

TOWN OF WESTLAKE

ORDINANCE NO. 1008

AN ORDINANCE OF THE TOWN OF WESTLAKE, TEXAS, AMENDING ORDINANCES 928 AND 939 APPROVING A CONCEPT/DEVELOPMENT PLAN AMENDING A THREE-ACRE PORTION OF THE (PD7) ZONING DISTRICT. PROVIDING A PENALTY; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AUTHORIZING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

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

WHEREAS, the Town Council of the Town of Westlake finds it necessary for the public health, safety and welfare that development occur in a controlled and orderly manner in accordance with the Town comprehensive plan; and

WHEREAS, on May 20, 2019, the Town Council approved Ordinance 882 establishing the 37.798 acre Planned Development District 7 (PD7) zoning district; and

WHEREAS, on May 24, 2021, the Town Council approved Ordinance 928 amending Ordinance 882 by repealing and replacing the approved concept/development plan and development standards and creating a phase one and phase two portion of the Planned Development District 7 (PD7) zoning district; and

WHEREAS, on May 24, 2021, the Town Council approved the phase one concept/development plan for the PD7 zoning district called “Westlake Ranch”; and

WHEREAS, on September 27, 2021, the Town Council approved an amendment to Ordinance 939 approving a Concept/Development Plan for phase two of Planned Development District 7 (PD7) zoning district; and

WHEREAS, the property owner of the three-acre phase two portion of the PD7 zoning district (platted as Aspen Estates) seeks approval of concept/development plan for said property; and

WHEREAS, following provision of proper legal notice, including written notice to owners within the PD7 zoning district and within 200 feet of the PD7 zoning district, published notice and posted notice in accordance with the Texas Open Meetings Act of public hearing, a public hearing was held on September 10, 2024 by the Planning and Zoning Commission (Commission) whereby the Commission recommended to the Town Council approval of the amendments to Ordinance 1008 contained herein; and

WHEREAS, following provision of proper legal notice, including written notice to owners within the PD7 zoning district and within 200 feet of the PD7 zoning district, published

notice and posted notice in accordance with the Texas Open Meetings Act of public hearing, a public hearing was held on September 16, 2024 by the Town Council; 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 these amendments to Ordinance 928 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 following amendments to Ordinance 939 are hereby authorized:

- A. All other provisions and conditions of Ordinance 928 and Ordinance 939 shall be applicable to phase two and shall remain in full force and effect, except where amended herein.
 1. A preliminary site evaluation shall not be required for the proposed development; and
 2. The landscaping and tree survey requirements in Ordinance 928 shall be satisfied.
- B. Revised civil engineering plans are required for the redesign of the infrastructure.
- C. A replat will be required prior to a building permit being issued for the proposed development.
- D. The concept/development plan for the phase two portion of the PD7 zoning district, attached as **Exhibit “A”**, is hereby approved. Phase two of the development shall be consistent with **Exhibit “A”**.

SECTION 3: That this Ordinance shall be cumulative of all other Town Ordinances and all other provisions of other Ordinances adopted by the Town which are inconsistent with the terms or provisions of this Ordinance are hereby repealed.

SECTION 4: That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the Town of Westlake, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

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

SECTION 6: It is hereby declared to be the intention of the Town Council of the Town of Westlake, Texas, that sections, paragraphs, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared legally invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such legal invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the Town Council of the Town of Westlake without the incorporation in this Ordinance of any such legally invalid or unconstitutional, phrase, sentence, paragraph or section.

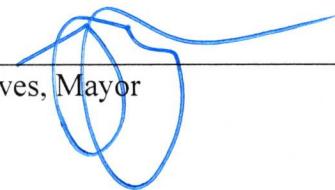
SECTION 7: This ordinance shall take effect immediately from and after its passage as the law in such case provides.

PASSED AND APPROVED ON THIS 16th DAY OF SEPTEMBER 2024.

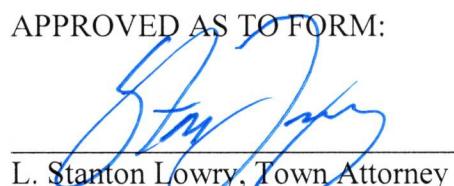
ATTEST:


Dianna Buchanan, Town Secretary

Kim Greaves, Mayor

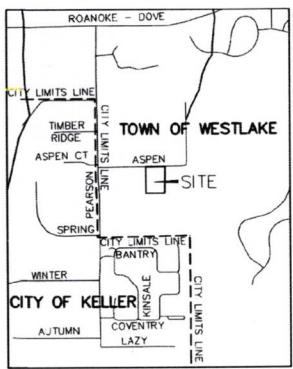


APPROVED AS TO FORM:


L. Stanton Lowry, Town Attorney

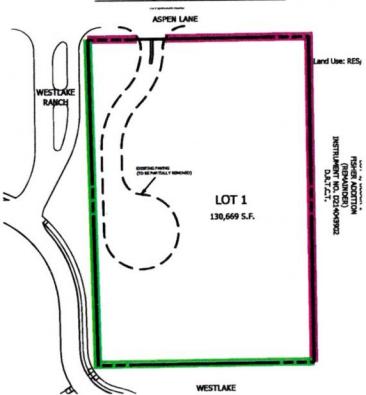


Location Map



LAND USE AREAS		
Residential Lots	130,669 Sf / 3.00 ac.	100 %
Private Open Space	(46,350 Sf / 1.06 ac.)	
Total Area	130,669 Sf / 3.00 ac.	100 %

Fence / Wall Diagram



Fence Legend

- 6' Ornamental Iron Fence
- Retain Existing Fence

Site Plan Notes:

1. No trails proposed within this plan
2. No street or pedestrian lighting is proposed within this development.

Notes:

1. According to FEMA Flood Insurance rate map panel 48439C00805, no part of this property lies within a flood hazard zone
2. Exact areas subject to change with final subdivision design

Property Owner:
2017 Belcher Descendants Trust
(Trustee: Daniel Belcher)

2020 V Belcher Descendants Trust
(Trustee: Venus Belcher)

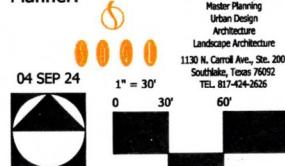
Developers:

Dean DeCavite
DeCavite Properties
817 - 946 - 0346

Engineer:

Clayton Redinger, P.E.
Redinger Group, LLC
817 - 253 - 5727

Planner:



Development Plan

SHELBY ESTATES - VOL. Land Use: AG
388-165, PAGE 28, P.R.T.C.T.

APPROX. 900 FEET
TO PEARSON ROAD

ASPEN LANE

Land Use: RES/AG

LOT 1, BLOCK 1
FISHER ADDITION
(REMAINDER)
INSTRUMENT NO. D214043902
D.R.T.C.T.

LOT 1
130,669 S.F.

WESTLAKE
RANCH

EXISTING PAVING
(TO BE PARTIALLY REMOVED)

40' SETBACK

Zoning Case No. Z-6-19-24
Aspen Estates