

TOWN OF WESTLAKE

ORDINANCE NO. 964

AN ORDINANCE ZONING AN APPROXIMATELY 2.5 ACRE TRACT OF LAND GENERALLY LOCATED AT 3300 T.W. KING ROAD, FURTHER DESCRIBED AS LOT 1, C.M. THROOP NO. 1510 ADDITION, FROM THE “O OFFICE PARK” ZONING DISTRICT TO PD8 “PLANNED DEVELOPMENT DISTRICT NUMBER EIGHT”; APPROVING A CONCEPT PLAN FOR A HOTEL; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 102 of the Code of Ordinances of the Town of Westlake establishes zoning districts, permissible uses, development standards, and other zoning related regulations; and

WHEREAS, Section 62-31 of the Code of Ordinances of the Town of Westlake adopts a Comprehensive Plan for the Town of Westlake; and

WHEREAS, Section 102-33(3) of the Code of Ordinances of the Town of Westlake states that the purpose of a Planned Development District is to: Provide for a superior design of lots or buildings; Provide for increased recreation and/or open space opportunities for public use; Provide rural amenities or features that would be of special benefit to the property users or community; Protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes or hills and viewsapes; Protect or preserve existing historical buildings, structures, features or places; and provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services; and

WHEREAS, on July 6, 2022, the Town of Westlake received a Zoning Change Request from Trophy Lodging, LTD, on behalf of the property owner for the subject property requesting that the Town zone said property to PD8 “Planned Development District Number Eight” in accordance with Chapter 102 of the Code of Ordinances of the Town of Westlake, Texas; and

WHEREAS, following provision of proper legal notice, including written notice to owners within 200 feet of the subject property, published notice and posted notice in accordance with the Texas Open Meetings Act of public hearing, a public hearing was held on February 13, 2023 by the Planning and Zoning Commission (Commission) whereby the Commission recommended to the Town Council approval zoning change; and

WHEREAS, following provision of proper legal notice, including written notice to owners within 200 feet of the subject property, published notice and posted notice in accordance with the Texas Open Meetings Act of public hearing, a public hearing was held on May 22, 2023 by the Town Council; and

WHEREAS, the Council believes that the interests of the Town, the present and future residents and citizens of the Town, and developers of land within the Town, are best served by adopting this Ordinance; and

WHEREAS, upon the recommendation of the Planning and Zoning Commission and after a public hearing, the Town Council of the Town of Westlake, Texas, is of the opinion that it is in the best interests of the Town and its citizens that the rezoning request should be approved and adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WESTLAKE TEXAS:

SECTION 1: That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2: That Lot 1, C.M. Throop Addition No. 1510 as shown on attached **Exhibit “A”** is hereby rezoned from the O, “Office Park” zoning district to PD8, “Planned Development District Number Eight”, including the approval of a concept plan, subject to the following conditions:

- A. The purpose of the PD8 district is the development of a hotel. Any principal use other than a hotel is hereby prohibited. Approved accessory uses shall include a fitness center, conferencing facility, swimming pool, spa, restaurant, general retail sales typical with a hotel and the sale of alcoholic beverages for on-premises consumption.
- B. Development of the site shall be generally consistent with the concept plan, attached as Exhibit “**B**”, and the development description, attached as Exhibit “**C**”.
- C. The hotel building shall be generally consistent with the concept building elevations, attached as Exhibit “**D**”.
- D. A site plan, meeting the requirements for PD site plans in the Code of Ordinances, shall be submitted for final consideration. No building permit may be issued without an approved site plan. The site plan shall be considered as an amendment to this ordinance;
- E. Prior to the final consideration of the site plan, any required extra-jurisdictional approvals pertinent to the subject property including, but not limited to, zoning, roadway and utility access shall be obtained and provided directly from the pertinent entity to the Town.
- F. Given the redevelopment of the site, approval and recording of a replat of the subject property is hereby required prior to the issuance of a building permit;
- G. A situs development agreement between the developer and the town shall require approval prior to the issuance of the building permit.

H. It is hereby acknowledged that certain waivers to Town ordinances are required in order to reasonably develop the site as depicted on the concept plan. However, final approval of any development waivers, including any modifications or additions to the conditions contained herein, shall be at the discretion of the Town Council upon the recommendation of the Planning and Zoning Commission as part of the approval of the required site plan.

SECTION 3: This Zoning District shall be subject to all regulations contained in the Code of Ordinances of the Town of Westlake, Texas, except where amended herein.

SECTION 4: That this Ordinance shall be cumulative of all other Town Ordinances and all other provisions of other Ordinances adopted by the Town which are inconsistent with the terms or provisions of this Ordinance are hereby repealed.

SECTION 5: That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the Town of Westlake, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6: It is hereby declared to be the intention of the Town Council of the Town of Westlake, Texas, that sections, paragraphs, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared legally invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such legal invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the Town Council of the Town of Westlake without the incorporation in this Ordinance of any such legally invalid or unconstitutional, phrase, sentence, paragraph or section.

SECTION 7: This ordinance shall take effect immediately from and after its passage as the law in such case provides.

PASSED AND APPROVED ON THIS 12TH DAY OF JUNE 2023.

ATTEST:

Sean Kilbride, Mayor

Amy Piukana, Town Secretary

APPROVED AS TO FORM:

L. Stanton Lowry, Town Attorney

EXHIBITS

EXHIBIT A- Subject property location map

EXHIBIT B- Concept Plan

EXHIBIT C- Development Description

EXHIBIT D- Concept Elevations

EXHIBIT "A"

Location Map of Subject Property

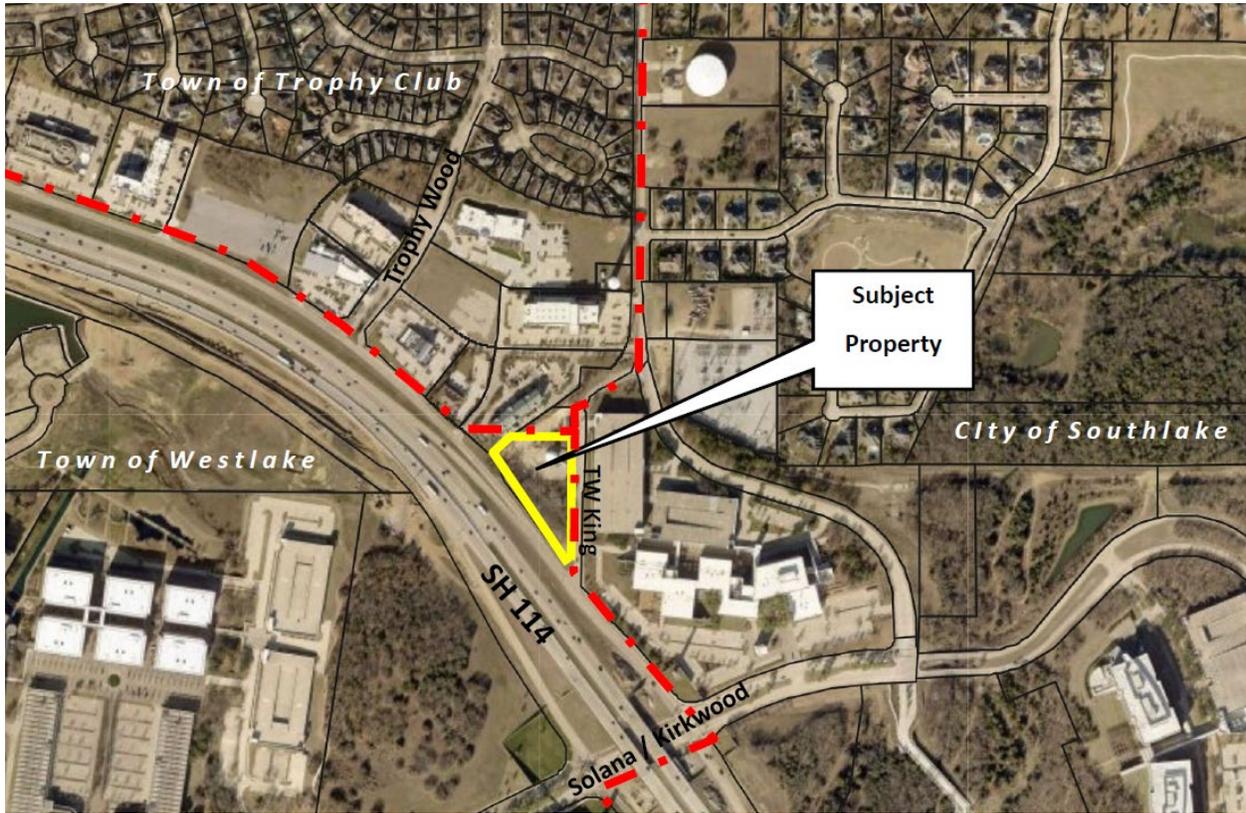


EXHIBIT “C”

Development Description

Project Narrative

Proposed Hotel – Highway 114 and T.W. King Road

Project Information

The proposed site is approximately 2.473 acres in size and is located at the northwest corner of the intersection of State Highway 114 and T.W. King Road, within the Town limits of Westlake, TX. The property is currently platted as Lot 1, of the CM Throop No. 1510 Addition. A portion of the site is covered with parking, that was formerly utilized by the existing property owner and the development to the East. This parking area is no longer needed due to the construction of a large parking garage within its parent property.

We are proposing to construct a new hotel, either a Hilton, Marriott or Hyatt Flag. The proposed project will have the following design standards:

- 1) Maximum number of rooms = 130
- 2) Maximum building height = 75 feet
- 3) Estimated Maximum Elevation Above Sea Level = 682 feet
- 4) Estimated Floor Area = 80,612 sf
- 5) Estimated Floor Area Ratio = 75%
- 6) Parking ratio provided= 1 parking space per room up to 117 rooms. 117 parking space max.
- 7) Amenities to include a swimming pool (680 sf +/-), meeting space (520 sf +/-) and hotel offices (393 sf +/-).
- 8) Plan on using Trophy Club Municipal Utility District for water and sewer services.
- 9) Landscape setbacks as follows:
 - Front Setback (T.W. King) = 5'
 - Front Setback (TX – 114) = 5'
 - Side Setback = 10'
- 10) Building setbacks as follows:
 - Front Setback (T.W. King) = 30'
 - Front Setback (TX – 114) = 50'
 - Side Setback = 30'

Developer Information

The project will be developed by Pegasus Hospitality Group. The Developer has been in the hotel business since 2004. They have expertise in developing, constructing, and operating trendsetting hotels. Once their hotels open, they become leaders in their competitive sets. As operators, they thrive to provide their guests the best service, comfort, and experience they can find. They have exceptional guest satisfaction scores.

Near the Westlake area, the developer has opened the following hotels:

Homewood Suites by Hilton – Trophy Club
Tru By Hilton – Coppell

EXHIBIT “C”

Development Description (continued)

Hilton Garden Inn by Hilton – Denton

They are also currently working on developing the following hotels in the Westlake area:

Homewood Suites – Coppell – 137 rooms – Construction to commence quarter 3 of 2022

Hilton Garden Inn – Coppell – Construction to commence quarter 1 of 2024

The Developer’s Homewood Suites in Trophy Club won an award for being ranked in the top 5% out of all Homewood Suites hotels in the system. Their Tru hotel in Coppell is ranked within the top 15 out of all Tru hotels in the system.

Economic Information

For the Proposed Hotel in Westlake, the developer plans to develop a +/- 120 room hotel to be valued at approximately \$20,000,000. Based on their analysis/research and underwriting, a stabilized full year is projected to yield the following statistics:

75% Occupancy

\$165 Average Daily Rate (ADR)

\$112 Revenue per Available Room (RevPAR)

Based on this performance, at an approximate 7.00% occupancy tax/city tax, the expected revenue to be generated for Westlake is approximately \$379,500 per year.

Exterior Construction Materials

The exterior construction materials for the Westlake hotel will consist of three primary facade materials. They include EIFS (Stucco), Metal Clad colored Panel System, and Resin Panels which is a composite of resin with laminate finish. For colors of each of the materials please refer to the exterior elevations for specific locations as presented on the colored elevations.

Exterior grilles for exhausting interior spaces will be specified to match the windows. Windows will be galvanized metal, fixed panel, double pane insulated glass to satisfy the energy code.

Development Schedule

The Developer has the project scheduled to commence construction between the 3rd quarter of 2024 and the 1st quarter of 2025.

EXHIBIT "D"

Concept Elevations

