

ORDINANCE NO. O-2019-0031

AN ORDINANCE AMENDING ORDINANCE NO. Z-05-09-08-10C3, ADOPTED BY THE CITY COUNCIL OF ROUND ROCK, TEXAS, ON SEPTEMBER 8, 2005, BY AMENDING SECTION II.6 OF THE DEVELOPMENT PLAN OF PUD NO. 65, APPROVED BY THE CITY COUNCIL IN SAID ORDINANCE; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

WHEREAS, on September 8, 2005, the City Council of the City of Round Rock, Texas, adopted Ordinance No. Z-05-09-08-10C3, which established PUD No. 65, and

WHEREAS, on September 28, 2006, the City Council of the City of Round Rock, Texas, adopted Ordinance No. G-06-09-28-13C2 (Amendment No. 1), which amended Section 13 of the Development Plan of PUD No. 65, and

WHEREAS, in 2006, the City and McNeil Retail, Ltd. (“Owner”) agreed to a Minor Amendment (Amendment No. 2), as defined in Section 14.1 of PUD No. 65, such amendment filed as Document No. 2006080491 with the County Clerk of Williamson County, Texas, and

WHEREAS, on May 29, 2007, the City and Owner agreed to a Minor Amendment (Amendment No. 3), as defined in Section 14.1 of PUD No. 65, and

WHEREAS, on May 13, 2010, the City Council of the City of Round Rock, Texas, adopted Ordinance No. Z-10-05-13-10C1 (Amendment No. 4), which amended Section II.6 of the Development Plan of PUD No. 65, and

WHEREAS, an application has been made to the City Council of the City of Round Rock, Texas, to amend Section II.6 of the Development Plan of PUD No. 65, and

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the requested amendment to Ordinance No. Z-05-09-08-10C3 on the 19th day of December, 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 Ordinance No. Z-05-09-08-10C3 be amended, and

WHEREAS, on the 24th day of January, 2019, after proper notification, the City Council held a public hearing on the requested amendment to Ordinance No. Z-05-09-08-10C3, and

WHEREAS, the City Council determined that the requested amendment to Ordinance No. Z-05-09-08-10C3 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 Zoning and Development Code, Chapter 10, Article I, Section 10-2 and Article IV, Section 10-22, Code of Ordinances (2018 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 #65 meets the following goals and objectives:

- (1) The amendment to P.U.D. #65 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) The amendment to P.U.D. #65 is in harmony with the general purposes, goals, objectives and standards of the General Plan.

- (3) The amendment to P.U.D. #65 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.6. of the Development Plan of PUD No. 65, as approved in Ordinance No. Z-05-09-08-10C3 and amended in Ordinance No. Z-10-05-13-10C1, is hereby deleted in its entirety and replaced with a new Section II.6, which shall read as follows:

6. PERMITTED USES

6.1 All of the uses in the C-1 (General Commercial) zoning district, with the exception of those uses listed in Section 7 below, shall be permitted on the Property.

6.2 The following uses shall be permitted by right, with the conditions stated:

(a) Private Park;

(b) Upper-Story Residential above ground floor retail uses, with a maximum of two (2) stories above the ground floor.

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.

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.

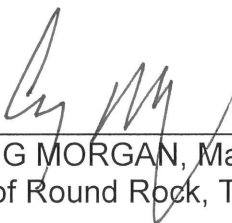
By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED, and ADOPTED on first reading this 24th day of January, 2019.

Alternative 2.

READ and APPROVED on first reading this the _____ day of _____, 2019.

READ, APPROVED and ADOPTED on second reading this the _____ day of _____, 2019.



CRAIG MORGAN, Mayor
City of Round Rock, Texas

ATTEST:



SARA L. WHITE, City Clerk

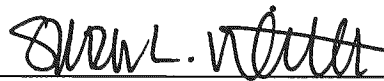
THE STATE OF TEXAS *

COUNTY OF WILLIAMSON *

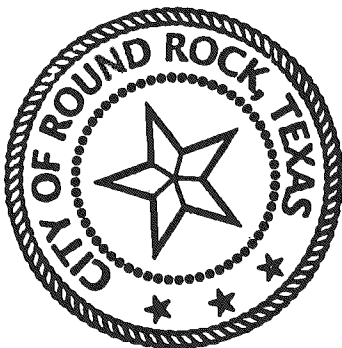
CITY OF ROUND ROCK *

I, SARA L. WHITE, City Clerk of the City of Round Rock, Texas, do hereby certify that I am the custodian of the public records maintained by the City of Round Rock and the attached is a true and correct copy of Ordinance No. O-2019-0031 which approves amendment No. 5 to the PUD (Planned Unit Development) No. 65 zoning district for 42.50 acres of land located east of N. IH 35 on the south side of University Blvd. This ordinance was approved and adopted at a regular meeting of the City Council held on the 24th day of January 2019 and recorded in the official City Council Minute Book No. 62.

CERTIFIED by my hand and seal of the City of Round Rock, Texas on this 14th day of February 2019.



SARA L. WHITE, TRMC, City Clerk



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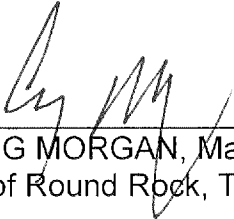
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CRAIG MORGAN, Mayor
City of Round Rock, Texas

ATTEST:



SARA L. WHITE, City Clerk

**ELECTRONICALLY RECORDED
OFFICIAL PUBLIC RECORDS**

2019013466

Pages: 6 Fee: \$37.00
02/20/2019 04:26 PM



Nancy E. Rister

Nancy E. Rister, County Clerk
Williamson County, Texas