

P&Z Board Members

Roger Manning  
Katrina Long Robinson  
John Stanavitch  
Kara Crump  
Phillip Everett



City of Westlake

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

Planning and Zoning Meeting  
Monday, May 8, 2017

Meeting Location  
Westlake Council Chambers  
4005 Seminole Pratt-Whitney Road  
Westlake, FL 33470  
6:00 PM

*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.*

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May 5, 2017

City Council  
City of Westlake

Dear Mayor and Council:

The Planning and Zoning meeting of the City of Westlake will be held on Monday, May 8, 2017 at 6:00 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. Pledge of Allegiance
3. Approval of the Minutes of the January 9, 2017 Planning and Zoning Meeting
4. City Ordinance 2017-1, Amending the City's Interim Land Development Code
5. Audience Comments
6. 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  
John Carter  
Terry Lewis  
Johnnie Easton

## **Third Order of Business**

**MINUTES OF PLANNING AND ZONING MEETING  
CITY OF WESTLAKE**

A Planning and Zoning meeting of the City of Westlake was held on Monday, January 9, 2017 at 6:00 p.m. at the Westlake Community Center, 4005 Seminole-Pratt Whitney Road, Westlake, Florida.

Present and constituting a quorum were:

Roger Manning	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
Don Hearing	Coutleur & Hearing
Tara W. Duh	Lewis, Longman and Walker

*The following is a summary of the minutes and actions taken during the January 9, 2017 City of Westlake Planning and Zoning 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** **Pledge of Allegiance**  
The Pledge of Allegiance was recited.

**PUBLIC HEARING**  
Mr. Castle swore in all those who would be testifying.

**THIRD ORDER OF BUSINESS** **Consideration of Master Plan Amendment**

The following was discussed:

- Ms. Zacarias presented an overview of the application review for the Master Plan Amendment submitted by Minto, PBLH, LLC.

- Mr. Hearing provided the Board with a presentation of the Master Plan Amendment and pointed out there are no changes in density, dwelling units, open spaces or required landscape buffers.
- Ms. Booker stated the Board can make a recommendation for the City Council to approve the Master Plan Amendment at their public hearing and special meeting scheduled for January 23, 2017.
- Mr. Cassel read the resolution to be adopted by the City Council by title only.

The floor was opened to public comment.

- Ms. Marge Herzog expressed concern regarding equestrian issues and requested accommodations be made for equestrian riders to be able to connect to the City’s commercial areas.
- Mr. Tim Sayre expressed concern over equestrian riders traveling along Seminole Pratt Whitney Road and requested equestrian trails.
- Vice Mayor Long Robinson assured the public the Council is listening to their concerns and want to make sure transportation is safe for everyone.

On MOTION by Councilman Everett seconded by Vice Mayor Long Robinson with all in favor the Master Plan Amendment was approved.

**FOURTH ORDER OF BUSINESS**

**Consideration of Type II Variance for  
POD Q**

The following was discussed:

- Ms. Zacarias presented an overview of the application review for the type II variance for Pod Q.
- Mr. Hearing provided the Board with a presentation on the variance and plans for Pod Q.

The floor was opened to public comment. There being none,

Councilman Stanavitch MOVED to adopt Resolution PZ 17-01, approving the type II variance request of Minto Westlake for Pod Q, and Councilwoman Crump seconded the motion.

Mr. Cassel read Resolution PZ 17-01 by title only.

On VOICE vote with all in favor the previous motion passed.

**FIFTH ORDER OF BUSINESS**

**Audience Comments**

Ms. Marge Herzog requested the City explore options such as those being addressed by FDOT for the crossover of the equestrian trails from Wellington into Loxahatchee Groves.

**SIXTH ORDER OF BUSINESS**

**Adjournment**

There being no further business, the Planning and Zoning meeting was adjourned.

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Kenneth Cassel  
City Manager

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Roger Manning  
Mayor

## **Fourth Order of Business**



**CITY OF WESTLAKE**  
 Planning and Zoning Department  
 4001 Seminole Pratt Whitney Road  
 Westlake, Florida 33470

Phone: (561) 530-5880

www.westlakegov.com

**PETITION DESCRIPTION**

**DATE:** May 4, 2017

**PETITION NUMBER:** TEXT-2017-01

**APPLICANT:** Cottleur & Hearing

**OWNER:** Minto PBLH, LLC

**REQUEST:** Amend the ULDC Text for single-family residential parcels to include in the setback exceptions the following:

- a. Pool Equipment, pumps, heating units, and related equipment in the side yard setback
- b. Utility, Electric, and Gas transmission lines, distribution lines, meters, and associated structures

**ANALYSIS**

The subject application is a request for an amendment to the City of Westlake Unified Land Development Code (ULDC) to address setbacks. The proposed changes affect Article 3. The Applicant is proposing to modify Section 3.D.1.D.5, which provides setback exceptions.

The purpose of the requested text amendment to Article 3 is to clarify the applicability of setback standards to pool pump equipment and utilities for single-family homes within the City of Westlake.

Article.3.D.1.D.5.a. lists several setback exceptions. Item number 11 in the list provides an exemption for “*Heating, ventilation, and air conditioning units (including compressors and condensers).*” It is the applicant’s position that since 3.D.1.D.5.a.11 does not contain the full scope of the language provided for in the definition of Mechanical Equipment, some amount of uncertainty may exist as it relates pool equipment. *The applicant proposes that Section 3.D.1.D.5.a. be amended to specifically include pool equipment and further clarification regarding permitted utilities.*



The proposed language is provided below in ~~strike-through~~ and underline format.

**D. Setbacks**

**5. Setback Exceptions**

The following structures, projections, and improvements shall be allowed within required setbacks:

**a. Structures Projections and Improvements Permitted in Setbacks**

- 1) Arbors and trellises less than ten feet in height, subject to a minimum three foot setback;
- 2) Balconies projecting a maximum of three feet into the front setback of a SFD or ZLL home, subject to the following limitations:
  - (a) Limited to the front setback only, not including reduced setbacks allowed for side loading garages;
  - (b) Total combined width of balconies projecting into front setback shall not exceed 25 percent of the total width of the front façade;
  - (c) ZLL homes with balconies projecting into the front setback shall have a minimum ten foot side setback from the ZLL; and
  - (d) Excluding side loading garages.
- 3) Permanent/retractable awnings, canopies or Bahama shutters projecting a maximum of three feet into a setback, and having no support other than provided by the wall or structure to which it is attached;
- 4) Bay windows projecting a maximum of three feet into a setback;
- 5) Chimneys projecting a maximum of three feet into a setback
- 6) Clothes poles or clothes lines in rear yard setbacks;
- 7) Driveways, subject to Art. 6.C.1.A, Driveways;
- 8) Fire escapes projecting a maximum of three feet into a setback, provided the riser is retractable and at least 50 percent open;
- 9) Flagpoles, subject to Article 8, Signage
- 10) Fountains
- 11) Heating, ventilation and air conditioning units (including compressors and condensers);
- 12) Pool Equipment, pumps, heating units, and related equipment in the side yard setback
- 13) Mailboxes
- 14) Open terraces and patios, including walkways and ground level decks;
- 15) Open, uncovered stoops;
- 16) Recreational equipment and structures in the rear setback of residential districts;
- 17) Roof overhands projecting into the required setback a maximum of two and one-half feet;
- 18) Sculpture and other similar objects of art;
- 19) Signs, subject to Article 8, Signage;
- 20) Off-street parking areas, unless otherwise specifically prohibited; Art. 5.B.1.A.2, Fences and Walls (excluding corner clips for intersections);
- 21) Landscaping planted in the ground or in planters;

- 22) Wells;
- 23) Utility, Electric, and Gas transmission lines, distribution lines, meters, and associated structures;
- 24) Basketball goals, provided there is a minimum three foot setback from the rear and side property lines and a minimum 15 foot setback from the front and side street property lines;
- 25) Light poles having only one structural ground member;
- 26) An accessory residential dock, shared by abutting residential parcels only, subject to the submittal of an executed construction and maintenance agreement, prepared in a manner and form acceptable to the ~~County~~ City Attorney and the Zoning Director;
- 27) Bus shelters and bus benches;
- 28) Fire hydrants and other government service/utility structures required to be in certain locations by applicable Codes and ordinances;
- 29) Impact shutter projecting a maximum of 18 inches into the setback.
- 30) Decorative architectural treatment such as lintels, stone veneer or stucco banding, projecting a maximum of six inches into a setback.

#### **FINAL REMARKS**

The subject application proposes minor modification to the City of Westlake Unified Land Development Code (ULDC) to address setback exceptions. The subject text modification will provide clarification regarding location of pool equipment and utilities in setbacks of single-family residential parcels. *Please see attached a copy of the proposed Ordinance.*

**ORDINANCE NO. 2017-**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY'S INTERIM LAND DEVELOPMENT CODE, ARTICLE 3, CHAPTER D, SECTION 1(D)(5), WHICH PROVIDES EXCEPTIONS IN THE SETBACKS, SAID AMENDMENT SHALL INCLUDE POOL EQUIPMENT AND UTILITIES AS A SETBACK EXCEPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, in accordance with Florida Statutes, Chapter 163, upon incorporation, the county's comprehensive plan shall be deemed controlling, until the City of Westlake adopts its' own comprehensive plan; and

**WHEREAS**, the pursuant to Section 163.3174(4)(C), the Planning and Zoning Board, sitting as the Local Planning Agency(LPA), has the authority to review proposed land development regulations, land development codes, or amendments thereto; and

**WHEREAS**, the Developer has requested review of a provision of the land development codes regarding permitted exceptions allowed within the side yard setback; and

**WHEREAS**, the Developer's requested changes to the City of Westlake's interim land development code are shown in underline for the additions to the code and strike through for the deletions to the code, as set forth in the attached Exhibit "A"; and

**WHEREAS**, the City of Westlake's Planning and Zoning Board, sitting as the Local Planning Agency(LPA), had the opportunity to review the requested changes at a public hearing, and to make a recommendation to the City Council for the City of Westlake; and

**WHEREAS**, the staff for the City of Westlake has reviewed the request of the applicant and the addition of paragraphs 12 and 23, to the Article 3, Chapter D, Section 1(D)(5), of the City's interim land development code, which addition, will allow for the installation of pool equipment and utilities into the side yard setbacks for residential construction; and

**WHEREAS**, having considered the recommendations of the Planning and Zoning Board, the City Council for the City of Westlake has found and determined that the adoption of the land development text amendment to Article 3, Chapter D, Section 1(D)(5), will preserve the public health, safety and welfare, enhance the value and character of the community and implement the interim adopted comprehensive plan.

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

**Exhibit "A"**

**City of Westlake Amendment to Article 3, Chapter D, Section 1(D)(5)**

**Section 1.** Amendment: The City of Westlake hereby amends the interim Land Development Code, Article 3, Chapter D, Section 1(D)(5) Setback Exceptions as shown in underline and strikethrough format, in the Exhibit "A" attached hereto and incorporated herein, said amendments are applicable to single family residential properties within the jurisdictional boundaries of the City of Westlake.

**Section 2.** 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 3.** Effective Date: This ordinance shall be effective upon adoption on second reading.

**PASSED** this \_\_\_\_\_ day of May, 2017, on first reading.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of June, 2017, on second reading.

\_\_\_\_\_  
City of Westlake  
Roger Manning, Mayor

\_\_\_\_\_  
Sandra DeMarco, City Clerk

\_\_\_\_\_  
City Attorney  
Pam E. Booker, Esq.

**Exhibit "A"****City of Westlake Amendment to Article 3, Chapter D, Section 1(D)(5)****D. Setbacks****5. Setback Exceptions**

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