



## City of Westlake

### Planning and Zoning Department

Staff Report - VAR-2025-02- 8/5/2025

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#### PETITION DESCRIPTION

**PETITION NUMBER:** VAR-2025-02 Variance for Xcel-Padel (James Business Park)

**APPLICANT:** Gray Robison

**OWNER:** JAMES BUSINESS PARK LLC

**LOCATION:** 17035 Persimmon Blvd W

**PCN:** 77-40-43-01-21-001-0000

#### REQUEST

The applicant is requesting a variance from the City's Land Development Regulations to allow a reduction of the required 1,000-foot distance from another establishment licensed for the retail sale of alcoholic beverages.

#### SUMMARY

The applicant, Gray Robison, on behalf of Xcel Padel, LLC, is requesting approval of a variance for an indoor recreational facility known as "Xcel Padel." The request seeks an exception to the distance separation requirement outlined in Chapter 4, Section 4-8 (b)(1), which mandates a minimum of 1,000 feet from another establishment licensed for the retail sale of alcoholic beverages for on- or off-premises consumption.

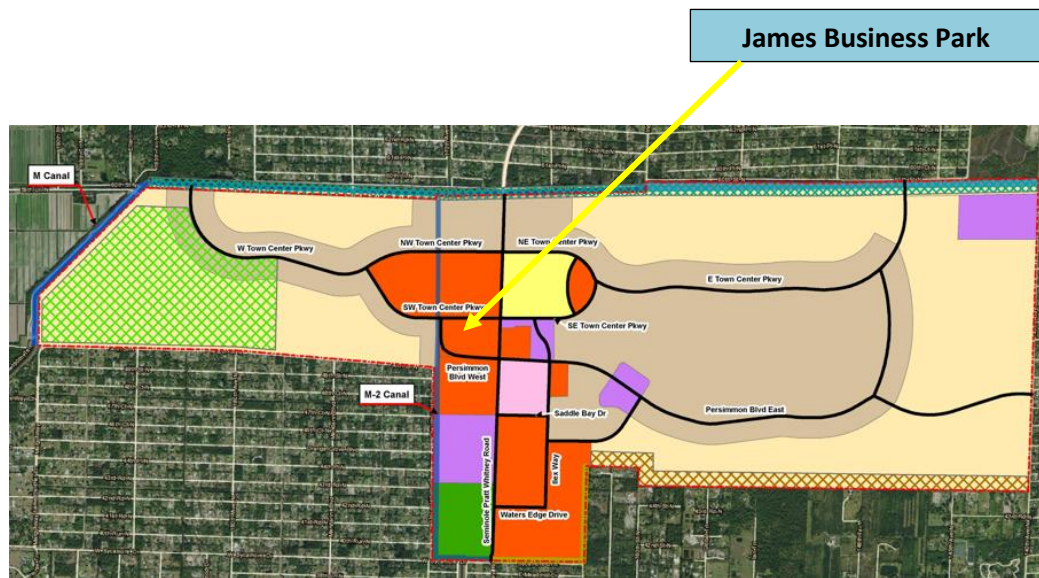
Xcel Padel is approximately 900 feet from an existing business, "Publix," which currently holds a liquor license. The facility includes indoor padel courts, a café area, and other on-site amenities. The applicant is requesting a liquor license to allow the sale of beer and wine for on-premises consumption, as well as limited off-premises consumption by guests.

#### STAFF RECOMMENDATION

The subject application was reviewed according to Chapter 4 Sec 4-10. Based on staff review and analysis, the subject application is in compliance with two (2) of the standards of Sec 4-10.

## PETITION FACTS

- a. Total Gross Site Area: 11.66 acres
- b. Building Data: 145,643 sq.ft.
- c. Land Use and Zoning
  - Existing Land Use: Light Industrial
  - Future Land Use: Mixed Used
  - Zoning: Mixed used

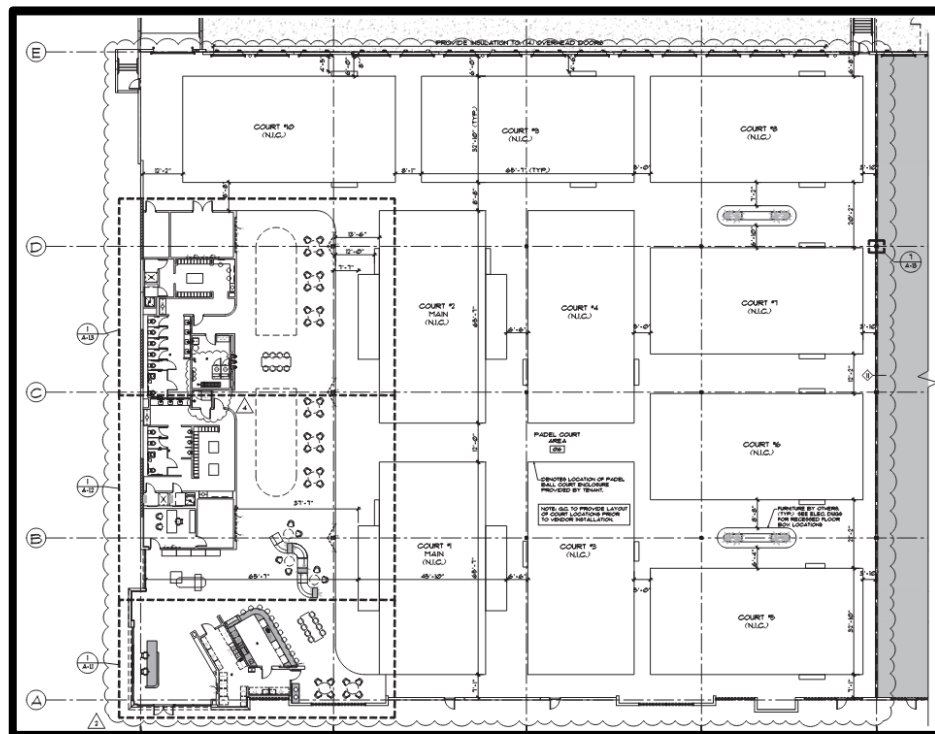


## BACKGROUND

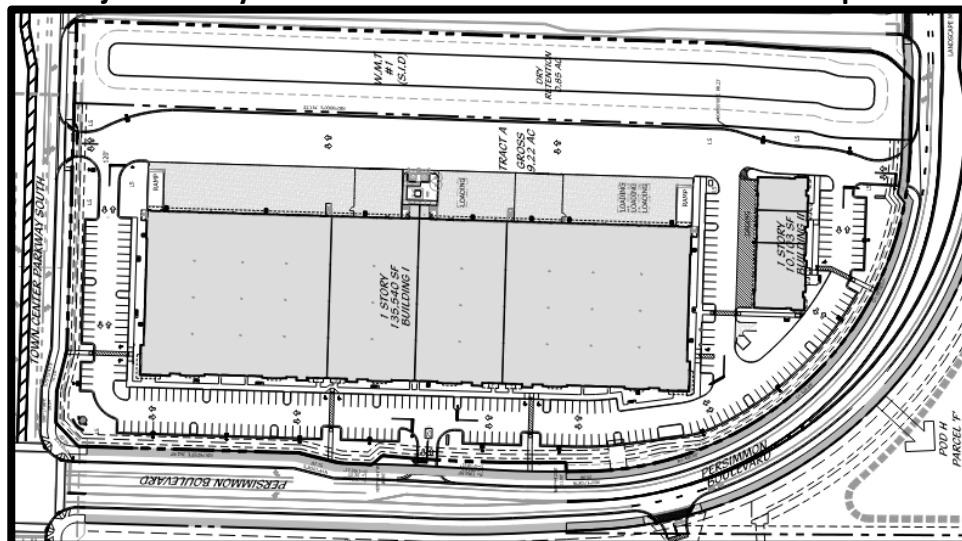
- On September 7, 2022, the City Council approved the site plan for the 11.66-acre subject property (SPR-2022-01), allowing for the development of a 145,643-square-foot light industrial warehouse facility. The project includes a one-story north building comprising 135,540 square feet and a one-story south building comprising 10,103 square feet, located within Pod G Southwest.
- On July 5, 2022, the City Council granted approval for a Master Signage Plan including the following waivers: Eight (8) for Principal Tenant Wall Signs, four (4) for Secondary Tenant Wall Signs, two (2) for Principal Tenant Rear Wall Signs, six (6) for Building ID Signs, and two (2) for Tenant Directional Signs totaling twenty-two (22) waivers.
- On May 3, 2024, the subject site received approval for minor site plan modification (SPM-2024-01 for an addition of one (1) FLP transformer and removal of light poles from the rear of Building.
- On August 23, 2024, the subject site received approval of a minor site modification (SPM-2024-03) to allow the use of Indoor Recreational.

The proposed facility will include indoor padel courts, a café area, and other on-site amenities.

### Floor Plan



### Subject Facility Location within James Business Park Development



### VARIANCE REQUEST

The subject application was reviewed according to the City of Westlake Land Development Code. The Applicant is requesting one (1) Variance as follows:

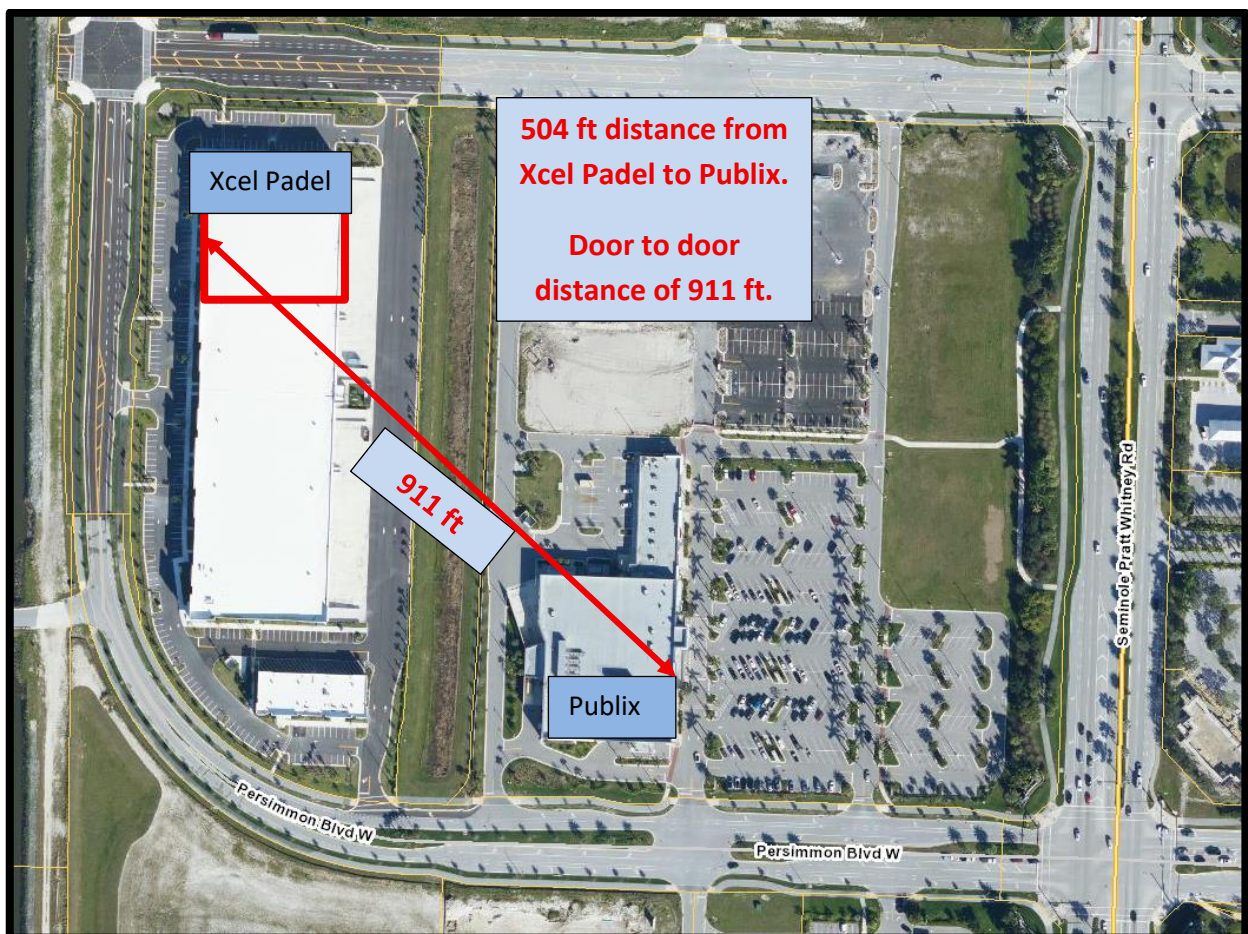
1. To allow Xcel Padel to obtain a liquor license within approximately 900 feet of another establishment that is already licensed for the sale of alcoholic beverages.



The City of Westlake Code per Chapter 4. Sec (b)(1) requires the following:

*“No license for the sale of alcoholic beverages at retail, including malt beverages and wine, for consumption on or off the premises, shall be issued where the place of business designated in the application therefor is located within one thousand (1,000) feet from another place of business for which there is already issued a license for the retail sale of alcoholic beverages for consumption on or off the premises; **such distance to be the airline measurement taken from the center of the main entrance of the proposed business to the center of the main entrance of the existing business for which there is already a license for the retail sale of alcoholic beverages for consumption on or off the premises.**”*

#### Distance from Xcel Padel to Publix



#### STAFF ANALYSIS AND FINDINGS

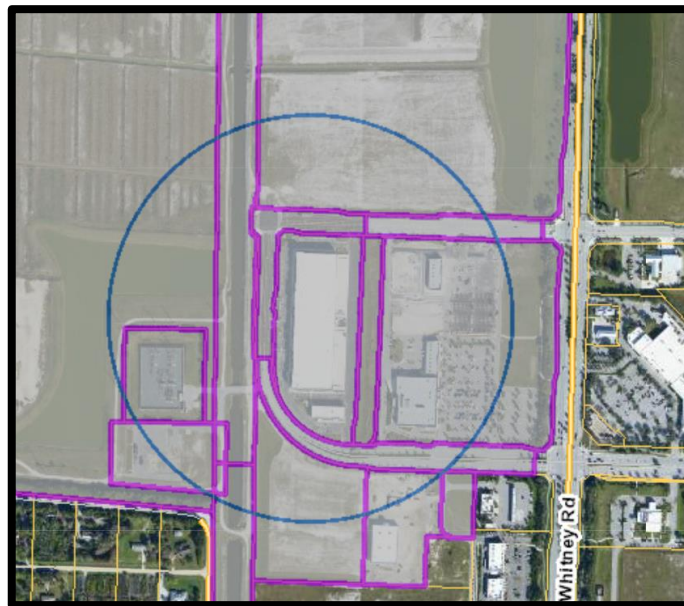
Distance requirements are primarily intended to promote the safety, health, morals, and general welfare of residents. The City Council may grant exceptions to the required distance separations between businesses when deemed appropriate.

Per Chapter 4, Sec 4-10, the City Council may grant a variance to the distance requirements if it finds the following requirements are met:

1. **The established distance requirement of one thousand (1,000) feet from an established public or private elementary school, middle school, or secondary school is not violated. The distance shall be the airline measurement taken from the center of the main entrance of the school grounds.**

**Applicants Response:** *There are no religious facilities or schools within 1,000 feet of the property. The Applicant intends to operate the Property as a state-of-the art facility with premium indoor padel courts and a café area, among other amenities. The café area will be directly adjacent to the padel courts, and will have food preparation facilities licensed by the Florida Division of Hotels and Restaurants to prepare and serve a variety of food, including but not limited to freshly baked croissants, pastries, energy bars, parfaits, bowls, wraps, salads, egg dishes, juices, and desserts. In conjunction with these café operations, Applicant would like to hold a type 2COP beer and wine license issued by the Florida Division of Alcoholic Beverages & Tobacco, to allow it to sell beer and wine for on-premise consumption, and perhaps in some instances off-premise consumption to guests.*

**Staff Analysis:** The subject property is not located within one thousand (1,000) feet of any public or private elementary school, middle school or secondary school.



Based on the City's staff analysis, the subject application is in compliance with this code standard.

2. **In the opinion of the city council, the granting of the modification will not materially impair the safety, health, morals, or general welfare of the citizens of the city which this chapter is intended to promote.**

**Applicants Response:** *The applicant submits that if granted, the exception will not materially impair the safety, health, morals, or general welfare of the citizens of the City. Specifically, the Property is separated by a large greenway buffer and concrete wall from the Publix liquor store, so as to prevent an overconcentration of alcohol uses within the area. Moreover, the Property's intended alcohol beverage use is limited in nature – both as to the type of beverage to be sold (malt beverages and wine only – not spirits) and is merely meant to be a complement to the primary food offering at the café. It is not anticipated that alcohol beverage sales will constitute a significant revenue source for the Applicant, nor will alcohol sales exceed food sales. The café will have an upscale food and beverage offering, and the alcohol portion is intended to be a mere amenity, not a draw, for customers. Hours of sale of alcoholic beverages will comply with those limitations set forth in Section 4-7 of the Code.*

**Staff Analysis:** The granting of this variance will not be injurious to the surrounding area, nor will it be detrimental to the health, safety, or general welfare of the public. Based on City's staff analysis, the subject application is in compliance with this code standard.

#### **FINAL REMARKS**

The subject application was reviewed according to Chapter 4 Sec 4-10. Based on staff review and analysis, the subject application is in compliance with two (2) of the standards of Sec 4-10.