

ORDINANCE NO. Z-11-07-28 11B3

AN ORDINANCE AMENDING ORDINANCE NO. Z-06-12-21-8A2, ADOPTED BY THE CITY COUNCIL OF ROUND ROCK, TEXAS, ON DECEMBER 21, 2006, BY AMENDING SECTION II.6 AND THE LIST OF EXHIBITS, AND BY ADDING EXHIBIT "D" TO THE DEVELOPMENT PLAN OF PUD NO. 70, APPROVED BY THE CITY COUNCIL IN SAID ORDINANCE, PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

WHEREAS, on December 21, 2006, the City Council of the City of Round Rock, Texas, adopted Ordinance No. Z-06-12-21-8A2, which established PUD No. 70, and

WHEREAS, an application has been made to the City Council of the City of Round Rock, Texas, to amend Section II.6 of the Development Plan and Exhibit "D" of PUD No. 70, and

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the requested amendment to Ordinance No. No. Z-06-12-21-8A2 on the 22nd day of June, 2011, 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. No. Z-06-12-21-8A2 be amended, and

WHEREAS, on the 28th day of July, 2011, after proper notification, the City Council held a public hearing on the requested amendment to Ordinance No. No. Z-06-12-21-8A2, and

WHEREAS, the City Council determined that the requested amendment to Ordinance No. No. Z-06-12-21-8A2 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 46-92, 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 #70 meets the following goals and objectives:

- (1) The amendment to P.U.D. #70 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) The amendment to P.U.D. #70 is in harmony with the general purposes, goals, objectives and standards of the General Plan.
- (3) The amendment to P.U.D. #70 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. 70, as approved in Ordinance No. Z-06-12-21-8A2, is hereby amended to read as follows:

6. PERMITTED USES, HEIGHT AND SETBACK

The permitted uses and limitations are as follows:

Permitted Use ¹	Building Height Limitation	Building Setbacks from ⁶ :			Maximum Residential Units
		Hester's Crossing	La Frontera Boulevard	Kouri Avenue	
Office ³ (OF)	144 feet	8 feet	8 feet	8 feet	n/a
Restaurant ⁴	45 feet ²	8 feet	8 feet	8 feet	n/a
General Commercial (C-1)	45 feet ²	8 feet	8 feet	8 feet	n/a
Multifamily (MF) ⁵	60 feet	8 feet	8 feet	8 feet	48 per acre

1. Zoning designations indicate all uses permissible under the Code for such designation as of the date of this Ordinance. Such uses may include, but are not limited to, other uses also listed in this chart. Limitations for any specific C-1 or MF use listed in this chart will control over the general C-1 or MF listing.
2. Decorative architectural features may exceed the stated height limitation by 15 feet.
3. Including the following associated uses: Restaurant (including bar and liquor sales), Research & Development, and General Commercial (C-1).
4. Including bar and liquor sales.
5. 10% of the floor space constructed upon the lot(s) contained within a site plan may be developed for office, restaurant, or general commercial uses. Within Building "A", 6,601 square feet and within Building "B", 7,385 square feet, as identified in Exhibit "D" as the cross hatched portion, must be developed for office, restaurant, or general commercial uses. Multilevel parking must be provided for the multifamily units. Total residential units may not exceed 420 units. The number of Maximum Residential Units does not guarantee the availability of water and wastewater capacities. On-site and off-site utility improvements may be required of the developer.
6. Building setbacks may be increased during the site plan review process if necessary to accommodate traffic sight lines or utilities as designated on a corresponding plat or site plan.

III.

That Exhibit "D", as attached hereto and incorporated herein, is added to the Development Plan of PUD No. 70.

IV.

That the List of Exhibits as approved in Ordinance No. Z-06-12-21-8A2 for PUD No. 70 is hereby deleted in its entirety, and replaced with the new List of Exhibits, attached hereto and incorporated herein.

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.

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 28th day of July, 2011.

Alternative 2.

READ and APPROVED on first reading this the ____ day of _____, 2011.

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



ALAN MCGRAW, Mayor
City of Round Rock, Texas

ATTEST:

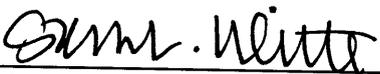
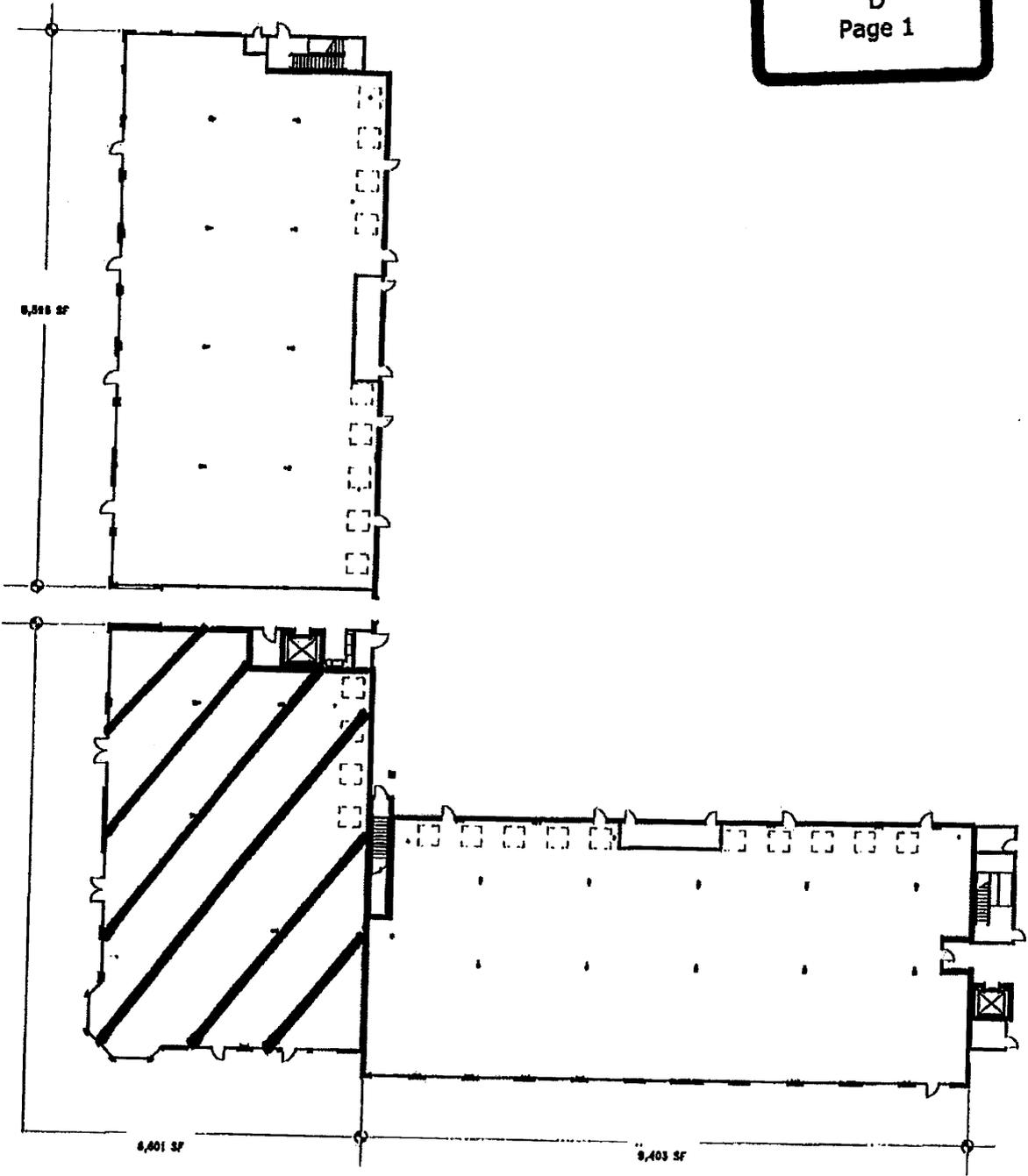

SARA L. WHITE, City Secretary

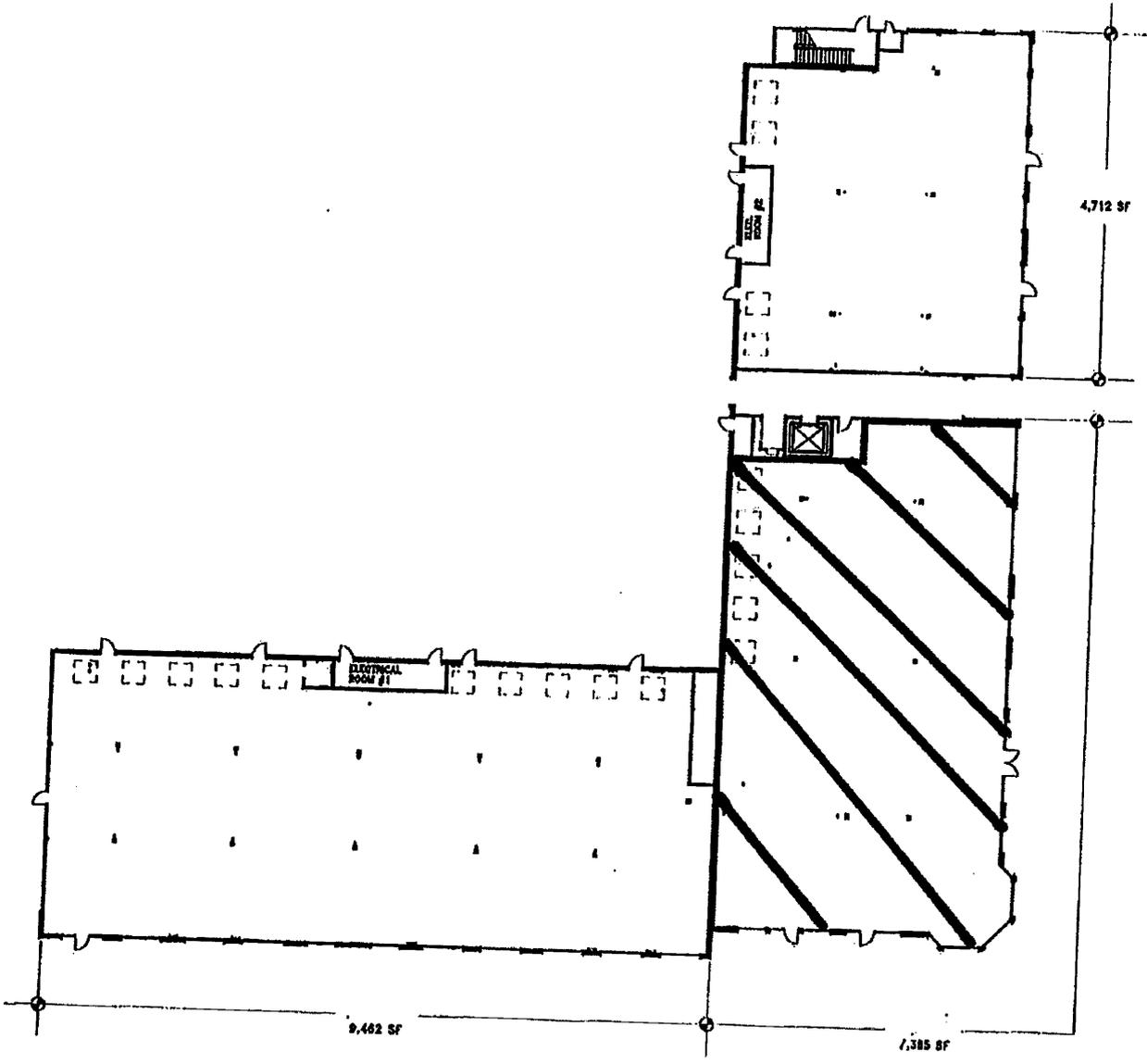
EXHIBIT
"D"
Page 1



<p>SQ</p> <p>LA FRONTERA SQUARE</p>	<p>LA FRONTERA SQUARE</p> <p>2601 LA FRONTERA BOULEVARD ROUND ROCK, TX 78681 (512) 501-2077</p>	<p>BUILDING A FLOOR 1</p> <p>TOTAL SF: 24,600 SF</p>	<p>N</p> <p>NOT TO SCALE</p>
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BUILDING
"A"

EXHIBIT
"D"
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<p>SQ</p> <p>LA FRONTERA SQUARE</p>	<p>LA FRONTERA SQUARE 2801 LA FRONTERA BOULEVARD ROUND ROCK, TX 78681 (512) 501-2077</p>	<p>BUILDING B FLOOR 1 TOTAL SF: 21,659 SF</p>	<p>N</p>  <p>NOT TO SCALE</p>
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BUILDING
"B"

LIST OF EXHIBITS

<u>Exhibit</u>	<u>Description</u>
Exhibit "A"	Legal Description of Property
Exhibit "B"	Sidewalks
Exhibit "C"	Lighting
Exhibit "D"	Buildings



City Council Agenda Summary Sheet

Agenda Item No.	11B3.
Agenda Caption:	Consider an ordinance amending the Planned Unit Development No. 70 zoning district to allow multi-family use within a building area originally designated only for restaurant, commercial or office use. (First Reading)
Meeting Date:	July 28, 2011
Department:	Planning and Development Services
Staff Person making presentation:	Peter Wysocki
	Planning and Development Services Director

Item Summary:

The PUD No. 70 zoning district was approved on December 21, 2006. It allowed for multi-family development at a maximum density of 39 units per acre, with a requirement that 10% of the floor space be developed as office, restaurant or general commercial uses. The site was developed in 2008 according to the provisions of the PUD zoning district, however the required non-residential portions of the buildings, approximately 46,000 square feet, have remained unoccupied. This building space is located on the ground floor and consists of the south, west and east facing frontages of the buildings.

The building owner asserts that despite repeated efforts to lease the space, potential tenants and brokers report that the space is not desirable for office, restaurant or commercial uses. The owner also reports that the residential section of the building is highly successful, having consistently remained 98% leased. The owner is confident that, were the PUD to be amended to allow multi-family use in the entire building, that the 10% of the building reserved for office, restaurant or commercial uses could be leased for multi-family.

Upon recommendation by staff, the Planning and Zoning Commission recommends approval of an amendment to the PUD which allows for conversion to multi-family uses in most of the area currently designated for non-residential development, while preserving the requirement for office, restaurant or general commercial uses in two building corners. This would allow for an additional 32,000 square feet of multi-family uses, increasing the maximum density from 39 units per acre to 48 units per acre and the maximum number of residential units from 360 to 420. Approximately 14,000 square feet of the building area would retain the requirement for office, restaurant or general commercial uses.

Staff and the Planning and Zoning Commission both believe that the integrity of the mixed-use development should be retained and that the recent announcement that Emerson is locating in Frontera Vista could stimulate additional retail and/or restaurant activity.

Strategic Plan Relevance:

Places and Spaces – Goal 1: Provide a range of employment and housing choices to a diverse range of families and individuals.



City Council Agenda Summary Sheet

Cost: N/A

Source of Funds: N/A

Date of Public Hearing (if required):

Public notice was posted and a public hearing was held in accordance with the City of Round Rock's Zoning Ordinance at the Planning and Zoning Commission meeting on June 22, 2011.

Recommended Action:

The Planning and Zoning Commission recommended approval of the proposed zoning change at their June 22, 2011 meeting.