

ORDINANCE NO. G-10-12-16-9B1

AN ORDINANCE AMENDING ORDINANCE NO. Z-05-05-26-11D3, ADOPTED BY THE CITY COUNCIL OF ROUND ROCK, TEXAS, ON MAY 26, 2005, BY AMENDING EXHIBITS "C", "C-3", AND "D-3", AND THE LIST OF EXHIBITS, AND BY ADDING EXHIBITS "C-3A" AND "J" TO THE DEVELOPMENT PLAN OF PUD NO. 59, APPROVED BY THE CITY COUNCIL IN SAID ORDINANCE, AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

WHEREAS, on May 26, 2005, the City Council of the City of Round Rock, Texas, adopted Ordinance No. Z-05-05-26-11D3, which established PUD No. 59, and

WHEREAS, the City and Chandler IH 35 Retail, Ltd. ("Owner") agreed to an Administrative Amendment (Amendment No. 1), as defined in Section 13.1 of PUD No. 59, such amendment filed as Document No. 2005043038 with the County Clerk of Williamson County, Texas, and

WHEREAS, the City and Chandler IH 35 Retail, Ltd. ("Owner") agreed to an Administrative Amendment (Amendment No. 2), as defined in Section 13.1 of PUD No. 59, such amendment filed as Document No. 2006005772 with the County Clerk of Williamson County, Texas, and

WHEREAS, an application has been made to the City Council of the City of Round Rock, Texas, to amend Exhibits "C", "C-3", "D-3", and the List of Exhibits, and to add Exhibits "C-3A" and "J" to the Development Plan of PUD No. 59, and

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the requested amendment to Ordinance No. Z-05-05-26-11D3 on the 10th day of November, 2010, 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-05-05-26-11D3 be amended, and

WHEREAS, on the 16th day of December, 2010, after proper notification, the City Council held a public hearing on the requested amendment to Ordinance No. Z-05-05-26-11D3, and

WHEREAS, the City Council determined that the requested amendment to Ordinance No. Z-05-05-26-11D3 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 Section 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 #59 meets the following goals and objectives:

- (1) The amendment to P.U.D. #59 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) The amendment to P.U.D. #59 is in harmony with the general purposes, goals, objectives and standards of the General Plan.
- (3) The amendment to P.U.D. #59 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 the List of Exhibits as approved in Ordinance No. Z-05-05-26-11D3 for PUD No. 59 is hereby deleted in its entirety, and replaced with the new List of Exhibits, attached hereto and incorporated herein.

III.

That Exhibits “C”, “C-3”, and “D-3” as approved in Ordinance No. Z-05-05-26-11D3 for PUD No. 59 are hereby deleted in their entirety and replaced with new Exhibits “C”, “C-3”, and “D-3”, attached hereto and incorporated herein.

IV.

That Exhibits “C-3A” and “J”, as attached hereto and incorporated herein, are added to the Development Plan of PUD No. 59.

V.

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.

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 16th day of December, 2010.

Alternative 2.

READ and APPROVED on first reading this the _____ day of _____, 2010.

READ, APPROVED and ADOPTED on second reading this the _____ day of _____, 2011.



ALAN MCGRAW, Mayor
City of Round Rock, Texas

ATTEST:

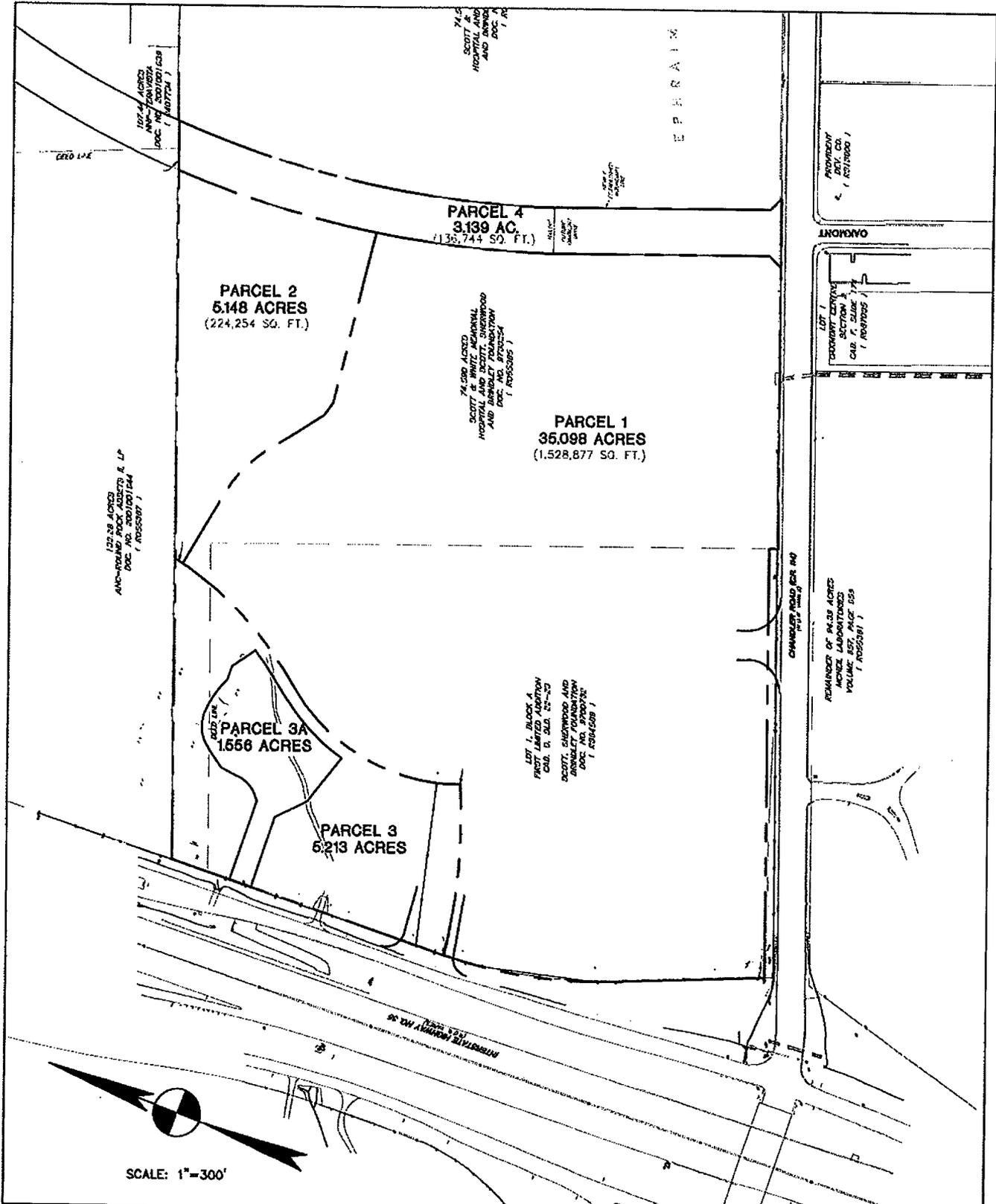
Sara L. White
SARA L. WHITE, City Secretary

LIST OF EXHIBITS

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
Exhibit "A"	Metes and Bounds Description of Property
Exhibit "B"	Lien Holder Consent
Exhibit "C"	Development Parcels
Exhibit "C-1"	Metes and Bounds Description of Parcel 1
Exhibit "C-2"	Metes and Bounds Description of Parcel 2
Exhibit "C-3"	Metes and Bounds Description of Parcel 3
Exhibit "C-3A"	Legal Description of Parcel 3-A
Exhibit "C-4"	Metes and Bounds Description of Oakmont Drive
Exhibit "D-1"	Uses and Development Standards for Parcel 1
Exhibit "D-2"	Uses and Development Standards for Parcel 2
Exhibit "D-3"	Uses and Development Standards for Parcel 3
Exhibit "E"	Reserved
Exhibit "F-1"	Streetscape (Plan View)
Exhibit "F-2"	Streetscape (Profile View)
Exhibit "G"	Architecture
Exhibit "H"	Right of Way and Easement Locations
Exhibit "I"	Theater / Cinema Design and Signage
Exhibit "J"	Parcel 3A Landscape Buffer

EXHIBIT C

Development Parcels



Bury+Partners
ENGINEERING SOLUTIONS
221 West Sixth Street, Suite 600
Austin, Texas 78701
Tel. (512)328-0611 Fax (512)328-0325
TSPB Registration Number P-1048
Bury+Partners, Inc. © Copyright 2010

**CHANDLER/I-35 RETAIL, LTD.
PUD #59**

BARSHOP & OLES

**DEVELOPMENT PARCELS
EXHIBIT C**

EXHIBIT C-3

Metes and Bounds Description of Parcel 3

DESCRIPTION OF PARCEL 3

5.213 ACRES CONTAINING THE 6.789 ACRE SCOTT AND WHITE TRACT, BARSHOP AND OLES, SAVE AND EXCEPT THE 1.556 ACRE LOT 2A, BLOCK A OF THE REPLAT OF LOT 1, BLOCK "A" OF CPG PARTNERS COMMERCIAL TRACT, SECTION 1, WILLIAMSON COUNTY DOCUMENT NO. 2007005697

6.769 ACRES
SCOTT & WHITE TRACT
BARSHOP & OLES

FN NO. 05-074 (CAG)
FEBRUARY 2, 2005
BPI JOB NO. 392-37

DESCRIPTION

OF 6.769 ACRES OF LAND OUT OF THE EPHRAIM EVANS SURVEY, ABSTRACT NO. 212, SITUATED IN WILLIAMSON COUNTY, TEXAS BEING A PORTION OF THAT CERTAIN 74.590 ACRE TRACT OF LAND CONVEYED TO SCOTT AND WHITE MEMORIAL HOSPITAL AND SCOTT, SHERWOOD AND BRINDLEY FOUNDATION BY DEED OF RECORD IN DOCUMENT NO. 9733254 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS; AND A PORTION OF LOT 1, BLOCK A, FIRST LIMITED ADDITION, A SUBDIVISION OF RECORD IN CABINET O, SLIDES 22-23 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 6.769 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2 inch iron rod found in the easterly right-of-way line of Interstate Highway 35 (R.O.W. varies), being the southwesterly corner of that certain 132.28 acre tract of land conveyed to ANC-Round Rock Assets II, LP by deed of record in Document No. 2001001644 of the Official Public Records of Williamson County, Texas, same being the northwesterly corner of said 74.590 acre tract and hereof;

THENCE, N69°15'57"E, leaving the easterly line of Interstate Highway 35, along the southerly line of said 132.28 acre tract, being a portion of the northerly line of said 74.590 acre tract, for the northerly line hereof, a distance of 657.06 to a 1/2 inch iron rod with cap set for the point of curvature of a non-tangent curve to the right, being the northeasterly corner hereof, from which a 1/2 inch iron rod with cap found in the northerly line of said 74.590 acre tract, being the common southerly corner of said 132.28 acre tract and that certain 107.44 acre tract of land conveyed to NNP-Teravista by deed of record in Document No. 2001001639 of said Official Public Records, bears N69°15'57"E, distance of 891.82 feet

THENCE, leaving the southerly line of said 132.28 acre tract, over and across said 74.590 acre tract and over and across said Lot 1, along the irregular southerly line hereof, the following four (4) courses and distances:

- 1) Along said non-tangent curve to the right having a radius of 770.00 feet, a central angle of 28°18'28", an arc length of 380.43 feet, and a chord which bears S25°20'53"W, a distance of 376.57 feet to a 1/2 inch iron rod with cap set for the point of curvature of a reverse curve to the left;
- 2) Along said reverse curve to the left having a radius of 430.00 feet, a central angle of 60°13'28", an arc length of 451.98 feet, and a chord which bears S09°23'23"W, a distance of 431.46 feet to a 1/2 inch iron rod with cap set for the point of tangency;

FN 05-074 (CAG)
FEBRUARY 2, 2005
PAGE 2 OF 2

- 3) S20°43'21"E, a distance of 2.86 feet to a 1/2 inch iron rod with cap set for the point of curvature of a non-tangent curve to the right;
- 4) Along said non-tangent curve to the right having a radius of 1274.94 feet, a central angle of 16°53'49', an arc length of 375.99 feet and a chord which bears S74°20'15"W, a distance of 374.62 feet to a 1/2 inch iron rod with cap set in the curving easterly right-of-way line of Interstate Highway 35 for the point of curvature of a non-tangent curve to the right, from which a concrete highway monument found in the easterly right-of-way line of Interstate Highway 35 bears with the arc of a curve S12°45'48"E, a chord distance of 386.34 feet;

THENCE, along the easterly line of Interstate Highway 35, being the westerly line of said Lot 1 and a portion of the westerly line of said 74.590 acre tract, for the westerly line hereof, the following two (2) courses and distances:

- 1) Along said curve to the right having a radius of 1095.90 feet, a central angle of 00°33'23", an arc length of 10.64 feet, and a chord which bears N02°19'58"W, a distance of 10.64 feet to a concrete highway monument found for the end of said curve;
- 2) N02°04'48"W, a distance of 626.96 feet to the POINT OF BEGINNING containing an area of 6.769 acres (294,844 sq. ft.) of land, more or less, within these metes and bounds.

BEARING BASIS: REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE BASED ON PUBLISHED NAD 83/93 HARN VALUES FOR THE CITY OF GEORGETOWN MONUMENTATION NETWORK.

BURY & PARTNERS, INC.
ENGINEERS-SURVEYORS
3345 BEE CAVE ROAD, SUITE 200
AUSTIN, TEXAS 78746

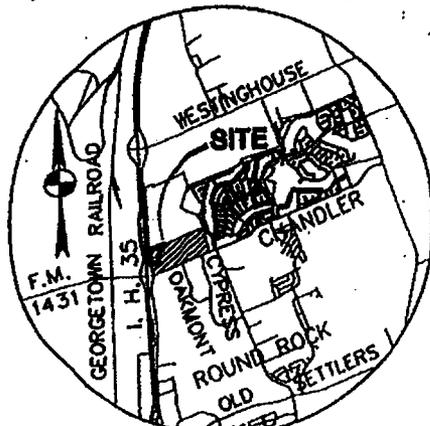


JOHN T. BILNOSKI
R.P.L.S. NO. 4998
STATE OF TEXAS

2/2/05

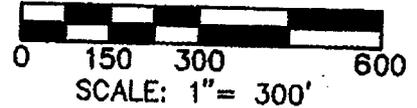
DATE





LINE TABLE

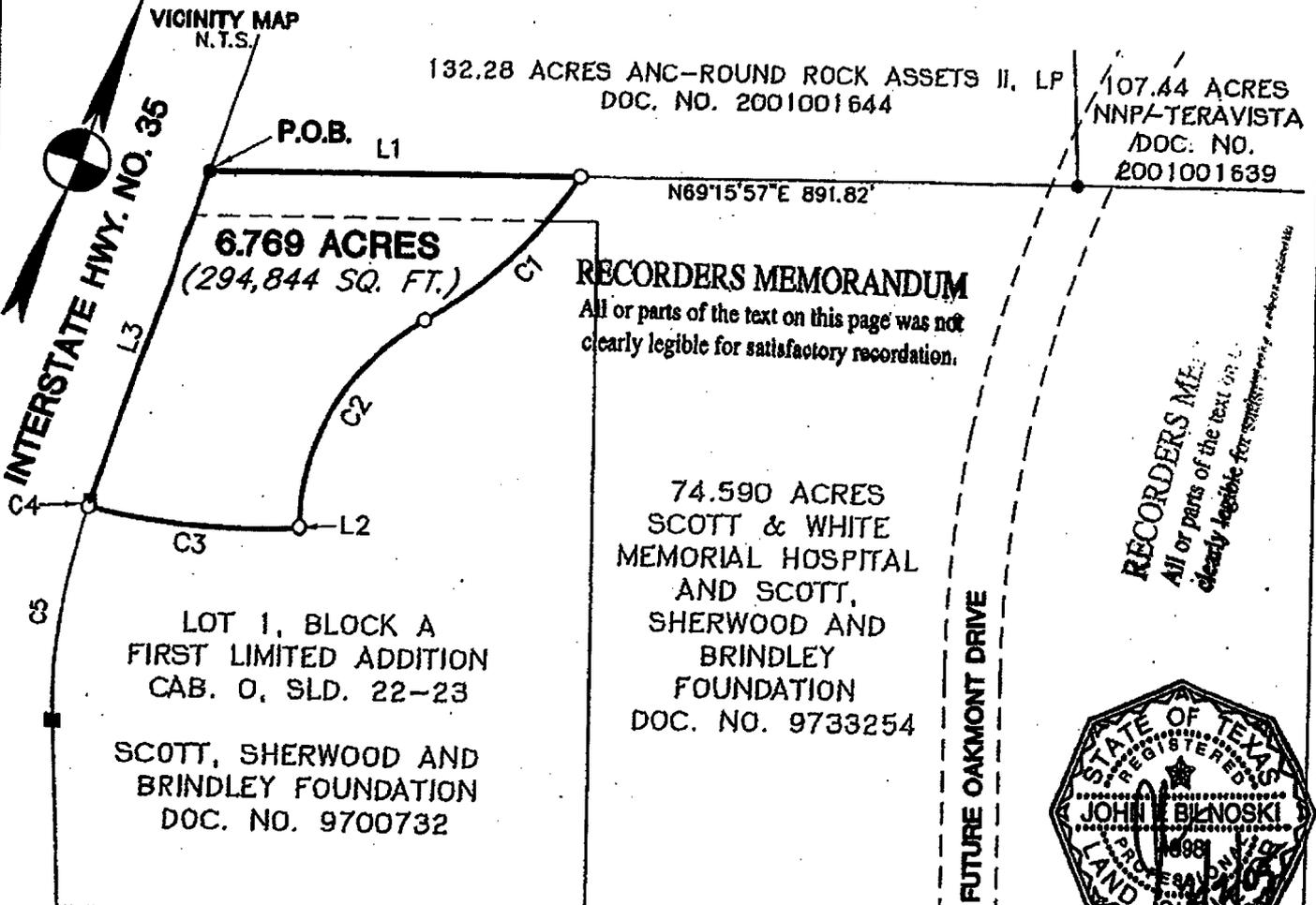
No.	Bearing	Distance
L1	N69°15'57"E	657.06'
L2	S20°43'21"E	2.86'
L3	N02°04'48"W	626.96'



CURVE TABLE

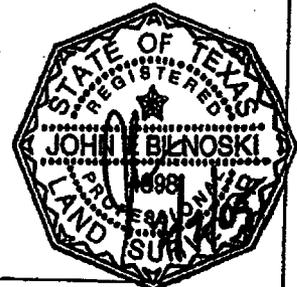
No.	Delta	Radius	Arc Length	Chord Length	Chord Bearing
C1	28°18'28"	770.00	380.43	376.57	S25°20'53"W
C2	60°13'28"	430.00	451.98	431.46	S09°23'23"W
C3	16°53'49"	1274.94	375.99	374.62	S74°20'15"W
C4	00°33'23"	1095.90	10.64	10.64	N02°19'58"W
C5	20°18'17"	1095.90	388.37	386.34	S12°45'48"E

VICINITY MAP
N.T.S.



RECORDERS MEMORANDUM
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RECORDERS MEMORANDUM
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CHANDLER ROAD

LEGEND

●	1/2" IRON ROD FOUND (UNLESS NOTED)	MCNEIL CONSUMER PRODUCTS CO.	LOT 1 OAKMONT CENTRE SEC. 2	OAKMONT	PROVIDENT DEV. CO.	LOT 1 OAKMONT CENTRE SEC. 4
○	1/2" IRON ROD SET WITH CAP MONUMENT FOUND	VOL. 657, PG. 659				
P.O.B.	POINT OF BEGINNING					

BARSHOP AND OLES

Bury+Partners
Consulting Engineers and Surveyors
Austin, Texas Tel 512/328-0911 Fax 512/328-8325
BuryPartners, Inc. ©Copyright 2004

SKETCH TO ACCOMPANY DESCRIPTION
OF 6.769 ACRES OF LAND OUT OF THE EPHRAIM EVANS SURVEY, ABSTRACT NO. 212, SITUATED IN WILLIAMSON COUNTY, TEXAS BEING A PORTION OF THAT CERTAIN 74.590 ACRE TRACT OF LAND CONVEYED TO SCOTT AND WHITE MEMORIAL HOSPITAL AND SCOTT, SHERWOOD AND BRINDLEY FOUNDATION BY DEED OF RECORD IN DOCUMENT NO. 9733254 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS; AND A PORTION OF LOT 1, BLOCK A, FIRST LIMITED ADDITION, A SUBDIVISION OF RECORD IN CABINET O, SLIDES 22-23 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS

EXHIBIT C-3A

Description of Parcel 3-A

DESCRIPTION OF PARCEL 3-A

THE 1.556 ACRE LOT 2A, BLOCK A OF THE REPLAT OF LOT 1, BLOCK "A" OF CPG PARTNERS
COMMERCIAL TRACT, SECTION 1, WILLIAMSON COUNTY DOCUMENT NO. 2007005697

EXHIBIT D-3

Uses and Development Standards for Parcel 3 and Parcel 3-A

In accordance with Section 46-156 of the Round Rock Zoning Ordinance, the following use regulations, design standards and development standards shall apply the all development on the portion of the Property identified as Parcel 3 and Parcel 3-A on the Parcel Map, attached to this ordinance as **Exhibit "C"**, and further described by metes and bounds in **Exhibit "C-3"** and **Exhibit "C-3A"**. Unless otherwise defined, all terms used shall correspond to the definitions in the City of Round Rock Code of Ordinances.

1. PERMITTED USES – Parcel 3

1.1. The following uses are allowed on Parcel 3:

- (a) Eating Establishments without Drive-Through Services;
- (b) Bars/Pubs/Taverns, which is the use of a site for the retail sale of alcoholic beverages for consumption on premises;
- (c) Retail Sales;
- (d) Retail Services, limited to the following:
 - (i) Florist
 - (ii) Cleaners (drop-off and pick-up only)
 - (iii) Hair Salon
 - (iv) Alteration Shop (Tailor)
 - (v) Copy Business Center
 - (vi) Athletic or Health Club;
- (e) Off-Site Cash Machines
- (f) Hotels
- (g) Visitor Center, which is the use of a site for the provision of information to the public regarding a development, project, or the surrounding community, as well as related activities, events, programs or tourist locations.
- (h) Park, Private
- (i) Park, Linear/Linkage
- (j) Park, Community
- (k) Park, Neighborhood
- (l) Park, Regional/Metropolitan

2. PERMITTED USES – Parcel 3-A

2.1. The following uses are allowed on Parcel 3A:

- (a) Eating Establishments without Drive-Through Services;
- (b) Bars/Pubs/Taverns, which is the use of a site for the retail sale of alcoholic beverages for consumption on premises;
- (c) Retail Sales;
- (d) Retail Services, limited to the following:
 - (i) Banks or Financial Services, including Drive-Through Services, which is the use of a site for the provision of financial or banking services. This includes

banks, stocks and bond brokers, loan and lending activities, off-site cash machines and other similar services.

- (ii) Florist
- (iii) Cleaners (drop-off and pick-up only)
- (iv) Hair Salon
- (v) Alteration Shop (Tailor)
- (vi) Copy Business Center
- (vii) Athletic or Health Club
- (e) Off-Site Cash Machines
- (f) Park, Private
- (g) Park, Linear/Linkage

3. PROHIBITED USES – Parcel 3 and Parcel 3-A

3.1. The following uses are prohibited on Parcel 3 and Parcel 3-A:

- (a) Grocery Stores
- (b) Gasoline and Fuel Sales
- (c) Automotive and Machinery Repair
- (d) Automotive and Machinery Services
- (e) Automotive Parts
- (f) Automotive Sales
- (g) Automotive and Machinery Washes
- (h) Wrecking Yards
- (i) Sale of Used Goods
- (j) Sexually Oriented Businesses
- (k) Trucking Terminals
- (l) Truck Service or Repair
- (m) Truck Stops
- (n) Bulk Distribution Centers
- (o) Mini Warehouses
- (p) Flea Markets
- (q) Portable Building Sales
- (r) Manufactured Home Sales
- (s) Boat Sales
- (t) Camper Sales
- (u) Industrial Building Sales
- (v) Amusement Parks or Carnivals
- (w) Campgrounds
- (x) Shooting ranges
- (y) Kennels
- (z) Video Arcades (as a primary use)
- (aa) Billiard Parlors and Pool Halls (as a primary use)
- (bb) Tattoo Parlors
- (cc) Donation Centers
- (dd) Recycling Centers
- (ee) Wholesale Nurseries

- (ff) Recreational Vehicle Parks
- (gg) Pawn Shops
- (hh) Heavy Equipment Sales
- (ii) Wireless Transmission Facility, Self-Standing

4. **REMAINING USES**

All other uses that are not specifically addressed in this ordinance will require an amendment in accordance with Section 13 of the Agreement.

5. **ACCESS**

No access to Parcels 3 or 3-A shall be allowed from the Interstate Highway 35 frontage road.

6. **DESIGN STANDARDS**

6.1. Prohibited Materials: The following materials are prohibited on the exterior walls and roofs of all buildings and structures:

- (a) Asbestos
- (b) Mirrored Glass (reflectivity of 20% or more)
- (c) Corrugated metal (except for trim or minor decorative features approved by Director of Planning)

6.2. Landscape Buffer for Drive-Through Facilities – Parcel 3-A: The location of drive-through facilities shall require the following:

- (a) An eight-foot (8') wide dedicated landscape buffer, which is unencumbered by utilities or easements, shall be provided along the property line where it is adjacent to the hike and bike trail on the neighboring properties to the north and west, as indicated on **Exhibit "J"**. The landscape buffer shall contain the following plant materials:
 - (i) One Large or Medium Tree, minimum three-inch caliper, per fifty (50) linear feet, of which 75% are Large Trees of an evergreen species; and
 - (ii) One Small Tree, minimum two-inch caliper, per twenty (20) linear feet; and
 - (iii) One five gallon container size Large Shrub per four (4) linear feet, 75% of which are of an evergreen species.
- (b) The minimum quantity of required plantings shall be calculated based upon the measured linear footage of the property boundary adjacent to the hike and bike trail.

6.3. Architectural Requirements

- (a) Except as modified by this ordinance, the project shall comply with the Design Standards specified in Section 11.409(4) of the Round Rock Zoning Ordinance. Buildings and structures in Parcel 3 and Parcel 3-A shall incorporate similar and compatible architectural styles with buildings and structures in Parcel 1, utilizing similar building materials, colors and designs. Emphasis shall also be placed on human scale design and pedestrian connectivity between buildings, utilizing shaded pedestrian walkways, public plazas, landscaping and other public amenities.

- (b) Building elevations demonstrating compliance with the requirements of this section shall be submitted with the Preliminary Site Plan for City review and approval. These elevations shall be reviewed and approved by Owner prior to submittal and shall include a signature block indicating such review and approval.**

EXHIBIT J

Parcel 3A Landscape Buffer



SCALE: 1"=120'

INTERSTATE HIGHWAY 35
(R.O.W. VARIES)

POND

PARCEL 3A

8' LANDSCAPE
BUFFER

PARCEL 3

PARCEL 1

Bury+Partners
ENGINEERING SOLUTIONS
221 West Sixth Street, Suite 600
Austin, Texas 78701
Tel. (512)328-0011 Fax (512)328-0325
TBPPE Registration Number F-1048
Bury+Partners, Inc. © Copyright 2010

CHANDLER/I-35 RETAIL, LTD.
PUD #59

BARSHOP & OLES

EXHIBIT J
PARCEL 3A
LANDSCAPE BUFFER

DATE: Sep 29, 2010

SCALE: 1"=120'

DRAWN BY: PSD

G:\100716\10001\EXHIBITS\100716 Pond Buffer E0101

PROJECT No.: 100716-10001



City Council Agenda Summary Sheet

Agenda Item No.	9B1.
Agenda Caption:	Consider an ordinance amending the Planned Unit Development No. 59 zoning district to allow a bank with a drive-through on a 1.556 – acre portion of the property. (First Reading)
Meeting Date:	December 16, 2010
Department:	Planning and Community Development
Staff Person making presentation:	Peter Wysocki Planning and Community Development Director

Item Summary:

PUD 59 applies to a 50 acre property at the northeast corner of IH-35 and University Boulevard. The zoning allows a variety of retail sales, services, eating establishment and entertainment uses. Approximately one-third of the property is developed with retail stores and restaurants and a movie theater. The development standards require landscaped medians and pedestrian amenities. Uses allowed, but not yet built, include a grocery store and a hotel. The PUD is designed to complement the adjoining PUD 60 (Premium Outlet Mall) in appearance and land uses.

The 1.556 acre portion of PUD 59 which is the subject of this amendment is located on the south side of an amenity pond and hike and bike trail, between the IH-35 frontage road and an access drive. It is north of the hotel site and across the amenity pond to the north are two restaurants on the adjacent PUD 60. The amendment would remove the restriction on banks which currently exists and would allow a bank located on the site to have drive through lanes. The drive through lanes must be screened from the adjacent amenity pond and sidewalk by a landscape buffer.

Uses with a drive through were originally prohibited in PUD 59 in order to enhance the quality of development and pedestrian atmosphere of the PUD. The owner of the PUD filed a request to amend the PUD to allow a restaurant or a bank with a drive through. The owner's justification for the amendment was to increase the marketability of the site during these tough economic conditions. The amendment was initially considered by the Planning and Zoning Commission on October 5, 2010. The Commission had a lengthy discussion on the item. A majority of the Commissioners were concerned that if the amendment is approved, the pedestrian atmosphere and higher quality development envisioned for PUD 59 would be compromised. The Commission tabled the item and asked that the staff work with the owner to devise a compromise. As a result of the October 5, 2010 meeting, the owner revised his request by excluding drive through restaurants. The amendment was again considered by the Commission on November 10, 2010. The Commission unanimously approved the revised amendment, allowing a drive through only with a bank.

Cost:	N/A
Source of Funds:	N/A
Date of Public Hearing (if required):	December 16, 2010
Recommended Action:	Approval – P&Z recommended approval on 11/10/10