

ORDINANCE NO. O-2020-0080

AN ORDINANCE AMENDING ORDINANCE NO. Z-99-08-12-9B6, ADOPTED BY THE CITY COUNCIL OF ROUND ROCK, TEXAS, ON AUGUST 12, 1999, BY AMENDING SECTION 11.6 AND SECTION 12.1.1, EXHIBITS C-1, C-2, AND D; AND BY ADDING EXHIBITS “H” AND “I” OF THE DEVELOPMENT PLAN OF PUD NO. 42, APPROVED BY THE CITY COUNCIL IN SAID ORDINANCE, PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

WHEREAS, on August 12, 1999, the City Council of the City of Round Rock, Texas, adopted Ordinance No. Z-99-08-12-9B6, which established PUD No. 42, and

WHEREAS, on June 13, 2002, the City Council of the City of Round Rock, Texas, adopted Ordinance No. Z-02-06-13-13C1 to amend PUD No. 42 (Amendment No. 1), and

WHEREAS, on February 14, 2013, the City Council of the City of Round Rock, Texas, adopted Ordinance No. Z-13-02-14-E3 to amend Sections 12, 13, and 14 of the Development Plan and Exhibits “C-1”, “C-2”, and “D”, and by adding Exhibits “E”, “F”, and “G” of PUD No. 42 (Amendment No. 2), and

WHEREAS, on February 8, 2018, the City Council of the City of Round Rock, Texas, adopted Ordinance No. O-2018-5160 to add Exhibit “A-3”, replace Exhibits “C-1” and “C-2”, and amend Exhibit “D”, Section III, of the Development Plan of PUD No. 42 (Amendment No. 3), and

WHEREAS, the City and BCCA Grimes, LLC agreed to an Administrative Amendment, as defined in Section 16.1 of PUD No. 42, such amendment filed as Document No. 2018089579 with the County Clerk of Williamson County, Texas, (Amendment No. 4), and

WHEREAS, an application has been made to the City Council of the City of Round Rock, Texas, to amend Section 11.6, Section 12.1.1, Exhibits C-1, C-2, and D; and to add Exhibits “H” and “I”, of the Development Plan of PUD No. 42, and

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the requested amendment to Ordinance No. Z-99-08-12-9B6 on the 19th day of February 2020, following lawful publication of said public hearing, and

WHEREAS, after considering the public testimony received at such hearing, the Planning and Zoning Commission has recommended that Ordinance No. Z-99-08-12-9B6 be amended, and

WHEREAS, on the 26th day of March, 2020, after proper notification, the City Council held a public hearing on the requested amendment to Ordinance No. Z-99-08-12-9B6, and

WHEREAS, the City Council determined that the requested amendment to Ordinance No. Z-99-08-12-9B6 promotes the health, safety, morals and general welfare of the community, and

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A., Texas Local Government Code, and Zoning and Development Code, Chapter 10, Article I, Section 10-2 and Article IV, Section 10-22, 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 hereby determines that the proposed amendment to Planned Unit Development (PUD) District #42 meets the following goals and objectives:

- (1) The amendment to P.U.D. #42 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) The amendment to P.U.D. #42 is in harmony with the general purposes, goals, objectives and standards of the General Plan.
- (3) The amendment to P.U.D. #42 does not have an undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and general welfare.

II.

That Section 11.6 of the Development Plan of PUD No. 42, as approved in Ordinance No. Z-99-08-12-9B6, is hereby deleted in its entirety and replaced with a new Section 11.6, which shall read as follows:

- 11.6 Parcel 7, identified on Exhibit "C", shall be permitted one driveway onto Jazz Street. This driveway shall be located three hundred fifty feet (350') from the edge of the existing Louis Henna Boulevard right-of-way. Trucks larger than one ton shall be prohibited from using this driveway. Parcel 6-A shall be permitted one driveway to access Louis Henna Boulevard, as generally depicted on Exhibit "H".

III.

That Section 12.1.1 of the Development Plan of PUD No. 42, as approved in Ordinance No. Z-99-08-12-9B6 and amended in Ordinance No. Z-13-02-14-E3, is hereby deleted in its entirety and replaced with a new Section 12.1.1, which shall read as follows:

12.1.1 The Owner shall pay to the City \$1,600.00 per acre, to participate in regional detention, for Parcels 6-A, 6-B and 7, as shown on Exhibit "C-1" attached hereto. The payment of these regional detention fees shall be in place of providing onsite detention facilities and shall represent full payment of all detention fees assessable to Parcels 6-A, 6-B and 7. The Regional Detention Fees shall be paid for each development parcel with the application for building permit for each development parcel.

IV.

That Exhibits "C-1" and "C-2" of the Development Plan of PUD No. 42, as approved in Ordinance No. Z-02-06-13-13C1, and amended in Ordinance No. Z-13-02-14-E3, and Ordinance No. O-2018-5160, are hereby amended and replaced in its entirety with new Exhibits "C-1" and "C-2", attached hereto and incorporated herein.

V.

That Exhibit "D", *Development Parcels "6 and 7" Commercial Development Parcels* of the Development Plan of PUD No. 42 is hereby amended with a new Exhibit "D", *Parcels 6-A, 6-B & 7: Commercial Development*, attached hereto and incorporated herein.

VI.

That Exhibits "H", and "I", as attached, are added to the Development Plan of PUD No. 42.

VII.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Alternative 1.


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

READ, PASSED, and ADOPTED on first reading this 26th day of MARCH, 2020.

Alternative 2.

READ and **APPROVED** on first reading this the _____ day of _____, 2020.

READ, APPROVED and **ADOPTED** on second reading this the _____ day of _____, 2020.



CRAIG MORGAN, Mayor
City of Round Rock, Texas

ATTEST:



SARA L. WHITE, City Clerk

PUD 42 Warner Ranch (through Amendment No. 3)

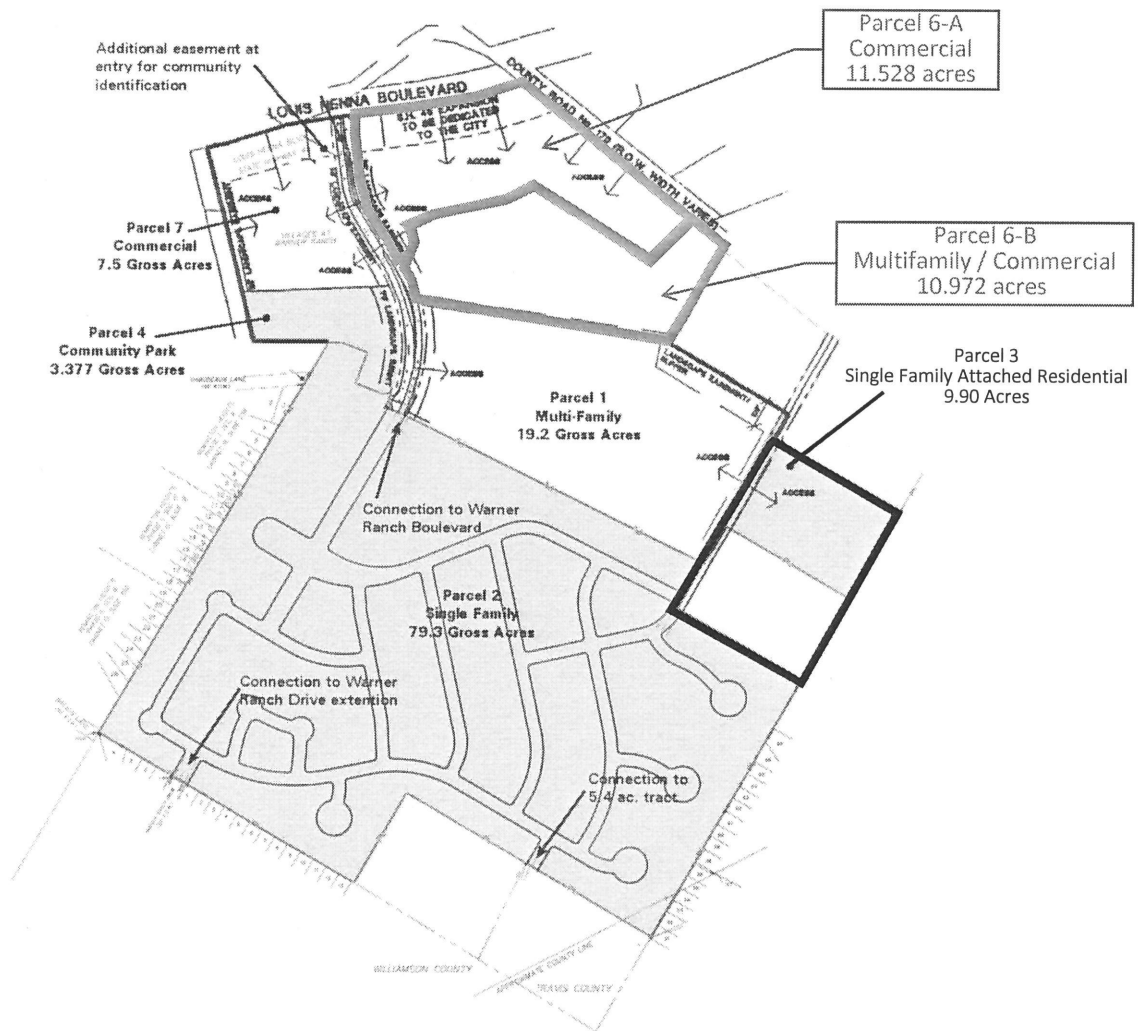


Exhibit C-1
Warner Ranch PUD Plan
Street arrangement is diagrammatic only.

0 200 400 600
Revised: November 1, 2012

PUD 42 Warner Ranch (through Amendment No. 3)

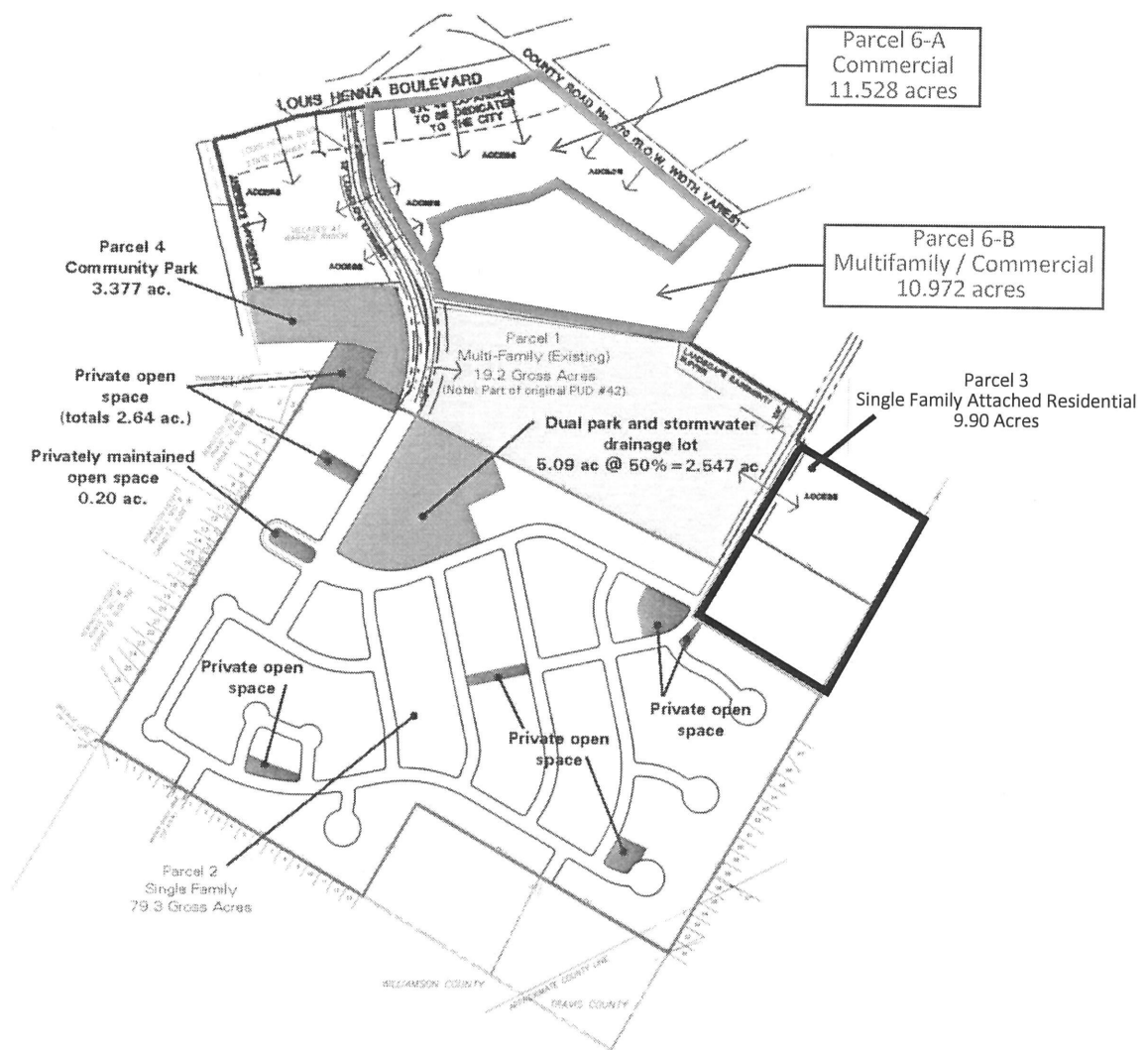


Exhibit C-2

Warner Ranch Open Space and Parkland Plan

Location and size of community park and private open space is approximate only. Street arrangement is diagrammatic only.

Revised: November 1, 2012

EXHIBIT 'D'

PARCELS 6-A, 6-B & 7: COMMERCIAL DEVELOPMENT

The Following Development Standards shall apply to all development on portions of the Property, which are identified as Development Parcels "6-A, 6-B and 7" on the Master Plan attached hereto as Exhibit "C".

1. PERMITTED USES:

The following principal uses are permitted:

All C-1 General Commercial uses identified in the City of Round Rock Zoning Ordinance except for uses listed in Paragraph 2, below.

2. PROHIBITED USES:

The following uses are prohibited on the property: cell towers and other towers over thirty (30') feet in height, mini-warehouses, flea markets, sexually oriented businesses, portable buildings sales except as incidental to other retail sales, amusement parks or carnivals, wholesale nurseries, recreational vehicle parks, outdoor shooting ranges, pawn shops, heavy equipment sales, kennels (but not prohibiting pet shops and veterinary clinics with overnight facilities), vehicle sales, auto body and paint shops and truck stops.

3. OUTDOOR SALES & DISPLAYS

Outdoor sales and displays are permitted in conjunction with the use of a building only in areas designated on the site plan filed with the City for such building. Outdoor sales and displays are further limited to outdoor cafes and outdoor dining areas that: (i) are located and operated as an integral part of the principal use, and (ii) do not comprise a separate business use or a separate business activity. Parking requirements contained in the Code will apply to all outdoor cafes and dining areas in the same manner that such requirements apply to enclosed buildings.

4. PROHIBITED BUILDING MATERIALS:

The following materials are prohibited on the exterior walls of all buildings and structures (this section does not apply to roofs):

Sheet metal, corrugated metal, and unfinished Aluminum

Asbestos

Galvanized Steel

Mirrored Glass (reflectivity of 20% or more)

5. SERVICE & LOADING AREAS:

5.1 Screening Required:

No dock high loading area is permitted unless such area is visually screened from public view.

5.2 Delivery Vehicles:

All delivery and utility vehicles stored on-site must be inside a closed building or within a screened portion of the site.

5.3 Service Areas:

EXHIBIT 'D'

Service areas will be screened from adjacent tracts and all public rights-of-way. Methods of screening include walled entrances, evergreen landscaping, and depressed service areas.

5.4 Loading areas:

All loading and service areas must be clearly signed. Loading spaces must be clearly denoted on the pavement and designed so as not to prohibit on-site vehicular circulation when occupied. Loading spaces will be located directly in front of a loading door. Loading areas must be designed to accommodate backing and maneuvering on-site, not from a public street. Regardless of orientation, loading doors may not be located closer than fifty feet (50') from a public or private right-of-way.

5.5 Trash Storage

Refuse storage enclosures are required for all buildings. Enclosures must be of sufficient height to completely screen all refuse containers, so as to provide screening of views from adjacent lots and public rights-of-way. All enclosures must be constructed of permanent materials (concrete, masonry, wood, etc.) which are compatible with the building it serves. Refuse storage areas must be designed to contain all refuse generated on-site between collections.

5.6 Street Level Mechanical Equipment:

All ground-mounted service equipment (e.g., air conditioners, transformers, trash collection equipment) related to each building will be consolidated in an enclosed service area. Landscaping will be used to soften the visual appearance of the walls enclosing the service area. Service areas must be paved, curbed, and internally drained.

5.7 Roof Mounted Mechanical Equipment:

All roof mounted mechanical elements must be screened from view from the public right-of-way and Development Parcels 1, 2 and 3. Screening must be compatible with the building design.

6. LANDSCAPING:

6.1 Landscape Easement:

6.1.1 Easement adjacent to public streets: A thirty-five foot (35') wide landscape easement shall be provided adjacent to Warner Ranch Road as generally identified on Exhibit "C". All areas located within these Landscape Easements shall be used solely for the purpose of landscaping, except for sidewalks, driveways, lighting, monument signs, irrigation, entry features, underground utilities, meters, utility structures and equipment required to provide utilities to the Property. This will be credited against Street Yard Landscape requirements.

6.1.2 Easement adjacent to Louis Henna Boulevard: The one hundred fifty foot (150') right of way dedication for State Highway 45 shall permit a landscape and irrigation easement which would allow the Owner the right, but not the obligation, to landscape and maintain landscaping within the

EXHIBIT 'D'

dedicated right of way, until such time as the property is actually required for highway construction. A license agreement covering the terms of the easement shall be required prior to the Owner landscaping any portion of the right of way. This easement shall be provided at no cost to the Owner.

- 6.1.3 Easement adjacent to Jazz Street: A twenty-five foot (25') landscape easement shall be provided adjacent to Jazz Street as generally identified on Exhibit "C", attached hereto. All areas located within these Landscape Easements shall be used solely for the purpose of landscaping, except for sidewalks, driveways, lighting, monument signs, irrigation, entry features, underground utilities, meters, utility structures and equipment required to provide utilities to the Property. This will be credited against Street Yard Landscape requirements.

6.2 Boulevard Trees:

Boulevard trees shall be planted within the landscape easement adjacent to Warner Ranch Road. The boulevard trees shall be planted prior to the issuance of a Certificate of Occupancy for the first multi-family building on development parcels 1, 2 or 3. This requirement includes Boulevard trees along the entire Warner Ranch Road frontage of the development parcel for which the Certificate of Occupancy is issued. If development parcels 6 or 7 are developed prior to development parcels 1, 2 or 3, the required Boulevard Trees adjacent to that development parcel shall be constructed as part of that development.

Boulevard trees shall be planted thirty feet (30') apart. Boulevard trees shall have a minimum caliper size of 2.5-inches and be selected from one of the following species; Live Oak, Bur Oak, Shumard Oak, Cedar Elm, Bradford Pear, Pecan or Chinkapin Oak.

6.3 Open Space:

All parcels for which a building permit and a Certificate of Occupancy have been issued and which do not contain buildings, structures, parking lots, sidewalks, fountains, site furniture or other improvements, including, but not limited to, front, side and rear building set back areas, and all areas between the curb line and the property line, must be planted, landscaped, and maintained in good condition. The landscape planting must provide for easy maintenance. Utility easements will be landscaped consistent with other landscape areas where allowed by the respective utility company.

6.4 Rights of Way:

Areas within the road right-of-way must be landscaped and irrigated only in accordance with a license agreement with the City.

6.5 Grass:

All landscaped areas not in groundcover or shrub beds will be planted in grasses, preferably sod. Overseeding in fall with cool season native grasses is allowed.

EXHIBIT 'D'

6.6 Irrigation:

An underground, automatic irrigation system must be installed in all landscaped areas. Sprinkler heads must be located to effectively water the landscaped areas with minimal spray onto roadways, parking areas and walkways.

6.7 Parking Areas:

In all vehicular use areas and parking areas, a minimum of ninety (90) square feet for each twelve (12) parking spaces must be devoted to landscaped strips, islands, peninsulas, medians, or other landscaped areas (the "Minimum Parking Area Landscaping Requirement"). As partial fulfillment of the Minimum Parking Area Landscaping Requirement, any parking area containing five or more parking rows of double vehicle depth will include a landscaped strip no less than ten feet (10') wide at least every fourth parking row of double vehicle depth. The landscaped strip will be installed with trees planted no less than every sixty (60) linear feet. This shall be credited against Street Yard Landscape requirements and other applicable landscape requirements.

7. UTILITY LINES:

All utility service lines must be underground to connection points provided by the utility service provider. All transformers must be screened.

8. DESIGN STANDARDS:

8.1 Height:

The maximum height of buildings on the property shall be sixty feet (60') (as specified in the C-1 General Commercial Zoning District).

8.2 Building Setbacks:

8.2.1 Minimum building setbacks from the Warner Ranch Road identified on Exhibit "C" shall be Thirty-five (35') feet.

8.2.2 Minimum building setbacks from any other public streets shall be twenty-five feet (25').

8.2.3 Minimum building setbacks from all internal property lines shall be twenty feet (20').

8.3 Phased Development:

When development is phased on the property and such phasing is designed to be part of a single development, setback requirements will not apply between development phases, unless access to any such development phase is provided directly from a public street, in which case the street yard setback shall apply to the frontage on such street.

9. SPECIAL PROVISIONS FOR JAZZ STREET

EXHIBIT 'D'

Trucks larger than one ton shall be prohibited from using the Jazz Street driveway to Parcel 7, identified on Exhibit "C", attached hereto.

10. PARKING LOT LIGHTING

All light fixtures shall be shielded or hooded so that light is directed downward to minimize excessive glare and sky glow pollution. Light standards shall be metal poles.

PARCEL 6-B: MULTI-FAMILY OR COMMERCIAL DEVELOPMENT

The following shall apply to all development on Parcel 6-B, as identified on **Exhibit "C-1"**.

1. PERMITTED USES:

One of the following principal uses is permitted:

- a. Commercial development according to the standards contained in **Exhibit "D", Parcels 6-A, 6-B & 7: Commercial Development**; or
- b. Multi-family residential development with a minimum density of thirty (30) residential dwelling units per acre, in accordance with the **MF-3 (Multifamily - Urban)** zoning district standards, and as further regulated by the remainder of this exhibit.

2. HEIGHT:

No building on the property shall exceed five (5) stories in height of occupiable floors.

3. PRIVATE ACCESS DRIVE:

- a. With the development of the multi-family site, a 26-foot wide private access drive shall be constructed, connecting to the existing 26-foot wide access drive providing access to Lot 1 and Lot 2 of the Warner Ranch Subdivision, Phase 1, Block D. As generally depicted on **Exhibit "H"**, the completed access drive will provide for a continuous 26-foot wide private access drive between A.W. Grimes Boulevard and Warner Ranch Drive.
- b. The private access drive shall not be gated or otherwise designed to impede traffic from accessing the adjoining lots.

4. BUILDING SETBACKS:

Minimum building setbacks:

- a. Warner Ranch Road – 35 feet
- b. Internal property lines – 20 feet
- c. A.W. Grimes Blvd. – 25 feet

EXHIBIT 'D'

- d. The private access drive, described in Section 3 above, shall not be used to measure any setback provisions.

5. PARKING REQUIREMENTS:

- a. The following parking requirements shall be provided with each phase of development.
 - 1) 1-bedroom unit: 1 space
 - 2) 2-bedroom unit: 2 spaces
 - 3) 3-bedroom unit: 2.5 spaces
- b. Additional parking in the amount equal to five percent (5%) of the combined parking required for the dwelling units shall be provided to accommodate guest parking.
- c. Tandem parking shall be permitted so long as the tandem space is located in front of a garage that is attached to a residential structure. Tandem spaces shall measure a minimum of 9 feet in width by 18 feet in length.

6. GARAGE PARKING REQUIREMENT:

A minimum of fifty percent (50%) of all required residential parking, in accordance with Section 5 above, shall be provided within a garage, in either:

- a. A structured parking garage that is directly attached to a residential structure, so that the parking garage is internal to, or wrapped by, the residential structure; a minimum of thirty-five percent (35%) of all required residential parking shall be accommodated in the structured parking garage; or
- b. Tuck-under garage spaces attached to a residential structure; the remainder of the 50% garage requirement shall be accommodated in the tuck-under garage spaces.

7. BUILDING DESIGN

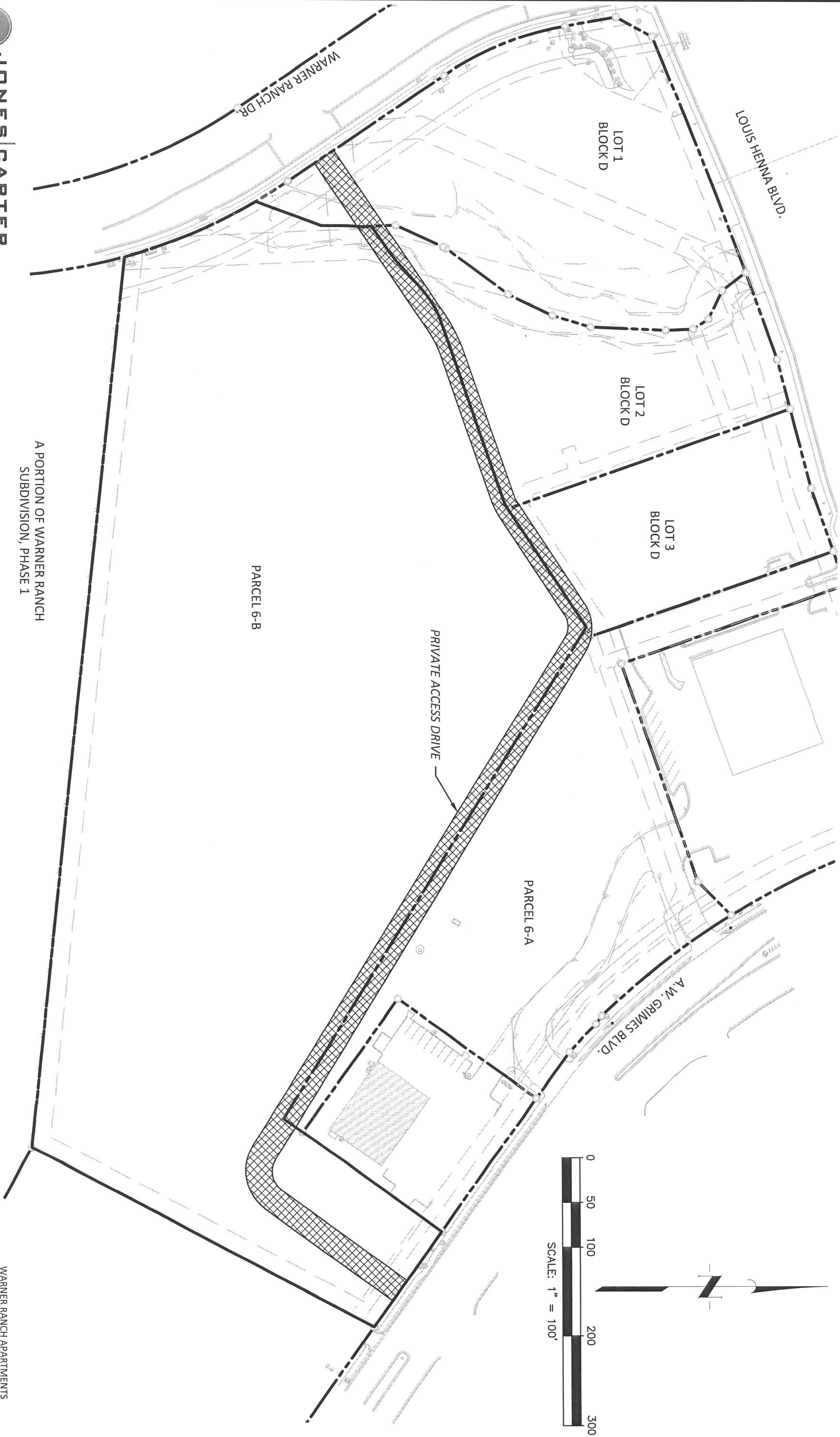
The design elements of the buildings shall substantially comply with the depictions contained in **Exhibit "I"**, including, but not limited to: elevation variation, roof pitch, and orientation, incorporating an urban style.

8. BALCONIES:

No less than seventy-five (75) percent of all dwelling units shall have a balcony.

9. AMENITIES

A minimum of five (5) residential amenities, as described in the MF-3 (Multifamily - Urban) zoning district, Section 2-24 (d)(4) of the Code, shall be provided.



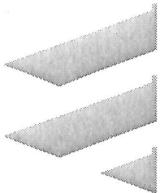
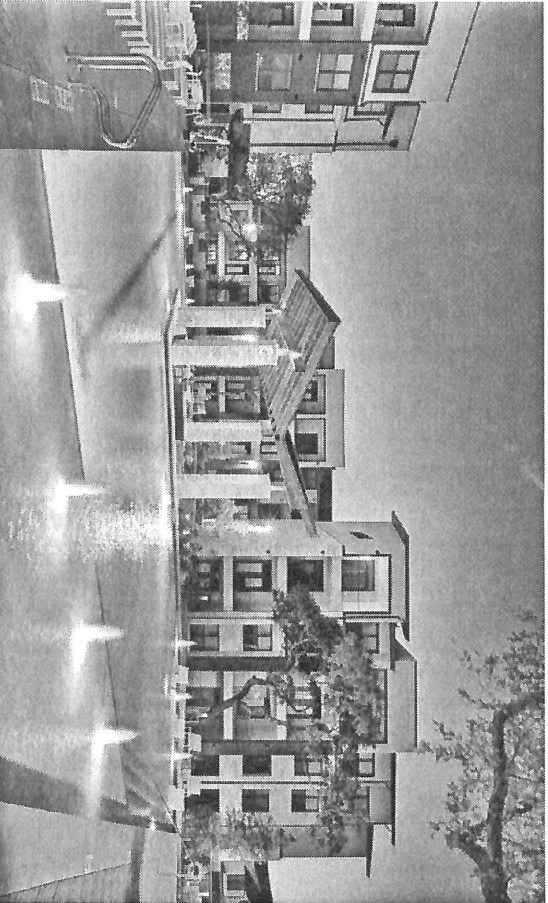
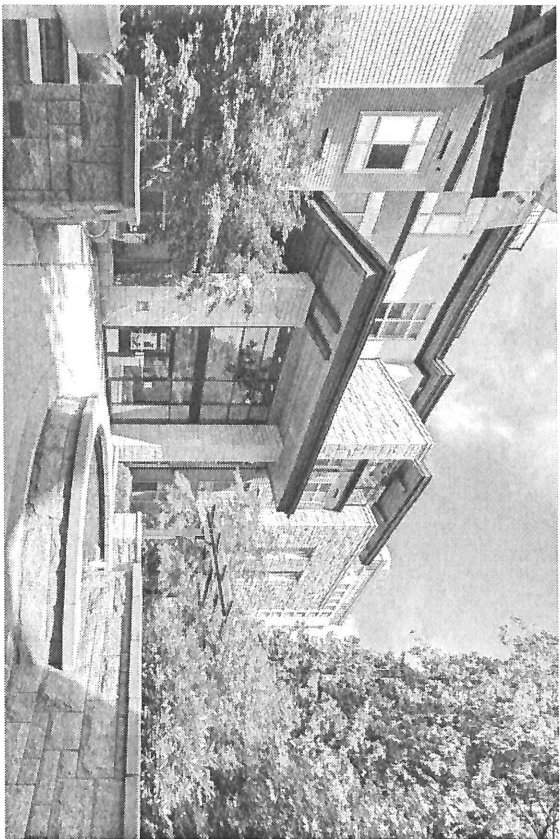
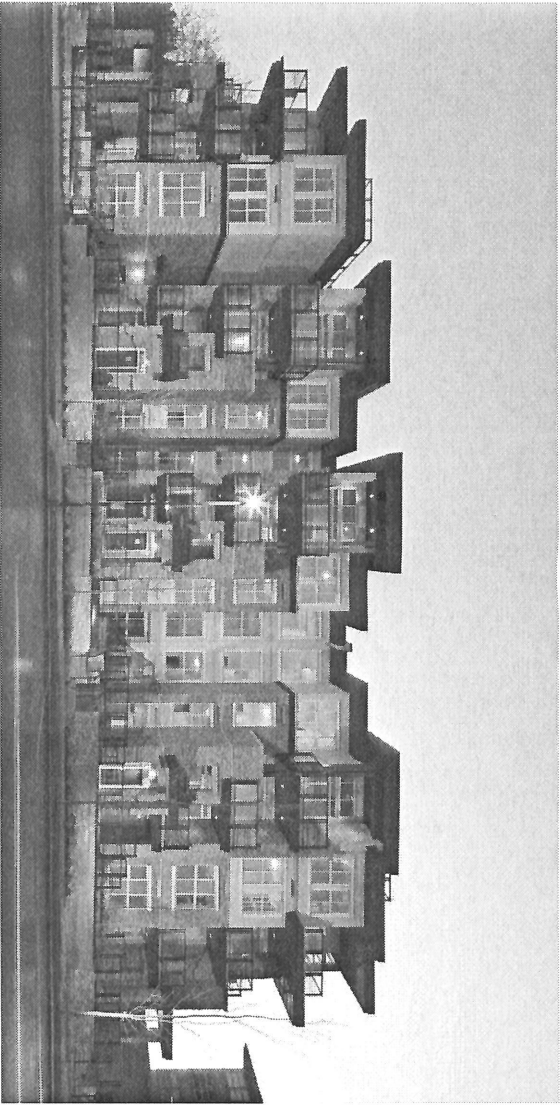
A PORTION OF WARNER RANCH
SUBDIVISION, PHASE 1

**JONES CARTER**

Texas Board of Professional Land Surveying Registration No. 10046105
Texas Board of Professional Engineers Registration No. F-439
3100 Alvin Deane Boulevard, Suite 150 • Austin, Texas 78741 • 512.441.9493
Austin • Brenham • Bryan • Dallas • Houston • Rosenberg • San Antonio • The Woodlands

WARNER RANCH APARTMENTS

EXHIBIT H
ACCESS ROAD EXHIBIT



W PARTNERSHIP
Wallace · Wilson · Architects

679 South 1st Street, Suite 100, Portland, Oregon 97204 | Phone: 503.222.1111 | Fax: 503.222.1112 | Email: info@wpartnership.com

Concept Images
STANMORE 19-39 | Warner Ranch

Plotted: 2-03-2020

EXHIBIT "I"

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-2020-0080 which amends Ordinance No. Z-99-08-12-9B6 by amending Section 11.6 and Section 12.1.1, Exhibits C-1, C-2 and D and by adding Exhibits H and I to the development plan of PUD (Planned Unit Development) No. 42. This ordinance was approved and adopted at a regular meeting held by the City Council on the 26th day of March 2020 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 2nd day of April 2020.


SARA L. WHITE, TRMC, City Clerk



ORDINANCE NO. O-2020-0080

AN ORDINANCE AMENDING ORDINANCE NO. Z-99-08-12-9B6, ADOPTED BY THE CITY COUNCIL OF ROUND ROCK, TEXAS, ON AUGUST 12, 1999, BY AMENDING SECTION 11.6 AND SECTION 12.1.1, EXHIBITS C-1, C-2, AND D; AND BY ADDING EXHIBITS “H” AND “I” OF THE DEVELOPMENT PLAN OF PUD NO. 42, APPROVED BY THE CITY COUNCIL IN SAID ORDINANCE, PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

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WHEREAS, the Planning and Zoning Commission held a public hearing concerning the requested amendment to Ordinance No. Z-99-08-12-9B6 on the 19th day of February 2020, following lawful publication of said public hearing, and

WHEREAS, after considering the public testimony received at such hearing, the Planning and Zoning Commission has recommended that Ordinance No. Z-99-08-12-9B6 be amended, and

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**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK,
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- (1) The amendment to P.U.D. #42 is equal to or superior to development that would occur under the standard ordinance requirements.
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III.

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12.1.1 The Owner shall pay to the City \$1,600.00 per acre, to participate in regional detention, for Parcels 6-A, 6-B and 7, as shown on Exhibit "C-1" attached hereto. The payment of these regional detention fees shall be in place of providing onsite detention facilities and shall represent full payment of all detention fees assessable to Parcels 6-A, 6-B and 7. The Regional Detention Fees shall be paid for each development parcel with the application for building permit for each development parcel.

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A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Alternative 1.


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

READ, PASSED, and ADOPTED on first reading this 26th day of MARCH, 2020.

Alternative 2.

READ and **APPROVED** on first reading this the _____ day of _____, 2020.

READ, APPROVED and **ADOPTED** on second reading this the _____ day of _____, 2020.



CRAIG MORGAN, Mayor
City of Round Rock, Texas

ATTEST:



SARA L. WHITE, City Clerk

PUD 42 Warner Ranch (through Amendment No. 3)

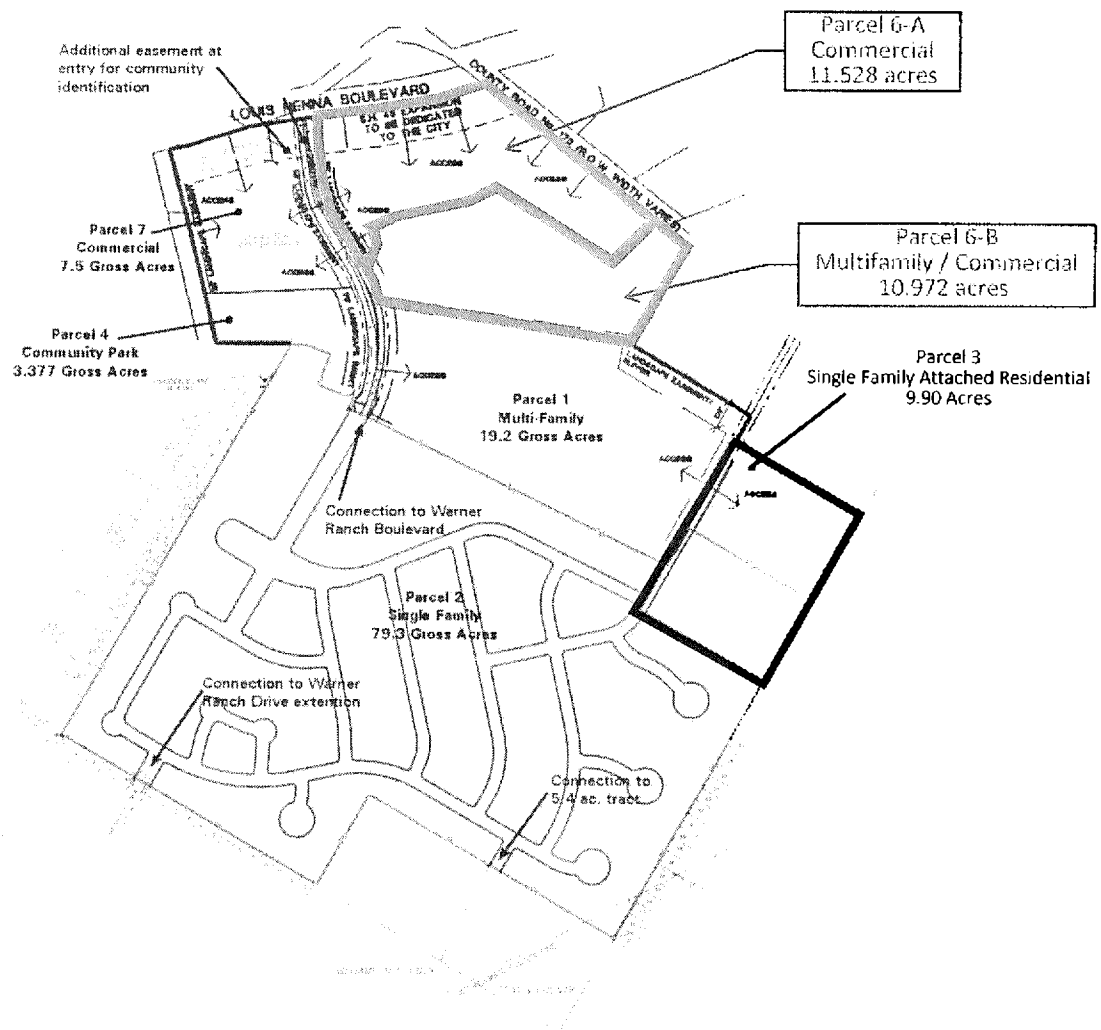


Exhibit C-1
Warner Ranch PUD Plan
 Street arrangement is diagrammatic only.

Revised: November 1, 2012

RECORDERS MEMORANDUM

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PUD 42 Warner Ranch (through Amendment No. 3)

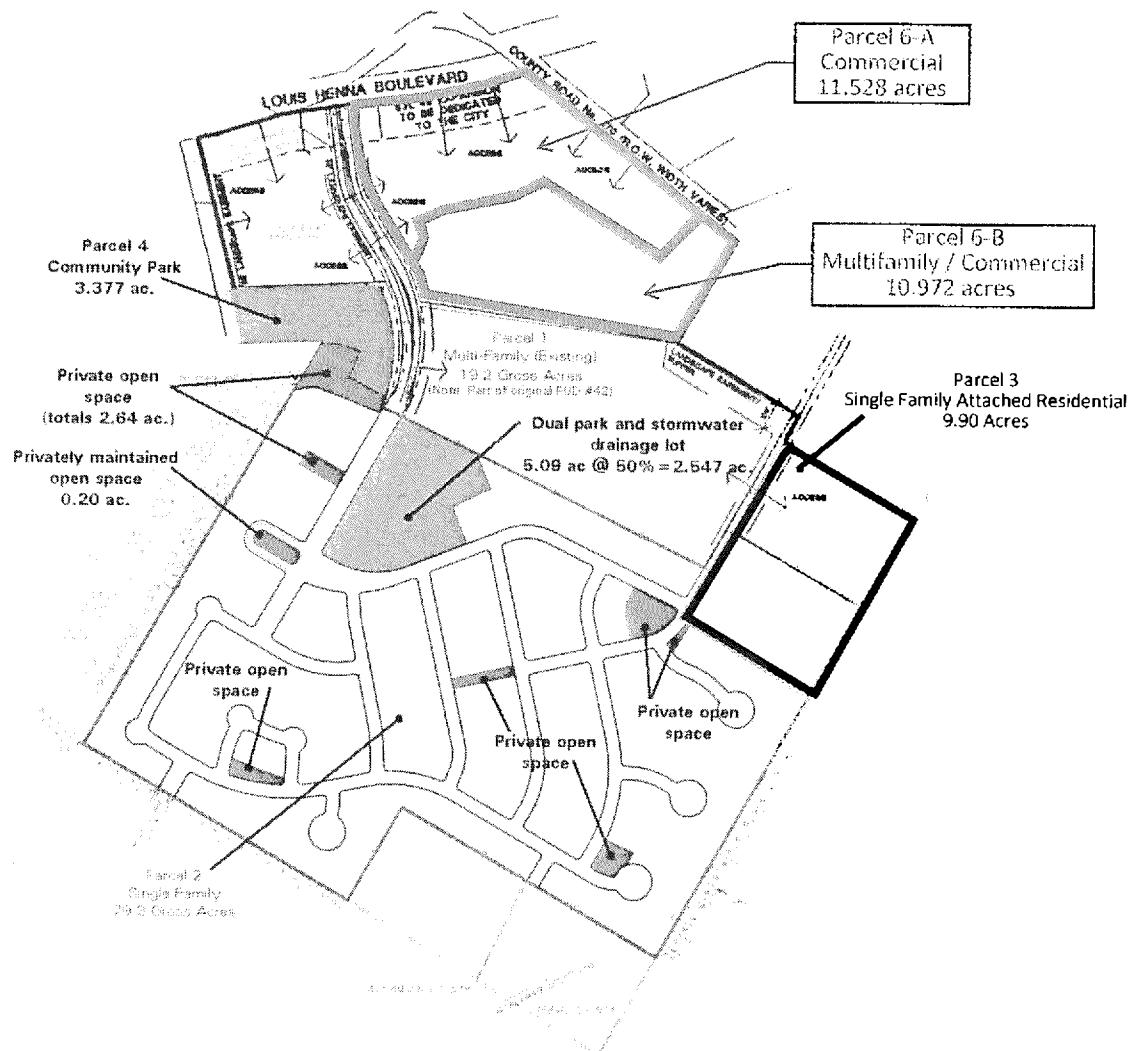


Exhibit C-2

Warner Ranch Open Space and Parkland Plan

Location and size of community park and private open space is approximate only.
Street arrangement is diagrammatic only.

Revised: November 1, 2012

RECORDERS MEMORANDUM

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EXHIBIT 'D'**PARCELS 6-A, 6-B & 7: COMMERCIAL DEVELOPMENT**

The Following Development Standards shall apply to all development on portions of the Property, which are identified as Development Parcels "6-A, 6-B and 7" on the Master Plan attached hereto as Exhibit "C".

1. PERMITTED USES:

The following principal uses are permitted:

All C-1 General Commercial uses identified in the City of Round Rock Zoning Ordinance except for uses listed in Paragraph 2, below.

2. PROHIBITED USES:

The following uses are prohibited on the property: cell towers and other towers over thirty (30') feet in height, mini-warehouses, flea markets, sexually oriented businesses, portable buildings sales except as incidental to other retail sales, amusement parks or carnivals, wholesale nurseries, recreational vehicle parks, outdoor shooting ranges, pawn shops, heavy equipment sales, kennels (but not prohibiting pet shops and veterinary clinics with overnight facilities), vehicle sales, auto body and paint shops and truck stops.

3. OUTDOOR SALES & DISPLAYS

Outdoor sales and displays are permitted in conjunction with the use of a building only in areas designated on the site plan filed with the City for such building. Outdoor sales and displays are further limited to outdoor cafes and outdoor dining areas that: (i) are located and operated as an integral part of the principal use, and (ii) do not comprise a separate business use or a separate business activity. Parking requirements contained in the Code will apply to all outdoor cafes and dining areas in the same manner that such requirements apply to enclosed buildings.

4. PROHIBITED BUILDING MATERIALS:

The following materials are prohibited on the exterior walls of all buildings and structures (this section does not apply to roofs):

Sheet metal, corrugated metal, and unfinished Aluminum

Asbestos

Galvanized Steel

Mirrored Glass (reflectivity of 20% or more)

5. SERVICE & LOADING AREAS:**5.1 Screening Required:**

No dock high loading area is permitted unless such area is visually screened from public view.

5.2 Delivery Vehicles:

All delivery and utility vehicles stored on-site must be inside a closed building or within a screened portion of the site.

5.3 Service Areas:

EXHIBIT 'D'

Service areas will be screened from adjacent tracts and all public rights-of-way. Methods of screening include walled entrances, evergreen landscaping, and depressed service areas.

5.4 Loading areas:

All loading and service areas must be clearly signed. Loading spaces must be clearly denoted on the pavement and designed so as not to prohibit on-site vehicular circulation when occupied. Loading spaces will be located directly in front of a loading door. Loading areas must be designed to accommodate backing and maneuvering on-site, not from a public street. Regardless of orientation, loading doors may not be located closer than fifty feet (50') from a public or private right-of-way.

5.5 Trash Storage

Refuse storage enclosures are required for all buildings. Enclosures must be of sufficient height to completely screen all refuse containers, so as to provide screening of views from adjacent lots and public rights-of-way. All enclosures must be constructed of permanent materials (concrete, masonry, wood, etc.) which are compatible with the building it serves. Refuse storage areas must be designed to contain all refuse generated on-site between collections.

5.6 Street Level Mechanical Equipment:

All ground-mounted service equipment (e.g., air conditioners, transformers, trash collection equipment) related to each building will be consolidated in an enclosed service area. Landscaping will be used to soften the visual appearance of the walls enclosing the service area. Service areas must be paved, curbed, and internally drained.

5.7 Roof Mounted Mechanical Equipment:

All roof mounted mechanical elements must be screened from view from the public right-of-way and Development Parcels 1, 2 and 3. Screening must be compatible with the building design.

6. LANDSCAPING:

6.1 Landscape Easement:

6.1.1 Easement adjacent to public streets: A thirty-five foot (35') wide landscape easement shall be provided adjacent to Warner Ranch Road as generally identified on Exhibit "C". All areas located within these Landscape Easements shall be used solely for the purpose of landscaping, except for sidewalks, driveways, lighting, monument signs, irrigation, entry features, underground utilities, meters, utility structures and equipment required to provide utilities to the Property. This will be credited against Street Yard Landscape requirements.

6.1.2 Easement adjacent to Louis Henna Boulevard: The one hundred fifty foot (150') right of way dedication for State Highway 45 shall permit a landscape and irrigation easement which would allow the Owner the right, but not the obligation, to landscape and maintain landscaping within the

EXHIBIT 'D'

dedicated right of way, until such time as the property is actually required for highway construction. A license agreement covering the terms of the easement shall be required prior to the Owner landscaping any portion of the right of way. This easement shall be provided at no cost to the Owner.

- 6.1.3 Easement adjacent to Jazz Street: A twenty-five foot (25') landscape easement shall be provided adjacent to Jazz Street as generally identified on Exhibit "C", attached hereto. All areas located within these Landscape Easements shall be used solely for the purpose of landscaping, except for sidewalks, driveways, lighting, monument signs, irrigation, entry features, underground utilities, meters, utility structures and equipment required to provide utilities to the Property. This will be credited against Street Yard Landscape requirements.

6.2 Boulevard Trees:

Boulevard trees shall be planted within the landscape easement adjacent to Warner Ranch Road. The boulevard trees shall be planted prior to the issuance of a Certificate of Occupancy for the first multi-family building on development parcels 1, 2 or 3. This requirement includes Boulevard trees along the entire Warner Ranch Road frontage of the development parcel for which the Certificate of Occupancy is issued. If development parcels 6 or 7 are developed prior to development parcels 1, 2 or 3, the required Boulevard Trees adjacent to that development parcel shall be constructed as part of that development.

Boulevard trees shall be planted thirty feet (30') apart. Boulevard trees shall have a minimum caliper size of 2.5-inches and be selected from one of the following species; Live Oak, Bur Oak, Shumard Oak, Cedar Elm, Bradford Pear, Pecan or Chinkapin Oak.

6.3 Open Space:

All parcels for which a building permit and a Certificate of Occupancy have been issued and which do not contain buildings, structures, parking lots, sidewalks, fountains, site furniture or other improvements, including, but not limited to, front, side and rear building set back areas, and all areas between the curb line and the property line, must be planted, landscaped, and maintained in good condition. The landscape planting must provide for easy maintenance. Utility easements will be landscaped consistent with other landscape areas where allowed by the respective utility company.

6.4 Rights of Way:

Areas within the road right-of-way must be landscaped and irrigated only in accordance with a license agreement with the City.

6.5 Grass:

All landscaped areas not in groundcover or shrub beds will be planted in grasses, preferably sod. Overseeding in fall with cool season native grasses is allowed.

EXHIBIT 'D'**6.6 Irrigation:**

An underground, automatic irrigation system must be installed in all landscaped areas. Sprinkler heads must be located to effectively water the landscaped areas with minimal spray onto roadways, parking areas and walkways.

6.7 Parking Areas:

In all vehicular use areas and parking areas, a minimum of ninety (90) square feet for each twelve (12) parking spaces must be devoted to landscaped strips, islands, peninsulas, medians, or other landscaped areas (the "Minimum Parking Area Landscaping Requirement"). As partial fulfillment of the Minimum Parking Area Landscaping Requirement, any parking area containing five or more parking rows of double vehicle depth will include a landscaped strip no less than ten feet (10') wide at least every fourth parking row of double vehicle depth. The landscaped strip will be installed with trees planted no less than every sixty (60) linear feet. This shall be credited against Street Yard Landscape requirements and other applicable landscape requirements.

7. UTILITY LINES:

All utility service lines must be underground to connection points provided by the utility service provider. All transformers must be screened.

8. DESIGN STANDARDS:**8.1 Height:**

The maximum height of buildings on the property shall be sixty feet (60') (as specified in the C-1 General Commercial Zoning District).

8.2 Building Setbacks:

8.2.1 Minimum building setbacks from the Warner Ranch Road identified on Exhibit "C" shall be Thirty-five (35') feet.

8.2.2 Minimum building setbacks from any other public streets shall be twenty-five feet (25').

8.2.3 Minimum building setbacks from all internal property lines shall be twenty feet (20').

8.3 Phased Development:

When development is phased on the property and such phasing is designed to be part of a single development, setback requirements will not apply between development phases, unless access to any such development phase is provided directly from a public street, in which case the street yard setback shall apply to the frontage on such street.

9. SPECIAL PROVISIONS FOR JAZZ STREET

EXHIBIT 'D'

Trucks larger than one ton shall be prohibited from using the Jazz Street driveway to Parcel 7, identified on Exhibit "C", attached hereto.

10. PARKING LOT LIGHTING

All light fixtures shall be shielded or hooded so that light is directed downward to minimize excessive glare and sky glow pollution. Light standards shall be metal poles.

PARCEL 6-B: MULTI-FAMILY OR COMMERCIAL DEVELOPMENT

The following shall apply to all development on Parcel 6-B, as identified on **Exhibit "C-1"**.

1. PERMITTED USES:

One of the following principal uses is permitted:

- a. Commercial development according to the standards contained in **Exhibit "D"**, **Parcels 6-A, 6-B & 7: Commercial Development**; or
- b. Multi-family residential development with a minimum density of thirty (30) residential dwelling units per acre, in accordance with the **MF-3 (Multifamily - Urban)** zoning district standards, and as further regulated by the remainder of this exhibit.

2. HEIGHT:

No building on the property shall exceed five (5) stories in height of occupiable floors.

3. PRIVATE ACCESS DRIVE:

- a. With the development of the multi-family site, a 26-foot wide private access drive shall be constructed, connecting to the existing 26-foot wide access drive providing access to Lot 1 and Lot 2 of the Warner Ranch Subdivision, Phase 1, Block D. As generally depicted on **Exhibit "H"**, the completed access drive will provide for a continuous 26-foot wide private access drive between A.W. Grimes Boulevard and Warner Ranch Drive.
- b. The private access drive shall not be gated or otherwise designed to impede traffic from accessing the adjoining lots.

4. BUILDING SETBACKS:

Minimum building setbacks:

- a. Warner Ranch Road – 35 feet
- b. Internal property lines – 20 feet
- c. A.W. Grimes Blvd. – 25 feet

EXHIBIT 'D'

- d. The private access drive, described in Section 3 above, shall not be used to measure any setback provisions.

5. PARKING REQUIREMENTS:

- a. The following parking requirements shall be provided with each phase of development.
 - 1) 1-bedroom unit: 1 space
 - 2) 2-bedroom unit: 2 spaces
 - 3) 3-bedroom unit: 2.5 spaces
- b. Additional parking in the amount equal to five percent (5%) of the combined parking required for the dwelling units shall be provided to accommodate guest parking.
- c. Tandem parking shall be permitted so long as the tandem space is located in front of a garage that is attached to a residential structure. Tandem spaces shall measure a minimum of 9 feet in width by 18 feet in length.

6. GARAGE PARKING REQUIREMENT:

A minimum of fifty percent (50%) of all required residential parking, in accordance with Section 5 above, shall be provided within a garage, in either:

- a. A structured parking garage that is directly attached to a residential structure, so that the parking garage is internal to, or wrapped by, the residential structure; a minimum of thirty-five percent (35%) of all required residential parking shall be accommodated in the structured parking garage; or
- b. Tuck-under garage spaces attached to a residential structure; the remainder of the 50% garage requirement shall be accommodated in the tuck-under garage spaces.

7. BUILDING DESIGN

The design elements of the buildings shall substantially comply with the depictions contained in **Exhibit "I"**, including, but not limited to: elevation variation, roof pitch, and orientation, incorporating an urban style.

8. BALCONIES:

No less than seventy-five (75) percent of all dwelling units shall have a balcony.

9. AMENITIES

A minimum of five (5) residential amenities, as described in the MF-3 (Multifamily - Urban) zoning district, Section 2-24 (d)(4) of the Code, shall be provided.

K:\15762\15762-0001-00 Warner Ranch Apartments\2 Design Phase\CAD\Exhibits\Access Drive Exhibit.dwg A:\SS February 13, 2020



JONES CARTER

Texas Board of Professional Land Surveying Registration No. 10046105
Texas Board of Professional Engineers Registration No. F-439

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A PORTION OF WARNER RANCH
SUBDIVISION, PHASE 1

PARCEL 6-B

PARCEL 6-A

PRIVATE ACCESS DRIVE

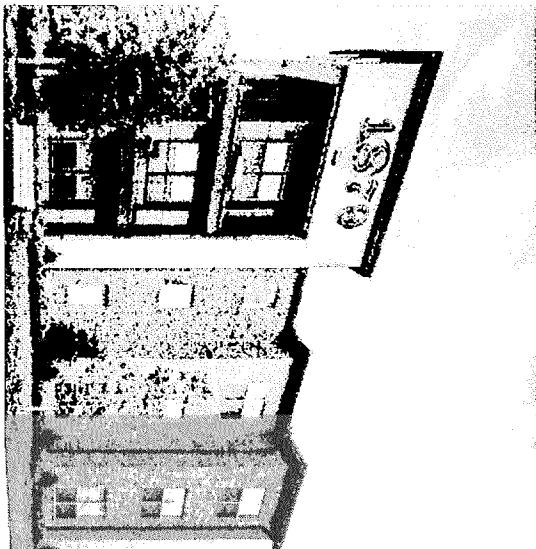
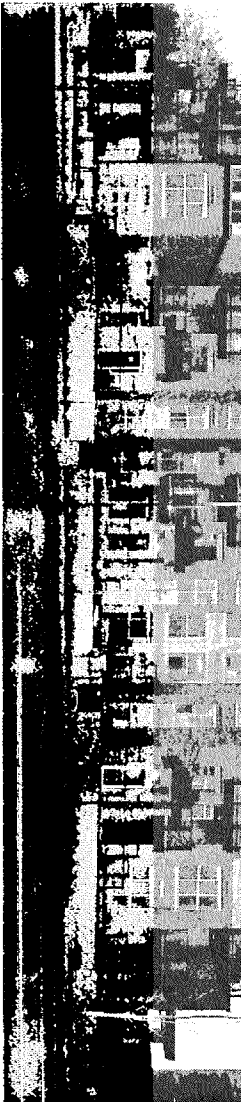
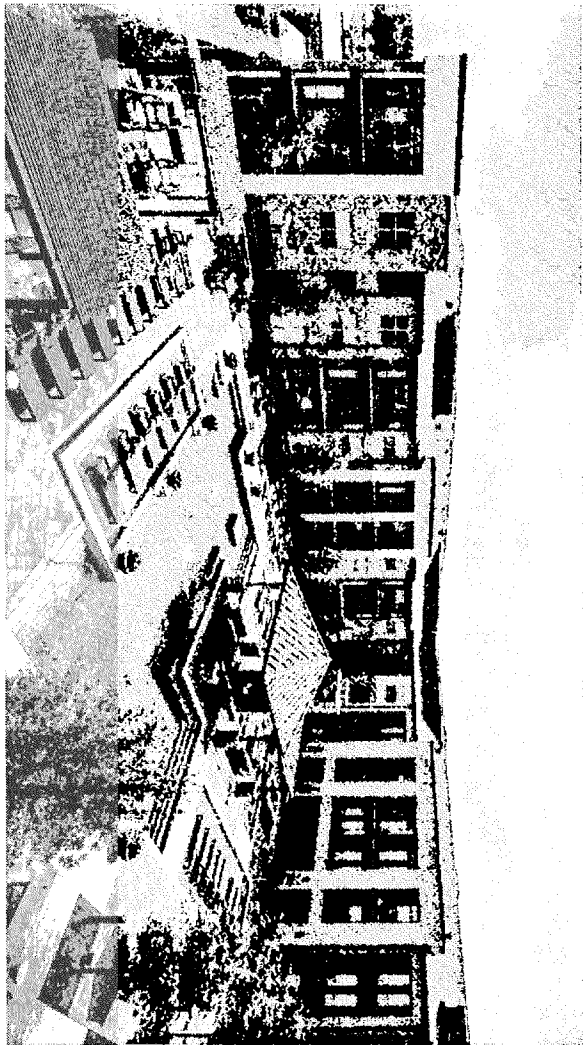
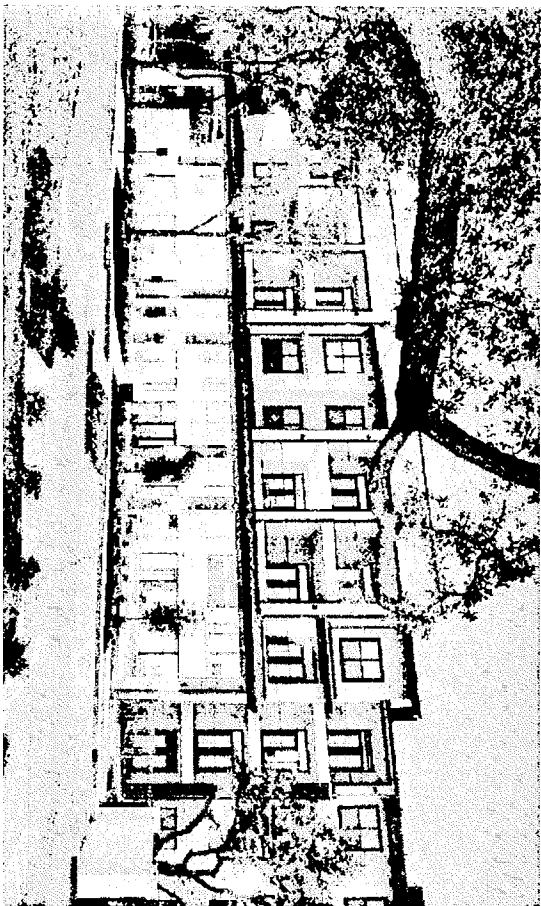
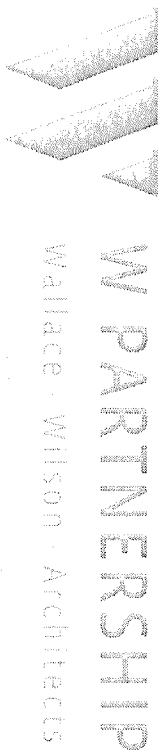
LOT 1
BLOCK D

LOT 2
BLOCK D

BRIMES BLVD.

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