

**ORDINANCE NO. 2022-10**

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

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

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

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

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

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

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

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

See attached *Exhibit “A”*

1           **SECTION 3. Conflicts.** All ordinances or parts of ordinances,  
2 resolutions or parts of resolutions which are in conflict herewith, are hereby  
3 repealed to the extent of such conflict.  
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5           **SECTION 4. Severability.** Should the provisions of this ordinance be  
6 declared to be severable and if any section, sentence, clause or phrase of this  
7 ordinance shall for any reason be held to be invalid or unconstitutional, such  
8 decision shall not affect the validity of the remaining sections, sentences, clauses,  
9 and phrases of this ordinance but they shall remain in effect, it being the  
10 legislative intent that this ordinance shall remain notwithstanding the invalidity  
11 of any part.  
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13           **SECTION 5. Effective Date.** This ordinance shall be effective upon  
14 adoption on second reading.  
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16 **PASSED** this \_\_\_\_ day of September, 2022, on first reading.

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

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

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

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

26 APPROVED AS TO LEGAL FORM:  
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28 \_\_\_\_\_  
29 OFFICE OF THE CITY ATTORNEY  
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**Exhibit "A"**

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

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

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

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