

ORDINANCE NO. O-2017-4315

AN ORDINANCE AMENDING ORDINANCE NO. Z-05-05-26-11D1, ADOPTED BY THE CITY COUNCIL OF ROUND ROCK, TEXAS, ON MAY 26, 2005, BY AMENDING SECTIONS II.2 AND II.5, THE LIST OF EXHIBITS, AND ADDING EXHIBIT “F” AND EXHIBIT “G” TO THE DEVELOPMENT PLAN OF PUD NO. 62, APPROVED BY THE CITY COUNCIL IN SAID ORDINANCE; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

WHEREAS, on May 26, 2005, the City Council of the City of Round Rock, Texas, adopted Ordinance No. Z-05-05-26-11D1, which established PUD No. 62, and

WHEREAS, on January 24, 2008, the City Council of the City of Round Rock, Texas, adopted Ordinance No. Z-08-01-24-9B2 to amend Sections II.2, II.5, II.7, II.8, II.11, II.14 and the List of Exhibits to the Development Plan of PUD No. 62 (Amendment No. 1), and

WHEREAS, an application has been made to the City Council of the City of Round Rock, Texas, to amend Sections II.2 and II.5, the List of Exhibits, and to add Exhibit “F” and Exhibit “G” to the Development Plan of PUD No. 62 (Amendment No. 2), and

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the requested amendment to Ordinance No. Z-05-05-26-11D1 on the 1st day of March, 2017, following lawful publication of said public hearing, and

WHEREAS, after considering the public testimony received at such hearing, the Planning and Zoning Commission has recommended that Ordinance No. Z-05-05-26-11D1 be amended, and

WHEREAS, on the 13th day of April, 2017, after proper notification, the City Council held a public hearing on the requested amendment to Ordinance No. Z-05-05-26-11D1, and

WHEREAS, the City Council determined that the requested amendment to Ordinance No. Z-05-05-26-11D1 promotes the health, safety, morals and general welfare of the community, and

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A., Texas Local Government Code, and Sections 46-92 and 46-106, Code of Ordinances, 2010 Edition, City of Round Rock, Texas concerning public notices, hearings, and other procedural matters has been fully complied with, Now Therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS:

I.

That the City Council hereby determines that the proposed amendment to Planned Unit Development (PUD) District #62 meets the following goals and objectives:

- (1) The amendment to P.U.D. #62 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) The amendment to P.U.D. #62 is in harmony with the general purposes, goals, objectives and standards of the General Plan.
- (3) The amendment to P.U.D. #62 does not have an undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and general welfare.

II.

That Section II.2 of the Development Plan of PUD No. 62, as approved in Ordinance No. Z-05-05-26-11D1 and amended in Ordinance No. Z-08-01-24-9B2, is

hereby deleted in its entirety, and replaced with a new Section II.2, which shall read as follows:

2. PROPERTY

This Development Plan (hereinafter referred to as “Plan”) covers approximately 19.31 acres of land, located within the city limits of Round Rock, Texas, and more particularly described in **Exhibit “A”**. The Property is divided into three tracts: Tract 1, Tract 1-A and Tract 2. Tract 2 is more particularly described in **Exhibit “D”**. The boundaries of Tracts 1 and 2 are described in **Exhibit “E”**. Tract 1-A is described in **Exhibit “F”**.

III.

That Section II.5 of the Development Plan of PUD No. 62, as approved in Ordinance No. Z-05-05-26-11D1 and amended in Ordinance No. Z-08-01-24-9B2, is hereby deleted in its entirety, and replaced with a new Section II.5, which shall read as follows:

5. PERMITTED USES

The following principal uses are permitted on the Property. The boundaries of Tract 1 and Tract 2 are described in **Exhibit “E”**. Tract 1-A is described in **Exhibit “F”**.

5.1 Tract 1 – 9.12 acres

All **C-1** (General Commercial) uses identified in the Code, as amended, are permitted, except for the uses listed in Paragraph 6 below.

5.2 Tract 1-A – 2.017 acres

All **C-1** (General Commercial) uses identified in the Code, as amended, are permitted, except for the uses listed in Paragraph 6 below, except that fast food restaurants that use a microphone and speaker system to place orders from the drive thru area are permitted, subject to the conditions contained in **Exhibit “G”**. If there is a conflict between **Exhibit “G”** and other sections of this Plan or the Code, the regulations on **Exhibit “G”** shall supersede the specific conflicting provisions. **Exhibit “G”** shall not serve as a site plan approval.

5.3 Tract 2 – 8.17 acres

One of the following principal uses, but not both, is permitted on Tract 2:

5.3.1 All **SR** (Senior) uses identified in the Code, as amended, are permitted, with a maximum of 131 dwelling units, except for the uses listed in Paragraph 6 below. Permitted uses shall also include a senior independent living facility with amenities designed for the use of the residents. Such amenities shall have no dedicated entrances from the outside of the building they are located in. Amenities may include, but shall not be limited to: a convenience store, a beauty/barber shop, fitness center, bank, gift shop, offices for home health care professionals and transportation, housekeeping and emergency call services; or

5.3.2 All **C1** (General Commercial) uses identified in the Code, as amended, are permitted, except for the uses listed in Paragraph 6 below.

IV.

That **Exhibit “F”** and **Exhibit “G”**, as attached hereto and incorporated herein, are added to the Development Plan of PUD No. 62.

V.

That the List of Exhibits of the Development Plan of PUD No. 62, as approved in Ordinance No. Z-05-05-26-11D1 and amended in Ordinance No. Z-08-01-24-9B2, is hereby deleted in its entirety and replaced with the attached List of Exhibits – Revised.

VI.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted

and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Alternative 1.

By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED, and ADOPTED on first reading this _____ day of _____, 2017.

Alternative 2.

READ and APPROVED on first reading this the _____ day of _____, 2017.

READ, APPROVED and ADOPTED on second reading this the _____ day of _____, 2017.

ALAN MCGRAW, Mayor
City of Round Rock, Texas

ATTEST:

SARA L. WHITE, City Clerk