

ORDINANCE NO. Z-13-04-25-I1

**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 BY DELETING 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**, on July 28, 2011, the City Council of the City of Round Rock, Texas, adopted Ordinance No. Z-11-07-28-11B3 to amend Section II.6 and to add Exhibit "D" to the Development Plan of PUD No. 70 (Amendment No. 1), and

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

**WHEREAS**, the Planning and Zoning Commission held a public hearing concerning the requested amendment to Ordinance No. Z-06-12-21-8A2 on the 20th day of March, 2013, 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-06-12-21-8A2 be amended, and

**WHEREAS**, on the 25th day of April, 2013, after proper notification, the City Council held a public hearing on the requested amendment to Ordinance No. Z-06-12-21-8A2, and

**WHEREAS**, the City Council determined that the requested amendment to Ordinance 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 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 #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, and amended in Ordinance No. Z-11-07-28-11B3, is hereby amended to read as follows:

**6. PERMITTED USES, HEIGHT AND SETBACK**

The permitted uses and limitations are as follows:

Permitted Use <sup>1</sup>	Building Height Limitation	Building Setbacks from <sup>6</sup> :			Maximum Residential Units
		Hester's Crossing	La Frontera Boulevard	Kouri Avenue	
Office <sup>3</sup> (OF)	144 feet	8 feet	8 feet	8 feet	n/a
Restaurant <sup>4</sup>	45 feet <sup>2</sup>	8 feet	8 feet	8 feet	n/a
General Commercial (C-1)	45 feet <sup>2</sup>	8 feet	8 feet	8 feet	n/a
Multifamily (MF) <sup>5</sup>	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", 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 ~~440~~ 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 approved in Ordinance No. Z-11-07-28-11B3, is hereby deleted in its entirety.

**IV.**

That the List of Exhibits as approved in Ordinance No. Z-06-12-21-8A2 and amended in Ordinance No. Z-11-07-28-11B3 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.

**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.

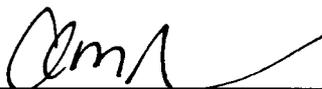
By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

**READ, PASSED, and ADOPTED** on first reading this 25<sup>th</sup> day of April, 2013.

Alternative 2.

**READ** and **APPROVED** on first reading this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**READ, APPROVED** and **ADOPTED** on second reading this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.



\_\_\_\_\_  
ALAN MCGRAW, Mayor  
City of Round Rock, Texas

ATTEST:



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



# City of Round Rock

## Agenda Item Summary

**Agenda Number: I.1**

---

**Title:** Consider public testimony regarding and an ordinance amending the Planned Unit Development (PUD) No. 70 zoning district to allow multi-family use in areas previously designated for commercial, office or restaurant only. (First Reading\*)

**Type:** Ordinance

**Governing Body:** City Council

**Agenda Date:** 4/25/2013

**Dept Director:** Brad Wiseman, Planning & Development Services Director

**Cost:**

**Indexes:**

**Attachments:** Ordinance, Location Map & Surrounding Zoning, Aerial Photo

---

### Text of Legislative File 13-169

Planned Unit Development (PUD) No. 70 was approved in 2006. It allowed for a maximum of 360 multi-family units, with a requirement that 10% of the floor space be developed as office, restaurant or general commercial uses. The ground floor space reserved for the non-residential uses remained unoccupied until the PUD was amended in July of 2011 to convert approximately 46,000 square feet to 60 multi-family units, retaining approximately 14,000 square feet (the corner units) for office, restaurant or commercial uses. The building owner reports 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. At the same time, the multi-family units on the site have remained 98% leased and the owner is confident that the remaining portion of the building would also be successful as multi-family lease space, providing another 15-20 apartments.

The proposed PUD amendment would remove the requirement that 6,601 square feet in Building A and 7,385 square feet in Building B, a total of approximately 14,000 square feet, be developed for office, restaurant or general commercial uses and amend the maximum number of residential units from 420 to 440. The provision allowing up to 10% of the building to be developed for office, restaurant or general commercial uses would remain.

The Planning and Zoning Commission voted 7-0 to recommend approval of the amendment to PUD No. 70. It is apparent to staff that the space is not conducive to non-residential users. The area has been vacant for nearly five years. While the initial vision for this property was a mixed-use concept, this amendment will allow for the creation of additional, attractive loft units that are in demand. Therefore, staff recommends approval of this amendment