

ORDINANCE NO. 2445

AN ORDINANCE AMENDING THE ZONING ORDINANCE, ORDINANCE NO. 621 OF THE CITY OF KATY, BY ADDING THERETO SECTION 12.12, WEST TEN BUSINESS PARK, A PLANNED DEVELOPMENT DISTRICT, AND AMENDING THE ZONING ORDINANCE AND THE ZONING MAP TO SHOW THE BOUNDARIES OF THE DISTRICT WHICH CONTAINS 473 ACRES OF LAND IN FORT BEND COUNTY, TEXAS, AND WALLER COUNTY TEXAS INTERSTATE HIGHWAY-10 ON THE SOUTH AND U.S. HIGHAY 90 ON THE NORTH, AND BOUNDED ON THE WEST BY THE CORPORATE LIMITS OF THE CITY OF KATY, ESTABLISHING A DISTRICT OF UNIFIED DESIGN CONTAINING MULTIPLE USES INCLUDING COMMERCIAL, OFFICE COMPLEXES, INDUSTRIAL FACILITIES, PUBLIC ROADS, DETENTION PONDS, AND ESTABLISHING CERTAIN RESTRICTIONS AND REQUIREMENTS FOR DEVELOPMENT AS A PLANNED DEVELOPMENT DISTRICT.

WHEREAS, PROTERRA STRATFORD/1-10, LTD. (Developer) the owners and developers of a certain 473 acre tract of land in Fort Bend County, and Waller County Texas, have presented to the City Council a plan for development of an integrated commercial development called "WEST TEN BUSINESS PARK" pursuant to Section 12 of the Zoning Ordinance of the City of Katy, and

WHEREAS, the City Council has found that such integrated commercial and industrial development is under unified control, and

WHEREAS, the City Council has determined that the use proposed is an appropriate combination of uses in keeping with the intent of the Zoning Ordinance and Comprehensive Plan,

WHEREAS, the City Planning and Zoning Commission has, after public hearing and deliberation, recommended the approval of such Planned Development District, and

WHEREAS, the City Council has heretofore conducted a public hearing to determine the impact of such district on adjoining landowners and to allow all interested parties to express their opinions thereon, and

WHEREAS, the City Council finds that all prerequisites of the Katy City Charter, the ordinances of the City of Katy and statutes of the State of Texas have been complied with, NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KATY THAT:

I.

All matters set out in the preamble are true and correct and are incorporated herein as part of this Ordinance.

II.

The City of Katy Zoning Ordinance 621 shall be amended by adding thereto Section 12.12, WEST TEN BUSINESS PARK, as follows:

12.12 WEST TEN BUSINESS PARK is an integrated commercial development combining various commercial uses with various industrial uses, as set out in its application for the Planned Development District dated July 29, 2009 on file in the office of the City Secretary, (The Application) which is incorporated herein by reference for all purposes.

12.12-1 WEST TEN BUSINESS PARK is located on a tract of land consisting of 473 acres in the City of Katy, Fort Bend County, and Waller County, Texas, described by metes and bounds in Exhibit A attached hereto and made a part hereof.

12.12-3 WEST TEN BUSINESS PARK shall be designated on the official Zoning Map of the City of Katy as a Planned Development District.

(a) The District shall consist of those commercial and industrial uses as identified in The Application. 12.12-3 WEST TEN BUSINESS PARK shall be developed in accordance with the WEST TEN BUSINESS PARK Construction Schedule contained in The Application and the Utility Functions and Services Allocation

Agreement approved by the City of Katy and Developer marked Exhibit "B," attached hereto and made a part hereof (The Agreement). WEST TEN BUSINESS PARK is to be constructed in strict compliance with this Ordinance and other developmental and construction ordinances of the City of Katy as they exist on the date of construction. In addition, the following matters shall be required:

(i) Prior to construction, a development plan for each separate phase shall be prepared in accordance with The Application and the Agreement, and shall contain, in addition to the matters required for development plans set out in the Zoning Ordinance, Section 12.7, certification that anticipated runoff shall not exceed the standard set by any flood control authority exercising control over the development and if so, shall set out in detail how such runoff shall be controlled.

(ii) The development plan shall be approved by the City Council prior to issuance of a building or occupancy permit. The PDD approved may be subdivided and a copy of the subdivision plat shall be filed in the Deed Records of the county in which located. In approving the development plan for each phase, City Council reserves the right to exercise all or any of the rights and powers granted it under Section 12 of the Zoning Ordinance or any other applicable ordinances.

(iii) The development plan or amendment thereto shall be accompanied by a title report identifying all the then current owners of the property and lienholders, all of whom shall be required to execute an acceptance of the PDD or amendment and a subordination of their interests to the PDD.

12.11.4 The development schedule shall commence as set out herein unless changed by ordinance. Failure to comply with the development schedule or comply with any other portion of this Ordinance shall subject the PDD, the Owners and Developers, to the sanctions of Section 12.5-3 of the Zoning Ordinance.

III.

The zoning amendments herein approving the WEST TEN BUSINESS PARK Planned Development District shall become effective upon the adoption of this Ordinance.

PASSED AND APPROVED in Katy, Texas, this 24th day of August, 2009.

CITY OF KATY, TEXAS

By: Don Elder Jr.
Don Elder Jr., Mayor

ATTEST:

Melissa A. Bunch
Melissa A. Bunch, City Secretary

APPROVED:

Joe Hegar
Joe Hegar, City Attorney