

The Regular Meeting of the Town of Westlake Town Council will begin immediately following the conclusion of the Town Council Work Session but not prior to the posted start time.



TOWN OF WESTLAKE, TEXAS

Vision Statement

An oasis of natural beauty that maintains our open spaces in balance with distinctive development, trails, and quality of life amenities amidst an ever expanding urban landscape.

TOWN COUNCIL MEETING

AGENDA

January 25, 2016

**Westlake Town Hall
1301 Solana Boulevard
Building 4, Suite 4202
2ND FLOOR, COUNCIL CHAMBER
WESTLAKE, TX 76262**

Workshop Session: 5:00 p.m.

Regular Session: 6:30 p.m.

Mission Statement

Westlake is a unique community blending preservation of our natural environment and viewsapes, while serving our residents and businesses with superior municipal and academic services that are accessible, efficient, cost-effective, and transparent.

Westlake, Texas – "One-of-a-kind community; natural oasis – providing an exceptional level of service."

Work Session

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. REVIEW OF CONSENT AGENDA ITEMS FOR THE TOWN COUNCIL REGULAR MEETING AGENDA. (10 min)

4. REPORTS

Reports are prepared for informational purposes and will be accepted as presented. (There will no presentations associated with the report items.) There will be no separate discussion unless a Council Member requests that report be removed and considered separately.

- a. Report of Quarterly Financial Dashboard and Analysis as well as Capital Projects for the Quarter ended December 31, 2015.

5. DISCUSSION ITEMS

- a. Presentation and Discussion Regarding Status of Developing a Transfer of Development Square Footage Ordinance. (15 min)
- b. ***Standing Item:*** Update and discussion regarding the Granada Development, including items posted on the regular session agenda.
- c. ***Standing Item:*** Update and discussion regarding the Entrada Development, including items posted on the regular session agenda.

6. EXECUTIVE SESSION

The Council will conduct a closed session pursuant to Texas Government Code, annotated, Chapter 551, Subchapter D for the following:

- a. Sec. 551.071. Consultation with Attorney (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter: Ordinance 691
- b. Section 551.087 Deliberation Regarding Economic Development Negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1). Maguire Partners-Solana Land, L.P., related to Centurion's development known as Entrada and Granada
- c. Section 551.087 Deliberation Regarding Economic Development Negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental

body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1). Hillwood Properties: Project Blizzard

- d. Section 551.087 Deliberation Regarding Economic Development Negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1). Project Lynx
- e. Section 551.072 to deliberate the purchase, exchange, lease of value of real property regarding Town Hall offices
- f. Section 551.072 to deliberate the purchase, exchange, lease, or value of real property regarding possible fire station sites

7. RECONVENE MEETING

8. COUNCIL RECAP / STAFF DIRECTION

9. ADJOURNMENT

Regular Session

1. CALL TO ORDER

- 2. ITEMS OF COMMUNITY INTEREST:** Mayor and Council Reports on Items of Community Interest pursuant to Texas Government Code Section 551.0415 the Town Council may report on the following items: (1) expression of thanks, congratulations or condolences; (2) information about holiday schedules; (3) recognition of individuals; (4) reminders about upcoming Town Council events; (5) information about community events; and (6) announcements involving imminent threat to public health and safety.

Fire Department Badge Pinning Ceremony – Marcus Lopez

- 3. CITIZEN COMMENTS:** This is an opportunity for citizens to address the Council on any matter whether or not it is posted on the agenda. The Council cannot by law take action nor have any discussion or deliberations on any presentation made to the Council at this time concerning an item not listed on the agenda. The Council will receive the information, ask staff to review the matter, or an item may be noticed on a future agenda for deliberation or action.

4. **CONSENT AGENDA:** All items listed below are considered routine by the Town Council and will be enacted with one motion. There will be no separate discussion of items unless a Council Member or citizen so requests, in which event the item will be removed from the general order of business and considered in its normal sequence.

- a. Consider approval of the minute from the December 14, 2015, meeting.
- b. Consider approval of **Ordinance 764**, Calling the May 7, 2016, General Election to elect a Mayor and two Council Members for two (2) year terms.
- c. Consider approval of **Resolution 16-01**, Approving an Interlocal Agreement with the City of Frisco for Fire Department Purchasing.
- d. Consider approval of **Resolution 16-02**, Authorizing the Town Manager to execute a contract with RJN, Inc. in the amount of \$39,271.00 for flow monitoring of sanitary sewer lines.

5. **EXECUTIVE SESSION**

The Council will conduct a closed session pursuant to Texas Government Code, annotated, Chapter 551, Subchapter D for the following:

- a. Sec. 551.071. Consultation with Attorney (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter: Ordinance 691
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- e. Section 551.072 to deliberate the purchase, exchange, lease of value of real property regarding Town Hall offices
- f. Section 551.072 to deliberate the purchase, exchange, lease, or value of real property regarding possible fire station sites

6. RECONVENE MEETING

7. TAKE ANY ACTION, IF NEEDED, FROM EXECUTIVE SESSION ITEMS.

8. CONDUCT A PUBLIC HEARING AND CONSIDERATION OF ORDINANCE 765, APPROVING A ZONING CHANGE FROM NON-ZONED TO R-5 "COUNTRY RESIDENTIAL DISTRICT" FOR TWO NEWLY ANNEXED TRACTS OF LAND COMMONLY KNOWN AS 2205 AND 2217 PEARSON LANE, 5.28 ACRES IN TOTAL FROM NON-ZONED TO R-5 "ESTATE RESIDENTIAL" FOR TWO NEWLY ANNEXED TRACTS OF LAND COMMONLY KNOWN AS 2205 AND 2217 N. PEARSON LANE, WESTLAKE TEXAS.

9. CONDUCT A PUBLIC HEARING AND CONSIDERATION ORDINANCE 766, APPROVING SPECIFIC USE PERMIT TO ALLOW THE SALE OF BEER, LIQUOR, AND WINE PACKAGE SALES AT THE CVS PHARMACY STORE TO BE LOCATED AT 35 ARTA DRIVE, BEING LOT 3, BLOCK N, OF THE WESTLAKE ENTRADA SUBDIVISION.

10. CONDUCT A PUBLIC HEARING AND CONSIDERATION ORDINANCE 767, AMENDING ORDINANCE 691, THE ORDINANCE THAT AMENDED THE PD1 PLANNED DEVELOPMENT ZONING DISTRICT, CREATING AND REGULATING PD 1-1 PLANNING AREA. THE PROPERTY IS PARTIALLY DEVELOPED AND INCLUDES MULTIPLE PARCELS OF LAND INCLUDING THE PROPERTY COMMONLY KNOWN AS SOLANA. THE PROPERTY IS GENERALLY LOCATED SOUTH OF HWY 114 EXTENDING FROM DAVIS BLVD. EASTWARD TO THE TOWN BORDER, AND IS BOUNDED BY THE GRANADA SUBDIVISION TO THE WEST, AND GLENWYCK FARMS, CARLYLE, AND TERRA BELLA SUBDIVISIONS TO THE SOUTH. THIS IS A TOWN INITIATED AMENDMENT AND THE PROPOSED AMENDMENTS ARE LIMITED TO THE DEVELOPMENT REGULATIONS AND DO NOT CHANGE THE PERMITTED USES OR ALLOWED DENSITY WITHIN THE DEVELOPMENT.

11. FUTURE AGENDA ITEMS: Any Council member may request at a workshop and / or Council meeting, under "Future Agenda Item Requests", an agenda item for a future Council meeting. The Council Member making the request will contact the Town Manager with the requested item and the Town Manager will list it on the agenda. At the meeting, the requesting Council Member will explain the item, the need for Council discussion of the item, the item's relationship to the Council's strategic priorities, and the amount of estimated staff time necessary to prepare for Council discussion. If the requesting Council Member receives a second, the Town Manager will place the item on the Council agenda calendar allowing for adequate time for staff preparation on the agenda item.

Council Member Rennhack - Discuss public / private partnership to attract retail, restaurants etc. to Entrada and other Westlake developments.

Council Member Langdon – Discuss pet registrations and pet safety.

12. ADJOURNMENT

ANY ITEM ON THIS POSTED AGENDA COULD BE DISCUSSED IN EXECUTIVE SESSION AS LONG AS IT IS WITHIN ONE OF THE PERMITTED CATEGORIES UNDER SECTIONS 551.071 THROUGH 551.076 AND SECTION 551.087 OF THE TEXAS GOVERNMENT CODE.

CERTIFICATION

I certify that the above notice was posted at the Town Hall of the Town of Westlake, 3 Village Circle, January 21, 2016, by 5:00 p.m. under the Open Meetings Act, Chapter 551 of the Texas Government Code.

Kelly Edwards, TRMC, Town Secretary

If you plan to attend this public meeting and have a disability that requires special needs, please advise the Town Secretary 48 hours in advance at 817-490-5710 and reasonable accommodations will be made to assist you.

Town Council

Item # 2 – Pledge of
Allegiance

Texas Pledge:

*"Honor the Texas flag;
I pledge allegiance to
thee, Texas, one state
under God, one and
indivisible."*

Town Council

Item # 3 – Review of
Consent Items

REVIEW OF CONSENT AGENDA ITEMS FOR THE TOWN COUNCIL REGULAR MEETING AGENDA.

- a. Consider approval of the minute from the December 14, 2015, meeting.
- b. Consider approval of **Ordinance 764**, Calling the May 7, 2016, General Election to elect a Mayor and two Council Members for two (2) year terms.
- c. Consider approval of **Resolution 16-01**, Approving an Interlocal Agreement with the City of Frisco for Fire Department Purchasing.
- d. Consider approval of **Resolution 16-02**, Authorizing the Town Manager to execute a contract with RJN, Inc. in the amount of \$39,271.00 for flow monitoring of sanitary sewer lines.



TYPE OF ACTION

Workshop - Report

**Westlake Town Council Meeting
Monday, January 25, 2016**

TOPIC: Report of Quarterly Financial Dashboard and Analysis as well as Capital Projects for the Quarter ended December 31, 2015

STAFF CONTACT: Debbie Piper, Finance Director

Strategic Alignment

<u>Vision, Value, Mission</u>	<u>Perspective</u>	<u>Strategic Theme & Results</u>	<u>Outcome Objective</u>
Fiscal Responsibility	Fiscal Stewardship	Exemplary Service & Governance - We set the standard by delivering unparalleled municipal and educational services at the lowest cost.	Increase Transparency, Accessibility & Communications
<u>Strategic Initiative</u>			
Maintain Receipt of Various Financial Awards for both Municipal and Academic Services - Transparency			

Time Line - Start Date: October 1, 2015 **Completion Date:** December 31, 2015

Funding Amount: N/A **Status -** N/A **Source -** N/A

EXECUTIVE SUMMARY (INCLUDING APPLICABLE ORGANIZATIONAL HISTORY)

The 1st quarter “Dashboard” reports and “Analysis” for the FY 2015-2016 are attached. Our goal is to have a concise and easy to understand document regarding the financials of our three (3) operating funds: General Fund, Visitors Association Fund and the Utility Fund. The remaining funds are a function of transfers in, related expenditures and transfers out; therefore, we have not prepared quarterly reports for these funds.

We have also included an additional report related to the capital projects year-to-date expenses as well as an update of the projects.

Please note on each individual fund’s report, you will see an “A”, and on the Utility Fund a “%”, beside several revenue line items. The “A” indicates that specific “YTD Actual” line-items are

based on the accrual method. This means that revenue received after 12/31/15 but related to that specific quarter, i.e. sales tax, franchise fees, hotel occupancy tax, etc. was added to the “YTD Actual” for comparison to the budget. The “YTD Budget” is based on 3 months out of the 12 month budget; therefore, it’s reasonable to accrue the amount to show 3 months of actual receipts.

In addition to accruing the water revenue receipts for the “YTD Actual”, the YTD Budget” calculation has been changed from 3 months of the 12 month period to a much better representation of that fund’s revenue. Because the majority of the water revenue is received in the spring and summer (hotter, dryer months), the “YTD Budget” calculation is now being based on the percentage of revenues received for the same time-frame of the prior year.

In review, these quarterly reports contain a “dashboard” display complete with major revenue and expenditure categories. A comparison of the “YTD Budget” amount and the “YTD Actuals” at 12/31/15 has been presented. The color green obviously means that we are good in those specific line items when comparing “YTD Budget” to “YTD Actuals”. Any concerns between these two areas show up as yellow (cautionary) or red (critical).

A summary is presented at the bottom of each fund page indicating the net revenues over (under) expenditures along with the projected ending fund balances for the Adopted Budget, YTD Budget as well as the YTD Actuals. The operating days remaining in Unrestricted Fund Balance have been calculated using operating expenditures. Our Fiscal and Budgetary Policies state that we will strive to maintain 90 days of operations.

Note the “Analysis” is color coded and corresponds to the specific line-item on the “Dashboard” report. All “cautionary” and “critical” items are detailed with explanations of the variances. I have explained several of the line-items that were greater (green) in revenue than we anticipated helping you understand what specifically happened with that revenue line-item. I have also prepared explanations for several expenditures that were considerably under budget so you may see why these funds have not been expended. Included in each explanation you will find a number that reflects the exact variance in that department/line-item.

RECOMMENDATION

The Council review the current quarterly financial reports.

ATTACHMENTS

Quarterly Financial Dashboard and Analysis for the Quarter Ended 12/31/15 for the following funds:

- General Fund
- Visitors Association Fund
- Utility Fund

Capital Improvements Update

Town Council

Item # 4 – Reports

REPORTS

Reports are prepared for informational purposes and will be accepted as presented. (there will no presentations associated with the report items) There will be no separate discussion unless a Council Member requests that report be removed and considered separately.

- a. Report of Quarterly Financial Dashboard and Analysis as well as Capital Projects for the Quarter ended December 31, 2015.

TOWN OF WESTLAKE General Fund

Quarterly Financial Dashboard
Quarter Ended 12/31/2015

REVENUES AND OTHER SOURCES	FY 14/15	FY 15/16 ADOPTED BUDGET		FY 15/16	DASHBOARD VARIANCE	
	1st Quarter	Annual	1st Quarter	1st Quarter	Actual vs	over (under)
	PY Actual	Budget	Budget	CY Actual	Adopted	budget
A General Sales Tax	561,513	3,723,000	930,750	544,900	59%	(385,850)
A Property Tax	712,422	1,280,258	320,065	461,121	144%	141,057
A Franchise Fees	206,077	849,733	212,433	3,499	2%	(208,934)
Permits and Fees	133,980	1,571,086	392,772	719,709	183%	326,938
Fines & Forfeitures	140,309	710,000	177,500	235,114	132%	57,614
Contributions	-	10,000	2,500	-	0%	(2,500)
A Misc Income	14,455	94,645	23,661	22,113	93%	(1,548)
Total Revenues	1,768,755	8,238,722	2,059,680	1,986,456	96%	(73,224)
Transfer In	278,848	307,045	269,545	269,545	100%	0
Total Revenues and Other Sources	\$ 2,047,603	\$ 8,545,767	\$ 2,329,225	\$ 2,256,001	97%	\$ (73,224)

A Based on accrual method

Revenue Legend
Positive >90%
Cautious 70% - 90%
Negative <70%

EXPENDITURES AND OTHER USES	FY 14/15	FY 15/16 ADOPTED BUDGET		FY 15/16	DASHBOARD VARIANCE	
	1st Quarter	Annual	1st Quarter	1st Quarter	Actual vs	over (under)
	PY Actual	Budget	Budget	CY Actual	Adopted	budget
Payroll & Related Taxes, Insurance	605,299	3,220,541	805,135	786,374	98%	(18,761)
Operations & Maintenance	819,995	3,316,704	829,176	896,960	108%	67,784
Total Expenditures	1,425,294	6,537,245	1,634,311	1,683,334	103%	49,023
Transfer Out	1,764,774	1,609,534	774,202	549,964	71%	(224,238)
Total Expenditures and Other Uses	\$ 3,190,067	\$ 8,146,779	\$ 2,408,513	\$ 2,233,298	93%	\$ (175,215)

Expenditure Legend
Positive <100%
Cautious 101% - 110%
Negative >110%

SUMMARY	FY 14/15	FY 15/16 ADOPTED BUDGET		FY 15/16
	1st Quarter	Annual	1st Quarter	1st Quarter
	PY Actual	Budget	Budget	CY Actual
Total Revenues and Other Sources	2,047,603	8,545,767	2,329,225	2,256,001
Total Expenditures and Other Uses	3,190,067	8,146,779	2,408,513	2,233,298
Excess Revenues/Sources Over (Under) Expenditures/Uses	\$ (1,142,464)	\$ 398,987	\$ (79,288)	\$ 22,703
Beginning Fund Balance	6,788,964	7,240,729	7,240,729	7,240,729
Ending Fund Balance	\$ 5,646,500	\$ 7,639,716	\$ 7,161,441	\$ 7,263,432
Restricted Funds	295,886	306,659	306,659	531,977
Unrestricted Fund Balance	\$ 5,350,614	7,333,058	6,854,782	\$ 6,731,456
Total Operating Expenses	\$ 6,973,773	\$ 7,473,264		\$ 7,473,264
Daily Operating Cost	19,106	20,475		20,475
# of Operating Days Unrestricted	280	358		329

EXEMPLARY GOVERNANCE
Town Officials, both Elected and Appointed, exhibit Respect, Stewardship, Vision, and Transparency

SERVICE EXCELLENCE
Public Service that is Responsive and Professional, while balancing Efficiency, Effectiveness and Financial Stewardship

GENERAL FUND



TOTAL REVENUES AND OTHER SOURCES

- ADOPTED BUDGET \$8,545,767
- YTD BUDGET \$2,329,225
- YTD ACTUAL \$2,256,001
- PERCENT OF BUDGET 97%
- OVER(UNDER) BUDGET (\$73,224)



GENERAL SALES TAX INCOME

- Adopted Budget \$3,723,000
- YTD Budget \$930,750
- YTD Actual \$544,900
- Percent of Budget 59%
- Over(Under) Budget (\$385,850)
 - Sales tax revenues are received from the State two months after paid. Because the Town is on a modified accrual basis, we are able to recognize these revenues when earned.
 - We recognize revenues we received in October (for August taxes) and November (for September taxes) in the prior year FY 14/15.
 - We have only received 2 months of revenues for the first quarter of FY 2016.
 - October (received in December) \$367,143
 - November (received in January) \$359,389
 - Have not received December – prior FY received \$464,315 in February



PROPERTY TAX INCOME

- Adopted Budget \$1,280,258
- YTD Budget \$320,065
- YTD Actual \$461,121
- Percent of Budget 144%
- Over(Under) Budget \$141,057
 - Income will not be distributed evenly over the fiscal year.
 - Received in the first quarter
 - October \$28,338
 - November \$54,116
 - December \$378,667

GENERAL FUND



FRANCHISE FEE INCOME

- Adopted Budget \$849,733
- YTD Budget \$212,433
- YTD Actual \$3,499
- Percent of Budget 2%
- Over(Under) Budget (\$208,934)
 - The following have not been received for the first quarter

Vendor Name	Budgeted	Received in PY
AT&T	\$79,538	\$99,406
Verizon	\$13,061	\$8,047
Atmos Gas	\$47,828	\$45,546
Tri-County Electric	\$87,491	\$87,588
Misc. Franchise Fees	\$12,050	\$10,944



PERMITS AND FEES

- Adopted Budget \$1,571,086
- YTD Budget \$392,772
- YTD Actual \$700,446 – without tree reforestation total is \$453,421
- Percent of Budget 178% - without tree reforestation percentage is 120%
- Over(Under) Budget \$307,675 – without tree reforestation budget is over by \$79,913
 - The majority of this overage is from Planning and Development which included Tree Reforestation revenues related to Solana parking garage (\$247,025). These types of funds are typically not budgeted and infrequent. Total designated funds for reforestation including this amount totals \$299,594 to-date.



FINES AND FORFEITURES

- Adopted Budget \$710,000
- YTD Budget \$177,500
- YTD Actual \$234,022
- Percent of Budget 132%
- Over(Under) Budget \$56,522
 - Court Administer researched the increase and found we issued 302 more citations in the first quarter than we did in the first quarter of the prior year.



CONTRIBUTIONS

- Adopted Budget \$10,000
- YTD Budget \$2,500
- YTD Actual \$0
- Percent of Budget 0%
- Over(Under) Budget (\$2,500)
 - Anticipate Contribution to the Fire Department as seen in previous years
 - Typically receive in May or June

GENERAL FUND



MISC . INCOME

- Adopted Budget \$94,645
- YTD Budget \$23,661
- YTD Actual \$22,113
- Percent of Budget 93%
- Over(Under) Budget (\$1,548)
 - Westlake Academy parking Lot rental will be recorded in September



OTHER SOURCES – TRANSFER IN

- Adopted Budget \$307,045
- YTD Budget \$269,545 (Includes 100% transfers in of budgeted funds from the following:
 - Includes 100% transfer in from the Utility Fund of \$256,245. This is a repayment for construction of Ground Storage Tank in FY 13/14 and is the second of two annual payments.
 - Includes 100% transfer in from the Visitor Fund of \$13,300. This amount represents the percentage of the Communication's Department related to Visitors Association Fund activities
- YTD Actual \$269,545
- Percent of Budget 0%
- Over(Under) Budget \$0
 - Impact fees will be transferred at year-end. The budget is \$37,500



EXPENDITURES AND OTHER USES

- ADOPTED BUDGET \$8,146,779
- YTD BUDGET \$2,408,513
- YTD ACTUAL \$2,233,298
- PERCENT OF BUDGET 93%
- OVER(UUNDER) BUDGET (\$175,215)



PAYROLL WAGES & RELATED TAXES & INSURANCE

- Adopted Budget \$3,220,541
- YTD Budget \$805,135
- YTD Actual \$786,374
- Percent of Budget 98%
- Over(Under) Budget (\$18,761)
 - Payroll Wages and Related expenditures are on target for the fiscal year.
 - Employee increases are based on anniversary dates (some have not received their annual increase yet) this amount will increase as the year goes on.
 - This cost is also affected by employee taxes and insurances costs and will fluctuate as policies change; medical, dental, life, workers comp, unemployment

GENERAL FUND



OPERATIONS AND MAINTENANCE

- Adopted Budget \$3,316,704
- YTD Budget \$829,176
- YTD Actual \$896,960
- Percent of Budget 108%
- Over(Under) Budget \$67,784
 - Debt - YTD budget is \$9,170 – paid full amount of \$36,677 to BBP for Note Payable regarding WA Expansion
 - Insurance - YTD budget is \$8,307 – paid full amount of \$32,397 to TML for annual insurance coverage



OTHER USES - TRANSFERS OUT

- Adopted Budget \$1,609,534
- YTD Budget \$774,202 (Inc. 100% transfer of budgeted funds for the following funds):
 - Economic Development Fund - \$35,758
 - General Maintenance & Replacement Fund - \$350,000
 - Vehicle Maintenance and Replacement - \$110,000
- YTD Actual \$549,964
- Percent of Budget 71%
- Over(Under) Budget (\$224,238)
 - Have not transfer anything to Capital Projects Fund to-date (\$168,378)
 - Transfers Out to Debt Service Fund – under budget (\$55,859) due to timing of bond payments

TOWN OF WESTLAKE

Visitors Association Fund

Quarterly Financial Dashboard

Quarter Ended 12/31/15

REVENUES AND OTHER SOURCES	FY 14/15	FY 15/16 ADOPTED BUDGET		FY 15/16	DASHBOARD VARIANCE	
	1st Quarter	Annual	1st Quarter	1st Quarter	Actual vs	over (under)
	Actual	Budget	Budget	Actual	Adopted	budget
A Hotel Occupancy Tax	182,809	825,000	206,250	144,948	70%	(61,302)
Misc Income	3,779	24,800	6,200	3,984	64%	(2,216)
Other Sources - Transfers In	-	-	-	-	0%	-
Total Revenues and Other Sources	\$ 186,588	\$ 849,800	\$ 212,450	\$ 148,932	70%	\$ (63,518)

A Based on accrual method

Color Legend
Positive >90%
Cautious 70% - 90%
Negative <70%

EXPENDITURES AND OTHER USES	FY 14/15	FY 15/16 ADOPTED BUDGET		FY 15/16	DASHBOARD VARIANCE	
	1st Quarter	Annual	1st Quarter	1st Quarter	Actual vs	over (under)
	Actual	Budget	Budget	Actual	Adopted	budget
Operations & Maintenance	38,689	284,921	71,230	64,305	90%	(6,925)
Operating Transfers for Payroll	65,782	490,920	122,730	83,419	68%	(39,311)
Other Uses - Transfers Out	13,220	155,550	48,863	13,300	27%	(35,563)
Total Expenditures and Other Uses	\$ 117,690	\$ 931,391	\$ 242,823	\$ 161,024	66%	\$ (81,799)

Color Legend
Positive <100%
Cautious 101% -110%
Negative >110%

SUMMARY	FY 14/15	FY 15/16 ADOPTED BUDGET		FY 15/16
	1st Quarter	Annual	1st Quarter	1st Quarter
	Actual	Budget	Budget	Actual
Total Revenues and Other Sources	186,588	849,800	212,450	148,932
Total Expenditures and Other Uses	117,690	931,391	242,823	161,024
Excess Revenues/Sources Over (Under) Expenditures/Uses	\$ 68,897	\$ (81,591)	\$ (30,373)	\$ (12,092)
Beginning Fund Balance	1,110,338	1,082,882	1,082,882	1,082,882
Ending Fund Balance	\$ 1,179,235	\$ 1,001,290	\$ 1,052,509	\$ 1,070,790
Restricted Funds	151,700	142,250	142,250	-
Unassigned Fund Balance	\$ 1,027,535	\$ 859,040	\$ 910,259	\$ 1,070,790
Total Operating Expenses	\$ 666,804	\$ 775,841		\$ 775,841
Daily Operating Cost	\$ 1,827	\$ 2,126		\$ 2,126
# of Operating Days Unassigned	562	404		504

EXEMPLARY GOVERNANCE
Town Officials, both Elected and Appointed, exhibit Respect, Stewardship, Vision, and Transparency

SERVICE EXCELLENCE
Public Service that is Responsive and Professional, while balancing Efficiency, Effectiveness and Financial Stewardship

VISITORS ASSOCIATION FUND



TOTAL REVENUES AND OTHER SOURCES

- ADOPTED BUDGET \$849,800
- YTD BUDGET \$212,450
- YTD ACTUAL \$148,932
- PERCENT OF BUDGET 70%
- OVER(UNDER) BUDGET (\$63,518)



HOTEL OCCUPANCY TAX

- Adopted Budget \$825,000
- YTD Budget \$206,250
- YTD Actual \$144,948
- Percent of Budget 70%
- Over(Under) Budget (\$61,302)
 - Have not received December payment
 - Prior year Marriott was \$40,367
 - Prior year Deloitte was \$1,175



MISCELLANEOUS INCOME

- Adopted Budget \$24,800
- YTD Budget \$6,200
- YTD Actual \$3,948
- Percent of Budget 64%
- Over(Under) Budget (\$2,216)
 - This income represents revenues from sponsorships, donations and special events from the Historical Board, Public Arts and Arbor Days.
 - These events will occur later in the fiscal year and revenues should be received at that time.

VISITORS ASSOCIATION FUND



TOTAL EXPENDITURES AND OTHER USES

- ADOPTED BUDGET \$931,391
- YTD BUDGET \$242,823
- YTD ACTUAL \$161,024
- PERCENT OF BUDGET 66%
- OVER(UNDER) BUDGET (\$81,799)



OPERATIONS AND MAINTENANCE

- Adopted Budget \$284,921
- YTD Budget \$71,230
- YTD Actual \$64,305
- Percent of Budget 90%
- Over(Under) Budget (\$6,925)
 - The majority of expenditures in this category are from the Historical Board, Public Arts and Arbor Days.
 - These events will occur later in the fiscal year and expenditure costs should be reflected at that time.



OPERATING TRANSFERS FOR PAYROLL

- Adopted Budget \$490,920
- YTD Budget \$122,730
- YTD Actual \$83,419
- Percent of Budget 68%
- Over(Under) Budget (\$39,311)
 - Amount transferred is in direct relation to payroll costs; because employees' adjustments are based on anniversary dates (and some have not received their adjustment yet) this amount will increase as the year goes on.
 - This cost is also affected by employee taxes and insurances costs and will fluctuate as policies change; medical, dental, life, workers comp, unemployment



OTHER USES - TRANSFERS OUT

- Adopted Budget \$155,550
- YTD Budget \$48,863 (Includes 100% transfer out to General Fund of \$13,300 representing the percentage of the Communication's Department related to Visitors Association Fund activities)
- YTD Actual \$13,300
- Percent of Budget 27%
- Over(Under) Budget (\$35,563)
 - No payments have been made regarding 2013 GO Refunding 2008 Bond for Arts and Sciences Center (payments in February and August)

TOWN OF WESTLAKE

Utility Fund - 500

Quarterly Financial Dashboard

Quarter Ended 12/31/15

REVENUES AND OTHER SOURCES	FY 14/15	FY 15/16 ADOPTED BUDGET		FY 15/16	DASHBOARD VARIANCE	
	1st Quarter Actual	Annual Budget	1st Quarter Budget	1st Quarter Actual	Actual vs Adopted	over (under) budget
A% Water Revenues 15%	364,371	2,607,326	391,286	417,304	107%	26,018
Sewer/Waste Revenues 16%	133,738	729,317	118,547	164,987	139%	46,440
Tap/Impact Fee Revenues	24,174	68,180	17,045	20,009	117%	2,964
Misc Revenues	13,809	210,404	52,601	20,762	39%	(31,839)
Total Revenues and Other Sources	\$ 536,092	\$ 3,615,226	\$ 579,479	\$ 623,063	108%	\$ 43,584

A Based on accrual method

% Based on % of PY Actual at quarter-end

Revenue Legend
Positive >90%
Cautious 70% - 90%
Negative <70%

EXPENSES AND OTHER USES	FY 14/15	FY 15/16 ADOPTED BUDGET		FY 15/16	DASHBOARD VARIANCE	
	1st Quarter Actual	Annual Budget	1st Quarter Budget	1st Quarter Actual	Actual vs Adopted	over (under) budget
A% Water Purchases 22%	117,623	1,280,600	282,451	193,596	69%	(88,856)
Operations & Maintenance	109,631	2,213,207	553,302	124,003	22%	(429,299)
Capital Projects	49,425	173,435	43,359	0	0%	(43,359)
Total Expenses	276,680	3,667,242	879,112	317,598	36%	(561,513)
Operating Transfer Out for Payroll	56,403	404,494	101,124	68,745	68%	(32,379)
Other Uses - Transfers Out		1,202,078	564,578	564,578	100%	0
Total Other Uses	56,403	1,606,573	665,702	633,323	95%	(32,378)
Total Expenses and Other Uses	\$ 333,083	\$ 5,273,814	\$ 1,544,813	\$ 950,921	62%	\$ (593,892)

Expense Legend
Positive <100%
Cautious 101%- 110%
Negative >110%

SUMMARY	FY 14/15	FY 15/16 ADOPTED BUDGET		FY 15/16
	1st Quarter Actual	Annual Budget	1st Quarter Budget	1st Quarter Actual
Total Revenues and Other Sources	536,092	3,615,226	579,479	623,063
Total Expenditures and Other Uses	333,083	5,273,814	1,544,813	950,921
Excess Revenues/Sources Over (Under)	\$ 203,009	\$ (1,658,588)	\$ (965,334)	\$ (327,858)
Expenditures/Uses				
Beginning Working Capital	3,368,213	3,019,603	3,019,603	3,019,603
Ending Working Capital	\$ 3,571,222	\$ 1,361,015	\$ 2,054,269	\$ 2,691,745
Restricted Funds	1,268,010	220,190	220,190	222,410
Unrestricted Working Capital	\$ 2,303,212	1,140,825	1,834,079	\$ 2,469,335
Total Operating Expenses	\$ 3,826,039	\$ 3,923,081		\$ 3,923,081
Daily Operating Cost	\$ 10,482	\$ 10,748		\$ 10,748
# of Operating Days	220	106		230

EXEMPLARY GOVERNANCE

Town Officials, both Elected and Appointed, exhibit Respect, Stewardship, Vision, and Transparency

SERVICE EXCELLENCE

Public Service that is Responsive and Professional, while balancing Efficiency, Effectiveness and Financial Stewardship

UTILITY FUND



TOTAL REVENUES AND OTHER SOURCES

- ADOPTED BUDGET \$3,615,226
- YTD BUDGET \$579,479
- YTD ACTUAL \$623,063
- PERCENT OF BUDGET 108%
- OVER(UNDER) BUDGET \$43,584



WATER REVENUES

- Adopted Budget \$2,607,326
- YTD Budget \$391,286 (Based on 2 months receipts from previous year)
- YTD Actual \$417,304 (2 months only – December consumption to be billed 1/25/16)
- Percent of Budget 107%
- Over(Under) Budget \$26,018



SEWER & WASTE REVENUES

- Adopted Budget \$729,317
- YTD Budget \$118,547 (Based on 2 months receipts from previous year)
- YTD Actual \$164,987 (2 months only – December consumption to be billed 1/25/16)
- Percent of Budget 139%
- Over(Under) Budget \$46,440
 - Sewer averages work in correlation with increased water usage and are based on December, January and February consumption.



TAP/IMPACT FEE REVENUES

- Adopted Budget \$68,180
- YTD Budget \$17,045
- YTD Actual \$20,009
- Percent of Budget 117%
- Over(Under) Budget \$2,964
 - These revenues are a direct reflection of new home starts



MISC REVENUES

- Adopted Budget \$210,404
- YTD Budget \$52,601
- YTD Actual \$20,762
- Percent of Budget 39%
- Over(Under) Budget (\$31,839)
 - Duct Bank Leases – under budget (\$7,741) - Revenue will be recognized in September 2015. Pertains to revenues received in prior years and is recorded in “Deferred Revenue” until earned.
 - TRA Waste Water Settlement – under budget (\$22,914) – Prior year payment received in April was \$49,025

UTILITY FUND



TOTAL EXPENSES AND OTHER USES

- ADOPTED BUDGET \$5,273,814
- YTD BUDGET \$1,544,813
- YTD ACTUAL \$950,921
- PERCENT OF BUDGET 62%
- OVER(UNDER) BUDGET (\$593,892)



WATER PURCHASES

- Adopted Budget \$1,280,600
- YTD Budget \$282,451
- YTD Actual \$193,595
- Percent of Budget 69%
- Over(Under) Budget (\$88,856)
 - Invoices from the City of Fort Worth usually run two months behind.
 - October consumption paid in December \$122,097
 - November consumption paid in January \$71,498
 - December consumption will be paid in February – PY was \$67,707



OPERATIONS AND MAINTENANCE

- Adopted Budget \$2,213,207
- YTD Budget \$553,302
- YTD Actual \$124,003
- Percent of Budget 22%
- Over(Under) Budget (\$429,299)
 - Service Accounts under budget \$330,261
 - As the year progresses, these expenditures should balance out.
 - Contract Services under budget (\$265,000)
 - TRA-Wastewater Treatment under budget (\$25,412)
 - Southlake-Wastewater Treatment under budget (\$22,500)



CAPITAL PROJECTS

- Adopted Budget \$173,435
- YTD Budget \$,43,359
- YTD Actual \$0
- Percent of Budget 0%
- Over(Under) Budget (\$43,359)
 - See Capital Projects Update for more detail
 - N1 Sewer Line Transfer under budget (\$24,109)
 - Meter Reading Equipment under budget (\$19,250)

UTILITY FUND



TRANSFERS OUT FOR PAYROLL

- Adopted Budget \$404,494
- YTD Budget \$101,124
- YTD Actual \$68,745
- Percent of Budget 68%
- Over(Under) Budget (\$32,379)
 - Amount transferred is in direct relation to payroll costs; because employees' adjustments are based on anniversary dates (and some have not received their adjustment yet) this amount will increase as the year goes on.
 - This cost is also affected by employee taxes and insurances costs and will fluctuate as policies change; medical, dental, life, workers comp, unemployment



OTHER USES - TRANSFERS OUT

- Adopted Budget \$1,202,078
- YTD Budget \$708,328 (Includes the following transfers)
 - 100% transfer out to the General Fund of \$256,245. This is a repayment for construction of Ground Storage Tank in FY 13/14 and is the second of two total annual payments.
 - 100% transfer out to the Vehicle Maintenance and Replacement Fund of \$8,333. Annual transfer to build fund balance.
 - 100% transfer out to the Utility Maintenance and Replacement Fund of \$300,000. Annual transfer to build fund balance.
- YTD Actual \$564,578
- Percent of Budget 100%
- Over(Under) Budget (\$0)
 - Transfer Out to Capital Projects will be transferred at year-end or when needed. The total budget is \$600,000 for the Municipal Building
 - Transfer Out to General Fund represents impact fees that will be transferred at year-end. Budget is \$37,500.

CAPITAL PROJECTS UPDATE

PROJECT DIRECTOR: JARROD GREENWOOD

UTILITY FUND PROJECTS

	Adopted Budget	YTD Actuals	Variance
N1 Sewer Line Transfer	96,435	-	(96,435)
Meter Reading Equipment	77,000	-	(77,000)
	173,435	-	(173,435)

TRA ASSUMPTION OF N-1 SEWER LINE

Staff continues to work with Southlake and TRA to move forward with this Capital Project. We are waiting for engineering consultant to submit proposal and anticipate the start of testing within 60 days.

METER READING EQUIPMENT

The next phase of meter upgrades, to be completed in the next 30 days, will include all of the Stagecoach Hills subdivision and miscellaneous meters on the west side of Town. Glenwyck and Terra Bella are expected to be completed by May.

TRANSPORTATION PROJECTS

	Adopted Budget	YTD Actuals	Variance
E. Dove Rd Recon/Drain Vaq-TB	366,000	-	(366,000)
FM 1938/Dove Rd Signalization	260,000	2,400	(257,600)
	626,000	2,400	(623,600)

EAST DOVE ROAD RECON/DRAIN SOUTH

No work has started on this project

FM1938/DOVE ROAD SIGNALIZATION

Plans are currently being reviewed by TxDOT.

CAPITAL PROJECTS UPDATE

PROJECT DIRECTOR: TROY MEYER

FACILITY PROJECTS

	Adopted Budget	Project Actuals	Variance
Municipal Building	1,800,000	-	(1,800,000)
Fire Station Complex	2,815,000	19,500	(2,795,500)
	4,615,000	19,500	(4,595,500)

MUNICIPAL BUILDING

Project still under review.

FIRE STATION COMPLEX

Location study was completed in FY 2015. Staff continues to review locations for future station.

Town Council

Item # 5 – Discussion
Items

DISCUSSION ITEMS

- a. Presentation and Discussion Regarding Status of Developing a Transfer of Development Square Footage Ordinance. (15 min)
- b. ***Standing Item:*** Update and discussion regarding the Granada Development, including items posted on the regular session agenda.
- c. ***Standing Item:*** Update and discussion regarding the Entrada Development, including items posted on the regular session agenda.



TYPE OF ACTION

Workshop- Discussion

Monday, January 25, 2016

TOPIC: Presentation and Discussion Regarding Status of Developing a Transfer of Development Square Footage Ordinance.

STAFF CONTACT: Tom Brymer, Town Manager
Eddie Edwards, Director of Development Services

Strategic Alignment

<u>Vision, Value, Mission</u>	<u>Perspective</u>	<u>Strategic Theme & Results</u>	<u>Outcome Objective</u>
Informed & Engaged Citizens / Sense of Community	Municipal & Academic Operations	High Quality Planning, Design & Development - We are a desirable well planned, high-quality community that is distinguished by exemplary design standards.	Increase Transparency, Accessibility & Communications
<u>Strategic Initiative</u>			
Educate Stakeholders about our Development and Environmental Goals			

Time Line - Start Date: July 2015 proposed Completion Date: 1st Qtr FY15-16 estimated

Funding Amount: \$90,000 Status - Funded Source - General Fund

EXECUTIVE SUMMARY (INCLUDING APPLICABLE ORGANIZATIONAL HISTORY)

During the process of developing an updated Comprehensive Plan (Comp Plan) from 2013-14, it was pointed out to the Comp Plan Steering Committee, P&Z, and the Town Council, that to implement many of the Comp Plan’s recommendations, some new ordinances and/or changes to our existing ordinances would be required. To achieve this end, the Town Council approved a contract with MESA Planning on June 15, 2015 to use their professional planning consultancy services for this effort (as the Town staff does not have adequate time and resources to perform this work in a timely manner and still provide daily delivery of Town services). MESA Planning is very familiar with the work that needs to be done on the Town’s ordinances to fit with our newly adopted Comp Plan since they worked on developing our new Comp Plan. This proposed

engagement to develop these ordinances and/or ordinance amendments is to be done in four (4) phases of work.

While all four phases of the consultant's work are outlined in the proposed contract, **the approved contract is only for the first phase of the consultant's work which is to (a) develop the transfer of development square foot (TDSF) mechanism and (b) incorporate it, along with the Comp Plan's policies, into the Town's development ordinances known as Chapter 102.**

Cost of this first phase of consultant work is \$90,000. Phases 2-4, which again, would require a separate contract approval by the Town Council, would bring the total cost for all phases of this work to \$179,901, including a credit for work approved on MESA's Comp Plan engagement that was not performed (by mutual agreement). There will be other costs associated with this project. These costs include review of any new or revised ordinances by the Town Attorney and cost to codify any new or revised (amended) ordinances.

This item was presented and discussed during the Planning and Zoning Commission work session held on December 1, 2015.

RECOMMENDATION

Recommend hearing a presentation from MESA Planning on the status of their work on this first phase of ordinance drafting work related to transfer of development square footage and asking questions and providing input pertaining to this presentation.

ATTACHMENTS:

1. Excerpt from new Comprehensive Plan pertaining to transfer of development square footage as a tool to implement the Plan's recommendations on land use and view corridor preservation.

Attachment 1: Transfer of development rights as discussed in Westlake Comprehensive Plan (approved March 2, 2015)

It is important that Westlake realize most of the non-residential development square footage shown in Figure 102 (an approximation of what is permitted by current Planned Development Ordinances) in order to sustain a comparatively lower rate of single-family taxation. The implications of establishing the approximate current level of commercial entitlement as a cap on further commercial entitlement (subject to final application of PD standards to final permitted parcels) is that future modification of the Planned Development Ordinances will limited movement of permitted non-residential square footage around, within and among the Planned Developments themselves while not adding square footage to the total that already exists. This can be better described as the transfer of non-residential square footage between various Planned

Westlake's Current Entitlements by Land Use			
	Building Area (Sq. Ft.)	Units	Rooms
PD1-1			
Hotel	150,000		250
Retail	349,483		
Office/Education	659,648		
Residential		207	
PD1-2 (Entrada)			
Residential		322	
Non-Residential	1,500:1 ratio = 483,000		
PD1-3 (Granada)			
Residential		84	
PD-2			
Office	5,217,752		
PD-3			
PD 3-1			
Office	58,806		
Residential		513	
PD 3-3			
Office	1,200,000		
Hotel	500,000		833
PD 3-4			
Office	558,355		
Hotel	750,000		1250
Retail	360,940		
Mall	1,630,000		
PD 3-5			
Office	884,505		
Mixed-Use	1,305,060		
Residential		275	
PD 3-6			
Office	1,207,486		
Retail	110,650		
Residential		40	
PD 3-7			
Office Campus	2,940,300	60	
PD 3-8			
Office	1,048,707		
Office Campus	775,436		
Office/Industrial	1,099,019		
Retail	131,769		
PD 3-9			
Office	27,443		
Retail	978,793		
Mixed-Use	660,587		
Residential (MF)		330	
PD 3-10			
Retail	133,633		
PD 3-11			
Retail	141,487		

Westlake's Current Entitlements by Land Use			
	Building Area (Sq. Ft.)	Units	Rooms
PD 3-12			
Conference, Education, Data, and 1200 room Hotel	1,250,000		1200
PD-4 (Tierra Bella)			
Single Family		28	
Area Outside PDs			
Office (FAR .25:1)	1,100,347		
R-1 (Min. Lot Size 43,560 sf)		488	
R-2 (Min. Lot Size 87,120 sf)		68	
R-5 (Min. Lot Size 217,800 sf)		35	
R-A (Min. Lot Size 43,560 sf)		48	
Totals	Building Area (Sq. Ft.)	Units	Rooms
Residential (SF)		2,168	
Residential (MF)		330	
Hotel	1,400,000		2,333
Office/ Office Industrial/ Campus Office	16,730,804		
Education/ Conference/ Hotel	1,250,000		1,200
Mixed-Use	2,448,647		
Retail (Inc. Mall)	3,836,755		

Figure 102: Westlake's Current Entitlements by Land Use

Development Districts. However, additional square footage (and the additional Ad Valorem revenue associated with it) could be approved IF the request for approval included accomplishment of significant public Goals that mitigate the additional impact (traffic mitigation, need for open space, etc.). Therefore, a case can be made for both:

1. The **Transfer** of non-residential square footage from one Planned Development Planning Area to another; and
2. Adjustments to the **rate of transfer**, **IF** certain public objectives are accomplished through such transfer. Therefore, accomplishment of certain significant public objectives may support a rate of transfer greater than 1:1, constituting a resulting increase in overall non-residential entitlement.

The following text establishes the terms of numbers 1 and 2 above by exploration of where non-residential square footage should be transferred to and from and what settings influence the rate of such transfer.

Land Use Relationship to View

Conditions: The View Analysis discussed in the Framework Plan section of this Comprehensive Plan identifies five view conditions as follows:

1. **Vista Points Zone (yellow):** Sectors of Westlake from which the recognizable views, generally considered typical of the Town, are attained. These are typically northerly views from areas along, and south of, Dove Road. These elevations are generally higher than elevations along SH 114. Views identified by Planning Workshop participants as characteristic of Westlake's pastoral, picturesque, and rural identity are mostly seen from this

zone and the view is toward the north.

2. **Vista Termini Zone (red):** Areas of Westlake, generally north of Dove Road, where land elevations equal to or exceed elevation 690 to 700 ft. above sea level and create promontory landforms that define the end point of any vista that includes them. In many cases, these are the land related objects.
3. **Vista Shade Zone (blue):** Areas of Westlake, generally along SH 114 and north of the vista termini (discussed above) that contain land elevations lower than 690 – 700 ft. above sea level and are largely obscured from view by these higher elevations in the foreground of any vista toward them.
4. **View Shed Zone (purple):** Areas of Westlake that are not visually screened or obscured by foreground land elevations and, consequently, lie within the vista attained from the Vista Point Zone.
5. **View Corridor Zone (green):** Lineal views, usually along creekways as they descend in a northerly direction that are attained from the Vista Point Zone. These views host the water bodies and wooded areas that are important visual assets of the Town.

The geographic distribution of these view conditions is illustrated in Figure 103. Note that the Vista Points are in the south and the various views head toward the north. This reflects input gathered at the Planning Workshops where the Citizen participants described views as generally seen from points south of, and along, Dove Road (the Vista Point Zone). This geographic distribution identifies the five zones defined above as they lay within the corporate limits of Westlake. Therefore, "Preservation

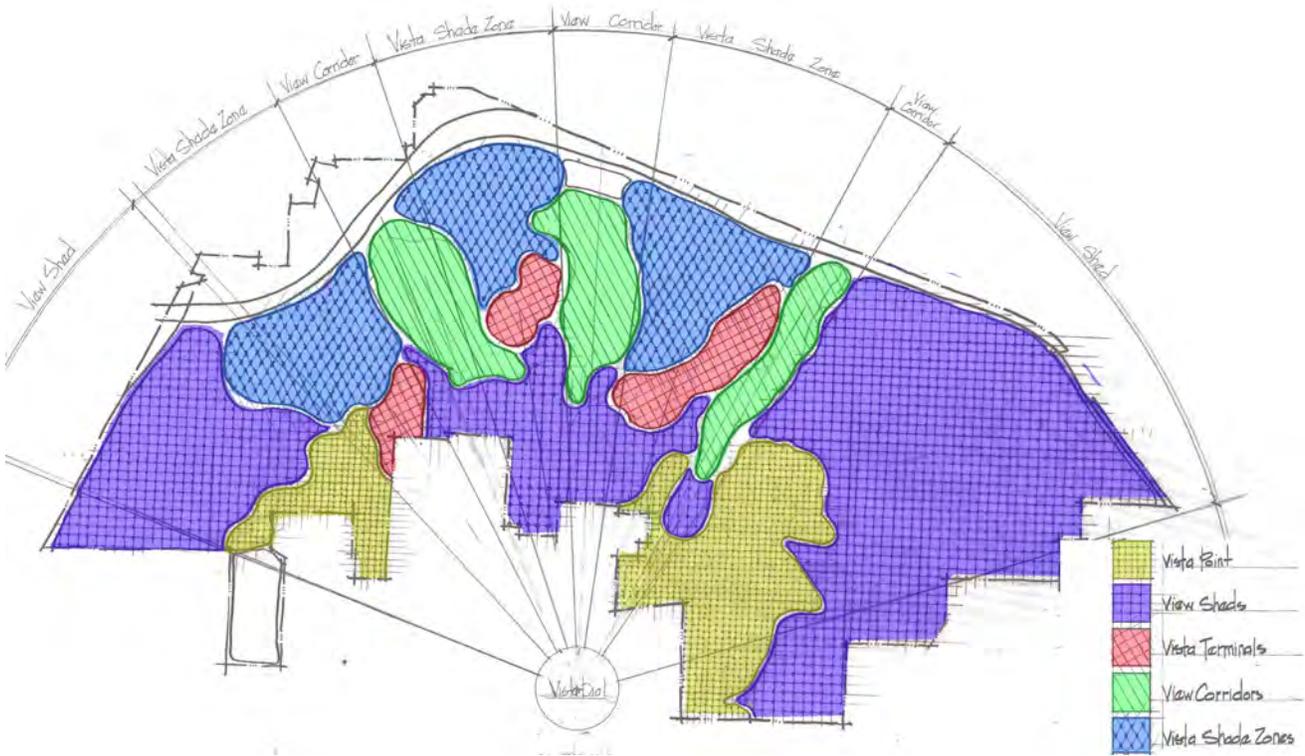


Figure 103: View Analysis

of Views” (picturesque, pastoral, and rural) means reinforcing the view conditions as shown in the View Analysis.

The characteristic views of Westlake are sensitive to four types of encroachments as follows:

1. **Vertical Disruption:** This refers to the height of buildings. The taller the structure, the more visible it generally is. More visibility ultimately transforms a natural skyline into a more urban skyline. Certain View Condition Zones are better suited to accommodate greater building height than others. The View Condition Zone most capable of accommodating building height without disrupting or transforming characteristic views is the View Shade Zones. These areas (shown in blue in the above analysis) are located along SH 114 and “behind” the Vista Terminals (red areas that tend to obscure ones view of development in the View Shade

locations). The Vista Terminals (red) and View Corridors (green) are most sensitive to building height because of their importance as view defining landscapes. The View Shed Zones (purple) are somewhat sensitive to building height and that sensitivity tends to be less toward the northern limits of Westlake, along SH 114.

2. **Ground Plane Augmentation:** This refers to reshaping the land profile and visually subdividing it with parking lots, screen walls, and/or artificially configured buffers. The more the naturally organic relationship of ground plane elements is replaced by composed or engineered relationships, the more the character of what is viewed is transformed. The View Condition Zone most capable of accommodating Ground Plane Augmentation without disrupting or transforming characteristic views is the View Shade Zones. These areas (shown in blue in the above

analysis) are located along SH 114 and “behind” the Vista Terminals (red areas that tend to obscure ones view of ground plane development in the View Shade locations). The Vista Terminals (red) and View Corridors (green) are most sensitive to Ground Plane Augmentation because of their importance as view defining landscapes and view defining land forms. The View Shed Zones (purple) are also less sensitive to Ground Plane Augmentation toward the northern limits of Westlake, along SH 114.

3. Form Deviation: This refers to building form that deviates from a pitched roof structure with a more complex perimeter and integration of windows (in lieu of ribbons/walls of glass) reflective of residential forms within the Town. Given the greater amount of non-residential development within Westlake at build-out, the movement of commercial building design away from residentially responsive forms will significantly transform the visual image of Westlake to one that is more urban and non-residential, overall. The View Condition Zone most capable of accommodating Form Deviation without disrupting or transforming characteristic views is the View Shade Zones. These areas (shown in blue in the above analysis) are located along SH 114 and “behind” the Vista Terminals (red areas that tend to obscure ones view of ground plane development in the View Shade locations). The Vista Terminals (red) and View Corridors (green) are most sensitive to Form Deviation because of their importance as view defining landscapes and view defining land forms. The View Shed Zones (purple) are also sensitive to Form Deviation because both residential and non-residential development resides within the same view. However, the

northern edges of the view shed along SH 114 are somewhat less sensitive provided that the proximity of non-residential forms is tempered with intervening landscape, like that of Solana.

4. Displacement of Natural Fabric: This refers to the displacement of vegetative communities, water features, and/or land forms that define the vista. As natural fabric is lost, the visual character is transformed toward a less natural appearance. The historic review of aerial photographs discussed in the Existing Conditions Assessment (Part One) illustrates how increasing ranch development moved the characteristic landscape from one that hosted a complex tapestry of plant and native grass communities to one that was more simplified and became more of a monoculture. The View Condition Zone most capable of accommodating Displacement of Natural Fabric without disrupting or transforming characteristic views is the View Shade Zones. These areas (shown in blue in the above analysis) are located along SH 114 and “behind” the Vista Terminals (red areas that tend to obscure ones view of ground plane development in the View Shade locations). The Vista Terminals (red) and View Corridors (green) are most sensitive to Displacement of Natural Fabric because of their importance as view defining landscapes and view defining land forms. The View Shed Zones (purple) are also sensitive to Displacement of Natural Fabric because it is the intervening natural fabric that mitigates the visual proximity of residential and non-residential development. In addition, entry to Westlake’s residential areas (from SH 114) will likely be through the northern and western edges of the View Shed Zones, making the residential

approach and its visual character part of the view sequence that defines Westlake.

The above View Analysis of view encroachment sensitivity suggests that certain areas are more capable of hosting greater building height/ ground plane augmentation/ form deviation/ displacement of natural fabric, while other areas would benefit from less change of existing characteristics. More specifically, these areas can be described as:

Sending Areas:

- Areas of significant resource
- Areas with undeveloped infrastructure
- Areas of significant working land potential
- Areas of natural sensitivity
- Areas of unusual building conditions
- Areas of visual and landmark significance

Receiving Areas:

- Areas with existing or realistically expected infrastructure
- Area with community acceptance of increased growth
- Area where increased development potential is marketable
- Area of lesser visual significance

Under the present Planned Development Ordinance provisions, most of the non-residential entitlements have a uniform building height limit (typically 60-65 ft. although PD's 1 and 2 have heights set by the 635 MSL) and a uniform FAR (typically .4-.45 FAR). Therefore, a ubiquitous non-residential development standard will prevail over Westlake regardless of an area's sensitivity to view encroachment. In order to transform this ubiquitous condition to a mosaic of visually responsive conditions, the Land Use Plan identifies "Receiving Districts" and

"Sending Districts". These districts are more specifically defined as follows:

- **Primary Receiving District:** When considering any request for transfer of existing entitlement square footage from one PD planning area to another, those PD planning areas and tracts located within the zone classified as a Primary Receiving District are the PD planning areas and tracts where such square footage can be deposited. Such deposit of additional square footage will generally manifest as increased building height, coverage (augmentation of the ground plane), increasingly commercial building form due to larger buildings (form deviation), and possible displacement of natural fabric. Therefore, only the area most capable of accommodating the impacts of increased non-residential square footage can serve as Primary Receiving Districts. According to the earlier analysis of view shed districts, the **View Shade Zone (blue) is the Primary Receiving District.**
- **Secondary Receiving/Sending District:** PD planning areas and tracts located within the zone classified as a Secondary Receiving/Sending District are the PD planning areas and tracts into which square footage can be deposited and from which square footage can be transferred. Deposition of square footage can only occur in portions of this District less sensitive to encroachment and built in accordance with specialized requirements. Additionally, square footage can be sent from the more sensitive portions of this District to the less sensitive portions of this District (in accordance with specialized requirements) or to the Primary Receiving District. Therefore, only the areas capable of accommodating the



Figure 104: Development Square Footage Transfer Map

impacts of increased non-residential square footage, conforming to special requirements, in certain portions as well as possessing sensitivity to view encroachment in other portions can serve as Secondary Receiving/Sending District. **The View Shed Zone (purple) is the Secondary Receiving/ Sending District.**

- **Primary Sending District:** PD planning areas and tracts located within the zone classified as a Primary Sending District are those PD planning areas and tracts most sensitive to view encroachment or contain characteristic view features, such

as land promontories. Therefore, only the areas least capable of accommodating the impacts of increased non-residential square footage can serve as Primary Sending District. **The Vista Point Zones (yellow), Vista Terminals (red), and View Corridors (green) are the Primary Sending Districts.**

The above diagram (Figure 104) recast the earlier View Analysis map as a Development Square Footage Transfer Map, which is in accordance with the previously described sending and receiving areas.

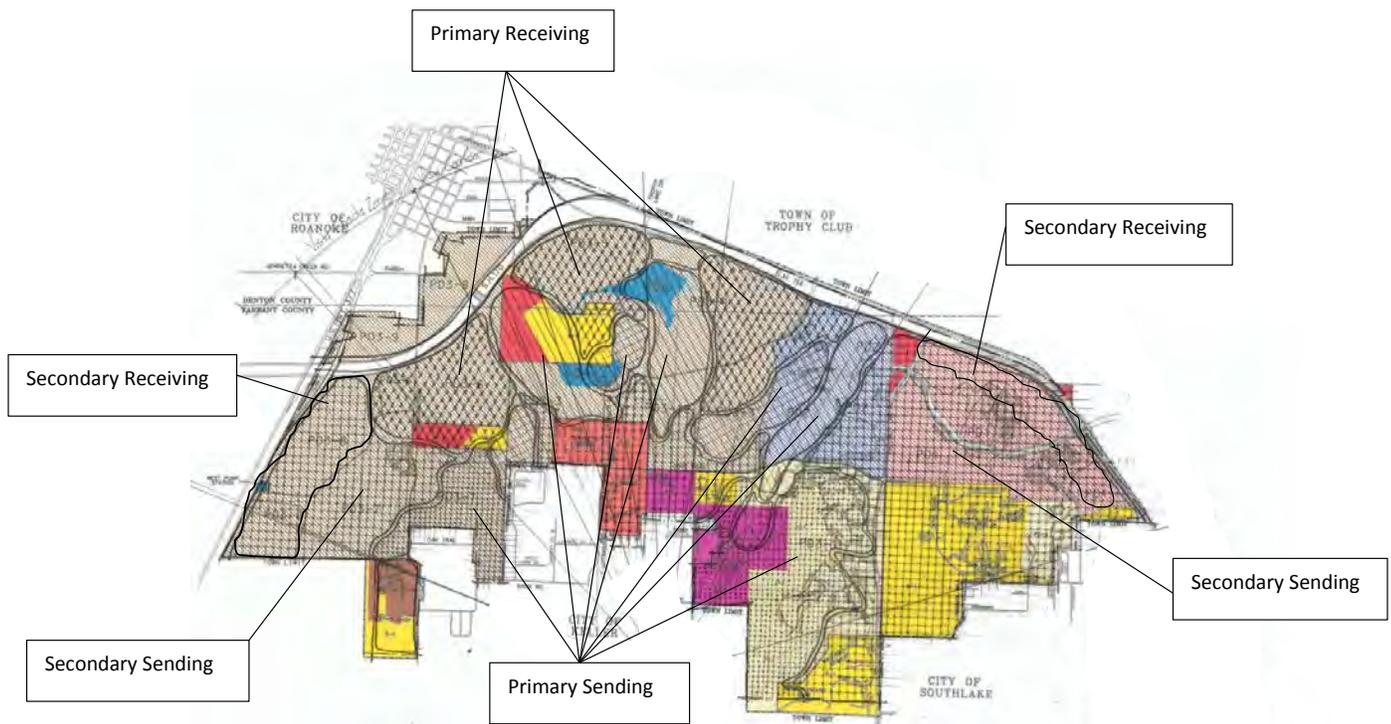


Figure 105: Development Square Footage Transfer Map and Current Zoning Map

To further illustrate how these districts relate to existing Planned Developments and zoned areas, the above diagram superimposes the Development Square Footage Transfer Map on the Current Zoning Map. Note that there are particular Planned Developments (such as PD-3) which lay across multiple Districts, opening the door to transfer of development square footage from one PD planning area to another. In some cases a Development Square Footage Transfer District lays across multiple Planned Developments, opening the door to consideration of moving square footage between zone areas. This is a significantly more complicated process which is discussed later in this Land Use section.

The Land Use districts, explained later in this section, will incorporate these areas of differing development sensitivity as means of establishing their receptivity to change.

LAND USE RELATIONSHIP TO COMMUNITY TYPE

The Framework Plan discussed in Part Two of this Comprehensive Plan identifies six Community Types as follows:

1. **Pastoral Community:** An area of Westlake, south of and along Dove Road and Roanoke Road, which is predominantly developed and/or zoned as single-family residential use. This area hosts the characteristic views and vistas that identify the residential areas of Westlake. These views are vistas of picturesque, pastoral, and otherwise rural-like settings as well as landmark land promontories. The Pastoral Community is primarily served by Pastoral Streets (as specified in the Framework Plan and Thoroughfare Plan to follow). The Pastoral Community will experience most of the Town's

future single-family residential growth. Therefore, it is important that future residential development perpetuates a compatibility with, the continuity of, and the quality of current residential construction/neighborhoods. Housing units per acre, relationship to the street, project definition, streetscape, and home value are important dimensions of maintaining the above specified relationships. This area is shown in dark blue in Figure 107.

2. View Shed Community (hereinafter called the Commercial Community):

An area of Westlake generally north of Dove Road, reaching east toward Solana and west toward SH 170. The View Shed/Commercial Community is mostly undeveloped, containing a few projects such as Solana and Fidelity Investments, but is completely zoned. The eastern and western reaches of this area are the primary entry to the Westlake Pastoral Community. Therefore, what is seen from the street sets a visual reference for visual experiences to follow. Such cognitive significance means that the normally commercial-like quality of the street experience should be replaced by a visually dominant natural-like quality (much like what Solana has done in the vicinity of Solana Boulevard and Sam School Road). The Commercial Community will experience most of Westlake's campus office growth as well as some limited hospitality and residential use. Therefore, it is important that future non-residential development maintains a balanced relationship with, and provides a transition to, the Pastoral Community. This Community area is shown as purple in Figure 107. Key to establishing this relationship and transition are:

a. Open Space and Ground Coverage:

The amount of building plate

coverage to ground openness is essential to maintaining a campus identity. In the campus setting, a naturalized ground plane dominates and structures are placed within it as opposed to a built context where the landscape is an ornament for the built fabric. This relationship of building to land is the same basic relationship of house to lot where the lot is sufficiently large (relative to the house plate) to give the home a sense of natural setting. Much of the non-residential entitlement in Westlake has a .4-.45 FAR maximum, meaning that the building square footage can be almost half of the land area. At the same time, the building height is limited to 4 +/- stories. As an example of how this equates to building coverage, consider that a one story building with a 20,000 sf plate. At .45:1 FAR, this building could sit on 44,444 sf. of land. Parking for the structure would likely be surface parking at 350 sf/ space and require another 21,000 sf of land for 60 vehicles. Circulation typically requires 10% of the land area total or 4,000 sf. Therefore, the sum of coverage is 20,000 + 21,000 + 4,000 = 45,000 sf or approximately 100% coverage. As the building gets taller, the ratio of coverage to open land improves with about 72% coverage by the time the structure reaches three stories. Clearly, attaining a true "campus" quality requires a lower FAR. At present, Westlake sites which are viewed as exemplary campus projects achieve an FAR less than .3 (some at a .1). Therefore, the campus-like qualities of non-residential development in the eastern and western reaches of the Commercial Community requires lower FAR.

b. Building Height: Because this area

comprises the distant view as seen from Vista Points in the Pastoral Zone, building height above a certain level becomes very apparent. Therefore, building height in the Commercial Community is an essential consideration in development design. However, relatively high FAR's (as discussed above) will tend to push building to the maximum permitted height. It would be to the advantage of Westlake to see more varied height in the View Shed/ Commercial Community so that it does not impose a skyline over the view at build-out. Generally, tree varieties will reach a height of 40 - 45 ft. at maturity and an average overall building height of 40-45 ft. would allow some buildings to be taller and others lower, making a sufficiently variegated distribution of height to prevent over development of the skyline. In order to achieve this distribution of height and still use the development rights currently in place, an ability to shift square footage entitlement not used in attaining the build-out described above to other Planned Development planning areas capable of accommodating the impacts (as described in the previous section) should be considered.

- c. **Building Form:** Pitched roof building form and complex perimeters that visually break up the potential massiveness of a commercial wall plane would attain greater compatibility with the residential characteristics of the Pastoral Community. Also, pitched roof forms are more typical of a campus setting. Typically roof pitches greater than 4/12 are more residential in character.
- d. **Natural System Continuity:** As stated in the Assessment portion of this

Comprehensive Plan Update, the waterways of Westlake run south (upstream) to north (downstream). Because the waterways run south to north, continuity of natural features associated with the waterways also run south to north. Therefore, portions of the Commercial Community are downstream continuations of natural features (corridors and vegetative communities) that are well established up stream. This relationship reinforces the View Shed/ Commercial Community's importance as an entrance to the Pastoral Communities. Where possible, natural system elements that are continuations of those flowing from some level of establishment in the Pastoral Community should be preserved/ restored. This is difficult when site coverage (building + parking + circulation) approaches nearly 100%. This further supports the notion of relocating development rights out of the Commercial Community to more appropriate areas, provided that certain important relationships with the Pastoral Community are accomplished as a result of such transfer.

- e. **Canopy Restoration:** The presence of a robust tree canopy mitigates most sensations of urban-like qualities and promotes an umbrageous visual environment more associated with the visual character of Westlake. Therefore, canopy restoration and creation becomes an important aspect of development within the Commercial Community.
- f. **Streetscape Identity:** The Commercial Community is positioned within Westlake as part of its Town identity. Therefore, streets serving the Commercial Community, that are not directly associated

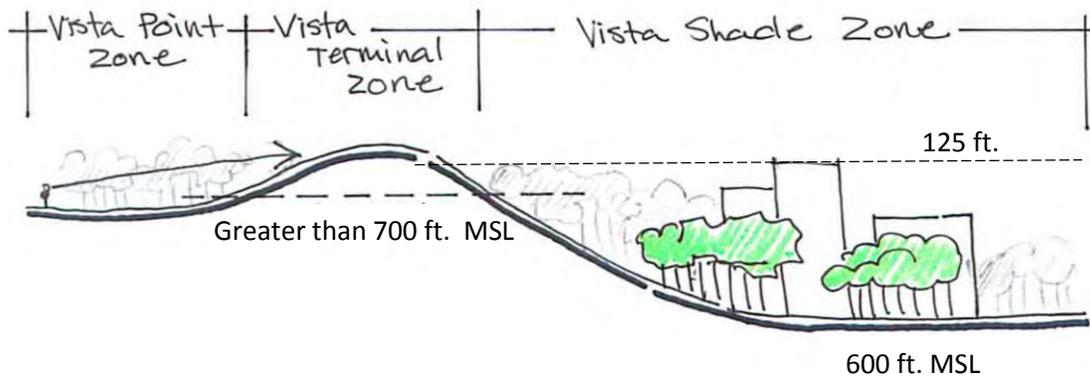


Figure 106: Height Limit Section Drawing

with SH 114 or SH 170, should have streetscape characteristics visually associated with the Town Streets (as identified in the Thoroughfare Plan to follow). The Town Street identity in this Community transitions from the ubiquitous regional qualities of SH 114 and SH 170 to the more rural character of streets in the Pastoral Community.

3. Regional Community: An area of Westlake generally lying along SH 114 from Roanoke Road to the east side of Westlake Parkway. The Regional Community is currently undeveloped but completely zoned. This area will host Westlake future growth of retail, office, and higher density forms of residential land use. The Regional Community is largely obscured from views as seen when looking north from the Pastoral Community because it lies north of Vista Terminals identified in the View Analysis. These high elevations in the foreground of such views generally hide the Regional Community area. Also, land within the Regional Community is lower and flatter than most of Westlake. Consequently, the Regional Community is capable of absorbing square footage transferred out of other Community areas without detracting from the visual character objectives of the Town. Therefore,

the Regional Community can accommodate:

- a. **Greater Building Height:** The view section diagram above (Figure 106) establishes a view angle that would define a height limit for structures in this area.
- b. **Greater Ground Coverage:** The intense use of this area by populations from outside the Town of Westlake makes natural preservation difficult. However, detention needs will provide opportunity for natural amenity, which can likely be developed for more intense use in this context.
- c. **Greater Regional Associations and Identity:** Building forms, landscaping, and streetscape will likely have a regional quality. Building design may be more contemporary and/or innovative. Landscaping may be more ornamental and set up for more intensive use. Streetscapes will have a more landmark status associated with visibility from and connection with SH 114.

Increased height, coverage and FAR could support the potential for permitting mixed use parking credits, thereby reducing the total amount of parking apron that more intensive development may require.

Like other Planned Development planning areas, current limitations on FAR and building height make it difficult to capture the regional potentials of this Community. Therefore, the Regional Community becomes a good destination for the transfer of development square footage from other Planned Development planning areas. The Regional Community is shown in grey-blue in Figure 107.

- 4. Town Community:** An area of Westlake generally north of Dove Road and south of Lake Turner. The Town Community is mostly undeveloped, containing a few projects such as Deloitte (attains an FAR less than .2) and Westlake Academy. This area is completely zoned and will host most of Westlake's future resort and hospitality development as well as some level of office and specialty retail. The association of land uses in this area with entertainment and specialty shopping make it important as it supports the residential neighborhoods of the Pastoral Community. Deloitte and Westlake Academy set an appropriate benchmark for development that serves the above described support function. Similarly, resort development will likely have abundant amenity open space(s), thereby reinforcing an overall visual character in which the sense of open space-to-development favors open space. Many of the important considerations that define appropriate development for this region are similar to those discussed in the Commercial Community. Transitions to residential are necessary, which means that open space creates a residential buffer through which more trail connections flow.

The Town Community is served by Town Streets (as shown in the Thoroughfare

Plan to follow), which have a distinctive Westlake Streetscape visually different than the regional circulation system (SH 114 and SH 170 and the associated service roads) but is more visually associated with the Pastoral System (roads of the Pastoral Community). The Town Community is shown as a russet color in Figure 107.

- 5. Town Common:** An area of Westlake located at the interface of the Regional Community, the Town Community, and Open Space, which is served by the Town Road System (as illustrated in the Thoroughfare Plan to follow) and serves as a trail hub for the Town. This area is an organic nucleus for the Town that makes the relationship between other Community elements (described herein) meaningful and "town-like". Without a Town Common or other hub feature, Westlake is missing the key attribute of "town-ness" and is subsequently inorganically divided into two separate settings: one is Commercial and the other is residential. Without such a hub to reconcile connection of these land use areas, the commercial component attaches to SH 114 and the residential component attaches to surrounding cities, like Southlake and Keller. As a result, an unresolved area of partially developed/partially undeveloped space will exist between the two land use areas. A town hub, a specific goal emerging from the Westlake Public Workshops (#1 and #2), reconciles this potential bifurcation of the Town.
- 6. Open Space:** An area of Westlake generally north of Dove Road and extending in an east to west direction from the View Shed/ Commercial Community abutting SH 170 to the View Shed Community abutting SH 114 at Solana Boulevard. This area encompasses the major Vista Terminals



Figure 107: Framework Plan – (base of Communities Map) presented at Workshop #2

and establishes a central open space corridor lying between the Regional Community and Pastoral Community while engaging the Town Community and Town Common. This area functions as a:

- a. **A hub** for trail connections between Westlake’s neighborhoods and important destinations within the Town.
- b. **A conservation zone** for key natural features, like water bodies, waterways, and landmark landforms.
- c. **An edge** for Westlake that defines the boundary between Regional Community and Pastoral Community (with the Town Community and Town Common being associated with the open space network).
- d. **A publically accessible amenity, whether visually or physically,** that enhances residential value.
- e. **An appropriate setting** for the educational assets of the Town.
- f. **Recreational asset** for the community and a location for public parks (as defined in the Open Space Plan to follow).

- g. **A micro-setting that defines the streetscape** seen from the primary Town Streets, thereby preserving the pastoral street qualities that Westlake residents seek to preserve.

All of the above functions are potentially negatively impacted by development. Therefore, it is desirable that the Open Space Community is largely undeveloped to remain open and natural. However, existing entitlements do not make provision for such disposition of this property and incentives will be necessary to incentivize the transfer of square footage currently permitted for this area to another Planned Development planning area.

Figure 107 is the Framework Plan that was reviewed at Public Workshop #2, and Figure 108 is the Communities Map, referenced above, which is a result of the revision of the Framework Plan based on input received at that Workshop, input from the Planning Steering Committee, and reconciliation of the Community Types with the Entitlements currently in place. Note that the distribution of Community Types is substantially the same in each map.

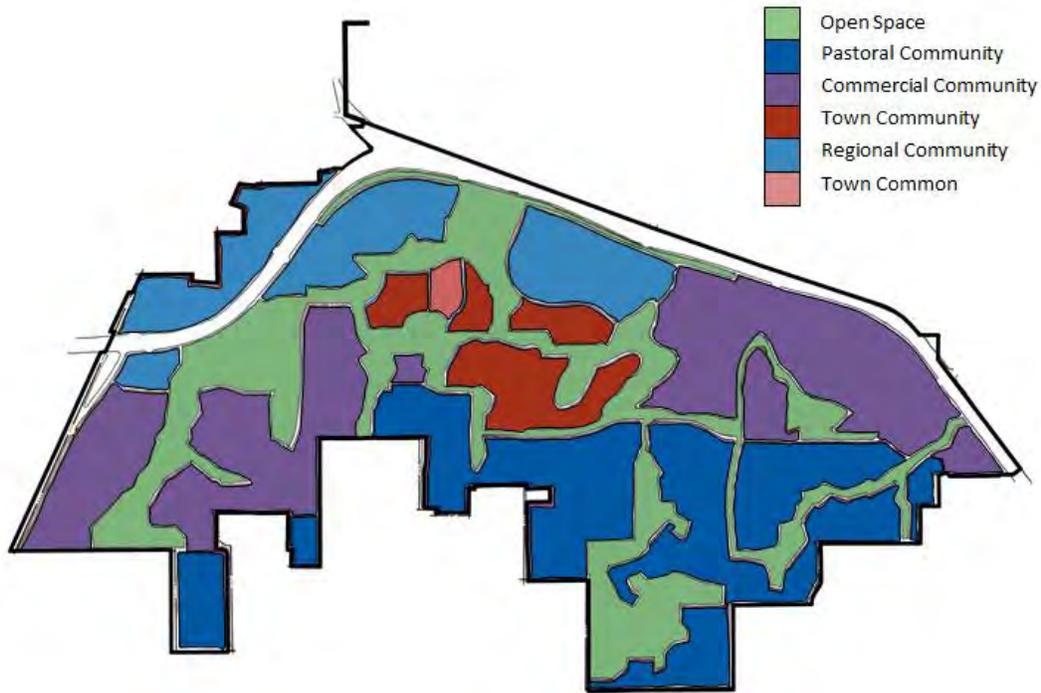


Figure 108: Communities Map – Result of Public Inputs and Existing Entitlements

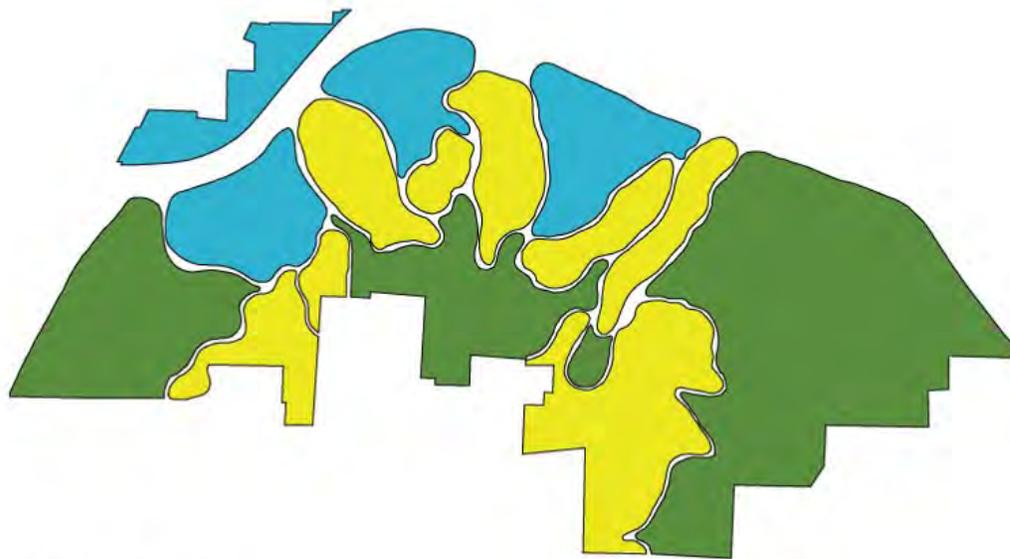


Figure 109: Receiving/Sending Zones in Relation to View Analysis

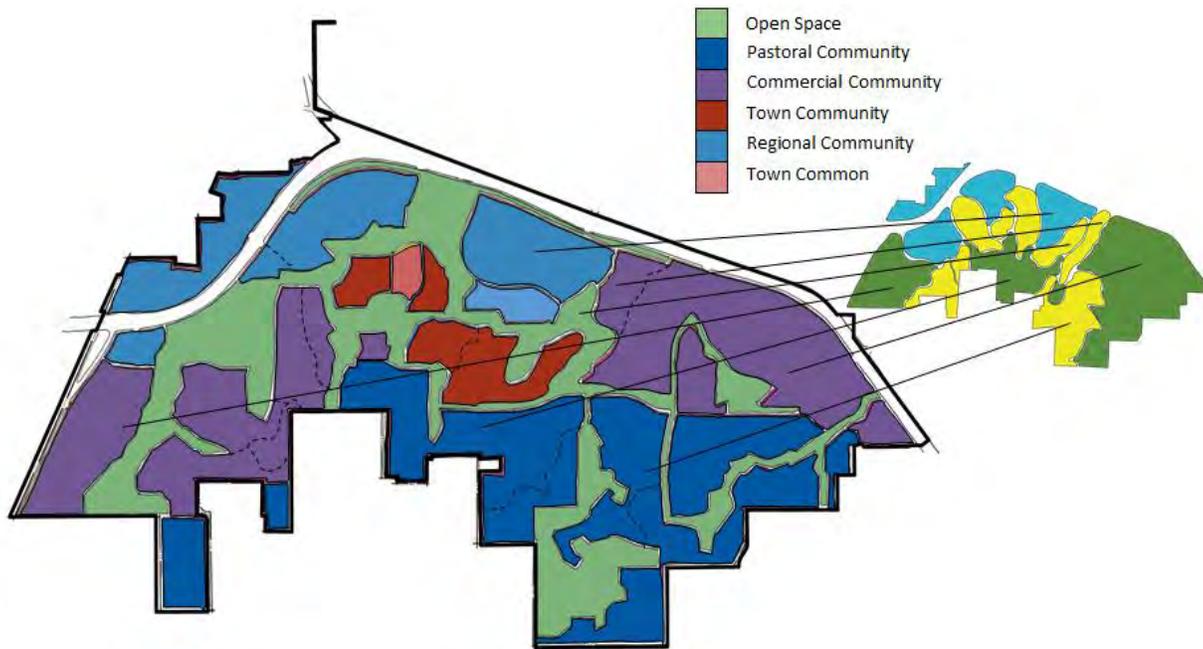


Figure 110: Receiving/Sending Zones in Relation to Community Types

Figure 109 applies the idea of sending and receiving development square footage to the appropriate areas identified in the View Analysis. Figure 110 takes a step further by illustrating the relationship between Communities and the Sending/Receiving Zones derived from the View Analysis. Note that the Communities described as most capable of accommodating the importation of square footage are also located in the view areas that are less visible or farther away from the Vista Point Zones. These are also identified as the Receiving Zones.

Using this Framework evolution as a base, the Land Use Plan addresses the following:

1. **Public Implementations:** The objectives to be achieved through movement of development square footage between sending districts and receiving district for various community types.
2. **Development:** The recommended development height and coverage within the Community.
3. **Land Use:** The recommended land

uses for each district that reinforce the character and intent of the community type engaged (refer to Part One: Policy Tabulations of the Implementation Plan).

4. **Rates:** The rates of transfer between exporting communities and importing communities (refer to Part One: Policy Tabulations of the Implementation Plan).

THE LAND USE PLAN

The Land Use Plan has three elements that collectively speak to the issue of use within the particular setting of Westlake. As stated earlier, that setting is one in which all vacant land within the Town is zoned by either categorical zoning or Planned Development Ordinance. Therefore, land use, in its most fundamental sense, is legally prescribed by legal instruments that already exist. However, many of these designations are over 20 years old and market conditions have changed since the original requests, making it potentially desirable for land owners to

seek adjustment of that earlier zoning. In addition, this Comprehensive Plan Update asserts that Westlake’s favorable Ad Valorem comparison (at build out) with other financially stable cities (such as Highland Park, Texas) tends to make it less important for Westlake to seek additional commercial square footage for financial sustainability reasons. Therefore, it can be viewed that the use of a reasonable portion of the present level of commercial entitlement should be sufficient and that the additional Ad Valorem revenue attained from commercial square footage expansion (through entitlement increase) may not be sufficient to resolve the traffic problems that it will impose on the Town. Although additional entitlement square footage may not be necessary for Westlake (unless a significant public purpose is served), it may be desirable for the existing distribution of entitlement density (building height and coverage) to be relocated within the tapestry of zoning designations (Planned Development planning areas), thereby allowing certain planning areas to increase in response to market conditions and others decrease in response to adjacency issues and other market considerations without financial loss of the entitlement originally granted.

The Land Use Plan (Figure 111) shows 16 Land Use Districts derived from eight basic character districts (tying back to the Community Types presented above and derived from the Framework Plan and community input from Public Workshop #2). Each of the basic eight districts are divided by one of four Land Use suffixes depicting the import/export setting in which it resides, resulting in 16 Land Use Districts. The four suffix types reflect the view setting in which the district resides and, thereby, its suitability for import or export of commercial square footage and general sensitivity to development. The eight basic Land Use Districts and the four

applicable suffix types (resulting in the 16 Land Use Districts) are:

1. Open Space Dominant

- a. District Type: **Open Space (OP)**. The area encompassing the major Vista Terminals and other natural assets and provides the general transition space between what is residential and what is commercial within the Town. It is desirable that the Open Space area be undeveloped, although a certain level of educational development may be compatible.
- b. Suffix Variations: There are no suffix variations for Open Space.

2. Residential Dominant:

- a. District Type: **Pastoral Community (PC)**. This area that will experience most of the Town’s future single-family residential growth. Compatibility with existing high-end residential development is important.
- b. Suffix variations:
 - i. **PC-A:** Indicates location within the View Shed Zone
 - ii. **PC-B:** Indicates location within the View Corridor Zone

3. Low to Mid-Density Office Dominant:

- a. District Type: **Commercial Community 1 (CC1)**. The areas lying close to SH 114 yet still part of the visual fabric as seen from higher elevations of the Town. In the future, this area will host larger campus office/mixed use projects (much like today’s Solana).
- b. Suffix variations:
 - i. **CC1-A:** Indicates location within the View Shed Zone and, therefore, visually present in the views and vistas of Westlake.
 - ii. **CC1-B:** Indicates location within the View Corridor Zone and, therefore, visually present in

many views and vistas as well as associated with existing creek-ways. Development in this area should be responsive to the visual and hydrologic sensitivities of this zone.

4. Campus Office Dominant:

- a. District Type: **Commercial Community 2 (CC2)**. This area, generally lying south of SH 114 and east of SH 170, will experience most of the Town's future office campus development.
- b. Suffix Variations:
 - i. **CC2-A**: Indicates location within the View Shed Zone and, therefore, visually associated with the pastoral area, justifying considerations regarding compatibility.
 - ii. **CC2-B**: Indicates location within the View Corridor Zone and, therefore, visually present in many views and vistas as well as associated with existing creek-ways. Development in this area should be responsive to the visual and hydrologic sensitivities of this zone.
 - iii. **CC2-C**: Indicates location within the Vista Terminal Zone and is, therefore, visually sensitive. Commercial development in this area has the greatest visual impact on the residential fabric.
 - iv. **CC2-D**: Indicates location within the View Shade Zone and is visually obscured from most views and vistas, thereby allowing greater commercial association.

5. Campus Office/ Residential Hybrid Dominant:

- a. District Type: **Commercial Community 3 (CC3)**. This area, generally south of Solana Boulevard, will also experience future campus

development, although it also contains some residential potential (as specified in the existing Planned Development Ordinance for PD 1 and its amendments PD1-2 and PD1-3).

b. Suffix Variations:

- i. **CC3-A**: Indicates location within the View Shed Zone and, therefore, visually associated with the pastoral area, justifying considerations regarding compatibility.

6. Resort, Commercial Transition, Residential Mix, and Specialization Dominant:

- a. District Type: **Town Core (TC)**. This area is located in the heart of existing commercial entitlement area and is suggested as an area in which to locate that commercial development most supportive of functioning as a central hub for Westlake. This could include vertical mixed-use, entertainment, and/or specialty retail.
- b. Suffix Variation:
 - i. **TC-A**: Indicates location within the View Shed Zone and, therefore, visually associated with the pastoral area. More campus-like development pattern with generous open space (as seen with the development of the Deloitte site) is appropriate.
 - ii. **TC-B**: Indicates location within the View Corridor Zone and is, therefore, visually sensitive to vertical development. In addition, development here should be responsive to the presence of water ways and water bodies by allowing such natural features to exist in a more natural state. This area has a special sensitivity to FAR, coverage and building height.

iii. **TC-D:** Indicates location within the View Shade Zone and is, therefore, visually obscured from most views and vistas, allowing greater design and density flexibility. A portion of this area is currently zoned as R-1 and O but is surrounded by office, mixed-use commercial, and resort use. The residentially zoned portions of this district could be exchanged with other commercial entitlement to aggregate commercial in this area and expand residential in the residentially contiguous zones.

7. Town Hub and Town Activity Center:

- a. District Type: **Town Common (TCO).** This area will be flanked by future resort, specialty commercial, entertainment, mixed residential, and office development. Uses in this area are responsive to the Town Common and open space that could surround them and serve meaningful to both the Town and regional interests.
- b. No Suffix Variations:
 - i. **TCO:** Located north of the Westlake Academy, encompassing the landmark landform in that area as well as the hillside down to Lake Turner. The visual prominence and central location of this area makes it ideal as a place for expression of civic activity/identity/community. Such purpose and location makes this area sensitive to vertical development, which would encroach upon it and, thereby curtail its use or preservation of the landmark landform it encompasses.

8. Higher Density Commercial Dominant:

- a. District Type: **Regional Commercial (RC).** This area will likely experience demand for the most intense commercial development due to its association with SH 114 and access capacity due to Westlake Parkway.
- b. Suffix Variations:
 - i. **RC-B:** Indicates location within the View Corridor Zone and is, therefore, visually present in many views and vistas as well as associated with existing creek ways. Portions of this area are currently zoned "O" but such uses here would be surrounded by office, mixed-use commercial, and resort use. Commercial continuity in this area is deemed a desirable land use objective.
 - ii. **RC-D:** Indicates location within the View Shade Zone and is, therefore, visually obscured from most views and vistas. Buildings in this location can be considerably taller than currently permitted. Commercial aggregation in this area is deemed a Land Use objective, especially when it promotes and incentivizes lower density commercial (with a greater proportion of open space) in other areas. Further, it is likely that higher density development will be more regionally associated (attracting vehicular trips in and generating trips out from regional locations). Therefore, this component of Westlake's fabric is logically located closer to the regional access points.

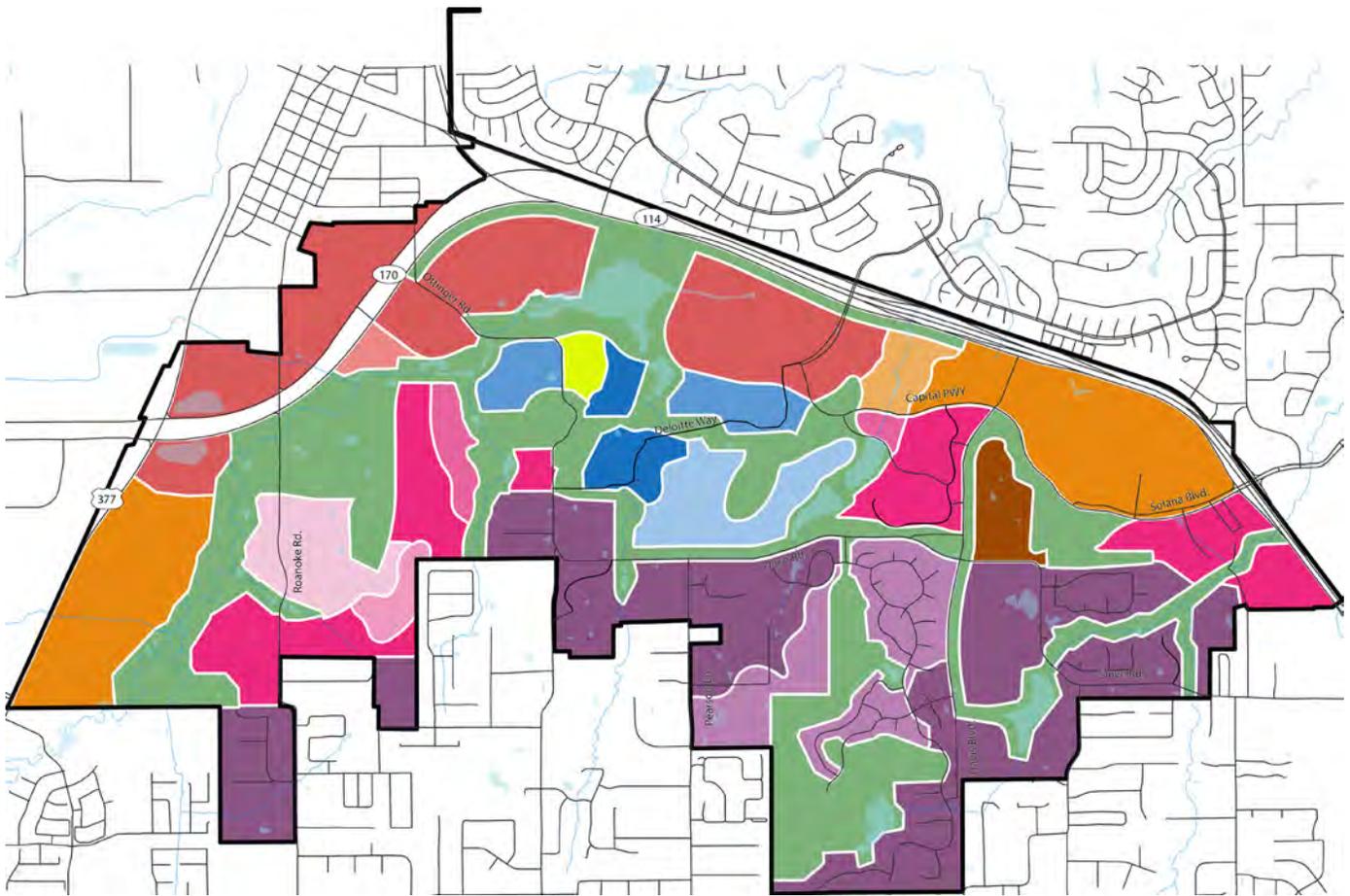


Figure 111: Westlake Land Use Districts

DISCLAIMER: The land use districts shown on this map in no way modify the permitted uses and/ or conditions of use (FAR, building height, etc.) specified in any zoning or Planned Development Ordinance approved by the Town of Westlake. These land use districts are intended to guide the Council in their evaluation of site plans submitted for their approval and/ or property owner requests to transfer commercial square footage from one land use district to another when the legal mechanism for such transfer has been adopted by the Town of Westlake. See Policy Section A in the Implementation Document for rates of transfer, trigger points, and other implementation language.

Figure 111 illustrates recommended spatial distribution of these Land Use Districts within the Town of Westlake:

Description and Visualization of the Character Districts:

The following section presents a description of each Land Use Character District, explaining the intent and desired qualities of development in each area. Each block also presents pictures meant to further explain the attributes of preferred development.

- PC-A: Pastoral Community/ View Shed Zone
- PC-B: Pastoral Community/ View Corridor Zone
- CC1-A: Community Commercial 1/ View Shed Zone
- CC1-B: Community Commercial 1/ View Corridor Zone
- CC2-A: Community Commercial 2/ View Shed Zone
- CC2-B: Community Commercial 2/ View Corridor Zone
- CC2-C: Community Commercial 2/ View Terminal Zone
- CC2-D: Community Commercial 2/ View Shade Zone
- CC3-A: Community Commercial 3/ View Shed Zone
- TC-B: Town Core/ View Corridor Zone
- TC-D: Town Core/ View Shade Zone
- TC-A: Town Core/ View Shed Zone
- RC-D: Regional Commercial/ View Shade Zone
- RC-B: Regional Commercial/ View Corridor Zone
- TCO: Town Common
- Open Space



District Type: Open Space (OS)

Character Statement: Westlake resides at the geologic break between the uplands (extending south into Keller) and the lowlands (sweeping north toward Lake Grapevine). Eroded landforms perched at the terminus of a rolling topography that gives way to flatter pastures is the identifying natural character of Westlake, which is also the composition of characteristic views and vistas cherished by Town residents. The Open Space Land Use District contains much of this identifying landscape and the waterways associated with it. The intent of the Open Space District is to preserve vistas and view corridors and, thereby, preserve the essence of Westlake's pastoral setting

as it experiences increasing amounts of commercial and residential development. The Open Space Land Use District is meant to be primarily undeveloped with the landmark landforms of the Town remaining in their natural condition, thereby preserving important views as well as natural and rural settings. Where it is not feasible to have an undeveloped condition, FAR's in this area should be similar to those already attained at the Deloitte University site so that large portions of any development tract are open, undeveloped, and used for the creation of retention ponds and other natural features that enrich Westlake. Flood plains and waterways should be aggressively preserved and remaining tree communities/wooded areas protected.



District Type: Pastoral Community (PC)

Character statement: Most of Westlake’s residential development to date can be characterized as large homes situated on large landscaped lots where homes are sited in ways responsive to features of the lot, instead of the street. The overall character is one of a dominant landscape and houses arrayed within it, rather than houses with lots (as is common to most suburban development). Lots are generally an acre or larger with homes set well back from the street. Homes are limited to two stories in these areas and densities are one unit or less per

acre. However, smaller lot sizes could be compatible with this character if such lots are clustered and surrounded with open space so that the gross density remains one dwelling unit per acre. The sense of open land is more essential than lot size. The Pastoral Community is predominantly residential with some institutional uses and office campus uses where the FAR is .1:1 or less. Informal lot landscaping replaces rigid street landscaping, giving more visual presence to the natural ground plane than the roadway. Preservation of current home values is key to future residential development.



District Type: Commercial Community 3 (CC3)

Character Statement: The Community Commercial 3 Land Use District is similar to the Community Commercial 2 Land Use District except that it has already permitted residential land uses within it. Therefore, residential adjacency is an important issue of this District. Commercial development of the Community Commercial 3 District is meant to be more “office campus”-like development, wherein the corporate addresses are essentially corporate estates sitting on large landscaped sites in a manner similar to the Pastoral Community residential patterns. FAR’s in this District will be lower than the .4 to .45:1 embedded in most Planned Development Ordinances. FAR’s should be similar to levels of development seen at Fidelity Investments;

however, FAR abutting residential should be lowered through the employment of added landscape buffers. Detention facilities as required for commercial development should be retention ponds located so as to be in the public view. A larger percentage of site open space, building heights not exceeding four stories, natural and drifted landscape, and retention ponds visible to the public view are characteristics of the Community Commercial 3 Land Use District. The Community Commercial 3 Land Use District is a building height and coverage sending zone. It is encouraged that exportation of building square footage be for the purpose of supporting low FAR’s with more open space or conversion from commercial to transitional residential use (as per the Housing Plan to follow) in areas that abut existing residential zoning.



District Type: Community Commercial 2 (CC2)

Character Statement: The Community Commercial 2 District generally lies between the Community Commercial 1 Districts and the Pastoral Community Districts. Therefore, the Community Commercial 2 District is meant to be a land use density transition from highway fronting commercial use to landscape dominated residential use. Therefore, building height and the amount of open land surrounding commercial uses in this area is important. Commercial development of the Community Commercial 2 District is meant to be more “office campus”-like development, wherein the corporate addresses are essentially corporate estates sitting on large landscaped sites in a manner similar to the Pastoral Community residential patterns. FAR’s in this district will be lower than the .4 to .45:1 embedded in most Planned Development ordinances. FAR’s should be similar to levels of development seen at Fidelity Investments. However, that small segment of the Community

Commercial 2 District located in a View Shade Zone can tolerate development that somewhat exceeds currently permitted levels. Further, another portion of the Community Commercial 2 District is located in the high ground of a view terminal. In this case, efforts should be taken to preserve the landform by exporting development density to another Land Use District as identified in the Land Use Plan (CC-1, TC-1 TC-2, or RC). Detention facilities as required for commercial development should be retention ponds located so as to be in the public view. A larger percentage of site open space, building heights not exceeding four stories, natural and drifted landscape, and retention ponds visible to the public view are characteristics of the Community Commercial 2 District. This District is a building height and coverage sending zone. It is encouraged that exportation of building square footage be for the purpose of supporting low FAR’s, more open space or conversion from commercial to transitional residential use (as per the Housing Plan to follow) in areas that abut existing residential zoning.



District Type: Community Commercial 1 (CC1)

Character Statement: Much of the Community Commercial 1 Land use District lies along SH 114, generally east of Westlake Parkway, and along SH 170, generally west of Roanoke Road. This area is a transitional zone between the highways and the Community Commercial 2 and 3 Districts. In a Community Commercial 1 District, the value of highway frontage can be captured to an extent that does not adversely encroach upon the view sheds extending north east and north west from higher elevations southward in the Pastoral Community. Buildings in this location can be somewhat taller than building heights in the Community Commercial 2 and 3 Districts, with greater coverage. Portions of the Community Commercial 1 District fall within a Corridor View Zone that follows one of Westlake's existing creekways. In these areas building heights

should remain low at approximately four stories. However, other SH 114 and SH 170 frontage areas within the Community Commercial 1 District can have taller structures (approximately seven stories or 80 feet). At these freeway frontage locations, FAR's can be higher than other Community Commercial Districts. While not urban, the intent of the Community Commercial 1 Land Use District is to project a freeway identity for Westlake at the portals leading to its residential areas that is more office park-like in its character while still responding to the value potentials of the highway locations. Six and seven story buildings with well-designed native landscapes (use of water features in the landscape that are visible from the highway), parking hidden from freeway view, and a void to solid ratio not exceeding .7:1 (greater solid than void) characterize the Community Commercial 1 Land Use District.



District Type: Town Core (TC)

Character Statement: The Town Core Land Use District is a context district that supports the Town Common District. This means that it serves the viability of Town Common through supporting hospitality, entertainment, and office uses. The Town Core District is also a transitional district, transitioning from the regional commercial scale of the Regional Commercial District (to the north and west of the TC area) to the Town Common and Community Commercial Districts (generally south and east of the TC area). Portions of this district are located in the View Shade Zone and, therefore, appropriate for the importation of building square footage, as building

heights exceeding five stories can be accommodated here. Portions of the Town Core District falling within a View Shed or View Corridor Zone should retain lower building heights in the four story range. While not urban, the Town Core district has a more conventional street relationship than Community Commercial Districts have, and the associations with the street are active (including drives, premise signs, trails/sidewalks, parking, visible porte-cocheres, and other features such as flag islands, etc.). More street engagement, more composed landscaping, transitional FAR's, and void to solid ratios about .7:1 (more solid than void) are characteristics of the Town Core Land Use District.



District Type: Town Common (TCO)

Character Statement: The civic and social identity of Westlake is embodied in this district. The Town Common Land Use District also expresses the pastoral identity of the Town. The Town Common District is the hub of local activities as envisioned in the Planning Public Workshops, converging upon a pedestrian friendly environment. This District is a place for expression of civic-ness, a place for gathering, festive and ceremonial events, and family outings; all while being close to the Academy and recreation facilities of a school park. The Town Common contains one of Westlake’s most dramatic Landmark Landforms. The steep slopes dropping from the hill top, toward the Regional Community Land Use District are difficult for development but well suited for scenic purpose. The

Town Core Districts, which flank the Town Common on the east and west, have a potential to energize use of the Town Common. Entertainment and higher density residential land uses in these abutting areas reinforce a sense of hub importance.

The urban-ness of the Regional Commercial Districts transitions through the Town Core District and Town Common to blend with the single-family residential character of the Pastoral Community. Public facilities located here should be designed in a style derived from agricultural references that remember Westlake’s heritage. Needed public parking should be treated in a manner that allows the parking area to have ecological significance (such as the bio-swale parking area at Arbor Hills Nature reserve in Plano).



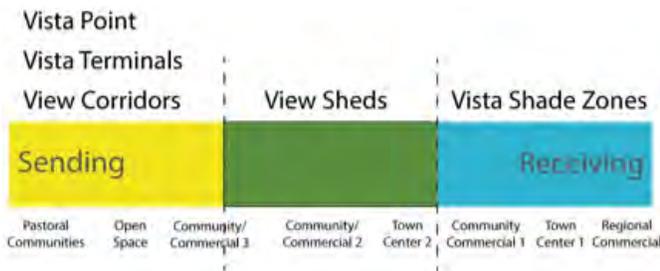
District Type: Regional Commercial (RC)

Character Statement: The Regional Commercial District is the most intense commercial district in Westlake. It is viewed as the primary receiving district for movement of commercial square footage out of Community Commercial and Town Core Districts where more open space, undeveloped site area, and lower buildings are sought. The Regional Commercial Districts can accommodate buildings in excess of eight stories (in some areas). Lying along SH 114 and SH

170, the Regional Commercial Land Use District is served by the regional corridor more than the Town Arterials. Taller buildings, wider streets, more intense parking, parking structures, formal street landscaping, active building to street relationships, connected parking aprons, higher light levels, and a void to solid ratio of 1:1 (a balance of solid and void) are characteristics of this site. Higher levels of development density and greater highway visibility call for establishing an overarching architectural continuity and other site design compatibilities.

Summary of Exporting and Importing Districts:

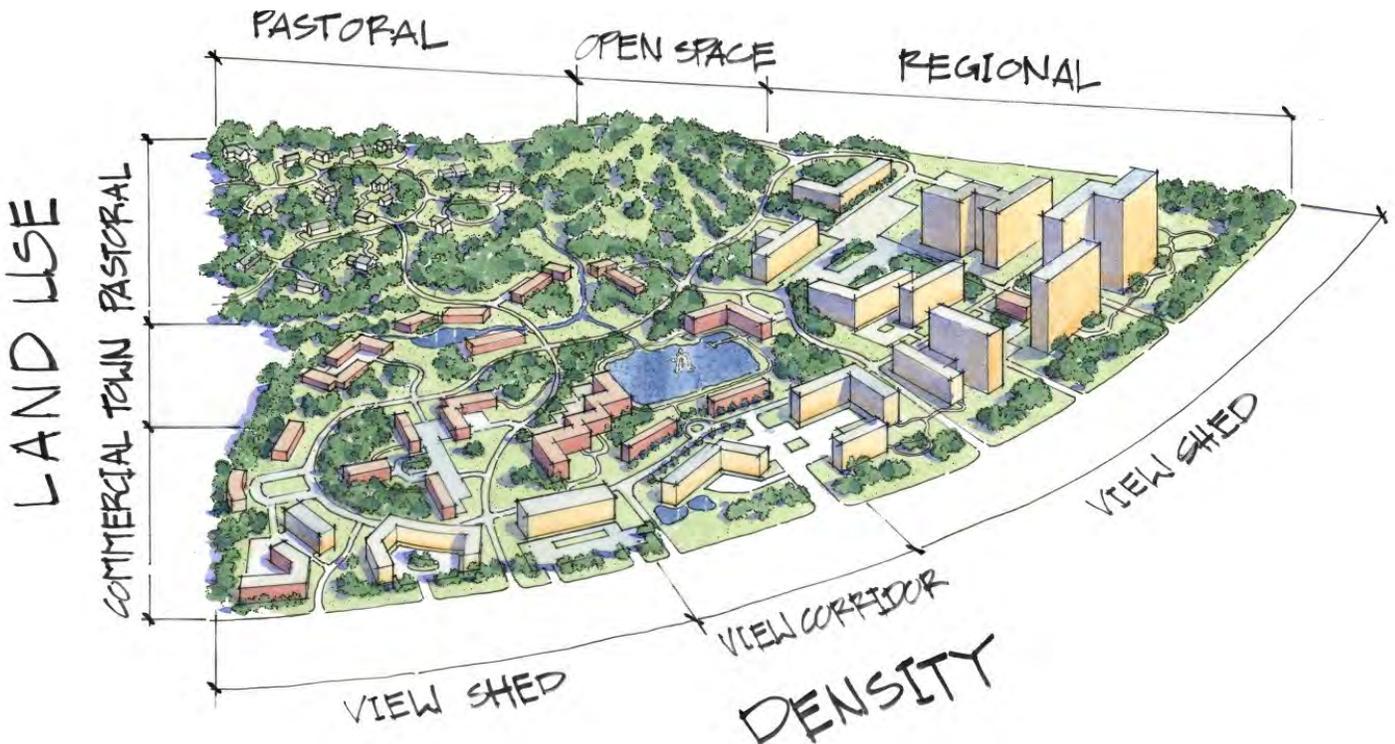
The following diagram illustrates the relationship of the basic Land Use District Types and the earlier described suitability of export or import commercial square footage. Note that the Open Space and Community Commercial Districts are most suitable for exportation while Regional Commercial and Town Core are most suitable of importation.



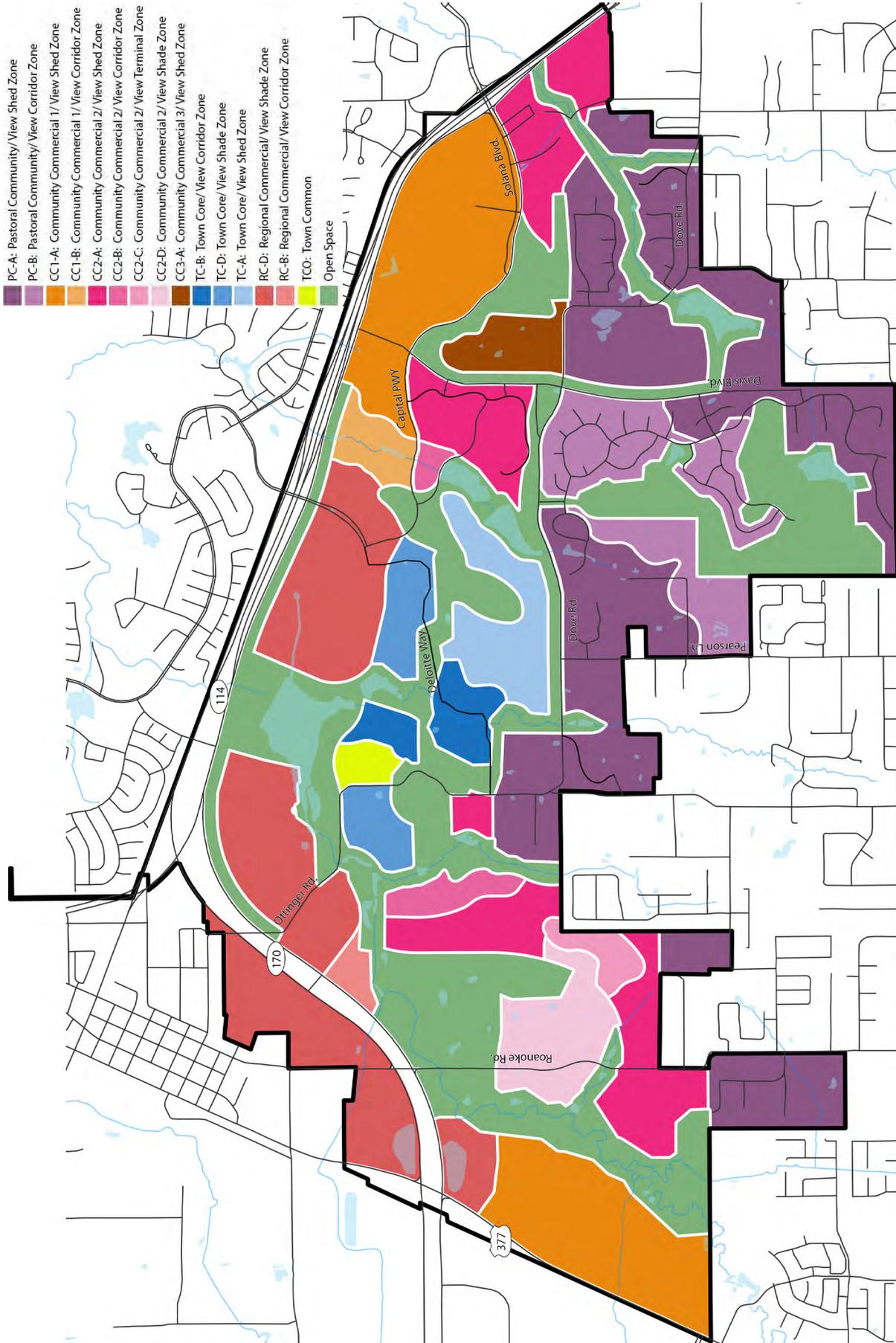
Use Recommendations, Development Conditions, and Export Ratios by Land Use District are described in detail in the Implementation Document.

CONCLUSION

This Land Use Plan seeks to further the Goals and aspirations for the Citizens of Westlake as presented in the Public Planning Workshops. Therefore, this Land Use Plan builds upon the recognition that market conditions in 2014 are significantly different than market conditions in 1992 and that such change of condition will likely motivate owners of undeveloped property to seek augmentation of their current zoning ordinance. Therefore, this Land Use Plan is meant to be a guide in discussions when considering such requests by seeking to identify pathways to a positive response that does not further burden the Town with additional traffic and/or facilities demand.



THE LAND USE PLAN



DISCLAIMER: The land use districts shown on this map in no way modify the permitted uses and/or conditions of use (FAR, building height, etc.) specified in any zoning or Planned Development Ordinance approved by the Town of Westlake. These land use districts are intended to guide the Council in their evaluation of site plans submitted for their approval and/or property owner requests to transfer commercial square footage from one land use district to another when the legal mechanism for such transfer has been adopted by the Town of Westlake. See Policy Section A in the Implementation Document for rates of transfer, trigger points, and other implementation language.

Town Council

Item # 5b – Granada
Development

Standing Item: Update and discussion regarding the Granada Development, including items posted on the regular session agenda.

Town Council

Item # 5c – Entrada
Development

Standing Item: Update and discussion regarding the Entrada Development, including items posted on the regular session agenda.

Town Council

Item # 6 – Executive Session

EXECUTIVE SESSION

- a. Sec. 551.071. Consultation with Attorney (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter: Ordinance 691
- b. Section 551.087 Deliberation Regarding Economic Development Negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1). Maguire Partners-Solana Land, L.P., related to Centurion's development known as Entrada and Granada
- c. Section 551.087 Deliberation Regarding Economic Development Negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1). Hillwood Properties: Project Blizzard
- d. Section 551.087 Deliberation Regarding Economic Development Negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1). Project Lynx
- e. Section 551.072 to deliberate the purchase, exchange, lease of value of real property regarding Town Hall offices
- f. Section 551.072 to deliberate the purchase, exchange, lease, or value of real property regarding possible fire station sites

Town Council

Item # 7 – Reconvene
Council Meeting

Town Council

Item # 8 – Council Recap /
Staff Direction

COUNCIL RECAP / STAFF DIRECTION

Town Council

Item # 9 – Adjournment
Work Session

Town Council

Item # 2 – Items of Community Interest

ITEMS OF COMMUNITY INTEREST: Mayor and Council Reports on Items of Community Interest pursuant to Texas Government Code Section 551.0415 the Town Council may report on the following items: (1) expression of thanks, congratulations or condolences; (2) information about holiday schedules; (3) recognition of individuals; (4) reminders about upcoming Town Council events; (5) information about community events; and (6) announcements involving imminent threat to public health and safety.

- ✓ Coffee & Conversation with the Mayor
Monday, February 1, 2016; 8-9:30 am
Bella Vita Model Home, 2 Paigebrooke, Westlake (Off of Dove Rd, just west of Fire Station)
- ✓ Board of Trustees Workshop/Meeting
Monday, February 8, 2016; 5:00 pm
- ✓ Planning & Zoning Meeting (if needed; please check website for confirmation)
Monday, February 15, 2016; 5:00 pm
- ✓ 7th Annual Northeast Tarrant County Transportation Summit ([agenda](#))
Friday, February 19, 2016; 8:30 am – 1:30 pm
Hurst Conference Center, 1601 Campus Drive, Hurst
*Reservations/Tickets are required - Please let Ginger know if you plan to attend
- ✓ Town Council Workshop/Meeting
Monday, February 22, 2016; 5:00 pm
- ✓ WA Foundation's [13th Annual Gallery Night – Colors of Rio](#)
Saturday, March 5, 2016; Fun begins at 6:00 pm
Texas Motor Speedway – Need sponsorship, donor or ticket info? Contact WAF Executive Director Dr. Shelly Myers via [email](#) or at 817-490-5722.

Town Council

Item # 3 – Citizen Comments

CITIZEN COMMENTS: This is an opportunity for citizens to address the Council on any matter whether or not it is posted on the agenda. The Council cannot by law take action nor have any discussion or deliberations on any presentation made to the Council at this time concerning an item not listed on the agenda. The Council will receive the information, ask staff to review the matter, or an item may be noticed on a future agenda for deliberation or action.

Town Council

Item # 4 – Consent Agenda

CONSENT AGENDA: All items listed below are considered routine by the Town Council and will be enacted with one motion. There will be no separate discussion of items unless a Council Member or citizen so requests, in which event the item will be removed from the general order of business and considered in its normal sequence.

- a. Consider approval of the minute from the December 14, 2015, meeting.
- b. Consider approval of **Ordinance 764**, Calling the May 7, 2016, General Election to elect a Mayor and two Council Members for two (2) year terms.
- c. Consider approval of **Resolution 16-01**, Approving an Interlocal Agreement with the City of Frisco for Fire Department Purchasing.
- d. Consider approval of **Resolution 16-02**, Authorizing the Town Manager to execute a contract with RJN, Inc. in the amount of \$39,271.00 for flow monitoring of sanitary sewer lines.



**MINUTES OF THE
TOWN OF WESTLAKE, TEXAS
TOWN COUNCIL MEETING**

December 14, 2015

PRESENT: Mayor Laura Wheat, Council Members, Michael Barrett, Alesa Belvedere, Carol Langdon, Rick Rennhack and Wayne Stoltenberg.

ABSENT:

OTHERS PRESENT: Town Manager Thomas Brymer, Town Secretary Kelly Edwards, Town Attorney Stan Lowry, Assistant Town Manager Amanda DeGan, Fire Chief Richard Whitten, Director of Public Works Jarrod Greenwood, Finance Director Debbie Piper, Planning and Development Director Eddie Edwards, Director of Human Resources & Administrative Services Todd Wood, Director of Facilities and Parks & Recreation Troy Meyer, Communications Specialist Susan McFarland and Intern Joel Enders.

Work Session

1. CALL TO ORDER

Mayor Wheat called the work session to order at 5:12 p.m.

2. PLEDGE OF ALLEGIANCE

Mayor Wheat led the pledge of allegiance to the United States and Texas flags.

3. REVIEW OF CONSENT AGENDA ITEMS FOR THE DECEMBER 14, 2015, TOWN COUNCIL REGULAR MEETING AGENDA.

No additional discussion.

4. EXECUTIVE SESSION

The Council convened into executive session at 5:13 p.m.

The Council will conduct a closed session pursuant to Texas Government Code, annotated, Chapter 551, Subchapter D for the following:

- a. Section 551.087. Deliberation Regarding Economic Development Negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1). Maguire Partners-Solana Land, L.P., related to Centurion's development known as Entrada and Granada
- b. Section 551.087. Deliberation Regarding Economic Development Negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1). Hillwood Properties: Project Blizzard
- c. Section 551.072 to deliberate the purchase, exchange, lease of value of real property regarding Town Hall offices
- d. Section 551.072 to deliberate the purchase, exchange, lease, or value of real property regarding possible fire station sites

5. RECONVENE MEETING

Mayor Wheat reconvened the meeting at 6:44 p.m.

6. TAKE ANY ACTION, IF NEEDED, FROM EXECUTIVE SESSION ITEMS.

The Council took no action on this item.

7. DISCUSSION ITEMS

- a. Presentation and Discussion regarding the status of developing a proposed Transfer of Development Rights Ordinance.

Town Manager Brymer moved this item to the January meeting.

- b. ***Standing Item:*** Update and discussion regarding the Granada Development, including items posted on the regular session agenda.

No additional discussion.

- c. ***Standing Item:*** Update and discussion regarding the Entrada Development, including items posted on the regular session agenda.

Mrs. Mary Petty, Petty & Associates, Inc., provided a presentation and overview of the SAP budget adjustments and updates for the 2016 budget.

Discussion ensued regarding the location of Wetlands, appropriate PID expenses and applying one line item savings to another line item.

8. COUNCIL RECAP / STAFF DIRECTION

No additional discussion.

9. ADJOURNMENT

Mayor Wheat adjourned the work session at 6:53 p.m.

Regular Session

1. CALL TO ORDER

Mayor called the regular session to order at 6:53 p.m.

2. ITEMS OF COMMUNITY INTEREST

No additional discussion.

3. CITIZEN COMMENTS

No one addressed the Council.

4. CONSENT AGENDA

- a. Consider approval of the minutes from the November 16, 2015, meeting.
- b. Consider approval of **Resolution 15-34**, Establishing Regular Meeting Dates and Procedures; Setting the 2016 Meeting Dates of the Town Council and Board of Trustees.
- c. Consider approval of **Ordinance 756**, Amending Ordinance 642 to provide a contract extension and rate increase for Republic Services Contract for Solid Waste and Recycling.
- d. Consider approval of **Ordinance 757**, Amending and Establishing a New Water and Wastewater Rate and Fee Schedule, and repealing Ordinance 740.

MOTION: Council Member Stoltenberg made a motion to approve the consent agenda. Council Member Barrett seconded the motion. The motion carried by a vote of 5-0.

5. CONDUCT A PUBLIC HEARING AND CONSIDERATION OF ORDINANCE 758, ACCEPTING THE VOLUNTARY ANNEXATION OF PROPERTY LOCATED 2205 AND 2217 N. PEARSON LANE, A 5.28 ACRE TRACT OF LAND, MORE PARTICULARLY DESCRIBED AS TRACT I AND TRACT II BEING OUT OF THE GREENBURY B. HENDRICKS SURVEY, ABSTRACT NO. 680, TARRANT COUNTY, TEXAS, BEING A PORTION OF THE SAME TRACT OF LAND RECORDED IN VOLUME 2271, PAGE 36, DEED RECORDS OF TARRANT COUNTY, TEXAS, BEING THE SAME TRACT OF LAND AS CONVEYED FROM SHERRY L. GRAY TO SHERRY L. GRAY, FARLEY G. HOUSTON AND JENNIFER HANCOCK COPELAND, TRUSTEES OF THE SHERRY L. GRAY LIVING TRUST RECORDED IN D213291713, OFFICIAL PUBLIC RECORDS OF TARRANT COUNTY, TEXAS.

Director Edwards provided a presentation and overview of the item and proposed property use.

Mayor Wheat opened the public hearing.

No one addressed the Council.

Mayor Wheat closed the public hearing.

MOTION: Council Member Rennhack made a motion to approve **Ordinance 758**. Council Member Langdon seconded the motion. The motion carried by a vote of 5-0.

6. EXECUTIVE SESSION

The Council did not convene into executive session.

The Council will conduct a closed session pursuant to Texas Government Code, annotated, Chapter 551, Subchapter D for the following:

- a. Section 551.087 Deliberation Regarding Economic Development Negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1). Maguire Partners-Solana Land, L.P., related to Centurion’s development known as Entrada and Granada
- b. Section 551.087 Deliberation Regarding Economic Development Negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1). Hillwood Properties: Project Blizzard
- c. Section 551.072 to deliberate the purchase, exchange, lease of value of real property regarding Town Hall offices
- d. Section 551.072 to deliberate the purchase, exchange, lease, or value of real property regarding possible fire station sites

7. RECONVENE MEETING

8. TAKE ANY ACTION, IF NEEDED, FROM EXECUTIVE SESSION ITEMS.

MOTION: Council Member Belvedere made a motion to approve **Resolution 15-35**, Approving amendment one of one to the development agreement with Maguire Partners-Solana Land, L.P. related to their development known as Entrada. Council Member Langdon seconded the motion. The motion carried by a vote of 5-0.

9. **DISCUSSION AND CONSIDERATION FOR APPROVAL OF RESOLUTION 15-36, CONSENTING TO AND APPROVING THE PARTIAL ASSIGNMENT OF THE RIGHTS, COVENANTS, AND OBLIGATIONS OF THE PRIOR AGREEMENTS RELATED TO GRANADA PHASE II TO THE WILBOW-GRANADA DEVELOPMENT CORPORATION AND APPROVING A DEVELOPMENT AND SUBDIVISION IMPROVEMENT AGREEMENT WITH WILBOW-GRANADA DEVELOPMENT FOR GRANADA PHASE II.**

Town Manager Brymer provided a presentation and overview of the partial assignment.

Mr. Larry Corson provided an overview of the proposed assignment agreement and additional responsibilities.

Discussion ensued regarding the retention of Phase I custom home builders.

MOTION: Council Member Stoltenberg made a motion to approve **Resolution 15-36**. Council Member Rennhack seconded the motion. The motion carried by a vote of 5-0.

10. **DISCUSSION AND CONSIDERATION OF ORDINANCE 759, ADOPTING MASTER LANDSCAPE PLAN, PAVING PLAN, AND LIGHTING PLAN FOR THE DEVELOPMENT KNOWN AS ENTRADA (PD1-2) LOCATED AT STATE HIGHWAY 114 AND FARM TO MARKET 1938.**

Town Manager Brymer provided a presentation and overview of the master landscaping, paving, and lighting plans.

Discussion ensued regarding the landscaping configuration of the Solana-Davis corner in the development, public art opportunities, no funding for public art built into the SAP, and thoughts regarding the installation of authentic gas lamps.

MOTION: Council Member Barrett made a motion to approve **Ordinance 759**. Council Member Belvedere seconded the motion. The motion carried by a vote of 5-0.

11. **CONTINUE A PUBLIC HEARING AND CONSIDERATION OF ORDINANCE 760, APPROVING A ZONING CHANGE AMENDING THE PD 1-2 ZONING DISTRICT REGULATIONS CONTAINED IN ORDINANCE 703 TO INCLUDE DETAILED DESIGN GUIDELINES FOR THE DEVELOPMENT KNOWN AS ENTRADA LOCATED AT STATE HIGHWAY 114 AND FARM TO MARKET 1938/DAVIS BOULEVARD.**

Town Manager Brymer thanked both Milton Anderson and Robin McCaffrey, provided a presentation and overview of the zoning change.

Mr. McCaffrey stated that the consistency with the archetype is important to the development providing continuity within the project.

Discussion ensued regarding Architect challenges throughout this process.

Mayor Wheat continued the public hearing.

No one addressed the Council.

Mayor Wheat closed the public hearing.

MOTION: Council Member Belvedere made a motion to approve **Ordinance 760**. Council Member Stoltenberg seconded the motion. The motion carried by a vote of 5-0.

12. **CONDUCT A PUBLIC HEARING AND CONSIDERATION OF ORDINANCE 761, APPROVING A FINAL PLAT OF THE PD 1-2 PLANNING AREA, SHOWN AS BLOCK A, LOTS 1-3X, BLOCK B, LOT 1, BLOCK M, LOTS 1-3, BLOCK N, LOTS 1-6X, AND BLOCK O, LOTS 1-3X, BEING A TOTAL OF 85.910 ACRES IN THE C.M. THROOP SURVEY, ABSTRACT NO. 1510, W. MEDLIN SURVEY, ABSTRACT NO. 1958, JOSEPH HENRY SURVEY, ABSTRACT NO. 742, AND WILLIAM H. PEA SURVEY, ABSTRACT NO. 1246, TOWN OF WESTLAKE, TARRANT COUNTY, TEXAS.**

Town Manager Brymer provided a presentation and overview of the Final Plat.

Mayor Wheat opened the public hearing.

No one addressed the Council.

Mayor Wheat closed the public hearing.

MOTION: Council Member Stoltenberg made a motion to approve **Ordinance 761**. Council Member Barrett seconded the motion. The motion carried by a vote of 5-0.

13. **CONTINUE A PUBLIC HEARING AND CONSIDERATION OF ORDINANCE 762, APPROVING A PLANNED DEVELOPMENT SITE PLAN, INCLUDING BUILDING ELEVATIONS FOR A CVS PHARMACY, FOR A PORTION OF THE PD 1-2 PLANNING AREA, SHOWN AS AREA N, LOT 3 OF BLOCK N, GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE ENTRADA DEVELOPMENT) ON THE FINAL PLAT.**

Town Manger Brymer provided a presentation and overview of the Site Plan.

Discussion ensued regarding the installation of a dimmable signage and why islands were not installed in the parking areas for trees/landscaping.

Mayor Wheat continued the public hearing.

No one addressed the Council.

Mayor Wheat closed the public hearing.

MOTION: Council Member Belvedere made a motion to approve **Ordinance 762**. Council Member Stoltenberg seconded the motion. The motion carried by a vote of 5-0.

14. CONDUCT A PUBLIC HEARING AND CONSIDERATION OF ORDINANCE 763, APPROVING A PLANNED DEVELOPMENT SITE PLAN, INCLUDING BUILDING ELEVATIONS FOR A PRIMROSE SCHOOL, FOR A PORTION OF THE PD 1-2 PLANNING AREA, SHOWN AS BLOCK M, LOT 2 OF BLOCK M, GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE ENTRADA DEVELOPMENT ON THE FINAL PLAT.

Town Manager Brymer provided a presentation and overview of the site plan. Robin provided an overview of the building and public site lines

Discussion ensued regarding the how they attract business for the development.

Mayor Wheat opened the public hearing.

No one addressed the Council.

Mayor Wheat closed the public hearing.

MOTION: Council Member Langdon made a motion to approve **Ordinance 763**. Council Member Rennhack seconded the motion. The motion carried by a vote of 5-0.

15. CONDUCT A PUBLIC HEARING AND CONSIDERATION OF A ZONING CHANGE REQUEST TO AMEND THE PD 3-5 ZONING DISTRICT LOCATED AT STATE HIGHWAY 170 AND STATE HIGHWAY 114 ON A TRACT THAT IS A PORTION OF WHAT IS GENERALLY KNOWN AS THE CIRCLE T RANCH, BY DIVIDING SAID DISTRICT INTO TWO (2) SEPARATE PLANNING AREAS, TO BE IDENTIFIED AS PD3-5A AND PD3-5B, AND ADDING 186,000 SQUARE FEET OF OFFICE CAMPUS USE IN THE NEW PD3-5B PLANNING AREA. – APPLICANT HAS WITHDRAWN

Mayor Wheat stated that the applicant had withdrawn their application.

The Council took no action on this item.

16. CONDUCT A PUBLIC HEARING AND CONSIDERATION A ZONING CHANGE REQUEST TO AMEND THE PD 3-3 ZONING DISTRICT LOCATED ALONG DOVE AND OTTINGER ROADS ON A TRACT THAT IS A PORTION OF WHAT IS GENERALLY KNOWN AS THE CIRCLE T RANCH, BY TRANSFERRING 186,000 SQUARE FEET OF OFFICE CAMPUS USE FROM PD3-3 TO THE NEW PD3-5B PLANNING AREA. – APPLICANT HAS WITHDRAWN

Mayor Wheat stated that the applicant had withdrawn their application.

The Council took no action on this item.

17. FUTURE AGENDA ITEMS

No future agenda items presented for discussion.

18. ADJOURNMENT

There being no further business before the Council, Mayor Wheat asked for a motion to adjourn the meeting.

MOTION: Council Member Rennhack made a motion to adjourn the meeting. Council Member Langdon seconded the motion. The motion carried by a vote of 5-0.

Mayor Wheat adjourned the meeting at 7:49 p.m.

APPROVED BY THE TOWN COUNCIL ON JANUARY 25, 2016.

ATTEST:

Laura Wheat, Mayor

Kelly Edwards, Town Secretary



TYPE OF ACTION

Regular Meeting - Consent

**Westlake Town Council Meeting
Monday, January 25, 2016**

TOPIC: Consider an Ordinance Calling and Ordering the General Election an to be Held on May 7, 2016, for the purpose of Electing a Mayor and two (2) Council Members, in Accordance with the provisions of Section 23.023, Texas Local Government Code.

STAFF CONTACT: Kelly Edwards, Town Secretary

Strategic Alignment

<u>Vision, Value, Mission</u>	<u>Perspective</u>	<u>Strategic Theme & Results</u>	<u>Outcome Objective</u>
Informed & Engaged Citizens / Sense of Community	Citizen, Student & Stakeholder	Exemplary Service & Governance - We set the standard by delivering unparalleled municipal and educational services at the lowest cost.	Increase CSS Satisfaction
<u>Strategic Initiative</u>			
Outside the Scope of Identified Strategic Initiatives			

Time Line - Start Date: January 25, 2016 **Completion Date:** May 7, 2016

Funding Amount: \$11,000 **Status -** **Funded** **Source - General Fund**

The amount may fluctuate based on the number of entities that conduct a joint election with Tarrant County. Denton County charges a flat fee due to the limited amount of registered voters in Denton County.

EXECUTIVE SUMMARY (INCLUDING APPLICABLE ORGANIZATIONAL HISTORY)

The Texas Election Code §3.004, requires the governing body of a political subdivision to order a general election for the purpose of electing a Mayor and two (2) Council Members. As

outlined in the order, the term of office for the elected officials is two (2) years. (expiring May 2018)

The Mayor and Council terms expire May 2016. Those terms represent Mayor Laura Wheat and Council Members Belvedere and Barrett seats.

RECOMMENDATION AND ATTACHMENTS

Staff recommends approval of the Ordinance call the May 7, 2016, General Election.

ATTACHMENTS

Ordinance

TOWN OF WESTLAKE

ORDINANCE NO. 764

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WESTLAKE, TEXAS, CALLING AND ORDERING AN ELECTION FOR THE PURPOSE OF ELECTING A MAYOR AND TWO (2) COUNCIL MEMBERS TO BE HELD ON MAY 7, 2016, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 23.023, TEXAS LOCAL GOVERNMENT CODE; ESTABLISHING PROCEDURES FOR THE ELECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the general election for the Town of Westlake as set forth by the Texas Election Code, is required to be held on May 7, 2016, for the purpose of election a Mayor and two (2) Council Members for two (2) year terms; and

WHEREAS, in accordance with Section 271.002 of the Texas Election Code , the Town of Westlake election will be conducted jointly with other political subdivisions in Tarrant and Denton counties.

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

SECTION 1: Election Order for General Election. That an election is hereby ordered to be held on the 7th day of May 2016, the first Saturday of that month, for the purpose of electing a Mayor and two (2) Council Members for two (2) year terms, in accordance with Section 23.023 of the Texas Local Government Code.

SECTION 2: Polling Place. The polling places and the county elections precincts whose qualified voters shall cast ballots at such location as determined per the Joint Election Agreement and Contract for Elections Services with the Tarrant and Denton County Election Administrators.

The polls shall be open from 7:00 a.m. to 7:00 p.m. on May 7, 2016, in accordance with and pursuant to the requirements of the Texas Election Code (the "Code").

SECTION 3: Filing Dates. In accordance with Section 143.007 of the Code, eligible persons wishing to become candidates must file an application with the Town Secretary of the Town of Westlake, Texas, beginning on 20th day of January through the 19th day of February 2016, until 5:00 o'clock p.m. Each application shall be on a form meeting the requirements of the Code.

SECTION 4: Combined Ballots. Combined ballots may be utilized containing all of the offices and propositions to be voted on at each polling place, provided that no voter shall be given a ballot or permitted to vote for any office or proposition on which the voter is ineligible to vote. The County's voting equipment will be utilized for this election.

SECTION 5: Early Voting. Early Voting by personal appearance shall be conducted at the County's Main Early Voting location;

Residents living in Tarrant County

Tarrant County Elections Center
2700 Premier Street
Fort Worth, Texas 76111

Residents living in Denton County

Denton County Elections
701 Kimberly Drive, Suite A101
Denton, Texas 76208

and branch offices for early voting by personal appearance shall be established as outlined in the Election Agreement and Contract for Election Services with Tarrant and Denton County. Frank Phillips, Tarrant County Elections Administrator, Lannie Noble, Denton County Election Administrator, are hereby appointed as the Early Voting Clerk and can appoint the necessary deputy clerks as required for early voting. In accordance with Section 85.001 of the Texas Election Code, early voting by personal appearance shall be as set forth below:

Tarrant County Early Voting

April 25-29 (Monday-Friday)	8:00 a.m. - 5:00 p.m.
April 30 (Saturday)	7:00 a.m. – 7:00 p.m.
May 1 (Sunday)	11:00 a.m. – 4:00 p.m.
May 2-3 (Monday – Tuesday)	7:00 a.m. – 7:00 p.m.

Denton County Early Voting

April 25 – April 30 (Monday – Saturday)	8:00 a.m. - 5:00 p.m.
May 2 – May 3 (Monday – Tuesday)	7:00 am. - 7:00 p.m.

Applications for a Ballot by Mail may be submitted between January 1, 2016 and April 26, 2016 by mail, fax or email to:

Early Voting Clerk
PO Box 961011
Fort Worth TX 76161-0011

SECTION 6: Notice. Notice of said elections shall be given as required by the Texas Election Code.

SECTION 7: Election Officials. The election judge, alternate election judge, and ballot board will be appointed by the Tarrant and Denton County Elections Administrator, as permitted by law. The presiding judge shall appoint elections clerks as may be necessary for the proper conduct of the election. The election judge or the alternate election judge in the absence of the election judge, and the election clerks shall constitute the early voting ballot board. The election judge, and alternate election judge, and election clerks shall be qualified voters of the Town.

SECTION 8: Election Results. That the candidate for Mayor and two (2) candidates for Council who receive the highest number of votes shall be elected to two (2) year terms; and

The Mayor shall deliver a certificate of election to the successful candidates. In the event of a tie, the tied candidates shall cast lots to determine which one shall be declared elected.

SECTION 9: Governing Law. The election shall be held in accordance with the Constitution of the State of Texas and the Texas Election Code, and all resident qualified voters of the Town shall be eligible to vote at the election.

SECTION 10: Submission to the United States Justice Department. The Town Secretary of the Town of Westlake, Texas, or the Town Attorney, is authorized to make such submissions as are necessary to the United States Justice Department to seek pre-clearance as required by law.

SECTION 11: Necessary Actions. The Mayor and the Town Secretary, in consultation with the Town Attorney, are authorized and directed to take all actions necessary to comply with the provisions of the Texas Election Code, and the Town Code in carrying out and conducting the election, whether or not expressly authorized by this Order.

SECTION 12: Severability Clause. It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses and phrases of this order are severable and if any phrase, clause, sentence, paragraph, or section shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this order, since the same would have been enacted by the Town Council without the incorporation in this order of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 13: Effective Date. This order shall be effective upon its adoption.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF WESTLAKE, TEXAS, ON THIS 25th DAY OF JANUARY 2016.

ATTEST:

Laura Wheat, Mayor

Kelly Edwards, Town Secretary

Thomas E. Brymer, Town Manager

APPROVED AS TO FORM:

L. Stanton Lowry, Town Attorney



TYPE OF ACTION

Regular Meeting - Consent

**Westlake Town Council Meeting
Monday, January 25, 2016**

TOPIC: Consider approval of a Resolution Authorizing Town Manager to enter into Interlocal Agreement for Fire Department Purchasing.

STAFF CONTACT: Richard Whitten, Fire Chief

Strategic Alignment

<u>Vision, Value, Mission</u>	<u>Perspective</u>	<u>Strategic Theme & Results</u>	<u>Outcome Objective</u>
Fiscal Responsibility	Fiscal Stewardship	Exemplary Service & Governance - We set the standard by delivering unparalleled municipal and educational services at the lowest cost.	Increase Financial Capacity / Reserves
<u>Strategic Initiative</u>			
Outside the Scope of Identified Strategic Initiatives			

Time Line - Start Date: January 25, 2016 **Completion Date:** N/A

Funding Amount: \$0.00 **Status -** N/A **Source -** General Fund

EXECUTIVE SUMMARY (INCLUDING APPLICABLE ORGANIZATIONAL HISTORY)

The implementation of this document replaces a previous uniform purchasing cooperative agreement, which allows the fire department to make uniform purchases at discounted prices.

RECOMMENDATION

Staff recommends the authorization of this Interlocal Agreement with the City of Frisco, Texas.

ATTACHMENTS

Exhibit A: ILA City of Frisco Cooperative Bid#1405-067 Fire Department Uniforms with Red the Uniform Tailor.

TOWN OF WESTLAKE

RESOLUTION NO. 16-01

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WESTLAKE, TEXAS, AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF FRISCO, TEXAS FOR PURCHASING FIRE DEPARTMENT UNIFORMS THROUGH COOPERATIVE BID# 1405-067 AWARDED TO RED THE UNIFORM TAILOR.

WHEREAS, the City of Frisco and Westlake are both governmental entities engaged in the purchase of goods and services, which is a recognized governmental function; and,

WHEREAS, the City of Frisco and Westlake wish to enter into this Agreement pursuant to Chapter 791 of the Texas Government Code (hereinafter "Interlocal Cooperation Act") to set forth the terms and conditions upon which City of Frisco and Westlake may purchase various goods and services commonly utilized by each party; and,

WHEREAS, the Town Council finds that the passage of this Resolution is in the best interest of the citizens of Westlake.

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

SECTION 1: That, all matters stated in the Recitals hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety

SECTION 2: That the Town of Westlake Town Council does hereby authorize the Town Manager to enter into the interlocal agreement, attached as *Exhibit "A"*.

SECTION 3: If any portion of this Resolution shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and the Council hereby determines that it would have adopted this Resolution without the invalid provision.

SECTION 4: That this resolution shall become effective from and after its date of passage.

PASSED AND APPROVED ON THIS 25th DAY OF JANUARY 2016.

ATTEST:

Laura L. Wheat, Mayor

Kelly Edwards, Town Secretary

Thomas E. Brymer, Town Manager

APPROVED AS TO FORM:

L. Stanton Lowry, Town Attorney

EXHIBIT "A"
INTERLOCAL AGREEMENT

This Interlocal Agreement ("Agreement") is made and entered into this 25th day of January, 2016, by and between the CITY OF FRISCO, Texas (hereinafter called "CITY OF FRISCO"), and the TOWN OF WESTLAKE, Texas (hereinafter called "WESTLAKE"), each acting by and through its duly authorized officials:

WHEREAS, CITY OF FRISCO and WESTLAKE are both governmental entities engaged in the purchase of goods and services, which is a recognized governmental function;

WHEREAS, CITY OF FRISCO and WESTLAKE wish to enter into this Agreement pursuant to Chapter 791 of the Texas Government Code (hereinafter "Interlocal Cooperation Act") to set forth the terms and conditions upon which CITY OF FRISCO and WESTLAKE may purchase various goods and services commonly utilized by each party;

WHEREAS, participation in an interlocal agreement will be highly beneficial to the taxpayers of CITY OF FRISCO and WESTLAKE through the anticipated savings to be realized and is of mutual concern to the contracting parties;

WHEREAS, CITY OF FRISCO and WESTLAKE have current funds available to satisfy any fees owed pursuant to this Agreement.

NOW, THEREFORE, in consideration of the foregoing and the mutual promises, covenants and obligations as set forth herein; CITY OF FRISCO and WESTLAKE agree as follows:

1. CITY OF FRISCO and WESTLAKE may cooperate in the purchase of various goods and services commonly utilized by the participants, where available and applicable, and may purchase goods and services from vendors under present and future contracts.
2. CITY OF FRISCO and WESTLAKE shall each be individually responsible for payments directly to the vendor and for the vendor's compliance with all conditions of delivery and quality of purchased items under such contracts. CITY OF FRISCO and WESTLAKE shall each make their respective payments from current revenues available to the paying party.
3. Notwithstanding anything herein to the contrary, participation in this Agreement may be terminated by any party upon thirty (30) days written notice to the other participating party(ies).

4. The undersigned officer and/or agents of the party(ies) hereto are duly authorized officials and possess the requisite authority to execute this Agreement on behalf of the parties hereto.

5. This Agreement may be executed separately by the participating entities, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

6. This Agreement shall become effective on the day and year first written above (the "Effective Date"). The primary term of this Agreement shall be for one (1) year, commencing on the Effective Date and terminating on November 1, 2016, and shall thereafter automatically renew for successive one-year terms, unless terminated according to the terms set forth in Paragraph 3.

7. To the extent allowed by law, each party agrees to release, defend, indemnify, and hold harmless the other (and its officers, agents, and employees) from and against all claims or causes of action for injuries (including death), property damages (including loss of use), and any other losses, demands, suits, judgments and costs, including reasonable attorneys' fees and expenses, in any way arising out of, related to, or resulting from its performance under this agreement, or caused by its negligent acts or omissions (or those of its respective officers, agents, employees, or any other third parties for whom it is legally responsible) in connection with performing this agreement.

8 The laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of this Agreement.

9. The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement is for any reason held by a court of competent jurisdiction to be contrary to law or contrary to any rule or regulation having the force and effect of the law, the remaining portions of the Agreement shall be enforced as if the invalid provision had never been included.

10. This Agreement embodies the entire agreement between the parties and may only be modified in writing executed by both parties.

11. This Agreement shall be binding upon the parties hereto, their successors, heirs, personal representatives and assigns. Neither party will assign or transfer an interest in this Agreement without the written consent of the other party.

12. It is expressly understood and agreed that, in the execution of this Agreement, neither party waives, nor shall be deemed hereby to have waived any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By entering into this Agreement, the parties do not create any obligations, express or implied

other than those set forth herein, and this Agreement shall not create any rights in parties not signatories hereto.

13. The declarations, determinations and findings declared, made and found in the preamble to this Agreement are hereby adopted, restated and made part of the operative provisions hereof.

EXECUTED hereto on the day and year first above written.

CITY OF FRISCO

CITY OF WESTLAKE

George Purefoy
City Manager

By: Thomas E. Brymer
Town Manager

STATE OF TEXAS §

COUNTY OF COLLIN §

This instrument was acknowledged before me on the _____ day of _____, 2016, by George Purefoy, City Manager of the **CITY OF FRISCO, TEXAS**, a home-rule municipal corporation, on behalf of such corporation.

Notary Public in and for the
State of Texas

STATE OF TEXAS §

COUNTY OF TARRANT §

This instrument was acknowledged before me on the _____ day of _____, 2016, by Thomas E. Brymer, Town Manager of the **TOWN OF WESTLAKE, TEXAS**, a Type A General Law city, on behalf of such corporation.

Notary Public in and for the
State of Texas



TYPE OF ACTION

Regular Meeting - Consent

**Westlake Town Council Meeting
Monday, January 25, 2016**

TOPIC: Consider a resolution authorizing the Town Manager to execute a contract with RJN, Inc. in the amount of \$39,271.00 for flow monitoring of sanitary sewer lines.

STAFF CONTACT: Jarrod Greenwood, Public Works Director/Asst. to the Town Manager

Strategic Alignment

<u>Vision, Value, Mission</u>	<u>Perspective</u>	<u>Strategic Theme & Results</u>	<u>Outcome Objective</u>
Fiscal Responsibility	People, Facilities, & Technology	Exemplary Service & Governance - We set the standard by delivering unparalleled municipal and educational services at the lowest cost.	Improve Technology, Facilities & Equipment
<u>Strategic Initiative</u>			
Contract with Qualified Consultants			

Time Line - Start Date: January 25, 2016 **Completion Date:** June 1, 2016

Funding Amount: \$39,271 **Status -** **Funded** **Source - Capital Projects Fund**

EXECUTIVE SUMMARY (INCLUDING APPLICABLE ORGANIZATIONAL HISTORY)

A portion of Westlake’s and Southlake’s sanitary sewer flows into a sewer line referred to as the “N-1 Sewer Line” and is jointly owned by Westlake and Southlake. The operation and maintenance costs are shared based on an inter-local agreement from July 1999. Westlake’s proportional costs are directly related to the 48.5 % ownership of the sewer line’s capacity.

Westlake and Southlake have been working with TRA to assume ownership of the sewer line for several years. As a condition of the transfer, TRA requested an inspection and detailed engineering analysis of the N-1 sewer line. Westlake and Southlake jointly retained an engineering firm, RJN, Inc. to provide an engineering analysis of the N-1 sewer line in 2006.

The RJN report indicated a significant amount of inflow and infiltration was entering the sanitary sewer system through damaged or defective manholes, clean outs, and pipes. This is undesirable storm water runoff that enters the sanitary sewer system that we have to pay for. This finding necessitated additional inspection and analysis which resulted in repair work Council awarded a contract for in 2012 and completed in 2013.

TRA requested that a follow up analysis be completed to validate the reduction in storm water infiltration; however the testing requires an extended amount of rain periods to determine the amount of wet weather flows. Unfortunately the extended drought conditions made wet weather monitoring impossible. Now that we are experiencing a strong El Nino, this will increase our chances of obtaining valuable data.

Funding for the proposed flow monitoring is included in the N-1 CIP.

RECOMMENDATION

Staff recommends approval

ATTACHMENTS

Resolution 16-XX
Proposed contract with RJN, Inc.

TOWN OF WESTLAKE

RESOLUTION NO. 16-02

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WESTLAKE, TEXAS, ENTERING INTO AN AGREEMENT WITH RJN GROUP, INC., FOR FLOW MONITORING SERVICE OF SANITARY SEWER AT A COST OF APPROXIMATELY \$39,271; AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT OF BEHALF OF THE TOWN OF WESTLAKE, TEXAS.

WHEREAS, the owns 48.5 % of the flow capacity in the N-1 sewer line; and

WHEREAS, the Town of Westlake and City of Southlake have been working with the trinity River Authority to assume the N-1 sewer line; and

WHEREAS, Westlake desires to work with the City of Southlake to transfer ownership of the N-1 sewer line to the Trinity River Authority; and

WHEREAS, the transfer to TRA is contingent upon a satisfactorily reducing Westlake's collection system contributing to increased groundwater intrusion; and

WHEREAS, the Town Council finds that the proposed additional analysis provides sound infrastructure maintenance and planning; and

WHEREAS, the Town Council finds that the proposed sewer line flow monitoring is necessary for the transfer; and

WHEREAS, the cost for the flow analysis is included in the adopted FY 2015/2016 budget; and

WHEREAS, the Town Council finds that the proposed additional analysis benefits the public and is in the best interest of the public.

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

SECTION 1: All matters stated in the Recitals above are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

SECTION 2: The Town Council of the Town of Westlake hereby approves the contract with RJN Group, Inc., for Engineering Services, attached as **Exhibit "A"**, and further authorizes the Town Manager to execute the agreement on behalf of the Town of Westlake, Texas.

SECTION 3: If any portion of this Resolution shall, for any reason, be declared invalid

by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and the Council hereby determines that it would have adopted this Resolution without the invalid provision.

SECTION 4: That this resolution shall become effective from and after its date of passage.

PASSED AND APPROVED ON THIS 25th DAY OF JANUARY, 2016.

Laura Wheat, Mayor

ATTEST:

Kelly Edwards, Town Secretary

Thomas E. Brymer, Town Manager

APPROVED AS TO FORM:

L. Stanton Lowry, Town Attorney

EXHIBIT "A"
AGREEMENT
BETWEEN
TOWN OF WESTLAKE, TEXAS
AND
RJN GROUP, INC

THIS AGREEMENT made this ____ day of _____ 2016 by and between the TOWN of WESTLAKE, TEXAS, hereinafter called TOWN and RJN GROUP, INC., with an office in Dallas, Texas hereinafter called ENGINEER.

WHEREAS, the Town of Westlake, Texas hereinafter hereby engages the ENGINEER, to perform professional services to provide Sewer Flow Monitoring service within the wastewater collection system of the Town.

WHEREAS, the ENGINEER desires to perform such services to the TOWN in accordance with the terms and conditions of the AGREEMENT.

NOW, THEREFORE, in consideration of the above recitals, the mutual promises and covenants hereinafter set forth, the parties hereto agree as follows:

Section I - Basic Services of ENGINEER

The specific services which the ENGINEER agrees to furnish are as indicated in the Attachment A "Scope of Services" which is hereby incorporated by reference and made part of this AGREEMENT. Changes in the indicated Scope of Services shall be subject to renegotiation and implemented through an Amendment of this AGREEMENT.

Section II - Future Services of ENGINEER

The ENGINEER is available to furnish and perform, under an Amendment or a separately negotiated agreement, future services to supplement this work.

Section III - Schedule of Services

A. Completion Time

For those services described in Section I, the ENGINEER shall make every reasonable effort to schedule manpower and service elements in a diligent manner. It is recognized by both parties that actions of regulatory agencies and/or others may affect the final project schedule.

The services described shall be performed as weather and other physical conditions permit. The ENGINEER shall not be liable to the TOWN, if delayed in, or prevented from performing the work as specified herein through any cause or causes beyond the control of the ENGINEER and not caused by his own fault or negligence. Attachment B "Schedule of Services" is hereby incorporated by reference and made part of this AGREEMENT.

Section IV - Payment for Services

Payment to the ENGINEER shall be made as follows:

A. Payment for Services

The TOWN recognizes that time is of the essence with respect to payment of the ENGINEER's invoices, and that timely payment is a material part of the consideration of this AGREEMENT.

Payment for services rendered shall be made to the ENGINEER at the end of each month's billing cycle upon presentation of the ENGINEER's monthly statement. ENGINEER will provide to the TOWN a detailed statement of tasks by classification and reimbursement expenses. Total payment shall not exceed aforesaid amounts without prior authorization by the TOWN.

If the TOWN objects to all or any portion of an invoice, the TOWN shall so notify the ENGINEER within ten (10) calendar days of the invoice date, identify the cause of disagreement, and pay when due that portion of the invoice, if any, not in dispute.

TOWN has the right to appeal or ask for clarification of any ENGINEER's billing within ten (10) days of date of billing. Until said appeal is resolved, or clarification is issued, no interest will accrue. The TOWN shall exercise reasonableness in contesting any invoice or portion thereof.

Section V - Services to be Provided by the TOWN

A. Authorization to Proceed

The TOWN shall authorize the ENGINEER to proceed prior to the ENGINEER starting work.

B. Access to Facilities and Property

The TOWN shall make its system facilities and properties available and accessible for inspection by ENGINEER and arrange for access to make all provisions for the ENGINEER to enter upon public property as required for the ENGINEER to perform his services.

C. Prompt Notice

The TOWN shall give prompt written notice to ENGINEER whenever TOWN observes or otherwise becomes aware of any development that affects the scope or timing of ENGINEER's services, or any defect in the service or work of the ENGINEER or Contractors in order that the ENGINEER may take prompt, effective measures, which in the ENGINEER's opinion, will minimized the consequences of a defect.

D. Compensation of a Cost Not to Exceed

For basic services, as enumerated in Section I, the TOWN shall pay the ENGINEER a maximum not to exceed cost of \$32,776.00. Payments as described hereinafter shall represent full compensation to the ENGINEER for all payroll costs, expenses, current overhead, profit, and all other costs in connection with the performance of these services. The ENGINEER, if requested, shall provide documentation to the TOWN of all costs in connection with the performance of these services, and as further described in Attachment C.

E. Changes of Scope

In the event additional services are required through changes in the scope of the Project, or other unusual or unforeseen circumstances are encountered, or for other consulting services, ENGINEER shall, upon written authorization by the TOWN, perform the additional services as mutually agreed by both parties by supplemental agreement. If renegotiated terms cannot be agreed to, the TOWN agrees that the ENGINEER has an absolute right to terminate the AGREEMENT.

Section VI - Construction Cost and Opinions of Cost

- A. The ENGINEER shall submit to the TOWN an opinion of the probable cost required to construct work recommended, designed, or specified by the ENGINEER. The ENGINEER is not a construction cost estimator or construction contractor, nor should the ENGINEER's act of rendering an opinion of probable construction costs be considered equivalent to the nature and extent of service a construction cost estimator or construction contractor would provide. The ENGINEER's opinion will be based solely upon its own experience with construction. This requires the ENGINEER to make a number of assumptions as to actual conditions that will be encountered on site; the specific decisions of other design professionals engaged; the means and methods of construction the contractor will employ; the cost and extent of labor, equipment and materials the contractor will employ; contractor's techniques in determining prices and market conditions at the time, and other factors over which the ENGINEER has no control. Given the assumptions which must be made, the ENGINEER cannot guarantee the accuracy of its opinions of cost, and, in recognition of that fact, the TOWN waives any claim against the ENGINEER relative to the accuracy of the ENGINEER's opinion of probable construction cost. If prior to the Bidding or Negotiation Phase, TOWN wishes greater assurance as to Total Project or Construction Costs, TOWN shall employ an independent cost estimator.

Section VII - General Considerations

A. Standard of Practice

Services performed by the ENGINEER under this AGREEMENT will be conducted in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions. No other representation, expressed or implied, and no warranty or guarantee is included or intended in this AGREEMENT, or in any report, opinion, document or otherwise.

B. Survival

All obligations arising prior to the termination of this AGREEMENT and all provisions of this AGREEMENT allocating responsibility or liability between the TOWN and the ENGINEER shall survive the completion of the services hereunder and the termination of this AGREEMENT.

C. Ownership of Instruments of Service

All reports, plans, specifications, field data, field notes, laboratory test data, calculations, estimates and other documents prepared by the ENGINEER as instruments of service shall remain the property of the TOWN. The ENGINEER shall retain these records for a period of five (5) years following submission of his or her report, during which period they will be made available to the TOWN at all reasonable times.

If the TOWN wishes the ENGINEER to retain documents for a longer period of time, the TOWN shall so specify in advance, in writing, and shall pay in a timely manner all charges agreed to for the ENGINEER's maintenance of such documents beyond the time period otherwise prevailing.

D. Reuse of Documents

All documents including Drawings and Specifications prepared or furnished by the ENGINEER (and ENGINEER's independent professional associates and consultants) pursuant to this AGREEMENT are instruments of service in respect of the Project and ENGINEER shall retain an interest therein whether or not the Project is completed. TOWN may make and retain copies for information and reference in connection with the use and occupancy of the Project or on any other project. Any reuse without written verification or adaptation by ENGINEER for the specific purpose intended will be at TOWN's sole risk and without liability or legal exposure to ENGINEER's independent professional associates or consultants, and TOWN shall indemnify and hold harmless ENGINEER and ENGINEER's independent professional associates and consultants from all claims, damages, losses and expenses including attorneys' fees arising from or resulting therefrom. Any such verification or adaptation will entitle ENGINEER to further compensation at rates to be agreed upon by TOWN and ENGINEER.

E. Termination of Services

This AGREEMENT may be terminated in whole or part in writing by either party in the event of substantial failure by the other party to fulfill its obligations under this AGREEMENT through no fault of the terminating party. Such termination may not be effected unless the other party is given not less than 10 days written notice (delivered by certified mail, return receipt requested) of intent to terminate and an opportunity for consultation with the terminating party and 10 days to cure such substantial failure.

Irrespective of which party shall effect termination or the cause therefore, the TOWN shall within

forty-five (45) calendar days of termination remunerate the ENGINEER for services rendered and costs incurred, in accordance with the ENGINEER's prevailing fee schedule and expense reimbursement policy. Service shall include those rendered to the time of termination, as well as those associated with termination itself, such as demobilizing, modifying schedules, reassigning personnel, and so on. Costs shall include those incurred to the time of termination, as well as those associated with termination and post-termination activities. Such costs shall not include payments to third parties engaged by the ENGINEER for services not yet performed.

The TOWN may terminate this AGREEMENT with or without cause or reason. Upon receipt of a notice of termination from TOWN, the ENGINEER shall promptly discontinue all services affected (unless the notice directs otherwise) and deliver or otherwise make available to the TOWN (subject to "Reuse of Documents" provisions) all data, drawings, specifications, reports, estimates, summaries, and other information and materials accumulated by the ENGINEER in performing this AGREEMENT, whether completed or in progress.

F. Controlling Law and Disputes

If any of the provisions of this AGREEMENT are invalid under any applicable statute or rule of law, they are, to that extent, deemed omitted. However, the TOWN and the ENGINEER will in good faith attempt to replace an invalid or unenforceable provision with one that is valid and enforceable, and which comes as close as possible to expressing or achieving the intent of the original provision. This AGREEMENT shall be governed by the laws of the State of Arkansas Pulaski County.

The parties agree that they shall reasonably attempt to resolve any disputes regarding the interpretation of this AGREEMENT by informal negotiation, the final resolution of which disputes shall require the agreement of both parties.

G. Successors and Assigns

The TOWN and the ENGINEER each binds itself and its partners, successors, executors, administrators, assigns and legal representatives to the other party to this AGREEMENT and to the partners, successors, executors, administrators, assigns and legal representatives of such other party, in respect to all covenants, agreements, and obligations of this AGREEMENT.

Neither the TOWN nor the ENGINEER shall assign, sublet or transfer any rights under or interest in (including, but without limitation, moneys that may become due or moneys that are due) this AGREEMENT without the written consent of the other. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assigner from any duty or responsibility under this AGREEMENT. Nothing contained in this paragraph shall prevent the ENGINEER from employing such independent consultants, associates, and subcontractors as it may deem appropriate to assist it in the performance of services hereunder.

The ENGINEER's use of others for additional services shall not be unreasonably restricted by the TOWN provided the ENGINEER notifies the TOWN in advance. Nothing herein shall be construed to give any rights or benefits hereunder to anyone other than the TOWN and the ENGINEER, and all duties and responsibilities undertaken herein will be for the sole and exclusive benefit of the TOWN and the ENGINEER and not for the benefit of any other party.

H. Dispute Resolution

All claims, disputes or controversies arising from, or in relation to, the interpretation, application or enforcement of this AGREEMENT shall be decided through mediation or arbitration

whichever is mutually agreed upon by TOWN and ENGINEER.

I. Insurance

During the course of performance of these services, RJN GROUP, INC. will maintain the following minimum insurance coverages:

<u>Type of Coverage</u>	<u>Limits of Liability</u>
Workers' Compensation Employers' Liability	Statutory \$500,000 Each Accident
Commercial General Liability Bodily Injury and Property Damage	\$1,000,000 Combined Single Limit
Automobile Liability: Bodily Injury and Property Damage	\$1,000,000 Combined Single Limit
Professional Liability Insurance	\$1,000,000 Each Claim

IN WITNESS THEREOF, the parties hereto have caused this AGREEMENT to be executed this _____ day of _____, 2016.

For the TOWN:

Thomas E. Brymer, Town Manager

ATTEST:

Kelly Edwards, Town Secretary

For the ENGINEER:

RJN GROUP, INC.

Name

Senior Vice President

Title

ATTEST:

Attachment A – Scope of Services
Attachment B – Schedule of Services
Attachment C – Compensation
Attachment D – Flow Monitoring Map

**PROPOSAL FOR ENGINEERING SERVICES
SANITARY SEWER FLOW MONITORING**

ATTACHMENT A

SCOPE OF SERVICES

A. SCOPE OF SERVICES

The Services to be provided under this PROPOSAL shall consist of Sanitary Sewer Flow Monitoring and Infiltration and Inflow (I/I) Analysis and report to complement the City's CMOM efforts.

Flow Monitoring

A.1.1 Project Administration

The Engineer shall coordinate the overall work of the project to include all field inspections and engineering analysis. The Engineer shall provide monthly progress reports that will show the percent completion of each task. A bi-monthly progress meeting with the City' Representative will be conducted.

A.1.2 Field Verification

Prior to beginning the flow monitoring project, the Engineer will verify sewer line interconnectivity and sewer flow direction at various locations across the collection system to confirm proposed sewer shed delineations and understand impact of the sewers upstream of proposed flow monitoring locations. The Engineer shall conduct field investigations to verify the suitability of each potential monitoring location.

A.1.3 Flow Monitoring Services

Prior to installing flow monitors, the Engineer will develop a flow monitoring plan. The flow monitoring plan will include the preliminary monitoring sites selected from a review of the City's existing sewer maps. These sites will be based on a distribution of approximately 30,000 to 60,000 linear feet per flow monitor. Special attention areas or split flow conditions may require additional flow monitors. Potential flow monitoring sites will be identified with consideration given to basin size, evidence of surcharging, overflow locations, projected maintenance activities, and other factors. Potential and alternate sites will be inspected and the site hydraulics evaluated.

The Engineer shall conduct field investigations to verify the suitability of each potential monitoring location. The field investigations will verify sewer line interconnectivity and sewer flow direction in various locations across the collection system and in the proposed meter locations. The Engineer shall prepare a site investigation sheet for each selected

site and shall submit to the City' Representative.

After approval of the recommended sites, the Engineer shall install and maintain the meters for a 60-day period. The Engineer shall also select rain gauge monitoring sites and install continuous recording rain gauges.

Flow monitoring will be performed utilizing up to 4 ADS or equal monitors capable of measuring both depth and velocity of flow. A total of 1 tipping bucket rain gauges will be used for the study. The tipping bucket gauges will be installed to obtain rainfall distribution data.

A.1.4 Flow Data Management

During the flow monitoring study, flow data will be continually reviewed and analyzed in order to assess the accuracy and quality of the data.

A.1.5 Flow Data Analysis

A.1.5.1 Rainfall Relationship

Adequate rainfall will be necessary to establish the relationship between peak inflow and rainfall intensity. This relationship will be used to determine the impact on the collection system during wet weather and high groundwater conditions. A correlation of flow and rainfall intensity will be made using the area-coefficient method of analysis. It is anticipated that a minimum of three storm events that do not cause surcharging of the collection system will be recorded during the 60-day monitoring period.

Data from the continuously recording rainfall gauges will be used to establish the intensity of rainfall and duration for each storm event. The Thiessen Method for rainfall distribution analysis will be used.

For each monitoring site, data developed as part of the analysis will include:

- Average Dry Weather Diurnal Curve Flows for weekdays and weekends
- Rainfall / Wet Weather Wastewater Flow Correlations for selected storm events during the monitoring period
- Design peak inflow rate at the design storm event
- Capacity analysis at the monitoring sites

A.1.5.2 Based on the flow data analysis the various basins will be ranked according to their inflow contribution and infiltration contribution. The I&I ratings shall be used to develop a prioritization for each basin. Using the various rankings, the ENGINEER shall provide the CITY'S REPRESENTATIVE with a recommendation for the basins in which to perform SSES activities.

A.1.5.3 Incorporate flow analysis and flow projections will be summarized in Technical Memorandum (TM-1A) and submitted to the CITY'S REPRESENTATIVE for review.

--END--

**PROPOSAL FOR ENGINEERING SERVICES
SANITARY SEWER FLOW MONITORING**

ATTACHMENT B

In signing this Agreement, the TOWN grants ENGINEER specific authorization to proceed under this Agreement.

The Schedule for the Flow Monitoring Services will be coordinated with the Town. A site investigation will be performed on each proposed meter site to determine if each site is hydraulically and structurally suitable for installation of a meter. The site investigation and meter installation may take up to 4 days. The proposed monitoring duration is 60 days. The I/I analysis and Report will be completed approximately 3-6 weeks after the termination of the monitoring period.

The TOWN will be kept informed if the schedule is subject to change. ENGINEER shall submit a detailed project schedule within two (2) weeks of the Notice to Proceed, which shall be made part of this agreement.

**PROPOSAL FOR ENGINEERING SERVICES
SANITARY SEWER FLOW MONITORING**

ATTACHMENT C

In consideration of the services to be performed under this Agreement, ENGINEER shall be paid as per the following compensation schedule:

Note: Price based on using 4 Flow Meters:

<u>TASK</u>	<u>QTY</u>	<u>UNITS</u>	<u>RATE</u>	<u>TOTAL</u>
Management and Supervision	1	Lump Sum	\$4,960	\$4,960
Flow Meter Investigation / Installation	4	Meters	\$1,289	\$5,156
Rain Gauge Investigation / Installation	1	Gauge(s)	\$549	\$549
Flow Monitoring Period	240	Meter-Days	\$81	\$19,440
RG Monitoring Period	60	Gauge-Days	\$28	\$1,706
I/I Analysis and Report	1	Lump Sum	\$7,460	<u>\$7,460</u>

Grand Total = \$39,271

Note: If only 3 meters are required, the following compensation schedule is applicable:

<u>TASK</u>	<u>QTY</u>	<u>UNITS</u>	<u>RATE</u>	<u>TOTAL</u>
Management and Supervision	1	Lump Sum	\$4,868	\$4,868
Flow Meter Investigation / Installation	3	Meters	\$1,289	\$3,867
Rain Gauge Investigation / Installation	1	Gauge(s)	\$549	\$549
Flow Monitoring Period	180	Meter-Days	\$81	\$14,580
RG Monitoring Period	60	Gauge-Days	\$28	\$1,706
I/I Analysis and Report	1	Lump Sum	\$7,206	<u>\$7,206</u>

Grand Total = \$32,776

CITY OF SOUTHLAKE / TOWN OF WESTLAKE N-1 INTERCEPTOR

NO AERIALS AVAILABLE FOR
THE TOWN OF WESTLAKE

RG 2



Flow from the Town of Westlake



RG 1 MS 1

LEGEND

- SEWER LINE
- METER SITE
- - - CITY BOUNDARY
- STRUCTURE
- ★ RAIN GAUGE SITE

N-1 INTERCEPTOR

Town Council

Item # 5 – Executive Session

EXECUTIVE SESSION

- a. Sec. 551.071. Consultation with Attorney (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter: Ordinance 691
- b. Section 551.087 Deliberation Regarding Economic Development Negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1). Maguire Partners-Solana Land, L.P., related to Centurion's development known as Entrada and Granada
- c. Section 551.087 Deliberation Regarding Economic Development Negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1). Hillwood Properties: Project Blizzard
- d. Section 551.087 Deliberation Regarding Economic Development Negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1). Project Lynx
- e. Section 551.072 to deliberate the purchase, exchange, lease of value of real property regarding Town Hall offices
- f. Section 551.072 to deliberate the purchase, exchange, lease, or value of real property regarding possible fire station sites

Town Council

Item # 6 – Reconvene
Council Meeting

Town Council

Item # 7 – Necessary Action

NECESSARY ACTION

- a. Sec. 551.071. Consultation with Attorney (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter: Ordinance 691
- b. Section 551.087 Deliberation Regarding Economic Development Negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1). Maguire Partners-Solana Land, L.P., related to Centurion's development known as Entrada and Granada
- c. Section 551.087 Deliberation Regarding Economic Development Negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1). Hillwood Properties: Project Blizzard
- d. Section 551.087 Deliberation Regarding Economic Development Negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1). Project Lynx
- e. Section 551.072 to deliberate the purchase, exchange, lease of value of real property regarding Town Hall offices
- f. Section 551.072 to deliberate the purchase, exchange, lease, or value of real property regarding possible fire station sites



TYPE OF ACTION

Regular Meeting - Action Item

Monday, January 25, 2016

TOPIC: Conduct a Public Hearing and Consider an Ordinance Approving a Zoning Request from Non-Zoned to R-5 “Country Residential District” for Two Newly Annexed Tracts of Land Commonly Known as 2205 and 2217 Pearson Lane, 5.28 Acres in Total.

STAFF CONTACT: Eddie Edwards, Director of Planning and Development

Strategic Alignment

<u>Vision, Value, Mission</u>	<u>Perspective</u>	<u>Strategic Theme & Results</u>	<u>Outcome Objective</u>
Mission: Westlake is a unique community blending preservation of our natural environment and viewsapes, while serving our residents and businesses with superior municipal and academic services that are accessible, efficient, cost-effective, & transparent.	Citizen, Student & Stakeholder	High Quality Planning, Design & Development - We are a desirable well planned, high-quality community that is distinguished by exemplary design standards.	Preserve Desirability & Quality of Life
<u>Strategic Initiative</u>			
Outside the Scope of Identified Strategic Initiatives			

Time Line - Start Date: January 4, 2016 **Completion Date:** January 25, 2016

Funding Amount: 00.00 **Status -** **Not Funded** **Source -** N/A

EXECUTIVE SUMMARY (INCLUDING APPLICABLE ORGANIZATIONAL HISTORY)

This property, located along the east side of Pearson Road, was voluntarily annexed by the Town at the December 14, 2015 Council meeting. Per Chapter 102, Section 102-37 of the Westlake Code of Ordinances, the Town must zone the annexed property at the time of or directly following annexation (within 60 days).

The property is surrounded on three sides by Country Residential District (R-5) zoned property within the Town of Westlake and the applicant’s zoning application requests that this property be zoned R-5 as well. Chapter 102 of the Code of Ordinances defines the R-5 district as “single-family dwellings on lots measuring a minimum of five acres (217,800 square feet) excluding all required public dedications, including but not limited to rights-of-way, parks, and open spaces.

Country residential districts are intended to provide an opportunity for rural character residential development.”

The applicant purchased this property with plans to ultimately construct an estate home. This intended use comports with the Land Use Plan element of the Comprehensive Plan, which defines the area surrounding this property as Pastoral Community, a use that stresses “compatibility with existing high-end residential development” and lots “generally an acre or larger.” Annexation and rezoning of this property will also help mitigate home value encroachment, a major objective identified in the Housing Plan element of the Comprehensive Plan.

The applicant has removed the buildings used for kennel operations, leaving only two single-family dwellings on the property. These two homes will be used as rental properties until both parcels are platted into a single 5.28 acre lot. Per the Petition for Annexation, the owner certifies that “the land is used for single family use, and my plans are to continue that use.” Further, minimum lot size requirements of the R-5 zoning district preclude the issuance of *any* building permits until the property is platted into a single lot (Westlake Code of Ordinances, Chapter 102, Article II, Sections 102-33 and 102-34). Language contained in the Petition for Annexation and the zoning type requested, along with the timely approval of the applicant’s zoning request, will prevent the property from reverting to an undesirable use.

The property currently receives water service from the City of Keller, and may continue doing so until the property is platted. Per the Service Plan approved as part of the voluntary annexation process, a determination as to how and when the property will be connected the Town of Westlake water system will be made at the time of platting. Sewer is provided by an on-site septic system, and per the adopted Service Plan may continue in use until a sanitary sewer main is extended to within the minimum distance from the property that would trigger a required connection.

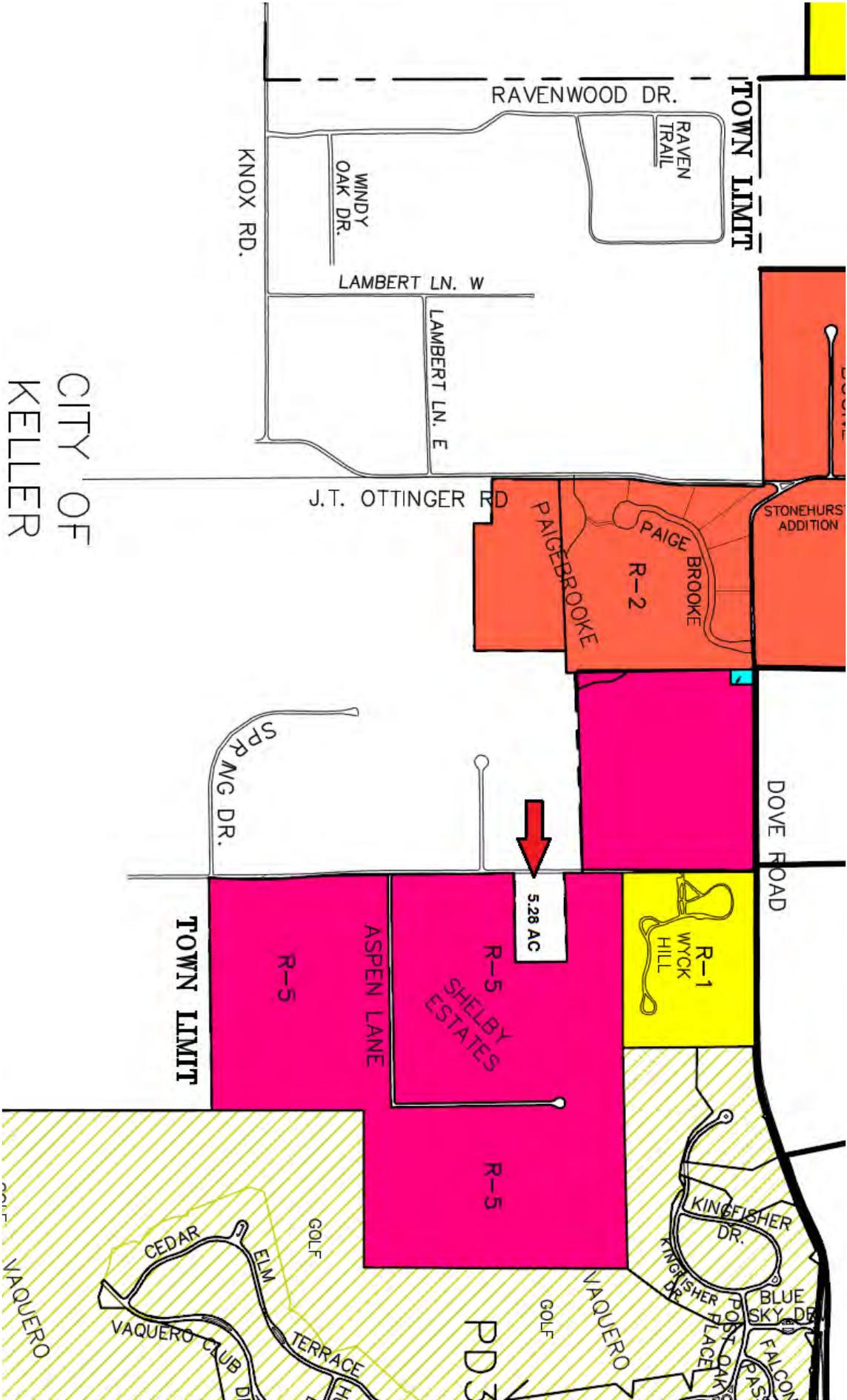
RECOMMENDATION

At their January 4, 2016 meeting the Planning and Zoning Commission recommended this zoning change as requested by the applicant.

Staff recommends approval of this zoning change as requested by the applicant.

ATTACHMENTS

1. Site Map
2. Corresponding Ordinance



CITY OF
KELLER

SITE MAP

TOWN OF WESTLAKE

ORDINANCE NO. 765

AN ORDINANCE ZONING AN APPROXIMATELY 5.28 ACRE TRACT OF LAND COMMONLY KNOWN AS 2205 N. PEARSON LN AND 2217 N. PEARSON LN, WESTLAKE, TEXAS, FURTHER DESCRIBED AND DEPICTED IN EXHIBIT “A” ATTACHED HERETO, FROM NON-ZONED TO R-5 “COUNTRY RESIDENTIAL DISTRICT”; AUTHORIZING RESIDENTIAL DEVELOPMENT; 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, on November 23, 2015, the Town of Westlake received a Petition from the landowner of the property depicted and described in **Exhibit “A”** requesting that the Town annex said property; and

WHEREAS, on November 23, 2015, the Town of Westlake received a Zoning Change Request from the landowner of the property depicted and described in **Exhibit “A”** requesting that the Town zone said property R-5 “Country Residential District” in accordance with Chapter 102 of the Code of Ordinances of the Town of Westlake, Texas; and

WHEREAS, on December 14, 2015, the Town Council of the Town of Westlake, Texas approved the voluntary annexation of said property after proper notice was provided in accordance with Chapter 43 of the Texas Local Government Code, and meeting all the requirements of the Texas Open Meetings Act a public hearing on the proposed annexation was held before the Westlake Town Council; and

WHEREAS, because of the size, location, and natural features of the property the Town has a critical interest in the development of said property and is encouraging such development to the highest possible standards of quality consistent with the Town's long-term development vision; and

WHEREAS, the property owner (or representative) appeared before Town Council and affirmed that the property owner is seeking this zoning request; and

WHEREAS, all legal requirements of state statutes and Town ordinances of the Town of Westlake, as well as all legal requirements and legal notices and prerequisites having been complied with; and

WHEREAS, on January 4, 2016, the request was heard by the Westlake Planning and Zoning Commission and the Planning and Zoning Commission recommended approval of said request; and

WHEREAS, the Town Council of the Town of Westlake, Texas, at a public hearing called at a regular session of the Town Council did consider the following factors in making a determination as to whether the requested change should be granted or denied: congestion in the streets, including safety of the motoring public and the pedestrians using the facilities in the area; to secure safety from fire, panic or other dangers; the promotion of health and the general welfare, to provide for adequate light and air, to prevent the overcrowding of land; to avoid undue concentration of the population, facilitating the adequate provision of transportation, water, sewers, schools, parks, and other public requirements; and

WHEREAS, the Town Council has determined that said Zoning Change Request is consistent with existing zoning and the development goals, standards, and desired uses described in the Comprehensive Plan; and

WHEREAS, upon the recommendation of the Westlake Planning and Zoning Commission on January 4, 2016, 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 this Ordinance 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 the property shown on attached **Exhibit “A”** is hereby zoned R-5, “Country Residential District”.

SECTION 3: This Zoning District shall be subject to the same regulations that apply to R-5 zoned property as described in Chapter 102 of the Code of Ordinances of the Town of Westlake, Texas.

SECTION 4: The Town Secretary shall amend, or cause to have amended, the Official Zoning Map of the Town of Westlake to reflect the zoning of the property described and depicted on attached **Exhibit “A”**.

SECTION 5: 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 6: 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 7: Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor offense and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00) for each separate offense. A separate offense shall be deemed committed upon each day, or part of a day, during which a violation occurs or continues.

SECTION 8: This ordinance shall take effect immediately from and after its passage as the law in such case provides.

PASSED AND APPROVED ON THIS 25th DAY OF DECEMBER 2016.

ATTEST:

Laura Wheat, Mayor

Kelly Edwards, Town Secretary

Thomas E. Brymer, Town Manager

APPROVED AS TO FORM:

L. Stanton Lowry, Town Attorney

EXHIBIT A

Description and Depiction of Subject Property

EXHIBIT A

METES & BOUNDS DESCRIPTION TRACT I

A 3.01 (CALLED 3.0) ACRE TRACT OF LAND BEING OUT OF THE GREENBURY B. HENDRICKS SURVEY, ABSTRACT NO. 680, TARRANT COUNTY, TEXAS, BEING A PORTION OF THE SAME TRACT OF LAND RECORDED IN VOLUME 2271, PAGE 36, DEED RECORDS OF TARRANT COUNTY, TEXAS, BEING THE SAME TRACT OF LAND AS CONVEYED FROM SHERRY L. GRAY TO SHERRY L. GRAY, FARLEY G. HOUSTON AND JENNIFER HANCOCK COPELAND, TRUSTEES OF THE SHERRY L. GRAY LIVING TRUST RECORDED IN D213291713, OFFICIAL PUBLIC RECORDS OF TARRANT COUNTY, TEXAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a found ½” iron rod at fence corner for the southeast corner of the herein described tract, a point in the westerly boundary line of a tract known as Tract 3 of the Shelby Estates, as recorded in Vol. 388-165, Pg. 28, Plat Records of Tarrant County, Texas, and a called 0.336 acre tract as conveyed to Fred Held and Ruby S. Held in Vol. 8905, Pg. 1530, Deed Records of Tarrant County, Texas, the northeast corner of a 2.27 acre tract this day surveyed (called Tract II);

THENCE along and with the common boundary of the herein described tract and said Tract II, West, a distance of 660.08 feet (called West, a distance of 659.72 feet) to a point of reference in the easterly R.O.W. line of N. Pearson Lane (a Public R.O.W.) for the southwest corner of the herein described tract, the northwest corner of said Tract II;

THENCE along and with said R.O.W., North 01°10’52” East, a distance of 198.43 feet (called North, a distance of 198.08 feet) to a point of reference for the northwest corner of the herein described tract, the southwest corner of a called 2.00 acre tract as conveyed to Becky Banks in Vol. 11850, Pg. 1636, Deed Records of Tarrant County, Texas;

THENCE leaving said R.O.W., along and with the southerly boundary line of said Banks Tract, North 89°56’03” East, at a distance of 21.15 feet passing a found pipe, a total distance of 661.03 feet (called East, a distance of 659.72 feet) to a found ½” iron rod for the northeast corner of the herein described tract, the northwest corner of said Tract 3 and 0.336 Acre Held Tract;

THENCE along and with the common boundary of the herein described tract and said Held Tract, South 01°27’05” West, a distance of 199.21 feet (called South, a distance of 198.08 feet) to the **POINT OF BEGINNING** and containing 3.01 acres, more or less.

STATE OF TEXAS §

October 31, 2014

COUNTY OF COLLIN §

It is hereby certified that the above description was prepared from an actual survey on the ground of the described tract made under my supervision.



Donald Edward Smith Sr.,
Registered Professional Land Surveyor
Registration No. 2465



**METES & BOUNDS DESCRIPTION
TRACT II**

A 2.27 ACRE TRACT OF LAND BEING OUT OF THE GREENBURY B. HENDRICKS SURVEY, ABSTRACT NO. 680, TARRANT COUNTY, TEXAS, BEING A PORTION OF THE SAME TRACT OF LAND RECORDED IN VOLUME 2271, PAGE 36, DEED RECORDS OF TARRANT COUNTY, TEXAS, BEING THE SAME TRACT OF LAND AS CONVEYED FROM SHERRY L. GRAY TO SHERRY L. GRAY, FARLEY G. HOUSTON AND JENNIFER HANCOCK COPELAND, TRUSTEES OF THE SHERRY L. GRAY LIVING TRUST RECORDED IN D213291713, OFFICIAL PUBLIC RECORDS OF TARRANT COUNTY, TEXAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a found ½” iron rod at fence corner for the southeast corner of the herein described tract, a point in the westerly boundary line of a tract known as Tract 3 of the Shelby Estates, as recorded in Vol. 388-165, Pg. 28, Plat Records of Tarrant County, Texas, and a called 0.336 acre tract as conveyed to Fred Held and Ruby S. Held in Vol. 8905, Pg. 1530, Deed Records of Tarrant County, Texas, the northeast corner of a called 4.43 acre tract as conveyed to Sarah Khan and Nadeem Ahmad in Ins. No. D204399688, Official Public Records of Tarrant County, Texas;

THENCE along and with the common boundary of the herein described tract and said Khan/Ahmad Tract, West, at a distance of 636.95 feet passing a found ½” iron rod, a total distance of 659.95 feet (called West, a distance of 659.37 feet) to a point of reference in the easterly R.O.W. line of N. Pearson Lane (a Public R.O.W.) for the southwest corner of the herein described tract, the northwest corner of said Khan/Ahmad Tract;

THENCE along and with said R.O.W., North 01°10’52” East, a distance of 149.87 feet (called North 01°10’52” East, a distance of 149.11 feet) to a point of reference for the northwest corner of the herein described tract, the southwest corner of a 3.01 acre tract this day surveyed, called Tract I;

THENCE leaving said R.O.W., along and with the southerly boundary line of said Tract I, East, a distance of 660.08 feet (called North 89°56’46” East, a distance of 659.29 feet) to a found ½” iron rod for the northeast corner of the herein described tract, the southeast corner of said Tract I, a point in the westerly boundary line of said Tract 3 and 0.336 Acre Held Tract;

THENCE along and with the common boundary of the herein described tract and said Held Tract, South 01°13’44” West, a distance of 149.87 feet (called South 01°08’44” West, a distance of 149.73 feet) to the **POINT OF BEGINNING** and containing 2.27 acres, more or less.

STATE OF TEXAS §

October 31, 2014

COUNTY OF COLLIN §

It is hereby certified that the above description was prepared from an actual survey on the ground of the described tract made under my supervision.



Donald Edward Smith Sr.,
Registered Professional Land Surveyor
Registration No. 2465



N. PEARSON LANE
(UNKNOWN R.O.W.)

N 01°10'52" E 198.43' (F.M.)
NORTH 198.08' (DEED)

N 01°10'52" E 149.87' (F.M.)
N 01°10'52" E 149.11' (DEED)

EDGE OF P.V.M.T.

BECKY BANKS
CALLED 2.00 ACRES TRACT
(VOL. 11850, PG. 1636)

N 89°56'03" E 661.03' (F.M.)
EAST 659.72' (DEED)

FRED E. HELD & RUBY S. HELD
CALLED 5.00 ACRES TRACT
(VOL. 14685, PG. 151)

TRACT I
CALLED 3.0 ACRES TRACT
(INS. NO. D213291713)
131292 SQ. FT.
3.01 ACRES

N 89°56'46" E 659.29' (DEED)
WEST 660.08' (F.M.)

TRACT II
(TRACT DESCRIBED IN
INS. NO. D213291713)
98894 SQ. FT.
2.27 ACRES

SARAH KHAN & NADEEM AHMAD
CALLED 4.43 ACRES TRACT
(INS. NO. D204399688)

SOUTH 198.08' (DEED)
S 01°27'05" W 199.21' (F.M.)

S 01°08'44" W 149.73' (DEED)
S 01°13'44" W 149.87' (F.M.)

FND. 1/2" I.R.
P.O.B. TRACT II

SHELBY ESTATES
(VOL. 388-165, PG. 28)
TRACT 3
&
FRED E. HELD & RUBY S. HELD
CALLED 0.336 ACRE TRACT
(VOL. 8905, PG. 1530)

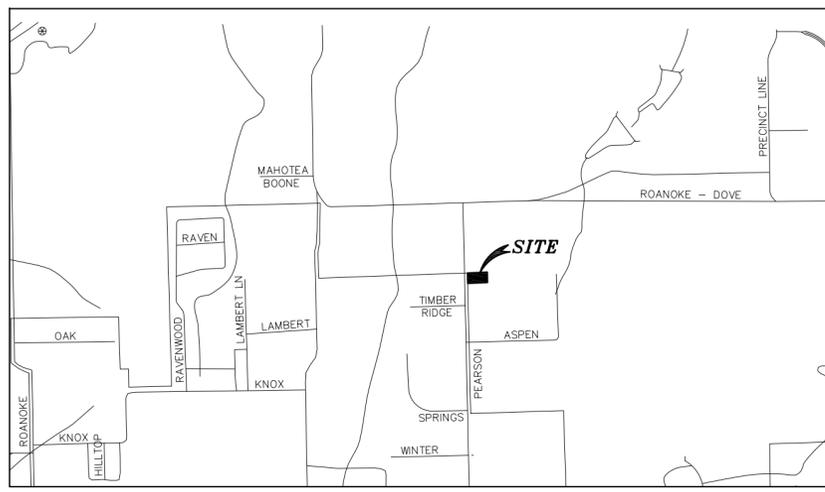
GREENBURY B. HENDRICKS SURVEY
ABSTRACT NO. 680

LEGEND

These standard symbols will be found in the drawing.

- BOUNDARY LINE
- - - WIRE FENCE
- - - CHAINLINK FENCE
- - - WOOD FENCE
- - - OVERHEAD ELECTRIC
- POINT OF REFERENCE
- FOUND IRON ROD
- ⊗ TELEPHONE PEDESTAL
- ⊙ POWER POLE
- ⊕ ELECTRIC METER
- ⊛ LIGHT POLE
- ⊗ WATER METER
- ⊙ FIRE HYDRANT
- ⊙ GAS METER
- ⊙ MAILBOX
- ⊙ METER POLE
- (DEED) RECORDED ON DEED
- (F.M.) FIELD MEASURED

Legal Description of the Land:
TRACT I
Being all that certain lot, tract or parcel of land lying and being situated in Tarrant County, Texas, and being more particularly known and designated as being a tract of land out of the G.B. HENDRICKS SURVEY in Tarrant County, Texas, and being a part of the same tract of land recorded in Volume 2271, Page 36, Deed Records, Tarrant County, Texas.
TRACT II
BEING a tract of land situated in the G.B. HENDRICKS SURVEY, ABSTRACT NO. 680, Tarrant County, Texas, and being the same tract of land conveyed to David Charles Hammonds and wife, Jeanette Leah Hammonds, recorded in Volume 7851, Page 1826, Deed Records of Tarrant County, Texas.



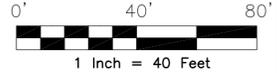
LOCATION MAP
N.T.S.

SURVEYOR'S NOTE:

BASIS OF BEARING, RECORDED DEED UNLESS OTHERWISE NOTED.
At date of this survey, the property is in FEMA designated ZONE X as verified by FEMA map Panel No. 48439C-0080-K effective date of SEPTEMBER 25, 2009. Exact designations can only be determined by a Elevation Certificate. This information is subject to change as a result of future FEMA map revisions and/or amendments.

The survey is hereby accepted with the discrepancies, conflicts, or shortages in area or boundary lines, encroachments, protrusions, or overlapping of improvements shown.

GRAPHIC SCALE



I, **DONALD EDWARD SMITH SR.**, a Registered Professional Land Surveyor in the State of Texas, do hereby certify to **ASSOCIA TITLE, LLC** and that the above map is true and correct according to an actual field survey, made by me on the ground or under my supervision, of the property shown hereon or described by field notes accompanying this drawing. I further certify that all easements and rights-of-way of which I have been advised are shown hereon and that, except as shown, there are no visible encroachments, no visible overlapping of improvements and no apparent discrepancies or conflicts in the boundary lines, and no visible physical evidence of easements or rights-of-way as of the date of the field survey. I further certify that this survey meets or exceeds the minimum standards established by the Texas Board of Professional Land Surveying (Section 663.18).
Borrower/Owner: _____
Address: **2175 & 2205 N. PEARSON LANE** GF No. **1410017-PC**
Legal Description of the Land:
SEE NOTE

SUBJECT TO RESTRICTIVE COVENANTS AND/OR EASEMENTS RECORDED IN:

PROPERTY PHOTOGRAPH:



AMERISURVEYORS, LLC
101 W. McDermott Dr. Suite 115 Allen, Texas 75013
Phone: (214) 677-4966 Email: orders@amerasurveyors.com

FINAL "AS-BUILT" SURVEY

JOB NO.:	1410024182	NO. REVISION	DATE
DATE:	10/29/14		
DRAWN BY:	MN/SV		
APPROVED BY:	DES		



DONALD EDWARD SMITH SR., R.P.L.S.
Registered Professional Land Surveyor
Registration No. **2465**



TYPE OF ACTION

Regular Meeting - Action Item

Monday January 25, 2016

TOPIC: Conduct a Public Hearing and Consider an Ordinance Approving an Application for a Specific Use Permit (SUP) to Allow “Beer, Liquor and Wine Package Sales” at the CVS Pharmacy to be Built at 35 Arta Drive, Located in the Westlake Entrada Development, Near the Northeast Corner of Davis Blvd. and Solana Blvd.

STAFF CONTACT: Eddie Edwards, Director of Planning and Development

Strategic Alignment

<u>Vision, Value, Mission</u>	<u>Perspective</u>	<u>Strategic Theme & Results</u>	<u>Outcome Objective</u>
Planned / Responsible Development	Citizen, Student & Stakeholder	High Quality Planning, Design & Development - We are a desirable well planned, high-quality community that is distinguished by exemplary design standards.	Preserve Desirability & Quality of Life
<u>Strategic Initiative</u>			
Outside the Scope of Identified Strategic Initiatives			

Time Line - Start Date: January 4, 2016 **Completion Date:** January 25, 2016

Funding Amount: Status - **Not Funded** **Source - N/A**

EXECUTIVE SUMMARY (INCLUDING APPLICABLE ORGANIZATIONAL HISTORY)

Ordinance 703, the ordinance that regulates certain aspects of development, construction, and the use of properties within the Westlake Entrada development, requires that a Specific Use Permit (SUP) be approved prior to selling beer, liquor, and or wine, for off-premises consumption.

Zoning ordinances typically provide for two types of uses – uses by right and by special exception, i.e. specific/conditional use permits. For our purposes we use the term Specific Use Permit. The uses that are permitted by right are those which are allowed without additional approvals being required. A Specific Use, on the other hand, may be permitted within a zoning

district, but the use is conditional and not granted automatically (or entitled) like a use by right. SUPs require additional public hearings and scrutiny – meaning the approval is discretionary. That being said, if certain stipulated conditions are met, the municipality may grant the permit after review by the Planning and Zoning Commission and the Town Council.

The Town Council may, in the interest of the public welfare, and to ensure compliance with this ordinance, establish conditions of operation, location, arrangement, and construction of any authorized Specific Use. In approving any Specific Use, the council may impose such development standards and safeguards as conditions warrant for the welfare and protection of adjacent properties and citizenry who may be affected by this use.

The Council shall not grant an SUP for a particular use except upon a finding that the use will:

- a. Complement or be compatible with the surrounding uses and community facilities;
- b. Contribute to, enhance or promote the welfare of the area affected by the SUP and adjacent properties;
- c. Not be detrimental to the public health, safety or general welfare; and
- d. Conform in all other respects to all applicable zoning regulations and standards.

A Concept Plan, Development Plan, PD Site Plan and Final Plat relating to this project have all been previously approved by the Town Council. The approval of this Specific Use Permit does not conflict with any previous approvals.

RECOMMENDATION

At their January 4, 2016 meeting the Planning and Zoning Commission voted unanimously to recommend the Specific Use Permit application as requested by the applicant.

Staff recommends approval of the Specific Use Permit as requested by the applicant.

ATTACHMENTS

1. Specific Use Permit application
2. Corresponding Ordinance



APPLICATION FOR SPECIFIC USE PERMIT

Town of Westlake * 3 Village Circle #202 * Westlake, TX 76262
Tel: (817) 430-0941 * Fax: (817) 430-1812
e-mail: slewis@westlake-tx.org * e-mail: lillman@westlake-tx.org

Office use Only

Case Number: _____ Submittal Date: _____
Fee: _____ Received By: _____
Site Grading Permit #: _____ Date Issued: _____

Description of Property

Lot Number: 3 Block Number: N
Subdivision: ENTRADA Acreage: _____
Property Address: 35 ANITA OLIVE
General Location: _____

Survey of Property: Attach a current survey plat delineating the subject property or a metes and bounds description and survey if land is currently unplatted.

Applicant Information

Applicant's Name: NICOLETTA BERRY
Address: 1800 VALLEY VIEW
City, State, Zip: FARMER'S BRANCH TX 75234
Email Address: NBERRY@CENTRALAMERICAN.COM
Phone #: 214-287-9009 Fax #: _____

Owner Information

Owner's Name: MAGUIE PARTNER- SILANA LAND LP
Address: 1800 VALLEY VIEW
City, State, Zip: FARMER'S BRANCH TX 75234
Email Address: LAVIA@CENTRALAMERICAN.COM
Phone #: 465-992-000 Fax #: _____

Special Use Permit Request

Present Zoning: P07-2 Requested SUP for: ALCOHOL SALES
Reason for Request: CUS ALCOHOL SALES - OFF PREMISES CONSUMPTIONS



APPLICATION FOR SPECIFIC USE PERMIT

Town of Westlake * 3 Village Circle #202 * Westlake, TX 76262

Tel: (817) 430-0941 * Fax: (817) 430-1812

e-mail: slewis@westlake-tx.org * e-mail: hillman@westlake-tx.org

Office use Only

Case Number: _____ Submittal Date: _____
 Fee: _____ Received By: _____
 Site Grading Permit #: _____ Date Issued: _____

Description of Property

Lot Number: 3 Block Number: N
 Subdivision: ENTRADA Acreage: _____
 Property Address: 35 ANITA DRIVE
 General Location: _____

Survey of Property: Attach a current survey plat delineating the subject property or a metes and bounds description and survey if land is currently unplatted.

Applicant Information

Applicant's Name: NICOLE BOITY
 Address: 1800 VALLEY VIEW
 City, State, Zip: FARMER'S BRANCH TX 75234
 Email Address: NBOITY@CENTRALAMERICAN.COM
 Phone #: 214-287-9009 Fax #: _____

Owner Information

Owner's Name: MAGUIE PARNETT - SOLANA LAND LP
 Address: 1800 VALLEY VIEW
 City, State, Zip: FARMER'S BRANCH TX 75234
 Email Address: LAVIA@CENTRALAMERICAN.COM
 Phone #: 465-992-0000 Fax #: _____

Special Use Permit Request

Present Zoning: P01-2 Requested SUP for: ALCOHOL SALES
 Reason for Request: CVS ALCOHOL SALES - OFF PREMISES CONSUMPTIONS

TOWN OF WESTLAKE

ORDINANCE NO. 766

AN ORDINANCE OF THE TOWN OF WESTLAKE APPROVING A SPECIFIC USE PERMIT TO ALLOW BEER, LIQUOR, AND WINE PACKAGE SALES AT THE CVS PHARMACY TO BE CONSTRUCTED AT 35 ARTA DRIVE, BEING LOT 3, BLOCK N, OF THE WESTLAKE ENTRADA DEVELOPMENT WITHIN THE PD 1 ZONING DISTRICT, PLANNING AREA 2 (PD 1-2). PROVIDING A PENALTY; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AUTHORIZING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

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

WHEREAS, application was made for a Specific Use Permit to the Planning and Zoning Commission and the Town Council for package sales of beer, liquor and wine at CVS Pharmacy, located at 35 Arta Drive within the PD 1-2 zoning district; and

WHEREAS, all legal requirements of state statutes and Town ordinances of the Town of Westlake, as well as all legal requirements and legal notices and prerequisites having been complied with; and

WHEREAS, the Town Council of the Town of Westlake, Texas, at a public hearing called at a regular session of the Town Council did consider the following factors in making a determination as to whether the requested change should be granted or denied: congestion in the streets, including safety of the motoring public and the pedestrians using the facilities in the area; to secure safety from fire, panic or other dangers; the promotion of health and the general welfare, to provide for adequate light and air, to prevent the overcrowding of land; to avoid undue concentration of the population, facilitating the adequate provision of transportation, water, sewers, schools, parks, and other public requirements; and

WHEREAS, the Town Council of the Town of Westlake has determined that this request is in conformance with the approved Concept Plan and approved PD Site Plan to permit beer, liquor, and wine package sales at the CVS Pharmacy located at 35 Arta Drive within the PD 1-2 zoning district; and

WHEREAS, upon the recommendation of the Planning and Zoning Commission on January 4, 2016, the Town Council of the Town of Westlake, Texas, has determined that it is in the best interests of the town and its citizens, that the Special Use Permit 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 the Specific Use Permit for package sales of beer, liquor and wine at the CVS Pharmacy located at 35 Arta Drive within the RD 1-2 zoning district is hereby granted.

SECTION 3: 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 4: 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 5: 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 6: This ordinance shall take effect immediately from and after its passage as the law in such case provides.

PASSED AND APPROVED ON THIS 25th DAY OF JANUARY 2016.

ATTEST:

Laura Wheat, Mayor

Kelly Edwards, Town Secretary

Thomas E. Brymer, Town Manager

APPROVED AS TO FORM:

L. Stanton Lowry, Town Attorney



TYPE OF ACTION

Regular Meeting - Action Item

Monday, January 25, 2016

TOPIC: Conduct a Public Hearing and Consider an Ordinance Approving an Amendment of Ordinance 691, Amending the Development Regulations Applicable to the PD 1 Zoning District, Planning Area 1 (PD 1-1), Restoring a 500 foot, Previously Existing Setback in the Areas Adjacent to a Residential Neighborhood.

STAFF CONTACT: Eddie Edwards, Director of Planning and Development

Strategic Alignment

<u>Vision, Value, Mission</u>	<u>Perspective</u>	<u>Strategic Theme & Results</u>	<u>Outcome Objective</u>
Planned / Responsible Development	Citizen, Student & Stakeholder	Natural Oasis - Preserve & Maintain a Perfect Blend of the Community's Natural Beauty	Preserve Desirability & Quality of Life
<u>Strategic Initiative</u>			
Tree Preservation / Reforestation			

Time Line - Start Date: January 4, 2016 **Completion Date:** January 25, 2016

Funding Amount: 00.00 **Status -** N/A **Source -** N/A

EXECUTIVE SUMMARY (INCLUDING APPLICABLE ORGANIZATIONAL HISTORY)

On January 7, 2013, Ordinance 691 created three Planning Areas within the PD 1 Zoning District: PD 1-1 (Solana), PD 1-2 (Entrada), and PD 1-3 (Granada). The ordinance was passed with a section stating that the building setback from any residentially zoned area shall be 500 feet for the areas described in exhibits “A-1” and “A-2” (Entrada and Granada). However, the section was intended to require the 500 foot setback from all residentially zoned areas **except** for the areas described in “A-1” and “A-2.”

The intent was to preserve the 500 foot building setback, originally established by Ordinance 202, for the areas of PD 1-1 adjacent to residential neighborhoods including the Glenwyck

Farms, Terra Bella, and Carlyle subdivisions, but excluding the Entrada and Granada developments. Our rationale was that Entrada, being a mixed-use development, does not need a setback separating commercial uses from residential uses, and Granada would receive adequate separation via the 60 foot open space between the lots and the PD 1-1 area, combined with the setback resulting from the “Residential Slope” regulation that requires commercial buildings to be set back five-feet from residential property for every one-foot in building height, as measured from the ground height of the residential property. For example, an 80 foot tall building would require a 400 foot setback (80X5=400) plus the 60 foot open space. Higher ground at the commercial building site results in either a shorter building or greater setback, while low ground allows for taller buildings or lesser setbacks.

Town staff has been working with PD1-1 owner representatives on an amendment to Ordinance 691 for many months to address issues related to multiple ownerships within the Planning Area, and has always taken the position that the aforementioned section would be corrected with the next amendment. What was not anticipated by Town staff was that so much time would pass before their amendment would be applied for. Now lots in Granada have been sold with the purchasers believing that the 500 foot building setback applies to their properties. Depending on building height, there may not be any difference in the setbacks, but concern over the unknown is only natural. Therefore, the proposed amendment to Ordinance 691 will restore the 500 foot building setback for all areas of PD 1-1 adjacent to residential property, except for PD 1-2 (Entrada).

Town staff is taking this opportunity to propose amendments to several sections of the ordinance that we feel should be modified (see attached staff report). The proposed amendments will not only correct the previous typographical error but will also clarify the Town’s position on several sections within the ordinance. This will provide more predictability to the current and future owners of all affected properties.

Please note that this Town initiated amendment is limited to specific development regulations that the Town wishes to clarify and does not change the Permitted Uses or allowed density within PD 1-1.

RECOMMENDATION

At their January 4, 2016 meeting the Planning and Zoning Commission recommended this amendment as proposed, including the restoration of the 500 ft. setback.

Staff recommends approval of this amendment.

ATTACHMENTS

1. Staff Report
2. Letter of Protest regarding Amendment of Ordinance 691
3. Letter of Support regarding Amendment of Ordinance 691
4. Draft minutes from the 1/1/16 Planning and Zoning Commission Meeting
5. Corresponding Ordinance



TOWN OF WESTLAKE, TX

STAFF REPORT REGARDING AMENDMENT TO ORDINANCE 691, RELATING TO THE DEVELOPMENT REGULATIONS OF THE PD 1-1 PLANNING AREA.

Date: 12-22-2015

Request: Review and approval of an ordinance amending Ordinance 691, regulating the PD 1-1 Planning Area.

Agenda Item: Conduct a public hearing and consider an ordinance amending Ordinance 691, the ordinance that amended the PD1 Planned Development Zoning District, creating and regulating the PD 1-1 Planning Area.

CASE INFORMATION

Development Name: Solana.

Location: The property is generally located south of Highway 114, extending from Davis Blvd. eastward to the town border, bounded by the Granada subdivision to the west, and the Glenwyck Farms and Terra Bella subdivisions to the south. **The PD 1 Zoning District (PD 1) is comprised of three sub-areas called Planning Areas, including PD 1-1 (Solana), PD 1-2 (Entrada Mixed-Use Development), and PD 1-3 (Granada Mixed-Use Development).**

Summary: This Town initiated amendment is limited to specific development regulations that the Town wishes to clarify and *does not change the Permitted Uses or allowed density within the development*. This amendment will include language to restore a previously existing 500 foot building setback from certain residential properties located adjacent to the PD1-1 Planning Area. In addition, the application of density regulations to specific Planning Areas is clarified. This amendment provides predictability for all affected stakeholders and further aligns existing ordinances with the recently adopted comprehensive plan.

Owner: The Planning Area includes multiple properties and owners.
Applicant: This is a Town initiated amendment.
Developer: N/A
Site Size: 251.757 acres

I. Chronology of the PD 1 Zoning District and the PD 1-1 Planning Area

November 1992- Ordinance 202 created PD 1, and included a 500 foot **building** setback from residential property. Note that a building setback is **not** an open space or landscape buffer; vertical structures are not permitted within this type of setback, but a parking lot would be permitted.

March 2008 – Ord 588 amended PD 1 to adjust the PD1 boundary when land was acquired for the right-of-way needed for the realignment and widening of FM 1938 (Davis Blvd), and to address other PD Site Plan issues. The amendment also added an exhibit “A” to the 500 foot setback language.

January 2013 – Ord 691 amended PD 1 to create three Planning Areas: PD1-1 (Solana), PD 1-2 (Entrada), and PD 1-3 (Granada). Exhibit “A” from Ord 588 was determined to have not appropriately described the property north of Glenwyck Farms, which was the target area of the 500 foot building setback, and the ordinance was reworded to require a 500 foot building setback from any residential properties except for properties in Planning Areas PD 1-2 (Entrada) and PD 1-3 (Granada). This language was intended to exclude the areas described in exhibits A-1 and A-2, (PD1-2 and PD 1-3 respectively) from the 500 foot building setback. However, the word “except” was unintentionally deleted from the final ordinance text, as highlighted below:

Intended text of Part II, Section 4 of Ordinance 691:

Section 4. Dimensional standards and requirements. The following dimensional standards and requirements shall apply:

A. The minimum required lot area shall be five (5) acres, with the exception of Lot 1R2 of Block 2 of Westlake/Southlake Park Addition No. 1. which shall measure 1.722 acres (before right of way dedication).

Exception: Property containing existing buildings may be re-platted into lots of less than five acres

B. The maximum percent of PD1 to be occupied by (i) principal use buildings shall be ten percent (10%) of the land area (as defined below), excluding court yards, atria, etc. not enclosed within the buildings. Parking garages shall not be included in the calculation of density or site coverage. For these purposes PD1 shall be deemed to have 436.077 acres of land area which is its original acreage before donations for roadways except for right of way within PD1 donated for SH114. Planning Area 1 shall be deemed to be 251.757 acres. Planning Area 2 shall be deemed to be 92.08 acres. Planning Area 3 shall be deemed to be 92.24 acres.

C. The minimum size of any front, side or rear yard for principal and accessory use buildings, with the exception of Lot 1R2 of Block 2 of Westlake /Southlake Park Addition No.1. shall be:

1. One hundred (100) feet from any public road, street or highway, except for the building located immediately adjacent to the intersection of Sam School Road and Solana Boulevard, for which building the setback shall be eighty (80) feet;

2. The minimum setback from State Highway 114 shall be two hundred (200) feet;

*3. Five hundred (500) feet from any residentially zoned area **except** for the areas described in exhibits "A -1" and "A -2";*

4. In accordance with Section 102- 124(b)(2)(b) of the Zoning Ordinance contained in the Code of Ordinances for the property described in Exhibits "A -1" and "A -2 "; or

5. Otherwise setbacks shall be one hundred (100) feet for side yards. Setbacks shall be one hundred (100) feet for rear yards.

Exception: Property containing existing buildings may be re- platted into lots with less than 100 feet of setbacks.

Q2 2015 to Q1 of 2016 – The omission of the word “except” was planned for correction along with other clarifications/corrections as they were identified or submitted.

The new owners of PD1-1 desire to create multiple Planning Areas within the current PD 1-1 Planning Area. There are multiple land owners within this area but some PD regulations pertain to a ratio of the entire Zoning District or Planning Area. This could allow one property owner to develop a greater percentage of his land, than would be allowed if calculated independently, and this would force the other property owners to compensate by developing less area.

II. Proposed amendments to Ordinance 691, highlighted, and their effect on future development within the PD 1 Zoning District and the PD 1-1 Planning Area:

A. Text to be inserted in the Caption, Preamble, and Part II of Ordinance 691:

1. Text to be inserted in the Ordinance Caption (highlighted):

AN ORDINANCE OF THE TOWN OF WESTLAKE, TEXAS, AMENDING ORDINANCE 691, BY AMENDING THE DEVELOPMENT REGULATIONS FOR THE PLANNED DEVELOPMENT DISTRICT NO. 1, **PLANNING AREA 1 (“PD1-1”)**; PROVIDING FOR INTERPRETATION, PURPOSE AND CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENAL CLAUSE; AND MAKING AN EFFECTIVE DATE.

2. Text to be inserted in the Preamble (highlighted):

WHEREAS, Ordinance No. 200, as amended, the Comprehensive Zoning Ordinance for the Town of Westlake, was amended by ordinance 691, and

WHEREAS, there were found to be provisions that needed clarification in the amending ordinance 691; and

WHEREAS, Planning Area 2 (PD 1-2) is now regulated by Ordinance 703; and

WHEREAS, Planning Area 3 (PD 1-3) is now regulated by Ordinance 693; and

3. Text to be inserted in Part II of the body of the proposed Ordinance (highlighted):

Section 1. Planning Areas. The PD1 Zoning District is hereby divided into three distinct planning areas. These planning areas are to be referred to as Planning Area 1 (PD1-1), Planning Area 2 (PD1-2), and Planning Area 3 (PD1-3). The planning areas are described in Exhibits “PD1-1”, “PD1-2”, and “PD1-3”.

Section 2. Planning Area 2 (PD1-2) shall be regulated by ordinance 703, as amended.

Section 3. Planning Area 3 (PD1-3) shall be regulated by ordinance 693, as amended.

Section 4. Planning Area 1 (PD1-1) shall be regulated by the following sections of this ordinance and the Town of Westlake Code of Ordinances.

Note that Part II, Sections 2, 3, and 4 in the existing Ordinance become Sections 5, 6, and 7 in the proposed Ordinance.

Effect of changes:

The inserted text limits the regulations specified in Ordinance 691 to the PD 1-1 Planning Area only, clarifying that the 10% limit for land area coverage by Principal Use Buildings contained in Section 4B of existing Ordinance 691 applies only to the PD 1-1 Planning Area. PD 1-2 (Entrada) and PD 1-3 (Granada) both received differing regulations when they were effectively rezoned by separate ordinances.

B. Amendments to Part II, Section 7A (Section 4A in existing Ordinance 691):

Section 7. Dimensional standards and requirements. The following dimensional standards and requirements shall apply:

- A. The minimum required lot area shall be five (5) acres, with the exception of Lot 1R2 of Block 2 of Westlake/Southlake Park Addition No. 1, which shall measure 1.722 Acres (before right-of-way dedication).

Exception: Property containing existing buildings may be re-platted into lots of less than five acres if approved as part of a PD Site Plan approval.

Effect of changes:

1. Clarifying that the minimum required lot area is five acres.
2. The intent of the exception, which was added with the passage of Ordinance 691, was to allow the property owner the ability to re-plat property containing an existing building that could not comply with the minimum lot size requirements due to the proximity of other buildings on the property. This would allow for a fee simple real estate transaction as opposed to forcing a condominium or other type transaction. Staff has subsequently determined that the selling of portions of a property, that is part of a property that was developed with an approved PD Site Plan, may need closer scrutiny and possible approval by the approving boards or commissions prior to breaking up the property. For example: Cross access easements, shared parking agreements, percentage of coverage by Principal Use Buildings, open space or parkland dedication and trail requirements, etc..

C. Amendments to Part II, Section 7C (Section 4C in existing Ordinance 691):

A. The minimum size of any front, side or rear yard for principal and accessory use buildings, with the exception of Lot 1R2 of Block 2 of Westlake/Southlake Park Addition No. 1, shall be:

1. One hundred (100) feet from any public road, street or highway, except for the building located immediately adjacent to the intersection of Sam School Road and Solana Boulevard, (southeast corner) for which building the setback shall be eighty (80) feet;

2. Two hundred (200) feet from ~~The minimum setback from~~ State Highway 114. ~~shall be two hundred (200) feet;~~

3. Five hundred (500) feet from any adjacent residentially zoned lot area ~~for the area described in exhibit "A-1" and "A-2" except for residential lots located in PD 1-2, which is a mixed-use development;~~ or

4. ~~In accordance with the Section 102-124(b)(2)(b) of the Zoning Ordinance contained in the Code of Ordinances for the property described in Exhibit "A-1" and "A-2";~~ or

4. Otherwise setbacks shall be one hundred (100) feet for side yards and rear yards. ~~Setbacks shall be one hundred (100) feet for rear yards.~~

Effect of changes:

- a. Paragraph 1. Clarifying that the exception is intended to apply only to the existing building located on the southeast corner and not to any other property adjacent to the intersection.
- b. Paragraph 3. Clarifying that a 500 foot setback is required from adjacent residential lots other than those lots within the PD 1-2 (Westlake Entrada development) Planning Area.
- c. Paragraph 4. Deleted. The referenced Code of Ordinance Section applies to all commercial districts located near a residential lot. This is referring to the "Residential Slope or 5:1 building setback to building height ratio." Citing code sections within an ordinance is not considered a good practice since there are no controls to assure that if the code section being referred to gets renumbered or relocated within the code, that the ordinances referencing the code section will also get amended.
- d. Paragraph 4. (new #4, previous #5) The intent of the exception, which was added with the passage of Ordinance 691, was to allow the property owner the ability to re-plat property containing an existing building that could not comply with the minimum

set back requirements due to the proximity of other buildings on the property. This would allow for a fee simple real estate transaction as opposed to forcing a condominium or other type transaction. Staff has subsequently determined that the selling of portions of a property, that is part of a property that was developed with an approved PD Site Plan, may need closer scrutiny and possible approval by the approving boards or commissions prior to breaking up the property. For example: Building wall fire rating requirements based on proximity to property lines, cross access easements, shared parking agreements, percentage of coverage by Principal Use Buildings, open space or parkland dedication and trail requirements, etc..

D. Other changes are included to remove unnecessary references to the PD 1 Zoning District or Planning Areas PD 1-2 and PD 1-3.

III. What is not changing:

A. Permitted Uses:

The Permitted Uses for this property are not being changed but are listed below for informational purposes:

Principal Uses Permitted. No building, structure or premises shall be used other than for the following purposes, together with the ancillary and accessory uses specified in Section 3:

- A. Office buildings for business and professional use, including, but not limited to, administrative, executive, engineering, accounting, scientific research and development, educational, marketing, information processing, computers, statistical and financial purposes, provided such use shall not involve any machinery or process which pollutes the environment, including without limitation those which emit dust, smoke, odor, fumes, noise, vibrations or the like;
- B. Educational facilities and temporary accommodations for employees, customers and visitors to such educational facilities;
- C. Hotel and conferencing facilities;
- D. Retail uses including but not limited to, medical and dental clinics, cafeterias, restaurants, travel agencies, banks and other financial institutions, hair salons, jewelry stores, child care centers, dry cleaners, and other uses permitted under the retail category of the Comprehensive Zoning Ordinance of 1992, as amended;
- E. Institutional and Governmental Uses; and
- F. Sports and health club.

B. Permitted Uses within the 500 foot building setback:

No changes are proposed with this amending ordinance. Part II, Section 4C of the original text states that “The minimum size of any front, side or rear yard for principal and accessory use buildings...” Staff has interpreted this to apply to principal and accessory use buildings only. A parking lot is not considered a building. However, parking lots do have numerous regulations relative to screening and landscaping that greatly influence where they are placed.

IV. Alignment with the Comprehensive Plan

Reinstalling the 500 foot building setback moves the Town closer to the intent of the recently adopted Comprehensive Plan, which shows the area covered by the 500’ setback as open space (shown on page 167 of the Comprehensive Plan). Note that the property owner has the option to satisfy much of the open space requirements for PD 1-1 by dedicating the acreage within the building setback as open space, but has chosen not to exercise this option.

V. Other mechanisms that separate residential from commercial uses

A. PD Site Plans

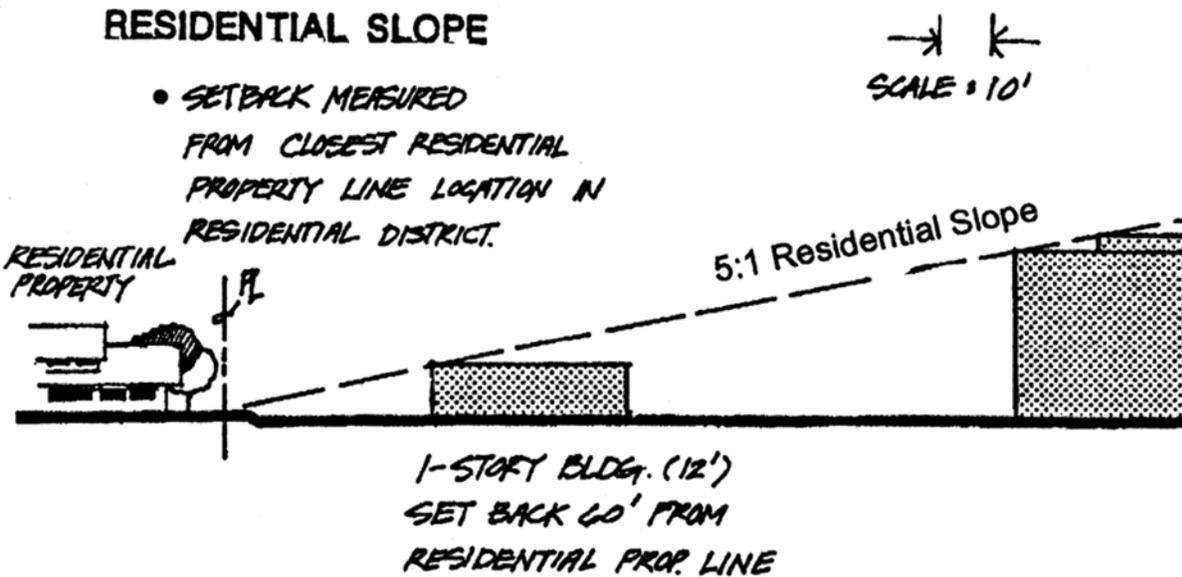
Section 5 of Ordinance 691, which will not be changed by this proposed ordinance, requires that a PD Site Plan be approved by the Town Council as part of any new, additional, or substantially changed development in any of the PD 1 sub-areas, including the areas of PD 1-1 adjacent to the Granada and Glenwyck Farms subdivisions.

A PD Site Plan is a valuable tool that helps the Town manage and influence the development process. Prepared by an engineer, architect, and/or landscape architect, the Site Plan provides a detailed overview of how a particular project will develop, including building elevations and layout, parking, landscaping, open space, architecture, and signage. PD Site Plans amend the zoning of Planned Development Districts or PD sub-areas, and must therefore comport with required concept and/or development plans, applicable development standards (building heights, setbacks, floor-area ratios, etc.) and the recently adopted comprehensive plan. In this case, the link between the PD Site Plan and the Comprehensive Plan is crucial. Any PD Site Plan depicting commercial development in PD 1-1 adjacent to residential property would not be in conformance with the Comprehensive Plan (which depicts those areas as open space), and could therefore be denied by the Town Council and/or the Planning and Zoning Commission.

B. Slope requirements

Section 102-124(b) of Westlake’s Code of Ordinances includes a residential slope regulation that requires commercial buildings to be set back five feet from residential

property for every one foot in building height, as measured from the ground height of the residential property. For example, an 80 foot tall building adjacent to the Granada subdivision would require a 400 foot setback ($80 \times 5 = 400$) in addition to the 60 foot open space area between Granada lots and PD 1-1. If a commercial building is situated on higher ground relative to adjacent residential lots, a shorter building or greater setback is required, while a commercial building situated on lower ground relative to adjacent residential lots allows for a taller building or lesser setback. The intent of this regulation is to provide adequate separation of uses and prevent a scenario where a commercial development towers over a residential area.



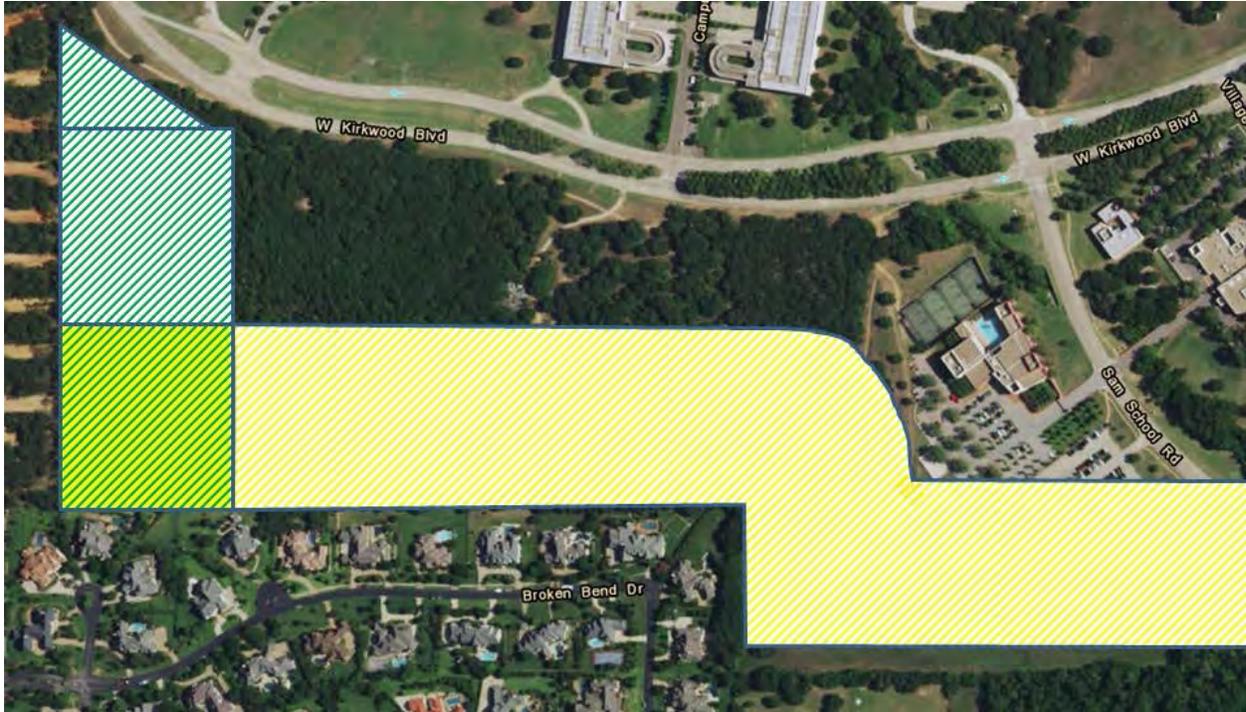
- **ASSUMES LEVEL GROUND PLANE. IF GROUND PLANE DROPS AWAY FROM PROPERTY LINE, THE BUILDING MAY BE TALLER.**

C. Tree Mitigation Requirements

Chapter 98 of the Code of Ordinances provides for the protection and mitigation of protected tree species that may be threatened by various types of development. The substantial cost associated with tree replacement or mitigation, especially where old-growth trees are present, discourages property owners from developing forested sections of their land in favor of areas with relatively less tree cover. For example, the area of PD 1-1 that is within the 500 foot building setback reestablished by the proposed ordinance is heavily forested, and any development would inevitably result in high tree mitigation costs.

VI. Site Map Showing 500 ft. Setback from Residential Lots:

Green – Granada / Yellow – Glenwyck



January 14, 2016

Town of Westlake – Town Council
1301 Solana Blvd, Building 4, Suite 4202
Westlake, TX 76262

Re: Z-12-15-15 Zoning Change, amending Ordinance 691

Dear Councilmembers:

As owners of the property affected by this proposed Zoning Change, we strongly object to the amendment proposed under Z-12-15-15.

Solana Purchase Based on Existing Zoning

As noted in our written and verbal comments at the January 4th Planning and Zoning meeting, BRE Solana LLC acquired this property in August 2014 with Ordinance 691 in place to govern the area known as PD 1-1. There are different setback provisions in Ordinance 691 consisting of generally 100 feet from most areas and 200 feet from State Highway 114 (Section 4. C. 1, 2, 5). Section 4. C. 3. states the setback is 500 feet from any residentially zoned areas for the area described in exhibit “A-1” and exhibit “A-2”. Exhibit A-1 is the land on which Entrada is being developed and exhibit A-2 is the land on which Granada is being developed. BRE Solana LLC does not own any land referenced in these exhibits. *This zoning had been in place for 19 months prior to our acquisition.* Furthermore, no mention of a zoning error occurred until nearly a year after the acquisition of the land.

Proposed Language Inconsistent with Messaging

In the Executive Summary prepared by staff and presented to the Planning and Zoning Commission on January 4, 2016, the language states:

*The intent was to preserve the 500 foot building setback, originally established by Ordinance 202, for the areas of PD-1 adjacent to residential neighborhoods including the Glenwyck Farms, Terra Bella, and Carlyle subdivisions, **but excluding the Entrada and Granada developments.***

Furthermore, in the audio presentation staff reiterated that the original intent was to exclude both Entrada and Granada. During public comments, both staff and residents insisted on “fixing a typographical error.” However, the proposed language under Z-12-15-15 is inconsistent with simply correcting an error as it fundamentally imposes a new setback from Granada that was never intended from the beginning, was never present in the Ordinances prior to Ordinance No. 691, and was included in Ordinance 691 only by virtue of the mistake of leaving out the word “except”, as the staff’s own report states. Thus, if the Town of Westlake is truly

interested in simply correcting a potential error, it should do so with the original intent of Ordinance 691 in mind and remove the setback from Granada on PD-1.

Financial Compensation for Loss of Value

To the extent that the Town of Westlake moves forward with this amendment, which we are strongly opposed to, the imposition of a 500 foot setback from Glenwyck Farms (and Granada to the extent that language is mistakenly kept in place) would impose significant financial hardship on this parcel of land. If this amendment passes the Town of Westlake needs to compensate BRE Solana LLC for the negative impact these setbacks will have on our development potential. We have spoken with the Town Manager about this topic over the last 30 days but have yet to reach an acceptable agreement. We believe there are numerous ways to achieve this such that it would not impose a financial burden on the Town of Westlake.

Furthermore, we wish to address the comments from a few neighbors that were made at the January 4th Planning and Zoning meeting regarding loss in home values. Several statements were made suggesting that if the 500 foot setback were not “re-instated” that it would cause a loss in home value. These statements are, at best, very speculative and hypothetical.

To explain, the existence or non-existence of a setback does not impact any of the homes in Westlake by itself. Rather, if and only if, the landscaping that exists on the BRE Solana LLC land and is visible from the adjacent residential homes was replaced by something significantly less desirable would there be a potential loss in home value (and such perceived loss would be extremely subjective). In reality, the substantial slope near the Glenwyck Farms property line combined with the extensive tree mitigation costs required to replace the trees with something less desirable implies an extremely low probability that the current landscaping near the residential homes will materially change. Thus, any perceived loss in home value is subjective, hypothetical, and highly unlikely to materialize.

However, to the extent that a 500 foot setback that does not exist today is imposed upon our land, the negative financial impact would be significant and immediate as it would fundamentally limit the flexibility to develop the land and unnecessarily constrain any potential site plans for development, including any site plans that could creatively replace or otherwise mitigate loss of landscape. Given that our investment was based on the zoning in place at the time of purchase, the constraints that would be created by this amendment are simply unacceptable without just compensation.

Conclusion

Our primary mission has been to focus on the redevelopment and repositioning of the Solana Business Park; there are no short-term plans to develop the land.

However, the land was a key component of the Solana purchase and we feel compelled to defend our rights to protect our land value.

Furthermore, we have worked with both the Town of Westlake and our neighbors in good faith to find a mutually acceptable solution to all parties. We do not wish to damage the strong relationship we've built with the Town of Westlake nor do we wish for either party to spend unnecessary time or money in a prolonged legal battle over property rights. Therefore, we ask the Town Council to please reject this amendment, which requires a super majority vote under Texas law due to our protest, so that all parties may continue working in good faith to find a better solution that is fair and justified.

Regards,

A handwritten signature in black ink, appearing to be 'BD' with a long horizontal stroke extending to the right.

Brian Driesse
Representative of BRE Solana LLC

Cc: Payton Mayes

December 23, 2015

Town of Westlake
Planning and Zoning Commission
3 Village Circle, Suite 202
Westlake, TX 76262

RE: Z-12-15-15 Zoning Change, Amending Ordinance 691

Dear Planning and Zoning Commissioners:

I live at 1825 Broken Bend Drive in Glenwyck Farms (our property borders PD1-1 to the north and east) and I've recently purchased Lot 78 in Granada (2018 Valencia Cove which borders PD1-1 to the east) and intend to move there once our new home is built. I'm writing you because I will be out of the country on January 4th and unable to attend the January 4th P&Z meeting. As such, my wife, Erin, and I request that the following be read into public record.

We urge the P&Z to amend Ordinance 691 to provide a minimum 500 foot building setback within the PD1-1 Planning Area from **ALL** residential properties located within the Glenwyck Farms, Terra Bella, Carlyle developments **AND** from all residential properties located along the eastern border of the Granada developments.

As I understand it, when Ordinance 691 was drafted the 500 foot setback restriction was mistakenly removed from all areas adjacent to PD1-1 except the newly formed residential development known as Granada; whereas the intention was to maintain the setback restriction in all areas except Granada. It's unclear to me when the city became aware of this conflict but it appears to have been roughly 18 months ago. Nevertheless, what is clear is that the city actively chose to remain silent on its intent to modify the ordinance until very recently. In the meantime, the lots along the eastern border of Granada were developed, marketed, and sold with the express added value of the 500 foot setback restriction as evidenced in Ordinance 691. As you can imagine, eliminating the 500 foot setback restriction from PD1-1 now, as it relates to those lots within Granada, would be problematic for all parties, including the city of Westlake.

Take my situation as an example.

On 10/26/15 my wife and I entered into a contract with Simmons Estate Homes to purchase Lot 78 in Granada. We selected Lot 78 solely on the basis that it's eastern border was protected by the same 500 foot setback restriction that we've enjoyed for 12+ years in Glenwyck Farms. Then, on Friday, 11/13/15, four days before we were scheduled to close escrow on the lot, I heard a rumor that the 500 foot setback did not apply to Granada. I immediately contacted Simmons Estate Homes and advised Scott Simmons of that rumor and asked him to provide confirmation that the 500 foot setback was in fact in place and enforceable. Scott was unaware of any such rumor. He promptly contacted the city of Westlake and then forwarded me a copy of Ordinance 691 pointing to Part II, Section 4, C.3 as affirmative evidence that the 500 foot setback was in fact in place and enforceable. The city made no mention of any pending action or intention to change the setback protection. Based on that we proceeded with our escrow closing and purchased Lot 78.

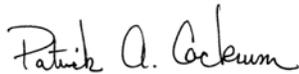
Had the city acted on, or declared, its original intention to modify Ordinance 691 and remove the 500 foot setback protection from the Granada development we would never have considered purchasing Lot 78. At this point, I'm not certain what the legal ramifications are should the city now decide to remove the 500 foot setback protection from the Granada properties but it seems reasonable to me that the city's prolonged and continued silence creates a condition of liability on its part should it now choose to remove the 500 foot setback protection from the Granada properties.

To that point, at the 11/18/15 Westlake town hall meeting in Glenwyck Farms Westlake city officials initially proposed that the solution to this conflict was to simply remove the 500 setback protection from Granada and reinstate it for Glenwyck, Terra Bella, and Carlyle. I pointed out that, while I agree completely with the need to reinstate the 500 foot setback protection for Glenwyck, Terra Bella, and Carlyle, removing the 500 foot setback protection from Granada would be an untenable solution and a serious hardship for Granada property owners that would likely lead to legal action on their behalf. After further discussion, Eddie Edwards, Westlake Director of Planning & Development, indicated that the proper and preferable solution would be to extend the 500 foot setback requirement to include all residential properties located within the Glenwyck Farms, Terra Bella, Carlyle developments, **AND** all properties along the eastern border of the Granada development.

Mr. Edwards' solution is the right answer, and frankly it's the only reasonable solution for all parties given the circumstance outlined above.

I urge your support of this solution as the permanent path forward.

Sincerely,



Patrick A. Cockrum

cc: Eddie Edwards, Director of Planning & Development, Westlake
Scott Simmons, Simmons Estate Homes



**MINUTES OF THE
TOWN OF WESTLAKE, TEXAS
PLANNING AND ZONING COMMISSION MEETING**

January 4, 2016

PRESENT: Commissioners Liz Garvin, Greg Goble, Ryan Groce, Ken Kraska and Michelle Lee.

ABSENT: Chairman Tim Brittan

OTHERS PRESENT: Town Manager Tom Brymer, Planning and Development Director Eddie Edwards, Town Attorney Cathy Cunningham, Town Secretary Kelly Edwards, Assistant Town Manager Amanda DeGan, Director of Public Works Jarrod Greenwood, Fire Chief Richard Whitten, Communications & Community Affairs Director Ginger Awtry, Finance Director Debbie Piper, Susan McFarland, Communications Specialist and Management Intern Joel Enders.

Work Session

1. CALL TO ORDER

Commissioner Lee called the work session to order at 5:02 p.m.

2. EXECUTIVE SESSION

The Commission convened into executive session at 5:03 p.m.

The Commission will conduct a closed session pursuant to Texas Government Code, annotated, Chapter 551, Subchapter D for the following:

- a. Sec. 551.071. Consultation with Attorney (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter: Ordinance 691

3. RECONVENE MEETING

Commissioner Lee reconvened the meeting at 6:07 p.m.

4. DISCUSSION REGARDING ITEMS LISTED ON THE REGULAR MEETING AGENDA.

No additional discussion.

5. DISCUSSION OF ITEMS TO BE PLACED ON FUTURE AGENDAS AND UPDATES ON DEVELOPMENT TRENDS, PROGRESS AND TOWN COUNCIL ACTIONS ON PAST AGENDA ITEMS.

Town Manager Brymer stated Staff was preparing amendments to the Code regarding the Site Plan and Platting process and provided an overview of the Granada Phase II sale to Wilbow.

6. ADJOURNMENT

Commissioner Lee adjourned the work session at 6:10 p.m.

Regular Session

1. CALL TO ORDER

Commissioner Lee called the regular session to order at 6:10 p.m.

1. REVIEW AND APPROVE MINUTES FROM THE MEETING HELD ON DECEMBER 1, 2015.

MOTION: Commissioner Groce made a motion to approve the minutes. Commissioner Goble seconded the motion. The motion carried by a vote of 5-0.

2. CONDUCT A PUBLIC HEARING AND CONSIDER A RECOMMENDATION REGARDING, Z-11-23-15, ZONING CHANGE APPLICATION FROM NON-ZONED TO R-5 "ESTATE RESIDENTIAL" FOR TWO NEWLY ANNEXED TRACTS OF LAND COMMONLY KNOWN AS 2205 AND 2217 N. PEARSON LANE, WESTLAKE TEXAS.

Management Intern Enders provided a presentation and overview of the recently annexed property.

Commissioner Lee opened the public hearing.

No one addressed the Commission.

Commissioner Lee closed the public hearing.

MOTION: Commissioner Goble made a motion to recommend approval of the zoning change. Commissioner Garvin seconded the motion. The motion carried by a vote of 5-0.

3. CONDUCT A PUBLIC HEARING AND CONSIDER A RECOMMENDATION REGARDING AN SUP-12-15-15, SPECIFIC USE PERMIT TO ALLOW THE SALE OF BEER, LIQUOR, AND WINE PACKAGE SALES AT THE CVS STORE TO BE LOCATED AT 35 ARTA DRIVE, BEING LOT 3, BLOCK N, OF THE WESTLAKE ENTRADA SUBDIVISION.

Director Edwards provided a presentation and overview of the item.

Commissioner Lee opened the public hearing.

No one addressed the Commission.

Commissioner Lee closed the public hearing.

MOTION: Commissioner Garvin made a motion to recommend approval of the special use permit. Commissioner Kraska seconded the motion. The motion carried by a vote of 5-0.

4. CONDUCT A PUBLIC HEARING AND CONSIDER A RECOMMENDATION REGARDING, Z-12-15-15, ZONING CHANGE APPLICATION, AMENDING ORDINANCE 691, THE ORDINANCE THAT AMENDED THE PD1 PLANNED DEVELOPMENT ZONING DISTRICT, CREATING AND REGULATING PD 1-1 PLANNING AREA. THE PROPERTY IS PARTIALLY DEVELOPED AND INCLUDES MULTIPLE PARCELS OF LAND INCLUDING THE PROPERTY COMMONLY KNOWN AS SOLANA. THE PROPERTY IS GENERALLY LOCATED SOUTH OF HWY 114 EXTENDING FROM DAVIS BLVD. EASTWARD TO THE TOWN BORDER, AND IS BOUNDED BY THE GRANADA SUBDIVISION TO THE WEST, AND GLENWYCK FARMS, CARLYLE, AND TERRA BELLA SUBDIVISIONS TO THE SOUTH. THIS IS A TOWN INITIATED AMENDMENT AND THE PROPOSED AMENDMENTS ARE LIMITED TO THE DEVELOPMENT REGULATIONS AND DO NOT CHANGE THE PERMITTED USES OR ALLOWED DENSITY WITHIN THE DEVELOPMENT.

Director Edwards provided a presentation and overview of the item.

Commissioner Lee opened the public hearing.

Brian Driesse, Equity Office, representing Solana, spoke in opposition of the amendment and requested a continuance for two to three months pursuant to his letter as provided in the agenda packet.

Scott Simmons, 4325 Glenwood Avenue, Dallas, spoke in favor of the amendment and provided an overview of the Glenwyck and Granada developments.

Neil McNabney, 1815 Broken Bend Drive, spoke in favor of correcting the typographical error in the ordinance but believes that the intent was to create a buffer not to approve just a setback.

Michael Grandfield, 1827 Broken Bend Drive, spoke in favor of correcting the typographical and welcomed additional discussions with the Solana owners.

Yair Lotan, 1809 Broken Bend Drive, spoke in favor of correcting the typographical error in the ordinance.

Christie Renda, 1804 Copperfield Court, spoke in favor of correcting the typographical error in the ordinance.

Collin Stevenson, 1823 Broken Bend Drive, spoke in favor the typographical error in the ordinance. He does not agree that the wording should be a setback but buffer or greenbelt.

Payton Mayes, 1715 Terra Bella Drive, also representing Blackstone, spoke opposition of the amendment requesting a continuance.

Angela Bartholomae, 10806 Copperfield Court, submitted a speaker form in favor of the amendment, requesting not to speak.

Discussion ensued regarding the proposed amendment terminology, staff interpretation of ordinance 691 (Director Edwards), and building requirements on a slope view shade area (Comp Plan).

Commissioner Lee closed the public hearing.

MOTION: Commissioner Goble made a motion to recommend approval of an amendment to Ordinance 691, to restore the 500 foot building setback for all areas of PD1-1 adjacent to residential property, near or adjoining Glenwyck Farms and Granada and removing the 500 foot building setback from the area known as Entrada. Commissioner Kraska seconded the motion. The motion carried by a vote of 5-0.

5. ADJOURNMENT

There being no further business to come before the Commissioners, Commissioner Lee asked for a motion to adjourn.

MOTION: Commissioner Garvin made a motion to adjourn the meeting. Commissioner Groce seconded the motion. The motion carried by a vote of 5-0.

Commissioner Lee adjourned the meeting at 7:12 p.m.

APPROVED BY THE PLANNING AND ZONING COMMISSION ON FEBRUARY 15, 2016.

ATTEST:

Chairman, Tim Brittan

Kelly Edwards, Town Secretary

DRAFT

ORDINANCE NO. 767

AN ORDINANCE OF THE TOWN OF WESTLAKE, TEXAS, AMENDING ORDINANCE 691, BY AMENDING THE DEVELOPMENT REGULATIONS FOR THE PLANNED DEVELOPMENT DISTRICT NO. 1, PLANNING AREA 1 (“PD1-1”); PROVIDING FOR INTERPRETATION, PURPOSE AND CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND MAKING AN EFFECTIVE DATE.

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

WHEREAS, Ordinance No. 200, as amended, the Comprehensive Zoning Ordinance for the Town of Westlake, was amended by ordinance 691, and

WHEREAS, Planning Area 2 (PD 1-2) is now regulated by Ordinance 703; and

WHEREAS, Planning Area 3 (PD 1-3) is now regulated by Ordinance 693; and

WHEREAS, all legal requirements of state statutes and Town ordinances of the Town of Westlake, as well as all legal requirements and legal notices and prerequisites having been complied with; and

WHEREAS, the Town Council of the Town of Westlake, Texas, at a public hearing called at a regular session of the Town Council did consider the following factors in making a determination as to whether the requested change should be granted or denied: congestion in the streets, including safety of the motoring public and the pedestrians using the facilities in the area; to secure safety from fire, panic or other dangers; the promotion of health and the general welfare, to provide for adequate light and air, to prevent the overcrowding of land; to avoid undue concentration of the population, facilitating the adequate provision of transportation, water, sewers, schools, parks, and other public requirements; and

WHEREAS, upon the recommendation of the Planning & Zoning Commission, the Town Council of the Town of Westlake, Texas is of the opinion that it is in the best interest of the town and its citizens that the amendments 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 Ordinance 691section 7(c) is hereby amended to read as follows:

C. The minimum size of any front, side or rear yard for principal and accessory use buildings, with the exception of Lot 1R2 of Block 2 of Westlake/Southlake Park Addition

No. 1, shall be:

1. One hundred (100) feet from any public road, street or highway, except for the building located immediately adjacent to the intersection of Sam School Road and Solana Boulevard, (southeast corner) for which building the setback shall be eighty (80) feet;
2. Two hundred (200) feet from State Highway 114;
3. Five hundred (500) feet from any residentially zoned lot except for residential lots located in PD 1-2, which is a mixed-use development; or
4. Otherwise setbacks shall be one hundred (100) feet for side yards and rear yards.

Exception: Property containing existing buildings may be re-platted into lots with less than 100 foot setbacks if approved as part of a PD Site Plan approval.

SECTION 3: That all section of Ordinance 691` not amended remain in full force and effect.

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) or Five Hundred (\$500.00) 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 25th DAY OF JANUARY 2016.

ATTEST:

Laura Wheat, Mayor

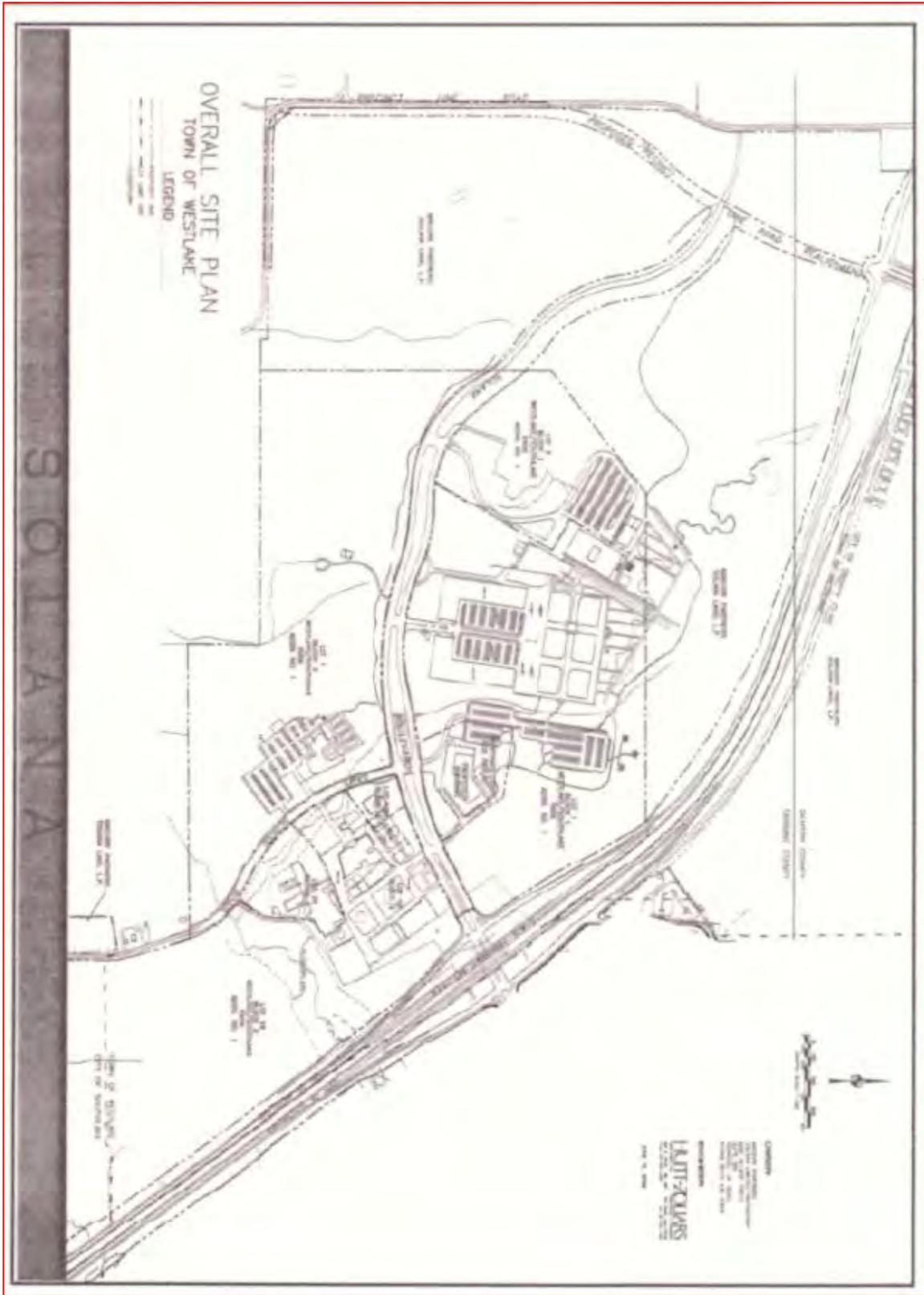
Kelly Edwards, Town Secretary

Thomas E. Brymer, Town Manager

APPROVED AS TO FORM:

L. Stanton Lowry, Town Attorney

Exhibit A



Town Council

Item # 11 – Future Agenda Items

FUTURE AGENDA ITEMS: Any Council member may request at a workshop and / or Council meeting, under “Future Agenda Item Requests”, an agenda item for a future Council meeting. The Council Member making the request will contact the Town Manager with the requested item and the Town Manager will list it on the agenda. At the meeting, the requesting Council Member will explain the item, the need for Council discussion of the item, the item’s relationship to the Council’s strategic priorities, and the amount of estimated staff time necessary to prepare for Council discussion. If the requesting Council Member receives a second, the Town Manager will place the item on the Council agenda calendar allowing for adequate time for staff preparation on the agenda item.

Council Member Rennhack - Discuss public / private partnership to attract retail, restaurants etc. to Entrada and other Westlake developments.

Council Member Langdon – Discuss pet registrations and pet safety.

Town Council

Item # 12 – Adjournment
Regular Session
