

ORDINANCE NO. 322

**AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING
ORDINANCE OF THE TOWN OF WESTLAKE, TEXAS, TO ADD PERMITTED
AND ACCESSORY USES TO "TRACT 8-3", AN APPROXIMATE 41.281-ACRE
TRACT OF LAND WITHIN PLANNED DEVELOPMENT ZONING DISTRICT
PD 3-8; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING
MAP; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN
EFFECTIVE DATE.**

WHEREAS, on the 14th day of September, 1998, the Board of Aldermen adopted Ordinance No. 314 rezoning an approximate 222.6-acre tract of land to a Planned Development District known as "PD 3-8" and authorizing office, office/industrial, and retail uses; and

WHEREAS, AIL Investments, L.P., as owner of the approximate 222.6-acre tract of land has submitted an application to amend PD 3-8 to allow additional uses and accessory uses on an approximate 41.281-acre tract of land only, known as Tract 8-3 within PD 3-8; and

WHEREAS, the Planning and Zoning Commission ("Commission") and the Board of Aldermen ("Board") of the Town of Westlake held public hearings upon the application of AIL Investments, L.P. to amend the permitted and accessory uses for Tract 8-3 only within PD 3-8, after written notice of such hearing had been sent to owners of real property within 200 feet of the property and notice was published in a newspaper of general circulation in the Town, all in accordance with law; and

WHEREAS, the Commission has recommended to the Board that the additional permitted and accessory uses on Tract 8-3 within PD 3-8 be approved; and

WHEREAS, the Board believes that the interests of the Town, the present and future residents and citizens of the Town, and developers within the Town are best served by adopting this Ordinance, which the Board has determined to be consistent with the 1992 Comprehensive Plan, Thoroughfare Plan, and Open Space Plan, all as amended.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL 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, as amended by Ordinance No. 314, is hereby further amended by this Ordinance by authorizing the permitted, accessory, and special use permitted uses as set out in Exhibit 1 attached hereto by reference for all purposes

only within the property known as Tract 8-3, an approximate 41.281-acre tract of land within Planned Development District PD 3-8, which is more fully described in Exhibit 2 attached hereto by reference for all purposes.

SECTION 3: Upon the adoption of this Ordinance, the Town secretary shall promptly enter a notation on the Town's Official Zoning Map that PD No. 3-8 is amended for this tract of land, and the Ordinance Number and date that this Ordinance was adopted by the Board.

SECTION 4: It is hereby declared to be the intention of the Board of Aldermen 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 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.

PASSED AND APPROVED by the Board of Aldermen of the Town of Westlake, Texas, on this the 14th day of December, 1998.

ATTEST:

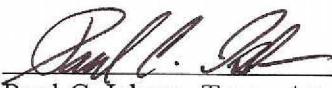


Scott Bradley, Mayor



Ginger Crosswy, Town Secretary

APPROVED AS TO FORM:



Paul C. Isham, Town Attorney

LEGAL DESCRIPTION

BEING a tract of land situated in the William Huff Survey, Abstract Number 648, Town of Westlake, Tarrant County, Texas and being a portion of that tract of land conveyed to Lakeway Land Ltd., Et al, recorded in Volume 12625, Page 504 of Deed Records, Tarrant County, Texas and being more particularly described by metes and bound as follows:

COMMENCING at the intersection of the southerly right-of-way line of State Highway 170 (a variable width right-of-way) with the easterly right-of-way line of U.S. Highway 377 (a variable width right-of-way);

THENCE along the easterly right-of-way of said U.S. Highway 377 the following courses and distances:

S 29°14'08"W, 263.27 feet;

S 32°17'30"W, 304.38 feet;

S 36°33'35"W, 266.28 feet to a 5/8 inch iron rod with cap stamped "Carter & Burgess" set, at the **POINT OF BEGINNING**;

THENCE S 53°27'27"E, 36.51 feet, to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess", set, at the beginning of a curve to the left;

THENCE with said curve to the left, an arc distance of 543.30 feet, through a central angle of 51°52'52", having a radius of 600.00 feet, the long chord of which bears S 79°23'53"E, 524.93 feet, to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess", set;

THENCE N 74°39'41"E, 487.80 feet, to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess", set;

THENCE S 03°11'16"E, 122.59 feet, to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess", set at the beginning of a curve to the left;

THENCE with said curve to the left, an arc distance of 396.18 feet, through a central angle of 35°28'06", having a radius of 640.00 feet, the long chord of which bears S 20°55'19"E, 389.89 feet, to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess", set;

THENCE S 38°39'23"E, 60.12 feet, to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess", set at the beginning of a curve to the left;

THENCE with said curve to the left, an arc distance of 77.58 feet, through a central angle of 88°54'11", having a radius of 50.00 feet, the long chord of which bears S 05°47'42"W, 70.03 feet, to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess", set at the beginning of a curve to the left;

THENCE with said curve to the left, an arc distance of 247.78 feet, through a central angle of 05°56'24",

having a radius of 2390.00 feet, the long chord of which bears S $47^{\circ}16'36''$ W, 247.67 feet, to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess", set;

THENCE S $44^{\circ}18'24''$ W, 416.93 feet, to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess", set, at the beginning of a curve to the right;

THENCE with said curve to the right, an arc distance of 1549.49 feet through a central angle of $77^{\circ}52'36''$, having a radius of 1140.00 feet, the long chord of which bears S $83^{\circ}14'42''$ W, 1432.94 feet, to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess", set;

THENCE N $57^{\circ}49'00''$ W, 93.96 feet, to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess", set;

THENCE N $12^{\circ}06'29''$ W, 90.81 feet, to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess", set, in aforementioned easterly right-of-way of U.S. Highway 377, at the beginning of a non-tangent curve to the right;

THENCE with said non-tangent curve to the right, an arc distance of 160.41 feet, through a central angle of $02^{\circ}27'16''$, having a radius of 3744.72 feet, the long chord of which bears N $35^{\circ}18'54''$ E, 160.40 feet, to a 5/8 inch iron rod with plastic cap stamped "Carter & Burgess", set;

THENCE N $36^{\circ}32'32''$ E, 1192.06 feet, with said easterly right-of-way, to the Point of Beginning and containing 1,798,200 square feet or 41.281 acres of land more or less.

HUGHES & LUCE, L.L.P.

1717 Main Street
Suite 2800
Dallas, Texas 75201
214 / 939-5500
214 / 939-6100 (fax) 214 / 939-5849 (pc fax)
www.hughesluce.com

Attorneys and Counselors

December 2, 1998

Other Offices

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venturm@hughesluce.com

Austin
Houston

~~Town of Westlake
c/o Paul C. Isham
Town Attorney
1408 W. Abram, Suite 209
Arlington, Texas 76013~~

Via Hand Delivery

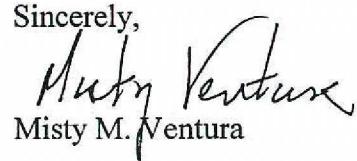
Re: Application for Zoning Change to PD 3-8, Westlake, Texas

Dear Mr. Isham:

An Application for Zoning Change (the "Application") to PD 3-8, Westlake, Texas, was submitted to Ginger Crosswy at the Westlake Town Hall on or about November 17, 1998. Attached to the Application was a Proposed Amended Land Use Schedule (the "Proposed Schedule"). We have made a few minor changes to the Proposed Schedule (the "Revised Schedule"). Please find enclosed the Revised Schedule. Also enclosed is a red-line draft of the Revised Schedule, marked to show changes from the Proposed Schedule.

I am sending these documents to your attention because it is my understanding that the Westlake Town Hall is closed until Monday, December 7, 1998. Consequently, I am unable to deliver these documents to Ginger. If you require more information or additional copies of the Revised Schedule, please contact me.

Sincerely,



Misty M. Ventura

cc: Ginger Crosswy (w/ encls. - via U.S. Mail)
Terry Morgan (w/o encls. - via fax)
Bill Resch (w/o encls. - via fax)
Ike Shupe (w/o encls.)

PROPOSED AMENDED LAND USE SCHEDULE
CIRCLE T PLANNING AREA 8 - WEST COMMERCIAL

PERMITTED USES X=Permitted, A=Accessory Use, S=SUP	SUB-AREAS			
	Retail ¹	Office	Off/Ind	Public Use
AGRICULTURAL USES				
Orchard	X	X	X	X
Plant Nursery (Growing)	X	X	X	X
Plant Nursery (Retail Sales)	X		X	X
Farms General (Crops)	X	X	X	X
Farms General (Livestock, Ranch)	X	X	X	X
Veterinarian (Indoor Kennels)	X			
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	A		
Temporary Accommodation for Employees/Customers/Visitors	A	A		
Swimming Pool (Private)		A ²		
Detached Garage (Private)				
Sport/Tennis Courts (Private)		A ²		
INSTITUTIONAL and GOVERNMENTAL USES				
Emergency Ambulance Service	X	X ³		
Post Office (Governmental)	X	X		
Mailing Service (Private)	X	X		
Heliport		A ²		
Helistop/Verti-stop	X	X		
Telephone, Electric, Cable, and Fiber Optic Switching Station	X	X	X	
Electrical Substation	S	S	S	
Utility Distribution Lines ⁴	X	X	X	
Utility Shop and Storage	S	S	S	
Water and Sewage Pumping Station (below grade)	X	X	X	
Water and Sewage Pumping Station (above grade)	X	X	S	

PERMITTED USES	SUB-AREAS			
	Retail ¹	Office	Off/Ind	Public Use
X=Permitted, A=Accessory Use, S=SUP				
Water Storage Tank and Pumping System (Elevated or Above Grade)	X	X	S	
Water, Sewer, Electric, and Gas Meters	X	X	X	
Electric Transformers	X	X	X	
Private Streets/Alleys/Drives	X	X	X	X
Retirement Home	X	X		
Nursing/Convalescent Home		X		
Hospice		X	X	
Hospital ⁵		X	X	
Psychiatric Hospital		X	X	
Clinic ⁶	X	X	X	
Child Daycare (Public; 7 or more)	X	X	X	
Child Daycare (Private; 7 or more)		A		
School, K-12 (Public or Private)	S	S	S	
School (Vocational)	X	X	X	
College or University	X	X	X	
Community Center (Public)	X	X	X	
Civic Club	X	X	X	
Church or Place of Worship	X	X	X	
Use Associated to a Religious Inst.	X	X	X	
Government Building	X	X	X	X
Police Station	X	X	X	X
Fire Station	X	X	X	X
Library	X	X	X	X
Data Center				
COMMERCIAL USES				
Multifamily (Apartments)				
Offices (General) ⁵	X	X	X	
Studio	X	X	X	
Banks and Financial Institutions	X	X	X	
Information Processing		X	X	
Hotel/Motel	X	X	X	
Hotel/Motel with Conferencing Facility	X	X	X	
Laundry/Dry Cleaning (<3,000 S.F.)	X	A		
Laundry/Dry Cleaning (Drop/Pick)	X	A		
Shoe Repair	X	A	A	
Beauty Parlor/Barbershop	X	A ²		
Clothing Store	X	A ²		
Quick Copy/Duplicating Services	X	A	X	
Personal Services	X	X	X	
Liquor Store	X			
Micro-brewery and Wine Production and Sales (<30,000 S.F.)			X	

PERMITTED USES	SUB-AREAS			
	Retail ¹	Office	Off/Ind	Public Use
X=Permitted, A=Accessory Use, S=SUP				
Grocery	X	A ²		
Convenience Store	X	A		
Service Station	X			
Drug Store	X	A		
Variety Store	X	A ²		
Bakery Sales	X	A ²		
Stationery and/or Book Store	X	A ²		
Antique Shop	X			
Art Gallery/Museums	X	A ²		
Hardware Store	X			
Sporting Goods	X			
Paint and Wallpaper	X			
Cloth Store	X			
Retail Stores - General (Excluding Second Hand Goods)	X	A ²		
Restaurant, Cafe or Dining Facility	X	A	A	
Auto/Truck Parts and Accessories	S			
Household Furniture/Appliances (including Sales and Service)	X			
Farmer's Market	X			
Feed Store	X			
Parking Structure	A	A	A	
Cafeteria (Private)	A	X		
Job Printing, Lithography, Printing, or Blueprinting	X	X	X	
Vehicle Display and Sales (inside)				
Medical Laboratory		A ²		
R&D Laboratory		A ²		
Conference Center		A ²		
Live Theater	X	X		X
Motion Picture Theater	X			
Custom Business Services				
Electronic Appliances Store and Computer Sales and Service				
Tavern, Bar or Lounge				
Dance Halls/Nightclubs				
AMUSEMENT/RECREATION				
Golf Course (Public or Private)	X	X	X	
Park or Playground (Public or Private)	X	X	X	
Satellite Dish	X	X	X	
Non-Commercial Radio Tower	S	S	S	
Race Track Operation		S	S	
Recreation Facility, Health Studio (Public)	X	X	X	

PERMITTED USES	SUB-AREAS			
	Retail ¹	Office	Off/Ind	Public Use
X=Permitted, A=Accessory Use, S=SUP				
Country Club (Private Membership)	X	X	X	
Golf Clubhouse (Public or Private)		X	X	
Community Center (Private)				
Recreation Center (Private)	X	X		
Hike, Bike, and Equestrian Trails (Public or Private)	X	X	X	X
Golf Maintenance Facility				
Golf Pro Shop				
Health/Spa Facilities (Private)	X	X	X	
Athletic Fields (Unlighted; Private)		A ²		
Athletic Courts (Private)		A		
Equestrian Center				
Athletic Courts (Public)		A		
Commercial Amusement (Inside)				
Lake Cruise/Water Taxi				
AUTO SERVICES				
Truck/Trailer Rental				
Auto Body Repair	S		S	
Auto Mechanical Repair	S		S	
Quick Lube/Oil Change	S		S	
Vehicle Maintenance (Private)	S		S	
Vehicle Fueling (Private)				
WHOLESALE TRADE				
Warehouse/Storage (Inside)			X	
Warehouse/Storage (Outside)			S	
Scrap/Waste Recycling Collection and/or Storage			S	
Gas/Chemical Bulk Storage		A ²	S	
Light Manufacturing/Assembly			X	
Apparel Manufacturing			X	
Packaging and/or Distribution			X	
Printing, Engraving and related Reproductive Services			X	
Distribution of Books/Other Printed Material			X	
Machine Shop			S	
Welding Shop			S	
Temporary Batching Plant	S	S	S	S
Temporary Construction Office		X ⁷	X ⁷	X ⁷
Temporary Construction Materials Storage	X ⁷	X ⁷	X ⁷	X ⁷
Temporary Sales Office		S	S	

NOTES:

1. Individual retail occupants (except grocery store and drug store) cannot exceed 25,000 square feet.
2. Limited to an accessory use to the "hospital" or "clinic" permitted uses.
3. Limited to a permitted use in Tract 8-3 only.
4. Including water, sewer, electric, gas, cable, telephone, fiber optic, and other public and private utility distribution lines.
5. Includes emergency clinic and medical clinic.
6. Includes medical office and medical treatment.
7. Limited to period of construction.

This redlined draft, generated by CompareRite - The Instant Redliner, shows the differences between -

original document : G:\DATA\DALLAS\VENTURM\0392902.03

and revised document: C:\DOCS\VENTURM\0392902.04

CompareRite found 9 change(s) in the text

Deletions appear as overstruck text

Additions appear as double underlined text

PROPOSED AMENDED LAND USE SCHEDULE
CIRCLE T PLANNING AREA 8 - WEST COMMERCIAL

X=Permitted, A=Accessory Use, S=SUP	SUB-AREAS			
	Retail ¹	Office	Off/Ind	Public Use
AGRICULTURAL USES				
Orchard	X	X	X	X
Plant Nursery (Growing)	X	X	X	X
Plant Nursery (Retail Sales)	X		X	X
Farms General (Crops)	X	X	X	X
Farms General (Livestock, Ranch)	X	X	X	X
Veterinarian (Indoor Kennels)	X			
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	A		
Temporary Accommodation for Employees/Customers/Visitors	A	A		
Swimming Pool (Private)		A ²		
Detached Garage (Private)				
Sport/Tennis Courts (Private)		A ²		
INSTITUTIONAL and GOVERNMENTAL USES				
Emergency Ambulance Service	X	X ³		
Post Office (Governmental)	X	X		
Mailing Service (Private)	X	X		
Heliport		A ²		
Helistop/Verti-stop	X	X		
Telephone, Electric, Cable, and Fiber Optic Switching Station	X	X	X	
Electrical Substation	S	S	S	
Utility Distribution Lines ⁴	X	X	X	
Utility Shop and Storage	S	S	S	
Water and Sewage Pumping Station (below grade)	X	X	X	
Water and Sewage Pumping Station (above grade)	X	X	S	

PERMITTED USES	SUB-AREAS			
	Retail ¹	Office	Off/Ind	Public Use
Water Storage Tank and Pumping System (Elevated or Above Grade)	X	X	S	
Water, Sewer, Electric, and Gas Meters	X	X	X	
Electric Transformers	X	X	X	
Private Streets/Alleys/Drives	X	X	X	X
Retirement Home	X	X		
Nursing/Convalescent Home		X		
Hospice		X	X	
Hospital ⁵		X	X	
Psychiatric Hospital		X	X	
Clinic ⁶	X	X	X	
Child Daycare (Public; 7 or more)	X	X	X	
Child Daycare (Private; 7 or more)		A		
School, K-12 (Public or Private)	S	S	S	
School (Vocational)	X	X	X	
College or University	X	X	X	
Community Center (Public)	X	X	X	
Civic Club	X	X	X	
Church or Place of Worship	X	X	X	
Use Associated to a Religious Inst.	X	X	X	
Government Building	X	X	X	X
Police Station	X	X	X	X
Fire Station	X	X	X	X
Library	X	X	X	X
Data Center				
COMMERCIAL USES				
Multifamily (Apartments)				
Offices (General) ⁵	X	X	X	
Studio	X	X	X	
Banks and Financial Institutions	X	X	X	
Information Processing		X	X	
Hotel/Motel	X	X	X	
Hotel/Motel with Conferencing Facility	X	X	X	
Laundry/Dry Cleaning (<3,000 S.F.)	X	A		
Laundry/Dry Cleaning (Drop/Pick)	X	A		
Shoe Repair	X	A	A	
Beauty Parlor/Barbershop	X	A ²		
Clothing Store	X	A ²		
Quick Copy/Duplicating Services	X	A	X	
Personal Services	X	X	X	
Liquor Store	X			
Micro-brewery and Wine Production and Sales (<30,000 S.F.)			X	

PERMITTED USES	SUB-AREAS			
	Retail ¹	Office	Off/Ind	Public Use
X=Permitted, A=Accessory Use, S=SUP				
Grocery	X	A ²		
Convenience Store	X	A		
Service Station	X			
Drug Store	X	A		
Variety Store	X	A ²		
Bakery Sales	X	A ²		
Stationery and/or Book Store	X	A ²		
Antique Shop	X			
Art Gallery/Museums	X	A ²		
Hardware Store	X			
Sporting Goods	X			
Paint and Wallpaper	X			
Cloth Store	X			
Retail Stores - General (Excluding Second Hand Goods)	X	A ²		
Restaurant, Cafe or Dining Facility	X	A	A	
Auto/Truck Parts and Accessories	S			
Household Furniture/Appliances (including Sales and Service)	X			
Farmer's Market	X			
Feed Store	X			
Parking Structure	A	A	A	
Cafeteria (Private)	A	X		
Job Printing, Lithography, Printing, or Blueprinting	X	X	X	
Vehicle Display and Sales (inside)				
Medical Laboratory		A ²		
R&D Laboratory		A ²		
Conference Center		A ²		
Live Theater	X	X		X ³ X
Motion Picture Theater	X			
Custom Business Services				
Electronic Appliances Store and Computer Sales and Service				
Tavern, Bar or Lounge				
Dance Halls/Nightclubs				
AMUSEMENT/RECREATION				
Golf Course (Public or Private)	X	X	X	
Park or Playground (Public or Private)	X	X	X	
Satellite Dish	X	X	X	
Non-Commercial Radio Tower	S	S	S	
Race Track Operation		S	S	
Recreation Facility, Health Studio (Public)	X	X	X	

✓

X=Permitted, A=Accessory Use, S=SUP	SUB-AREAS			
	Retail ¹	Office	Off/Ind	Public Use
Country Club (Private Membership)	X	X	X	
Golf Clubhouse (Public or Private)		X	X	
Community Center (Private)				
Recreation Center (Private)	X	X		
Hike, Bike, and Equestrian Trails (Public or Private)	X	X	X	X
Golf Maintenance Facility				
Golf Pro Shop				
Health/Spa Facilities (Private)	X	X	X	
Athletic Fields (Unlighted; Private)		A ²		
Athletic Courts (Private)		A		
Equestrian Center				
Athletic Courts (Public)		A		
Commercial Amusement (Inside)				
Lake Cruise/Water Taxi				
AUTO SERVICES				
Truck/Trailer Rental				
Auto Body Repair	S		S	
Auto Mechanical Repair	S		S	
Quick Lube/Oil Change	S		S	
Vehicle Maintenance (Private)	S		S	
Vehicle Fueling (Private)				
WHOLESALE TRADE				
Warehouse/Storage (Inside)			X	
Warehouse/Storage (Outside)			S	
Scrap/Waste Recycling Collection and/or Storage			S	
Gas/Chemical Bulk Storage		A ²	S	
Light Manufacturing/Assembly			X	
Apparel Manufacturing			X	
Packaging and/or Distribution			X	
Printing, Engraving and related Reproductive Services			X	
Distribution of Books/Other Printed Material			X	
Machine Shop			S	
Welding Shop			S	
Temporary Batching Plant	S	S	S	S
Temporary Construction Office		X ³ X ³ X ³ X ³	X ⁷	X ⁷
Temporary Construction Materials Storage	X ³ X ³ X ³ X ³ X ⁷	X ⁷	X ⁷	X ⁷

PERMITTED USES X=Permitted, A=Accessory Use, S=SUP	SUB-AREAS			
	Retail ¹	Office	Off/Ind	Public Use
Temporary Sales Office		S	S	

NOTES:

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