

ORDINANCE NO. Z-12-08-23-43

**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" AND "D-1", AND THE LIST OF EXHIBITS, AND BY DELETING EXHIBITS "C-1A" AND "K" 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**, on December 16, 2010, the City Council of the City of Round Rock, Texas, adopted Ordinance No. G-10-12-16-9AG1, 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 (Amendment No. 3), and

**WHEREAS**, on August 25, 2011, the City Council of the City of Round Rock, Texas, adopted Ordinance No. Z-11-08-25-8A1, to amend Exhibits "C", "C-1", "D-1", and the List of Exhibits, and to add Exhibits "C-1A" and "K" to the Development Plan of PUD No. 59 (Amendment No. 4), and

**WHEREAS**, an application has been made to the City of Round Rock, Texas to amend Exhibits “C” and “D-1”, and the List of Exhibits, and to delete Exhibits “C-1A” and “K” of 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 25th day of July, 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-05-05-26-11D3 be amended, and

**WHEREAS**, on the 23<sup>rd</sup> day of August, 2012, 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 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 #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", and "D-1" are hereby deleted in their entirety and replaced with new Exhibits "C", and "D-1", attached hereto and incorporated herein.

## IV.

That Exhibits "C-1A" and "K" are hereby deleted from 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 23<sup>rd</sup> day of August, 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~~ **Kris Whitfield**  
City of Round Rock, Texas **Mayor PRO-TEM**

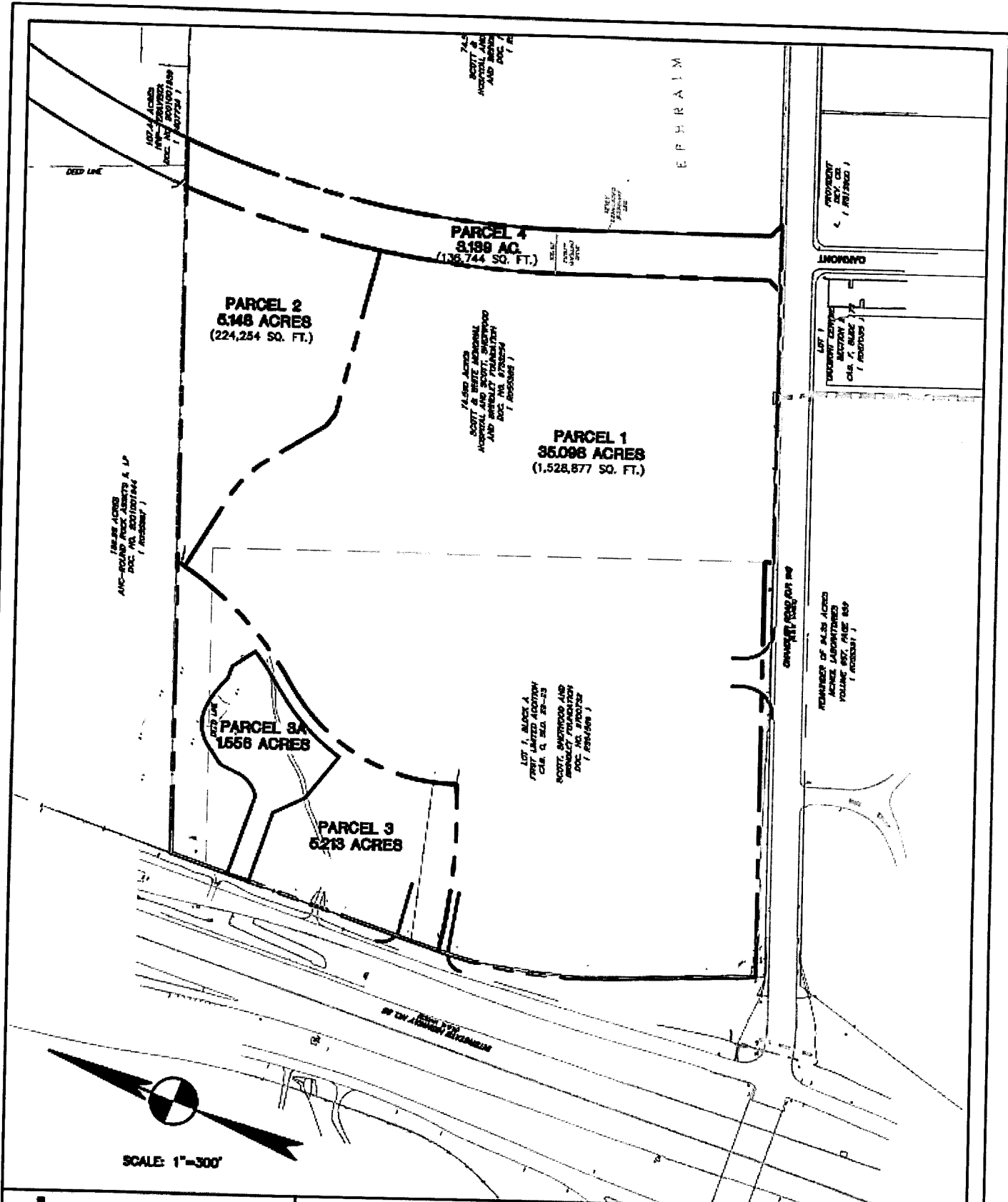
ATTEST:

  
\_\_\_\_\_  
SARA L. WHITE, City Clerk

## 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-3-A"	Metes and Bounds 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 3-A Landscape Buffer

G:\100716\10001\EXHIBITS\100716 Parcels C-3 EXH01 2012-07-09.dwg modified by lcooper on Jul 9, 12 7:57 AM



**b Bury+Partners**  
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**CHANDLER/I-35 RETAIL, LTD.**  
 PUD #59

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**CHANDLER IH 35 RETAIL, LTD.**

**DEVELOPMENT PARCELS**  
**EXHIBIT C**

DATE: 2011-07-19

SCALE: 1"=300'

DRAWN BY: LKB

FILE: G:\100716\10001\EXHIBITS...

PROJECT No.: 100716-10001

**EXHIBIT D-1**  
**Uses and Development Standards for Parcel 1**

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 the all development on the portion of the Property identified as Parcel 1 on the Parcel Map, attached to this ordinance as Exhibit "C", and further described by metes and bounds in Exhibit "C-1". Unless otherwise defined, all terms used shall correspond to the definitions in the City of Round Rock Code of Ordinances, as amended.

**1. PERMITTED USES**

The following principal uses are permitted:

- (a) Grocery Stores (within a structure containing at least 110,000 square feet), including an on-site gas/fuel station with an accompanying single or double bay fully automatic car wash.
- (b) Retail Sales and Services, subject to:
  - (i) the conditions established in the C-1a (General Commercial - Limited) zoning district, Section 46-142, as amended; and
  - (ii) the applicable conditions listed in this section.
- (b) Bank (including off-site cash machines). This includes banks, savings and loans, and credit unions.
- (c) Indoor Entertainment Activities (provided such activities shall be limited to an operation which includes both a mix of entertainment activities and food and beverage service).
- (d) Eating Establishments, excluding drive through services (except that a non-vehicular "to go" window shall be permitted for a sit down restaurant)
- (e) Drive through services for a bank or pharmacy
- (f) Outdoor Entertainment (this use shall be limited only to an outdoor music venue)
- (g) Theater/Cinema
- (h) Bars/Pubs/Taverns, which is the use of a site for the retail sale of alcoholic beverages for consumption on premises
- (i) Hotel
- (j) Conference Center
- (k) Fire or Police Station
- (l) 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 and tourist locations.
- (m) Wireless Transmission Facility, Stealth
- (n) Wireless Transmission Facility, Attached
- (o) Park, Private
- (p) Park, Linear/Linkage
- (q) Park, Community
- (r) Park, Neighborhood
- (s) Park, Regional/Metropolitan

## 2. PROHIBITED USES

The following uses are prohibited:

- (a) Automotive & machinery repair
- (b) Automotive & machinery services
- (c) Automotive parts
- (d) Automotive sales
- (e) Automotive rental
- (f) Automotive & machinery washes
- (g) Wrecking yards
- (h) Sale of used goods (except antiques and estate sales)
- (i) Sexually oriented businesses
- (j) Trucking terminals
- (k) Truck service or repair
- (l) Truck stops
- (m) Bulk distribution centers
- (n) Mini warehouses
- (o) Flea markets
- (p) Portable building sales
- (q) Manufactured home sales
- (r) Boat sales
- (s) Camper sales
- (t) Industrial building sales
- (u) Amusement parks or carnivals
- (v) Campgrounds
- (w) Shooting ranges
- (x) Kennels
- (y) Video arcades (as a primary use)
- (z) Billiard parlors & pool halls (as a primary use)
- (aa) Tattoo parlors
- (bb) Donation centers
- (cc) Recycling centers
- (dd) Wholesale nurseries
- (ee) Recreational vehicle parks
- (ff) Pawn shops
- (gg) Heavy equipment sales
- (hh) Wireless Transmission Facility, Self-Standing

## 3. SPECIAL EXCEPTIONS

All other uses that are not specifically addressed in this ordinance will require a special exception, in accordance with the City of Round Rock Code of Ordinances.



#### **4. DESIGN STANDARDS**

##### **4.1. 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 the Director of Planning)
- (d) Unfinished sheet metal (except for trim or minor decorative features approved by the Director of Planning)

##### **4.2. Architectural Requirements**

- (a) Except as modified by this ordinance, the project shall comply with the C-1a (General Commercial - Limited) Design Standards specified in Chapter 46-142 of the Round Rock Zoning Ordinance.
- (b) Buildings and structures shall incorporate similar and compatible architectural styles currently planned for buildings and structures in Parcel 1 of PUD 60 (Round Rock Premium Outlet Mall) as generally depicted on Exhibit "G" attached hereto, utilizing similar building materials, colors and designs.
- (c) 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.
- (d) Building elevations demonstrating compliance with the requirements of this section shall be submitted with the Preliminary Site Plan for City review and approval; such approval not to be unreasonably withheld.

##### **4.3. Wet Pond**

- (a) The detention/retention pond to be located at the Southwest corner of Parcel 1 (the corner of I-35 and Chandler Road) shall be designed and constructed as a "Wet Pond" water feature (i.e., a constant body of water with natural shape combining storm water detention and filtration functions, as required, with water retention).
- (b) Aquatic plantings shall be installed around the perimeter of the pond for biological filtration of the storm water.
- (c) A fountain feature shall also be included in the pond for water aeration.

## EXHIBIT D-1

### Uses and Development Standards for Parcel 1 and Parcel 1-A

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 portion of the Property identified as Parcel 1 and Parcel 1-A on the Parcel Map, attached to this ordinance as Exhibit "C", and further described by metes and bounds in Exhibit "C-1" and Exhibit "C-1A". Unless otherwise defined, all terms used shall correspond to the definitions in the City of Round Rock Code of Ordinances, as amended.

#### 1. PERMITTED USES – Parcel 1

~~1.1.~~ The following principal uses are permitted:

- (a) Grocery Stores (within a structure containing at least ~~125,000~~ 110,000 square feet), including an on-site gas/fuel station with an accompanying single or double bay fully automatic car wash.
- (b) Retail Sales and Services, subject to:
  - (i) the conditions established in the C-1a (General Commercial - Limited) zoning district, Section 46-142, as amended; and
  - (ii) the applicable conditions listed in this section.

~~Except as described in Section 1.2 below, Retail Sales and Services shall be 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~~
- (c) Bank (including off-site cash machines). This includes banks, savings and loans, and credit unions.
- (d) Indoor Entertainment Activities (provided such activities shall be limited to an operation which includes both a mix of entertainment activities and food and beverage service).
- (e) Eating Establishments, excluding drive through services (except that a non-vehicular "to go" window shall be permitted for a sit down restaurant)
- (f) Drive through services for a bank or pharmacy
- (g) Outdoor Entertainment (this use shall be limited only to an outdoor music venue)
- (h) Theater/Cinema
- (i) Bars/Pubs/Taverns, which is the use of a site for the retail sale of alcoholic beverages for consumption on premises
- (j) Hotel
- (k) Conference Center

- (l) Fire or Police Station
- (m) 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 and tourist locations.
- (n) Wireless Transmission Facility, Stealth
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- (p) Park, Private
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- (s) Park, Neighborhood
- (t) Park, Regional/Metropolitan

~~1.2. The following Retail Sales and Service uses are permitted in a building which faces Chandler Road or Oakmont Drive, so long as the aggregate square footage of these uses does not exceed 10,000 square feet at any time:~~

- ~~(b) Dental Service~~
- ~~(c) Shoe Repair~~
- ~~(d) Real Estate Office~~
- ~~(e) Day Spa~~
- ~~(f) Travel Agency~~
- ~~(g) Dance Studio~~
- ~~(h) Private Postal Service~~
- ~~(i) Jewelry Repair~~
- ~~(j) Weight Loss Center~~
- ~~(k) Dental Service~~
- ~~(l) Chiropractor~~
- ~~(m) Educational Learning Center~~
- ~~(n) Stocks and Bonds Brokers~~
- ~~(o) Mortgage Companies~~
- ~~(p) Insurance Agents~~

~~2. **PERMITTED USES – Parcel 1-A**~~

~~2.1. The following uses are permitted on Parcel 1A:~~

- ~~(b) Eating Establishments with or without Drive-Through Services~~

~~2. **PROHIBITED USES – Parcel 1 and Parcel 1-A**~~

~~The following uses are prohibited on Parcel 1 and Parcel 1-A:~~

- ~~(a) Gasoline & fuel sales~~
- (a) Automotive & machinery repair
- (b) Automotive & machinery services
- (c) Automotive parts

- (d) Automotive sales
- (e) Automotive rental
- (f) Automotive & machinery washes
- (g) Wrecking yards
- (h) Sale of used goods (except antiques and estate sales)
- (i) Sexually oriented businesses
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#### 4.1. Prohibited Materials

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- (c) Corrugated metal (except for trim or minor decorative features approved by the Director of Planning)
- (d) Unfinished sheet metal (except for trim or minor decorative features approved by the Director of Planning)

#### **4.2. Architectural Requirements**

- (a) Except as modified by this ordinance, the project shall comply with the C-1a (General Commercial - Limited) Design Standards specified in Chapter 46-142 of the Round Rock Zoning Ordinance.
- (b) Buildings and structures ~~in Parcel 1 and Parcel 1-A~~ shall incorporate similar and compatible architectural styles currently planned for buildings and structures in Parcel 1 of PUD 60 (Round Rock Premium Outlet Mall) as generally depicted on Exhibit "G" attached hereto, utilizing similar building materials, colors and designs.
- (c) 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.
- (d) Building elevations demonstrating compliance with the requirements of this section shall be submitted with the Preliminary Site Plan for City review and approval; such approval not to be unreasonably withheld.

#### **4.3. Wet Pond**

- (a) The detention/retention pond to be located at the Southwest corner of Parcel 1 (the corner of I-35 and Chandler Road) shall be designed and constructed as a "Wet Pond" water feature (i.e., a constant body of water with natural shape combining storm water detention and filtration functions, as required, with water retention).
- (b) Aquatic plantings shall be installed around the perimeter of the pond for biological filtration of the storm water.
- (c) A fountain feature shall also be included in the pond for water aeration.

#### **4.4. Special Standards for Parcel 1-A**

~~In addition to the requirements of this Section, the following shall apply to the development on Parcel 1-A:~~

- ~~(a) An outdoor seating area, providing seating for a minimum of 12 people, shall be provided;~~
- ~~(b) The building exterior shall be 100% masonry, with a minimum of 50% of all four elevations, exclusive of windows and doors, consisting of stone. For the~~

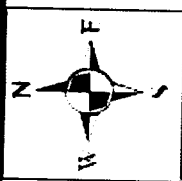
purposes of this section, "masonry" shall be defined as stone, simulated stone, brick, stucco, standard Exterior Insulation and Finish Systems (EIFS), and abuse resistant EIFS for exterior finish below eight feet. Painted, texture coated concrete tilt wall panels that convey the appearance of one of the before mentioned masonry materials are acceptable.

(c) ~~The building shall incorporate the following architectural features, as generally depicted on Exhibit "K":~~

- ~~i. Awnings, with steel finish;~~
- ~~ii. Articulation of exterior building walls;~~
- ~~iii. Roofline height variation;~~
- ~~iv. Stone columns on the outdoor seating area matching the stone on the building.~~

(d) ~~Landscape Buffer for Drive Through Facilities: The location of drive-through facilities shall require the following:~~

- ~~i. An eight foot (8') wide dedicated landscape buffer, which is unencumbered by utilities or easements, shall be provided along the property line which is closest to the drive through and along any street frontage.~~
- ~~ii. The landscape buffer(s) shall contain the following plant materials:
  - ~~1. 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~~
  - ~~2. One Small Tree, minimum two inch caliper, per twenty (20) linear feet; and~~
  - ~~3. One Large Shrub per four (4) linear feet, 75% of which are of an evergreen species; minimum 2.5-foot high at time of planting,~~~~



**N IH 35**

**PUD 71**

**RM 1431**

**PUD 71**

**Subject Tract  
35.1 ac.**

**PUD 60**

**PUD 59**

**PUD 64**

**PUD 65**

**PF-3**

**PF-2**

**University Blvd**

**C-1a**

**PUD 86**





## City Council Agenda Summary Sheet

<b>Agenda Item No.</b>	H3.
<b>Agenda Caption:</b>	Consider public testimony regarding and an ordinance adopting Amendment No. 5 to the Planned Unit Development (PUD) No. 59 zoning district to revise the commercial development standards. (First Reading)
<b>Meeting Date:</b>	August 23, 2012
<b>Department:</b>	Planning and Development Services
<b>Staff Person making presentation:</b>	Peter Wysocki
	Planning and Development Services Director

### Item Summary:

PUD 59 was approved by the City Council on May 26, 2005. Land uses were divided among three parcels: Parcel 1 (~35 acres) with frontage on University Boulevard, Parcel 2 (~5 acres) bordering the adjacent property zoned as PUD 60 (Round Rock Premium Outlets) and Parcel 3 (~6 acres), also bordering the adjacent PUD 60. In 2011, an amendment to the PUD created Parcel 1-A to allow a drive-through restaurant with specific design standards required for the building. Staff has been informed that the fast-food restaurant is no longer planned for that site. The interior of Parcel 1 is partially developed with retail and restaurant uses; however, a large portion of the Parcel 1 fronting University Blvd. remains undeveloped.

This amendment proposes to modify the land uses on Parcel 1 and 1-A of the PUD. Land uses were narrowly defined when the PUD was originally created in order to attract specific types of businesses. Non-retail uses were limited to an aggregate total of no more than 10,000 square feet. With the subsequent development of much of the surrounding area with a variety of retail stores these use restrictions are no longer warranted, are limiting the marketability of the site and hence are being requested by the owners to be removed from the PUD. The PUD also required that a grocery store located on Parcel 1 be a minimum of 125,000 square feet in size in order to accommodate stores that also sell non-food items. Since the approval of the PUD in 2005, the prototype for this type of grocery store has changed to a smaller size. The proposed amendment would therefore reduce the required minimum size of a grocery store to 110,000 square feet, a marginally smaller size which will still provide for a store which can accommodate a significant amount of retail goods. In addition, a gas station and accompanying single or double bay automatic car wash would be added to the permitted use list. The drive-through restaurant that was permitted on Parcel 1-A by the amendment in 2011 would be eliminated. In addition, this amendment inserts various retail and service-oriented uses that have been specifically prohibited in the PUD. These uses are compatible and consistent with the surrounding shopping centers.

The Planning and Zoning Commission voted 8-0 on July 25, 2012 to recommend approval of the PUD amendment.

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