

ORDINANCE NO. Z-07-10-25-10C1

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 11.0 ACRES OF LAND, OUT OF EGGER'S ACRES, REVISED, BLOCK 1, LOTS 1-11, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, FROM DISTRICT SF-2 (SINGLE FAMILY-STANDARD LOT) TO PLANNED UNIT DEVELOPMENT (PUD) NO. 76.

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 11.0 acres of land, out of Egger's Acres, Revised, Block 1, Lots 1-11, in Round Rock, Williamson County, Texas, being more fully described in Exhibit "A" attached hereto, from District SF-2 (Single Family-Standard Lot) to Planned Unit Development (PUD) No. 76, 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 19th day of September, 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.76, and

WHEREAS, on the 25th day of October, 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. 76 meets the following goals and objectives:

- (1) The development in PUD No. 76 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) P.U.D. No. 76 is in harmony with the general purposes, goals, objectives and standards of the General Plan.
- (3) P.U.D. No. 76 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. 76 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. 76 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. 76, and that the Mayor is hereby authorized and directed to enter into the Development Plan for PUD No. 76 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 25 day of October, 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

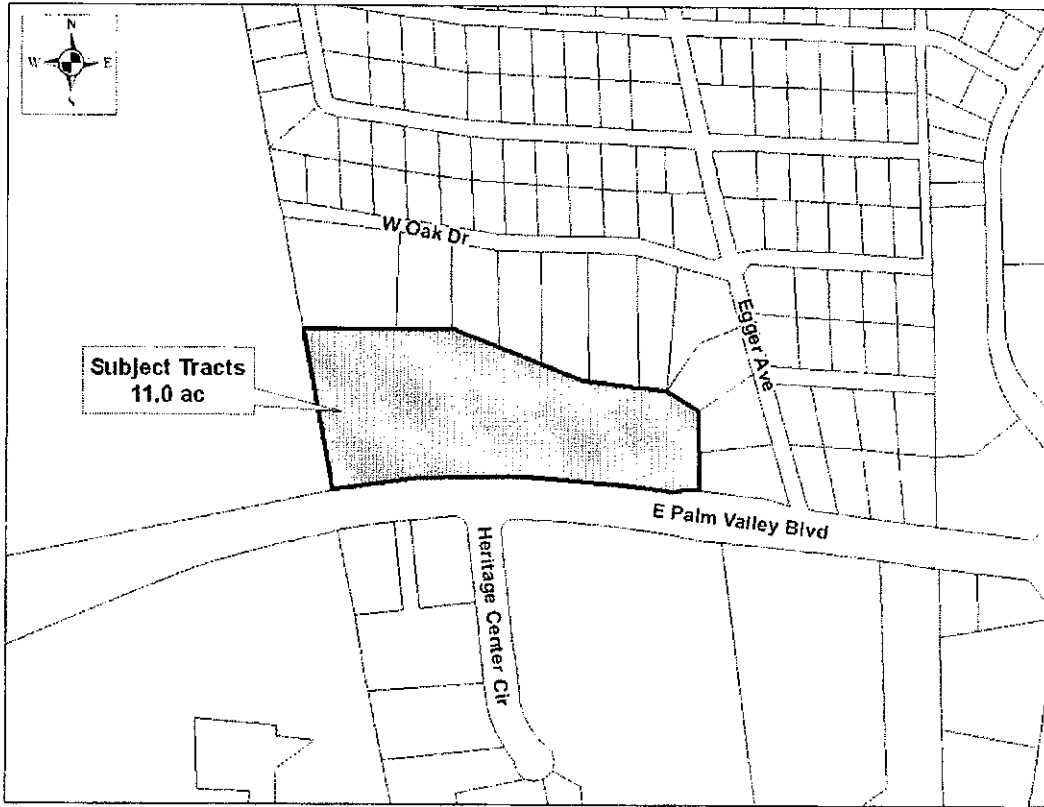
ATTEST:



CHRISTINE R. MARTINEZ, City Secretary

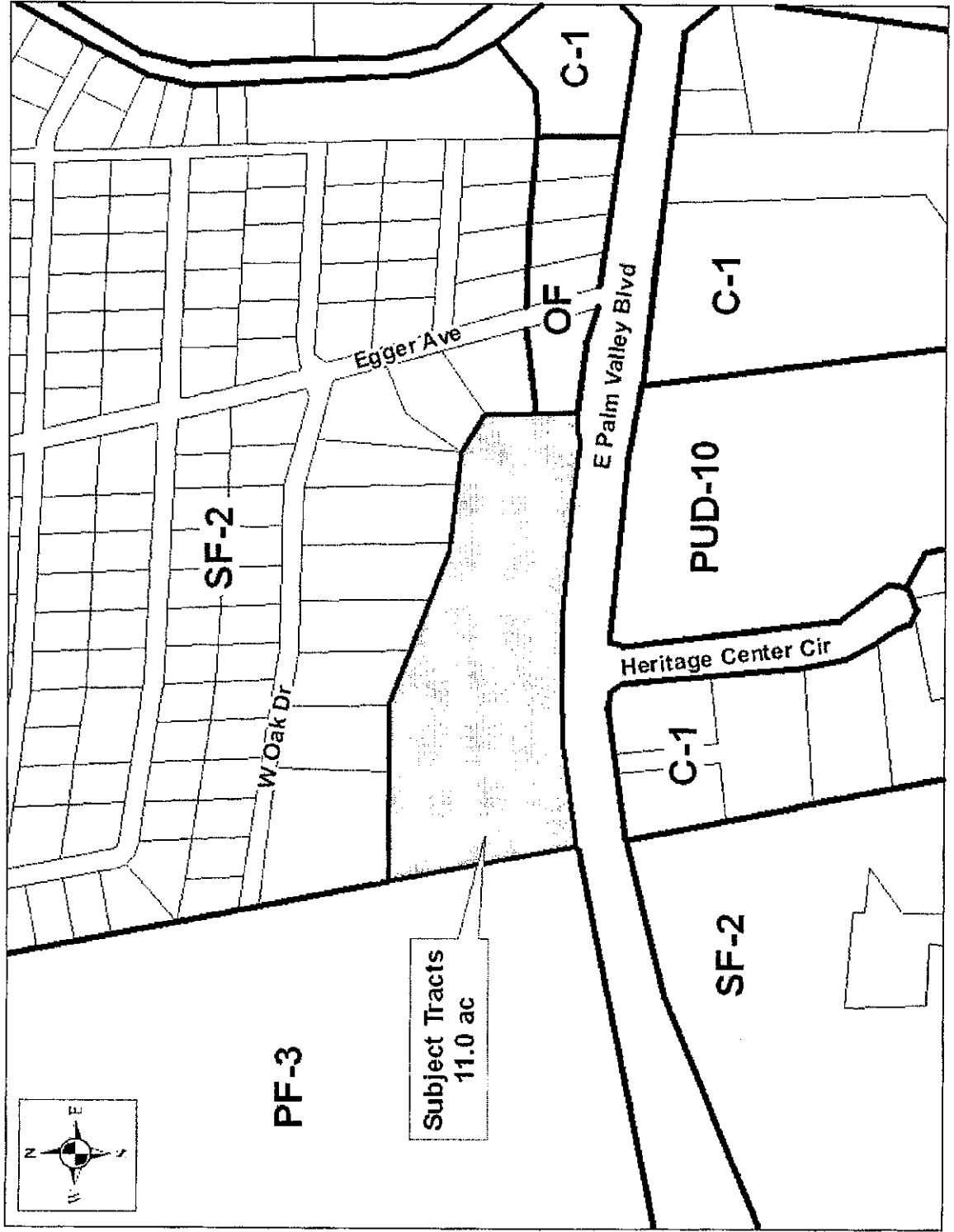
EXHIBIT "A"
Legal Description

Eggers Acres, Revised, Block 1, Lots 1-11, as recorded in Cabinet A, Slides 295-296, on April 30, 1959 with the Williamson County Clerk, Williamson County, Texas.



Egger Acres PUD

Zoning Change Request: From SF-2 to PUD



**DEVELOPMENT PLAN
EGGERS ACRES
PLANNED UNIT DEVELOPMENT NO. 76**

**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 Thomas and Betty Higgs; David and Barbara Williamson; Robert Stettina; Lorenzo Rubio; Anvar Mosamian; Alan and Linda Wiley; and Robert and Elizabeth Sparks, their 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 approximately 11.0 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, 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 September 19, 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 11.0 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 Local Commercial (C-2) 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. The following principal uses are permitted by right:

- 5.1.1. Community Service
- 5.1.2. Funeral Home
- 5.1.3. Government Facility
- 5.1.4. Office
- 5.1.5. Park (Community, Linear/Linkage or Neighborhood)
- 5.1.6. Place of Worship
- 5.1.7. Business schools

5.2. The following uses are permitted with the conditions contained in Exhibit "B":

- 5.2.1. Retail Sales and Services
- 5.2.2. Day Care
- 5.2.3. Eating Establishments
- 5.2.4. Group Living (Senior)
- 5.2.5. Office, Medical
- 5.2.6. Upper-Story Residential
- 5.2.7. Utilities (Minor and Intermediate)
- 5.2.8. Stealth Wireless Transmission Facilities

6. DESIGN STANDARDS

6.1. Landscape Buffer

The purpose of this section is to: (1) establish buffer requirements between the higher intensity land uses contained in the Plan and the adjacent single-family land use; and (2) establish requirements to screen specific uses or structures from view.

- 6.1.1. A landscape buffer shall be located in order to effectively screen the land uses

contained in the Plan from the adjacent single-family land use. The landscape buffer shall be located outside of the Federal Emergency Management Administration (FEMA) 100-year floodplain, at a location approved by the Director of Planning and the City Flood Plain Administrator. Based on the linear footage that extends along the edge of the property line between the land uses contained in the Plan and the adjacent single-family land use, the minimum quantity of landscaping shall be determined by the following requirements:

6.1.1.1. One large tree per fifty (50) linear feet (75% of selected material shall be of an evergreen species); and

6.1.1.2. One medium size tree per thirty (30) linear feet (75% of selected material shall be of an evergreen species); and

6.1.1.3. One small tree per fifteen (15) linear feet (75% of selected material shall be of an evergreen species)

6.1.1.4. One five gallon container size large shrub per four (4) linear feet (75% of selected material shall be of an evergreen species). Minimum shrub height at installation shall be two and one-half (2.5) feet.

6.1.2. The landscape buffer requirement described in 6.1.1 may be waived or reduced, at the sole discretion of the Director of Planning, upon a determination that the existing vegetation and trees located within the floodplain provide an effective screen of the land uses contained in the Plan from the adjacent single-family land use.

6.2. Building orientation

The rear face of one or more building(s) shall be generally aligned parallel to the rear boundary of the Property in order to provide an effective screening of the land uses contained in the Plan from the adjacent single-family land use. The determination as to whether the placement of the building(s) constitutes effective screening shall be at the sole discretion of the Director of Planning. This requirement does not prohibit the placement of additional buildings on the Property which are not used to meet the screening requirements. Such additional buildings must be effectively screened from the adjacent single-family land use. The building(s) used to meet the screening requirement shall meet the following standards:

6.2.1. No uses other than landscaping or open space shall be permitted between the rear face of the building and an imaginary line formed by the extension of the northern-most rear face of the building, running parallel to the rear property boundary, and the rear property boundary itself.

6.2.2. Front doors or any doors used for loading purposes, including gates on

dumpsters, shall not face the rear property boundary.

6.2.3. Dumpsters, drive aisles and parking areas are not permitted between the rear face of a building and the rear property boundary.

6.3. Signs

6.3.1. All freestanding signs shall be restricted to monument signs, as regulated by Section 3.1403 of the Code. The height of the sign shall be measured from the roadway surface grade level of US 79 (Palm Valley Boulevard).

6.3.2. No signs shall be permitted on the rear face of a building.

6.4. Light sources

All light sources above three (3) feet in height shall not be permitted within the FEMA 100-year floodplain.

6.5. Exemption from Fencing Requirement

Section 11.410 (3) (g) of the Code, requiring the installation and maintenance of a fence along every property line which abuts lower intensity uses, shall not apply.

6.6. Exemption from Pitched Roof requirement

Section 11.410 (4) (g) of the Code, requiring pitched roof sections to have a pitch equal to or greater than a 4 to 12 pitch, shall not apply to any new buildings

6.7. Exemption from Special Conditions for Sites Larger Than Two Acres in Area

Because the Property has frontage on an arterial roadway, the provisions of Section 11.410 (3) (h) of the Code, requiring a village center design with specific standards, shall not apply.

6.8. Floodplain

Alteration, channeling or paving the FEMA 100-year floodplain shall be prohibited.

6.9. Existing trees

6.9.1. The eight existing live oak and three existing pecan trees, located adjacent to US 79 and represented on **Exhibit "E"**, shall not be removed, unless determined to be in failing health and/or a hazard by the City Forester.

6.9.2. All trees having a diameter at breast height of six (6) inches or more, which are located within the FEMA 100-year floodplain, shall not be removed, unless

determined to be in failing health and/or a hazard by the City Forester.

7. CONVERSION OF EXISTING RESIDENCES

The following exceptions apply to existing residences, as of the date of approval of the Plan, which are converted for office use. These exemptions do not apply if additions are made to an existing residence.

7.1. Existing paved drive aisles and parking areas between the rear face of the building and the rear property boundary may remain. These areas shall not be expanded.

7.2. The requirement for underground utilities shall not apply.

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 deferred to the site plan phase of development the City's requirement for a Traffic Impact Analysis (TIA) for this Development Plan. The deferral is subject to the site being developed according to the permitted uses described in 5.0 above and the conditions contained in Exhibit "C".

10. DEVELOPMENT PROCESS

As required by City Code, the Owner shall be required to complete the remaining steps in the City's development process. This may include subdivision platting or re-platting. The subdivision platting process includes a Concept Plan, a Preliminary Plat and a Final Plat. A site development plan must be approved. No site development plan approval on the Property shall be granted until a Final Plat or Re-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"	Supplementary Use Standards
Exhibit "C"	Traffic Impact Conditions
Exhibit "D"	Preliminary Driveway Location Map
Exhibit "E"	Trees to be preserved along US 79

EXHIBIT "A"
Legal Description

Eggers Acres, Revised, Block 1, Lots 1-11, as recorded in Cabinet A, Slides 295-296, on April 30, 1959 with the Williamson County Clerk, Williamson County, Texas.

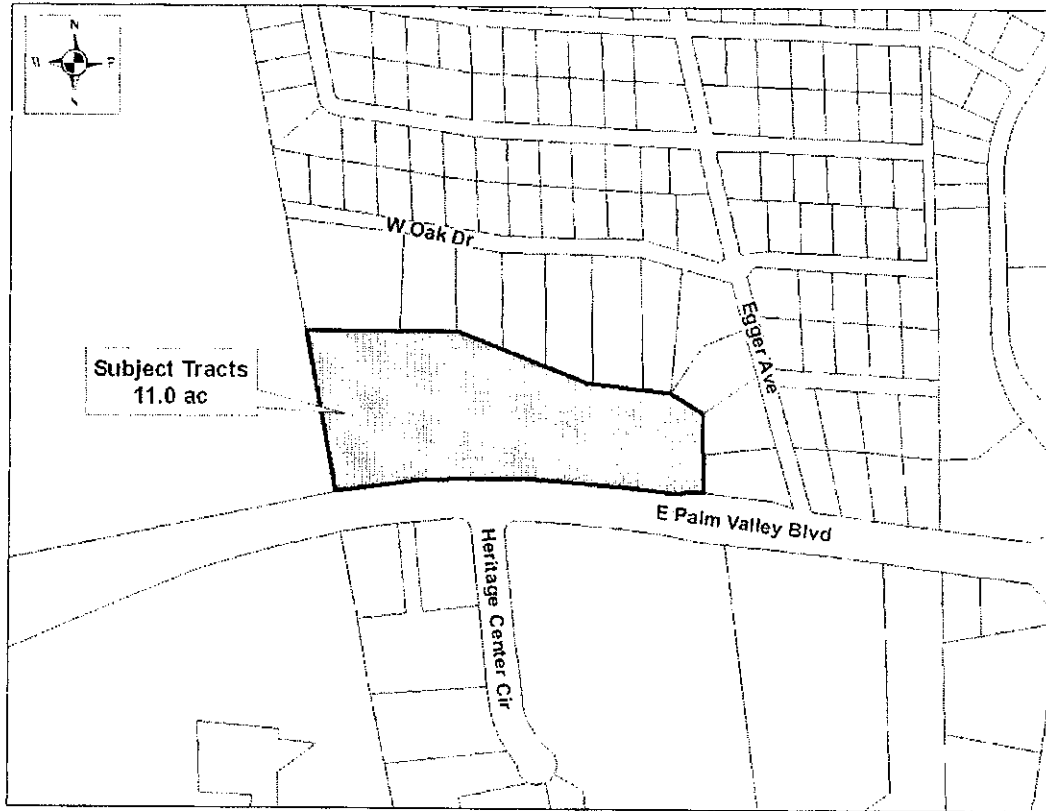


EXHIBIT "B"
SUPPLEMENTARY USE STANDARDS

1. **Retail Sales and Services** are subject to the following requirements:
 - a. Limited to 15,000 square feet of gross floor area for any single use. Banks are permitted to have drive-through facilities if there is an intervening building between the drive-thru and adjacent single-family land use areas that screens the drive-through, including stacking spaces, from adjacent residences. No other drive-through uses are allowed.
 - b. The following uses are prohibited:
 - i. 24-hour service or operations
 - ii. Auto Service Facilities (including gas stations, quick-lube service, tire sales and installation, and wheel and brake shops)
 - iii. Bulk distribution centers
 - iv. Carwash
 - v. Convenience stores
 - vi. Commercial parking
 - vii. Campgrounds
 - viii. Donation centers
 - ix. Flea markets
 - x. Heavy equipment sales or rental
 - xi. Indoor Entertainment Activities (including bowling alleys, game arcades, pool halls, dance halls and movie or other theaters)
 - xii. Industrial building sales
 - xiii. Manufactured home sales
 - xiv. Major recreational equipment sales or rental (including boats, boat trailers, travel trailers, pickup truck campers, camping trailers, tent trailers, converted trucks and buses, recreational vehicles, and other related equipment intended for recreational purposes)
 - xv. Mini warehouses (including self-storage)
 - xvi. Outdoor entertainment (including sports arenas, racing facilities, amusement parks, golf driving ranges and miniature golf courses)
 - xvii. Outdoor kennels
 - xviii. Overnight accommodations
 - xix. Passenger terminals
 - xx. Pawn shops

- xxi. Portable building sales, except as incidental to other retail sales
- xxii. Recreational vehicle parks
- xxiii. Recycling centers
- xxiv. Sexually-oriented businesses
- xxv. Shooting ranges
- xxvi. Tattoo parlors
- xxvii. Truck service or repair
- xxviii. Truck stops
- xxix. Trucking terminals
- xxx. Vehicle sales, rental or leasing
- xxxi. Wholesale nurseries
- xxxii. Wireless Transmission Facility, Self-Standing
- xxxiii. Wrecking yards

2. **Eating Establishments**, subject to the following standards:
 - a. Gross floor area shall not exceed 7,500 square feet.
 - b. No drive-through service is allowed.
 - c. No outdoor seating or service areas.
 - d. No outdoor cooking areas.
 - e. No outdoor paging systems.
 - f. No 24-hour service.

3. **Day Care**, subject to the following standards:
 - a. All day care facilities shall meet the minimum state requirements for such facilities.
 - b. Gross floor area shall not exceed 15,000 square feet.
 - c. Outdoor play or instruction area shall be enclosed by a fence no less than six feet in height.

4. **Group Living (Senior)**
 - a. Facilities shall comply with State of Texas licensing requirements and are limited to facilities that function as senior housing.

5. **Office, Medical**, subject to the following standards:
 - a. Emergency medical services are not permitted.
 - b. Limited to offices with regular hours not beginning before 7:00 a.m. and not extending past 9:00 p.m.

6. **Upper-Story Residential**, subject to the following standards:
 - a. The residential use shall be clearly secondary to the principal commercial use. The gross floor area of the entire building shall include not more than 50 percent residential uses.

- b. Separate designated parking spaces for the residential uses are required. Shared parking calculations shall not be permitted.
7. **Minor Utilities**, subject to the following standards:
- a. Shall be treated as ground-mounted mechanical equipment and shall comply with the district-specific standards and any required landscaping standards in Section 11.501 of the Zoning Code.
 - b. Intermediate Utilities shall provide an eight (8) foot high masonry fence (or alternate material approved in writing by the Zoning Administrator) with landscaping in compliance with Section 11.501 of the Zoning Code. The facility shall be secured.
8. **Stealth Wireless Transmission Facilities**, subject to the following standard:
- a. Shall comply with the standards provided in Section 4.700 of the Zoning Code.

EXHIBIT "C"
TRAFFIC IMPACT ANALYSIS CONDITIONS

1. The following are conditions required for the deferral of the required Traffic Impact Analysis (TIA) to the site plan phase of development of the Property.
 - a. Driveway access, in conformance with City standards, will be provided from US 79 at a maximum of three locations, as follows and as indicated on **Exhibit "D"**:
 - i. At the existing driveway access to Lot 1;
 - ii. Across from the existing Heritage Center Circle right-of-way on the south side of US 79, near the border of Lots 4 and 5;
 - iii. Across from the existing apartment complex driveway on the south side of US 79, near the border of Lots 9 and 10.The locations of the driveways must be included in a TIA which is approved by the City Transportation Services Director.
 - b. The minimum separation between any two driveways shall be 360 feet.
 - c. The following requirements shall be met prior to City approval of a site plan for any part of the Property:
 - i. Access easements, connecting the driveway access points to each other and providing for the movement of traffic across the Property shall be recorded with Williamson County.
 - ii. A preliminary driveway location plan, including interconnectivity between all of the tracts contained within the Property, must be approved by the Director of Transportation Services.
 - iii. A transition plan for existing driveways, determining the timing of conversion from the existing driveways to use of the access easement and the driveway locations described in section "a" above, must be approved by the Director of Transportation Services.

Exhibit D Preliminary Driveway Locations

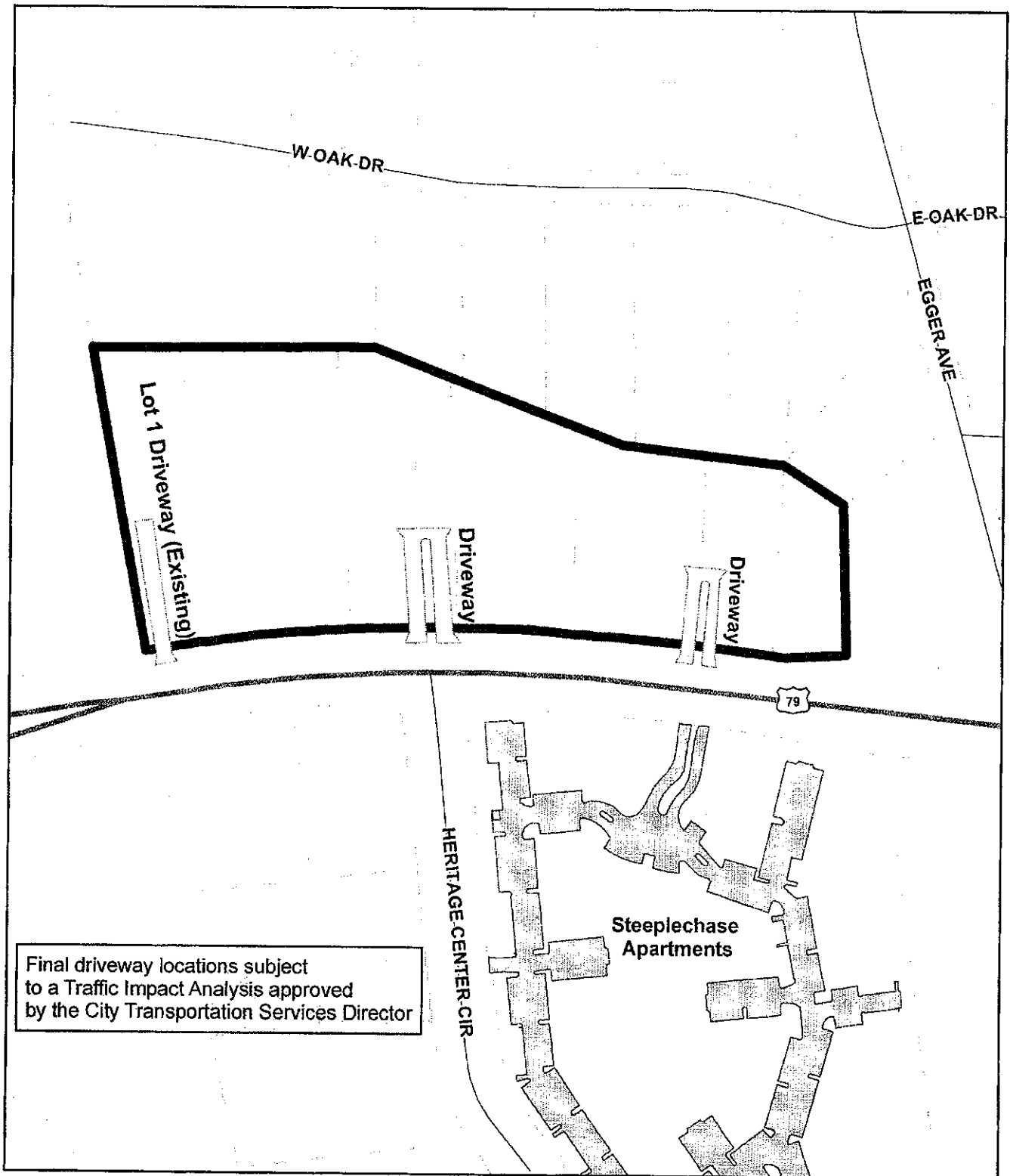
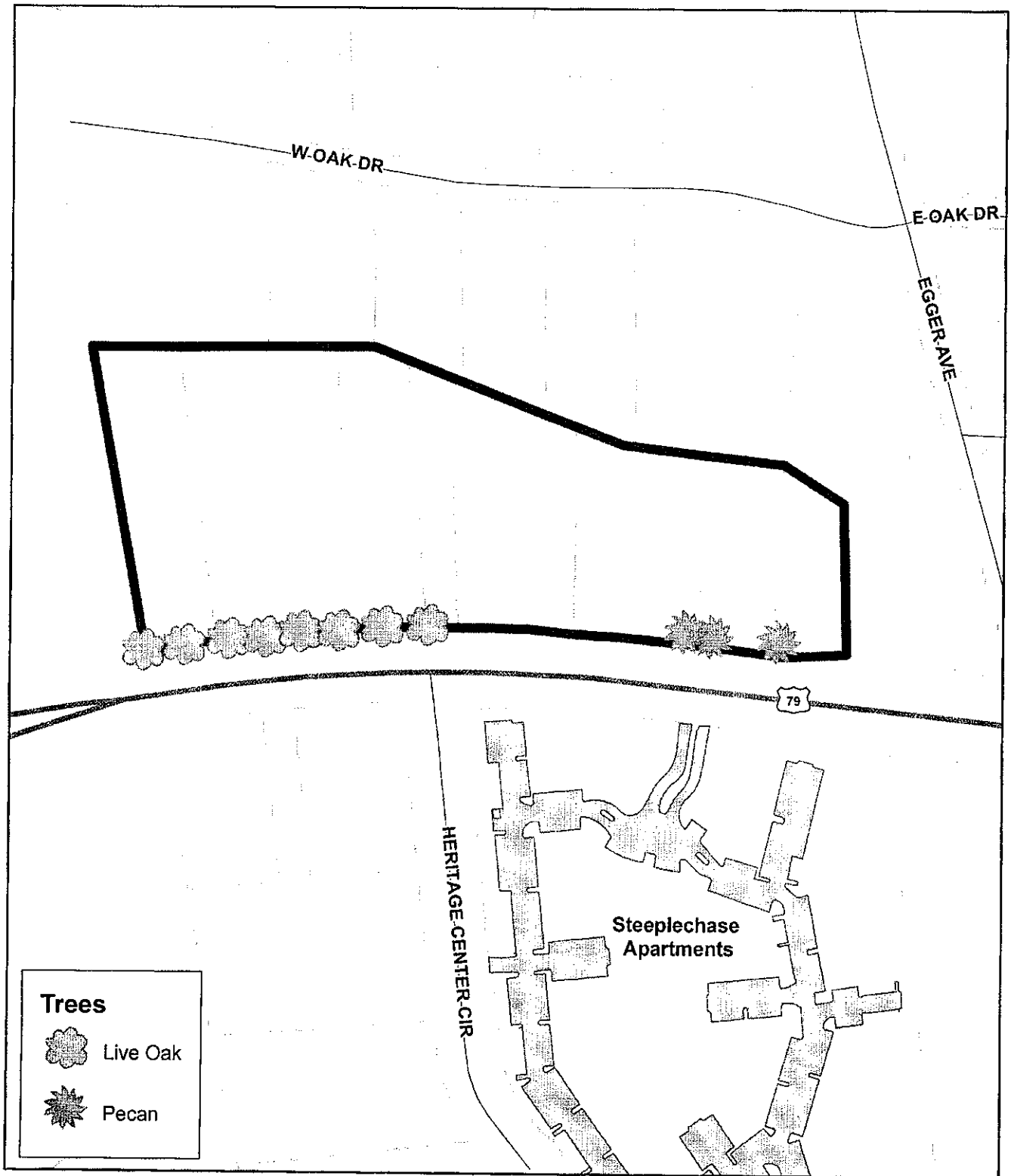


Exhibit E Trees to be Preserved



DATE: October 18, 2007

SUBJECT: City Council Meeting – October 25, 2007

ITEM: 10C1. Consider an ordinance rezoning 11 acres described as Lots 1-11, Block 1, Egger's Acres Revised, from Single Family-Standard Lot (SF-2) zoning district to Planned Unit Development #76 (PUD) zoning district. (Egger's Acres) (First Reading)

Department: Planning and Community Development
Staff Person: Jim Stendebach, Planning and Community Development Director

Justification:

The purpose of this Planned Unit Development (PUD) is to provide for suitable commercial development of the site, while preserving its unique qualities and providing an adequate buffer for the adjacent neighborhood. The site is located on a major arterial roadway and is suitable for commercial use, with restrictions. There is a wide and largely vegetated floodplain at the back of the project site, effectively separating the subject tract from the single family homes in the remainder of the Eggers Acres subdivision.

The C-2 (Local Commercial) district is used as the base district in the PUD, with senior group living, business school and funeral home uses added. The maximum building size for any single retail sales or service use or day care use is set at 15,000 square feet in the PUD, an increase from the 7,500 square foot limit in the C-2 district. This is suitable for the site since it is not within a neighborhood and has direct access to an arterial roadway. Convenience stores, gas stations and any business with 24-hour services are prohibited.

Instead of a fence, as required in the C-2 district, the PUD requires that the buffer between the site and the abutting single family uses shall consist of: the unaltered floodplain, a landscape planting requirement and the orientation of buildings parallel to the rear property boundary. No uses other than landscaping or open space are allowed between these buildings and the rear property boundary. In addition, the rear faces of the buildings cannot have loading or service entrances. Driveways will be limited to three locations, to be approved by the Director of Transportation Services in a Traffic Impact Analysis. Eight existing live oak trees and three existing pecan trees along Palm Valley Boulevard are protected beyond the City's normal requirements. Signs and lighting are also specifically limited to avoid impact on the adjacent neighborhood. The adjacent residential neighborhood has been consulted and has shown support for the rezoning. Several provisions of the PUD are the same as those of a set of deed restrictions on the land developed in negotiations between the property owners and the neighbors.

Funding:

Cost: N/A
Source of funds: N/A
Outside Resources: None

Background Information:

The Planning and Zoning Commission recommended approval of the rezoning at their September 19, 2007 meeting.

Public Comment:

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 September 19, 2007. Two of the applicants and one of the neighboring property owners spoke in favor of the rezoning. There were no speakers in opposition.