

Council Members

Roger Manning-Mayor
Katrina Long Robinson-Vice Mayor
John Stanavitch-Seat 1
Kara Crump-Seat 2
Phillip Everett-Seat 3



City of Westlake

4001 Seminole Pratt Whitney Rd.
Westlake, Florida 33470
Phone: 561-530-5880
Fax: 561-790-5466

Council Meeting
Monday, October 28, 2019

Meeting Location
Westlake Council Chambers
4005 Seminole Pratt-Whitney Road
Westlake, FL 33470
6:30 p.m.

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision made by the City Council with respect to any matter considered at this meeting or hearing, such interested person will need a record of the proceedings and for such purpose 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 meeting/hearing may be continued to another date and time as may be found necessary during the aforesaid meeting. In accordance with the provisions of the Americans with Disabilities Act (ADA), any person requiring special accommodations at these meetings because of disability or physical impairment should contact the Interim City Manager at (954)753-5841 at least two (2) calendar days prior to the meeting.

City of Westlake

4001 Seminole Pratt Whitney Rd.
Westlake, Florida 33470
Phone: 561-530-5880
Fax: 561-790-5466
Website: westlakegov.com



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October 23, 2019

City Council
City of Westlake

Dear Mayor and Council:

The City Council of the City of Westlake will hold a regular meeting on Monday, October 28, 2019 at 6:30 p.m. at the Westlake Council Chambers, 4005 Seminole Pratt Whitney Road, Westlake, Florida. Following is the advance agenda for the meeting.

1. Call to Order/ Roll Call
2. Approval of Agenda
3. Audience Comments on Agenda Items (3) Minute Time Limit
4. Approval of the Minutes of the September 23, 2019 Workshop and Regular Meeting
5. Persimmon West Re-Plat, Resolution 2019-28
6. Staff Report on ISTF Requested Use
7. ISTF Requested Use, Resolution 2019-32
8. Consideration of ISTF Master Plan
9. Staff Report on ISTF Phase 1A Site Plan
10. ISTF Phase 1A Site Plan, Resolution 2019-31
11. ISTF Plat, Resolution 2019-33
12. Staff Report on 7-Eleven Requested Use
13. 7-Eleven Requested Use, Resolution 2019-35
14. Staff Report on 7-Eleven Site Plan 2.0
15. 7-Eleven Site Plan 2.0, Resolution 2019-34
16. 7-Eleven Pod H Plat, Resolution 2019-36
17. Acknowledging Declarations of Restrictive Covenants for Cresswind, Resolution 2019-37
18. Amendment to Funding Agreement with Minto PBLH, LLC

SECOND READING OF ORDINANCE

19. Ordinance 2019-12, Chapter 1 (Administration)
20. Ordinance 2019-13, Chapter 2 (Land Development)
21. Ilex Way Phase III Final Plat, Resolution 2019-29 (To be continued to specific date and time)
22. Manager's Report
23. Attorney's Report
24. Audience Comments on Other Items (3) Minute Time Limit
25. Council Comments
26. Adjournment

Any additional supporting material for the items listed above, not included in the agenda package, will be distributed at the meeting. Staff will present their reports at the meeting. I look forward to seeing you, but in the meantime if you have any questions, please contact me.

Sincerely,

Kenneth Cassel

Kenneth G. Cassel
City Manager

cc: Pam E. Booker, Esq.
Terry Lewis
John Carter
Kelley Burke

Fourth Order of Business

**MINUTES OF WORKSHOP
CITY OF WESTLAKE**

A workshop of the City Council of the City of Westlake was held on Tuesday, September 23, 2019 at 6:02 p.m., at the Westlake Community Center, 4005 Seminole-Pratt Whitney Road, Westlake, Florida.

Present and constituting a quorum were:

Roger Manning	Mayor
Katrina Long Robinson	Vice Mayor
John Stanavitch	City Council Seat 1
Kara Crump	City Council Seat 2
Phillip Everett	City Council Seat 3

Also present were:

Kenneth Cassel	City Manager
Pam E. Booker, Esq.	City Attorney
Nilsa Zacarias	NZ Consultants
Tara W. Duh	Lewis, Longman and Walker
John Carter	Minto PBLH, LLC
Residents	

The following is a summary of the minutes taken during the September 23, 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

**Staff Presentation for Chapter 1
(Administration)**

Ms. Zacarias provided the Council with a presentation on Chapter 1, Administration.

- There are two levels to this chapter. The first level is when there is a conflict with consistency of the LDRs and the Comprehensive Plan.
- Ms. Booker stated the City Council has the power and authority to designate one or more Hearing Officers to make decisions as described in the LDRs and to empower the Hearing Officer to make other decisions as deemed appropriate by the Council. The City Council may not appoint an employee or attorney of the City to serve as Hearing Officer. The Hearing Officer must be an attorney with at least five years of experience in the area of land use and zoning.
- An overview of the interaction between the City and SID was provided.

- Ms. Booker noted this is a draft and staff is still meeting to discuss other provisions.
- Vice Mayor Long Robinson asked if other municipalities in the County use a Hearing Officer. Ms. Booker responded Collier County uses a Hearing Officer process. The City of Riviera Beach has language in their code for a Hearing Officer process but have not used it.

FOURTH ORDER OF BUSINESS

Review of Chapter 1 Draft

The floor was opened to public comments.

- Ms. Duhy addressed the Board on behalf of Minto PBLH, LLC. They fully support the language and process proposed in Chapter 1 for a Hearing Officer.

FIFTH ORDER OF BUSINESS

Staff Presentation for Chapter 2 (Land Development Procedures)

Ms. Zacarias provided the Council with a presentation on Chapter 2, Land Development Procedures.

- Mr. Cassel noted applications will be reviewed by SID to ensure nothing conflicts with SID infrastructure.
- All approvals are valid for 5 years from the date of approval.
- Conditional uses expire 12 months from the date of approval unless a longer time period is provided for in the approval.
- Re-zonings and Comprehensive Plan Amendments do not have an expiration date.
- Plats must be recorded within 18 months of the date of approval to remain valid.
- Extensions may be provided at the discretion of the City.
- Variances are approved by the Planning and Zoning Board.
- The City Manager may grant waivers in order to allow for innovative design.
- More details of the various procedures were reviewed.

SIXTH ORDER OF BUSINESS

Review of Chapter 2 Draft

There were no additional comments.

SEVENTH ORDER OF BUSINESS

Audience Comments on Agenda Items (3) Minute Time Limit

- Mr. Richard Moore addressed the Board regarding Chapter 2 regarding the clause for appeals.
- Ms. Duhy noted the language in Chapter 2 referenced by Mr. Moore is a requirement of Chapter 166.033(3), Florida Statutes.

- Ms. Booker addressed the concern regarding adult like businesses within the City. It is prohibited by law to exclusively prohibit these types of businesses; however, there are other means and methods used by other jurisdictions to limit their location.

FIFTH ORDER OF BUSINESS

Adjournment

There being no further business, the meeting adjourned.

Kenneth Cassel
City Manager

Roger Manning
Mayor

**MINUTES OF MEETING
CITY OF WESTLAKE**

A meeting of the City Council of the City of Westlake was held on Monday, September 23, 2019 at 7:56 p.m., at the Westlake Community Center, 4005 Seminole-Pratt Whitney Road, Westlake, Florida.

Present and constituting a quorum were:

Roger Manning	Mayor
Katrina Long Robinson	Vice Mayor
John Stanavitch	City Council Seat 1
Kara Crump	City Council Seat 2
Phillip Everett	City Council Seat 3

Also present were:

Kenneth Cassel	City Manager
Pam E. Booker, Esq.	City Attorney
Nilsa Zacarias	NZ Consultants
Tara W. Duh	Lewis, Longman and Walker
John Carter	Minto PBLH, LLC
Residents	

The following is a summary of the minutes and actions taken during the September 23, 2019 City of Westlake Council Meeting.

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

Approval of Agenda

On MOTION by Vice Mayor Long Robinson seconded by Councilwoman Crump with all in favor the agenda was approved.

THIRD ORDER OF BUSINESS

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

There being none, the next item followed.

FOURTH ORDER OF BUSINESS

Approval of the Minutes of the August 26, 2019 Meeting

On MOTION by Councilman Everett seconded by Councilman Stanavitch with all in favor the minutes of the August 26, 2019 meeting were approved.

FIFTH ORDER OF BUSINESS

Re-Adoption of Resolution 2018-7, National Flood Insurance Program

Mr. Cassel stated the State is requiring modifications to the resolution previously adopted due to scrivener’s errors.

Ms. Booker stated the changes to the resolution are indicated in red.

Mr. Cassel read Resolution 2018-7 by title only.

On MOTION by Councilman Stanavitch seconded by Councilman Everett with all in favor Resolution 2018-7, National Flood Insurance Program, was re-adopted.

SIXTH ORDER OF BUSINESS

Second Reading of Ordinance 2019-9, Establishing Chapter 3 and Adopting Zoning Map

Ms. Zacarias reviewed the text modifications made to Chapter 3 since the first reading.

Mr. Cassel read Ordinance 2019-9 by title only.

On MOTION by Councilwoman Crump seconded by Councilman Stanavitch with Councilwoman Crump, Councilman Stanavitch, Vice Mayor Long Robinson and Mayor Manning voting aye and Councilman Everett voting nay, Ordinance 2019-9, establishing Chapter 3 and adopting a zoning map, was adopted.

BUDGET PUBLIC HEARING

SEVENTH ORDER OF BUSINESS

Proposed Budget for Fiscal Year Ending September 30, 2020 – City Manager Presentation

Mr. Cassel provided the Council and the public with a presentation on the history of the City and the proposed budget for Fiscal Year 2020.

The floor was opened for public comments.

- Mr. Richard Moore addressed the Council regarding the budget and funding reserves.
- Ms. Marnae Gines questioned what will happen with the millage rate once Minto PBLH, LLC leaves. Mr. Cassel explained once there is more commercial property, revenue will increase.

A. Resolution 2019-26, Adopting Final Millage Rate

On MOTION by Councilman Stanavitch seconded by Councilman Everett, with Councilman Stanavitch, Councilman Everett, Councilwoman Crump and Mayor Manning voting aye and Vice Mayor Long Robinson voting nay, the millage rate was set at 5.125.

Mr. Cassel read Resolution 2019-26 by title only.

On MOTION by Councilwoman Crump seconded by Councilman Stanavitch, with Councilwoman Crump, Councilman Stanavitch, Councilman Everett and Mayor Manning voting aye and Vice Mayor Long Robinson voting nay, Resolution 2019-26, adopting the final millage rate of 5.125, was adopted.

B. Resolution 2019-27, Adopting Final Budget

Mr. Cassel requested the \$6,000 line item under the City Council part of the budget be moved to contingency.

On MOTION by Councilman Everett seconded by Councilman Stanavitch, with Councilman Everett, Councilman Stanavitch, Councilwoman Crump and Mayor Manning voting aye and Vice Mayor Long Robinson voting nay, Resolution 2019-27, adopting the final budget, was adopted as modified.

EIGHTH ORDER OF BUSINESS

Manager’s Report

Mr. Cassel reported the following:

- In response to a resident’s inquiry of the PBSO contract, Mr. Cassel explained the contract includes one full-time deputy 24/7, which equates to having five people. It is up to the Sheriff’s Office to select the deputies, who may or may not live in the City.
- Street lights internal to a pod are the responsibility of the HOA and FP&L. FP&L is behind with getting some of the lights in their system. Any issues with light poles should be reported to the HOA and if the City is contacted as well, staff will work with the HOA to contact FP&L.
- He will be holding *Coffee with the Manager* twice a month from 6:00 p.m. to 8:00 p.m. to address residents’ concerns.

NINTH ORDER OF BUSINESS

Attorney’s Report

Ms. Booker addressed additional funding from Minto PBLH, LLC. The Funding Agreement timeframe needs to be amended and will be brought to the Council for consideration at a future meeting. She also noted staff continues to work on the City Codes.

TENTH ORDER OF BUSINESS

PBSO Monthly Report – Informational Only

This item is for informational purposes only.

ELEVENTH ORDER OF BUSINESS

Response Time Report from Palm Beach County Fire Rescue – Informational Only

This item is for informational purposes only.

TWELFTH ORDER OF BUSINESS

Audience Comments on Other Items (3) Minute Time Limit

Mr. Jay Hart from the City of Wellington addressed the Council regarding his communication company and the services it can provide to Westlake to communicate with residents.

THIRTEENTH ORDER OF BUSINESS

Council Comments

Vice Mayor Long Robinson read and entered a letter addressed to staff and the constituents into the record.

FOURTEENTH ORDER OF BUSINESS

Adjournment

There being no further business, the meeting adjourned at 8:59 p.m.

Kenneth Cassel
City Manager

Roger Manning
Mayor

Fifth Order of Business

OCTOBER 28, 2019

RESOLUTION 2019-28

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE FINAL PLAT FOR PERSIMMON BOULEVARD WEST PHASE 1 REPLAT, BEING DESCRIBED AS A PORTION OF LAND DESCRIBED BY METES AND BOUNDS, AS A PARCEL OF LAND LYING IN SECTIONS 1 AND 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, PROVIDING AN EFFECTIVE DATE AND PROVIDING FOR RECORDATION.

WHEREAS, Minto PBLH, LLC, a Florida Limited Liability Company, as the Applicant has requested approval for the Persimmon Boulevard West Phase 1 Replat, described by metes and bounds a parcel of land lying in sections 1 and 12, township 43 south, range 40 east, containing approximately 5.520 acres, in the City of Westlake, Palm Beach County, as described in Exhibit "A", attached hereto; and

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

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

WHEREAS, the Building staff, Engineering staff and Planning staff for the City of Westlake have reviewed the application, the final plat and the boundary survey, and the collective staff has recommended approval; and

WHEREAS, after careful review and consideration, the collective staff has determined that this application has complied with the Palm Beach County Unified Land Development Codes and Florida law.

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

- Section 1:** The above recitals are true and correct and are incorporated herein by this reference.
- Section 2:** The City Council for the City of Westlake hereby approves the final plat and boundary survey for the Persimmon Boulevard West Phase 1 Replat, as described in the attached Exhibit "A", containing approximately 5.520 acres, which is located in the City of Westlake, and in Palm Beach County, Florida.
- Section 3.** The applicant shall provide a certified copy of the recorded plat and the applicant shall cover the costs of recording the plat in the public records in and for Palm Beach County Florida.
- Section 4:** This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by City Council for the City of Westlake, on this 28th day
of October 2019.

City of Westlake
Roger Manning, Mayor

Sandra DeMarco, City Clerk

Approved as to Form and Sufficiency
Pam E. Booker, City Attorney

EXHIBIT 'A'
Legal Description
Persimmon Blvd West Phase I Replat

A PARCEL OF LAND LYING IN SECTIONS 1 AND 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

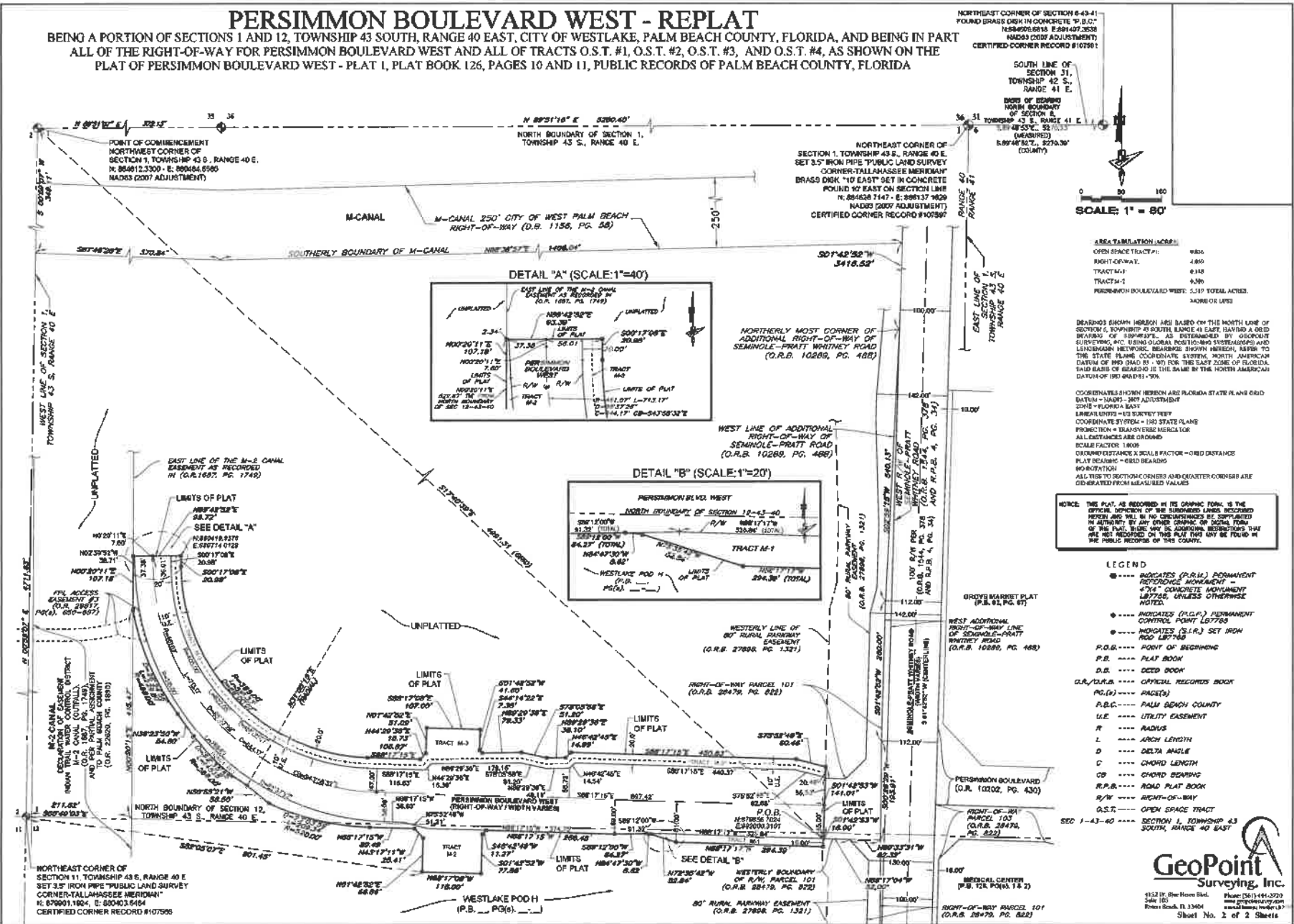
COMMENCE AT THE NORTHWEST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST; THENCE S.00°59'07"W. ALONG THE WEST BOUNDARY OF SAID SECTION 1, A DISTANCE OF 349.11 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF M-CANAL, A 250 FOOT WIDE CITY OF WEST PALM BEACH RIGHT-OF-WAY, DESCRIBED IN DEED BOOK 1156, PAGE 58, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY; 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 1,406.04 FEET TO THE WEST RIGHT-OF-WAY LINE OF SEMINOLE-PRATT WHITNEY ROAD, A 100 FOOT WIDE RIGHT-OF-WAY, DESCRIBED IN OFFICIAL RECORD 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 3,416.52 FEET TO THE NORTHERLY MOST CORNER OF ADDITIONAL RIGHT-OF-WAY FOR SEMINOLE-PRATT WHITNEY ROAD, DESCRIBED IN OFFICIAL RECORD BOOK 10289, PAGE 488, OF SAID PUBLIC RECORDS; THENCE S.02°59'15"W. ALONG SAID WEST RIGHT-OF-WAY LINE OF THE ADDITIONAL RIGHT-OF-WAY FOR SEMINOLE-PRATT WHITNEY ROAD, A DISTANCE OF 540.13 FEET; THENCE S.01°42'52"W. ALONG SAID WEST RIGHT-OF-WAY LINE OF THE ADDITIONAL RIGHT-OF-WAY FOR SEMINOLE-PRATT WHITNEY ROAD, A DISTANCE OF 280.00 FEET; THENCE S.00°26'29"W. ALONG SAID WEST RIGHT-OF-WAY LINE OF THE ADDITIONAL RIGHT-OF-WAY FOR SEMINOLE-PRATT WHITNEY ROAD, A DISTANCE OF 193.91 FEET; THENCE N.89°33'31"W., A DISTANCE OF 62.32 FEET TO A POINT ON THE WESTERLY BOUNDARY OF RIGHT-OF-WAY PARCEL 101, RECORDED IN OFFICIAL RECORDS BOOK 28479, PAGE 822, OF SAID PUBLIC RECORDS; THENCE N.88°17'04"W., ALONG SAID WESTERLY BOUNDARY, A DISTANCE OF 52.00 FEET TO THE POINT OF BEGINNING; THENCE S.01°42'53"W., A DISTANCE OF 16.00 FEET; THENCE N.88°17'17"W., A DISTANCE OF 294.39 FEET; THENCE N.72°35'42"W., A DISTANCE OF 52.84 FEET; THENCE N.84°47'30"W., A DISTANCE OF 8.62 FEET; THENCE S.89°12'00"W., A DISTANCE OF 64.27 FEET; THENCE N.88°17'15"W., A DISTANCE OF 256.48 FEET; THENCE S.46°42'49"W., A DISTANCE OF 11.27 FEET; THENCE S.01°42'52"W., A DISTANCE OF 77.86 FEET; THENCE N.88°17'08"W., A DISTANCE OF 118.00 FEET; THENCE N.01°45'52"E., A DISTANCE OF 66.86 FEET; THENCE N.43°17'11"W., A DISTANCE OF 25.41 FEET; THENCE N.88°17'15"W., A DISTANCE OF 89.49 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST WITH A RADIUS OF 520.00 FEET; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 23°03'59", A DISTANCE OF 209.34 FEET; THENCE N.50°55'21"W., A DISTANCE OF 56.50 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE CONCAVE TO THE NORTHEAST WITH A RADIUS OF 368.00 FEET AND A RADIAL BEARING OF N.31°00'15"E., AT SAID INTERSECTION; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 22°35'55", A DISTANCE OF 145.15 FEET TO A POINT OF TANGENCY; THENCE N.36°23'50"W., A DISTANCE OF 54.60 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST WITH A RADIUS OF 498.00 FEET; THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 26°24'56", A DISTANCE OF 229.60 FEET TO A NON-TANGENT INTERSECTION AND A POINT ON THE EAST LINE OF M-2 CANAL EASEMENT, AS RECORDED IN OFFICIAL RECORDS BOOK 1687, PAGE 1749, OF SAID PUBLIC RECORDS; THENCE N.00°20'11"E., ALONG SAID EAST LINE OF M-2 CANAL EASEMENT, A DISTANCE OF 107.18 FEET; THENCE N.89°42'52"E., A

DISTANCE OF 95.72 FEET; THENCE S.00°17'08"E., A DISTANCE OF 20.98 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST WITH A RADIUS OF 385.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 88°00'07", A DISTANCE OF 591.33 FEET TO A POINT OF TANGENCY; THENCE S.88°17'15"E., A DISTANCE OF 105.87 FEET; THENCE N.44°29'36"E., A DISTANCE OF 15.73 FEET; THENCE N.01°42'52"E., A DISTANCE OF 51.09 FEET; THENCE S.88°17'08"E., A DISTANCE OF 107.00 FEET; THENCE S.01°42'52"W., A DISTANCE OF 41.60 FEET; THENCE S.44°14'22"E., A DISTANCE OF 7.38 FEET; THENCE N.89°29'36"E., A DISTANCE OF 79.33 FEET; THENCE S.78°05'58"E., A DISTANCE OF 51.20 FEET; THENCE N.89°29'36"E., A DISTANCE OF 38.10 FEET; THENCE N.46°42'45"E., A DISTANCE OF 14.99 FEET; THENCE S.88°17'15"E., A DISTANCE OF 450.83 FEET; THENCE S.75°52'48"E., A DISTANCE OF 60.46 FEET TO A POINT ON THE WESTERLY LINE OF 80' RURAL PARKWAY EASEMENT, AS RECORDED IN OFFICIAL RECORDS BOOK 27898, PAGE 1321, OF SAID PUBLIC RECORDS; THENCE S.01°42'53"W., ALONG SAID WESTERLY LINE AND ALONG THE WESTERLY BOUNDARY OF RIGHT-OF-WAY PARCEL 101, AS RECORDED IN OFFICIAL RECORDS BOOK 28479, PAGE 822, OF SAID PUBLIC RECORDS, A DISTANCE OF 141.01 FEET TO THE POINT OF BEGINNING.

CONTAINING: 240,440 SQUARE FEET OR 5.520 ACRES MORE OR LESS.

PERSIMMON BOULEVARD WEST - REPLAT

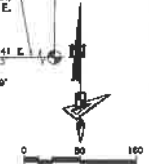
BEING A PORTION OF SECTIONS 1 AND 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, AND BEING IN PART ALL OF THE RIGHT-OF-WAY FOR PERSIMMON BOULEVARD WEST AND ALL OF TRACTS O.S.T. #1, O.S.T. #2, O.S.T. #3, AND O.S.T. #4, AS SHOWN ON THE PLAT OF PERSIMMON BOULEVARD WEST - PLAT I, PLAT BOOK 126, PAGES 10 AND 11, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA



NORTHEAST CORNER OF SECTION 6-43-41 FOUND BRASS ORN IN CONCRETE "P.B.C." 1554920.018 E 594742.358 NAD83 (2007 ADJUSTMENT) CERTIFIED CORNER RECORD #107581

SOUTH LINE OF SECTION 31, TOWNSHIP 42 S., RANGE 41 E.

BASES OF BEARING NORTH BOUNDARY OF SECTION 2, TOWNSHIP 43 S., RANGE 41 E. S. 89°46'52" E. 8250.30' (MEASURED) 8.8946152' E. 8250.30' (CALCULATED)



AREA TABULATION (ACRES)

OPEN SPACE TRACT #1	0.656
RIGHT-OF-WAY	4.800
TRACT M-1	0.148
TRACT M-2	0.300
PERSIMMON BOULEVARD WEST - 240' EASEMENT	34.068 OR LESS

BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 41 EAST, HAVING A GRID BEARING OF 8.904742358 AS DETERMINED BY GEORGETT SURVEYING, P.C. USING GLOBAL POSITIONING SYSTEMS (GPS) AND LEICA GNSS METROPOLITAN BEASING SYSTEM HEREON, REFER TO THE STATE PLANNING COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD 83) - 97 FOR THE EAST ZONE OF FLORIDA, SAID BEARING OF BEARING IS THE SAME IN THE NORTH AMERICAN DATUM OF 1983 (NAD 83) - 90.

COORDINATES SHOWN HEREON ARE FLORIDA STATE PLANS GRID DATUM - NAD83 - 2011 ADJUSTMENT ZONE 16Q-08A EAST LINEAR UNITS = US SURVEY FEET COORDINATE SYSTEM = 1983 STATE PLANS PROJECTION = TRANSVERSE MERCATOR ALL DISTANCES ARE GROUND SCALE FACTOR = 1.000 CURVATURE & SLOPE FACTOR = 0.00 DISTANCE PLAT BEARING = GRID BEARING NO ROTATION ALL TIES TO SECTION CORNERS AND QUARTER CORNERS ARE DERIVED FROM MEASURED VALUES

NOTE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL SURVEY OF THE SUBDIVISION LINES RECEIVED HEREON AND WILL IN NO CIRCUMSTANCES BE SUPERSEDED IN AUTHORITY BY ANY OTHER RECORDS OF LOCAL, COUNTY, STATE, FEDERAL OR ANY OTHER AGENCIES, UNLESS THEY ARE RECORDED ON THIS PLAT AND MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

- LEGEND
- INDICATES (P.R.L.) PERMANENT REFERENCING MOVEMENT - 1/4" CONCRETE MOVEMENT LIFT/58, UNLESS OTHERWISE NOTED
 - INDICATES (S.I.R.) PERMANENT CONTROL POINT L57769
 - INDICATES (S.I.R.) SET IRON ROD L57768
 - P.B. --- POINT OF BEGINNING
 - P.B. --- PLAT BOOK
 - D.B. --- DEED BOOK
 - C.R./D.R. --- OFFICIAL RECORDS BOOK PG.(s) --- PAGE(S)
 - P.B.C. --- PALM BEACH COUNTY
 - U.E. --- UTILITY EASEMENT
 - A --- RADUS
 - L --- ARCH LENGTH
 - D --- DELTA ANGLE
 - C.D. --- CHORD LENGTH
 - C.P. --- CHORD BEARING
 - P.R.B. --- ROAD PLAT BOOK
 - R/W --- RIGHT-OF-WAY
 - O.S.T. --- OPEN SPACE TRACT SEC 1-43-40 SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST

GeoPoint
Surveying, Inc.

4122 W. Blue Home Blvd.
Suite 101
Palm Beach, FL 33404

Phone: (561) 444-2720
Fax: (561) 444-2720
www.geo-point.com

Sheet No. 2 of 2 Sheets



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

- 1. DATE:** 10/4/2019
- 2. PETITION NUMBER:** ENG-2019-20
- 3. DESCRIPTION:** Persimmon West Phase I Replat
 - APPLICANT:** Minto PBLH, LLC
 - OWNER:** Minto PBLH, LLC
 - REQUEST:** Plat & Boundary Survey Review
 - LOCATION:** Westlake, Florida
- 4. STAFF REVIEW:** APPROVAL

The Engineering Department approves the plans.

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

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

Suzanne Dombrowski, P.E.
Chen Moore and Associates
Tel: 561.746.6900 x 1035
Email: sdombrowski@chenmoore.com

Sixth Order of Business



City of Westlake

Planning and Zoning Department

Staff Report – 10/28/19

PETITION DESCRIPTION

PETITION NUMBER: REQ-USE-2019-02 *International Soccer Training Facility (ISTF) Requested Use*

APPLICANT: Cotleur & Hearing

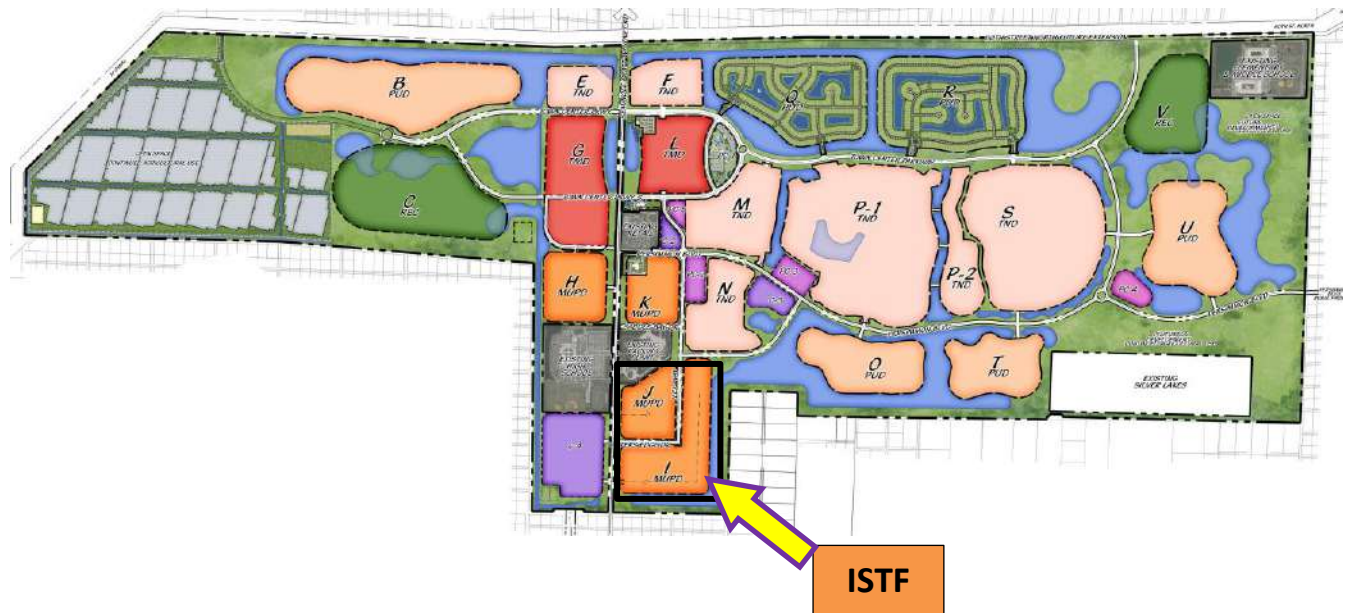
OWNER: Minto PBLH, LLC

REQUEST: The applicant is requesting approval for the proposed use of a school with dormitories within the City of Westlake.

LOCATION: City of Westlake, East side of Seminole Pratt Whitney Road, adjacent to Ilex Way and Waters Edge Drive and within the boundary of Pod I and Pod J.

PROPERTY CONTROL NUMBERS: 77-40-43-12-00-000-1010

LOCATION MAP



1. PETITION FACTS

- a. **Total Site Acres:** 130.525 acres
- b. **Concurrent Application:** Proposed use of a school with dormitories within the City of Westlake.
- c. **Future Land Use:** Downtown Mixed Use
- d. **Zoning:** Multiple Planned Use Development/Economic Development Center (MUPD/EDC)

2. BACKGROUND

In the MUPD/EDC district, the subject site is located on the East side of Seminole Pratt Whitney Road, adjacent to Ilex Way and Waters Edge Drive and within the boundary of Pod I and Pod J. The City of Westlake received an application for Master Plan approval of the International Soccer Training Facility (ISTF), which includes a number of uses. The following two (2) proposed uses are Requested Uses:

- 1. **Requested Use for “School, Elementary or Secondary”**
- 2. **Requested Use for “Congregate Living Facility, Type 3”**

Table 3.E.1.B - PDD Use Matrix

Use Type	PUD		MUPD										MXPD	PIPD	LCC		NOTE					
	Pods		FLU										FLU	Use Zone	FLU							
	R	C	R	C	A	C	C	C	C	C	I	E	I	C	C	I		C	I	M	R	C
E	O	E	I	G	L	H	L	H	R	N	D	N	H	H	N	O	N	H	V	L	H	
S	M	C	V	P		O	O			D	C	S	O	O	D	M	D	P	P			
Residential Uses																						
Single Family	P																					122
Zero Lot Line Home	P													P	P							142
Townhouse	P													P	P					P	P	132
Multi-Family	P													P	P					P	P	87
Mobile Home Dwelling					S													P				85
Accessory Dwelling	S				S																	1
Congregate Living Facility, Type 1	P										R											34
Congregate Living Facility, Type 2	R		S								R									D	D	34
Congregate Living Facility, Type 3	R	R	R		R	R	R	R			R	R	R							R	R	34
Estate Kitchen	P																					48
Farm Residence																						50
Farm Worker Quarters					P																	51
Garage Sale	P				P							P	P	P				P				60
Guest Cottage	P																					66
Home Occupation	P				P								P	P				P		P	P	70
Kennel Type I (Private)	P																					73
Nursing Or Convalescent Facility		R	R		R	R					R	D	R									90
Security Or Caretaker Quarters		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			119
[Ord. 2005-002] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2014-025]																						
Notes:																						
P Permitted by right																						
D Permitted subject to approval by the DRO																						
S Permitted in the district only if approved by Special Permit																						
R Permitted in the district only if approved by the Westlake City Council as a requested use.																						

Table 3.E.1.B - PDD Use Matrix Continued

Use Type	PUD		MUPD					MXPD		PIPD		LCC		NOTE						
	Pods		FLU					FLU		Use Zone		FLU								
	R E S	C O M	R E C	C A I G V R /	C L	C H	C L O	C H O	C R	I M D	R E S T	C H O	C H O		I N D M L	C O N D G	M H P D	R V P D	C L	C H
Public and Civic Uses																				
Airport, Helipad & Landing Strip									R	R	R			R	R					10
Assembly, Nonprofit Institutional	R		R		R	R			R	R	R	R		R				R	R	14
Assembly, Nonprofit Membership			R		R	R	R	R	R	R	R	R		R				R	R	15
Cemetery			R																	27
Place Of Worship	R		R		R	R	R	R	R	R	R	R		R		R		R	R	29
College Or University			R		R	R	R	R	R	R	R	R		R				R	R	30
Day Camp		P	P		R			P		P	R							R	R	39
Day Care, General	R		R		R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	40
Day Care, Limited	D		D		D	D	D	D	D	R	D	D	D	D	D	D	D	D	D	40
Government Services	P		P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	63
Homeless Resource Center					R			R					R	R						70-1
Hospital Or Medical Center	R				R	R		R		R	R	R	R					R	R	71
Kennel, Type IV (Animal Shelter)					R	R				R	R									74-3
School, Elementary Or Secondary			R		R	R	R	R		R	D	R	R	R				R		118
Recreation Uses																				
Arena, Auditorium Or Stadium	R				R			R			R									12
Campground								P									P			24
Entertainment, Indoor	R				R	R		P	P		R		P					R	R	45
Entertainment, Outdoor	R				R	R		P	D	P		R		P						46
Fitness Center	R	P	R		R	R		R	P	P		P	P	R	P			R	P	56
Golf Course			R		R	R	R	R	R			R	R	P	P	P	R			62
Gun Club, Enclosed					R			R	R				P	R	P					67-1
Marine Facility	R	R			R		R	R			R	R	P							82
Park, Passive	P	P	P	P	R	P	P	P	P		P	P	P	P	P	P	P	P	P	33
Park, Public			P	P	R	P		P	P	P	P	P	P		R	R	P	P		34
Shooting Range, Outdoor								R												67-2
Special Event	S	S	S		S	S		S	S	S	S	S		S	S			S	S	124
Zoo					R			R												143
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2006-013] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2012-007] [Ord. 2012-027] [Ord. 2014-025]																				
Notes:																				
P	Permitted by right																			
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3. ANALYSIS

REQUESTED USE STANDARDS OF COMPLIANCE PER ARTICLE 2.B.2.B

A. Consistency with the Plan

Policy FLU 1.1.15 for allowable uses within the Downtown Mixed Use category includes Residential Uses and Civic Uses (educational, meeting halls, exhibition and conference center). The *Congregate Living Facility*, Type 3 use is considered a residential use within the Interim ULDC. The requested uses will meet the intent of the City's Comprehensive Plan.

B. Consistency with the Code

Per the Interim ULDC Code, Table 3.E.1.B. “PDD Use Matrix”, the School, Elementary or Secondary use and Congregate Living Facility, Type 3 use are requested uses and require approval by the City Council. This application is following the guidelines within Article 2.B.2.B for the formal request and is in compliance with regulations for setbacks, access, landscaping, and signage.

C. Compatibility with Surrounding Uses

The proposed School and Type 3 Congregate Living Facility uses are compatible with the surrounding Mixed Use land use category.

FUTURE LAND USE		ZONING
SUBJECT PROPERTY	Mixed Use	MUPD/EDC
NORTH	Mixed Use	MUPD/EDC
SOUTH	Mixed Use	MUPD/EDC
EAST	Mixed Use	Boundary Lake
WEST	Mixed Use	MUPD/EDC

D. Design Minimizes Adverse Impact

The design of the site will include all code required buffers around the perimeter. The proposed design will be compatible with surrounding uses.

E. Design Minimizes Environment Impact

The site is currently vacant of structure and trees. There will be no environmental impact with the proposed development. All drainage is provided with legal positive outfall on Seminole Pratt Whitney Road which will include enhanced runoff. Native plant material will be planted within the buffers and around the buildings.

F. Development Patterns

The proposed uses are part of a Master Site Plan for a Soccer Training Facility. The Master Site Plan includes a “campus type” development.

G. Adequate Public Facilities

The School and Congregate Living Facility, Type 3 uses will require concurrency reservations to begin development. There are currently adequate public facilities provided along Seminole Pratt Whitney Rd including water, wastewater, power, drainage, and solid waste services. The applicant will coordinate the connection and utilization of these services with the various providers including the Seminole Improvement District.

H. Traffic

The applicant provided a Trip Equivalent Analysis for the proposed Pod I/J ISTF Site Plan Application. Westlake is an approved project under Article 12, Traffic Performance Standards, of the Palm Beach County Unified Land Development Code (ULDC) with a buildout year of 2035. Please see attached letter.

I. Changed Conditions or Circumstances

The City of Westlake was incorporated in 2016. Since then, the City is developing and growing its residential, civic and commercial areas. The subject uses will be compatible with the City's current Development.

4. FINAL REMARKS

The subject requested use application will be heard by the City Council. The legal ad will be published in the Palm Beach Post on October 18, 2019. Legal notices to property owners were sent as follows:

- 1 to 300 feet – Certified Mail
- 301 to 500 feet – Regular Mail

The Planning and Zoning staff reviewed this application and find it in compliance with the above presented requested use standards.

September 20, 2019
Revised October 10, 2019
Revised October 15, 2019

Mr. Ken Cassel, City Manager
City of Westlake
4001 Seminole Pratt Whitney Road
Westlake, Florida 33470

Re: Westlake Pod I/J ISTF Equivalency - #PTC19-065

Dear Mr. Cassel:

The purpose of this letter is to present a trip equivalency analysis for the proposed Pod I/J ISTF Site Plan Application. Westlake is an approved project under Article 12, Traffic Performance Standards, of the Palm Beach County Unified Land Development Code (ULDC) with a buildout year of 2035. This Pod I/J ISTF application is for a Soccer Academy consisting of:

- | | | | |
|-------------------|--------------|--------------------|--------------|
| ● Office | 36,600 SF | ● Medical Office | 12,200 SF |
| ● Student Housing | 750 Bdrms | ● Prv.School (K-8) | 500 Students |
| ● Prv.High School | 800 Students | ● Hotel | 114 Rms |

Attachments E1a - E1c provide the calculation of daily, AM and PM peak hour trips associated with the ISTF. Because these uses were not identified specifically in the original Approval, an equivalency analysis was conducted. Equivalencies for Westlake are based on PM peak hour two-way trips. The trip generation for the PM peak hour was analyzed to determine the equivalent use and intensity. As shown on Attachment E2, the ISTF uses are equivalent to the 3,000-student Community College. Attachments E3 and E4 provide the AM peak hour and Daily trip generation, for informational purposes only. The internalization matrices are provided in the Appendix.

We request that this equivalency analysis be reviewed and approved for use in the Trip Generation Statement accompanying the Site Plan Application for Pod I/J ISTF.

Sincerely,

Rebecca J. Mulcahy, P.E.
Vice President

Attachments

ec: John Carter

Rebecca J. Mulcahy, State of Florida, Professional Engineer, License No. 42570

This item has been electronically signed and sealed by Rebecca J. Mulcahy, P.E. on 10/15/19 using a Digital Signature. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

**Attachment E1a
 Westlake - Pod I/J ISTF
 Trip Generation - Daily**

Proposed Uses

Land Use	ITE Code	Intensity	Trip Generation Rate (1)	Gross Trips	Internal Trips (2)		External Trips
Office	710	36,600 SF	$\ln(T) = 0.97\ln(X) + 2.50$	400	80	20.0%	320
Medical Office	720	12,200 SF	34.8 /1,000 SF	425	85	20.0%	340
Resid. - Off Campus Student Apartment	225	750 Bedrooms	3.97 /Bedroom	2,978	893	30.0%	2,085
Private School (K-8)	534	500 Students	2.48 /Student	1,240	124	10.0%	1,116
Private School (K-12)	536	800 Students	2.48 /Student	1,984	992	50.0%	992
Hotel - Pro-Residential Village	310	114 Rooms	8.36 /Room	953	286	30.0%	667
TOTALS				7,980	2,460	30.8%	5,520

(1) Source: Palm Beach County Traffic Division and ITE, Trip Generation, 10th Edition.

(2) Internal trips within this Master Plan only.

**Attachment E1b
Westlake - Pod I/J ISTF
Trip Generation - AM Peak Hour**

Proposed Uses

Land Use	ITE Code	Intensity	Trip Generation Rate (1)	Gross Trips			Internal Trips (2)			External Trips			
				In	Out	Total	In	Out	Total	In	Out	Total	
Office	710	36,600 SF	$T = 0.94X + 26.49$ (86/14)	54	7	61	6	6	12	20.0%	48	1	49
Medical Office	720	12,200 SF	2.78 /1,000 SF (78/22)	27	7	34	3	3	6	20.0%	24	4	28
Resid. - Off Campus Student Apartment	225	750 Bedrooms	0.16 /Bedroom (28/72)	34	86	120	30	30	60	50.0%	4	56	60
Private School (K-8)	534	500 Students	0.91 /Student (55/45)	250	205	455	23	23	46	10.0%	227	182	409
Private School (K-12) (3)	536	800 Students	0.4 /Student (61/39) (3)	195	125	320	48	48	96	30.0%	147	77	224
Hotel - Pro-Residential Village	310	114 Rooms	0.47 /Room (59/41)	32	22	54	8	8	16	30.0%	24	14	38
TOTALS				592	452	1,044	118	118	236	22.6%	474	334	808

(1) Source: Palm Beach County Traffic Division and ITE, Trip Generation, 10th Edition.

(2) Internal trips within this Master Plan only.

(3) Peak hour trip generation reduced by 50% based on limited parental drop-off/pick up due to on-site housing.

**Attachment E1c
Westlake - Pod I/J ISTF
Trip Generation - PM Peak Hour**

Proposed Uses

Land Use	ITE Code	Intensity	Trip Generation Rate (1)	Gross Trips			Internal Trips			External Trips			
				In	Out	Total	In	Out	Total	In	Out	Total	
Office	710	36,600 SF	1.15 /1,000 SF (16/84)	7	35	42	4	4	8	20.0%	3	31	34
Medical Office	720	12,200 SF	3.46 /1,000 SF (28/72)	12	30	42	4	4	8	20.0%	8	26	34
Resid. - Off Campus Student Apartment	225	750 Bedrooms	0.3 /Bedroom (52/48)	117	108	225	34	34	68	30.0%	83	74	157
Private School (K-8)	534	500 Students	0.26 /Student (46/54)	60	70	130	7	7	14	10.0%	53	63	116
Private School (K-12) (3)	536	800 Students	0.085 /Student (43/57) (3)	29	39	68	17	17	34	50.0%	12	22	34
Hotel - Pro-Residential Village	310	114 Rooms	0.6 /Room (51/49)	35	33	68	10	10	20	30.0%	25	23	48
TOTALS				260	315	575	76	76	152	26.4%	184	239	423

(1) Source: Palm Beach County Traffic Division and ITE, Trip Generation, 10th Edition.

(2) Internal trips within this Master Plan only.

(3) Peak hour trip generation reduced by 50% based on limited parental drop-off/pick up due to on-site housing.

**Attachment E2
 Westlake - Pod I/J ISTF Submittal
 PM Peak Hour Trip Generation - Equivalency**

West Side

Land Use	ITE Code	Intensity	Trip Generation Rate (1)	Total Trips			Internal Trips (2)		External Trips			Interzonal Trips (2)		External Trips			Pass-by Trips (3)		New Trips		
				In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total			
Residential - MF Condos.	230	150 DUs	$\text{Ln}(T) = 0.82\text{Ln}(x)+0.32$ (67/33)	56	28	84	41	48.4%	28	15	43	18	21.4%	18	7	25	-	0%	18	7	25
Residential - 55+ Detached	251	300 DUs	0.27 /DU (61/39)	49	32	81	39	48.4%	25	17	42	18	22.2%	15	9	24	-	0%	15	9	24
Residential - 55+ Attached	252	200 DUs	0.25 /DU (54/46)	27	23	50	24	48.4%	14	12	26	11	22.0%	8	7	15	-	0%	8	7	15
General Office	710	150,000 SF	1.49 /1000 SF (17/83)	38	186	224	32	14.5%	30	162	192	27	12.1%	20	145	165	17	10%	18	130	148
Research & Devel.	760	378,000 SF	$\text{Ln}(T) = 0.83\text{Ln}(X)+1.06$ (15/85)	60	338	398	58	14.5%	48	292	340	48	12.1%	30	262	292	29	10%	27	236	263
Retail	820	350,000 SF	$\text{Ln}(T) = 0.67\text{Ln}(X)+3.31$ (48/52)	666	721	1,387	148	10.7%	583	656	1,239	271	19.5%	485	483	968	278	28.7%	346	344	690
Park	412	125 Acres	0.09 /Acre (61/39)	7	4	11	1	10.0%	6	4	10	1	10.0%	5	4	9	-	0%	5	4	9
Car Wash	PBC	1 Lane	13.65 /Lane (50/50)	7	7	14	1	10.7%	6	7	13	3	21.4%	5	5	10	-	0%	5	5	10
Gas Station (16 FP)/ C-Store	FDOT	4,500 SF	12.3*FP + 15.5(X) (50/50)	134	133	267	29	10.7%	117	121	238	52	19.5%	98	88	186	113	61%	38	35	73
TOTALS				1,044	1,472	2,516	373	14.8%	857	1,286	2,143	448	17.8%	684	1,011	1,695	437		480	778	1,258

East Side

Land Use	ITE Code	Intensity	Trip Generation Rate (1)	Total Trips			Internal Trips (2)		External Trips			Interzonal Trips (2)		External Trips			Pass-by Trips (3)		New Trips		
				In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total			
Residential - SF (N,O,T,U)	210	1,010 DUs	$\text{Ln}(T) = 0.90\text{Ln}(x)+0.51$ (63/37)	530	312	842	131	15.6%	447	264	711	96	11.4%	379	236	615	-	0%	379	236	615
Residential - SF (F,M,P,Q,R,S)	210	1,936 DUs	$\text{Ln}(T) = 0.90\text{Ln}(x)+0.51$ (63/37)	953	560	1,513	236	15.6%	804	473	1,277	173	11.4%	681	423	1,104	-	0%	681	423	1,104
Residential - MF Condos.	230	450 DUs	$\text{Ln}(T) = 0.82\text{Ln}(x)+0.32$ (67/33)	138	68	206	32	15.6%	116	58	174	24	11.7%	99	51	150	-	0%	99	51	150
Residential - 55+ Detached	251	500 DUs	0.27 /DU (61/39)	82	53	135	21	15.6%	69	45	114	15	11.1%	58	41	99	-	0%	58	41	99
Hotel	310	150 Rooms	0.6 /Room (51/49)	46	44	90	39	43.3%	22	29	51	12	13.3%	16	23	39	4	10%	14	21	35
Community College	540*	- Students	0.14 /Student (54/46)	-	-	-	-	0.0%	-	-	-	-	0.0%	-	-	-	-	0%	-	-	-
General Office	710	296,000 SF	1.49 /1000 SF (17/83)	75	366	441	64	14.6%	50	327	377	22	5.0%	45	310	355	36	10%	41	278	319
Research & Devel.	760	175,000 SF	$\text{Ln}(T) = 0.83\text{Ln}(X)+1.06$ (15/85)	32	178	210	31	14.6%	21	158	179	10	4.8%	19	150	169	17	10%	17	135	152
Light Industrial	110	450,000 SF	0.97 /1000 SF (12/88)	52	385	437	64	14.6%	34	339	373	21	4.8%	30	322	352	35	10%	27	290	317
Retail	820	150,000 SF	$\text{Ln}(T) = 0.67\text{Ln}(X)+3.31$ (48/52)	377	409	786	286	36.4%	269	231	500	53	6.7%	241	206	447	164	36.6%	153	130	283
Park	412	67 Acres	0.09 /Acre (61/39)	4	2	6	2	31.9%	3	1	4	-	0.0%	3	1	4	-	0%	3	1	4
Community Center	495	70,000 SF	2.74 /1000 SF (49/51)	94	98	192	61	31.9%	63	68	131	2	1.0%	62	67	129	6	5%	59	64	123
Church	560	70,000 SF	0.55 /1000 SF (48/52)	19	20	39	12	31.9%	13	14	27	-	0.0%	13	14	27	1	5%	12	14	26
Daycare	565	10,000 SF	12.34 /1000 SF (47/53)	58	65	123	39	31.9%	39	45	84	1	0.8%	38	45	83	42	50%	19	22	41
ISTF	N/A	1 Complex	Pre-Calc'd	184	239	423	56	13.2%	159	208	367	19	4.5%	150	198	348	-	0%	150	198	348
FSED	650	12,379 SF	Pre-Calc'd	9	10	19	11	57.9%	1	7	8	-	0.0%	1	7	8	1	10%	1	6	7
TOTALS				2,653	2,809	5,462	1,085	19.9%	2,110	2,267	4,377	448	8.2%	1,835	2,094	3,929	306		1,713	1,910	3,623

COMBINED TOTALS				3,697	4,281	7,978	1,458	18.3%	2,967	3,553	6,520	896	11.2%	2,519	3,105	5,624	743		2,193	2,688	4,881
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* Rate obtained from Palm Beach State College trip generation study by Kimley-Horn. See Appendix B.
 (1) Source: Institute of Transportation Engineers, Trip Generation, 9th Edition, unless otherwise noted.
 (2) Internalization matrices are included in Appendix B.
 (3) Source: Palm Beach County ULDC Article 13.

Project Internalization: 29.5%

Approved Totals
2,281 2,651 4,932
Internal: 30.0%

**Attachment E3
Westlake - Pod I/J ISTF Submittal
AM Peak Hour Trip Generation - Equivalency**

West Side

Land Use	ITE Code	Intensity	Trip Generation Rate (1)	Total Trips			Internal Trips (2)		External Trips			Interzonal Trips (2)		External Trips			Pass-by Trips (3)		New Trips		
				In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total			
Residential - MF Condos.	230	150 DUs	Ln(T) = 0.80Ln(x)+0.26 (17/83)	12	59	71	3	4.0%	12	56	68	7	9.9%	10	51	61	-	0%	10	51	61
Residential - 55+ Detached	251	300 DUs	0.22 /DU (35/65)	23	43	66	3	4.0%	23	40	63	7	10.6%	21	35	56	-	0%	21	35	56
Residential - 55+ Attached	252	200 DUs	0.2 /DU (34/66)	14	26	40	2	4.0%	14	24	38	4	10.0%	13	21	34	-	0%	13	21	34
General Office	710	150,000 SF	Ln(T) = 0.80Ln(x)+1.57 (88/12)	233	32	265	22	8.4%	222	21	243	16	6.0%	210	17	227	23	10%	189	15	204
Research & Devel.	760	378,000 SF	Ln(T) = 0.87Ln(x)+0.86 (83/17)	343	70	413	35	8.4%	326	52	378	26	6.3%	307	45	352	35	10%	276	41	317
Retail	820	350,000 SF	0.96 /1000 SF (62/38)	208	128	336	30	8.8%	190	116	306	47	14.0%	165	94	259	74	28.7%	118	67	185
Park	412	125 Acres	0.02 /Acre (61/39)	2	1	3	-	10.0%	2	1	3	-	10.0%	2	1	3	-	0%	2	1	3
Car Wash	PBC	1 Lane	11.97 /Lane (50/50)	6	6	12	1	8.8%	5	6	11	2	16.7%	4	5	9	-	0%	4	5	9
Gas Station (16 FP)/ C-Store	FDOT	4,500 SF	12.3*FP + 15.5(X) (50/50)	134	133	267	23	8.8%	122	122	244	37	13.9%	102	105	207	126	61%	40	41	81
TOTALS				975	498	1,473	119	8.1%	916	438	1,354	146	9.9%	834	374	1,208	258		673	277	950

East Side

Land Use	ITE Code	Intensity	Trip Generation Rate (1)	Total Trips			Internal Trips (2)		External Trips			Interzonal Trips (2)		External Trips			Pass-by Trips (3)		New Trips		
				In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total			
Residential - SF (N,O,T,U)	210	1,010 DUs	0.75 /DU (25/75)	190	568	758	72	9.5%	168	518	686	13	1.7%	165	508	673	-	0%	165	508	673
Residential - SF (F,M,P,Q,R,S)	210	1,936 DUs	0.75 /DU (25/75)	363	1,089	1,452	138	9.5%	321	993	1,314	26	1.8%	316	972	1,288	-	0%	316	972	1,288
Residential - MF Condos.	230	450 DUs	Ln(T) = 0.80Ln(x)+0.26 (17/83)	29	143	172	16	9.5%	26	130	156	3	1.7%	25	128	153	-	0%	25	128	153
Residential - 55+ Detached	251	500 DUs	0.22 /DU (35/65)	39	71	110	10	9.5%	35	65	100	2	1.8%	35	63	98	-	0%	35	63	98
Hotel	310	150 Rooms	0.53 /Room (59/41)	47	33	80	36	45.0%	43	1	44	3	3.8%	41	-	41	4	10%	37	-	37
Community College	540*	- Students	0.11 /Student (87/13)	-	-	-	-	0.0%	-	-	-	-	0.0%	-	-	-	-	0%	-	-	-
General Office	710	296,000 SF	Ln(T) = 0.80Ln(x)+1.57 (88/12)	401	55	456	57	12.6%	357	42	399	20	4.4%	349	30	379	38	10%	314	27	341
Research & Devel.	760	175,000 SF	Ln(T) = 0.87Ln(x)+0.86 (83/17)	175	36	211	27	12.6%	156	28	184	9	4.3%	152	23	175	18	10%	137	20	157
Light Industrial	110	450,000 SF	0.92 /1000 SF (88/12)	364	50	414	52	12.6%	325	37	362	19	4.6%	317	26	343	34	10%	285	24	309
Retail	820	150,000 SF	0.96 /1000 SF (62/38)	89	55	144	83	57.6%	34	27	61	15	10.4%	25	21	46	17	36.6%	16	13	29
Park	412	67 Acres	0.02 /Acre (61/39)	1	-	1	-	30.1%	1	-	1	-	0.0%	1	-	1	-	0%	1	-	1
Community Center	495	70,000 SF	2.05 /1000 SF (66/34)	95	49	144	43	30.1%	67	34	101	3	2.1%	66	32	98	5	5%	63	30	93
Church	560	70,000 SF	0.56 /1000 SF (62/38)	24	15	39	12	30.1%	17	10	27	1	2.6%	17	9	26	1	5%	16	9	25
Daycare	565	10,000 SF	12.18 /1000 SF (53/47)	65	57	122	37	30.1%	46	39	85	2	1.6%	45	38	83	42	50%	23	18	41
ISTF	N/A	1 Complex	Pre-Calc'd	474	334	808	97	12.0%	420	291	711	29	3.6%	406	276	682	-	0%	406	276	682
FSED	650	12,379 SF	Pre-Calc'd	7	7	14	2	14.3%	7	5	12	1	7.1%	7	4	11	1	10%	6	4	10
TOTALS				2,363	2,562	4,925	682	13.8%	2,023	2,220	4,243	146	3.0%	1,967	2,130	4,097	160		1,845	2,092	3,937

COMBINED TOTALS				3,338	3,060	6,398	801	12.5%	2,939	2,658	5,597	292	4.6%	2,801	2,504	5,305	418		2,518	2,369	4,887
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* Rate obtained from Palm Beach State College trip generation study by Kimley-Horn. See Appendix B.

(1) Source: Institute of Transportation Engineers, Trip Generation, 9th Edition, unless otherwise noted.

(2) Internalization matrices are included in Appendix B.

(3) Source: Palm Beach County ULDC Article 13.

Project Internalization: 17.1%

Approved Totals
2,384 2,278 4,662
Internal: 16.8%

Attachment E4
Westlake - Pod I/J ISTF Submittal
Daily Trip Generation - Equivalency

West Side

Land Use	ITE Code	Intensity	Trip Generation Rate (1)	Total Trips	Internal Trips (2)	External Trips	Interzonal Trips (4)	External Trips	Pass-by Trips (1)	New Trips			
Residential - MF Condos.	230	150 DUs	6.65 /DU	998	261	26.2%	737	93	12.6%	644	-	0%	644
Residential - 55+ Detached	251	300 DUs	8 /DU	2,400	629	26.2%	1,771	233	13.2%	1,538	-	0%	1,538
Residential - 55+ Attached	252	200 DUs	6 /DU	1,200	314	26.2%	886	114	12.9%	772	-	0%	772
General Office	710	150,000 SF	$\text{Ln}(T) = 0.77\text{Ln}(X) + 3.65$	1,823	210	11.5%	1,613	118	7.3%	1,495	150	10%	1,345
Research & Devel.	760	378,000 SF	$\text{Ln}(T) = 0.83\text{Ln}(X) + 3.09 (3)$	3,029	348	11.5%	2,681	198	7.4%	2,483	248	10%	2,235
Retail	820	350,000 SF	$\text{Ln}(T) = 0.65\text{Ln}(X) + 5.83$	15,331	1,502	9.8%	13,829	1,866	13.5%	11,963	3,433	28.7%	8,530
Park	412	125 Acres	2.28 /Acre	285	29	10.0%	256	21	8.2%	235	-	0%	235
Car Wash	PBC	1 Lane	166 /Lane	166	16	9.8%	150	23	15.3%	127	-	0%	127
Gas Station (16 FP)/ C-Store	FDOT	4,500 SF	14.3 X PM Peak Hour Trips	3,818	374	9.8%	3,444	462	13.4%	2,982	1,819	61%	1,163
TOTALS				29,050	3,683	12.7%	25,367	3,128	10.8%	22,239	5,650		16,589

East Side

Land Use	ITE Code	Intensity	Trip Generation Rate (1)	Total Trips	Internal Trips (2)	External Trips	Interzonal Trips (2)	External Trips	Pass-by Trips (1)	New Trips			
Residential - SF (N,O,T,U)	210	1,010 DUs	10 /DU	10,100	1,273	12.6%	8,827	583	6.6%	8,244	-	0%	8,244
Residential - SF (F,M,P,Q,R,S)	210	1,936 DUs	10 /DU	19,360	2,439	12.6%	16,921	1,117	6.6%	15,804	-	0%	15,804
Residential - MF Condos.	230	450 DUs	6.65 /DU	2,993	377	12.6%	2,616	175	6.7%	2,441	-	0%	2,441
Residential - 55+ Detached	251	500 DUs	8 /DU	4,000	504	12.6%	3,496	227	6.5%	3,269	-	0%	3,269
Hotel	310	150 Rooms	8.92 /Room	1,338	591	44.2%	747	64	8.6%	683	68	10%	615
Community College	540*	- Students	2.29 /Student	-	-	0.0%	-	-	0.0%	-	-	0%	-
General Office	710	296,000 SF	$\text{Ln}(T) = 0.77\text{Ln}(X) + 3.65$	3,077	418	13.6%	2,659	125	4.7%	2,534	253	10%	2,281
Research & Devel.	760	175,000 SF	$\text{Ln}(T) = 0.83\text{Ln}(X) + 3.09 (3)$	1,598	217	13.6%	1,381	64	4.6%	1,317	132	10%	1,185
Light Industrial	110	450,000 SF	6.97 /1000 SF	3,137	427	13.6%	2,710	127	4.7%	2,583	258	10%	2,325
Retail	820	150,000 SF	$\text{Ln}(T) = 0.65\text{Ln}(X) + 5.83$	8,839	4,154	47.0%	4,685	403	8.6%	4,282	1,567	36.6%	2,715
Park	412	67 Acres	2.28 /Acre	153	47	31.0%	106	-	0.0%	106	-	0%	106
Community Center	495	70,000 SF	33.82 /1000 SF	2,367	734	31.0%	1,633	26	1.6%	1,607	80	5%	1,527
Church	560	70,000 SF	9.11 /1000 SF	638	198	31.0%	440	6	1.3%	434	22	5%	412
Daycare	565	10,000 SF	74.06 /1000 SF	741	230	31.0%	511	6	1.2%	505	253	50%	252
ISTF	N/A	1 Complex	Pre-Calc'd	5,520	696	12.6%	4,824	198	4.1%	4,626	-	0%	4,626
FSED	650	12,379 SF	Pre-Calc'd	309	112	36.1%	197	7	3.6%	190	19	10%	171
TOTALS				64,170	12,417	19.4%	51,753	3,128	4.9%	48,625	2,652		45,973

COMBINED TOTALS				93,220	16,100	17.3%	77,120	6,256	6.7%	70,864	8,302		62,562
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* Rate obtained from Palm Beach State College trip generation study by Kimley-Horn. See Appendix B.

(1) Source: Palm Beach County ULDC Article 13, unless otherwise noted.

(2) Utilized average of individual AM and PM peak hour internalization rates.

(3) Source: Institute of Transportation Engineers, Trip Generation, 9th Edition.

(4) Utilized average of individual AM and PM peak hour internalization rates with adjustments to balance with the east side interzonal trips.

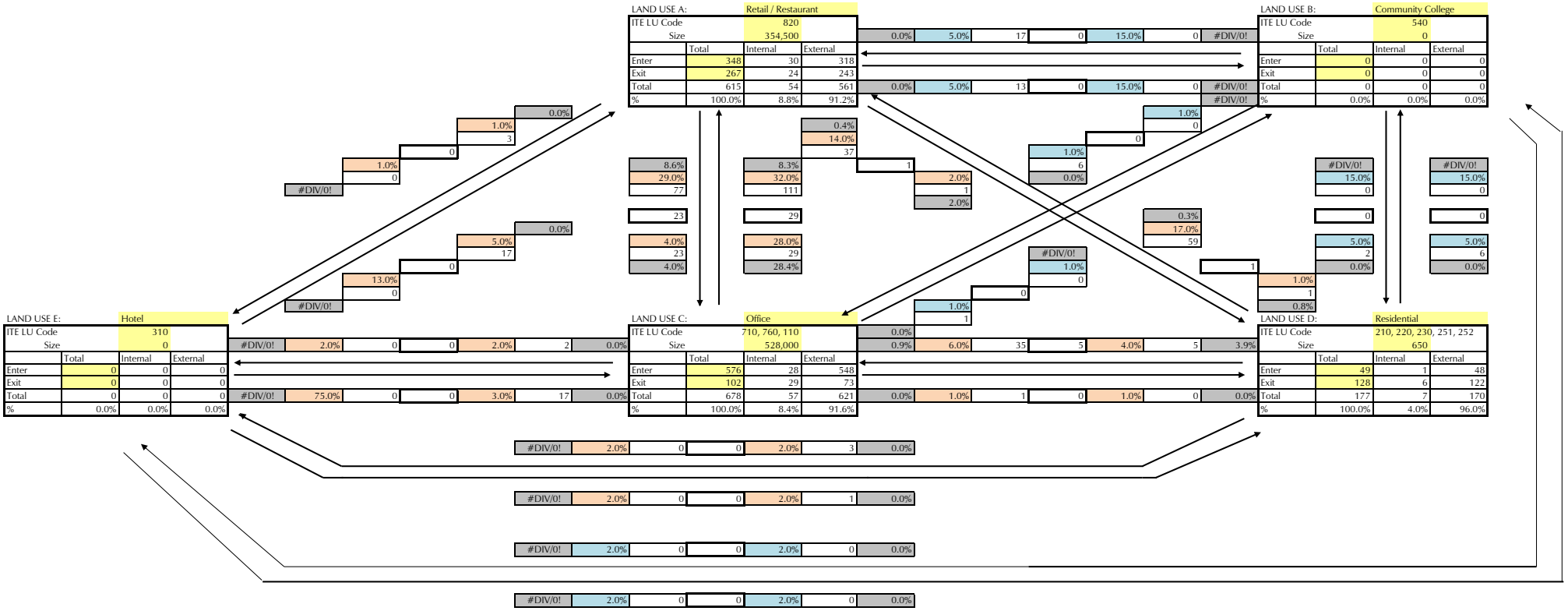
Project Internalization:	24.0%
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Approved Total	63,562
Internal:	23.4%

APPENDIX

INTERNAL CAPTURE WORKSHEET

PROJECT: Westlake - West Side
 TIME PERIOD: AM Peak Hour Traffic
 DATE: 09/16/19



	Net External Trips for Multi-Use Development					TOTAL
	L.U. A	L.U. B	L.U. C	L.U. D	L.U. E	
Enter	318	0	548	48	0	914
Exit	243	0	73	122	0	438
Total	561	0	621	170	0	1352
Single-Use Trip Gen. Estimate	615	0	678	177	0	1470
						8.0%

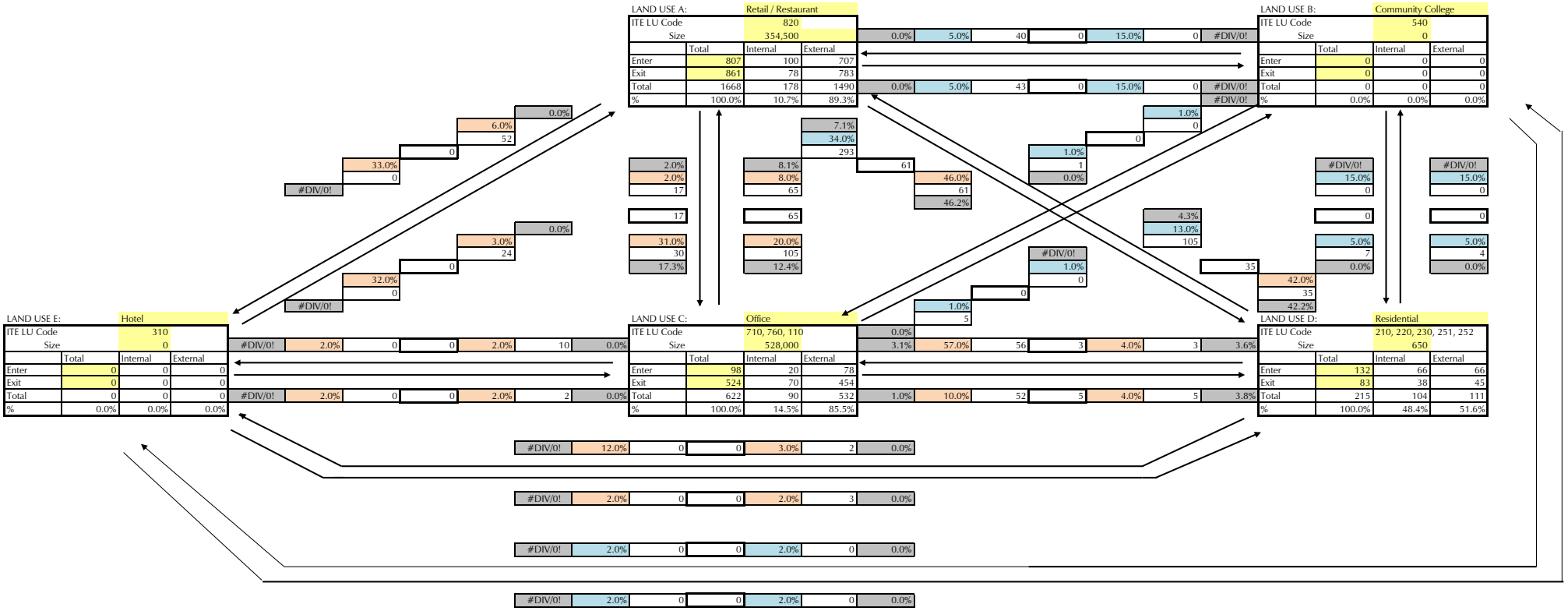
INTERNAL CAPTURE

LEGEND

- 1.0% Actual percent of trips entering (or exiting) a land use from another land use based on balanced number of trips.
- 5.0% Estimated percent of trips entering (or exiting) a land use from another land use based on NCHRP Report 684 (input by user).
- 5.0% Estimated percent of trips entering (or exiting) a land use from another land use (input by user).
- 61 Number of trips entering (or exiting) a land use from another land use based on percent input by user.
- 12 Balanced number of trips (lowest value) between two land uses.

INTERNAL CAPTURE WORKSHEET

PROJECT: Westlake - West Side
 TIME PERIOD: PM Peak Hour Traffic
 DATE: 09/16/19



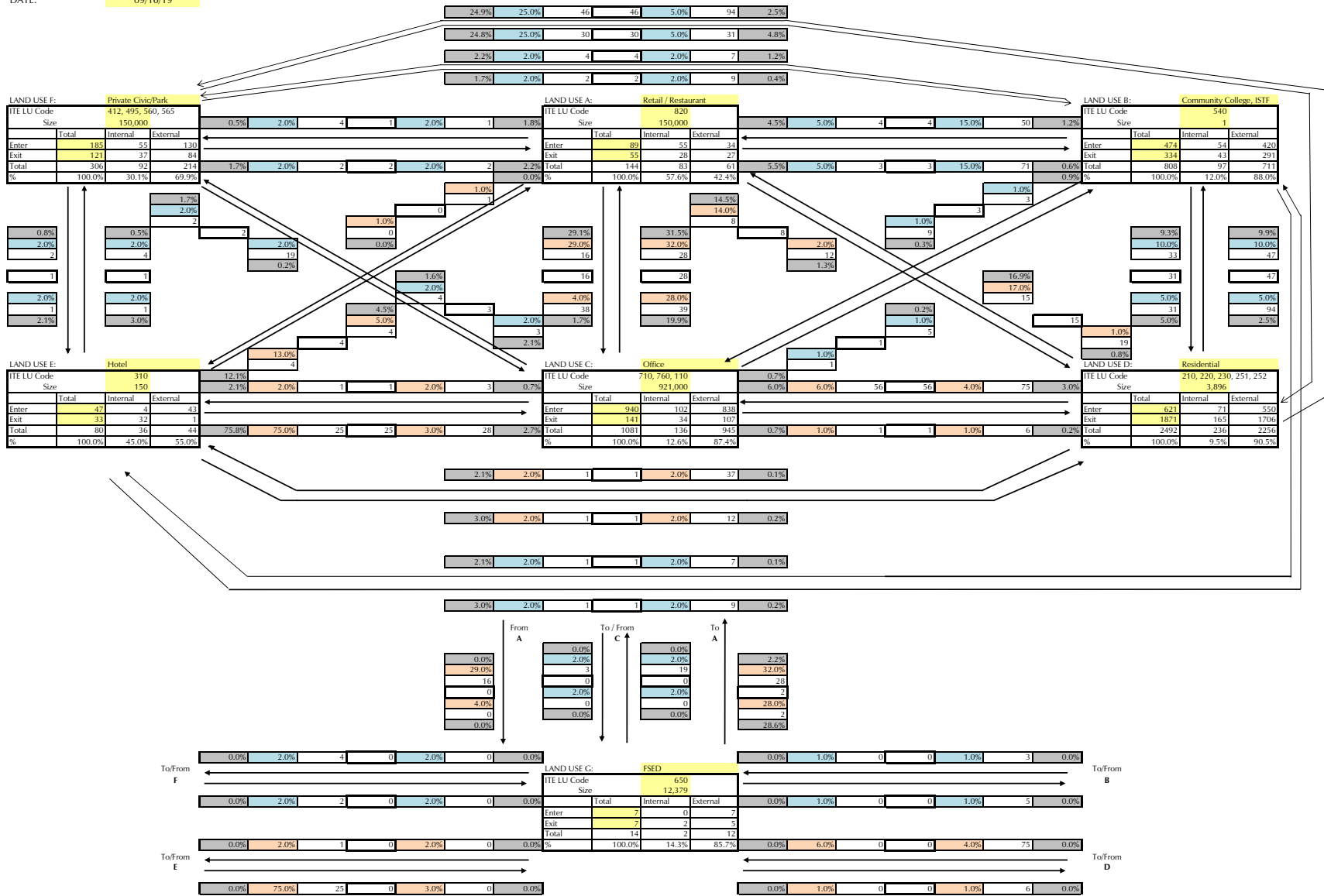
	Net External Trips for Multi-Use Development					TOTAL	INTERNAL CAPTURE
	L.U. A	L.U. B	L.U. C	L.U. D	L.U. E		
Enter	707	0	78	66	0	851	14.9%
Exit	783	0	454	45	0	1282	
Total	1490	0	532	111	0	2133	
Single-Use Trip Gen. Estimate	1668	0	622	215	0	2505	

LEGEND

- 1.0% Actual percent of trips entering (or exiting) a land use from another land use based on balanced number of trips.
- 5.0% Estimated percent of trips entering (or exiting) a land use from another land use based on NCHRP Report 684 (input by user).
- 5.0% Estimated percent of trips entering (or exiting) a land use from another land use (input by user).
- 61 Number of trips entering (or exiting) a land use from another land use based on percent input by user.
- 12 Balanced number of trips (lowest value) between two land uses.

INTERNAL CAPTURE WORKSHEET

PROJECT: Westlake - East Side
 TIME PERIOD: AM Peak Hour Traffic
 DATE: 09/16/19



Net External Trips for Multi-Use Development								
	LU A	LU B	LU C	LU D	LU E	LU F	LU G	TOTAL
Enter	34	420	838	550	43	130	7	2022
Exit	27	291	107	1706	1	84	5	2221
Total	61	711	945	2256	44	214	12	4243
Single-Use Trip Gen. Estimate	144	808	1081	2492	80	306	14	4925

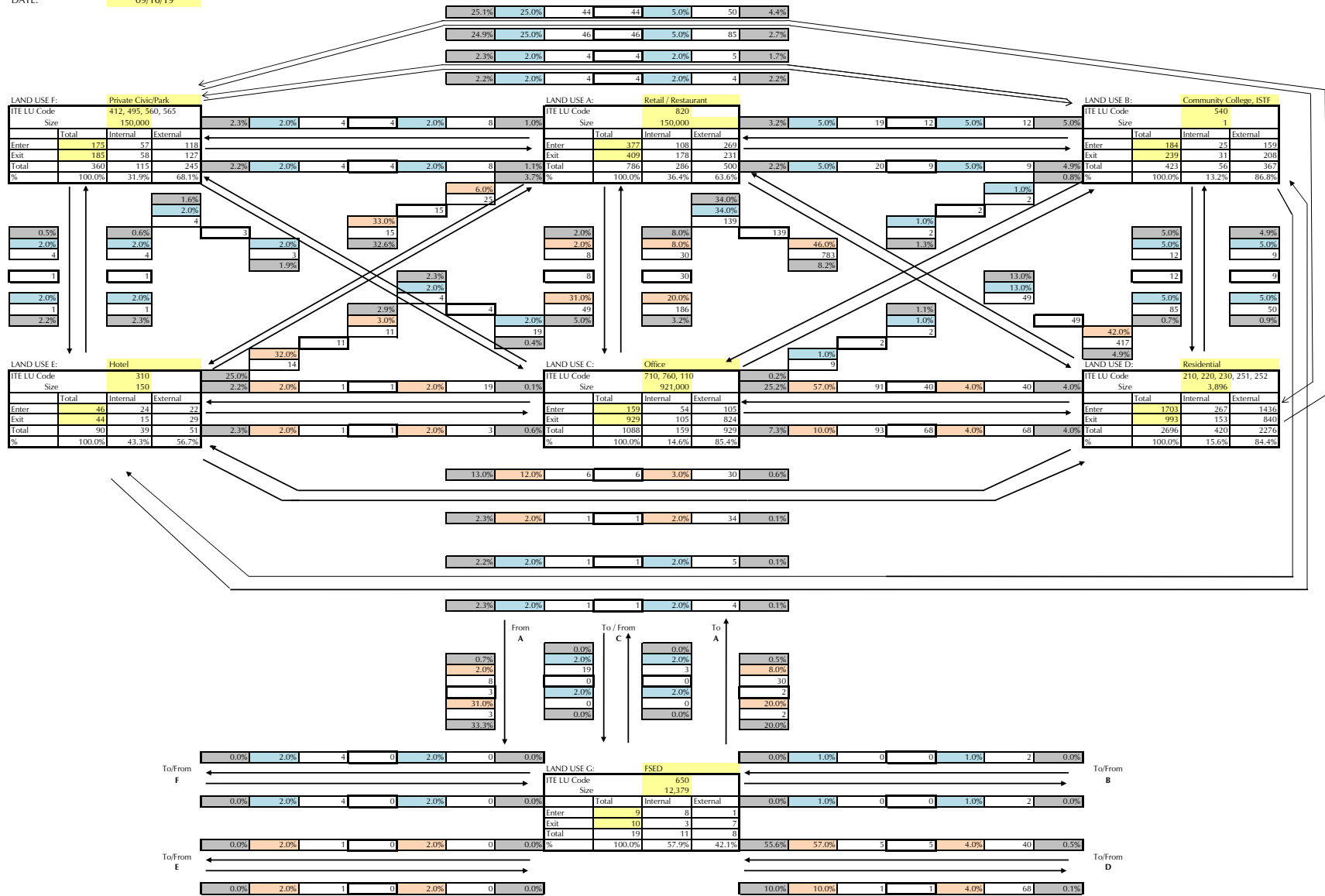
INTERNAL CAPTURE

LEGEND

- 1.0% Actual percent of trips entering (or exiting) a land use from another land use based on balanced number of trips.
- 5.0% Estimated percent of trips entering (or exiting) a land use from another land use based on NCHRP Report 684 (input by user).
- 5.0% Estimated percent of trips entering (or exiting) a land use from another land use (input by user).
- 61 Number of trips entering (or exiting) a land use from another land use based on percent input by user.
- 12 Balanced number of trips (lowest value) between two land uses.

INTERNAL CAPTURE WORKSHEET

PROJECT: Westlake - East Side
 TIME PERIOD: PM Peak Hour Traffic
 DATE: 09/16/19



Net External Trips for Multi-Use Development									
	LU.A	LU.B	LU.C	LU.D	LU.E	LU.F	LU.G	LU.H	TOTAL
Enter	269	159	105	1436	22	118	1		2110
Exit	231	208	824	840	29	127	7		2266
Total	500	367	929	2276	51	245	8		4376
Single-Use Trip Gen. Estimate	786	421	1088	2696	90	360	19		5462

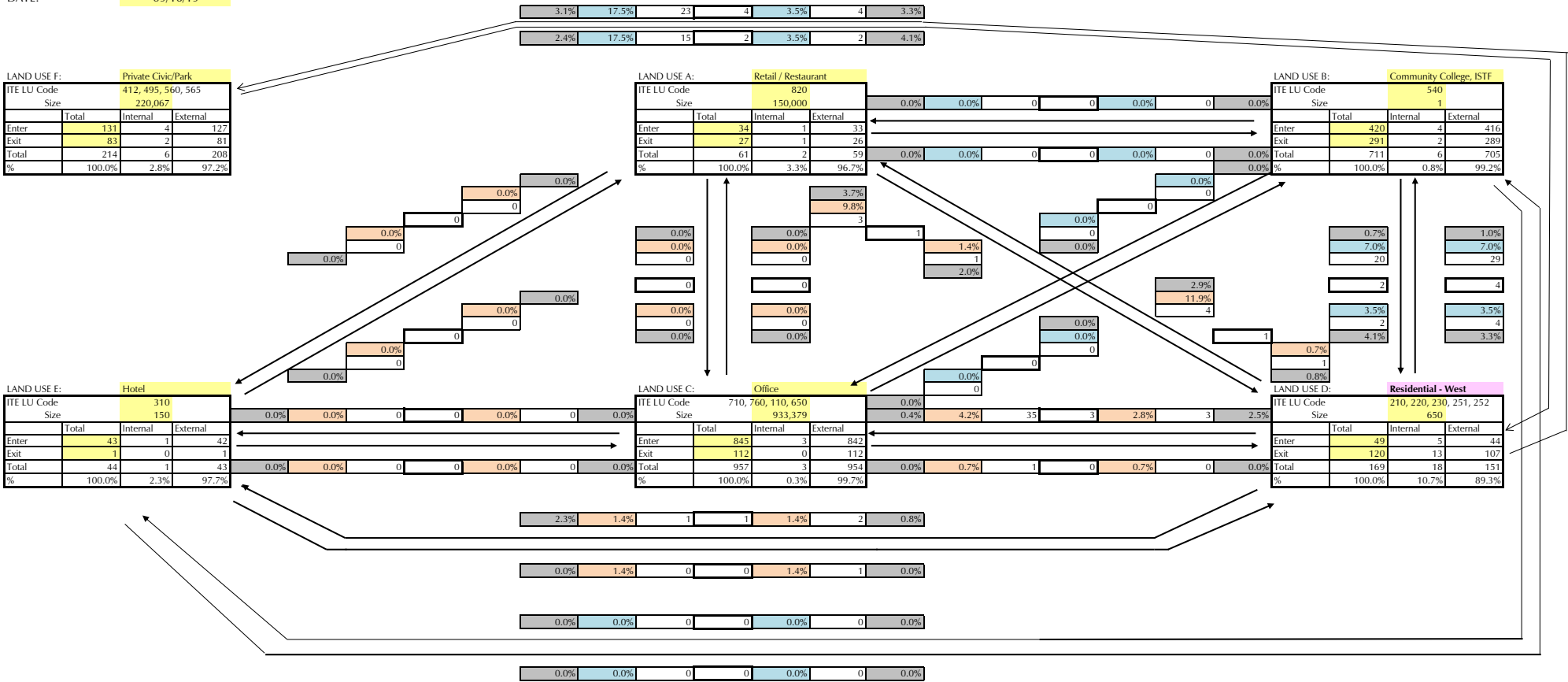
INTERNAL CAPTURE

LEGEND

- 1.0% Actual percent of trips entering (or exiting) a land use from another land use based on balanced number of trips.
- 5.0% Estimated percent of trips entering (or exiting) a land use from another land use based on NCHRP Report 684 (input by user).
- 5.0% Estimated percent of trips entering (or exiting) a land use from another land use (input by user).
- 61 Number of trips entering (or exiting) a land use from another land use based on percent input by user.
- 12 Balanced number of trips (lowest value) between two land uses.

INTERNAL CAPTURE WORKSHEET

PROJECT: Westlake - Interzonal - Residential
 TIME PERIOD: AM Peak Hour Traffic
 DATE: 09/16/19



	Net External Trips for Multi-Use Development					TOTAL
	L.U. A	L.U. B	L.U. C	L.U. D	L.U. E	
Enter	33	416	842	44	42	1377
Exit	26	289	112	107	1	535
Total	59	705	954	151	43	1912
Single-Use Trip Gen. Estimate	61	711	957	169	44	1942

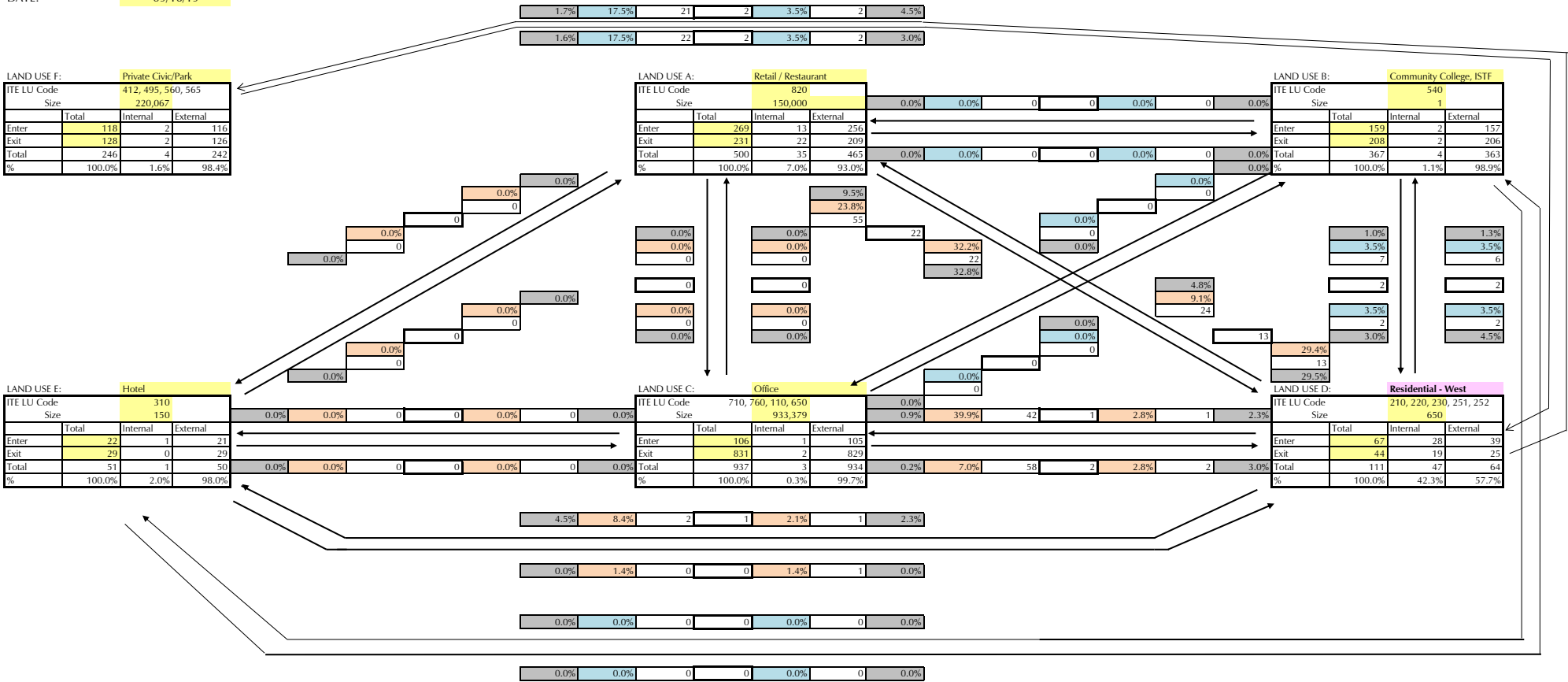
INTERNAL CAPTURE

LEGEND

- 1.0% Actual percent of trips entering (or exiting) a land use from another land use based on balanced number of trips.
- 5.0% Estimated percent of trips entering (or exiting) a land use from another land use based on NCHRP Report 684 (input by user).
- 5.0% Estimated percent of trips entering (or exiting) a land use from another land use (input by user).
- 61 Number of trips entering (or exiting) a land use from another land use based on percent input by user.
- 12 Balanced number of trips (lowest value) between two land uses.

INTERNAL CAPTURE WORKSHEET

PROJECT: Westlake - Interzonal - Residential
 TIME PERIOD: PM Peak Hour Traffic
 DATE: 09/16/19



LAND USE F: Private Civic/Park

ITE LU Code	412, 495, 560, 565		
Size	220,067		
Enter	Total 118	Internal 2	External 116
Exit	Total 128	Internal 2	External 126
Total	246	4	242
%	100.0%	1.6%	98.4%

LAND USE A: Retail / Restaurant

ITE LU Code	820		
Size	150,000		
Enter	Total 269	Internal 13	External 256
Exit	Total 231	Internal 22	External 209
Total	500	35	465
%	100.0%	7.0%	93.0%

LAND USE B: Community College, ISTF

ITE LU Code	540		
Size	1		
Enter	Total 159	Internal 2	External 157
Exit	Total 208	Internal 2	External 206
Total	367	4	363
%	100.0%	1.1%	98.9%

LAND USE E: Hotel

ITE LU Code	310		
Size	150		
Enter	Total 22	Internal 1	External 21
Exit	Total 29	Internal 0	External 29
Total	51	1	50
%	100.0%	2.0%	98.0%

LAND USE C: Office

ITE LU Code	710, 760, 110, 650		
Size	933,379		
Enter	Total 106	Internal 1	External 105
Exit	Total 831	Internal 2	External 829
Total	937	3	934
%	100.0%	0.3%	99.7%

LAND USE D: Residential - West

ITE LU Code	210, 220, 230, 251, 252		
Size	650		
Enter	Total 67	Internal 28	External 39
Exit	Total 44	Internal 19	External 25
Total	111	47	64
%	100.0%	42.3%	57.7%

	Net External Trips for Multi-Use Development						TOTAL
	L.U. A	L.U. B	L.U. C	L.U. D	L.U. E		
Enter	256	157	105	39	21		578
Exit	209	206	829	25	29		1298
Total	465	363	934	64	50		1876
Single-Use Trip Gen. Estimate	500	367	937	111	51		1966

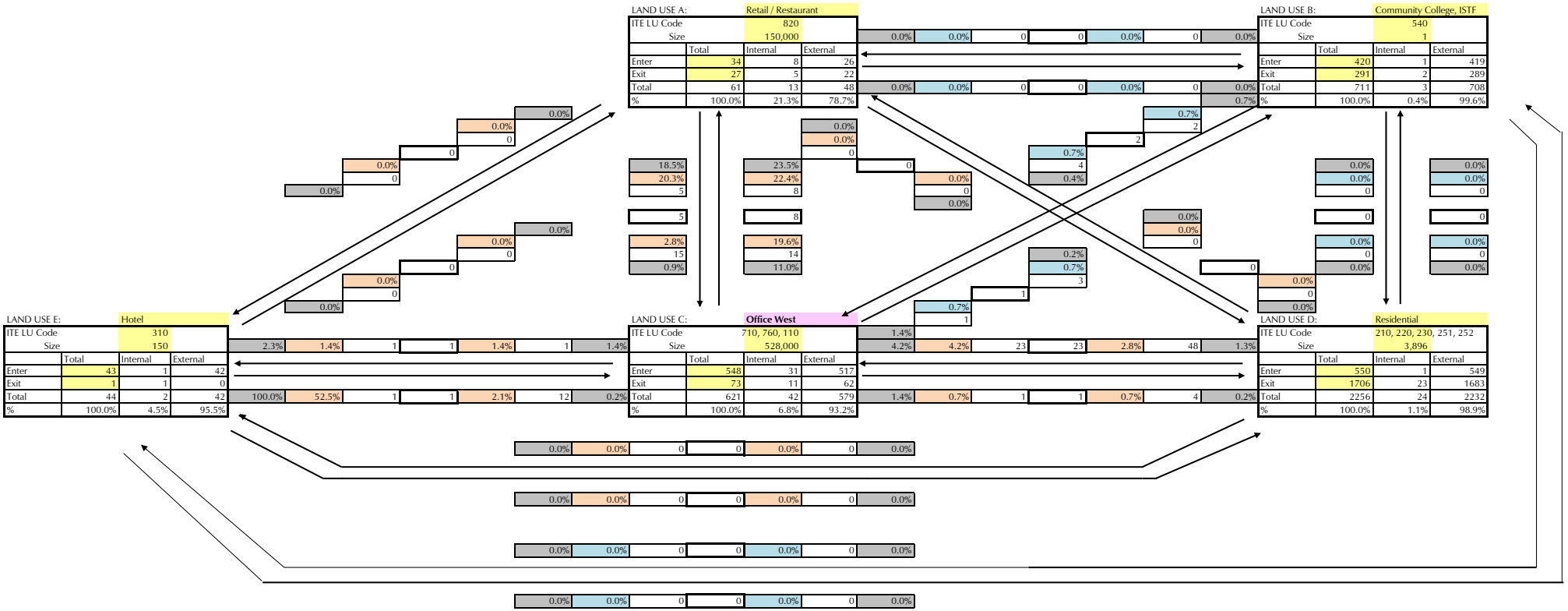
INTERNAL CAPTURE

LEGEND

- 1.0% Actual percent of trips entering (or exiting) a land use from another land use based on balanced number of trips.
- 5.0% Estimated percent of trips entering (or exiting) a land use from another land use based on NCHRP Report 684 (input by user).
- 5.0% Estimated percent of trips entering (or exiting) a land use from another land use (input by user).
- 61 Number of trips entering (or exiting) a land use from another land use based on percent input by user.
- 12 Balanced number of trips (lowest value) between two land uses.

INTERNAL CAPTURE WORKSHEET

PROJECT: Westlake - Interzonal - Office
 TIME PERIOD: AM Peak Hour Traffic
 DATE: 09/16/19



	Net External Trips for Multi-Use Development					
	L.U. A	L.U. B	L.U. C	L.U. D	L.U. E	TOTAL
Enter	26	419	517	549	42	1553
Exit	22	289	62	1683	0	2056
Total	48	708	579	2232	42	3609
Single-Use Trip Gen. Estimate	61	711	621	2256	44	3693

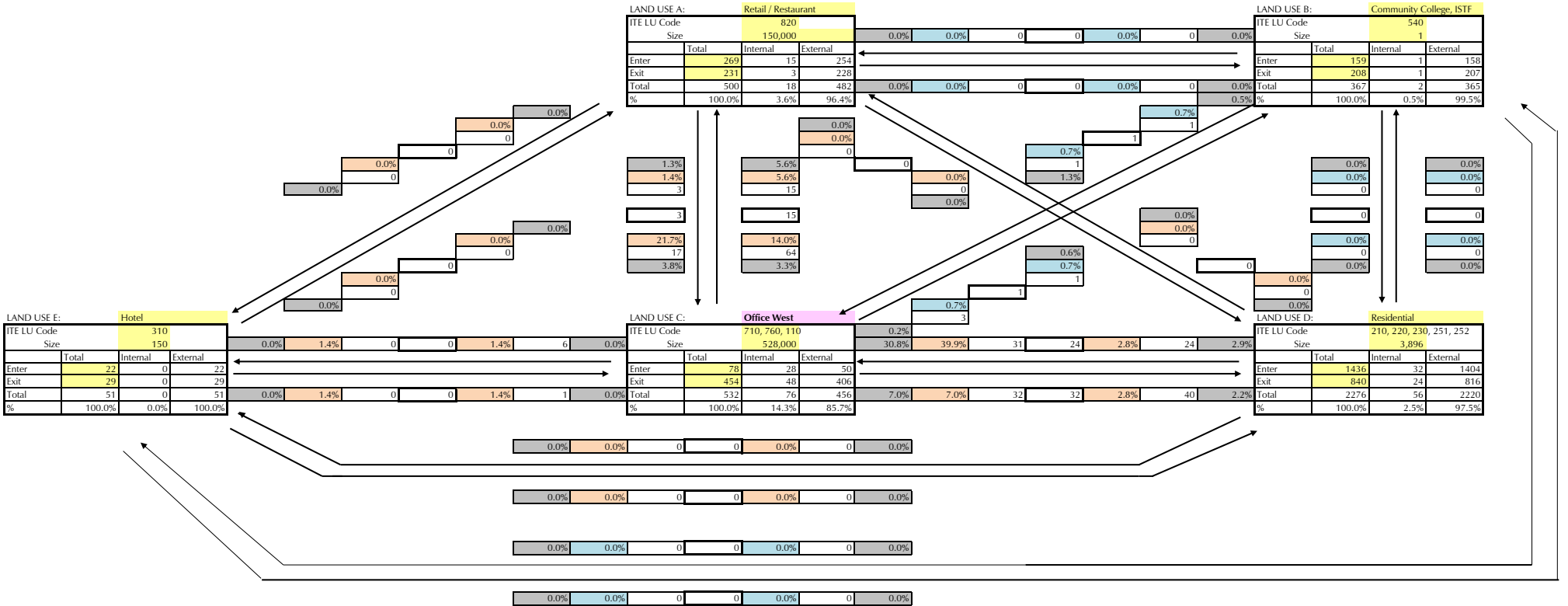
INTERNAL CAPTURE

LEGEND

- 1.0% Actual percent of trips entering (or exiting) a land use from another land use based on balanced number of trips.
- 5.0% Estimated percent of trips entering (or exiting) a land use from another land use based on NCHRP Report 684 (input by user).
- 5.0% Estimated percent of trips entering (or exiting) a land use from another land use (input by user).
- 61 Number of trips entering (or exiting) a land use from another land use based on percent input by user.
- 12 Balanced number of trips (lowest value) between two land uses.

INTERNAL CAPTURE WORKSHEET

PROJECT: Westlake - Interzonal - Office
 TIME PERIOD: PM Peak Hour Traffic
 DATE: 09/16/19



Net External Trips for Multi-Use Development						
	L.U. A	L.U. B	L.U. C	L.U. D	L.U. E	TOTAL
Enter	254	158	50	1404	22	1888
Exit	228	207	406	816	29	1686
Total	482	365	456	2220	51	3574
Single-Use Trip Gen. Estimate	500	367	532	2276	51	3726

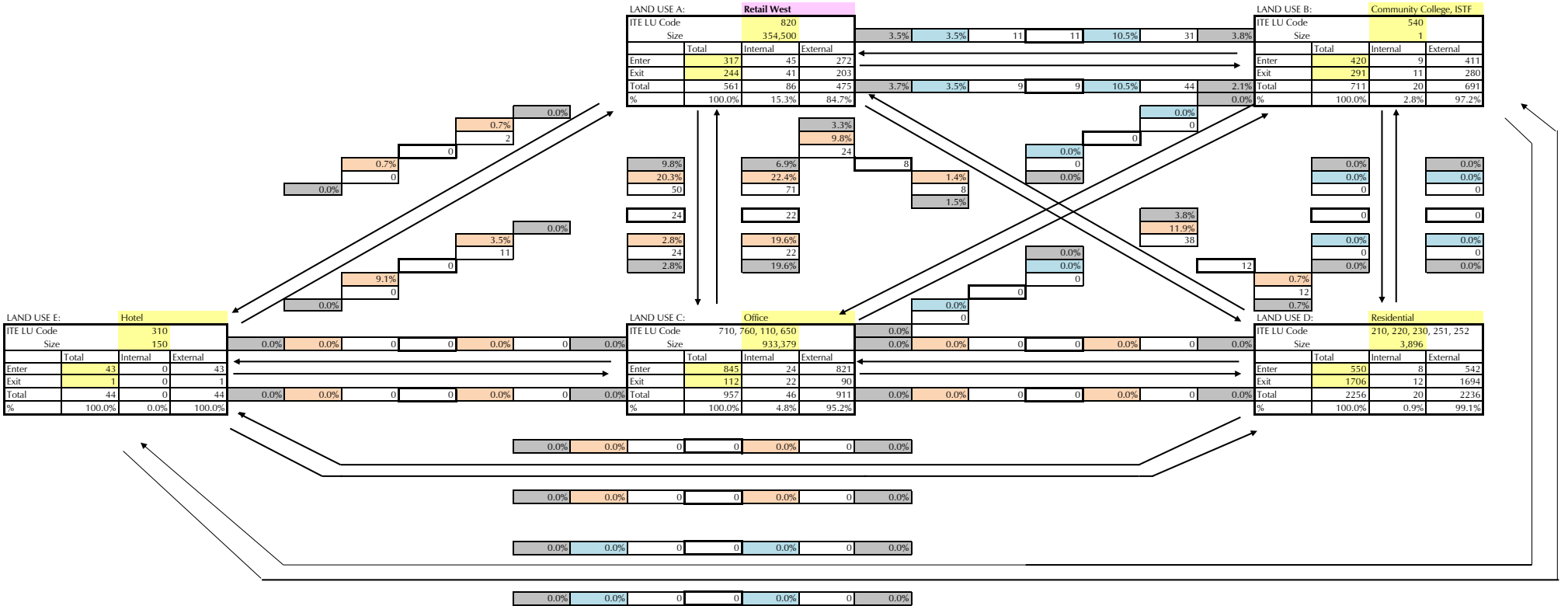
INTERNAL CAPTURE

LEGEND

- 1.0% Actual percent of trips entering (or exiting) a land use from another land use based on balanced number of trips.
- 5.0% Estimated percent of trips entering (or exiting) a land use from another land use based on NCHRP Report 684 (input by user).
- 5.0% Estimated percent of trips entering (or exiting) a land use from another land use (input by user).
- 61 Number of trips entering (or exiting) a land use from another land use based on percent input by user.
- 12 Balanced number of trips (lowest value) between two land uses.

INTERNAL CAPTURE WORKSHEET

PROJECT: Westlake - Interzonal - Retail
 TIME PERIOD: AM Peak Hour Traffic
 DATE: 09/16/19



Net External Trips for Multi-Use Development						
	L.U. A	L.U. B	L.U. C	L.U. D	L.U. E	TOTAL
Enter	272	411	821	542	43	2089
Exit	203	280	90	1694	1	2268
Total	475	691	911	2236	44	4357
Single-Use Trip Gen. Estimate	561	711	957	2256	44	4529

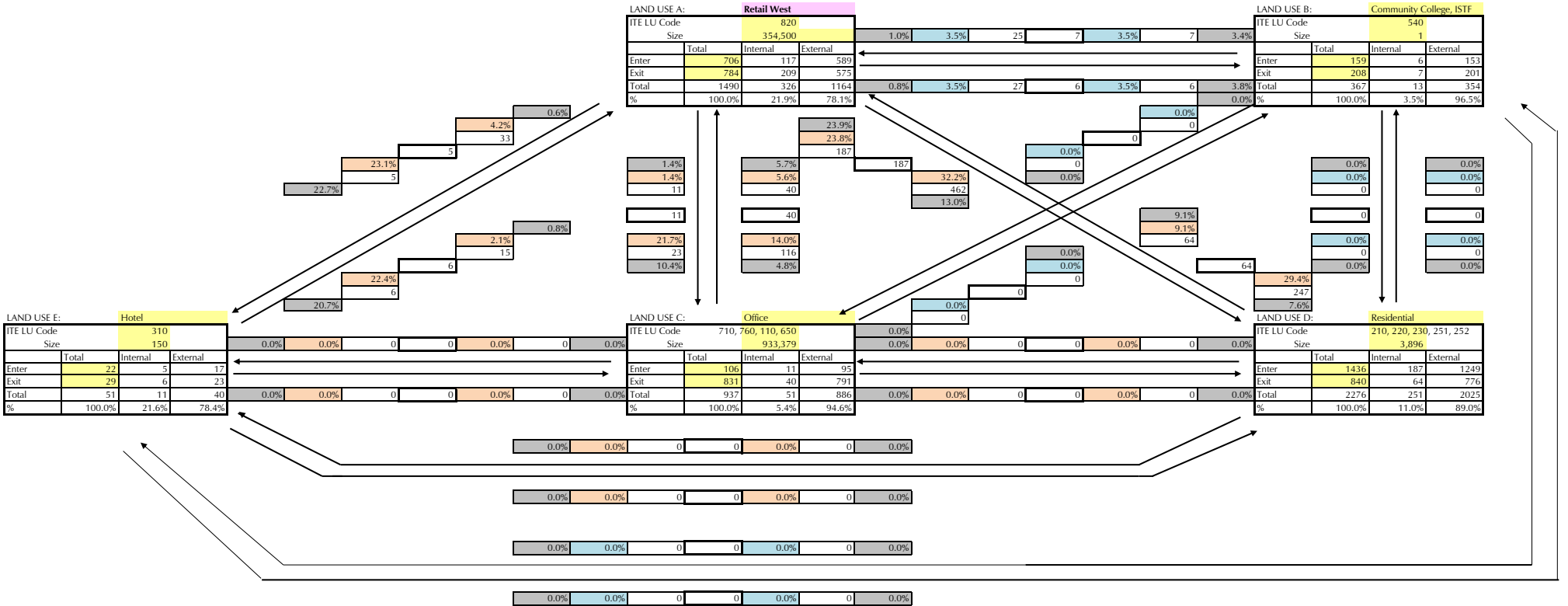
INTERNAL CAPTURE 3.8%

LEGEND

- 1.0% Actual percent of trips entering (or exiting) a land use from another land use based on balanced number of trips.
- 5.0% Estimated percent of trips entering (or exiting) a land use from another land use based on NCHRP Report 684 (input by user).
- 5.0% Estimated percent of trips entering (or exiting) a land use from another land use (input by user).
- 61 Number of trips entering (or exiting) a land use from another land use based on percent input by user.
- 12 Balanced number of trips (lowest value) between two land uses.

INTERNAL CAPTURE WORKSHEET

PROJECT: Westlake - Interzonal - Retail
 TIME PERIOD: PM Peak Hour Traffic
 DATE: 09/16/19



	Net External Trips for Multi-Use Development					
	L.U. A	L.U. B	L.U. C	L.U. D	L.U. E	TOTAL
Enter	589	153	95	1249	17	2103
Exit	575	201	791	776	23	2366
Total	1164	354	886	2025	40	4469
Single-Use Trip Gen. Estimate	1490	367	937	2276	51	5121

INTERNAL CAPTURE

LEGEND

- 1.0% Actual percent of trips entering (or exiting) a land use from another land use based on balanced number of trips.
- 5.0% Estimated percent of trips entering (or exiting) a land use from another land use based on NCHRP Report 684 (input by user).
- 5.0% Estimated percent of trips entering (or exiting) a land use from another land use (input by user).
- 61 Number of trips entering (or exiting) a land use from another land use based on percent input by user.
- 12 Balanced number of trips (lowest value) between two land uses.

Seventh Order of Business

October 28, 2019

RESOLUTION 2019-32

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE REQUESTED USE OF A SOCCER TRAINING FACILITY WITHIN THE MULTIPLE USE PLANNED DEVELOPMENT/ECONOMIC DEVELOPMENT CENTER (MUPD/EDC), LOCATED AT 16560 WATERS EDGE DRIVE, IN THE CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City's Interim Land Development Regulations provides procedures for the review and adoption of requested uses by the City Council; and

WHEREAS, the developer VRE Westlake, LLC, submitted an application for review and approval of a "requested use" for utilization of the site as a soccer training facility, located at, 16560 Waters Edge, Westlake, Florida, 33470, legally described in the attached Exhibit "A"; and

WHEREAS, staff has reviewed and recommends approval of the requested use of the site for a soccer training facility, as indicated in the proposed site plan, attached hereto as Exhibit "B", (site plan); and

WHEREAS, the proposed use is consistent with the City's Interim Land Development regulations, the proposed use is compatible with the surrounding uses and the project minimizes any adverse impacts related to the proposed uses as a soccer training facility; and

WHEREAS, pursuant to law, notice has been given by publication in a paper of general circulation in Palm Beach County, notifying the public of this proposed resolution and of the public hearing; and

WHEREAS, the City Council for the City of Westlake finds that the adoption an implementation of this resolution is in the best interest and welfare of the residents of the City of Westlake.

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

Section 1: Recitals: The above recitals are true and correct and are incorporated herein by this reference.

Section 2: Approval of Requested Use: The City Council for the City of Westlake hereby approves the requested use of a soccer training facility located at 16560 Waters Edge Drive, Westlake, Florida, 33470, as described in the attached Exhibit "A", which is located in the City of Westlake, and in Palm Beach County, Florida.

Section 3. Implementation: The City Manager and the City Attorney are hereby authorized to take such further action as may be necessary to implement the purpose and provisions of the Resolution.

Section 4: Effective Date: This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by City Council for the City of Westlake, on this 28th day of October 2019.

City of Westlake
Roger Manning, Mayor

Sandra DeMarco, City Clerk

Approved as to Form and Sufficiency
Pam E. Booker, City Attorney

EXHIBIT 'A'
LEGAL DESCRIPTION

DESCRIPTION TRACT "A":

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

COMMENCE AT THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST; THENCE S01°33'05"W ALONG THE EAST LINE OF SAID SECTION 1, A DISTANCE OF 250.33 FEET TO A POINT ON THE NORTH LINE OF THE 80 FOOT M-CANAL EASEMENT AS RECORDED IN DEED BOOK 1156, PAGE 58 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND AS SHOWN IN ROAD PLAT BOOK 6, PAGE 136 OF SAID RECORDS, AND AS MONUMENTED; THENCE S.88°36'57"W., ALONG SAID NORTH LINE OF THE 80 FOOT M-CANAL EASEMENT, A DISTANCE OF 3776.52 FEET TO A POINT ON THE ORIGINAL EAST RIGHT-OF-WAY LINE OF SEMINOLE PRATT WHITNEY ROAD AS RECORDED IN OFFICIAL RECORD BOOK 1544, PAGE 378 AND OFFICIAL RECORD BOOK 1640, PAGE 1626 BOTH OF SAID PUBLIC RECORDS; THENCE S.01°42'52"W., ALONG SAID ORIGINAL EAST RIGHT-OF-WAY LINE OF SEMINOLE PRATT WHITNEY ROAD, A DISTANCE OF 8393.61 FEET; THENCE S.88°17'08"E. DEPARTING SAID EAST ORIGINAL EAST RIGHT-OF-WAY LINE, DISTANCE OF 52.00 FEET TO A POINT ON THE EAST LINE OF FUTURE ADDITIONAL RIGHT-OF-WAY OF SEMINOLE-PRATT WHITNEY ROAD AND A POINT ON THE RIGHT-OF-WAY LINE OF WATERS EDGE DRIVE, AS RECORDED IN PLAT BOOK 128, PAGES 29 AND 30, OF SAID PUBLIC RECORDS, SAID POINT ALSO BEING THE POINT OF BEGINNING: THENCE ALONG SAID RIGHT-OF-WAY LINE OF WATERS EDGE DRIVE FOR THE FOLLOWING SIXTEEN (16) COURSES: 1) S.88°17'08"E., A DISTANCE OF 320.80 FEET; 2) THENCE S.75°52'41"E., A DISTANCE OF 51.20 FEET; 3) THENCE S.88°17'08"E., A DISTANCE OF 271.45 FEET; 4) THENCE N.46°42'52"E., A DISTANCE OF 15.56 FEET; 5) THENCE S.88°17'08"E., A DISTANCE OF 541.24 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTH WITH A RADIUS OF 20.00 FEET; 6) THENCE EASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 34°07'19", A DISTANCE OF 11.91 FEET TO A POINT OF TANGENCY; 7) THENCE S.54°09'49"E., A DISTANCE OF 27.38 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH WITH A RADIUS OF 30.00 FEET; 8) THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 34°07'19", A DISTANCE OF 17.87 FEET TO A POINT OF TANGENCY; 9) THENCE S.88°17'08"E., A DISTANCE OF 40.26 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH WITH A RADIUS OF 30.00 FEET; 10) THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 40°33'15", A DISTANCE OF 21.23 FEET TO A POINT OF TANGENCY; 11) THENCE N.51°09'38"E., A DISTANCE OF 27.73 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST WITH A RADIUS OF 30.00 FEET; 12) THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 49°26'45", A DISTANCE OF 25.89 FEET TO A POINT OF TANGENCY; 13) THENCE N.01°42'52"E., A DISTANCE OF 49.64 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST WITH A RADIUS OF 38.43 FEET; 14) THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 54°07'50", A DISTANCE OF 36.31 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO NORTHEAST WITH A RADIUS OF 18.00 FEET; 15) THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 47°41'38", A DISTANCE OF 14.98 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE EAST WITH A RADIUS OF 605.00 FEET; 16) THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 06°25'48", A DISTANCE OF 67.90 FEET TO A POINT ON THE PROPOSED EAST RIGHT-OF-WAY OF ILEX WAY-PHASE III; THENCE ALONG SAID PROPOSED EAST RIGHT-OF-WAY LINE OF ILEX WAY-PHASE III FOR THE FOLLOWING TEN (10) COURSES: 1) N.01°42'29"E., A DISTANCE OF 57.97 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST WITH A RADIUS OF 1000.00 FEET; 2) THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°08'57", A DISTANCE OF 20.05 FEET TO A POINT OF TANGENCY; 3) THENCE N.00°33'32"E., A DISTANCE OF 179.83 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST WITH A RADIUS OF 1000.00 FEET; 4) THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°09'20", A DISTANCE OF 20.17 FEET TO A POINT OF TANGENCY; 5) THENCE N.01°42'52"E., A DISTANCE OF 1054.54 FEET; 6) THENCE N.14°56'34"E., A DISTANCE OF 51.08 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE CONCAVE TO THE EAST WITH A RADIUS OF 1149.00 FEET AND A RADIAL BEARING OF S.86°18'08"E. AT SAID INTERSECTION; 7) THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°08'29", A DISTANCE OF 22.89 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE WEST WITH A RADIUS OF 1251.00 FEET; 8) THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03°07'28", A DISTANCE OF 68.22 FEET TO A POINT OF TANGENCY; 9) THENCE N.01°42'52"E., A DISTANCE OF 190.94

FEET; 10) THENCE N.46°42'52"E., A DISTANCE OF 3.02 FEET TO A POINT ON THE SOUTH BOUNDARY LINE OF ILEX WAY-PHASE II, AS RECORDED IN PLAT BOOK 128, PAGES 22 THROUGH 25, INCLUSIVE, OF SAID PUBLIC RECORDS; THENCE S.88°17'08"E., ALONG SAID SOUTH BOUNDARY LINE OF ILEX WAY-PHASE II, A DISTANCE OF 14.14 FEET; THENCE N.46°42'52"E., ALONG SAID SOUTH BOUNDARY LINE OF ILEX WAY-PHASE II, A DISTANCE OF 16.97 FEET; THENCE S.88°17'08"E., A DISTANCE OF 348.87 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH WITH A RADIUS OF 8050.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 1°29'36", A DISTANCE OF 209.81 FEET TO THE POINT OF TANGENCY; THENCE S.89°46'43"E., A DISTANCE OF 11.75 FEET; THENCE S.01°22'47"W., A DISTANCE OF 3054.89 FEET; THENCE N.89°12'49"W., A DISTANCE OF 1978.77 FEET TO A POINT ON THE EAST LINE OF FUTURE ADDITIONAL RIGHT-OF-WAY OF SEMINOLE-PRATT WHITNEY ROAD; THENCE ALONG SAID EAST LINE OF FUTURE ADDITIONAL RIGHT-OF-WAY OF SEMINOLE-PRATT WHITNEY ROAD FOR THE FOLLOWING FOUR (4) COURSES: 1) N.01°42'52"E., A DISTANCE OF 848.21 FEET; 2) THENCE N.18°06'15"E., A DISTANCE OF 42.53 FEET; 3) THENCE N.01°42'52"E., A DISTANCE OF 301.30 FEET; 4) THENCE N.46°42'52"E., A DISTANCE OF 42.43 FEET TO THE POINT OF BEGINNING.

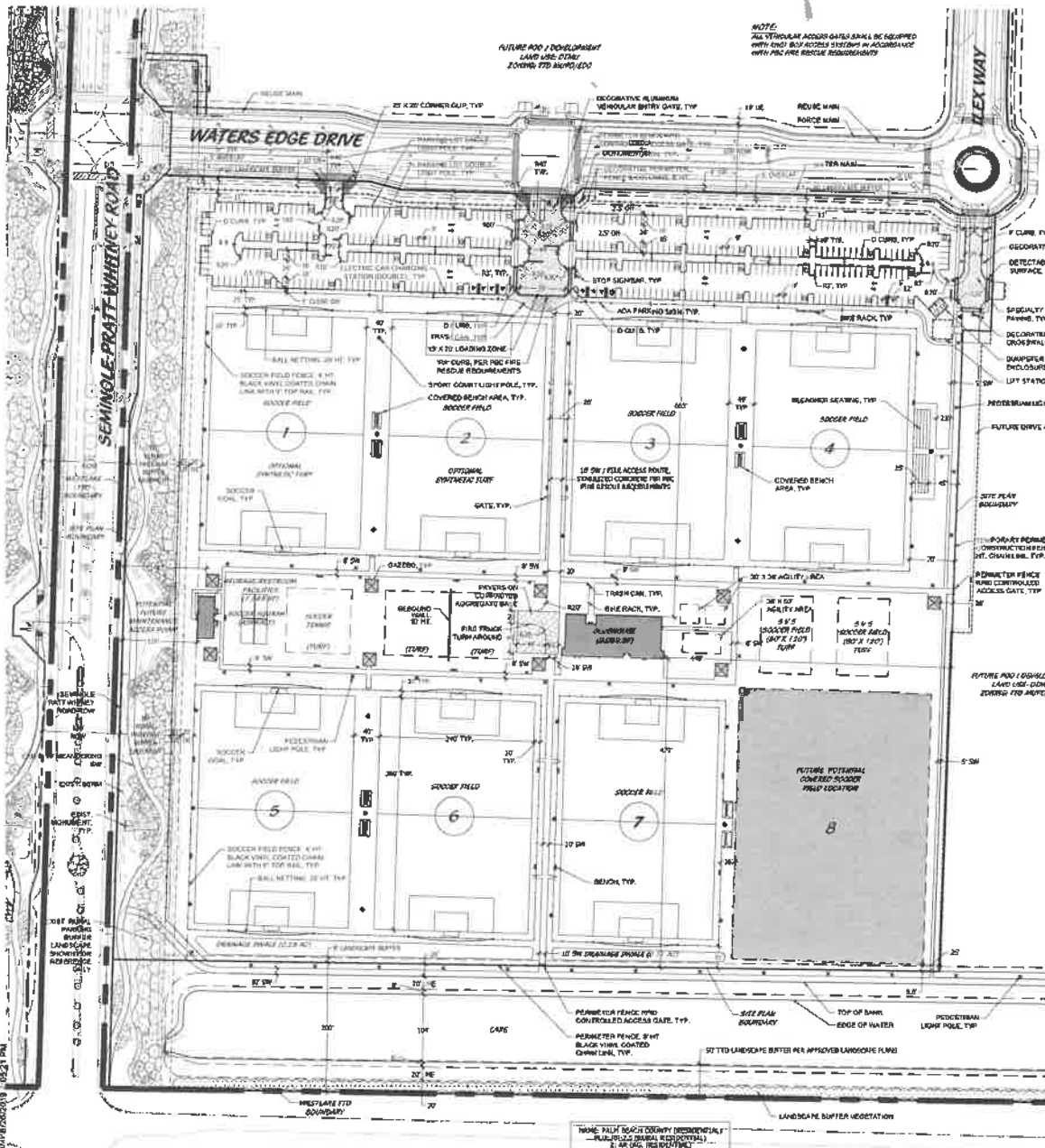
CONTAINING: 3,512,578 SQUARE FEET OR 80.638 ACRES, MORE OR LESS.

DESCRIPTION TRACT "B":

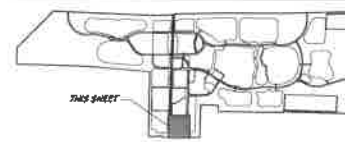
A PARCEL OF LAND LYING IN SECTION 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST; THENCE S01°33'05"W ALONG THE EAST LINE OF SAID SECTION 1, A DISTANCE OF 250.33 FEET TO A POINT ON THE NORTH LINE OF THE 80 FOOT M-CANAL EASEMENT AS RECORDED IN DEED BOOK 1156, PAGE 58 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND AS SHOWN IN ROAD PLAT BOOK 6, PAGE 136 OF SAID RECORDS, AND AS MONUMENTED; THENCE S88°36'57"W ALONG SAID NORTH LINE OF THE 80 FOOT M-CANAL EASEMENT, A DISTANCE OF 3776.52 FEET TO A POINT ON THE ORIGINAL EAST RIGHT OF WAY LINE OF SEMINOLE PRATT WHITNEY ROAD AS RECORDED IN OFFICIAL RECORD BOOK 1544, PAGE 378 AND OFFICIAL RECORD BOOK 1640, PAGE 1626 BOTH OF SAID PUBLIC RECORDS; THENCE S01°42'52"W ALONG SAID ORIGINAL EAST RIGHT OF WAY LINE OF SEMINOLE PRATT WHITNEY ROAD, A DISTANCE OF 7849.61 FEET; THENCE S.88°17'08"E, DEPARTING SAID EAST ORIGINAL EAST RIGHT-OF-WAY LINE, DISTANCE OF 650.08 FEET TO A POINT ON THE EAST LINE OF FUTURE ADDITIONAL RIGHT-OF-WAY OF SEMINOLE-PRATT WHITNEY ROAD AND THE POINT OF BEGINNING: THENCE N.01°42'52"E., A DISTANCE OF 752.35 FEET; THENCE S.89°00'15"E., A DISTANCE OF 627.40 FEET TO A POINT ON THE PROPOSED EAST RIGHT-OF-WAY LINE OF ILEX WAY III; THENCE S.01°42'52"W., ALONG SAID PROPOSED EAST RIGHT-OF-WAY LINE OF ILEX WAY III, A DISTANCE OF 760.22 FEET TO A POINT ON THE FUTURE NORTH BOUNDARY LINE OF CHURCH PARCEL; THENCE N.88°17'08"W., ALONG SAID FUTURE NORTH BOUNDARY LINE OF CHURCH PARCEL, A DISTANCE OF 627.35 FEET TO THE POINT OF BEGINNING.

CONTAINING: 474,451 SQUARE FEET OR 10.892 ACRES, MORE OR LESS.



KEY MAP



LOCATION MAP



SITE DATA

NAME OF APPLICATION: WESTLAKE #100143
 APPLICATION NUMBER: 100143
 PROJECT NUMBER: 100143
 LAST APPROVAL DATE: 01/15/2019
 CITY OF WESTLAKE PLANNING DEPARTMENT
 FUTURE LAND USE DESIGNATION: COMMERCIAL
 ZONING DISTRICT: CD-1
 OVERLAY: NONE
 PROPERTY CONTROL NUMBER(S): 100143
 EXISTING USE: COMMERCIAL
 APPROVED USE: COMMERCIAL

WESTLAKE DEVELOPMENT PARCEL SITE DATA

POD PLAN TRACT #	8,818 SF	80,889 AG
SITE PLAN BOUNDARY PARCEL #	8,818 SF	80,877 AG

BUILDING DATA

TOTAL BUILDING AREA	1,438 SF
CLUB HOUSE	600 SF
STORAGE/MECHANICAL/POOL	1,500 SF
NO OF FLOORS	1
SOCCER FIELDS	8 FIELDS
SOCCER TRAINING	1 FIELD
SOCCER BOULDER	1 FIELD

PARKING DATA

SOCCER FIELDS	280
CLUB HOUSE	40
TOTAL PARKING SPACES	320
MINIMUM REQUIRED IN TOTAL	320
ELECTRIC CHARGING STATIONS (ELECTRIC)	10
BIKE RACKS	10

AREA CALCULATIONS

BLANK LOT COVER	87 AC	0%
VEHICULAR USE AREA	1,438 SF	0%
SOCCER FIELDS	1,500 SF	0%
SOCCER TRAINING	1,500 SF	0%
SOCCER BOULDER	1,500 SF	0%
TOTAL	5,838 SF	0%

SETBACKS

FRONT	10'
REAR	10'
SIDE (EAST)	10'
SIDE (WEST)	10'

NOTE: SITE PLAN BASED ON SURVEY PROPOSED BY GEOPONT SURVEYING, INC. SHOWN AND SEALED BY GARY BADAR ON 02-21-19

PROJECT TEAM

PROPERTY OWNER: PMA LLC, 4801 WEST BAYVIEW BLVD, SUITE 300, COCCOA BEACH, FLORIDA 32909, PHONE: 321-437-1111, FAX: 321-437-1112

DEVELOPER: CONTRARIA DEVELOPMENT, 2817 1/2 46TH DRIVE, CORAL SPRINGS, FLORIDA 33067, PHONE: 954-254-1117

SEMINOLE IMPROVEMENT DISTRICT ENGINEER: CHAD BULL & WALTER, 700 BAYVIEW BLVD, SUITE 100, BOCA RATON, FLORIDA 33434, PHONE: 561-992-1111

SITE PLANNER: COLLEEN E. HENNING, 1614 COMMERCIAL LANE, SUITE 1, JUNIOR, FLORIDA 33408, PHONE: 954-444-1111, FAX: 954-444-1112

SURVEYOR: GEOPONT SURVEYING INC., 616 WEST BAYVIEW BOULEVARD, SUITE 100, BOCA RATON, FLORIDA 33434, PHONE: 561-992-1111, FAX: 561-992-1112

CIVIL ENGINEER: SHU, DR. EDEN, 3715 WEST 19TH AVE, BOCA RATON, FLORIDA 33434, PHONE: 561-992-1111

LANDSCAPE ARCHITECT: BRUNNEN & WATSON, 2817 1/2 46TH DRIVE, SUITE 300, COCCOA BEACH, FLORIDA 32909, PHONE: 321-437-1111, FAX: 321-437-1112

ARCHITECT: PGAL, 701 PARK OF CONFERENCE BLVD., SUITE 400, BOCA RATON, FLORIDA 33487, PHONE: 561-968-4002

LEGEND

- ROW: RIGHT OF WAY
- AC: ACRES
- UE: UTILITY EASEMENT
- TD: TRADITIONAL TOWN DEVELOPMENT
- ESMT: EASEMENT
- SW: SIDEWALK
- LME: LAKE MAINTENANCE EASEMENT
- DTM: DOWNTOWN MIXED USE
- EDC: ECONOMIC DEVELOPMENT CENTER
- ESBT: ESBT
- DL: DECORATIVE LIGHT POLE
- PL: PEDESTRIAN LIGHT POLE
- SL: SPORT COURT LIGHT POLE
- PLD: PARKING LOT DOUBLE LIGHT POLE
- PLS: PARKING LOT SINGLE LIGHT POLE
- SB: STOP BAR & STOP SIGN
- AS: ADA ACCESSIBLE SIGN
- EC: ELECTRIC CAR CHARGING STATION (DOUBLE)
- TC: TRASH CAN
- BR: BIKE RACK
- BN: BENCH

EXHIBIT B

CONTRARIA
 DEVELOPMENT

CITY OF WESTLAKE
 PHASE 1A SUBMITTAL
 8611 NW 46TH DRIVE
 CORAL SPRINGS, FL 33067
 954-632-4512

PGAL

701 Park of Conference
 SUITE 400
 BOCA RATON, FL 33487
 T 561 968 4002
 F 561 968 3002

Cotleur & Hearing

Landscape Architects
 Land Planners
 Environmental Consultants

1904 Commerce Lane
 Suite 1
 Jupiter, Florida 33459
 561.747.6339 Fax 561.747.1377
 www.cotleurandhearing.com
 Lic# LC-C000226

GERBERSON
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DRAWING HISTORY

NO.	DATE	DESCRIPTION
1	02-21-19	ISSUED FOR PERMIT

PROJECT NAME:
 ISTF WESTLAKE
 PHASE 1A
 SUBMITTAL

PROJECT LOCATION:
 4011 Seminoe Pratt
 Whitney Road
 CITY OF WESTLAKE
 FLORIDA

PROJECT NUMBER:
 1009599

SHEET TITLE:
 SITE PLAN

SHEET NUMBER:
 SP.10

FILE NAME: C:\BROWNE\CONTRARIA\ISTF\CONTRARIA-ISTF-SP10.dwg
 DATE: 02/21/2019 10:52:11 AM
 USER: GARYBADAR

Eighth Order of Business



City of Westlake

Planning and Zoning Department

Staff Report – 10/28/19

PETITION DESCRIPTION

PETITION NUMBER: MPA-2019-03 – ISTF MUPD Master Site Plan

APPLICANT: Cotleur & Hearing

OWNER: Minto PBLH, LLC

REQUEST: MUPD Master Site Plan approval of the ISTF subject site located within the Westlake Traditional Town Development (TTD).

LOCATION: Westlake, FL 33470

PROPERTY CONTROL NUMBERS: 77-40-43-12-00-000-1010

LOCATION MAP



1. PETITION FACTS

- a. **Total Site Acres:** 91.53 acres
- b. **Future Land Use:** Downtown Mixed Use
- c. **Zoning:** Multiple Planned Use Development/Economic Development Center (MUPD/EDC)

2. BACKGROUND

The subject application is a request for a Master Site Plan approval for the International Soccer Training Facility (ISTF) to be located on Pod I and a portion of Pod J. The subject site is 91.53 acres on the southern boundary on the east side of Seminole Pratt Whitney Road.

The proposed Master Site Plan is about an educational center focused on athletics with an emphasis on soccer. The proposed facility will offer soccer players, tennis and golf athletes the ability to live, and learn in a community that integrates all the tools necessary by developing a private school with an adaptive college preparatory curriculum. ISTF anticipates being ready for full operation by the fall of 2021.

3. ANALYSIS

The Applicant is requesting approval of an Master Site Plan for the ISTF educational center facility. Pod I and Pod J both have an MUPD designation. The Applicant is submitting the proposed Master Site Plan concurrently with a Plat application, Final Subdivision Plan, Requested Use application and Phase 1A Site Plan. Overall, the ISTF educational facility will offer the following programs:

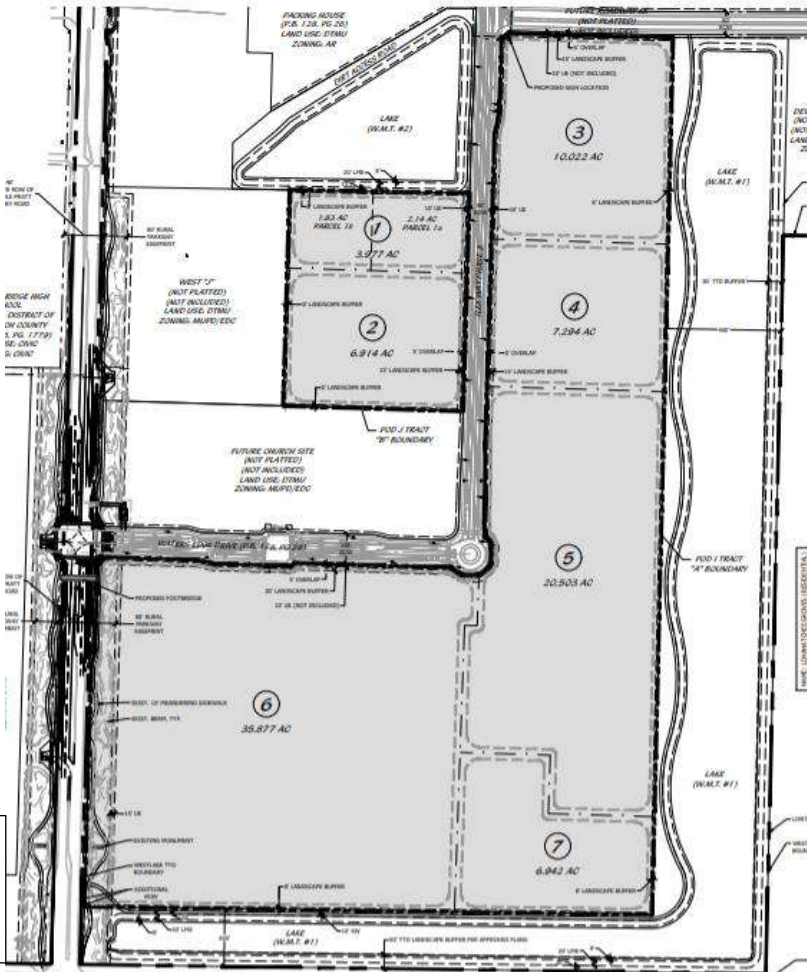
1. Private educational facilities including pre-kindergarten through 12th grade
2. State-of-the-art soccer program
3. Tennis training program
4. Golf training program

Master Site Plan Parcels and Uses

The Master Site Plan includes seven (7) separate Parcels. The parcels include the following proposed uses:

- Parcel 1**
Office / Medical Office
- Parcel 2**
Elementary School (K-5)
- Parcel 3**
Professional Village (School/Training Facility)
- Parcel 4**
Entertainment Outdoor
- Parcel 5**
Middle & High School (School, Dormitory, Activity Building)
- Parcel 6**
Open Space & Recreation
- Parcel 7**
Open Space & Recreation

This graphic presents the proposed parcels included on the Master Site Plan

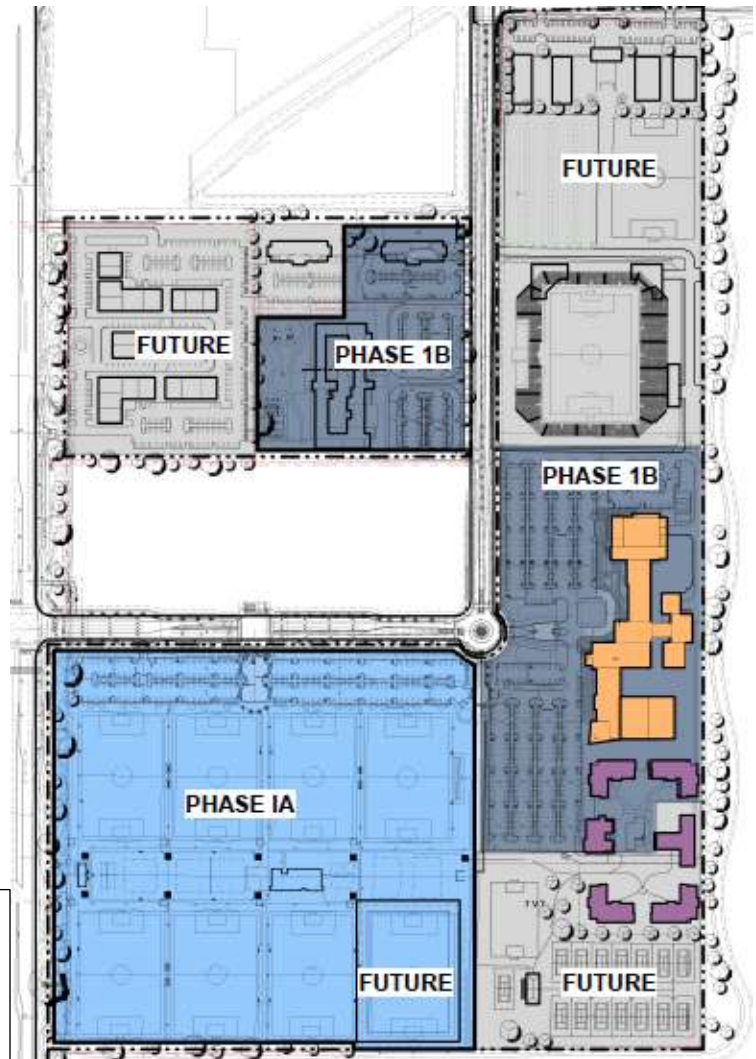


Master Site Plan Phases

Each proposed parcel has a designated phase, and respective site plans will be submitted for staff review and final approval by the City Council. The first phase, **Phase 1A** is located in Parcel 6.

The proposed Phase 1A includes seven soccer fields, parking, storage/restroom facilities, training areas, storage/restrooms, a clubhouse building and a future covered open area field. The Phase 1A facility is ancillary to the proposed school use and will be used for student athlete training.

The second phase, **Phase 1B** includes professional offices, elementary, middle and high school, dormitories and administrative areas.



The Master Site Plan Phases include Phase 1A, Phase 1B and additional areas to be developed in the future as shown on this graphic.

:

Requested Use

A Requested Use application is being submitted concurrently with this application. Per the interim ULDC City code, the following two (2) proposed uses are Requested Uses the MUPD/EDC district: (1) “School, Elementary or Secondary”; (2) “Congregate Living Facility, Type 3”.

The use of a school is being proposed for the site. The school will provide education for students ranging from K-5 as well as for middle and high school students. The school will be focused primarily around sports and is best described as a “magnet school” for sports. Along with the request of a school is a Requested Use for dormitories, being applied under the use of a Type 3 Congregate Living Facility. The proposed dormitories will provide housing for school students.

Access and Pedestrian Amenities

Access throughout the site will be from Waters Edge Drive and Ilex Way. There will be numerous pedestrian connections provided along Ilex Way and Waters Edge Drive and along the outside property line.

Architecture

The architectural design direction of the ISTF site is the use of contemporary architectural elements. The building entries will have defined volumes and heights to create a hierarchy within the building. The buildings are low rise from single story to three stories in height. The glazing system will use a powder coated frame and grey tinted glass.

Landscaping

Per the original Development Order for Minto Westlake, a required 50' TTD landscape buffer is required along the south perimeter of Phase 1A located outside of the Site Plan boundary. Landscaping throughout the site will be consistent and Westlake centric. The Master Plan is in compliance with regulations pertaining to setbacks, access, landscaping, and signage.

4. FINAL REMARKS

Application MPA-2019-03 ISTF MUPD will be heard by the City Council on October 28, 2019. The Planning and Zoning staff reviewed this application and find it in compliance with the interim ULDC Code. Each proposed parcel has a designated phase, and respective site plans will be submitted for review and compliance with Level of Services established by the City's Comprehensive Plan. Each Site Plan will require final approval by the City Council.

Ninth Order of Business



City of Westlake
Planning and Zoning Department
Staff Report – 10/28/19

PETITION DESCRIPTION

PETITION NUMBER: SPR-2019-01 *International Soccer Training Facility (ISTF) Phase 1A Site Plan Review*

APPLICANT: Cotleur & Hearing

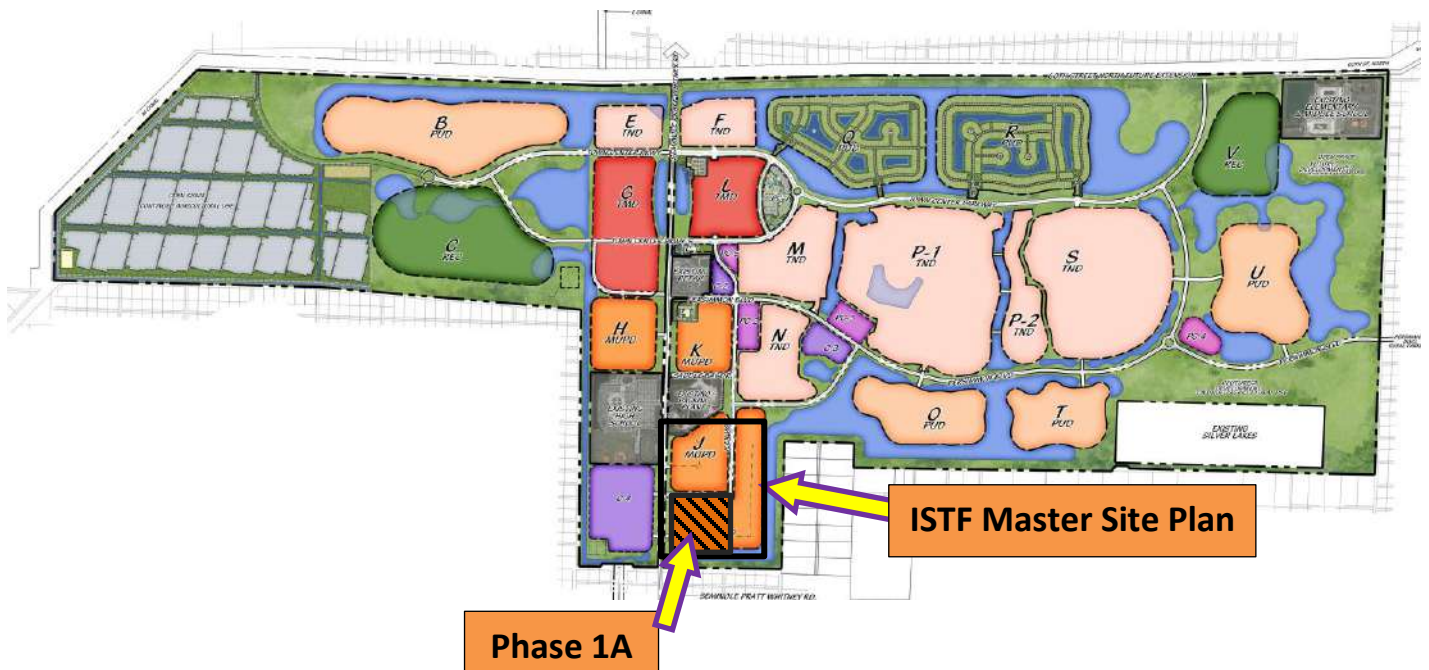
OWNER: Minto PBLH, LLC

REQUEST: The applicant is requesting approval of the Site Plan for an International Soccer Training Facility approximately 35.877 acres.

LOCATION: The subject parcel is located on the Southern portion of the TTD on the east side of Seminole Pratt Whitney Road.

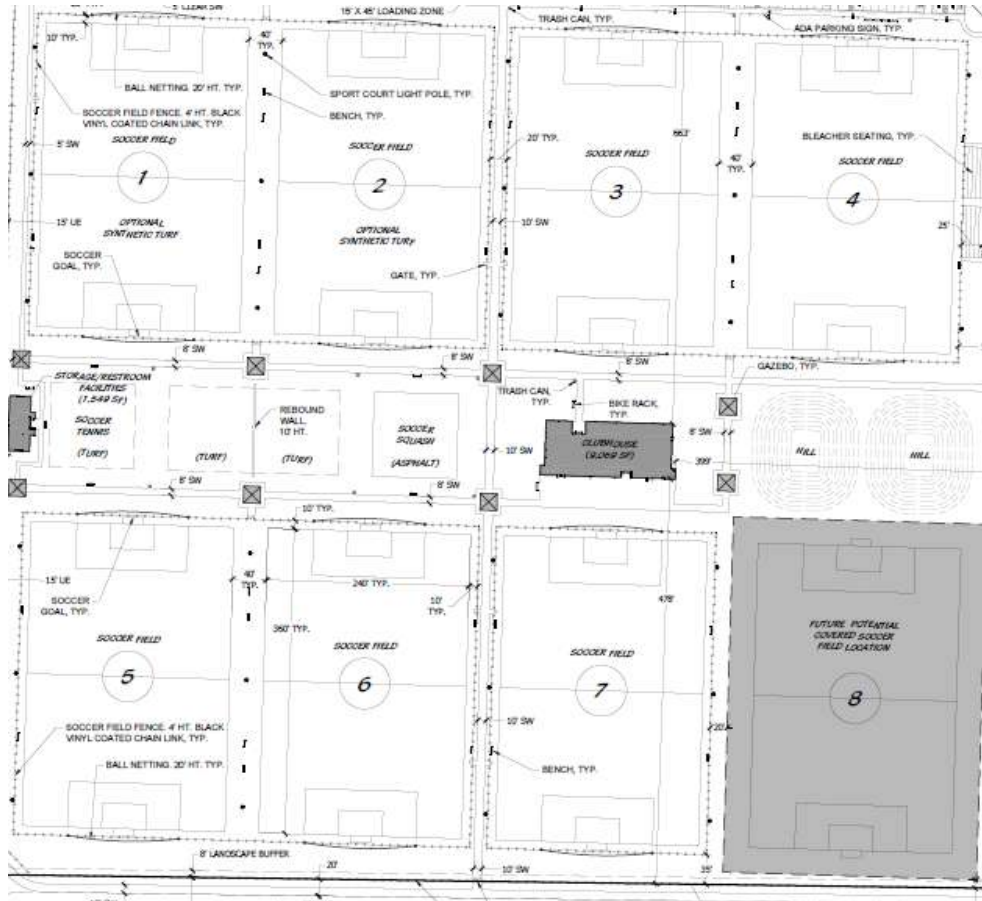
PCN: 77-40-43-12-00-000-1010

LOCATION MAP



1. PETITION FACTS

- a. **Total Site Acres:** 35.877 acres
- b. **Subject Application:** Phase 1A consists of seven (7) soccer fields and one future potential covered, open-air field. Included will be parking, storage and restroom facilities, ancillary training areas and a Clubhouse.
- c. **Future Land Use:** Downtown Mixed Use
- d. **Zoning:** Multiple Use Planned Development/Economic Development Center (MUPD/EDC)



2. BACKGROUND

The subject application (Phase 1A) is part of the Master Site Plan (91.53 acres) for the International Soccer Training Facility (ISTF) to be located on Pod I and a portion of Pod J, on the east side of Seminole Pratt Whitney Road.

3. SITE PLAN REVIEW

The proposed application to develop ISTF Phase IA Site Plan was reviewed by the City's staff to ensure compliance with codes including zoning, engineering, traffic, and landscaping. The application was also reviewed by the Palm Beach County Fire Safety and Seminole Improvement District (SID) professional engineering staff.

In terms of zoning, the proposed application was reviewed for compliance with the interim City's ULDC code; MUPD/EDC zoning standards as follows:

	REQUIRED BY CODE	PROPOSED	COMMENTS
Setbacks			
Front Yard	Main Structure: 20'	663'	In compliance
Rear Yard	Main Structure: 20'	478'	In compliance
Side Yard - East	Main Structure: 15'	399'	In compliance
Side Yard - West	Main Structure: 15'	103'	In compliance
Lot Coverage	Max Lot Coverage: 25%	1%	In compliance
Building Height	45 ft. max	30'	In compliance
Parking	Required parking: 341 spaces	391 total Including: 10 Accessible Per ADA and 10 Electric Charge Stations	In compliance
Sidewalks	Pedestrian walkways must be a minimum of 5 ft. wide	5', 8' and 10' wide	In compliance

Access and Pedestrian Amenities

Access to the Phase 1A site will be from Waters Edge Drive and Ilex Way. The site will be surrounded with an 8 foot high black vinyl coated chain link fence and gated at both entrances. The entrance gates along Waters Edge Drive and the Ilex Way round-a-bout will typically remain closed unless an event is being held where the gates should be open. Pedestrian access gates will be controlled and operated with a radio-frequency identification (RFID) key fob and accessible for police and fire rescue.

The Phase 1A Site Plan provides 5 foot, 8 foot and 10 foot sidewalks throughout the site in order to access the soccer fields, restrooms and Clubhouse. The Clubhouse will provide awnings for shade. Benches, covered gazebos and trash receptacles are located throughout the site.

Architecture

Phase 1A includes a single-story Clubhouse, which will be located in the center area of the soccer fields. The Clubhouse building will provide soccer administrative support, classroom and locker rooms, storage and restroom facilities. The classrooms and lobby will have ample storefront glazing. The building will also provide a glass enclosed observation tower for the surrounding fields with extended overhangs to provide shade and protection for visitors.

Drainage

It is proposed that the runoff be directed to on-site inlets with conveyance to dry detention swales for pre-treatment prior to discharging into the master system through the existing SID canal south of the site.

Landscape Review

The proposed landscape was reviewed and find it in compliance with the City's Interim ULDC Code. Per the original Development Order for Minto Westlake, a required 50' TTD landscape buffer is required along the south perimeter of Phase 1A located outside of the Site Plan boundary.

Traffic

The applicant provided a Trip Equivalent Analysis for the proposed Pod I/J ISTF Site Plan Application. Westlake is an approved project under Article 12, Traffic Performance Standards, of the Palm Beach County Unified Land Development Code (ULDC) with a buildout year of 2035.

4. FINAL REMARKS

Application SPR-2019-01 *ISTF Phase IA Site Plan* will be heard by the City Council on October 28, 2019. The subject application legal ad will be published in the Palm Beach Post on October 18, 2019.

The City's staff and other agencies reviewed this application and find it in compliance with the City's Interim ULDC Code.

EXISTING CONDITIONS





Tenth Order of Business

October 28, 2019

RESOLUTION 2019-31

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE SITE PLAN FOR AN INTERNATIONAL SOCCER TRAINING FACILITY PHASE I A (ISTF), LOCATED AT 16560 WATERS EDGE DRIVE, IN THE CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City’s Land Development Regulations provides procedures for the review and adoption of site plans by the City Council; and

WHEREAS, the developer Minto PBLH, LLC, submitted an application for site plan review and approval for the International Soccer Training Facility Phase I A (ISTF), located at 16560 Waters Edge Drive, Westlake, Florida, 33470, legally described in the attached Exhibit “A”, and

WHEREAS, staff has reviewed and recommends approval of the proposed site plan provided in the attached Exhibit “B”, (site plan); and

WHEREAS, the site plan is consistent with the previously approved conceptual site plan and all the requirements of the Unified Land Development Regulations; and

WHEREAS, pursuant to law, notice has been given by publication in a paper of general circulation in Palm Beach County, notifying the public of this proposed resolution and of the public hearing; and

WHEREAS, the City Council for the City of Westlake finds that the adoption an implementation of this resolution is in the best interest and welfare of the residents of the City of Westlake.

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

Section 1: Recitals: The above recitals are true and correct and are incorporated herein by this reference.

Section 2: Approval of Site Plan: The City Council for the City of Westlake hereby approves the International Soccer Training Facility Phase I A (ISTF) located at 16560 Waters Edge Drive, Westlake, Florida, 33470, as described in the attached Exhibit “A”, which is located in the City of Westlake, and in Palm Beach County, Florida. The site plan approval is subject to the

applicant meeting all of the conditions set forth in the development approval, as attached hereto as Exhibit "C", which is incorporated herein and made a part hereof. The site plan attached is not subject to conditions.

Section 3. Implementation: The City Manager and the City Attorney are hereby authorized to take such further action as may be necessary to implement the purpose and provisions of the Resolution.

Section 4: Effective Date: This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by City Council for the City of Westlake, on this 28th day of October, 2019.

City of Westlake
Roger Manning, Mayor

Sandra DeMarco, City Clerk

Approved as to Form and Sufficiency
Pam E. Booker, City Attorney

EXHIBIT 'A'
LEGAL DESCRIPTION

DESCRIPTION TRACT "A":

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

COMMENCE AT THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST; THENCE S01°33'05"W ALONG THE EAST LINE OF SAID SECTION 1, A DISTANCE OF 250.33 FEET TO A POINT ON THE NORTH LINE OF THE 80 FOOT M-CANAL EASEMENT AS RECORDED IN DEED BOOK 1156, PAGE 58 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND AS SHOWN IN ROAD PLAT BOOK 6, PAGE 136 OF SAID RECORDS, AND AS MONUMENTED; THENCE S.88°36'57"W., ALONG SAID NORTH LINE OF THE 80 FOOT M-CANAL EASEMENT, A DISTANCE OF 3776.52 FEET TO A POINT ON THE ORIGINAL EAST RIGHT-OF-WAY LINE OF SEMINOLE PRATT WHITNEY ROAD AS RECORDED IN OFFICIAL RECORD BOOK 1544, PAGE 378 AND OFFICIAL RECORD BOOK 1640, PAGE 1626 BOTH OF SAID PUBLIC RECORDS; THENCE S.01°42'52"W., ALONG SAID ORIGINAL EAST RIGHT-OF-WAY LINE OF SEMINOLE PRATT WHITNEY ROAD, A DISTANCE OF 8393.61 FEET; THENCE S.88°17'08"E. DEPARTING SAID EAST ORIGINAL EAST RIGHT-OF-WAY LINE, DISTANCE OF 52.00 FEET TO A POINT ON THE EAST LINE OF FUTURE ADDITIONAL RIGHT-OF-WAY OF SEMINOLE-PRATT WHITNEY ROAD AND A POINT ON THE RIGHT-OF-WAY LINE OF WATERS EDGE DRIVE, AS RECORDED IN PLAT BOOK 128, PAGES 29 AND 30, OF SAID PUBLIC RECORDS, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE ALONG SAID RIGHT-OF-WAY LINE OF WATERS EDGE DRIVE FOR THE FOLLOWING SIXTEEN (16) COURSES: 1) S.88°17'08"E., A DISTANCE OF 320.80 FEET; 2) THENCE S.75°52'41"E., A DISTANCE OF 51.20 FEET; 3) THENCE S.88°17'08"E., A DISTANCE OF 271.45 FEET; 4) THENCE N.46°42'52"E., A DISTANCE OF 15.56 FEET; 5) THENCE S.88°17'08"E., A DISTANCE OF 541.24 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTH WITH A RADIUS OF 20.00 FEET; 6) THENCE EASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 34°07'19", A DISTANCE OF 11.91 FEET TO A POINT OF TANGENCY; 7) THENCE S.54°09'49"E., A DISTANCE OF 27.38 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH WITH A RADIUS OF 30.00 FEET; 8) THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 34°07'19", A DISTANCE OF 17.87 FEET TO A POINT OF TANGENCY; 9) THENCE S.88°17'08"E., A DISTANCE OF 40.26 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH WITH A RADIUS OF 30.00 FEET; 10) THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 40°33'15", A DISTANCE OF 21.23 FEET TO A POINT OF TANGENCY; 11) THENCE N.51°09'38"E., A DISTANCE OF 27.73 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST WITH A RADIUS OF 30.00 FEET; 12) THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 49°26'45", A DISTANCE OF 25.89 FEET TO A POINT OF TANGENCY; 13) THENCE N.01°42'52"E., A DISTANCE OF 49.64 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST WITH A RADIUS OF 38.43 FEET; 14) THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 54°07'50", A DISTANCE OF 36.31 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO NORTHEAST WITH A RADIUS OF 18.00 FEET; 15) THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 47°41'38", A DISTANCE OF 14.98 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE EAST WITH A RADIUS OF 605.00 FEET; 16) THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 06°25'48", A DISTANCE OF 67.90 FEET TO A POINT ON THE PROPOSED EAST RIGHT-OF-WAY OF ILEX WAY-PHASE III; THENCE ALONG SAID PROPOSED EAST RIGHT-OF-WAY LINE OF ILEX WAY-PHASE III FOR THE FOLLOWING TEN (10) COURSES: 1) N.01°42'29"E., A DISTANCE OF 57.97 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST WITH A RADIUS OF 1000.00 FEET; 2) THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°08'57", A DISTANCE OF 20.05 FEET TO A POINT OF TANGENCY; 3) THENCE N.00°33'32"E., A DISTANCE OF 179.83 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST WITH A RADIUS OF 1000.00 FEET;; 4) THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°09'20", A DISTANCE OF 20.17 FEET TO A POINT OF TANGENCY; 5) THENCE N.01°42'52"E., A DISTANCE OF 1054.54 FEET; 6) THENCE N.14°56'34"E., A DISTANCE OF 51.08 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE CONCAVE TO THE EAST WITH A RADIUS OF 1149.00 FEET AND A RADIAL BEARING OF S.86°18'08"E. AT SAID INTERSECTION; 7) THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°08'29", A DISTANCE OF 22.89 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE WEST WITH A RADIUS OF 1251.00 FEET; 8) THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03°07'28", A DISTANCE OF 68.22 FEET TO A POINT OF TANGENCY; 9) THENCE N.01°42'52"E., A DISTANCE OF 190.94

FEET; 10) THENCE N.46°42'52"E., A DISTANCE OF 3.02 FEET TO A POINT ON THE SOUTH BOUNDARY LINE OF ILEX WAY-PHASE II, AS RECORDED IN PLAT BOOK 128, PAGES 22 THROUGH 25, INCLUSIVE, OF SAID PUBLIC RECORDS; THENCE S.88°17'08"E., ALONG SAID SOUTH BOUNDARY LINE OF ILEX WAY-PHASE II, A DISTANCE OF 14.14 FEET; THENCE N.46°42'52"E., ALONG SAID SOUTH BOUNDARY LINE OF ILEX WAY-PHASE II, A DISTANCE OF 16.97 FEET; THENCE S.88°17'08"E., A DISTANCE OF 348.87 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH WITH A RADIUS OF 8050.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 1°29'36", A DISTANCE OF 209.81 FEET TO THE POINT OF TANGENCY; THENCE S.89°46'43"E., A DISTANCE OF 11.75 FEET; THENCE S.01°22'47"W., A DISTANCE OF 3054.89 FEET; THENCE N.89°12'49"W., A DISTANCE OF 1978.77 FEET TO A POINT ON THE EAST LINE OF FUTURE ADDITIONAL RIGHT-OF-WAY OF SEMINOLE-PRATT WHITNEY ROAD; THENCE ALONG SAID EAST LINE OF FUTURE ADDITIONAL RIGHT-OF-WAY OF SEMINOLE-PRATT WHITNEY ROAD FOR THE FOLLOWING FOUR (4) COURSES: 1) N.01°42'52"E., A DISTANCE OF 848.21 FEET; 2) THENCE N.18°06'15"E., A DISTANCE OF 42.53 FEET; 3) THENCE N.01°42'52"E., A DISTANCE OF 301.30 FEET; 4) THENCE N.46°42'52"E., A DISTANCE OF 42.43 FEET TO THE POINT OF BEGINNING.

CONTAINING: 3,512,578 SQUARE FEET OR 80.638 ACRES, MORE OR LESS.

DESCRIPTION TRACT "B":

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

COMMENCE AT THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST; THENCE S01°33'05"W ALONG THE EAST LINE OF SAID SECTION 1, A DISTANCE OF 250.33 FEET TO A POINT ON THE NORTH LINE OF THE 80 FOOT M-CANAL EASEMENT AS RECORDED IN DEED BOOK 1156, PAGE 58 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND AS SHOWN IN ROAD PLAT BOOK 6, PAGE 136 OF SAID RECORDS, AND AS MONUMENTED; THENCE S88°36'57"W ALONG SAID NORTH LINE OF THE 80 FOOT M-CANAL EASEMENT, A DISTANCE OF 3776.52 FEET TO A POINT ON THE ORIGINAL EAST RIGHT OF WAY LINE OF SEMINOLE PRATT WHITNEY ROAD AS RECORDED IN OFFICIAL RECORD BOOK 1544, PAGE 378 AND OFFICIAL RECORD BOOK 1640, PAGE 1626 BOTH OF SAID PUBLIC RECORDS; THENCE S01°42'52"W ALONG SAID ORIGINAL EAST RIGHT OF WAY LINE OF SEMINOLE PRATT WHITNEY ROAD, A DISTANCE OF 7849.61 FEET; THENCE S.88°17'08"E. DEPARTING SAID EAST ORIGINAL EAST RIGHT-OF-WAY LINE, DISTANCE OF 650.08 FEET TO A POINT ON THE EAST LINE OF FUTURE ADDITIONAL RIGHT-OF-WAY OF SEMINOLE-PRATT WHITNEY ROAD AND THE POINT OF BEGINNING: THENCE N.01°42'52"E., A DISTANCE OF 752.35 FEET; THENCE S.89°00'15"E., A DISTANCE OF 627.40 FEET TO A POINT ON THE PROPOSED EAST RIGHT-OF-WAY LINE OF ILEX WAY III; THENCE S.01°42'52"W., ALONG SAID PROPOSED EAST RIGHT-OF-WAY LINE OF ILEX WAY III, A DISTANCE OF 760.22 FEET TO A POINT ON THE FUTURE NORTH BOUNDARY LINE OF CHURCH PARCEL; THENCE N.88°17'08"W., ALONG SAID FUTURE NORTH BOUNDARY LINE OF CHURCH PARCEL, A DISTANCE OF 627.35 FEET TO THE POINT OF BEGINNING.

CONTAINING: 474,451 SQUARE FEET OR 10.892 ACRES, MORE OR LESS.

Eleventh Order of Business

OCTOBER 28, 2019

RESOLUTION 2019-33

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE FINAL PLAT FOR ISTF (POD I) AND (POD J), BEING DESCRIBED AS A PORTION OF LAND DESCRIBED BY METES AND BOUNDS, A PARCEL OF LAND LYING IN SECTION 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, BEING IN PART ALL OF OPEN SPACE TRACT #2, WATERS EDGE DRIVE, PLAT BOOK 128, PAGES 29 AND 30, AND ALL OF OPEN SPACE #4, ILEX WAY-PHASE II, PLAT BOOK 128, PAGES 22 THROUGH 25, INCLUSIVE, AND A PORTION OF OPEN SPACE TRACT #1 AND ALL OF OPEN SPACE TRACT #2, ILEX WAY-PHASE III, PLAT BOOK __, PAGES __-__, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, PROVIDING FOR RECORDATION.

WHEREAS, Minto PBLH, LLC, a Florida Limited Liability Company, as the Applicant has requested approval for the ISTF (POD I) final plat, described by metes and bounds, a Parcel Of Land Lying In Section 12, Township 43 South, Range 40 East, City of Westlake, Palm Beach County, Florida, being in part all of Open Space Tract #2, Waters Edge Drive, Plat Book 128, Pages 29 And 30, and all of Open Space #4, Ilex Way-Phase II, Plat Book 128, Pages 22 Through 25, Inclusive, and a portion of Open Space Tract #1 and all of Open Space Tract #2, Ilex Way-Phase III, Plat Book __, Pages __-__, inclusive, containing approximately 138.968 acres, in the City of Westlake, Palm Beach County, as described in Exhibit "A", attached hereto; and

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

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

WHEREAS, the Building staff, Engineering staff and Planning staff for the City of Westlake have reviewed the application, the final plat and the boundary survey, and the collective staff has recommended approval; and

WHEREAS, after careful review and consideration, the collective staff has determined that this application has complied with the Palm Beach County Unified Land Development Codes and Florida law.

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

Section 1: The above recitals are true and correct and are incorporated herein by this reference.

Section 2: The City Council for the City of Westlake hereby approves the final plat and boundary survey for the ISTF (POD I) and (POD J), as described in the attached Exhibit "A", containing approximately 138.968 acres, which is located in the City of Westlake, and in Palm Beach County, Florida.

Section 3. The applicant shall provide a certified copy of the recorded plat and the applicant shall cover the costs of recording the plat in the public records in and for Palm Beach County Florida.

Section 4: This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by City Council for the City of Westlake, on this 28th day of October 2019.

City of Westlake
Roger Manning, Mayor

Sandra DeMarco, City Clerk

Approved as to Form and Sufficiency
Pam E. Booker, City Attorney

EXHIBIT 'A'
Legal Description
ISTF Plat (POD I) & (POD J)

A PARCEL OF LAND LYING IN SECTION 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, AND ALSO BEING ALL OF OPEN SPACE TRACT #2, WATERS EDGE DRIVE, PLAT BOOK 128, PAGES 29 AND 30, AND ALL OF OPEN SPACE TRACT #2, ILEX WAY-PHASE III, PLAT BOOK __, PAGES __-__, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND WITHIN THE CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST; THENCE S.01°33'05"W. ALONG THE EAST LINE OF SAID SECTION 1, A DISTANCE OF 250.33 FEET TO A POINT ON THE NORTH LINE OF THE 80 FOOT M-CANAL ROAD EASEMENT AS RECORDED IN DEED BOOK 1156, PAGE 58 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND AS SHOWN IN ROAD PLAT BOOK 6, PAGE 136 OF SAID PUBLIC RECORDS, AND AS MONUMENTED; THENCE S.88°36'57"W. ALONG SAID NORTH LINE OF THE 80 FOOT M-CANAL ROAD EASEMENT, A DISTANCE OF 3776.52 FEET TO A POINT ON THE ORIGINAL EAST RIGHT-OF-WAY LINE OF SEMINOLE PRATT WHITNEY ROAD AS RECORDED IN OFFICIAL RECORD BOOK 1544, PAGE 378 AND OFFICIAL RECORD BOOK 1640, PAGE 1626 BOTH OF SAID PUBLIC RECORDS; THENCE S.01°42'52"W. ALONG SAID ORIGINAL EAST RIGHT-OF-WAY LINE OF SEMINOLE PRATT WHITNEY ROAD, A DISTANCE OF 8423.61 FEET; THENCE S.88°17'08"E., DEPARTING SAID ORIGINAL EAST RIGHT-OF-WAY, A DISTANCE OF 22.00 FEET TO A POINT ON THE EASTERLY LINE OF FUTURE ADDITIONAL RIGHT-OF-WAY OF SEMINOLE-PRATT WHITNEY ROAD AND THE POINT OF BEGINNING-POD I; THENCE S.46°42'52"W., ALONG SAID EASTERLY LINE OF FUTURE ADDITIONAL RIGHT-OF-WAY, A DISTANCE OF 42.43 FEET ALONG SAID LINE 10 FEET EAST OF AND PARALLEL WITH THE ORIGINAL EAST RIGHT-OF-WAY LINE OF SEMINOLE-PRATT WHITNEY ROAD, AND ALONG THE EASTERLY FUTURE ADDITIONAL RIGHT-OF-WAY LINE OF SEMINOLE-PRATT WHITNEY ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK __, PAGE __, OF SAID PUBLIC RECORDS FOR THE FOLLOWING FOUR (4) COURSES: 1) N.01°42'52"E., A DISTANCE OF 1048.24 FEET; 2) THENCE N.18°06'15"E., A DISTANCE OF 42.53 FEET; 3) THENCE N.01°42'52"E., A DISTANCE OF 301.30 FEET; 4) THENCE N.46°42'52"E., A DISTANCE OF 42.43 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF WATERS EDGE DRIVE, AS SHOWN ON WATERS EDGE DRIVE, AS RECORDED IN PLAT BOOK 128, PAGES 29 AND 30, OF SAID PUBLIC RECORDS; THENCE CONTINUE ALONG SAID SOUTH RIGHT-OF-WAY LINE WATERS EDGE DRIVE, FOR THE FOLLOWING SIXTEEN (16) COURSES: 1) S.88°17'08"E., A DISTANCE OF 320.80 FEET; 2) THENCE S.75°52'41"E., A DISTANCE OF 51.20 FEET; 3) THENCE S.88°17'08"E., A DISTANCE OF 271.45 FEET; 4) THENCE N.46°42'52"E., A DISTANCE OF 15.56 FEET; 5) THENCE S.88°17'08"E., A DISTANCE OF 541.24 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTH WITH A RADIUS OF 20.00 FEET; 6) THENCE EASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 34°07'19", A DISTANCE OF 11.91 FEET TO A POINT OF TANGENCY; 7) THENCE S.54°09'49"E., A DISTANCE OF 27.38 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH WITH A RADIUS OF 30.00 FEET; 8) THENCE EASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 34°07'19", A DISTANCE OF 17.87 FEET TO A POINT OF TANGENCY; 9) THENCE S.88°17'08"E., A DISTANCE OF 40.26 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH WITH A RADIUS OF 30.00 FEET; 10) THENCE EASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 40°33'15", A DISTANCE OF 21.23 FEET TO A POINT OF TANGENCY; 11) THENCE N.51°09'38"E., A DISTANCE OF 27.73 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO

THE NORTHWEST WITH A RADIUS OF 30.00 FEET; 12) THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 49°26'45", A DISTANCE OF 25.89 FEET TO A POINT OF TANGENCY; 13) THENCE N.01°42'52"E., A DISTANCE OF 49.64 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST WITH A RADIUS OF 38.43 FEET; 14) THENCE NORTHWESTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 54°07'50", A DISTANCE OF 36.31 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST WITH A RADIUS OF 18.00 FEET; 15) THENCE, NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 47°41'38", A DISTANCE OF 14.98 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE EAST, WITH A RADIUS OF 605.00 FEET; 16) THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 06°25'48".S, A DISTANCE OF 67.90 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF ILEX WAY, AS SHOWN ON ILEX WAY-PHASE III, AS RECORDED IN PLAT BOOK __, PAGES __-__ OF SAID PUBLIC RECORDS; THENCE CONTINUE ALONG SAID EAST RIGHT-OF-WAY OF ILEX WAY, FOR THE FOLLOWING TWELVE (12) COURSES; 1) N.01°42'29"E., A DISTANCE OF 57.97 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST WITH A RADIUS OF 1000.00 FEET; 2) THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°08'57", A DISTANCE OF 20.05 FEET TO A POINT OF TANGENCY; 3) THENCE N.00°33'32"E., A DISTANCE OF 179.83 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST WITH A RADIUS OF 1000.00 FEET; 4) THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°09'20", A DISTANCE OF 20.17 FEET TO A POINT OF TANGENCY; 5) THENCE N.01°42'52"E., A DISTANCE OF 1054.54 FEET; 6) THENCE N.14°56'34"E., A DISTANCE OF 51.08 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE CONCAVE TO THE TO THE EAST WITH A RADIUS OF 1149.00 FEET, AND A RADIAL BEARING OF S.86°18'08"E., AT SAID INTERSECTION; 7) THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°08'29", A DISTANCE OF 22.89 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE WEST, WITH A RADIUS OF 1251.00 FEET; 8) THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03°07'28", A DISTANCE OF 68.22 FEET TO A POINT OF TANGENCY; 9) THENCE N.01°42'52"E., A DISTANCE OF 190.94 FEET; 10) THENCE N.46°42'52"E., A DISTANCE OF 3.02 FEET; 11) THENCE S.88°17'08"E., A DISTANCE OF 14.14 FEET; 12) THENCE N.46°42'52", A DISTANCE OF 16.97 FEET; THENCE S.88°17'08"E., A DISTANCE OF 348.87 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH WITH A RADIUS OF 8050.00 FEET; THENCE EASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°29'36", A DISTANCE OF 209.79 FEET TO A POINT OF TANGENCY; THENCE S.89°46'43"E., A DISTANCE OF 411.83 FEET TO A POINT ON THE NORTHERLY EXTENSION OF THE WEST BOUNDARY OF THE EAST QUARTER (1/4) OF SECTION 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, AS DESCRIBED IN THE FINAL JUDGEMENT (CASE No. 73 1016 CA (L) 01 MACMILLAN); THENCE S.01°22'47"W., ALONG SAID NORTHERLY EXTENSION OF THE WEST BOUNDARY OF THE EAST QUARTER (1/4) OF SECTION 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, AS DESCRIBED IN THE FINAL JUDGEMENT (CASE No. 73 1016 CA (L) 01 MACMILLAN), A DISTANCE OF 3258.84 FEET TO THE AGREED UPON AND MONUMENTED SOUTH BOUNDARY OF SAID SECTION 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, AS SURVEYED BY K.C. MOCK AND REFERENCED IN ROAD PLAT BOOK 6, PAGE 36, OF SAID PUBLIC RECORDS; THENCE N.89°12'49"W., ALONG SAID SOUTH BOUNDARY OF SECTION 12, AS SURVEYED BY K.C. MOCK AND REFERENCED IN SAID ROAD PLAT BOOK, PAGE 36, A DISTANCE OF 2379.96 TO THE POINT OF BEGINNING-POD I.

CONTAINING: 119.633 ACRES, MORE OR LESS.

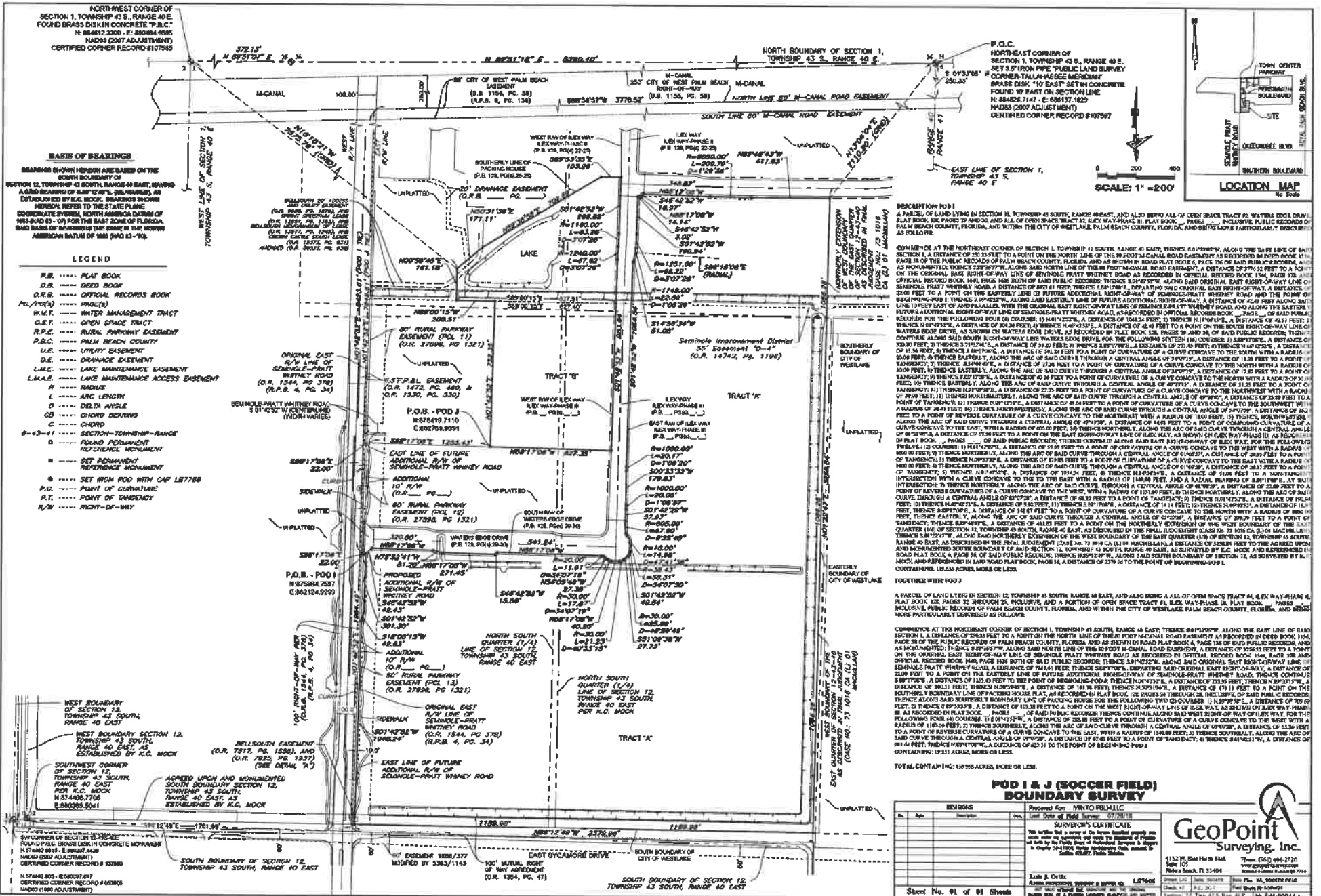
TOGETHER WITH: POD J

A PARCEL OF LAND LYING IN SECTION 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, AND ALSO BEING A ALL OF OPEN SPACE TRACT #4, ILEX WAY-PHASE II, PLAT BOOK 128, PAGES 22 THROUGH 25, INCLUSIVE, AND A PORTION OF OPEN SPACE TRACT #1, ILEX WAY-PHASE III, PLAT BOOK __, PAGES __-__, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND WITHIN THE CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST; THENCE S.01°33'05"W. ALONG THE EAST LINE OF SAID SECTION 1, A DISTANCE OF 250.33 FEET TO A POINT ON THE NORTH LINE OF THE 80 FOOT M-CANAL ROAD EASEMENT AS RECORDED IN DEED BOOK 1156, PAGE 58 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND AS SHOWN IN ROAD PLAT BOOK 6, PAGE 136 OF SAID PUBLIC RECORDS, AND AS MONUMENTED; THENCE S.88°36'57"W. ALONG SAID NORTH LINE OF THE 80 FOOT M-CANAL ROAD EASEMENT, A DISTANCE OF 3776.52 FEET TO A POINT ON THE ORIGINAL EAST RIGHT-OF-WAY LINE OF SEMINOLE PRATT WHITNEY ROAD AS RECORDED IN OFFICIAL RECORD BOOK 1544, PAGE 378 AND OFFICIAL RECORD BOOK 1640, PAGE 1626 BOTH OF SAID PUBLIC RECORDS; THENCE S.01°42'52"W. ALONG SAID ORIGINAL EAST RIGHT-OF-WAY LINE OF SEMINOLE PRATT WHITNEY ROAD, A DISTANCE OF 7849.61 FEET; THENCE S.88°17'08"E., DEPARTING SAID ORIGINAL EAST RIGHT-OF-WAY, A DISTANCE OF 22.00 FEET TO A POINT ON THE EASTERLY LINE OF FUTURE ADDITIONAL RIGHT-OF-WAY OF SEMINOLE-PRATT WHITNEY ROAD; THENCE CONTINUE S.88°17'08"E., A DISTANCE OF 1255.43 FEET TO THE POINT OF BEGINNING-POD J; THENCE N.01°42'52"E., A DISTANCE OF 752.35 FEET; THENCE N.89°00'15"W., A DISTANCE OF 200.51 FEET; THENCE N.00°59'45"E., A DISTANCE OF 161.18 FEET; THENCE N.50°31'36"E., A DISTANCE OF 171.11 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF PACKING HOUSE PLAT, AS RECORDED IN PLAT BOOK 128, PAGES 26 THROUGH 28, INCLUSIVE, OF SAID PUBLIC RECORDS; THENCE ALONG SAID SOUTHERLY BOUNDARY LINE OF PACKING HOUSE FOR THE FOLLOWING TWO (2) COURSES: 1) N.59°38'58"E., A DISTANCE OF 709.69 FEET; 2) THENCE S.89°53'35"E., A DISTANCE OF 103.28 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF ILEX WAY, AS SHOWN ON ILEX WAY-PHASE III, AS RECORDED IN PLAT BOOK __, PAGES __-__, OF SAID PUBLIC RECORDS; THENCE CONTINUE ALONG SAID WEST RIGHT-OF-WAY OF ILEX WAY, FOR THE FOLLOWING FOUR (4) COURSES: 1) S.01°42'52"W., A DISTANCE OF 288.88 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST WITH A RADIUS OF 1160.00 FEET; 2) THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03°07'28", A DISTANCE OF 63.26 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE EAST, WITH A RADIUS OF 1240.00 FEET; 3) THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03°07'28", A DISTANCE OF 67.62 FEET TO A POINT OF TANGENCY; 4) THENCE S.01°42'52"W., A DISTANCE OF 983.64 FEET; THENCE N.88°17'08"W., A DISTANCE OF 627.35 TO THE POINT OF BEGINNING-POD J.

CONTAINING: 19.335 ACRES, MORE OR LESS.

TOTAL CONTAINING: 138.968 ACRES, MORE OR LESS.



POD I & J (SOCCER FIELD) BOUNDARY SURVEY

Proposed For: NHTD PRL11C

Surveyor's Certificate

GeoPoint Surveying, Inc.

1122 W. West Palm Blvd.
Palm Beach, FL 33411
Phone: 561-833-1111
Fax: 561-833-1111
Email: info@geopointsurveying.com
www.geopointsurveying.com

Scale: 1" = 200'

Sheet No. 01 of 01 Sheets

Twelfth Order of Business



City of Westlake

Planning and Zoning Department

Staff Report – 10/28/19

PETITION DESCRIPTION

PETITION NUMBER: REQ-USE-2019-03 7-Eleven 2.0 Requested Use

APPLICANT: Cotleur & Hearing

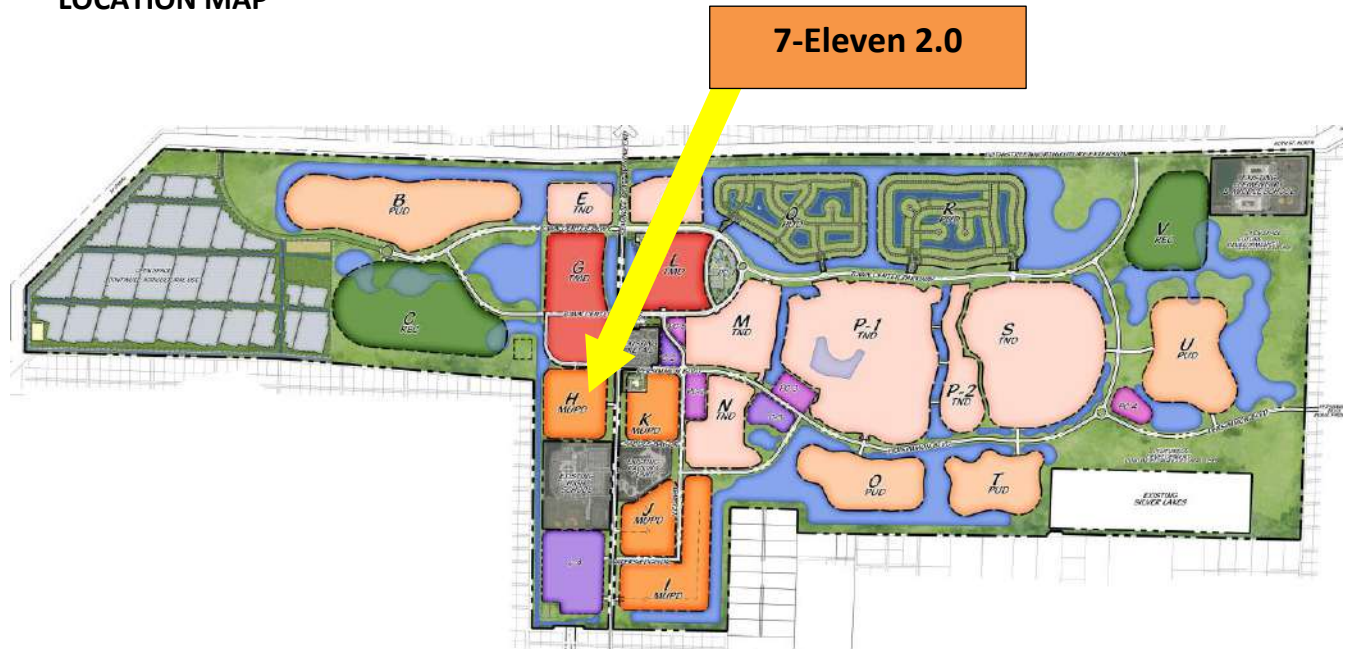
OWNER: Minto PBLH, LLC

REQUEST: The applicant is requesting approval for the proposed use of a gas station and convenience store within the City of Westlake.

LOCATION: City of Westlake, West side of Seminole Pratt Whitney Road, South of Persimmon Boulevard West and within the boundary of Pod H.

PROPERTY CONTROL NUMBERS: 77-40-43-12-00-000-1010

LOCATION MAP



1. PETITION FACTS

- a. **Total Site Acres:** 2.477 acres
- b. **Concurrent Application:** 4,500 square foot convenience store and 16 position fueling station and car wash
- c. **Future Land Use:** Downtown Mixed Use
- d. **Zoning:** Multiple Planned Use Development/Economic Development Center (MUPD/EDC)

2. BACKGROUND

The City of Westlake received an application to develop 7-Eleven 2.0 Gas facility including a 4,046 sq. ft. on the west side of Seminole Pratt Whitney Road, South of Persimmon Boulevard West within the boundar of Pod H.

In 2018, the City Council adopted Ordinance 2018-04 amending the City’s Interim Land Development Code to include the use, Gas and Fuel, Retail in the MUPD/EDC Zoning District, as a Requested Use.

Table 3.E.1.B - PDD Use Matrix Continued

Use Type	PUD				MUPD				MXPD	PIPD	LCC				NOTE							
	Pods				FLU				FLU	Use Zone	FLU											
	R	C	R	CA	C	C	C	C	I	E	I	C	I	C		M	R	C	C			
	E	O	E	G	L	H	L	H	R	N	D	N	H	O	H	N	O	N	H	V	L	H
	S	M	C	VR	O	O	O	O	D	S	T	O	L	D	M	D	P	P	P	P	P	P
				/																		
				P																		
Commercial Uses																						
Adult Entertainment														S	S							2
Auction, Enclosed	R					P			P	D					P						P	P
Auction, Outdoor					R				R	R					P	P	P					16
Auto Paint Or Body Shop	R					R				R	R				P	P	P					17
Gas and Fuel, Retail	R				R	R				R				R	P	R	P				R	R
Green Market										D											D	D
Hotel, Motel, SRO, Rooming And Boarding						R	R	R		R				R	R		P					72
Kennel, Type II (Commercial)	R					R								R								74-1
Kennel, Type III (Commercial -Enclosed)	R					R	R							R							R	R
Kiosk						P	P	P	P	P				P	P	P	P				P	P
Landscape Service	R					R				P	R			R		P	P					77
Laundry Services	R					P	P	P						P	P	P	P	P	P	P	P	78
<small>[Ord. 2005-002] [Ord. 2004-054] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2011-016] [Ord. 2012-003] [Ord. 2012-027] [Ord. 2013-001] [Ord. 2014-025]</small>																						
Notes:																						
P Permitted by right																						
D Permitted subject to approval by the DRO																						
S Permitted in the district only if approved by Special Permit																						
R Permitted in the district only if approved by the Westlake City Council as a requested use																						



3. ANALYSIS

REQUESTED USE STANDARDS OF COMPLIANCE PER ARTICLE 2.B.2.B

A. Consistency with the Plan

Future Land Use of Downtown Mixed Use. Policy FLU 1.1.15 lists commercial as an allowable use in this district. The proposed use Gas and Fuel, Retail is consistent with the Plan.

B. Consistency with the Code

In 2018, the City Council adopted Ordinance 2018-04 amending the City’s Interim Land Development Code to include the use, Gas and Fuel, Retail in the MUPD/EDC Zoning District, as a Requested Use. The proposed use Gas and Fuel, Retail is consistent with the Code.

C. Compatibility with Surrounding Uses

As shown on the below Compatibility Table, the subject property is mostly surrounded by Downtown Mixed Use Future Land use designation.

	FUTURE LAND USE	ZONING
SUBJECT PROPERTY	Downtown Mixed Use	MUPD/EDC
NORTH	Downtown Mixed Use	MUPD/EDC
SOUTH	Downtown Mixed Use	MUPD/EDC
EAST	Downtown Mixed Use	MUPD/EDC
WEST	Downtown Mixed Use	MUPD/EDC

D. Design Minimizes Adverse Impact

The proposed building design is consistent with the urban aesthetics of the City of Westlake.

E. Design Minimizes Environment Impact

Since the purpose of the applicant is to install a 7-Eleven gas station, environmental agencies at the Palm Beach County (Department of Environmental Resources Management -DERM) and State Level (Department of Environmental Protection DEP) will conduct further reviews prior to the City issuing a building permit. These measures will prevent environmental impacts that could be originated as a result of the underground gas tanks.

F. Development Patterns

The proposed Gas and Fuel, Retail use will be located on the City’s main corridor (Seminole Pratt Whitney Road) consistent with the Comprehensive Plan vision. The subject vision includes a vibrant corridor supporting mixed of uses including commercial, service and residential.

G. Adequate Public Facilities

The applicant provided a Trip Equivalent Analysis for the proposed Pod H 7-Eleven 2.0 Site Plan Application. Westlake is an approved project under Article 12, Traffic Performance Standards, of the Palm Beach County Unified Land Development Code (ULDC) with a buildout year of 2035.

H. Changed Conditions or Circumstances

The City of Westlake was incorporated in 2016. Since then, the City is developing and growing its residential and commercial areas. The subject use will provide services to the city’s residents and surrounding neighborhoods.

4. FINAL REMARKS

The subject requested use application will be heard by the City Council. The Planning and Zoning staff reviewed this application and find it in compliance with the above presented requested use standards.

Thirteenth Order of Business

October 28, 2019

RESOLUTION 2019-35

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE REQUESTED USE OF A GAS STATION AND CONVENIENCE STORE WITHIN THE MULTIPLE USE PLANNED DEVELOPMENT/ECONOMIC DEVELOPMENT CENTER (MUPD/EDC), LOCATED AT 4965 SEMINOLE PRATT WHITNEY ROAD, IN THE CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City's Interim Land Development Regulations provides procedures for the review and adoption of requested uses by the City Council; and

WHEREAS, the developer VRE Westlake, LLC, submitted an application for review and approval of a "requested use" for utilization of the site as a gas station with a convenience store, located at, 4965 Seminole Pratt Whitney Road, Westlake, Florida, 33470, legally described in the attached Exhibit "A"; and

WHEREAS, staff has reviewed and recommends approval of the requested use of the site for a gas station and a convenience store, as indicated in the proposed site plan, attached hereto as Exhibit "B", (site plan); and

WHEREAS, the proposed use is consistent with the City's Interim Land Development regulations, the proposed use is compatible with the surrounding uses and the project minimizes any adverse impacts related to the proposed uses as a gas station and a convenience store; and

WHEREAS, pursuant to law, notice has been given by publication in a paper of general circulation in Palm Beach County, notifying the public of this proposed resolution and of the public hearing; and

WHEREAS, the City Council for the City of Westlake finds that the adoption and implementation of this resolution is in the best interest and welfare of the residents of the City of Westlake.

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

Section 1: Recitals: The above recitals are true and correct and are incorporated herein by this reference.

Section 2: Approval of Requested Use: The City Council for the City of Westlake hereby approves the requested use of a gas station and a convenience store, containing approximately two and a half acres (2.477), located at 4965 Seminole Pratt Whitney Road, Westlake, Florida, 33470, as described in the attached Exhibit "A", which is located in the City of Westlake, and in Palm Beach County, Florida.

Section 3. Implementation: The City Manager and the City Attorney are hereby authorized to take such further action as may be necessary to implement the purpose and provisions of the Resolution.

Section 4: Effective Date: This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by City Council for the City of Westlake, on this 28th day of October 2019.

City of Westlake
Roger Manning, Mayor

Sandra DeMarco, City Clerk

Approved as to Form and Sufficiency
Pam E. Booker, City Attorney

EXHIBIT 'A'
Legal Description
7-11 2.0

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

COMMENCE AT THE NORTHWEST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST; THENCE S.00°59'07"W., ALONG THE WEST LINE OF SAID SECTION 1, A DISTANCE OF 349.11 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY 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; THENCE S.87°46'28"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY OF M-CANAL, AS FOUND MONUMENTED, A DISTANCE OF 370.84 FEET; THENCE N.88°36'57"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY OF M-CANAL, AS FOUND MONUMENTED, A DISTANCE OF 1,406.04 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SEMINOLE-PRATT WHITNEY ROAD, A 100 FOOT WIDE RIGHT-OF-WAY, DESCRIBED IN OFFICIAL RECORD 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 3,416.52 FEET TO THE NORTHERLY MOST CORNER OF ADDITIONAL RIGHT-OF-WAY FOR SEMINOLE-PRATT WHITNEY ROAD, DESCRIBED IN OFFICIAL RECORD BOOK 10289, PAGE 488, OF SAID PUBLIC RECORDS; THENCE ALONG THE WEST LINE OF SAID ADDITIONAL RIGHT-OF-WAY OF SEMINOLE-PRATT WHITNEY ROAD FOR THE FOLLOWING THREE (3) COURSES: 1) S.02°59'15"W., A DISTANCE OF 540.13 FEET; 2) THENCE S.01°42'52"W., A DISTANCE OF 280.00 FEET; 3) THENCE S.00°26'29"W., A DISTANCE OF 193.91 FEET; THENCE N.89°33'31"W., A DISTANCE OF 62.32 FEET TO A POINT ON THE WEST LINE OF PARCEL 101, AN EXISTING RIGHT-OF-WAY, AS RECORDED IN OFFICIAL RECORDS BOOK 28479, PAGE 822, OF SAID PUBLIC RECORDS AND THE **POINT OF BEGINNING**; THENCE ALONG THE WEST LINE OF SAID PARCEL 101 FOR THE FOLLOWING TWO (2) COURSES: 1) S.43°17'06"E., A DISTANCE OF 56.57 FEET; 2) S.01°42'52"W., A DISTANCE OF 242.50 FEET; THENCE N.88°17'15"W., A DISTANCE OF 384.78 FEET; THENCE N.01°42'45"E., A DISTANCE OF 282.50 FEET; THENCE S.88°17'17"E., A DISTANCE OF 292.79 FEET; THENCE S.88°17'04"E., A DISTANCE OF 52.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING: 107,901.51 SQUARE FEET OR 2.477 ACRES MORE OR LESS.

PROJECT TEAM

PROPERTY OWNER
MINTO WESTLAKE
1800 W. 7TH AVENUE
SUITE 100
DORLAND CORP. A, P, S, INC. 2017
PH: 781-320-4500

SITE PLANNER
COTLEUR & HEARING
1000 COMPASS LANE, SUITE 1
ANDERSONVILLE, GA 30328
PH: 404-525-4400
AX: 404-525-1100

SURVEYOR
GEOFFREY SURMETAL INC.
1800 W. 7TH AVENUE
SUITE 100
DORLAND CORP. A, P, S, INC. 2017
PH: 781-320-4500

PLANNING CONSULTANT
TERRACON CONSULTING, INC. P.C.
100 WEST HUNTERSWOOD, SUITE 100
WEST PALM BEACH, FLORIDA 33411
PH: 561-833-3333
FAX: 561-833-3333

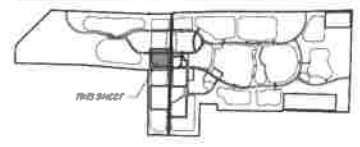
ENVIRONMENTAL CONSULTANT
CIVIL ENGINEERS
200 WOODLAND DRIVE, P.O. BOX 99
WEST PALM BEACH, FLORIDA 33411
PH: 561-833-3333
FAX: 561-833-3333

CIVIL ENGINEER
S&B ENGINEERING, INC.
200 WOODLAND DRIVE, P.O. BOX 99
WEST PALM BEACH, FLORIDA 33411
PH: 561-833-3333
FAX: 561-833-3333

LEGEND

- SD: SEMINOLE IMPROVEMENT DISTRICT
- RDW: RIGHT OF WAY
- AC: ACRES
- LS: UTILITY BASEMENT
- DC: DRIVEWAY CASSEMENT
- LAS: LIMITED ACCESS BASEMENT
- TD: TRADITIONAL TOWN DEVELOPMENT
- ESB: BASEMENT
- CL: CENTER LINE
- SW: SIDEWALK
- PCB: PALM BEACH COUNTY
- LMB: LAKE MAINTENANCE CASSEMENT
- WMT: WATER MANAGEMENT TRACT

KEY MAP



LOCATION MAP



SITE DATA

NAME OF APPLICATION: WESTLAKE - ELEVEN 2.0
APPLICATION NUMBER: 18-00000
PROJECT NUMBER: CH 18-0000
LAST DEC APPROVAL DATE: 10/02/2014
LAS CITY OF FL APPROVAL DATE: 10/02/2014
RESOLUTION NUMBER: TDW 2014-004, P-2014-007, R-2014-006, OFD-18-00000-2014-000
TRM: 002
PLANNING AND USE DESIGNATION: 002
PLANNING ZONING DISTRICT: TD
OVERLAY: AGRICULTURAL ENCLAVE OVERLAY
SECTION NUMBER: 20
PROPERTY CONTROL NUMBER: 77-000-10-000-1000
EXISTING USE: VACANT AGRICULTURE UTILITY
APPROVED USE: LAND USE
PROPOSED USE: SHELTERED FILLING STATION AND CONVENIENCE STORE

SUBDIVISION PLAN ACREAGE BREAKDOWN

FOR ACREAGE	SF	AC
APPROVED AREA ACOT 18	2,712.07	62.628
	127,888	2.927

BUILDING DATA

USE	SF	AC
GAS PUMP CANOPY	4,048	0.093
CANOPY	882	0.020
CONVENIENCE STORE	4,388	0.100
TOTAL BUILDING DATA	9,318	0.213

PARKING DATA

SPACE TYPE	NO.	PROV.
SPACE FOR CONVENIENCE STORE	1	1
HANDICAPPED SPACES IN TOTAL	1	1
TEMP. PARKING INCLUDED IN TOTAL	1	1
SPACE PROVIDED AS PER ALL REGULATIONS	1	1

PLANNING AREA RATIO

AREA CALCULATIONS	SF	AC	%
BUILDING FOOTPRINT	9,318	0.213	0.46
VEHICULAR USE AREA	62,297	1.432	1.36
RECREATION PLACES	4,498	0.102	0.23
GREEN SPACE	32,284	0.736	0.70
TOTAL	108,397	2.48	100%

SETBACKS

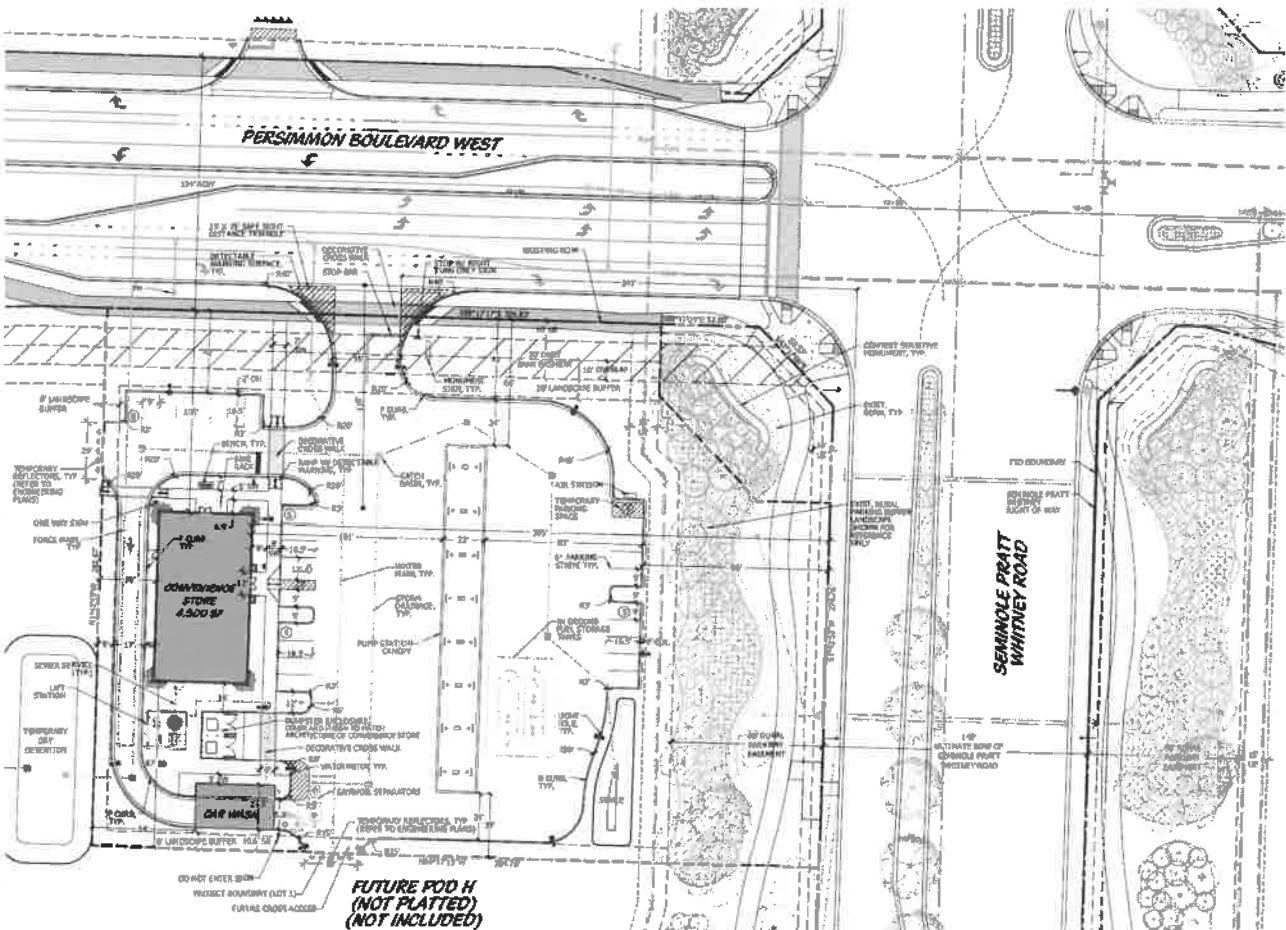
FRONT (EAST)	30'
REAR (WEST)	30'
LEFT (NORTH)	30'
RIGHT (SOUTH)	30'

NOTE: SITE PLAN BASED ON SURVEY PREPARED BY GEOFFREY SURMETAL, INC. DRAWN AND SCALED BY GARY RICHARDSON, INC.

*** WESTLAKE IS A LIMITED URBAN EXPANSION AREA (LEUA) THEREFORE SHALL BE REVIEWED IN ACCORDANCE WITH THE REQUIREMENTS OF THE URBAN SUBDIVISION ACT.**

EXHIBIT "B"

DRO AMENDMENTS **ZONING STAMP**



Coleur & Hearing
Landscape Architects
Environmental Consultants
1104 Commercial Lane
Suite 1
Jupiter, Florida 33408
904.247.3030 Fax 904.247.1977
www.coleurandhearing.com
Lic# LC-0000239

**MINTO WESTLAKE
7-ELEVEN 2.0
SITE PLAN**
City of Westlake, Florida

DESCRIPTION	DATE
DESIGNED	08/15/18
DRAWN	08/15/18
APPROVED	08/15/18
JOB NUMBER	18-0000
DATE	08-15-18
REVISED	08-15-18



Prepared by: GARY RICHARDSON, INC.
Drawing No.: 18-0000-002

SHEET **SP1** of **1**

Fourteenth Order of Business



City of Westlake
Planning and Zoning Department
Staff Report – 10/28/19

PETITION DESCRIPTION

PETITION NUMBER: SPR-2019-02 7-Eleven 2.0 Site Plan Review

APPLICANT: Cotleur & Hearing

OWNER: Minto PBLH, LLC

REQUEST: The applicant is requesting approval of the Site Plan for a 7-Eleven 2.0 facility including a 4,500 sq. ft. convenience store, a 16-position fueling station and a car wash.

LOCATION: The subject parcel is located West of Seminole Pratt Whitney Road and south of Persimmon Boulevard West.

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

LOCATION MAP



1. PETITION FACTS

- a. **Total Site Acres:** 2.477 acres
- b. **Subject Application:** 4,500 sq. ft. convenience store, a 16 position fueling station and a car wash.
- c. **Future Land Use:** Downtown Mixed Use
- d. **Zoning:** Multiple Use Planned Development/Economic Development Center (MUPD/EDC)

	FUTURE LAND USE	ZONING
SUBJECT PROPERTY	Downtown Mixed Use	MUPD/EDC
NORTH	Downtown Mixed Use	MUPD/EDC
SOUTH	Downtown Mixed Use	MUPD/EDC
EAST	Downtown Mixed Use	MUPD/EDC
WEST	Downtown Mixed Use	MUPD/EDC

2. BACKGROUND

The City of Westlake received an application to develop a second 7-Eleven Gas facility including a 4,500 sq. ft. convenience store, a 16 position fueling station and a car wash. The subject parcel is located in the central portion of the City, west of Seminole Pratt Whitney Road, and south of Persimmon Boulevard West. The entrance to the proposed 7-Eleven 2.0 will be from Persimmon Boulevard West.

In 2018, the City Council adopted Ordinance 2018-04 amending the City's Interim Land Development Code to include the use, *Gas and Fuel, Retail* in the MUPD/EDC Zoning District, as a Requested Use.

See below Table 3.E.1.B amended by Ordinance 2018-04 to include the use, *Gas and Fuel, Retail* in the MUPD/EDC Zoning District, as a Requested Use.

Table 3.E.1.B - PDD Use Matrix Continued

Use Type	PUD		MUPD										MXPD		PID		LCC					
	Pods		FLU										FLU		Use Zone		FLU					
	R	C	R	CA	C	C	C	C	C	C	E	E	C	C	I	C	I	M	R	C	C	N
	E	O	E	G	L	H	L	H	R	D	D	N	H	H	N	O	N	H	V	L	H	O
	S	M	C	VR					O	O	D	C	S	O	D	M	D	P	P			E
				/																		
				P																		
Commercial Uses																						
Adult Entertainment																	S	S				2
Auction, Enclosed	R						P		P	D											P	16
Auction, Outdoor							R		R	R						P	P	P				16
Auto Paint Or Body Shop	R						R		R	R						P	P	P				17
Gas and Fuel, Retail	R						R	R														18
Green Market																					D	64
Hotel, Motel, SRO, Rooming And Boarding							R	R	R	R					R	R	P					72
Kennel, Type II (Commercial)	R						R								R						R	74-1
Kennel, Type III (Commercial -Enclosed)	R						R	R							R						R	74-2
Kiosk							P	P	P	P	P					P	P	P	P			75
Landscape Service	R						R				P	R			R		P	P	P			77
Laundry Services	R						P	P	P	P					P	P	P	P	P	P	P	78
<small>[Ord. 2005-002] [Ord. 2004-054] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2011-016] [Ord. 2012-003] [Ord. 2012-027] [Ord. 2013-001] [Ord. 2014-025]</small>																						
Notes:																						
P Permitted by right																						
D Permitted subject to approval by the DRO																						
S Permitted in the district only if approved by Special Permit																						
R Permitted in the district only if approved by the Westlake City Council as a requested use																						

3. SITE PLAN REVIEW

The proposed application to develop a 7-Eleven 2.0 Gas facility (including a 4,500 sq. ft. convenience store, a 16 position fueling station and a car wash) was reviewed by the City's staff to ensure compliance with codes including zoning, engineering, traffic, and landscaping. The application was also reviewed by the Seminole Improvement District (SID) professional engineering staff.

The subject application was reviewed as a Requested Use, *Gas and Fuel, Retail*. The proposed site plan application was reviewed for compliance with the interim City's ULDC code; MUPD/EDC zoning standards as follows:

	REQUIRED BY CODE	PROPOSED	COMMENTS
Setbacks			
Front Yard	Main Structure: 20'	305'	In compliance
Rear Yard	Main Structure: 20'	30'	In compliance
Side Yard - North	Main Structure: 15'	105'	In compliance
Side Yard - South	Main Structure: 15'	87'	In compliance
Lot Coverage	Max Lot Coverage: 25%	9%	In compliance
Building Height	45 ft. max	23'	In compliance
Parking	One space per 250 square feet Required parking: 18 spaces	27 standard 1 Accessible Per ADA	In compliance
Sidewalks	Pedestrian walkways must be a minimum of 5 ft. wide	5' and 8' wide	In compliance

Site Design and Connectivity

The site is located on the West side of Seminole Pratt Whitney Road and south of Persimmon Boulevard West. The Site Plan proposes access into the site from Persimmon Boulevard West along the northern boundary of the property. Accessibility to the remainder of the undeveloped parcels of Pod H will be accessible on the southern boundary of the site in the future. It is intended that the parcels be interconnected through easements.

Landscape Review

The proposed landscape was reviewed and find it in compliance with the City's Interim ULDC Code. The Site Plan proposed green space in the interior of the site and along the perimeter of the subject parcel. The 7-Eleven 2.0 parcel is part of the Westlake rural parkway and includes the existing rural parking buffer that is already installed.

Drainage

It is proposed that runoff be directed to on-site inlets and storm sewer with discharge to a temporary dry detention area for 1/2" dry pre-treatment prior to discharging to an existing SID canal to the west of the site. Legal positive outfall is available via the SID canal with connection to the Master Drainage System.

Traffic

The applicant provided a Trip Equivalent Analysis for the proposed Pod H 7-Eleven 2.0 Site Plan Application. Westlake is an approved project under Article 12, Traffic Performance Standards, of the Palm Beach County Unified Land Development Code (ULDC) with a buildout year of 2035.

4. FINAL REMARKS

Application SPR-2019-02 7-Eleven 2.0 Site Plan will be heard by the Planning and Zoning Board and the City Council on October 28, 2019. The subject application was advertised per the City's Interim ULDC code.

Since the purpose of the applicant is to install a 7-Eleven 2.0 gas station, environmental agencies at the Palm Beach County (*Department of Environmental Resources Management -DERM*) and State Level (*Department of Environmental Protection DEP*) will conduct further reviews prior to the City issuing a building permit. These measures will prevent environmental impacts that could be originated as a result of the underground gas tanks.

The City's Planning and Zoning staff reviewed this application and find it in compliance with the City's Interim ULDC Code.

5. EXISTING CONDITIONS





Fifteenth Order of Business

October 28, 2019

RESOLUTION 2019-34

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE SITE PLAN FOR 7-ELEVEN 2.0, A GAS STATION, CAR WASH AND CONVENIENCE STORE, LOCATED 16750 PERSIMMON BOULEVARD WEST, IN THE CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City's Interim Land Development Regulations provides procedures for the review and adoption of site plans by the City Council; and

WHEREAS, the developer Minto PBLH, LLC, submitted an application for site plan review and approval for 7-Eleven 2.0, a gas station, car wash and convenience store, located at 16750 Persimmon Boulevard West, Westlake, Florida, 33470, containing approximately 2.477 acres, legally described in the attached Exhibit "A", ("Gas Station"); and

WHEREAS, staff has reviewed and recommends approval of the proposed site plan provided in the attached Exhibit "B", (site plan); and

WHEREAS, the site plan is consistent with the previously approved conceptual site plan and all the requirements of the Unified Land Development Regulations; and

WHEREAS, pursuant to law, notice has been given by publication in a paper of general circulation in Palm Beach County, notifying the public of this proposed resolution and of the public hearing; and

WHEREAS, the City Council for the City of Westlake finds that the adoption an implementation of this resolution is in the best interest and welfare of the residents of the City of Westlake.

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

Section 1: Recitals: The above recitals are true and correct and are incorporated herein by this reference.

Section 2: Approval of Site Plan: The City Council for the City of Westlake hereby approves the 7-Eleven 2.0, a gas station, car wash and convenience store containing approximately 2.477 acres, located at 16750 Persimmon Boulevard West, Westlake, Florida, 33470, as

described in the attached Exhibit "A", which is located in the City of Westlake, and in Palm Beach County, Florida. The site plan approval is subject to the applicant meeting all of the conditions set forth in the development approval, as attached hereto as Exhibit "C", which is incorporated herein and made a part hereof. The site plan attached is not subject to conditions.

Section 3. Implementation: The City Manager and the City Attorney are hereby authorized to take such further action as may be necessary to implement the purpose and provisions of the Resolution.

Section 4: Effective Date: This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by City Council for the City of Westlake, on this 28th day of October, 2019.

City of Westlake
Roger Manning, Mayor

Sandra DeMarco, City Clerk

Approved as to Form and Sufficiency
Pam E. Booker, City Attorney

EXHIBIT 'A'
Legal Description
7-11 2.0

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

COMMENCE AT THE NORTHWEST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST; THENCE S.00°59'07"W., ALONG THE WEST LINE OF SAID SECTION 1, A DISTANCE OF 349.11 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY 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; THENCE S.87°46'28"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY OF M-CANAL, AS FOUND MONUMENTED, A DISTANCE OF 370.84 FEET; THENCE N.88°36'57"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY OF M-CANAL, AS FOUND MONUMENTED, A DISTANCE OF 1,406.04 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SEMINOLE-PRATT WHITNEY ROAD, A 100 FOOT WIDE RIGHT-OF-WAY, DESCRIBED IN OFFICIAL RECORD 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 3,416.52 FEET TO THE NORTHERLY MOST CORNER OF ADDITIONAL RIGHT-OF-WAY FOR SEMINOLE-PRATT WHITNEY ROAD, DESCRIBED IN OFFICIAL RECORD BOOK 10289, PAGE 488, OF SAID PUBLIC RECORDS; THENCE ALONG THE WEST LINE OF SAID ADDITIONAL RIGHT-OF-WAY OF SEMINOLE-PRATT WHINEY ROAD FOR THE FOLLOWING THREE (3) COURSES: 1) S.02°59'15"W., A DISTANCE OF 540.13 FEET; 2) THENCE S.01°42'52"W., A DISTANCE OF 280.00 FEET; 3) THENCE S.00°26'29"W., A DISTANCE OF 193.91 FEET; THENCE N.89°33'31"W., A DISTANCE OF 62.32 FEET TO A POINT ON THE WEST LINE OF PARCEL 101, AN EXISTING RIGHT-OF-WAY, AS RECORDED IN OFFICIAL RECORDS BOOK 28479, PAGE 822, OF SAID PUBLIC RECORDS AND THE POINT OF BEGINNING; THENCE ALONG THE WEST LINE OF SAID PARCEL 101 FOR THE FOLLOWING TWO (2) COURSES: 1) S.43°17'06"E., A DISTANCE OF 56.57 FEET; 2) S.01°42'52"W., A DISTANCE OF 242.50 FEET; THENCE N.88°17'15"W., A DISTANCE OF 384.78 FEET; THENCE N.01°42'45"E., A DISTANCE OF 282.50 FEET; THENCE S.88°17'17"E., A DISTANCE OF 292.79 FEET; THENCE S.88°17'04"E., A DISTANCE OF 52.00 FEET TO THE POINT OF BEGINNING.

CONTAINNING: 107,901.51 SQUARE FEET OR 2.477 ACRES MORE OR LESS.

PROJECT TEAM

PROPERTY OWNER
 WEST 7E-11-02
 1800 N. WYOMING
 COCONINO COUNTY, ARIZONA 86303
 PHONE: 907-421-0000

SITE PLANNER
 COLLEUR & HEARING
 1800 COMMERCIAL LANE, SUITE 1
 JUPITER, FLORIDA 33411
 PHONE: 561-747-8200
 FAX: 561-747-8171

SURVEYOR
 SCOTT BURNETT, INC.
 1800 N. WYOMING
 T. J. BURNETT, P.E.
 PALM BEACH COUNTY, FLORIDA
 PHONE: 561-846-0000
 FAX: 561-846-0000

TRAFFIC ENGINEER
 PROJECT DEVELOPMENT CONSULTANTS, INC.
 880 WEST HIGHLAND, SUITE 210
 WEST PALM BEACH, FLORIDA 33411
 PHONE: 561-846-0000
 FAX: 561-846-0000

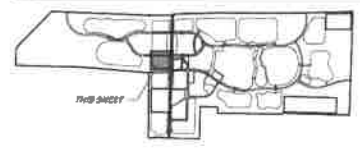
ENVIRONMENTAL CONSULTANT
 GUY CONNER CONSULTANTS, INC.
 1800 N. WYOMING
 T. J. BURNETT, P.E.
 PALM BEACH COUNTY, FLORIDA
 PHONE: 561-846-0000
 FAX: 561-846-0000

CIVIL ENGINEER
 BOWEN WHITE
 6901 CANTONMENT ROAD, SUITE 200
 WEST PALM BEACH, FLORIDA 33411
 PHONE: 561-846-0000
 FAX: 561-846-0000

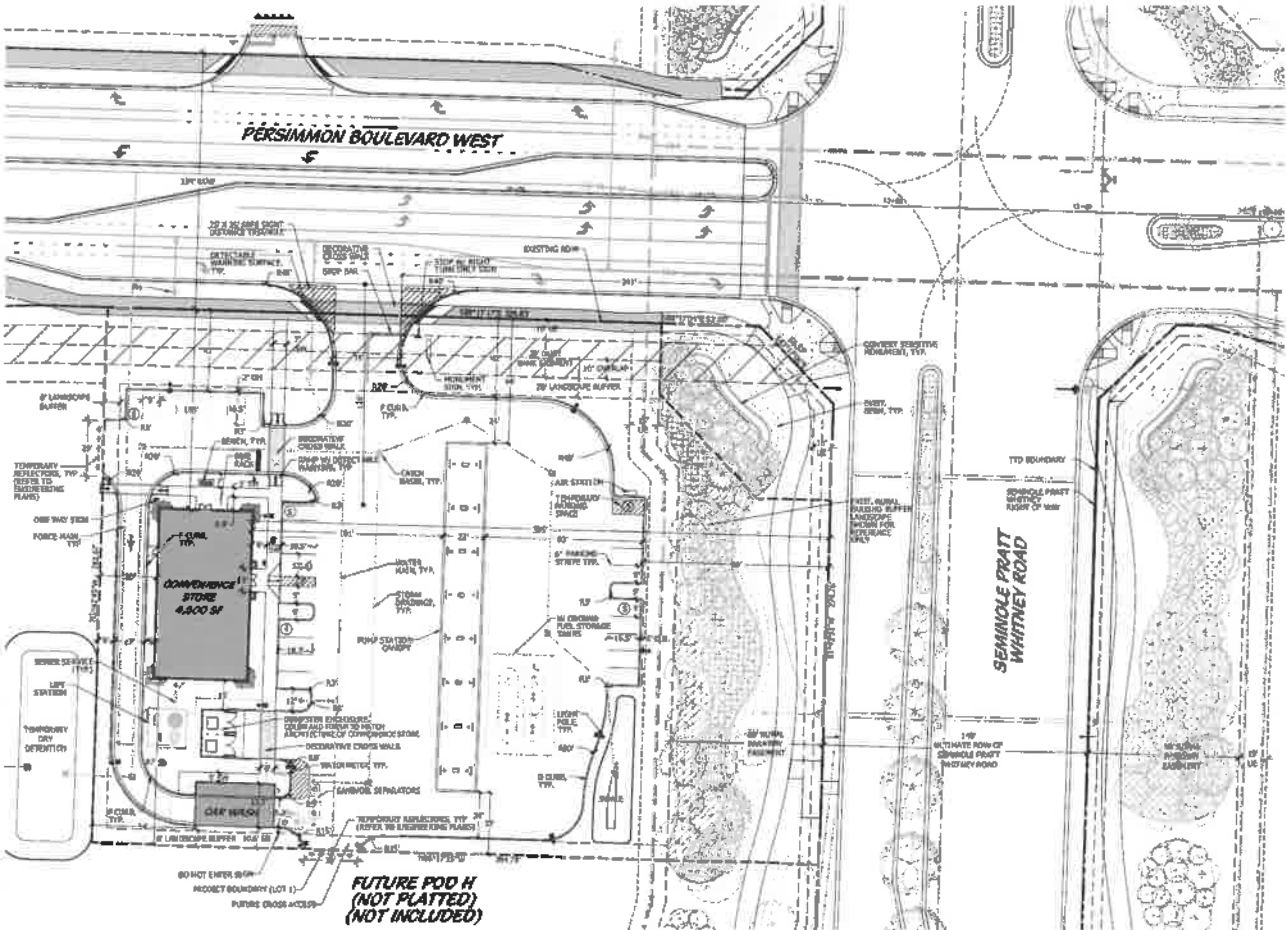
LEGEND

- SD: SEMINOLE IMPROVEMENT DISTRICT
- RDW: RIGHT OF WAY
- AC: ACROSS
- UE: UTILITY EASEMENT
- DE: DRAINAGE EASEMENT
- LA: LIMITED ACCESS EASEMENT
- TD: TRADITIONAL TOWN DEVELOPMENT
- ESMT: EASEMENT
- CL: CENTER LINE
- SP: SIDEWALK
- PC: PALM BEACH COUNTY
- LB: LAKE MANAGEMENT EASEMENT
- WMP: WATER MANAGEMENT TRACT

KEY MAP



LOCATION MAP



SITE DATA

NAME OF APPLICATION	WESTLAKE - ELEVEN 2.0
APPLICATION NUMBER	SP-2018-02
PROJECT NUMBER	ON TR-020
LAST SCC APPROVAL DATE	10/09/2014
LAST CITY OF PALM BEACH APPROVAL DATE	12/02/10
RESOLUTION NUMBERS	ITEM 2004-188, 2004-187, 2004-186, ORDINANCE 2014-020
TITLE	TRADITIONAL TOWN DEVELOPMENT
PREVIOUS LAND USE DESCRIPTION	AGRICULTURE
EXISTING ZONING DISTRICT	AC
OVERLAY	TTO
SECTION OF ZONING ORDINANCE	AGRICULTURAL (INCLUSIVE OVERLAY)
PROPERTY CONTROL NUMBER	77-40-43 1240-000-010
OWNER	WESTLAKE AGRICULTURAL UTILITY
APPROVED USE	AGRICULTURE
PROPOSED USE	AGRICULTURE (FUTURE CONVENIENCE STORE)
SUBDIVISION PLAN ACREAGE BREAKDOWN	
POD ACREAGE	SD AC
APPROXIMATE (LOT 1)	2.25/0.07 00.000
	101.883 0.477
BUILDING DATA	
OVERLAP CANOPY	4.80E SF
GARAGE	38E SF
CONVENIENCE STORE	4.80E SF
TOTAL BUILDING DATA	9.60E SF
PARKING DATA	
SPACES FOR CONVENIENCE STORE	PSD PS
AMMOUNT CALCULATED TOTAL	18 1
TEMP. PARKING (INCLUDED IN TOTAL)	1 1
SPACES PROVIDED (FOR 3000 PARKING SPACES)	1
FLOOR AREA RATIO	
	0.40
AREA CALCULATIONS	
GRAND TOTAL CONCRETE	SF AC %
VEHICULAR USE AREA	62,387 1.42 5%
SCULPTURE PLAZA	2,400 0.06 0%
CONCRETE DRIVE	57,841 0.75 3%
TOTAL	62,728 2.23 10%
SETBACKS	
FRONT (FEET)	30'
REAR (FEET)	30'
SIDE (FEET)	30'
REAR YARD	0'

NOTE: SITE PLAN BASED ON SURVEY PREPARED BY SCOTT BURNETT, INC. BOUND AND SEALED BY GARY REBER ON 08-15-18

* WESTLAKE IS ALLOCATED URBAN SERVICES AREA (USA) THEREFORE SHALL BE REVIEWED IN ACCORDANCE WITH THE REQUIREMENTS OF THE URBAN SUBURBAN TIER ORDER.

EXHIBIT "B"

DRO AMENDMENTS ZONING STAMP

Colleur & Hearing
 Landscape Architects
 Environmental Consultants
 1134 Commercial Lane
 Suite 1
 Jupiter, Florida 33411
 561-747-8200 - F 561-747-1977
 www.colleurhearing.com
 Lic# LC-000238

MINTO WESTLAKE
7-ELEVEN 2.0
 SITE PLAN
 City of Westlake, Florida

DESIGNED	DATE
DRAWN	DATE
APPROVED	DATE
JOB NUMBER	DATE
SCALE	DATE
REVISIONS	DATE

Scale: 1" = 30'

DATE: 11-09-18 10:00 AM
 DRAWING: 18-0013 3P-2018

SHEET SP1 of 1
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Sixteenth Order of Business

OCTOBER 28, 2019

RESOLUTION 2019-36

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE FINAL PLAT FOR POD ‘H’, BEING DESCRIBED AS A PORTION OF LAND DESCRIBED BY METES AND BOUNDS, AS A PARCEL OF LAND LYING IN SECTIONS 1 AND 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, BEING IN PART A REPLAT OF TRACTS M-1 AND M-2, PERSIMMON BLVD WEST, IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, PROVIDING FOR RECORDATION.

WHEREAS, Minto PBLH, LLC, a Florida Limited Liability Company, as the Applicant has requested approval for the Final Plat POD ‘H’, described by metes and bounds a parcel of land lying in sections 1 and 12, Township 43 South, Range 40 East, Being in part a replat of Tracts M-1 And M-2, Persimmon Blvd West, in the Public Records Of Palm Beach County, Florida, containing approximately 50.826 acres, in the City of Westlake, Palm Beach County, as described in Exhibit “A”, attached hereto; and

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

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

WHEREAS, the Building staff, Engineering staff and Planning staff for the City of Westlake have reviewed the application, the final plat and the boundary survey, and the collective staff has recommended approval; and

WHEREAS, after careful review and consideration, the collective staff has determined that this application has complied with the Palm Beach County Unified Land Development Codes and Florida law.

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

- Section 1:** The above recitals are true and correct and are incorporated herein by this reference.
- Section 2:** The City Council for the City of Westlake hereby approves the final plat and boundary survey for Westlake POD ‘H’ as described in the attached Exhibit “A”, containing approximately 50.826 acres, which is located in the City of Westlake, and in Palm Beach County, Florida.
- Section 3.** The applicant shall provide a certified copy of the recorded plat and the applicant shall cover the costs of recording the plat in the public records in and for Palm Beach County Florida.
- Section 4:** This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by City Council for the City of Westlake, on this 28th day
of October 2019.

City of Westlake
Roger Manning, Mayor

Sandra DeMarco, City Clerk

Approved as to Form and Sufficiency
Pam E. Booker, City Attorney

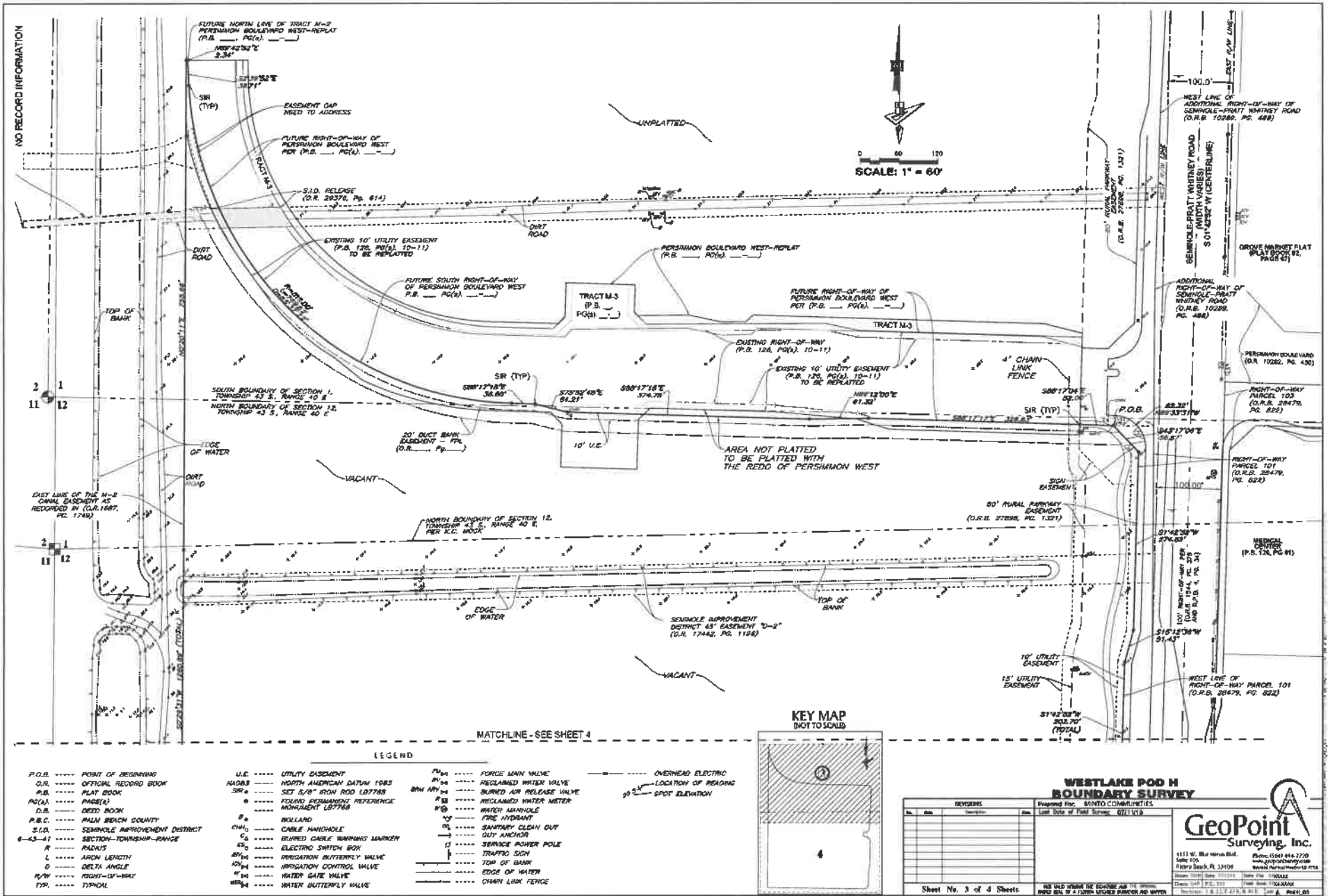
EXHIBIT 'A'
Legal Description
POD 'H'

A PARCEL OF LAND LYING IN SECTIONS 1 AND 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST; THENCE S.00°59'07"W., ALONG THE WEST LINE OF SAID SECTION 1, A DISTANCE OF 349.11 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE 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; THENCE S.87°46'28"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY OF M-CANAL, AS FOUND MONUMENTED, A DISTANCE OF 370.84 FEET; THENCE N.88°36'57"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY OF M-CANAL, AS FOUND MONUMENTED, A DISTANCE OF 1,406.04 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SEMINOLE-PRATT WHITNEY ROAD, A 100 FOOT WIDE RIGHT-OF-WAY, DESCRIBED IN OFFICIAL RECORD 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 3,416.52 FEET TO THE NORTHERLY MOST CORNER OF ADDITIONAL RIGHT-OF-WAY FOR SEMINOLE-PRATT WHITNEY ROAD, DESCRIBED IN OFFICIAL RECORD BOOK 10289, PAGE 488, OF SAID PUBLIC RECORDS; THENCE ALONG THE WEST LINE OF SAID ADDITIONAL RIGHT-OF-WAY OF SEMINOLE-PRATT WHINEY ROAD FOR THE FOLLOWING THREE (3) COURSES: 1) S.02°59'15"W., A DISTANCE OF 540.13 FEET; 2) THENCE S.01°42'52"W., A DISTANCE OF 280.00 FEET; 3) THENCE S.00°26'29"W., A DISTANCE OF 193.91 FEET; THENCE N.89°33'31"W., A DISTANCE OF 62.32 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 AND THE POINT OF BEGINNING; THENCE ALONG THE WEST LINE OF SAID EXISTING RIGHT-OF-WAY FOR THE FOLLOWING FIFTEEN (15) COURSES: 1) S.43°17'06"E., A DISTANCE OF 56.57 FEET; 2) THENCE S.01°42'52"W., A DISTANCE OF 274.62 FEET; 3) THENCE S.15°12'36"W., A DISTANCE OF 51.43 FEET; 4) THENCE S.01°42'52"W., A DISTANCE OF 202.70 FEET; 5) THENCE S.00°43'28"W., A DISTANCE OF 58.80 FEET; 6) THENCE S.45°43'28"W., A DISTANCE OF 56.57 FEET; 7) THENCE N.89°16'32"W., A DISTANCE OF 40.00 FEET; 8) THENCE S.00°43'28"W., A DISTANCE OF 62.00 FEET; 9) THENCE S.89°16'32"E., A DISTANCE OF 52.00 FEET; 10) THENCE S.44°16'32"E., A DISTANCE OF 56.57 FEET; 11) THENCE S.00°43'28"W., A DISTANCE OF 320.20 FEET; 12) THENCE S.01°42'52"W., A DISTANCE OF 62.51 FEET; 13) THENCE S.13°52'24"W., A DISTANCE OF 56.97 FEET; 14) THENCE S.01°42'52"W., A DISTANCE OF 224.37 FEET; 15) THENCE S.46°13'31"W., A DISTANCE OF 57.04 FEET TO A POINT ON THE NORTH LINE OF THE PARCEL CONVEYED TO THE SCHOOL BOARD OF PALM BEACH COUNTY, AS RECORDED IN OFFICIAL RECORDS BOOK 14566, PAGE 1779, OF SAID PUBLIC RECORDS; THENCE N.89°14'58"W., ALONG SAID NORTH LINE, A DISTANCE OF 1402.37 FEET TO A POINT ON THE EAST LINE OF M-2 CANAL EASEMENT, AS RECORDED IN OFFICIAL RECORDS BOOK 1687, PAGE 1749, OF SAID PUBLIC RECORDS; THENCE N.00°29'31"E., ALONG SAID EAST LINE OF M-2 CANAL EASEMENT, A DISTANCE OF 1260.89 FEET; THENCE N.00°20'11"E., ALONG SAID EAST LINE OF M-2 CANAL EASEMENT, A DISTANCE OF 755.66 FEET TO THE NORTHWESTERLY MOST CORNER OF TRACT M-2, AS SHOWN ON SAID PLAT OF PERSIMMON BOULEVARD WEST - REPLAT; THENCE N.89°42'52"E., ALONG THE NORTH LINE OF SAID TRACT M-2, A DISTANCE OF 2.34 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF PERSIMMON BOULEVARD WEST, PERSIMMON BOULEVARD WEST - REPLAT; THENCE THE FOLLOWING COURSES BEING ALONG THE WESTERLY AND SOUTHERLY LINE OF THE RIGHT-OF-WAY FOR PERSIMMON BOULEVARD WEST, AS SHOWN ON SAID PLAT OF PERSIMMON

BOULEVARD WEST - REPLAT; THENCE S.02°39'52"E., A DISTANCE OF 38.71 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST WITH A RADIUS OF 515.00 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 85°37'22", A DISTANCE OF 769.62 FEET TO A POINT OF TANGENCY; THENCE S.88°17'15"E., A DISTANCE OF 36.60 FEET; THENCE S.75°52'48"E., A DISTANCE OF 51.21 FEET; THENCE S.88°17'15"E., A DISTANCE OF 374.75 FEET; THENCE N.89°12'00"E., A DISTANCE OF 91.32 FEET; THENCE S.88°17'17"E., A DISTANCE OF 326.83 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°17'04"E., ALONG SAID WEST LINE OF RIGHT-OF-WAY PARCEL 101, A DISTANCE OF 52.00 FEET TO THE POINT OF BEGINNING.

CONTAINING: 2,213,986 SQUARE FEET OR 50.826 ACRES MORE OR LESS.



SCALE: 1" = 60'

KEY MAP
NOT TO SCALE

LEGEND

- | | | | |
|--|---|---------------------------------------|---------------------------|
| P.O.B. POINT OF BEGINNING | U.E. UTILITY EASEMENT | FWV FORCE MAIN VALVE | ----- OVERHEAD ELECTRIC |
| O.R. OFFICIAL RECORD BOOK | NA04S NORTH AMERICAN DATUM 1983 | RV RECLAIMED WATER VALVE | LOCATION OF READING |
| P.B. PLAT BOOK | SIR SET 5/8" IRON ROD L87768 | BAW RECLAIMED AIR RELEASE VALVE | SPOT ELEVATION |
| PG(A) PAGE(S) | FOUND PERMANENT REFERENCE MONUMENT L87768 | WM RECLAIMED WATER METER | |
| D.B. DEED BOOK | | W WATER MANHOLE | |
| P.B.C. PALM BEACH COUNTY | | PH FIRE HYDRANT | |
| S.I.D. SEMMOLE IMPROVEMENT DISTRICT | CH CHOLLARD | SC SANITARY CLEAN OUT | |
| 4-43-41 SECTION-TOWNSHIP-RANGE | CABLE HAWTHOLE | GUY ANCHOR | |
| R RADARS | CH BURIED CHAIR MARKING MARKER | SERVICE POWER POLE | |
| L ARCH LENGTH | ELECTRIC SWITCH BOX | TRAFFIC SIGN | |
| D DELTA ANGLE | IRRIGATION BUTTERFLY VALVE | TOP OF BANK | |
| R/W RIGHT-OF-WAY | IRRIGATION CONTROL VALVE | EDGE OF WATER | |
| TYP. TYPICAL | WATER GATE VALVE | CHAIN LINK FENCE | |
| | WATER BUTTERFLY VALVE | | |

REVISES		Prepared For: MINTO COMMUNITIES	
No.	Date	By	Last Date of Field Survey: 07/15/19

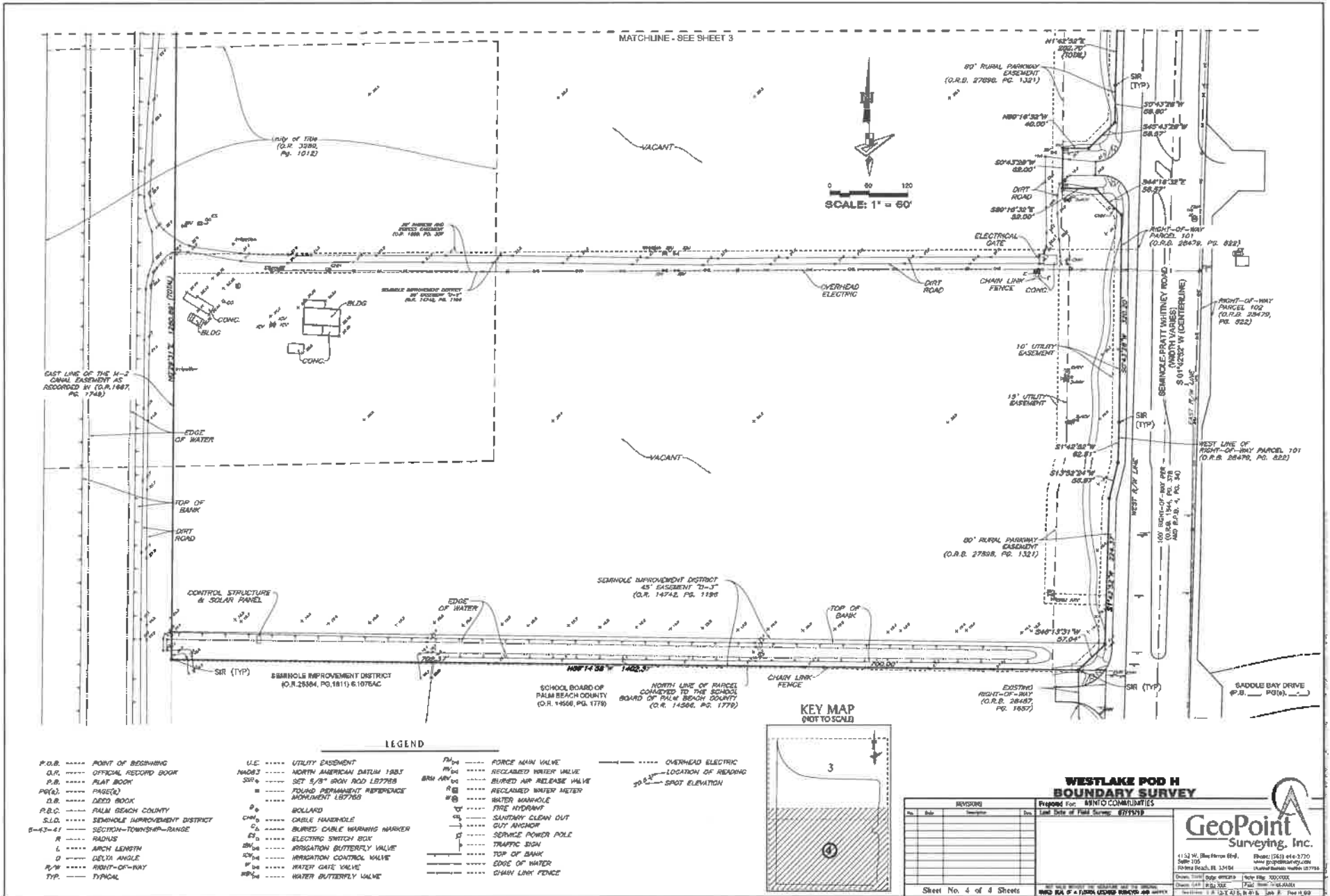
WESTLAKE POD H BOUNDARY SURVEY

GeoPoint Surveying, Inc.

1151 W. Blue Heron Blvd.
Suite 110
Palm Beach, FL 33409

Phone: (561) 844-7229
www.geopointsurveying.com
Survey Permit No. 12766

Sheet No. 3 of 4 Sheets

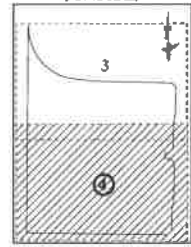


- P.O.B. POINT OF BEGINNING
- O.R. OFFICIAL RECORD BOOK
- P.B. PLAT BOOK
- PG(2) PAGE(S)
- D.B. DEED BOOK
- P.B.C. PALM BEACH COUNTY
- S.I.D. SEMHOLE IMPROVEMENT DISTRICT
- S-T-R-N-G SECTION-TOWNSHIP-RANGE
- R RADIALS
- L ARCH LENGTH
- D DELTA ANGLE
- R/W RIGHT-OF-WAY
- TYP. TYPICAL

- U.E. UTILITY EASEMENT
- NAD83 NORTH AMERICAN DATUM 1983
- SIR SET 3/8" IRON ROD 182788
- FOUND PERMANENT REFERENCE MONUMENT 182788
- B BOLLARD
- C-H CABLE HANDLE
- C-M BURIED CABLE MARKING MARKER
- E-S ELECTRIC SWITCH BOX
- SB-V IRRIGATION BUTTERFLY VALVE
- SC-V IRRIGATION CONTROL VALVE
- W-G-V WATER GATE VALVE
- WB-V WATER BUTTERFLY VALVE

- FM-V FORCE MAIN VALVE
- RV-V RECLAIMED WATER VALVE
- BRN-AR-V BURIED AIR RELEASE VALVE
- R-W-M RECLAIMED WATER METER
- W-M WATER MANHOLE
- HY FIRE HYDRANT
- SC-C-O SANITARY CLEAN OUT
- G-A GUY ANCHOR
- S-P-P SERVICE POWER POLE
- T-S TRAFFIC SIGN
- T-O-B TOP OF BANK
- E-W EDGE OF WATER
- CL-F CHARM LINK FENCE

- OVERHEAD ELECTRIC
- LOCATION OF READING
- SPOT ELEVATION



No.	Date	REVISIONS	Description

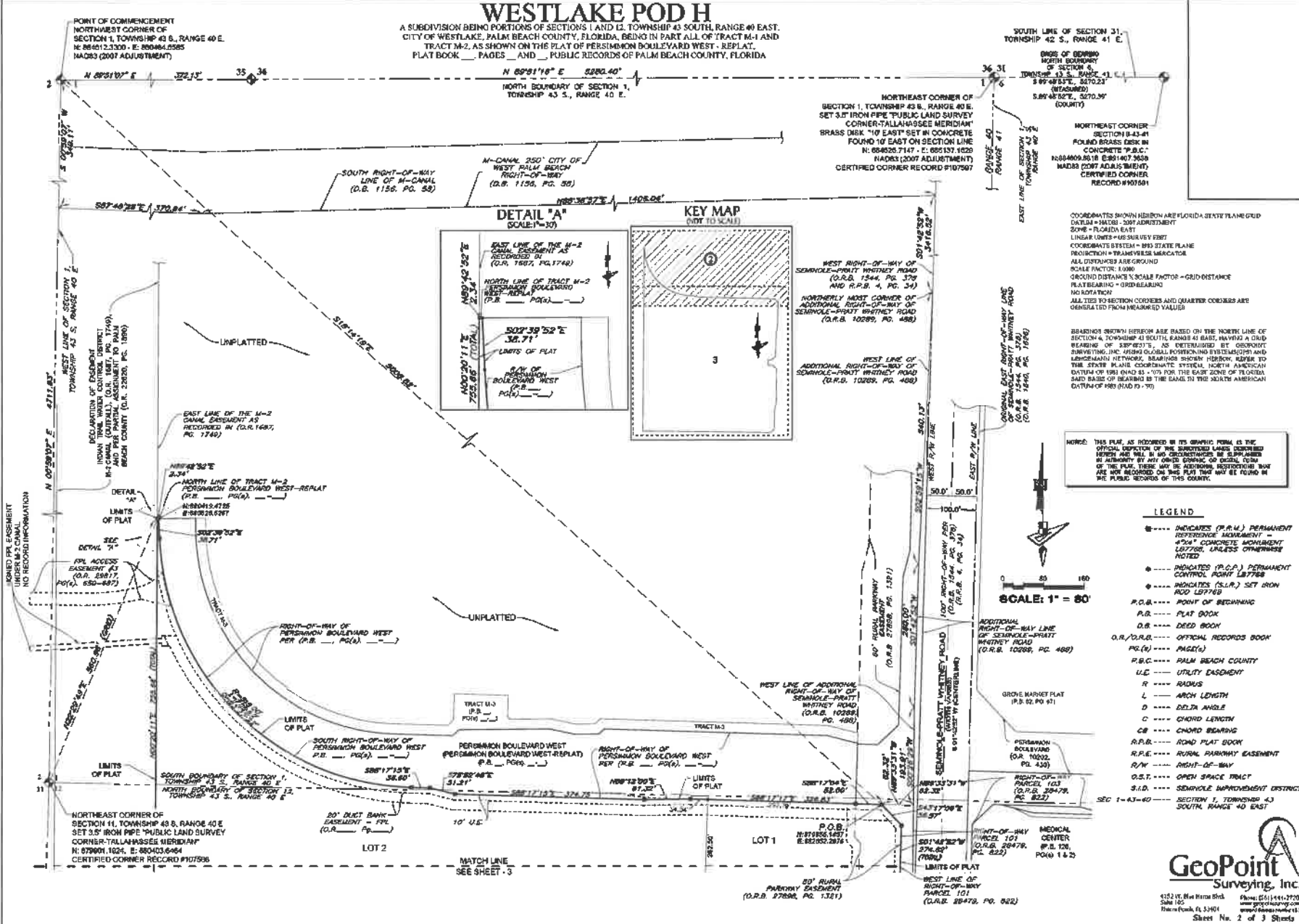
WESTLAKE POD H BOUNDARY SURVEY

Prepared For: **MINICO COMMUNITIES**
 Date of Field Survey: **07/25/22**

GeoPoint Surveying, Inc.
 4152 W. Blue Heron Blvd., Suite 110, Palm Beach, FL 33414
 Phone: (561) 414-3720
 Fax: (561) 414-3720
 Email: info@geopoint.com
 Website: www.geopoint.com

WESTLAKE POD H

A SUBDIVISION BEING PORTIONS OF SECTIONS 1 AND 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, BEING IN PART ALL OF TRACT M-1 AND TRACT M-2, AS SHOWN ON THE PLAT OF PERMION BOULEVARD WEST - REPLAT, PLAT BOOK _____ PAGES _____ AND _____ PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

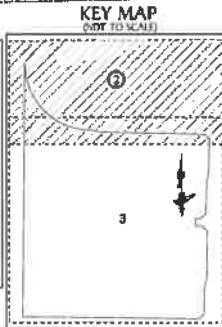
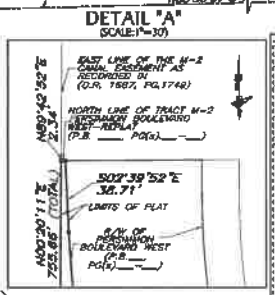


POINT OF COMMENCEMENT
NORTHWEST CORNER OF
SECTION 1, TOWNSHIP 43 S., RANGE 40 E.
N. 88°41'23.00" E. 2004.64.2585
NAD83 (2007 ADJUSTMENT)

SOUTH LINE OF SECTION 31,
TOWNSHIP 42 S., RANGE 41 E.

NORTHEAST CORNER OF
SECTION 1, TOWNSHIP 43 S., RANGE 40 E.
SET 3.5' FROM PIPE PUBLIC LAND SURVEY
CORNER-TALLAHASSEE MERIDIAN
BRASS DISK "10" EAST SET IN CONCRETE
FOUND 10' EAST ON SECTION LINE
N. 68°55'21.47" E. 665.157.1628
NAD83 (2007 ADJUSTMENT)
CERTIFIED CORNER RECORD #107567

NORTHEAST CORNER
SECTION 8-43-41
CONCRETE "P.O.B."
N. 88°40'56.18" E. 2004.647.5659
NAD83 (2007 ADJUSTMENT)
CERTIFIED CORNER
RECORD #107681



COORDINATES SHOWN HEREON ARE FLORIDA STATE PLANE GRID DATUM = NAD83 - 2007 ADJUSTMENT
ZONE = FLDN 18N EAST
LINEAR UNITS = US SURVEY FEET
COORDINATE SYSTEM = 893 STATE PLANE PROJECTION = TRANSVERSE MERCATOR
ALL DISTANCES ARE GROUND
SCALE FACTOR = 1.000
GROUND DISTANCE SCALE FACTOR = GRID DISTANCE
PLAT BEARING = GRID BEARING
NO ROTATION
ALL TIES TO SECTION CORNERS AND QUARTER CORNERS ARE GENERATED FROM MEASURED VALUES

BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF SECTION 4, TOWNSHIP 43 SOUTH, RANGE 40 EAST, HAVING A GRID BEARING OF 89°55'21.47" AS DETERMINED BY GROUND SURVEYING, INC. USING GLOBAL POSITIONING SYSTEM (GPS) AND LITHIUM ION BATTERY BEARING SHOWN HEREON REFER TO THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD 83 - 07) FOR THE EAST ZONE OF FLORIDA, AND BASE OF BEARING IS THE DANG. IN THE SOUTH AMERICAN DATUM OF 1983 (SAD 83 - 70)

NOTE: THIS PLAT, AS RECORDED IN ITS ORIGINAL FORM IS THE ORIGINAL EXPRESSION OF THE SUBMITTED LINES DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLEMENTED OR AMENDED BY ANY OTHER CORNERS OR DEVICES, OTHER THAN THOSE SHOWN ON THIS PLAT, THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

LEGEND

- INDICATES (P.R.M.) PERMANENT REFERENCE ALIGNMENT - 4" X 4" CONCRETE ALIGNMENT LOT/768, UNLESS OTHERWISE NOTED
- INDICATES (P.C.) PERMANENT CONTROL POINT LOT/768
- INDICATES (S.I.R.) SET IRON ROD LOT/768
- P.O.B. POINT OF BEGINNING
- P.B. PLAT BOOK
- D.B. DEED BOOK
- O.R./D.R. OFFICIAL RECORDS BOOK
- PG(S) PAGE(S)
- P.B.C. PALM BEACH COUNTY
- U.E. UTILITY EASEMENT
- R. ROAD
- L. ARCH LENGTH
- D. DELTA ANGLE
- C. CHORD LENGTH
- C.B. CHORD BEARING
- R.P.B. ROAD PLAT BOOK
- R.P.E. RURAL PARISHY EASEMENT
- R/W. RIGHT-OF-WAY
- O.S.T. OPEN SPACE TRACT
- S.I.D. SEMI-HOLE IMPROVEMENT DISTRICT
- SEC 1-43-40 SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST

SCALE: 1" = 80'

0 80 160

INDICATED (P.R.M.) PERMANENT REFERENCE ALIGNMENT - 4" X 4" CONCRETE ALIGNMENT LOT/768, UNLESS OTHERWISE NOTED

INDICATES (P.C.) PERMANENT CONTROL POINT LOT/768

INDICATES (S.I.R.) SET IRON ROD LOT/768

P.O.B. POINT OF BEGINNING

P.B. PLAT BOOK

D.B. DEED BOOK

O.R./D.R. OFFICIAL RECORDS BOOK

PG(S) PAGE(S)

P.B.C. PALM BEACH COUNTY

U.E. UTILITY EASEMENT

R. ROAD

L. ARCH LENGTH

D. DELTA ANGLE

C. CHORD LENGTH

C.B. CHORD BEARING

R.P.B. ROAD PLAT BOOK

R.P.E. RURAL PARISHY EASEMENT

R/W. RIGHT-OF-WAY

O.S.T. OPEN SPACE TRACT

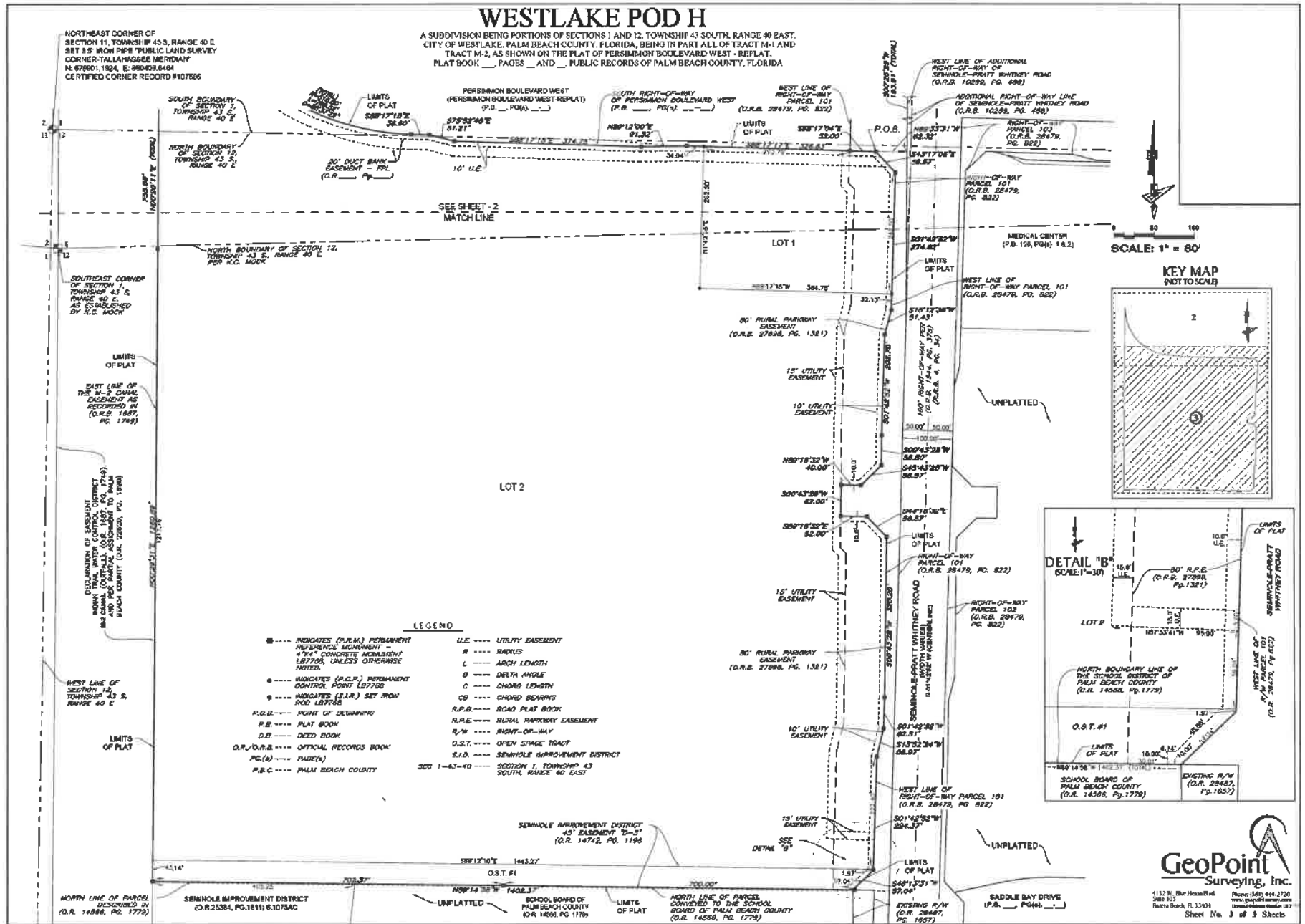
S.I.D. SEMI-HOLE IMPROVEMENT DISTRICT

SEC 1-43-40 SECTION 1, TOWNSHIP 43 SOUTH, RANGE 40 EAST

GeoPoint
Surveying, Inc.

4122 W. Blue Heron Blvd. Phone: (561) 544-3720
Suite 105 www.geo-point.com
Palm Beach, FL 33404 www@geo-point.com
888-555-3720

Sheet No. 2 of 3 Sheets





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

-
- | | |
|----------------------------|-------------------------------|
| 1. DATE: | 10/4/2019 |
| 2. PETITION NUMBER: | ENG-2019-19 |
| 3. DESCRIPTION: | Pod H Plat |
| APPLICANT: | Minto PBLH, LLC |
| OWNER: | Minto PBLH, LLC |
| REQUEST: | Plat & Boundary Survey Review |
| LOCATION: | Westlake, Florida |
| 4. STAFF REVIEW: | APPROVAL |

The Engineering Department approves the plans.

Note: This plat must not go to mylar and execution prior to the recording of the Persimmon Boulevard West Replat and the addition of the Plat Book and Page references. Please provide a copy of the plat with the references added prior to mylar for review.

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

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

Suzanne Dombrowski, P.E.
Chen Moore and Associates
Tel: 561.746.6900 x 1035
Email: sdombrowski@chenmoore.com

Seventeenth Order of Business

OCTOBER 28, 2019

RESOLUTION 2019-37

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, ACKNOWLEDGING DECLARATIONS OF RESTRICTIVE COVENANTS ON THE CRESSWIND PALM BEACH PROPERTY AND AGE RESTRICTIVE COVENANTS CONTAINED WITHIN THE MASTER PLAN AMENDMENT FOR POD P, PROVIDING FOR RECORDATION OF THE RESTRICTIVE COVENANTS AND MONITORING PROVISIONS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Cresswind Palm Beach is fee title owner (“Owner”) of certain real property (“Property”) in the City of Westlake, known as Pod P, of which a portion has been platted according to the plat known as Cresswind Palm Beach Phase I, in Plat Book 128 Pages 96 thru 105, located in Palm Beach County, Florida and legally described in the attached Exhibit “A”; and

WHEREAS, under normal development circumstances, projects usually have impact fees assessed by Palm Beach County; and

WHEREAS, pursuant to the Palm Beach County Land Development Code, a condition for exemption from the assessment of educational impact fees for age-restricted housing is that the Owner must reasonably ensure that the housing units are rented or sold to persons meeting the requirements of the Palm Beach County Code of Ordinances; and

WHEREAS, in order to receive both the waiver and exemption of impact fees, Palm Beach County requires that the Owner of the Property request such waivers and exemptions and execute Declarations of Restrictive Covenants so that said restrictions and covenants are binding on the Owner’s successor and assigns; and

WHEREAS, the City of Westlake approved a Master Plan Amendment on or about July 24, 2019, for five hundred units in Pod P, as an age restricted community; and

WHEREAS, the Owner, in fulfillment of that obligation, hereby places certain restrictions on the use of the Property and declares that the Property shall be held, maintained, transferred, sold conveyed, and owned subject to these restrictions; and

WHEREAS, the Declarations of Restrictive Covenants will be recorded in the Public Records of Palm Beach County, Florida, shall become effective upon recordation and shall run with the Property; and

WHEREAS, The Declaration of Restrictive Covenants contain provisions in Section 27 restricting occupancy to persons fifty-five (55) years of age and older, as set forth in the Fair Housing Amendments Act, 42 USC 3601 et seq. (1988), as may be amended; and

WHEREAS, Palm Beach County, through its Board of County Commissioners, its successors and assigns, is the beneficiary of these restrictive covenants and as such, the County may enforce these restrictive covenants by an action at law or in equity against any person or persons, entity or entities, violating or attempting to violate the terms of these restrictions, and the County may institute foreclosure proceedings against the Property for the amount of fees that the Owner is bound to repay; and

WHEREAS, in the event of foreclosure in which any future Mortgagee takes title to the Property, such Mortgagee may request the release of restrictive covenant(s) upon payment of all applicable impact fees at the rate in effect at the of the request for the release of the restrictive covenant(s).

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

Section 1: Incorporation: The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: Age Restriction: Owner shall include the age restriction and monitoring requirements in sales contracts and in the Declaration of Restrictive Covenants for Development.

Section 3: Effective Date: This Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND APPROVED by City Council for the City of Westlake, on this 28th day of October 2019.

City of Westlake
Roger Manning, Mayor

Sandra DeMarco, City Clerk

Approved as to Form and Sufficiency
Pam E. Booker, City Attorney

Nineteenth Order of Business

1st Reading October 7, 2019
2nd Reading October 28, 2019

ORDINANCE NO. 2019-12

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, PROVIDING FOR THE ADMINISTRATION OF LAND DEVELOPMENT REGULATIONS FOR THE CITY OF WESTLAKE; PROVIDING FOR ADOPTION OF LAND DEVELOPMENT REGULATIONS; PROVIDING FOR INTERPRETATION OF LAND DEVELOPMENT REGULATIONS; PROVIDING FOR CONSISTENCY WITH THE CITY OF WESTLAKE COMPREHENSIVE PLAN; ESTABLISHING A PLANNING AND ZONING DIRECTOR' PROVIDING FOR CITY COUNCIL PROCEDURES AND AUTHORITY; PROVIDING FOR A LOCAL PLANNING AGENCY; PROVIDING FOR A PLANNING AND ZONING BOARD; PROVIDING FOR A HEARING OFFICER; PROVIDING FOR INTERACTION WITH SID; PROVIDING FOR NON-RETROACTIVITY AND SEVERABILITY; WHICH SHALL BECOME PART OF THE CODE OF ORDINANCES, ENTITLED 'ADMINISTRATION', PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on or about May 3, 2018, the Florida Department of Economic Opportunity provided the City with notice of intent to find the City's initial comprehensive plan in compliance and the same is now the effective and controlling Comprehensive Plan for the City of Westlake ("Comprehensive Plan"); and

WHEREAS, the City desires to adopt provisions concerning the administration of the Land Development Regulations; and

WHEREAS, adoption of this chapter, entitled "Administration" will assist the City in carrying out the goals, objectives and policies of the adopted comprehensive plan; and

WHEREAS, the purpose of this ordinance is to provide for the administration of the land development regulations, including the interpretation and application thereof; and

WHEREAS, the further purpose of this ordinance is to provide for the establishment and governance of a Planning and Zoning Director, and Local Planning Agency, and a Planning and Zoning Board for the City; and

WHEREAS, the further purpose of this ordinance is to provide for certain City Council procedures and authority; and

WHEREAS, the City and the Seminole Improvement District (SID) have a special relationship governed by the City Charter and the Interlocal Agreement between the City of Westlake and the Seminole Improvement District Regarding the Provision of Certain Services, Infrastructure, and Public Facilities and for Assurance of Non-Duplication of Services originally dated February, 2018;

WHEREAS, the City seeks to promote quality development within the City of Westlake in the short and long term; and

WHEREAS, Section 163.3202, Florida Statutes encourages the use of innovative land development regulations; and

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 while protecting health, safety, and general welfare of individuals and the community at large.

WHEREAS, the Local Planning Agency has conducted a hearing on October 7, 2019, and made a recommendation to the City Council with respect to the adoption of this Land Development Procedures Ordinance; and

WHEREAS, the City Council has conducted two public hearings on October 7, 2019 and October 28, 2019, where it considered the recommendation of the Land Planning Agency, the City staff’s presentation, and comments from the public and has determined that the adoption of this Land Development Procedures Ordinance is in the best interest of the public safety and welfare of the City of Westlake;

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. Administration. The code of ordinances for the City of Westlake shall contain a chapter entitled “Administration” which code shall contain the provisions as specifically set forth herein.

CHAPTER 1: ADMINISTRATION

ARTICLE 1.1 ADOPTION. In accordance with the adopted Comprehensive Plan and the authority granted by the City Charter, the Florida Statutes, and the Constitution of the State of Florida, the City Council of the City of Westlake, Florida, hereby ordains and enacts the provisions of these Land Development Regulations.

ARTICLE 1.2 INTERPRETATION

Section 1: Definitions and Acronyms.

- (A) Florida Statute Definitions.** The definitions used in Chapter 163, Florida Statutes, apply.
- (B) Words Not Defined.** Words not defined by the Florida Statutes, the Comprehensive Plan, or these LDRs shall have their plain and ordinary meaning.
- (C) Definitions.** The following words have the following meanings, and shall apply to both the single and plural forms of the words, whether or not such words are capitalized:

ACCESSORY DWELLING UNIT: A dwelling unit located on the same parcel of land as a principal single family dwelling. An accessory dwelling is a complete, independent living facility equipped with a kitchen and bathroom.

ACCESSORY SOLAR FACILITY: A solar energy system which utilizes roof space or other space on the parcel of land to provide electricity or heat for use on the parcel of land. Export of electricity to the electrical grid is incidental and subordinate to the purpose of supplying electricity to the primary use of the parcel of land.

ACCESSORY USE OR ACCESSORY STRUCTURE: A use or structure incidental and subordinate to the principal use, including accessory dwelling units and accessory solar facilities.

AGRICULTURAL USES: The use of land for aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, plant crops, and any other form of farm product and farm production. Land areas include croplands, pasture lands, orchards, vineyards, nurseries, horticulture areas, groves, and specialty farms. Buildings, support facilities, dwelling units for farm operators and farmworkers, machinery, and other appurtenances used in the production of agricultural products are included. Agricultural uses do not include concentrated and/or confined animal feeding operations.

ALLEY: a through public right of way less than twenty-five feet in width commonly located to the rear or side of a property.

AMENITY CENTER: a facility to accommodate recreational and/or social activities such as parties, receptions, banquets, meetings, recreation, exercise, and neighborhood gatherings, for exclusive use of the residents and guests of a specific development or defined residential area and that provides opportunities for limited retail, including a leasing/real estate sales office, and property management offices.

ANTENNA: a transmitting and/or receiving device mounted on a telecommunications tower, building or structure and used in telecommunications services that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies, wireless communications signals and other communication signals including directional antennas such as panel and microwave dish antennas, and omnidirectional antennas such as whips, but excluding radar antennas, amateur radio antennas and satellite earth stations. This does not include telecommunications services as defined by 47 United States Code § 332.

APARTMENT: a room or a suite of rooms within an apartment building, arranged, intended or designed to be used as a home or residence of one family with kitchen facilities for the exclusive use of the one family.

APARTMENT BUILDING: a building with three or more separate apartments, each of which is used or intended to be used as a home or residence for one family, in which the yard areas, hallways, stairways, balconies and other common areas and facilities are shared by families living in the apartment units.

APPLICANT: Property owner and/or property owner's authorized representatives.

ARTERIAL ROAD: A road providing service that is relatively continuous and of relatively high traffic volume, long average trip length, and high operating speed. In addition, every United States numbered highway is an arterial road.

ASSISTED LIVING FACILITY: Residential care facilities that provide housing, meals, personal care and supportive services to older persons and disabled adults who are unable to live independently.

ATHLETIC TRAINING FACILITY: a facility for the education and training of athletes. Such facilities may include commercial recreational uses, primary and secondary schools, colleges and universities, and associated residence halls and dormitories for students, faculty, and visitors.

AVERAGE DAILY TRAFFIC (ADT): The total traffic volume during a given 24-hour time period for all allowable directions on a given road.

BACKGROUND TRAFFIC: The projected traffic generation from previously approved but incomplete projects, and other sources of traffic growth.

BERM: A landscaped earthen mound in excess of two feet in vertical height designed to provide visual interest, or serve as a buffer.

BIOSWALE: Landscaping features (usually a swale or trench) filled with vegetation and/or organic matter, designed to collect or move stormwater and runoff and pass it through the vegetation or organic matter to remove debris and filter out pollution.

BUFFER: The use of vegetation, walls, fences, berms, setbacks, less intense development, and/or less dense development to mitigate the impacts of unsightly views, lights, noises, odors, and/or dust.

BUILDING: any structure having a roof entirely separated from any other structure by space in which there are no communicating doors or windows or any similar opening and erected for the purpose of providing support or shelter for persons, animals, things or property of any kind.

BUILDING CODE: the Florida Building Code, as amended from time to time.

CANAL: a body of water having a width of 100 feet or less for linear areas in excess of 200 feet in length and used principally for the conveyance of water.

CHILD OR ADULT CARE CENTER: an enterprise involving the care of five or more children and/or adults at one location at the same time, which children and/or adults are not foster children or related by blood or marriage to the operator. Adult care centers shall not include those uses meeting the definition of assisted living facilities or nursing home.

CITY: the City of Westlake, Florida.

CITY COUNCIL: the City Council members collectively in their capacity as the governing body for the City of Westlake.

CIVIC USES: Structures or facilities that provide cultural, social, or governmental services and/or functions. These include community centers; cultural centers; places of assembly; places of worship; museums; libraries; government administration, operations, and services; judicial facilities; post offices; public arenas and auditoriums; meeting halls; exhibition and conference center; fairgrounds; cemetery; child or adult care centers; and others owned and operated for public uses.

COLLECTOR ROAD: A road providing service that is of relatively moderate average traffic volume, moderately average trip length, and moderately average operating speed. Such a road also collects and distributes traffic between local roads and arterial roads.

COMMERCIAL RECREATION: Uses that typically charge a fee or have other requirements for participation or attendance as a spectator. Uses include, but are not limited to, outdoor and indoor recreational facilities such as tennis clubs, jai alai frontons, amusement and sport centers, outdoor amphitheaters, hunting and gun clubs, marinas, vehicular and non-vehicular race tracks, outdoor zoos and wildlife attractions, fairs, parks and recreation exhibitions, entertainment, and/or other amusements, private sports and recreation clubs, golf courses, and sports stadiums and venues. Uses may include accessory uses and activities that are supportive of the activity including shops and restaurants.

COMMERCIAL USES: Activities within land areas that are predominantly connected with the sale, rental and distribution of products or the performance of services, including offices and medical facilities.

COMMUNITY PARK: A park located near collector or arterial roads designed to serve the needs of more than one neighborhood. It is designed to serve community residents within a radius of up to 3.5 miles. The term “community park” includes any related recreational facilities, and can be publically or privately owned.

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

COMPREHENSIVE PLAN: City of Westlake Comprehensive Plan, unless context clearly implies otherwise.

CONSERVATION USES: The use or condition of land areas designated for conserving or protecting natural resources or environmental quality, including areas designated for flood control and floodplain management, the protection of the quality or quantity of ground or surface water, commercial or recreational fish and shellfish habitat, water supply, and/or vegetative communities or wildlife habitats.

CONTINUING CARE FACILITIES: A variety of housing options and services designed to meet the changing needs of its residents who require varying levels of care. Housing options typically include independent living units, assisted living facilities, and/or nursing homes.

CORNER LOT: a lot abutting two or more streets at their intersection.

DENSITY: The number of dwelling units per gross acre.

DRIVE THROUGH: a facility designed to accommodate pickup of food, merchandise or services by a motor vehicle momentarily at rest in a driveway expressly designed for that purpose.

DWELLING UNIT: A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

EDUCATIONAL USES: Activities and facilities for public or private primary or secondary schools; vocational and technical schools; and colleges and universities including all campus buildings, residence halls and dormitories, fraternity and sorority housing, and recreational facilities.

ESSENTIAL FACILITIES AND SERVICES: Essential facilities and services include roads, bicycle lanes, shared use paths, sidewalks, bridges, transmission lines for electricity, cable, water (including reclaimed water), sewer, and gas that serve local area demands, electricity sub-stations, stormwater and drainage facilities and systems, electric car generation ports/stations, transit facilities, and accessory solar facilities. Essential facilities and services do not include wireless communication facilities.

FAMILY: One or more persons related by blood, adoption, or marriage or not more than two unrelated persons occupying the whole of a dwelling unit as a single housekeeping unit.

FENCE: an artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas.

FIRE CODE: the Florida Building Code, the Palm Beach County Local Amendments to the Florida Fire Prevention Code, and other codes adopted by the City for the prevention or control of fires.

FLOOR AREA RATIO (FAR): A means of measuring building intensities for nonresidential land. FAR is the ratio of total floor area of all buildings on the parcel to the gross acreage. FAR does not regulate the building height or site coverage. It does not include the area within structures used for parking and vehicular circulation or open outdoor storage or display areas.

FOSTER CARE FACILITY: A facility which houses foster residents, and provides a family living environment for the residents, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents.

GROSS ACREAGE: The total area of a parcel of land measured in acres including developed and undeveloped land, agricultural areas, open space, roads, rights-of-way, easements, and environmental features such as lakes, floodplains, and wetlands.

GROUP HOME: A facility which provides living quarters for unrelated residents who operate as the functional equivalent of a family, including such supervision and care as may be necessary to meet the physical, emotional, and social needs of the residents. It shall not include rooming or boarding homes, clubs, fraternities, sororities, monasteries or convents, hotels, residential treatment facilities, nursing homes, or emergency shelters.

HEIGHT: Unless otherwise noted, height shall be measured from the minimum finished floor elevation to the midpoint of the roof, or if the roof is flat, to the top of the parapet. Architectural features shall not count for purposes of measuring height so long as the architectural features do not exceed 10% of the height of the structure.

HELIPAD: The surface on which a helicopter lands and is used for helicopter parking.

HELISTOP: any area of land or any man-made object or facility located thereon or building rooftop area which is used, or intended for use, solely for the landing and takeoff of vertical-takeoff aircraft and which has no appurtenant areas, buildings or other facilities supporting the use, landing and takeoff of vertical-takeoff aircraft.

HOSPITAL: a medical facility which provides for both inpatient and outpatient treatment and has overnight accommodations, wherein professional services concerning personal health of humans are administered by medical doctors, chiropractors, osteopaths, optometrists, dentists or any other such professional.

HOTEL: a building within which a commercial establishment provides lodging as overnight sleeping accommodations for the public in which ingress and egress to all rental rooms shall be through an inside lobby or office supervised by a person in charge at all hours.

INSTITUTIONAL USES: Activities and facilities that include juvenile facilities, nursing homes/skilled-nursing facilities, mental (psychiatric) hospitals, in-patient hospice facilities, residential schools for people with disabilities, residential treatment centers for adults, and City jails/confinement facilities (excludes residential group homes for juveniles, correctional residential facilities such as halfway houses, federal detention centers, and federal and state prisons).

INTENSITY: The amount of non-residential development as measured by the Floor Area Ratio.

INTERIOR LOT: a lot other than a corner lot.

LANDSCAPE OPEN SPACE: Any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and non-living landscape material (such as rocks, pebbles, sand, mulch or decorative paving materials). Non-living landscape material shall not be used as major landscape ground cover. In no case shall these materials exceed ten percent of the landscaped area.

LEGAL NON-CONFORMING LOT: a lot of record, which does not meet the area or width requirements of the Comprehensive Plan and LDRs for the zoning district in which the lot is located.

LEGAL NON-CONFORMING STRUCTURE: A structure that was lawfully established before the adoption of the Comprehensive Plan and Land Development Regulations that does not conform to the Land Development Regulations for the zoning district in which the parcel of land is located.

LEGAL NON-CONFORMING USE: A use that was lawfully established before the adoption of the Comprehensive Plan and Land Development Regulations, which does not conform with the allowed uses by the Comprehensive Plan Future Land Use Category or of the zoning district in which it is located.

LEGAL POSITIVE OUTFALL: the permanently established connection of a stormwater discharge conveyance facility serving a development site to a watercourse or water body under the control and jurisdiction of one or more public agencies, said connection being subject to all applicable agency permitting and approval requirements.

LEVEL OF SERVICE (LOS): An indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility. LOS shall indicate the capacity per unit of demand for each public facility or performance measures for road traffic or stormwater facilities.

LIGHT INDUSTRIAL USES: Land uses that include construction operation and storage facilities, manufacturing, assembly, processing or storage of products when such activities have minimal and inoffensive external impacts such as smoke, noise, dust, soot, dirt, vibration, stench, or adverse visual impacts on the surrounding neighborhood. Light industrial uses may include research and development technology centers including server farms, medical and dental laboratories, warehouse and/or distribution centers, and recycling centers. Light industrial uses shall not include mining and extraction industries, electrical generation plants, or regional sewer treatment plants.

LOCAL ROAD: A road that carries low volumes and provides service for local traffic between land uses and collector roads, with direct property access as the primary purpose. Any road that is not an arterial or collector road and is under the jurisdiction of the City is a local road.

LOT: includes tract or parcel and means the least fractional part of subdivided lands having limited fixed boundaries, and an assigned number, letter, or other name through which it may be identified, as defined by Section 177.031, Florida Statutes, as may be amended from time to time.

LOT AREA: the area contained within the boundary lines of a lot.

LOT COVERAGE: That portion of the area of a lot, plot, or building site, expressed as a percentage, occupied by all buildings or structures which are roofed, exclusive of its eaves. Pool decks, patios or outdoor sitting areas, even if enclosed with a screen enclosure shall not be calculated as part of lot coverage.

LOT DEPTH: the mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries; however, for radial lots the lot depth shall be measured from the setback not the front lot line.

LOT FRONTAGE: means the portion of a lot nearest the street; also the front property line. Where a building has two sides that face two or more streets, the side associated with the street address shall be designated as having lot frontage, or the front property line.

LOT LINE: a line bounding a lot which divides one lot from another or from a road or any other public or private space.

LOT LINE, REAR: that lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of lots which have frontage on more than one road or street, the rear lot line shall be opposite the lot frontage.

LOT LINE, SIDE: any lot line other than a front or rear lot line.

LOT LINE, STREET: In the case of a lot abutting multiple roads, all lot lines abutting a road except the lot frontage.

LOT OF RECORD means a part of the land subdivision, the map of which has been recorded in the office of the clerk of the court of the county.

LOT WIDTH: The horizontal distance between opposite side lot lines, measured at the root setback line to accommodate variation and radial streets. Where there is only one side lot line, lot width shall be measured between such lot line and the opposite lot line or future right-of-way line.

MAJOR CANALS: the M Canal and M-2 Canal.

MANUFACTURED HOME: A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the site, bearing a label certifying that it is built in compliance with the federal manufactured housing construction and safety standards, or inspected by an approved inspection agency conforming to the requirements of HUD, and bearing an insignia of approval.

MULTIFAMILY DWELLING: Multiple separate dwelling units contained within one building or several buildings including but not limited to apartment buildings, but excluding single family attached dwellings.

MULTIMODAL TRANSPORTATION SYSTEM: The system which provides safe and efficient movement of people, goods, and services by more than one mode of transportation.

NEIGHBORHOOD CENTER: Compact areas that allow a mix of commercial uses that serve neighborhoods such as retail (goods and services), restaurants, offices and clubhouses, schools, religious uses, small scale civic uses, and amenity centers.

NEIGHBORHOOD PARK: A park that serves the residents of a neighborhood and is accessible to bicyclists and/or pedestrians. It is designed to serve the population of a neighborhood in a radius of up

to one-half mile. Neighborhood parks include any related recreational facilities, and can be publically or privately owned.

NET PEAK HOUR DIRECTIONAL TRIPS: Total project trip generation minus internal trips, pass-by trips less any previously-approved traffic or traffic from any existing use established in accordance with Chapter 7.

OFFICE: a use where the clerical, administrative, financial or consulting aspects of business, professional medical or governmental services are conducted. Office use shall include but not be limited to: financial institutions, insurance offices, medical offices, or business consulting services.

OPEN SPACE: Areas open to the sky that are partly or completely covered with grass, trees, shrubs, other vegetation or water, or if partially or completely paved serve to shape or enhance urban form or provide for public use. Open spaces have little to no vertical structures and can be publicly or privately owned. Open spaces include parks, transportation corridor parkways, vegetated buffers, shared use paths, plazas, courtyards, squares and areas that provide stormwater management.

PARCEL: Any quantity of land capable of being described with such definiteness that its location and boundaries may be established.

PARK: A site that provides opportunities to partake in active or passive recreational activities, including structures associated with a park's recreational activities, including dog parks

PEAK HOUR PEAK DIRECTION CAPACITY: The maximum number of vehicles that can pass a given point in one direction on a road in one hour under given traffic and road conditions per the FDOT Quality/Level of Service Handbook in one hour.

PEAK HOUR TRAFFIC: the one hour of traffic representative of the peak period, as defined in Chapter 7, and includes two-way and peak direction volumes. Peak Hour Traffic shall be determined from actual traffic counts. The project, at the approval of the City Engineer, the Peak Hour Traffic may be determined by factoring the Average Daily Traffic by an approved "K" factor.

PEAK SEASON: The time from January 1 through March 31, inclusive.

PERVIOUSNESS PERCENTAGE. This indicates the percentage of the overall lot or parcel that must be pervious.

PLACE OF ASSEMBLY: a building, portion of a building or other site in or at which facilities are provided for civic, fraternal, educational, political, religious, cultural or social purposes.

PLACE OF WORSHIP: any church, synagogue, denomination or ecclesiastical organization having an established place for worship in the City at which nonprofit religious services and activities are regularly conducted.

PRIMARY SOLAR FACILITY: A solar energy system which primarily functions to provide electricity for off-site use. This term includes the structures, equipment, infrastructure, and support systems necessary for the collection, storage, and distribution of solar energy, along with all functions necessary to develop and operate a primary solar facility including construction, management, administration, maintenance, security, and safety.

RADIUS OF DEVELOPMENT INFLUENCE: The area surrounding a proposed project as set forth in Chapter 7. The distance shall be measured in road miles from the point at which the proposed project's traffic enters the first road, not as a geometric radius.

RECREATIONAL USES: Areas and development used for leisure time activities and sports in an indoor or outdoor setting, including parks and golf courses.

RESIDENT: A person who makes his or her home in a particular place for most of the year or for a portion of the year, including a seasonal resident.

RESIDENTIAL USES: Land uses consisting of dwelling units, including mobile and manufactured homes. Residential uses include assisted living facilities and group homes.

RETAIL: establishments engaged in selling goods or merchandise directly to the ultimate consumer for personal or household consumption and rendering services incidental to the sale of such goods. Establishments primarily engaged in providing services as opposed to products to individuals shall also be considered a retail use.

RIGHT-OF-WAY: Land dedicated or required for a transportation or utility use that a government entity owns in fee simple or over which it has an easement.

SELF-STORAGE FACILITY: a fully enclosed space used for warehousing that contains individual storage units.

SEMINOLE IMPROVEMENT DISTRICT (SID): Independent special purpose government established in 1970 pursuant to Chapter 70-854, Laws of Florida, codified pursuant to Chapter 2000-431, Laws of Florida, formerly known as the Seminole Water Control District. SID is coextensive with the boundaries of the City of Westlake and consists of approximately 4,142 acres of land. SID is empowered to construct and maintain a number of public works and utilities including water, sewer, drainage, irrigation, water management, parks, recreation facilities, roads and related activities.

SENIOR HOUSING: Age-restricted dwelling units for older adults, aged 55+, who are able to care for themselves.

SETBACK: the horizontal distance between the front line, side line, or rear line of the building site to the front, side, or rear of the building or structure, respectively. Setbacks shall be measured perpendicular to and parallel with the property or right-of-way lines, and shall be measured from the point at which the face of the building or structure touches the ground.

SEXUALLY ORIENTED USES: any place in which a principal use is the exchange, for consideration in any form, monetary or otherwise, for profit or not for profit, of materials or exhibitions, including but not limited to books, magazines, photographs, performances, videotapes, electronic media or movies which have as their dominant theme matters depicting, describing, demonstrating or relating to completely or to opaquely covered human genitals or pubic regions, buttocks, or female breasts below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state, even if completely and opaquely covered, or which have as their dominant theme matters depicting, describing, demonstrating or relating to human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, or the fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

SHARED USE PATH: A paved facility for use by pedestrians, bicyclists, and/or other users that is separated from vehicular traffic. Golf carts may be used on shared use paths in certain areas, under certain circumstances.

SINGLE FAMILY ATTACHED DWELLING: A single dwelling unit physically attached to other buildings, dwelling units, or structures through one or more shared walls, but not including multifamily dwellings.

SINGLE FAMILY DETACHED DWELLING: A single dwelling unit, including a manufactured home, not physically attached to other buildings, dwelling units, or structures.

SOLAR ENERGY OVERLAY: An area designated on the Future Land Use Map (FLU Map 2.1) that allows Primary Solar Facilities in addition to uses allowed by the underlying future land use category.

SPECIAL EVENT: special/community event is an activity or use that is public or quasi-public in nature and occurs once in a fiscal year, not to exceed three (3) weeks. This includes Fourth of July activities, parades, races and festivals. Events that require a Special Use may be subject to the Traffic Study requirements of this Article as determined by the City

SUBDIVISION: the division of land into two or more lots, or parcels, or any other division of land.

SUSTAINABLE COMMUNITY: An urban area with a long term planning and management vision that incorporates a multi-modal transportation network, walkable, mixed use patterns of development, denser development where infrastructure exists, civic spaces and interconnected open spaces for recreation, economic vitality and job choices, choices in housing price and size, a quality educational system, and a unique identity.

TELECOMMUNICATIONS FACILITY: any facility that is used to provide one or more telecommunications services, including, without limitation, radio transmitting telecommunications towers, other supporting structures, and associated facilities used to transmit telecommunications signals. Telecommunications facilities includes any antenna or broadcast equipment located outdoors, which is used for telecommunications and not otherwise defined as an antenna. Telecommunications facilities include telecommunications services as defined by 47 United States Code § 332.

TEMPORARY USES: are uses that are required in the construction phase of development or are uniquely temporary or seasonal in nature.

THROUGH LOT: a lot, other than a corner lot, having frontage on more than one street.

TOTAL TRAFFIC: the sum of: a) Existing Traffic, b) Net Trips, and c) Background Traffic.

TRANSIT: Passenger transportation services such as commuter rail, rail rapid transit, light rail transit, light guideway transit, express bus, autonomous vehicles, and local fixed route bus provided by public, private, or non-profit entities. The terms “transit” and “mass transit” are used interchangeably.

UTILITIES: Seminole Improvement District water, wastewater or reuse water facilities.

VEGETATED BUFFER: A natural or planted vegetated area used to mitigate potential impacts of unsightly views, lights, noises, and/or dust.

WORK PLAN: City of Westlake Water Supply Facilities Work Plan dated March 2018.

(D) Acronyms. The following acronyms shall have the following meanings:

TABLE 1-1: ACRONYMS

ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
ANSI	American National Standards Institute
BFE	Base Flood Elevation
CCDs	The Census County Divisions
CO	Certificate of Occupancy
CPTED	Crime Prevention Through Environmental Design
EPA	U.S. Environmental Protection Agency
FAR	Floor Area Ratio
FDEP	Florida Department of Environmental Protection
FDOT	Florida Department of Transportation
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FLEPPC	Florida Exotic Pest Plant Council
GIS	Geographic Information System
GPD	Gallons Per Day
HCM	Highway Capacity Manual
HUD	U.S. Department of Housing and Urban Development
HOA	Home Owner's Association
LDRs	City of Westlake Land Development Regulations
LEC	Lower East Coast
LOS	Level of Service
LPA	Local Planning Agency
MGD	Million Gallons per Day
MUTCD	Manual on Uniform Traffic Control Devices
NAVD 88	North American Vertical Datum of 1988
NRPA	National Recreation and Park Association
OEDR	Office of Economic and Demographic Research
PD	Planned Development Zoning District
PM	Particulate Matter
PPH	Population Per Household
PZB	Planning and Zoning Board
SFWMD	South Florida Water Management District
SID	Seminole Improvement District
SIS	Strategic Intermodal System
SRPP	The Strategic Regional Policy Plan
SWA	Solid Waste Authority
TAZ	Traffic Analysis Zone

TCRPC	Treasure Coast Regional Planning Council
TDM	Transportation Demand Management
TDP	Transit Development Plan
TPA	Palm Beach Transportation Planning Agency
TPS	Traffic Performance Standards of Palm Beach County
TSM	Transportation Systems Management
ULDC	Palm Beach County Unified Land Development Code
USDA	U.S. Department of Agriculture

(E) Chapter; Article; Section; Subsection; Paragraph; Subparagraph. The terms “Chapter,” “Article,” “section,” “subsection,” “paragraph,” and “subparagraph” shall be understood to refer to the material within each part as illustrated below. For this example, “1” shall refer to any Arabic numeral, “A” and “a” shall refer to any letter, and “i” shall refer to any Roman numeral in lowercase. The terms above shall be understood as follows:

- CHAPTER 1
- Article 1.1
- Section 1.
- (A) Subsection
- (1) Paragraph
- (a) Subparagraph
- (i) Sub-subparagraph

(F) Graphics. Unless a graphic explicitly states it is regulatory in nature, graphics in these LDRs are illustrative and not regulatory.

(G) Purpose and Intent Statements. Purpose and intent statements are intended to provide context and guidance, but are not regulatory.

ARTICLE 1.3 CONSISTENCY OF LDRs WITH THE COMPREHENSIVE PLAN; INTERPRETATION.

Section 1: *Comprehensive Plan Controlling.* In the event any provision of these LDRs conflicts with any provision of the Comprehensive Plan, including the Map Series, the Comprehensive Plan shall control.

Section 2: *Procedure for Conflicts between LDRs and Comprehensive Plan.*

(A) If it appears a conflict exists between these LDRs and the Comprehensive Plan, a written request may be submitted to the Planning and Zoning Director identifying the specific provisions of the Comprehensive Plan and LDRs in conflict. The Planning and Zoning Director will respond to the request and provide an interpretation or proposed solution within 45 days. Interpretations of the Planning and Zoning Director may be appealed by submitting a written request for review to the City Attorney, who will acknowledge receipt of the request and respond within a reasonable amount of time, but no later than 45 days of receipt of the request. The request for clarification of the conflict shall be placed on the agenda of the next regularly scheduled City Council meeting for resolution by vote of the City Council. Any decision by the City Council is deemed a final decision.

- (B) All decisions of the City Council regarding conflicts between the Comprehensive Plan and the LDRS will be annotated and consolidated in a written document that will be available upon request from the City.

Section 3: *Procedures for Interpretation of LDRs*

- (A) When a question arises as to the meaning or intent of a phrase, or other portion of the LDRs, a written request for interpretation may be submitted to the Planning and Zoning Director for interpretation. The request must identify the applicable provision(s), the specific question regarding the meaning of the provision, and the explicit interpretation requested. The Planning and Zoning Director shall have 45 days to provide an interpretation or to elevate the question to the City Attorney for the City Attorney to interpret.
- (B) The party who requested the interpretation may appeal the interpretation of the Planning and Zoning Director to the City Attorney. The City Attorney shall acknowledge receipt of and respond to any request for interpretation within a reasonable amount of time, but no later than 45 days of receipt of the request.
- (C) The party who requested the interpretation may appeal the interpretation of the City Attorney concerning these LDRs to the Hearing Officer. Decisions of the Hearing Officer are final decisions.
- (D) All decisions regarding interpretation of these LDRs shall be annotated and consolidated in a written document that will be available upon request from the City.

Section 4: *Rules Governing Interpretation*

- (A) The rules of statutory construction apply to the interpretation of these LDRs.
- (B) The LDRs shall be interpreted to be consistent with the Comprehensive Plan.

Section 5: *Procedure for Interpretation of Zoning Map.*

- (A) When a question arises as to the zoning district designation for a particular parcel of land on the zoning map, an applicant may request a zoning confirmation letter from the Planning and Zoning Director. The request must identify the particular lot(s) or parcel(s) for which the zoning confirmation letter is requested.
- (B) The Planning and Zoning Director shall acknowledge receipt of and respond to any request for interpretation within a reasonable amount of time, but no later than 45 days from receipt of the request. Decisions of the Planning and Zoning Director are final decisions.
- (C) All decisions regarding the interpretation of the Zoning Map will be annotated and consolidated in a written document that will be available upon request from the City.

Section 6: *Calculation of time.*

- (A) If a procedural deadline falls on a weekend, state holiday, or federal holiday, the deadline shall fall on the next business day.

- (B) Unless otherwise indicated, “days” indicates calendar days.
- (C) “Business days” shall mean days Monday through Friday but shall not include state holidays or federal holidays.

ARTICLE 1.4 PLANNING AND ZONING DIRECTOR

Section 1: *Appointment.* The City Manager shall designate a Planning and Zoning Director who shall be responsible for coordinating the City’s review of all applications subject to these LDRs, including review by the City Engineer and coordination with the Seminole Improvement District, as necessary.

Section 2: *Policies and Procedures.* The Planning and Zoning Director is authorized to create administrative policies and procedures as necessary to administer the responsibilities of the Planning and Zoning Director assigned by this Chapter and these LDRs.

Section 3: *Approval of Administrative Applications.* The Planning and Zoning Director is authorized to approve or deny applications that only require administrative approval.

ARTICLE 1.5 CITY COUNCIL

Section 1: *Authority and Procedures.*

(A) **Procedure.** The City Council may determine and adopt by ordinance its own rules of procedure for City Council meetings, which will govern the functioning and proceedings of the City Council except as otherwise provided by the City Charter, these LDRs, or laws of Florida. Once adopted, the rules may only be altered by an amending ordinance. The rules may be suspended by a majority vote of the City Council. In the absence of a rule by the City Council concerning procedure, Robert’s Rules of Order shall govern.

(B) **Power and Authority.** In addition to the powers and authorities described elsewhere in this Code, the City Council shall have the power and authority to:

- (1) Establish fees for the review of applications.
- (2) Designate one or more Hearing Officers to make decisions as described in these LDRs, and to empower the Hearing Officer(s) to make other decisions as deemed appropriate by the City Council. The City Council may not appoint an employee or attorney of the City to serve as the Hearing Officer. The City Council must appoint Hearing Officers with the following qualifications: a Hearing Officer must be an attorney with at least five years of experience in the area of land use and zoning.
- (3) To initiate, consider, and render decisions concerning amendments to the text of these LDRs, the Official Zoning Map, the Comprehensive Plan and matters concerning annexation.
- (4) Consider and act upon such other business as may come before it.

Section 2: *Special Meeting.* Special meetings may be held upon the call of the mayor or City manager, or upon the call of three council members and upon no less than 48-hours' notice to each member and the public, or such shorter time as a majority of the council shall deem necessary in case of an emergency affecting the healthy, safety, or welfare of the public. Only those items identified in writing by the mayor, City Council or City Manager as the reason for the special call meeting shall be placed on an agenda as substantive discussion items. The City Manager shall be responsible for preparing the agenda for all special call City Council meetings. Once the City Manager has completed his/her review, the City Manager shall deliver the items to the City Attorney for review and legal sufficiency.

Section 3: *Notice.* Notice shall meet all applicable state statutory requirements. Additional notice requirements are contained in Chapter 2.

Section 4: *Agenda.* Publication of the agenda shall meet all applicable state statutory requirements.

ARTICLE 1.6 LOCAL PLANNING AGENCY

Section 1: *Membership.*

(A) The Local Planning Agency (LPA) will consist of the City Council and will have the powers set forth in this Chapter. It is the intent that the LPA serve as the local planning agency referenced in § 163.3174, Florida Statutes, and the land development regulation commission as defined in § 163.3164(25) and referenced in § 163.319, Florida Statutes.

(B) In addition to the City Council members, the Board of the School District of Palm Beach County will appoint a non-voting member to the LPA to attend those meetings at which the LPA considers Comprehensive Plan amendments that would, if approved, increase residential density on the property that is the subject of the application.

Section 2: *Public Meetings and Records.* The LPA shall meet once a month or at times designated by the City Manager or City Council. All meetings of the LPA will be public meetings that shall be noticed once in a newspaper of general circulation in the City. The notice shall meet the requirements of all applicable state statutory requirements.

Section 3: *Compensation.* Members of the LPA will not be compensated for service on the LPA; however, members will be paid actual expenses incurred in the performance of their duties, which may not exceed allowances prescribed by state law.

Section 4: *Functions and Authority.* To effectuate its responsibilities as provided in Florida Statutes, the LPA will:

(A) Review any amendments to the Comprehensive Plan proposed for adoption and make recommendations to the City Council regarding the proposed Comprehensive Plan amendment.

(B) Recommend to the City Council any amendments to the Comprehensive Plan as may from time to time be required, including any amendments resulting from the periodic evaluation and appraisal of the Comprehensive Plan as required by Florida Statutes.

(C) Review proposed land development regulations or amendments thereto, and make recommendations to the City Council as to the consistency of the proposal with the adopted Comprehensive Plan.

- (D) Take administrative actions necessary or convenient to accomplish its duties and responsibilities.
- (E) The LPA must make a final recommendation regarding adoption of the Comprehensive Plan or Comprehensive Plan amendment to the City Council. The LPA may - in cooperation with the City, another person, or entity - prepare a Comprehensive Plan or Comprehensive Plan amendment. However, the LPA may not delegate its responsibility to make a recommendation regarding the adoption of the Comprehensive Plan or Comprehensive Plan amendment to the City Council.
- (F) A recommendation by the LPA must be consistent with all applicable law and in one of the following forms: a recommendation of approval; a recommendation of approval with conditions or restrictions; or a recommendation of denial. Recommendations shall not be binding on the City Council.

ARTICLE 1.7 CITY SUPPORT

- Section 1:** The City Manager or designee shall attend the Planning and Zoning Board and LPA meetings. The City Manager or designee shall provide staff and clerical assistance for the Planning and Zoning Board and LPA members as may be required for the reasonable performance of their duties. This shall include a recording secretary to keep records of all proceedings.
- Section 2:** The City Planning and Zoning Director shall advise and assist the Planning and Zoning Board and LPA in all of its presentations, hearings, and deliberations on items which appear before the board for consideration.
- Section 3:** The Board may request from the City Manager, the City Attorney or other City consultant(s) additional information for the proper evaluation of items which appear before the Board or LPA which will assist in the decision making process.
- Section 4:** The City Attorney shall provide legal representation to the Planning and Zoning Board and LPA at all meetings of the Board.

ARTICLE 1.8 PLANNING AND ZONING BOARD.

- Section 1:** The City Council may sit as or establish a Planning and Zoning Board for the purpose of taking action on the following applications:
 - (A) **Conditional Uses.** The Planning and Zoning Board shall make recommendations to the City Council regarding conditional uses.
 - (B) **Variances.** The Planning and Zoning Board shall make final determinations on applications for variances, which decisions are appealable to City Council.

ARTICLE 1.9 INTERACTION WITH SID. The Seminole Improvement District (SID) is an independent special purpose government, which was established in 1970 pursuant to Chapter 70-854, Laws of Florida, codified pursuant to Chapter 2000-432, Laws of Florida. SID is empowered to construct and maintain a number of public works and utilities, including water, wastewater, drainage, irrigation, water management, parks, recreation facilities, roads, and related activities. The relationship between the City and SID is governed by the City of Westlake Charter and the Interlocal Agreement

between the City of Westlake and the Seminole Improvement District Regarding the Provision of Certain Services, Infrastructure, and Public Facilities and for Assurance of Non-Duplication of Services dated February, 2018, as these documents may be amended from time to time.

- (A) Pursuant to the Interlocal Agreement described above, SID shall have the exclusive authority to set requirements and standards for, review, approve, and issue permits for: the facilities in SID’s Water Control Plan; parks; potable water, wastewater, and reclaimed water utility services and facilities; irrigation water service; roadways and transportation infrastructure; and surface water management and drainage. SID and the City shall only review those items or matters over which it has jurisdiction, and no party shall deny a permit or authorization on grounds over which it has no jurisdiction.
- (B) Pursuant to the City Charter, the City shall not exercise any function or provide any service being performed by or provided by SID except as the parties may agree.
- (C) Whenever a permit, application, proposal, or development order will impact SID facilities, services, infrastructure, or property, SID shall be included in the development review process.
- (D) The City shall coordinate with SID to create joint applications and efficient processes whenever possible to facilitate the development process and the working relationship between the City and SID.
- (E) The City and SID have agreed on processes to identify, avoid, and manage potential conflicts concerning the provision of services and the sharing of powers as they may from time to time agree.

ARTICLE 1.10 LDRS NOT RETROACTIVE. Amendments to these LDRs are not retroactive. Developments with final development orders approved prior to the effective date of these LDRS, or prior to a modification of the LDRs, do not need to comply with the new or modified LDRs unless or until there is an application to modify the development order.

ARTICLE 1.11 SEVERABILITY. It is the declared legislative intent of the City Council that if any part, section, subsection, paragraph, subparagraph, subsubparagraph, sentence, phrase, clause, term, or word of these LDRs is declared unconstitutional by the final and valid judgment or decree of any court of competent jurisdiction, this declaration of unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of these LDRs.

Section 3 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 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. Effective Date: This ordinance shall be effective upon adoption on second reading.

PASSED this 7th day of October, 2019, on first reading.

PASSED AND ADOPTED this 28th day of October, 2019, on second reading.

City of Westlake
Roger Manning, Mayor

Sandra Demarco, City Clerk

Approved as to Form and Sufficiency

Pam E. Booker, City Attorney

Twentieth Order of Business

1st Reading October 7, 2019
2nd Reading October 28, 2019

ORDINANCE NO. 2019-13

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ESTABLISHING LAND DEVELOPMENT PROCEDURES WITHIN THE CITY OF WESTLAKE; PROVIDING FOR APPLICATION REVIEW AND REQUIREMENTS; PROVIDING FOR PAYMENT OF FEES; PROVIDING FOR SPECIAL APPLICATION REQUIREMENTS; PROVIDING FOR NOTICE REQUIREMENTS; PROVIDING FOR PROCEDURES FOR APPLICATION REVIEW AND APPEAL; AND PROVIDING FOR WHICH SHALL BECOME PART OF THE CODE OF ORDINANCES, ENTITLED 'LAND DEVELOPMENT PROCEDURES', PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on or about May 3, 2018, the Florida Department of Economic Opportunity provided the City with notice of intent to find the City's initial comprehensive plan in compliance and the same is now the effective and controlling Comprehensive Plan for the City of Westlake ("Comprehensive Plan"); and

WHEREAS, the City's adopted comprehensive plan contemplates the development of land within the City; and

WHEREAS, adoption of this chapter, entitled "Land Development Procedures" will assist the City in carrying out the goals, objectives and policies of the adopted comprehensive plan; and

WHEREAS, the City seeks to promote quality development within the City of Westlake in the short and long term; and

WHEREAS, the purpose of this ordinance is to promote the efficient and effective review of applications for land development within the corporate limits of the City of Westlake, and to ensure that applicants for land development provide the City with the materials necessary for the City to properly review such application;

WHEREAS, Section 163.3202, Florida Statutes encourages the use of innovative land development regulations; and

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 while protecting health, safety, and general welfare of individuals and the community at large.

WHEREAS, the Local Planning Agency has conducted a hearing on October 7, 2019, and made a recommendation to the City Council with respect to the adoption of this Land Development Procedures Ordinance; and

WHEREAS, the City Council has conducted two public hearings on October 7, 2019 and October 28, 2019, where it considered the recommendation of the Land Planning Agency, the City staff's presentation, and comments from the public and has determined that the adoption of this Land Development Procedures Ordinance is in the best interest of the public safety and welfare of the City of Westlake;

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. Land Development Procedures. The code of ordinances for the City of Westlake shall contain a chapter entitled “Land Development Procedures” which code shall contain the provisions as specifically set forth herein.

CHAPTER 2: LAND DEVELOPMENT PROCEDURES

ARTICLE 2.1 APPLICATIONS, FEES AND NOTICE

Section 1: *Applicability.* The provisions of this Chapter shall apply to all applications provided for in Table 2-2, including but not limited to the following:

- (A) Comprehensive Plan Map Amendment – Large and Small Scale
- (B) Comprehensive Plan Text Amendment
- (C) Conditional Use (Non-Residential and Residential)
- (D) Development Order Modifications
- (E) Landscape Permit
- (F) Master Sign Plan
- (G) Plat (including replats, plat waiver)
- (H) Rezoning
- (I) Modifications to permits and approvals other than development orders
- (J) Site/Land Development Permits
- (K) Site Plans
- (L) LDR Text Amendment
- (M) Variance
- (N) Waiver
- (O) Zoning Confirmation

Section 2: *Form of Applications; Fees and Costs.* The City shall make available all applications and its adopted fee schedule. Fees associated with the applications will be set forth on a Fee Schedule adopted by the City Council.

(A) ***Cost of development order applications.*** It is declared to be the policy of the city council that all applicants for development order approval requesting a rezoning, platting, planned development, conditional use, any type of variance, site plan review, amendments to approved development orders, or any other similar application shall prepare and present at their expense the necessary documentation and information required by this chapter.

(B) ***Additional documentation requests.*** An applicant may request, through the Planning and Zoning Director, information and documentation from the city engineer, city attorney, or other city department relative to the application. If the request is in excess of the information and documentation normally utilized to review the application, such additional information and documentation shall be provided at the expense of the applicant.

(C) ***Third Party Experts.***

(1) ***Employment.*** The city council, city manager, or Planning and Zoning Director may determine that a third-party expert in the field of land planning, traffic engineering, engineering, architecture, landscape architecture, or other similar area of professional expertise is necessary to thoroughly review a development order application. Such experts may be employed by the city, with the petitioner paying all reasonable costs for such services.

(2) *Reimbursement for third-party experts.* The applicant shall reimburse the city for any costs associated with the employment of third-party experts. The applicant shall reimburse the city for such costs within 30 days of the date of receipt of an invoice for such services. Failure by the applicant to make such reimbursement when due shall delay the pending application until paid.

(D) *Reimbursement for staff costs.* The applicant shall reimburse the city for any excess time spent by the city engineer, city attorney, or other city staff, together with the cost of any document or drawings not part of the city records. The cost of time billed to the applicant shall be the same cost as billed by the city engineer or city attorney, or the cost of city staff time. The applicant shall reimburse the city for such costs within thirty days of the date of receipt of an invoice for such services. Failure by the applicant to make such reimbursement when due shall delay the pending application until paid.

Section 3: Applications.

(A) Table 2-1: Review and Approval Required, below, indicates the approval required for each type of planning and zoning application, and whether an application is subject to review by the Local Planning Agency and Planning and Zoning Board.

(B) If a development order application or request is not one of the types provided for in this Chapter, the Planning and Zoning Director shall determine the specific nature of the review based on the type of application most similar to the application or request.

Table 2-1: Review and Approval Required

	Type of Approval Required	Local Planning Agency Review Required	Planning and Zoning Board Review Required
Comprehensive Plan Map Amendment – Large and Small Scale	City Council	✓	
Comprehensive Plan Text Amendment	City Council	✓	
Conditional Use (Non-Residential)	City Council		✓
Conditional Use (Residential)	City Council		✓
Conditional Use Expansion – Large Scale	City Council		✓
Conditional Use Expansion – Small Scale	Administrative		
Development Order Modification that alters density or intensity by 10% or less	Administrative		

Table 2-1: Review and Approval Required

	Type of Approval Required	Local Planning Agency Review Required	Planning and Zoning Board Review Required
	SID, if SID approved existing approval		
Development Order Modification that alters density or intensity by more than 10%	Same approving entity as required for existing development order		
Land Development Regulation Text Amendments	City Council	✓	
Landscape Permit	Administrative SID†		
Master Sign Plan	City Council SID†		
Plat (including Replat)	City Council SID		
Plat Waiver	Administrative SID		
Rezoning	City Council	✓	
Modification to Existing Permit/Approval (other than modification to Development Orders)	Same type(s) of approval as existing approval		
Required Improvements Waiver	Administrative		
Site Development Permit – General	Administrative SID		
Site Development Permit – Lakes Outside of Pods	Administrative SID		
Site Development Permit – Roads Outside of Pod	Administrative SID		

Table 2-1: Review and Approval Required

	Type of Approval Required	Local Planning Agency Review Required	Planning and Zoning Board Review Required
Site Plan (Containing Non-Residential or Multifamily)	City Council SID†		
Site Plan (Residential Only)	Administrative SID†		
Temporary Signage	Administrative		
Variance	Planning and Zoning Board		
Waiver	Administrative or Council, as applicable		
Zoning Confirmation	Administrative		
SID = Seminole Improvement District SID† = Application will be reviewed by Seminole Improvement District only for conflicts with Seminole Improvement District facilities or rights.			

(C) Table 2-2 shows the required contents of each type of application.

Table 2-2: Application Requirements for Approvals

	Application	Project Description/ Justification Statement	Plat	Site Plan	Landscape Plan	Engineering Plan	Conceptual Lighting Plan	Non-Residential Photometric Lighting Plan	Residential Lighting Plan	Signage Plan	Survey (Abstracted)	Owner's Affidavit	Traffic Statement / Study	Legal Description	Concurrency Statement
<i>Comprehensive Plan Map Amendment – Large and Small Scale</i>	✓	✓									✓	✓		✓	
<i>Comprehensive Plan Text Amendment</i>	✓	✓													
<i>Conditional Use (Non- Residential)</i>	✓	✓		○	○		●				✓	✓		✓	
<i>Conditional Use (Residential)</i>	✓	✓		○	○				●		✓	✓		✓	
<i>Conditional Use Expansion – Large Scale</i>	✓	✓		○	●		●		●		✓	✓		✓	
<i>Conditional Use Expansion – Small Scale, Interior</i>	✓	✓									✓	✓		✓	
<i>Conditional Use Expansion – Small Scale, Exterior</i>	✓	✓		○	●		●		●		✓	✓		✓	
<i>Development Order Modification that alters density or intensity by 10% or less</i>	✓	✓		●	●	●	●	●		●	●	✓	●	●	
<i>Development Order Modification that alters density or intensity by more than 10%</i>	✓	✓		●	●	●	●	●		●	●	✓	●	●	
<i>Land Development Regulation Text Amendments</i>	✓	✓										✓			
<i>Landscape Permit</i>	✓				✓						✓				
<i>Master Sign Plan</i>	✓	✓								✓	✓				

	Application	Project Description/ Justification Statement	Plat	Site Plan	Landscape Plan	Engineering Plan	Conceptual Lighting Plan	Non-Residential Photometric Lighting Plan	Residential Lighting Plan	Signage Plan	Survey (Abstracted)	Owner's Affidavit	Traffic Statement / Study	Legal Description	Concurrency Statement
<i>Plat (including Replat)</i>	✓		✓								✓	✓		✓	
<i>Plat Waiver</i>	✓	✓										✓		✓	
<i>Rezoning</i>	✓	✓		○							✓	✓		✓	
<i>Modification to Existing Permit/Approval (other than modification to Development Orders)</i>	✓	✓	●	●	●	●	●	●		●	●	●	●	●	
<i>Required Improvements Waiver</i>	✓	✓	✓	Only if not platted											
<i>Site Development Permit – General</i>	✓	✓	✓	✓	Only for roads	✓		✓			✓	✓		✓	
<i>Site Development Permit – Lakes Outside of Pods</i>	✓	✓	Only if platted	✓		✓					✓	✓		✓	
<i>Site Development Permit – Roads Outside of Pod</i>	✓	✓	✓	✓	✓	✓		✓			✓	✓		✓	
<i>Site Plan (Containing Non-Residential)</i>	✓	✓	Only if platted	✓	○	○	✓	●			✓	✓	✓	✓	✓
<i>Site Plan (Residential Only)</i>	✓	✓	✓	✓	○ Only for roads	○		●			✓	✓	✓	✓	✓
<i>Temporary Signage</i>										✓					
<i>Variance</i>	✓	✓		●	●	●	●	●			✓	✓		✓	
<i>Waiver</i>	✓	✓		●	●	●	●	●			✓	✓		✓	
<i>Zoning Confirmation</i>	✓	✓												✓	

- ✓ = Required submittal document
- = Only preliminary plans required
- = Required only if applicant is requesting change that will impact the subject of that submittal document

- (D) **Additional Information.** The following additional information applies to the documents required in Table 2-2: Application Requirements, above.
- (1) **Applications.** Complete signed application forms as provided by the City and all required fees and costs.
 - (2) **Project Description/Justification Statement.** The Project Description/Justification Statement should describe the desired outcome of the application.
 - (a) The Project Description/Justification Statement must contain the following:
 - (i) Description of the property history and site conditions;
 - (ii) History of approvals on the property;
 - (iii) Statements addressing the special standards and criteria that may be required for the particular application
 - (iv) Statement of consistency with the Comprehensive Plan; and
 - (v) Statements concerning compliance with applicable LDRs.
 - (b) The Project Description/Justification Statement may also contain aerial photographs.
 - (c) The Project Description/Justification Statement for applications for development orders must identify any cultural, historic, and natural resources that may be impacted by the development.
 - (d) If an applicant is seeking approval for bonus housing units, the applicant must submit the following information as part of site plan application:
 - (i) Number and location of affordable or workforce bonus housing units.
 - (ii) Structure type and dwelling unit sizes of affordable or workforce bonus housing units.
 - (iii) Identification of whether bonus housing units will be for sale or for rent.
 - (iv) Proposed sale or rent price of affordable or workforce bonus housing units.
 - (e) Consistency with level of service standards as required by the Comprehensive Plan.
 - (3) **Plat.** The requirement to submit a plat may be filled by submittal of an approved plat, even if such plat has not yet been recorded, or by submittal of a plat waiver. When applying for a plat, this requirement is filled by submittal of the proposed plat. When applying for a replat, both the existing plat and the proposed plat must be submitted.
 - (4) **Site Plan.** A site plan containing the title of the project and names of the architect, engineer, project planner and/or developer, date, and north arrow, and based on an exact survey of the property drawn to a scale of sufficient size to show:
 - (a) Boundaries of the project, any existing streets, buildings, watercourses, easements, section lines, and water, sewer and reuse water facilities, and other existing important physical features on the site and on property adjacent to the site.
 - (b) Tabular project data, including but not limited to dwelling units, square footage, bed, and waivers from zoning district requirements.
 - (i) Project information on beds, employees, seating, etc. as necessary depending on the type of development.
 - (c) Site data and setbacks.
 - (d) Plans and location for recreation facilities, if any, including buildings and structures for such use.
 - (e) All mechanical equipment and dumpster locations, screens and buffers.
 - (f) Refuse collection and service areas.

- (g) Access to utilities and points of utilities hookups and location of all fire hydrants close enough for fire protection.
- (h) Proposed plans for signage including size, location and orientation.
- (i) Location of exterior lighting of all parking areas, non-residential buildings, and the overall site.
- (j) Proposed topographic considerations including natural vegetation, berms, retaining walls, privacy walls, and fences.
- (k) Required floodplain management data including Flood zone designation and Base flood elevation consistent with Chapter 5.
- (l) Traffic Circulation.
- (m) The application must contain architectural elevations to demonstrate the style and theme of the project, including representative color for illustrative purposes only. Improvements must be constructed reasonably be in accordance with submitted architectural style and theme.
- (n) The application must contain an aerial photograph of the appropriate section, township and range of the City, outlining the subject property, and delineating all contiguous zoning districts.
- (o) The application must contain an area location map. Vicinity map of the area within one mile surrounding the site, including the following:
 - (i) Principal roadway network, including mass transit routes;
 - (ii) Major public facilities such as public schools, city and county parks and recreation areas, hospitals, public buildings, utilities, shopping areas, etc.;
 - (iii) Municipal boundary lines; and
 - (iv) Important physical features in and adjoining the site.
- (p) Residential site plans must include a school impact statement specifying the anticipated impact on public schools and the need for public school sites in the general area of the proposed development.
- (q) Statement acknowledging that applicant is required to submit application Palm Beach County Fire Rescue for review. Applicant is responsible for submitting application to Palm Beach County Fire Rescue. Approval by Palm Beach County Fire Rescue pursuant to their adopted standards is required for site plan approval.
- (r) Service Availability. Written confirmation from the applicable service providers of the availability of all necessary facilities and systems, as indicated below, for stormwater management, potable water, sanitary sewer, solid waste disposal, and county road capacity.
 - (i) A statement from SID, or other lawful service provider, that the proposed development will be able to connect to the system and that there is sufficient capacity available to meet adopted levels of service for potable water and sanitary sewer.
 - (ii) A drainage statement by the applicant's engineer that the site drainage system will be designed to meet the stormwater management requirements of the SFWMD and these LDRs. The statement also will demonstrate the provision of legal positive outfall

meeting the adopted level of service. A statement from SID attesting that the proposed drainage is sufficient will satisfy this requirement.

(iii) A statement from the Solid Waste Authority of Palm Beach County that the proposed project will not exceed the adopted levels of service standards for solid waste disposal. This requirement may be waived if the Solid Waste Authority provides the city with an annual statement that solid waste capacity is available.

(s) **Master Site Plan.** A master site plan will be required when a project will be developed in phases. The master site plan must show:

1. Authority and ownership of land to be developed.
2. Proposed phases of the development.
 - a. Proposed number of project phases, including total acreage in each phase, and gross nonresidential intensity (square feet) and gross residential density of each phase.
 - b. Sequencing of phasing for purposes of determining service availability.
3. Total land area, and approximate location and amount of open space or lake maintenance easements included in each residential, nonresidential, or mixed-use area, and a summary of the form of organization proposed to own and maintain such areas.
4. Circulation information, including:
 - a. Approximate location and ultimate right of way widths of proposed and existing roads, pedestrian, and bicycle routes, including interconnections between phases.
 - b. Locations, centerlines and ultimate widths of rights-of-way for existing roads, streets, intersections, and canals within the proposed project.
5. Information on all easements, including:
 - a. Location and width of proposed and existing utility, drainage, access, electric, and similar easements, provided, however, only general location and widths are required for proposed easements.
 - b. Location, if known, of proposed landscape buffers, open space, and preserve areas.

(5) **Landscape Plan.** A landscaping plan consistent with the requirements of Chapter 4, which includes the location of landscape buffers, landscape plans for entrance features, common areas, parking, and vehicular use areas. The plan should be sufficient to identify potential conflicts and inconsistencies with proposed lighting, hardscape, and utilities and electrical infrastructure.

(a) Preliminary landscape plans must include the location of landscape buffers, landscape plans for entrance features, common areas, parking, and vehicular use areas. The plan should be sufficient to identify potential conflicts and inconsistencies with proposed lighting, hardscape, and utilities and electrical infrastructure. Additional details may be required for the final landscape plan associated with the landscape permit.

- (b) Prior to the issuance of the certificate of occupancy for single-family residential lots and single family attached residential structures with 3 units or less the builder shall submit a certification by a Landscape Architect to the City stipulating that the required minimum landscaping has been installed consistent with the requirements of Chapter 4 (Landscaping and Buffers). All common area landscaping, open space landscaping, buffering, streetscape plantings (all plantings within a ROW) shall be certified by the Landscape Architect of record prior to the last certificate of occupancy for a residential pod.
- (6) **Engineering Plan.** Engineering plans include paving plans and site utilization calculations. If the city determines that the plans require independent review for items within the City's jurisdiction, the applicant shall pay for such review by an independent engineer.
- (a) The engineering plan should contain conceptual utility plan indicating the proposed location of potable water, sanitary sewage, and storm drainage plans for review by SID. The plan shall contain plans for the extraction of fill and mineral resources and alterations or modifications to the slope, elevation, drainage pattern, natural vegetation, and accessibility of the development, for SID review. Utility plans should be sufficient to identify potential conflicts and inconsistencies with proposed landscape, hardscape, lighting, and electrical infrastructure.
- (7) **Conceptual Lighting Plan.** Conceptual lighting plans must contain general locations and types of proposed lighting facilities, but are not required to contain photometric data or product specifications. The plan should be sufficient to identify potential conflicts and inconsistencies with proposed landscape, hardscape, and utilities and electrical infrastructure.
- (8) **Non-Residential Photometric Lighting Plan.** In addition to the requirements of the conceptual lighting plan, the photometric lighting plan must illustrate the height and intensity (photometric data) of the proposed lighting facilities.
- (9) **Residential Lighting Plan.** A plan indicating the general location and lumens of lighting to be used in a residential development. Residential lighting plans are not required to contain photometric data. The plan should be sufficient to identify potential conflicts and inconsistencies with proposed landscape, hardscape, and utilities and electrical infrastructure.
- (10) **Signage Plan.** A signage plan demonstrating consistency with the requirements of Chapter 6, or a proposed Master Sign plan meeting the requirements of Chapter 6. The signage plan should include architectural elevations of all signs indicating the location; size; landscaping; and for illustrative purposes, lettering design, material types, colors, and other features.
- (11) **Survey (Abstracted).** A certified boundary survey by a surveyor licensed by the State of Florida meeting the requirements for surveys established by the Minimum Technical Standards set forth by the Florida Board of Professional Land Surveyors in Chapter 5J-17, F.A.C., pursuant to Sec. 472.027, Florida Statutes. The survey shall have been completed within one year of the date the application is submitted. Where allowed by Chapter 2 or Chapter 5, a certified sketch and legal description may be submitted instead of a survey. The survey shall be prepared at a scale of not less than one-inch equals 200 feet containing the following:
- (a) A legal description of the property;
- (b) A computation of the total acreage of the parcel to the nearest tenth of an acre;
- (c) Depictions of existing streets and roadway improvements, existing structures within 100 feet of project boundary, existing utilities, existing easements, and existing trees identified by caliper and species.
- (12) **Owner's Affidavit.** A statement of the applicant's interest in the property and:

- (a) If joint and several ownership, a written consent to petition by all owners of record, or written authorization by the master association;
 - (b) If a contract purchase, written consent of the seller or owner;
 - (c) If an authorized agent, a copy of the agent’s authorized agreement or written consent of the owner;
 - (d) If a lessee, a copy of the lease agreement and written consent of the owner;
 - (e) If a corporation, partnership, or other business entity, the name of the officer or person responsible for the application and written proof that the representative has authority to represent the corporation, partnership, or business entity or, in lieu thereof, written proof that such person is in fact an officer of the corporation;
 - (f) If a group of contiguous property owners are requesting an individual amendment only affecting their specific lots and not impacting property owned by the master association, all the owners of the property described in the petition must provide written consent; or
 - (g) Unity of Title, warranty deed or purchase contract of the subject site.
- (13)**Traffic Statement / Study.** A traffic statement or traffic study consistent with the requirements of Chapter 7.
- (14)**Drainage Statement.** A statement describing the proposed stormwater management for the proposed project, consistent with the requirements of Chapter 5 and any applicable SID requirements.
- (15)**Legal Description.** A formal description of land containing sufficient information to permit the identification of the property to the exclusion of all others, which may be – but is not required to be – accomplished through a description by metes and bounds.
- (E) Applicants may submit additional documents or professional studies in support of an application to assist in satisfactory review of a development order application consistent with the requirements of these LDRs.

Section 4: Fees waived for applications by the City and SID. Any fee required for an application made pursuant to this Article is hereby waived for all applications made by the City or SID.

ARTICLE 2.2 ADDITIONAL PROVISIONS

Section 1: Life of Approvals.

- (A) **In General.** Unless otherwise specified, all approvals subject to these LDRs shall be valid for 5 years from the date of approval.
- (B) **Specific Approvals.**
 - (1) **Site Plans.** Approved site plans shall be valid for 5 years from the date of approval.
 - (2) **Conditional Uses.** Conditional uses shall expire 12 months after the date of approval of such conditional use unless a longer time period is provided for in the approval, or unless a building permit based upon and incorporating the conditional use is issued within the 12-month period, or, if a building permit is not required, the expiration date shall be 12 months from the date of approval if by that date the use for which the conditional use was granted has not been commenced. An approved conditional use which ceases operation for a period of 12 months shall expire.
 - (3) **PDs.** PDs shall have a build out date established in the development order.
 - (4) **Rezoning.** Rezoning do not have an expiration date.
 - (5) **Comprehensive Plan Amendments.** Comprehensive Plan Amendments do not have an expiration date.
 - (6) **Plats.** Plats must be recorded within 18 months of the date of approval to remain valid. If a plat is not recorded within 18 months of the date of approval, the plat is no longer valid.
- (C) **Extensions.** All development orders may be extended at the discretion of the City.

- (1) Applications for extensions of 30 days or less may be approved by the Planning and Zoning Director.
- (2) Applications for extensions over 30 days but less than 90 may be reviewed by the Planning and Zoning Director, who will make a recommendation to the City Council.
- (3) Applications for extensions of more than 90 days require the same type of approval as the original application.

Section 2: *Special Applications*

(A) Small Scale Plan Amendments

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

(B) Variances

- (1) The purpose of a variance is to allow reasonable relief from strict application of one or more land development regulations, when such regulation(s) create an undue burden or a practical difficulty for reasonable development of a property. Variances will be granted on a case-by-case basis.
- (2) Applications for a variance must demonstrate that:
 - (a) Strict application of the LDRs creates an undue burden or a practical difficulty on the development of applicant’s lot(s) or parcels, and was not created by the actions of the applicant.
 - (b) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
 - (c) Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.
 - (d) No negative impacts are or will be generated by the variance, and/or that any impacts caused by the variance can be adequately mitigated.
 - (e) The grant of a variance will not confer upon the applicant any special privilege denied to any other owner of land, buildings, or structures located in the same zoning district.
 - (f) The variance granted is the minimum variance that will make possible the use of the land, building, or structure.
 - (g) The grant of the variance will be in harmony with the general intent and purpose of this chapter and land development regulations.
 - (h) Financial hardship is not to be considered as sufficient evidence of a hardship in granting a variance.

- (i) The grant of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
 - (3) In granting any variance, the Planning and Zoning Board may approve such conditions and safeguards deemed necessary to conform to the intent and purpose of this chapter. Violations of such conditions shall be deemed a violation of this chapter. The Planning and Zoning Board may also prescribe a reasonable time limit to initiate the action granted by the variance and to complete such action.
 - (4) The Planning and Zoning Board, unless specifically authorized by this chapter, shall not grant a variance to establish a use not allowed as a permitted use or conditional use in any overlay or zoning district. Evidence of nonconforming uses of neighboring lands, structures, or buildings in same zoning district or the permitted use of lands, structures, or buildings in other zoning districts shall not be considered grounds for the authorization of a variance.
 - (5) Denials of applications for variances may be appealed to the City Council.
- (C) Waivers (Other than Plat Waiver)**
- (1) In order to allow for innovative design or unique site conditions, the City Manager may grant, at his or her sole discretion, waivers to allow for minor deviations from the requirements of these LDRs pursuant to the following criteria:
 - (a) The proposed waiver is consistent with the Comprehensive Plan; and
 - (b) The applicant provides alternative standards to the specific land development sections subject to the waiver that meet the intent of the waived regulation.
 - (c) The proposed waiver will not negatively impact the health, safety, and welfare of the residents of the City.
 - (2) Waivers may not be permitted to deviate from the allowable density, intensity, permitted uses, setbacks, or building height within a zoning district.
 - (3) Waivers shall be effectuated through written approval by the City Manager or designee.
- (D) Plat Waiver.**
- (1) Plat waivers must meet the requirements of Chapter 5.
 - (2) Plat waivers shall require a certified boundary survey. The City Engineer, and if applicable the SID Engineer, may accept a certified sketch and legal description in lieu of a certified boundary survey. The certified sketch and legal description shall meet the requirements for certified sketches and descriptions set forth by Chapter 5J-17, F.A.C., pursuant to Sec. 472.027, Fla. Stat. and the applicable City and SID requirements. The certified boundary survey or sketch and legal description shall not require approval of the Council prior to recordation.
- (E) Site Development Permit.**
- (1) Except for those required improvements which have been specifically waived, construction plans and supporting design information for all the required improvements shall be submitted for each residential development parcel. Construction plans and required engineering reports shall comply with the requirements of Chapter 5.
 - (2) The developer's engineer shall prepare and submit a certified opinion of cost, which shall include the cost of installing all required improvements required pursuant to Chapter 5. In the alternative, the City Engineer and SID may, at their sole discretion, accept the contract price received by the developer for the construction of the required improvements.
 - (3) Submittal of supplementary documentation deemed necessary by the City and SID, such as deeds, easements, covenants and other recorded instruments creating rights or obligations for access, drainage, or utility services, which rights or obligations could not be established through dedications or reservations on the plat may be required.

- (4) The application shall indicate whether the required improvements are to be constructed prior to recordation or after recordation of the plat or certified sketch and description. When the required improvements are to be constructed after recordation, the Developer shall submit a statement acknowledging responsibility for completion of said required improvements. The statement shall be in the form acceptable to the City Attorney and SID Attorney, and shall be executed by all owners shown on the applicable plat. The statement shall be accompanied by a guarantee for completion of required improvements, pursuant to Chapter 5.
- (5) The application must contain a conceptual utility plan indicating the proposed location of potable water and sanitary sewage plans for review by SID. If the City determines that the plans require independent review for areas within the City's jurisdiction, the applicant shall pay for such review by an independent engineer. Plans for the extraction of fill and mineral resources and alterations or modifications to the slope, elevation, drainage pattern, natural vegetation, and accessibility of the development require SID review. Utility plans should be sufficient to identify potential conflicts and inconsistencies with proposed landscape, hardscape, lighting, and electrical infrastructure.
- (6) When applicable, applications shall include an environmental assessment addressing the requirements of all applicable environmental ordinances.
- (F) **Land Development Regulation Text Amendments.** Applications for an amendment to the text of the city's land development regulations shall be prepared in detailed narrative form, and shall include:
- (1) The specific text amendment that is requested, including language to be added and language to be deleted;
 - (2) The reasons for requesting the amendment; and
 - (3) Any material or supporting documentation in support of the request for a text amendment.
- (G) **Conditional Uses**
- (1) **Conditional use general:**
 - (a) **Conditional use defined.** A conditional use is a use that would not be appropriate generally or without restriction throughout a particular zoning district, but which may be, if controlled as to number, area, location and/or relation to other development.
 - (b) **Applicability.** This subparagraph applies to all conditional uses.
 - (i) All initial requests for conditional uses, along with their related accessory uses, shall be subject to the requirements of this subsection.
 - (ii) In addition, any modification to the use of a previously granted conditional use, except for a modification that changes said use to a permitted use as listed in this chapter, shall be subject to the requirements of this subsection. Requests to expand, enlarge or revise the site of an existing conditional use shall be classified and processed pursuant to the following three categories:
 1. Small scale, interior – interior expansion enlargement or revision of less than ten percent (10%) of the originally approved conditional use site square footage once within any eighteen month period (this category contemplates uses located in existing shopping centers or similar structures, where no change to the overall building footprint is required).

2. Small scale, exterior – exterior expansion, enlargement or revision of less than ten percent (10 %) of the originally approved conditional use site square footage once within any eighteen month period (this category contemplates a change to the existing structure’s footprint, and other site related revisions that flow therefrom).
 3. Large scale – any expansion, enlargement or revision to the site of an existing conditional use that does not qualify as either small scale interior or small scale exterior. Such expansion, enlargement or revision is subject to standards for approval of conditional use in this subsection.
- (c) **Conformance with approved plans.** A conditional use, as approved by the City Council, may be expanded unless specifically conditioned otherwise, and permitted uses may be added to the parcel or lot, as long as all expansions meet the requirements of these LDRs and do not expand the parcel or lot as described in the resolution approved by the City Council for the conditional use. In addition, the City must determine, after a review of the guidelines and standards listed in subsection (d) of this section, that no changes are being made to the site plan which would adversely affect the development project or surrounding neighborhood.
- (i) For uses which are not dependent upon the issuance of a building permit, a conditional use is valid for the applicant only. An approved conditional use may be revoked at any time by City Council under the guidelines of subparagraph (d) of this section, upon making a finding that the operation of the conditional use has resulted in the violation of City ordinance or in the violation of the conditions of approval of the conditional use.
- (d) **Standard for approval.** A development order application for conditional use approval shall demonstrate compliance with the criteria listed below:
- (i) **Comprehensive plan.** The proposed use is consistent with the comprehensive plan.
 - (ii) **Chapter requirements.** The proposed use is consistent with all applicable requirements of this Chapter.
 - (iii) **Zoning District Standards.** The proposed use is consistent with the zoning district standards for such use as provided in Chapter 3.
 - (iv) **Public Welfare.** The proposed use provides for the public health, safety, and welfare by:
 1. Providing for a safe and effective means of pedestrian access;
 2. Providing for a safe and effective means of vehicular ingress and egress;
 3. Providing for an adequate roadway system adjacent to and in front of the site;
 4. Providing for safe and efficient onsite traffic circulation, parking, and overall control; and
 5. Providing adequate access for public safety purposes, including fire and police protection.

- (v) **Screening and buffering.** The proposed use utilizes such techniques as landscaping, screening, buffering, site or building design, or business operation procedures to mitigate impacts on surrounding properties, including such impacts as:
 1. Noise; glare; odor; ground-, wall-, or roof-mounted mechanical equipment; perimeter, interior, and security lighting;
 2. Signs;
 3. Solid waste disposal and recycling;
 4. Outdoor storage of merchandise and vehicles;
 5. Visual impact negatively impacting use of adjacent property; and
 6. Hours of operation.
- (vi) **Patterns of Development.** The proposed use will result in logical, timely, and orderly development patterns.
- (vii) **Purpose and Intent.** The proposed use will be in harmony with the general purpose and intent of this chapter and the goals, objectives, and policies of the City.
- (viii) **Compatibility.** The overall compatibility of the proposed development with adjacent uses, based on the following standards:
 1. **Adverse Visual Impact:** The design of the proposed use and structures will minimize any adverse visual impacts or impacts caused by the intensity of the use.
 2. **Environmental impact.** The design of the proposed use minimizes any adverse impacts that may be created, including impacts on environmental and natural resources including air, water, stormwater management, wildlife, vegetation, and wetlands.
 3. **Other Negative Impacts.** Noise; glare; odor; ground-, wall-, or roof-mounted mechanical equipment; perimeter, interior, and security lighting are adequately screened, buffered, or otherwise mitigated.

(2) Application Requirements.

- (i) The justification statement must state the grounds on which the conditional use is being met, and cite the criteria in this subsection (H).
- (ii) The application must contain a conceptual plan on one or more sheets of paper measuring not more than 24 by 36 inches and drawn to a scale not smaller than 100 feet to the inch that provides the following:
 1. Scale, date, north arrow, vicinity sketch, title of the project and total gross acreage
 2. The boundaries and dimensions of the property and its relationship to the surrounding road system, including the width of the existing road (pavement)
 3. The location and dimension of existing manmade features such as easements, existing roads and structures, with indication as to which are to be removed, renovated or altered
 4. Identification of surrounding land use, zoning and existing buildings within 100 feet of the petitioned site, as well as the zoning of the petitioned site.

5. A layout of the proposed lots and/or building sites including the following site data.
 - a. Finished floor elevation.
 - b. Common open area.
 - c. Generalized landscaping and buffer areas.
 - d. Internal circulation patterns including off-street parking and loading facilities.
 - e. Total project density.
 - f. The shape, size, location and height of all structures.

(iii) Proposed phasing of project, if applicable.

(iv) Aerial photographs

(v) For non-residential uses:

1. Proposed hours of operation
2. the estimated square footage of the structure, the number of employees, the estimated seating, and the estimated number of users of the facility, such as members, students and patients

(vi) Any additional information that will demonstrate that the grant of the conditional use will be in harmony with the general intent and purpose of this chapter.

(3) **Enforcement.** Conditional uses are subject to the enforcement proceedings below.

(a) In addition to the provisions of Code Compliance Chapter of the City Code, conditional uses are subject to the enforcement procedures listed below.

(i) **Revocation.** The City Council shall have the power to revoke conditional uses for noncompliance with conditions of development approval.

(ii) **Inspections.** The planning and zoning department shall review and inspect all conditional uses to ensure compliance with conditions of approval.

(b) All conditional uses which fail to comply with any or all conditions of approval shall be reported to the planning and zoning director. The report shall specify the manner in which the landowner is not complying with one or more conditions of approval. The planning and zoning director may:

- (i) Request timely compliance with the conditions of approval;
- (ii) Direct initiation of code enforcement proceedings pursuant to Code Compliance Chapter of the City Code; or
- (iii) Initiate the legal action and procedures necessary to revoke the conditional use.

(c) All conditional uses which fail to comply with any or all conditions of approval shall be reported in writing to the City Council. The report shall specify the manner in which the landowner is not complying with one or more conditions of approval. The City Council, upon receipt of the written report, may:

- (i) Request timely compliance with the conditions of approval;

- (ii) Direct initiation of code enforcement proceedings pursuant to Code Compliance Chapter of the City Code; or
- (iii) Initiate procedures to revoke the conditional use. If the City Council initiates procedures to revoke the conditional use, a hearing on the report shall be scheduled within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner. If the City Council finds that the facts alleged in the report are true, and that the landowner has not taken the steps necessary to fully comply with the conditions between the date of the report and the date of the hearing, the City Council may authorize the City Manager to revoke the conditional use. The City Council also may authorize the City Manager and take the necessary legal action to terminate the conditional use and all uses authorized by that approval.

(4) **Prior conditional uses.** Any land use which was legally established prior to the date of adoption of this ordinance, and thereafter is classified by this chapter as a conditional use, will be considered a legal nonconforming use.

Section 3: *Concurrency.* All site plan approvals must meet concurrency requirements for sanitary sewer, solid waste, drainage, and potable water established in the Comprehensive Plan. The City may require, as a condition of a development order or permit, that the necessary public facilities (excluding transportation facilities) are in place or are guaranteed in an enforceable development agreement prior to issuance of a certificate of occupancy or its functional equivalent. SID shall have exclusive authority to make concurrency determinations regarding capacity and ability to serve a development for sanitary sewer, drainage, and potable water for the concurrency review. Concurrency becomes reserved upon approval of a site plan.

Section 4: *Concurrency Availability.* An applicant may request a concurrency availability determination from the Planning and Zoning Director.

- (A) The request must identify the particular lot(s) or parcel(s) for which the determination is requested. If applicable, the applicant may be required to submit a drainage statement along with the request.
- (B) The Planning and Zoning Director shall acknowledge receipt of and coordinate with SID to respond to any request within a reasonable amount of time, but no later than 30 days from receipt of the request.

Section 5: *Notice.* Notice of all public hearings required by these LDRs shall be consistent with Florida Statutes. If the City initiates an amendment to the Comprehensive Plan, LDRs or Zoning Map, it shall notify by mail each real property owner whose land will be the subject of the amendment.

- (A) ***Posting of Property.*** Property affected by a future land use map amendment, rezoning ordinance, conditional use, and variance applications shall be posted as provided below, if required.
 - (1) ***Signs.*** Signs shall be provided by the applicant, subject to criteria for size, contents, and visibility approval by the Planning & Zoning Director.
 - (2) ***Posting.*** Property shall be posted by the applicant.
 - (3) ***Installation.*** Signs shall be posted in a workmanlike manner, able to withstand normal weather events.
 - (4) ***Minimum posting requirements.*** Privately-initiated applications require that at least one sign be posted per 500 lineal feet of all property located along a public right-of-way, with a minimum of one sign per frontage, or as otherwise required by the Planning & Zoning

Director. In the event of unique circumstances affecting a property, additional signs shall be posted as required by Planning & Zoning Director. City-initiated applications require that one sign be posted per frontage along a public right-of-way, except that city-initiated land use map changes for the creation of an overlay shall not require posting for the city council hearings.

- (5) *Deadline.* Signs, if required, shall be posted at least 15 days prior to a public hearing.
- (6) *Affidavit.* An affidavit, including photographs, attesting to the date of installation and number of signs installed shall be provided at least five days prior to the required public hearing.
- (7) *Public Notice.* Public notice, including mailing, publication in a newspaper, and posting of property, shall be provided as required below in Table 2-3 and consistent with the city charter and Florida Statutes.
 - (a) *Publication.*
 - (i) For applications that require publication pursuant to Table 2-3 and for which Florida Statutes require publication, publication must meet the requirements of all applicable statutes including Sections 166.041, 163.3187, and 163.3184, Florida Statutes, as they apply.
 - (ii) For applications that are not required to be published pursuant to Florida Statutes, but are required to be published pursuant to Table 2-3, the publication shall be published in a newspaper of general paid circulation and of general interest and readership in the jurisdiction. The advertisement shall appear in a newspaper published at least five times per week.
 - (b) *Mail notice.* Required mail notice shall be provided as indicated below:
 - (i) *Contents.* Unless otherwise provided herein, mail notice shall contain the following information:
 1. The title and substance of the proposed ordinance or development order;
 2. The time, date, and location of the public hearing for the applicable Planning and Zoning Board or Local Planning Agency hearing;
 3. The time, date, and location of the public hearing for the City Council;
 4. The location of the property affected by the application with reference to the nearest intersection of two or more streets;
 5. The name, address, and telephone number of the office where additional information can be obtained;
 6. The times and place where the proposed ordinance or development order application may be inspected by the public;
 7. A notice that interested parties may appear at the meeting or public hearing and be heard with respect to the proposed ordinance or development order application; and
 8. An area map, indicating location of the affected property, may be provided.
 - (ii) *Class of mail.* Mail notice shall be provided by first-class mail.
 - (iii) *Postmark.* Mail notice shall be postmarked no later than the minimum number of calendar days as required in Table 2-3 or as otherwise required by Sections 166.041, 163.3187, and 163.3184, Florida Statutes, as amended.

- (iv) *Property owners notified.* Mail notice for applications shall be provided to all property owners, excluding property owned by the applicant, within 300 feet of the site affected by the application.
- (v) *Property owners list.* To the extent permitted by law, the City will provide the applicant with a list of addresses for which applicant must generate mailing labels. The City shall generate any mailing labels for properties which the City may not legally disclose the address but shall not provide such labels to applicant. Applicants who create mailing labels for all addresses provided to the applicant by the City shall be deemed to have complied with this section.
- (vi) *Costs.* The applicant shall provide envelopes with affixed postage and complete mailing labels appropriate to the type of mail service utilized. In the event additional mail notice is required, the applicant shall be responsible for postage, envelopes, and mailing labels.
- (vii) *Procedure.* The City shall be responsible for delivery of mailed notices to the post office.

Table 2-3: Notice Requirements

Application	Mail Prior to City Council Meeting/Hearing	Publication Prior to City Council Meeting/Hearing	Post Prior to City Council Meeting/Hearing	Additional Requirements Prior to Local Planning Agency/P&Z
Comprehensive Plan Map Amendment – Large Scale	14 days	14 days prior to ordinance adoption and as required by state law	15 days	<i>Prior to Local Planning Agency:</i> <u>Mail:</u> 10 days <u>Publish:</u> 10 days <u>Post:</u> 15 days
Comprehensive Plan Map Amendment –Small Scale	N/A	14 days prior to ordinance adoption	15 days	<i>Prior to Local Planning Agency:</i> <u>Mail:</u> N/A <u>Publish:</u> 10 days <u>Post:</u> 14 days
Comprehensive Plan Text Amendment	N/A	14 days prior to ordinance adoption and as required by state law	N/A	<i>Prior to Local Planning Agency:</i> <u>Mail:</u> N/A <u>Publish:</u> 10 days <u>Post:</u> N/A
Conditional Use (Non-Residential)	14 days	14 days	15 days	<i>Prior to P&Z:</i> <u>Mail:</u> 10 days <u>Publish:</u> 10 days

Table 2-3: Notice Requirements

Application	Mail Prior to City Council Meeting/Hearing	Publication Prior to City Council Meeting/Hearing	Post Prior to City Council Meeting/Hearing	Additional Requirements Prior to Local Planning Agency/P&Z
				<u>Post</u> : 15 days
Conditional Use (Residential)	14 days	14 days	15 days	<i>Prior to P&Z:</i> <u>Mail</u> : 10 days <u>Publish</u> : 10 days <u>Post</u> : 15 days
Conditional Use Expansion – Large Scale	14 days	14 days	15 days	<i>Prior to P&Z:</i> <u>Mail</u> : 10 days <u>Publish</u> : 10 days <u>Post</u> : 15 days
Development Order Modification that alters density or intensity by more than 10%	Same as was required for original approval	Same as was required for original approval	Same as was required for original approval	Same as was required for original approval
Land Development Regulation Text Amendments	N/A	14 days prior to adoption ordinance	N/A	<i>Prior to Local Planning Agency</i> <u>Mail</u> : N/A <u>Publish</u> : 10 days <u>Post</u> : none
Rezoning	14 days	14 days prior to ordinance	15 days	<i>Prior to Local Planning Agency:</i> <u>Mail</u> : 10 days <u>Publish</u> : 10 days <u>Post</u> : 15 days
Site Plan (Containing Non-Residential)	N/A	10 days	N/A	N/A
Site Plan (Residential Only)	N/A	10 days	N/A	N/A
Variance	N/A	N/A	N/A	<i>Prior to P&Z</i> <u>Mail</u> : 10 days <u>Publish</u> : 10 days <u>Post</u> : 15 days

ARTICLE 2.3 PROCEDURES

Section 1: *Pre-application Meeting.* Before submitting an application, applicants may meet with the City concerning the application, procedures for review, applicable LDR provisions, and/or applicable Comprehensive Plan goals, objectives, and policies as a pre-application meeting. Planning and Zoning Director may require a pre-application meeting.

Section 2: *Applications.* Table 2-2 lists all required supporting documents. All applications for development order approval shall be submitted to the Planning and Zoning Department. All applications shall be filed on forms provided for that purpose by the Planning and Zoning Department. All applications shall be accompanied by such supporting documentation as required by these LDRs.

(A) Sufficiency review. Within seven (7) business days, excluding holidays, after receipt of an application, the planning and zoning department shall determine whether the application is complete or incomplete.

(B) Complete application. The planning and zoning director shall notify an applicant in writing if the application is determined to be complete. A complete application includes the following:

- (1) All information required to accompany the application;
- (2) All information required is complete, prepared in accordance with professionally acceptable standards, and is consistent with the development order application;
- (3) All fees required by the city and Seminole Improvement District; and
- (4) The required number of copies.

(C) Incomplete application. If the application is not complete, it shall not be subject to further review until all identified deficiencies have been remedied. The applicant shall be notified in writing that the application is incomplete, and the specific deficiencies that have been identified. Within 30 days of the date of the notification, the applicant shall submit all information necessary to remedy the deficiencies. The director may waive the 30-day requirement if reasonable progress is being made to remedy the application. An application shall not be subject to further review until all deficiencies are remedied. Failure of an applicant to respond within the 30 days to a notice of deficiency shall void the application.

(D) Applications that require both City and SID approval may be submitted to the City.

Section 3: *Concurrent Processing.* Notwithstanding any other provision in this code, an application for any approval may be processed concurrently with any other application.

(A) A pre-application meeting is required before submittal of concurrent applications.

(B) Additional fees may be required to address additional staff review time.

(C) All applications to be considered for concurrent review must be submitted on the same day.

(D) All applications must be deemed sufficient before concurrent review process for any application will begin.

- (1) In order for an application to be deemed sufficient, the application must include the required statement of consistency with the Comprehensive Plan, which must address the application of the compatibility table in Comprehensive Plan Policy 1.6.5 and explanation LOS standard compliance.

(E) If at any time during the concurrent processing, an applicant fails to satisfy any of the criteria of this section, such as the filing of an objection with the City, then concurrent processing shall immediately cease. The applicant is responsible at all times to comply with the requirements and criteria for concurrent processing and bears all risks for failure of an application to proceed in a timely fashion.

Section 4: *Distribution.* Within five business days of receipt of a complete application, the City shall distribute copies of the appropriate application documents to appropriate departments and agencies including, when required, SID and Palm Beach County Fire Rescue.

Section 5: *Administrative Review.* Upon determination the application is sufficient, the Planning and Zoning Director will coordinate review of the application for consistency with the Comprehensive Plan and these LDRs. Reviewing entities will provide written comments regarding conformance of the application with the requirements of their respective regulations and program responsibilities. After review of the application, the Planning and Zoning Director will:

- (1) Provide a request for additional information to the applicant with deadlines for resubmittal;
- (2) Approve the application (for applications requiring only administrative approval); or
- (3) Place the application on the agenda of the next available Local Planning Agency or Planning and Zoning Board hearing or City Council hearing as required by Table 2-1, with a staff recommendation.

Section 6: *Considerations.* Decisions on applications subject to these LDRs made administratively or by City Council shall only be based on the application and documentation supporting the application, public comment, and applicable Comprehensive Plan and LDR provisions. State law governing municipal review of development permits applies.

Section 7: *Limitation on Review of Resubmittals.* The City's review of any resubmitted application should be limited to those items that have not been reviewed by the City, including items that changed between the initial application and the resubmittal application, items that were submitted after the initial application, and items identified by the City as those that could not reasonably be reviewed prior to the resubmittal or without additional information.

Section 8: *Review Period.*

- (1) For applications requiring only administrative approval, the City will have 90 days from the date of the original submittal to approve or deny the application.
- (2) For applications requiring Local Planning Agency review or City Council approval, the City will have 90 days to place the application on the agenda of the next regularly scheduled Local Planning Agency, Planning and Zoning Board or City Council meeting, as required by Table 2-1.

Section 9: *Inactivity.* If the City has notified an applicant that some action on an application is required, and applicant does not take any action on the application for 30 days, the application is deemed inactive and will be administratively withdrawn. The Planning and Zoning Director shall notify an applicant in writing five (5) days prior to administratively withdrawing an application. The applicant will have five (5) days after receipt of this notice to take the required action necessary to avoid the administrative withdrawal.

Section 10: *Conceptual Presentation of Developments.* In order to provide preliminary comments regarding potential applications for large scale development prior to the formal development review process, an applicant may request to present preliminary plans for such projects to the City Council at one or more workshop meetings. The workshop meetings shall be utilized by the City Council to provide nonbinding comments to an applicant as a means to reduce the amount of resources expended in preparation of plans and formal applications for the City's development review process. Conceptual Presentation review meetings are to be scheduled only at the request of the applicant and shall be at the risk of the applicant.

- (1) Requests for preliminary review shall be based upon the requirements provided herein.
 - (a) **Minimum threshold.** The potential application must be of a size that is at or above 5 acres. A potential application must be presented in a conceptual or preliminary design phase.

- (b) **Request for review.** A request for review of the conceptual presentation shall comply with the standards listed below.
 - (i) The request for review of a conceptual presentation shall be submitted to the planning and zoning department in writing.
 - (ii) The request for review of a conceptual presentation shall be accompanied by such fees as approved by the city council.
 - (iii) A request for review of a conceptual presentation shall include a pre-application conference, prior to any city council workshop.
- (c) **Staff analysis.** Staff analysis of a request for preliminary review shall be limited to a summary of the application. The analysis shall not include any determination of consistency with the comprehensive plan, land development regulations, or level of service requirements. The preliminary report shall not include any proposed recommendations or conditions of approval.

Section 11: Applications requiring action by Planning and Zoning Board or Local Planning Agency. The following procedures apply to applications requiring recommendation of approval by the Planning and Zoning Board or Local Planning Agency.

- (A) Administrative recommendation for proceeding to the Planning and Zoning Board or Local Planning Agency will be effectuated as follows:
 - (1) The Planning and Zoning Director will send a letter to the applicant with notice of the date and time of the Planning and Zoning Board or Local Planning Agency public hearing, and a copy of the staff report sent by the Planning and Zoning Director to the Planning and Zoning Board or Local Planning Agency members.
 - (2) If the Planning and Zoning Director recommends denial of the application, the Planning and Zoning Director must specifically state the provisions of the Comprehensive Plan, LDRs, or statutes that serve as the basis for the recommendation of denial in the staff report.
- (B) The application will be considered by the Planning and Zoning Board or Local Planning Agency at a duly noticed public hearing. The public will be provided an opportunity to comment on applications before the Planning and Zoning Board or Local Planning Agency. Applicants will be afforded at least 10 minutes at the Planning and Zoning Board or Local Planning Agency hearing to present their application. The applicant will be provided additional time to respond to any public comment on the application.
- (C) At the Planning and Zoning Board or Local Planning Agency hearing at which the Planning and Zoning Board or Local Planning Agency makes a recommendation, the Planning and Zoning Board or Local Planning Agency shall make a recommendation to the City Council of approval, approval with conditions, or denial of the application. If the Planning and Zoning Board or Local Planning Agency recommends denial of the application, it must specifically state the provisions of the Comprehensive Plan, LDRs, or statutes that serve as the basis for the recommendation of denial.
- (D) After the Planning and Zoning Board or Local Planning Agency hearing on an application that requires City Council approval, the application will be placed on the agenda of the City Council at its next regularly scheduled public meeting where a duly noticed public hearing on the application will be held.
- (E) If the Planning and Zoning Board denies an application for a variance, the Planning and Zoning Board shall cite the legal authority for the denial of the application at the hearing, and shall, within 5 days of the hearing, give written notice to the applicant of the denial.

Section 12: Applications requiring City Council Approvals

- (A) **Small Scale Plan Amendments.** Small Scale Plan Amendments and in cases in which the proposed ordinance changes the actual zoning map designation for a parcel or parcels of land involving less

than 10 contiguous acres may be adopted at a single duly noticed public hearing before the City Council. The notice shall meet all applicable state statutory requirements.

- (B) **Other Comprehensive Plan Amendments, LDR Amendments, Rezonings.** Amendments to the Comprehensive Plan (other than Small Scale Plan Amendments), the LDRs, and rezonings (other than the rezoning map changes described in Subsection 2.3.12(F)) must be adopted by ordinance at an initial hearing (which may be a transmittal hearing) and an adoption hearing, which must take place on two separate days as follows:
- (1) The initial (transmittal) hearing and the first reading of the ordinance will take place on a weekday at a duly noticed public hearing held at least 7 days after the day that the advertisement of the hearing is published in a newspaper of general circulation within the City. The notice shall meet all applicable state statutory requirements.
 - (2) The adoption hearing and the second reading of the ordinance will take place on a weekday at a duly noticed public hearing held at least 5 days after the day that the advertisement of the hearing is published in a newspaper of general circulation in the City. The notice shall meet all applicable state statutory requirements.
- (C) The public will be provided an opportunity to comment on all applications presented to the City Council. When an application is before the City Council for consideration, applicants will be afforded at least 10 minutes at the City Council hearing to present its application. The applicant will be provided additional time to respond to any public comment on its application.
- (D) The City Council shall render a decision on any application before it at the hearing. The City Council may approve, deny, or approve with conditions an application. If the City Council denies an application, the City Council shall cite the legal authority for the denial of the application at the hearing, and shall, within 5 days of the hearing, give written notice to the applicant of the denial. The written notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority cited by the City Council for the denial.
- (E) The applicant may request that its application be tabled or continued at any time during any public hearing before the City Council, which request shall be granted by right at least once.
- (F) Denial of any application by the City Council shall constitute final agency action appealable in the Division of Administrative Hearings or the applicable court of law. The date of the denial shall be the date of the written notice of denial.

Section 13: Appeals.

- (A) Appeals of Final City Action. Appeals from a final decision of the Planning and Zoning Director or City Council shall be made in the Division of Administrative Hearings or the applicable court of law within 30 calendar days of the date such decision is rendered, or as provided by operative statute.
- (B) Appeals of Planning and Zoning Board Decisions. Appeals to the City Council of Planning and Zoning Board decisions shall be made by filing a written appeal with the City Clerk within 30 calendar days of the date such decision is rendered.
- (1) The City Council may reverse or affirm, wholly or partly, or may modify the decision made by the Planning and Zoning Board pursuant to these LDRs.
 - (2) The decision of the Planning and Zoning Board shall be presumed to be correct and the applicant shall have the burden to demonstrate the error which must be proved by a preponderance of the evidence, and such evidence must be competent and substantial.
 - (3) Appeals of decisions of the Planning and Zoning Board shall be heard within 45 days of the day the appeal is filed with the City Clerk.
 - (4) All decisions of the City Council on appeal from a decision of the Planning and Zoning Board shall be final City action.

Section 14: Reconsideration.

(A) **Variances, conditional uses, and rezonings.** Any application for a variance, conditional use, or rezoning on a parcel or lot that is substantially the same as a previous application on the same parcel or lot for a variance, conditional use, or rezoning which has been denied shall not be eligible for reconsideration for one year from the date such application was denied, unless there has been a material change to the application as determined by the Planning and Zoning Director.

ARTICLE 2.4 HEARING OFFICER; APPEALS

Section 1: Scope and Authority: The Hearing Officer shall be appointed by the City Council shall have the authority to hear and decide appeals of an interpretation of the LDRs pursuant to the process as set forth herein.

Section 2: Appointment, Removal and Qualifications; -

(A) **Appointment.** The City Council may appoint one or more Hearing Officers who shall have the powers and authority to hold hearings as set forth herein.

(B) **Recommendation.** The City manager shall, upon the recommendation and advice of the City Attorney, bi-annually recruit qualified attorneys and retired judges to serve as Hearing Officers. Upon being provided two recommended attorneys and/or retired judges by the City Manager and City Attorney, the City Council shall appoint, by resolution, at least one Hearing Officer and one alternate Hearing Officer.

(C) **Qualification.** Applicants for the Hearing Officer position must:

- (1) Be a resident of the State of Florida
- (2) Be a retired Florida Judge or be an attorney who has been a member in good standing with the Florida Bar for at least seven; and
- (3) Possess experience and expertise in land use and local government law and a working familiarity with real estate and administrative law.

(D) **Term.** Each Hearing Officer shall have the term of two (2) years. Hearing Officers may be appointed for consecutive two (2) year terms. Hearing Officers are subject to removal, with or without cause, from their positions at any time by the City Council in its sole discretion.

(E) **Not City Employees.** Hearing Officers should not be considered City Employees. However, subject to compliance with documentation required by the City Manager or his or her designee, a Hearing Officer may be compensated at a rate to be determined by the City Manager. Hearing Officers shall serve in an ex officio capacity if the appointed Hearing Officer serves other local governments as a special magistrate. Such service to other local governments does not create duties inconsistent with serving as Hearing Officer to the City of Westlake.

(F) **Jurisdiction.** Hearing Officers shall have the jurisdiction and authority to decide cases appealing the interpretations of the City’s Land Development Regulations made by the Planning and Zoning Director, as confirmed by the City Attorney, pursuant to the process set forth in Chapter 1 of these Land Development Regulations.

(G) **Powers.** The Hearing Officers shall have the power to:

- (1) Adopt rules for the conduct of its hearings;
- (2) Take testimony under oath;
- (3) Issues orders interpreting the Land Development Regulations as set forth in this Section.

Section 3: Procedures – In the event that an Applicant has sought an interpretation of these Land Development Regulations pursuant to the process set forth in Chapter 1, and thereafter wishes to appeal such interpretation issued by the Planning and Zoning Director as confirmed by the City Attorney to the Hearing Officer, the following procedures shall apply.

(A) **Fees and Costs.** Applicants shall be responsible for fees and costs associated with Appeals pursuant to this Chapter. The City Manager shall establish the appropriate schedule of fees, charges, and expenses related to Appeals pursuant to this Chapter Article.

(B) Application Requirements; Standing.

- (1) Applications governed by this section may be submitted on any day during normal business hours and must be submitted within 30 days of the date of the City's issuance of its written order, requirement, decision or determination from which an appeal is being requested..
- (2) Applications for appeal must state the specific code provisions at issue and the specific error in interpretation or application alleged by the applicant. The Application should include citations to all relevant the legal authority supporting the applicants appeal.
- (3) Only aggrieved parties who have pending applications before the City or who will otherwise be adversely impacted by an interpretation or application of these Land Development Regulations may file an Appeal pursuant to this Section.

(C) Scheduling; Notice.

- (1) The City Attorney shall have 10 business days from submittal to forward the application for appeal to the Hearing Officer for review.
- (2) The City Attorney shall schedule the appeal hearing before the Hearing Officer within a reasonable time from the date that the City receives the application for appeal, said date not to exceed 60 days. The applicant who filed the appeal shall be notified in writing of the date, time and location of the appeal hearing.
- (3) Notice of all such Appeal Hearings shall be published in a general circulation newspaper pursuant to the requirements for publication set forth elsewhere in this Chapter 2.

(D) Format of Hearing.

- (1) Applicants must submit all supporting written materials with its application for appeal to the Hearing Officer.
- (2) The City shall provide any materials supporting its position to the Hearing Officer with copies to the applicant no later than 10 days before the hearing. The Applicant may submit rebuttal materials to the Hearing Officer with copies to the City no later than 5 days before the Hearing.
- (3) At the hearing, the Hearing Officer shall provide the Applicant and City staff a reasonable opportunity (no less than 15 minutes) to be heard on any matter or issue that is relevant to the proceeding. Either party may appear at the hearing in person or through an attorney or other designated representative. Failure of any person to appear at a scheduled hearing in accordance with this Chapter shall constitute a waiver of that person's right to a hearing, unless the Hearing Officer determines, in its sole discretion, that the person's failure to appear was justified.
- (4) The Applicant and City staff may present relevant testimony and exhibits. All testimony shall be under oath and shall be recorded. The formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(E) Ruling.

- (1) Upon consideration of all the relevant testimony and evidence presented by the Applicant and City staff at the hearing, the Hearing Officer may approve an appeal upon his or her conclusions of law that an error in the interpretation or application of these Land Development Regulations was made by the City.
- (2) The Hearing Officer shall provide written notice of its decision within 20 days of the hearing. If the decision is denial, the written decision must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority serving as the basis for the denial.

- (3) The written decision of the Hearing Officer shall constitute final agency action and the applicant may appeal the decision of the Hearing Officer in the Division of Administrative Hearings or the applicable court of law.

Section 4: 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 5: 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 6: Effective Date: This ordinance shall be effective upon adoption on second reading.

PASSED this 7th day of October, 2019, on first reading.

PASSED AND ADOPTED this 28rd day of October, 2019, on second reading.

City of Westlake
Roger Manning, Mayor

Sandra Demarco, City Clerk

Approved as to Form and Sufficiency

Pam E. Booker, City Attorney