

**TOWN OF WESTLAKE**

**ORDINANCE NO. 959**

**AN ORDINANCE REZONING LOT 2R1, BLOCK 1, WESTLAKE/SOUTHLAKE PARK ADDITION NUMBER ONE, DEPICTED IN EXHIBIT "A" ATTACHED HERETO, FROM PD1-1 "PLANNED DEVELOPMENT DISTRICT NUMBER ONE-PLANNING AREA ONE" TO PD1-2 "PLANNED DEVELOPMENT DISTRICT NUMBER ONE-PLANNING AREA TWO"; AMENDING ORDINANCES 703 AND 720, AS AMENDED, INCORPORATING LOT 2R1, BLOCK 1, WESTLAKE/SOUTHLAKE PARK ADDITION NUMBER ONE; 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**, the Town of Westlake, Texas is a general law municipality; and

**WHEREAS**, on November 16, 1992 the Town Council of the Town of Westlake, Texas approved Ordinance 202 establishing the PD1 zoning district; and

**WHEREAS**, on January 7, 2013, The Town Council of the Town of Westlake, Texas approved Ordinance 691, which amended Ordinance 202 and approved the partition of PD1 into three separate planning areas known as PD1-1, PD1-2 and PD 1-3; and

**WHEREAS**, on April 22, 2013, The Town Council of the Town of Westlake, Texas approved Ordinance 703, establishing zoning regulations for Planned Development District 1-2 (PD1-2), commonly known as Westlake Entrada; and

**WHEREAS**, On October 28, 2013, the Westlake Town Council approved Ordinance 720, which approved the Development Plan for Planned Development District 1-2 (PD1-2); and

**WHEREAS**, On June 19, 2017, The Town Council approved Ordinance 830, which amended Ordinance 720 (Entrada Development Plan) by amending only the Phase Two portion of the Development Plan; and

**WHEREAS**, On April 30, 2018, the Westlake Town Council approved Ordinance 852, which amended Ordinance 703 (Entrada Zoning Regulations) by amending residential versus commercial performance standards; and

**WHEREAS**, On May 18, 2020, the Westlake Town Council approved Ordinance 908 which amended Ordinance 703 (Entrada Zoning Regulations) by adding the use of a private sporting club; and

**WHEREAS**, On October 26, 2020, The Town Council approved Ordinance 918, which amended Ordinance 720 (Entrada Development Plan), and repealed Ordinance 830, by approving various graphics changes and amendments to Block P and Block K; and

**WHEREAS**, On August 23, 2021, The Town Council approved Ordinance 934, which amended Ordinance 720 (Entrada Development Plan) and repealed Ordinance 918, approving the removal of the amphitheater and addition of the repository to Block C and amendments to Block B, and adding new performance standards; and

**WHEREAS**, On August 23, 2021, The Town Council approved Ordinance 935, which amended Ordinance 703 (the Entrada zoning regulations), approving amendments to the site plan approval process, and adding the use of a residential repository; and

**WHEREAS**, a zoning change application was received requesting that Lot 2R1, Block 1, Westlake/Southlake Park Addition #1, be zoned from PD1-1 to PD1-2 and incorporated into the Entrada development; and

**WHEREAS**, the applicant, and current Entrada developer, seek to amend Ordinance 720 (Entrada Development Plan), as amended, in order to move residential uses from phase two of the development plan to Lot 2R1, Block 1, Westlake/Southlake Park Addition #1, and replace said residential uses on phase two with commercial uses; and

**WHEREAS**, following provision of proper legal notice, including written notice to owners within 200 feet of the subject property and the PD1-2 zoning district, published notice and posted notice in accordance with the Texas Open Meetings Act of public hearing, a public hearing was held on November 29, 2022 by the Planning and Zoning Commission (Commission) whereby the Commission recommended to the Town Council approval zoning change; and

**WHEREAS**, following provision of proper legal notice, including written notice to owners within 200 feet of the subject property and the PD1-2 zoning district, published notice and posted notice in accordance with the Texas Open Meetings Act of public hearing, a public hearing was held on December 5, 2022 by the Town Council; and

**WHEREAS**, the Council believes that the interests of the Town, the present and future residents and citizens of the Town, and developers of land within the Town, are best served by adopting this Ordinance, which the Council has determined to be consistent with the 2015 Comprehensive Plan and its Land Use Map, Thoroughfare Plan, and Open Space Plan, all as amended to date; and

**WHEREAS**, upon the recommendation of the Planning and Zoning Commission and after a public hearing, the Town Council of the Town of Westlake, Texas, is of the opinion that it is in the best interests of the Town and its citizens that the rezoning request, and these amendments to Ordinances 703 and 720, as amended, should be approved and adopted.

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

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

**SECTION 2:** That Lot 2R1, Block 1, Westlake/Southlake Park Addition #1, as depicted in **Exhibit “A”**, is hereby rezoned from PD1-1 to PD1-2.

**SECTION 3:** That Ordinance 703 (Entrada Zoning Regulations), as amended, is hereby amended by incorporating Lot 2R1, Block 1, Westlake/Southlake Park Addition #1, as depicted in **Exhibit “A”**, into the Westlake Entrada development. Lot 2R1, Block 1, Westlake/Southlake Park Addition #1 shall be subject to all provisions of Ordinance 703, as amended.

**SECTION 4:** That Ordinance 720 (Entrada Development Plan), as amended, is hereby amended by incorporating Lot 2R1, Block 1, Westlake/Southlake Park Addition #1, as depicted in **Exhibit “A”**, into the Entrada Development Plan as shown in **Exhibit “B”**, subject to the following conditions:

- A. The land depicted on **Exhibit “A”**, and any subsequent development and/or redevelopment, shall conform to the provisions of Ordinance 760 (Entrada Design Guidelines).
- B. The development plan is hereby amended to incorporate the area labeled as “Area One” in **Exhibit “B”** for future single family and commercial uses subject to the approval of a site plan for “Area One” by the Town Council upon the recommendation of the Planning and Zoning Commission. Upon submission of said site plan, a development plan amendment shall also be submitted that conforms to the site plan. The configuration of lots and streets as depicted in “Area One” in **Exhibit “B”** is shown for informational purposes only. The final configuration of lots, streets, land uses, building massing, etc. shall be determined upon the consideration of the site plan for “Area One”.
- C. The development plan is hereby amended removing all residential uses from the phase two portion of the development plan, labeled as “Area Two” on **Exhibit “B”**.
- D. All commercial uses in “Area One” existing as of the date of this ordinance are hereby considered to be legal conforming uses. However, any change in use, expansion or significant alteration as determined by the town manager or designee shall require the approval of a site plan amendment.
- E. Upon submission of the site plan for “Area One”, a paved roadway connection from the “Area One” to Cortes Drive shall be indicated on the site plan with further conditions on the construction of the roadway connection included with the site plan approval.
- F. No final plat for any residential lots in “Area One” shall be recorded and no residential building permits shall be issued until the following requirements are met:
  - (1) There are sufficient substantially complete non-residential buildings constructed in the development per the terms of the Entrada zoning regulations;

- (2) A development agreement and/or economic development agreement is approved by the developer and the Town Council that, at a minimum, incorporates the “Area One” property into the existing Entrada approved agreements, as amended.
- (2) The traffic signal at Cortes Drive and Solana Blvd. is constructed per the terms of the Entrada development agreement and is operational as determined by the town manager or designee;
- (3) These terms may be modified or amended as part of the required site plan approval for “Area One” and/or through an development agreement amendment.

G. A traffic impact analysis shall be submitted as part of the site plan submittal for “Area One”.

H. All principal land uses located adjacent to SH 114 in “Area Two” shall contain sales tax generating retail and/or restaurant uses.

I. Land uses and development shown on “Area Three”, as shown on **Exhibit “B”**, are not approved as part of this amendment and shall conform to the relevant portions of the development plan amended by Ordinance 934.

J. All provisions of Ordinances 703 and 720, as amended, shall remain in full force and effect, except where amended herein.

**SECTION 5:** 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 6:** 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 7:** 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 8:** This ordinance shall take effect immediately from and after its passage as

the law in such case provides.

PASSED AND APPROVED ON THIS 5<sup>th</sup> DAY OF DECEMBER 2022.

ATTEST:



Amy Piukana, Town Secretary



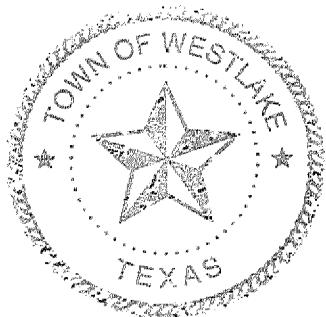
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Sean Kilbride, Mayor

APPROVED AS TO FORM:

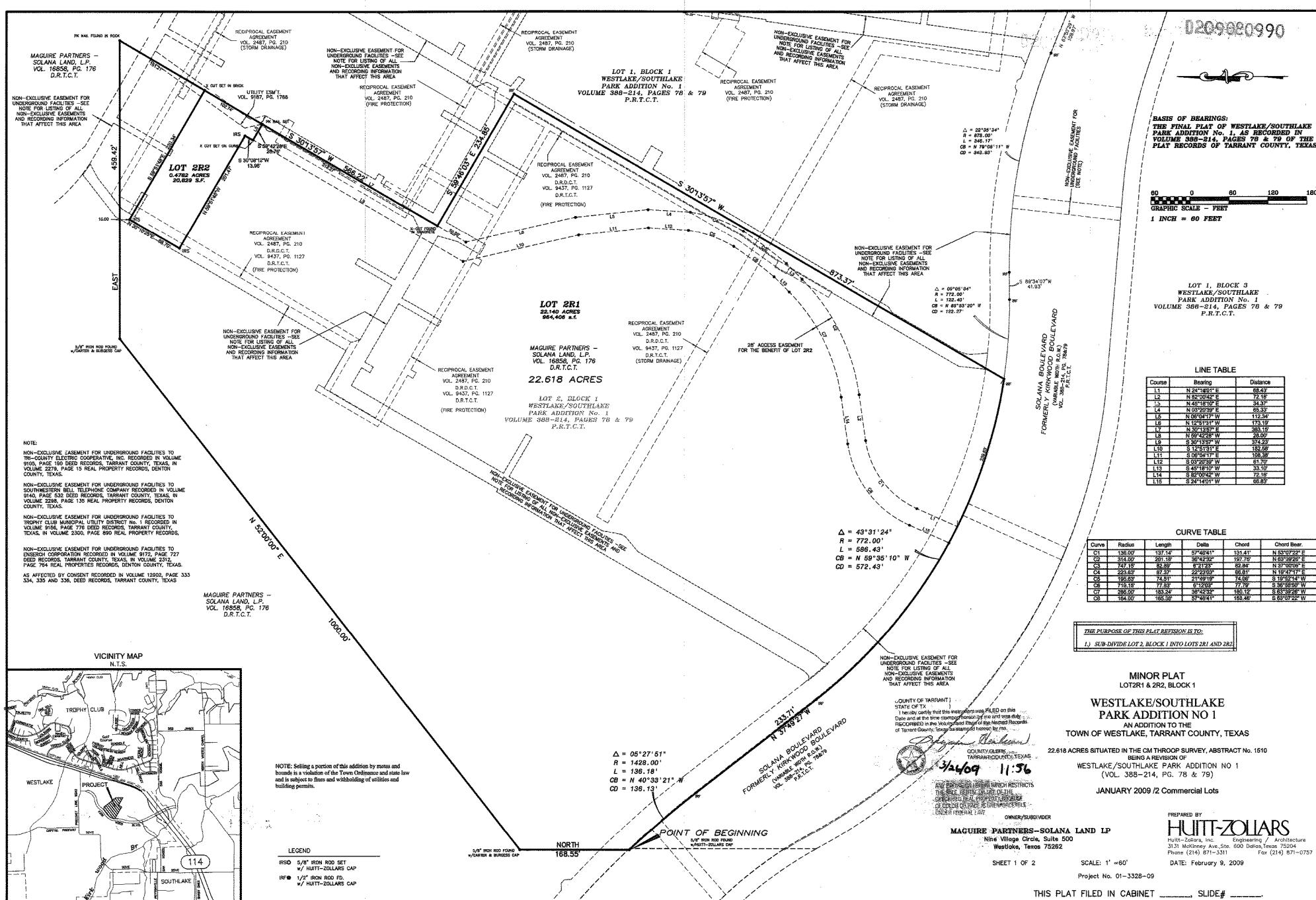


L. Stanton Lowry, Town Attorney



## **EXHIBITS**

EXHIBIT A- Final Plat of Lot 2R1, Block 1, Westlake/Southlake Park Addition #1  
EXHIBIT B- Amended Development Plan Exhibit



# Proposed Amended Development Plan Exhibit

