

ORDINANCE NO. Z-07-06-28-10C3

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ROUND ROCK, TEXAS ADOPTED IN SECTION 11.305(2), CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE 12.98 ACRES OF LAND, OUT OF THE DAVID CURRY SURVEY, ABSTRACT NO. 130, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, FROM DISTRICT LI (LIGHT INDUSTRIAL) TO PLANNED UNIT DEVELOPMENT (PUD) NO. 75.

WHEREAS, an application has been made to the City Council of the City of Round Rock, Texas to amend the Official Zoning Map to rezone 12.98 acres of land, out of the David Curry Survey, Abstract No. 130, in Round Rock, Williamson County, Texas, being more fully described in Exhibit "A" attached hereto, from District LI (Light Industrial) to Planned Unit Development (PUD) No. 75, and

WHEREAS, the City Council has submitted the requested change in the Official Zoning Map to the Planning and Zoning Commission for its recommendation and report, and

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the requested change on the 30th day of May, 2007, following lawful publication of the notice of said public hearing, and

WHEREAS, after considering the public testimony received at such hearing, the Planning and Zoning Commission has recommended that the Official Zoning Map be amended so that the zoning classification of the property described in Exhibit "A" be changed to PUD No.75, and

WHEREAS, on the 28th day of June, 2007, after proper notification, the City Council held a public hearing on the requested amendment, and

WHEREAS, the City Council determines that the zoning provided for herein promotes the health, safety, morals and protects and preserves the 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 and Section 11.400, 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 has hereby determined the Planned Unit Development (PUD) No. 75 meets the following goals and objectives:

- (1) The development in PUD No. 75 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) P.U.D. No. 75 is in harmony with the general purposes, goals, objectives and standards of the General Plan.
- (3) P.U.D. No. 75 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 general welfare.
- (4) P.U.D. No. 75 will be adequately provisioned by essential public facilities and services including streets, parking, drainage, water, wastewater facilities, and other necessary utilities.
- (5) P.U.D. No. 75 will be constructed, arranged and maintained so as not to dominate, by scale and massing of

structures, the immediate neighboring properties or interfere with their development or use in accordance with any existing zoning district.

II.

That the Official Zoning Map adopted in Section 11.401(2)(a), Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended so that the zoning classification of the property described in Exhibit "A", attached hereto and incorporated herein shall be, and is hereafter designated as, Planned Unit Development (PUD) No. 75, and that the Mayor is hereby authorized and directed to enter into the Development Plan for PUD No. 75 attached hereto as Exhibit "B", which agreement shall govern the development and use of said property.

III.

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 Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution 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.

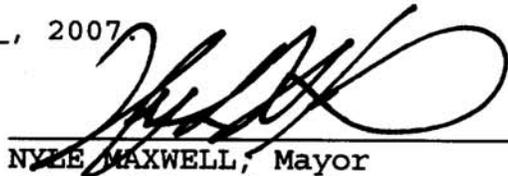
By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED, and ADOPTED on first reading this 28 day of June, 2007.

Alternative 2.

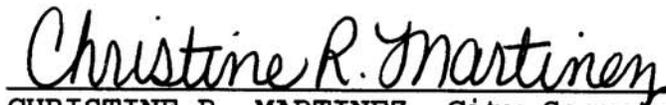
READ and APPROVED on first reading this the _____ day of _____, 2007.

READ, APPROVED and ADOPTED on second reading this the _____ day of _____, 2007.



NYLE MAXWELL, Mayor
City of Round Rock, Texas

ATTEST:



CHRISTINE R. MARTINEZ, City Secretary

**EXHIBIT A
FIELD NOTES**

ALL THAT CERTAIN 12.98-ACRE PARCEL OR TRACT OF LAND OUT OF THE DAVID CURRY SURVEY, ABSTRACT NO. 130, WILLIAMSON COUNTY, TEXAS; SAME BEING THAT CERTAIN 12.98-ACRE TRACT CONVEYED TO WM ACQUISITIONS, INC. BY DISTRIBUTION DEED (DENOTED EXHIBIT B) AS RECORDED IN VOLUME 2518, PAGE 8 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS; FURTHER BEING THAT CERTAIN 12.98-ACRE TRACT CONVEYED TO DESIGNATED TREE PARTNERS BY SPECIAL WARRANTY DEED AS RECORDED IN DOCUMENT 2006069169 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS; AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod found on the northeast right-of-way line of Greenhill Drive, same being at the most westerly corner of a 6.613-acre tract conveyed to Nelson Family Partnership by said Distribution Deed (denoted Exhibit C) as recorded in Volume 2518, Page 8 Official Records, Williamson County, Texas; also being at the most southerly corner of said WM Acquisition, Inc. 12.98-acre tract; further being the most southerly corner of said Designated Tree Partners, LP 12.98-acre tract; in addition being for the most southerly corner and POINT of BEGINNING of the herein described tract, and from which corner a brass disk labeled Round Rock 01-013A bears S58°36'56"W a distance of 1,449.22 feet;

THENCE, with said northeast right-of-way line of Greenhill drive the following three (3) courses:

1. N21°04'50"W a distance of 548.18 feet to a ½" iron rod found at a point of curvature of a tangent curve to the right; same being at a point of curvature of said WM Acquisition, Inc. 12.98-acre tract, also being at a point of curvature of said Designated Tree Partners, LP 12.98-acre tract, and for a point of curvature of a tangent curve to the right of this tract;
2. Along said curve to the right, an arc distance of 241.44 feet, having a radius of 374.90 feet, a central angle of 36°53'57", and a chord which bears N02°37'52"W a distance of 237.29 feet to a ½" iron rod found at a point of tangency of said WM Acquisition, Inc. 12.98-acre tract, same being at a point of tangency of said Designated Tree Partners, LP 12.98-acre tract, and for a point of tangency of this tract; and,
3. N15°51'33"E a distance of 56.55 feet to a ½" iron rod found on the southeasterly line of Lot 1, Block F, Crystal Park, a subdivision of record in Cabinet "I", Slide 148 of the Plat Records of Williamson County, Texas, said ½" iron rod being the most southerly corner of said Lot 1, further being the most westerly corner of said WM Acquisition, Inc. 12.98-acre tract, same being the most westerly corner of said Designated Tree Partners, LP 12.98-acre tract, and for the most westerly corner of this tract;

THENCE, with said northeast line of said Lot 1, N68°48'00"E a distance of 592.14 feet to a ½" iron rod found on the southwest line of Block H, Chapel Hill North Section 3, a subdivision of record in Cabinet F, Slide 176 of the Plat Records of Williamson County, Texas, said ½" iron rod being at the most westerly corner of said Block H, Chapel Hill North Section 3, same being at the most northerly corner of said WM Acquisition, Inc 12.98-acre tract, further being at the most northerly corner of said Designated Tree Partners, LP 12.98-acre tract, and for the most northerly corner of this tract;

THENCE, with said southwest line of Block H, Chapel Hill North Section 3 and with the southwest line of the Resubdivision of Chapel Hill North Section 3, Block D, Lot 5, a subdivision of record in Cabinet "J", Slide 205 of the Plat Records of Williamson County, Texas, S21°17'50"E a distance of 818.17 feet to a ½" iron rod found on the northwest line of said 6.613-acre tract, said ½" iron rod being at the most northerly corner of said 6.613-acre tract, same being the most easterly corner of said Wm Acquisition, Inc 12.98-acre tract, further being the most easterly corner of said Designated Tree Partners, LP 12.98-acre tract, and for the most easterly corner of this tract;

THENCE, with said northwest line, S68°47'39"W a distance of 704.32 feet to the POINT of BEGINNING, and containing 12.98 acres of land, more or less.

I HEREBY CERTIFY that these notes were prepared by American Surveying Group, L.L.C. from a survey made on the ground on July 31 - August 15, 2006 under my supervision and are true and correct to the best of my knowledge.



Gilbert T. Bernhardt

5/01/2007

Gilbert T. Bernhardt
Registered Professional Land Surveyor No. 5362

Date

**DEVELOPMENT PLAN
GREEN SQUARE
PLANNED UNIT DEVELOPMENT NO. 75**

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

THIS DEVELOPMENT PLAN (this "Plan") is adopted and approved by the CITY OF ROUND ROCK, TEXAS (hereinafter referred to as the "City"). For purposes of this Plan, the term Owner shall mean Designated Tree Partners L.P., its respective successors and assigns; provided, however, upon sale, transfer or conveyance of portions of the hereinafter described property, the duties and obligations of the Owner, as it relates to the respective property, shall be assumed by the new owner, and the Owner shall have no further liability relating to their respective property.

WHEREAS, the Owner is the owner of certain real property consisting of 12.98 acres, as more particularly described in **Exhibit "A"**, (herein after referred to as the "Property") attached hereto and made a part hereof; and

WHEREAS, The Owner has submitted a request to the City to rezone the Property as a Planned Unit Development (the "PUD"); and

WHEREAS, the proposed project is registered with the U.S. Green Building Council for Leadership in Energy and Environmental Design (LEED); and

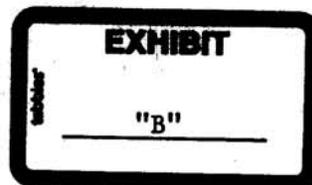
WHEREAS, pursuant to Chapter 11, Section 11.314, Code of Ordinances (1995 Edition), City of Round Rock, Texas, the Owner has submitted Development Standards setting forth the development conditions and requirements within the PUD, which Development Standards are contained in Section II of this Plan; 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 May 30, 2007, the City's Planning and Zoning Commission recommended approval of the Owner's application for a PUD; and

WHEREAS, the City Council has reviewed the proposed Plan 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.

GENERAL PROVISIONS

1. CONFORMITY WITH DEVELOPMENT STANDARDS

That all uses and development within the Property shall conform to the Development Standards included in Section II herein.

2. CHANGES AND MODIFICATIONS

No changes or modifications will be made to this Plan unless all provisions pertaining to changes or modifications as stated in Section II.12 below are followed.

3. ZONING VIOLATION

Owner understands that any person, firm, corporation or other entity violating any conditions or terms of the Plan shall be subject to any and all penalties for the violation of any zoning ordinance provisions as stated in Section 1.601, Code of Ordinances, (1995 Edition), City of Round Rock, Texas, as amended.

4. MISCELLANEOUS PROVISIONS

4.1. Severability

In case one or more provisions contained of this Plan are deemed invalid, illegal or unenforceable in any respect such invalidity, illegality or unenforceability shall not affect any other provisions of this Plan and in such event, this Plan shall be construed as if such invalid, illegal or unenforceable provision had never been contained in this Plan.

4.2. Venue

All obligations of the Plan are performable in Williamson County, Texas, and venue for any action shall be in Williamson County.

4.3. Effective Date

This Plan shall be effective from and after the date of approval by the City Council.

II.

DEVELOPMENT STANDARDS

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 Plan covers approximately 12.98 acres of land, located within the city limits of Round Rock, Texas, and more particularly described in **Exhibit "A"**.

3. PURPOSE

The purpose of this Plan is to ensure a PUD that 1) is equal to, superior than and/or more consistent than that which 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.

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 the Office (OF) zoning district and other sections of the Code, as applicable. If there is a conflict between this Plan and the Code, this 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 Plan shall control.

5. PERMITTED USES

5.1. Provided the development is certified by the U.S. Green Building Council for Leadership in Energy and Environmental Design (LEED) and evidence of such certification is provided to the City according to the schedule listed in the attached **Exhibit "B"**, the following principal uses are permitted on the Property:

5.1.1. All uses permitted in the **Office (OF) District**, including the following:

5.1.1.1. Medical Office

5.1.1.1.1. Emergency medical services are not permitted

5.1.1.1.2. Limited to regular service hours between 7:00 a.m. and 9:00 p.m.

5.1.2. Eating Establishments, with the following conditions:

5.1.2.1. Eating establishments shall be located within a building whose primary use is office and shall serve as a support use to the office use.

5.1.2.2. Shall be limited to regular service hours between 7:00 a.m. and 8:00 p.m.

5.1.2.3. The gross floor area shall not exceed 1,500 square feet.

5.1.2.4. There shall be no dedicated entrance from the parking area to the eating establishment.

5.2. If the development is not certified by the U.S. Green Building Council for Leadership in Energy and Environmental Design (LEED) or evidence of such certification is not provided to the City according to the schedule listed in the attached **Exhibit "B"**, the following principal uses are permitted on the Property:

5.2.1. All uses permitted in the **Office (OF) District**, including the following:

5.2.1.1. Medical Office

5.2.1.1.1. Emergency medical services are not permitted

5.2.1.1.2. Limited to regular service hours between 7:00 a.m. and 9:00 p.m.

6. DEVELOPMENT STANDARDS

6.1. Provided the development is certified by the U.S. Green Building Council for Leadership in Energy and Environmental Design (LEED) and evidence of such certification is provided to the City according to the schedule listed in the attached **Exhibit "B"**, the following development standards shall apply:

6.1.1. Exterior facades shall predominately comply with the Office (OF) District, with the following variations allowed within a coordinated design, which is complimentary of the surrounding buildings

6.1.1.1. Metal Panels, architectural grade and finish, limited to 40 percent of the total façade (copper or other similar reflective metal, i.e. pre-weathered galvalume).

6.1.1.2. Wood siding, as a base finish, limited to 30 percent of the total façade.

6.1.1.3. Except for photovoltaic cells, mirrored glass with a reflectivity of thirty (30) percent or more shall not be permitted on the exterior walls and roofs of all buildings and structure.

6.2. If the development is not certified by the U.S. Green Building Council for Leadership in Energy and Environmental Design (LEED) or evidence of such certification is not provided to the City according to the schedule listed in the attached **Exhibit "B"**, the development shall be regulated by the Office (OF) zoning district and other sections of the Code, as applicable.

7. CONCEPT PLAN

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

8. GENERAL PLAN 2000

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

9. TRAFFIC IMPACT ANALYSIS

The City Transportation Director has approved a Traffic Impact Analysis (TIA) for the Plan however any changes in the proposed land uses or their intensity shall

require that a revision to the TIA be submitted for review and approval by the City.

10. DEVELOPMENT PROCESS

As required by City code, the Owner shall be required to complete the remaining steps in the City's development process, including subdivision platting and site development plan approval. A Preliminary Plat must be approved according to the City of Round Rock Subdivision Code, prior to the Property being subdivided as a Final Plat. No site development plan approval on the Property shall be granted until the Final Plat is recorded. No building permit on the Property shall be issued until the site development plan is approved by the Development Review Committee.

11. UNDERGROUND UTILITY SERVICE

Except where approved in writing by the Chief of Public Works Operations, all electrical, telephone and cablevision distribution and service lines, other than overhead lines that are three phase or larger, shall be placed underground.

12. CHANGES TO DEVELOPMENT PLAN

12.1. Minor Changes

Minor changes to this 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.

12.2. Major Changes

All changes not permitted under section 12.1 above shall be resubmitted following the same procedure required by the original PUD application.

LIST OF EXHIBITS

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
Exhibit "A"	Legal Description of Property
Exhibit "B"	LEED Compliance Tracking

**EXHIBIT A
FIELD NOTES**

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THENCE, with said northwest line, S68°47'39"W a distance of 704.32 feet to the POINT of BEGINNING, and containing 12.98 acres of land, more or less.

I HEREBY CERTIFY that these notes were prepared by American Surveying Group, L.L.C. from a survey made on the ground on July 31 - August 15, 2006 under my supervision and are true and correct to the best of my knowledge.



Gilbert T. Bernhardt

5/01/2007

Gilbert T. Bernhardt
Registered Professional Land Surveyor No. 5362

Date

EXHIBIT "B"

LEED Compliance Tracking

Green Square Project - City of Round Rock

Official notification from the U.S. Green Building Council shall be presented to the Planning Director for the following with regard to Green Square:

1. Registration with the U.S. Green Building Council for Leadership in Energy and Environmental Design (LEED) as a commercial building LEED project. This shall be submitted to the City prior to the approval of the Planned Unit Development Plan.
2. Calculation of Design Phase Credits based on the LEED for New Construction or Core & Shell Rating System as administered by the U.S. Green Building Council. This shall be submitted to the City at the time of building plan submittal.
3. Calculation of Construction Phase Credits based on the LEED for New Construction Rating System or Core & Shell, U.S. Green Building Council. This shall be submitted to the City within 30 days of building plan approval.
4. LEED Certification by the U.S. Green Building Council for Leadership in Energy and Environmental Design (LEED). Proof of submittal of the LEED application to the U.S. Green Building Council for each building or phase shall be submitted to the City within 90 days of issuance of a certificate of occupancy. A copy of each LEED certification document from the U.S. Green Building Council shall be submitted to the City within 30 days of issuance.



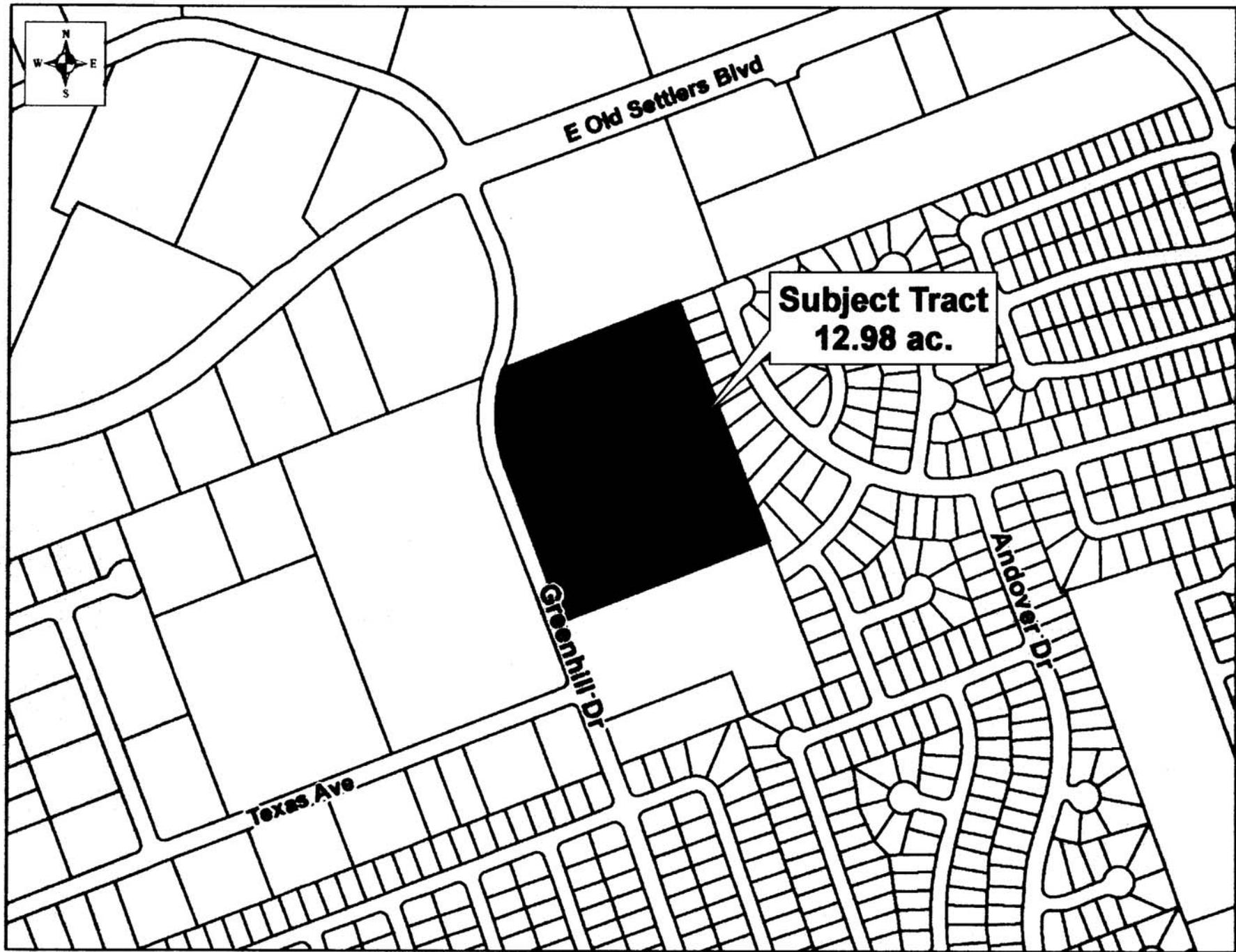
E Old Settlers Blvd

**Subject Tract
12.98 ac.**

Greenhill Dr

Texas Ave

Andover Dr





PUD 2

E Old Southern Blvd

PUD 67

**Subject Tract
12.98 ac.**

