

ORDINANCE NO. O-2018-5966

AN ORDINANCE AMENDING PLANNED UNIT DEVELOPMENT NO. 9 BY AMENDING SECTIONS II.2, II.5, AND II.6, AND EXHIBIT "A", AND BY ADDING EXHIBITS "A-1", "E" AND "F" OF THE DEVELOPMENT PLAN OF PUD (PLANNED UNIT DEVELOPMENT) NO. 9; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

WHEREAS, an application has been made to the City Council of the City of Round Rock, Texas, to amend Sections II.2, II.5, and II.6; and Exhibit "A"; and to add Exhibits "A-1", "E" and "F" of the Development Plan of PUD No. 9, and

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the requested amendment on the 5th day of September, 2018, 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 PUD No. 9 be amended, and

WHEREAS, on the 11th day of October, 2018, after proper notification, the City Council held a public hearing on the requested amendment to PUD No. 9, and

WHEREAS, the City Council determined that the requested amendment to PUD No. 9 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 #9 meets the following goals and objectives:

- (1) The amendment to P.U.D. #9 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) The amendment to P.U.D. #9 is in harmony with the general purposes, goals, objectives and standards of the General Plan.
- (3) The amendment to P.U.D. #9 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. 9 is hereby amended to add a new paragraph to read as follows:

2. PROPERTY

The 29.39 acres is divided into two parcels, as indicated on **Exhibit "A-1"**. Parcel 1 contains approximately 26.64 acres and Parcel 2 contains approximately 2.75 acres. Parcel 2 is more particularly described as Lot 4B of the Replat of Lot 4, Block B, Mays Crossing Subdivision, Document No. 2005042934, Williamson County, Texas.

III.

That Section II.5. of the Development Plan of PUD No. 9 is hereby deleted in its entirety and replaced with a new Section II.5, which shall read as follows:

5. PERMITTED USES

Parcel 1 shall be developed for uses permitted in the C-1 (General Commercial) Zoning District, as provided for in the Code. The following uses are expressly prohibited; flea markets, sexually oriented businesses, as defined in this Code, amusements parks or carnivals, portable building sales, recreational vehicle parks, wholesale nurseries or outdoor shooting ranges.

Parcel 2 shall be regulated by the MF-3 (Multifamily – urban) zoning district and other sections of the Code, as applicable and as amended. The development shall conform with requirements of the MF-3 district, unless otherwise specified by this Plan, and shall be developed in accordance with **Exhibit “E”**. If there is a conflict between this Plan and the Code, this Plan shall supersede the specific conflicting provisions of the Code.

IV.

That Section II.6. of the Development Plan of PUD No. 9 is hereby amended to add a new Section 6.5 to read as follows:

6. DEVELOPMENT STANDARDS

Section 6.5 Development Standards for Parcel 2

The development standards for Parcel 2 are contained in **Exhibit “F”**.

V.

That Exhibit “A” *Property Description for 30.42 acres* of the Development Plan of PUD No. 9, is hereby amended and replaced in its entirety with the new attached Exhibit “A,” attached hereto and incorporated herein.

VI.

That Exhibit "A-1", as attached hereto and incorporated herein, is added to the Development Plan of PUD No. 9.

VII.

That Exhibit "E", as attached hereto and incorporated herein, is added to the Development Plan of PUD No. 9.

VIII.

That Exhibit "F", as attached hereto and incorporated herein, is added to the Development Plan of PUD No. 9.

IX.

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 _____, 2018.

Alternative 2.

READ and APPROVED on first reading this the _____ day of _____, 2018.

READ, APPROVED and ADOPTED on second reading this the _____ day of _____, 2018.

CRAIG MORGAN, Mayor
City of Round Rock, Texas

ATTEST:

SARA L. WHITE, City Clerk