

TOWN OF WESTLAKE

ORDINANCE NO. 988

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WESTLAKE, TEXAS, APPROVING A PLANNED DEVELOPMENT ZONING DISTRICT (PD) SITE PLAN FOR AN APPROXIMATELY 5.5 ACRE PORTION OF PLANNED DEVELOPMENT DISTRICT 3, PLANNING AREA 9 (PD 3-9), ESTABLISHED BY ORDINANCE 315 IN ORDER TO CONSTRUCT A NEW “PIN STACK”. THE PROPERTY IS GENERALLY LOCATED ALONG THE NORTH SIDE OF PARISH LANE, WEST OF STATE HIGHWAY 170. PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Westlake, Texas is a general law municipality; and

WHEREAS, Chapter 102, Section 268 of the Code of Ordinances of the Town of Westlake establishes the requirements for a PD site plan; and

WHEREAS, Ordinance 307, Article I, Section 3.4, approved by the Town Council on September 14, 1998, further establishes requirements for PD site plans within the Planned Development District Number Three zoning district (PD3); and

WHEREAS, Ordinance 315, Article I, Section 6.3, approved by the Town Council on September 14, 1998, requires the approval of a site plan for all development within the Planned Development District Number Three, Planning Area 9 zoning district (PD3-9); and

WHEREAS, on December 5, 2023, the Town of Westlake received a PD Site Plan Request from Windhaven Properties, LLC, on behalf of the property owner for the subject property requesting approval of a PD Site Plan to construct a Pin Stack in accordance with the heretofore stated regulatory provisions; and

WHEREAS, the Planning and Zoning Commission held a public hearing and recommended to the Town Council approval of the PD Site Plan depicted in the attached **Exhibit “B”** on January 16, 2024; 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 PD Site Plan request should be approved.

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 a PD Site Plan, as shown on attached **Exhibit “B”**, is hereby approved on the subject property, as depicted and described on the attached **Exhibit “A”**, subject to the following conditions:

- A. Development of the subject property shall be consistent with the attached **Exhibit “B”**, including site construction, landscaping, building design, signage and materials.
- B. All lighting and illumination shall meet the requirements of the Town’s outdoor lighting requirements with the following exceptions:
 - 1. Parking lot light poles may be constructed not higher than 25 feet in height;
 - 2. All outdoor lighting (not including internally illuminated signage) shall be illuminated at a color temperature of 3,000 kelvin or less.
- C. Not including the above provisions, where a conflict exists between the plans shown in **Exhibit “B”** and the other Town development regulations, including all PD3, and appurtenant, development regulations, **Exhibit "B"** shall control, otherwise development on the Site shall comply with all applicable Town of Westlake regulations;

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 1st DAY OF APRIL 2024.

ATTEST:

Sean Kilbride, Mayor

Amy Piukana, Town Secretary

APPROVED AS TO FORM:

L. Stanton Lowry, Town Attorney

EXHIBITS

EXHIBIT A- Subject Property Depiction and Description

EXHIBIT B- Site Plan Exhibits

EXHIBIT "A"

Subject Property Depiction

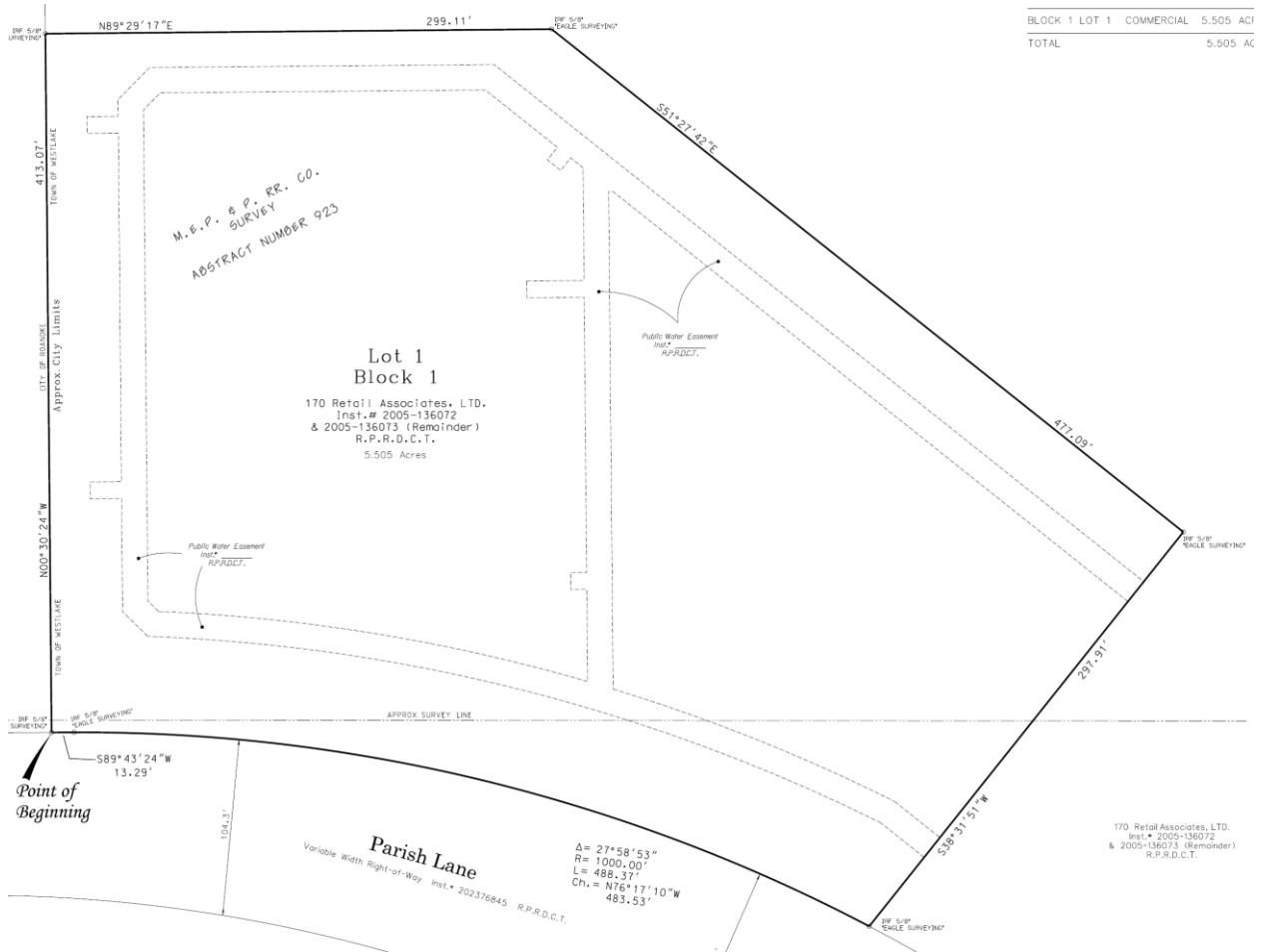


EXHIBIT "A" (continued)

Subject Property Description

THE STATE OF TEXAS))

COUNTY OF DENTON))

WHEREAS 170 RETAIL ASSOCIATES, LTD., ARE THE OWNER(S) OF A TRACT LAND SITUATED IN THE M.E.P. & P. RAILROAD COMPANY SURVEY, ABSTRACT NUMBER 923 AND THE J. GIBSON SURVEY, ABSTRACT NUMBER 493, IN THE TOWN OF WESTLAKE, DENTON COUNTY, TEXAS, BEING A PORTION OF THE REMAINDER OF THAT TRACT OF LAND DESCRIBED BY DEED TO 170 RETAIL ASSOCIATES, LTD., RECORDED IN INSTRUMENT NUMBERS 2005-136072 AND 2005-136073, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD, WITH PLASTIC CAP STAMPED "EAGLE SURVEYING", FOUND AT THE SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED BY DEED TO THE CITY OF ROANOKE, RECORDED IN VOLUME 4184, PAGE 725, SAID REAL PROPERTY RECORDS, THE SOUTHWEST CORNER OF SAID REMAINDER TRACT, AND IN THE NORTH RIGHT-OF-WAY LINE OF PARISH LANE, A VARIABLE WIDTH RIGHT-OF-WAY RECORDED IN INSTRUMENT NUMBER 2023-76845, SAID REAL PROPERTY RECORDS, FROM WHICH A 5/8 INCH IRON ROD, FOUND IN SAID NORTH RIGHT-OF-WAY LINE, THE SOUTH LINE OF SAID CITY OF ROANOKE TRACT, AND THE EAST RIGHT-OF-WAY LINE OF ROANOKE ROAD (VARIABLE WIDTH RIGHT-OF-WAY) BEARS S 89° 43'24"W, 635.78 FEET:

THENCE N 00° 30'24"W, 413.07 FEET, WITH THE EAST LINE OF SAID CITY OF ROANOKE TRACT, TO A 5/8 INCH IRON ROD, WITH PLASTIC CAP STAMPED "EAGLE SURVEYING", FOUND;

THENCE N 89° 29'17"E, 299.11 FEET, DEPARTING SAID EAST LINE, TO A 5/8 INCH IRON ROD, WITH PLASTIC CAP STAMPED "EAGLE SURVEYING", FOUND;

THENCE S 51° 27'42"E, 477.09 FEET, OVER AND ACROSS SAID REMAINDER TRACT, TO A 5/8 INCH IRON ROD, WITH PLASTIC CAP STAMPED "EAGLE SURVEYING", FOUND;

THENCE S 38° 31'51"W, 297.91 FEET, TO A 5/8 INCH IRON ROD, WITH PLASTIC CAP STAMPED "EAGLE SURVEYING", FOUND IN SAID NORTH RIGHT-OF-WAY LINE OF PARISH LANE AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;

THENCE WITH SAID NORTH RIGHT-OF-WAY LINE AND SAID NON-TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 488.37 FEET, THROUGH A CENTRAL ANGLE OF 27° 58'53", HAVING A RADIUS OF 1000.00 FEET, THE LONG CHORD WHICH BEARS N 76° 17'10"W, 483.53 FEET, TO A 5/8 INCH IRON ROD, WITH PLASTIC CAP STAMPED "EAGLE SURVEYING", FOUND;

THENCE S 89° 43'24"W, 13.29 FEET, CONTINUING WITH SAID NORTH RIGHT-OF-WAY LINE, TO THE POINT OF BEGINNING AND CONTAINING 239,801 SQUARE FEET OR 5.505 ACRES OF LAND MORE OR LESS.