

TOWN OF WESTLAKE

ORDINANCE NO. 846

AN ORDINANCE ZONING AN APPROXIMATELY 62.531 ACRE TRACT OF LAND BEING A PORTION OF LOT 1, BLOCK 3, WESTLAKE/SOUTHLAKE PARK ADDITION NUMBER ONE, FURTHER DESCRIBED AND DEPICTED IN EXHIBIT "A" ATTACHED HERETO, FROM PD1-1 "PLANNED DEVELOPMENT DISTRICT NUMBER ONE" TO PD6 "PLANNED DEVELOPMENT DISTRICT NUMBER SIX"; AUTHORIZING RESIDENTIAL DEVELOPMENT; APPROVING A CONCEPT/DEVELOPMENT PLAN; APPROVING A SPECIFIC USE PERMIT (SUP) FOR PRIVATE STREETS; 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, Section 102-33(3) of the Code of Ordinances of the Town of Westlake states that the purpose of a Planned Development District is to: Provide for a superior design of lots or buildings; Provide for increased recreation and/or open space opportunities for public use; Provide rural amenities or features that would be of special benefit to the property users or community; Protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes or hills and views; Protect or preserve existing historical buildings, structures, features or places; and provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services.; and

WHEREAS, on January 5, 2018, the Town of Westlake received a Zoning Change Request from the Wilbow Corporation on behalf of the property owner for the property depicted and described in **Exhibit "A"** requesting that the Town zone said property to PD6 "Planned Development District Number Six" in accordance with Chapter 102 of the Code of Ordinances of the Town of Westlake, Texas; 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 the Planning and Zoning Commission and 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, including but not limited to chapter 551 of the Government Code and Chapter 211 of the Local Government Code; and

WHEREAS, on January 22, 2018, 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 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 22, 2018, 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 rezoned from PD1-1, "Planned Development District Number One" to PD6, Planned Development District Number Six", including the approval of a concept/development plan and a Specific Use Permit (SUP) for private streets, subject to the conditions contained in **Exhibit "B"**.

SECTION 3: This Zoning District shall be subject to all regulations contained in the Code of Ordinances of the Town of Westlake, Texas, except where amended herein.

SECTION 4: 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. In the event this ordinance is challenged (by a party other than the Applicant/landowner or applicant/landowner's representative or successor), the portions, sentences or phrases allowing for a reduction in the number of lots or an increase to the total open space as set out in Exhibit B shall be severed and stricken.

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: That this Ordinance only affects the Property located within the boundaries of PD 6 and does not change or affect any other property, including but not limited to the property adjacent to PD 6.

SECTION 8: 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 9: This ordinance shall take effect immediately from and after its passage as the law in such case provides.

PASSED AND APPROVED ON THIS 26th DAY OF FEBRUARY 2018.


ATTEST:



Laura Wheat, Mayor

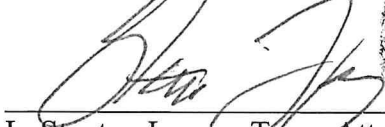


Kelly Edwards, Town Secretary



Thomas E. Brymer, Town Manager

APPROVED AS TO FORM:



L. Stanton Lowry, Town Attorney

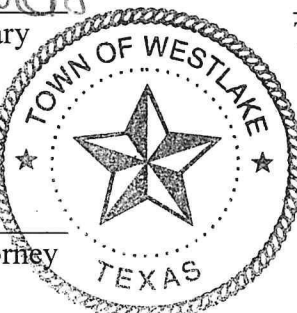


EXHIBIT A

Description and Depiction of Subject Property

Property Depiction



EXHIBIT A continued

Description and Depiction of Subject Property

Property Description

BEING a tract of land situated in the C.M. Throop Survey, Abstract No. 1510, City of Westlake, Tarrant County, Texas and being a portion of a Lot 1, Block 3, Westlake/Southlake Park Addition No. 1, an addition to the City of Westlake, Tarrant County, Texas, as shown on the plat thereof recorded in Volume 388-214, Page 78, Plat Records, Tarrant County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with plastic cap stamped "HUITT ZOLLARS" found for the northwest corner of said Lot 1, on the southerly right-of-way line of Solana Boulevard (a variable width right-of-way, formerly Kirkwood Boulevard, Volume 388-214, Page 78), common with the northeast corner of Granada, Phase 1, an addition to the City of Westlake, according to the plat thereof recorded in Instrument No. D215003584, Official Public Records, Tarrant County, Texas, same being the beginning of a non-tangent curve to the right having a central angle of 4°14'14", a radius of 622.00 feet, a chord bearing and distance of South 31°21'19" East, 45.99 feet;

THENCE in a southeasterly direction, along the common line of said Lot 1 and said Solana Boulevard and with said curve to the right, an arc distance of 46.00 feet to a 1/2 inch iron rod found at the beginning of a non-tangent curve to the left having a central angle of 56°44'01", a radius of 878.00 feet, a chord bearing and distance of South 57°15'10" East, 834.30 feet;

THENCE in a southeasterly direction, continuing along said common line and with said curve to the left, an arc distance of 869.38 feet to a 1/2 inch iron rod with plastic cap stamped "HUITT ZOLLARS" found at the end of said curve to the left;

THENCE South 85°37'09" East, continuing along said common line, a distance of 301.96 feet to a 1/2 inch iron rod with plastic cap stamped "HUITT ZOLLARS" found at the beginning of a tangent curve to the right having a central angle of 13°50'22", a radius of 772.00 feet, a chord bearing and distance of South 78°41'58" East, 186.02 feet;

THENCE in a southeasterly direction, continuing along said common line and with said curve to the right, an arc distance of 186.47 feet to a 5/8 inch iron rod with plastic cap stamped "HUITT ZOLLARS" found at the end of said curve to the right;

THENCE South 71°46'47" East, a distance of 76.75 feet to a 5/8 inch iron rod with plastic cap stamped "HUITT ZOLLARS" found at the beginning of a tangent curve to the left having a central angle of 23°26'45", a radius of 2028.01 feet, a chord bearing and distance of South 83°30'09" East, 824.10 feet;

THENCE in a southeasterly direction, continuing along said common line and with said curve to the left, an arc distance of 829.87 feet to a 5/8 inch iron rod with plastic cap stamped "HUITT ZOLLARS" found at the beginning of a compound curve to the left having a central angle of 0°53'50", a radius of 2927.66 feet, a chord bearing and distance of North 84°19'33" East, 45.85 feet;

THENCE in a northeasterly direction, continuing along said common line and with said curve to the left, an arc distance of 45.85 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set at the end of said curve to the left;

THENCE South 0°58'49" East, departing said common line and crossing said Lot 1, a distance of 920.26 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

END OF DESCRIPTION

EXHIBIT A continued

Description and Depiction of Subject Property

Property Description continued

THENCE North 89°01'11" East, continuing across said Lot 1, a distance of 494.60 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

THENCE North 52°55'43" East, continuing across said Lot 1, a distance of 375.61 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set on the westerly right-of-way line of Sam School Road (a variable width right-of-way, Volume 388-214, Page 78), same being the beginning of a non-tangent curve to the left having a central angle of 17°42'38", a radius of 1234.00 feet, a chord bearing and distance of South 55°43'41" East, 379.92 feet;

THENCE in a southeasterly direction, along the common line of said Lot 1 and said Sam School Road and with said curve to the left, an arc distance of 381.44 feet to a 5/8 inch iron rod with plastic cap stamped "HUITT ZOLLARS" found at the end of said curve to the left;

THENCE South 64°35'00" East, continuing along said common line, a distance of 112.44 feet to a 5/8 inch iron rod with plastic cap stamped "HUITT ZOLLARS" found at the beginning of a tangent curve to the right having a central angle of 42°36'56", a radius of 515.98 feet, a chord bearing and distance of South 43°16'32" East, 374.99 feet;

THENCE in a southeasterly direction, continuing along said common line and with said curve to the right, an arc distance of 383.77 feet to a 3/8 inch iron rod found for the most southerly southeast corner of said Lot 1, common with the northeast corner of Terra Bella, an addition to the City of Westlake, according to the plat thereof recorded in Instrument No. D208375268, said Official Public Records;

THENCE South 88°13'10" West, departing the westerly right-of-way of said Sam School Road and along the common line of said Terra Bella, a distance of 375.57 feet to 1/2 inch iron rod found for corner;

THENCE South 89°01'11" West, continuing along said common line, passing at a distance of 874.34 feet a 1/2 inch iron rod with plastic cap stamped "PRECISE LAND SURVEYING" found for the northwest corner of said Terra Bella and continuing along the southerly line of said Lot 1 for a total distance of 1467.40 feet to a metal fence corner post found for the most southerly southwest corner of said Lot 1, same being on the westerly line of Glenwyck Farms, an addition to the City of Westlake, according to the plat thereof recorded in Cabinet A, Slide 5814, said Plat Records;

THENCE North 0°20'11" East, along the common line of said Glenwyck Farms and said Lot 1, a distance of 460.52 feet to a 5/8 inch iron rod with plastic cap stamped "PBS & J" found for the most northerly southeast corner of said Lot 1, common with the northeast corner of said Glenwyck Farms;

THENCE South 89°29'54" West, continuing along said common line, a distance of 1774.99 feet to a 5/8 inch iron rod found for the most northerly southwest corner of said Lot 1, common with the southeast corner of the aforementioned Granada, Phase 1;

THENCE North 0°33'05" West, along the common line of said Lot 1 and said Granada, Phase 1, a distance of 1475.13 feet to the **POINT OF BEGINNING** and containing 62.531 acres or (2,723,851 sq. ft.) of land, more or less.

EXHIBIT B
Planned Development District Number 6 (PD6) Development Standards

Section 1 – General

- A. The purpose of PD6 is for a detached single-family residential development of no more than 56 residential lots.
- B. The development authorized by this ordinance shall be consistent with the Concept/Development Plan, attached as Exhibit B-1. Minor deviations in lot and street locations are allowed provided that conservation easement dimensions are not reduced between lots in this development and the development property boundary and, the percentage of open space in the development is not reduced.
- C. Platting
 - 1. The developer shall submit, and receive approval for, a preliminary site evaluation prior to any land disturbance activities;
 - 2. Prior to the issuance of the notice to proceed, the developer shall submit, and receive approval for: (i) a replat that vacates the portion of the existing Lot 1, Block 3, Westlake/Southlake Park Addition Number One that includes the subject property; and (ii) a replat for the remaining portion of land that includes the existing commercial building within the existing Westlake/Southlake Park Addition Number One.
 - 3. Prior to the final acceptance of public improvements, approval of private streets and release of residential building permits, the developer shall submit, and receive approval for, a final plat, which shall be platted as a single phase.
 - 4. The final plat noted above shall be recorded with the County Clerk prior to the release of any residential building permits.
 - 5. Prior to the approval of the preliminary site evaluation, the developer shall submit a development agreement for final approval by the Town Council per the requirements of the Code of Ordinances.
- D. Permitted Uses – The following are permitted principal and accessory uses:
 - 1. Single Family Detached Homes
 - 2. Open Space (including active, passive and conservation areas)
 - 3. Private Streets
 - 4. Public and Private Parks
 - 5. Drainage facilities (including retention and detention ponds)
 - 6. Guard houses
 - 7. Accessory Uses (as authorized in the Town's zoning regulations)
- E. Homeowner's Association – The development shall be governed by a Homeowner's Association (HOA) that will be responsible for common area

maintenance, private street maintenance, front yard maintenance and enforcing the HOA Design Guidelines for the community.

Section 2 – Lot Dimension and Building Design Standards

- A. Lot Size and Width: Lot size and width shall meet the following conditions:
1. Village Homes
 - a. Minimum Lot Size: 10,000 square feet
 - b. Minimum Lot Width: 80 feet on standard lots, 40 feet on cul-de-sacs and elbow lots.
 2. Cottage Homes
 - a. Minimum Lot Size: 8,750 square feet
 - b. Minimum Lot Width: 70 feet on standard lots, 30 feet on cul-de-sacs and elbow lots.
- B. Lot Coverage: The maximum building footprint for a home shall be limited to (i) the lesser of 47% of the entire lot area, or 5,000 square feet for a one-story home and (ii) the lesser of 43%, or 4,500 square feet for a two-story residence. On lots larger than 11,000 square feet, two-story residences may have a maximum footprint of 5,000 square feet. Footprint is defined as all areas that are contained within the ground floor air-conditioned space, garages and covered patios of the main residence (excludes open porches, patios, porte-cocheres, or other unenclosed areas and accessory buildings).
- C. Minimum House Size: All residences shall contain a minimum of 3,000 square feet of air-conditioned living space.
- D. Massing: For two-story structures, the second story shall not exceed 50% of the first floor footprint.
- E. Building Height: The maximum height of two-story structures shall be two and one-half stories or 28 feet measured to the mid-point of the highest sloping roof above existing grade. Lots designated as being limited to a one-story building height as shown on Exhibit B-1 and B-2 shall be not higher than 20 feet measured to the mid-point of the highest sloping roof above existing grade and shall comply with the provisions of Section 6(D) as stated herein.
- F. Building Setbacks:
1. Front yard: 30 feet (20 feet on cul-de-sac and elbow lots)
 2. Rear yard: 20 feet
 3. Side yard: 10 feet
 4. A 10 foot encroachment in the standard front setback is permissible for up to 26 feet of width of the residence.

- G. Garages: Village Homes shall have a minimum of three (3) enclosed parking spaces. Cottage Homes shall have a minimum of two (2) enclosed parking spaces. Garage doors shall be made of sectional wood, or be wood clad, or glass and steel. Garage doors shall be recessed a minimum of six inches from the plane of the adjacent wall. Front facing garage doors are allowed if located further back on the lot than the side-facing garage portion.
- H. Roofs: Roofing materials where visible shall be limited to concrete or clay tile, slate, or standing seam metal. No more than two houses on adjacent lots, fronting on the same street, may have the same type and color roof material.
- I. Exterior Walls: Exterior walls shall have horizontal and vertical articulation or architectural delineation on all elevations as further detailed in the development design guidelines.
- J. Design Guidelines: Prior to the approval of the preliminary site evaluation, the developer shall submit final design guidelines for approval by the Town Council that shall be recorded with the private deed covenants, conditions and restrictions. Said guidelines shall incorporate the recommendations contained in the Building Quality Manual referenced in Chapter 62, Article III of the Code of Ordinances. With the exception of any guideline provision addressing a particular architectural style, said design guidelines shall be enforced by Town staff in reviewing building permit applications for compliance with the provisions above. Guideline provisions to be enforced by staff include, but may not be limited to, general building articulation, massing, fenestration, roof slope and building materials.

Section 3 – Landscaping, Open Space, Tree Preservation and Parkland Dedication

- A. Landscaping:
 - 1. Landscape beds (including gravel mulch) shall be located along the foundation line of all structures, except where paving is adjacent to the structure, and must extend away from the foundation a minimum of five feet.
 - 2. A minimum of one (1), 3.5 inch caliper tree, shall be planted per 30 lineal feet roadway, one (1) on each side of the street, from an approved hardwood tree list. Existing trees may be utilized to satisfy this requirement.
 - 3. At the time of building permit issuance, each lot shall plant at least two, 3.5 inch caliper trees from an approved hardwood tree list. If existing native trees are preserved in the front or street-side side yards, they can be utilized to satisfy the tree planting requirement on the lot.
 - 4. Prior to the final acceptance of public improvements, the developer shall plant pine trees, which may include other similar species as approved by the Town Manager or designee, in the portion of the Solana Boulevard median that is adjacent to the subject property. Said planting shall be in a

configuration and size that is generally consistent with the median trees planted as part of the Entrada development and shall be inspected by the Town Manager or designee for final approval.

5. Landscaping at the entry points into the development shall be consistent with Exhibit B-4.

B. Tree Preservation – All protected trees shall require mitigation upon damage or removal except as amended below:

1. The following areas are hereby exempt from the requirements for tree mitigation and protection:
 - a. Roadways and trails;
 - b. The residential building envelope;
 - c. The designated driveway area;
 - d. The side yard setback (except on the street facing side of corner lots);
 - e. An area of no more than five feet into the rear yard setback.
2. Within the exempted side yard setbacks and rear yard areas as described above, removal of any protected tree over 9 inches in diameter shall require pre-approval by the Town Manager or designee. Where a protected tree over 9 inches in diameter is located in a non-exempt area and the home will encroach on more than 25% of the critical root zone, the home shall utilize a floating post-tension steel concrete slab foundation to allow for minimal impact to tree root systems near each building envelope. Said system shall require the final approval of the Town Manager or their designee.
3. Conservation areas: All vegetation, including trees, understory and ground cover, within the designated conservation areas as depicted on Exhibit B-2 shall remain in an undisturbed state at all times. As determined by the Town Manager or their designee, adequate protection mechanisms including but not limited to temporary fencing and/or temporary buffer areas shall be utilized to protect all conservation areas during construction activities. Areas exempted from this requirement include approved trail corridors and public utility mains. Further terms concerning the maintenance of this area may be provided in the development agreement.
4. Open Space areas: All trees located within open space areas shall be preserved with the following exceptions:
 - a. Diseased or damaged trees per the Code of Ordinances;
 - b. Exempted species per the Code of Ordinances;
 - c. With the exception of open areas located adjacent to and along Solana Blvd. as depicted in Exhibit B-2, any tree less

than 3 inches in diameter measured at 4.5 feet above the adjacent grade.

- d. Trees located in an approved permanent amenity footprint such as bike stations, sport courts, fountains, park buildings, etc.

- 5. Violations: Mitigation is hereby prohibited for any trees described in Sections 3 and 4 above. Any non-exempt tree removed from any area described in these sections shall constitute a violation of this ordinance. Furthermore, the Town Manager or designee may assess a commensurate civil penalty for each diameter inch removed which may be in the form of required tree replanting, payment into the Town reforestation fund or a combination of both.
- 6. Tree Survey Requirement: Prior to approval for construction, excavation and grading of any portion on the subject property, a tree survey that meets the requirements of Chapter 98 of the Code of Ordinances shall be submitted and reviewed for compliance by the Town Manager or designee. In order to protect existing understory, areas where construction activities may be performed at a later date and/or are restricted/prohibited, such as individual residential lots and open space/conservation areas, submission of a tree survey for said areas may be deferred until a building permit application is received or, in the case of a conservation/open space area, waived as determined by the Town Manager or designee.

C. Open Space and Conservation Areas

- 1. All open space and conservation easements, including public and private, shall be consistent with Exhibit B-2. Open Space setbacks and dimensions shall be consistent with Exhibit B-1.
- 2. As depicted on Exhibit B-2, conservation areas shall be designated and dedicated to the Town, or to a private land trust dedicated to the preservation of natural open space as approved by the Town Manager or designee, as a conservation easement. The final plat shall depict the area as a "perpetual conservation easement" and shall contain the following note: "All vegetation, including trees, understory and ground cover, within the conservation easement shown herein shall remain in an undisturbed state at all times, except as authorized by Ordinance XXX".
- 3. All open space not designated as a conservation easement/area shall be maintained by the HOA.
- 4. Private open space amenities shall, at a minimum, include a pavilion, dog water and waste stations and a Bocce ball court, which shall not be permitted within any private open space adjacent to and along Solana Blvd.

- D. Parkland Dedication – Parkland dedication as proposed by the developer in Exhibit B-3 is hereby approved subject to the following conditions:
1. Parkland dedication shall be consistent with Exhibits B-1 and B-2.
 2. Dedication of the 11.6-acre southeast hill portion of the development for a public park hereby satisfies the community park requirement as shown on the Parks, Open Space and Trails Plan, thereby satisfying both the parkland dedication requirements of the Code of Ordinances and the recommendations of the Comprehensive Plan.
 3. Maintenance responsibilities for the existing, pre-improved state of said property shall be the responsibility of the developer/HOA.
 4. Details of amenities, and final locations of parking and trails shall be approved through a separate agreement between the applicant/developer and the Town. Said agreement shall be approved before a notice to proceed with the construction of public improvements is issued by the public works director.
 5. Prior to approval of the final agreement between the developer and the Town, a public workshop shall be held whereby public input is received concerning the final park design and amenities.

Section 4 – Fencing

- A. Solana Boulevard frontage shall have a decorative metal picket fence and entry gates with optional masonry columns and/or panels where screening is necessary on the Solana Boulevard frontage per Exhibit B-4. Said fence shall be located at the northern boundary of the residential lots and open space adjacent to Solana Boulevard and shall be maintained by the HOA.
- B. All individual lot line fences adjacent to any open space and common areas shall be limited to decorative metal pickets so as to create a more transparent view in the undeveloped forest land. The primary goal for the fencing is to effectively disappear and allow the natural forest land setting to be open to view from all perspectives.
- C. All homes shall have a back fence comprised of decorative metal picket. Privacy fences comprised of metal picket shall be permitted only on interior side lot lines to provide privacy to outdoor patio and pool areas.

Section 5 – Streets, sidewalks/trails, parking and access

- A. Streets – An SUP is hereby granted for all community streets within PD6, which shall be private and constructed to Town standards. Streets shall be no less than 27 feet in width (back of curb to back of curb) including a mountable concrete curb on both sides within a 27 foot private right-of-way. Street lighting shall be located at all corners and intersections. Lights shall be low pedestal type fixtures that comply with Town standards and Comprehensive Plan recommendations as well as follow the Town's low intensity lighting standards.

- B. Sidewalks – Sidewalks are required on one side of the streets only. Sidewalks shall be a minimum of five feet in width and shall be composed of concrete, stone, or paverstone. Sidewalks shall be constructed by the homebuilder at the time of new home construction.
- C. Trails - The internal sidewalk shall tie into the Solana Boulevard public Town Trail via gated connections at both entries. Any public trail construction (outside of the community) shall be a minimum of 6 feet in width, other than the connections to the internal sidewalk, which shall be a minimum of 5 feet in width (all identified public trails are shown on Exhibit B-2). The portion of the existing Solana Boulevard public trail that is adjacent to the development shall be improved to a concrete trail per the trails plan and the Code of Ordinances. Final construction details including final trail location and dimensions may be further defined in the development agreement.
- D. Parking - To minimize on-street parking and improve emergency access, a minimum of one (1) visitor parking space shall be provided for every two (2) homes and the spaces are generally dispersed across the community. Parking space dimensions shall comply with the parking standards contained in the Code of Ordinances and shall be landscaped per the requirements for parking lot landscaping contained in the Code of Ordinances. Said parking locations shall be consistent with Exhibit B-1 and B-2 and shall be located within a public parking easement to be shown on the final plat and shall be maintained by the HOA.
- E. Access – Per Exhibit B-1 two vehicular access points into the development from Solana Blvd. are required. Said intersections shall align with the existing median cuts on Solana Blvd. Entry points into the development from Solana Blvd. shall be consistent with Exhibit B-4. Prior to final acceptance of public improvements, the developer shall construct a westbound left turn lane on Solana Blvd. at the easternmost intersection accessing the development. The final design and construction shall be approved and inspected by the Town Engineer.
- F. Cluster mailboxes – Prior to installation, the final design, location and size of any cluster mailboxes as required by the United States Postal Service shall be submitted to the Town Manager or designee for review. Upon review, the Town Manager or designee may approve or deny said design, location and size. If denied, the developer may appeal the decision of the Town Manager or designee to the Town Council provided the written appeal is received not later than 30 days from the formal notice of denial.

Section 6 – Utilities, Drainage and Grading

- A. Public Utilities – Water and sewer service shall be provided by the Town of Westlake to this development. The developer shall construct all water and sewer system improvements per Town standards.

- B. Duct Bank - A Duct Bank system shall be installed by the Developer throughout the subdivision as required by Town ordinances. The Duct Bank shall be located within a utility easement, the final details of which shall be determined by the Town Manager or designee. The home builder shall tie into the Duct Bank prior to the Final Inspection for the home.
- C. Stormwater – Stormwater facilities shall be installed by the developer and employ a combination of bio-swales, detention pond(s), and connection to the existing public street storm water system along Solana Blvd.. Final location and design of said facilities shall require the final approval of the Town Manager or designee.
- D. Lot Grading - Homes constructed on lots that are restricted to one-story in height shall not be pre-graded by the developer and shall be graded at the time of building permit issuance by the homebuilder. Prior to grading and permit issuance, the home builder for each home site shall submit a tree protection and mitigation plan and an engineered grading plan that demonstrates compliance with the view shed recommendation in the Comprehensive Plan. As indicated in Exhibit B-6, prior to issuance of the building permit, the homebuilder shall provide an exhibit to the Town Manager or designee demonstrating that the highest portion of the home, including the roof and any projecting elements, is at least ten (10) feet below the tree canopy immediately adjacent to the lot. The home shall not visible above the existing tree canopy as viewed from any point south of the subject property.

Section 7 – Public Art

- A. As part of the development agreement noted above, the developer agrees to submit a public art plan that generally conforms to the provisions contained in Exhibit B-5 as proposed by the developer. The terms contained in said exhibit may be amended by the development agreement and included in the final plan.

SUMMARY OF EXHIBITS:

Exhibit B-1 – Concept/Development Plan

Exhibit B-2 – Conservation and Open Space Plan

Exhibit B-3 – Development Plan and Description by Developer

Exhibit B-4 – Entryway Exhibits

Exhibit B-5 – Public Art Proposal

Exhibit B-6 – Building Height / Tree Canopy Cross-sections

Exhibit B-1

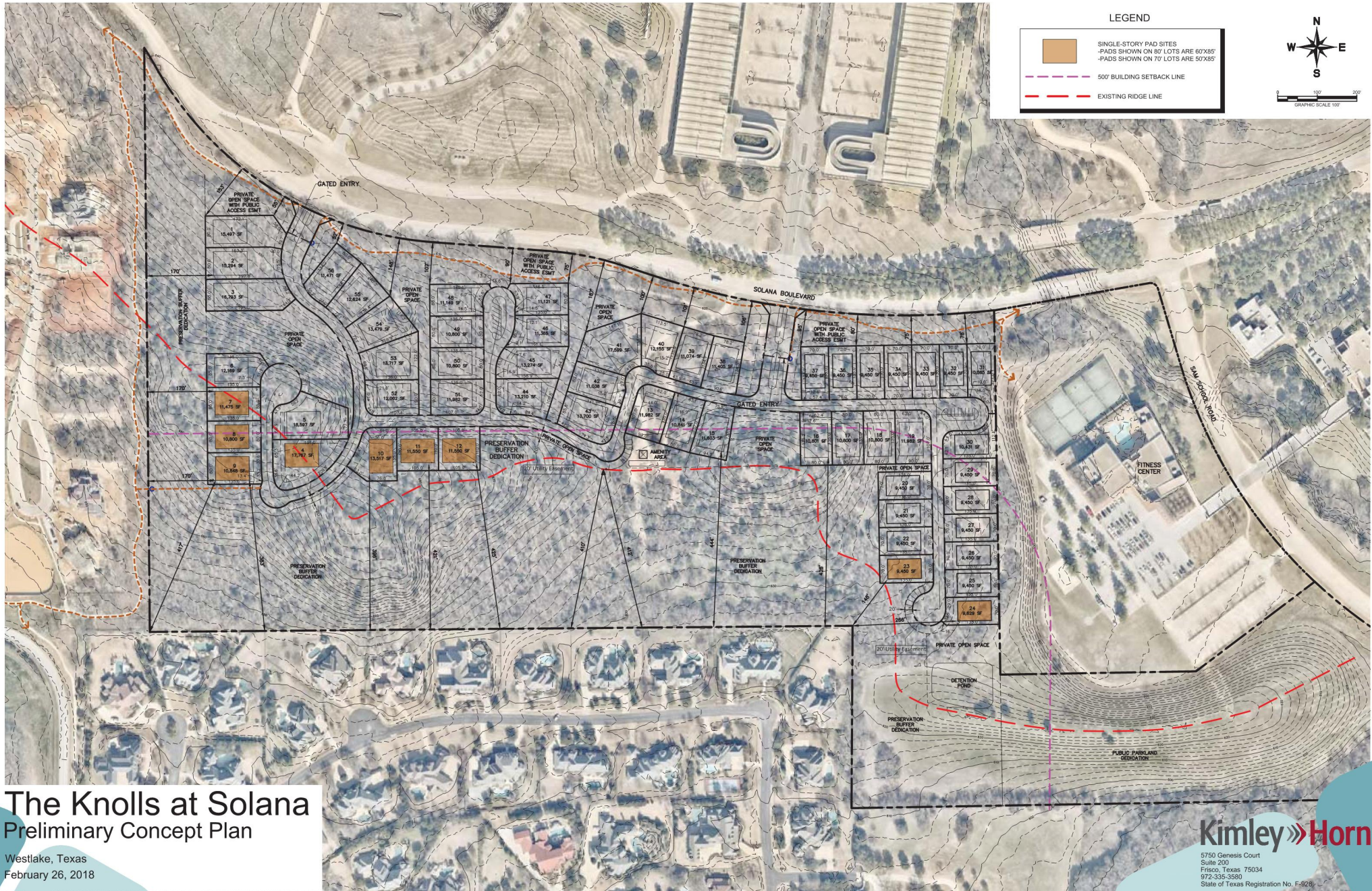


Exhibit B-2



Exhibit B-3

THE KNOLLS AT SOLANA PROPOSED DEVELOPMENT PLAN PROPOSED PLANNING DISTRICT 6 JANUARY 2018

This document is intended to be a summary of the key development terms and principles proposed for the development of The Knolls at Solana, a 62.5 acre land parcel that fronts on Solana Boulevard and is located between the Granada residential community and Sam School Road.

GENERAL INFORMATION

Developer:	Wilbow Corporation, Inc. (www.wilbow.com)
Community:	Gated enclave of up to 56 custom villa homes walkable to the Solana Urban Center and Larry North Fitness
Product Type:	Luxury Custom Villa Homes (3,000 to 5,000 square feet) 1 and 2 story massing, 2 or 3-car garages Higher security and lower maintenance typologies
Home Pricing:	Estimated to be \$1.2 to \$1.7 million
Sales Program:	Lot sales to local custom home builders with a limited offering to individuals
Access:	Two entrances from Solana Boulevard located at existing median cuts
Community Amenities:	Pavilion, Dog Stations (Water and Waste), Bocce Court Private internal trail network with connections to the Solana Boulevard, Larry North Fitness, and Dove Road public Trails
Community Fencing:	The community's Solana Boulevard frontage will have a decorative metal picket fence and entry gates with optional masonry columns and/or panels where screening is necessary on the Solana Boulevard frontage. The fence shall be located at the boundary of the Solana Boulevard buffer area and the development zone. In addition, any discretionary individual lot line fences adjacent to the buffer and common areas shall be limited to decorative metal pickets so as to create a more transparent view in the undeveloped forest land. The primary goal for the fencing is to effectively disappear and allow the natural forest land setting to be open to view from all perspectives.
PD 1-1 – 10% Coverage Test:	Based on an assumption of up to 56 homes all at the maximum footprint of 5,000 sf, less an allowance of 850 sf for 3-car garages and 200 sf for a covered patio, or 3,950 sf, the project is estimated to have total cumulative coverage of

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233,050 sf against a total land area of approximately 2,722,500 square feet, or 8.56% coverage. It is understood that Blackstone/EOP and the other land owners in PD 1-1 are committed to a cumulative test across PD 1-1 that the coverage will not exceed 10%.

COMMUNITY INFORMATION

- Home Owner Association:** The community will be governed by a to-be-established Homeowner's Association ("HOA") that will be responsible for common area maintenance, private street maintenance, front yard maintenance and enforcing the Design Guidelines for the community.
- Home Builders:** An Approved Home Builder program will be established with specific criteria that will limit home building to only approved custom home builders
- Design Guidelines:** A detailed Design Guideline document has been submitted to the Town that will follow the examples set by Vaquero and Granada to ensure a high quality of design and construction of all homes.
- Architectural Review:** An Architectural Control Committee ("ACC") will be established through the HOA/Declarant that has approval authority over house designs prior to submittal for permitting.

LOT SPECIFICATIONS

- Lot Density:** Up to 56 residential lots ranging in size from 8,750 square feet (approximately 70' x 125') to as much as 18,000 square feet or greater in area. Lot density is less than 1 lot per gross acre. A Concept Plan is attached for reference.
- Lot Size:** There are two categories of homes/lots:
- Village Homes
Minimum lot size: 10,000 sf
Minimum lot width: 80' on standard lots, 40' on cul-de-sacs and elbows
- Cottage Homes
Minimum lot size: 8,750 sf
Minimum lot width: 70' on standard lots, 30' on cul-de-sacs and elbows
- Lots on cul-de-sacs and elbows shall have a minimum 30' frontage along the property line/ROW.
- Lot Coverage:** The maximum footprint for a home shall be limited to (i) the lesser of 47% of the entire lot area, or 5,000 sf for a 1-story home and (ii) the lesser of 43%, or 4,500 sf for a 2-story residence. On certain larger lots, 2-story residences may

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have a maximum footprint of 5,000 sf. Footprint is defined as all areas that are contained within the ground floor air-conditioned space, garages and covered patios of the main residence (excludes open porches, patios, porte-cocheres, or other unenclosed areas and accessory buildings).

HOUSE SPECIFICATIONS

- Minimum Size:** All residences shall be a minimum of 3,000 sf of air-conditioned living space.
- Massing:** For 2-story structures, the 2nd story shall not exceed 50% of the 1st floor footprint.
- Building Height:** The maximum height of 2-story structures shall be two and one-half stories or 28 feet measured to the mid-point of the highest sloping roof above existing grade. Certain lots have been designated as being limited to a one-story building height, or 18 feet measured to the mid-point of the highest sloping roof above existing grade.
- Building Setbacks:** Given the relative size of the proposed lots, the following setbacks are proposed:
- Front: 30 feet at the standard front setback line
(20 feet on cul-de-sac and elbow lots)
 - Rear: 20 feet
 - Side: 10 feet
- A 10' encroachment in the standard front setback is permissible for up to 26' of width of the residence (please see the Lot Dimension exhibits).
- Garages:** Village Homes shall have a minimum of three (3) enclosed parking spaces. Cottage Homes shall have a minimum of two (2) enclosed parking spaces.
- Garage doors shall be made of sectional wood, or be wood clad, or glass and steel. Garage doors shall be recessed a minimum of six inches from the plane of the adjacent wall. Front facing garage doors are allowed if located further back on the lot than the side-facing garage portion, and are in a motor court setting.
- Roofs:** Roofing materials where visible shall be limited to concrete or clay tile, slate, or standing seam metal. No more than two houses on adjacent lots, fronting on the same street, may have the same type and color roof material.
- Exterior Walls:** Exterior walls shall have horizontal and vertical articulation or architectural delineation on all elevations.
- Landscaping:** Landscape beds (including gravel mulch) shall be located along the foundation line of all structures, except where paving is adjacent to the structure, and must extend away from the foundation a minimum of five feet.

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Fences: All homes may have lot line fences comprised of metal picket. Only privacy fences comprised of metal picket shall be permitted on interior side lot lines to provide privacy to outdoor patio and pool areas.

Exterior Lighting: All exterior lighting shall be subdued, indirect, and comply with Town ordinances as well as follow Dark Skies Design Guidelines.

PARKS AND OPEN SPACE

Open Space: Per the Westlake Comprehensive Plan and Future Land Use Plan, approximately 34 acres of the 62.5 acres subject site is designated as open space and/or a community park. Per the proposed development plan, approximately 43.5 acres or 69.0% of the gross acreage is set aside as open space or park dedication area. Further, as part of the Tree Mitigation Plan and Parkland Dedication requirement (please see below), approximately 33.5 acres of the open space is proposed to be donated to the Town (or its designee).

The total open space of 42.5 acres breaks out as follows:

- Approximately 33.5 acres of open space to be donated to the Town (or its designee) as part of the Tree Mitigation Plan and Parkland Dedication. The public open space will consist of:
 - Approximately 22 acres to be designated as a 100% wildlife natural preserve (non-disturbance classification). This land area encompasses the setback areas that border on Granada, Glenwyck Farms, and a small portion of Solana Boulevard.
 - Approximately 11.0 acres to be designated as a community park generally located on the area known as the “Mayor’s Hill”
- Approximately 9.0 acres of private open space that includes the Solana Boulevard frontage (with a public access easement for the public trail) and various open space areas within the development area.

Parkland Dedication: In accordance with Section 82-389 (a) (1) of the Code of Ordinances regarding Land Dedication Requirements for Residential Developments, “Park and recreational areas ... shall be dedicated to the town at a ratio of one acre of park land for every 30 residential dwelling units or prorated portion thereof.” Accordingly, the proposed 56 lot density would result in a parkland dedication area of approximately 1.87 acres. As discussed above, approximately 33.5 acres of open space is proposed to be donated to the Town (or its designee), of which approximately 11.6 acres is intended to satisfy the Parkland Dedication requirement.

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STREETS, PARKING, SIDEWALKS, TRAILS

Streets:	All community streets shall be private and constructed of asphalt with concrete outer bands and/or mountable curbs fronting the lots. Proposed that the streets be no less than 27' in width (back to back) including a mountable concrete curb on both sides within a 30' ROW (please see the Lot Dimension exhibits).
Utility Easement:	In addition to the street width, there will be a utility easement of up to 20 feet in width on each side of the street to provide for the Duct Bank and sidewalk.
Visitor Parking:	To minimize on-street parking and improve emergency access, a minimum of one (1) visitor parking space shall be provided for every two (2) homes and the spaces are generally dispersed across the community.
Street Lights:	Street lighting shall be located at all corners and intersections. Lights shall be low pedestal type fixtures that comply with Town ordinances as well as follow Dark Skies Design Guidelines.
Sidewalks:	A variance to the Code of Ordinances is requested to allow for a single sidewalk on one side of the main spine road – (sidewalks are normally required on both sides of a roadway for lots of 12,000 square feet or less) within the development, in the general location shown on the Concept Plan. All courts and other internal streets shall be exempt from the sidewalk requirement. Sidewalk width inside the community will be a minimum of 5'. All sidewalks shall be made of concrete, stone, or pavestone.
Trail System:	The internal sidewalk will tie into the Solana Boulevard public Town Trail via gated connections at both entries. Any public trail construction (outside of the community) will be a minimum of 6' in width, other than the connections to the internal sidewalk which shall be a minimum of 5' in width (all identified public trails can be seen on the Concept Plan). The portion of the Solana Boulevard public Trail that fronts on the project will be improved to either a concrete condition or be maintained with the existing decomposed granite as designated on the construction drawings.

UTILITIES

Water:	Town of Westlake
Sewer:	Town of Westlake
Storm Water:	Combination of bio-swales, detention pond(s), and connection to the existing public street storm water system
Duct Bank:	A Duct Bank system shall be installed by the Developer in a utility easement throughout the community as required by Town ordinances. The home builder

Exhibit B-3 continued

shall tie into the Duct Bank prior to the Final Inspections or Certificate of Occupancy approval.

Development Setbacks:

The development plan calls for a concentrated development envelope of approximately 20.0 acres generally centered within the 62.5 acre parcel. Along the Solana Boulevard ROW, a development setback ranging from 75' to 100' setback is planned. Within the setback, there is likely to be a public utility easement for storm water detention and utility connections.

On the property's western (Granada) border, a 150' setback is planned. On the southern border (generally Glenwyck), there will be a varied setback ranging from 280' to over 500' with the majority of the setback set at 380' or more.

The eastern portion of the property ("Mayor's Hill") to the Sam School Road frontage is planned to be part of the open space to be donated to the Town (or its designee) with a plan for it to be a community park with certain improvements and an art installation, all to be maintained by the HOA.

TREE MITIGATION

Tree Survey:

A tree survey of the site was conducted by Kimley Horn in November 2016 through a sampling process approved by Town Staff whereby 10 pre-determined, evenly-spaced, 0.1 acre plots were surveyed. All trees 6-inches in diameter and greater were tagged and counted. DBH ("Diameter Breast Height") was measured according to City of Westlake ordinances.

The results of the survey determined that there were approximately 105 Protected Trees per acre on the East Side of the sample area, and approximately 162 Protected Trees per acre on the West side of the sample area.

Tree Mitigation:

The development plan has been carefully designed to minimize grade and tree disturbance other than for the creation of the private street and utility easement areas, the slope area around the East Entry, and a designated disturbance zone for each lot. The disturbance zone on each lot will allow the developer, lot owner, and home builder to remove trees in the designated building envelope, designated driveway area, the side setbacks, and in the first 5' of the rear setback. In the side setbacks and the 5' rear setback buffer zone, any tree over 9 inches in diameter must be pre-approved for removal by the Town. Further, builders will be encouraged to use a "floating post-tension steel concrete slab foundation" to allow for minimal impact to tree root systems near each building envelope.

A tree mitigation plan is also proposed based on the following initiatives:

- Replanting requirements in the common areas and street ROW's through a formula of caliper inches of approved hardwood trees, or per 30 linear feet of street frontage of the common area

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- Each lot shall plant at least two 3.5" caliper trees from an approved hardwood tree list. If existing native trees are preserved in the front or street-side side yards, they can be utilized to satisfy the tree planting requirement on the lot.
- Donation of approximately 33.5 acres of open space to the Town (or its designee) including an area to be designated as a 100% wildlife natural preserve (non-disturbance classification). This land area encompasses the setback areas that border on Granada, Glenwyck Farms, Solana Boulevard, and include the "Mayor's Hill" land area that fronts on Sam School Road.
- A landscaping plan for the Solana Boulevard median that fronts the project that consists of a combination of pine tree plantings and other water tolerant landscaping consistent with plantings in place on Solana Boulevard.
- Environmental enhancements that may include the following:
 - Investigating rainwater collection systems that would be encouraged on each home to create a first source irrigation option
 - Where possible, bio-swale installation to reduce storm water runoff

Each lot owner will be required to prepare a tree survey of the setback areas designated for non-disturbance. Any additional tree disturbance by a lot owner in these areas will require further tree mitigation based on either a compensating payment based on a \$100 per caliper inch formula for protected trees approved for removal by the Town, or replacement tree planting equal to the tree loss.

ADMINISTRATIVE

Project

Consultants:

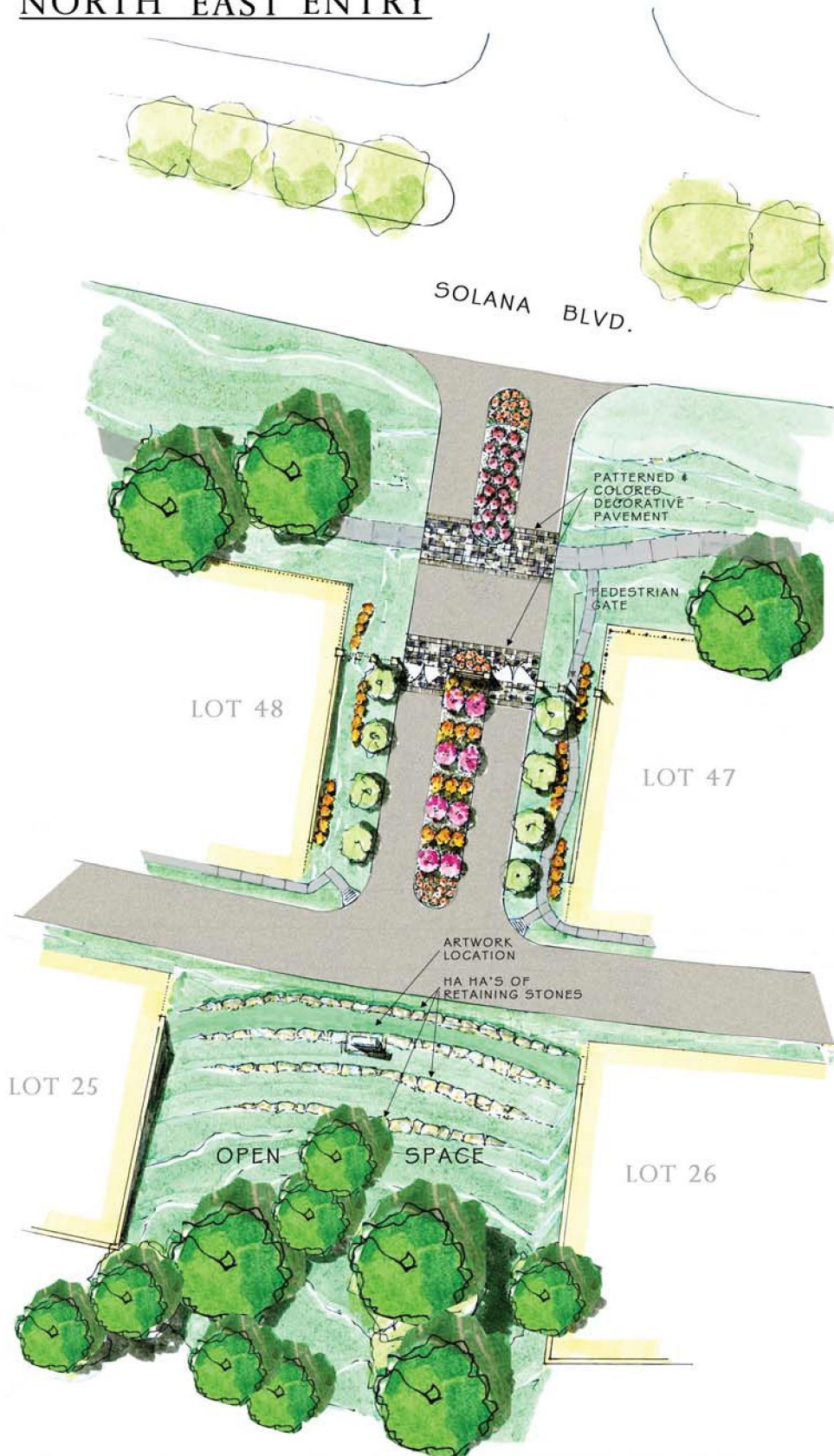
Environmental	Alpha Environmental
Geotech	Alpha Environmental
Site Plan	Sage Design Group
Civil Engineering	Kimley Horn
Survey	Kimley Horn
Tree Survey	Kimley Horn
Market Study	Residential Strategies

Disclaimer:

This Development Plan is not intended to be, and does not constitute, a binding agreement by either party, nor an agreement by either party to enter into a binding agreement, but is merely intended to specify certain of the proposed terms and conditions of a Development Plan or Agreement contemplated herein.

Exhibit B-4

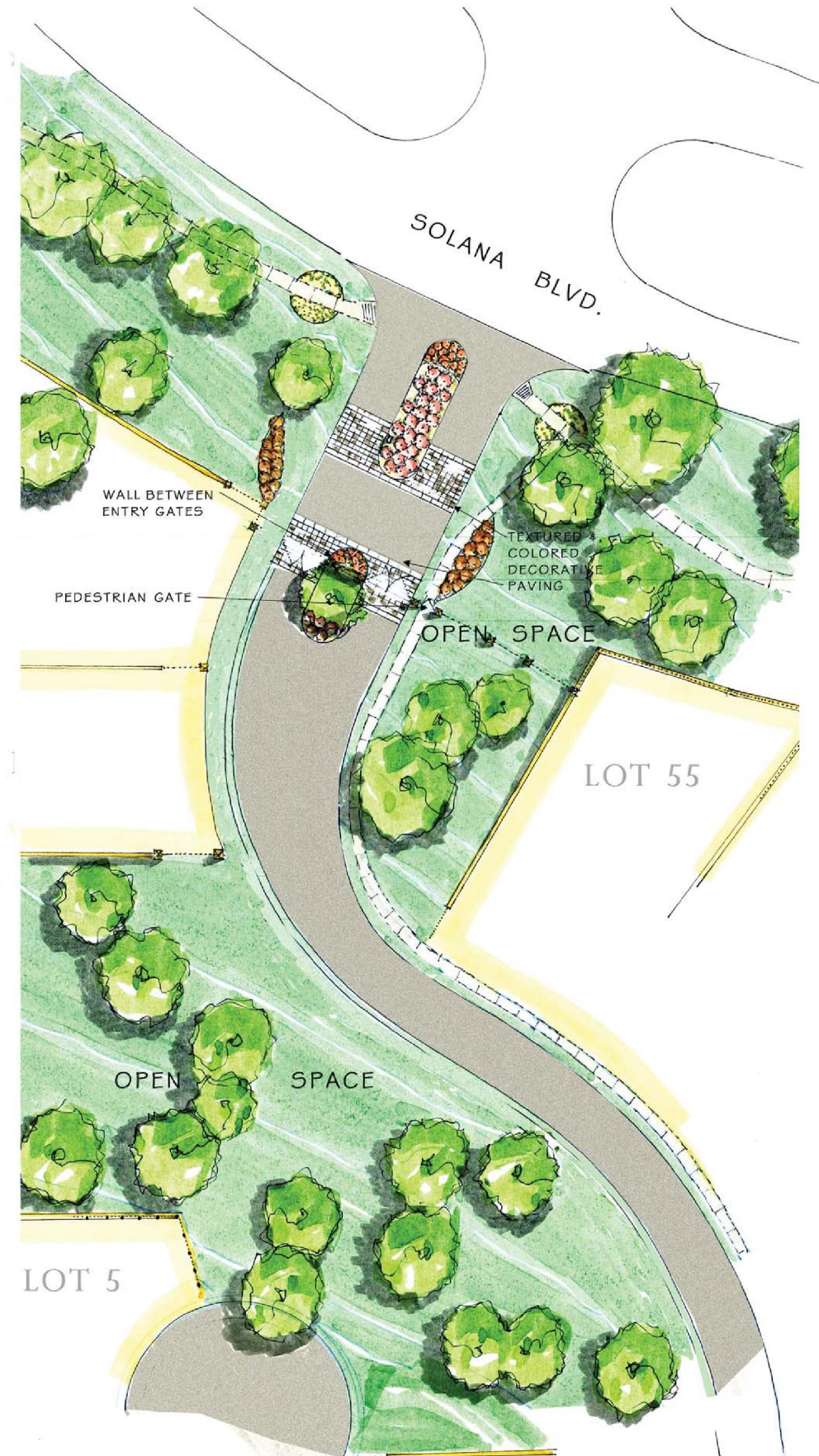
NORTH EAST ENTRY



SAGE GROUP, INC.
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THE KNOLLS
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NORTH WEST ENTRY



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THE KNOLLS
AT SOLANA

Ordinance 846

Exhibit B-4 continued



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ENTRY CONCEPT

THE KNOLLS AT SOLANA

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The Knolls at Solana Public Art Proposal August 2017

Wilbow Corporation is a great believer in public art. Our founder, William Bowness, has a keen interest in art and has amassed one of the largest collections of Australian art that exists today.

With the Town of Westlake's renewed commitment to a community public art program, being led by Robin McCaffery of Mesa Design, Wilbow would like for The Knolls at Solana to be an early participant in the public art program.

Wilbow proposes the following terms:

- Donation:** Wilbow will make a contribution of \$10,000 for public art to the Town of Westlake to be designated toward an outdoor sculpture. Wilbow would welcome matching funds to the extent they are available.
- Location:** At a location within the boundaries of the 62.5 acre parcel, to be selected by either the Town of Westlake Public Art Committee or by Town Council. Wilbow recommends a location in the public-access area of the open space near the Sam School frontage.
- Competition:** Wilbow encourages the concept of a public art competition. The competition should be managed by the Town of Westlake Public Art Committee.
- Maintenance:** To the extent the final artwork will require maintenance, Wilbow recommends the Homeowners Association ("HOA") associated with The Knolls at Solana be required to fund and provide maintenance.
- Timing:** Based on the current development schedule, it is expected that home construction at The Knolls at Solana will commence in early 2019 with first residents expected in late 2019, early 2020. Ideally, the artwork would be complete and installed by the end of 2019. Wilbow funding would occur at time of land development commencement.

Exhibit B-6

