

Reply To: tduhy@llw-law.com

Ken Cassel, City Manager
City of Westlake
4001 Seminole Pratt Whitney Road
Westlake, FL 33470

Dear Mr. Cassel:

Please accept the following responses to the comments from City Staff dated August 5, 2022 on the Small Scale Comprehensive Plan Amendment and Rezoning Applications. As you may recall, these applications were submitted as joint application, but on August 8, 2022, it was agreed that City Staff would duplicate the joint application and process the Small-Scale Comprehensive Plan Amendment and the Rezoning Application separately. Therefore, these responses apply to both applications.

Responses to Staff Comments

1. **Staff Comment:** Provide two separate application requests. One for the FLUM Amendment and another for the Zoning Change including separate justification statements. Please note that City Council will hear these applications individually.

Applicant Response: Understood. As discussed with staff on August 8, 2022, because the rezoning and FLUM Amendment applications contain the same information as noted in the original submittal and because no additional fees are required, staff will duplicate the submitted information to be addressed as a separate Rezoning Application.

2. **Staff Comment:** Address Level of Service in the Justification Statement. Justification Statement states that concurrency will be addressed through the site planning process. However, Level of Service is required to be addressed as part of this FLUM Amendment for the highest intensity use allowed. Justification Statement must address level of service as follows:

01792604-6

JACKSONVILLE
245 Riverside Ave.,
Suite 510
Jacksonville, Florida 32202
T: 904.353.6410
F: 904.353.7619

ST. PETERSBURG
100 Second Ave., South
Suite 501-S
St. Petersburg, Florida 33701
T: 727.245.0820
F: 727.290.4057

TALLAHASSEE
315 South Calhoun St.,
Suite 830
Tallahassee, Florida 32301
T: 850.222.5702
F: 850.224.9242

TAMPA
301 West Platt St.
Suite 364
Tampa, Florida 33606
T: 813.775.2331

WEST PALM BEACH
360 South Rosemary Ave.,
Suite 1100
West Palm Beach, FL 33401
T: 561.640.0820
F: 561.640.8202

- Policy INF 1.1.4** The potable water LOS standards for non-residential uses shall be 150 gallons per 1,000 sq. ft. per day with the following exceptions: schools shall have a LOS standard of 18 gpd per student; hotels shall have a LOS standard of 100 gpd per room; and parks shall have a LOS standard of 10 gpd per visitor.
- Policy INF 1.3.4** The wastewater LOS standard for non-residential uses shall be 150 gallons of wastewater per 1,000 sq. ft. per day with the following exceptions: schools shall have a LOS standard of 18 gpd per student; hotels shall have a LOS standard of 100 gpd per room; and parks have a LOS standard of 10 gpd per visitor.
- Policy INF 1.5.2** The solid waste LOS standard shall be 7.02 pounds of solid waste per person per day.
- Policy INF 1.6.6** The City shall coordinate with SID to maximize the use of existing drainage facilities.

Applicant Response:

Policies INF 1.1.4, INF 1.3.4, and INF 1.5.2 set the level of service standards for the City.

Levels of service are analyzed and applied to specific developments through concurrency. As stated in the Justification Statement, concurrency for transportation, drainage, potable water, wastewater, and solid waste will be addressed through the Site Planning process for any proposed use on the Property pursuant to Chapter 2, Article 2.2, Section 3. Therefore, Applicant is not required to submit further information at this time.

However, as further explained in the Justification Statement, the level of service standards are based on data and analysis that rely on development occurring with a mix of uses, which mix is set forth in Policy FLU 1.1.15. As explained in the Justification Statement, the proposed plan amendment will preserve the mix of uses as contemplated in 1.1.15 because the development of the site with commercial and other non-residential uses will balance out the amount of the land in the Mixed Use District that has been developed with or permitted for civic use following the development of the Christ Fellowship Center. Thus, as explained in the Justification Statement, the proposed amendment will not call for any development not already contemplated by the Plan and the underlying data and analysis for the existing Comprehensive Plan support the proposed amendment. Therefore, it is anticipated that this amendment will not negatively impact the ability of public facilities to operate within the acceptable levels of service.

Policy 1.6.6 speaks to the City's coordination with SID and requires no further information from the Applicant.

3. **Staff Comment:** Provide a traffic analysis/statement for the proposed change.
Applicant Response: No change in use is proposed and no site plan has been filed with this application. Therefore, no traffic analysis/statement is required.

4. **Staff Comment:** Clarify the note on the Adjacent Parcel Buffer Map. Map shows the subject property providing a buffer? The type of buffer its [sic] not called out.

Applicant Response: No site plan has been filed with this Application. As discussed in the Justification Statement, the City's Comprehensive Plan and Land Development Regulations ("LDRs") require the applicant to provide appropriate buffering for the proposed use to ensure compatibility with adjacent development. Because a use has not yet been proposed and no site plan has been filed, this comment is premature. Buffering will be addressed, as required by the City's LDRs, as part of the site planning process once a use is proposed.

5. **Staff Comment:** Provide in Justification Statement reasons why the property cannot be used in accord with existing zoning. Justify the need to for the rezoning from Civic to the Mixed-Use district.

Applicant Response: There is no requirement in the City's LDRs to justify why the property cannot be used in accordance with existing zoning. Nonetheless, the basis for the application is to rebalance the mix of uses in the Mixed Use zoning district. This will allow for a more vibrant downtown and increase the City's tax base by allowing a balance of uses more consistent with what was contemplated in the City's Comprehensive Plan than what has been built to date. See attached Exhibit, which demonstrates the amount of existing and permitted civic uses already within the Mixed Use Zoning District, and within the City.

6. **Staff Comment:** Confirm the proposed change would not be contrary to the land use plan and would not have adverse impacts to the Comprehensive Plan.

Applicant Response: As detailed in the Justification Statement, the proposed amendment is consistent with the Comprehensive Plan.

7. **Staff Comment:** Confirm the proposed rezoning is consistent with the existing land use pattern.

Applicant Response: The rezoned property will be near other Mixed Use districts and is similar in type to the adjacent medical district. The rezoning will provide for an orderly development pattern consistent with the Comprehensive Plan.

8. **Staff Comment:** Confirm the proposed rezoning will not create an isolated district unrelated to adjacent and nearby districts.

Applicant Response: There is no requirement in the City's LDRs to provide this justification; nonetheless, the rezoned property will be near to other Mixed Use districts, is similar in type to the adjacent medical district, and abuts the Downtown Mixed Use Future Land Use Category on the City's 2038 Future Land Use Map, FLU Map 2.1.

9. **Staff Comment:** Provide justification that the proposed change will not create or excessively increase traffic.

Applicant Response: No change in use is proposed and no site plan has been submitted as part of this application. Therefore, no traffic analysis/statement is required. However, as further explained in the Justification Statement, the level of service standards are based on data and analysis that rely on development occurring with a mix of uses, which mix is set forth in Policy FLU 1.1.15. As explained in the Justification Statement, the proposed plan amendment will preserve the mix of uses as contemplated in 1.1.15 because the development of the site with commercial and other non-residential uses will balance out the amount of the land in the Mixed Use District that has been developed with or permitted for civic use following the development of the Christ Fellowship Center. Thus, as explained in the Justification Statement, the proposed amendment will not call for any development not already contemplated by the Plan and the underlying data and analysis for the existing Comprehensive Plan support the proposed amendment. Therefore, it is anticipated that this amendment will not negatively impact the ability of public facilities to operate within the acceptable levels of service.


10. **Staff Comment:** Justify that the change will not adversely influence living conditions in the neighborhood.

Applicant Response: There is no requirement in the City's LDRs to justify that the property will not adversely influence living conditions in the neighborhood. Nonetheless, the basis for the application is to rebalance the mix of uses in the Mixed Use zoning district. This will allow for a more vibrant downtown and increase the City's tax base by allowing a balance of uses more consistent with what was contemplated in the City's Comprehensive Plan than what has been built to date. See attached Exhibit, which demonstrates the amount of existing and permitted civic uses already within the Mixed Use Zoning District, and within the City. Further, as discussed in the Justification Statement, compatibility with adjacent developments will be addressed through buffering as required by the City's Comprehensive Plan and LDRs.

Ken Cassel
August 15, 2022
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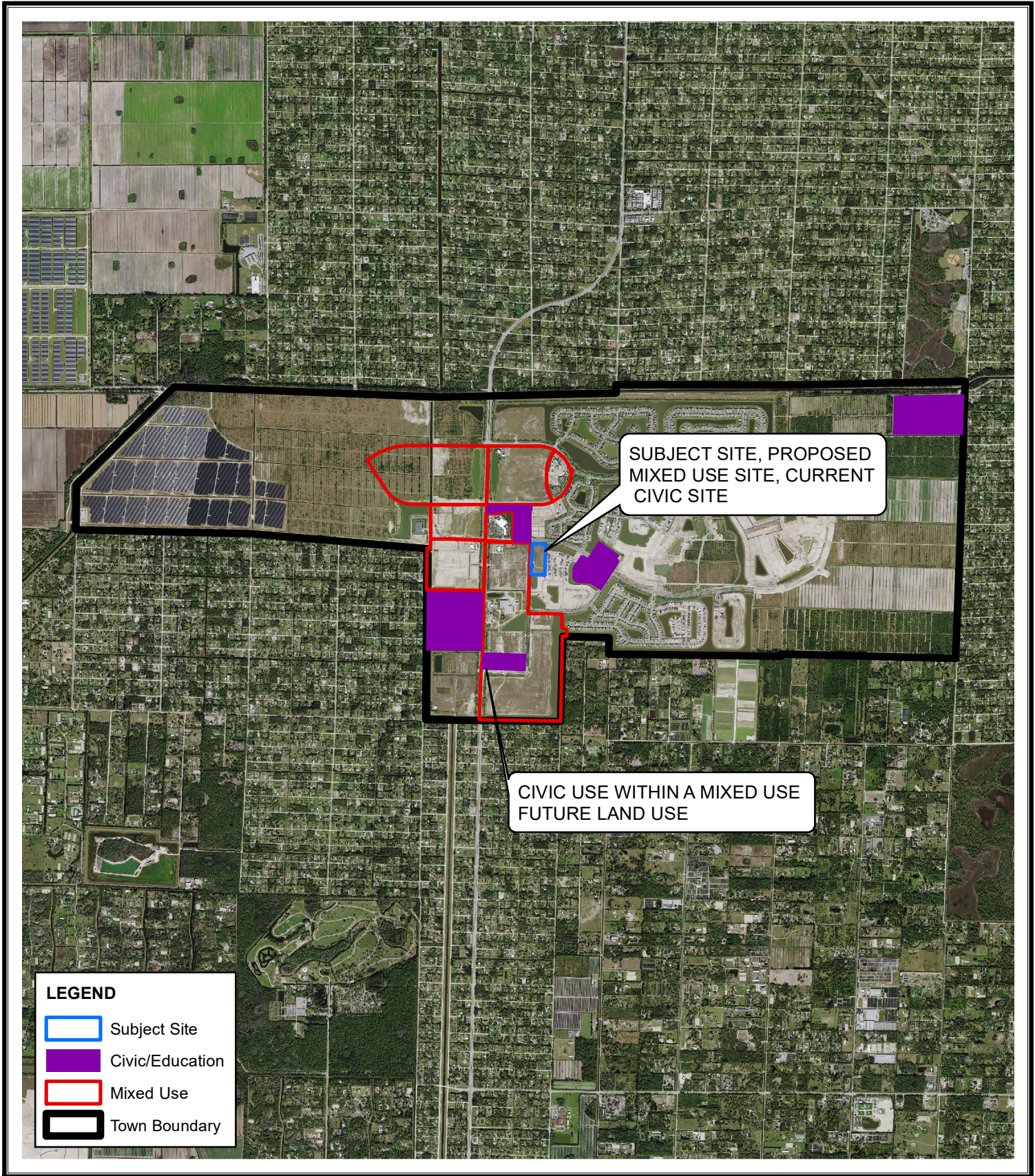
Additional Applicant Comments: City staff and legal have stated their intention to adopt the small-scale comprehensive plan amendment by ordinance, with readings at both the September and October City Council meetings. The City Attorney further clarified on August 11, 2022, that only the September meeting shall be considered a public hearing for purposes of the adoption. While Minto does not agree that adoption of a small-scale amendment requires two readings, it will consent to the proposed schedule without further objection in this instance because it is agreed that the associated rezoning will require two meetings for adoption.

The Applicant will collaborate closely with City staff to bring this application to completion as quickly as possible. The Applicant and the entire development team are available to answer any questions staff might have and/or provide necessary information to supplement the information provided in the submittal. If the City requires any additional information to process the subject applications, please do not hesitate to contact me.


For Tara W. Duhy

CC: Donald J. Doody
John Carter
Don Hearing

EXHIBIT

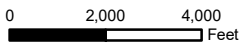


LEGEND

-  Subject Site
-  Civic/Education
-  Mixed Use
-  Town Boundary



1 inch equals 4,000 feet



Map Document:
(F:\Projects Active\13-0518.123 Minto Westlake Comp
Plan Amendment\Maps and Graphics\ArcMap_Projects)
AS 08/15/2022 -- 03:00:00 PM

Parcel PC-2

Mixed Use - Future Land Use Analysis Map

Westlake, Florida



Cotleur & Hearing

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