

## **TOWN OF WESTLAKE**

### **ORDINANCE NO. 451**

**AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF WESTLAKE, TEXAS TO REZONE AN APPROXIMATELY 348 ACRE TRACT OF LAND GENERALLY LOCATED IN DENTON COUNTY, TEXAS FROM A MIXED-USE "PD" PLANNED DEVELOPMENT DISTRICT ESTABLISHED IN ORDINANCE 310 TO A RETAIL MALL, ENTERTAINMENT RETAIL, OFFICE AND MALL RELATED USE; PROVIDING EXHIBITS SHOWING THE AREAS BEING REZONED AND A LEGAL DESCRIPTION; PROVIDING FOR A CONCEPT PLAN, PROVIDING FOR GENERAL REGULATIONS; PROVIDING FOR DEVELOPMENT STANDARDS; PROVIDING FOR AREA REQUIREMENTS; 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 DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, on August 24, 1992, the Board of Aldermen (the "Board") of the Town of Westlake, Texas (the "Town") adopted a Comprehensive Plan (the "1992 Comprehensive Plan") for the Town; and

**WHEREAS**, on November 13, 1992, the Board adopted a Comprehensive Zoning Ordinance (the "Zoning Ordinance"); and

**WHEREAS**, on September 15, 1997, based on the recommendations of the Planning and Zoning Commission (the "Commission"), the Board amended the Zoning Ordinance and the subdivision regulations by adopting a Unified Development Code (the "UDC") for the Town; and

**WHEREAS**, the UDC has been amended, with the most recent amendments being adopted on August 23, 2003; and

**WHEREAS**, there is located within the corporate limits of the Town an approximately 348 acre tract of land (commonly known as Planning Area 4 and hereinafter sometimes referred to as the "Planning Area"); and

**WHEREAS**, because of improvements to State Highway 114, further urban growth throughout the region, and other changed conditions that affect the region, the Town believes there are unique and significant opportunities for a retail mall and mall related uses within the Planning Area that will be consistent with the Town's long-term development vision; and

**WHEREAS**, the Commission has recommended to the Board that the hereinafter described property be rezoned to "PD" Planned Development 3-4A Mall District and

**WHEREAS**, the Board believes that the interests of the Town, the present and future residents and citizens of the Town, and developers of land within the Town are best served by adopting this Ordinance, which the Board has directed determined be conditioned upon the

update and approval of the 2004 Land Use Plan, Thoroughfare Plan, Open Space and Trail Plan and Master Water and Sewer Plans and Zoning Map all as amended.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF WESTLAKE, TEXAS:**

SECTION 1: That the recitals set forth above are hereby incorporated herein, adopted by the Town and declared to be true and correct.

SECTION 2: That the Comprehensive Zoning Ordinance of the Town of Westlake, Texas, Ordinance No. 200, is hereby amended by this PD Ordinance, by amending Planned Development District No. 3-4 within the property described in Exhibit 1 attached hereto by reference for all purposes. This PD will be subject to approval of a Concept Plan and all development standards and other regulations attached hereto.

SECTION 3: Upon the adoption of this PD, the Town Manager or his designee shall promptly update the Town's Official Zoning Map, to include an amended Planned Development on which entry shall include the abbreviated designation "PD No. 3-4A" and the date that this Ordinance was adopted by the Board.


SECTION 4: It is hereby declared to be the intention of the Board, 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 unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such 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 Board of Aldermen of the Town of Westlake without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5: This Ordinance shall become effective upon its passage.

PASSED AND APPROVED BY THE BOARD OF ALDERMEN OF THE TOWN OF WESTLAKE, TEXAS, ON THIS 22<sup>ND</sup> DAY OF MARCH 2004.

ATTEST:

  
Scott Bradley, Mayor

  
Ginger Crosswy, Town Secretary  
APPROVED AS TO FORM:

  
Trent Petty, Town Manager

  
Stan Lowry, Town Attorney

**CIRCLE T PLANNING AREA 4**  
**REGIONAL RETAIL**

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## **ARTICLE I. GENERAL PROVISIONS**

### **SECTION 1 SHORT TITLE.**

This ordinance shall be known and may be cited as the “Amended Circle T Planning Area No. 4 - Planned Development Zoning District Ordinance”, or simply as the “PD Ordinance”.

### **SECTION 2 PURPOSES.**

This PD Ordinance is adopted to provide for a superior design of lots or buildings; to provide for increased recreation and/or open space opportunities for public use; to provide rural amenities or features that would be of special benefit to the property users or community; to protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes or hills and views; to protect or preserve existing historical buildings, structures, features or places; and to provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services.

### **SECTION 3 GENERAL DEFINITIONS.**

**Section 3.1 Usage.** For purposes of this PD Ordinance, certain numbers, abbreviations, terms, and words shall be used, interpreted and defined as set forth in this Section. Other terms and words are defined elsewhere in this PD Ordinance. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense, and words used in the plural include the singular. The word “shall” will be interpreted as mandatory, and the word “may” as permissive.

#### **Section 3.2 Words and Terms Defined.**

Applicable Town Ordinances means the UDC and all other ordinances, rules, and regulations that are adopted by the Board and that are applicable to development within the PD District.

Board means the Board of Aldermen of the Town of Westlake, Texas.

Commission means the Planning and Zoning Commission of the Town of Westlake, Texas.

Floor Area means the total area of all floors of all buildings on a lot or unified development site measured between the outer perimeter walls of the buildings excluding (i) area in a building or in a separate structure (whether below or above grade) used for the parking of motor vehicles, (ii) courts or balconies open to the sky, and (iii) roof area used for recreation.

Mall or Regional Mall means an integrated, enclosed retail development within the PD District that has a minimum of 500,000 square feet of retail sales area and that includes at least two department stores.

Masonry means brick, stone, cast stone, concrete, glass block, split-face concrete masonry unit, or other masonry materials approved by the Board.

PD Concept Plan means any one or more of the drawings attached to this PD Ordinance and labeled "PD 3-4 Concept Plan" which illustrates proposed mall configuration, land uses, open space & trail system and thoroughfares.

PD District means the planned development zoning district established by this PD Ordinance.

PD Ordinance means this planned development zoning district ordinance, including any approved PD Concept Plan.

PD Supplement means that certain Circle T Planned Development Zoning District Supplement contained in Ordinance No. 307 and adopted by the Board.

Town means the Town of Westlake, Texas.

UDC means the Town's Unified Development Code, as amended.

#### **SECTION 4 PD SUPPLEMENT.**

The PD Supplement includes additional standards that are applicable within this PD District. The PD Supplement establishes additional standards for the following: (i) concept, informational, development and site plans; (ii) signs; (iii) landscaping; (iv) roadway construction, parking and loading; (v) fencing; (vi) lighting; (vii) other special standards; and (viii) illustratitns.

#### **SECTION 5 APPLICABILITY OF EXISTING REGULATIONS.**

**Section 5.1 Applicable Town Ordinances.** Except to the extent provided by an approved PD Concept Plan, this PD Ordinance, and the PD Supplement, development within the PD District shall also be governed by the Applicable Town Ordinances. In the event of any conflict between (a) an approved PD Concept Plan, this PD Ordinance and the PD Supplement and (b) the Applicable Town Ordinances, the terms, provisions and intent of an approved PD Concept Plan, this PD Ordinance and the PD Supplement shall control. Except as provided below, in the event of any conflict between the UDC and the Applicable Town Ordinances, the terms, provisions and intent of the UDC shall control.

**Section 5.2 General Approval Criteria.** To the extent, if any, that the Applicable Town Ordinances (and, in particular, the subdivision regulations of the UDC) grant to the Board, the Commission, the Town Manager or any other Town employee or consultant, the authority to approve any aspect of development within the PD District (including, but not limited to, preliminary or final plats or any aspect thereof or any agreements or permits related thereto) based on conformity with the Town's Comprehensive Plan, Open Space Plan, Thoroughfare Plan, Master Water and Sewer and Master Drainage Plan (or with the objectives, goals or policies of such plans), then such authority shall be exercised to the extent necessary to determine whether the aspect of development being approved is consistent with any approved PD Concept Plan, this PD Ordinance, the PD Supplement.

## **SECTION 6 CONCEPT PLAN, DEVELOPMENT PLANS, AND SITE PLANS.**

**Section 6.1 PD Concept Plan.** A PD Concept Plan attached to this Ordinance for this PD District shall be approved prior to the approval of any development plans and site plans required by this PD Ordinance. The PD Concept Plan shall comply with the 2004 updated Comprehensive Land Use Plan, Zoning Map, Master Thoroughfare Plan, Open Space and Trail Plan and Master and Water and Sewer Plans. The UDC governs the process by which PD Concept Plans are submitted and approved.

**Section 6.2 PD Development Plans.** PD development plans are required for development within the PD District. The UDC governs the process by which PD development plans are submitted and approved.

**Section 6.3 PD Site Plans.** PD site plans are required for development within the PD District. Article I, Section 3.4, of the PD Supplement governs the process by which PD site plans are submitted and approved (including, but not limited to, the submittal requirements, approval criteria, and conditions).

## ARTICLE II. USES

### SECTION 1 LAND USE.

**Section 1.1 Mall Requirement.** A portion of the PD District shall be used for a Mall.

**Section 1.2 Land Use Schedule.** In addition to a Mall use, buildings, structures, and land within the PD District shall be used only in accordance with the uses permitted in the following "Land Use Schedule". The symbol "X" shall mean that the use is permitted as a principal use by right. The symbol "S" shall mean that the principal use is permitted only after first obtaining a "Specific Use Permit" as set forth in the UDC. The symbol "A" shall mean that this use is specifically permitted as an accessory use to a main use (this does not exclude other land uses which are generally considered accessory to the primary use). A blank square shall mean that the use is not allowed as a principal use.

### CIRCLE T PLANNING AREA 4 - REGIONAL RETAIL LAND USE SCHEDULE

PERMITTED USES	X=PERMITTED A=ACCESSORY S=SUP
AGRICULTURAL USES	
Orchard	X
Plant Nursery (Growing)	X
Plant Nursery (Retail Sales)	X
Farms General (Crops)	X
Farms General (Livestock, Ranch)	X
Veterinarian (Indoor Kennels)	
Veterinarian (Outdoor Kennels)	
Stables (Private Use)	S
Stables (As a Business)	S
RESIDENTIAL USES	
Single Family Detached	
Single Family Zero Lot Line	
Single Family Attached	
Duplex	
Home Occupation	
Servants/Caretakers Quarters	A
Temporary Accommodation for Employees/Customers/Visitors	A
Swimming Pool (Private)	
Detached Garage (Private)	
Sport/Tennis Courts (Private)	



PERMITTED USES	X=PERMITTED A=ACCESSORY S=SUP
<b>INSTITUTIONAL and GOVERNMENTAL USES</b>	
Emergency Ambulance Service	
Post Office (Governmental)	
Mailing Service (Private)	X
Heliport	
Helistop/Verti-stop	S
Telephone, Electric, Cable, and Fiber Optic Switching Station	X
Electrical Substation	S
Utility Distribution Lines <sup>1</sup>	X
Utility Shop and Storage	S
Water and Sewage Pumping Station (below grade)	X
Water and Sewage Pumping Station (above grade)	S
Water Storage Tank and Pumping System (Elevated or Above Grade)	S
Water, Sewer, Electric, and Gas Meters	X
Electric Transformers	X
Private Streets/Alleys/Drives	X
Retirement Home	
Nursing/Convalescent Home	
Hospice	
Hospital	
Psychiatric Hospital	
Clinic	X
Child Daycare (Public; 7 or more)	X
Child Daycare (Private; 7 or more)	X
School, K-12 (Public or Private)	
School (Vocational)	A
College or University	
Community Center (Public)	X
Civic Club	X
Church or Place of Worship	X
Use Associated with a Religious Inst.	X
Government Building	X
Police Station	X
Fire Station	X
Library	X
Data Center	A
<b>COMMERCIAL USES</b>	
Multifamily (Apartments)	
Offices (General)	X

PERMITTED USES	X=PERMITTED A=ACCESSORY S=SUP
Studio	X
Banks and Financial Institutions	X
Information Processing	X
Hotel/Motel	X
Hotel/Motel with Conferencing Facility	X
Laundry/Dry Cleaning (<3,000 S.F.)	X
Laundry/Dry Cleaning (Drop/Pick)	X
Shoe Repair	X
Beauty Parlor/Barbershop	X
Clothing Store	X
Quick Copy/Duplicating Services	X
Personal Services	X
Liquor Store	S
Micro-brewery and Wine Production and Sales (<30,000 S.F.)	S
Grocery with alcoholic beverage sales	S
Grocery	X
Convenience Store with alcoholic beverage sales	S
Convenience Store	A
Service Station	
Drug Store	X
Variety Store	X
Bakery Sales	X
Stationery and/or Book Store	X
Antique Shop	X
Art Gallery/Museums	X
Hardware Store	X
Sporting Goods	X
Paint and Wallpaper	X
Cloth Store	X
Retail Stores – General (Excluding Second Hand Goods)	X
Restaurant, Cafe or Dining Facility	X
Restaurant, Café or Dining Facility serving alcohol	S
Auto/Truck Parts and Accessories	X
Household Furniture/Appliances (including Sales and Service)	X
Farmer's Market	S
Feed Store	
Parking Structure	A
Cafeteria (Private)	A
Job Printing, Lithography, Printing, or Blueprinting	X
Vehicle Display and Sales (inside)	X

PERMITTED USES	X=PERMITTED A=ACCESSORY S=SUP
Medical Laboratory	
R&D Laboratory	
Conference Center	X
Live Theater	X
Motion Picture Theater	X
Custom Business Services	X
Electronic Appliances Store and Computer Sales and Service	X
Tavern, Bar or Lounge	S
Dance Halls/Nightclubs	S
Outdoor Amphitheater (up to 2,500 seats)	S
Ancillary retail to Amphitheater	X
Outdoor Art or Sculpture Garden	X
Wedding Chapel	X
<b>AMUSEMENT/RECREATION</b>	
Golf Course (Public or Private)	X
Park or Playground (Public or Private)	X
Satellite Dish	X
Non-Commercial Radio Tower	S
Race Track Operation	
Recreation Facility, Health Studio (Public)	X
Country Club (Private Membership)	X
Golf Clubhouse (Public or Private)	X
Community Center (Private)	X
Recreation Center (Private)	X
Hike, Bike, and Equestrian Trails (Public or Private)	X
Golf Maintenance Facility	A
Golf Pro Shop	A
Health/Spa Facilities (Private)	X
Athletic Fields (Private)	A
Athletic Courts (Private)	A
Equestrian Center	X
Athletic Courts (Public)	A
Commercial Amusement (Inside)	X
Lake Cruise/Water Taxi	X
<b>AUTO SERVICES</b>	
Truck/Trailer Rental	S
Auto Body Repair	
Auto Mechanical Repair	S
Quick Lube/Oil Change	

PERMITTED USES	X=PERMITTED A=ACCESSORY S=SUP
Vehicle Maintenance (Private)	X
Vehicle Fueling (Private)	S
<b>WHOLESALE TRADE</b>	
Warehouse/Storage (Inside)	
Warehouse/Storage (Outside)	
Scrap/Waste Recycling Collection and/or Storage	
Gas/Chemical Bulk Storage	
Light Manufacturing/Assembly	S
Apparel Manufacturing	
Packaging and/or Distribution	
Printing, Engraving and related Reproductive Services	
Distribution of Books/Other Printed Material	
Machine Shop	
Welding Shop	
Temporary Batching Plant	S <sup>2</sup>
Temporary Construction Office	X <sup>2</sup>
Temporary Construction Materials Storage	X <sup>2</sup>
Temporary Sales Office	X <sup>2</sup>

**NOTES:**

1. Including water, sewer, electric, gas, cable, telephone, fiber optic, and other public and private utility distribution lines.
2. Limited to period of construction.

**SECTION 2 ACCESSORY USES AND STRUCTURES.**

An accessory use or structure which is customarily incidental to the principal use or structure, and which is located on the same lot or tract of land, shall be permitted as an accessory use without being separately listed as a permitted use.

## **ARTICLE III. DEVELOPMENT STANDARDS**

### **SECTION 1 DENSITY.**

**Section 1.1 Maximum Floor Area for Office Uses.** The maximum aggregate floor area for all office uses within this PD District shall be 558,355 square feet.

**Section 1.2 Maximum Floor Area for Certain Commercial Uses.** The maximum aggregate floor area for all commercial uses, excluding office uses, Resort Hotel uses (with or without conferencing facilities), and Mall uses, within this PD District shall be 360,940 square feet.

**Section 1.3 Maximum Floor Area for Mall Uses.** The maximum aggregate floor area for all Mall uses within this PD District shall be 1,630,000 square feet.

**Section 1.4 Maximum Floor Area for Resort Hotel Uses.** The maximum aggregate floor area for all Resort Hotel uses shall be 750,000 square feet.

### **SECTION 2 MINIMUM LOT SIZE.**

The minimum lot size for a Mall shall be 200,000 square feet. The minimum lot size for all uses other than a Mall shall be one (1) acre.

### **SECTION 3 MINIMUM LOT WIDTH.**

The minimum lot width for all uses shall be 200 feet.

### **SECTION 4 MAXIMUM BUILDING HEIGHT.**

**Section 4.1 Height Requirements.** The maximum height for a Mall shall be the lesser of three stories or 65 feet. The maximum height for all uses other than a Mall shall be four stories or 60 feet.

**Section 4.2 Exceptions to Height Requirements.** The height limits imposed by this Section 4 shall not apply to (a) chimneys and vent stacks, church spires, cupolas, entry features, skylights, or other architectural features that are not intended for occupancy or storage; (b) flag poles and similar devices; or (c) heating and air conditioning equipment, solar collectors, and similar equipment, fixtures and devices provided such equipment, fixtures, and devices are screened from view with a solid wall that is architecturally consistent with the design of the building to which they are attached.

### **SECTION 5 MINIMUM BUILDING SIZE.**

The minimum building size for all buildings other than a Mall shall be 2,000 square feet.

### **SECTION 6 FRONT YARD SETBACKS.**

**Section 6.1 Mall** The minimum front yard for a Mall shall be 100 feet.

**Section 6.2 Office** The minimum front yard for Office use shall be 50 feet.

**Section 6.3 Retail other than mall** The minimum front yard for non-mall retail shall be 50 feet.

## **SECTION 7 REAR YARD SETBACKS.**

**Section 7.1 Mall** The minimum rear yard for the mall sub-area shall be 100 feet

**Section 7.2 Office** The minimum rear yard for office shall be 25 feet

**Section 7.3 Retail other than mall** The minimum rear yard for non-Mall related retail uses shall be 25 feet

## **SECTION 8 SIDE YARD SETBACKS.**

**Section 8.1 Mall** There are no minimum side yard requirements for a Mall.

**Section 8.2 Office** The minimum side yard for office uses shall be 25 feet

**Section 8.3 Retail other than mall** The minimum side yard for non-Mall retail uses shall be 25 feet

## **SECTION 9 SLOPE REQUIREMENTS.**

The height of structures within this PD District shall not be limited based on adjacency to (i) any residential lot whether such lot is located inside or outside this PD District or (ii) any roadway.

## **ARTICLE IV. EXHIBITS**

### **EXHIBIT 1    Legal Description of PD District**

**LEGAL DESCRIPTION**  
**PD 3-4**  
**PROPOSED ZONING "RESORT RETAIL"**

**BEING** a tract of land situated in the Richard Eads Survey, Abstract Number 393 (Denton County) and Abstract Number 492 (Tarrant County), the J. Bacon Survey, Abstract Number 1565 (Denton County), Abstract Number 2026 (Tarrant County), the Jesse Sutton Survey, Abstract Number 823 (Denton County), the Charles Medlin Survey, Abstract Number 823 (Denton County), Abstract Number 1084 (Tarrant County) the Jesse Gibson Survey, Abstract Number 592 (Tarrant County), the G. B. Hendricks Survey, Abstract Number 680 (Tarrant County) and being a portion of that tract of land conveyed to AIL Investments, Ltd., recorded in Volume 13275, Page 542 of Deed Records Tarrant County, Texas and under County Clerk's Number 98-R0052417 of Real Property Records, Denton County Texas and being more particularly described by metes and bounds as follows;

**COMMENCING** at the southeast corner of that tract of land conveyed to Frank Wright, Jr. and Wife, Dorothy, recorded in Volume 2813, Page 49 of Deed Records, Tarrant County, Texas

**THENCE** N 00°47'59"W, 440.78 feet to the **POINT OF BEGINNING**;

**THENCE** N 00°47'59"W, 1049.35 feet to a non-tangent curve to the right;

**THENCE** with said non-tangent curve to the right, an arc distance of 345.82 feet, through a central angle of 16°45'21", having a radius of 1182.50 feet, the long chord of which bears N 29°06'26"E, 344.59 feet, to the beginning of a curve to the left;

**THENCE** with said curve to the left, an arc distance of 690.98 feet, through a central angle of 38°54'34", having a radius of 1017.50 feet, the long chord of which bears N 18°01'50"E, 677.78 feet, to the beginning of a curve to the right;

**THENCE** with said curve to the right, an arc distance of 848.27 feet, through a central angle of 18°49'11", having a radius of 2582.50 feet, the long chord of which bears N 07°59'09"E, 844.46 feet;

**THENCE** N 17°23'44"E, 476.68 feet to the southerly right-of-way of State Highway 114 (a variable width right-of-way);

**THENCE** with said southerly right-of-way the following courses and distances;

S 75°23'15"E, 193.03 feet;

N 35°10'12"E, 64.12 feet;

S 83°32'53"E, 280.71 feet;

S 75°20'18"E, 99.79 feet;

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February 19, 2004

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S 68°06'43"E, 312.60 feet;

N 71°04'40"E, 72.01 feet;

S 75°23'17"E, 420.11 feet;

S 43°54'26"E, 76.22 feet;

S 86°58'32"E, 198.85 feet;

S 75°13'09"E, 55.83 feet to the beginning of a non-tangent curve to the right;

with said non-tangent curve to the right, an arc distance of 1373.44 feet, through a central angle of 14°08'55", having a radius of 5561.83 feet, the long chord of which bears S 70°13'39"E, 1369.96 feet;

S 65°08'39"E, 819.44 feet;

S 61°06'42"E, 300.72 feet;

S 72°37'39"E, 151.61 feet;

S 65°07'20"E, 472.53 feet to the beginning of a non-tangent curve to the left;

with said non-tangent curve to the left, an arc distance of 288.41 feet, through a central angle of 02°52'27", having a radius of 5749.58 feet, the long chord of which bears S 66°31'29"E, 288.38 feet;

S 23°22'21"E, 78.02 feet;

S 69°15'51"E, 131.51 feet;

N 70°06'59"E, 21.61 feet to the easterly right-of-way of Westlake Parkway (a variable width right-of-way);

**THENCE** S 19°13'50"W, 318.45 feet to the beginning of a curve to the right;

**THENCE** with said curve to the right, an arc distance of 1369.14 feet, through a central angle of 58°52'17", having a radius of 1332.50 feet, the long chord of which bears S 48°39'58"W, 1309.71 feet to the beginning of a curve to the left;

**THENCE** with said curve to the left, an arc distance of 506.78 feet, through a central angle of 28°32'12", having a radius of 1017.50 feet, the long chord of which bears S 63°58'14"W, 501.56 feet;

THENCE S 49°42'08"W, 307.68 feet to the beginning of a curve to the right;

THENCE with said curve to the right, an arc distance of 540.74 feet, through a central angle of 27°21'27", having a radius of 1132.50 feet, the long chord of which bears S 63°22'52"W, 535.62 feet;

THENCE S 77°03'35"W, 1984.36 feet to the beginning of a curve to the right;

THENCE with said curve to the right, an arc distance of 1735.65 feet, through a central angle of 81°00'52", having a radius of 1227.50 feet, the long chord of which bears N 62°25'59"W, 1594.63 feet to the **Point of Beginning** and containing 15,154,943 square feet or 347.910 acres of land more or less.

*"This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."*

# PUBLISHER'S AFFIDAVIT

THE STATE OF TEXAS                    )  
  )  
COUNTY OF TARRANT                 )

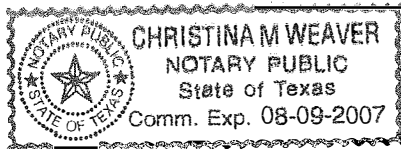
I, Gerri Autrey, PUBLISHER of the Alliance Regional Newspapers of Haslet, Texas, a newspaper of general circulation which has been published in Denton County and Tarrant County regularly and continuously for a period of one year prior to the first day of publication of this notice, solemnly swear that the notice hereto attached was published in the Alliance Regional Newspapers, on the following dates, to-wit:

April 2, 2004

Town of Westlake  
Public Hearing Ordinance 451

Gerri Autrey  
\_\_\_\_\_  
Publisher

SUBSCRIBED AND SWORN TO before me on the 7<sup>th</sup> day of  
April, 2004 to certify which witness my hand and official seal.



Christina M. Weaver  
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS

My Commission Expires: 08-09-2007

# PUBLISHER'S AFFIDAVIT

THE STATE OF TEXAS                    )  
  )  
COUNTY OF TARRANT                )

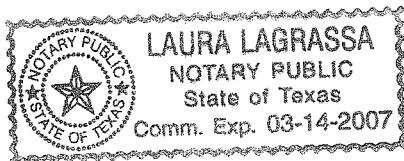
I, Gerri Autrey, PUBLISHER of the Alliance Regional Newspapers of Haslet, Texas, a newspaper of general circulation which has been published in Denton County and Tarrant County regularly and continuously for a period of one year prior to the first day of publication of this notice, solemnly swear that the notice hereto attached was published in the Alliance Regional Newspapers, on the following dates, to-wit:

March 26, 2004

Town of Westlake  
Ordinance No. 451

Gerri Autrey  
\_\_\_\_\_  
Publisher

SUBSCRIBED AND SWORN TO before me on the 2nd day of April, 2004 to certify which witness my hand and official seal.



Laura Lagrassa  
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS

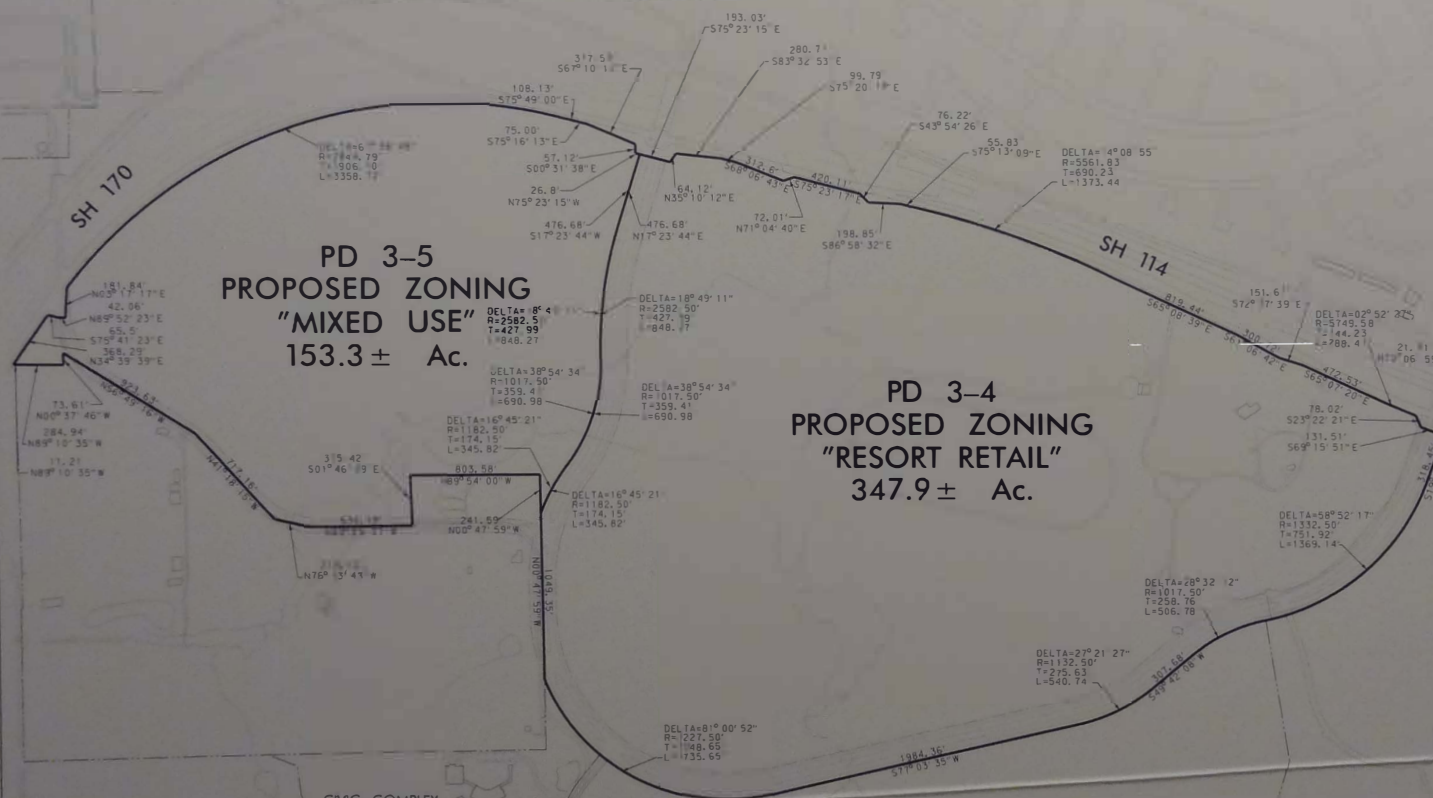
My Commission Expires: 3-14-07



VICINITY MAP



0 100' 200' 300'  
SCALE 1" = 300'



PD 3-4 LAND USE SUMMARY

	ACRES
ORIGINAL PD 3-4	181.5±
PROPOSED PD 3-4	347.9±

PD 3-5 LAND USE SUMMARY

	ACRES
ORIGINAL PD 3-5	200.0±
PROPOSED PD 3-5	153.3±

EXISTING PD 3-3

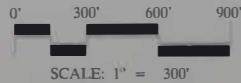
A ZONING EXHIBIT FOR  
RESORT RETAIL & MIXED USE

A REZONING OF PD 3-4, PD-3-5,  
AND A PORTION OF PD 3-3

<b>OWNER</b>		<b>PLANNER-ENGINEER</b>	
THE INVESTMENT, L.P. 1000 WEST 10TH AVENUE, SUITE 1000 DENVER, CO 80202 (303) 555-4400		<b>C&amp;S Carter &amp; Burgess, Inc.</b> CAROL A. BURGESS, INC. 1000 WEST 10TH AVENUE, SUITE 1000 DENVER, CO 80202 (303) 555-4400	
PROJECT NO. 1000-100	DRAWN BY JAC	APPROVED BY JAC	DATE 10/14/94
			PP NO.
			REV.



VICINITY MAP



### PD 3-4 LAND USE SUMMARY

	ACRES
ORIGINAL PD 3-4	181.5 ±
PROPOSED PD 3-4	347.9 ±

### PD 3-5 LAND USE SUMMARY

	ACRES
ORIGINAL PD 3-5	200.0 ±
PROPOSED PD 3-5	153.3 ±



FIDELITY

## A ZONING EXHIBIT FOR RESORT RETAIL & MIXED USE

A REZONING OF PD 3-4, PD-3-5,  
AND A PORTION OF PD 3-3

OWNER		PLANNER /ENGINEER	
AIL INVESTMENT, L.P. 3600 HERITAGE PARKWAY, SUITE 200 FORT WORTH, TEXAS 76171 (817) 284-6000		 CARTER & BURGESS, INC. 777 MAIN STREET FORT WORTH, TX 76102	
PROJECT NO.	DRAWN BY	APPROVED BY	DATE
			PP NO.
			REV.