

DOC# 9755892

THE STATE OF TEXAS *
COUNTY OF WILLIAMSON *
CITY OF ROUND ROCK *

I, JOANNE LAND, Assistant City Manager/City Secretary of the City of Round Rock, Texas, do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. Z-97-11-25-9B which was passed and adopted by the City Council of the City of Round Rock, Texas, at a meeting held on the 25th day of November, 1997, as recorded in the minutes of the City of Round Rock in Book 37.

CERTIFIED by my hand and seal of the City of Round Rock, Texas on this 2nd day of December, 1997.



Joanne Land
JOANNE LAND, Assistant City Manager/
City Secretary

OFFICIAL RECORDS
WILLIAMSON COUNTY, TEXAS

ORDINANCE NO. Z-97-11-25-9B

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ROUND ROCK, TEXAS ADOPTED IN SECTION 11.305(2), 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 REZONE 14.0800 ACRES OF LAND SITUATED IN THE J. M. HARRELL SURVEY, ABSTRACT NO. 284, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS FROM SF-2 (SINGLE FAMILY-STANDARD) TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT NO. 32.

WHEREAS, an application has been made to the City Council of the City of Round Rock, Texas to amend the Official Zoning Map to zone the property described in Exhibit "A", attached hereto and incorporated herein, as District Planned Unit Development (PUD) No. 32, said Exhibit being attached hereto and incorporated herein, and

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 5th day of November, 1997, 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 property described in Exhibit "A" be changed to District PUD No. 32, and

WHEREAS, on the 25th day of November, 1997, after proper notification, the City Council held a public hearing on the requested amendment, 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, 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 COUNCIL OF THE CITY OF ROUND ROCK, TEXAS, THAT:

I.

That the City Council has hereby determined the Planned Unit Development (PUD) No. 32 meets the following goals and objectives:

- (1) The development in PUD No. 32 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) P.U.D. No. 32 is in harmony with the general purposes, goals, objectives and standards of the General Plan.
- (3) P.U.D. No. 32 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. 32 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. 32 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 (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 District Planned Unit Development (PUD) No. 32, and that the Mayor is hereby authorized and directed to enter into the Agreement and Development Plan for PUD No. 32 attached hereto as Exhibit "B", which agreement 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, and the Act.

Alternative 1.

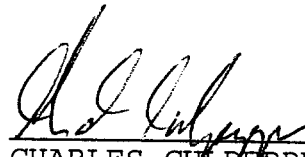
By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED, and ADOPTED on first reading this 25th day of November, 1997.

Alternative 2.

READ and APPROVED on first reading this the _____ day of _____, 1997.

READ, APPROVED and ADOPTED on second reading this the _____ day of _____, 1997.



CHARLES CULPEPPER, Mayor
City of Round Rock, Texas

ATTEST:

Joanne Land
JOANNE LAND, City Secretary

NOTICE OF PUBLIC HEARING

TO THE CITIZENS OF ROUND ROCK:

Notice is hereby given of a public hearing to be held in the City Council Chambers on the first floor of the Round Rock City Hall, 221 East Main Street in the City of Round Rock, Texas on November 5, 1997 at 7:00 P.M. by the Planning and Zoning Commission and on November 25, 1997 at 7:00 p.m. by the City Council.

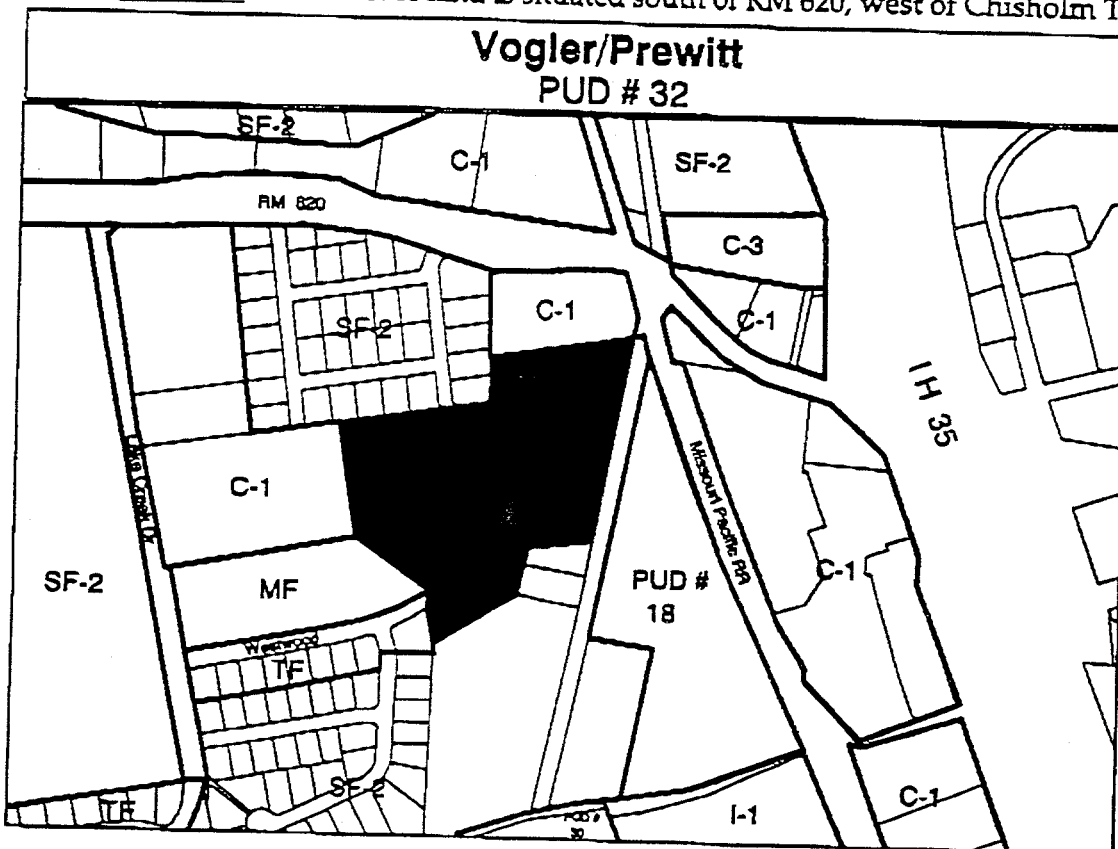
The purpose of the hearing is to consider public testimony concerning the request filed by Zettie Sue Vogler to rezone the property described below:

LEGAL DESCRIPTION: The Vogler/Prewitt Tract is a 14.0800 acre tract of land out of JM Harrell Survey, A-284 in Round Rock, Williamson County, Texas. Field notes further describing this development tract are available for inspection in the City of Round Rock Planning and Community Development Department, 221 East Main Street (third floor), Round Rock, Texas. If you have any questions concerning this zoning proposal, please contact Hugh Bender, Principal Planner, at 218-5421.

Land Zoning Change: The applicant proposes to rezone 14.0800 acres from SF-2 (Single Family-Standard Lot) to PUD (Planned Unit Development).

Proposed Land Use: The applicant proposes mixed uses allowing condominiums or townhomes with fee simple ownership of each unit; commercial or institutional uses limited to senior citizen housing, assisted residential care, nursing homes churches, schools, daycare, business or medical offices.

Location: This tract of land is situated south of RM 620, west of Chisholm Trail.



CERTIFICATE

I certify that the above notice of the Planning and Zoning Commission and City Council meetings was posted on the bulletin board at the City Hall of the City of Round Rock, Texas on the 20th day of October, 1997, at 5:00 P.M.

Joanne Land

JOANNE LAND, Assistant City Manager/
City Secretary

Publication Date: Thursday, October 23, 1997

EXHIBIT "B"

AGREEMENT AND DEVELOPMENT PLAN FOR Vogler-Prewitt Tract
PUD NO. 32

THE STATE OF TEXAS

COUNTY OF WILLIAMSON

THIS AGREEMENT and Development Plan is made and entered by and between the City of Round Rock, Texas, a Texas municipal corporation, having its offices at 221 East Main Street, Round Rock, Texas 78664 (hereinafter referred to as the "City"), and Zettie Sue Vogler and the Estate of C. W. Prewitt, (hereinafter referred to as the "Owner").

WHEREAS, the Owner has submitted a request to the City to rezone approximately 14.08 acres of land as a Planned Unit Development ("PUD"), said acreage being more particularly described by metes and bounds in Exhibit "A", attached hereto and made a part hereof (hereinafter referred to as the "Property"), and

WHEREAS, pursuant to Chapter 11, Section 11.316(8), Code of Ordinances (1995 Edition), City of Round Rock, Texas, the Owner has submitted a Development Plan setting forth the development conditions and requirements within the PUD, which Development Plan is contained in Section II of this Agreement; and

WHEREAS, on NOVEMBER 5, 1997, the City's Planning and Zoning Commission recommended approval of the Owner's application for a PUD.

NOW THEREFORE BY THIS AGREEMENT WITNESSETH that, in consideration of the covenants and conditions set forth herein, the City and the Owner agree as follows:

I.

GENERAL PROVISIONS

1. CONFORMITY WITH DEVELOPMENT PLAN

All uses and development within the property shall generally conform to the Development Plan set forth in Section II herein.

2. CHANGES AND MODIFICATIONS

No changes or modifications will be made to this Agreement or the Development Plan unless all provisions pertaining to changes or modifications as stated in Section II.15 below are followed.

3. ZONING VIOLATION

The Owner understands that any person, firm, corporation or other entity violating any conditions or terms of the Development Plan shall be subject to any and all penalties for the violation of any zoning ordinance as stated in Section 1.601, Code of Ordinances, (1995 Edition), City of Round Rock, Texas, as amended.

4. LIENHOLDER CONSENT

That the lienholder of record has consented to this Agreement and Development Plan, including any and all dedications to the public. A lienholder consent is attached hereto and incorporated herein as **Exhibit "B"**.

5. MISCELLANEOUS PROVISIONS

5.1 Assignment.

Neither party may assign its rights and obligations under this Agreement without having first obtained the prior written consent of the other which consent shall not be unreasonably withheld. This section shall not prevent the Owner from selling the Property or portions of the Property, together with all development rights and obligations contained in this Agreement and Development Plan.

5.2 Necessary Documents and Actions.

Each party agrees to execute and deliver all such other and further instruments and undertake such actions as are or may become necessary or convenient to effectuate the purposes and intent of this Agreement.

5.3 Severability.

In case one or more provisions contained herein are deemed invalid, illegal or unenforceable in any respect such invalidity, illegality or unenforceability shall not affect any other provisions hereof and in such event, this agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

5.4 Entire Agreement.

This Agreement constitutes the entire agreement of the parties and supersedes any prior or contemporaneous oral or written understandings or representations of the parties respecting the subject matter hereof.

5.5 Applicable Law.

This Agreement shall be construed under and in accordance with the laws of the State of Texas.

5.6 Venue.

All obligations of the parties created hereunder are performable in Williamson County, Texas and venue for any action arising hereunder shall be in Williamson County.

5.7 No Third Party Beneficiaries.

Nothing in this Agreement, express or implied, is intended to confer upon any person or entity, other than the parties hereto (and their respective successors and assigns), any rights, benefits or remedies under or by reason of this Agreement.

5.8 Duplicate Originals.

This Agreement may be executed in duplicate original, each of equal dignity.

5.9 Notices.

Until changed by written notice thereof any notice required under this Agreement may be given to the respective parties, by certified mail , postage prepaid or by hand delivery to the address of the other party shown below:

OWNER

Zettie Sue Vogler
310 Chisholm Trail
Round Rock, Texas 78664

CITY OF ROUND ROCK

City of Round Rock, Texas
221 East Main Street
Round Rock, Texas 78664

Attn.: Director of Planning

5.10 Effective Date.

This Agreement shall be effective from and after the date of due execution hereof by all parties.

5.11 Appeals of Administrative Decisions.

Administrative decisions provided for in this Agreement may be appealed to the City Council in writing within 90 days following receipt by the Owner of the written confirmation of the decision.

5.12 Binding Effect.

This Agreement and the Development Plan binds and benefits the Owner and its successors and assigns.

II.

DEVELOPMENT PLAN

1 DEFINITIONS

Words and terms used herein shall have their usual force and meaning, or as defined in the Code of Ordinances (1995 Edition), City of Round Rock, Texas, hereinafter referred to as "the Code".

2. PROPERTY

This Development Plan ("Plan") covers approximately **14.08 acres** of land, located within the city limits of Round Rock, Texas, and more particularly described by metes and bounds in **Exhibit "A"**, attached hereto.

3. PURPOSE

The purpose of this Plan is to insure a Planned Unit Development ("PUD") that 1) is equal to or superior to development that would occur under the standard ordinance requirements, 2) is in harmony with the General Plan as amended, 3) does not have an undue adverse affect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and welfare, 4) is adequately provisioned by essential public facilities and services, and 5) will be developed and maintained so as to not dominate, by scale or massing of structures, the immediate neighboring properties or interfere with their development or use in accordance with any existing zoning district.

4. **APPLICABILITY OF CITY ORDINANCES**

4.1 **Zoning and Subdivision Ordinances**

The Property shall be regulated for purposes of zoning and subdivision by this Plan. All aspects not specifically covered by this Plan shall be regulated by applicable sections of the Code.

4.2 **Other Ordinances**

All other Ordinances within the Code shall apply to the Property, except as clearly modified by this Plan.

5. **PERMITTED USES**

The Property shall be used and developed for the uses set forth in **Exhibit "C"**, attached hereto and incorporated herein.

6. **DEVELOPMENT STANDARDS**

The Property shall be developed in accordance with the Development Standards set forth in **Exhibits "D", "E" and "F"**, attached hereto and incorporated herein.

7. **BUILDINGS**

Building size, dimension, height and setbacks for all parcels shall be as modified in **Exhibits "D", "E" and "F"**, attached hereto, as applicable to each parcel and its designated use.

8. **LANDSCAPING and BUFFERING**

Landscaping and buffering shall be modified in **Exhibit "D", "E" and "F"**, attached hereto, as applicable to each parcel and its designated use.

9. **UNDERGROUND UTILITY SERVICE**

Except where approved in writing by the Director of Public Works, all electrical, telephone and cablevision distribution and service lines, other than overhead lines which are three phase or larger, shall be placed underground.

10. **ACCESS**

Vehicular access to the Property shall be restricted as follows:

- 10.1 Primary vehicular access to all residential uses on the Property shall be from Westwood Drive. Secondary access to residential uses on the Property may

be from Chisholm Trail. Westwood Drive shall be terminated with a fifty foot (50') radius cul de sac. Westwood Drive shall not be extended to connect with Chisholm Trail.

- 10.2 No vehicular access shall be permitted to either Brentwood Street or Briarwood Street. Access to these streets for emergency vehicles shall be permitted provided they are designed to prevent normal vehicular access.
- 10.3 Vehicular access to all permitted commercial uses shall be from Chisholm Trail.
- 10.4 Vehicular access to all institutional uses shall be from either Westwood Drive and/or Chisholm Trail.
- 10.5 The right of way for Chisholm Trail shall be widened to provide a total width of fifty feet (50') to accommodate future road improvements. The additional right of way shall be dedicated at time of platting.

11. **CHANGES TO AGREEMENT AND DEVELOPMENT PLAN**

11.1 **Minor Changes**

Minor changes to this Agreement or Plan which do not substantially change this Plan may be approved administratively, if approved in writing, by the Director of Public Works, the Director of Planning and Community Development, and the City Attorney.

11.2 **Major Changes**

Major changes shall be resubmitted following the same procedure required by the original PUD application.

12. **GENERAL PLAN AMENDED**

The Round Rock General Plan 1990 is hereby amended to reflect the provisions of this Agreement and Development Plan.

CITY OF ROUND ROCK, TEXAS

By: *Charles Culpepper*
CHARLES CULPEPPER, Mayor

Zettie Sue Vogler
ZETTIE SUE VOGLER

C. W. PREWITT ESTATE

By: *Zettie Sue Vogler*
ZETTIE SUE VOGLER,
Executrix

Date: 11-25-97

Date: 11-26-97

EXHIBIT A

FOREST SURVEYING AND MAPPING CO.
1002 Ash St.
Georgetown, Tx. 78626

DESCRIPTION FOR FRANK J. MCNEESE - ZETTIE SUE VOGLER

BEING 4.99 acres of the J.M. Harrell Survey, Abstract No. 284, in Williamson County, Texas; the same tract called 4.98 acres as described in a deed to Frank J. McNeese, et. ux., recorded in Vol. 414, Pg. 518, Deed Records of Williamson County, Texas. Surveyed on the ground in July of 1996, by William F. Forest, Jr., Registered Professional Land Surveyor No. 1847.

BEGINNING at an iron pin set at the Northwest fence corner of the said 4.98 acre tract, in the East boundary of the Little Oak Addition, a subdivision recorded in Cabinet A, Slide 350.

THENCE along a fence existing along the South side of a brick wall, N 85 deg. 12 min. 45 sec. E 520.3 feet to an iron pin set at a fence corner.

THENCE along the fenced West line of Chisholm Trail, S 13 deg. 35 min. W 511.03 feet to an iron pin found at a fence corner.

THENCE along the fenced boundary of the C.W. Prewitt tract described in Vol. 218, Pg. 475, N 89 deg. 34 min. W 406.37 feet to an iron pin found at a fence corner.

THENCE along the fenced boundary of the C.W. Prewitt tract, N 01 deg. 06 min. 45 sec. E 299.81 feet to an iron pin found at a fence corner; continuing along the fenced boundary of the Little Oak Addition, N 00 deg. 47 min. 20 sec. E 150.50 feet to the POINT OF BEGINNING.

STATE OF TEXAS :
COUNTY OF WILLIAMSON : KNOW ALL MEN BY THESE PRESENTS;

I, WM. F. FOREST, JR., do hereby certify that this survey was made on the ground of the property legally described hereon and is correct and that there are no significant discrepancies, conflicts, shortages in area, known boundary line conflicts; visible encroachments, overlapping of improvements, utility lines or roads, except as shown on the attached plat, and that said property has access to and from a public roadway. Records research for easement verification has not been performed unless indicated on the attached plat by recording references.

TO CERTIFY WHICH, WITNESS my hand and seal at Georgetown, Texas, this the 22nd day of July, 1996, A.D. File: wp11: McNeese.284



William F. Forest, Jr.
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1847

WM.F. FOREST JR.
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1847

RECORDERS MEMORANDUM

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EXHIBIT A

FOREST SURVEYING AND MAPPING CO.
1002 Ash St.
Georgetown, Tx. 78626

DESCRIPTION FOR C.W. PREWITT - ZETTIE SUE VOGLER

BEING 9.09 acres of the J.M. Harrell Survey, Abstract No. 284, in Williamson County, Texas; the remainder of a 25 acre tract which was described in a deed to C.W. Prewitt, recorded in Vol. 218, Pg. 475, Deed Records of Williamson County, Texas. Surveyed on the ground in July of 1996, by William F. Forest, Jr., Registered Professional Land Surveyor No. 1847.

BEGINNING at an iron pin found at a fence corner existing in the West line of Chisholm Trail, at the lower Northeast corner of the property conveyed to C.W. Prewitt in Vol. 218, Pg. 475, and at the Southeast corner of a tract conveyed to Frank J. McNeese in Vol. 414, Pg. 518.

THENCE along the fenced West line of Chisholm Trail, S 13 deg. 24 min. 10 sec. W 190.83 feet to an iron pin set at a fence corner.

THENCE along the fenced North line of the Julia Dale tract described in Vol. 81, Pg. 508, S 84 deg. 50 min. 15 sec. W 235.93 feet to an iron pin set at a fence corner.

THENCE along an existing fence, S 11 deg. 42 min. 25 sec. W 162.09 feet to an iron pin found at the Southwest corner of the Marjorie Johnson tract described in Vol. 1436, Pg. 332.

THENCE along an existing fence, S 60 deg. 03 min. W 343.90 feet to an iron pin found.

THENCE with the boundary of the subdivision known as Lake Creek West, according to the Correction Plat recorded in Cabinet E, Slide 14, Plat Records, finding iron pins at bends as follows;
N 04 deg. 31 min. 20 sec. W 113.26 feet;
N 12 deg. 43 min. 35 sec. W 13.30 feet;
N 06 deg. 32 min. 20 sec. E 65.19 feet; and
N 51 deg. 33 min. 05 sec. W at 7.53 feet pass an iron pin found at the Eastern termination of the North line of Westwood Drive, continuing in all 311.91 feet to an iron pin found.

THENCE with the East line of the property conveyed to the Baptist Missionary Association of Texas in Vol. 612, Pg. 607, N 08 deg. 18 min. W 400.38 feet to an iron pin found.

THENCE along the fenced South line of the Little Oak Addition, a subdivision plat recorded in Cabinet A, Slide 350, N 83 deg. 22 min. 30 sec. E 153.31 feet to an iron pin found; N 83 deg. 22 min. 15 sec. E 89.85 feet to an iron pin found; and N 83 deg. 30 min. 15 sec. E 276.27 feet to an iron pin found at a fence corner.

THENCE along the fenced West line of the Frank McNeese tract, S 01 deg. 06 min. 4 sec. W 299.81 feet to an iron pin found at a fence corner.

THENCE along an existing fence, S 89 deg. 34 min. E 406.37 feet to the POINT OF BEGINNING.

STATE OF TEXAS

COUNTY OF WILLIAMSON

KNOW ALL MEN BY THESE PRESENTS;

I, WM. F. FOREST, JR., do hereby certify that this survey was made on the ground of the property legally described hereon and is correct and that there are no significant discrepancies, conflicts, shortages in area, known boundary line conflicts; visible encroachments, overlapping of improvements, utility lines or roads, except as shown on the attached plat, and that said property has access to and from a public roadway. Records searched for easement verification has not been performed unless indicated on the attached plat or recording references.

IN WITNESS WHEREOF, I, WM. F. FOREST, JR., do hereby certify which, WITNESS my hand and seal at Georgetown, Texas, this the 22nd day of July, 1996, A.D. File: wpll: prewitt.284

WM. F. FOREST JR.

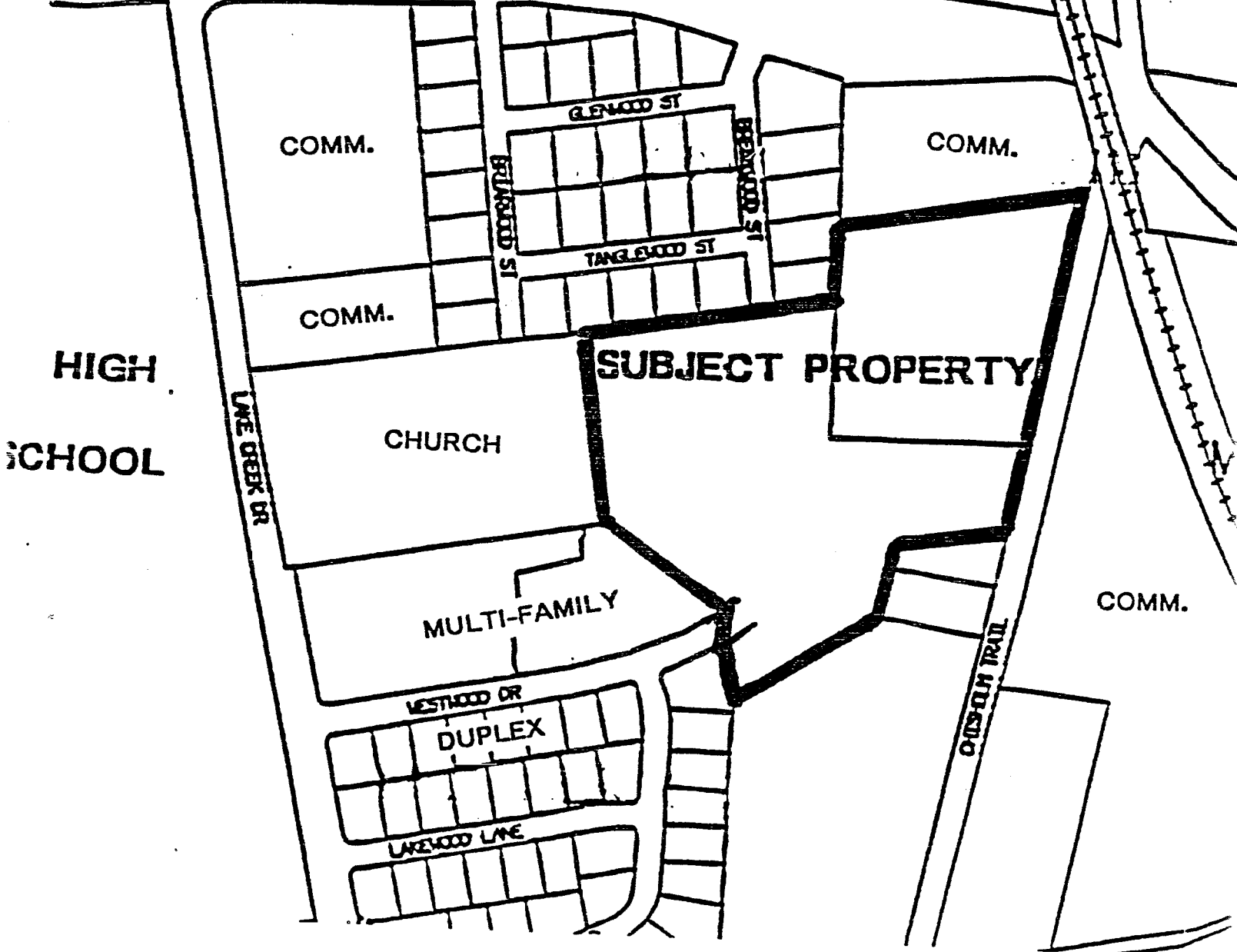
RECORDERS MEMORANDUM
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WINDMILL DRIVE

CREEKSIDE PLAZA

ROUND ROCK AV OFF 6220

RAIL RD



RECORDERS MEMORANDUM

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EXHIBIT B

There are no lienholders of record.

EXHIBIT "C"

PERMITTED USES

1. PERMITTED USES

The following land uses are permitted on the following tracts, as described in the map attached to and made a part of this Exhibit.

TRACT ONE:

1.1 Condominiums or Townhomes

Condominium or townhouse residential uses, at a density not to exceed 12 units per acre, designed and constructed to provide for condominium or fee simple ownership of each individual dwelling unit. If fee simple ownership is desired, private streets or drives shall be permitted in lieu of public streets, provided title is in the name of the homeowner's association and maintenance of such streets is the responsibility of said association. All such uses shall be designed and constructed in accordance with the Development Standards contained in Exhibit "F".

1.2 Institutional Uses

Churches, schools, daycare, senior citizens housing and assisted care facilities as defined by the Texas Department of Human Services, nursing homes and libraries. All such uses shall be designed and constructed in accordance with the Development Standards contained in Exhibit "D".

TRACT TWO:

1.1 Institutional Uses

Churches, schools, daycare, senior citizens housing and assisted care facilities as defined by the Texas Department of Human Services, nursing homes and libraries. All such uses shall be designed and constructed in accordance with the Development Standards contained in Exhibit "D".

1.2 Commercial Uses

Offices, medical and dental clinics, and other commercial uses listed in Exhibit "E". All such uses shall be designed and constructed in accordance with the Development Standards contained in Exhibit "E".

TRACT THREE:

1.1 Condominiums or Townhomes

Condominium or townhouse residential uses, at a density not to exceed 12 units per acre, which are designed and constructed to provide for condominium or fee simple ownership of each individual dwelling unit. If fee simple ownership is desired, private streets or drives shall be permitted in lieu of public streets, provided title and maintenance of such streets is the responsibility of a homeowners association established for that purpose. All such uses shall be designed and constructed in accordance with the Development Standards contained in Exhibit "F".

1.2 Institutional Uses

Churches, schools, daycare, senior citizens housing and assisted care facilities as defined by the Texas Department of Human Services, nursing homes and libraries. All such uses shall be designed and constructed in accordance with the Development Standards contained in Exhibit "D".

1.3 Commercial Uses

Offices, medical and dental clinics, and other commercial uses contained in Exhibit "E". All such uses shall be designed and constructed in accordance with the Development Standards contained in Exhibit "E".

MICHAEL BENNETT

ROUND ROCK AV (CYM 620)

CREEKSIDE PLAZA

TRAIL RD

THE COMMONS

MARKET

TRAIL

2

3

1

LITTLE OAK

GLENWOOD ST

BRIARWOOD ST

TANGLEWOOD ST

BRIARWOOD ST

ELM FORK

WESTWOOD DR

LAKE CREEK WEST

LAKE CREEK DR

RECORDERS MEMORANDUM
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clearly legible for satisfactory recordation.

MAP TO EXHIBIT C

EXHIBIT "D"
DEVELOPMENT STANDARDS
Institutional

1. **PERMITTED USE:** Churches, schools, daycare, senior citizens housing and assisted care facilities as defined by the Texas Department of Human Services, nursing homes, and library.

3. **HEIGHT:**
 - 3.1 The maximum height of any buildings shall be two stories.
 - 3.2 Buildings or the portion of buildings within 100 feet of the boundary of the Little Oak Addition shall be restricted to one story in height, or constructed so that no second story window is within 100 feet of the boundary that faces Little Oak subdivision.

4. **DESIGN STANDARDS**
 - 4.1 The exterior finish of all buildings shall be designed and constructed of one hundred percent (100%) masonry. Masonry shall be defined as stone, brick, stucco or fiber cement siding. Windows, doors and trim are exempt from the masonry requirement.
 - 4.2 All roofs shall have a pitch of no less than 4 feet in 12 feet.
 - 4.3 Roofing materials shall consist of tile, non-reflective metal, or architectural dimensional shingles with a minimum 25 year rating.

5. **BUILDING SETBACKS:**
 - 5.1 Front yard: 10 feet from property line
 - 5.2 Side yard: 10 feet from property line
 - 5.3 Rear yard: 10 feet from property line

6. **LANDSCAPE REQUIREMENTS**
 - 6.1 All front yards, as defined by building setback requirements, shall be one hundred percent (100%) landscaped except for all sidewalks and those driveways which provide direct access to the street.

6.2 All trees which are identified on Exhibit "G" shall be shown on the Site Plan required by the Development Review Board, and all reasonable efforts to protect these trees shall be made in the planning and developing of the Property.

7. **UNDERGROUND ELECTRIC AND UTILITY LINES:** Except where approved in writing by the Director of Public Works all electrical, telephone and cable vision distribution and service lines, other than currently existing overhead lines and lines three phase or larger shall be installed underground. No rooftop or anchored antennas shall be allowed. Individual satellite dishes less than 36 inches in diameter are not prohibited by this requirement.

EXHIBIT "E"
DEVELOPMENT STANDARDS
Commercial

1. PERMITTED USE:

1.1 Permitted uses:

- a. Offices,
- b. Medical and dental clinics,
- c. Restaurants (excluding drive through),
- d. Retail uses contained entirely within a building, provided no single business premises exceeds 10,000 square feet,
- e. Commercial schools,
- f. Banks or other financial institutions (drive through facilities shall be limited to two lanes),
- g. Personal service establishment,
- h. Art studios, galleries, and theaters
- i. Broadcasting studios,

1.2 Conditional permitted uses:

- a. In addition to the permitted uses listed above, additional commercial uses ordinarily permitted in the C-1 General Commercial Zone may be permitted with the written approval of the Director of Planning stating that such uses are similar to those listed as permitted uses, and are not expressly prohibited in the following Paragraph 2, "Prohibited Uses", on the condition that the use will not normally be open for business between the hours of 10:30 PM to 7:00 AM. The decision of the Director of Planning shall be final.
- b. Residential uses combined with commercial uses, provided they receive a special permit in accordance with the provisions of the C-1 (General Commercial) zoning district of the Code.

2. PROHIBITED USES:

- 2.1 Convenience stores,
- 2.2 Liquor stores.
- 2.3 Night clubs and bars,
- 2.4 Gasoline stations,

- 2.5 Motor vehicle repair shops,
- 2.6 Motor vehicle body or paint shops,
- 2.7 Taxi cab or other motor vehicle dispatch facilities,
- 2.8 Bulk distribution centers,
- 2.9 Construction yards,
- 2.10 Kennels or Veterinarian Offices with Kennels,
- 2.11 Warehouses,
- 2.12 Motor vehicle sale and servicing,
- 2.13 Mobile or manufactured home sale and repair,
- 2.14 Tire, battery or other motor vehicle supply business which installs products on site,
- 2.15 Drive through facilities (except for banks and financial institutions), and
- 2.16 Outdoor storage.

3. **DESIGN STANDARDS:**

- 3.1 The exterior finish of all buildings shall be designed and constructed of one hundred percent (100%) masonry. Masonry shall be defined as stone, brick, stucco or fiber cement siding. Windows, doors and trim are exempted from the masonry requirement.
- 3.2 All roofs shall have a pitch of no less than 4 feet in 12 feet.
- 3.3 Roofing materials shall consist of tile, non-reflective metal, or architectural dimensional shingles with a minimum 25 year rating.
- 3.4 Any out buildings shall be of the same construction and architectural design as the primary buildings on the site.

4. **HEIGHT:**

- 4.1 The maximum height of any building shall be three stories.
- 4.2 Buildings or portions of buildings within 100 feet of the boundary of Little Oaks Addition shall be restricted to one story in height.

5. **PARKING REQUIREMENTS:**

- 5.1 The number of parking spaces provided shall be four (4) spaces per one thousand (1,000) square feet of floor space.
- 5.2 All parking spaces shall be "full size" spaces (162 square feet).
- 5.3 Parking may be located in side and rear yards only.
- 5.4 Parking is prohibited in the required 10 foot (10') front yard.

6. **BUILDING SETBACK REQUIREMENTS:**

- 6.1 Front yard: 10 feet from property line
- 6.2 Side yard: 10 feet from property line
- 6.3 Rear yard: 10 feet from property line
- 6.4 Any yard which abuts residential development: 50 feet from property line.
- 6.5 All buildings, except those which are located wholly or partially behind another building, shall be located so that at least one corner of the building is located no more than five feet (5') behind the ten foot (10') front yard setback.

7. **LANDSCAPING REQUIREMENTS:**

- 7.1 All front yards, as defined by building setback requirements, shall be 100 percent (100%) landscaped, except for all sidewalks and those driveways which provide direct access to the street.
- 7.2 All trees which are identified on Exhibit "G" shall be shown on the Site Plan required by this agreement, and all reasonable efforts to protect these trees shall be made in the planning and development of the Property.

8. **UNDERGROUND ELECTRIC AND UTILITY LINES:** Except where approved in writing by the Director of Public Works all electrical, telephone and cable vision distribution and service lines, other than currently existing overhead lines and lines three

phase or larger shall be installed underground. No rooftop or anchored antennas shall be allowed. Individual satellite dishes less than 36 inches in diameter are not prohibited by this requirement.

EXHIBIT "F"
DEVELOPMENT STANDARDS
Residential

1. **PERMITTED USE:** Condominium or townhouse residential. Such development shall be designed and constructed to provide for condominium or fee simple ownership of each individual dwelling unit. If fee simple ownership is desired, private streets or drives shall be permitted, provided title and maintenance to such streets is the responsibility of a homeowners association established for that purpose.
2. **DENSITY:** The maximum residential density shall be 12 dwelling units per acre.
3. **HEIGHT:**
 - 3.1 The maximum height of any building shall be two stories.
 - 3.2 Buildings or the portion of buildings within 100 feet of the boundary of the Little Oak Addition shall be restricted to one story in height, or constructed so that no second story window is within 100 feet of the boundary that faces Little Oak subdivision.
4. **DESIGN STANDARDS:**
 - 4.1 Residential uses may be developed as a gated community at the option of the Owner.
 - 4.2 A privacy fence shall be constructed along the common property line with the Little Oak Addition. This fence shall be designed and constructed to prohibit both vehicular and pedestrian access to or from the Little Oak Addition, with the exception of emergency vehicles. This fence shall be constructed as part of the development of each site which abuts the Little Oak Addition and shall be completed prior to the issuance of the Certificate of Occupancy for that portion of the Property.
 - 4.3 **Masonry:** The exterior finish of all exterior walls of residential buildings shall be designed and constructed of one hundred percent (100%) masonry. Masonry shall be defined as stone, brick, stucco or fiber cement horizontal siding. Gables, windows, doors and trim are exempted from the masonry requirement.

4.4 Roofs: All roofs on principal buildings shall have a pitch of no less than 4 feet in 12 feet, and shall be constructed of tile, non-reflective metal, or architectural dimensional shingles with a minimum 25 year rating.

5. BUILDING SETBACKS:

5.1 Primary Building Setbacks: All principal buildings shall be a minimum of 25 feet from all exterior property lines.

5.2 Detached carports and garages: All detached carports and garages shall be a minimum of 10 feet from all exterior property lines which do not abut a public street; or 25 feet from all exterior property lines which abut a public street.

6. LANDSCAPING REQUIREMENTS:

6.1 All required front yards, as defined by building setback requirements, shall be 100 percent (100%) landscaped, except for all sidewalks, and those driveways which provide direct access to the street.

6.2 All trees which are identified on Exhibit "G" shall be shown on the Site Plan required by this agreement, and all reasonable efforts to protect these trees shall be made in the planning and development of the Property.

7. VEHICLES IN STREET YARDS: No recreational vehicles, boats, trailers, or commercial trucks shall be permitted to be parked in a location which is visible from a public street.

8. ACCESS: A cul-de-sac turn around, with a radius of fifty (50) feet shall be constructed at the east end of Westwood Drive as part of any residential development. This turn-around shall be constructed as part of the platting process. This turn-around shall be located outside of any gates if Tract One is developed as a gated community.

9. UNDERGROUND ELECTRIC AND UTILITY LINES: Except where approved in writing by the Director of Public Works all electrical, telephone and cable vision distribution and service lines, other than currently existing overhead lines and lines three phase or larger shall be installed underground. No rooftop or anchored antennas shall be allowed. Individual satellite

dishes less than 36 inches in diameter are not prohibited by this requirement.

EXHIBIT "G"

Twelve oak trees with a circumference in excess of fifty (50") have been identified on the property. These oak trees will be required to be preserved and shown on the site plan, prior to the issuance of a building permit for the development of any tract on which an oak tree is located. These trees are located generally as follows:

Tract 1:

Three (3) oak trees immediately north of the existing residence
Two (2) oak trees immediately south of the existing residence.
Two (2) trees along the southern boundary of the tract.

Tract 2:

Four (4) trees immediately south of the existing residence.
One (1) tree near the southeast corner of the Little Oaks
Subdivision.

THE STATE OF TEXAS
COUNTY OF WILLIAMSON

This is to certify that this document was FILED and
RECORDED in the Official Public Records of
Williamson County, Texas on the date and time
stamped thereon.



Elaine Bizzell
COUNTY CLERK
WILLIAMSON COUNTY, TEXAS

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CITY OF ROUND ROCK
ADMINISTRATION
221 EAST MAIN STREET
ROUND ROCK, TEXAS 78664