

ORDINANCE NO. Z-02-03-14-12C4

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 22.06 ACRES OF LAND OUT OF THE ROBERT MCNUTT SURVEY, ABSTRACT 422, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS PLANNED UNIT DEVELOPMENT (PUD) NO. 49.

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 "1" as Planned Unit Development (PUD) No. 49, 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 17th day of January, 2001, 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 "1" be changed to PUD No.49, and

WHEREAS, on the 14th day of March, 2002, 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. 49 meets the following goals and objectives:

- (1) The development in PUD No. 49 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) P.U.D. No. 49 is in harmony with the general purposes, goals, objectives and standards of the General Plan.
- (3) P.U.D. No. 49 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. 49 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. 49 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 "1", attached hereto and incorporated herein shall be, and is hereafter designated as Planned Unit Development (PUD) No. 49, and that the Mayor is hereby authorized and directed to enter into the Agreement and Development Plan for PUD No. 49 attached hereto as Exhibit "2", 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 Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Alternative 1.

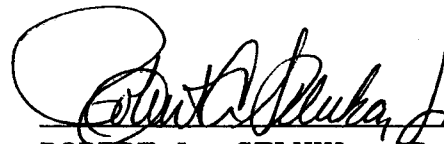
By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED, and ADOPTED on first reading this 14th day of March, 2002.

Alternative 2.

READ and APPROVED on first reading this the _____ day of _____, 2002.

READ, APPROVED and ADOPTED on second reading this the _____ day of _____, 2002.



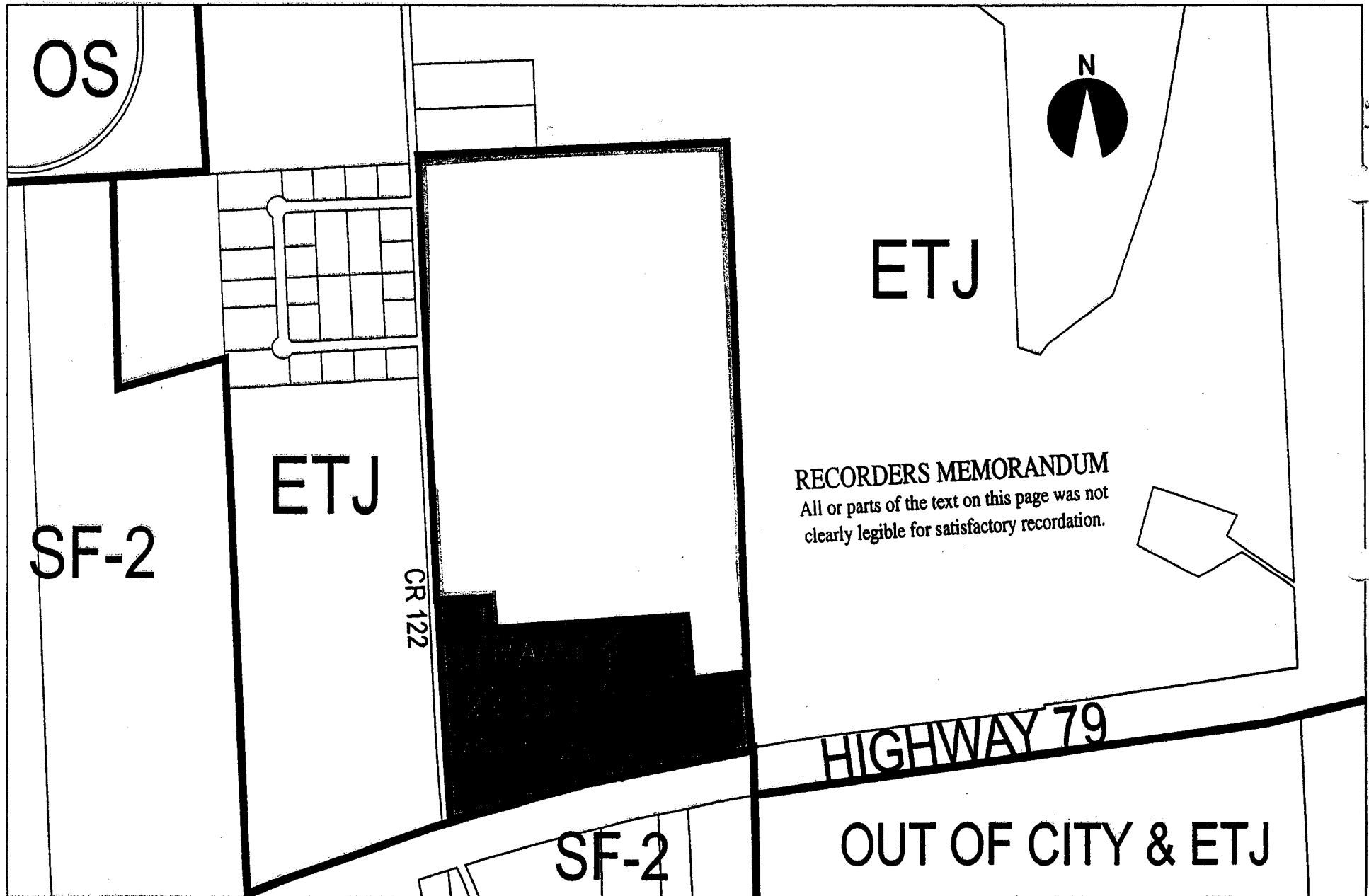
ROBERT A. STLUKA, JR., Mayor
City of Round Rock, Texas

ATTEST:

Christine R. Martinez
CHRISTINE R. MARTINEZ, City Secretary

PIONEER CROSSING

ORIGINAL ZONING: PUD #49



**AGREEMENT AND DEVELOPMENT PLAN FOR
THE PIONEER CROSSING, PUD NO. 49.**

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 **John C. Lewis and Jimmy Nassour** (Hereinafter referred to as the "Owner").

WHEREAS, the Owner has submitted a request to the City to rezone approximately **22.06** 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 January 17, 2001, 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

That all uses and development within the Property shall conform to the Development Plan included 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.13 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

A lien holders consent is attached hereto 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:

John C. Lewis
Jimmy Nassour

1717 W. 6th Street
Austin, Texas 78703

Attn: John C. Lewis

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 Appeal 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 22.06 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 and Policies

All other Ordinances and policies including the Palm Valley Area Plan 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 shown 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 **Exhibit "C"**, attached hereto and incorporated herein.

7. BUILDINGS

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

8. LANDSCAPING and BUFFERING

Landscaping and buffering shall be as modified in **Exhibit "C"**, 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. DRIVEWAY ACCESS TO U.S. HIGHWAY 79

Three (3) driveway / street access points shall be permitted to U.S. Highway 79. Driveways and streets to U.S. Highway 79 shall be spaced no less than 200 feet apart measured center line to center line. All U.S. Highway 79 access points will also be subject to approval by the Texas Department of Transportation.

Each driveway throat depth shall be eighty feet (80') between the edge of the highway pavement and the first internal intersection within the parking lot.

11. DRIVEWAY ACCESS TO COUNTY ROAD 122

Only one driveway shall be allowed onto County Road 122 .

12. PHASING

The development of the Property may be phased at the developer's option. Phasing shall be identified on the Preliminary Plat.

13. CHANGES TO AGREEMENT AND DEVELOPMENT PLAN

13.1 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 Development, and the City Attorney.

13.2 Major Changes

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

14. GENERAL PLAN 2000

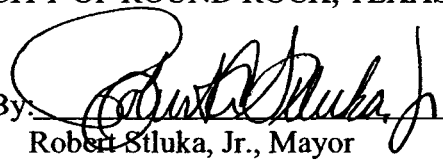
This agreement is in compliance with the Round Rock General Plan 2000, which was adopted on June 10, 1999

15. PALM VALLEY PLAN

This agreement is in compliance with the Palm Valley Are Plan dated August, 2000 and contains requirements that assist in the implementation of that plan.

CITY OF ROUND ROCK, TEXAS

By: _____


Robert Stluka, Jr., Mayor

Date: _____

3-14-02


John C. Lewis

Date: _____

3-18-02


Jimmy Nassour

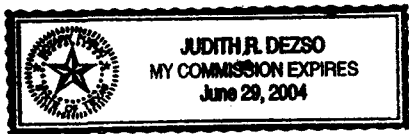
Date: _____

3-18-02

ACKNOWLEDGMENT

STATE OF TEXAS
COUNTY OF Travis

This instrument was acknowledged before me on this the 18th day of March, 2002
by John C. Lewis.

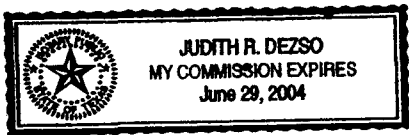


Judith R. DeZso
Notary Public, State of Texas

ACKNOWLEDGMENT

STATE OF TEXAS
COUNTY OF Travis

This instrument was acknowledged before me on this the 18th day of March, 2002
by Jimmy Nassour.



Judith R. DeZso
Notary Public, State of Texas

TRACT 1
EXHIBIT "A"

DESCRIPTION

FOR A 22.06 ACRE TRACT OF LAND SITUATED IN THE ROBERT MCNUTT SURVEY, ABSTRACT NO 422, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A CALLED 93.13 ACRE TRACT OF LAND AS DESCRIBED IN THAT DEED TO BARNES 93 ACRES. LTD., ET AL. BY INSTRUMENT RECORDED AS DOCUMENT NO. 9911566 OF THE OFFICIAL RECORDS OF SAID COUNTY AND AS DESCRIBED IN THAT DEED TO JAMES D. GRESSETT BY INSTRUMENT RECORDED AS DOCUMENT NO. 2000004166 OF THE OFFICIAL RECORDS OF SAID COUNTY, SAID 22.06 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod with a TxDot aluminum cap found on the east line of said 93.13 Acre Tract, and on the west line of a called 206.29 Acre Tract, (Tract 1), of land as described in that deed to Beverly Johnson Gordon by instrument recorded as Document No. 9835986 of the Official Records of said county, and for the northeast corner of a called 3.167 Acre Tract, (Parcel No. 6), of land as described in that right of entry, possession, and construction easement to Williamson County, Texas, by instrument recorded as Document No. 2000004168 of the Official Records of said county, and for the southeast corner and POINT OF BEGINNING of the herein described tract, from which an iron rod set for the northeast corner of said 93.13 Acre Tract bears $N02^{\circ}22'33''W$ a distance of 2,652.43 feet and from which the southeast corner of said 93.13 Acre Tract bears $S02^{\circ}23'33''E$ a distance of 105.99 feet;

THENCE with the north line of said 3.167 Acre Tract, through said 93.13 Acre Tract, with the south line of the herein described tract, the following three (3) courses and distances:

1. With the arc of a curve to the left, passing at an arc distance of 135.70 feet a Type II TxDot monument found, in all for a total arc distance of 800.38 feet, with a central angle of $04^{\circ}00'56''$, a radius of 11,420 feet and a chord which bears $S78^{\circ}11'20''W$ for a distance of 800.21 feet to a Type II TxDot monument found for the end of said curve and an angle point,
2. $S13^{\circ}49'17''E$ for a distance of 20.01 feet to a Type II TxDot monument found for a point of curvature,
3. With the arc of a curve to the left, passing at an arc distance of 349.06 feet a Type II TxDot monument found, in all for a total arc distance of 626.32 feet with a central angle of $03^{\circ}08'52''$, a radius of 11,400 feet and a chord which bears $S74^{\circ}35'38''W$ for a distance of 626.24 feet to a Type II TxDot monument found, on the north right-of-way line of U.S. Highway 79, (right-of-way width varies), for the northwest corner of said 3.167 Acre Tract, and the most southerly southwest corner of the herein described tract;

THENCE with the south boundary line of said 93.13 Acre Tract, and the north right-of-way line of U.S. Highway 79, $N54^{\circ}21'06''W$ for a distance of 9.36 feet to a Type II TxDot monument found on the east right-of-way of County Road 122, (right-of-way width varies), for the most westerly southwest corner of the said 93.13 Acre Tract, and for the most westerly southwest corner of the herein described tract,

THENCE departing said north right-of-way line of U.S. Highway 79, with the west boundary line of said 93.13 Acre Tract, and the east right-of-way line of County Road 122, $N02^{\circ}43'25''W$ for a distance of 639.07 feet to an iron rod set for the south corner of that certain 2.301 Acre Tract of land described in a right of entry, possession, and construction easement to Williamson County, Texas, by instrument recorded as Document No. 2000004168 in the Official Records of said county;

THENCE through said 93.13 Acre Tract, with the east line of said 2.301 Acre Tract and the west line of the herein described tract, the following two (2) courses and distances:

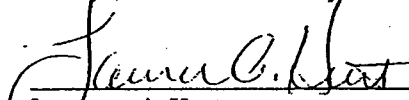
1. With the arc of a curve to the left having an arc length of 245.92 feet, with a central angle of $23^{\circ}07'31''$, a radius of 609.30 feet and a chord which bears $N08^{\circ}44'06''E$ for a distance of 244.26 feet to an iron rod set for a point of tangency,
2. $N02^{\circ}49'40''W$ for a distance of 121.54 feet to an iron rod set for the northwest corner of the herein described tract;

THENCE leaving the east line of said 2.301 Acre Tract and continuing through the interior of said 93.13 Acre Tract the following five (5) courses and distances:

1. $N87^{\circ}10'20''E$ for a distance of 200.00 feet to an iron rod set on an angle point of the herein described tract,
2. $S02^{\circ}49'40''E$ for a distance of 100.00 feet to an iron rod set on an angle point of the herein described tract,
3. $N87^{\circ}10'20''E$ for a distance of 834.92 feet to an iron rod set on an angle point of the herein described tract,
4. $S02^{\circ}22'33''E$ for a distance of 319.35 feet to an iron rod set on an angle point of the herein described tract,
5. $N87^{\circ}37'27''E$ for a distance of 325.00 feet to an iron rod set on the east boundary line of said 93.13 Acre Tract, same being on the west boundary line of said 209.26 Acre Tract, (Tract 1), for the most easterly northeast corner of the herein described tract;

THENCE with the east boundary line of said 93.13 Acre Tract, same being the west boundary line of said 206.29 Acre Tract, $S02^{\circ}22'33''E$ for a distance of 302.87 feet to the POINT OF BEGINNING of the herein described tract, and containing 22.06 Acres of Land, more or less.

Surveyed under the direct supervision of the undersigned:



Oct 4, 2000

Lawrence A. Hunt

Date

Registered Professional Land Surveyor No. 4328
BAKER-AICKLEN & ASSOCIATES, INC.
203 E. Main Street, Suite 201
Round Rock, Texas 78664

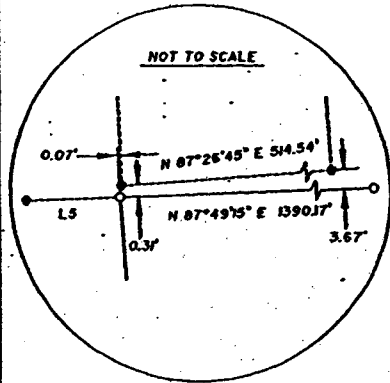
o:\597-706\field notes 9-26-00



SKETCH TO ACCOMPANY FIELD NOTES

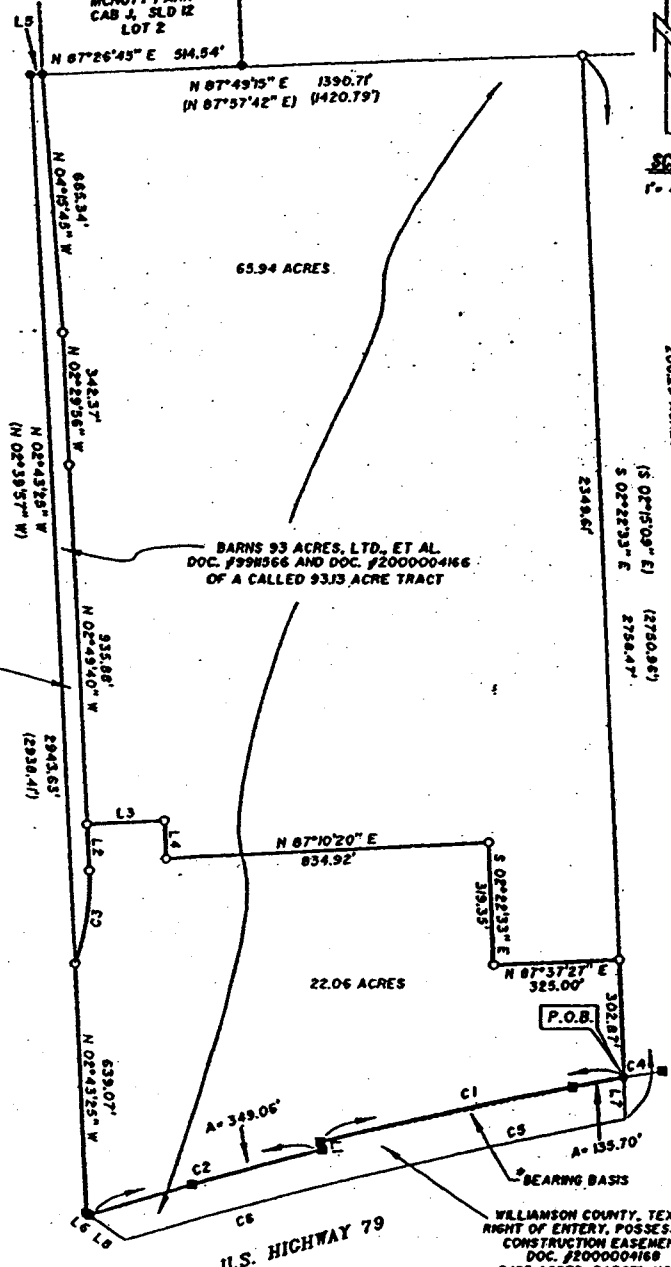
BEVERLY JOHNSON GORDON
DOC. #9833986
206.29 ACRES TRACT 3

MCMUTT PARK
CAB. J. SLD 12
LOT 2



SCALE
1" = 400'

BEVERLY JOHNSON GORDON
DOC. #9833986
206.29 ACRES TRACT 1



WILLIAMSON COUNTY, TEXAS
RIGHT OF ENTRY, POSSESSION
CONSTRUCTION EASEMENT
DOC. #2000004168
2.501 ACRES PARCEL NO. 4

BARNES 93 ACRES, LTD., ET AL.
DOC. #998566 AND DOC. #2000004168
OF A CALLED 93.13 ACRE TRACT

WILLIAMSON COUNTY, TEXAS
RIGHT OF ENTRY, POSSESSION
CONSTRUCTION EASEMENT
DOC. #2000004168
3.167 ACRES PARCEL NO. 6

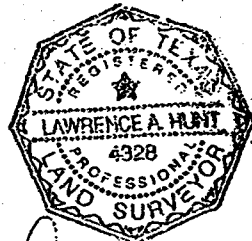
NUMBER	DIRECTION	DISTANCE
L1	S 13°49'17" E	20.01'
L2	N 02°49'40" W	121.94'
L3	N 87°10'20" E	200.00'
L4	S 02°49'40" E	100.00'
L5	S 87°49'15" W	30.08'
L6	N 54°21'06" W	9.36'
L7	S 02°22'33" E	105.93'
L8	N 54°34'36" W	12.32'

LEGEND

- IRON ROD W/ALUMINUM CAP ●
- IRON ROD SET ○
- IRON ROD FOUND ◐
- CONC. MONUMENT FOUND ■
- POINT OF BEGINNING P.O.B.
- RECORD INFORMATION ()

*BEARING BASIS - THE CHORD BEARING OF A 800.38 FOOT
ARC PER DOCUMENT NO. 2000004168 OF THE OFFICIAL
RECORDS OF WILLIAMSON COUNTY, TEXAS.

NUMBER	DELTA	CHORD BEARING	RADIUS	ARC	CHORD
C1	04°00'56"	S 78°8'20" W	1420.00	800.38	800.21
C2	03°08'52"	S 74°35'38" W	1400.00	626.32	626.24
C3	23°07'30"	N 08°44'06" E	609.30	245.92	244.26
C4	00°30'06"	N 80°24'49" E	1420.00	99.97	99.97
C5	02°57'22"	S 78°17'19" W	1524.16	674.49	674.43
C6	03°46'04"	S 75°22'30" W	859.16	757.50	757.36



Lawrence A. Hunt
As Prepared By:
Lawrence A. Hunt, R.P.L.S., Number 4328
203 E. Main St., Suite 201
Round Rock, TX 78664

Oct 4, 2008
Date

File: 597-706-24
BY: B JOHNSON

Baker-Aicklen & Associates, Inc.
Engineers / Surveyors

RECORDERS MEMORANDUM
 All or parts of the text on this page was not
 clearly legible for satisfactory recordation.

EXHIBIT B

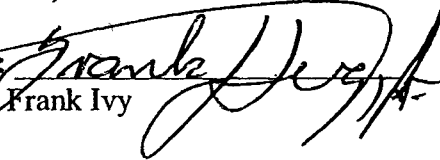
LIEN HOLDER'S CONSENT

STATE OF TEXAS

COUNTY OF Travis

The Compass Bank, N.A., 10711 Burnet Road, Austin, Texas 78758, acting herein by and through its duly authorized officers being the holder of a lien as evidenced by Deed of Trust recorded in Document No. 9911567 of the Official Records of Williamson County, Texas, does hereby consent to the Agreement and Development Plan of 22.06 acres of land situated in Round Rock, Williamson County, Texas, and does further hereby join, approve and consent to all provisions shown therein.

**COMPASS BANK
11711 Burnet Road
Austin, Texas**

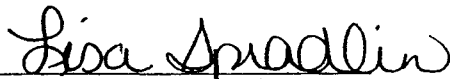
By: 
Frank Ivy

ACKNOWLEDGEMENT

STATE OF TEXAS

COUNTY OF Travis

This instrument was acknowledged before me on this the 7 day of Feb, 2001, by Frank Ivy


Notary Public, State of Texas

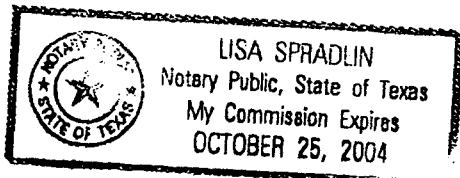


EXHIBIT "C"
DEVELOPMENT STANDARDS

The Following Development Standards shall apply to all development on the Property.

1. PERMITTED USES:

The following principal uses are permitted:

All C-1 General Commercial uses identified in the City of Round Rock Zoning Ordinance except prohibited uses listed in this agreement. The crosshatched areas shown in Exhibit "D", attached hereto, shall be developed under the PUD standards described herein or as a standard SF-2 lot subdivision.

2. PROHIBITED USES:

The following uses are prohibited on the property: mini-warehouses, sexually oriented businesses, portable buildings sales except as incidental to other retail sales, amusement parks or carnivals, wholesale nurseries, recreational vehicle parks, outdoor shooting ranges, pawn shops, heavy equipment sales, kennels (but not prohibiting pet shops and veterinary clinics with overnight facilities), vehicle sales, auto body shops and paint shops and truck stops.

3. PALM VALLEY URBAN ACTIVITY CENTER:

The Palm Valley Area Plan designates the property as an "Urban Activity Center". The following development guidelines shall apply to development of commercial uses. These guidelines are intended to encourage a sense of place and an increased level of pedestrian orientation for commercial uses.

- Consistently designed landscape treatments should be included as part of site plans for the property.
- Building fronts should utilize porches, awnings, arcades, colonnades, entries and windows to encourage a relationship to the street or parkland.
- Traditional building designs and building materials should be encouraged.
- Provide street trees as a unifying design element as identified in section 7 of this Exhibit.
- Prohibit certain building materials as identified in section 4 of this Exhibit.
- Establish a consistent form and design for signage.
- Establish a pedestrian connection to the abutting residential subdivision proposed to the north.

4. PROHIBITED BUILDING MATERIALS:

The following materials are prohibited on the exterior walls of all buildings and structures (this section does not apply to roofs):

- Sheet and corrugated metal, and unfinished Aluminum
- Asbestos
- Galvanized Steel
- Mirrored Glass (reflectivity of 20% or more)
- E.I.F.S. (Exterior Insulation Finish System, as defined in the Construction Specifications Institute, Standard Format, Division 7)

5. DESIGN STANDARDS:

5.1 Height

The maximum height of buildings on the Property shall be two stories or forty feet (40'). Two story structures allows for both office and retail mixed use development with retail commercial required on the first floor.

5.2 Building Setbacks

5.2.1 Minimum building setbacks from US Highway 79 shall be twenty-five feet (25').

5.2.2 Minimum building setbacks from County Road 122 shall be twenty-five feet (25').

5.2.3 All other building setbacks shall be in accordance with the C-1 (General Commercial) zoning district.

5.3 Pad Sites

The number of pad sites that front onto U.S. Highway 79 shall not exceed four (4).

5.4 Pedestrian Links to Residential Uses

A pedestrian link to the Pioneer Crossing residential subdivision shall be provided at the location as generally shown on Exhibit "D" attached hereto. This link shall have a minimum width of twenty feet (20') and shall be a separate lot owned and maintained by the Pioneer Crossing Homeowners Association.

5.5 Community Focal Point/Village Green

A Community Focal Point/Village Green ("Village Green") which shall include a fountain, courtyard, or other architectural feature, shall be located within the

area shown on Exhibits "D" and "E". All commercial development abutting the Village Green shall face the Village Green. The Village Green shall be linked to abutting residential development with a combination of landscaping and pavers. The same pavement material shall be used throughout the commercial development at major pedestrian crosswalks across the driveways from the shops to the parking areas.

5.6 Site Planning Guidelines

The Palm Valley Area Planning and Design Study, as approved in Resolution No. 00-08-10-10A1, Sections 4.2.1, Site Planning Guidelines, 4.2.2 Building Massing and Design Guidelines, and 4.2.3 Urban Design Guidelines shall be used in the design of the PUD.

5.7 Exterior Finish

5.7.1 The exterior finish of all buildings (walls) shall be masonry, except for doors, windows and trim. Masonry shall mean stone, simulated stone, brick, stucco, terra cotta or such other suitable material as may be approved by the Director of Planning and Community Development. The amount of stucco or terra cotta shall not exceed 50% of the exterior finish of a building. The rear of the building may be constructed of split face concrete block.

5.7.2 Buildings shall contain one or more of the design features identified in Section 4.4 of the Palm Valley Area Planning & Design Study.

6. SERVICE & LOADING AREAS:

6.1 Screening Required

No dock high loading area is permitted unless such area is visually screened from public view from public streets. No merchandise metal containers may be left stored in any parking area overnight.

6.2 Delivery Vehicles

All delivery and utility vehicles stored on-site must be inside a closed building or within a screened portion of the site.

6.3 Service Areas

Service areas will be screened from adjacent tracts and all public rights-of-way. Methods of screening include walled entrances, evergreen landscaping, and depressed service areas. Screening walls must be constructed of the same materials as the main building.

6.4 Loading areas

All loading and service docks must be clearly signed. Loading docks must be clearly denoted on the pavement and designed so as not to prohibit on-site vehicular circulation when occupied. Loading docks will be located directly in front of a loading door. Loading docks must be designed to accommodate backing and maneuvering on-site, not from a public street.

6.5 Trash Storage

Refuse storage enclosures are required for all buildings. Enclosures must be of sufficient height to completely screen all refuse containers 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, 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 collection. No trash enclosure shall be located within fifty feet (50') of any exterior boundary which is adjacent to single family residential uses or a public right of way.

6.6 Street Level Mechanical Equipment

All ground-mounted service equipment (e.g., air conditioners, transformers, and trash collection equipment) related to each building shall be consolidated in one or more enclosed service areas. Landscaping shall be used to soften the visual appearance of the walls enclosing the service area. Service areas must be paved, curbed, and internally drained.

6.7 Roof Mounted Mechanical Equipment

All roof mounted mechanical elements shall be screened from view from the public right-of-way along County Road 122 from its intersection with Highway 79 to the northern boundary of the Southern Hills Subdivision. Screening must be compatible with the building design.

7. LANDSCAPING:

7.1 Landscape Easement adjacent to public streets

A fifteen foot (15') wide landscape easement shall be provided abutting public rights-of-way, and single family residential uses. All areas located within these Landscape Easements shall be used solely for the purpose of landscaping, except for sidewalks, driveways to access public streets, monument signs, and utility structures and meters required to provide utilities to the Property. This landscape easement shall be credited toward the street yard and general landscaping requirements as described in the Code. along Highway 79 and from the intersection of Highway 79 and County Road 122 and along County Road 122 to the northern boundary of the Southern Hills Subdivision.

7.2 Street Trees

Street trees shall be planted within the landscape easement required by Section 7.1 of this Exhibit.

The street trees shall be planted prior to the issuance of a Certificate of Occupancy for the buildings on each lot.

Street trees shall be planted at intervals of 25-feet to 40-feet apart. Street trees shall have a minimum caliper size of 3-inches and shall be selected from one of the following species.

All species of Oak

Pecan

Elm and Cedar Elm

Other species approved in writing by the Director of Planning & Community Development.

7.3 Trees abutting Single Family Residential Development

Trees shall be planted within the landscape easement required by Section 7.1 of this Exhibit.

The trees shall be planted prior to the issuance of a Certificate of Occupancy for the buildings on each lot.

Trees shall be planted at intervals of 25-feet to 40-feet apart. Street trees shall have a minimum caliper size of 3-inches and shall be selected from one of the following species.

All species of Oak

Pecan

Elm and Cedar Elm

Other species approved in writing by the Director of Planning & Community Development.

7.4 Open Space

All areas of a platted lot, for which a Certificate of Occupancy has been issued, and which do not contain buildings, structures, parking lots, sidewalks, fountains, site furniture or other improvements, including, but not limited to, front, side and rear building set back areas, and all areas between the curb line and the property line, must be planted, landscaped, and maintained in good condition. The landscape planting must provide for easy maintenance. Utility easements will be landscaped consistent with other landscape areas where allowed by the respective utility company.

7.5 Rights of Way

Areas within the road right-of-way must be landscaped only in accordance with a license agreement with the City.

7.6 Grass

All landscaped areas not in groundcover or shrub beds will be planted in grasses, preferable sod. Overseeding in fall with cool 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" is allowed around building foundations for easy maintenance.

7.7 Irrigation

An underground, 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.

7.8 Parking Areas

In all vehicular use areas and parking areas, a minimum of 90 square feet for each 9 parking spaces must be devoted to landscaped strips, islands, peninsulas, medians, or other landscaped areas. This landscaping shall be credited toward the street yard and general landscaping requirements. The arrangement and location of these areas shall be as described in the City's landscape ordinance.

7.9 Tree Protection

Protected trees as defined in the Code shall be identified on a Tree Survey, which shall be provided as part of a Site Plan. These shall be incorporated into the development of the site, except where removal is approved in writing by the Director of Planning and Community Development. Protected trees shall be credited against landscaping requirements as stated in the Code.

8. UTILITY LINES:

All utility service lines must be underground to connection points provided by the utility service provider. All transformers must be screened.

9. EXTERIOR LOT LIGHTING:

9.1 Parking Lot Fixtures

All light fixtures shall be metal halide horizontal fixtures and shall be shielded and hooded so that light is directed downward to minimize excessive glare and sky glow pollution. The maximum height of light poles shall be twenty-five feet (25') including the base.

9.2 Minimal Spillover

All lighting on the rear of any building within one hundred and twenty feet (120') of any residential lot shall be wall-mounted fixtures no more than twelve feet (12') in height. Such fixtures can be swivel-type fixtures and shall be directed so as to not allow direct light to spill over the exterior boundary line to the Property to the residential lots.

9.3 Site Plans

Site plans submitted with building permit applications shall include light specifications in accordance with this plan.

10. SIGNS:

10.1 All freestanding signs shall be Monument signs, as defined in the Code.

10.2 Standing signs shall not exceed six feet in height.

10.3 One freestanding sign shall be permitted for lots of less than three (3) acres in size. The maximum area of masonry monument signs, defined as the area contained within a polygon containing the actual lettering and any logo, shall be fifty square feet. The portions of a masonry structure on which the sign is located are not counted as part of the fifty square feet provided they are not contained within the polygon. The maximum area of all other signs shall be regulated by the Code.

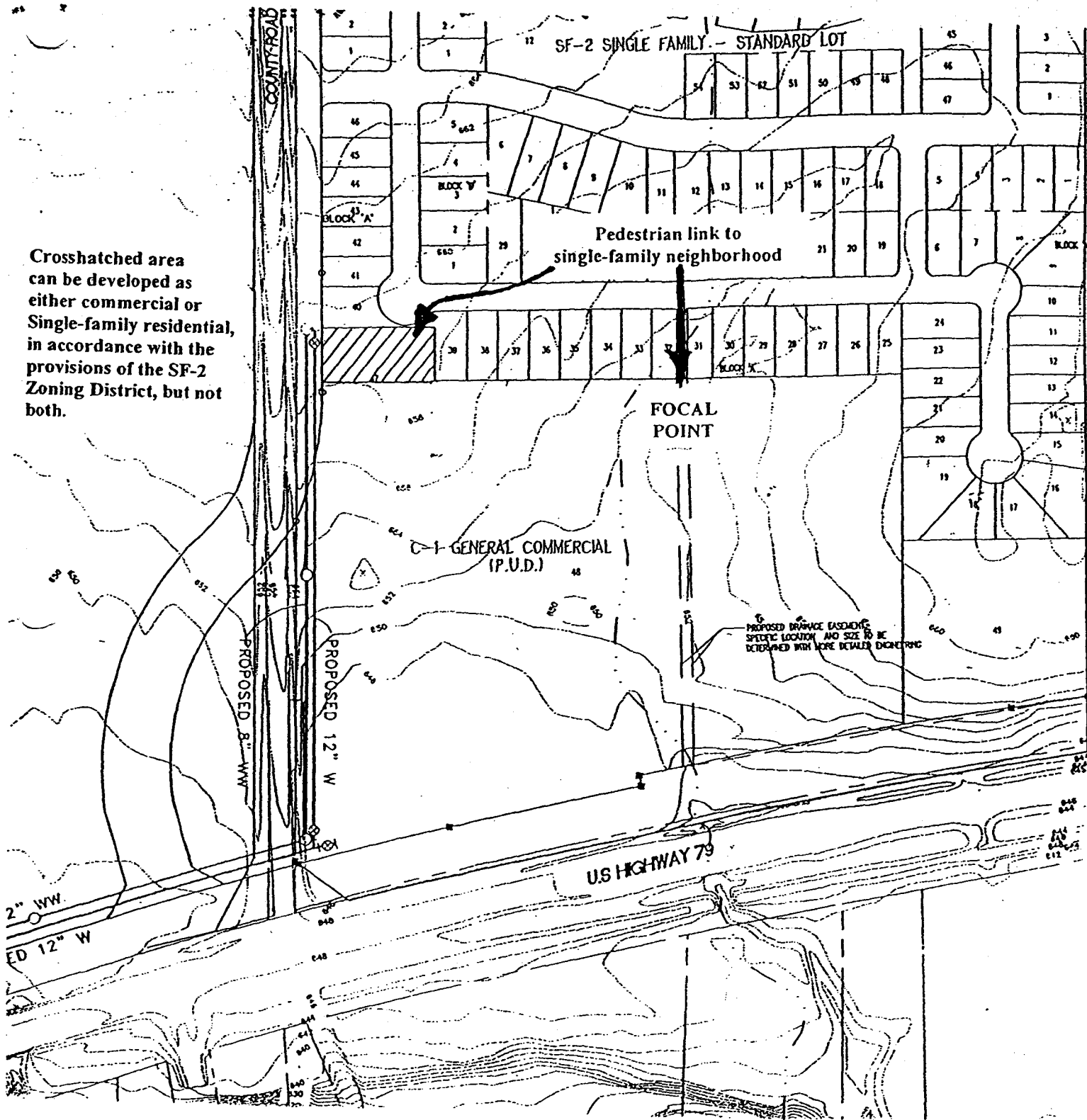
10.4 Additional freestanding monument signs shall be permitted for lots of three acres or larger in accordance with the regulations contained in the Code.

10.5 Directional signs solely for the purpose of directing traffic or identifying buildings shall be permitted provided they are restricted to a size required for their function as determined by the Director of Planning.

11. FENCING

Prior to issuance of the first Certificate of Occupancy for the Property, there shall be constructed, and thereafter properly maintained, an eight foot (8') wood fence with a wood rain cap (and posts which include a concrete base) along the northern and eastern boundary lines of the Property, with the finished side of the fence facing out from the Property.

EXHIBIT D

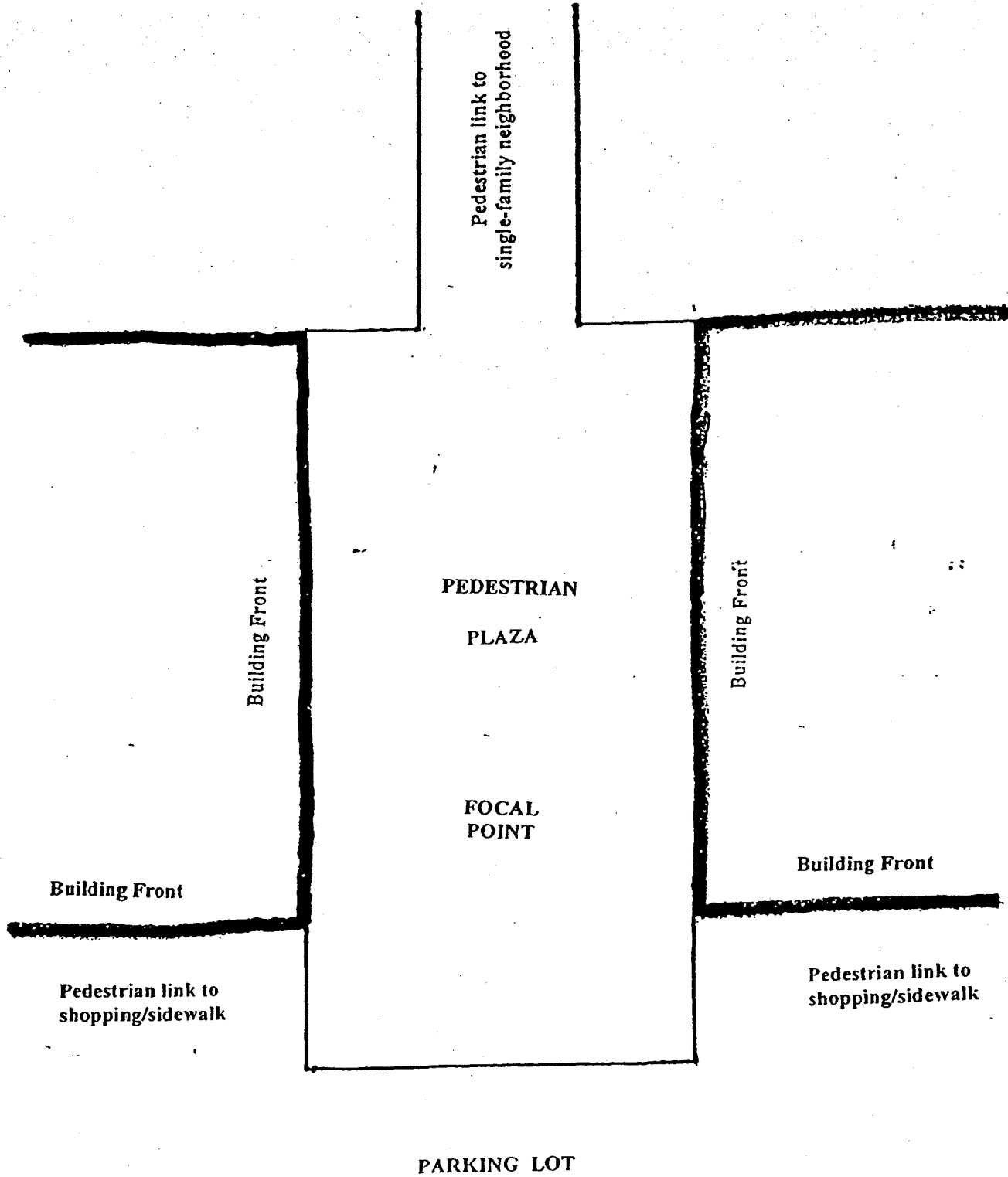


Crosshatched area can be developed as either commercial or Single-family residential, in accordance with the provisions of the SF-2 Zoning District, but not both.

RECORDERS MEMORANDUM

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EXHIBIT E



CONCEPTUAL PLAN OF FOCAL POINT & PEDESTRIAN LINK

RECORDERS MEMORANDUM
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clearly legible for satisfactory recordation.

Z-02-03-14-1204
PUD No. 49

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Nancy E. Rister

05-16-2002 08:47 AM 2002037044
ANDERSON \$107.00
NANCY E. RISTER, COUNTY CLERK
WILLIAMSON COUNTY, TEXAS

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⑧

CITY OF ROUND ROCK
ADMINISTRATION
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ROUND ROCK, TEXAS 78664