

**CITY OF LAKEWAY
ORDINANCE NO. 2020-11-16-03**

**OAKS AT LAKEWAY PLANNED UNIT DEVELOPMENT:
AMENDMENT NO. 3**

AN ORDINANCE AMENDING CITY OF LAKEWAY ORDINANCE NO. 2014-01-21-01, OAKS AT LAKEWAY PLANNED UNIT DEVELOPMENT (PUD), TO AMEND SITE DEVELOPMENT STANDARDS FOR CONNECTIVITY AND CIRCULATION IMPROVMENTS TO MAIN STREET; AND PROVIDING FOR FINDINGS OF FACT; SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Lakeway, Travis County, Texas (“the City”) seeks to provide for the public health, safety and welfare of its citizens; and

WHEREAS, Stratus Lakeway Center, LLC, was the primary owner of approximately 89.7 acres of land located at the intersection of Main Street and RM 620 South (“the Property”) that was zoned as a Planned Unit Development in 2014 (“the Oaks PUD”), and

WHEREAS, the Oaks PUD Ordinance required the City and Stratus to execute an agreement regarding construction of Main Street through the project to the western edge of the Property (“the Main Street Agreement”); and

WHEREAS, the Main Street Agreement was supposed to be executed contemporaneously with the passage of the PUD Ordinance; and

WHEREAS, no Main Street Agreement was presented to the City Council for approval at the time the PUD was approved in January 2014; and

WHEREAS, no Main Street Agreement has ever been presented to the City Council for approval since January 2014; and

WHEREAS, Main Street is a vitally important road on the City's Thoroughfare Plan, and must be extended through the Property to allow other areas of the City to develop in an orderly fashion, as well as to relieve congestion on City roadways and improve traffic safety; and

WHEREAS, once TxDOT begins expanding Hwy 620, Main Street (if it is completed to the western edge of the Property) will provide significant relief for drivers by providing a way to travel by getting off of 620 during construction of the expansion; and

WHEREAS, the Oaks PUD specifies that the extension of Main Street to the western edge of the Property was to have been constructed at the time the Low Density Residential Tract was developed, at the sole expense of the Developer; and

WHEREAS, more than six years have passed since this original condition was imposed in the Oaks PUD Ordinance, and the Low Density Residential Tract has not come forward for development; and

WHEREAS, In order to have Main Street completed to the western edge of the Property before construction begins on the Highway 620 widening project, the Low Density Tract Property Owner shall begin construction on Main Street no later than March 15, 2021, and must be completed and accepted by the City no later than March 15, 2023; and

WHEREAS, Stratus has refused to execute a Main Street Agreement proffered by the City in EARLY 2020 to address this issue; and

WHEREAS, Stratus has not come forward with any plan to construct Main Street by any particular date certain; and

WHEREAS, the City Council desires to amend the site development standards in the Oaks PUD relating to connectivity and circulation improvements related to the construction of Main Street; and

WHEREAS, the Lakeway City Council voted on September 28, 2020 to initiate an amendment to the Oaks PUD to specify a date certain when Main Street will be completed; and

WHEREAS, the Zoning and Planning Commission held discussion and invited public comment on the proposed amendment in a public hearing held November 9, 2020; and

WHEREAS, the City Council held discussion and invited public comment on the proposed amendment in a public hearing held November 16, 2020; and

WHEREAS, the City Council finds that it is in the best interest of the welfare of the citizens of Lakeway, Texas, and consistent with the City of Lakeway Comprehensive Plan to approve the requested amendment to the site development standards in the Oaks PUD.

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

Article 1. Findings of Fact

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

Article 2. General

Section 2.01 Authority

This ordinance is adopted under the authority of the Constitution and laws of the State of Texas, particularly Chapter 211 of the Local Government Code.

Section 2.02 Purpose

The purpose of this ordinance is to amend the site development standards established in Ordinance 2014-01-26-01, Oaks at Lakeway Planned Unit Development (PUD).

Article 3. Amendment

Oaks at Lakeway PUD, subsection 3.9.21, pertaining to connectivity and circulation, shall be revised to read as follows:

3.9 Site Development Standards.

21. Connectivity and Circulation. The project is designed to provide connectivity and circulation, including pedestrian, vehicular and bicycle, throughout the site as identified in Exhibit K ("Circulation Diagram").

a. The extension of Main Street shall be constructed through the Property to the western PUD boundary by the Developer and/or Property Owner or their successors ~~and shall be phased with site build-out.~~ Main Street is a vitally important road on the City's Thoroughfare Plan, and must be extended through the Property to allow other areas of the City to develop in an orderly fashion, as well as to relieve congestion on City roadways and improve traffic safety. Particularly once TxDOT begins expanding Hwy 620, Main Street will provide significant relief for drivers by providing a way to travel by getting off of 620 during construction of the expansion.

~~Phase 1 of the roadway construction shall include~~ b. The portion of Main Street from RR 620 to Medical Drive was built with the initial phase of the Project, as reflected on the Preliminary Plan. The remaining section of Main Street to the western PUD property boundary was to have been constructed at the time the Low Density Residential Tract was developed, at the sole expense of the Developer. ~~shall be responsible for constructing in accordance with the terms of the Main Street Development Agreement, executed by the Developer and the City contemporaneous with the approval of the PUD.~~ However more than six years have passed since this original condition was imposed by this PUD Ordinance, and the Low Density Residential Tract has not come forward for development.

c. In order to have Main Street completed between Highway 620 and Lohman's Crossing before construction begins on the Highway 620 widening project, the Low Density Tract Property Owner shall begin construction on Main Street no later than March 15, 2021, and must be completed and accepted by the City no later than March 15, 2023.

d. The roadway is designed as a four (4) lane 90 foot right-of-way (ROW) including a median, shared use path and sidewalk in general accordance with *Exhibit L* ("Main Street Typical Street Section").

~~No certificate of occupancy for any building located on the Low Density Residential Tract shall be issued unless and until construction of Main Street to the western boundary of the PUD has been completed.~~

e. The City may seek recourse through the enforcement provisions set forth in Section 28.013.008 to enforce the provisions of this Section.

Article 4. Severability

Should any sentence, paragraph, subdivision, clause, phrase, or section of this ordinance be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance in whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

Article 5. Repealer

The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

Article 6. Effective Date


This ordinance shall take effect immediately from and after its passage and publication as may be required by law.

Article 7. Proper Notice and Meeting

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Government Code.

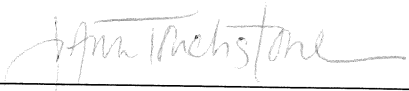
PASSED AND APPROVED this the 16th day of November, 2020.

CITY OF LAKEWAY:



Sandra L. Cox, Mayor

ATTEST:



Jo Ann Touchstone, City Secretary

