

ORDINANCE NO. Z-12-07-26-H

AN ORDINANCE AMENDING ORDINANCE NO. Z-99-01-28-9A2, ADOPTED BY THE CITY COUNCIL OF ROUND ROCK, TEXAS, ON JANUARY 28, 1999, BY ADOPTING THIS AMENDMENT NO. 2 TO THE DEVELOPMENT PLAN OF PUD NO. 35, APPROVED BY THE CITY COUNCIL IN SAID ORDINANCE, PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

WHEREAS, on January 28, 1999, the City Council of the City of Round Rock, Texas, adopted Ordinance No. Z-99-01-28-9A2, which established PUD No. 35, and

WHEREAS, on September 22, 2005, the City Council of the City of Round Rock adopted Ordinance No. Z-05-09-22-13E1, amending PUD No. 35 regarding drive-thru automated teller machines, and

WHEREAS, an application has been made to the City Council of the City of Round Rock, Texas, to amend the Development Plan of PUD No. 35, and

WHEREAS, the Planning and Zoning Commission held a public hearing concerning this Amendment No. 2 to Ordinance No. Z-99-01-28-9A2 on the 20th day of June, 2012, following lawful publication of said public hearing, and

WHEREAS, after considering the public testimony received at such hearing, the Planning and Zoning Commission has recommended that Ordinance No. Z-99-01-28-9A2 be amended, and

WHEREAS, on the 26th day of July, 2012, after proper notification, the City Council held a public hearing on the requested amendment to Ordinance No. Z-99-01-28-9A2 and

WHEREAS, the City Council determined that the requested amendment to Ordinance No. Z-99-01-28-9A2 promotes the health, safety, morals and general welfare of the community, and

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A., Texas Local Government Code, and Sections 46-92 and 46-106, Code of Ordinances, 2010 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 hereby determines that the proposed amendment to Planned Unit Development (PUD) District #35 meets the following goals and objectives:

- (1) The amendment to P.U.D. #35 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) The amendment to P.U.D. #35 is in harmony with the general purposes, goals, objectives and standards of the General Plan.
- (3) The amendment to P.U.D. #35 does not have an undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and general welfare.

II.

That Exhibit 'C', Section I of the Development Plan of PUD No. 35, as approved in Ordinance No. Z-99-01-28-9A2 and amended in Ordinance No. Z-05-09-22-13E1, is hereby deleted in its entirety, and replaced with a new Section I, which shall read as follows:

1. DEVELOPMENT AREAS

- a. **Tract One:** Tract One shall comprise all property within the PUD south of Park Valley Drive.

- b. **Tract Two:** Tract Two shall comprise all property within the PUD north of Park Valley Drive, with the exception of **Tract 2-A and Tract 2-B**, as described below.
- c. **Tract 2-A:** Approximately 3.384 acres of land more particularly described in **Exhibit "A-1"**
- d. **Tract 2-B:** Approximately 2.471 acres of land more particularly described in **Exhibit "A-2"**.

III.

That Exhibit 'D' of the Development Plan of PUD No. 35, as approved in Ordinance No. Z-99-01-28-9A2 and amended in Ordinance No. Z-05-09-22-13E1, is hereby amended to include the following:

**PERMITTED USES AND DEVELOPMENT STANDARDS
TRACTS 2-A AND 2-B**

1. APPLICATION OF STANDARDS

In accordance with Chapter 46-156 of the Round Rock Code of Ordinances, as amended, the following use regulations, design standards and development standards shall apply to all development on the portions of the Property identified as **Tracts 2-A and 2-B**, as described in Exhibits "A-1" and "A-2".

2. DEFINITIONS

Words and terms used herein shall have their usual force and meaning, or as defined in the Round Rock City Code, as amended, hereinafter referred to as "the Code."

3. PROPERTY

This Plan covers approximately 5.86 acres of land, located within the city limits of Round Rock, Texas, and more particularly described in Exhibits "A-1" and "A-2" (the "Property").

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 the **SF-2 (Single Family - Standard Lot), TH (Townhome) or OF (Office) zoning districts** and other sections of the Code, as

applicable, and as hereafter amended. If there is a conflict between this Plan and the Code, this Plan shall supersede the specific conflicting provisions of the Code.

4.2. Other Ordinances

All other Ordinances within the Code, as hereafter amended, shall apply to the Property, except as clearly modified by this Plan. In the event of a conflict, the terms of this Plan shall control.

5. PERMITTED USES - Tract 2-A

The following principal uses are permitted:

- a) All land uses allowed in the **SF-2 (Single Family - Standard Lot)** zoning district; or
- b) All land uses allowed in the **TH (Townhome)** zoning district; or
- c) All land uses allowed in the **OF (Office)** zoning district, including one (1) **Day Care**, with a maximum of 14,000 square feet of floor area.
- d) The requirement in Section 46-160 (i)(2)(e) for a Special Exception for a Day Care of greater than 10,000 square feet shall not apply.

6. PERMITTED USES - Tract 2-B

The following principal uses are permitted:

- a) All land uses allowed in the **SF-2 (Single Family - Standard Lot)** zoning district; or
- b) All land uses allowed in the **TH (Townhome)** zoning district; or
- c) All land uses allowed in the **OF (Office)** zoning district, with the exception of **Daycare**.

7. DRIVEWAY TREE PLANTING

The existing driveway for the Park Valley Assisted Living, identified as "Driveway B" on **Exhibit "E"**, shall contain large species trees with a minimum caliper of four inches (4"), planted thirty feet (30') on center, excluding driveway locations, as shown on the Site Development Plan approved by the City on April 14, 2011.

8. COMPATIBILITY BUFFER

- a) No compatibility buffer or fencing shall be required between **OF (Office)** and **SF-2 (Single Family - Standard Lot)** or **TH (Townhome)** uses within the boundaries of the Property.
- b) No compatibility buffer or fencing shall be required between the uses within the boundaries of the Property and the abutting uses within Tract 2 of Planned Unit Development (PUD) 35.

9. SIDE SETBACKS

Side setbacks for all applicable platted lots shall be measured from the curb line of the existing "Driveway B" referenced in Section 7 above.

10. ACCESS

Access to the Property shall be provided from:

- a) The future "Driveway A" identified on **Exhibit "E"**
- b) The existing "Driveway B" identified on **Exhibit "E"**; and
- c) The existing "Driveway C" on Park Valley Drive identified on **Exhibit "E"**.

11. NON-RESIDENTIAL LOT CONFIGURATION

All non-residential lots shall have a minimum frontage width of 50 feet along Wyoming Springs Drive. This minimum width shall extend to the depth of the front setback, as established by Chapter 46 of the Code, as amended.

IV.

That Exhibit "A" is hereby revised to include Exhibit A-1 and Exhibit A-2, as attached hereto and incorporated herein.

V.

That Exhibit "E", as attached hereto and incorporated herein, is added to the Development Plan of PUD No. 35.

VI.

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.


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 26th day of July, 2012.

Alternative 2.

READ and APPROVED on first reading this the _____ day of _____, 2012.

READ, APPROVED and ADOPTED on second reading this the _____ day of _____, 2012.



ALAN MCGRAW, Mayor
City of Round Rock, Texas

ATTEST:



SARA L. WHITE, City Clerk

EXHIBIT

"A-1"

3.384 ACRES
PORTION OF LOT 2, BLOCK "A"
PARK VALLEY

FN NO. 11-337(KWA)
OCTOBER 5, 2011
BPI JOB NO. R104170-10002

DESCRIPTION

OF A 3.384 ACRE TRACT OF LAND SITUATED IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT 2, BLOCK "A", FINAL PLAT OF PARK VALLEY ASSISTED LIVING SUBDIVISION, A SUBDIVISION OF RECORD IN DOCUMENT NO. 2011024845 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 3.384 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2 inch iron rod found in the curving easterly right-of-way line of Wyoming Springs Drive (120' R.O.W.), being the northwesterly corner of Lot 1, Block "A" Wyoming Springs Medical Clinic Addition, a subdivision of record in Cabinet R, Slides 274-276 of the Plat Records of Williamson County, Texas, for the southwesterly corner of said Lot 2 and hereof;

THENCE, along said easterly right-of-way line of Wyoming Springs Drive, being the westerly line of said Lot 2 and hereof, along a curve to the left, having a radius of 985.41 feet, a central angle of 08°11'44", an arc length of 140.95 feet and a chord which bears, N00°14'09"E, a distance of 140.83 feet to the northwesterly corner hereof;

THENCE, N69°24'19"E, leaving said easterly right-of-way line of Wyoming Springs Drive, over and across said Lot 2, for the northerly line hereof, a distance of 454.37 feet to a point in the westerly line of said Lot 1, Block "A" Final Plat of Park Valley Assisted Living Subdivision, being the easterly line of said Lot 2, for the northeasterly corner hereof, from which a 1/2 inch iron rod with cap set at the northeasterly corner of said Lot 2 bears N20°37'14"W, a distance of 266.16 feet;

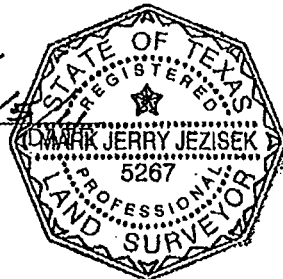
THENCE, S20°37'14"E, along the westerly line of said Lot 1 Block "A" Park Valley Assisted Living Subdivision, being the easterly line of said Lot 2 and hereof, a distance of 466.81 feet to a 1/2 inch iron rod with cap set in the northerly line of said Lot 1, Block "A" Wyoming Springs Medical Clinic Addition, being the southerly line of said Lot 2, for the southeasterly corner hereof;

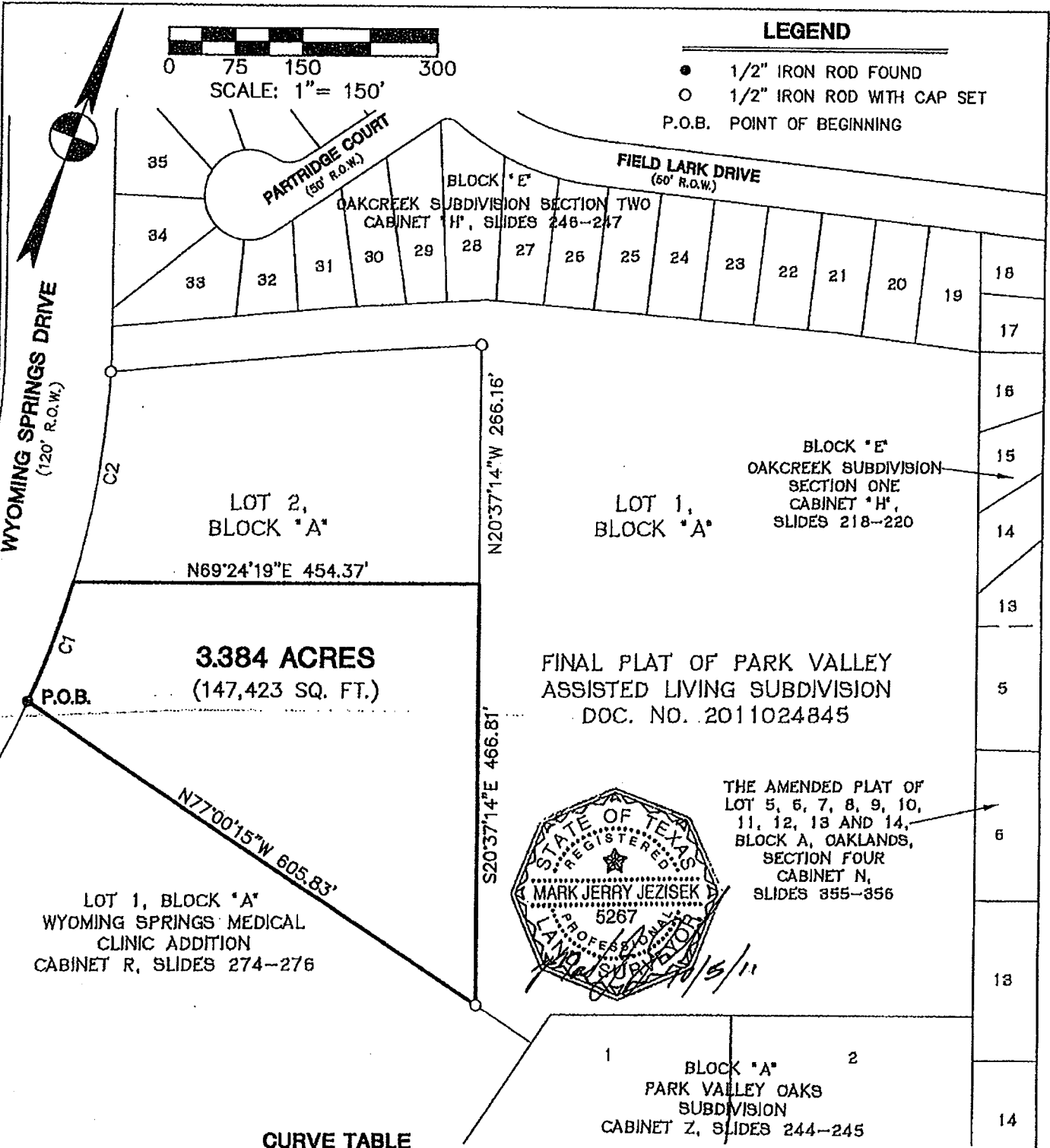
THENCE, N77°00'15"W, along the northerly line of said Lot 1, Block "A" Wyoming Springs Medical Clinic Addition, being the southerly line of said Lot 2, for the southerly line hereof, a distance of 605.83 feet to the **POINT OF BEGINNING** containing an area of 3.384 acres (147,423 sq. ft.) of land, more or less, within these metes and bounds.

THE BASIS OF BEARINGS SHOWN HEREON IS THE TEXAS COORDINATE SYSTEM, NAD 83(93), CENTRAL ZONE, UTILIZING CITY OF ROUND ROCK CONTROL NETWORK MONUMENTS: 01-002, 01-003 AND 01-030 AS PUBLISHED ON THE DATE OF THIS SURVEY.

BURY & PARTNERS, INC.
ENGINEERS-SURVEYORS
221 WEST SIXTH STREET, SUITE 600
AUSTIN, TEXAS 78701

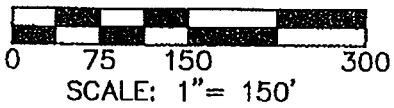
MARK J. JEZISEK
R.P.L.S. NO. 5267
STATE OF TEXAS





LEGEND

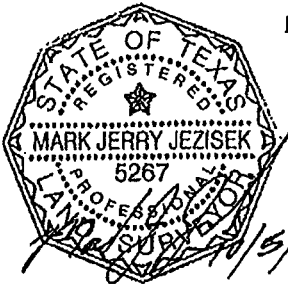
- 1/2" IRON ROD FOUND
- 1/2" IRON ROD WITH CAP SET
- P.O.B. POINT OF BEGINNING



3.384 ACRES
(147,423 SQ. FT.)

FINAL PLAT OF PARK VALLEY
ASSISTED LIVING SUBDIVISION
DOC. NO. 2011024845

THE AMENDED PLAT OF
LOT 5, 6, 7, 8, 9, 10,
11, 12, 13 AND 14,
BLOCK A, OAKLANDS,
SECTION FOUR
CABINET N,
SLIDES 355-356



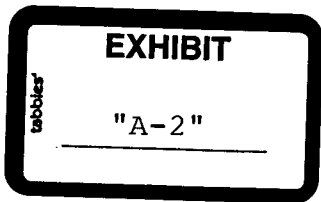
CURVE TABLE

No.	Delta	Radius	Arc Length	Chord Length	Chord Bearing
C1	8°11'44"	985.41	140.95	140.83	N00°14'09"E
C2	13°48'25"	985.41	237.46	236.89	N10°45'56"W

Bury+Partners
ENGINEERING SOLUTIONS
221 West Sixth Street, Suite 600
Austin, Texas 78701
Tel. (512)328-0011 Fax (512)328-0326
Bury+Partners, Inc. ©Copyright 2011

SKETCH TO ACCOMPANY DESCRIPTION
OF 3.384 ACRES OF LAND OUT OF THE JACOB M. HARRELL SURVEY, SITUATED IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT 2, BLOCK "A", FINAL PLAT OF PARK VALLEY ASSISTED LIVING SUBDIVISION, A SUBDIVISION OF RECORD IN DOCUMENT NO. 2011024845 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS.

PREVARIAN



2.471 ACRES
PORTION OF LOT 2, BLOCK "A"
PARK VALLEY

FN NO. 11-338 (KWA)
OCTOBER 5, 2011
BPI JOB NO. R104170-10002

DESCRIPTION

OF A 2.471 ACRE TRACT OF LAND SITUATED IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT 2, BLOCK "A", FINAL PLAT OF PARK VALLEY ASSISTED LIVING SUBDIVISION, A SUBDIVISION OF RECORD IN DOCUMENT NO. 2011024845 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 2.471 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2 inch iron rod found in the curving easterly right-of-way line of Wyoming Springs Drive (120' R.O.W.), being the the most westerly southwest corner of Lot 1 of said Final Plat of Park Valley Assisted Living Subdivision, for the northwesterly corner of said Lot 2 and hereof;

THENCE, leaving said easterly right-of-way line of Wyoming Springs Drive, along a portion of the westerly line of said Lot 1, being the northerly line of said Lot 2 and hereof, the following two (2) courses and distances:

- 1) N64°08'43"E, a distance of 254.03 feet to a 1/2 inch iron rod with cap set for an angle point;
- 2) N66°02'14"E, a distance of 161.13 feet to a 1/2 inch iron rod with cap set at an angle point in the westerly line of said Lot 1, for the northeasterly corner of said Lot 2 and hereof;

THENCE, S20°37'14"E, along the westerly line of said Lot 1, being the easterly line of said Lot 2 and hereof, a distance of 266.16 feet to a 1/2 inch iron rod with cap set for the southeasterly corner hereof;

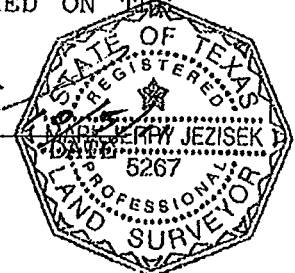
THENCE, S69°24'19"W, leaving the westerly line of said Lot 1, over and across said Lot 2, for the southerly line hereof, a distance of 454.37 feet to a point in the curving easterly right-of-way line of Wyoming Springs Drive, being the westerly line of said Lot 2, for the southwesterly corner hereof;

THENCE, along said easterly right-of-way line of Wyoming Springs Drive, for the westerly line of said Lot 2 and hereof, along a curve to the left having a radius of 985.41 feet, a central angle of 13°48'25", an arc length of 237.46 feet and a chord which bears, N10°45'56"W, a distance of 263.89 feet to the **POINT OF BEGINNING** containing an area of 2.471 acres (107,647 sq. ft.) of land, more or less, within these metes and bounds.

THE BASIS OF BEARINGS SHOWN HEREON IS THE TEXAS COORDINATE SYSTEM, NAD 83(93), CENTRAL ZONE, UTILIZING CITY OF ROUND ROCK CONTROL NETWORK MONUMENTS: 01-002, 01-003 AND 01-030 AS PUBLISHED ON THE DATE OF THIS SURVEY.

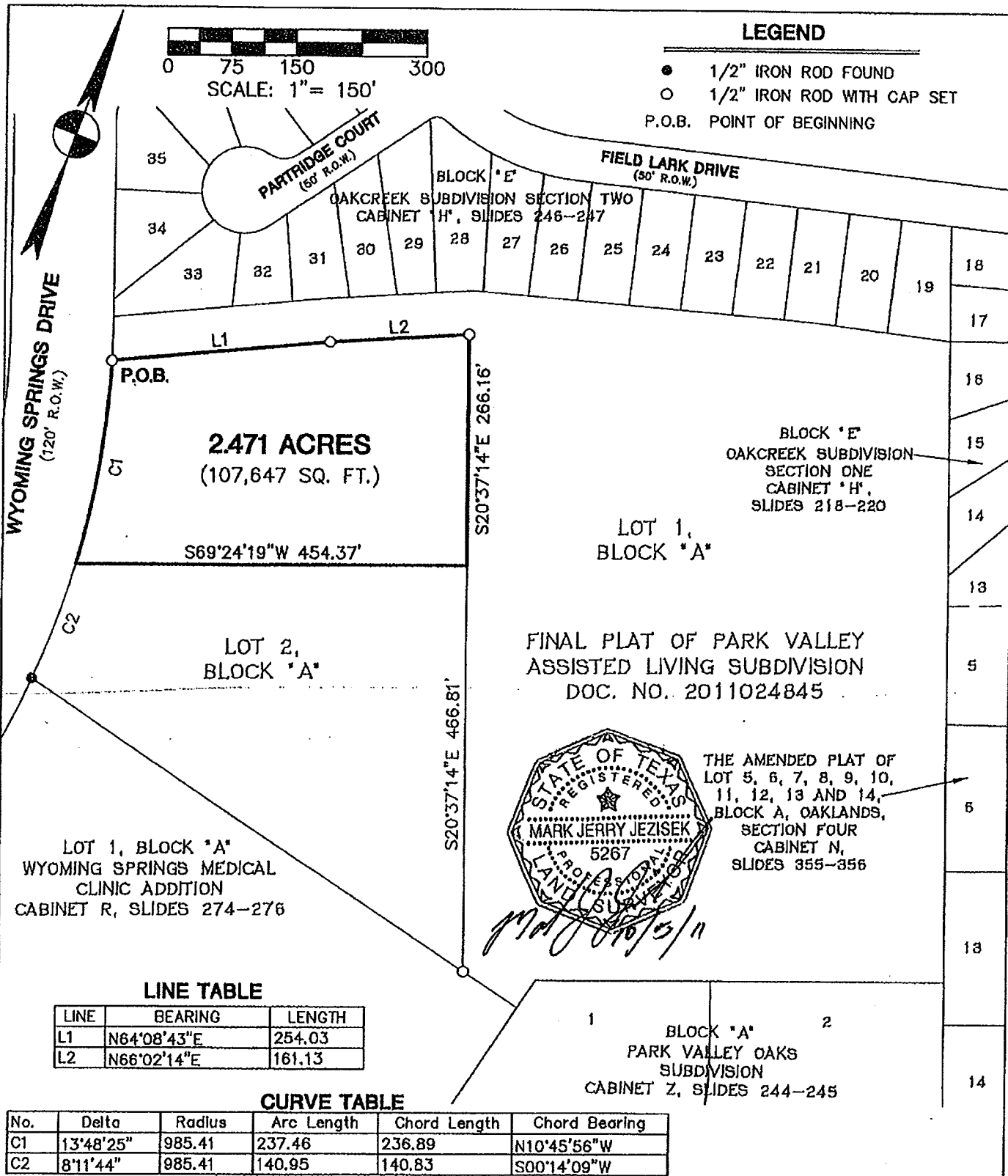
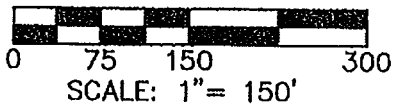
BURY & PARTNERS, INC.
ENGINEERS-SURVEYORS
221 WEST SIXTH STREET, SUITE 600
AUSTIN, TEXAS 78701

[Signature]
MARK J. JEZISEK
R.P.L.S. NO. 5267
STATE OF TEXAS

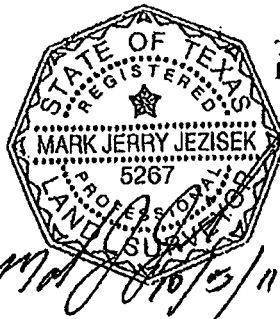


LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD WITH CAP SET
- P.O.B. POINT OF BEGINNING



FINAL PLAT OF PARK VALLEY
ASSISTED LIVING SUBDIVISION
DOC. NO. 2011024845



THE AMENDED PLAT OF
LOT 5, 6, 7, 8, 9, 10,
11, 12, 13 AND 14,
BLOCK A, OAKLANDS,
SECTION FOUR
CABINET N,
SLIDES 355-356

LOT 1, BLOCK "A"
WYOMING SPRINGS MEDICAL
CLINIC ADDITION
CABINET R, SLIDES 274-276

LINE TABLE

LINE	BEARING	LENGTH
L1	N64°08'43"E	254.03
L2	N66°02'14"E	161.13

CURVE TABLE

No.	Delta	Radius	Arc Length	Chord Length	Chord Bearing
C1	13°48'25"	985.41	237.46	236.89	N10°45'56"W
C2	8°11'44"	985.41	140.95	140.83	S00°14'09"W

Bury+Partners
ENGINEERING SOLUTIONS
221 West Sixth Street, Suite 600
Austin, Texas 78701
Tel. (512)328-0011 Fax (512)328-0325
Bury+Partners, Inc. ©Copyright 2011

SKETCH TO ACCOMPANY DESCRIPTION
OF 2.471 ACRES OF LAND OUT OF THE JACOB M. HARRELL
SURVEY, SITUATED IN WILLIAMSON COUNTY, TEXAS, BEING A
PORTION OF LOT 2, BLOCK "A", FINAL PLAT OF PARK VALLEY
ASSISTED LIVING SUBDIVISION, A SUBDIVISION OF RECORD IN
DOCUMENT NO. 2011024845 OF THE OFFICIAL PUBLIC RECORDS
OF WILLIAMSON COUNTY, TEXAS.

PREVARIAN



City Council Agenda Summary Sheet

Agenda Item No.	H1.
Agenda Caption:	Consider public testimony regarding and an ordinance approving Amendment No. 2 to the Planned Unit Development No. 35 zoning district. (First Reading)
Meeting Date:	July 26, 2012
Department:	Planning and Development Services
Staff Person making presentation:	Peter Wysocki Planning and Development Services Director

Item Summary:

The property is undeveloped except for a driveway serving the senior living development located on an adjacent parcel. PUD 35 was approved in 1999 and amended in 2005. Uses currently allowed on the portion of the PUD located north Park Valley Drive includes: single family, garden homes, town homes, condominiums, office, assisted living and retirement housing. This area has been developed with medical offices and retirement housing, with the exception of the 5.86 acre project site.

This amendment proposes that the 5.86 acres be divided into two areas (tracts): Tract 2-A 3.38 acres and Tract 2-B 2.47 acres for the purpose of the PUD. The Tract 2-B would allow a single-day care of up to 14,000 square feet in addition to the office, single family or townhome uses already allowed in the PUD. Tract 2-A would continue to allow only office (other than day care), single family or townhome uses. Uses on both parcels would be subject to current City development standards according to the OF (Office), SF 2 (Single Family Standard Lot) or TH (Townhome) zoning district, as applicable.

The PUD amendment also requires that all lots created on the 5.86 acre project site be provided access solely from three driveways, one of which was constructed across the project site to serve the retirement housing development. Large species trees planted as part of the approved site plan as mitigation for tree removal must remain in place as a requirement of the PUD amendment. These trees are located on both sides of the access driveway.

An update to the Traffic Impact Analysis (TIA) prepared for the assisted living center was completed to determine the traffic impacts of the proposed day care and medical offices. The TIA update concluded that the three roadway intersections analyzed did not require improvements as a result of the day care. Three driveways serve the project site: Driveway 'A', a planned driveway along Wyoming Springs, Driveway 'B', an existing driveway along Wyoming Springs, and Driveway 'C', an existing driveway along Park Valley Drive. Driveway 'C' provides access to the site through drive aisles on the adjacent assisted living site and on a medical office site located on Park Valley Drive. With the addition of the day care and medical offices, a right turn deceleration lane is needed at Driveway 'B' on Wyoming Springs. The Planning and Zoning Commission recommended approval of this amendment at their June 20, 2012 meeting.

Cost:	N/A
Source of Funds:	N/A
Date of Public Hearing (if required):	N/A
Recommended Action:	Approval