



City of Westlake

Planning and Zoning Department – Staff Report

City Council Meeting 03/20/2025

PETITION DESCRIPTION

PETITION NUMBER: DOM-2025-01 Westlake Palms (Westlake Landings, Parcel F1)
OWNER: Minto PBLH, LLC
APPLICANT: Cotleur & Hearing
ADDRESS: 4931 SEMINOLE PRATT WHITNEY RD, Westlake, FL 33470
PCN: Portion of 77-40-43-01-17-000-0030
REQUEST:

Application of Westlake Palms, LLC requesting a development order modification to the previously approved conditions of approval. The applicant is requesting to amend one (1) condition of approval that reads *“The selection of the artwork shall be approved by the City Council prior to issuance of a building permit”* and requesting to modify it to *“The selection of the artwork shall be approved by the City Council prior to Certificate of Occupancy.”*

SUMMARY

The applicant is requesting a modification to one (1) condition of approval for a 1.3-acre commercial shopping center site known as “Westlake Palms” located in Parcel F1 within the Westlake Landings development. The commercial shopping center use includes a 10,400 sq. ft. building with seven (7) tenant bays and 520 sq.ft. outdoor seating area. The City Council approved the subject development on September 3, 2024, see enclosed Development Order (SPR-2024-03).

In accordance with Ordinance No. 2021-12, all non-residential development projects with building constructions costs of one million dollars (\$1,000,000.00) as determined by the City’s Building Official or more shall be subject to the requirements of the Art in Public Places program. The non-residential development must either contribute one percent (1%) of the building constructions cots of the project as a fee to the art Acquisition Fund or provide artwork that has an appraised value equal to three quarters of a percent (0.75%) of the building construction costs. The applicant chose to provide artwork onsite. The proposed artwork will be located on the east side of the building fronting Landings Drive. The Art in Public Places Advisory Board (AIPP) shall review the artwork, and recommend to the City Council the approval, denial, or approval with conditions of the selection and location of the artwork according to the standards of the AIPP Ordinance.

The applicant provided the following justification statement, *“the design process for the artwork is taking longer than anticipated, therefore the applicant is requesting a modification to the conditions of approval. The selection of the artwork would be provided prior to Certificate of Occupancy, rather than prior to building permit issuance.”*

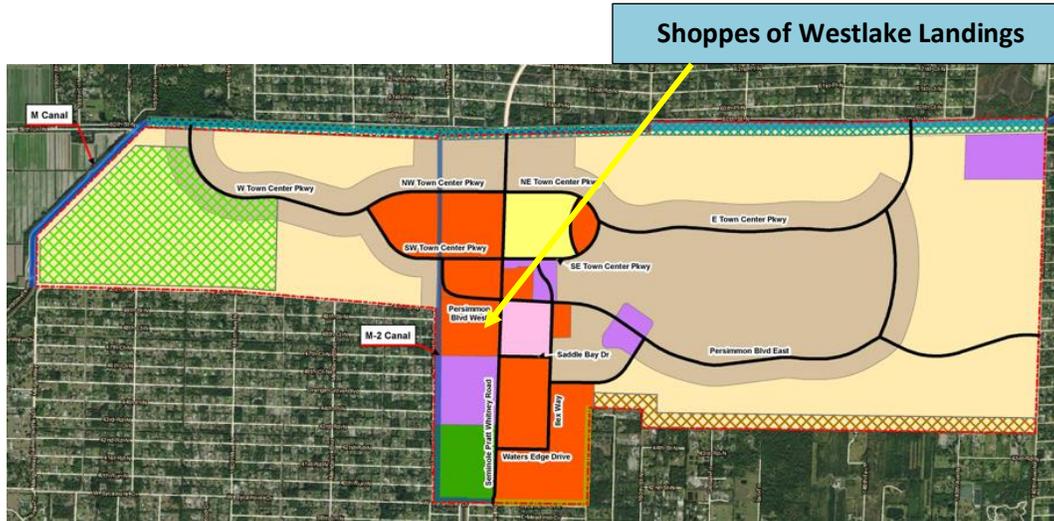
STAFF RECOMMENDATION

Based upon the facts and findings contained herein, the **Planning and Zoning and Engineering Departments** have no objections of the above referenced application with the following conditions:

1. The selection of the artwork shall be approved by the City Council prior to issuance of a building permit per the Certificate of Occupancy (CO).
2. All previous established conditions of approval remain in effect as approved on development order SPR-2024-03.

PETITION FACTS

- a. Total Gross Site Area: 1.3 acres (Parcel F, Parcel F1)
- b. Building Data: 10,400 sq.ft
- c. Land Use and Zoning
 - Existing Land Use: Vacant
 - Future Land Use: Downtown Mixed Use
 - Zoning: Mixed Use



BACKGROUND

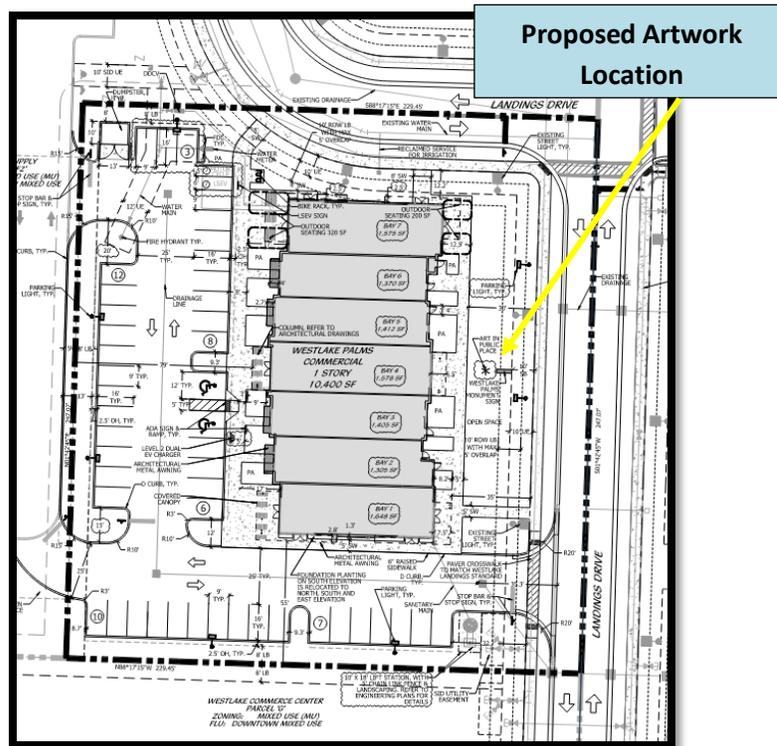
Parcel F1 is within “Westlake Landings” Master Site Plan, a commercial plaza located west of Seminole Pratt Whitney Road on a 50.826 acres that was originally approved by City Council on June 14, 2021. “Westlake Landings” is to developed as a Property Owners Association (POA) with individual owners within the development. The subject plaza consists of a number of parcels that will be developed according to market driven demand.

- On April 2, 2024, the City Council approved modifying Parcel F into three (3) subparcels F1 (Retail/Mixed Use), F2 (Retail Sales or Services) and F3 (Light Industrial).
- On September 3, 2024, the City Council approved application SPM-2024-03 for a commercial shopping center known as Westlake Palms with 4 conditions of approval.
 1. The selection of the artwork shall be approved by the City Council prior to issuance of a building permit.
 2. Regular semi-truck deliveries are prohibited and shall not be allowed between the hours of 9:00 am to 5:00pm
 3. The City Manager or his/her designee may require the provision of on-site loading areas for the development if, in their discretion such areas are deemed necessary to accommodate the needs of the development, ensure public safety, or mitigate potential traffic impacts.
 4. The property owner and/or the developer has voluntarily agreed to provide two (2) electric vehicle charging parking spaces.

- On September 3, 2024, the City Council Approved Application MSP-2024-01 to allow eight waivers to all wall signs of the Westlake Palms.

STAFF ANALYSIS

The applicant’s justification statement explains that the artwork design process is experiencing delays, leading the applicant to request a modification to the approval conditions. Specifically, they propose shifting the deadline for selecting the artwork from the building permit issuance stage to a later phase—prior to the Certificate of Occupancy. This adjustment would allow more time for the design process without delaying overall project construction. See below approved site plan:



Art in Public Places Program Requirements

Pursuant to **Article 24.2, Section 4**, of the Art In Public Places (AIPP) Ordinance, non-residential development projects with building construction costs of one million dollars (\$1,000,000.00) or more must either contribute one percent (1%) of the building construction costs of the project as a fee to the Art Acquisition Fund, or provide artwork that has an appraised value equal to three quarters of a percent (0.75%) of the building construction costs of the project and incorporate such artwork into the non-residential development project. The applicant intends to install artwork at this site and will work with a famous local artist (Mark Fuller) on the design.

Per Chapter 24. Article 24.1. *Art or Artwork means all tangible creations by artists exhibiting the highest quality of skill and aesthetic principles, and includes all forms of the visual arts conceived in any medium, material, or combination thereof, including, but not limited to, painting, sculpture, fountains, engraving, carving, frescos, mobiles, murals, collages, mosaics, bas-reliefs, tapestries,*

photographs, drawings, artist-designed seating, iconic or placemaking architecture, or other functional art pieces and collaborative design projects between architects and/or landscape architects and artists, together with all hard costs and soft costs such as, but not limited to, design, engineering, permitting, artistic fees, lighting, landscaping, or other aesthetic effects or enhancements integrated with the art and approved by the City Planner. The city council shall not consider for approval art objects which are mass-produced in unlimited quantities.

The Art in Public Places Advisory Board shall review the artwork, and recommend to the City Council the approval, denial, or approval with conditions of the selection and location of the artwork according to the standards of this Ordinance. The City Council will render a decision on the artwork after receiving a recommendation from the Art in Public Places Advisory Board. The application is proposing the selection of artwork to be approved by the City Council prior to issuance of a Certificate of Occupancy instead of prior to issuance of the Building Permit.

Fire Safety, Landscape, Drainage, Traffic

There is no impact to fire safety, landscape, drainage or traffic as part of this request.

FINAL REMARKS

The subject application DOM-2025-01 will be heard by the City Council on March 20, 2025. The public hearing was advertised in compliance with the City's code.

The subject application was reviewed by the City of Westlake staff (Planning and Zoning, Engineering), Seminole Improvement District (SID) and Palm Beach County Fire Rescue. Based upon the facts and findings contained herein, the Planning and Zoning and Engineering Department have no objections to the above referenced application.

DEVELOPMENT ORDER OF THE CITY OF WESTLAKE, FLORIDA

APPLICANT: Westlake Palms, LLC

PROPERTY OWNERS: Minto PBLH LLC

FOR PROPERTY LOCATED AT: 16950 Persimmon Blvd. West, Westlake, FL 33470
Project Name: SPR-2024-03 Westlake Palms (Westlake Landings, Parcel F1)

DATE OF COUNCIL MEETING: 9/3/2024

TYPE OF ACTION SOUGHT: The applicant is requesting site plan approval of a 1.3-acre site for a proposed 10,400 sq.ft. Commercial use building to be known as “Westlake Palms” located in Parcel F1, within the Westlake Landings development. The applicant is also requesting two (2) Waivers as part of this application. Waiver (1) to eliminate two (2) 12’ x 35, loading zones requirement from Chapter 8, Article 8.7, Section 8, Table 8-4.; and Waiver (2) to eliminate one (1) terminal landscape island adjacent to a lift station as required in Chapter 4, Section 4.6,A),2).

THIS MATTER came to be heard before the City Council of the City of Westlake, Florida on September 3, 2024. The City Council considered the action sought by the applicant and heard testimony from City staff, witnesses and representatives of the applicant, and the public. After reviewing the record and hearing the sworn testimony of the witness, the City Council finds as follows:

1. The Applicant’s application for a Site Plan Approval is hereby:

X	GRANTED
	DENIED

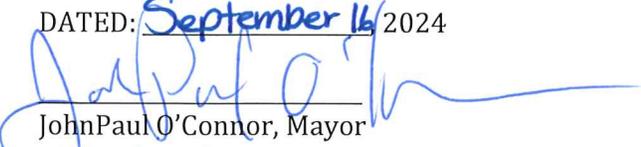
With the following conditions:

- a) The selection of the artwork shall be approved by the City Council prior to issuance of a building permit.
- b) Regular semi-truck deliveries are prohibited and shall not be allowed between the hours of 9am to 5pm.
- c) The City Manager or his/her designee may require the provision of on-site loading areas for the development if, in their discretion, such areas are deemed necessary to accommodate the needs of the development, ensure public safety, or mitigate potential traffic impacts.
- d) The property owner and/or the developer has voluntarily agreed to provide two (2) Electric Vehicle Charging parking spaces.

2. The application includes the following waivers:

- Waiver (1) to eliminate two (2) 12' x 35, loading zones requirement from Chapter 8, Article 8.7, Section 8, Table 8-4.
- Waiver (2) to eliminate one (1) terminal landscape island adjacent to a lift station as required in Chapter 4, Section 4.6,A),2).

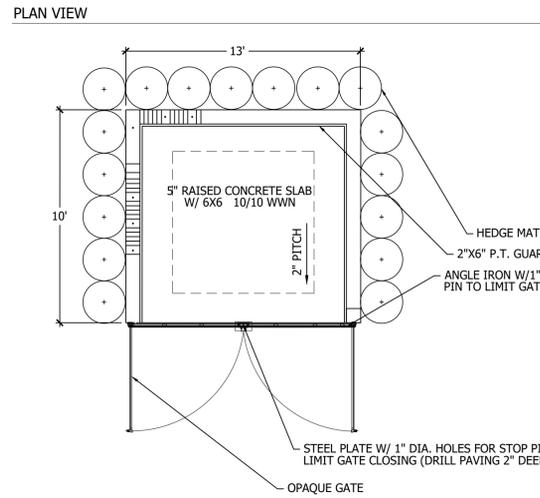
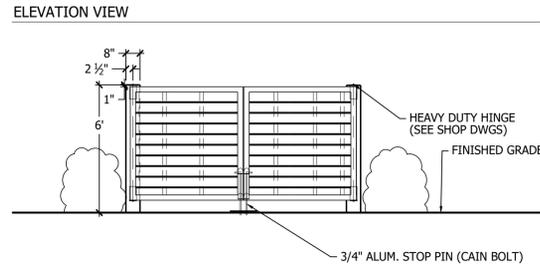
DATED: September 16 2024


John Paul O'Connor, Mayor


Zoie Burgess, CMC. City Clerk

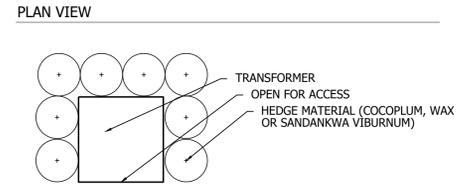
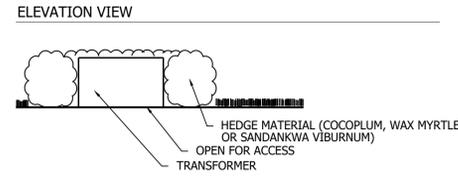
DUMPSTER DETAIL

NTS



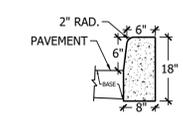
TRANSFORMER DETAIL

NTS



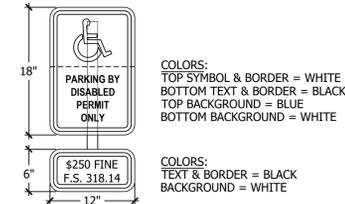
D CURB DETAIL

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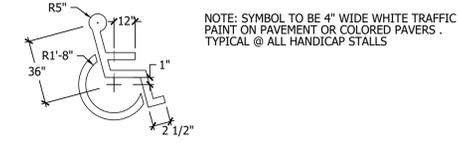
HANDICAP SIGN DETAIL

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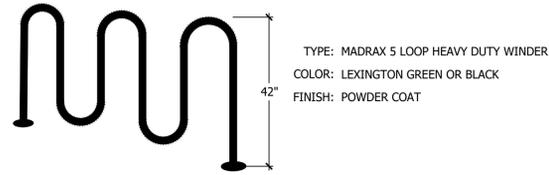
HANDICAP SYMBOL DETAIL

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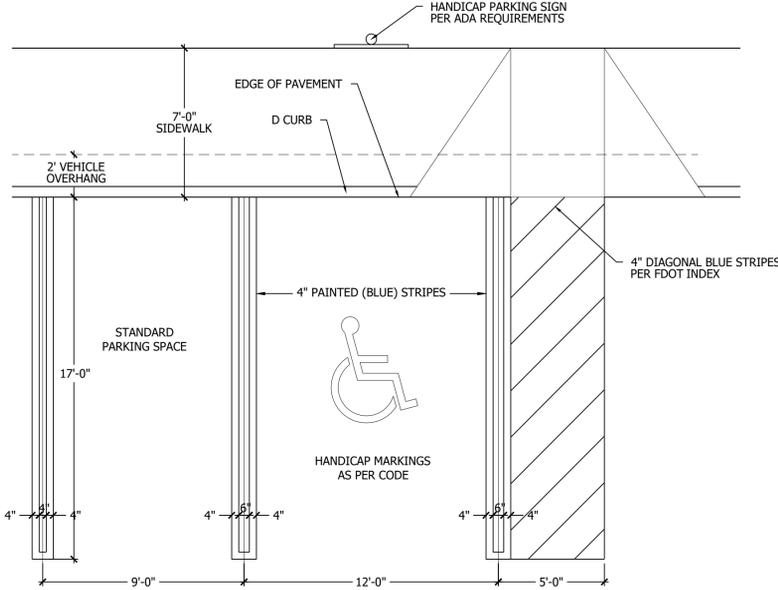
BIKE RACK DETAIL

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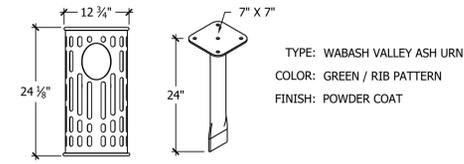
STANDARD AND HANDICAP PARKING DETAIL

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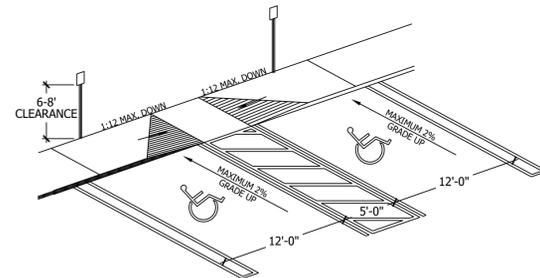
TRASH CAN DETAIL

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HANDICAP RAMP DETAIL

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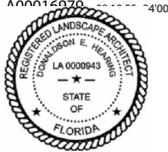


NOTE: IN THIS APPLICATION RAMPS CAN BE SEPARATED AND SIDEWALK CAN BE FLUSH ACROSS ALL HC SPACES
NOTE: HCR#3-MOD MEANS ONLY 1 RAMP BUILT TO REQUIRED SIDE OF SIDEWALK. OR RAMPS SEP. TO ENDS OF HC SPACES



Cotleur & Hearing

Donaldson E Digitally signed by Donaldson E
Hearing:A01 Hearing:A010980
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FDD13306 6A00016979
Date: 2024.06.21 14:00' -4'00'



June 19, 2024 11:19:41 a.m.
Drawing: 24-0427_SP.DWG

Site Details