

ORDINANCE NO. Z-12-05-10-45

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ROUND ROCK, TEXAS ADOPTED IN SECTION 46-132(b)(1), CODE OF ORDINANCES (2010 EDITION), CITY OF ROUND ROCK, TEXAS, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE 0.36 ACRES OF LAND, DESCRIBED AS LOTS 6 AND 7 AND A PORTION OF THE ALLEY, BLOCK 39, LOCATED AT 305 EAST AUSTIN AVENUE, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, FROM DISTRICT SF-2 (SINGLE FAMILY – STANDARD LOT) TO PLANNED UNIT DEVELOPMENT (PUD) NO. 92.

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 0.36 acres of land, described as Lots 6 and 7 and a portion of the alley, Block 39, located at 305 East Austin Avenue, 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. 92, 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 11th day of April, 2012, 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. 92, and

WHEREAS, on the 10th day of May, 2012, 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 46-92 and Section 46-132, 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 has hereby determined the Planned Unit Development (PUD) No. 92 meets the following goals and objectives:

- (1) The development in PUD No. 92 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) P.U.D. No. 92 is in harmony with the general purposes, goals, objectives and standards of the General Plan.
- (3) P.U.D. No. 92 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. 92 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. 92 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 46-132(b)(1), Code of Ordinances (2010 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. 92, and that the Mayor is hereby authorized and directed to enter into the Development Plan for PUD No. 92 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.

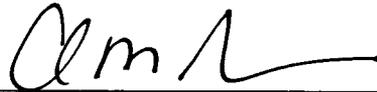
By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED, and ADOPTED on first reading this 10th day of May, 2012.

Alternative 2.

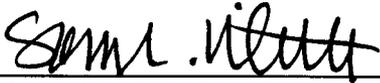
READ and **APPROVED** on first reading this the ____ day of _____, 2012.

READ, APPROVED and **ADOPTED** on second reading this the ____ day of _____, 2012.



ALAN MCGRAW, Mayor
City of Round Rock, Texas

ATTEST:



SARA L. WHITE, City Clerk

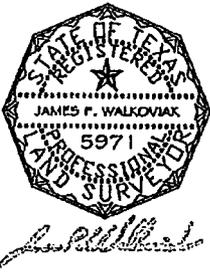
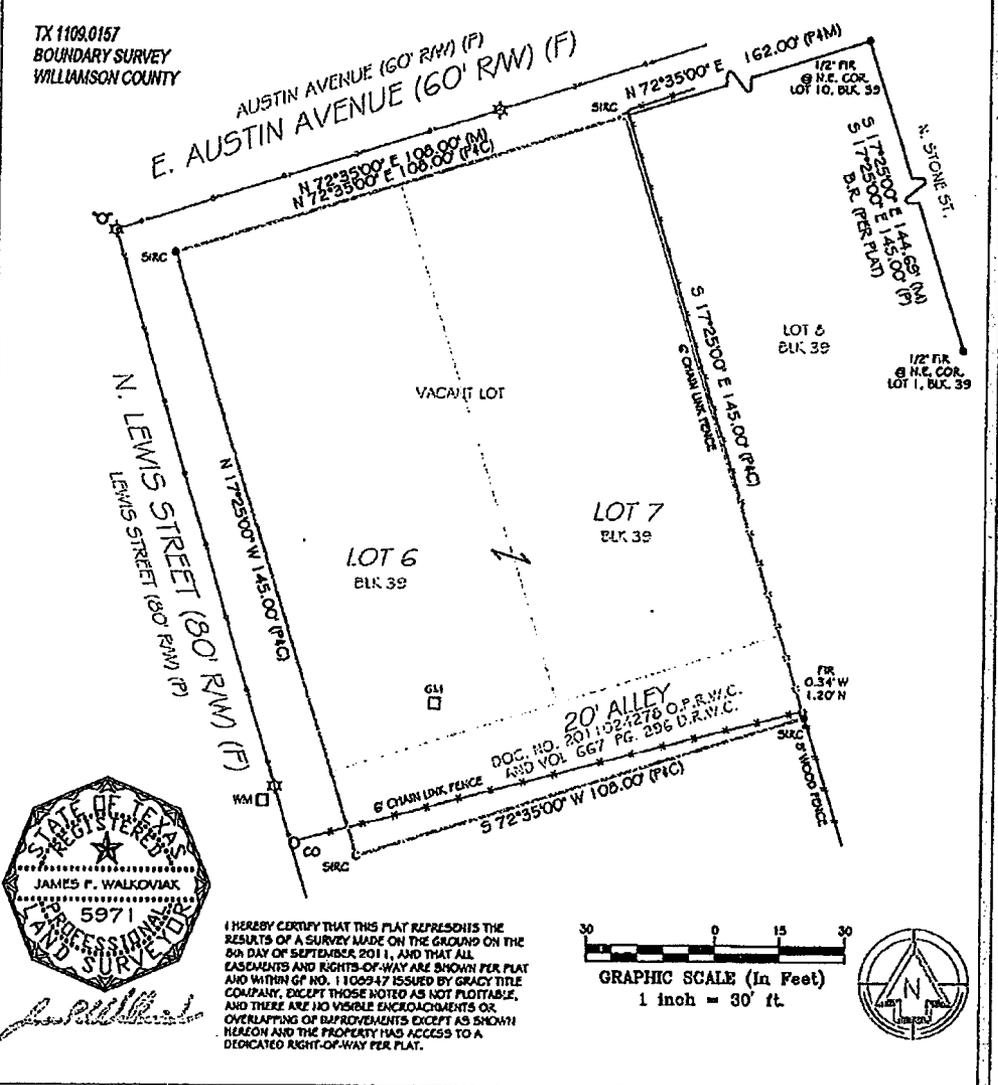
Ordered By:
Gracy Title
a Stewart company
Partnerships built on trust



PROPERTY ADDRESS: 503 E AUSTIN AVENUE ROUND ROCK, Texas 78664

SURVEY NUMBER: TX1109.0157

FIELD WORK DATE: 9/9/2011 REVISION DATE(S): (rev.D 9/9/2011)



I HEREBY CERTIFY THAT THIS PLAT REPRESENTS THE RESULTS OF A SURVEY MADE ON THE GROUNDS ON THE 09 DAY OF SEPTEMBER, 2011, AND THAT ALL EASEMENTS AND RIGHTS-OF-WAY ARE SHOWN PER PLAT AND WITHIN OF NO. 110947 ISSUED BY GRACY TITLE COMPANY, EXCEPT THOSE NOTED AS NOT FLOODABLE, AND THERE ARE NO VISIBLE ENCROACHMENTS OR OVERLAPPING OF IMPROVEMENTS EXCEPT AS SHOWN HEREON AND THE PROPERTY HAS ACCESS TO A DEDICATED RIGHT-OF-WAY PER PLAT.

POINTS OF INTEREST: NONE VISIBLE

FLOOD INFORMATION:
By performing a search with the local governing municipality or www.fema.gov, the property appears to be located in zone X. This Property was found in CITY OF ROUND ROCK, community number 451048, dated 07/26/08.

CLIENT NUMBER: 1108947 DATE: 9/9/2011

BUYER: ALAN FELDER

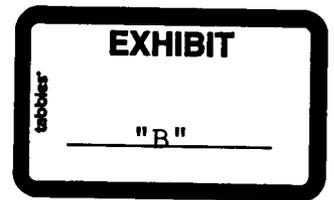
SELLER: RICHARD CEPEDA

Your Local Contact
Laura Paredes Coffey
M Laura@Exocto365.com

CERTIFIED TO: ALAN FELDER; GRACY TITLE, A STEWART COMPANY; STEWART TITLE GUARANTY COMPANY

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5300 North Brzeswood, 14-311, Houston, TX 77096

This is page 1 of 2 and is not valid without all pages.



**DEVELOPMENT PLAN
FELDER TRACT
PLANNED UNIT DEVELOPMENT NO. 92**

**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 Alan Felder, 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 0.3598 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 Section 46-106 of the Round Rock City Code, 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 April 11, 2012, 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 1.9, Code of Ordinances, 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 Round Rock City Code, as amended, hereinafter referred to as "the Code."

2. PROPERTY

This Plan covers approximately 0.3598 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 and the Downtown Master 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 **SF-2 (Single Family - standard lot)** zoning district and other sections of the Code, as applicable, and as amended. 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, as amended, 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 uses are permitted:

- (1) Single-family residential
- (2) Office, less than 3,000 square feet for the entire building
- (3) Retail Sales and Service, less than 3,000 square feet for the entire building, with the exception of: attached wireless transmission facilities, animal boarding, auto service and repair facilities, auto body & painting shops, campgrounds, car washes, donation centers, flea markets, gasoline and fuel sales, gun or firearm shops, heavy equipment sales, machinery repair and services, manufactured home sales, mini-warehouses, monopolies, mortuaries, pawn shops, portable building sales, recycling centers, self-enclosed monopolies, self-service storage, sexually oriented businesses (as defined in the Code), shooting ranges, taxidermists, vehicle parts sales, vehicle sales, veterinary clinics, wholesale nurseries, wrecking yards and art or craft studios which utilize welding or heavy machinery.

5.2. Unless otherwise described below, the definitions of all terms used to describe uses in this document shall be those found in the Zoning Code of the City of Round Rock, as amended.

6. SITE LAYOUT

Exhibit "B" contains the general configuration of the features and proposed development of the project site.

7. DOWNTOWN MASTER PLAN

The City of Round Rock Downtown Master Plan was adopted on June 24, 2010. The Property is located within the Downtown Master Plan area.

8. DEVELOPMENT STANDARDS

8.1. Building height shall be a maximum of three (3) stories or 45 feet, whichever is less.

8.2. Setbacks

- (1) The front building setback along East Austin Avenue shall be established by the contextual setback(s) of the other structures along East Austin Avenue, with a maximum of 20 feet.
- (2) The front setback along North Lewis Street shall be a minimum of 5 feet and a maximum of 15 feet from the right-of-way.

8.3. Landscaping

- (1) Non-residential structure(s) shall meet the Code requirements for Foundation Treatment landscaping in Section 46-195, as amended, Category 3. In addition to the Foundation Treatment Point Credits in the Code, the following landscape feature shall be credited with the points indicated:
 - Ornamental masonry screening walls along North Lewis Street, delineating the building line (1 point per linear foot)
- (2) Trash receptacles and mechanical equipment shall be screened in general compliance with the Utilities, Storage & Trash guidelines contained in Chapter 4 of the Downtown Master Plan.
- (3) Fences and walls shall be in general compliance with the Fences, Walls & Hedges guidelines contained in Chapter 4 of the Downtown Master Plan.

8.4. Parking

- (1) Required parking spaces for non-residential uses shall be at the ratio specified in Section 46-196, as amended. Required parking spaces may be located within the right-of-way.
- (2) Required parking spaces for residential uses shall be at the ratio specified in Section 46-196, as amended. These parking spaces shall be accessed from a driveway off of East Austin Avenue.
- (3) Parking shall be in general compliance with the Parking and Service guidelines in Chapter 4 of the Downtown Master Plan.

8.5. Building Design

- (1) Residential structure(s) shall be in general compliance with the Residential Architecture Guidelines in Chapter 4 of the Downtown Master Plan.
- (2) Non-residential structure(s) shall be in general compliance with the General Architecture Guidelines in Chapter 4 of the Downtown Master Plan. Due to the existing grade change along Lewis Street, these structure(s) shall not be required to provide the Stoop, Forecourt or Side Yard frontage types. Instead, the Shop Front or Arcade/Gallery frontage types shall be used as an alternate.

8.6. Signs

- (1) Signs for the non-residential use(s) shall be in general compliance with the Signage guidelines in Chapter 4 of the Downtown Master Plan.

- (2) Sign(s) for each non-residential use shall contain a maximum of twelve (12) square feet.

9. TRANSPORTATION

- 9.1. Based upon an analysis of the surrounding street system and traffic counts, the Transportation Services Director has determined that the project will have no significant impact on transportation.

10. GENERAL PLAN 2010

This Development Plan is in compliance with the Round Rock General Plan 2020, which was adopted on July 22, 2010.

11. UNDERGROUND UTILITY SERVICE

Except where approved in writing by the Director of Utilities and Environmental Services, all electrical, telephone and cablevision distribution and service lines, other than overhead lines that are three phase or larger, shall be placed underground. This requirement shall not apply to existing overhead lines or connections to existing overhead lines.

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 Director of Planning and Development Services 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

EXHIBIT

DESCRIPTION

Exhibit "A"

Legal Description of Property

Exhibit "B"

Site Layout

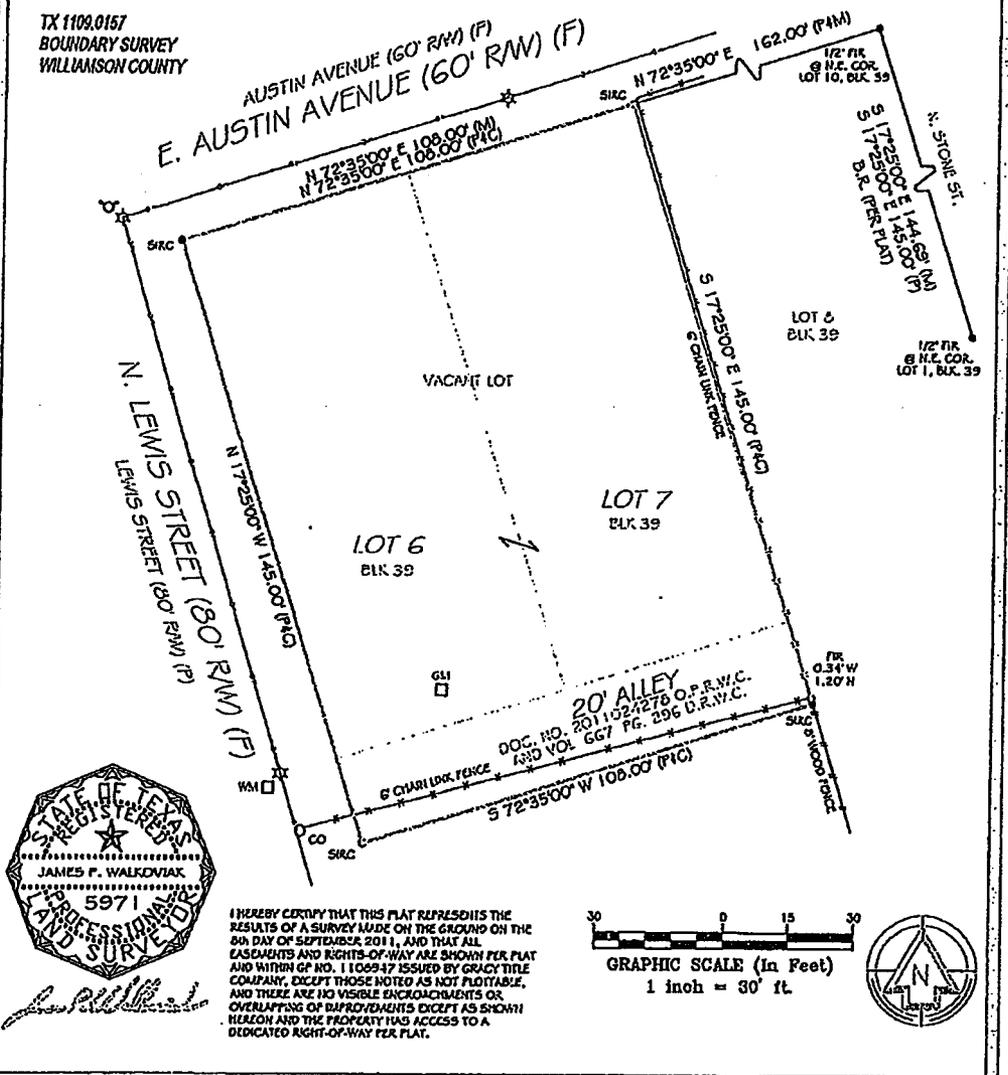
EXHIBIT
 "A"

Ordered By:




PROPERTY ADDRESS: 503 E AUSTIN AVENUE ROUND ROCK, Texas 78664 SURVEY NUMBER: TX1109.0157

FIELD WORK DATE: 9/7/2011 REVISION DATE(S): (see 9/7/2011)




JAMES F. WALKOWIAK
 5971
 PROFESSIONAL SURVEYOR

I HEREBY CERTIFY THAT THIS PLAT REPRESENTS THE RESULTS OF A SURVEY MADE ON THE GROUND ON THE 30th DAY OF SEPTEMBER, 2011, AND THAT ALL EASEMENTS AND RIGHTS-OF-WAY ARE SHOWN PER PLAT AND WITHIN OF NO. 1108947 ISSUED BY GRACY TITLE COMPANY, EXCEPT THOSE NOTED AS NOT PLOTTABLE, AND THERE ARE NO VISIBLE ENCROACHMENTS OR OVERLAPPING OF IMPROVEMENTS EXCEPT AS SHOWN HEREON AND THE PROPERTY HAS ACCESS TO A DEDICATED RIGHT-OF-WAY PER PLAT.

POINTS OF INTEREST: NONE VISIBLE

FLOOD INFORMATION:
 By performing a search with the local governing municipality or www.fema.gov, the property appears to be located in zone X. This Property was found in CITY OF ROUND ROCK, community number 481048, dated 09/26/08.

CLIENT NUMBER: 1108947 DATE: 9/7/2011

BUYER: ALAN FELDER

SELLER: RICHARD CEPEDA

CERTIFIED TO: ALAN FELDER; GRACY TITLE, A STEWART COMPANY; STEWART TITLE GUARANTY COMPANY

Your Local Contact:
 Laura Paredes Coffey
 M Laura@Exacto365.com

This is page 1 of 2 and is not valid without all pages.

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 5300 North Breeswood, 44-311, Houston, TX 77098

REPORT OF SURVEY

TX1109.0157

This is page 2 of 2 and is not valid without all pages.

LEGAL DESCRIPTION:

Tract 1: Lot 6 and Lot 7, Block 39, ROUND ROCK, ORIGINAL CITY, Williamson County, Texas, according to the map or Plat now recorded in Cabinet A, Slides 190-191, Plat Records of Williamson County, Texas; Tract 2: A portion of the alley located within Block 39 of THE ORIGINAL CITY OF ROUND ROCK, according to the map or Plat now recorded in Cabinet A, Slides 190-191, Plat Records of Williamson County, Texas; and further 296, Deed Records of Williamson County, Texas.

JOB SPECIFIC SURVEYOR NOTES:

LOT 6 AND 7 AND A PORTION OF THE ALLEY, BLOCK 39, ROUND ROCK, ORIGINAL CITY, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED CABINET A, SLIDE 190, PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS.

GENERAL SURVEYOR NOTES:

- The Legal Description used to perform this survey was supplied by others. This survey does not determine or imply ownership.
- Due to varying construction standards, some dimensions are approximate.
- This survey is exclusively for the use of the parties to whom it is certified. It is not transferable to additional locations or subsequent owners.
- This property is subject to any and all recorded and unrecorded encumbrances. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants or ownership of this evidence.
- Surveying services performed by the Austin branch of Exacta Texas Surveyors, Inc. 409 West MLK Drive - Sun Prairie, WI - 53586
- Where there is a specific task, wall or drain field on this survey, the location of such items was shown to us by others and are not verified.
- Any addition or deletion to this 2 page survey document are strictly prohibited. Use of this survey beyond the purpose of the instrument within the jurisdiction of the signing surveyor is prohibited.
- Any FEMA flood zone data obtained on this survey is for informational purposes only. Research to obtain such data was performed at www.fema.gov.
- Dimensions are in feet and decimals thereof.
- All pins marked as set are 3/8" diameter, 18" long rebar.
- This survey only shows improvements found above ground. Underground footings, utilities and encroachments are not located on this survey map.

LEGEND:

SURVEYOR'S LEGEND

	AG AIR CONDITIONING	AL ALIENATION	ANV ANCHOR	APV APPLICABLE
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503 East Austin Ave.

Driveway

Monarch Tree

Critical Root Zone

20 Feet

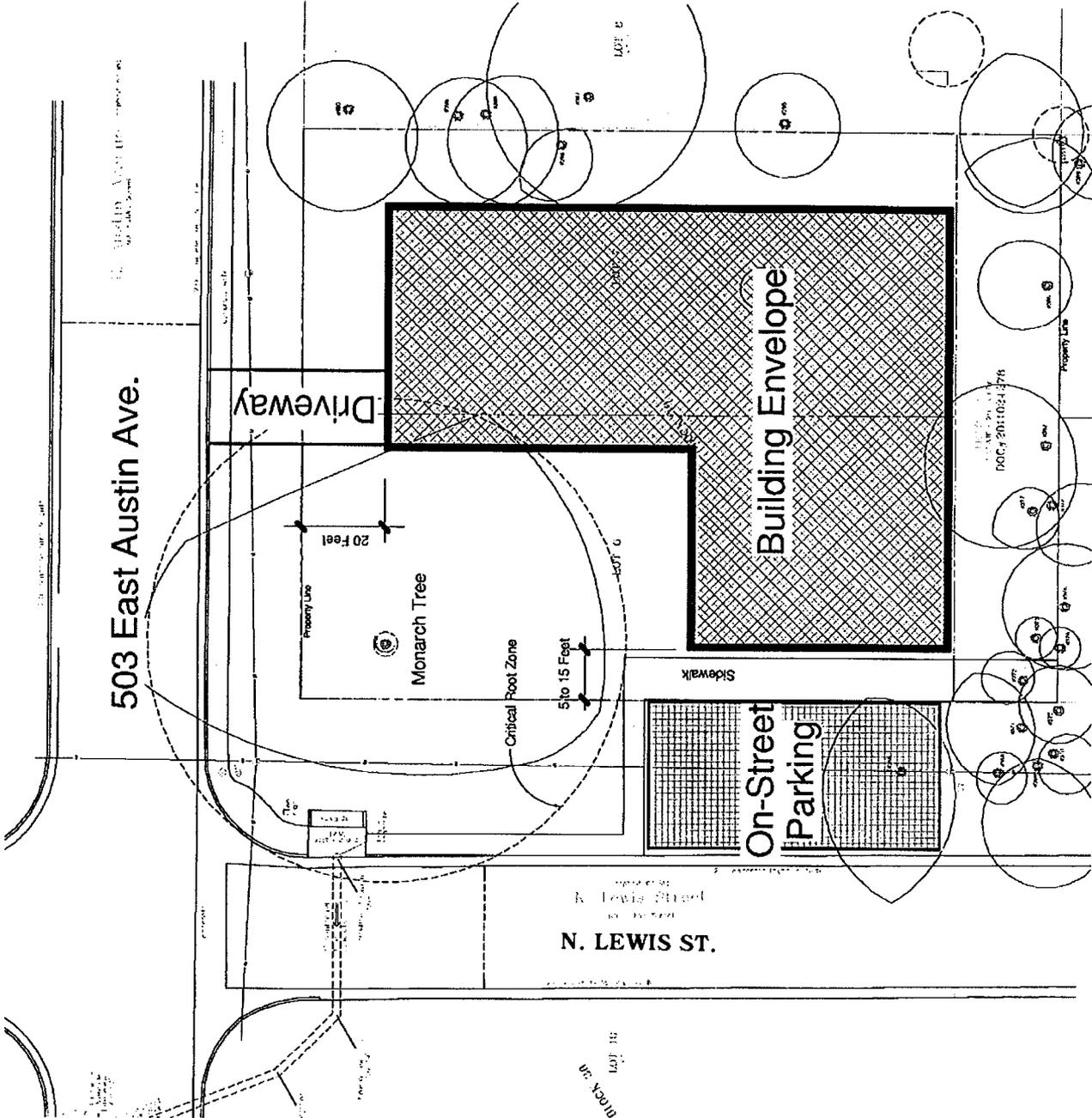
5 to 15 Feet

Building Envelope

On-Street Parking

N. LEWIS ST.

Exhibit B
Not to scale





City Council Agenda Summary Sheet

Agenda Item No.	H5.
Agenda Caption:	Consider public testimony and an ordinance rezoning 0.36 acres of land, known as the Felder Tract, from SF-2 (Single Family – Standard Lot) zoning district to PUD (Planned Unit Development) No. 92 zoning district. (First Reading)
Meeting Date:	May 10, 2012
Department:	Planning and Development Services
Staff Person making presentation:	Peter Wysocki Planning and Development Services Director

Item Summary:

The tract is located within the Downtown Master Plan area at the intersection of Lewis Street and . The Downtown Master Plan was adopted by the City Council on June 24, 2010 as a guidebook for the development of the area. Because there has been no comprehensive rezoning of the area, a PUD (Planned Unit Development) zoning district is required in order to rezone the property to provide for the mixed-uses and development standards contained in the Downtown Master Plan. The City Council approved the PUD application fee within the Downtown Master Plan area in order to encourage the implementation of the plan.

The Downtown Master Plan recommends mixed uses, including residential, small offices and retail uses, in addition to various civic uses for the area where this tract is located, identified as Transect Zone 'T4L'. Small office and retail uses are to be limited to less than 3,000 square feet for an entire building. The Downtown Master Plan also has suggests development standards and design guidelines for the area.

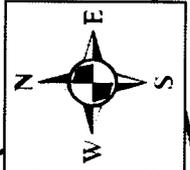
The development will follow the standards and guidelines in the Plan, including those for density, building height, building setbacks, building design, parking and signs. In addition, the PUD contains specific standards for landscaping of non-residential structure(s). On-street parking, also a recommendation of the Plan, is included in the PUD, allowing parking for the non-residential uses to be located on the street.

Although the applicant proposes to include only single family residence and an office, the inclusion of limited retail sales and service uses has been included in the PUD in order to make the rezoning consistent with the Downtown Master Plan and to avoid future PUD amendments. The limitations on retail sales and service are based on similar limitations contained in the MU-1a (Mixed Use - Southwest Downtown) zoning district - which excludes uses such as pawn shops, auto repair, and gas stations. Chapter 4 of the Downtown Master Plan contains design guidelines for development within the specific plan areas. The PUD requires that the development meet those guidelines in terms of form and setbacks.

The rezoning site is located in an area that requires the office or retail structure (s) to have a building setback of a minimum of 5 feet and a maximum of 15 feet from the street. Architectural guidelines for these structure(s) specify how elements such as building entrances, facades, windows, signs, roofs and exterior building materials are to be used. The residential structure(s) must incorporate specific design elements also, including porches, stoops and fences.

The Planning and Zoning Commission unanimously recommended approval of the PUD at their April 11, 2012 meeting.

Cost:	N/A
Date of Public Hearing (if required):	5.10.12
Recommended Action:	Approval



Subject Tract
0.36 ac.

N Lewis St

E Austin Ave

E Liberty Ave

