

ORDINANCE NO. O-2019-0448

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ROUND ROCK, TEXAS ADOPTED IN ZONING AND DEVELOPMENT CODE, CHAPTER 2, ARTICLE I, SECTION 2-2(b)(1), CODE OF ORDINANCES (2018 EDITION), CITY OF ROUND ROCK, TEXAS, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE 19.35 ACRES OF LAND, OUT OF THE DAVID CURRY SURVEY, ABSTRACT NO. 130, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, FROM LI (LIGHT INDUSTRIAL) ZONING DISTRICT TO PUD (PLANNED UNIT DEVELOPMENT) NO. 118 ZONING DISTRICT; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

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 19.35 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 LI (Light Industrial) zoning district to Planned Unit Development (PUD) No. 118 zoning district, 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 2nd day of October, 2019, 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. 118, and

WHEREAS, on the 26th day of November, 2019, 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 Zoning and Development Code, Chapter 2, Article I, Section 2-2 and Chapter 10, Article I, Section 10-2 and, Code of Ordinances (2018 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. 118 meets the following goals and objectives:

- (1) The development in PUD No. 118 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) P.U.D. No. 118 is in harmony with the general purposes, goals, objectives and standards of the General Plan.
- (3) P.U.D. No. 118 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. 118 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. 118 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 Zoning and Development Code, Chapter 2, Article I, Section 2-2(b)(1), Code of Ordinances (2018 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. 118, and that the Mayor is hereby authorized and directed to enter into the Development Plan for PUD No. 118 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 26th day of NOVEMBER, 2019.

Alternative 2.

READ and **APPROVED** on first reading this the _____ day of _____, 2019.

READ, APPROVED and ADOPTED on second reading this the _____ day of _____, 2019.



CRAIG MORGAN, Mayor
City of Round Rock, Texas

ATTEST:



SARA L. WHITE, City Clerk

EXHIBIT

"A"

**DEVELOPMENT PLAN
3100 CHISHOLM TRAIL ROAD**

PLANNED UNIT DEVELOPMENT NO. 118

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 WEEKLEY HOMES, LLC, a Delaware limited liability company; as its respective interests may appear in the respective portions of the hereinafter described property; and its respective successors and designated assigns. Upon sale, transfer or conveyance of portions of the hereinafter described property by a respective Owner to a designated third party owner/developer, the duties and obligations of the respective Owner, as it relates to the respective property being sold, shall be assigned to and assumed by the new owner/developer, and upon such sale and assignments of the duties and obligations hereunder, the respective Owner shall have no further liability relating to the respective property so sold and conveyed.

WHEREAS, the Owner is the owner of certain real property consisting of 19.35 acres, as more particularly described in **Exhibit "A" (Legal Description)**, (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 zone the Property as a Planned Unit Development (the "**PUD**"); and

WHEREAS, pursuant to Part III, Section 10-22 of the Code of Ordinances of the 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 October 2, 2019, the City's Planning and Zoning Commission recommended approval of the Owner's application for PUD zoning; 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.

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 Part II, 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 City of Round Rock Code of Ordinances, as amended, hereinafter referred to as “the Code.”

2. PROPERTY

This Plan covers approximately 19.3468 acres of land, 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 Ordinance

All aspects not specifically covered by this Plan shall be regulated by the TH (Townhouse) zoning district, 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 applicable and 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. PROJECT OVERVIEW

5.1. Purpose of Plan

The purpose of the Plan is to provide a single family residential development on a common lot. Private drive aisles will provide access to the units.

5.2. Concept Plan

This Plan, as depicted in **Exhibit “B”**, shall serve as the Concept Plan required by Part III, Section 10-26 of the Code.

5.3. Land Use

- (1) The residential housing types shall be single family detached units on a common lot, with each dwelling unit having a private entrance, private parking and a private yard area.
- (2) Access shall be provided via private drive aisles, as described in Section 6.7 below.
- (3) All dwelling units shall be established as condominium units, pursuant to the Texas Uniform Condominium Act, Section 82.001 et. seq., Texas Property code.
- (4) A maximum of 115 units shall be permitted.

6. DEVELOPMENT STANDARDS

6.1. Exterior Design Elements

The following design elements shall be required on the rear upper floor elevations of multi-story units when the rear faces Chisholm Trail Road:

- (1) One window enhancement from the following list:
 - (a) Shutters
 - (b) Awnings or shed roofs
 - (c) Arch windows

and:

- (2) One design feature from the following list:
 - (a) Balcony
 - (b) Dormer or projected wall
 - (c) Box window

6.2. Yard Fencing

Single family unit fencing shall be constructed of the following materials: brick, stone, reinforced concrete, decorative masonry, wrought iron, tubular steel, redwood or cedar with a picket size of 1" x 4" with wood posts and treated rails, or other equivalent materials approved by the Zoning Administrator.

6.3. Perimeter Fencing

- (1) The location and types of the required perimeter fencing associated with the single family units along the perimeter, excluding private open space and detention areas, are indicated on **Exhibit "C"**. The types of perimeter fencing are:
 - (a) 6-foot masonry or precast concrete along north, south, and east boundaries - in compliance with Part III, Section 4-30 of the Code.
 - (b) 8-foot wood fence along western boundary: Cedar privacy fence with a picket size of 1" x 4", treated rails and wood posts; the finished side shall face the abutting properties.

6.4. Building Setbacks & Height Limits

- (1) The setbacks for any lot on which multiple residential units are located shall be:
 - (a) 10' from public open space or Chisholm Trail Road ROW
 - (b) 10' rear from all lot boundary lines
- (2) Individual condominium lot setbacks shall be according to **Exhibit "D"**.
- (3) The maximum height of any structure shall be three stories, except that the maximum height of any structure within 300 feet of the western property boundary shall be two stories.

6.5. Parking

- (1) A total of four parking spaces per unit will be provided
 - (a) 2 garage enclosed parking spaces for each unit.
 - (b) 2 parking spaces for each unit, located either in front of the garage and outside of the private-access drive; or at another designated location outside of the private-access drive.

6.6. Private Drive Aisles

- 1) A minimum width of 30' from 'face of curb to face of curb'.
- 2) A private home owners association will be established for the maintenance of the private drive aisles.
- 3) Parallel parking to be provided on one side of the drive aisle, subject to City design regulations, including access for emergency vehicles.
- 4) An internal walkway, consisting of a four-foot (4') wide sidewalk along one side of all private drive aisles shall be required.
- 5) Subgrade to be approved by the City, according to the Transportation Manual, Section 3 – Pavement Design for local streets.

6.7. Amenities

- (1) A total of three (3) amenities accessible to all residents shall be provided, including but not limited to the following:
 - a) Playground equipment;
 - b) Programmed dog park, to measure no smaller than 2,500 square feet, with minimum depth 25 feet;
 - c) Private fitness facility*;
 - d) Picnic area, to contain no fewer than two tables and two cooking grills;
 - e) Swimming pool;
 - f) Business center, to contain no less than one computer, printer, fax machine, copier, and scanner (printer, fax machine, copier, and scanner may be integrated into a single device), available for resident use*;
 - g) Tennis court;
 - h) Basketball court;
 - i) Volleyball court;
 - j) Kitchen available for resident use*;
 - k) Social room available for resident use*;

*These amenities may be within the amenity center and each one qualifies toward the amenity requirement.

6.8. Landscaping

- (1) The landscape development standards outlined in Part III, Section 8-10 of The Code of Ordinances (2018 Edition), City of Round Rock, Texas , shall apply, with the following modifications:

- (a) All development areas, including residential, which include turf shall utilize Drought Tolerant Turf Grasses, as defined by the Code.
 - (b) Plant material shall be of a native and/or adapted species, including those selected from *Native and Adapted Landscape Plants, an Earth-Wise Guide for Central Texas*, created by the Texas cooperative Extension, Grow Green and the Lady Bird Johnson Wildflower Center.
 - (c) Each single family dwelling unit shall be provided with a minimum of two (2) two-inch (2") caliper large species trees, whether through the preservation of existing trees or planting of two-inch (2") caliper container-grown trees.
- (2) A private home owners association will be established for the maintenance of any landscape and irrigation areas located between the private drive lanes and single family units as well as for all community signage, walls, medians, and common open spaces.

7. CHANGES TO DEVELOPMENT PLAN

7.1. 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.

7.2. Major Changes

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

LIST OF EXHIBITS

Exhibit "A" Survey

Exhibit "B" Concept Plan

Exhibit "C" Perimeter Fencing

Exhibit "D" Setbacks

Exhibit "A" – Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 19.3468 ACRES (842,748 SQUARE FEET) OF LAND OUT OF THE DAVID CURRY SURVEY, ABSTRACT NO. 130, IN WILLIAMSON COUNTY, TEXAS, CONVEYED TO AUSTIN MKA INVESTMENTS, LTD., AND RECORDED IN DOCUMENT NO. 2015085310 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS (O.P.R.W.C.T.), SAID 19.3468 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod found at an angle point in the west right-of-way line of Chisholm Trail Road (right-of-way varies), and being at the southeast corner of a called 5.00 acre tract conveyed to Bessie May Behrens, and recorded in Document No. 2014094322 (O.P.R.W.C.T.), said 5.00 acre tract (described as Homestead Tract) described by metes and bounds in Volume 2059, Page 834 of the Official Records of Williamson County, Texas (O.R.W.C.T.), and being the northeast corner of said Austin MKA Investments tract, for the northeast corner and **POINT OF BEGINNING** hereof, from which a 1/2-inch iron rod found at a corner in the west right-of-way line of said Chisholm Trail Road, and being in the south line of a called 38.665 acre tract also conveyed to Bessie May Behrens in said Document No. 2014094322 (O.P.R.W.C.T.), said 38.665 acre tract (described as Tract III) also described by metes and bounds in said Volume 2059, Page 834 (O.R.W.C.T.), and being the northeast corner of said Behrens Homestead Tract bears, N06°03'57"E, a distance of 138.91 feet, and N19°48'52"E, a distance of 40.11 feet;

THENCE, with the west right-of-way line of said Chisholm Trail Road and the east line of said Austin MKA Investments tract, **S00°48'18"W**, a distance of **718.69** feet to a 1/2-inch iron rod with "Wallace Group" cap found for the southeast corner hereof, said point being a corner in the west right-of-way line of said Chisholm Trail Road;

THENCE, leaving the east line of said Austin MKA Investments tract, in part with the west right-of-way line of said Chisholm Trail Road, in part with the north line of Lot 1, Block A, of Group 1 Body Shop Final Plat, recorded in Document No. 2015094708 (O.P.R.W.C.T.), and over and across said Austin MKA Investments tract, the following three (3) courses and distances:

- 1) **N89°11'02"W**, passing at a distance of 19.96 feet, a 1/2-inch iron rod with "Wallace Group" cap found for a corner in the west right-of-way line of said Chisholm Trail Road, and being the northeast corner of said Lot 1, Block A, Group 1 Body Shop Final Plat, and continuing for a total distance of **293.16** feet to a 1/2-inch iron rod with "Wallace Group" cap found for an angle point hereof,
- 2) **S71°30'17"W**, a distance of **321.52** feet to a calculated point (falling inside a wood fence post) for an angle point hereof, and
- 3) **S61°54'31"W**, passing at a distance of 810.58 feet, a 1/2-inch iron rod found at the northwest corner of said Lot 1, Block A, Group 1 Body Shop Final Plat, and being a corner in the east right-of-way line of the Georgetown Railroad (right-of-way varies), and continuing for a total distance of **822.08** feet to a 1/2-inch iron rod with "Wallace Group" cap found for the southwest corner hereof, said point being at a corner in the east right-of-way line of said Georgetown Railroad;

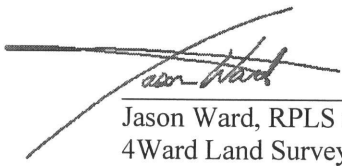
THENCE, with the east right-of-way line of said Georgetown Railroad, the following three (3) courses and distances:

- 1) **N00°48'54"W**, a distance of **608.57** feet to a 1/2-inch iron rod with "Wallace Group" cap found for an exterior ell-corner hereof,
- 2) **N69°42'05"E**, a distance of **10.61** feet to a 1/2-inch iron rod with "Wallace Group" cap found for an interior ell-corner hereof, and
- 3) **N01°07'27"W**, a distance of **82.17** feet to a calculated point (falling inside a wood fence post) for the northwest corner hereof, said point being at the southwest corner of said Behrens Tract III, and being in the north line of said Austin MKA Investments tract;

THENCE, leaving the east right-of-way line of said Georgetown Railroad, in part with the south lines of said Behrens Tract III and said Behrens Homestead Tract, and with the north line of said Austin MKA Investments tract, **N69°06'12"E**, a distance of **1,427.59** feet to the **POINT OF BEGINNING**, and containing 19.3468 Acres (842,748 Square Feet) more or less.

NOTE:

All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203); all distances were adjusted to surface using a combined scale factor of 1.000123356244. See attached sketch (reference drawing: 00391_Update_rev.dwg)


7/1/19
Jason Ward, RPLS #5811
4Ward Land Surveying, LLC



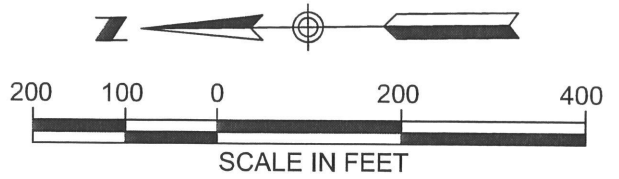
WARD
Land Surveying

A United Liability Company
 PO Box 9076, Austin Texas 78719
 WWW.AKASOLS.COM (512) 637-2304
 T8PLS FORM #10112500
 2012-08 249108725 3460000000

[illegible][illegible]

MICRO-BAC, INTERNATIONAL, INC
9.18 AC.
VOL. 2275 / PG. 785

CHISHOLM TRAIL ROAD
(COUNTY ROAD 173)



BESSIE MAY BEHRENS
5.00 AC.
DOC. NO. 2014094322

PROPOSED
RESIDENTIAL
19.35 ACRES

GROUP 1 REALTY, INC.
15.70 AC.
DOC. NO. 2013093234

BESSIE MAY BEHRENS
38.67 AC.
DOC. NO. 2014094322

ELECTRIC EASEMENT
VOL. 545, PG. 167

PIPELINE EASEMENT
VOL. 562, PG. 525

GEORGETOWN RAILROAD

HIDDEN GLEN DRIVE

FOLSOM
COVE

HIDDEN GLEN PHASE 5A
CAB. Z, SL. 289
P.R.W.C.T.

HIDDEN GLEN PARK

HIDDEN GLEN PHASE 4B
CAB. W, SL. 280
P.R.W.C.T.

PLANTATION DRIVE

LJA Engineering, Inc.

7500 Rialto Boulevard
Building II, Suite 100
Austin, Texas 78735



Phone 512.439.4700
Fax 512.439.4716
FRN - F-1386

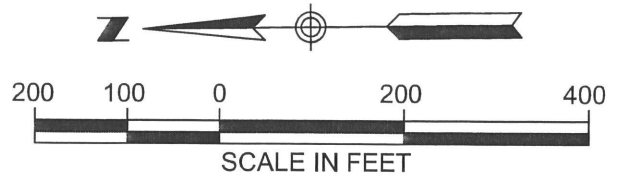
CHISHOLM
CONCEPT PLAN

EXHIBIT B

1 OF 1

MICRO-BAC, INTERNATIONAL, INC
9.18 AC.
VOL. 2275 / PG. 785

CHISHOLM TRAIL ROAD
(COUNTY ROAD 173)



— Masonry or Precast Concrete

- - - Wood, (1" x 4" pickets)

BESSIE MAY BEHRENS
5.00 AC.
DOC. NO. 2014094322

PROPOSED
RESIDENTIAL
19.35 ACRES

GROUP 1 REALTY, INC.
15.70 AC.
DOC. NO. 2013093234

BESSIE MAY BEHRENS
38.67 AC.
DOC. NO. 2014094322

ELECTRIC EASEMENT
VOL. 545, PG. 167

PIPELINE EASEMENT
VOL. 562, PG. 525

GEORGETOWN RAILROAD

HIDDEN GLEN DRIVE

HIDDEN GLEN PHASE 5A
CAB. Z, SL. 289
P.R.W.C.T.

HIDDEN GLEN PARK

HIDDEN GLEN PHASE 4B
CAB. W, SL. 280
P.R.W.C.T.

PLANTATION DRIVE

LJA Engineering, Inc.

7500 Rialto Boulevard
Building II, Suite 100
Austin, Texas 78735

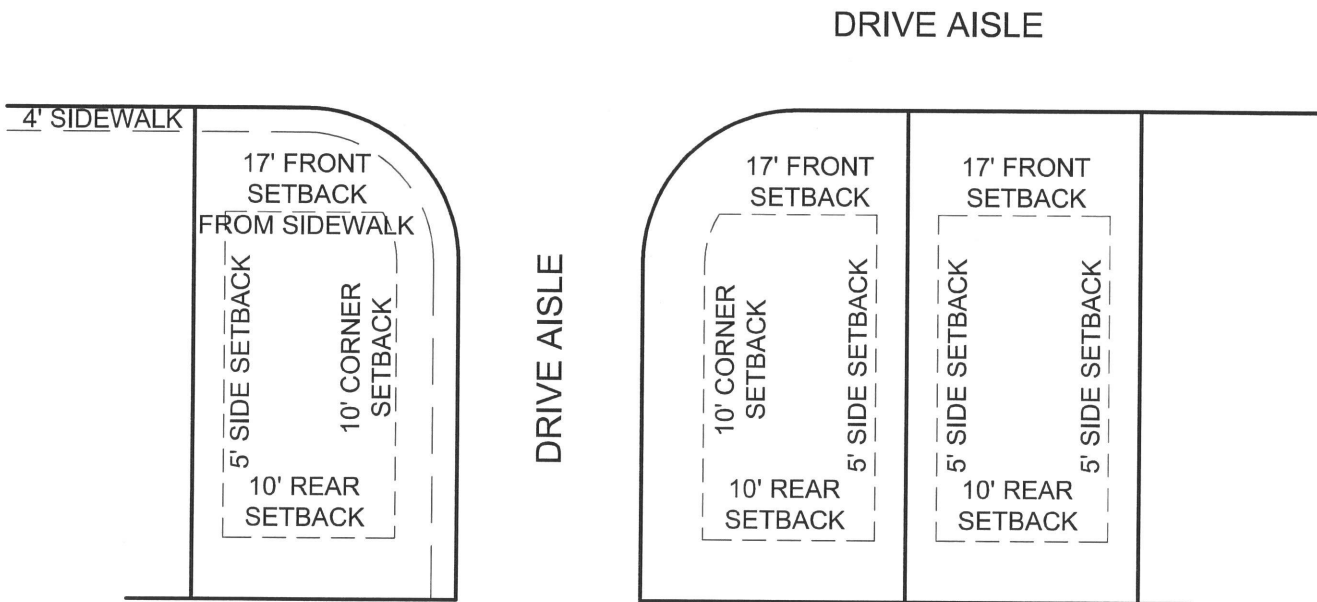


Phone 512.439.4700
Fax 512.439.4716
FRN - F-1386

CHISHOLM
Perimeter Fencing

EXHIBIT C

1 OF 1



NOTES:

1. 10' BUILDING SEPARATION MEASURED FROM WALL TO WALL.
2. REAR SETBACK FROM ANY PROPERTY BOUNDARY IS 10'.

LJA Engineering, Inc.

7500 Rialto Boulevard
Building II, Suite 100
Austin, Texas 78735



Phone 512.439.4700
Fax 512.439.4716
FRN - F-1386

CHISHOLM
Setbacks

EXHIBIT D

1 OF 1

THE STATE OF TEXAS *

COUNTY OF WILLIAMSON *

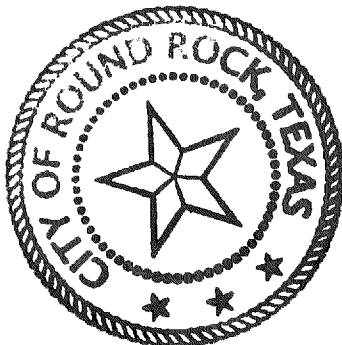
CITY OF ROUND ROCK *

I, SARA L. WHITE, City Clerk of the City of Round Rock, Texas, do hereby certify that I am the custodian of the public records maintained by the City of Round Rock and the attached is a true and correct copy of Ordinance No. O-2019-0448 which rezones 19.35 acres of land located west of Chisholm Trail Boulevard from the LI (Light Industrial) zoning district to Planned Unit Development (PUD) No. 118 zoning district. This ordinance was approved and adopted at a regular meeting held by the City Council on the 26th day of November 2019 and recorded in the City Council minute book no. 62.

CERTIFIED by my hand and seal of the City of Round Rock, Texas on this 3rd day of December 2019.



SARA L. WHITE, TRMC, City Clerk



ORDINANCE NO. O-2019-0448

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ROUND ROCK, TEXAS ADOPTED IN ZONING AND DEVELOPMENT CODE, CHAPTER 2, ARTICLE I, SECTION 2-2(b)(1), CODE OF ORDINANCES (2018 EDITION), CITY OF ROUND ROCK, TEXAS, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE 19.35 ACRES OF LAND, OUT OF THE DAVID CURRY SURVEY, ABSTRACT NO. 130, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, FROM LI (LIGHT INDUSTRIAL) ZONING DISTRICT TO PUD (PLANNED UNIT DEVELOPMENT) NO. 118 ZONING DISTRICT; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

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 19.35 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 LI (Light Industrial) zoning district to Planned Unit Development (PUD) No. 118 zoning district, 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 2nd day of October, 2019, 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. 118, and

WHEREAS, on the 26th day of November, 2019, 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 Zoning and Development Code, Chapter 2, Article I, Section 2-2 and Chapter 10, Article I, Section 10-2 and, Code of Ordinances (2018 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. 118 meets the following goals and objectives:

- (1) The development in PUD No. 118 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) P.U.D. No. 118 is in harmony with the general purposes, goals, objectives and standards of the General Plan.
- (3) P.U.D. No. 118 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. 118 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. 118 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 Zoning and Development Code, Chapter 2, Article I, Section 2-2(b)(1), Code of Ordinances (2018 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. 118, and that the Mayor is hereby authorized and directed to enter into the Development Plan for PUD No. 118 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 26th day of NOVEMBER, 2019.

Alternative 2.

READ and APPROVED on first reading this the _____ day of _____, 2019.

READ, APPROVED and ADOPTED on second reading this the _____ day of _____, 2019.



 CRAIG MORGAN, Mayor
 City of Round Rock, Texas

ATTEST:



 SARA L. WHITE, City Clerk

EXHIBIT**"A"****DEVELOPMENT PLAN
3100 CHISHOLM TRAIL ROAD****PLANNED UNIT DEVELOPMENT NO. 118****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 WEEKLEY HOMES, LLC, a Delaware limited liability company; as its respective interests may appear in the respective portions of the hereinafter described property; and its respective successors and designated assigns. Upon sale, transfer or conveyance of portions of the hereinafter described property by a respective Owner to a designated third party owner/developer, the duties and obligations of the respective Owner, as it relates to the respective property being sold, shall be assigned to and assumed by the new owner/developer, and upon such sale and assignments of the duties and obligations hereunder, the respective Owner shall have no further liability relating to the respective property so sold and conveyed.

WHEREAS, the Owner is the owner of certain real property consisting of 19.35 acres, as more particularly described in **Exhibit "A" (Legal Description)**, (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 zone the Property as a Planned Unit Development (the "**PUD**"); and

WHEREAS, pursuant to Part III, Section 10-22 of the Code of Ordinances of the 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 October 2, 2019, the City's Planning and Zoning Commission recommended approval of the Owner's application for PUD zoning; 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.

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 Part II, 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 City of Round Rock Code of Ordinances, as amended, hereinafter referred to as “the Code.”

2. PROPERTY

This Plan covers approximately 19.3468 acres of land, 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 Ordinance

All aspects not specifically covered by this Plan shall be regulated by the **TH (Townhouse)** zoning district, 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 applicable and 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. PROJECT OVERVIEW

5.1. Purpose of Plan

The purpose of the Plan is to provide a single family residential development on a common lot. Private drive aisles will provide access to the units.

5.2. Concept Plan

This Plan, as depicted in **Exhibit “B”**, shall serve as the Concept Plan required by Part III, Section 10-26 of the Code.

5.3. Land Use

- (1) The residential housing types shall be single family detached units on a common lot, with each dwelling unit having a private entrance, private parking and a private yard area.
- (2) Access shall be provided via private drive aisles, as described in Section 6.7 below.
- (3) All dwelling units shall be established as condominium units, pursuant to the Texas Uniform Condominium Act, Section 82.001 et. seq., Texas Property code.
- (4) A maximum of 115 units shall be permitted.

6. DEVELOPMENT STANDARDS

6.1. Exterior Design Elements

The following design elements shall be required on the rear upper floor elevations of multi-story units when the rear faces Chisholm Trail Road:

- (1) One window enhancement from the following list:
 - (a) Shutters
 - (b) Awnings or shed roofs
 - (c) Arch windows

and:

- (2) One design feature from the following list:
 - (a) Balcony
 - (b) Dormer or projected wall
 - (c) Box window

6.2. Yard Fencing

Single family unit fencing shall be constructed of the following materials: brick, stone, reinforced concrete, decorative masonry, wrought iron, tubular steel, redwood or cedar with a picket size of 1" x 4" with wood posts and treated rails, or other equivalent materials approved by the Zoning Administrator.

6.3. Perimeter Fencing

- (1) The location and types of the required perimeter fencing associated with the single family units along the perimeter, excluding private open space and detention areas, are indicated on **Exhibit "C"**. The types of perimeter fencing are:
 - (a) 6-foot masonry or precast concrete along north, south, and east boundaries - in compliance with Part III, Section 4-30 of the Code.
 - (b) 8-foot wood fence along western boundary: Cedar privacy fence with a picket size of 1" x 4", treated rails and wood posts; the finished side shall face the abutting properties.

6.4. Building Setbacks & Height Limits

- (1) The setbacks for any lot on which multiple residential units are located shall be:
 - (a) 10' from public open space or Chisholm Trail Road ROW
 - (b) 10' rear from all lot boundary lines
- (2) Individual condominium lot setbacks shall be according to **Exhibit "D"**.
- (3) The maximum height of any structure shall be three stories, except that the maximum height of any structure within 300 feet of the western property boundary shall be two stories.

6.5. Parking

- (1) A total of four parking spaces per unit will be provided
 - (a) 2 garage enclosed parking spaces for each unit.
 - (b) 2 parking spaces for each unit, located either in front of the garage and outside of the private-access drive; or at another designated location outside of the private-access drive.

6.6. Private Drive Aisles

- 1) A minimum width of 30' from 'face of curb to face of curb'.
- 2) A private home owners association will be established for the maintenance of the private drive aisles.
- 3) Parallel parking to be provided on one side of the drive aisle, subject to City design regulations, including access for emergency vehicles.
- 4) An internal walkway, consisting of a four-foot (4') wide sidewalk along one side of all private drive aisles shall be required.
- 5) Subgrade to be approved by the City, according to the Transportation Manual, Section 3 – Pavement Design for local streets.

6.7. Amenities

- (1) A total of three (3) amenities accessible to all residents shall be provided, including but not limited to the following:
 - a) Playground equipment;
 - b) Programmed dog park, to measure no smaller than 2,500 square feet, with minimum depth 25 feet;
 - c) Private fitness facility*;
 - d) Picnic area, to contain no fewer than two tables and two cooking grills;
 - e) Swimming pool;
 - f) Business center, to contain no less than one computer, printer, fax machine, copier, and scanner (printer, fax machine, copier, and scanner may be integrated into a single device), available for resident use*;
 - g) Tennis court;
 - h) Basketball court;
 - i) Volleyball court;
 - j) Kitchen available for resident use*;
 - k) Social room available for resident use*;

*These amenities may be within the amenity center and each one qualifies toward the amenity requirement.

6.8. Landscaping

- (1) The landscape development standards outlined in Part III, Section 8-10 of The Code of Ordinances (2018 Edition), City of Round Rock, Texas , shall apply, with the following modifications:

- (a) All development areas, including residential, which include turf shall utilize Drought Tolerant Turf Grasses, as defined by the Code.
 - (b) Plant material shall be of a native and/or adapted species, including those selected from *Native and Adapted Landscape Plants, an Earth-Wise Guide for Central Texas*, created by the Texas cooperative Extension, Grow Green and the Lady Bird Johnson Wildflower Center.
 - (c) Each single family dwelling unit shall be provided with a minimum of two (2) two-inch (2") caliper large species trees, whether through the preservation of existing trees or planting of two-inch (2") caliper container-grown trees.
- (2) A private home owners association will be established for the maintenance of any landscape and irrigation areas located between the private drive lanes and single family units as well as for all community signage, walls, medians, and common open spaces.

7. **CHANGES TO DEVELOPMENT PLAN**

7.1. **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.

7.2. **Major Changes**

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

LIST OF EXHIBITS

- Exhibit "A" Survey
- Exhibit "B" Concept Plan
- Exhibit "C" Perimeter Fencing
- Exhibit "D" Setbacks



PO Box 90876
 Austin, TX 78709
 512.554.3371
 jward@4wardls.com
www.4wardls.com

Exhibit "A" – Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 19.3468 ACRES (842,748 SQUARE FEET) OF LAND OUT OF THE DAVID CURRY SURVEY, ABSTRACT NO. 130, IN WILLIAMSON COUNTY, TEXAS, CONVEYED TO AUSTIN MKA INVESTMENTS, LTD., AND RECORDED IN DOCUMENT NO. 2015085310 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS (O.P.R.W.C.T.), SAID 19.3468 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod found at an angle point in the west right-of-way line of Chisholm Trail Road (right-of-way varies), and being at the southeast corner of a called 5.00 acre tract conveyed to Bessie May Behrens, and recorded in Document No. 2014094322 (O.P.R.W.C.T.), said 5.00 acre tract (described as Homestead Tract) described by metes and bounds in Volume 2059, Page 834 of the Official Records of Williamson County, Texas (O.R.W.C.T.), and being the northeast corner of said Austin MKA Investments tract, for the northeast corner and **POINT OF BEGINNING** hereof, from which a 1/2-inch iron rod found at a corner in the west right-of-way line of said Chisholm Trail Road, and being in the south line of a called 38.665 acre tract also conveyed to Bessie May Behrens in said Document No. 2014094322 (O.P.R.W.C.T.), said 38.665 acre tract (described as Tract III) also described by metes and bounds in said Volume 2059, Page 834 (O.R.W.C.T.), and being the northeast corner of said Behrens Homestead Tract bears, N06°03'57"E, a distance of 138.91 feet, and N19°48'52"E, a distance of 40.11 feet;

THENCE, with the west right-of-way line of said Chisholm Trail Road and the east line of said Austin MKA Investments tract, **S00°48'18"W**, a distance of **718.69** feet to a 1/2-inch iron rod with "Wallace Group" cap found for the southeast corner hereof, said point being a corner in the west right-of-way line of said Chisholm Trail Road;

THENCE, leaving the east line of said Austin MKA Investments tract, in part with the west right-of-way line of said Chisholm Trail Road, in part with the north line of Lot 1, Block A, of Group 1 Body Shop Final Plat, recorded in Document No. 2015094708 (O.P.R.W.C.T.), and over and across said Austin MKA Investments tract, the following three (3) courses and distances:

- 1) **N89°11'02"W**, passing at a distance of 19.96 feet, a 1/2-inch iron rod with "Wallace Group" cap found for a corner in the west right-of-way line of said Chisholm Trail Road, and being the northeast corner of said Lot 1, Block A, Group 1 Body Shop Final Plat, and continuing for a total distance of **293.16** feet to a 1/2-inch iron rod with "Wallace Group" cap found for an angle point hereof,
- 2) **S71°30'17"W**, a distance of **321.52** feet to a calculated point (falling inside a wood fence post) for an angle point hereof, and
- 3) **S61°54'31"W**, passing at a distance of 810.58 feet, a 1/2-inch iron rod found at the northwest corner of said Lot 1, Block A, Group 1 Body Shop Final Plat, and being a corner in the east right-of-way line of the Georgetown Railroad (right-of-way varies), and continuing for a total distance of **822.08** feet to a 1/2-inch iron rod with "Wallace Group" cap found for the southwest corner hereof, said point being at a corner in the east right-of-way line of said Georgetown Railroad;

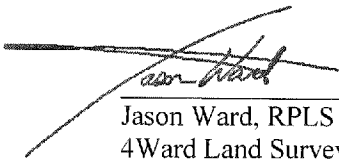
THENCE, with the east right-of-way line of said Georgetown Railroad, the following three (3) courses and distances:

- 1) **N00°48'54"W**, a distance of **608.57** feet to a 1/2-inch iron rod with "Wallace Group" cap found for an exterior ell-corner hereof,
- 2) **N69°42'05"E**, a distance of **10.61** feet to a 1/2-inch iron rod with "Wallace Group" cap found for an interior ell-corner hereof, and
- 3) **N01°07'27"W**, a distance of **82.17** feet to a calculated point (falling inside a wood fence post) for the northwest corner hereof, said point being at the southwest corner of said Behrens Tract III, and being in the north line of said Austin MKA Investments tract;

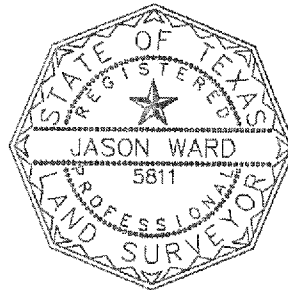
THENCE, leaving the east right-of-way line of said Georgetown Railroad, in part with the south lines of said Behrens Tract III and said Behrens Homestead Tract, and with the north line of said Austin MKA Investments tract, **N69°06'12"E**, a distance of **1,427.59** feet to the **POINT OF BEGINNING**, and containing 19.3468 Acres (842,748 Square Feet) more or less.

NOTE:

All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203); all distances were adjusted to surface using a combined scale factor of 1.000123356244. See attached sketch (reference drawing: 00391_Update_rev.dwg)


 Jason Ward, RPLS #5811
 4Ward Land Surveying, LLC

7/1/19



All or parts of the text on this page was not
clearly legible for satisfactory recordation

MICRO-BAC, INTERNATIONAL, INC
9.18 AC.
VOL. 2275 / PG. 785



CHISHOLM TRAIL ROAD
(COUNTY ROAD 173)

BESSIE MAY BEHRENS
5.00 AC.
DOC. NO. 2014094322

**PROPOSED
RESIDENTIAL
19.35 ACRES**

GROUP 1 REALTY, INC.
15.70 AC.
DOC. NO. 2013093234

BESSIE MAY BEHRENS
38.67 AC.
DOC. NO. 2014094322

ELECTRIC EASEMENT
VOL. 545, PG. 167

PIPELINE EASEMENT
VOL. 562, PG. 525

GEORGETOWN RAILROAD

HIDDEN GLEN DRIVE

HIDDEN GLEN PARK

HIDDEN GLEN PHASE 4B
CAB. W, SL. 280
P.R.W.C.T.

HIDDEN GLEN PHASE 5A
CAB. Z, SL. 289
P.R.W.C.T.

FOLSOM
COVE

PLANTATION DRIVE

LJA Engineering, Inc.

7500 Rialto Boulevard
Building II, Suite 100
Austin, Texas 78735



Phone 512.439.4700
Fax 512.439.4716
FRN - F-1386

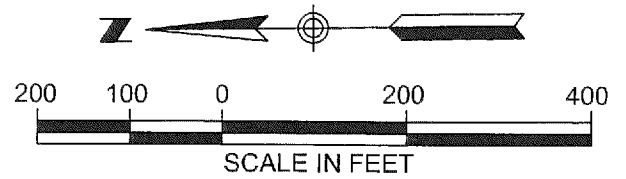
**CHISHOLM
CONCEPT PLAN**

EXHIBIT B

1 OF 1

MICRO-BAC, INTERNATIONAL, INC
9.18 AC.
VOL. 2275 / PG. 785

CHISHOLM TRAIL ROAD
(COUNTY ROAD 173)



————— Masonry or Precast Concrete
- - - - - Wood, (1" x 4" pickets)

BESSIE MAY BEHRENS
5.00 AC.
DOC. NO. 2014094322

**PROPOSED
RESIDENTIAL
19.35 ACRES**

GROUP 1 REALTY, INC.
15.70 AC.
DOC. NO. 2013093234

BESSIE MAY BEHRENS
38.67 AC.
DOC. NO. 2014094322

ELECTRIC EASEMENT
VOL. 545, PG. 167

PIPELINE EASEMENT
VOL. 562, PG. 525

GEORGETOWN RAILROAD

HIDDEN GLEN DRIVE

FOLSOM
COVE

HIDDEN GLEN PHASE 5A
CAB. Z, SL. 289
P.R.W.C.T.

HIDDEN GLEN PARK

HIDDEN GLEN PHASE 4B
CAB. W, SL. 280
P.R.W.C.T.

PLANTATION DRIVE

LJA Engineering, Inc.

7500 Rialto Boulevard
Building II, Suite 100
Austin, Texas 78735

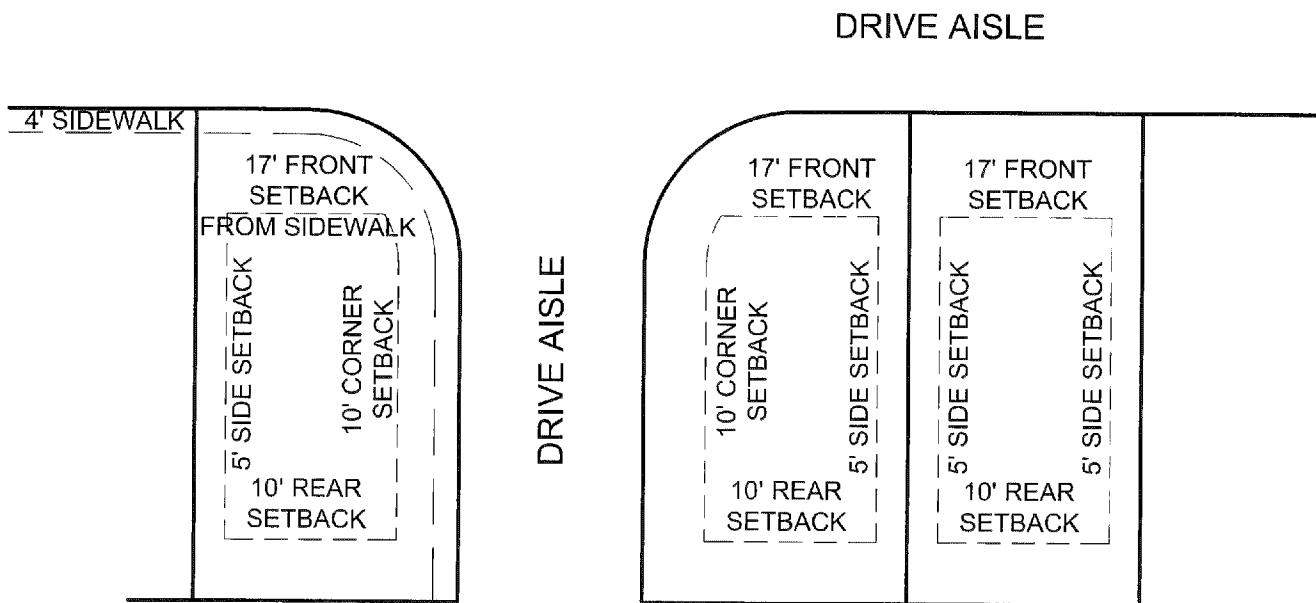


Phone 512.439.4700
Fax 512.439.4716
FRN - F-1386

CHISHOLM
Perimeter Fencing

EXHIBIT C

1 OF 1



NOTES:

1. 10' BUILDING SEPARATION MEASURED FROM WALL TO WALL.
2. REAR SETBACK FROM ANY PROPERTY BOUNDARY IS 10'.

LJA Engineering, Inc.

7500 Rialto Boulevard
Building II, Suite 100
Austin, Texas 78735



Phone 512.439.4700
Fax 512.439.4716
FRN - F-1386

CHISHOLM
Setbacks

EXHIBIT D

1 OF 1

**ELECTRONICALLY RECORDED
OFFICIAL PUBLIC RECORDS**

2019116988

Pages: 20 Fee: \$101.00
12/04/2019 12:37 PM



Nancy E. Rister

Nancy E. Rister, County Clerk
Williamson County, Texas