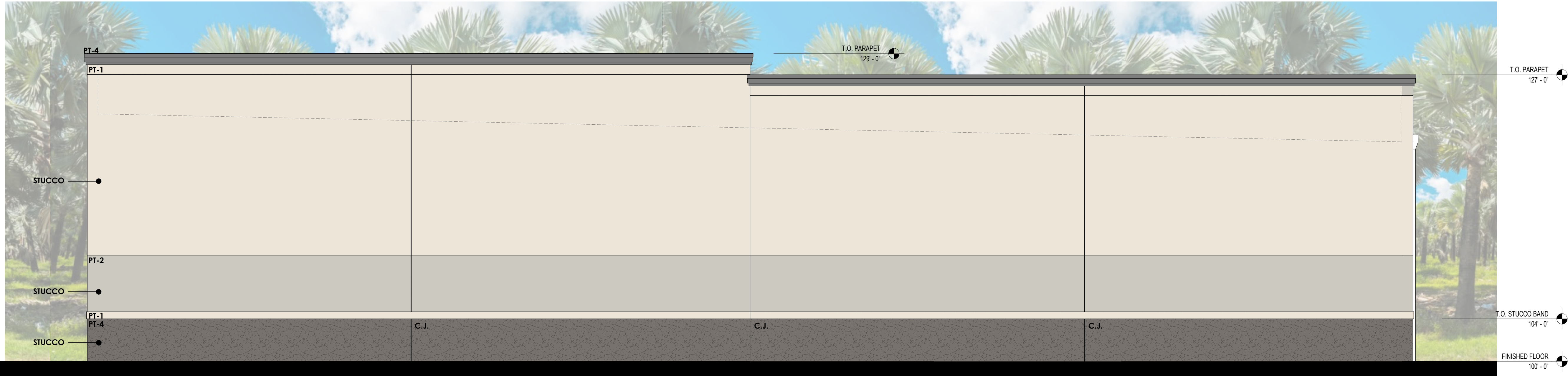
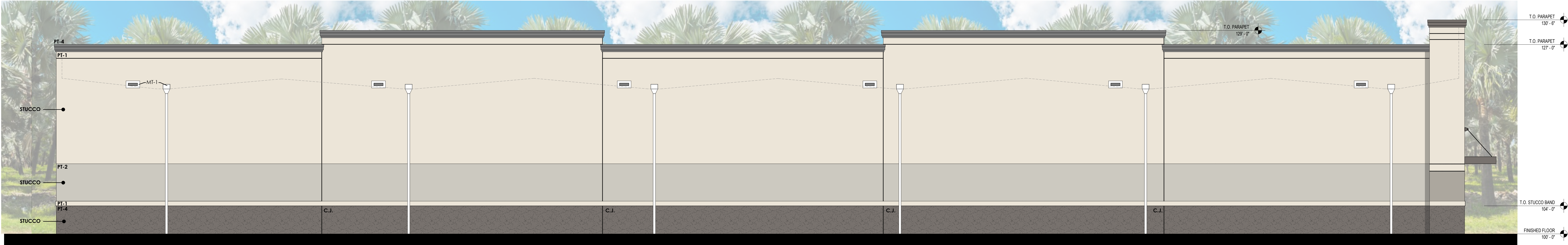
METAL (MT-1)

STAINLESS STEEL

DOWNSPOUTS,

COLLECTOR HEADS

AND SCUPPERS



1-12-22



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

DEPARTMENTAL USE ONLY
Ck. # _____
Fee: _____
Intake Date: _____
PROJECT # _____

APPLICATION FOR SITE PLAN REVIEW

CITY COUNCIL MEETING DATE: _____

The City Council meets on the second Monday of the month at 6:30 p.m., in the Westlake City Council Chambers, located at 4005 Seminole Pratt Whitney Road.

See page 3 for review process and submittal deadline.

INSTRUCTIONS TO APPLICANTS:

1. Please complete all sections of this application. If not applicable, indicate with N/A.
2. Provide all required documents as shown on the Site Plan Review Application Checklist (see page 4). If not applicable, indicate with N/A.
3. The applicant must be present at scheduled City Council meeting.
4. If project is to be developed in phases, a Master Site Plan Review Application shall be required.

I. PROJECT DESCRIPTION & APPLICANT INFORMATION

PROJECT NAME: Publix - Phase II (SPR-2023-05)

PROJECT ADDRESS: 16841 Persimmon Blvd. West

DESCRIPTION OF PROJECT: Publix Phase II in-line retail and stand-alone Planet Fitness building

Estimated Project Cost: TBD

Property Control Number (PCN): A portion of 77404301240010000

Section/Township/Range: 774043

Property Owner(s) of Record (Developer) Publix Super Markets, Inc. C/O WindCrest Development Group, Inc.

Address: 605 Robinson Street, Suite 340, Orlando, FL 32801

Phone No.: 407-219-3540 **Fax No.** 408-219-3541 **E-mail Address:** tmurray@windcrestinc.com

Applicant/Agent (if other than owner, complete Acknowledgement and Consent section on page 2):

Name: Cotleur & Hearing

Address: 1934 Commerce Lane, Ste. 1, Jupiter, FL 33458 **Phone No.:** 561-747-6336

Fax No.: 561-747-1377 **E-mail Address:** dhearing@cotleur-hearing.com

II. LAND USE & ZONING

A) ZONING DISTRICT Mixed Use B) FUTURE LAND USE DESIGNATION Downtown Mixed Use

C) EXISTING USE(S) Publix Supermarket – Phase 1

D) PROPOSED USE(S), AS APPLICABLE Retail

III. ADJACENT PROPERTIES

	EXISTING USE(S)	FUTURE LAND USE DESIGNATION	ZONING DISTRICT
SUBJECT PROPERTY	Pod G, Parcel D, Phase II – Vacant	Downtown Mixed Use	Mixed Use
NORTH	Pod G North – Vacant	Downtown Mixed Use	Mixed Use
SOUTH	Pod G South, Parcel E – Publix Phase I - Constructed	Downtown Mixed Use	Mixed Use
EAST	Pod G North, Parcels A and B – Vacant	Downtown Mixed Use	Mixed Use
WEST	Pod G SW – James Business Park – Under Construction	Downtown Mixed Use	Mixed Use

IV. OWNER AND APPLICANT/AGENT ACKNOWLEDGEMENT AND CONSENT

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

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

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

Thomas J Murray, P.E.

Owner's Name (please print)



Owner's Signature

9/21/2023

Date

Donaldson E. Hearing

Applicant/Agent's Name (please print)



Applicant/Agent's Signature

Date



City of Westlake

Planning and Zoning Department – Staff Report

City Council Meeting 1/8/2024

PETITION DESCRIPTION

PETITION NUMBER: SPR-2023-05 Publix at Westlake Plaza Phase II Site Plan Review

OWNER: Minto PBLH, LLC

APPLICANT: Cotleur & Hearing

ADDRESS: 16841 Persimmon Blvd. West Westlake, FL 33470 (Pod G South)

PCN: 77-40-43-01-00-000-1010

REQUEST: The applicant is requesting approval of a Site Plan Review for **Phase Two** of the Publix at Westlake Plaza development. Phase Two consists of a 25,000 sq.ft. building for a proposed Planet Fitness facility and an additional 9,000 sq.ft. of in line retail/office/medical and fast-food restaurant with drive through for a total of 34,024 sq. ft.

SUMMARY

The subject application, Phase Two, is part of Pod G South, a 20.321 acres, and a total 129,700 sq. ft. commercial development in the Downtown Mixed Use Zoning District.

The applicant is requesting approval of a Site Plan Review for Phase Two of the Publix at Westlake Plaza development. Phase Two consists of a 25,000 sq.ft. building for a proposed Planet Fitness facility and an additional 9,000 sq.ft. of in line retail/office/medical and fast-food restaurant with drive through building for a total of 34,024 sq.ft. Phase Two proposes aesthetic materials (pavers) on the entire front walkways of the inline mixed use building, continuing the Phase One (Publix) paver walkway theme.

On November 9, 2020, the City Council approved Phase One for a 48,367 sq. ft Publix grocery store with a drive through pharmacy and a 1,400 sq. ft. liquor store and included an attached 9,600 sq. ft. inline retail/office/medical building; and a plaza landscaping plan.

STAFF RECOMMENDATION

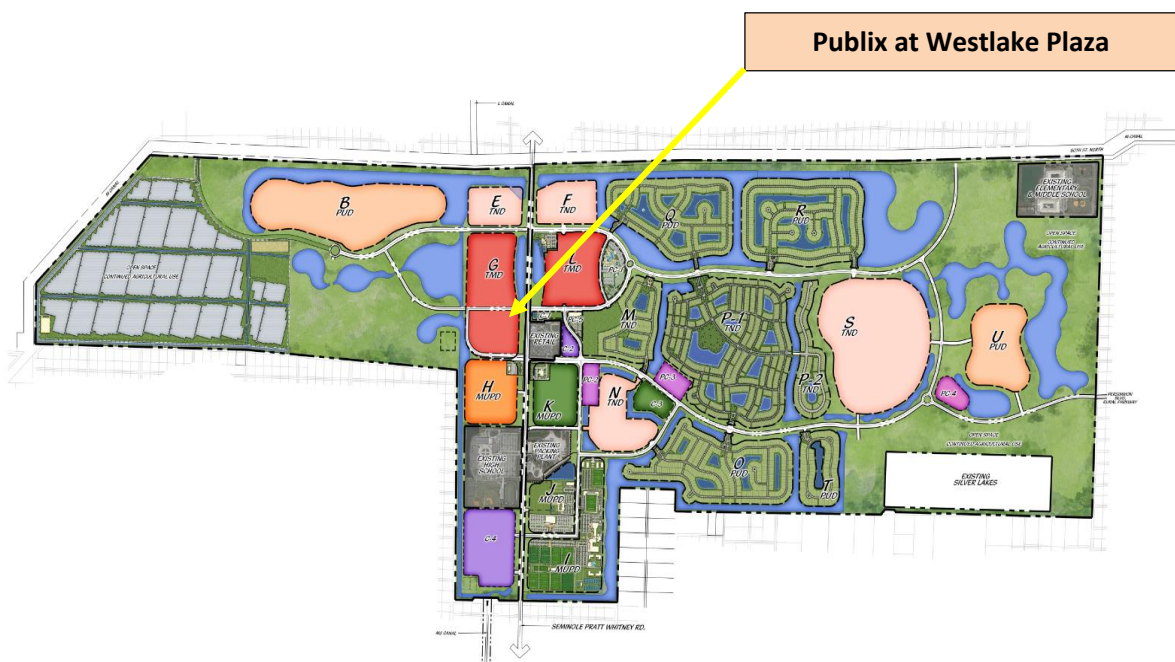
Based upon the facts and findings contained herein, the **Planning and Zoning Department** and **Engineering Department** recommend approval of the above referenced application with the following conditions:

1. Applicant shall contribute one percent (1%) of the building's construction costs of Phase Two to the City of Westlake Art Acquisition Fund prior to building permit issuance.
2. Applicant shall revise the Land Development Permit for Publix (ENG-2021-05), or submit new Land Development permit for Publix Phase II.

PETITION FACTS

- a. Total Gross Site Area: 20.321 acres
- b. Building Data: Phase Two – 25,000 sq.ft Planet Fitness; 9,024 sq. ft inline building containing 6,000 sq.ft. of retail/office/medical uses, and 3,024 sq ft of fast food restaurant with drive through
- c. Land Use and Zoning
 - Existing Land Use: Vacant/Agricultural/Utility
 - Future Land Use: Mixed Use
 - Zoning: Mixed Use

	FUTURE LAND USE	ZONING
SUBJECT PROPERTY	Mixed Use	Mixed Use
NORTH	Mixed Use	Mixed Use
SOUTH	Mixed use	Mixed Use
EAST	Mixed Use & Civic	Mixed Use
WEST	Mixed Use	Mixed Use



BACKGROUND

The subject application is requesting site plan approval of Phase Two of Pod G South, which is a 20.321 acres, and a total 129,700 sq. ft. commercial development in the Downtown Mixed Use Zoning District. On November 9, 2020, the City Council approved Phase One of Pod G South which contained a 48,367 sq. ft. Publix grocery store with a drive through pharmacy and a 1,400 sq. ft. liquor store, and also included an attached 9,600 sq. ft. inline retail/office/medical building; and a plaza landscaping plan.

STAFF ANALYSIS

The subject application is **Phase Two** of a 20.321 acres Commercial Development in the Downtown Mixed Use Zoning District. The Commercial Plaza consists of a number of parcels that will be developed in phases and respective site plans will be submitted for staff review and approval by the City Council.

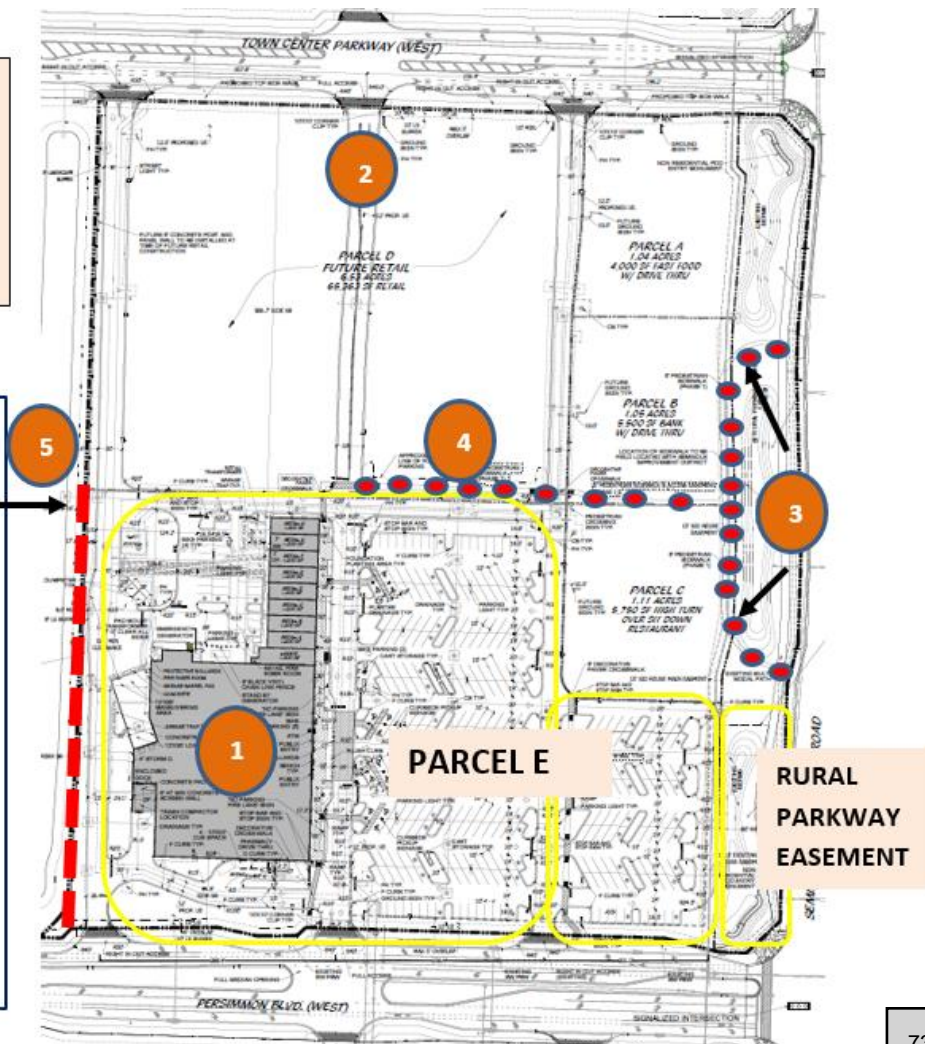
Phase One is located in **Parcel E** (8.60 acres) and includes part of the Rural Parkway Easement along with the following structures and site improvements:

1. 48,367 sq. ft. Publix grocery store with a drive thru pharmacy; 1,400 sq. ft. liquor store and 9,600 sq. ft. inline retail/office/medical building
2. Accessways to Plaza from Town Center Parkway and Persimmon Blvd.
3. Sidewalk connecting multimodal pathway on the Rural Parkway Easement
4. Interior Plaza Sidewalk
5. Concrete Slip Panel Wall

The Master Site Plan includes Phase One as shown on graphics. Additional phases will be market driven.

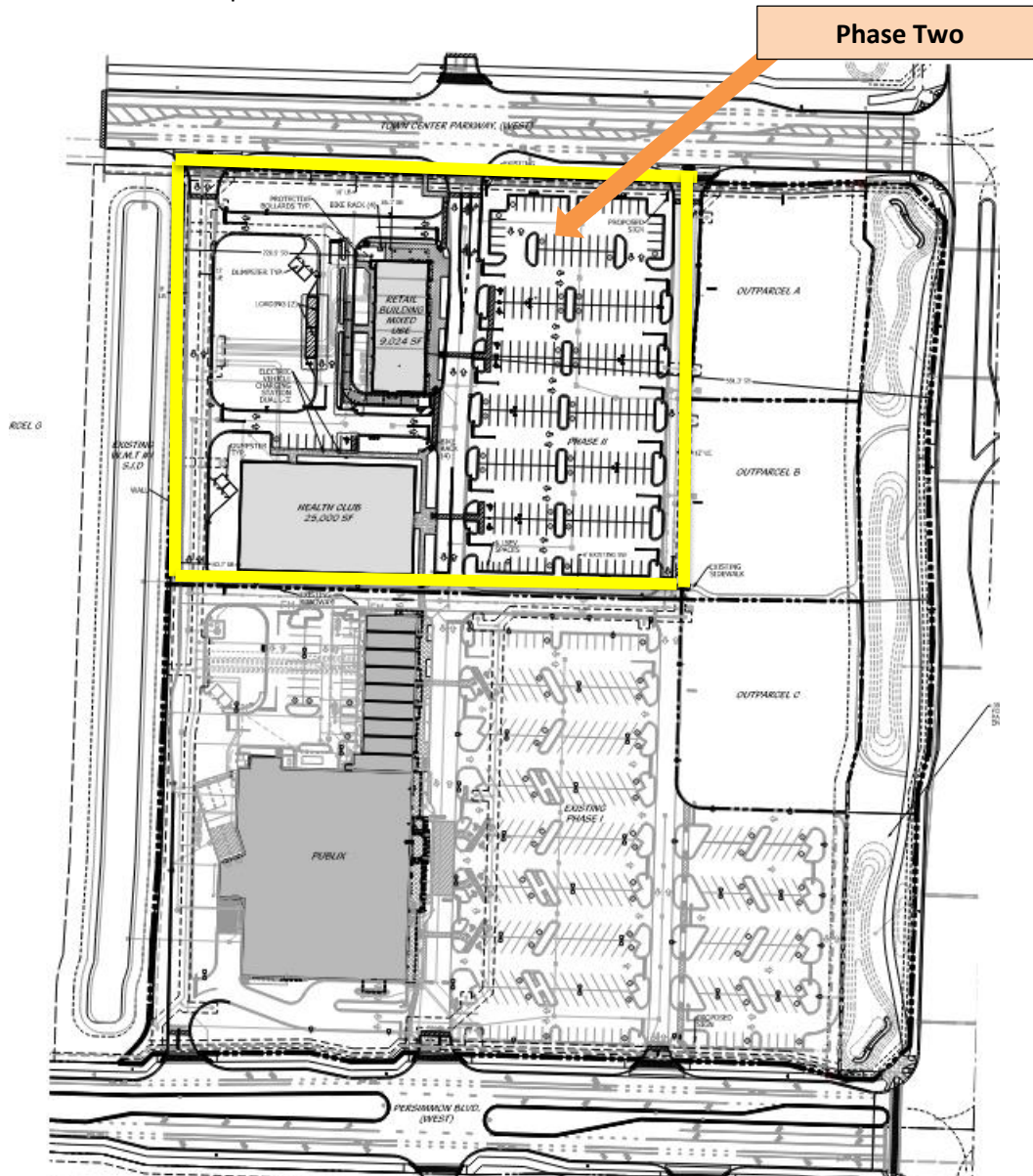
Location of proposed Concrete Slip Wall Panel

Phase One development will include all parcel E with landscape buffers on Town Center Parkway and along the western boundary of the entire site. The only the portion of the 6' Buffer Concrete Slip Wall Panel Wall adjacent to Parcel E will be constructed in Phase One. The remainder of the wall will be constructed with the future retail development on Parcel D.



Proposed Phase Two is located in **Parcel D** (6.53 acres) with the following structures and site improvements:

1. 25,000 sq.ft Planet Fitness building; 9,024 sq. ft inline building containing 6,000 sq.ft. of retail/office/medical uses, and 3,024 sq ft of fast food restaurant with drive through
2. Accessways to Plaza from Town Center Parkway and Persimmon Blvd.
3. Sidewalk connecting multimodal
4. Interior Plaza Sidewalk
5. Concrete Slip Panel Wall



The following table presents compliance with applicable zoning code:

Zoning District: Mixed Used	REQUIRED BY CODE	PROPOSED	COMMENTS
Setbacks			
Front	Main Structure 20'	588'	In compliance
Rear	Main Structure 10'	80.7'	In compliance
Side Yard - South	Main Structure 10'	N/A	In compliance
Side Yard - North	Main Structure 10'	86'	In compliance
Lot Coverage	Max Lot Coverage 45%	Phase I & II: 14.82%	In compliance
Building Height	120 ft. max	40 fl.	In compliance
Parking	Retail Mixed Use - 1/225 SF Physical Fitness, Massage Therapy &Spa - 1/250 SF Fast Food w/ Drive Thru, Outdoor Seating - 1/150 SF+ 1/250 SF = 165 Overall : 425	Phase Two: 251 spaces Overall Total: 606	In compliance
Sidewalks	Pedestrian walkways must be a minimum of 5 ft. wide	5' +	In compliance
Minimum Pervious / Open Space	Minimum 25%	30.25%	In compliance
Bike Racks	5% of parking required. Total: 8	Phase Two: 8	In compliance
LSEV Parking	2% of parking required: 3	Phase Two: 6	In compliance

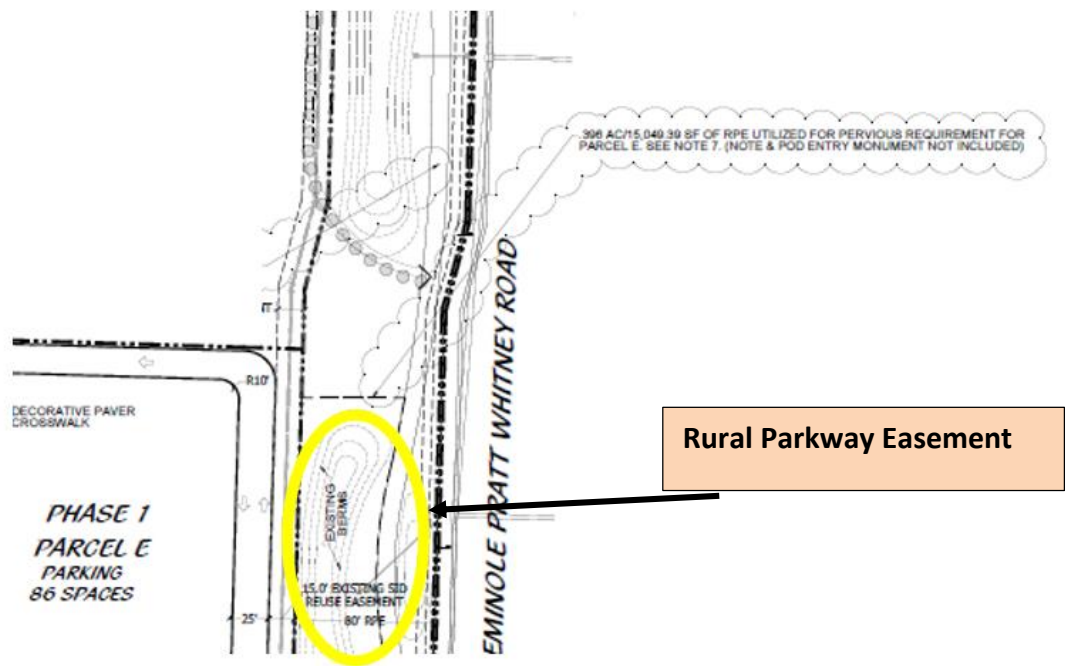
See below pervious calculation

The below information regarding pervious calculation is included on the Master Plan drawing:

PHASE I PARCEL E OPEN SPACE CALCULATIONS			
	ACRES	SQ.FEET	PERCENT
PHASE I PARCEL AREA	8.72	379,626	100%
IMPERVIOUS			
BUILDING LOT COVERAGE	1.36	59,387	15.64%
VEHICULAR USE AREAS	5.32	231,896	61.09%
SIDEWALKS AND PLAZAS	0.19	8,486	2.24%
SUBTOTAL	6.88	299,769	78.96%
PERVIOUS (SEE NOTE NUMBER 7)			
LANDSCAPE BUFFERS AND OPEN SPACE	1.83	79,857	21.04%
SUBTOTAL	1.83	79,857	21.04% (SEE NOTE NUMBER 7)
TOTALS	8.72	379,626	100.00%

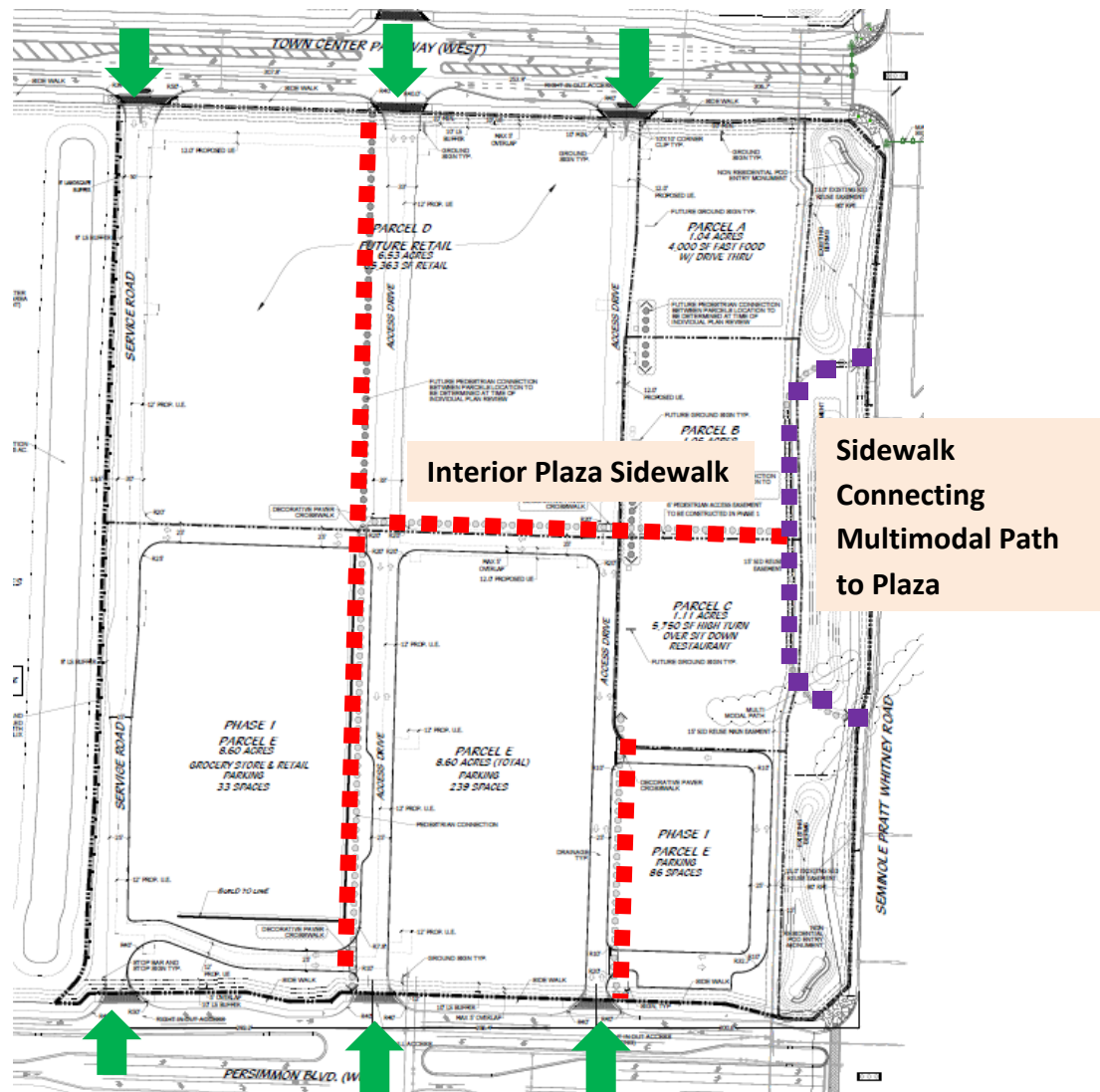
PHASE II PARCEL D OPEN SPACE CALCULATIONS			
	ACRES	SQ.FEET	PERCENT
PHASE II PARCEL AREA	6.45	280,853	100%
IMPERVIOUS			
BUILDING LOT COVERAGE (INCLUDES OVERHANG GREATER THAN 24 IN)	0.81	35,453	12.62%
VEHICULAR USE AREAS	3.46	150,717	53.66%
SIDEWALKS AND PLAZAS	0.22	9,725	3.46%
SUBTOTAL	4.50	195,895	69.75%
PERVIOUS (SEE NOTE NUMBER 7)			
LANDSCAPE BUFFERS AND OPEN SPACE	1.95	84,958	30.25%
SUBTOTAL	1.95	84,958	30.25%
TOTALS	6.45	280,853	100.00%

7. NOTE: THE MINIMUM OVERALL PERVIOUS AREA IS 25%. PARCEL E CONTAINS 21.04% OF PERVIOUS AREA EXCLUDING THE RPE. THE RPE CONTIGUOUS TO PARCEL E CONTAINS 0.544 ACRES (23,675 SF) WHICH IS EQUIVALENT TO 5.87%. 0.396 ACRES (15,049.39 SF) OF THE RPE ADJACENT TO PARCEL E IS BEING UTILIZED TO SATISFY THE MIN 25% REQUIREMENT FOR PARCEL E.



Accessways and Connecting Sidewalks

The commercial Plaza Master Site Plan provides **six** (6) points of vehicular access to the site, three (3) from Town Center Parkway (West) from the north, and three (3) from Persimmon Boulevard West, from the south. The western most access point on both Town Center Parkway and Persimmon Boulevard West are intended to primarily support the service and delivery functions of the plaza. Applicant is also proposing **two** (2) connecting sidewalks from Rural Parkway Easement to plaza, as well as, **one** (1) internal sidewalk.



City's Comprehensive Plan and Vision

The City of Westlake Comprehensive Plan adopted in 2018 includes a Data and Analysis section that define the City's Vision and Guiding Principles. These are the building blocks of the City, and they were formulated by the City Council through a series of workshops. "Build City Character and Identity" guiding principle emphasizes how important is aesthetics and design for the City's identity and urban character. The subject document includes the following key paragraphs:

Vision for the City

The City will be a vibrant, desirable and welcoming place to live, work and play. The City will support mixed uses and promote safe neighborhoods with access to thriving business districts, employment centers, schools, parks and open spaces. The City will create incentives to promote the development of diverse housing, and will offer public open spaces. An emphasis on the development of complete streets will promote multi-modal transportation opportunities. The City's plans and policies will embrace public participation, encourage a sustainable community, and stimulate a vibrant economy.

The City's Guiding Principles

Build City Character and Identity

The City will promote economic development and provide for attractive public spaces through the coordination of building architecture, site design, and streetscape improvements.

Balance the Central Communities in Palm Beach County

The development of the City will include commercial, employment, and recreational opportunities to help alleviate the existing urban sprawl pattern of development that currently exists in central Palm Beach County.

Promote Mixed-Use Corridor

The Downtown Mixed-Use Category is important to the development of the City as a center of commerce, employment, and services. Neighborhood centers, which will vary in scale, use, and intensity, will be developed within walking distance of residential neighborhoods to provide accessible and convenient opportunities to work, shop, and participate in civic life.

Emphasize Housing Diversity and Livable Neighborhoods

A variety of housing choices will be provided to accommodate a diverse range of residents at varying income levels and at all stages of life, including young adults, families, non-family households, empty nesters, retirees, and seniors. Housing opportunities will include small lots, multi-family housing, and live-work units, in addition to the traditional large, single family homes. Neighborhood commercial centers will offer convenient and walkable amenities to residents by providing retail and service facilities.

Grow A Vibrant Economy

The City will work towards becoming a Sustainable Community with an environmentally, socially, and economically healthy and resilient City for existing and future populations. A healthy and sustainable business environment will be promoted through investment in efficient infrastructure, the provision of incentives, and by fostering development of a community that is attractive to employers and their workers. The Plan will seek to enhance the City's competitive advantage and to attract high quality companies, entrepreneurs, and knowledge-based businesses to the area.

A safe, reliable, and integrated transportation system that supports multiple modes of transportation including walking, biking, mass transit, and motor vehicles will be encouraged within the City. Investment in the transportation system should promote multi-modal travel solutions, especially in the Downtown Mixed-Use Category, around schools, and between neighborhoods.

The proposed aesthetics for the building is a result of a team work effort between the City Staff and the Architect.

[illegible]

Inline Retail Building Elevations





WESTLAKE RETAIL
DESIGN DEVELOPMENT

WESTLAKE, FL

08.15.2023



FISHER
ARCHITECTS

Landscape

The subject site is landscaped in accordance with Article 7 “Landscape” of the City of Westlake’s Code of Ordinances. Plantings are placed around the perimeter of the building and throughout the parking lot per requirements. Royal Palms line the primary access drive through the plaza. Landscape buffers are proposed along the north, south and west property boundaries. The eastern property boundary is buffered by the existing Rural Parkway Easement.

Drainage

It is proposed that runoff from the subject site be directed to on-site inlets and storm sewer and then connected to and offsite dry detention area for ½” dry pre-treatment prior to discharging to the Town Center parkway west road drainage system north of the site. Legal positive outfall is available via connection to the Master Drainage System. The master development has been permitted under SFWMD ERP No. 50-00021-S. Land use is consistent with the master permit for commercial areas. Under the Master Permit, commercial areas are allowed to contain up to 85% impervious area.

Traffic

The total trips projected for this application do not exceed the approved trips for Westlake per the Development Order. Therefore, the proposed Site Plan Application is in compliance with the Westlake Development Order.

Roadway Connections

Entry and exit points onto Town Center Parkway are approved for the configuration of Town Center Parkway that was presented in this application.

Fire Rescue

The subject application was reviewed by the Palm Beach County Fire Department.

FINAL REMARKS

SPR-2023-05 will be heard by the City Council on January 8, 2024. The public hearing was advertised in compliance with the City’s code. The subject application was reviewed by the City of Westlake staff (Planning and Zoning, Engineering), Seminole Improvement District (SID) and Palm Beach County Fire Rescue.

File Attachments for Item:

A. SECOND READING: Ordinance 2023-07 – ARCADE AMUSEMENT CENTERS AND ELECTRONIC GAMING ESTABLISHMENTS

Submitted By: Planning and Zoning

ORDINANCE NO. 2023-07

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING CHAPTER 3 ZONING DISTRICTS AND USES AS SET FORTH IN THE CITY'S CODE OF ORDINANCES; PROVIDING FOR THE CREATION OF SECTION_____ TO BE ENTITLED "ARCADE AMUSEMENT CENTERS AND ELECTRONIC GAMING ESTABLISHMENTS" PROVIDING FOR PURPOSE AND FINDINGS; PROVIDING FOR CODIFICATION, PROVIDING CONFLICTS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.



Meeting Agenda Item Coversheet

MEETING DATE:		1/8/2024		Submitted By: Planning and Zoning	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		SECOND READING: Ordinance 2023-07 – ARCADE AMUSEMENT CENTERS AND ELECTRONIC GAMING ESTABLISHMENTS			
STAFF RECOMMENDATION: (MOTION READY)		Motion to adopt Ordinance 2023-07 “ARCADE AMUSEMENT CENTERS AND ELECTRONIC GAMING ESTABLISHMENTS”			
SUMMARY and/or JUSTIFICATION:		This Ordinance amends Chapter 3 providing for the creation of section to be entitled “Arcade Amusement Centers and Electronic Gaming Establishments”. Establishes provisions for Arcade Amusement Centers and Electronic Gaming Establishments.			
SELECT, if applicable		AGREEMENT:		BUDGET:	
		STAFF REPORT:		PROCLAMATION:	
		EXHIBIT(S):		OTHER:	
IDENTIFY EACH ATTACHMENT. <i>For example, an agreement may have 2 exhibits, identify the agreement and Exhibit A and Exhibit B</i>		Exhibit A: Ordinance 2023-07: Arcade Amusement Centers and Electronic Gaming Establishments			
SELECT, if applicable		RESOLUTION:		ORDINANCE: 2023-07	
IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE <i>(if Item is <u>not</u> a Resolution or Ordinance, please erase all default text from this field's textbox and leave blank) <u>Please keep text indented.</u></i>		<p style="text-align: center;">ORDINANCE NO. 2023-07</p> <p>AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING CHAPTER 3 ZONING DISTRICTS AND USES AS SET FORTH IN THE CITY'S CODE OF ORDINANCES; PROVIDING FOR THE CREATION OF SECTION_____TO BE ENTITLED “ARCADE AMUSEMENT CENTERS AND ELECTRONIC GAMING ESTABLISHMENTS” PROVIDING FOR PURPOSE AND FINDINGS; PROVIDING FOR CODIFICATION, PROVIDING CONFLICTS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.</p>			
FISCAL IMPACT (if any):					\$

or distributed items are determined by the electronic games played or by predetermined odds. This term includes, but is not limited to internet cafes, internet sweepstakes cafes, cybercafes or sweepstakes cafes.

Arcade Amusement Centers. Arcades shall meet the following criteria:

- (1) Must comply with Florida Statutes 546.10, as amended from time to time.
- (2) Any prizes or awards must be provided with on-site merchandise only, and shall not include cash, gift cards, or alcoholic beverages.
- (3) There shall be no sale or consumption of alcoholic beverages on the premises.
- (4) Parking requirements must be demonstrated in the Conditional Use application, including any locations within an existing building or shopping plaza. The requirements must be demonstrated with a survey of the parking lot indicating individual parking spaces and the applicant must provide the total square footage of the building the arcade will be occupying and the total number of machines or games to be located on the premises. If the arcade is applying to locate in an existing shopping plaza, the applicant must provide the total number of parking spaces in the plaza, the total square footage of each store space within the plaza, the total number of machines or games to be located on the premises and the types of uses that occupy each store space.
- (5) The facility shall be located no less than one hundred (100) feet, measured from the outer wall of the facility to the closest property line, of any residentially zoned land, as well as any land designated as recreation and open space use by the City of Westlake Comprehensive Plan and Future Land Use Map.
- (6) The facility shall be located no less than one thousand (1,000) feet, measured from the outer wall of the facility to the closest property line of any school. Any school that is located in the future within the above distance shall execute a waiver of the distance restriction if an existing arcade amusement center already is in existence.
- (7) No two facilities, operating pursuant to this section or section Electronic Gaming Establishment, shall be located closer than five hundred (500) feet from one another, measured from the closest outer wall of each facility. Nothing in this section shall be construed as to prevent a business from operating under both Arcade amusement center and Electronic Gaming Establishment in the same facility without the need for additional approval, provided the machines and business operations are kept separate and apart from one another, preventing comingling of usage, and do not otherwise violate the provisions of Chapter 849, Florida Statutes, or any regulation of the state.
- (8) The business location shall operate under the following management plan:
 - (i) Upon initially opening and on June 1 of each calendar year thereafter, the business shall report to the City Manager or designee the number of machines being operated within the facility; and
 - (ii) The business shall not operate in violation of county, state or federal law.
- (9) The business shall not operate between the hours of 10:00 p.m. and 9:00 a.m. daily.
- (10) In the event an Arcade Amusement Center is operating in a dual-capacity under Electronic Gaming Establishment section, patrons utilizing sweepstakes computers shall be made aware of the rules of the sweepstakes, as required by State Law or the regulation of any appropriate state agency, and shall otherwise comply with the laws

and regulations of the state in regard to such sweepstakes gaming.

46 (11) The consumption, possession, dispensation, or sale of alcohol and shall be
prohibited.

47 (12) Any other business activity shall be prohibited.

48 **Electronic Gaming Establishment.** A conditional use may be granted under the
following conditions:

49 (1) The facility shall be located no less than one hundred (100) feet, measured from
the outer wall of the facility to the closest property line, of any residentially zoned
land, as well as any land designated as recreation and open space use by the City of
Westlake Comprehensive Plan Future Land Use Map.

50 (2) The facility shall be located no less than one thousand (1,000) feet, measured
from the outer wall of the facility to the closest property line, of any school. Any
school that is located in the future within the above restricted distance shall execute
a waiver of the distance restriction.

51 (3) No two facilities, operating pursuant to this section or Arcade Amusement Center
shall be located closer than five hundred (500) feet from one another, measured
from the closest outer wall of each facility. Nothing in this section shall be construed
as to prevent a business from operating under both section Arcade Amusement
Center and section Electronic Gaming Establishment in the same facility without the
need for additional approval, provided the machines and business operations are
kept separate and apart from one another, preventing comingling of usage, and do
not otherwise violate the provisions of Chapter 849, Florida Statutes, or any
regulation of the state.

52 (4) If the facility is placed within a freestanding building the site must contain a
parking ratio of one parking space per two (2) game machines, regardless of whether
the building is new or existing.

53 (5) If the facility is located in a shopping center, or other building with shared
parking, it shall not utilize more than ten percent (10%) of the overall parking, based
upon the ratio above.

54 (6) The number of devices within the facility shall be governed by the Land
Development Regulations of the City of Westlake as well as Florida Statutes and
laws.

55 (7) The consumption, possession, dispensation, or sale of alcohol, shall be
prohibited.

56 (8) The business location shall operate under the following management plan:

57 (i) Upon initially opening and on June 1 of each calendar year thereafter, the
business shall report to the City Manager or designee the number of machines
being operated within the facility; and

58 (ii) The business shall not operate in violation of county, state or federal law.

59 (9) The business shall not operate between the hours of 10:00 p.m. and 9:00 a.m.
daily.

60 (10) All patrons of the business shall be made aware that they are participating in a
computer-based sweepstakes, including the rules of the sweepstakes, as required by
State Law or the regulation of any appropriate state agency.

61 (11) Each applicant for Conditional Use shall show proof of permit or license to
operate a game promotion or sweepstakes from the Department of Agriculture and
Consumer Services and other applicable State or Federal permits and that the

electronic game promotion software;

- 62 1. Operates only games with a preconfigured finite pool of entries;
63 2. Provides an entrant with the ability to participate in the absence of a
 purchase;
64 3. Does not distinguish an entrant who has made a purchase from one who
 has not, with respect to all advertised prizes; and uses video displays that do
 not determine the result.
65 (12) Each applicant shall provide proof that it has established a trust account in
 accordance with Chapter 849.094 Florida Statutes.
66 (13) A conditional use shall not be construed to authorize any game or machine
 that may be construed as a gambling device under Florida law.

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TABLE 3-20: PERMITTED USES
(Excludes PDs)

USE	R-1	R-2	CV	MU	TC	OSR	MD
Multi-family dwellings		p		p	p		
Assisted living facilities		C		p	p		p
Foster care facilities and group homes		C					
Religious Uses:							
Religious Uses	C	C	p	p			p
Educational Uses:							
Public or Private Primary and Secondary Schools			p	p			
Vocational and Technical Schools			p	p			p
Colleges and Universities			p	p			
Child or Adult Care Center	C	C	p	p			p
Recreational Uses:							
Neighborhood Parks	C	p	p	p		p	
Community Parks			p	p		p	
Amenity Center	p	p		p			
Commercial recreation uses				p		p	
Outdoor amphitheaters				p	p		
Stadiums, Arenas, and Sports Complexes			p	p		p	

USE	R-1	R-2	CV	MU	TC	OSR	MD
Golf Courses	C	C				P	
Conservation Uses:							
Conservation uses	P	P	P	P		P	
Civic Uses:							
Civic uses (see definition in Chapter 1)			P	P		P	
Commercial Uses:							
Retail Sales or Service				P	P		
Athletic Training Facility				P			
Neighborhood Center	P	P					
Hotels, motels, other accommodation services				P	P		
Motor vehicle repair and/or service establishments, gasoline stations, and car washes.				P			
Bars and Night Clubs include those with live entertainment open to the general public				P	P		
Bowling Alleys, Billiards, Miniature Golf, and similar indoor or outdoor recreational facilities				P	P		
Museums, Art Gallery, Auditorium, theatres				P	P		

USE	R-1	R-2	CV	MU	TC	OSR	MD
including open air theaters and cinemas, and similar cultural uses.							
Funeral Homes, Crematorium, Mausoleum, Death care services				p			
Office				p	p		p
Veterinary (including indoor overnight stays only for patients that require overnight care as a result of a medical procedure)				p	p		
Overnight Kennel, including kennels ancillary to veterinary services				c			
Food Service, Restaurants, and cafes, including those with live entertainment (but excluding those with drive through service)				p	p		p
Restaurants and cafes with drive through service				p	p		
Mobile food services				p	p		p

USE	R-1	R-2	CV	MU	TC	OSR	MD
Microbreweries or Craft Brewery (Beer & Cider)				p	p		
Craft Distillery (Spirits)				p	p		
Self-Storage Facility				p			
Sexually oriented business				C			
Pawn Shop				p	p		
Tattoo Shop				p	p		
Liquor Store				p	p		
Massage Establishment				C			
<u>Arcade Amusement Center</u>				<u>C</u>			
<u>Electronic Gaming Establishment</u>				<u>C</u>			
Auto Sales				p	p		
Outdoor Shooting Range							
Medical Uses:¹							
Hospital							p
Pharmacy and Dispensary				p	p		p
Medical or Dental Office				p	p		p
Behavioral Health Center							p
Inpatient Rehabilitation Center							p
Free Standing Emergency Department							p
Medical marijuana dispensary							p
Emergency Department (Linked to Hospital)							p
Child Birth Center							p

USE	R-1	R-2	CV	MU	TC	OSR	MD
Surgical Facilities (excluding in-office dental and eye surgical facilities)							p
Cardiac Catheterization Laboratory							p
Chemotherapy and Radiation/Cancer Center Treatment							p
Medical Infusion Center							p
Hyperbaric Oxygen and Wound Care Treatment Facility							p
Imaging, Diagnostic, Therapeutic, and Laboratory Services							p
Proton Center							p
Urgent Care Center							p
Hospitality House for Patients (and/or Patients' Families)				p	p		p
Light Industrial Uses							
Light industrial uses				p			
Other Uses:							
Institutional uses not otherwise listed in this table				p			p
Jail or Detention Center Not Owned by City of Westlake							

USE	R-1	R-2	CV	MU	TC	OSR	MD
Agricultural uses (FLU Policy 1.2.2)			C			C	
Essential facilities and services	P	P	P	P	P	P	P
Utilities	P	P	P	P	P	P	P
Wireless communication facility			C	C	C	C	
Helipad and Helistop				P			P
Parking Structures		P	P	P	P	P	P
Accessory Uses	P	P	P	P	P	P	P
Key: P = Permitted Use C = Conditional Use 1. Uses that are incidental and ancillary to a permitted medical use, such as in house imaging or laboratory services, are permitted as part of and in the same location as the permitted medical use, even where such incidental or ancillary services would not be permitted as a standalone use.							

File Attachments for Item:

B. SECOND READING: Ordinance 2023-08 – Massage Establishment

Submitted By: Planning and Zoning

ORDINANCE NO. 2023-08

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING CHAPTER 3 ZONING DISTRICTS AND USES AS SET FORTH IN THE CITY'S CODE OF ORDINANCES; PROVIDING FOR A DEFINITION OF A MASSAGE ESTABLISHMENT; PROVIDING FOR HOURS OF OPERATION; PROVIDING FOR EXEMPTIONS; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.



Meeting Agenda Item Coversheet

MEETING DATE:		1/8/2024		Submitted By: Planning and Zoning	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		SECOND READING: Ordinance 2023-08 – Massage Establishment			
STAFF RECOMMENDATION: (MOTION READY)		Motion to adopt Ordinance 2023-08 “Massage Establishment”			
SUMMARY and/or JUSTIFICATION:		This Ordinance amends Chapter 3 providing for the creation of section to be entitled “Massage Establishment”. Establishes provisions for Massage Establishment.			
SELECT, if applicable		AGREEMENT:		BUDGET:	
		STAFF REPORT:		PROCLAMATION:	
		EXHIBIT(S):		OTHER:	
		X			
IDENTIFY EACH ATTACHMENT. <i>For example, an agreement may have 2 exhibits, identify the agreement and Exhibit A and Exhibit B</i>		Exhibit A: Ordinance 2023-08: Massage Establishment			
SELECT, if applicable		RESOLUTION:		ORDINANCE: 2023-08	
				X	
IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE <i>(if Item is <u>not</u> a Resolution or Ordinance, please erase all default text from this field's textbox and leave blank) <u>Please keep text indented.</u></i>		<p align="center">ORDINANCE NO. 2023-08</p> <p>AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING CHAPTER 3 ZONING DISTRICTS AND USES AS SET FORTH IN THE CITY'S CODE OF ORDINANCES; PROVIDING FOR A DEFINITION OF A MASSAGE ESTABLISHMENT; PROVIDING FOR HOURS OF OPERATION; PROVIDING FOR EXEMPTIONS; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.</p>			
FISCAL IMPACT (if any):					\$

ORDINANCE NO. 2023-08

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING CHAPTER 3 ZONING DISTRICTS AND USES AS SET FORTH IN THE CITY'S CODE OF ORDINANCES; PROVIDING FOR A DEFINITION OF A MASSAGE ESTABLISHMENT; PROVIDING FOR HOURS OF OPERATION; PROVIDING FOR EXEMPTIONS; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council finds it is in the public's interest to establish policies and procedures to allow for consistent, flexible, creative, and economically beneficial development within the City of Westlake.

WHEREAS, on September 23, 2019, the City Council of the City of Westlake adopted Ordinance 2019-9 which established a zoning district and set forth standards for the zoning district;

WHEREAS, the City's Planning Consultants recommend that the Code of Ordinances, specifically Ordinance 2019-9 be amended to create and establish regulations for Massage Parlors.

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 hereby amends Ordinance No. 2019-9 by amending Article ____ Table 3-20 of Permitted Uses, is hereby amended as provided in the attached "Table 3-20 Permitted Uses". Creating Section____entitled "Massage Establishment" to read as follows:

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Massage establishment means any shop, establishment or place of business which is a massage establishment as defined by F.S. § 480.033(7) which ~~statute~~ Section of Chapter 480 of the Florida Statutes is adopted and incorporated in this article by reference.

~~*Massage establishment.*~~

~~(1) Any shop, parlor, establishment or place of business wherein all or any one or more of the following named subjects and methods of treatments are administered or practiced: Body massage either by hand or by any mechanical or electrical apparatus or device (excluding fever therapy), applying such movements as stroking, friction, rolling, vibration, kneading, cupping, petrissage, rubbing, effleurage or tapotement.~~

~~(12)~~ Nothing in this section shall be construed as applying to State of Florida licensed ~~massage therapists~~, barbers, cosmetologists, manicurists, pedicurists, physical therapists' assistants, midwives, practical nurses, agents, servants or employees in licensed hospitals or nursing home or other licensed medical institutions, licensed physicians, osteopaths, chiropractors, podiatrists, naturopathic physicians or other licensed medical practitioners,

or their agents, servants, or employees acting in the course of such agency, service or employment under the supervision of the licensee.

- (3) Provided, however, that, for the purpose of this section, the term "massage establishment" shall not include any massage establishment wherein at least one State of Florida licensed massage therapist is employed and on duty full time during the hours open for business.

Sec. ____ . Operation generally.

It shall be unlawful to operate or conduct a shop, establishment or place of business outside the hours of 8:00 a.m. to 7:00 p.m. weekdays only or otherwise determined by the City Council, in which there is practiced massage as defined by F.S. § 480.033(3) except in a massage establishment as defined by F.S. § 480.033(7), pursuant to all requirements of F.S. ch. 480, which ~~statutes Chapter of the Florida Statutes is~~ are adopted and incorporated in this article by reference.

Sec. ____ . Employees.

A massage establishment shall have in its employ and shall have on duty full-time during the hours open for business at least one registered masseur or masseuse having in his or her possession a certificate of registration and current certificate of renewal duly authorized by the state board of massage. A massage establishment may have apprentices certified by the state board of massage, the number of which may not exceed the number of registered masseurs and masseuses employed in the massage establishment. Failure to meet the requirements of this section shall be deemed a violation.

Sec. ____ . Certificate of registration.

It shall be unlawful for any person to engage or attempt to engage in the practice of massage for fee, or for gratuity, or to teach massage without having in his or her possession a certificate of registration and a current certificate of renewal issued by the state board of massage.

Sec. ____ . Exemptions.

This article shall not be deemed or held to apply to:

- (1) Persons lawfully practicing the profession of medicine and surgery within the state while actually engaged in the practice of such profession.
- (2) Commissioned medical surgical officers of the United States Army, Navy, Public Health or Marine Hospital Service while engaged in the performance of their official duties.
- (3) Persons lawfully practicing the profession of chiropractic, osteopathy or naturopathy within the state while actually engaged in the practice of any of those professions.
- (4) Graduate nurses while performing their professional duties, and hospital attendants while performing services for resident patients of any hospital.
- (5) Hospitals lawfully operating within the city.
- (6) Such other professions or vocations as may be provided from time to time by state law.

Sec. ____ . Advertisements of unlicensed operators or establishments prohibited.

It shall be unlawful for any person to display or cause to be displayed within the city any sign, placard or newspaper advertisement whereby public patronage of any massage operator or massage

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(Supp. No. 19)

parlor or establishment is solicited, either directly or indirectly, or whereby the public is given notice of the address or telephone number of any massage operator or massage establishment, unless the massage operator or the massage parlor or establishment for whom such public patronage is thereby solicited or the massage operator or massage parlor or establishment whose address or telephone number is thereby given shall be duly licensed under the provisions of this article.

Sec. ____. ~~Operator's license required~~ **Business Tax Receipt.**

It shall be unlawful for any person in the city to engage in, follow or practice, or attempt to engage in, follow or practice the business, profession or occupation of massage operating unless such person shall have first obtained ~~a license or permit as a licensed massage operator~~ **a business tax receipt** issued by the city clerk.

Sec. ____. **License Display**

Every person licensed under the provisions of this article who shall conduct or manage, as owner or proprietor, any place or establishment shall display a sign upon which the words "~~licensed massage operator,~~" "~~licensed masseur,~~" "~~licensed masseuse~~" or "licensed massage establishment" shall be conspicuously and legibly set forth in the English language in such manner that the words may readily be seen by persons entering the premises where massage is given.

Sec. ____. **Inspection required annually; prosecution of violations.**

The City Code Enforcement Department inspectors are authorized to at least once a year and at such other time that shall seem necessary or expedient to enter upon any premises where a massage parlor or establishment is maintained in the city and inspect such parlor or establishment for the purposes of enforcing the provisions of this article.

TABLE 3-20: PERMITTED USES

(Excludes PDs)

USE	R-1	R-2	CV	MU	TC	OSR	M D
Residential Use Types:							
Single family attached dwellings	p	p		p	p		
Single family detached dwellings	p	p					
Mobile homes	p						
Accessory dwelling units	p	p		p			

TABLE 3-20: PERMITTED USES
(Excludes PDs)

USE	R-1	R-2	CV	MU	TC	OSR	MD
Multi-family dwellings		p		p	p		
Assisted living facilities		c		p	p		p
Foster care facilities and group homes		c					
Religious Uses:							
Religious Uses	c	c	p	p			p
Educational Uses:							
Public or Private Primary and Secondary Schools			p	p			
Vocational and Technical Schools			p	p			p
Colleges and Universities			p	p			
Child or Adult Care Center	c	c	p	p			p
Recreational Uses:							
Neighborhood Parks	c	p	p	p		p	
Community Parks			p	p		p	
Amenity Center	p	p		p			
Commercial recreation uses				p		p	
Outdoor amphitheaters				p	p		

Stadiums, Arenas, an d Sports Complexes			p	p		p	
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TABLE 3-20: PERMITTED USES
(Excludes PDs)

USE	R-1	R-2	CV	MU	TC	OSR	MD
Golf Courses	C	C				p	
Conservation Uses:							
Conservation uses	p	p	p	p		p	
Civic Uses:							
Civic uses (see definition in Chapter 1)			p	p		p	
Commercial Uses:							
Retail Sales or Service				p	p		
Athletic Training Facility				p			
Neighborhood Center	p	p					
Hotels, motels, other accommodation services				p	p		
Motor vehicle repair and/or service establishments, gasoline stations, and car washes.				p			
Bars and Night Clubs include those with live entertainment open to the general public				p	p		
Bowling Alleys, Billiards, Miniature Golf, and similar indoor or outdoor recreational facilities				p	p		

Museums, Art Gallery, Auditorium, theatres				p	p		
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TABLE 3-20: PERMITTED USES

(Excludes PDs)

USE	R-1	R-2	CV	MU	TC	OSR	MD
including open air theaters and cinemas, and similar cultural uses.							
Funeral Homes, Crematorium, Mausoleum, Death care services				p			
Office				p	p		p
Veterinary (including indoor overnight stays only for patients that require overnight care as a result of a medical procedure)				p	p		
Overnight Kennel, including kennels ancillary to veterinary services				c			
Food Service, Restaurants, and cafes, including those with live entertainment (but excluding those with drive through service)				p	p		p

Restaurants and cafes with drive through service				p	p		
Mobile food services				p	p		p

TABLE 3-20: PERMITTED USES
(Excludes PDs)

USE	R-1	R-2	CV	MU	TC	OSR	MD
Microbreweries or Craft Brewery (Beer & Cider)				p	p		
Craft Distillery (Spirits)				p	p		
Self-Storage Facility				p			
Sexually oriented business				c			
Pawn Shop				p	p		
Tattoo Shop				p	p		
Liquor Store				p	p		
<u>Massage Establishment</u>				c			
Auto Sales				p	p		
Outdoor Shooting Range							
Medical Uses:¹							
Hospital							p
Pharmacy and Dispensary				p	p		p
Medical or Dental Office				p	p		p
Behavioral Health Center							p
Inpatient Rehabilitation Center							p
Free Standing Emergency Department							p
Medical marijuana dispensary							p

Emergency Department (Linked to Hospital)							p
Child Birth Center							p

TABLE 3-20: PERMITTED USES
(Excludes PDs)

USE	R-1	R-2	CV	MU	TC	OSR	MD
Surgical Facilities (excluding in-office dental and eye surgical facilities)							p
Cardiac Catheterization Laboratory							p
Chemotherapy and Radiation/Cancer Center Treatment							p
Medical Infusion Center							p
Hyperbaric Oxygen and Wound Care Treatment Facility							p
Imaging, Diagnostic, Therapeutic, and Laboratory Services							p
Proton Center							p
Urgent Care Center							p
Hospitality House for Patients (and/or Patients' Families)				p	p		p
Light Industrial Uses							
Light industrial uses				p			
Other Uses:							
Institutional uses not otherwise listed in this table				p			p

Jail or Detention Center Not Owned by City of Westlake							
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TABLE 3-20: PERMITTED USES

(Excludes PDs)

USE	R-1	R-2	CV	MU	TC	OSR	M D
Agricultural uses (FLU Policy 1.2.2)			C			C	
Essential facilities and services	P	P	P	P	P	P	P
Utilities	P	P	P	P	P	P	P
Wireless communication facility			C	C	C	C	
Helipad and Helistop				P			P
Parking Structures		P	P	P	P	P	P
Accessory Uses	P	P	P	P	P	P	P
Key: P = Permitted Use C = Conditional Use 1. Uses that are incidental and ancillary to a permitted medical use, such as in house imaging or laboratory services, are permitted as part of and in the same location as the permitted medical use, even where such incidental or ancillary services would not be permitted as a standalone use.							

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

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

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

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

PASSED this ____ day of _____, 2023, on first reading.

PUBLISHED on this ____ day of _____, 2023 in the Palm Beach Post.

PASSED AND ADOPTED this ____ day of _____, 2024, on second reading.

ATTEST:

Zoie Burgess, City Clerk

City of Westlake
JohnPaul O'Connor, Mayor

APPROVED AS TO LEGAL FORM:

OFFICE OF THE CITY ATTORNEY

ORDINANCE NO. 2023-08

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING CHAPTER 3 ZONING DISTRICTS AND USES AS SET FORTH IN THE CITY'S CODE OF ORDINANCES; PROVIDING FOR A DEFINITION OF A MASSAGE ESTABLISHMENT; PROVIDING FOR HOURS OF OPERATION; PROVIDING FOR EXEMPTIONS; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council finds it is in the public's interest to establish policies and procedures to allow for consistent, flexible, creative, and economically beneficial development within the City of Westlake.

WHEREAS, on September 23, 2019, the City Council of the City of Westlake adopted Ordinance 2019-9 which established a zoning district and set forth standards for the zoning district;

WHEREAS, the City's Planning Consultants recommend that the Code of Ordinances, specifically Ordinance 2019-9 be amended to create and establish regulations for Massage Parlors.

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 hereby amends Ordinance No. 2019-9 by amending Article ____ Table 3-20 of Permitted Uses, is hereby amended as provided in the attached "Table 3-20 Permitted Uses". Creating Section ____ entitled "Massage Establishment" to read as follows:

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Massage establishment means any shop, establishment or place of business which is a massage establishment as defined by F.S. § 480.033(7) which Section of Chapter 480 of the Florida Statutes is adopted and incorporated in this article by reference.

- (1) Nothing in this section shall be construed as applying to State of Florida licensed barbers, cosmetologists, manicurists, pedicurists, physical therapists' assistants, midwives, practical nurses, agents, servants or employees in licensed hospitals or nursing home or other licensed medical institutions, licensed physicians, osteopaths, chiropractors, podiatrists, naturopathic physicians or other licensed medical practitioners, or their agents, servants, or employees acting in the course of such agency, service or employment under the supervision of the licensee.
- (3) Provided, however, that, for the purpose of this section, the term "massage establishment" shall not include any massage establishment wherein at least one State of Florida licensed massage therapist is employed and on duty full time during the hours open for business.

Sec. ____. **Operation generally.**

It shall be unlawful to operate or conduct a shop, establishment or place of business outside the hours of 8:00 a.m. to 7:00 p.m. weekdays only or otherwise determined by the City Council, in which there is practiced massage as defined by F.S. § 480.033(3) except in a massage establishment as defined by F.S. § 480.033(7), pursuant to all requirements of F.S. ch. 480, which Chapter of the Florida Statutes is adopted and incorporated in this article by reference.

Sec. ____. **Employees.**

A massage establishment shall have in its employ and shall have on duty full-time during the hours open for business at least one registered masseur or masseuse having in his or her possession a certificate of registration and current certificate of renewal duly authorized by the state board of massage. A massage establishment may have apprentices certified by the state board of massage, the number of which may not exceed the number of registered masseurs and masseuses employed in the massage establishment. Failure to meet the requirements of this section shall be deemed a violation.

Sec. ____. **Certificate of registration.**

It shall be unlawful for any person to engage or attempt to engage in the practice of massage for fee, or for gratuity, or to teach massage without having in his or her possession a certificate of registration and a current certificate of renewal issued by the state board of massage.

Sec. ____. **Exemptions.**

This article shall not be deemed or held to apply to:

- (1) Persons lawfully practicing the profession of medicine and surgery within the state while actually engaged in the practice of such profession.
- (2) Commissioned medical surgical officers of the United States Army, Navy, Public Health or Marine Hospital Service while engaged in the performance of their official duties.
- (3) Persons lawfully practicing the profession of chiropractic, osteopathy or naturopathy within the state while actually engaged in the practice of any of those professions.
- (4) Graduate nurses while performing their professional duties, and hospital attendants while performing services for resident patients of any hospital.
- (5) Hospitals lawfully operating within the city.
- (6) Such other professions or vocations as may be provided from time to time by state law.

Sec. ____. **Advertisements of unlicensed operators or establishments prohibited.**

It shall be unlawful for any person to display or cause to be displayed within the city any sign, placard or newspaper advertisement whereby public patronage of any massage operator or massage parlor or establishment is solicited, either directly or indirectly, or whereby the public is given notice of the address or telephone number of any massage operator or massage establishment, unless the massage operator or the massage parlor or establishment for whom such public patronage is thereby solicited or the massage operator or massage parlor or establishment whose address or telephone number is thereby given shall be duly licensed under the provisions of this article.

Sec. ____. **Business Tax Receipt.**

It shall be unlawful for any person in the city to engage in, follow or practice, or attempt to engage in, follow or practice the business, profession or occupation of massage operating unless such person shall have first obtained a business tax receipt issued by the city clerk.

Sec. ____. **License Display**

Every person licensed under the provisions of this article who shall conduct or manage, as owner or proprietor, any place or establishment shall display a sign upon which the words "~~licensed massage operator,~~" "~~licensed masseur,~~" "~~licensed masseuse~~" or "licensed massage establishment" shall be conspicuously and legibly set forth in the English language in such manner that the words may readily be seen by persons entering the premises where massage is given.

Sec. ____. **Inspection required annually; prosecution of violations.**

The City Code Enforcement Department inspectors are authorized to at least once a year and at such other time that shall seem necessary or expedient to enter upon any premises where a massage parlor or establishment is maintained in the city and inspect such parlor or establishment for the purposes of enforcing the provisions of this article.

TABLE 3-20: PERMITTED USES

(Excludes PDs)

USE	R-1	R-2	CV	MU	TC	OSR	M D
Residential Use Types:							
Single family attached dwellings	p	p		p	p		
Single family detached dwellings	p	p					
Mobile homes	p						
Accessory dwelling units	p	p		p			

TABLE 3-20: PERMITTED USES
(Excludes PDs)

USE	R-1	R-2	CV	MU	TC	OSR	MD
Multi-family dwellings		p		p	p		
Assisted living facilities		c		p	p		p
Foster care facilities and group homes		c					
Religious Uses:							
Religious Uses	c	c	p	p			p
Educational Uses:							
Public or Private Primary and Secondary Schools			p	p			
Vocational and Technical Schools			p	p			p
Colleges and Universities			p	p			
Child or Adult Care Center	c	c	p	p			p
Recreational Uses:							
Neighborhood Parks	c	p	p	p		p	
Community Parks			p	p		p	
Amenity Center	p	p		p			
Commercial recreation uses				p		p	
Outdoor amphitheaters				p	p		

Stadiums, Arenas, an d Sports Complexes			p	p		p	
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TABLE 3-20: PERMITTED USES
(Excludes PDs)

USE	R-1	R-2	CV	MU	TC	OSR	MD
Golf Courses	C	C				p	
Conservation Uses:							
Conservation uses	p	p	p	p		p	
Civic Uses:							
Civic uses (see definition in Chapter 1)			p	p		p	
Commercial Uses:							
Retail Sales or Service				p	p		
Athletic Training Facility				p			
Neighborhood Center	p	p					
Hotels, motels, other accommodation services				p	p		
Motor vehicle repair and/or service establishments, gasoline stations, and car washes.				p			
Bars and Night Clubs include those with live entertainment open to the general public				p	p		
Bowling Alleys, Billiards, Miniature Golf, and similar indoor or outdoor recreational facilities				p	p		

Museums, Art Gallery, Auditorium, theatres				p	p		
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TABLE 3-20: PERMITTED USES

(Excludes PDs)

USE	R-1	R-2	CV	MU	TC	OSR	MD
including open air theaters and cinemas, and similar cultural uses.							
Funeral Homes, Crematorium, Mausoleum, Death care services				p			
Office				p	p		p
Veterinary (including indoor overnight stays only for patients that require overnight care as a result of a medical procedure)				p	p		
Overnight Kennel, including kennels ancillary to veterinary services				c			
Food Service, Restaurants, and cafes, including those with live entertainment (but excluding those with drive through service)				p	p		p

Restaurants and cafes with drive through service				p	p		
Mobile food services				p	p		p

TABLE 3-20: PERMITTED USES
(Excludes PDs)

USE	R-1	R-2	CV	MU	TC	OSR	MD
Microbreweries or Craft Brewery (Beer & Cider)				p	p		
Craft Distillery (Spirits)				p	p		
Self-Storage Facility				p			
Sexually oriented business				c			
Pawn Shop				p	p		
Tattoo Shop				p	p		
Liquor Store				p	p		
<u>Massage Establishment</u>				c			
Auto Sales				p	p		
Outdoor Shooting Range							
Medical Uses:¹							
Hospital							p
Pharmacy and Dispensary				p	p		p
Medical or Dental Office				p	p		p
Behavioral Health Center							p
Inpatient Rehabilitation Center							p
Free Standing Emergency Department							p
Medical marijuana dispensary							p

Emergency Department (Linked to Hospital)							p
Child Birth Center							p

TABLE 3-20: PERMITTED USES
(Excludes PDs)

USE	R-1	R-2	CV	MU	TC	OSR	MD
Surgical Facilities (excluding in-office dental and eye surgical facilities)							p
Cardiac Catheterization Laboratory							p
Chemotherapy and Radiation/Cancer Center Treatment							p
Medical Infusion Center							p
Hyperbaric Oxygen and Wound Care Treatment Facility							p
Imaging, Diagnostic, Therapeutic, and Laboratory Services							p
Proton Center							p
Urgent Care Center							p
Hospitality House for Patients (and/or Patients' Families)				p	p		p
Light Industrial Uses							
Light industrial uses				p			
Other Uses:							
Institutional uses not otherwise listed in this table				p			p

Jail or Detention Center Not Owned by City of Westlake							
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TABLE 3-20: PERMITTED USES

(Excludes PDs)

USE	R-1	R-2	CV	MU	TC	OSR	M D
Agricultural uses (FLU Policy 1.2.2)			C			C	
Essential facilities and services	P	P	P	P	P	P	P
Utilities	P	P	P	P	P	P	P
Wireless communication facility			C	C	C	C	
Helipad and Helistop				P			P
Parking Structures		P	P	P	P	P	P
Accessory Uses	P	P	P	P	P	P	P
Key: P = Permitted Use C = Conditional Use 1. Uses that are incidental and ancillary to a permitted medical use, such as in house imaging or laboratory services, are permitted as part of and in the same location as the permitted medical use, even where such incidental or ancillary services would not be permitted as a standalone use.							

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

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

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

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

PASSED this ____ day of _____, 2023, on first reading.

PUBLISHED on this ____ day of _____, 2023 in the Palm Beach Post.

PASSED AND ADOPTED this ____ day of _____, 2024, on second reading.

ATTEST:

Zoie Burgess, City Clerk

City of Westlake
JohnPaul O'Connor, Mayor

APPROVED AS TO LEGAL FORM:

OFFICE OF THE CITY ATTORNEY

ORDINANCE NO. 2023-__

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING CHAPTER 3 ZONING DISTRICTS AND USES AS SET FORTH IN THE CITY'S CODE OF ORDINANCES; PROVIDING FOR A DEFINITION OF A MASSAGE ESTABLISHMENT; PROVIDING FOR HOURS OF OPERATION; PROVIDING FOR EXEMPTIONS; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council finds it is in the public's interest to establish policies and procedures to allow for consistent, flexible, creative, and economically beneficial development within the City of Westlake.

WHEREAS, on September 23, 2019, the City Council of the City of Westlake adopted Ordinance 2019-9 which established a zoning district and set forth standards for the zoning district;

WHEREAS, the City's Planning Consultants recommend that the Code of Ordinances, specifically Ordinance 2019-9 be amended to create and establish regulations for Massage Parlors.

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 hereby amends Ordinance No. 2019-9 by amending Article ____ Table 3-20 of Permitted Uses, is hereby amended as provided in the attached "Table 3-20 Permitted Uses". Creating Section____entitled "Massage Establishment" to read as follows:

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Massage establishment means any shop, establishment or place of business which is a massage establishment as defined by F.S. § 480.033(7) which statute is adopted and incorporated in this article by reference.

Massage establishment.

- (1) Any shop, parlor, establishment or place of business wherein all or any one or more of the following named subjects and methods of treatments are administered or practiced: Body massage either by hand or by any mechanical or electrical apparatus or device (excluding fever therapy), applying such movements as stroking, friction, rolling, vibration, kneading, cupping, petrissage, rubbing, effleurage or tapotement.
- (2) Nothing in this section shall be construed as applying to State of Florida licensed massage therapists, barbers, cosmetologists, manicurists, pedicurists, physical therapists' assistants, midwives, practical nurses, agents, servants or employees in licensed hospitals or nursing home or other licensed medical institutions, licensed physicians, osteopaths,

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chiropractors, podiatrists, naturopathic physicians or other licensed medical practitioners, or their agents, servants, or employees acting in the course of such agency, service or employment under the supervision of the licensee.

- (3) Provided, however, that, for the purpose of this section, the term "massage establishment" shall not include any massage establishment wherein at least one State of Florida licensed massage therapist is employed and on duty full time during the hours open for business.

Sec. ____ . Operation generally.

It shall be unlawful to operate or conduct a shop, establishment or place of business outside the hours of 8:00 a.m. to 7:00 p.m. weekdays only, in which there is practiced massage as defined by F.S. § 480.033(3) except in a massage establishment as defined by F.S. § 480.033(7), pursuant to all requirements of F.S. ch. 480, which statutes are adopted and incorporated in this article by reference.

Sec. ____ . Employees.

A massage establishment shall have in its employ and shall have on duty full-time during the hours open for business at least one registered masseur or masseuse having in his possession a certificate of registration and current certificate of renewal duly authorized by the state board of massage. A massage establishment may have apprentices certified by the state board of massage, the number of which may not exceed the number of registered masseurs and masseuses employed in the massage establishment. Failure to meet the requirements of this section shall be deemed a violation.

Sec. ____ . Certificate of registration.

It shall be unlawful for any person to engage or attempt to engage in the practice of massage for fee, or for gratuity, or to teach massage without having in his possession a certificate of registration and a current certificate of renewal issued by the state board of massage.

Sec. ____ . Exemptions.

This article shall not be deemed or held to apply to:

- (1) Persons lawfully practicing the profession of medicine and surgery within the state while actually engaged in the practice of such profession.
- (2) Commissioned medical surgical officers of the United States Army, Navy, Public Health or Marine Hospital Service while engaged in the performance of their official duties.
- (3) Persons lawfully practicing the profession of chiropractic, osteopathy or naturopathy within the state while actually engaged in the practice of any of those professions.
- (4) Graduate nurses while performing their professional duties, and hospital attendants while performing services for resident patients of any hospital.
- (5) Hospitals lawfully operating within the city.
- (6) Such other professions or vocations as may be provided from time to time by state law.

Sec. ____. **Advertisements of unlicensed operators or establishments prohibited.**

It shall be unlawful for any person to display or cause to be displayed within the city any sign, placard or newspaper advertisement whereby public patronage of any massage operator or massage parlor or establishment is solicited, either directly or indirectly, or whereby the public is given notice of the address or telephone number of any massage operator or massage establishment, unless the massage operator or the massage parlor or establishment for whom such public patronage is thereby solicited or the massage operator or massage parlor or establishment whose address or telephone number is thereby given shall be duly licensed under the provisions of this article.

Sec. ____. **Operator's license required.**

It shall be unlawful for any person in the city to engage in, follow or practice, or attempt to engage in, follow or practice the business, profession or occupation of massage operating unless such person shall have first obtained a license or permit as a licensed massage operator issued by the city clerk.

Sec. ____. **License Display**

Every person licensed under the provisions of this article who shall conduct or manage, as owner or proprietor, any place or establishment shall display a sign upon which the words "licensed massage operator," "licensed masseur," "licensed masseuse" or "licensed massage establishment" shall be conspicuously and legibly set forth in the English language in such manner that the words may readily be seen by persons entering the premises where massage is given.

Sec. ____. **Inspection required annually; prosecution of violations.**

The City Code Enforcement Department inspectors are authorized to at least once a year and at such other time that shall seem necessary or expedient to enter upon any premises where a massage parlor or establishment is maintained in the city and inspect such parlor or establishment for the purposes of enforcing the provisions of this article.

TABLE 3-20: PERMITTED USES

(Excludes PDs)

USE	R-1	R-2	CV	MU	TC	OSR	MD
Residential Use Types:							
Single family attached dwellings	p	p		p	p		
Single family detached dwellings	p	p					
Mobile homes	p						
Accessory dwelling units	p	p		p			

TABLE 3-20: PERMITTED USES
(Excludes PDs)

USE	R-1	R-2	CV	MU	TC	OSR	MD
Multi-family dwellings		p		p	p		
Assisted living facilities		C		p	p		p
Foster care facilities and group homes		C					
Religious Uses:							
Religious Uses	C	C	p	p			p
Educational Uses:							
Public or Private Primary and Secondary Schools			p	p			
Vocational and Technical Schools			p	p			p
Colleges and Universities			p	p			
Child or Adult Care Center	C	C	p	p			p
Recreational Uses:							
Neighborhood Parks	C	p	p	p		p	
Community Parks			p	p		p	
Amenity Center	p	p		p			
Commercial recreation uses				p		p	
Outdoor amphitheaters				p	p		
Stadiums, Arenas, and Sports Complexes			p	p		p	

TABLE 3-20: PERMITTED USES
(Excludes PDs)

USE	R-1	R-2	CV	MU	TC	OSR	MD
Golf Courses	C	C				p	
Conservation Uses:							
Conservation uses	p	p	p	p		p	
Civic Uses:							
Civic uses (see definition in Chapter 1)			p	p		p	
Commercial Uses:							
Retail Sales or Service				p	p		
Athletic Training Facility				p			
Neighborhood Center	p	p					
Hotels, motels, other accommodation services				p	p		
Motor vehicle repair and/or service establishments, gasoline stations, and car washes.				p			
Bars and Night Clubs include those with live entertainment open to the general public				p	p		
Bowling Alleys, Billiards, Miniature Golf, and similar indoor or outdoor recreational facilities				p	p		
Museums, Art Gallery, Auditorium, theatres				p	p		

TABLE 3-20: PERMITTED USES
(Excludes PDs)

USE	R-1	R-2	CV	MU	TC	OSR	MD
including open air theaters and cinemas, and similar cultural uses.							
Funeral Homes, Crematorium, Mausoleum, Death care services				p			
Office				p	p		p
Veterinary (including indoor overnight stays only for patients that require overnight care as a result of a medical procedure)				p	p		
Overnight Kennel, including kennels ancillary to veterinary services				c			
Food Service, Restaurants, and cafes, including those with live entertainment (but excluding those with drive through service)				p	p		p
Restaurants and cafes with drive through service				p	p		
Mobile food services				p	p		p

TABLE 3-20: PERMITTED USES

(Excludes PDs)

USE	R-1	R-2	CV	MU	TC	OSR	MD
Microbreweries or Craft Brewery (Beer & Cider)				p	p		
Craft Distillery (Spirits)				p	p		
Self-Storage Facility				p			
Sexually oriented business				c			
Pawn Shop				p	p		
Tattoo Shop				p	p		
Liquor Store				p	p		
<u>Massage Establishment</u>				<u>c</u>			
Auto Sales				p	p		
Outdoor Shooting Range							
Medical Uses:¹							
Hospital							p
Pharmacy and Dispensary				p	p		p
Medical or Dental Office				p	p		p
Behavioral Health Center							p
Inpatient Rehabilitation Center							p
Free Standing Emergency Department							p
Medical marijuana dispensary							p
Emergency Department (Linked to Hospital)							p
Child Birth Center							p

TABLE 3-20: PERMITTED USES

(Excludes PDs)

USE	R-1	R-2	CV	MU	TC	OSR	MD
Surgical Facilities (excluding in-office dental and eye surgical facilities)							p
Cardiac Catheterization Laboratory							p
Chemotherapy and Radiation/Cancer Center Treatment							p
Medical Infusion Center							p
Hyperbaric Oxygen and Wound Care Treatment Facility							p
Imaging, Diagnostic, Therapeutic, and Laboratory Services							p
Proton Center							p
Urgent Care Center							p
Hospitality House for Patients (and/or Patients' Families)				p	p		p
Light Industrial Uses							
Light industrial uses				p			
Other Uses:							
Institutional uses not otherwise listed in this table				p			p
Jail or Detention Center Not Owned by City of Westlake							

TABLE 3-20: PERMITTED USES

(Excludes PDs)

USE	R-1	R-2	CV	MU	TC	OSR	MD
Agricultural uses (FLU Policy 1.2.2)			C			C	
Essential facilities and services	P	P	P	P	P	P	P
Utilities	P	P	P	P	P	P	P
Wireless communication facility			C	C	C	C	
Helipad and Helistop				P			P
Parking Structures		P	P	P	P	P	P
Accessory Uses	P	P	P	P	P	P	P
Key: P = Permitted Use C = Conditional Use 1. Uses that are incidental and ancillary to a permitted medical use, such as in house imaging or laboratory services, are permitted as part of and in the same location as the permitted medical use, even where such incidental or ancillary services would not be permitted as a standalone use.							

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

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

SECTION 5. Severability. Should the provisions of this ordinance be declared to be severable and if any section, sentence, clause or phrase of this

ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall remain notwithstanding the invalidity of any part.

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

PASSED this ____ day of _____, 2023, on first reading.

PUBLISHED on this ____ day of _____, 2023 in the Palm Beach Post.

PASSED AND ADOPTED this ____ day of _____, 2024, on second reading.

ATTEST:

Zoie Burgess, City Clerk

City of Westlake
JohnPaul O'Connor, Mayor

APPROVED AS TO LEGAL FORM:

OFFICE OF THE CITY ATTORNEY

File Attachments for Item:

C. SECOND READING: Ordinance 2023-09 – Repealing & Reconstituting the Education Advisory Board

Submitted By: Administration

ORDINANCE 2023-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, REPEALING ORDINANCE 2020-05 AND 2020-10 WHICH REGULATED THE CITY EDUCATION AND YOUTH ADVISORY BOARD AND ADOPTING A NEW ORDINANCE RECONSTITUTING THE BOARD AND RESTATING THE TERMS AND CONDITIONS UNDER WHICH THE EDUCATION ADVISORY BOARD WILL OPERATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE 2023-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, REPEALING ORDINANCE 2020-05 AND 2020-10 WHICH REGULATED THE CITY EDUCATION AND YOUTH ADVISORY BOARD AND ADOPTING A NEW ORDINANCE RECONSTITUTING THE BOARD AND RESTATING THE TERMS AND CONDITIONS UNDER WHICH THE EDUCATION ADVISORY BOARD WILL OPERATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Westlake Council ("City Council") has determined that there is a need to repeal and reconstitute the City Education & Youth Advisory Board and restate the terms and conditions under which the Board will operate; and

WHEREAS, the City of Westlake has determined that it is in the public interest, welfare, and necessity to repeal and reconstitute the City Education and Youth Advisory Board in order that the Board might operate more effectively and efficiently.

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

Section 1: Repeal of Ordinance 2020-05 and 2020-10. The City Council hereby repeals Ordinance 2020-05 and 2020-10 thereby repealing the existing Education and Youth Advisory Board and the appointments of all current Board Members, and hereby adopts this Ordinance in its place. This Ordinance reconstitutes and re-establishes the City of Westlake Education Advisory Board (the "Board") and sets forth the new rules and procedures that such Board hereinafter shall follow. Appointment of members to the Education Advisory Board shall be in the manner set forth herein. The Board shall be advisory only, and may be abolished or disbanded at any time, or reorganized at any time, by the City Council.

Section 2: Purpose. The City Council for the City of Westlake, hereby creates and establishes an Education Advisory Board whose mission and purpose is to:

- (a) Serve as a liaison group between the City of Westlake, the Palm Beach County School District (the "School District"), and all public schools which are located within the City to improve and enhance communication between all parties.
- (b) To promote and provide public awareness for programs, opportunities, and initiatives of public schools located within the City.
- (c) To recognize and promote accomplishments of students, educators, administrators, public schools located within the City.
- (d) Monitor School District activities and report on those impacting the City as needed. Schools located outside of the City of Westlake shall not be within the Education Advisory Board's scope or purview. The committee shall be advisory only and may be abolished or disbanded at any time or reorganized at any time by the City Council.

Section 3: Composition; Appointments; Term; and Vacancy.

(1) Compositions: The Education Advisory Board shall consist of five (5) regular members, and one (1) alternate member. Initially, each member and alternate of the Education Advisory Board shall be appointed for a period of one (1) year or until replaced by the City Council. Thereafter, all appointments shall be for a one (1) year period expiring on the following April 30th. Board members and alternates shall serve until a replacement is appointed by the City Council. The City Council shall make appointments of Board members and alternates at a City Council meeting in April of each year.

(1) Appointments: The City Council shall make appointments at the first regular meeting in April each year after initial appointments are made. All members shall serve without compensation, and at the pleasure of the City Council. The City Council retains the right to remove Board Members for any reason including, but not limited to, Board Members becoming ineligible to serve due to failure to maintain all necessary qualifications as set forth in Section 5 below.

(2) Liaison: One (1) Councilmember shall serve as liaison but shall have no voting power. The liaison is not a member of the Board but may be counted on in determining if a quorum is present.

(3) Vacancy: Vacancies on the board shall be filled by the City Council in the same manner as original appointments. Vacancies shall occur on account of a Board Member's death, resignation, removal, disability, or failure to maintain qualifications as set forth in Section 5 below. Any member appointed to serve in lieu of any member on account of a vacancy shall serve only for the unexpired term of such member but shall thereafter be eligible for reappointment.

Section 4: Duties. The duties of the Educational Advisory Board shall act as a fact-finding and advisory board on the following issues and on such other issues as are, from time to time, designated by the City Council:

(1) School Showcases: Facilitate and oversee showcases and informational sessions for public schools located within the City. Showcases and informational sessions are an opportunity for Board members to interact with schools, their staff, and their students. Showcases and informational sessions also provide public awareness for programs, opportunities, and initiatives occurring at public schools located within the City. The Board shall have the opportunity to invite school officials and staff to attend such showcases and informational sessions.

(2) Chair's Initiative: At the organizational meeting in July each year, the Chair shall introduce a Chair's Initiative. The Chair's Initiative shall be developed by the Chair and shall be implemented during regular Board meetings over the course of the year. The Chair's Initiative shall be designed to provide the City Council and City residents with additional information about issues that impact public schools within the City. Such additional information may be presented to the Board through presentations, guest speakers, or other communications. Such initiatives

shall not require the use of City staff time or other City resources outside of the regularly scheduled Board meetings.

- (3) **Program Development:** Encourage the development programs that promote development of child and youth advocacy programs to enhance relationships with caring adults in conjunction with local businesses. Programs may include recruiting volunteers to assist students before, during and after school. Programming to benefit the children and youth of the community by involving parents, the business community, civic and neighborhood organizations.
- (4) **Program Implementation:** Contacting community groups and connecting businesses within the geographical boundaries of the City of Westlake for with the schools, to provide professional skills, materials, financial or education support for the schools and with the purpose of implementing programs at local schools that benefit students from Pre- K through grades 12 and vocational schools.
- (5) **Legislative Action:** Develop recommendations to City Council for forwarding to the school board of the county regarding actions which may be taken in support of schools in the city. Develop recommendations to City Council regarding proposed legislation at the federal, state, and local legislative level which affect the needs of students within the city including the Palm Beach County School Board Five Year Plan and Capital Budgets and proposed school sites. The education advisory board shall provide a report to City Council containing any recommendations, observations, concerns, or other information the educational advisory board deems is in the best interest of the public for City Council to receive regarding education facilities.
- (6) **School Safety:** Coordinating with the City Manager and City Council to improve safety for students before, during and after school and developing public relations that highlight successful programs.
- (7) **Other Duties:** Gather input from parents, teachers, principals, and students on issues that may have an impact on the children in the City of Westlake. The Board further shall perform such other duties as may be assigned by the City Council from time to time.

Section 5: Qualifications. Board Members shall meet the following qualifications at the time of their appointment and throughout the course of their service to be eligible to serve:

- (1) Board Members shall be City residents.
- (2) Board Members shall have a background in education and experience in the field of education. Shall be knowledgeable and concerned with education issues in the community. Be a member of a parent teacher organization or association, school advisory council, or other similar organization associated with or sponsored by the School District, or a public school located within the City; or be a parent/legal guardian of a child currently enrolled in a City public school.
- (3) Any member of the board may be removed for cause in accordance with state law. The City Council shall promptly fill any vacancy.

- (4) At the organizational meeting of the board a chairperson and vice-chairperson shall be selected by majority vote of the board. The chairperson and vice-chairperson shall be selected annually at the April Meeting.
- (5) Lack of attendance at meetings shall constitute neglect of duty. Lack of attendance is defined as failure to attend two (2) consecutive meetings or a failure to attend more than one-half of the meetings scheduled in a calendar year. Participation for less than three-fourths of a meeting shall be the same as a failure to attend a meeting.
- (6) School Liaison: Three (3) regular members shall serve as a liaison to one (1) of the three (3) public schools located within the City. Liaison selections will occur at the Board's organizational meeting each July. Liaison duties shall include interacting with the selected school on a regular basis to determine needs, new programs and initiatives, serve as liaison between neighborhood associations and any other information impacting the City and City residents; and reporting such information back to the Board as needed.
- (7) Should a Board Member fail to maintain these qualifications for service at any time, then that Board Member shall be disqualified from serving and shall either resign immediately or be subject to removal. Additionally, Board Members shall not use Board meetings or their titles as Board Members to promote, advocate for, or advertise their outside employer or business.

The following City residents shall not serve on the Board as regular or alternate members:

- (1) An employee of the Palm Beach County School District.
- (2) An employee of an organization funded by the School District (e.g., charter school employee); or
- (3) An employee of a charter management organization or charter education management organization.

Section 6: Meetings; Organization; and Procedures.

- (1) **Meetings.** The Board shall meet on a quarterly basis (January, April, July and October) or more frequently if necessary for the transaction of business, which date shall be established by its members. All meetings of the Board shall be open to the public, and the minutes of each meeting shall be recorded by an appointee of the Board Chair. The order of business and procedure to be followed shall be as prescribed within the rules and regulations to be adopted by the education advisory board. Whenever possible, meetings of the Board shall be attended by the City Council member appointed as liaison to the Board.
- (2) **Organization:** At the organizational meeting each year, the Board shall elect a chair and vice chair from its regular members; a recording secretary shall be elected by the Board. A chair shall not serve consecutive terms but may serve more than one (1) non-consecutive term. The Board may prepare written reports for the Council. The Council liaison shall present the Board's reports and informational updates to the City Council on an as-needed basis.

- (3) **Quorum and Voting.** A quorum shall consist of three (3) regular members present for the transaction of business. The Board may not conduct business other than to adjourn absent a quorum. Each voting member shall have one (1) vote on every issue submitted to a vote of the Board. The decision of a majority of the voting members present at a meeting at which a quorum is present shall constitute the official action of the Board.
- (4) **Rules of Procedure.** All meetings of the Board shall be conducted substantially in conformance with Robert's Rules of Order. The Board is further subject to such rules of procedure and public participation adopted by the City Council and made applicable to the Board. Board Members are subject to the Sunshine Law and the Public Records Law.

Section 7. Codification: It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance entitled "Education Advisory Board" shall become and be made a part of the Code of Ordinances for the City of Westlake, Florida and the sections of this ordinance may be re-numbered or re-lettered to accomplish such intentions, and the word "ordinance" shall be changed to "section" or other appropriate word.

Section 8. Conflicts: All ordinance or part of ordinances, resolutions or parts of resolutions which are in conflict herewith, are hereby repealed to the extent of such conflict.

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

Section 10. Effective Date: This ordinance shall become effective upon second reading.

PASSED AND APPROVED on First Reading on 5th of December 2023.

PUBLISHED on this 15th day of December 2023 in the Sun Sentinel.

PASSED AND ADOPTED by City Council for the City of Westlake, on this 8th day of January 2024.

City of Westlake
JohnPaul O'Connor, Mayor

ATTEST:

Zoie Burgess, CMC City Clerk

File Attachments for Item:

D. SECOND READING: ORDINANCE 2023-10 - Amending Art in Public Places - Establishing Terms

Submitted By: Administration

ORDINANCE NO 2023-10

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," TO CREATE ARTICLE 24.2 SECTION 6(A)(5) FOR THE PURPOSE OF ESTABLISHING TERMS FOR THE COMPOSITION OF THE ART IN PUBLIC PLACES ADVISORY BOARD; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO 2023-10

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," TO CREATE ARTICLE 24.2 SECTION 6(A)(5) FOR THE PURPOSE OF ESTABLISHING TERMS FOR THE COMPOSITION OF THE ART IN PUBLIC PLACES ADVISORY BOARD; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Westlake deems it in the best interest of the residents of Westlake to provide for terms for the members and alternates of the Art in Public Places Advisory Board by specifically creating Article 24.2 Section 6(A)(5), and

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY FOR THE CITY OF WESTLAKE, FLORIDA, as follows:

SECTION 1: INCORPORATION

The above recitals are confirmed, adopted and are incorporated herein by reference.

SECTION 2: Article 24.2 Section 6 of the City of Westlake Code of Ordinances is hereby amended as follows:

Section 6) Art in Public Places Advisory Board. The Art in Public Places Advisory Board is hereby established to promote greater public participation in, and access to, arts and culture in the City.

(A) Composition. The Art in Public Places Advisory Board shall be appointed by the City Council and be composed of five (5) board members and two (2) alternate board members, and one (1) non-voting high school student, who shall be appointed by the City Council.

(1) No less than four board members should have a demonstrated knowledge of the arts, such as at least four years of experience related to the arts or an educational degree related to the arts, and possess competence in the evaluation of art, art history, art education, architecture, sculpture, painting and other appropriate media, urban design, or a related field.

(2) Board members shall either live or work in the City.

(3) Each board member shall serve without compensation and at the pleasure of the City Council.

(4) No board member may be the artist, provide the artwork, consulting services or have any interest in any artwork to be reviewed by the Art in Public Places Advisory Board, whether proposed by a private developer or by the City.

(5) Initially, each member and alternate of the Art in Public Places Advisory Board shall be appointed for a period of one (1) year or until replaced by the City Council. Thereafter, all appointments shall be for a one (1) year period expiring on the following April 30th. Board members and alternates shall serve until a replacement is appointed by the City Council. The City Council shall make appointments of Board members and alternates at a City Council meeting in April of each year.

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

SECTION 4. Codification: It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances for the City of Westlake, Florida, and the sections of this ordinance may be re-numbered or re-lettered to accomplish such intentions, and the word "ordinance" shall be changed to "section" or other appropriate word.

SECTION 5. Severability: The provisions of this Ordinance are severable, and it is the legislative intention to confer upon the whole or any part of the Ordinance the powers herein provided for. If any provision of this Ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of the Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such unconstitutional provision not been included herein.

SECTION 6. Effective Date: This ordinance shall be effective upon adoption on second reading.

PASSED AND APPROVED on First Reading on 5th of December 2023.

PUBLISHED on this 15th day of December 2023 in the Sun Sentinel.

PASSED AND ADOPTED by City Council for the City of Westlake, on this 8th day of January 2024.

City of Westlake
JohnPaul O'Connor, Mayor

ATTEST:

Zoie Burgess, CMC City Clerk

APPROVED AS TO LEGAL FORM

OFFICE OF THE CITY ATTORNEY

File Attachments for Item:

A. RESOLUTION 2024-01 - Approving and Authorizing the City Manager to Execute an Engagement Letter with Berger, Toombs, Elam, Gaines & Frank for Auditing Services FY ended September 30, 2023.

Submitted By: Administration/City Clerk's Office

RESOLUTION NO. 2024-01

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA,
APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN ENGAGEMENT
LETTER WITH BERGER, TOOMBS, ELAM, GAINES, AND FRANK FOR PROFESSIONAL
AUDIT SERVICES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND
PROVIDING AN EFFECTIVE DATE.**



Meeting Agenda Item Coversheet

MEETING DATE:		January 8, 2024		Submitted By: Administration/City Clerk's Office	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		RESOLUTION 2024-01 - Approving and Authorizing the City Manager to Execute an Engagement Letter with Berger, Toombs, Elam, Gaines & Frank for Auditing Services FY ended September 30, 2023.			
STAFF RECOMMENDATION: (MOTION READY)		Motion to approve and authorize the City Manager to Execute an Engagement Letter with Berger, Toombs, Elam, Gaines & Frank for Auditing Services FY ended September 30, 2023.			
SUMMARY and/or JUSTIFICATION:		<p>Annual engagement of services to audit the financial statements for the City of Westlake, which are comprised of governmental activities and each major fund as of, and for the year ended September 30, 2023.</p> <p>Fees for services are based upon the value of the services performed and the time required by the individuals assigned to the engagement, plus direct expenses. Invoices for fees will be submitted in sufficient detail to demonstrate compliance with the terms of engagement and shall not exceed \$7,500.00, unless the scope of engagement is changed, the assistance which of City of Westlake has agreed to furnish is not provided, or unexpected conditions are encountered.</p>			
SELECT, if applicable		AGREEMENT:		BUDGET:	
		STAFF REPORT:		PROCLAMATION:	
		EXHIBIT(S):		OTHER:	
IDENTIFY EACH ATTACHMENT. <i>For example, an agreement may have 2 exhibits, identify the agreement and Exhibit A and Exhibit B</i>					
SELECT, if applicable		RESOLUTION:		ORDINANCE:	
IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE <i>(if Item is <u>not</u> a Resolution or Ordinance, please erase all default text from this field's textbox and leave blank) <u>Please keep text indented.</u></i>		<p align="center">RESOLUTION NO. 2024-01</p> <p>A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN ENGAGEMENT LETTER WITH BERGER, TOOMBS, ELAM, GAINES, AND FRANK FOR PROFESSIONAL AUDIT SERVICES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.</p>			
FISCAL IMPACT (if any):		Not to Exceed			\$7,500.00

**CITY OF WESTLAKE
RESOLUTION NO. 2024-01**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA,
APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN ENGAGEMENT
LETTER WITH BERGER, TOOMBS, ELAM, GAINES, AND FRANK FOR PROFESSIONAL
AUDIT SERVICES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS the City Council deems it to be in the best interests of the City to approve and authorize the City Manager to execute an Engagement Letter with Berger, Toombs, Elam, Gaines, and Frank for Professional Audit Services;

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

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

SECTION 2. The City Council of the City of Westlake, Florida, hereby approves and authorizes the City Manager to execute an Engagement Letter with Berger, Toombs, Elam, Gaines, and Frank for Professional Audit Services. A copy of the Engagement Letter is attached hereto as Exhibit "A".

SECTION 3. CONFLICTS. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. SEVERABILITY. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

SECTION 5. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND APPROVED by City Council for the City of Westlake, on this 8th day of January 2024.

City of Westlake
JohnPaul O'Connor, Mayor

Zoie Burgess, City Clerk



Berger, Toombs, Elam, Gaines & Frank

Certified Public Accountants PL

600 Citrus Avenue
Suite 200
Fort Pierce, Florida 34950

772/461-6120 // 461-1155
FAX: 772/468-9278

November 20, 2023

City of Westlake
Inframark Infrastructure Management Services
210 N University Drive, Suite 703
Coral Springs, FL 33071

The Objective and Scope of the Audit of the Financial Statements

You have requested that Berger, Toombs, Elam, Gaines and Frank (“we”) audit the financial statements of City of Westlake, (the “District”), which comprise governmental activities and each major fund as of and for the year ended September 30, 2023, which collectively comprise the basic financial statements. We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter for the year ending September 30, 2023, and thereafter if mutually agreed upon by City of Westlake and Berger, Toombs, Elam, Gaines and Frank.

The objectives of our audit are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor’s report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with auditing standards generally accepted in the United States of America (GAAS) will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users made on the basis of these financial statements. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

The Responsibilities of the Auditor

We will conduct our audit in accordance with (GAAS). Those standards require that we comply with applicable ethical requirements. As part of an audit in accordance with GAAS, we exercise professional judgement and maintain professional skepticism throughout the audit. We also:



City of Westlake
November 20, 2023
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- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances but not for the purpose of expressing an opinion on the effectiveness of the District's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the District's ability to continue as a going concern for the reasonable period of time.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements may not be detected exists, even though the audit is properly planned and performed in accordance with GAAS.

We will maintain our independence in accordance with the standards of the American Institute of Certified Public Accountants and Generally Accepted Governmental Auditing Standards.



City of Westlake
November 20, 2023
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The Responsibilities of Management and Identification of the Applicable Financial Reporting Framework

Management is responsible for:

1. Identifying and ensuring that the District complies with the laws and regulations applicable to its activities, and for informing us about all known violations of such laws or regulations, other than those that are clearly inconsequential;
2. The design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the District involving management, employees who have significant roles in internal control, and others where the fraud could have a material effect on the financial statements; and
3. Informing us of its knowledge of any allegations of fraud or suspected fraud affecting the District received in communications from employees, former employees, analysts, regulators, short sellers, vendors, customers or others.

The Board is responsible for informing us of its views about the risks of fraud within the entity, and its knowledge of any fraud or suspected fraud affecting the entity.

Our audit will be conducted on the basis that management acknowledges and understands that it has responsibility:

1. To evaluate subsequent events through the date the financial statements are issued or available to be issued, and to disclose the date through which subsequent events were evaluated in the financial statements. Management also agrees that it will not conclude on subsequent events earlier than the date of the management representation letter referred to below;
2. For the design, implementation and maintenance of internal control relevant to the preparations of fair presentation of financial statements that are free from material misstatement, whether due to fraud or error; and
3. To provide us with:
 - a. Access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements including information relevant to disclosures;
 - b. Draft financial statements, including information relevant to their preparation and fair presentation, when needed to allowed for the completion of the audit in accordance with the proposed timeline;



City of Westlake
November 20, 2023
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- c. Additional information that we may request from management for the purpose of the audit; and
- d. Unrestricted access to persons within the District from whom we determine it necessary to obtain audit evidence.

As part of our audit process, we will request from management written confirmation concerning representations made to us in connection with the audit, including among other items:

1. That management has fulfilled its responsibilities as set out in the terms of this engagement letter; and
2. That it believes the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

Reporting

We will issue a written report upon completion of our audit of City of Westlake's financial statements. Our report will be addressed to the Board of City of Westlake. We cannot provide assurance that an unmodified opinion will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion, add an emphasis-of-matter or other-matter paragraph(s), or withdraw from the engagement.

Records and Assistance

During the course of our engagement, we may accumulate records containing data that should be reflected in the of City of Westlake books and records. The District will determine that all such data, if necessary, will be so reflected. Accordingly, the District will not expect us to maintain copies of such records in our possession.

The assistance to be supplied, including the preparation of schedules and analyses of accounts, has been discussed and coordinated with an Inframark Accountant. The timely and accurate completion of this work is an essential condition to our completion of the audit and issuance of our audit report, which must be completed and filed with the Auditor General within nine (9) months after the end of the fiscal year. If the information is timely provided, the District shall receive a draft by May 15, 2024, and if the draft is timely reviewed by Management, the District shall receive the final audit by June 15, 2024.



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November 20, 2023
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Other Relevant Information

In accordance with Government Auditing Standards, a copy of our most recent peer review report has been provided to you, for your information.

Either party may unilaterally terminate this agreement, with or without cause, upon sixty (60) days written notice subject to the condition that the District will pay all invoices for services rendered prior to the date of termination.

Fees, Costs and Access to Workpapers

Our fees for the services described above are based upon the value of the services performed and the time required by the individuals assigned to the engagement, plus direct expenses. Invoices for fees will be submitted in sufficient detail to demonstrate compliance with the terms of this engagement. Billings are due upon submission. Our fee for the services described in this letter for the year ending September 30, 2023 will not exceed \$7,500, unless the scope of the engagement is changed, the assistance which of City of Westlake has agreed to furnish is not provided, or unexpected conditions are encountered, in which case we will discuss the situation with you before proceeding. All other provisions of this letter will survive any fee adjustment.

In the event we are requested or authorized by of City of Westlake or are required by government regulation, subpoena, or other legal process to produce our documents or our personnel as witnesses with respect to our engagement for of City of Westlake, of City of Westlake will, so long as we are not a party to the proceeding in which the information is sought, reimburse us for our professional time and expenses, as well as the fees and expenses of our counsel, incurred in responding to such requests.

The audit documentation for this engagement is the property of Berger, Toombs, Elam, Gaines, & Frank and constitutes confidential information. However, you acknowledge and grant your assent that representatives of the cognizant or oversight agency or their designee, other government audit staffs, and the U.S. Government Accountability Office shall have access to the audit documentation upon their request and that we shall maintain the audit documentation for a period of at least three years after the date of the report, or for a longer period if we are requested to do so by the cognizant or oversight agency.

Access to requested documentation will be provided under the supervision of Berger, Toombs, Elam, Gaines, & Frank audit personnel and at a location designated by our Firm.



City of Westlake
November 20, 2023
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Information Security – Miscellaneous Terms

Berger, Toombs, Elam, Gaines & Frank is committed to the safe and confidential treatment of City of Westlake's proprietary information. Berger, Toombs, Elam, Gaines & Frank is required to maintain the confidential treatment of client information in accordance with relevant industry professional standards which govern the provision of services described herein. City of Westlake agrees that it will not provide Berger, Toombs, Elam, Gaines & Frank with any unencrypted electronic confidential or proprietary information, and the parties agree to utilize commercially reasonable measures to maintain the confidentiality of City of Westlake's information, including the use of collaborate sites to ensure the safe transfer of data between the parties.

If any term or provision of this engagement letter is determined to be invalid or unenforceable, such term or provision will be deemed stricken and all other terms and provisions will remain in full force and effect.

Because Berger, Toombs, Elam, Gaines & Frank will rely on City of Westlake and its management and Board of Supervisors to discharge the foregoing responsibilities, City of Westlake holds harmless and releases Berger, Toombs, Elam, Gaines & Frank, its partners, and employees from all claims, liabilities, losses and costs arising in circumstances where there has been a known misrepresentation by a member of City of Westlake's management, which has caused, in any respect, Berger, Toombs, Elam, Gaines & Frank's breach of contract or negligence. This provision shall survive the termination of this arrangement for services.

This letter constitutes the complete and exclusive statement of agreement between Berger, Toombs, Elam, Gaines, & Frank and City of Westlake, superseding all proposals, oral or written, and all other communications, with respect to the terms of the engagement between the parties.



Berger, Toombs, Elam,
Gaines & Frank
Certified Public Accountants PL

City of Westlake
November 20, 2023
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Please sign and return the attached copy of this letter to indicate your acknowledgment of, and agreement with, the arrangements for our audit of the financial statements including our respective responsibilities.

Sincerely,

*Berger Toombs Elam
Gaines + Frank*

BERGER, TOOMBS, ELAM, GAINES & FRANK
J. W. Gaines, CPA

Confirmed on behalf of the addressee:

_____, _____



6815 Dairy Road
Zephyrhills, FL 33542

813.788.2155
BodinePerry.com

Report on the Firm's System of Quality Control

To the Partners of
Berger, Toombs, Elam, Gaines & Frank, CPAs, PL
and the Peer Review Committee of the Florida Institute of Certified Public Accountants

November 30, 2022

We have reviewed the system of quality control for the accounting and auditing practice of Berger, Toombs, Elam, Gaines & Frank, CPAs, PL (the firm), in effect for the year ended May 31, 2022. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control, and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included engagements performed under *Government Auditing Standards*, including a compliance audit under the Single Audit Act.

As a part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Berger, Toombs, Elam, Gaines & Frank, CPAs, PL, in effect for the year ended May 31, 2022, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)*, or *fail*. Berger, Toombs, Elam, Gaines & Frank, CPAs, PLC, has received a peer review rating of *pass*.



Bodine Perry

(BERGER_REPORT22)



BodinePerry
Certified Public Accountants & Advisors

**ADDENDUM TO ENGAGEMENT LETTER BETWEEN BERGER, TOOMBS,
ELAM, GAINES AND FRANK AND CITY OF WESTLAKE
(DATED NOVEMBER 20, 2023)**

Public Records. Auditor shall, pursuant to and in accordance with Section 119.0701, Florida Statutes, comply with the public records laws of the State of Florida, and specifically shall:

- a. Keep and maintain public records required by the District to perform the services or work set forth in this Agreement; and
- b. Upon the request of the District's custodian of public records, provide the District with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law; and
- c. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the Agreement if the Auditor does not transfer the records to the District; and
- d. Upon completion of the Agreement, transfer, at no cost to the District, all public records in possession of the Auditor or keep and maintain public records required by the District to perform the service or work provided for in this Agreement. If the Auditor transfers all public records to the District upon completion of the Agreement, the Auditor shall destroy any duplicate public records that are exempt or confidential and exempt from public disclosure requirements. If the Auditor keeps and maintains public records upon completion of the Agreement, the Auditor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the District, upon request from the District's custodian of public records, in a format that is compatible with the information technology systems of the District.

Auditor acknowledges that any requests to inspect or copy public records relating to this Agreement must be made directly to the District pursuant to Section 119.0701(3), Florida Statutes. If notified by the District of a public records request for records not in the possession of the District but in possession of the Auditor, the Auditor shall provide such records to the District or allow the records to be inspected or copied within a reasonable time. Auditor acknowledges that should Auditor fail to provide the public records to the District within a reasonable time, Auditor may be subject to penalties pursuant to Section 119.10, Florida Statutes.

IF THE AUDITOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE AUDITOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT/CONTRACT, THE AUDITOR MAY CONTACT THE CUSTODIAN OF PUBLIC RECORDS FOR THE DISTRICT AT:

**INFRAMARK
INFRASTRUCTURE MANAGEMENT SERVICES
210 NORTH UNIVERSITY DRIVE, SUITE 702
CORAL SPRINGS, FL 33071
TELEPHONE: 954-603-0033
EMAIL: _____**

E-VERIFY REQUIREMENTS. Auditor shall comply with and perform all applicable provisions of Section 448.095, *Florida Statutes*. Accordingly, beginning January 1, 2021, to the extent required by Florida Statute, Auditor shall register with and use the United States Department of Homeland Security's E-Verify system to verify the work authorization status of all newly hired employees. The District may terminate this Agreement immediately for cause if there is a good faith belief that the Auditor has knowingly violated Section 448.091, Florida Statutes.

If the Auditor anticipates entering into agreements with a subcontractor for the Work, Auditor will not enter into the subcontractor agreement without first receiving an affidavit from the subcontractor regarding compliance with Section 448.095, *Florida Statutes*, and stating that the subcontractor does not employ, contract with, or subcontract with an unauthorized alien. Auditor shall maintain a copy of such affidavit for the duration of the agreement and provide a copy to the District upon request.

In the event that the District has a good faith belief that a subcontractor has knowingly violated Section 448.095, *Florida Statutes*, but the Auditor has otherwise complied with its obligations hereunder, the District shall promptly notify the Auditor. The Auditor agrees to immediately terminate the agreement with the subcontractor upon notice from the District. Further, absent such notification from the District, the Auditor or any subcontractor who has a good faith belief that a person or entity with which it is contracting has knowingly violated s. 448.09(1), Florida Statutes, shall promptly terminate its agreement with such person or entity.

By entering into this Agreement, the Auditor represents that no public employer has terminated a contract with the Auditor under Section 448.095(2)(c), *Florida Statutes*, within the year immediately preceding the date of this Agreement.

Auditor: J.W. Gaines

District: City of Westlake

By: _____

By: _____

Title: Director

Title: _____

Date: November 20, 2023

Date: _____



File Attachments for Item:

B. Fee increase for Inframark contract - Memorandum of Understanding for Additional Personnel

Submitted By: Administration



Meeting Agenda Item Coversheet

MEETING DATE:		January 8, 2024		Submitted By: Administration	
SUBJECT: <i>This will be the name of the Item as it will appear on the Agenda</i>		Fee increase for Inframark contract - Memorandum of Understanding for Additional Personnel			
STAFF RECOMMENDATION: (MOTION READY)		Motion to approve an increase in the Inframark contract in the amount of \$85,800 annually to accommodate additional dedicated operational personnel for the City of Westlake.			
SUMMARY and/or JUSTIFICATION:		Pursuant to budget discussions last year and the potential need for additional personnel due to the growth of the City and demand on the prior staffing levels it is currently necessary to add a dedicated FTE to the Westlake contract with Inframark. There are sufficient funds accounted for and available in the current budget year.			
SELECT, if applicable		AGREEMENT:		BUDGET:	
		STAFF REPORT:		PROCLAMATION:	
		EXHIBIT(S):		OTHER:	
IDENTIFY EACH ATTACHMENT. <i>For example, an agreement may have 2 exhibits, identify the agreement and Exhibit A and Exhibit B</i>		Memorandum of Understanding			
SELECT, if applicable		RESOLUTION:		ORDINANCE:	
IDENTIFY FULL RESOLUTION OR ORDINANCE TITLE <i>(if Item is <u>not</u> a Resolution or Ordinance, please erase all default text from this field's textbox and leave blank)</i> <u>Please keep text indented.</u>					
FISCAL IMPACT (if any):					\$

MEMORANDUM OF UNDERSTANDING BETWEEN INFRAMARK LLC AND CITY OF WESTLAKE FOR ADDITIONAL PERSONNEL

January 4, 2024

The Memorandum of Understanding (hereafter referred to as MOU) is being entered into by and among Inframark LLC (herein after referred to as "Manager") and the City of Westlake (herein after referred to as "City") (collectively, the parties) by mutual consent.

STATEMENT OF FACTS

1. The Manager and CITY are currently in contract where the Manager provides management and administrative services via its personnel.
2. The compensation and service levels have been adjusted in the past my MOU as approved by the City Council in addition to the annual budget process outlined within the contract.
3. With the CITY's increasing growth, the maintaining of appropriate service levels necessitate additional management personnel to be added at this time.
4. Manager shall provide an additional dedicated person to assist in the daily operational management of the City. The addition of an Event Coordinator for additional support to the City Manager's and City Clerk's office.
5. The additional compensation to the manager for the Event Coordinator position shall be \$85,800 annually. Going forward this position shall be accounted for adjusted within the annual budget process. There are no additional ancillary fees for this position.
6. All other provisions of the general contract remain in force and are acknowledged by the parties.

Inframark LLC

By: _____

Chris Tarase, Vice President

City of Westlake

By: _____

JohnPaul OConnor, Mayor