

THE STATE OF TEXAS *

COUNTY OF WILLIAMSON *

CITY OF ROUND ROCK *

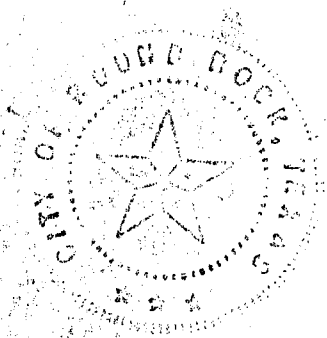
DOC# 9923398

I, JOANNE LAND, Assistant City Manager/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-99-01-28-9A2 which was passed and adopted by the City Council of the City of Round Rock, Texas, at a meeting held on the 28th day of January 1999 as recorded in the minutes of the City of Round Rock in Book 40.

CERTIFIED by my hand and seal of the City of Round Rock, Texas on this 07th day of April, 1999.

Joanne Land

 JOANNE LAND, Assistant City Manager/
 City Secretary



ORDINANCE NO. Z-99-01-28-9A2

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 ZONE 59.8330 ACRES OF LAND OUT OF THE J. M. HARRELL SURVEY, ABSTRACT NO. 284, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, AS PLANNED UNIT DEVELOPMENT (PUD) NO. 35.

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 59.8330 acres of land out of the J. M. Harrell Survey, Abstract No. 284, in Round Rock, Williamson County, Texas, being more fully described in Exhibit "A", attached hereto and incorporated herein, as Planned Unit Development (PUD) No. 35, 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 6th day of January, 1999, 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 property described in Exhibit "A" be zoned as Planned Unit Development (PUD) No. 35, and

WHEREAS, on the 28th day of January, 1999, 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 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" is hereafter designated as Planned Unit Development (PUD) No. 35.

II.

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.

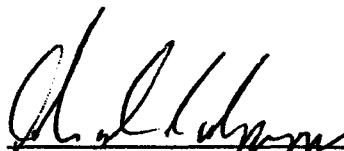
By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED, and ADOPTED on first reading this 28th day of January, 1999.

Alternative 2.

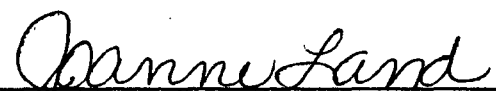
READ and APPROVED on first reading this the _____ day of _____, 1999.

READ, APPROVED and ADOPTED on second reading this the _____ day of _____, 1999.



CHARLES CULPEPPER, Mayor
City of Round Rock, Texas

ATTEST:



JOANNE LAND, City Secretary

**AGREEMENT AND DEVELOPMENT PLAN FOR ROBINSON RANCH
PLANNED UNIT DEVELOPMENT NO. 35**

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 Alfred H. Robinson, III, (hereinafter referred to as the "Owner").

WHEREAS, the Owner has submitted a request to the City to rezone approximately 59.833 acres of land as a Planned Unit Development ("PUD"), said property being more particularly described 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 January 6, 1999, 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, 7.1 and 7.2 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 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.

5.2 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.

5.3 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.

5.4 Applicable Law.

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

5.5 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.

5.6 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.

5.7 Duplicate Originals.

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

5.8 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	CITY OF ROUND ROCK
Alfred H. Robinson, III P.O. Box 9556 Austin, Texas 78766	City of Round Rock, Texas 221 East Main Street Round Rock, Texas 78664
	Attn.: Director of Planning

5.9 Effective Date.

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

5.10 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.

5.11 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 **59.833 acres** of land, located within the city limits of Round Rock, Texas, and more particularly described 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. BUILDING SETBACKS

Building setbacks for all tracts shall be as modified in Exhibit "C", attached hereto, as applicable to each parcel and its designated use.

7. CHANGES TO AGREEMENT AND DEVELOPMENT PLAN

7.1 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.

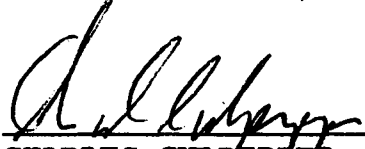
7.2 Major Changes

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

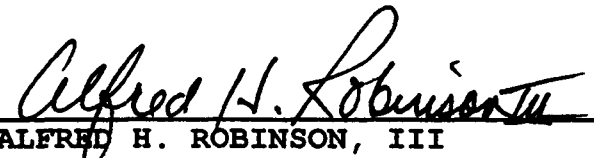
8. GENERAL PLAN AMENDED

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, Mayor
City of Round Rock, Texas

Date: 1-28-99


ALFRED H. ROBINSON, III

Date: 3-3-99

Exhibit A

DESCRIPTION

FOR A 59.833-ACRE TRACT OF LAND SITUATED IN THE J.M. HARRELL SURVEY, ABSTRACT NO. 284 IN WILLIAMSON COUNTY, TEXAS, SAME BEING A PORTION OF A 131.71-ACRE TRACT OF LAND "NORTH TRACT" AND A 470.31-ACRE TRACT OF LAND "SOUTH TRACT" CONVEYED TO A.H. ROBINSON JR., ET AL, BY INSTRUMENT RECORDED IN VOLUME 413 PAGE 626 OF THE DEED RECORDS OF SAID COUNTY, SAID 59.833-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING on a point in the northerly right-of-way line of R.M. No. 620, (120 foot right-of-way width) same being a point in the southerly termination line of a 0.933-acre tract of land known as "Wyoming Springs Drive", as dedicated to the Public by instrument recorded in Volume 1284 Page 900 of the Official Records of said County, same being the most easterly corner of a 23.291-acre tract of land conveyed to A.H. Robinson Jr., et al, by instrument recorded in Volume 1996 Page 197 of the Official Records of said County, being the most southerly corner and POINT OF BEGINNING hereof;

Thence departing the northerly right-of-way line of R.M. No. 620, through the interior of said "North Tract" and said "South Tract", with the westerly right-of-way line of "Wyoming Springs Drive", in part with the westerly boundary line of said 0.933-acre Tract, and in part with the westerly boundary line an 8.068-acre tract of land known as "Wyoming Springs Drive", as dedicated to the Public by instrument recorded in Volume 1284 Page 900 of said Official Records, the following four(4) courses and distances:

- (1) N46°27'08"W for a distance of 416.85 feet to the point of curvature of said 8.068-acre Tract, same being the southwesterly corner of said 8.068 acre Tract, being the northerly right-of-way line of Smeyers Lane;
- (2) with the arc of a curve to the right, having a radius of 1070.00 feet, an interior angle of 56°43'18", an arc length of 1059.28 feet, and a chord which bears N14°57'54"W for a distance of 1016.55 feet to the point of tangency hereof;
- (3) continuing with the westerly right-of-way line of "Wyoming Springs Drive", same being the westerly boundary line of said 8.068-acre Tract N13°23'47"E for a distance of 829.30 feet to the point of curvature hereof;

Exhibit A

(4) with the arc of a curve to the left, having a radius of 865.41 feet, an interior angle of $33^{\circ}05'24''$, an arc length of 499.80 feet, and a chord which bears $N03^{\circ}08'57''W$ for a distance of 492.88 feet, to the most southeasterly corner of Lot 21 of "Stone Canyon Section Three", a subdivision according to the plat thereof recorded in Cabinet N Slides 103-106 of the Plat Records of said County, being also the northwesterly corner of said 8.068 acre Tract, same being a point in the northerly boundary line of said "North Tract" being the northwesterly corner hereof;

Thence departing the westerly right-of-way line of "Wyoming Springs Drive", $N66^{\circ}33'28''E$ for a distance of 120.22 feet to the easterly right-of-way line of "Wyoming Springs Drive", same being the southeasterly corner of said 8.068-acre Tract, same being the most southwesterly corner of Lot 33 Block E "Oakcreek Subdivision Section Two", a subdivision according to the plat thereof recorded in Cabinet H Slides 246 and 247 of the Plat Records of said County, same being an angle point hereof;

Thence with the northerly boundary line of said "North Tract" same being the southerly boundary line of said Block E "Oakcreek Subdivision Section Two" the following four (4) courses and distances:

- (1) $N66^{\circ}17'16''E$ for a distance of 249.62 feet to an angle point hereof;
- (2) $N68^{\circ}04'41''E$ for a distance of 170.22 feet to an angle point hereof;
- (3) $N76^{\circ}27'24''E$ for a distance of 392.00 feet to an angle point hereof;
- (4) $N78^{\circ}50'43''E$ for a distance of 160.66 feet to the most southeasterly corner of Lot 19 Block E, "Oakcreek Subdivision Section Two", same being the southwest corner of Lot 17 Block E, "Oakcreek Subdivision Section One", a subdivision according to the plat thereof recorded in Cabinet H Slide 217 through 219 of the Plat Records of said County, same being a point in the easterly boundary line of said "North tract", being also the most northeasterly corner hereof;

Thence with the westerly boundary line of said Block E "Oakcreek Subdivision Section One", same being the easterly boundary line of said "North Tract", $S18^{\circ}32'02''E$ for a distance of 305.71 feet to the most southwesterly corner of Lot 13 of said Block E, same being the northwest corner of Lot 5 Block A, of "The Amended Plat of Lot 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, Block A, Oaklands, Section Four", a subdivision according to the plat thereof recorded in Cabinet N Pages 355 and 356 of the Plat Records of said County, same being an angle point hereof;

Exhibit A

Thence with the westerly boundary line of said Block A, same being the easterly boundary line of said "North Tract" the following two (2) courses and distances:

(1) S18°51'50"E (Bearing Basis / Directional Control Line) for a distance of 450.77 feet to an angle point hereof;

(2) S18°48'43"E for a distance of 174.86 feet to a point being the southwest corner of Lot 14 of said Block A, same being the northwesterly corner of a "Common Area and Fire Lane Easement" as dedicated by "The Oaklands Section Two Revised", a subdivision according to the plat thereof recorded in Cabinet J Slides 160-161 of the Plat Records of said County, same being an angle point hereof;

Thence with the westerly boundary line of said "The Oaklands Section Two Revised", same being the easterly boundary line of said "North Tract" the following two (2) courses and distances:

(1) S18°49'45"E for a distance of 300.00 feet to an angle point hereof;

(2) S18°39'45"E for a distance of 46.37 feet to point being the most northerly corner of Lot 1 of the "Amended Plat of the Final Plat of Round Rock Medical Center" a subdivision according to the plat thereof recorded in Cabinet P Slides 94-96 of the Plat Records of said County, same being an angle point hereof;

Thence departing the westerly boundary line of said "The Oaklands Section Two Revised", with the northerly boundary line of said Lot 1, S67°39'49W for a distance of 1108.77 feet to the northwesterly corner of said Lot 1, being an angle point hereof;

Thence with the westerly boundary line of said Lot 1, S22°18'49E for a distance of 1007.91 feet to a point in the curving northerly right-of-way line of R.M. No. 620;

Thence with the arc of a curve to the left having a radius of 2351.83 feet, an interior angle of 12°52'38", an arc length of 528.57 feet, and a chord which bears S49°59'11"W for a distance of 527.46 feet to the POINT OF BEGINNING hereof and containing 59.833-acres of land.

EXHIBIT "B"

There are no lienholders of record. proposed assessments

EXHIBIT "C"
PERMITTED USES
and
DEVELOPMENT STANDARDS

1. DEVELOPMENT AREAS

TRACT ONE:

Tract One shall comprise all property within the PUD south of proposed Park Valley Drive.

TRACT TWO:

Tract Two shall comprise all property within the PUD north of proposed Park Valley Drive.

2. PERMITTED AND PROHIBITED USES:

TRACT ONE:

All uses generally permitted in a C-1 General Commercial District. The following uses shall be prohibited: automotive repair services, including oil change facilities, service stations, automotive rental and sales, automotive washing, truck terminals, bulk distribution centers, machinery and truck repair, mini-warehouses, communication towers, flea markets, portable building sales, adult-oriented businesses, amusement parks or carnivals, campgrounds, recreational vehicle parks, outdoor shooting ranges, and kennels.

TRACT TWO:

The following uses shall be permitted: Professional offices, Medical and Dental clinics, Assisted Living Centers, retirement housing, single family homes, townhomes, condominiums, and garden homes.

3. BUILDING AND STRUCTURE SETBACKS:

3.1 Setbacks from Wyoming Springs Road: Building and structure setbacks from Wyoming Springs Road shall be a minimum of twenty-five (25') feet from the property line.

3.2 Setbacks from Park Valley Drive: Building and structure setbacks from Park Valley Drive shall be a minimum of twenty-five (25') feet from the property line.

4. DENSITY, HEIGHT AND SETBACK REQUIREMENTS:

4.1 Tract One: Tract One shall be developed in accordance with C-1 General Commercial standards.

4.2 **Tract Two:** The following standards shall apply to the respective, permitted uses in Tract Two:

Uses	Density	Max. Height	Front Setback	Setback from Single Family
Single Family	6,500 sq.ft. (min)	2 stories	25 ft.	5 ft.
Garden Homes	5,000 sq.ft. (min.)	2 stories	10 ft.	10 ft.
Town Homes	12 units per acre	2 stories	25 ft.	50 ft. vegetative buffer and bldg. setback
Condominiums	12 units per acre	2 stories	25 ft.	50 ft. vegetative buffer and bldg. setback
Office Assisted. Living, Retirement Housing	N/A	1 story within 100 feet of Single -Family Residential 2 stories outside 100 ft. of Single - Family Residential	25 ft.	50 ft. vegetative buffer and bldg. setback

5. **Exterior Finish for Residential Development -Tract Two**

All of the exterior finish of all residential development shall be constructed of 100% masonry. Masonry shall be defined as stone or brick. Windows, doors and trim are exempted from these requirements.

6. **Homeowners Association -Tract Two**

A Homeowner's Association shall be established for all residential developments during the subdivision platting stage to ensure quality maintenance and upkeep of any residential development.

7. **Screening Requirements for Dumpsters and Mechanical Equipment -Tract Two**

All dumpsters shall be screened by either vegetative screening or fencing so that they are not visible from

adjacent single family development. All mechanical equipment should be screened with either landscaping or architectural features.

8. **Lighting -Tract Two**

All exterior lighting shall be hooded or shielded so that the light source is not directly visible from adjacent single-family residential development.

Doc# 9923398
Pages: 17
Date : 04-12-1999
Time : 11:40:15 A.M.
Filed & Recorded in
Official Records
of WILLIAMSON County, TX.
NANCY E. RISTER
COUNTY CLERK
Rec. \$ 41.00

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.



Nancy E. Rister
County Clerk
Williamson County, Texas

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