

**MINUTES OF WORKSHOP  
CITY OF WESTLAKE**

A workshop of the City Council of the City of Westlake was held on Tuesday, May 28, 2019 at 6:00 p.m., at the Westlake Community Center, 4005 Seminole-Pratt Whitney Road, Westlake, Florida.

Present and constituting a quorum were:

Roger Manning  
Katrina Long Robinson  
John Stanavitch  
Kara Crump

Mayor  
Vice Mayor  
City Council Seat 1  
City Council Seat 2

Also present were:

Kenneth Cassel  
Pam E. Booker, Esq.  
Nilsa Zacarias  
Joe Burko  
Donaldson Hearing  
Tara W. Duh  
Robert Diffenderfer  
John Carter  
Residents

City Manager  
City Attorney  
NZ Consultants  
Building Official  
Cotleur & Hearing  
Lewis, Longman and Walker  
Lewis, Longman and Walker  
Minto PBLH, LLC

*The following is a summary of the minutes taken during the May 28, 2019 City of Westlake Council Workshop.*

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mayor Manning called the meeting to order and Mr. Cassel called the roll.

**SECOND ORDER OF BUSINESS**

**Pledge of Allegiance**

The Pledge of Allegiance was recited.

**THIRD ORDER OF BUSINESS**

**Presentation and Discussion of Proposed Articles**

Ms. Zacarias addressed the Council and re-presented a PowerPoint previously reviewed in October 2018 about the overall vision of the land development regulations.

**A. Article 1, Administration**

**B. Article 2, Development Review Process**

Ms. Zacarias provided the Council with a presentation and review of Articles 1 and 2 of the land development regulations. The following was discussed:

- Article 1 deals with definitions and describes the authority of City Council, Boards and City Staff.

- The City currently has a Planning and Zoning Board that reviews and makes recommendations to the Council. They can also make final approval for minor site plans.
- Mr. Burko provided feedback based on his experience in other municipalities with regard to Planning and Zoning and the Land Development Code. In his opinion a special magistrate serves the purpose better for the City at this time. He feels it is a more fluid process. He also reviewed the type of comprehensive group that usually makes up a Planning and Zoning Board.
- Vice Mayor Long Robinson requested input from Mr. Carter. He prefers not having a Planning and Zoning Board. He strongly encouraged the Council to consider a special magistrate.
- Ms. Duhy circulated a proposed draft for a Special Magistrate. Site plans would go to the Planning Director to make decisions, unless they are of the ilk that they rise to the level to come before the Council. If there is disagreement on code interpretation, it could go before the special magistrate for interpretation. A special magistrate would also consider variances.
- Ms. Booker stated they looked at Collier and Lee Counties' codes. She spoke with several law firms that represent multiple jurisdictions in the State of Florida to inquire about the special magistrate process. The code which came before the Council for first reading contemplates a special magistrate for code enforcement issues. That mechanism has been set forth. What is being proposed is different from that. Collier County has a special magistrate to consider appeals of administrative decisions and interpretations. They also have an appeal to the City Commission.
- The Council has the option to continue serving on the Planning and Zoning Board or to appoint outside individuals in the community.
- Mayor Manning does not feel comfortable giving up all the power to a special magistrate. The Council should have a say.
- Ms. Duhy stated they are not proposing to replicate Collier County. The special magistrate discussion is almost independent of the Planning and Zoning Board. It is their opinion that the Planning and Zoning Board is an unnecessary step in the process. They are suggesting either the Planning Director or the Council be the final decision maker.
- Vice Mayor Long Robinson would like to know where this has been done in the tri-county area and if it has been successful. She would like a percentage of

municipalities in the State that do not have Planning and Zoning Boards. She also wants the percentage of municipalities in the State that are advised on Planning and Zoning matters.

- Mr. Burko clarified as a building official he comes in on the back end. He prefers a special magistrate for the purposes of a code enforcement board dealing with an LDC. That individual or that board has the right to fine residents, businesses and individuals. An independent third party being responsible for those decisions is better overall for a community of this size.

**C. Article 3, Zoning Districts and Standards**

Ms. Zacarias provided the Council with a presentation and review of Article 3 of the land development regulations. The following was discussed:

- Conditional uses would not come before the Council, but instead a table would be used. The Council would set policy on the table.
- Mr. Carter stated part of Minto's presentation is to help the Council understand what is happening in their area of competition. Westlake was established as the 39<sup>th</sup> City in Palm Beach County on the idea of being different than other municipalities. It is important to recognize and maintain an advantage over the competition. There are multiple communities being developed near the City, which are similar in size. It is critical to be competitive in order to populate the City and receive tax revenue. It is important to maintain flexibility and not to force a requirement to create a mixture of lot sizes.
- Ms. Zacarias reviewed the advantages and disadvantages of conditional use. If an educational use comes through and it is a conditional use, the applicant can put together a conceptual drawing, explain how many children will be served and then go before Council with a presentation. Council can then set their special conditions.
- Ms. Duhy has represented several educational uses trying to go into residential neighborhoods, which did not pass during the conditional use process for no reasons that are in the code. This is why they object to this. If the Council wants to regulate certain concerns or aspects, the comprehensive plan allows this in this area. If the Council has a harm, regulations can be included in the code that are clear and an applicant will know they have to deal with. Those are the conditions they should be requested to abide by.

- Mr. Carter warned that what is being proposed by City Staff will allow policy decisions for conditional uses to be driven by the number of residents that show up to protest a project.
- Ms. Booker stated agenda pages 26 and 28 provide more language on conditional use. They are considered on a case by case basis.
- Ms. Zacarias reviewed the tables for single family homes.
- Mr. Hearing reviewed lot sizes in different communities.
- Further discussion and review of lot sizes ensued.
- Ms. Booker stated when the Council adopted Ordinance 2018-3, they amended the County's tables 3D1A to change the lot size and create the 50 foot lot in R1. That table includes both the 65 foot lot, which was intentionally left at 7½ foot site yard setbacks. The 50 foot lot had the 5 foot setback.
- Ms. Duhy respectfully disagreed with that interpretation. The chart actually has a line for single family lots with a minimum lot width of 65. It is currently zoned as Minto West TTD and TTD single family homes are 37, 50 square foot lot width and 5 foot side yard setback. Minto's single family, under the TTD zoning in the interim code is governed by that provision and not the more general single family.
- Ms. Zacarias reviewed R2 zoning district. She stated having two zones allows for diversity on residential solution products.
- Mr. Hearing stated Minto needs to work with staff. R2 is where they need more flexibility to have greater density.
- Mr. Cassel stated they will meet to go over the 40 foot lots, lot coverage and setbacks.

**FOURTH ORDER OF BUSINESS**

**Audience Comments on Agenda Items (3)  
Minute Time Limit**

- Mr. Diffenderfer addressed the Council on behalf of SID regarding the draft articles. What the City published as Article 2 reads a lot like standard municipal ordinances dealing with infrastructure issues. It does not recognize SID's role in the same way the draft he had worked on did. He has a problem with the Article 2 draft if it proceeds the way it is. He stated this is not a policy issue, but fundamentally a legal issue. The City is not a standard municipality. SIDs responsibilities and the City's responsibilities need to be separated.

May 28, 2019


City of Westlake

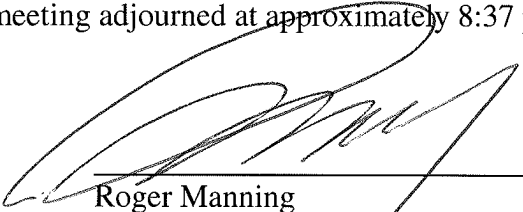
- Ms. Ladi March-Goldwire thanked everyone for the time and effort they are putting in to make considerations of what it looks like for the residents. She would like them to make considerations for current residents.

**FIFTH ORDER OF BUSINESS**

**Adjournment**

There being no further business, the meeting adjourned at approximately 8:37 p.m.

  
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Kenneth Cassel  
City Manager

  
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Roger Manning  
Mayor