

ORDINANCE NO. Z-10-05-13-10C1

AN ORDINANCE AMENDING ORDINANCE NO. Z-05-09-08-10C3, ADOPTED BY THE CITY COUNCIL OF ROUND ROCK, TEXAS, ON SEPTEMBER 8, 2005, AND AMENDED BY ORDINANCE NO. Z-06-09-28-13C2 ON SEPTEMBER 28, 2006, BY AMENDING SECTION II.6, SECTION II.11, AND DELETING EXHIBIT "D" OF PUD NO. 65, APPROVED AND AMENDED BY THE CITY COUNCIL IN SAID ORDINANCES, PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

WHEREAS, on September 8, 2005, the City Council of the City of Round Rock, Texas, adopted Ordinance No. Z-05-09-08-10C3, which established PUD No. 65, and

WHEREAS, on September 28, 2006, the City Council of the City of Round Rock, Texas, adopted Ordinance No. Z-06-09-28-13C2, which amended PUD No. 65, and

WHEREAS, the City and McNeil Retail, Ltd. ("Owner") agreed to a Minor Amendment (Amendment No. 2), as defined in Section 14.1 of PUD No. 65, such amendment filed as Document No. 2006080491 with the County Clerk of Williamson County, Texas, and

WHEREAS, on May 29, 2007, the City and Owner agreed to a Minor Amendment (Amendment No. 3), as defined in Section 14.1 of PUD No. 65, and

WHEREAS, an application has been made to the City Council of the City of Round Rock, Texas, for a Major Amendment, as defined in Section 14.2 of PUD No. 65, and

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the requested amendment to Ordinance No. Z-05-09-08-10C3 on the 14th day of April, 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-05-09-08-10C3 be amended, and

WHEREAS, on the 13th day of May, 2010, after proper notification, the City Council held a public hearing on the requested amendment to Ordinance No. Z-05-09-08-10C3, and

WHEREAS, the City Council determined that the requested amendment to Ordinance No. Z-05-09-08-10C3 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 11.300, Code of Ordinances, 1995 Edition, City of Round Rock, Texas concerning public notices, hearings, and other procedural matters has been fully complied with, Now Therefore

BE IT ORDAINED BY THE 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 #65 meets the following goals and objectives:

- (1) The amendment to P.U.D. #65 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) The amendment to P.U.D. #65 is in harmony with the general purposes, goals, objectives and standards of the General Plan.

- (3) The amendment to P.U.D. #65 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 Section II.6 of the Development Plan of PUD No. 65, as approved in Ordinance No. Z-05-09-08-10C3, is hereby deleted in its entirety, and replaced with a new Section II.6, which shall read as follows:

6. PERMITTED USES

6.1 All of the uses in the **C-1 (General Commercial)** zoning district, with the exception of those uses listed in Section 7 below, shall be permitted on the Property, with the following conditions:

(a) A maximum of three (3) Eating Establishments with drive through service shall be allowed on the Property, provided that a non-vehicular "to go" window shall not be counted as a drive through use:

(i) One drive through service may be located on Lot 2G, Block A of the East Chandler Retail subdivision, a Replat of Lot 2 (0.95 acres), as generally depicted on **Exhibit "B"** such that the drive through queuing lane is not located within the street yard;

(ii) One drive through service may be located on Lot 2H, Block A of the East Chandler Retail subdivision, a Replat of Lot 2 (21.95 acres), on the rear of the Suite 1200 multiple tenant building, at the northeastern corner of the building; and

(iii) One drive through service may be located on Lot 2, Block A, University Oaks Shopping Center, Section 1 (0.93 acres).

6.2 The following uses shall be permitted by right, with the conditions stated:

(b) Private Park;

(c) Upper-Story Residential above ground floor retail uses, with a maximum of two (2) stories above the ground floor.

III.

That Section II.11 of the Development Plan of PUD No. 65, as approved in Ordinance No. Z-05-09-08-10C3, is hereby deleted in its entirety, and replaced with a new Section II.11, which shall read as follows:

11. DESIGN STANDARDS

The buildings constructed on the Property shall be 100% masonry. A minimum of 50%, in the aggregate, of the area (net of windows and doors) of (i) the front elevations of such buildings that are visible from public parking, and (ii) the first thirty linear feet of the "ends" of such buildings that are around the corner from such public parking, shall be stone. The attached **Exhibit "D-1"** is an example (for illustrative purposes only and not intended to define actual front and side elevation areas) showing how such front and end elevations would be identified on a site plan.

Notwithstanding the foregoing, at least 50% in the aggregate of the area (net of windows and doors) of the exterior of all four elevations of any free-standing building containing fewer than 15,000 square feet of floor area shall be stone.

The color and texture of the stone used on the Property shall be the same or similar to the color and texture of the stone used on the buildings constructed on the Property. The following stone is deemed to comply with the foregoing requirement: 4" to 12" random height, 50/50 blend splitface roughback random length limestone with sawn beds and snapped ends, as distributed by Mezger Enterprises, Lampasas, Texas.

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.

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
- Unfinished sheet metal (except for trim or minor decorative

features approved by the Director of Planning, or as otherwise provided herein)"

IV.

That **Exhibit "D"** of the Development Plan of PUD No. 65, as approved in Ordinance No. Z-05-09-08-10C3, is hereby deleted in its entirety.

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.

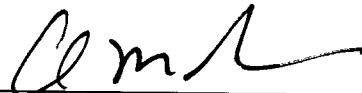
By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED, and ADOPTED on first reading this 13th day
of May, 2010.

Alternative 2.

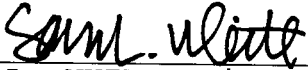
READ and APPROVED on first reading this the ____ day of
_____, 2010.

READ, APPROVED and ADOPTED on second reading this the
____ day of _____, 2010.



ALAN MCGRAW, Mayor
City of Round Rock, Texas

ATTEST:



SARA L. WHITE, City Secretary

**AMENDMENT NO. 4
ENDEAVOR
PLANNED UNIT DEVELOPMENT NO. 65**

**THE STATE OF TEXAS §
COUNTY OF WILLIAMSON §**

WHEREAS, the Endeavor Planned Unit Development (PUD) No. 65 zoning district was adopted and approved by the City Council of the City of Round Rock, Texas (hereinafter referred to as the "City") on September 8, 2005 (Z-05-09-08-10C3); and

WHEREAS, a major amendment to the PUD (Amendment No. 1) was adopted and approved by the City on September 28, 2006 (Z-06-09-28-13C2); and

WHEREAS, the City and McNeil Retail, Ltd. (hereinafter referred to as the "Owner") agreed to a Minor Amendment (Amendment No. 2), as defined in Section 14.1 of the PUD, such amendment filed as Document No. 2006080491 with the County Clerk of Williamson County, Texas; and

WHEREAS, the City and the Owner agreed to a Minor Amendment (Amendment No. 3), as defined in Section 14.1 of the PUD on May 29, 2007; and

WHEREAS, the Owner has submitted a request to the City for a Major Amendment, as defined in Section 14.2 of the PUD; and

WHEREAS, pursuant to Chapter 11, Section 11.314, Code of Ordinances (1995 Edition), City of Round Rock, Texas, the Owner has submitted revised Development Standards setting forth the development conditions and requirements within the PUD, which Development Standards are contained in this Major Amendment; and

WHEREAS, the City has held two public hearings required by law to solicit input from all interested citizens and affected parties; and

WHEREAS, on March 10, 2010, the City's Planning and Zoning Commission recommended approval of the Owner's application for a Major Amendment to the PUD; and

WHEREAS, the City Council has reviewed the proposed Major Amendment and determined that it promotes the health, safety, and general welfare of the citizens of Round Rock and that it complies with the intent of the Planned Unit Development Ordinance of the City;

NOW THEREFORE:

I.

Section II.6 of the Development Plan of PUD No. 65, as approved in Ordinance No. Z-Z-05-09-08-10C3, is hereby deleted in its entirety, and replaced with a new Section II.6, which shall read as follows:

6. PERMITTED USES

6.1 All of the uses in the **C-1 (General Commercial)** zoning district, with the exception of those uses listed in Section 7 below, shall be permitted on the Property, with the following conditions:

- (a) A maximum of three (3) Eating Establishments with drive through service shall be allowed on the Property, provided that a non-vehicular "to go" window shall not be counted as a drive through use:
 - (i) One may be located on Lot 2G, Block A of the East Chandler Retail subdivision, a Replat of Lot 2 (0.95 acres), as generally depicted on **Exhibit "B"** such that the drive through queuing lane is not located within the street yard;
 - (ii) One may be located on Lot 2H, Block A of the East Chandler Retail subdivision, a Replat of Lot 2 (21.95 acres), on the rear of the Suite 1200 multiple tenant building, at the northeastern corner of the building; and
 - (iii) One may be located on Lot 2, Block A, University Oaks Shopping Center, Section 1 (0.93 acres).

6.2 The following uses shall be permitted by right, with the conditions stated:

- (b) Private Park;
- (c) Upper-Story Residential above ground floor retail uses, with a maximum of two (2) stories above the ground floor.

II.

Section II.11 of the Development Plan of PUD No. 65, as approved in Ordinance No. Z-Z-05-09-08-10C3, is hereby deleted in its entirety, and replaced with a new Section II.11, which shall read as follows:

11. DESIGN STANDARDS

The buildings constructed on the Property shall be 100% masonry. A minimum of 50%, in the aggregate, of the area (net of windows and doors) of (i) the front elevations of such buildings that are visible from public parking, and (ii) the first thirty linear feet of the "ends" of such buildings that are around the corner from such public parking, shall be stone. The attached Exhibit "D-1" is an example (for illustrative purposes only and not intended to define actual front and side elevation areas) showing how such front and end elevations would be identified on a site plan.

Notwithstanding the foregoing, at least 50% in the aggregate of the area (net of windows and doors) of the exterior of all four elevations of any free-standing building containing fewer than 15,000 square feet of floor area shall be stone.

The color and texture of the stone used on the Property shall be the same or similar to compatible and harmonious with the color and texture of the stone used on the buildings constructed on the Property specified for the buildings constructed on PUD 59 and/or PUD 60, as conceptually depicted in Exhibit "D". The following stone is deemed to comply with the foregoing requirement: 4" to 12" random height, 50/50 blend splitface roughback random length limestone with sawn beds and snapped ends, as distributed by Mezger Enterprises, Lampasas, Texas.

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.

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

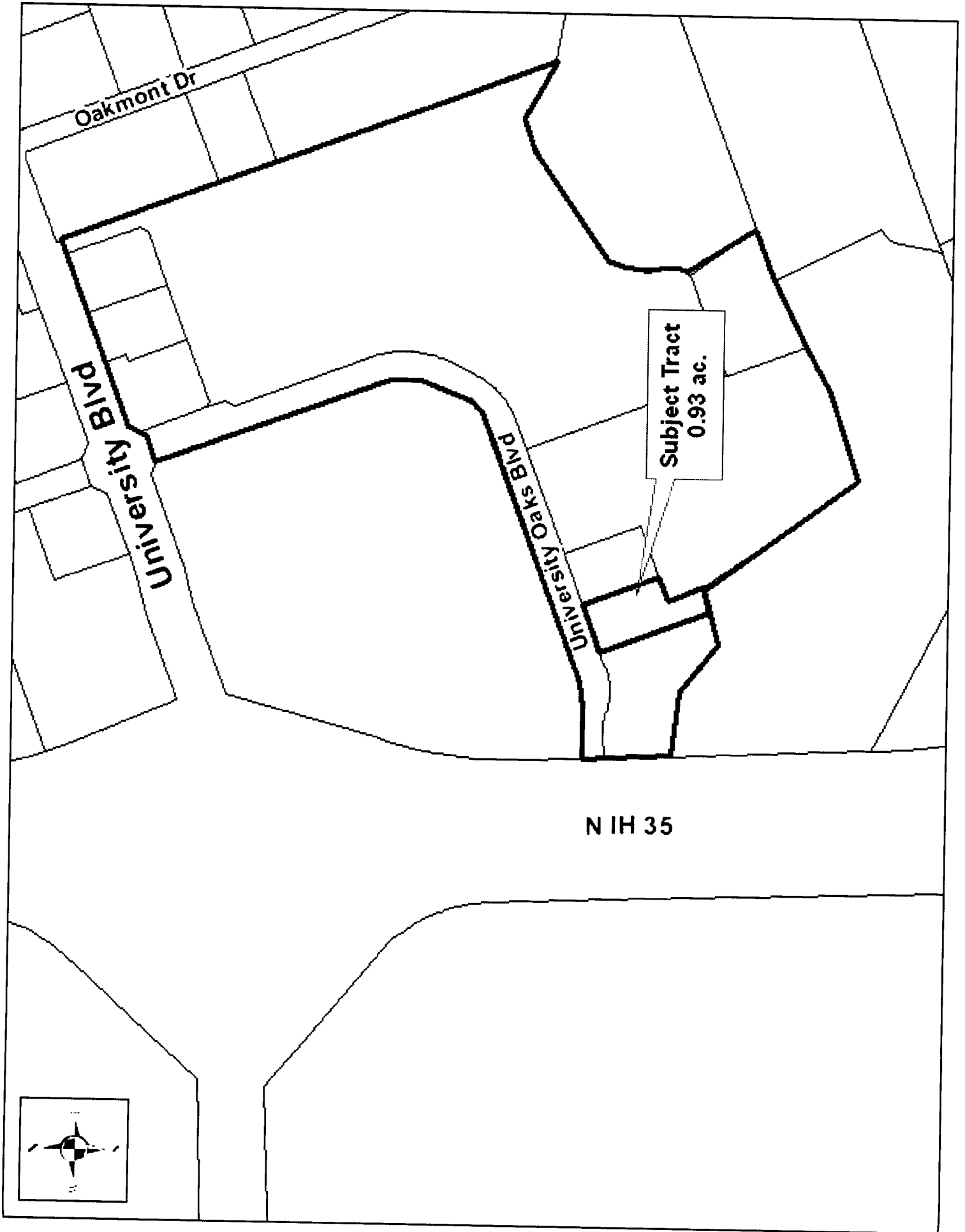
- Asbestos
- Mirrored Glass (reflectivity of 20% or more)
- Corrugated metal
- Unfinished sheet metal (except for trim or minor decorative features approved by the Director of Planning, or as otherwise provided herein)"

III.

Exhibit "D" of the Development Plan of PUD No. 65, as approved in Ordinance No. Z-Z-05-09-08-10C3, is hereby deleted in its entirety.

Exhibit "A" - Legal Description

Lot 2, Block A, University Oaks Shopping Center, Section 1 (0.93 acres)



Oakmont Dr

University Blvd

University Oaks Blvd

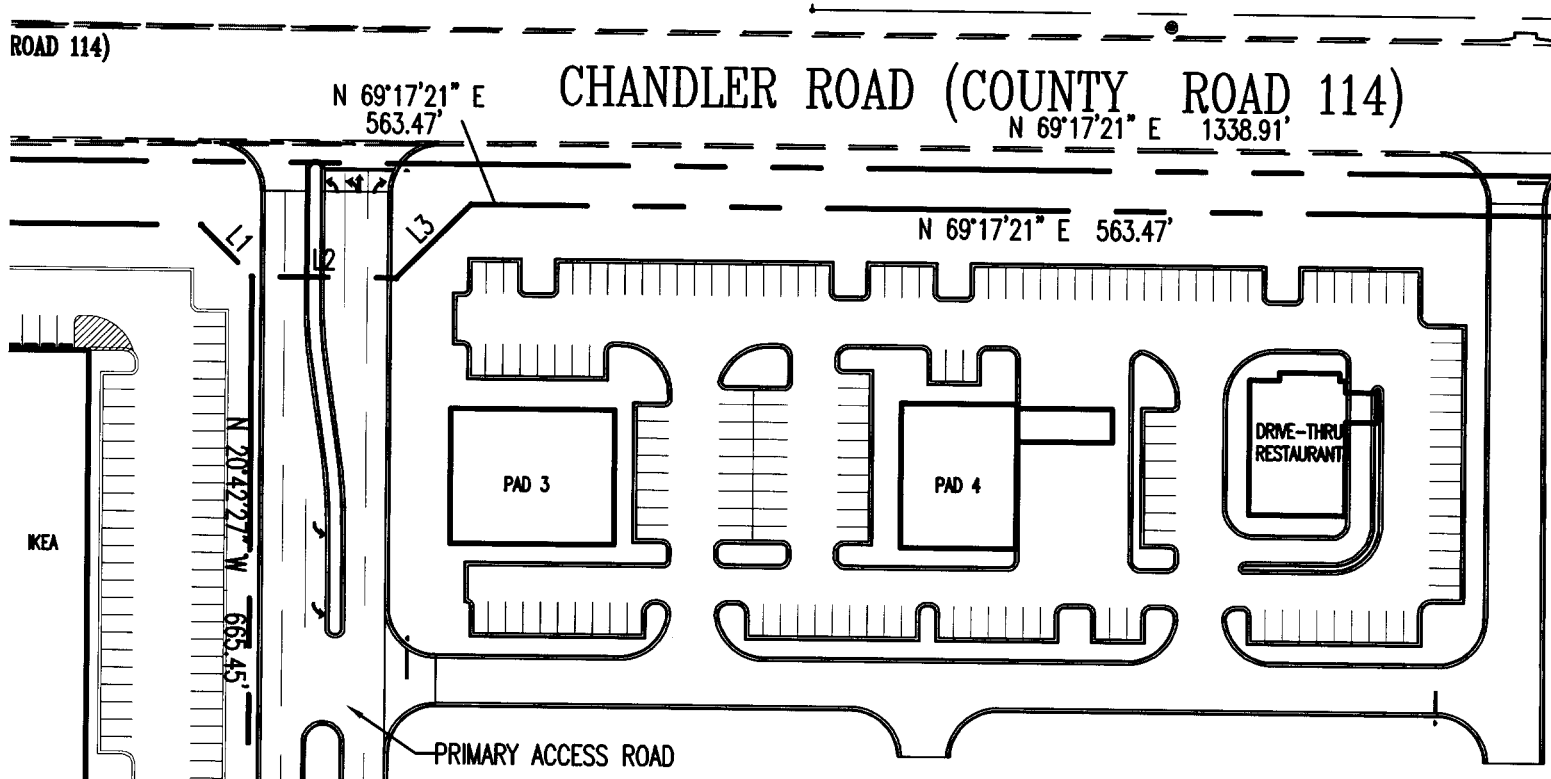
Subject Tract
0.93 ac.

NIH 35



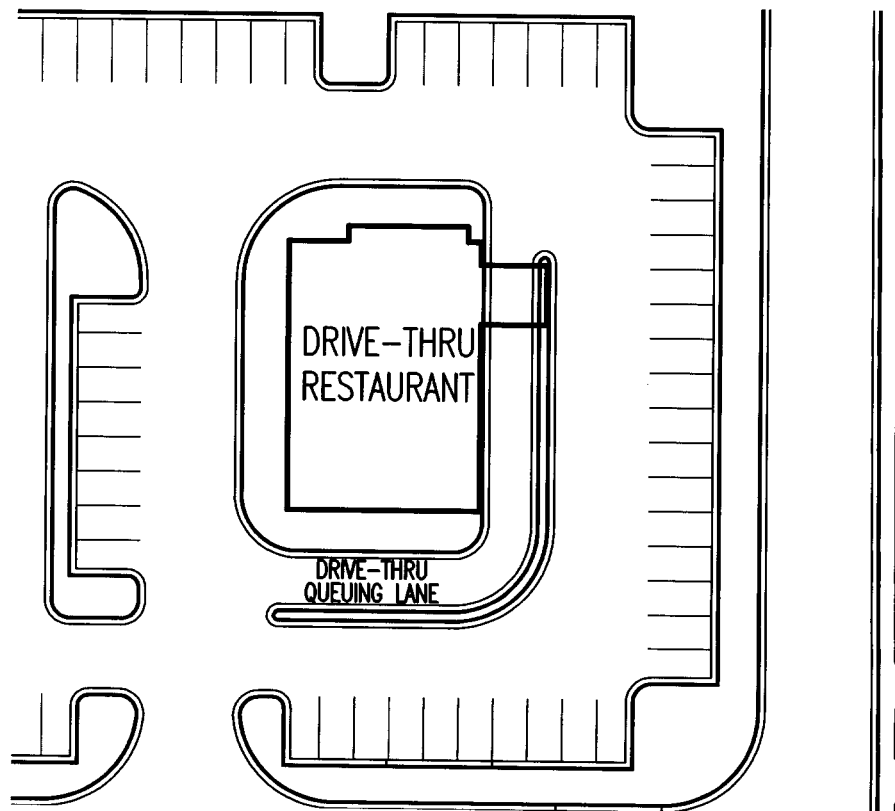
EXHIBIT B

DRIVE THROUGH LOCATION



1. PARTIAL PLAN VIEW

1"=100'

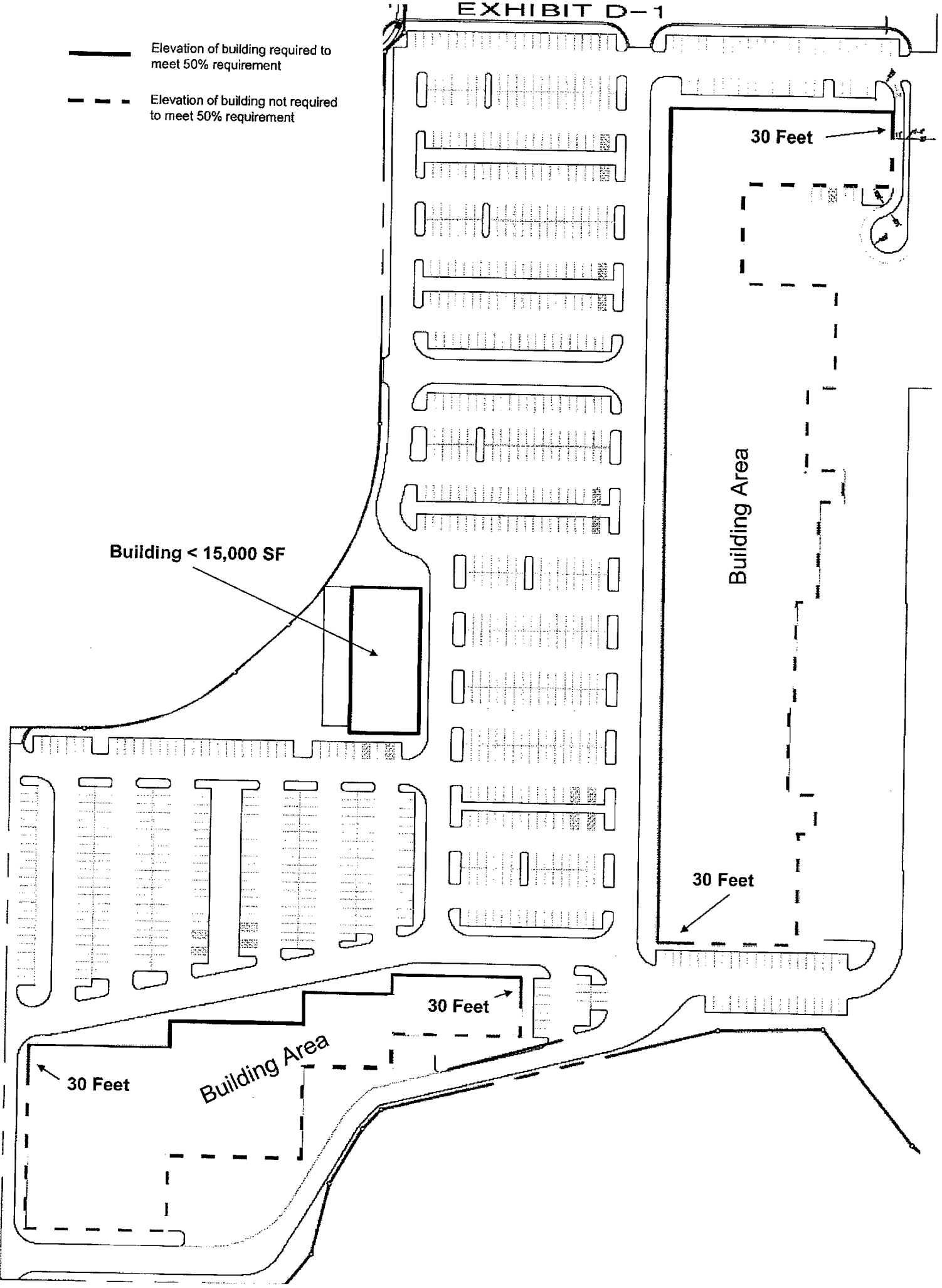


2. ENLARGED PLAN VIEW

1"=50'

EXHIBIT D-1

- Elevation of building required to meet 50% requirement
- - - Elevation of building not required to meet 50% requirement





City Council Agenda Summary Sheet

Agenda Item No.	10C1.
Agenda Caption:	Consider an ordinance approving Amendment No. 4 to Planned Unit Development (PUD) No. 65 zoning district (Endeavor). (First Reading)
Meeting Date:	May 13, 2010
Department:	Planning and Community Development
Staff Person making presentation:	Jim Stendebach
	Planning and Community Development Director

Item Summary:

The 42.5 acre site contains retail and restaurant uses and has largely been constructed and occupied. The amendment allows a drive-through restaurant on a 0.93 acre internal lot near the southwest corner of the site. In addition, it specifies that the development shall contain a total of three drive-through restaurants, two of which are built. The first of these two is on a stand-alone restaurant building at the northeast corner of the site fronting on University Boulevard. The second is located on the end-cap of multi-tenant retail building, also on the northeastern part of the site. Since the PUD originally limited a drive-through restaurant to the first site, the amendment also provides for the second drive-through location, which was added when the multi-tenant building was constructed. The purpose of the limitation of drive-throughs in the original PUD was to limit drive-throughs fronting on University Boulevard and the IH-35 frontage road.

Strategic Plan Relevance:

4.0 Improve the aesthetics, development and redevelopment quality, and sustainability of the City.

Cost: N/A

Source of Funds: N/A

Date of Public Hearing (if required):

Public notice was posted and a public hearing held in accordance with the City of Round Rock's Zoning Ordinance at the Planning and Zoning Commission meeting on April 14, 2010.

Recommended Action:

The Planning and Zoning Commission recommended approval of the ordinance at their meeting on April 14, 2010.