

ORDINANCE NO. Z-12-08-23-44

**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 EXHIBIT "D-3" AND THE LIST OF EXHIBITS, AND BY ADDING EXHIBIT "K" OF 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**, on \_\_\_\_\_ 2012 the City Council of the City of Round Rock, Texas, adopted Ordinance No. \_\_\_\_\_ to amend Exhibits “C” and “D-1”, and the List of Exhibits, and to delete Exhibits “C-1A” and “K” (Amendment No. 5), and

**WHEREAS**, an application has been made to the City of Round Rock, Texas to amend Exhibit “D-3” and the List of Exhibits, and to add Exhibit “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 25<sup>th</sup> 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 Exhibit "D-3" is hereby deleted in its entirety and replaced with a new Exhibit "D-3", attached hereto and incorporated herein.

IV.

That Exhibit "K", as attached hereto and incorporated herein, is 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.

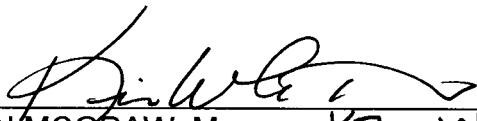
By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

**READ, PASSED, and ADOPTED** on first reading this 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
Exhibit "K"	Parcel 3-A Building Elevations

## **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) Eating Establishments with Drive-Through Services, as conditioned in Section 6;
- (c) Bars/Pubs/Taverns, which is the use of a site for the retail sale of alcoholic beverages for consumption on premises;
- (d) Retail Sales;
- (e) 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
- (f) Off-Site Cash Machines
- (g) Park, Private
- (h) 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 46-142 of the Round Rock Zoning Ordinance, as amended. 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.

**6.4. Architectural Requirements – Eating Establishments with Drive-Through Services - Parcel 3-A**

In addition to the requirements of this Section, the following shall apply to the development of Parcel 3-A as an Eating Establishment with Drive-Through Services:

- (a) An outdoor seating area, providing seating for a minimum of 35 people, shall be provided.
- (b) The building exterior shall be 100% masonry, with a minimum of 20% of all four elevations, exclusive of windows, doors and roofs consisting of stone, simulated stone, brick or stucco, standard Exterior Insulation and Finish Systems (EFIS), and abuse-resistant EFIS for exterior finish below eight feet in height. Painted, texture-coated concrete tilt-wall panels that convey the appearance of one of the above-mentioned masonry materials are acceptable.
- (c) The building shall contain 3,750 square feet, plus or minus 5 square feet.
- (d) The building shall incorporate all of the following architectural features, as depicted on Exhibit “K”:
  - (i) Awnings
  - (ii) Articulation of exterior building walls with roofline delineated by three ‘towers’
  - (iii) Stone columns
  - (iv) Covered portico drive-thru lane on west side of building, approximately 60 feet in length, terminating at the pick-up window
  - (v) A sidewalk constructed from the adjacent lot to the south, abutting and along the main private drive aisle, and connecting to the existing trail system.

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- (j) Park, Community
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- (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) Eating Establishments with Drive-Through Services, as conditioned in Section 6;
- (c) Bars/Pubs/Taverns, which is the use of a site for the retail sale of alcoholic beverages for consumption on premises;
- (d) Retail Sales;
- (e) 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

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- (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**

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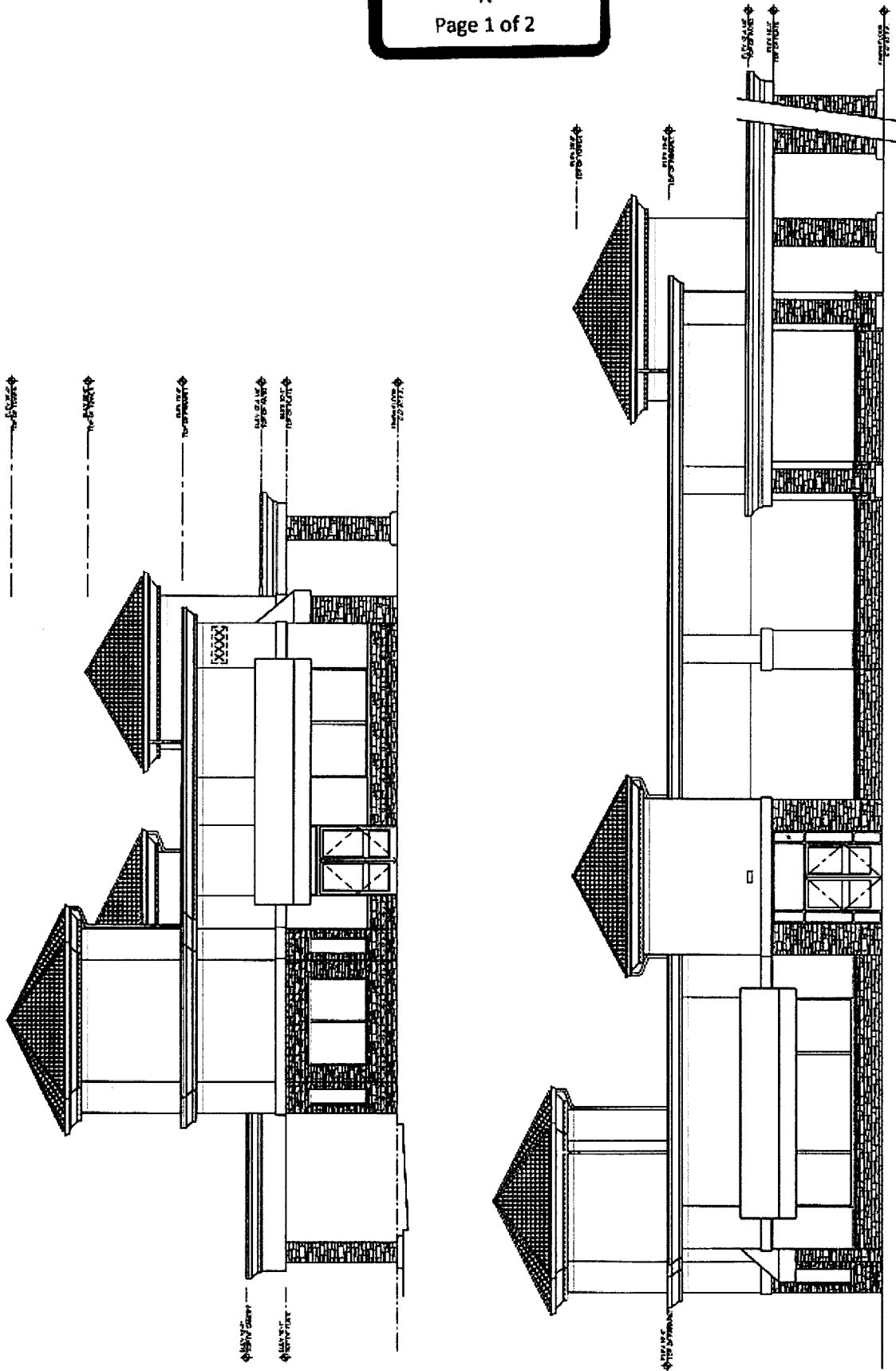
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In addition to the requirements of this Section, the following shall apply to the development of Parcel 3-A as an Eating Establishment with Drive-Through Services:

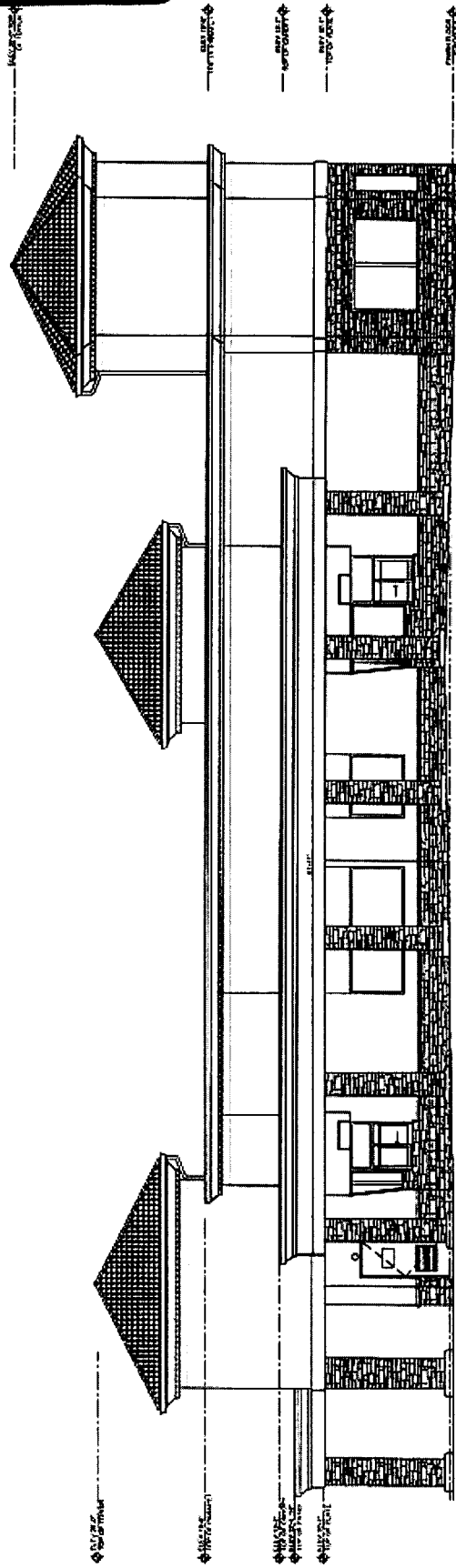
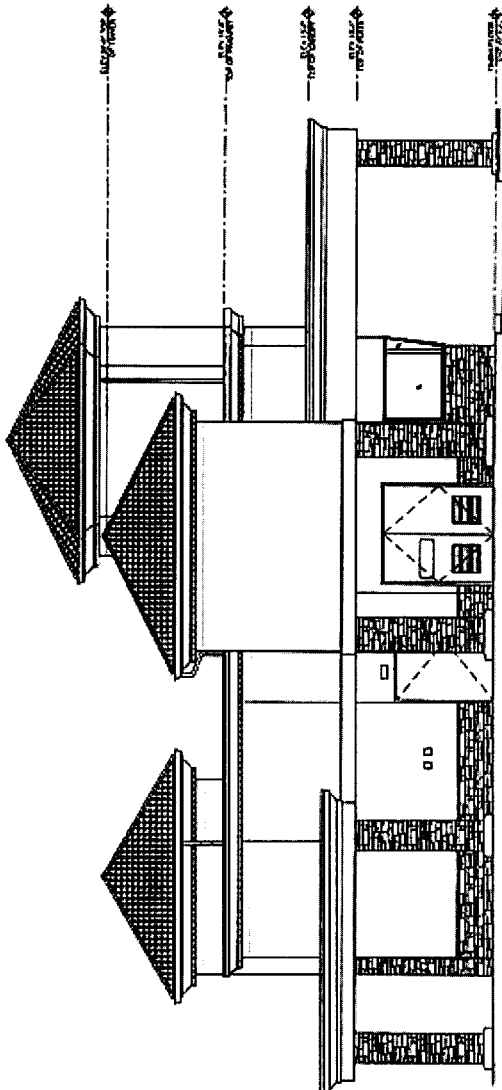
- (a) An outdoor seating area, providing seating for a minimum of 35 people, shall be provided.
- (b) The building exterior shall be 100% masonry, with a minimum of 20% of all four elevations, exclusive of windows, doors and roofs consisting of stone, simulated stone, brick or stucco, standard Exterior Insulation and Finish Systems (EFIS), and abuse-resistant EFIS for exterior finish below eight feet in height. Painted, texture-coated concrete tilt-wall panels that convey the appearance of one of the above-mentioned masonry materials are acceptable.
- (c) The building shall contain 3,750 square feet, plus or minus 5 square feet.
- (d) The building shall incorporate all of the following architectural features, as depicted on Exhibit “K”:
  - (i) Awnings
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EXHIBIT  
"K"  
Page 1 of 2



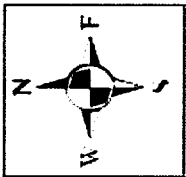
ROUND ROCK, TX

EXHIBIT  
"K"  
Page 2 of 2



ROUND ROCK, TX





PUD 71

N IH 35

Subject Tract  
1.56 ac.

PUD 60

PUD 59

PF-3

C-1a

PF-2

LH

University Blvd

PUD 65

PUD 64

RM 1431



## City Council Agenda Summary Sheet

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<b>Agenda Item No.</b>	H4.
<b>Agenda Caption:</b>	Consider public testimony regarding and an ordinance adopting Amendment No. 6 to the Planned Unit Development (PUD) No. 59 zoning district to allow a drive-through restaurant, subject to specific 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

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### 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 a 2010 amendment to the PUD, a drive-through banking facility was added to a portion of Parcel 3 and designated as Parcel 3-A. This parcel has remained undeveloped.

The proposed amendment is for Parcel 3-A of the PUD. It would allow a drive-through restaurant on the site, subject to specific design requirements, including an outdoor seating area, all masonry exterior finish, a covered portico drive-through lane and other architectural features. The building elevation is included as an exhibit to further define the appearance. Any significant modifications would require a major amendment to the PUD. The design requirements meet the standards of a specific restaurant brand which has a demonstrated appeal to attract customers from a regional area. It is anticipated that the location of this restaurant will enhance the success of the surrounding area as a 'destination retail' center. (Note: Although this site has frontage off IH35 frontage road, no access is permitted.) In addition, the location of this parcel is within what has become a concentration of restaurants within the shopping center, the most recent addition having been constructed on property previously proposed for a hotel.

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