

ORDINANCE NO. 2022-11

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AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE REZONING OF THE PROPERTY CONSISTING OF APPROXIMATELY 9.137 GROSS ACRES IN SIZE, FOR THE PARCEL REFERRED TO AS POD PC-2 FROM CIVIC DISTRICT TO MIXED USE DISTRICT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, through an Application filed by Minto PBLH, LLC, the City of Westlake intends to rezone approximately 9.137 acres consisting of real property located at Westlake, Florida; and

WHEREAS, the City of Westlake Future Land Use Map designates this real property for Downtown Mixed Use category; and

WHEREAS, rezoning the area in question from Civic District to the Mixed Use District is consistent with the permitted uses as identified in the City of Westlake Comprehensive Plan Land Use Implementation; and

WHEREAS, the proposed rezoning to Mixed Use District is compatible with the surrounding existing zoning designations for properties in this vicinity; and

WHEREAS, the City proposes to rezone the site that consists of 9.137 acres more or less; and

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. The City Council of the City of Westlake, Florida, after hearing any and all comments and objections made during the course of a duly advertised and scheduled public hearing hereby finds that this rezoning request is consistent with the following goals, objections, and policies of the City of Westlake Comprehensive Plan:

- Objective FLU 1.6: Ensure compatibility among various future land uses while promoting mixed use, economic development and multi-modal transportation.
- Policy 1.6.1: Establish land use patterns that promote walking, biking, and mass transit to access goods, services, education, employment, and recreation, thereby reducing automobile dependency, vehicle miles traveled, and vehicle emissions.

1 Policy: 1.6.2: All allowable uses within a future land use category are deemed
2 compatible with one another for purposes of the Plan and the Land Development
3 Regulations.

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5 **SECTION 3.** The City Council of Westlake, Florida hereby approves the
6 rezoning of the real property as depicted in the map labeled Exhibit "A" to Mixed
7 Use District.

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9 **SECTION 4. Conflicts.** All ordinances or parts of ordinances,
10 resolutions or parts of resolutions which are in conflict herewith, are hereby
11 repealed to the extent of such conflict.

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13 **SECTION 5. Severability.** Should the provisions of this ordinance be
14 declared to be severable and if any section, sentence, clause or phrase of this
15 ordinance shall for any reason be held to be invalid or unconstitutional, such
16 decision shall not affect the validity of the remaining sections, sentences, clauses,
17 and phrases of this ordinance but they shall remain in effect, it being the
18 legislative intent that this ordinance shall remain notwithstanding the invalidity
19 of any part.

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21 **SECTION 6. Effective Date.** This ordinance shall be effective upon
22 adoption on second reading.

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24 **PASSED** this ____ day of _____, 2022, on first reading.

25 **PUBLISHED** on this ____ day of _____, 2022 in the Palm Beach Post.

26 **PASSED AND ADOPTED** this ____ day of _____, 2022, on second reading.

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30 _____
31 City of Westlake
32 John Paul O'Connor, Mayor

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34 **ATTEST:**
35 _____
36 Zoie Burgess, City Clerk

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38 **APPROVED AS TO LEGAL FORM:**

OFFICE OF THE CITY ATTORNEY

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Exhibit A

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

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

8/18 126p

1 COURSES: 1) N.01°42'52"E., A DISTANCE OF 286.41 FEET; 2) THENCE N.43°17'08"W., A
2 DISTANCE OF 15.56 FEET; 3) THENCE N.01°42'52"E., A DISTANCE OF 38.40 FEET; 4) THENCE
3 N.02°54'08"E., A DISTANCE OF 239.24 FEET; 5) THENCE N.14°07'19"E., A DISTANCE OF 51.38
4 FEET; 6) THENCE N.01°42'52"E., A DISTANCE OF 270.96 FEET TO THE **POINT OF**
5 **BEGINNING.**

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