ORDINANCE NO. Z-06-12-21-8A1

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ROUND ROCK, TEXAS ADOPTED IN SECTION 11.401(2)(a), CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO ORIGINALLY ZONE 829.53 ACRES OF LAND, LOCATED WEST OF IH-35 BETWEEN THE IH-35 FRONTAGE ROAD AND THE GEORGETOWN RAILROAD LINE, NORTH OF FM 1431 AND THE AREA WEST OF IH-35 BETWEEN THE IH-35 FRONTAGE ROAD AND EXTENDING WEST TO THE PROPOSED EXTENSION OF WYOMING SPRINGS DRIVE, SOUTH OF FM 1431, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, AS PLANNED UNIT DEVELOPMENT (PUD) NO. 71.

WHEREAS, the City of Round Rock, Texas has recently annexed 829.53 acres of land, located west of IH-35 between the IH-35 frontage road and the Georgetown Railroad line, north of FM 1431 and the area west of IH-35 between the IH-35 frontage road and extending west to the proposed extension of Wyoming Springs Drive, south of FM 1431, Williamson County, Texas, being more fully described in Exhibit "A" (the "Property"), attached hereto and incorporated herein, and

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the original zoning of the Property on the 29th day of November, 2006, following lawful publication of the notice of said public hearing, and

WHEREAS, after considering the public testimony received at such hearings, the Planning and Zoning Commission has recommended that the Official Zoning Map be amended so that the Property in Exhibit "A" be originally zoned as Planned Unit Development (PUD) No. 71, and

WHEREAS, on the 7th day of December, 2006, after proper notification, the City Council held a public hearing on the proposed original zoning, and

WHEREAS, the City Council determines that the zoning provided for herein promotes the health, safety, morals and protects and preserves the general welfare of the community, and

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A., Texas Local Government Code, and Section 11.300 and Section 11.400, Code of Ordinances (1995 Edition), City of Round Rock, Texas concerning public notices, hearings, and other procedural matters has been fully complied with, Now Therefore

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

I.

That the City Council has hereby determined the Planned Unit Development (PUD) No. 71 meets the following goals and objectives:

(1) The development in PUD No. 71 is equal to or superior to development that would occur under the standard ordinance requirements.

(2) P.U.D. No. 71 is in harmony with the general purposes, goals, objectives and standards of the General Plan.

(3) P.U.D. No. 71 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.

(4) P.U.D. No. 71 will be adequately provisioned by essential public facilities and services including streets, parking, drainage, water, wastewater facilities, and other necessary utilities.

(5) P.U.D. No. 71 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 11.401(2)(a), Code of Ordinances (1995 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 hereafter designated as, Planned Unit Development (PUD) No. 71. The Planned Unit Development Regulations which are attached hereto as Exhibit "B", 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.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Alternative 1.

By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED, and **ADOPTED** on first reading this day of 2006.

Alternative 2.

READ and **APPROVED** on first reading this the 14th day of December, 2006.

READ, APPROVED and **ADOPTED** on second reading this the 21 day of December, 2006.

NYLE MAXWELL, Mayor
City of Round Rock, Texas

ATTEST:

Christine R. Martinez
CHRISTINE R. MARTINEZ, City Secretary

LIST OF EXHIBITS

Exhibits	Description
Exhibit A	Legal Description of Property
Exhibit B	Land Use Plan
Exhibit C	Commercial Use Standards
Exhibit D	Mixed Use Standards
Exhibit E	Special Regulations

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

829.53 ACRES

Tract 1 – 579.22 acres, more or less

Description of 875.68 acres, more or less, out of Ephraim Evans Survey, Abstract No. 212 and the David Curry Survey, Abstract No. 130 in Williamson County Texas; Recorded in Volume 880, Page 633 and 634 Deed Records of Williamson County Texas.

Save and except the following two tracts:

1. 250.22 acres, more or less described as Tract III on page 2 of this exhibit.
2. 46.24 acres, more or less, of Right of Way for FM 1431, which lies west of the Georgetown Railroad, being part of the 56.316 acre tract described in the Right of Way Deed recorded in volume 1112 pages 489-492 Deed records of Williamson County.

Tract 2 – 250.31 acres, more or less

Description of 260.39 acres out of the Ephraim Evans Survey Abstract 212 and the David Curry Survey. Abstract No. 130 in Williamson County Texas recorded in Volume 880 page 635 and 636 Deed Records of Williamson County, Texas.

Save and except the following tract:

1. 10.08 acres more or less of Right of Way for FM 1431 which lies east of the Georgetown Railroad, being part of the 56.316 acre tract described in the Right of Way deed recorded in Volume 1112, pages 489 & 492, Deed Records of Williamson County.

THE FIELD NOTES DESCRIBING TRACT III ARE FOR GENERAL REFERENCE ONLY. THEY REPRESENT THEORETICAL CLOSURE OF PARTIAL SURVEYS. THEY DO NOT REPRESENT ACUAL GROUND SURVEYS

Tract III

Being 250.22 acres of land in the Ephraim Evans League Survey in Williamson County, Texas; said tract being a portion of the 875.68 acre tract that was conveyed by deed dated June 30, 1982 from Westinghouse Electric Corporation to Georgetown Railroad Company and recorded in the Williamson County Deed records in Volume 880 page 633 and being more particularly described as follows:

BEGINNING at an iron pin at the southwest corner of said 875.68 acre tract North 20° 53′ 2″ West a distance of 938.44 Feet to the Point of Beginning.

THENCE along the northern boundary of the proposed Wyoming Springs ROW said ROW being the southern and eastern boundary of the tract herein described the following courses:

(1) 1306.53 feet along a curve to the right having a chord of 1225.38 feet bearing North 33° 47′ 49″ East and a radius of 1060.00 feet.

(2) North 69° 06′ 27″ East a distance of 2328.13 feet

(3) 1349.71 feet along a curve to the left having a chord of 1236.72 feet bearing North 27° 58′ 23″ East and a radius of 940.00 feet.

(4) North 13° 09′ 41″ West a distance of 1484.15 feet to the northeast corner of tract herein described. Said corner being in the Southern ROW of Highway 1431.

THENCE along the ROW of Highway 1431 for the north line of the tract herein described the following courses:

(1) South 76° 50′ 19″ West a distance of 3193.88 feet

(2) South 73° 37′ 32″ West a distance of 641.12 feet

(3) South 70° 21′ 17″ west a distance of 481.93 feet to the northwest corner of the tract herein described.

THENCE along the average line of a fence for the west line of the tract herein described the following courses:

(1) South 20° 54′ 38″ East a distance of 1718.97 feet

(2) South 67° 51′ 08″ West a distance of 173.70 feet

(3) South 20° 53′ 02″ East a distance of 1760.29 feet to the Point of Beginning and containing 250.22 acres of land, more or less.

EXHIBIT B

LAND USE PLAN

Tract 1- Commercial District

Tract 2- Mixed Use District

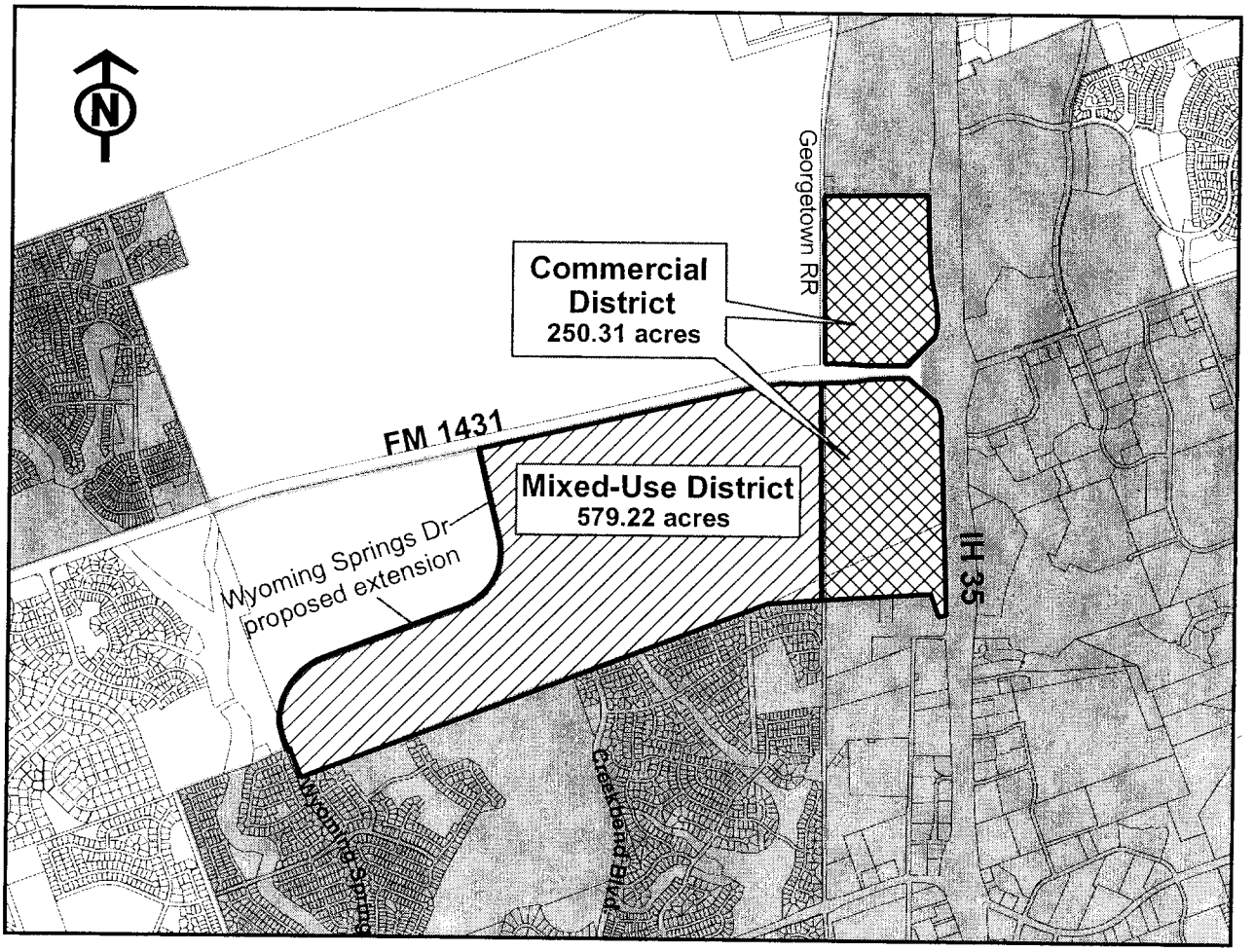

EXHIBIT B

DESCRIPTION OF MIXED USE DISTRICT

579.22 acres, more or less

Description of 875.68 acres, more or less, out of Ephraim Evans Survey, Abstract No. 212 and the David Curry Survey, Abstract No. 130 in Williamson County Texas; Recorded in Volume 880, Page 633 and 634 Deed Records of Williamson County Texas.

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(2) South 67° 51′ 08″ West a distance of 173.70 feet

(3) South 20° 53′ 02″ East a distance of 1760.29 feet to the Point of Beginning and containing 250.22 acres of land, more or less.

EXHIBIT B

DESCRIPTION OF COMMERCIAL DISTRICT

250.31 acres, more or less

Description of 260.39 acres out of the Ephraim Evans Survey Abstract 212 and the David Curry Survey. Abstract No. 130 in Williamson County Texas recorded in Volume 880 page 635 and 636 Deed Records of Williamson County, Texas.

Save and except the following tract:

10.08 acres more or less of Right of Way for FM 1431 which lies east of the Georgetown Railroad, being part of the 56.316 acre tract described in the Right of Way deed recorded in Volume 1112, pages 489 & 492,

EXHIBIT C

COMMERCIAL DISTRICT STANDARDS

The commercial uses and limitations applicable to the Commercial District are as follows:

1. General Regulations.

Unless otherwise specified, each use listed below shall comply with the density and development standards of the existing C-1 (General Commercial) zoning district where the use is allowed by right.

2. Permitted Commercial Uses.

(a) Community services
(b) Government facilities
(c) Indoor entertainment facilities
(d) Offices
(e) Overnight accommodations
(f) Schools, including business, trade and post-secondary education facilities
(g) Eating and drinking establishments
(h) Medical offices
(i) Retail sales and service
(j) Passenger terminals

3. Permitted Residential Uses.

Vertically mixed-use structures are permitted. A vertically mixed-use structure is a structure wherein retail sales and services, hotels, and/or eating and drinking establishments are located on the first floor, and retail sales and services, office, hotel, eating and drinking establishments, office and/or residential uses are located above the first floor. Any mixed use structure containing a residential use must have an enclosed parking structure if the residential density for any structure is more than 20 units per acre.

4. Height Regulations.

Commercial uses, or mixed uses located within 1000 feet of IH 35 and/or FM 1431 shall not exceed 12 stories in height.

EXHIBIT D

MIXED USE DISTRICT STANDARDS

The permitted uses and limitations applicable to the Mixed Use District are as follows:

1. **General Regulations**

(a) Residential Use. Unless otherwise specified, each use listed below shall comply with density and development standards allowed in the appropriate City zoning district where the use is allowed by right, or, subject to the applicable conditions where it is allowed by right with conditions. Single-family uses shall be regulated by existing SF-1 and SF-2 Zoning Districts. Townhouses (i.e., multi-family uses with no more than 12 units per acre and heights no greater than 2.5 stories) shall be regulated by the TH Zoning District. Assisted care and Independent living facilities shall be regulated by the SR Zoning District. Amenity centers shall be regulated by PF-3 Zoning District. Residential uses, or mixed uses, located within 1,000 feet of FM 1431 shall be permitted a maximum height of 12 stories.

(b) Commercial Use. Unless otherwise specified, each use listed below shall comply with the density and development standards allowed in the appropriate City zoning district e) where the use is allowed by right, or, subject to applicable conditions, in any district where it is allowed by right with conditions. Commercial uses, or mixed uses, located within 1000 feet of FM 1431 shall be permitted a maximum height of 12 stories.

(c) Commercial Location Restrictions. No commercial uses may be located within 500 feet of the southern boundary of the PUD. Commercial uses may not extend more than 1200 feet from the intersection of FM 1431 and Wyoming Springs Drive, and no more than 600 feet from the intersection of Wyoming Springs Drive and Creek Bend Blvd. These location restrictions do not apply to vertically integrated structures. A vertically integrated structure is a structure wherein retail sales and services, hotels, and/or eating and drinking establishments are located on the first floor, and office, retail and/or residential uses are located above the first floor provided residential uses are included in at least two (2) of the upper floors.

(d) Residential Restrictions.

(1) Residential uses within 200 feet of the southern boundary of the PUD and within 350 feet of the Western right of way boundary of Wyoming Springs Drive for a distance of 500 feet North of the Southern boundary of the PUD shall be limited to single family residences or open space. At least 20% of the single family detached homes shall comply with SF-1 District development regulations set forth in the Code. The remainder shall comply with SF-2 District development regulations set forth in the Code.

(2) Residential uses located more than 200 feet, but less than 350 feet of the southern boundary of the Mixed Use District shall be restricted to 2 stories in height. Townhouses shall not exceed 12 dwelling units per acre. Apartments shall not exceed 20 dwelling units per acre, unless an enclosed parking structure is provided, in which case densities of up to 40 dwelling units per acre shall be permitted.

2. **Permitted Residential Uses.** The following residential uses are permitted:

(a) Single-Family Detached Home,

(b) Single-Family, Zero Lot Line,

(c) Single-Family, Village Residential,

(d) Townhouse,

(e) Apartments,

(f) Amenity Center,

(g) Neighborhood Park,

(h) Linear/Linkages Park,

(i) Minor Utilities,

(j) Condominiums, and

(k) Assisted care or independent care facilities.

3. **Conditional Residential Uses:** The following uses are permitted when associated conditions are met:

(a) Group Home (six or fewer persons). Group Homes shall comply with the State of Texas licensing requirements.

(b) Community Park. Any structure in the Community Park must be at least 100 feet from a lot line of a residential use.

(c) Day Care. All Day Cares shall meet the minimum state requirements for day care facilities. Outdoor play or instruction areas shall be enclosed by a wrought iron fence no less than six feet in height. A masonry fence, at least six feet in height, shall be provided adjacent to any lot used for a single family use.

(d) Elementary School. Elementary Schools shall have a minimum 50 foot front yard setback, and shall front on collector streets only. Portable classrooms shall not be permitted on any street yard.

(e) Middle School. Middle Schools shall have a minimum 50 foot front yard setback, and shall front on major collector streets or minor arterial streets only. Portable classrooms shall not be permitted on any street yard.

(f) Intermediate Utilities. Intermediate utilities are required to have an eight-foot high masonry fence (or alternate material approved by the City zoning administrator). The facility shall be secured.

(g) Attached Wireless Transmission Facility. Attached Wireless Transmission Facilities must comply with City of Round Rock Code of Ordinances Section 4.700 in effect on the Effective Date of the Agreement.

(h) Bed and breakfast. There shall be ten guest rooms or less. No food preparation is allowed in individual guest rooms except for beverages. Meals may be provided in an on-site restaurant, for overnight guests and the public.

4. **Permitted Commercial Uses.** The following commercial uses are permitted:

(a) Community Services,

(b) Funeral Home,

(c) Government Facilities,

(d) Indoor Entertainment Activities,

(e) Office,

(f) Overnight Accommodations,

(g) Schools: Business, Trade and Post-Secondary Education Facilities,

(h) Eating and drinking establishments (except Eating Establishments with Drive Through Service, see paragraph 5.(d) below),

(i) Medical Office,

(j) Upper Story Residential,

(k) Retail Sales and Services, and

(l) Passenger Terminals.

5. **Conditional Commercial Uses**: The following uses are permitted when associated conditions are met:

(a) Auto Service Facilities. All repairs shall be conducted within an enclosed building. All inoperable automobiles upon which repairs are to be conducted shall be stored indoors or behind a minimum six-foot solid screening fence. No

repairs shall be conducted on any premise that abuts a residential use. No automobile repair or service facility shall be permitted to have bay doors facing a residential use.

(b) Carwash. All washing facilities shall occur under a roofed area with at least two walls. Vacuuming facilities may be outside the building but shall not be closer than 50 feet to any lot containing a residential use. The building surface shall be faced with masonry or other material equal in durability and appearance. The main structure shall not be closer than 100 feet to a lot with a residential use. The front yard setback shall be 50 feet. All off-street parking areas shall be paved. Any lights used to illuminate the car wash shall be directed away from adjacent residential uses.

(c) Commercial Parking. Trucks, tractor trucks, and semi-trailers may not be parked in a commercial parking lot except for panel trucks, pickup trucks, school buses, and those motor vehicles necessary and accessory to the operation of uses permitted in the zoning district. No commercial parking lot may be used as a towing service storage yard or as an abandoned vehicle yard.

(d) Eating Establishments. Eating establishments with drive-through services are prohibited within 150 feet of a lot with a residential use.

6. **Public Facility Uses.** Public Facilities uses shall comply with the PF-3 district density and development standards.

(a) Permitted Public Facilities Uses. The following Public Facilities uses are allowed by right in the Mixed Use District:

(1) Cemeteries, Mausoleums, Columbaria, Memorial Parks.

(2) Community Service.

(3) Government Facilities.

(4) Hospitals.

(b) Conditional Public Facilities Uses. The following Public Facility Uses are allowed by right when the associated conditions are met:

(1) Hospital heliport. Hospital heliports shall comply with FAA hospital heliport design standards (U.S. Department of Transportation, Federal Aviation Administration, Advisory Circular No. 150/5390-2A, as amended). Hospital Heliports shall be limited in use to lift off and touch down areas only and shall not include maintenance, storage or refueling facilities. Touchdown and lift-off areas may be located at ground level or on the roof-top of a hospital facility. Ground level touchdown and lift-off areas shall be paved and maintained in accordance with the Zoning Ordinance Section 11.502(8)(d). Touchdown and lift-off areas shall not be

located on required parking spaces for the hospital facility. Touchdown and lift-off areas shall be shown on the site development plan submitted for the hospital facility. Touchdown and lift-off areas shall not be located within 1,000 feet of a lot with a residential use.

(2) High School. High Schools shall have a front yard setback of 50 feet, and shall front on a minor or major arterial road. Portable classrooms shall not be permitted in any street yard.

(3) Major Utilities. Major Utilities are required to have an eight-foot high masonry fence (or alternate material approved by the City zoning administrator). The facility shall be secured.

EXHIBIT E

SPECIAL REGULATIONS

1. If an application for a plat conforms to all of the applicable provisions of the Subdivision Regulations, the Planning and Zoning Commission shall approve it. The phasing shown on a plat shall not be a reason for denial of a plat application, as long as the plat application otherwise conforms to all of the applicable provisions of the Subdivision Regulations. As used in this paragraph, the term "plat" means a concept plan, a preliminary plat, final plat, or an amending plat.
2. Predevelopment conferences are not required.
3. For purposes of determining the "parent tract" as that term is defined in the Subdivision Regulations, the Property shall be considered the parent tract.
4. Submittal of an annexation petition to the City shall not be a prerequisite to filing a complete application for a concept plan, preliminary plat, final plat, or an amending plat.
5. A final plat shall substantially conform to the approved preliminary plat that preceded it.
6. A preliminary plat may consist of all or a portion of the property shown on an approved concept plan. A final plat may consist of all or a portion of the property shown on an approved preliminary plat.
7. To the extent that Owner is required to obtain from the City a building permit, a certificate of occupancy, or any other permit of any kind for the construction or development of any portion of the Property for a Preexisting Use as described in Section 1.05 of these PUD Regulations, the City shall not require approval of a plat as a condition to the issuance of such permit or certificate and such property shall be considered a non recorded subdivision.

ORD 2006112031
28 PGS

RECEIVED
JAN 0 4 2007

THE STATE OF TEXAS *

COUNTY OF WILLIAMSON *

CITY OF ROUND ROCK *

I, CHRISTINE R. MARTINEZ, City Secretary of the City of Round Rock, Texas, do hereby certify that I am the custodian of the public records maintained by the City and that the above and foregoing is a true and correct copy of Ordinance No. Z-06-12-21-8A1, which zones 829.53 acres to Planned Unit Development No. 71. This ordinance was approved by the City Council on the 14th day of December 2006 and adopted on the 21st day of December 2006. The minutes of this meeting are recorded in the official City Council Minute Book No. 54.

CERTIFIED by my hand and seal of the City of Round Rock, Texas on this 22nd day of December 2006.

Christine R. Martinez
CHRISTINE R. MARTINEZ, City Secretary

Ordinance No. Z-06-12-21-8A1

Rezoning of 829.53 acres of land to Planned Unit Development No. 71
Georgetown Railroad - two tracts

1) North of FM 1431, west of IH-35 and east of the Georgetown Railroad;
2) South of FM 1431, west of IH-35 and east of the proposed extension of Wyoming Springs Drive

AFTER RECORDING, PLEASE RETURN TO:

CITY OF ROUND ROCK
CITY SECRETARY
221 E. MAIN STREET
ROUND ROCK, TX 78664

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS 2006112031

Nancy E. Rister

12/22/2006 04:14 PM
PHOLTZ $124.00
NANCY E. RISTER, COUNTY CLERK
WILLIAMSON COUNTY, TEXAS