ORDINANCE NO. 1303 32530

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ROUND ROCK, TEXAS ADOPTED IN SECTION 11.305(2), CODE OF ORDINANCES, 1990 EDITION, CITY OF ROUND ROCK, TEXAS, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO CHANGE 14.215 ACRES OF LAND OUT OF THE JACOB M. HARRELL SURVEY, ABSTRACT 284, ROUND ROCK, WILLIAMSON COUNTY, TEXAS, AS DESCRIBED BELOW, FROM DISTRICT TF (TWO-FAMILY RESIDENTIAL) TO DISTRICT P.U.D. (PLANNED UNIT DEVELOPMENT) NO. 6.

WHEREAS, an application has been made to the City Council of the City of Round Rock, Texas to amend the Official Zoning Map to change the zoning classification of the property described in Exhibit "A" from District TF (Two Family Residential) to District P.U.D. (Planned Unit Development) No. 6;

WHEREAS, the City Council has submitted the requested change in the Official Zoning Map to the Planning and Zoning Commission for its recommendation and report, and

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the requested change on the 17th day of September, 1992, following lawful publication of the notice of said public hearing, and

WHEREAS, after considering the public testimony received at such hearing, the Planning and Zoning Commission has recommended that the Official Zoning Map be amended so that the zoning classification of the above described property be changed from District TF (Two Family Residential) to District P.U.D. (Planned Unit Development) No. 6 and,

WHEREAS, on the 24th day of September, 1992, after proper notification, the City Council held a public hearing on the requested change, and

WHEREAS , the City Council determined that substantial changes in conditions have occurred which justify the zoning classification change provided for herein, and

WHEREAS, each and every requirement set forth in Chapter 211, Subchapter A, Texas Local Government Code, 1990 Edition and Section 11.305(2), Code of Ordinances, 1990 Edition, City of Round Rock, Texas concerning public notices, hearings, and other procedural matters has been fully complied with,

OFFICIAL RECORDS
WILLIAMSON COUNTY, TEXAS

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

I.

That the City Council has hereby determined the Planned Unit Development (P.U.D.) District No. 6 meets the following goals and objectives:

(1) P.U.D. No. 6 is in harmony with the general purposes, goals, objectives and standards of the General Plan.

(2) P.U.D. No. 6 does not have an undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and general welfare.

(3) P.U.D. No. 6 will be adequately serviced by essential public facilities and services including streets, parking, drainage, water, wastewater facilities, and other necessary utilities.

(4) P.U.D. No. 6 will be constructed, arranged and maintained so as not to dominate, by scale and massing of structures, the immediate neighboring properties or interfere with their development or use in accordance with any existing zoning district.

II.

That the Official Zoning Map adopted in Section 11.305 (2), Code of Ordinances, 1990 Edition, City of Round Rock, Texas is hereby amended so that the zoning classification of the property described in Exhibit "A" attached hereto and incorporated herein shall be, and is hereby changed from District TF (Two-Family Residential) and shall be hereafter designated as Planned Unit Development (P.U.D.) No. 6, and that the Mayor is hereby authorized and directed to enter into the planned Unit Development

(P.U.D.) agreement hereto as Exhibit "B", which agreement shall constitute the Development and shall govern the development and use of said property.

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.

Alternative 1.

READ, PASSED,and ADOPTED on first reading this 24th day of September 1992.

Alternative 2.

READ and APPROVED on first reading this the _____ day of _____, 1992.

READ, APPROVED and ADOPTED on second reading this the _____ day of _____, 1992.

Mike Robinson

MIKE ROBINSON, Mayor
City of Round Rock, Texas

ATTEST:

Joanne Land

JOANNE LAND, City Secretary

DEVELOPMENT PLAN FOR P.U.D. #6

This agreement (" Development Plan") made the 24th day of September, 1992, between the City of Round Rock, Texas, having its offices at 221 East Main Street, Round Rock, Texas (hereinafter called the "City"), and Oaklands Estates Joint Venture, a Texas joint venture, having its offices at 102 Westlake Drive, Suite 100, Austin, Texas, 78746 (Hereinafter called the "Developer").

WHEREAS Developer has requested a Planned Unit Development from the City for the eighteen (18) single family residential lots on a tract of land located within the incorporated limits of the City of Round Rock and more fully described as follows:

A 14.215 acre tract of land being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part of hereof (hereinafter referred to as the "Property").

AND WHEREAS the Developer, in accordance with Chapter 11, Section 11.316 , Code of Ordinances 1990 Edition, City of Round Rock, Texas is required to submit a Development Plan to the City containing certain terms and conditions for the use and development of the Property;

AND WHEREAS the City Council has reviewed the proposed Development and determined that it promotes the health, safety, and general welfare of the citizens of Round Rock and that it complies with the intent of the Planned Unit Development ordinance of the City;

NOW THEREFORE BY THIS AGREEMENT WITNESSETH that in

consideration of the premises and the conditions and covenants hereinafter set forth, the City and the Developer covenant and agree as follows:

1. LIENHOLDER CONSENT: That Developer is the sole holder of fee simple title to the Property and that he has obtained the written consent to the re-zoning of the Property from TF Two family residential to a Planned Unit Development for all lien holders, legal or equitable, of the Property. Said written consent is attached as Exhibit "B", and hereby made a part of this Development Plan.

2. DEVELOPMENT AND USES: The Property shall be developed for the following purposes only: a development consisting of eighteen (18) single family lots, with a 20,000 square foot minimum parcel size, as generally shown on the concept plan attached hereto as Exhibit "C". The concept plan is hereby incorporated into and made a part of this Development Plan and shall also be considered as having satisfied the subdivision plat concept plan requirement.

3. GENERAL COMPLIANCE: The Developer shall comply with all the requirements and restrictions depicted in this Development Plan, and in Exhibit "C". Unless specifically waived by this Development Plan or the Planned Unit Development Ordinance of the City of Round Rock, the Developer shall also comply with all other applicable ordinances of the City of Round Rock.

4. CHANGES TO THE DEVELOPMENT PLAN: After this Development Plan has been accepted and approved by the City Council, any substantial alterations shall be re-submitted for consideration to the City Council following the same procedure required in the original adoption of this Development Plan. Any minor alterations to the Development Plan which do not substantially change the concept

of the Planned Unit Development may be approved by the Director of Planning.

5. LAND USE AND BUILDING TYPES: No building shall be erected, altered or permitted on any lot for a use other than a single family residence. Clearly secondary, ancillary buildings and structures such as garages and swimming pools are also permitted.

6. PARKING: Parking shall be permitted on one side of the internal streets only within the development. Each residence shall provide a minimum of six paved off-street parking spaces, the design and configuration of such spaces shall be approved by the Director of Planning prior to the issuance of a building permit.

7. LANDSCAPING: The Developer agrees to be responsible for the installation of landscape improvements and sprinkler systems in the areas designated as greenbelt lots on Exhibit "C". These areas will include a greenbelt/pedestrian pathway, and two entrance lots. The entrance lots will be landscaped and will contain signage for the P.U.D. at the entry to the property. These areas will also be irrigated for landscaping and lighted. All landscaping and irrigation installed by the Developer shall be substantially complete before subdivision improvements are accepted by the City.

8. TEMPORARY STRUCTURES OR EMPLACEMENTS: No structure or emplacement of a temporary character, mobile home, trailer, derelict, junk or racing motor vehicle, or any motor vehicles without a current license tag, or any tent, shack, barn or other outbuilding shall be erected, placed, driven onto, altered or permitted to remain on any lot at any time, either temporarily or permanently. No unenclosed outdoor storage shall be permitted. This provision shall not apply to

vehicles, equipment or temporary structures utilized by Developer, or his successors or assigns, or contractors or subcontractors when engaged in construction or repair work, or such work as may reasonably be necessary for the completion of the subdivision and the disposition of lots by sale, lease or otherwise.

9. ELECTRICAL EQUIPMENT AND UTILITIES: All on-site electrical distribution, telephone or television cable, shall be underground. All exterior antennas shall be prohibited.

10. MAINTENANCE OF GREENBELT LOTS: The Developer shall be responsible for the maintenance of improvements and landscaping on all greenbelt lots shown on Exhibit "C". Maintenance requirements include: prompt removal of all litter, trash and waste; lawn mowing, tree and plant trimming; watering of landscaped areas; maintaining detention ponds, filtration ponds, and associated drainage facilities; maintaining postal boxes to United States Postal Service Standards; and keeping entry sign, walks, and fencing in good repair. This responsibility may be assigned to a legally responsible Homeowners Association, with the consent of the City.

11. MINIMUM SETBACKS: Front yard setbacks for the property shall be 25′ for the interior lots bordering the greenbelt and 30′ for lots bordering the perimeter of the property. All lots shall have 15′ sidelot setbacks and 25′ rear yard setbacks. (See Exhibit "D")

12. TEXAS WATER COMMISSION: According to State of Texas requirements, construction plans shall be required to be submitted and reviewed by the Texas Water Commission ("TWC"). Utility designs and water quality ponds

shall be approved for this tract by the TWC. prior to construction. This tract is located over the North Edwards Aquifer recharge zone.

13. FENCES: Perimeter fences shall be of a privacy type construction. The outside perimeter fence shall be a wooden fence no more than 6.5 feet in height and located on the north, south and west sides of the property.

Internal fences along the entry and all greenbelts (including Oakwood Blvd.) shall be constructed with steel or wrought iron. The height shall be at least four feet and not greater than 6.5 feet with steel poles anchored 24 inches in concrete at intervals of eight feet or less and pickets spacing of four inches apart or less.

14. ON SITE DETENTION: The Oaklands Section 4 has been included in a regional detention system. The detention requirements have been calculated using the previously approved preliminary plat with 104 residential lots and 1550 linear feet of streets. The current proposal of 18 single family lots will have a lower runoff coefficient and impervious cover than the previous approval. As a result there is no requirement for on site detention.

15. ACCESS TO OAKWOOD BOULEVARD: Access to Oakwood Boulevard from any Single Family lot shall be prohibited.

16. ENTRY SIGN: One entry sign is hereby authorized to be located either (1) entirely within the greenbelt situated at the northwest corner of Oakwood Boulevard and the entrance road, or (2) within the median in the entrance road are hereby authorized to be permitted (see Exhibit "G"). This entry sign (1) shall be a monument type sign constructed of stone or brick or other maintenance free material; (2) shall not exceed 100 square feet of sign area; (3) shall be positioned in

such a manner as not to constitute a traffic hazard; (4) and its message shall primarily identify the respective subdivision.

17. SUBDIVISION DEVELOP STANDARDS: The City Subdivision Development Standards shall be modified as follows:

A. The right of way width of internal streets shall be 40′ with a 45′ radius cul de sac as shown on Exhibit "C".

B. The pavement width of internal streets shall be 26′ as shown on Exhibit "E".

C. A 36 inch wide sidewalk shall be constructed with each home on one side of the internal streets as shown on Exhibits "E" and "F".

D. Sidewalks shall be constructed to city standards (three and one-half feet of width) by the Developer as part of the subdivision improvements along both sides of the section (approximately 150′) of the internal street which intersects Oakwood Blvd. as shown on Exhibit "F".

E. Oakwood Blvd. shall be constructed to full city standards by the Developer as part of the Subdivision improvements. However, the sidewalk construction shall be limited to the portion shown on Exhibit "F".

18. LICENSE AGREEMENT: The City hereby grants a license agreement to the Developer to locate postal boxes in the portion of the public right of way shown in Exhibit "G". The exact position and design of the postal boxes shall be submitted with the final plat for approval by the Director of Planning and Postmaster prior to the recording of the plat.

19. REPRESENTATION: It is understood and agreed that the City has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with the Developer other than those in this contract.

20. RECORDATION: This agreement shall be construed as running with the land and shall be recorded in the official deed records of Williamson County.

21. INTERPRETATION: Whenever the singular or masculine is used herein, the same shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.

22. AMENDMENT: The terms of this agreement may be altered only in accordance with Section 4 of this Plan.

23. INCORPORATION: Exhibits A, B, C, D, E, F and G referred to are hereby incorporated into and made a part of this agreement.

24. LEGAL AND REGISTRATION FEES: The Developer agrees to pay all of the legal and recording costs incurred by the City in the preparation and recording of this contract.

25. BINDING: This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators,

successors and assigns.

IN WITNESS WHEREOF the said parties to the Agreement have hereunto set their hands and seals this 24th day of September, 1992.

DEVELOPER
Oaklands Estates Joint Venture

By: _____

CITY OF ROUND ROCK, TEXAS

By: _____
Mike Robinson, Mayor

STATE OF TEXAS :
:
COUNTY OF WILLIAMSON :

This instrument was acknowledged before me on this 24th day of September, 1992 by William S. Smalling, on behalf of Oakland Estates Joint venture, a Texas joint venture.

CHRISTINE R. MARTINEZ
Notary Public, State of Texas
My Commission Expires
JUNE 22, 1993

Christine R. Martinez
Notary Public, State of Texas
Printed Name: CHRISTINE R. MARTINEZ
My commission expires: 6-22-93

STATE OF TEXAS :
:
COUNTY OF WILLIAMSON :

This instrument was acknowledged before me on this 24th day of September, 1992 by Mike Robinson, Mayor of the City of Round Rock.

CHRISTINE R. MARTINEZ
Notary Public, State of Texas
My Commission Expires
JUNE 22, 1993

Christine R. Martinez
Notary Public, State of Texas
Printed Name: CHRISTINE R. MARTINEZ
My commission expires: 6-22-93

EXHIBIT A

FIELD NOTES

METES AND BOUNDS DESCRIPTION

Being all that certain 14.215 acre tract of land out of that certain 132.81 acre tract as described in Volume 1004, Page 422, of the Williamson County Deed Records (WCDR), Williamson County, Texas, being out of the J. M. HARRELL SURVEY, ABSTRACT NO. 284, situated in Williamson County, Texas, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at an iron rod found marking the Northwest corner of Lot 25, Block E, of THE OAKLANDS, SECTION THREE-A, a subdivision in Williamson County, Texas, according to the map or plat thereof recorded in Cabinet G, Slide 299, Williamson County Plat Records (WCPR), same being the Southeast corner of OAKCREEK SUBDIVISION, SECTION ONE, a subdivision recorded in Cabinet H, Slide 218, WCPR, same being the Northeast corner of the herein described tract;

THENCE, with the Westerly line of said THE OAKLANDS, SECTION THREE-A, the following eight calls:

(1) THENCE, South 20°34'40" East, a distance of 105.02 feet, to an iron pin found and the beginning of a tangent curve to the left;

(2) THENCE, 23.56 feet along the arc of said curve to the left, having a radius of 15.00 feet, a central angle of 89°58'40", a chord bearing of South 65°34'00" East, and a distance of 21.21 feet, to an iron pin found in the Northerly right-of-way line of Clearwater Drive;

(3) THENCE, South 20°35'28" East, a distance of 50.00 feet, to an iron pin found in the Southerly right-of-way line of said Clearwater Drive and the beginning of a non-tangent curve to the left;

(4) THENCE, 23.57 feet along the arc of said curve to the left, having a radius of 15.00 feet, a central angle of 90°01'20", a chord bearing of South 24°26'00" West, and a distance of 21.22 feet, to an iron pin found;

(5) THENCE, South 20°34'40" East, a distance of 48.75 feet, to an iron pin found, and to the beginning of a curve to the left;

(6) THENCE, 77.30 feet along the arc of said curve to the left, having a radius of 470.00 feet, a central angle of 09°25'22", a chord bearing of South 25°17'21" East, and a distance of 77.21 feet to an iron pin found;

(7) THENCE, South 30°00'02" East, a distance of 126.70 feet, to an iron pin found, and the beginning of a curve to the right;

(8) THENCE, 223.65 feet along the arc of said curve to the right, having a radius of 530.00 feet, a central angle of 24°10'41", a chord bearing of South 17°54'42" East, and a distance of 222.00 feet to an iron pin found for corner, same being the Southwest corner of said THE OAKLANDS, SECTION THREE-A;

THENCE, with the Northerly line of THE AMENDED PLAT OF THE OAKLANDS, SECTION TWO REVISED, according to the map or plat thereof recorded in Cabinet J, Slide 160, WCPR, the following eleven calls:

(1) THENCE, South 87°38'14" West, a distance of 66.23 feet, to an iron pin found, and to the beginning of a non-tangent curve to the left;

(2) THENCE, 43.69 feet along the arc of said curve to the left having a radius of 407.00 feet, a central angle of 06°09'00", a chord bearing of North 05°09'35" West, and a distance of 43.66 feet to an iron pin found for corner;

RECORDERS MEMORANDUM
All or parts of the text on this page was not clearly legible for satisfactory recordation.

(3) THENCE, South 81°05'55" West, a distance of 56.61 feet, to an iron pin found;

(4) THENCE, South 47°27'33" West, a distance of 101.53 feet, to an iron pin found;

(5) THENCE, South 68°14'56" West, a distance of 115.80 feet, to an iron pin found;

(6) THENCE, South 47°52'48" West, a distance of 150.00 feet, to an iron pin found;

(7) THENCE, South 68°09'38" West, a distance of 80.00 feet, to an iron pin found, and to the beginning of a curve to the right;

(8) THENCE, 96.09 feet along the arc of said curve to the right having a radius of 310.00 feet, a central angle of 17°45'36", a chord bearing of South 74°40'48" West, and a distance of 95.71 feet to an iron pin found;

(9) THENCE, South 83°33'36" West, a distance of 130.00 feet to an iron pin found and to the beginning of a curve to the left;

(10) THENCE, 116.98 feet along the arc of said curve to the left, having a radius of 520.00 feet, a central angle of 12°53'21", a chord bearing of South 77°06'55" West and a distance of 116.73 feet, to an iron pin found;

(11) THENCE, South 70°40'15" West, a distance of 104.39 feet, to an iron pin found for corner, same being the Northwest corner of said THE AMENDED PLAT OF THE OAKLANDS, SECTION TWO REVISED, and being in the East line of a certain 131.71 acre tract as recorded in Volume 413, Page 626, WCDR;

THENCE, with the Easterly line of said 131.71 acre tract, the following two calls:

(1) THENCE, North 18°49'45" West, a distance of 174.99 feet, to an iron pin found;

(2) THENCE, North 18°51'50" West, a distance of 451.01 feet, to an iron pin found, same being the Southwest corner of Block E, said OAKCREEK SUBDIVISION, SECTION ONE;

THENCE, with the Southerly line of said Block E, OAKCREEK SUBDIVISION, SECTION ONE, the following three calls:

(1) THENCE, North 70°05'25" East, a distance of 204.32 feet, to an iron pin found;

(2) THENCE, North 69°43'40" East, a distance of 277.26 feet, to an iron pin found;

(3) THENCE, North 69°25'20" East, a distance of 461.00 feet, to an iron pin found for THE POINT OF BEGINNING, and the tract herein described contains 14.215 acres of land.

Compiled By:

Kenneth B. Strange, R.P.L.S.
No. 3587
ENGINEERING & MANAGEMENT ASSOCIATES
314 Highland Mall Blvd., Suite 307
Austin, Texas 78752
JULY 10, 1992

RECORDERS MEMORANDUM
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EXHIBIT B

CONSENT FORM

TEAMBANK

VOL 2198 PAGE 780

Team Bank
P.O. Box 9409
Austin, Texas 78766
(512) 258-2211

September 24, 1992

Mr. Bill Smalling
Oaklands Estates Joint Venture
102 Westlake Dr., Suite 100
Austin, TX 78746

RE: Oaklands Sect. 4

Dear Bill:

Please allow this letter to serve as Team Bank's consent, as lienholder on the referenced property, to the rezoning of the property from TF two family residential to a Planned Unit Development for 18 single family residential lots as submitted in the Development Plan to the City of Round Rock, Texas on this date.

Sincerely,

Steve Waters

Steve Waters
Senior Vice President

EXHIBIT C

CONCEPTUAL PLAN

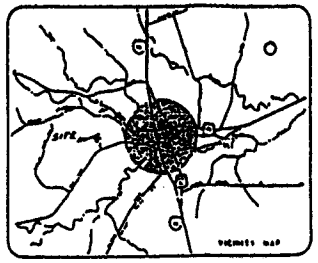
REVISED

OAKLANDS SECT. 4

LEGEND

OWNERS: AMRESCO 1201 MAIN ST, DALLAS, TX. 75202
DEVELOPER: OAKLAND ESTATES JOINT VENTURE
ACREAGE: 14.215 ACRES
SURVEY: JM HARRELL AB. #264
NUMBER OF BLOCKS: 1
NUMBER OF LOTS: 21/22
LINEAR FEET OF NEW STREETS: 2250'
- OAKWOOD BOULEVARD: 630'
- RESIDENTIAL ROADWAY: 1760'

DATE: AUGUST 12, 1992
ENGINEER: ULMANN & HARRIS INC.
102 WESTLAKE DR. STE.102
AUSTIN, TX 78746



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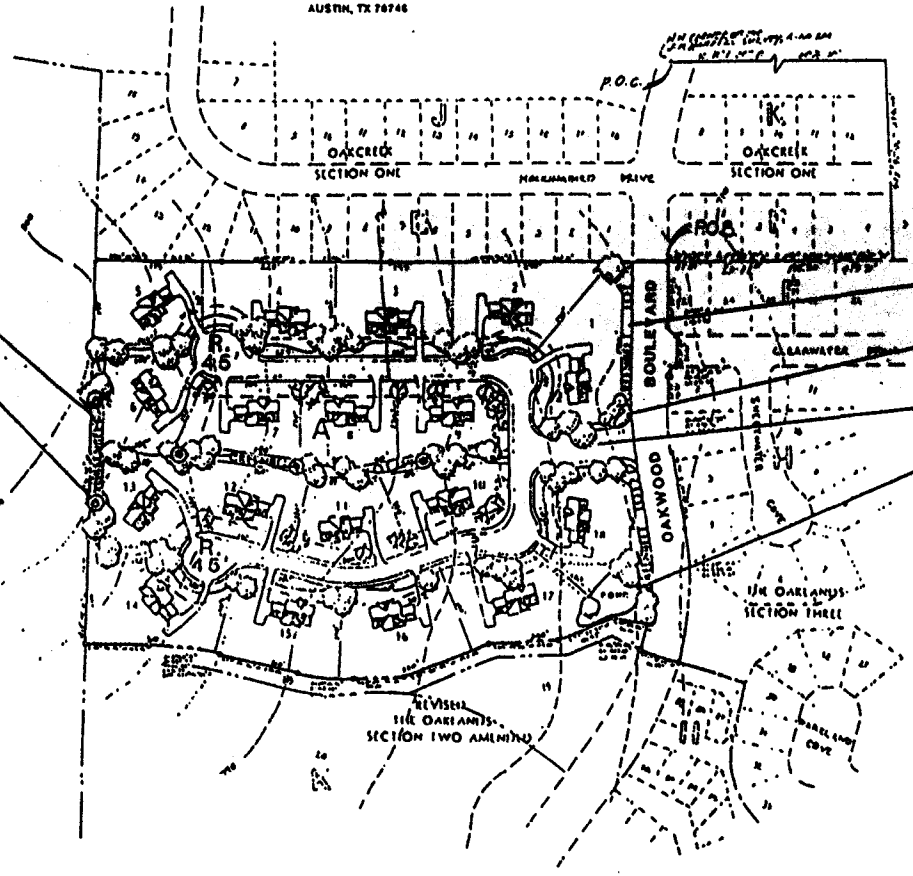

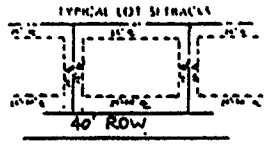

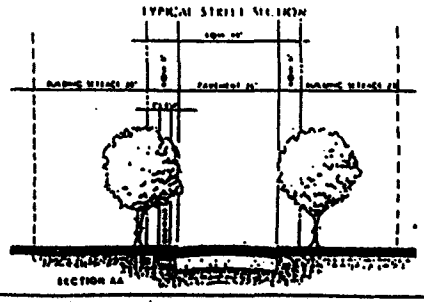

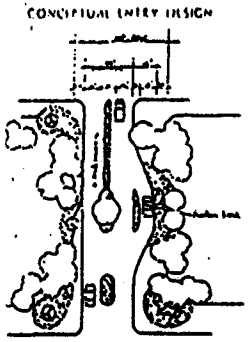

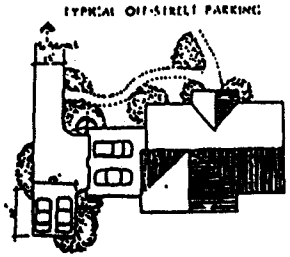

PLANNED UNIT DEVELOPMENT

ULMANN & HARRIS, INC.

REVISED OAKLANDS SECT. 4
CONCEPTUAL PLAN

RECORDERS MEMORANDUM
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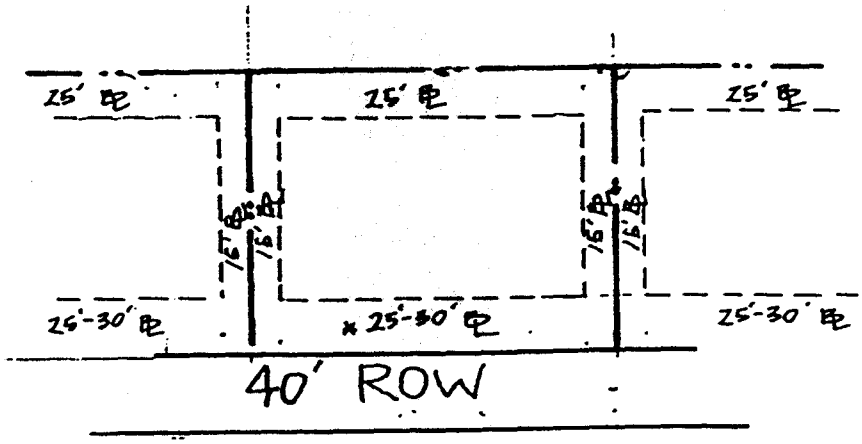
STANDARD SETBACKS

REVISED OAKLANDS SECT.4

TYPICAL LOT



* FRONT YARD SETBACK VARIES SIDE OF STREET BETWEEN 25' & 30'

RECORDERS MEMORANDUM
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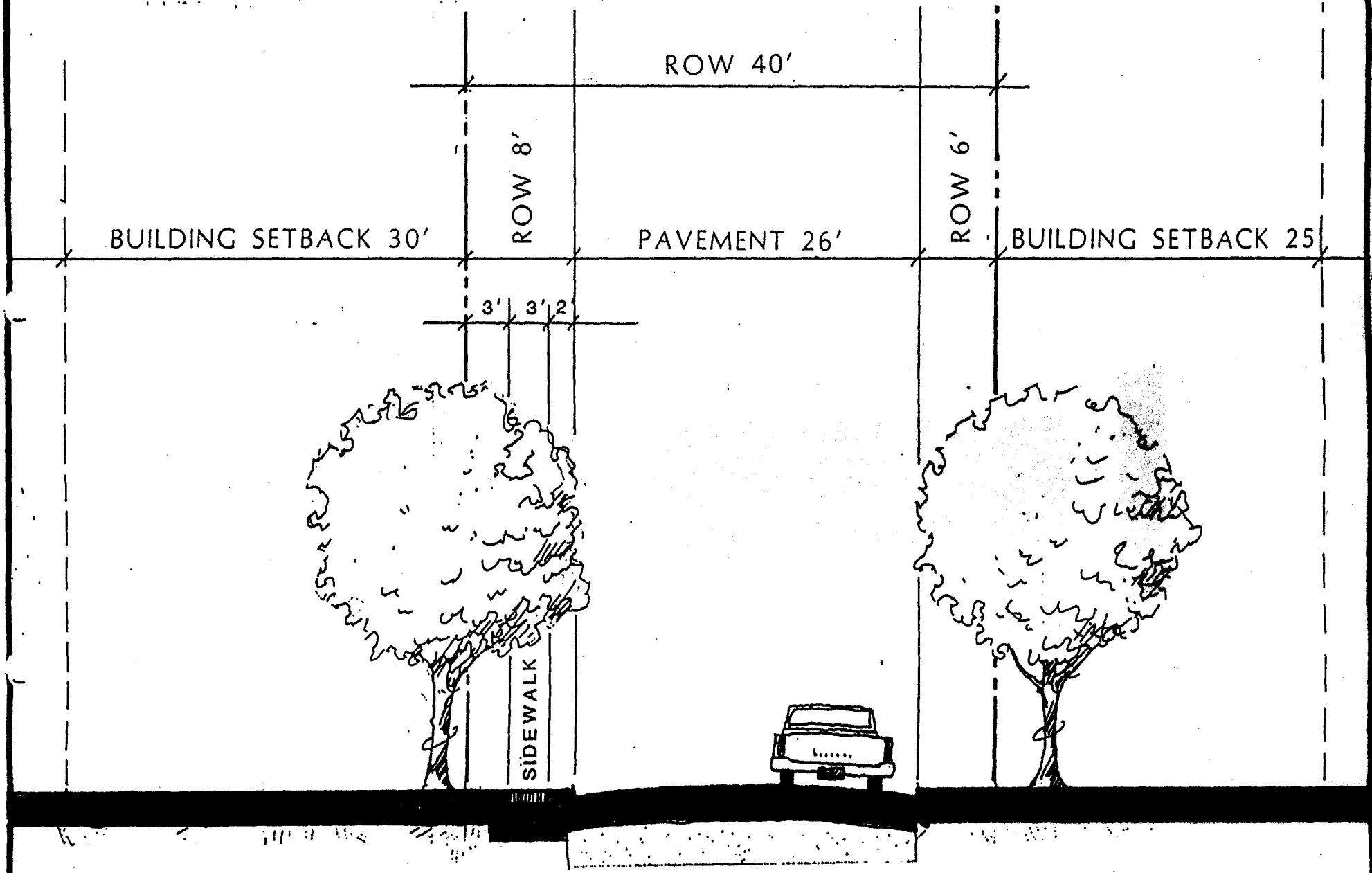
VINCENT GERARD AND ASSOCIATES
102 Westlake Drive, Suite 100, Austin, Texas 78746

EXHIBIT D

RESIDENTIAL STREET SECTION — REVISED OAKLANDS SECT.4



SECTION AA

VINCENT GERARD AND ASSOCIATES

102 Westlake Drive, Suite 100, Austin, Texas, 78746

EXHIBIT E

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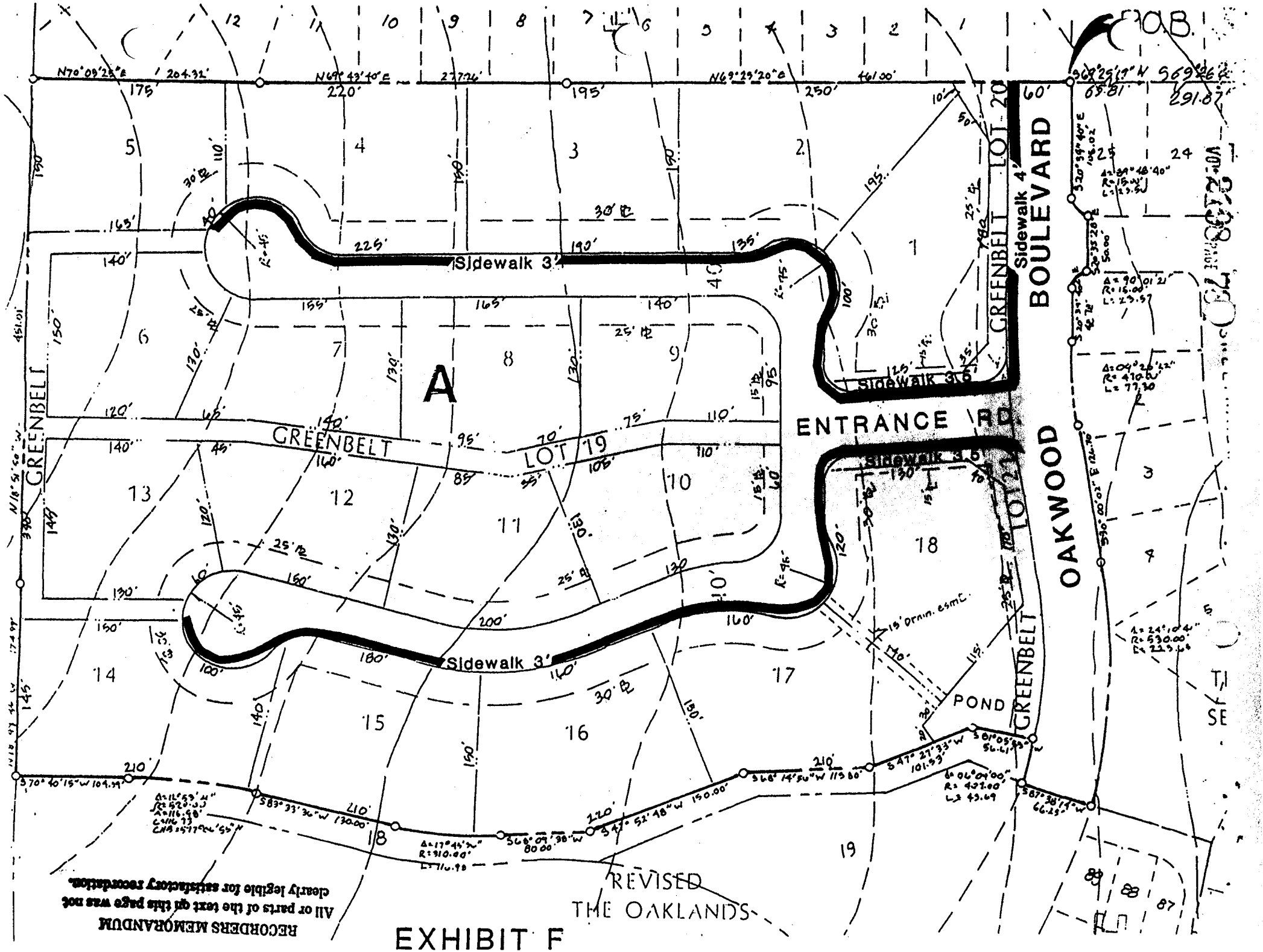

EXHIBIT F

RECORDERS MEMORANDUM
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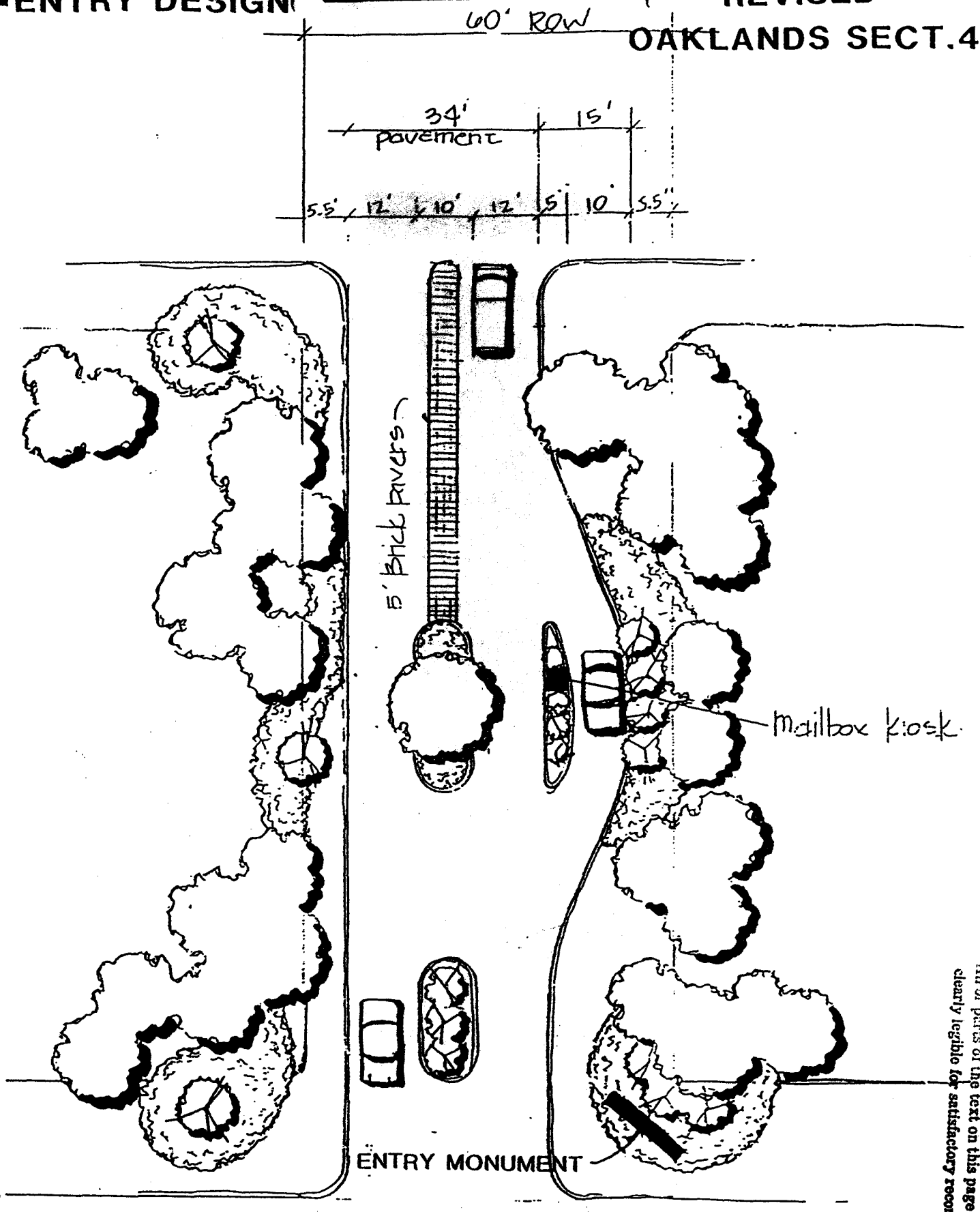
ENTRY DESIGN

REVISED

OAKLANDS SECT. 4



PROPOSED PAVEMENT WIDTH

EXHIBIT G

VINCENT GERARD AND ASSOCIATES

102 Westlake Drive, Suite 100, Austin, Texas, 78746

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