

ORDINANCE NO. 581-X-PUD-2023-101

(2902 Pat Booker Road)

AN ORDINANCE OF THE CITY COUNCIL OF CITY OF UNIVERSAL CITY, TEXAS AMENDING THE ZONING MAP OF THE CITY OF UNIVERSAL CITY, TEXAS FOR AN APPROXIMATELY 13.968-ACRE PROPERTY, LOCATED AT 2902 PAT BOOKER ROAD, UNIVERSAL CITY, TEXAS; REZONING SAID PROPERTY FROM C3- COMMERCIAL SERVICES DISTRICT TO PUD 2023-101 DISTRICT, GENERALLY FOR MULTI-FAMILY RESIDENTIAL AND RELATED USES; ADOPTING THE PUD FINAL PLAN RELATED TO PUD 2023-101; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in accordance with Section 4-5-24 and Section 4-5-56 of the Code of Ordinances, City Council may approve an application for an Official Zoning Map Amendment and a Planned Unit Development to provide some flexibility to traditional zoning by offering a mechanism to balance specific site constraints and development plans with the larger interest of the community and the integrity of the Zoning Ordinance; and

WHEREAS, Chapter 211.003 of the Texas Local Government Code provides that the City Council may regulate the height, number of stories, size of buildings, percentage of a lot that may be occupied, the size of yards, courts, and other open spaces, population density, the location and use of buildings, and land for business; and

WHEREAS, Chapter 211.004 of the Texas Local Government Code provides that zoning regulations must be adopted in accordance with a comprehensive plan; and

WHEREAS, Chapter 211.006 of the Texas Local Government Code provides the procedures that the City Council must follow to exercise the authority relating to zoning regulations and zoning district boundaries; and

WHEREAS, as further described in Sections Two, Three, and Four of this Ordinance, White- Conlee Builders, Ltd., has submitted an application for a Future Land Use Plan Amendment, Zoning Map Amendment and a Planned Unit Development for an approximately 13.968-acre tract assigned the physical address of 2902 Pat Booker Road (SH 218), Universal City, Texas, generally located southeast of the intersection of Pat Booker Road and Buckingham Village Street, which is more fully depicted and legally described on **Exhibits “A” and “B”**, attached hereto, for a rezoning from C3-Commercial Services District to PUD 2023-101 District, generally for multi- family residential and related uses; and

WHEREAS, after proper delivery of notice, the Planning and Zoning Commission conducted a public hearing on the application for the Future Land Use Plan Amendment, Zoning Map Amendment and Planned Unit Development on January 9, 2023, during which parties in interest and citizens had an opportunity to be heard on the matter; and

WHEREAS, at the conclusion of the public hearing, the Planning and Zoning Commission made a recommendation in favor of the applications for the Future Land Use Plan Amendment, Zoning Map Amendment and Planned Unit Development and made the findings for the Planned Unit Development required by Section 4-5-56 of the Code of Ordinances; and

WHEREAS, after proper publication of notice and receipt of the Planning and Zoning Commission’s recommendation, the City Council conducted a public hearing on the applications for the Future Land Use Plan Amendment, Zoning Map Amendment and Planned Unit Development on January 17, 2023, during which parties in interest and citizens had another opportunity to be heard on the matter; and

WHEREAS, after conducting a public hearing on the matter where parties in interest and citizens had an opportunity to be heard, and considering all of the testimony and written evidence provided by the public as well as the recommendation made by the Planning and Zoning Commission, the findings of which are included hereto as **Exhibit “C”**, the City Council finds the Zoning Map Amendment is in accordance with the City’s Comprehensive

Plan for the purpose of promoting the health, safety, morals and general welfare of the City and the Planned Unit Development conforms with the requirements of Section 4-5-56 of the City Code; provided there is full compliance with the conditions set out in Section Four of this Ordinance; and

WHEREAS, the City has complied with all conditions precedent necessary to take this action, has properly noticed and conducted all public hearings and public meetings pursuant to the Texas Local Government Code and Texas Government Code, as applicable.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS:

SECTION 1. Recitals. The recitals set out above are adopted herein for all purposes.

SECTION 2. The Property. The real property (“Property”) subject to the amendments authorized by this Ordinance is a 13.968-acre tract, more or less, assigned the physical address of 2902 Pat Booker Road, Universal City, Texas, generally located southeast of the intersection of Pat Booker Road/SH 218 and Buckingham Village Street, which is more fully depicted and legally described on **Exhibits “A” and “B”**, attached hereto.

SECTION 3. The Zoning Map Amendment. The City’s Official Zoning Map is hereby amended by revising the Zoning Classification of the Property from C3-Commercial Services District as shown on the Zoning Map to PUD 2023-101 District, generally for multi-family residential and related uses, subject to the conditions set out in Section 6.

SECTION 4. The Planned Unit Development. Subject to the conditions set out in Section 6, the Property shall develop in accordance with the PUD 2023-101 Development Regulations, including the approved PUD Final Plan, as provided for in **Exhibit “D”**, which shall include among other things, the permitted uses, lot design standards, and the following Exhibits:

- Exhibit “D-1” – PUD Plan
- Exhibit “D-2” – Architectural Elevations
- Exhibit “D-3” – Utility Plan
- Exhibit “D-4” – Photometric & Lighting
- Plan Exhibit “D-5” – Landscape Guidelines
- Exhibit “D-6” – Building Matrix
- Exhibit “D-7” – Traffic Memorandum
- Exhibit “D-8” – Preliminary Plat of Subdivision

SECTION 5. Map Revision. The City Manager is hereby authorized and directed to revise the Official Zoning Map and take all other steps reasonably necessary to facilitate the purpose of this ordinance, subject to the conditions set out in Section 6.

SECTION 6. Conditional Approval. Pursuant to Section 4-5-54 (entitled “Planned Unit Development”) of the Code of Ordinances, the following conditions are imposed:

1. This ordinance shall become null and void if approval of the FLUP Amendment for the subject property has not occurred within two years of this ordinance’s effective date.
2. This ordinance shall become null and void if approval of the final plat of subdivision by the Planning and Zoning Commission has not occurred within two years of this ordinance’s effective date.

SECTION 7. Continuation Clause. All provisions of the Code of Ordinances of the City of Universal City not herein amended or repealed shall remain in full force and effect.

SECTION 8. Repealer Clause. All other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 9. Severability Clause. If any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

SECTION 10. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 11. It is officially found, determined, and declared that the meeting at which this Ordinance was adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 12. Effective Date. This ordinance will take effect upon its passage, approval and publication as provided by law.

PASSED, on first reading by the City Council of the City of Universal City on this the 17th day of January 2023.

PASSED AND APPROVED, on second reading by the City Council of the City of Universal City on this the 7th day of February 2023.

MAYOR

John Williams, Mayor

Attest:

Approved as to form:

Kristin Mueller, City Clerk

Megan R. Santee, City Attorney