

ORDINANCE NO. 632-PC-582-FLUP-2023
(NE Athenian & Centerbrook)

AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN TO CHANGE LAND USE DESIGNATION OF PROPERTY LOCATED AT 1001 ATHENIAN ROAD, UNIVERSAL CITY, TEXAS (CB 5047K BLK 6 LOT 1 & CB 5047 P-135 (1.2899 AC) ABS 777 (FORMERLY P-8H)) FROM GC-GENERAL COMMERCIAL TO HDR-HIGH DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in accordance with Sections 4-5-24 of the Code of Ordinances, City Council may approve an application for a Future Land Use Plan Amendment based upon changed or changing conditions in a particular area or in the City generally, or to rezone an area, or to extend the boundary of an existing zoning district; and

WHEREAS, Chapter 213.003 of the Texas Local Government Code provides that the City may amend the City's comprehensive plan by ordinance following a public hearing at which the public is given the opportunity to give testimony and present written evidence and review by the City's Planning and Zoning Commission; and

WHEREAS, K/T TX Holdings, LLC (Terramark Urban Homes) requested a change in zoning classification from C2-Retail to PUD 2023-105 for the property described as CB 5047K BLK 6 LOT 1 & CB 5047 P-135 (1.2899 AC) ABS 777 (FORMERLY P-8H), Universal City, Bexar County, Texas and assigned the physical address of 1001 Athenian Road, Universal City, Texas which would require an amendment to the City's Future Land Use Plan; 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 on September 11, 2023, where the public had the opportunity to provide testimony and written evidence regarding the proposed amendment to the City's Future Land Use Plan; and

WHEREAS, at the conclusion of the public hearing, the Planning and Zoning Commission made recommendations in favor of the application for the Future Land Use Amendment; and

WHEREAS, after proper publication of notice and receipt of the Planning and Zoning Commission's recommendation, City Council conducted a public hearing on the application for the Future Land Use Plan Amendment on September 19, 2023, during which the public was provided another opportunity to give testimony and written evidence for or against the proposed amendment to the Future Land Use Plan; and

WHEREAS, after 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 City Council finds that the proposed amendment to the Future Land Use Plan is commensurate with the overall vision and growth plan of the City and is in the best interest of the City of Universal City; 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 an approximate 3.03-acre parcel, more or less, legally described as CB 5047K BLK 6 LOT 1 & CB 5047 P-135 (1.2899 AC) ABS 777 (FORMERLY P-8H), Universal City, Bexar County, Texas and assigned the physical address of 1001 Athenian Road, Universal City, Texas.

SECTION 3. The Future Land Use Plan Amendment. The Future Land Use Plan is hereby amended by revising the Future Land Use for the Property from **GC-GENERAL COMMERCIAL to HDR-HIGH DENSITY RESIDENTIAL**, subject to the conditions set out in Section 5.

SECTION 4. Map Revision. The City Manager is hereby authorized and directed to revise the Future Land Use Plan map and take all other steps reasonably necessary to facilitate the purpose of this ordinance, subject to the conditions set out in Section 5.

SECTION 5. 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 preliminary and final plats of subdivision by the Planning and Zoning Commission has not occurred within two years of this ordinance’s effective date.

SECTION 6. Continuation clause. All provisions of the Future Land Use Plan and Code of Ordinances of the City of Universal City not herein amended or repealed shall remain in full force and effect.

SECTION 7. Repealer clause. All other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 8. 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 9. This Ordinance shall be construed shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 10. It is officially found, determined, and declared that the meeting at which this Ordinance is 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 11. 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 19th day of September 2023.

PASSED AND APPROVED, on second reading by the City Council of the City of Universal City on this the 17th day of October 2023.

CITY OF UNIVERSAL CITY, TEXAS
APPROVED:

John Williams, Mayor

ATTEST:

APPROVED AS TO FORM:

Kristin Mueller, City Clerk

Megan R. Santee, City Attorney
Denton Navarro Rocha Bernal & Zech, P.C.