

ORDINANCE NO. Z-09-09-24-1001

AN ORDINANCE AMENDING ORDINANCE NO. Z-94-11-22-9B, ADOPTED BY THE CITY COUNCIL OF ROUND ROCK, TEXAS, ON NOVEMBER 22, 1994, AND AMENDED BY ORDINANCE NO. Z-97-04-10-13E ON APRIL 10, 1997 AND BY ORDINANCE NO. Z-00-04-13-9C3 ON APRIL 13, 2000, AND BY ORDINANCE NO. Z-05-04-28-9C1 ON APRIL 28, 2005, BY AMENDING THE DEVELOPMENT PLAN OF PUD NO. 18, APPROVED AND AMENDED BY THE CITY COUNCIL IN SAID ORDINANCES, PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

WHEREAS, on November 22, 1994, the City Council of the City of Round Rock, Texas, adopted Ordinance No. Z-94-11-22-9B, which established PUD No. 18, and

WHEREAS, on April 10, 1997, the City Council of the City of Round Rock, Texas, adopted Ordinance No. Z-97-04-10-13E, which amended PUD No. 18, and

WHEREAS, on April 13, 2000, the City Council of the City of Round Rock, Texas, adopted Ordinance No. Z-00-04-13-9C3, which further amended PUD No. 18, and

WHEREAS, on April 28, 2005, the City Council of the City of Round Rock, Texas, adopted Ordinance No. Z-05-04-28-9C1, which further amended PUD No. 18, and

WHEREAS, an application has been made to the City Council of the City of Round Rock, Texas, to further amend the Development Plan of PUD No. 18, and

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the requested amendment to Ordinance No. Z-94-11-22-9B on the 2nd day of September, 2009, 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-94-11-22-9B be amended, and

WHEREAS, on the 24th day of September, 2009, after proper notification, the City Council held a public hearing on the requested amendment to Ordinance No. Z-94-11-22-9B, and

WHEREAS, the City Council determined that the requested amendment to Ordinance No. Z-94-11-22-9B 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 Section 11.300, Code of Ordinances, 1990 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 #18 meets the following goals and objectives:

- (1) The amendment to P.U.D. #18 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) The amendment to P.U.D. #18 is in harmony with the general purposes, goals, objectives and standards of the General Plan.

- (3) The amendment to P.U.D. #18 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 the Development Plan of PUD No. 18, as approved in Ordinance No. Z-94-11-22-9B, and amended by Ordinance No. Z-97-04-10-13E on April 10, 1997 and by Ordinance No. Z-00-04-13-9C3 on April 13, 2000, and by Ordinance No. Z-05-04-28-9C1 on April 28, 2005, is hereby deleted in its entirety and replaced with a new Development Plan, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

III.

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.

Alternative 1.

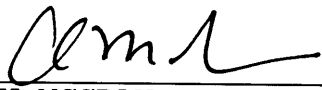
By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED, and ADOPTED on first reading this 24th day of September, 2009.

Alternative 2.

READ and APPROVED on first reading this the _____ day of _____, 2009.

READ, APPROVED and ADOPTED on second reading this the _____ day of _____, 2009.



ALAN MCGRAW, Mayor
City of Round Rock, Texas

ATTEST:



SARA L. WHITE, City Secretary

**DEVELOPMENT PLAN
AMENDMENT NO. 4
PLANNED UNIT DEVELOPMENT NO. 18**

**THE STATE OF TEXAS §
COUNTY OF WILLIAMSON §**

THIS DEVELOPMENT PLAN (this "Plan") is adopted and approved by the CITY OF ROUND ROCK, TEXAS (hereinafter referred to as the "City"). For purposes of this Plan, the term Owner shall mean Kids and Games, LTD, their respective successors and assigns; provided, however, upon sale, transfer or conveyance of portions of the hereinafter described property, the duties and obligations of the Owner, as it relates to the respective property, shall be assumed by the new owner, and the Owner shall have no further liability relating to their respective property.

WHEREAS, the Owner is the owner of certain real property consisting of 11.7592 acres, as more particularly described in **Exhibit "A"**, (herein after referred to as the "Property") attached hereto and made a part hereof; and

WHEREAS, on November 22, 1994, the City Council adopted Ordinance No. Z-94-11-22-9B, which established PUD No. 18; and

WHEREAS, on April 10, 1997, the City Council adopted Ordinance No. Z-97-04-10-13E, the first amendment to PUD No. 18; and on April 13, 2000, the City Council adopted Ordinance No. Z-00-04-13-9C3, the second amendment to PUD No. 18; and on April 28, 2005, the City Council adopted Ordinance No. 05-04-28-9C1, the third amendment to PUD No. 18; and

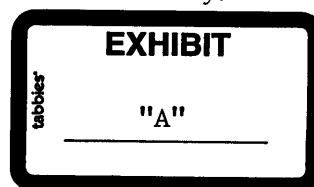
WHEREAS, pursuant to Chapter 11, Section 11.314, Code of Ordinances (1995 Edition), City of Round Rock, Texas, the Owner has submitted Development Standards setting forth the development conditions and requirements for the area within the PUD, which Development Standards are contained in Section II of this Plan; and

WHEREAS, pursuant to Chapter 11, Section 11.301, Code of Ordinances (1995 Edition), the proposed amendments constitute a Major PUD Amendment; and

WHEREAS, the City has held two public hearings required by law to solicit input from all interested citizens and affected parties; and

WHEREAS, on September 2, 2009, the City's Planning and Zoning Commission recommended approval of the Owner's application for a PUD; and

WHEREAS, the City Council has reviewed the proposed Plan and determined that it promotes the health, safety, and general welfare of the citizens of Round Rock and that it complies with the intent of the Planned Unit Development Ordinance of the City;



NOW THEREFORE:

I.

GENERAL PROVISIONS

1. CONFORMITY WITH DEVELOPMENT STANDARDS

That all uses and development within the Property shall conform to the Development Standards included in Section II herein and any prior uses and development within the Property, as stated in the original PUD or any amendments are hereby replaced by the Development Standards as stated herein.

2. CHANGES AND MODIFICATIONS

No changes or modifications will be made to this Plan unless all provisions pertaining to changes or modifications as stated in Section II.9 below are followed.

3. ZONING VIOLATION

Owner understands that any person, firm, corporation or other entity violating any conditions or terms of the Plan shall be subject to any and all penalties for the violation of any zoning ordinance provisions as stated in Section 1.601, Code of Ordinances, (1995 Edition), City of Round Rock, Texas, as amended.

4. MISCELLANEOUS PROVISIONS

4.1. Severability

In case one or more provisions contained of this Plan are deemed invalid, illegal or unenforceable in any respect such invalidity, illegality or unenforceability shall not affect any other provisions of this Plan and in such event, this Plan shall be construed as if such invalid, illegal or unenforceable provision had never been contained in this Plan.

4.2. Venue

All obligations of the Plan are performable in Williamson County, Texas, and venue for any action shall be in Williamson County.

4.3 Effective Date

This Plan shall be effective from and after the date of approval by the City Council.

II.

DEVELOPMENT STANDARDS

1. DEFINITIONS

Words and terms used herein shall have their usual force and meaning, or as defined in the Code of Ordinances (1995 Edition), as amended, City of Round Rock, Texas, hereinafter referred to as “the Code.”

2. PROPERTY

This Plan covers approximately 11.7592 acres of land, located within the city limits of Round Rock, Texas, and more particularly described in **Exhibit “A”**.

3. PURPOSE

The purpose of this Plan is to ensure a PUD that 1) is equal to, superior than and/or more consistent than that which would occur under the standard ordinance requirements, 2) is in harmony with the General Plan, as amended, 3) does not have an undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and welfare, 4) is adequately provisioned by essential public facilities and services, and 5) will be developed and maintained so as not to dominate, by scale or massing of structures, the immediate neighboring properties or interfere with their development or use.

4. APPLICABILITY OF CITY ORDINANCES

4.1. Zoning and Subdivision Ordinances

The Property shall be regulated for purposes of zoning and subdivision by this Plan. All aspects not specifically covered by this Plan shall be regulated by the **C-1a (General Commercial - Limited) zoning district** and other sections of the Code, as applicable, and as amended. If there is a conflict between this Plan and the Code, this Plan shall supersede the specific conflicting provisions of the Code.

4.2. Other Ordinances

All other Ordinances within the Code, as amended, shall apply to the Property, except as clearly modified by this Plan. In the event of a conflict, the terms of this Plan shall control.

5. **PERMITTED USES**

The following uses are permitted. Unless otherwise indicated, the definitions of all terms used to describe uses in this document shall be those found in the Zoning Code of the City of Round Rock, as amended.

5.1. **Veterinary Clinic/Animal Hospital**

A facility where domesticated small animals and pets are admitted for examination, observation and medical treatment. Typical veterinary services may include rehabilitation, therapy, agility training, surgery, emergency care and patient recovery. No animals shall be allowed outdoors between the hours of 8 p.m. and 6 a.m. Overnight boarding of animals shall be restricted to indoor kennels.

6. **TRANSPORTATION**

The City has determined that a Transportation Impact Analysis is not required for the proposed use.

7. **DEVELOPMENT PROCESS**

The Owner shall be required to complete the remaining steps in the City's development process, which will include site development. Site development plan(s) must be approved for each project. No building permit on the Property shall be issued until the site development plan is approved by the Development Review Committee.

8. **UNDERGROUND UTILITY SERVICE**

Except where approved in writing by the Chief of Public Works Operations, all electrical, telephone and cablevision distribution and service lines, other than overhead lines that are three phase or larger, shall be placed underground.

9. **CHANGES TO DEVELOPMENT PLAN**

9.1. **Minor Changes**

Minor changes to this Plan which do not substantially and adversely change this Plan may be approved administratively, if approved in writing, by the City Engineer, the Director of Planning and Community Development, and the City Attorney.

9.2. **Major Changes**

All changes not permitted under section 9.1 above shall be resubmitted pursuant to pursuant to Chapter 11, Section 11.301, Code of Ordinances (1995 Edition).

LIST OF EXHIBITS

EXHIBIT

DESCRIPTION

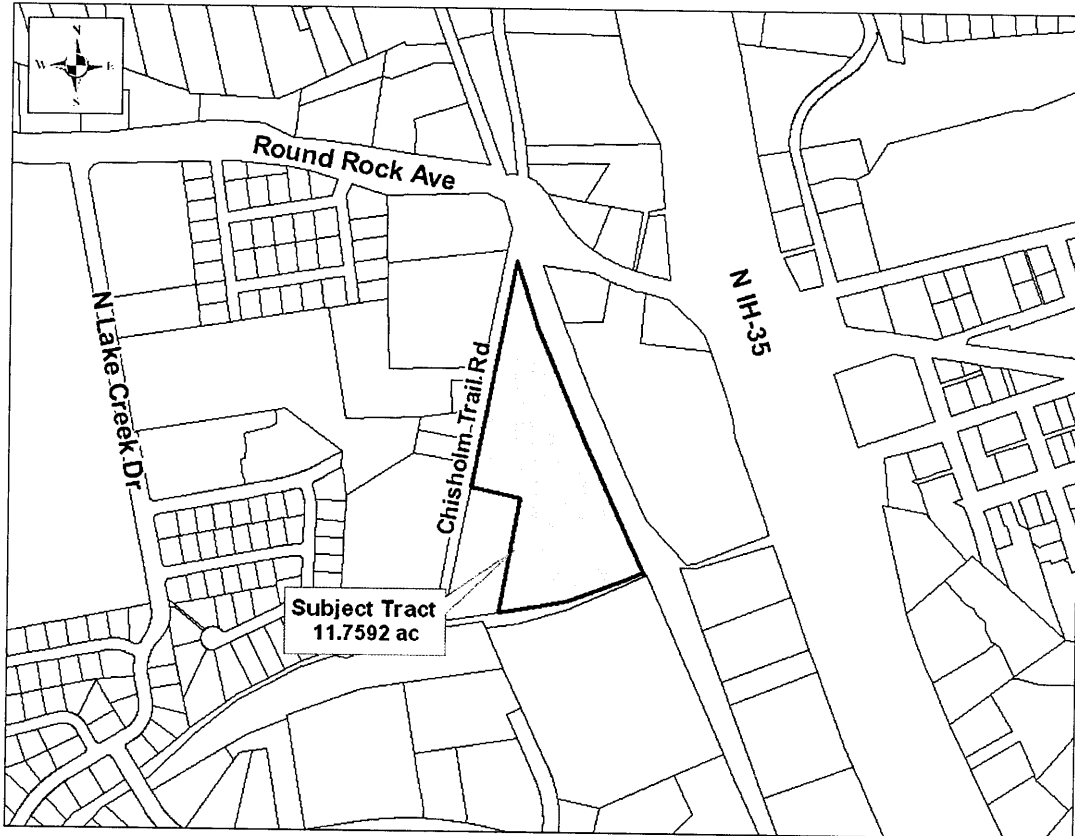
Exhibit "A"

Legal Description of Property

EXHIBIT

"A"

Legal Description of Property



Lot 1 of the Brent Bustin Memorial Field Subdivision, according to the map or plat thereof recorded in Cabinet M, Slide 3, Document No. 9519154, Plat Records of Williamson County, Texas, containing 11.7592 acres.

DATE: September 17, 2009
SUBJECT: City Council Meeting – September 24, 2009
ITEM: 10C1. Consider an ordinance amending the Planned Unit Development (PUD) zoning district No. 18, containing 11.7592 acres of land. (First Reading)

Department: Planning and Community Development
Staff Person: Jim Stendebach, Planning and Community Development Director
Clyde von Rosenberg, Senior Planner

Justification:

Based on the establishment of PUD No. 18 in 1994, the site includes a putt-putt mini golf course, several amusement arcade and concession buildings, a race track for miniature cars and a parking lot. The amendment would eliminate these uses and instead provide for the development of a veterinary clinic/animal hospital. The General Plan designates the area as commercial.

Funding:

Cost: N/A
Source of funds: N/A

Outside Resources: N/A

Background Information:

The Planning and Zoning Commission recommended approval of the proposed zoning change at their September 2, 2009 meeting.

Public Comment:

Public notice was posted and a public hearing was held in accordance with the City of Round Rock's Zoning Ordinance at the Planning and Zoning Commission meeting on September 2, 2009.