



PETITION DESCRIPTION

PETITION NUMBER: ZC-2022-01 (Pod C-2) Ordinance 2022-11

OWNER: Minto PBLH, LLC

APPLICANT: Cotleur & Hearing

ADDRESS: Southeast corner of Persimmon Blvd E and Ilex Way

PCN: 77-40-43-12-00-000-1010

REQUEST: The applicant is requesting a zoning change from the Civic (C) zoning district to the Mixed Use (MU) zoning district. The site is located at the southwest corner of Persimmon Blvd and Ilex Way.

SUMMARY

The applicant is requesting to change the zoning designation from the the Civic (C) district to the Mixed Use (MU) zoning district on a 9.137 acre site. The amendment will change the development potential on the site from civic use to a wide range of commercial and residential uses. An application for a Future Land Use Map (FLUM) amendment is being processed concurrent with the subject application. The FLUM amendment is proposing to change the future land use designation from Civic to Downtown Mixed Use.

No site plan has been submitted as part of this application. Once the City receives a site plan application for the subject site it will be reviewed for compliance with the development regulations under Chapter 3 Zoning Districts and Standards, and it will need to be approved by the City Council. The approval process includes a Local Planning Agency hearing, and two (2) City Council readings.

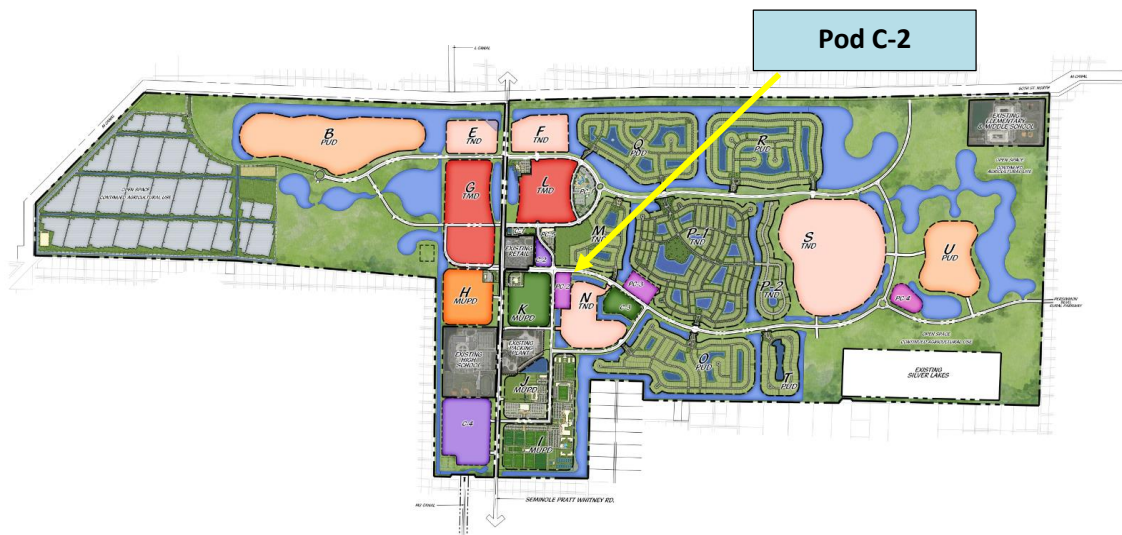
STAFF RECOMMENDATION

Based upon the facts and findings contained herein, the **Planning & Zoning Department** recommends approval of the subject application.

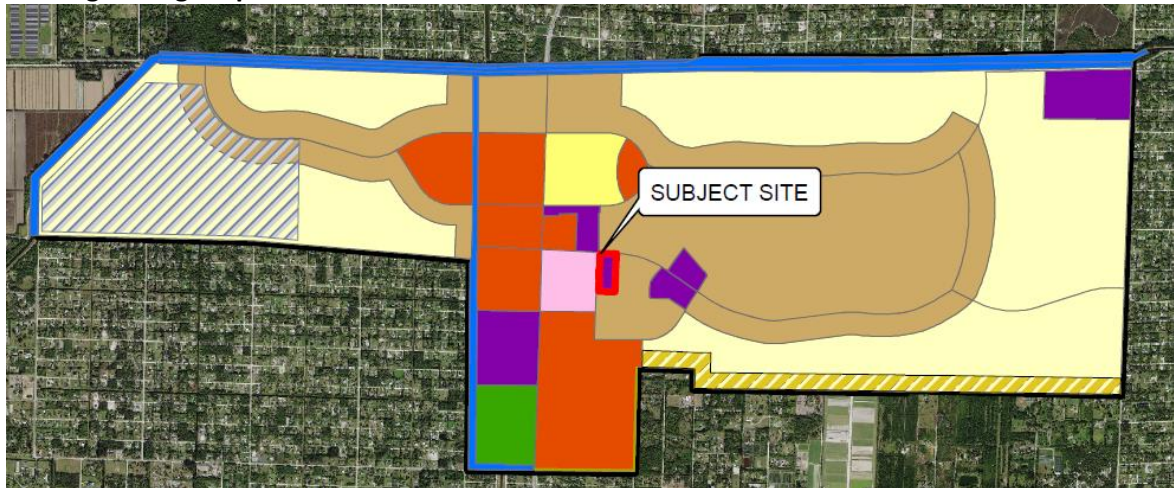
PETITION FACTS

- a. Total Gross Site Area: 9.137 acres
- b. Land Use and Zoning
 - Existing Land Use: Vacant
 - Existing Future Land Use: Civic
 - Proposed Future Land Use: Downtown Mixed Use
 - Existing Zoning: Civic (C)
 - Proposed Zoning: Mixed Use (MU)

| | FUTURE LAND USE | ZONING |
|-------------------------|------------------------|------------------|
| SUBJECT PROPERTY | Civic | Civic |
| NORTH | Residential-2 | Residential-2 |
| SOUTH | Residential-2 | Residential-2 |
| EAST | Residential-2 | Residential-2 |
| WEST | Downtown Mixed Use | Medical District |



Existing Zoning Map



BACKGROUND

On June 20, 2016, the City of Westlake became the 39th municipality in Palm Beach County. On March 12, 2018, Ordinance No. 2017-05 approved the adoption of the City of Westlake Comprehensive Plan and Future Land Use Map. On September 23, 2019, Ordinance No. 2019-09 established Chapter 3 “Zoning Districts and Standards”, and Adopting of the Zoning Map. The subject application is the first zoning map amendment processed by the City.

STAFF ANALYSIS

Staff reviewed the subject application focusing on compatibility with the surrounding neighborhoods and for any negative impacts regarding the proposed zoning change to the Mixed use zoning district. The proposed Mixed Use zoning district allows a mix of non-residential and residential uses that may be developed on the same parcel, and may be integrated vertically or horizontally. The Mixed Use zoning districts includes all of the uses allowed under the Civic (C) zoning district plus the following uses:

TABLE 3-11: MU DISTRICT RESIDENTIAL STANDARDS

| Residential Use Type | Minimum Lot Width Per Dwelling Unit (Feet) | Minimum Front Setback ¹ (Feet) | Minimum Side Road Setback ² (Feet) | Minimum Side Yard Setback ^{2,3} (Feet) | Minimum Rear Yard Setback ² (Feet) | Maximum Building Height (Feet) | Maximum Lot Coverage | Minimum Pervious Percentage of Parcel |
|--|--|---|---|---|---|--------------------------------|----------------------|---------------------------------------|
| Single family attached dwellings | 20 | BLDG: 5 | BLDG: 5 | BLDG: 5 | 10 | 50 | 70% | 20% |
| | | FLG: 20 | SLG: 20 | SLG: 20 | | | | |
| Multi-family dwellings | - | 5 | 20 | 10 | 20 | 100 | 50% | 25% |
| Assisted living facilities | - | 5 | 20 | 10 | 20 | 100 | 50% | 25% |
| 1. BLDG = Building without front-loading garage, or portion of building without front-loading garage. FLG = Front Loading Garage. | | | | | | | | |
| 2. For multi-family developments, setbacks shall be measured from the boundary of the parcel. No other setbacks apply to buildings within the parcel, except buildings are subject to building separation requirements in the Florida Building Code and fire safety codes. | | | | | | | | |
| 3. BLDG = Building without side-loading garage, or portion of building without side-loading garage. SLG = Side Loading Garage. No setback is required for single family attached dwelling units along the shared wall. | | | | | | | | |

TABLE 3-12: MU DISTRICT NON-RESIDENTIAL STANDARDS

| Non-Residential Use Type | Minimum Parcel Size (Square Feet) | Minimum Front Setback (Feet) | Minimum Side Setback (Feet) | Minimum Rear Setback (Feet) | Minimum Building Separation (Feet) | Maximum Lot Coverage | Minimum Pervious Percentage of Parcel |
|--|--|-------------------------------------|------------------------------------|------------------------------------|---|-----------------------------|--|
| Religious uses | 43,560 | 20 | 10 | 10 | 20 | 35% | 25% |
| Educational Uses | 43,560 | 20 | 10 | 10 | 20 | 35% | 25% |
| Recreational Uses | - | 20 | 10 | 10 | 20 | 30% | 60% |
| Conservation uses | - | - | - | - | - | - | - |
| Commercial Uses | - | 20 | 10 | 10 | 20 | 45% | 25% |
| Medical Uses | - | 20 | 10 | 10 | 20 | 45% | 25% |
| Sexually oriented business | - | 30 | 10 | 10 | 20 | 35% | 25% |
| Civic Uses | - | 20 | 10 | 10 | 20 | 30% | 25% |
| Light industrial uses | - | 30 | 10 | 10 | 20 | 50% | 25% |
| Institutional uses | - | 10 | 10 | 10 | 20 | 35% | 25% |
| Commercial recreation uses | - | 20 | 10 | 10 | 20 | 35% | 25% |
| Agricultural uses | - | - | - | - | - | - | - |
| Essential facilities and services | - | - | - | - | - | - | - |
| Utilities | - | - | - | - | - | - | - |
| 1. Buildings separated from residential zoning districts by a road or canal are not considered adjacent to residential zoning districts. | | | | | | | |

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.

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

Staff has reviewed the following criteria:

1. The proposed change would not be contrary to the land use plan and would not have adverse impacts to the Comprehensive Plan.

The requested Mixed Use (MU) zoning district, allows a minimum gross density of 4 units per acre, the maximum gross density is 16 dwelling units per acre, and a maximum of 3.0 FAR. This is consistent with the Downtown Mixed Use future land use designation that allows a minimum gross density of 4 units per gross acre, the maximum gross density of 16 dwelling units per gross acres, and a maximum of 3.0 FAR. This designation will be consistent with the proposed land use designation of Downtown Mixed Use that is being processed concurrently (CPA-2022-01).

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

2. The proposed rezoning is consistent with the existing land use pattern.

The proposed zoning district is compatible with the existing single-family residential use to the north, south and east, as well as with the existing development to the west.

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.

3. The proposed rezoning will not create an isolated district unrelated to adjacent and nearby districts.

This proposed zoning change would not create an isolated zoning district and will be a continuation of the existing development pattern to the west.

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.

4. The proposed change will not create or excessively increase traffic.

The subject site already allows a number of religious, education and civic uses. The proposed zoning change will not create excessive traffic in the area. Any future development will be reviewed for traffic impacts and will be required to provide a traffic study.

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.

5. The change will not adversely influence living conditions in the neighborhood.

The proposed change will not adversely affect the living conditions in the area. Any future development will be reviewed for compliance with the City’s Comprehensive Plan and Land Development Regulations and will need to be approved by the City Council.

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.

STAFF RECOMMENDATION

Please see page 1 for staff recommendation.