

PUD 59 Chandler IH-35
(through Amendment No. 6; 08/23/2012)

Summary of PUD No. 59.

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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) as amended, City of Round Rock, Texas, hereinafter referred to as “the Code.”

2. PROPERTY

This Development Plan (“Plan”) covers approximately 50.154 acres of land, located within the city limits of Round Rock, Texas, and more particularly described by metes and bounds in **Exhibit “A”**. For the purpose of assigning land use and development standards, the Property has been divided into development parcels, as shown in **Exhibit “C”**.

3. PURPOSE

The purpose of this Plan is to ensure a 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 effect 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 not to 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. If there is a conflict between this Agreement and Plan and the Code, this Agreement and Plan shall supersede the specific conflicting provisions of the Code.

4.2 Other Ordinances

All other Ordinances within the Code shall apply to the Property, except as clearly modified by this Plan. In the event of a conflict, the terms of this Agreement shall control.

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5. PERMITTED USES

The Property shall be used and developed for the uses as shown in Exhibits "D-1", "D-2" and "D-3".

6. DEVELOPMENT STANDARDS

The Property shall be developed in accordance with the development standards set forth in Exhibits "D-1", "D-2" and "D-3", attached hereto, as applicable to each parcel and its designated use.

7. UNDERGROUND UTILITY SERVICE

Except where approved in writing by the City Engineer, all electrical, telephone and cablevision distribution and service lines, other than overhead lines that are three phase or larger, installed by or at the request of Owner, shall be placed underground to connecting points provided by the service provider. All transformers must be visually screened.

8. DRIVEWAY ACCESS

Driveway access shall be regulated in accordance with the Traffic Impact Analysis approved by the City's Director of Transportation Services.

9. DRIVEWAY THROAT LENGTH

All driveways shall provide a minimum driveway throat of 100 feet, except the northernmost driveway on Oakmont Drive (providing access to the rear of the retail buildings) shall provide a minimum driveway throat of 50 feet. No parking spaces or internal access drives shall intersect with access driveways within this 100-foot or 50-foot, as applicable, throat. Throat length shall be measured from the property line along the street right-of-way.

10. RIGHT-OF-WAY AND EASEMENT DEDICATIONS

The required right-of-way for the proposed Oakmont Drive shall be dedicated or cause to be dedicated to the City, free of all monetary liens, with the final plat for Parcel 1, or pursuant to an agreement or agreements by and between the City of Round Rock and Simon Property Group (Texas), L.P. The right-of-way to be dedicated shall be in accordance with the metes and bounds description shown in Exhibit "C-4". If said right-of-way is not dedicated in accordance with this section, the zoning applicable to Parcel 1 shall automatically revert back to the zoning classification applicable to Parcel 1 immediately prior to the effective date of the ordinance to which this agreement is an exhibit.

If the owner of Parcel 1 has not both (i) dedicated right-of-way for the widening of Chandler

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Road in the area shown on **Exhibit "H"** attached hereto, and (ii) granted to the City a wastewater line easement in the area shown on **Exhibit "H"** attached hereto, within six (6) months after the date of this ordinance, then the zoning applicable to Parcel 1 shall automatically revert back to the zoning classification applicable to Parcel 1 immediately prior to the effective date of this ordinance.

Further, Owner shall construct, or cause to be constructed, at least two lanes of Oakmont Drive within the right-of-way described above, along with associated roadway improvements, including a pro-rated share of costs of construction of the traffic signal at the intersection of Oakmont Drive and Chandler Road, when and if said signal is required. Owner shall also pay a pro-rated share of the traffic signal at the intersection of Chandler Road and the driveway to Parcel 1. This payment shall be made to the City within thirty (30) days of a receipt of a written request from the City that warrants have been met justifying the construction of said signal.

11. STREETSCAPE

The streetscape for Oakmont Drive shall be landscaped substantially in accordance with **Exhibits "F-1"** and **"F-2"**. Street medians and streetside planting areas for Oakmont Drive shall have a minimum of two (2) large trees and three (3) small trees for every one hundred (100) linear feet.

Street trees for Oakmont Drive shall be irrigated by a permanent automatic irrigation system constructed to current City standards by the Owner.

12. WATER FEATURES

The perimeter of the water feature area in Parcel 3, as identified on the Parcel Map attached to this ordinance as **Exhibit "C"**, abutting the IH-35 frontage road shall have, on average, large trees spaced a minimum of fifty (50) feet on center and one (1) small tree spaced a minimum of thirty (30) feet on center. Additionally, pedestrian paths (minimum of six (6) feet wide) shall be provided to connect the proposed structures along the south side of the water feature to the walking trails and community plaza along the eastern side.

Unless expressly approved by the Director of Planning, the design of the water features in Parcels and 1 and 3 shall make reasonable efforts to preserve and accommodate existing trees in the pond area.

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13. CHANGES TO AGREEMENT AND DEVELOPMENT PLAN

13.1 Minor Changes

Minor changes to this Agreement or Plan which do not substantially and adversely change this Plan may be approved administratively, if approved in writing, by the City Engineer, the Director of Planning and Community Development, and the City Attorney.

13.2 Major Changes

All changes not permitted under section 13.1 above shall be resubmitted following the same procedure required by the original PUD application; provided, however, that nothing herein or otherwise shall require an owner of a portion of the Property (the "Rezoning Owner") to obtain the consent or approval of any other owner of a portion of the Property for a change in zoning (including amending this Agreement) as it applies to the land of the Rezoning Owner.

14. CONCEPT PLAN APPROVED

Approval of this Agreement constitutes Concept Plan approval under the City Subdivision Ordinance.

15. GENERAL PLAN 2000

This Agreement amends the Round Rock General Plan 2000, which was adopted on June 10, 1999.

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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-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
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Exhibit "K"	Parcel 3-A Building Elevations

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EXHIBIT A

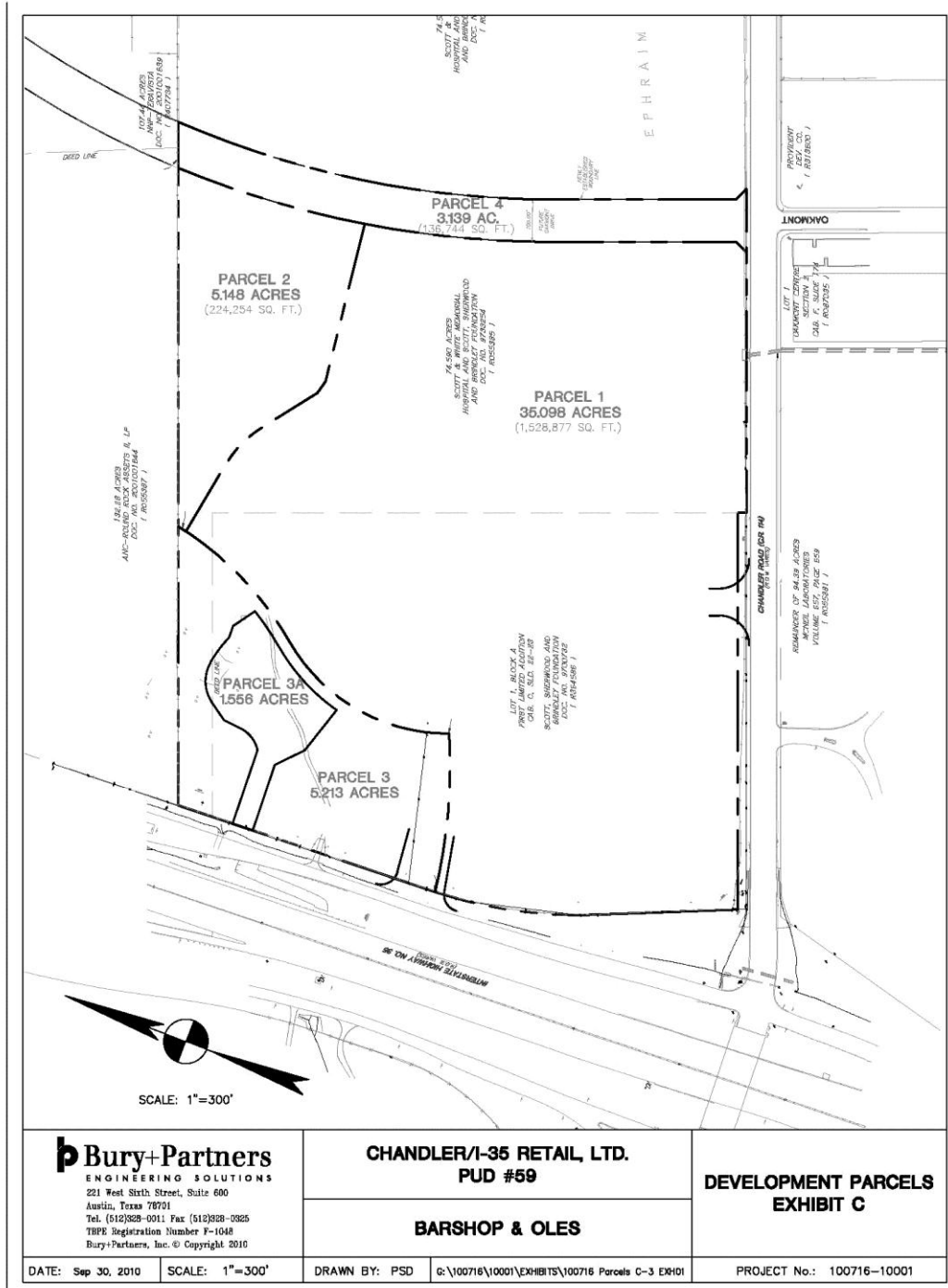
METES AND BOUNDS DESCRIPTION OF PROPERTY
(NOT INCLUDED IN THIS SUMMARY)

EXHIBIT B

LIEN HOLDER CONSENT
(NOT INCLUDED IN THIS SUMMARY)

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EXHIBIT C DEVELOPMENT PARCELS



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The following Exhibits are not included in this summary

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-4

METES AND BOUNDS DESCRIPTION OF OAKMONT DRIVE

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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

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- (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

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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.

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EXHIBIT D-2

USES AND DEVELOPMENT STANDARDS FOR PARCEL 2

In accordance with Section 11.314 of the Round Rock Zoning Ordinance, the following use regulations, design standards and development standards shall apply to all development on the portion of the Property identified as Parcel 2 on the Parcel Map, attached to this ordinance as **Exhibit "C"**, and further described by metes and bounds in **Exhibit "C-2"**. Unless otherwise defined, all terms used shall correspond to the definitions in the City of Round Rock Code of Ordinances.

1. PERMITTED USES

The following principal uses are permitted:

1. Theater/Cinema
2. Retail Sales
3. Retail Services, which shall be limited to the following:
 - 3.1. Florist
 - 3.2. Cleaners (drop-off and pick-up only)
 - 3.3. Hair Salon
 - 3.4. Alteration Shop (Tailor)
 - 3.5. Copy Business Center
 - 3.6. Athletic or health club
4. Eating Establishments
5. Bars/Pubs/Taverns, which is the use of a site for the retail sale of alcoholic beverages for consumption on premises
6. Drive through services
7. Bank or Financial Services, which is the use of a site for the provision of financial and banking services. This includes banks, stocks and bonds brokers, loan and lending activities, off-site cash machines, and other similar services.
8. 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.
9. Park, Private
10. Park, Linear/Linkage
11. Park, Community
12. Park, Neighborhood
13. Park, Regional/Metropolitan

2. PROHIBITED USES

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The following uses are prohibited:

1. Grocery stores
2. Gasoline & fuel sales
3. Automotive & machinery repair
4. Automotive & machinery services
5. Automotive parts
6. Automotive sales
7. Automotive rental
8. Automotive & machinery washes
9. Wrecking yards
10. Sale of used goods
11. Sexually oriented businesses
12. Trucking terminals
13. Truck service or repair
14. Truck stops
15. Bulk distribution centers
16. Mini warehouses
17. Flea markets
18. Portable building sales
19. Manufactured home sales
20. Boat sales
21. Camper sales
22. Industrial building sales
23. Amusement parks or carnivals
24. Campgrounds
25. Shooting ranges
26. Kennels
27. Video arcades (as a primary use)
28. Billiard parlors & pool halls (as a primary use)
29. Tattoo parlors
30. Donation centers
31. Recycling centers
32. Wholesale nurseries
33. Recreational vehicle parks
34. Pawn shops
35. Heavy equipment sales
14. Wireless Transmission Facility, Self-Standing

3. **REMAINING USES**

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

4. **DESIGN STANDARDS**

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4.1 Prohibited Materials

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

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

4.2 Requirements

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 2 other than a theater/cinema 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.

The Design Standards for a theater/cinema use shall generally be in accordance with the attached **Exhibit "I"**.

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.

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EXHIBIT D-3

USES AND DEVELOPMENT STANDARDS FOR PARCEL 3

In accordance with Section 46-156 of the Round Rock Zoning Ordinance, the following use regulations, design standards and development standards shall apply to 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. Parcel 3 shall be developed as pad sites consisting of any the following uses:

- (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, which 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
 - (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 and 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 without 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:

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- (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
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- (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)

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- (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 this 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

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- (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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The following Exhibits are not included in this summary

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

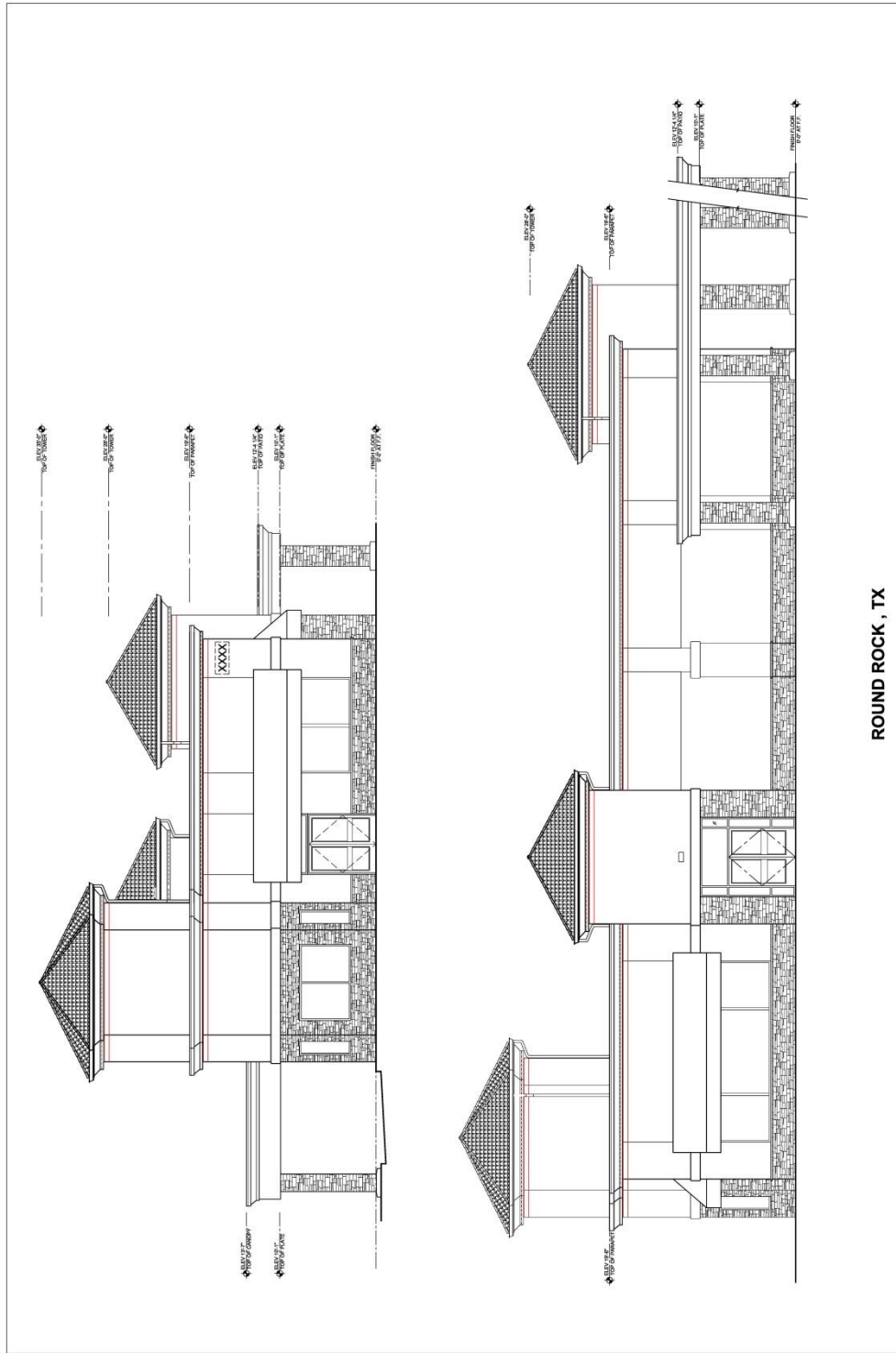
EXHIBIT J

Parcel 3-A Landscape Buffer

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EXHIBIT K

Parcel 3-A Building Elevations



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Legislative history:

Z-12-08-23-H4	Aug 23, 2012
Z-12-08-23-H3	Aug 23, 2012
Z-11-08-25-8A1	Aug 25, 2011
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