



City of Westlake

Planning and Zoning Department – Staff Report

City Council Meeting 11/8/2021

PETITION DESCRIPTION

PETITION NUMBER: SPR-2021-07 Parcel C Site Plan Review at Shoppes of Westlake Landings Pod H.

OWNER: Minto PBLH, LLC

APPLICANT: Cotleur & Hearing

PCN: 77-40-43-01-17-000-0010; 77-40-43-01-17-000-0020

ADDRESS: The subject Starbucks application is located at 4801 Seminole Pratt Whitney Road, Westlake, Florida, 33470. The subject KFC application is located at 4775 Seminole Pratt Whitney Road, Westlake, Florida, 33470. The subject Taco Bell application is located at 4751 Seminole Pratt Whitney Road, Westlake, Florida, 33470.

REQUEST: The applicant is requesting Site Plan Review approval for an approximately 2,525 Square Feet coffee shop with drive through known as Starbucks; for an approximately 2,200 Square Feet fast food restaurant with drive through known as KFC; and an approximately 2,040 Square Feet fast food restaurant with drive through known as Taco Bell. Totaling approximately 6,765 Square Feet and located in a 3.68 acres site at Parcel C within Shoppes of Westlake Landings commercial plaza in Pod H.

The applicant will be submitting a Master Sign Plan at a later date.

SUMMARY

The applicant is requesting Site Plan Review approval for an approximately 2,525 Square Feet coffee shop with drive through known as Starbucks; for an approximately 2,200 Square Feet fast food restaurant with drive through known as KFC; and an approximately 2,040 Square Feet fast food restaurant with drive through known as Taco Bell. Totaling approximately 6,765 Square Feet and located in a 3.68 acres site at Parcel C within Shoppes of Westlake Landings commercial plaza in Pod H.

The total number of required parking spaces is 81 spaces, the applicant is providing 95 spaces at the subject site; and the extra 7 parking spaces will be utilized by Parcel B as apart of Shared Parking. The subject application is in compliance with the City Code Chapter 8. Parking Regulations. Section 2: Reduction of Minimum Space Requirements (A) Shared Parking. *The applicant provided a Parking Statement and a Declaration of Unity of Control for Parking.*

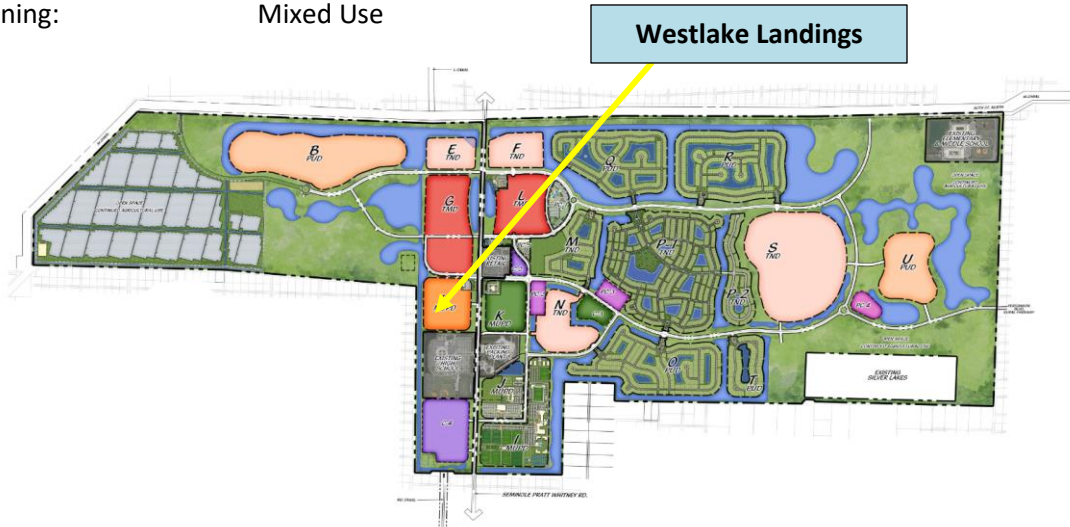
STAFF RECOMMENDATION

Based upon the facts and findings contained herein, the **Planning and Zoning and Engineering Department** recommends approval of the subject application with the following condition of approval:

1. The Declaration of Unity of Control for Parking must be executed and recorded prior to Building Permit being issued by the City of Westlake.

PETITION FACTS

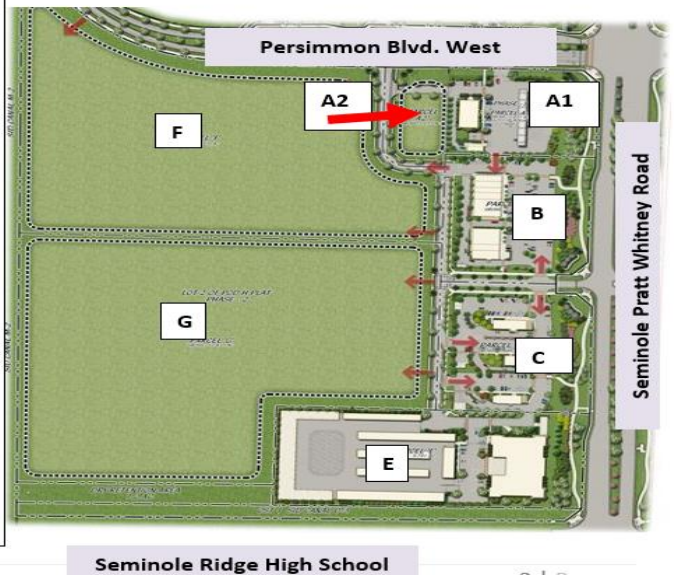
- a. Total Gross Site Area: 3.68 acres
- b. Land Use and Zoning
 - Existing Land Use: Vacant/Agricultural/Utility
 - Future Land Use: Downtown Mixed Use
 - Zoning: Mixed Use



Background

Parcel C is within Pod H “Westlake Landings” Master Site Plan, a commercial plaza located west of Seminole Pratt Whitney Road on a 50.826 acres that was approved by City Council on June 14, 2021. “Westlake Landings” will be developed as a Property Owners Association (POA) with individual owners within Pod H. The subject plaza consists of a number of parcels that will be developed according to market driven demand. “Westlake Landings” is requesting a Master Site Plan Amendment to be heard by the City Council on November 8, 2021 to modify Parcels concurrently with this subject application, see proposed amendment:

- Parcel A 1** -2.48 acres- 4,500 Sq. Ft. **Approved 7-11** Convenience Store with Gas Station (Phase One)
- Parcel A 2** -1.18 acres- 3,500 Sq. Ft. Fast Food Restaurant with drive through
- Parcel B** - 3.502 acres- 4,500 Sq. Ft. Retail & 2,500 Sq. Ft. Fast Food Restaurant with drive through
- Parcel C** -3.681 acres- 2,525 Coffee Shop w/Drive Thru, 4,240 Sq. Ft. Fast Food Restaurant with drive through
- Parcel E** -5.75 acres- with a 140,000 Sq. Ft. Self Service Storage
- Parcel F** -14.44 acres- with Commercial Recreation
- Parcel G** -17.41 acres- with a 35,000 Sq. Ft. Office & 150,000 Sq. Ft. Light Industrial

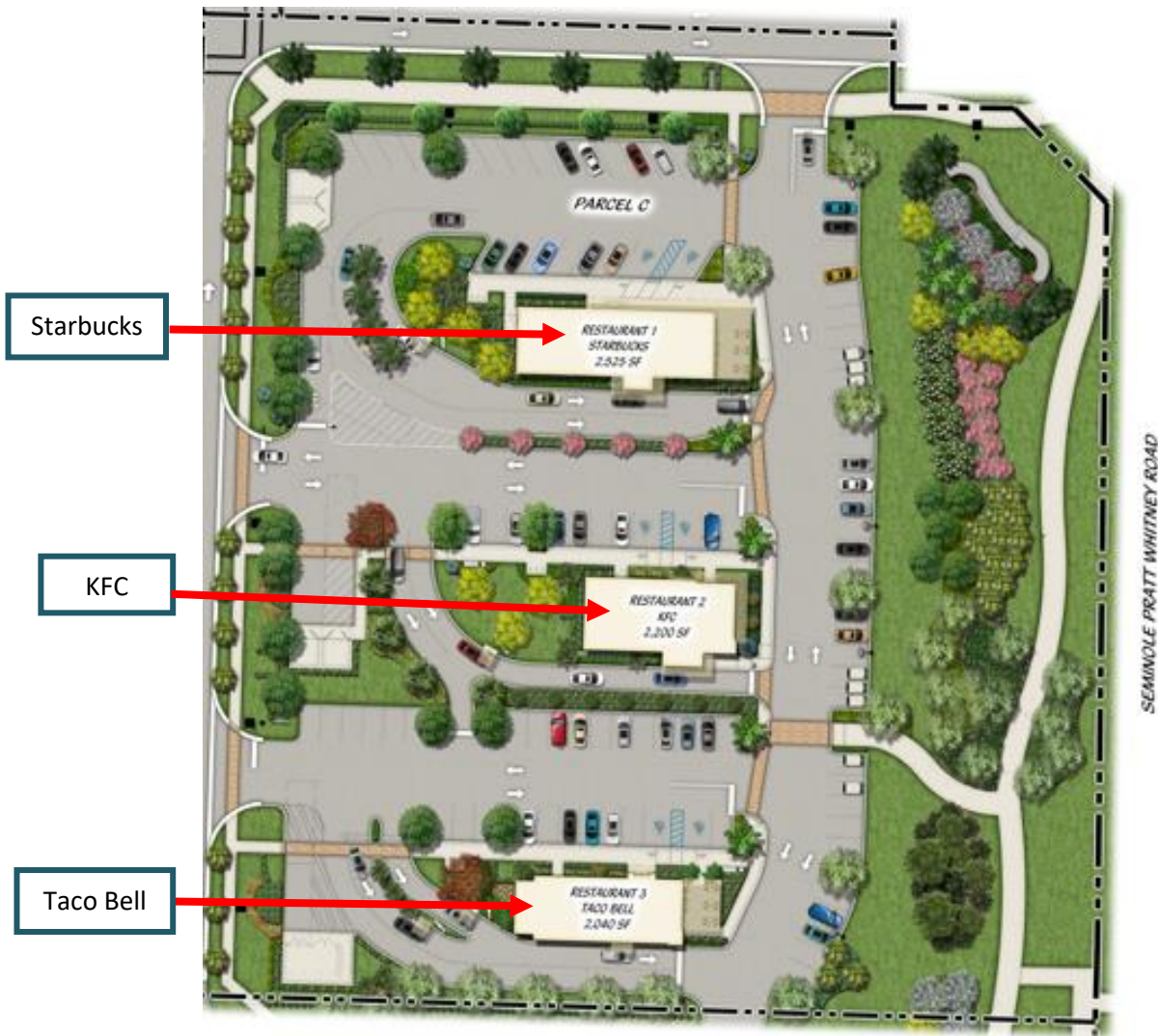


Staff Analysis

The applicant is requesting Site Plan Review approval for an approximately 2,525 Square Feet coffee shop with drive through known as Starbucks; for an approximately 2,200 Square Feet fast food restaurant with drive through known as KFC; and an approximately 2,040 Square Feet fast food restaurant with drive through known as Taco Bell. Totalling approximately 6,765 Square Feet and located in a 3.68 acres site at Parcel C within Shoppes of Westlake Landings commercial plaza in Pod H.

Breakdown of buildings are as follows:

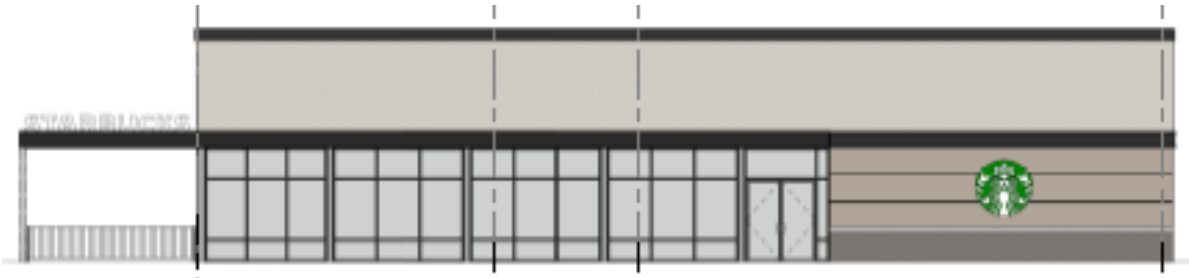
Starbucks with Drive Through: 2,525 Sq. Ft.
KFC with Drive Through: 2,200 Sq. Ft.
Taco Bell with Drive Through: 2,040 Sq. Ft.
Total: 6,785 Sq. Ft.



Architecture

Design and aesthetics are paramount to the vision and goals of the City of Westlake. The proposed improvements to this existing commercial plaza will enhance the City’s vibrant Seminole Pratt Whitney corridor. Since the City of Westlake is positioned to become a dynamic center of the western surrounding communities, it is critical that this Parcel be consistent with the City’s vision and guiding principles. Below renderings are proposed color schemes and aesthetics of each fastfood restaurant within Parcel C.

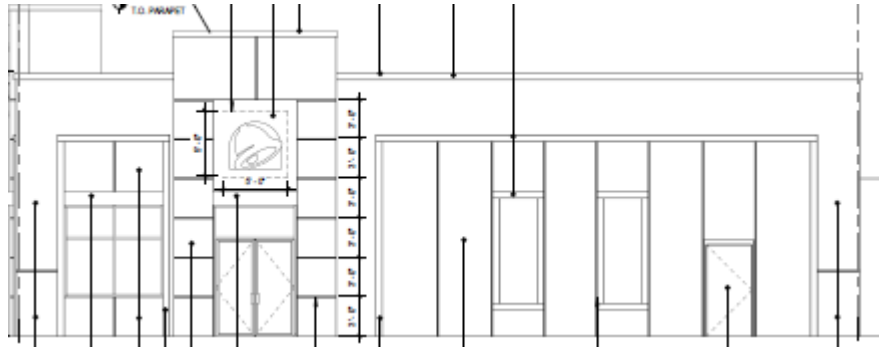
Starbucks



Kentucky Fried Chicken



Taco Bell



OVERALL VIEW OF PARCEL C



Accessways and Connecting Sidewalks

The subject application continues to provide the same internal sidewalks, pedestrian and bicycle connectivity to the multimodal path along Seminole Pratt Whitney Road as proposed in the Pod H Master Plan Amendment. Parcel C provides **three** (3) points of vehicular access to the site as shown below.



Parking Analysis

The total number of required parking spaces is 81 spaces, the applicant is providing 95 spaces at the subject site; and the extra 7 parking spaces will be utilized by Parcel B as part of Shared Parking. The subject application is in compliance with the City Code Chapter 8. Parking Regulations. Section 2: Reduction of Minimum Space Requirements (A) Shared Parking.

The applicant provided a Parking Statement and a Declaration of Unity of Control for Parking, see attached documents.

The following analysis is based on the City Code *Chapter 8. Parking Regulations. Section 2: Reduction of Minimum Space Requirements (A) Shared Parking*:

A) **Shared Parking**

(1) *The City Council shall as part of an approval of a new or expanded use, new construction, substantial renovation, or alteration or expansion of an existing site, approve the use of shared parking to reduce overall parking requirements. The basis for approval of an application to establish shared parking includes the factors listed below.*

(a) *Two or more uses located in the same structure, on the same site, or within 1000 feet (measured property line to property line) of each other that possess complementary peak hours of parking usage.*

(b) *The proposed shared parking areas must be reasonably accessible to all participating uses and shared parking spaces may not be reserved for a particular use or otherwise restricted.*

(c) **Shared parking study.** *Preparation, in a professionally accepted manner, of a shared parking study by a qualified professional engineer, architect, or planner. The shared parking study shall be the most recent version based on the Urban Land Institute's (ULI) methodology for determining shared parking, or other professionally accepted methodology.*

(d) **Legal documentation.** *The property owner(s) shall submit an appropriate restrictive covenant or access easement in recordable form acceptable to the City Attorney.*

(e) **Development order.** *Any development order approved by the city council which includes the use of shared parking shall:*

(i) *Provide the city a means to readdress the shared parking in the event future parking problems or changes in use occur;*

(i) *Provide a legal description of the land and structures affected;*

(ii) *Provide for a term of at least five years;*

(iii) *Provide a site plan to indicate uses, hours of operation, parking, etc.; and*

(iv) *Assure the availability of all parking spaces affected by the agreement.*

(2) *The amount of parking provided pursuant to a shared parking agreement shall not be more than 20% of the required parking.*

The total number of required parking spaces is 81 spaces, the applicant is providing 95 spaces at the subject site; and the extra 7 parking spaces will be utilized by Parcel B as apart of Shared Parking. The subject application is in compliance with the City Code Chapter 8. Parking Regulations. Section 2: Reduction of Minimum Space Requirements (A) Shared Parking.

The applicant provided a Declaration of Unity of Control for Parking, and a Parking Statement, see attached documents.

The following table presents compliance with applicable zoning code:

Zoning District: MixedUse / Commercial Recreation	REQUIRED BY CODE	PROPOSED	COMMENTS
Setbacks			
Front (North)	Main Structure: 20'	Building 1 (KFC): 150.69 Building 2 (Taco Bell): 151.46 Building 2 (Starbucks): 176.93	<i>In compliance</i>
Rear (South)	Main Structure: 10'	Building 1 (KFC): 137.20 Building 2 (Taco Bell): 170.19 Building 2 (Starbucks): 144.22	<i>In compliance</i>
Side	Main Structure: 10'	Building 1 (KFC): 264.60 Building 2 (Taco Bell): 142.40 Building 2 (Starbucks): 27.94	<i>In compliance</i>
Lot Coverage	Max Lot Coverage: 35%	4.99%	<i>In compliance</i>
Building Height	120 ft. max	Building 1 (KFC): 25' Building 2 (Taco Bell): 20' Building 2 (Starbucks): 20' 2"	<i>In compliance</i>
Parking	Required parking: Coffee shop with drive-thru (1/150 + 1/250 SF): 27 Outdoor seating 500 SF: 5 Building 1 with drive-thru (1/150 + 1/250 SF): 23 Building 2 with drive-thru (1/150 + 1/250 SF): 22 Outdoor seating 360 SF: 4 Total required: 81spaces 6 ADA spaces	Total provide spaces: 95 6 ADA Spaces	<i>In compliance</i> Extra 7 parking spaces are part of Shared Parking for Parcel B. See parking analysis and Condition of Approval
Sidewalks	Pedestrian walkways must be a minimum of 5 ft. wide	5'	<i>In compliance</i>
Minimum Pervious / Open Space	Minimum 25%	39.62%	<i>In compliance</i>
Bike Racks	5 Spaces per Building: 15 12% of Required Parking: 15	18	<i>In compliance</i>

Fire Safety

The site plan application was reviewed by Mr. Wesley Jolin, IAAI-CFI, Fire Safety Specialist, from Palm Beach County Fire Rescue.

Landscape

The preliminary landscape plan has been reviewed and is in compliance with City Code. It has been noted that there were several instances where required landscape material was in conflict with utilities. The preliminary landscape plan was amended to show that the landscape could be installed in a way that the landscape will prosper and remain viable with these utilities and required root barrier in place. Additional adjustments to conditions such as these might be forthcoming at time of landscape permit application and review. Review and approval from SID will be required for the landscaping abutting underground utilities.

Drainage

This property is being served by a common stormwater system. Runoff from the site is directed to on-site inlets and storm sewer with discharge to off-site dry detention systems that serves all of Pod H, excluding Parcel F & G. The system then discharges into the master drainage system owned and operated by Seminole Improvement District (SID) for positive legal outfall. Requirements for pretreatment prior to discharge are addressed as part of the land development permitting process. The discharge into the master drainage system will be accordance with the Master Permit for Westlake.

Traffic

All material traffic comments were addressed. The total trips projected for this application do not exceed the approved trips for Westlake per the Development Order.

FINAL REMARKS

SPR-2021-07 will be heard by the City Council on November 8, 2021. 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** recommends approval of the subject application with the following condition of approval:

1. The Declaration of Unity of Control for Parking must be executed and recorded prior to Building Permit being issued by the City of Westlake.



October 19, 2021

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

**Re: Westlake Pod H Parcels B and C- #PTC21-053
Parking Statement**

Dear Mr. Cassel:

The purpose of this letter is to present a parking statement for Pod H Parcels B and C. Parcel B consists of 14,450 SF Shopping Center and 2,065 SF Coffee/Donut Shop with Drive-Thru. Parcel C consists of 4,240 SF Fast Food Restaurant with Drive-Thru and 2,525 SF Coffee Shop with Drive-Thru.

These two parcels require a total of 211 parking spaces per City of Westlake parking code: 115 for Parcel B and 96 for Parcel C. Parcel B provides 108 spaces and Parcel C provides 109 spaces for a total of 217 spaces. These two parcels, which have a Declaration of Unity of Control for Parking, are adjacent to each other. Shared vehicular connections and pedestrian connections (sidewalks and crosswalks) exist to accommodate a sharing of parking spaces between the two parcels. All parking provided is within 1000' of the commercial buildings. With seven (7) parking spaces provided in Parcel C for the benefit of Parcel B, this represents only 6% of the Parcel B parking demand.

Therefore, the total parking required for these two parcels has not been reduced (as is the case in a shared parking study) but is provided among the two parcels.

Sincerely,

Rebecca J. Mulcahy, P.E.
Vice President

Attachments

Rebecca J. Mulcahy, State of Florida, Professional Engineer, License No. 42570
This item has been electronically signed and sealed by Rebecca J. Mulcahy, P.E. on 10/19/21 using a Digital Signature. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

PREPARED BY AND RETURN TO:

DECLARATION OF UNITY OF CONTROL FOR PARKING

THIS DECLARATION of Unity of Control ("Declaration") is made this ____ day of _____ by _____ as Declarant for Parcels B and C (as further described below) (the "Declarant").

RECITALS:

- A. The Declarant is the owner of separate properties in Palm Beach County, Florida, more particularly described by the legal descriptions as contained on Exhibit A, attached hereto (collectively the "Property"), which Property is intended to be developed for nonresidential uses in accordance with the following zoning approvals: Application No. SPR-2021-06 and Development Order No. _____ and Application No. SPR-2021-07 Development Order No. _____ with a site plans approved by The City of Westlake ("Westlake"), Palm Beach County, Florida, copies of which are attached hereto as Composite Exhibit B.
- B. The Declarant has agreed with Westlake that, for the proper development of the Property, the Declarant shall provide for mutual and reciprocal right-of-way for the purpose of ingress and egress, and parking within the Property, the enjoyment of which cross easements shall be shared by the respective parties owning any portion of the Property and their respective heirs, successors, assigns and successors in title to all or part of the Property and to the tenants, lessees, agents, employees, guests and invitees of any owner of the Property or any portion thereof and guests and invitees of tenants and lessees legally occupying the Property.

NOW, THEREFORE, in consideration of the grants and agreements herein made and in consideration of \$10.00 in hand paid, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Declarant hereby subjects the Property to the following restrictions:

- 1. Recitals. The foregoing recitals are incorporated herein by reference as though set forth in detail in this place.
- 2. Unified Control. All parking areas on the Property are and will be part of a single unified planned development, regardless of ownership. In furtherance of the foregoing, the Property may be developed in accordance with the Site Plan attached to this Declaration as Exhibit B and may meet the land development requirements as to parking as if they are one lot.

3. Easements. The Declarant hereby dedicates, grants and establishes for the benefit of the Property, and the owners of any portion thereof (as well as their employees, agents, guests, invitees, mortgages, tenants, lessees, subtenants, licensees, heirs, successors and assigns) the following easements:
 - a. A nonexclusive easement for the right-of-way of pedestrians and vehicular ingress and egress over on and across the areas within the Property constituting driveways and roadways, as shown on the Site Plan.
 - b. A nonexclusive easement for the parking of vehicles over, on and across areas within the Property constituting parking areas.
 - c. The owners of the Property shall provide for the perpetual operation and maintenance of all parking facilities, which are not provided, operated or maintained at public expense.
4. Covenants Run with the Land. All of the covenants, easements and restrictions herein will be perpetual and will constitute covenants running with the land, will be binding upon any and all persons and entities, their respective successors in interest, assigns, heirs and personal representatives having or hereafter acquiring any right, title or interest in and to all or any portion of the Property, and all benefits deriving therefrom will accrue to the benefit of all persons and entities, their respective successors in interest, tenants, licensees, assigns, heirs and personal representatives having or hereafter acquiring any right, title or interest in all or any portion of the Property.
5. Modification and Termination. This Declaration may not be terminated or modified in any way except by means of an instrument executed by the owners of the Property after the prior written consent of the City Council of the City of Westlake.
6. Owners' Restrictions. No owner of any portion of the Property shall take or fail to take any action or do or fail to do anything which would, or have the effect of, impeding, obstructing or preventing any other person or entity having rights under this Declaration from their full and complete use and enjoyment of the easements herein granted. Without limiting the generality of the foregoing, free and full access to, from and across all portions of the Property which constitute parking areas, driveways and roadways on the Site Plan shall not be blocked, obstructed or impeded.
7. Recordation. This Declaration shall be recorded in the Public Records of Palm Beach County, Florida.
8. Miscellaneous.
 - a. Each covenant in this Declaration is an independent and separate covenant. If any term or provision of the Declaration or the application thereof to any person or circumstance

should to any extent be invalid or unenforceable, the Remainder of the Declaration and application of such term or provision to persons or circumstances other than those to which it is held invalid or unenforceable will not be affected thereby, and each term and provision of this Declaration will be valid enforceable to the fullest extent permitted by law.

- b. This covenant shall be recorded in the Public Records of Palm Beach County Florida.
- c. Failure of any party to insist upon or enforce its rights under this Declaration will not constitute a waiver of such rights.
- d. This Declaration and the rights created hereby, including, but not limited to, the cross easements shall be paramount and superior to all leases, conveyances, transfers, assignments, contracts, mortgages, deeds of trust and other encumbrances affecting the Property, from and after the date of recording of this Declaration. Any person acquiring possession to, title of, or interest in the Property or any portion thereof shall do so subject to this Declaration. Any transferee of any interest in any portion of the Property by any means whatsoever shall be deemed, by acceptance of such interest, to have agreed to be bound by all of the provisions of this Declaration. Nothing contained in this Declaration shall preclude the Declarant or Declarant's successors in interest to the Property from imposing further covenants not inconsistent with the terms and conditions of this Declaration.
- e. Venue for any legal proceeding regarding this Declaration shall be in Palm Beach County, Florida.

IN WITNESS WHEREOF, this instrument is executed on the day and year first above written.

Signed, sealed, executed and acknowledged on this ____ day of _____, 202__.

Witnesseth:

Declarant:

Printed Name: _____

By: _____

Printed Name: _____

EXHIBIT A

Legal Description

WESTLAKE - POD H - PARCEL "B"

LEGAL DESCRIPTION:

BEING A PORTION OF LOT 2, WESTLAKE - POD H, AS RECORDED IN PLAT BOOK 129, PAGES 135 THROUGH 137, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN A PORTION OF SECTION 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 1, WESTLAKE - POD H, AS RECORDED IN PLAT BOOK 129, PAGES 135 THROUGH 137, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S.88°17'15"E., ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 384.78 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF PARCEL 101, AS RECORDED IN OFFICIAL RECORDS BOOK 28479, PAGE 822, OF SAID PUBLIC RECORDS; THENCE THE FOLLOWING SEVEN (7) COURSES BEING ALONG SAID WEST RIGHT-OF-WAY: 1) THENCE S.01°42'52"W., A DISTANCE OF 32.12 FEET; 2) THENCE S.15°12'36"W., A DISTANCE OF 51.43 FEET; 3) THENCE S.01°42'52"W., A DISTANCE OF 202.70 FEET; 4) THENCE S.00°43'28"W., A DISTANCE OF 58.80 FEET; 5) THENCE S.45°43'28"W., A DISTANCE OF 56.57 FEET; 6) THENCE N.89°16'32"W., A DISTANCE OF 40.00 FEET; 7) THENCE S.00°43'28"W., A DISTANCE OF 31.00 FEET; THENCE N.88°17'15"W., A DISTANCE OF 295.02 FEET; THENCE N.01°42'45"E., A DISTANCE OF 415.99 FEET TO THE **POINT OF BEGINNING**.

CONTAINING: 152,570 SQUARE FEET OR 3.502 ACRES, MORE OR LESS.

WESTLAKE - POD H - PARCEL "C"

LEGAL DESCRIPTION:

BEING A PORTION OF LOT 2, WESTLAKE - POD H, AS RECORDED IN PLAT BOOK 129, PAGES 135 THROUGH 137, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN A PORTION OF SECTION 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 1, WESTLAKE - POD H, AS RECORDED IN PLAT BOOK 129, PAGES 135 THROUGH 137, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S.01°42'45"W., A DISTANCE OF 415.99 FEET TO THE **POINT OF BEGINNING**; THENCE S.88°17'15"E., A DISTANCE OF 295.02 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF PARCEL 101, AS RECORDED IN OFFICIAL RECORDS BOOK 28479, PAGE 822, OF SAID PUBLIC RECORDS; THENCE THE FOLLOWING FOUR (4) COURSES BEING ALONG SAID WEST RIGHT-OF-WAY: 1) S.00°43'28"W., A DISTANCE OF 31.00 FEET; 2) THENCE S.89°16'32"E., A DISTANCE OF 52.00 FEET; 3) THENCE S.44°16'32"E., A DISTANCE OF 56.57 FEET; 4) THENCE S.00°43'28"W., A DISTANCE OF 320.21 FEET; 5) THENCE S.01°42'45"W., ALONG SAID WEST RIGHT-OF-WAY, A DISTANCE OF 30.13 FEET; THENCE N.88°17'15"W., A DISTANCE OF 393.75 FEET; THENCE N.01°42'45"E., A DISTANCE OF 419.69 FEET TO THE **POINT OF BEGINNING**.

CONTAINING: 160,365 SQUARE FEET OR 3.681 ACRES, MORE OR LESS.

COMPOSITE EXHIBIT B
Site Plan