

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-00-12-14-12D2 which was approved and adopted by the City Council of the City of Round Rock, Texas, at two meetings which were held on the 25th day of July, 2000, and the 14th day of December, 2000 as recorded in the minutes of the City of Round Rock in Book 43 and 44.

CERTIFIED by my hand and seal of the City of Round Rock, Texas on this 11th day of January 2002.


Christine R. Martinez
CHRISTINE R. MARTINEZ, City Secretary

ORDINANCE NO. Z-00-12-14-12D2

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 7.27 ACRES OF LAND OUT OF THE DAVID CURRY SURVEY, ABSTRACT 130 AND THE WILEY HARRIS SURVEY, ABSTRACT 298, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS FROM DISTRICT C-1 (GENERAL COMMERCIAL) AND DISTRICT I-1 (GENERAL INDUSTRIAL) TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT NO. 43.

WHEREAS, an application has been made to the City Council of the City of Round Rock, Texas to amend the Official Zoning Map to to rezone 7.27 acres of land out of the David Curry Survey, Abstract No. 130, and the Wiley Harris Survey, Abstract No. 298, in Round Rock, Williamson County, Texas, being more fully described in Exhibit "A", attached hereto and incorporated herein, from District C-1 (General Commercial) and District I-1 (General Industrial) to Planned Unit Development (PUD) District No. 43, 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 of July, 2000, 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) District No. 43, and

WHEREAS, on the 25th day of July, 2000, 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. 43 meets the following goals and objectives:

- (1) The development in PUD No. 43 is equal to or superior to development that would occur under the standard ordinance requirements.

- (2) P.U.D. No. 43 is in harmony with the general purposes, goals, objectives and standards of the General Plan.
- (3) P.U.D. No. 43 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. 43 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. 43 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. 43, and that the Mayor is hereby authorized and directed to enter into the Amended Agreement and Development Plan for PUD No. 43 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.

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 _____, 2000.

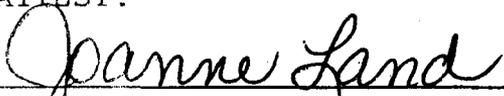
Alternative 2.

READ and APPROVED on first reading this the 25th day of July, 2000.

READ, APPROVED and ADOPTED on second reading this the 14th day of December, 2000.



ROBERT A. STLUKA, Mayor
City of Round Rock, Texas

ATTEST:


JOANNE LAND, City Secretary

**AGREEMENT AND DEVELOPMENT PLAN FOR MKR SUBDIVISION
PLANNED UNIT DEVELOPMENT NO. 43**

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 7864 (hereinafter referred to as the "City") and **Owen A. Reischman** (hereinafter referred to as the "Owner").

WHEREAS, the Owner has submitted a request to the City to rezone approximately 7.27 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 July 5, 2000, 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
Owen A. Reischman
Attorney at Law
9501 N. Capital of Tx Hwy
Suite 202
Austin, Texas 78759

CITY OF ROUND ROCK
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 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 7.27 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 ordinances 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. FLOOD PLAIN

Development in the flood plain shall be in accordance with all city, state and federal regulations. Ultimate 100 year storm shall not inundate to a depth greater than eight inches (8") in the parking lot.

8. CHANGES TO AGREEMENT AND DEVELOPMENT PLAN

8.1 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.

8.2 Major Changes.

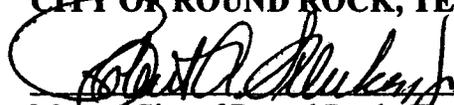
Major changes shall be resubmitted following the same procedure required by the original PUD application.

9. GENERAL PLAN AMENDED

The Round Rock General Plan 2000 is hereby amended to reflect the provisions of this Agreement and Development Plan.

CITY OF ROUND ROCK, TEXAS

By:



Mayor, City of Round Rock, Texas

Date:

12-14-00



OWEN A. REISCHMAN

Date:

December 11, 2000

FIELD NOTES

Reischman / February 22, 2000 / Job# 0052

All that certain tract or parcel of land situated in Williamson County, Texas, out of the David Curry Survey, Abstract No. 130, and the Wiley Harris Survey, Abstract No. 298 and being a part of that Tract I as conveyed to Chisolm Trail Joint Venture by General Warranty Deed dated March 6, 1986 and recorded in Volume 1322, Page 207 of the Official Records of Williamson County and described by metes and bounds as follows:

BEGINNING at an iron pin set in the West R-O-W line of Interstate Highway No. 35 for the most Easterly Southeast corner of said Chisolm Trail Joint Venture tract and this tract, being the Northeast corner of Harbison Subdivision, a subdivision recorded in Cabinet P, Slide 101 of the Williamson County Plat Records;

THENCE: N 84° 20' 05" W 200.52 feet to an iron pin found for the Northwest corner of said Harbison Subdivision and being an inside angle point of said Chisolm Trail Joint Venture tract and this tract;

THENCE: S 11° 32' 10" E 105.48 feet to an iron pin in the West line of said Harbison Subdivision, for the most Easterly Northeast corner of Patal Subdivision, a subdivision recorded in Cabinet D, Slide 209 of said plat records, being the most Southerly Southeast corner of said Chisolm Trail Joint Venture tract and this tract;

THENCE: S 68° 56' 30" W 33.13 feet to an iron pin found for and inside ell corner of said Patal Subdivision, being the most Southerly Southwest corner of said Chisolm Trail Joint Venture tract and this;

THENCE: N 19° 20' 53" W 129.41 feet to an iron pin found for a Northeast corner of said Patal Subdivision and being an inside angle point of said Chisolm Trail Joint Venture tract and this tract;

THENCE: S 83° 52' 23" W 160.73 feet to an iron pin found and S 83° 25' 25" W 13.59 feet to an iron pin found for an inside corner of said Patal Subdivision, being the Southeast of said Chisolm Trail Joint Venture tract and this tract;

THENCE: N 20° 33' 50" W 397.50 feet to an iron pin set in the South line of Anchor Two, a subdivision recorded in Cabinet P, Slide 122 of said plat records, for the most Northerly Northeast corner of said Patal Subdivision, for an outside ell corner of said Chisolm Trail Joint Venture tract and this tract;

THENCE: N 69° 50' 05" E 135.12 feet to an iron pin found for the Southeast corner of said Anchor Two, being an inside ell corner of said Chisolm Trail Joint Venture tract and this tract;

THENCE: N 21° 06' 14" W 314.79 feet to an iron pin set in the East line of said Anchor Two and N 21° 29' 51" W 195.00 feet to an iron pin set in the East line of Anchor One, a subdivision recorded in Cabinet P, Slide 120 of said plat records being in the West line of said Chisolm Trail Joint Venture tract for the most Northerly corner of this tract;

THENCE: S 60° 33' 02" E 567.50 feet across said Chisolm Trail Joint Venture tract, to an iron pin set in the West line of Interstate Highway No. 35 and the East line of said Chisolm Trail Joint Venture tract for the Northeast corner of this tract;

THENCE: S 11° 42' 00" E 636.00 feet with the West R-O-W line of Interstate Highway No. 35 and the East line of said Chisolm Trail Joint Venture tract to the place of Beginning and containing 7.27 acres of land.

Bearing Base: Based on found monumentation on the West R-O-W line of Interstate Highway No. 35 and the East line of said Chisolm Trail Joint Venture tract (1322/207), bearing being S 11° 42' 00" E, distance of 309.47 feet measured (309.35 feet record).

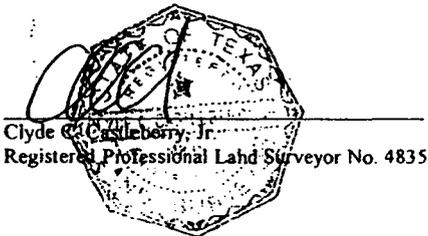


EXHIBIT "B"

There are no lienholders of record.

EXHIBIT "C"

PERMITTED USES, LIMITATIONS AND DEVELOPMENT STANDARDS

The permitted uses and limitations are as follows:

1. Permitted Uses, Heights and Setbacks.

Permitted uses, building height limitations, and building setbacks are detailed in the chart below:

Permitted Use*	Building Height Limitation	Building Setbacks from IH-35 frontage road right-of-way	Building Setbacks from Side Property Lines	Building Setbacks from Rear Property Lines
Office	60 feet	30 feet	Pursuant to C-1 Zoning Classification	Pursuant to C-1 Zoning Classification
Hotel***	60 feet	30 feet	Pursuant to C-1 Zoning Classification	Pursuant to C-1 Zoning Classification
Restaurant****	45 feet**	30 feet	Pursuant to C-1 Zoning Classification	Pursuant to C-1 Zoning Classification
General Commercial (C-1)	45 feet**	30 feet	Pursuant to C-1 Zoning Classification	Pursuant to C-1 Zoning Classification

* Zoning designations noted in parentheses indicate all uses permissible under the Code for such designation as of the date of this Ordinance. Such uses may include, but are not limited to, other uses also listed in this chart. Limitations for any specific C1 use listed in this chart will control over the general C-1 listing.

** Decorative architectural features may exceed the stated height limitation by 15 feet.

*** Including the following associated uses: Restaurant (including bar and liquor sales) and General Commercial (C-1).

**** Including bar and liquor sales.

The MKR Subdivision shall be limited to two driveways to IH 35 and shall comply with TXDOT requirements.

2. **Prohibited Uses.**

The following uses are prohibited on the Property: mini-warehouses, flea markets, sexually oriented businesses (as defined in the Code), amusement parks or carnivals, portable building sales, recreational vehicle parks, wholesale nurseries, outdoor shooting ranges, pawn shops, heavy equipment sales, kennels (but not prohibiting pet shops and veterinary clinics with overnight facilities), and truck stops.

3. **Outdoor Sales and Displays.**

Outdoor sales and displays are permitted in conjunction with the use of a building only in areas designated on the site plan filed with the City for such building. Outdoor sales and displays are further limited to outdoor cafés and outdoor dining areas (including outdoor seating for a food court) that: 1) are located and operated as an integral part of the principal use, and 2) do not comprise a separate business use or a separate business activity. Parking requirements contained in the Code will apply to all outdoor cafés and dining areas in the same manner that such requirements apply to enclosed buildings.

4. **Prohibited Building Materials.**

The following materials are prohibited on the exterior walls of all buildings and structures (excluding roofs):

- Sheet Metal, corrugated, and unfinished aluminum
- Asbestos
- Galvanized steel (except as an architectural cover)
- Mirrored glass (reflectivity of 20% or more)
- E.I.F.S. (Exterior Insulation Finish Systems) are prohibited on the ground floor.

5. **Service and Loading Areas.**

- a. **Screening Required:** No dock high loading area is permitted unless such area is visually screened from public view.
- b. **Delivery Vehicles:** All delivery and utility vehicles stored on-site must be inside a closed building or within a screened portion of the site.
- c. **Trash Storage:** Refuse storage enclosures are required for all buildings. Enclosures must be of sufficient height to screen all refuse containers completely and must be provided with gates, so as to provide screening of views from adjacent lots and public rights-of-way. All enclosures must be constructed of permanent materials (concrete, stone, masonry, wood, steel, etc.) which are compatible with the building it serves. Refuse storage areas must be designed to contain all refuse generated on-site between collections.

- d. **Street Level Mechanical Equipment:** All ground-mounted service equipment (e.g. air conditioners, trash collection equipment) related to each building will be consolidated in an enclosed service area. Landscaping will be used to soften the visual appearance of the walls enclosing the service area. Service areas must be paved, curbed, and internally drained.
- e. **Roof Mounted Mechanical Equipment:** All roof mounted mechanical elements must be screened from view from the public right-of-way. Screening must be compatible with the building design. If roof decks with mechanical units are visible from up to 14 feet above finished first floor grade of adjacent buildings, the mechanical units must be screened and painted to match the finished roof material.

f. **Exterior Lighting.**

- a. **Minimal Spillover:** All lighting must be installed to minimize light spillover onto adjacent properties.
- b. **Parking Lot Fixtures:** All light fixtures will be a horizontal design with sharp cutoff edges. The fixture will be a rectangular box unit or a round puck-like unit (similar to Kim Lighting's Curvilinear Cutoff series) with a minimum diameter of 17" (width) and maximum diameter of 29". The fixture will be made of spun aluminum or similar quality material and will have an illumination source of mercury vapor or metal halide. Fixture glass must be white or clear. Light standards will be metal poles no more than 30 feet high.

g. **Landscaping.**

- a. Landscaping shall be in accordance with the City of Round Rock Landscape Ordinance.
- b. **Tree Protection:** All existing trees of six (6) inch caliper or greater must be indicated on the proposed site plans. The proposed site plans will indicate trees to remain and those to be removed. All trees within an approved building site which are required to be preserved in accordance with the Code must be flagged and encircled with protective fencing. The fencing must extend beyond the full spread on the tree's branches to reasonably ensure successful protection. Existing trees in parking areas will be saved in groups and as specimens whenever practicable.
- c. **Open Space:** All areas not containing buildings, structures, parking lots, sidewalks, fountains, site furniture or other improvements, including, but not limited to, front, side and rear building setback areas, and all areas between the curb line and the property line, must be planted, landscaped, and maintained in good condition. The landscape planting design must provide for easy maintenance. Utility easements will be landscaped consistent with other landscape areas where allowed by the respective

utility company. Trees shall not be planted within 5 ft. of any water main. Any damage or removal of landscaping (other than grass) due to repairs or maintenance of the water or sewer lines shall be repaired or replaced by owner at owners expense.

- d. **Grass:** All landscaped areas not in groundcover or shrub beds will be planted in grasses, preferably sod. Overseeding in fall with cold season native grasses is allowed. The use of edging material to separate all grass areas from shrub and groundcover areas is required. The edging material will be concrete, steel, brick or stone. No plastic edging is allowed. Use of narrow paving "mowstrips" are allowed around building foundations for easy maintenance.
- e. **Irrigation:** Automatic irrigation system must be installed in all landscaped areas. Sprinkler heads must be located to effectively water the landscaped areas with minimal spray onto roadways, parking areas and walkways.
- f. **Screening of Parking:** Parking areas must be screened visually from all roadways in accordance with the Code. Screening may be accomplished with landscaping or buildings. Shrubbery must be maintained to a minimum height of 3 feet.
- g. **Parking Areas:** In all vehicular use areas and parking areas, a minimum of 90 square feet for each 12 parking spaces must be devoted to landscaped strips, islands, peninsulas, medians, or other landscaped areas.

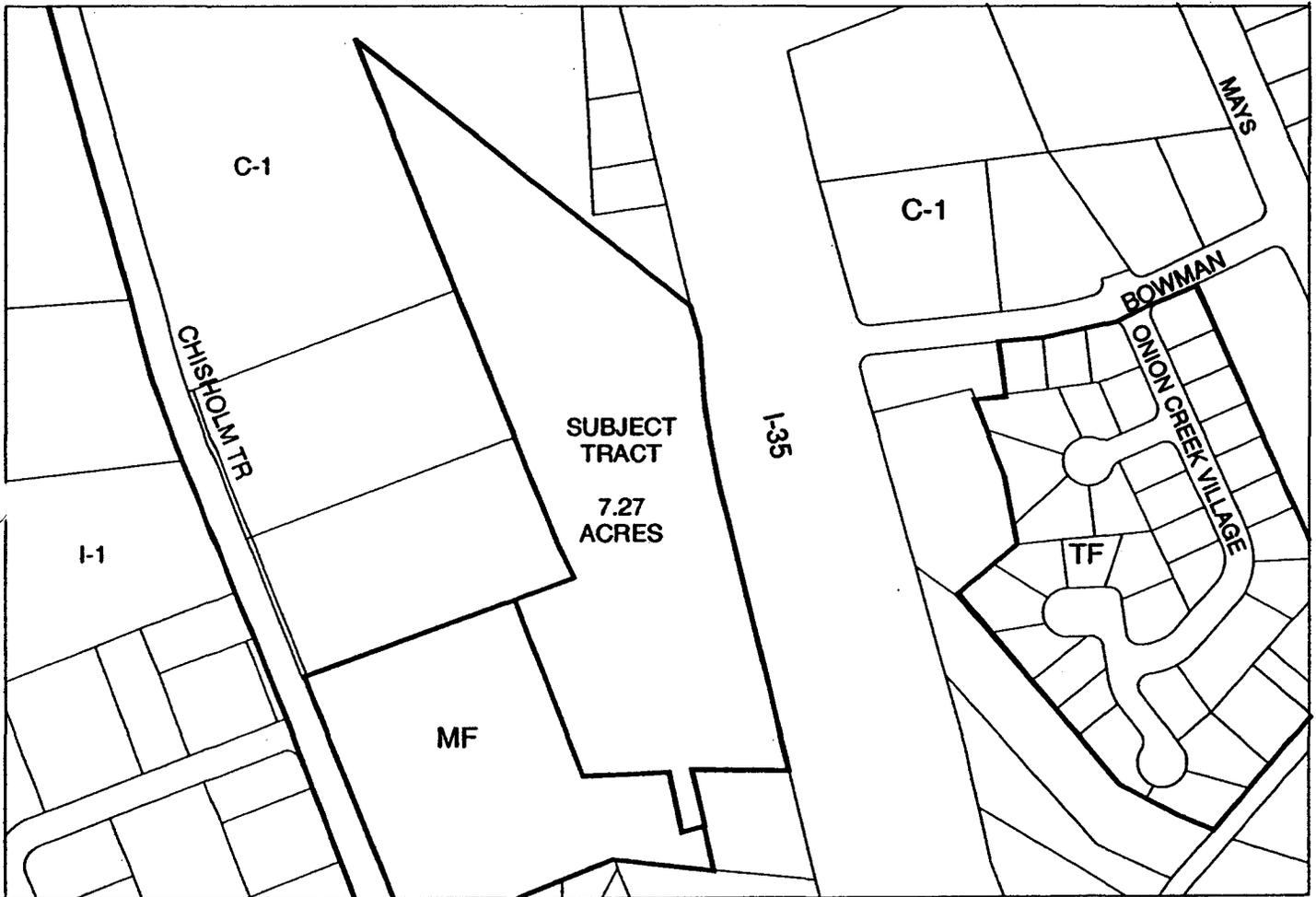
7. Sidewalks.

Sidewalks shall be constructed pursuant to the Code. Additionally, sidewalks shall be provided on the interior of the lots to connect the structures.

8. Utility Lines.

All utility service lines must be underground within 200 feet of IH-35 right-of-way to connection points provided by the utility service provider. All transformers must be screened per TXU requirements. Overhead utilities will be allowed along the rear of these lots.

**MKR SUBDIVISION
Rezone C-1 and I-1 to PUD # 43**



FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Nancy E. Rister

01-14-2002 10:27 AM 2002003701
ANDERSON \$45.00
NANCY E. RISTER, COUNTY CLERK
WILLIAMSON COUNTY, TEXAS

Please return to:
(17) CITY OF ROUND ROCK
ADMINISTRATION
221 EAST MAIN STREET
ROUND ROCK, TEXAS 78664