

**ORDINANCE NO. O-2020-0268**

**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 46.28 ACRES OF LAND, OUT OF THE WILEY HARRIS SURVEY, ABSTRACT NO. 298, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, FROM SF-2 (SINGLE-FAMILY – STANDARD LOT) ZONING DISTRICT TO PUD (PLANNED UNIT DEVELOPMENT) NO. 122 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 46.28 acres of land, out of the Wiley Harris Survey, Abstract No. 298, in Round Rock, Williamson County, Texas, being more fully described in Exhibit “A” attached hereto, from SF-2 (Single-Family – Standard Lot) zoning district to Planned Unit Development (PUD) No. 122 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 19th day of August, 2020, 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. 122, and

**WHEREAS**, on the 24th day of September, 2020, 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. 122 meets the following goals and objectives:

- (1) The development in PUD No. 122 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) P.U.D. No. 122 is in harmony with the general purposes, goals, objectives and standards of the General Plan.
- (3) P.U.D. No. 122 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. 122 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. 122 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. 122, and that the Mayor is hereby authorized and directed to enter into the Development Plan for PUD No. 122 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.

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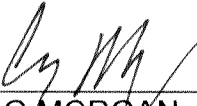
By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

**READ, PASSED, and ADOPTED** on first reading this 24<sup>th</sup> day of September, 2020.

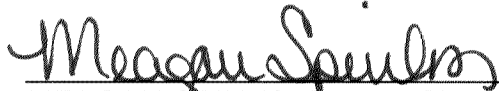
Alternative 2.

**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:

  
\_\_\_\_\_  
MEAGAN SPINKS, Deputy City Clerk

**EXHIBIT**  
**"A"**

**DEVELOPMENT PLAN  
HENNA FAMILY TRACT  
PLANNED UNIT DEVELOPMENT NO. 122**

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

**THIS DEVELOPMENT PLAN** (this "**Plan**") is made and entered by and between the CITY OF ROUND ROCK, TEXAS, a Texas municipal corporation, having its offices at 221 East Main Street, Round Rock, Texas 78664 (hereinafter referred to as the "City", and Louis Henna, Jr., his successors and assigns, having offices at 8805 IH-35, Austin, Texas 78753 (hereinafter referred to as the "Owner").

**WHEREAS**, the Owner is the owner of certain real property consisting of 46.28 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 Section 46-106 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 August 19, 2020, 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 are approved as stated in Section II.8.

**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 1-32, Code of Ordinances, City of Round Rock, Texas, as amended.

**4. MISCELLANEOUS PROVISIONS**

**4.1. Severability**

In case one or more provisions contained in 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, Texas.

**4.2. Effective Date**

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

## II.

### HENNA FAMILY TRACT 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 46.28 acres of land located within the City of Round Rock, Texas, and more particularly as described in **Exhibit "A"**.

#### 3. **PURPOSE**

The purpose of this Plan is to ensure a PUD that: 1) is equal to, superior than and/or more consistent than that which would occur under the standard ordinance requirements, 2) is in harmony with the General Plan, as amended, 3) does not have an undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and welfare, 4) is adequately provisioned by essential public facilities and services, and 5) will be developed and maintained so as not to dominate, by scale or massing of structures, the immediate neighboring properties or interfere with their development or use.

#### 4. **APPLICABILITY OF CITY ORDINANCES**

##### 4.1 **Zoning and Subdivision Ordinances**

The Property shall be regulated for purposes of zoning and subdivision by this Plan. All aspects not specifically covered by this Plan shall be regulated by the **MU-G (Mixed-Use Greenfield)** 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 **Tree Protection and Preservation Ordinance**

Chapter 8, Article III of the Code contains Tree Protection and Preservation standards, including the designation of monarch trees. **Exhibit "B"** identifies four magnolia trees indicating their monarch tree status. Removal of these four magnolia trees is hereby permitted. All provisions of Chapter 8, Article III shall otherwise apply.

##### 4.3 **Traffic Impact Analysis**

As stated in Section 2-75 (f)(2) of the Code, a Traffic Impact Analysis (TIA) shall be required for any development in the MU-G district.

**4.4 Concept Plan**

This Plan, as depicted in **Exhibit "C"**, shall serve as the Concept Plan required by Part III, Section 10-26 of the Code, as amended.

**4.5 Other Ordinances**

All other Ordinances within the Code, in existence upon the date of adoption of this ordinance, 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. LAND USES**

**5.1 Permitted and Prohibited Uses**

Section 2-75 (d) of the Code contains the permitted and prohibited uses in the MU-G (Mixed Use - Greenfield) zoning district.

**5.2 Additional Prohibited Uses**

In addition to the prohibited uses listed in Section 2-75 (d) of the Code, the following uses are also prohibited: drive-through facilities, development sites with direct access to Mays Street or Palm Valley Boulevard (US 79); and individual single-story buildings of more than 50,000 squarefeet.

**6. DENSITY AND DEVELOPMENT STANDARDS**

**6.1 Height**

Maximum building height is twelve (12) stories.

**6.2 Building Design**

All buildings shall be constructed in accordance with MU-G (Mixed-Use Greenfield) district design standards.

**7. PARKLAND DEDICATION AND FEES**

**7.1** Parkland Dedication and fees in lieu of dedication shall be satisfied for the development of the entire tract by the conveyance of the land required for the Heritage Trail and the additional land to be conveyed at the time of platting and development as shown on **Exhibit "D"** (Future Parkland Area).

**8. CHANGES TO DEVELOPMENT PLAN**

**8.1 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.

**8.2 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"	Monarch Magnolia Trees
Exhibit "C"	Concept Plan
Exhibit "D"	Parkland

## EXHIBIT 'A'

**THE STATE OF TEXAS}**  
**COUNTY OF WILLIAMSON}**

Being a 46.28 acre (2,016,139 square foot) tract of land out of the Wiley Harris Survey, Abstract No. 298, in Williamson County, Texas, said 46.28 acres being comprised all of a called 29.23 acre tract (Exhibit A) (less a 1.43 acre tract) and all of a 1.43 acre tract (Exhibit B) as conveyed in a Special Warranty Deed from Billie Sue Henna to BSH Holdings, LP, a Limited Texas Partnership, filed March 5, 1998 and recorded in Document No. 9810912 of the Official Records of Williamson County, Texas, (ORWC), all of a called 6.58 acre tract as conveyed in an Executor's Distribution Deed to Louis M. Henna, Jr. as Independent Executor of the Estate of Billie Sue Cross, Deceased, filed August 8, 2018 and recorded in Document No. 2018070604 of the Official Public Records of Williamson County, Texas (OPRWC), all of a called 5.83 acre tract as conveyed in a Warranty Deed from Louis M. Henna and wife, Billie Sue Henna to Robert Herber and Carol Ruth Henna, filed January 11, 1974 as recorded in Volume 580, Page 674 of the Deed Records of Williamson County, Texas (DRWC), and all of a called 4.56 acre tract as conveyed in a Warranty Deed from Louis M. Henna, et ux to Louis M. Henna, Jr., et ux, filed June 15, 1977 and recorded in Volume 672, Page 818 DRWC, said 46.28 acre tract being more fully described by metes and bounds as follows;

**BEGINNING** at a 5/8 inch diameter iron rod with a yellow plastic cap stamped "CIVILCORP" set for the Northeast corner of the herein described tract, said iron rod being the Northeast corner of the said 29.23 acre tract, the Northwest corner of the Amending Plat of Lots 1, 2, & 3 of the Replat of Heritage Center Subdivision, Lots 1 & 2, filed July 18, 2001 and recorded in Cabinet U, Slides 347-348 of the Plat Records of Williamson County, Texas also recorded as Document No. 2001052130 OPRWC, and said iron rod being in the South Right-of-Way line of U.S Highway 79 (East Palm Valley Boulevard);

**THENCE**, South 10°19'08" East, with the common line of the said 29.23 acre tract and the said Amending Plat of Lots 1, 2, & 3 of the Replat of Heritage Center Subdivision, passing at a distance of 505.53 feet, a point for the Southwest corner of the said Subdivision and the Northwest corner of a Replat of Heritage Center Subdivision, Lots 1 & 2, filed July 7, 1998 and recorded in Document No. 9837632 ORWC, passing at a distance of 695.97 feet, a 1/2 inch diameter iron rod found for the Southwest corner of the said Subdivision and the Northwest corner of Lots 3 & 4, Heritage Center Minori, Inc to the City of Round Rock, filed June 18, 2014 as recorded in Document No. 2014046645 OPRWC, and continuing for a total distance of 1349.79 feet, to a point in the approximate center of Brushy Creek;

**THENCE**, with the approximate center of Brushy Creek with the South lines of the aforesaid 4.56 acre tract, 29.23 acre tract, 5.83 acre tract, and the 6.58 acre tract, respectfully as follows:

1. South 52°44'55" West, a distance of 528.90 feet, to a point;
2. South 59°38'16" West, a distance of 767.55 feet, to a point in the East Right-of-Way line of Mays Street (Right-of-Way varies);

**THENCE**, North 23°47'08" West, leaving the center of Brushy Creek with the common line of the said 6.58 acre tract and the East line of Mays Street, passing a 5/8 inch diameter iron rod with a yellow plastic cap stamped "CIVILCORP" set for reference at a distance of 64.40 feet from the top bank of Brushy Creek and a distance of 127.50 feet from the approximate centerline of Brushy Creek, passing at a distance of 613.30 feet, a TxDot (TYP. I) Monument found at Station 130+98.15, and continuing for a total distance of 615.12 feet, to a 5/8 inch diameter iron rod with a yellow plastic cap stamped "CIVILCORP" set for an exterior angle corner of the herein described tract, said iron rod being an exterior angle corner of the said 6.58 acre tract, and the South corner of a 0.260 acre tract as conveyed in a Transfer of Right-of-Way from the State of Texas to the City of Round Rock, filed April 11, 2013 and recorded in Document No. 2013032585 OPRWC;

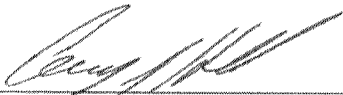
**THENCE**, North 17°20'41" West, with the common line of the said 0.260 acre tract, the 6.58 acre tract, and the 29.23 acre tract, a distance of 453.40 feet (called 453.28 feet), to a TxDot (TYP. I) Monument found at Station 135+50.50 for an exterior corner of the herein described tract, said monument being an exterior corner of the said 29.23 acre tract, the Northeast corner of the said 0.260 acre tract, and the Southeast corner of a 7.433 acre tract as conveyed in a Condemnation to the State of Texas (Parcel B), dated November 25, 1940 and recorded in Volume 6, Page 538 of the Civil Minutes of the County Clerk of Williamson County, Texas;

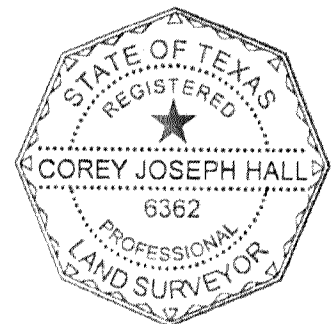
**THENCE**, North 10°19'40" East, with the West line of the said 29.23 acre tract, a distance of 651.61 feet (called 651.88 feet), to a 1/2 inch iron rod found for the Northwest corner of the herein described tract, said iron rod being the Northwest corner of the said 29.23 acre tract, and in the South line of the aforesaid U.S. Highway 79;

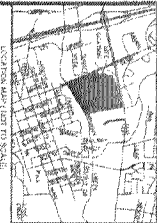
**THENCE**, North 66°07'02" East, with the common line of the said 29.23 acre tract and U.S. Highway 79, a distance of 508.07 feet (called 507.79 feet), to a TxDot (TYP. II) Monument found at Station 669+96.7 for an exterior corner of the herein described tract, said monument being the beginning of a curve to the right;

**THENCE**, continuing with the common line of the said 29.23 acre tract and U.S. Highway 79 with said curve to the right having a radius of 2,756.97 feet, a central angle of 13°59'53", and an arc length of 673.55 feet, whose chord bears North 73°14'50" East, a distance of 671.88 feet, to the **POINT OF BEGINNING, CONTAINING** within these metes and bounds 46.28 Acres (2,016,139 square feet) of land, more or less.

All bearings and distances shown herein are based on the Texas Coordinate System, Central Zone (4203) NAD83. The foregoing Field Notes Description is based on an actual survey made under my supervision and completed in the month of August 2016, and is true and correct to the best of my knowledge and belief.

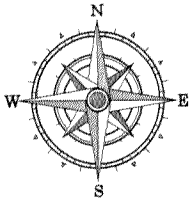
  
\_\_\_\_\_  
Corey Joseph Hall Registered Professional Land Surveyor No. 6362  
TBPLS Firm No. 10194152



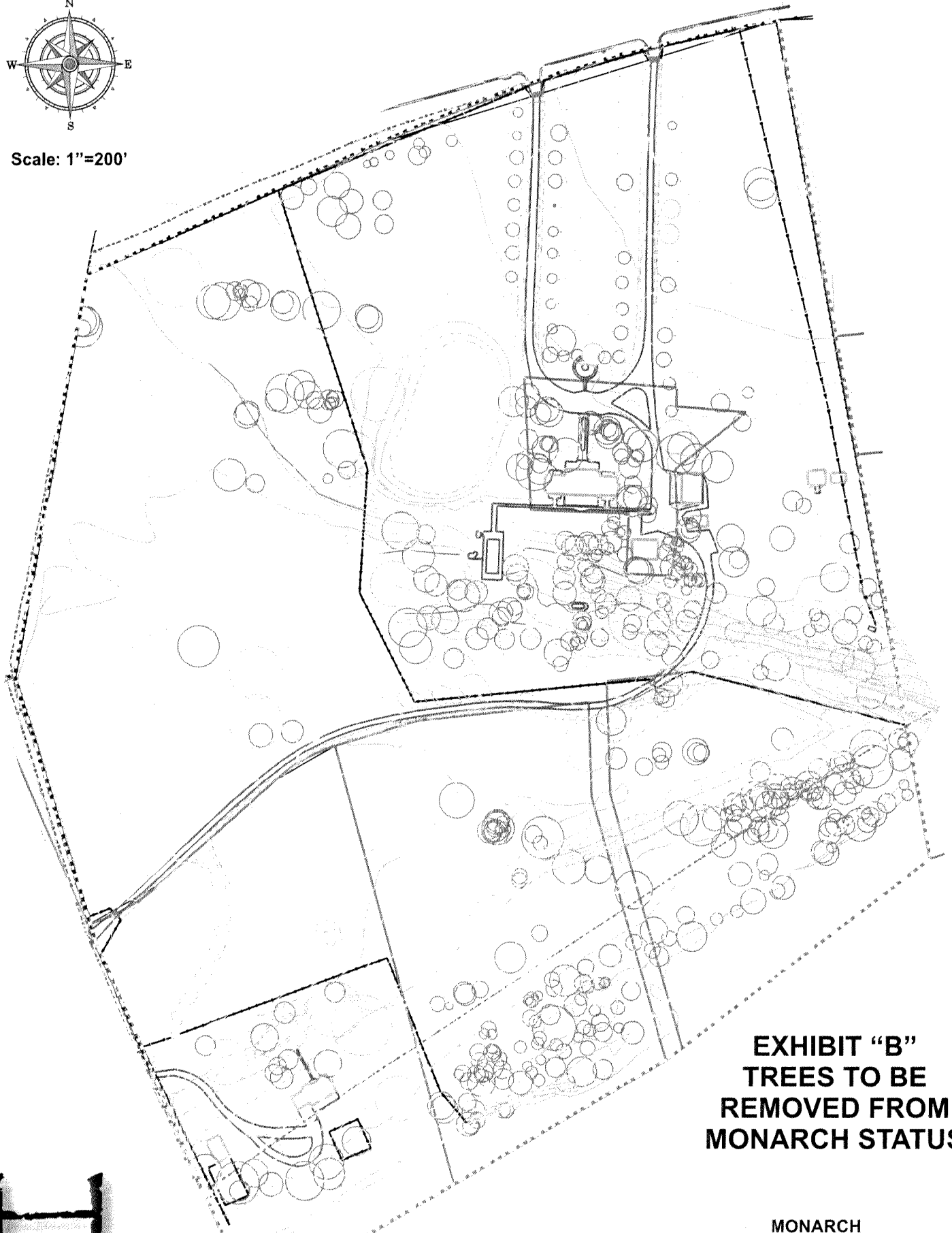


NO.	DATE	REVISIONS	BY	DRAWN BY	CHK

**SCALE:** 1" = 100'  
**KONTUR TECHNICAL, LLC**  
 36 WOODLAND LANE, HOUSTON, TEXAS 77064  
 TEL: (281) 360-0912    TEXAS REGISTRATION #019466



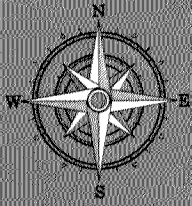
Scale: 1"=200'



**EXHIBIT "B"  
TREES TO BE  
REMOVED FROM  
MONARCH STATUS**

**Henna**  
T R A C T

MONARCH  
(Magnolia)



Scale: 1"=200'

US 79 (Palm Valley Boulevard)

North Mays Street

Heritage Trail and Park

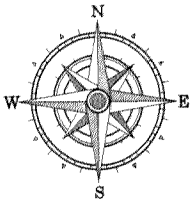
Brushy Creek

# Henna

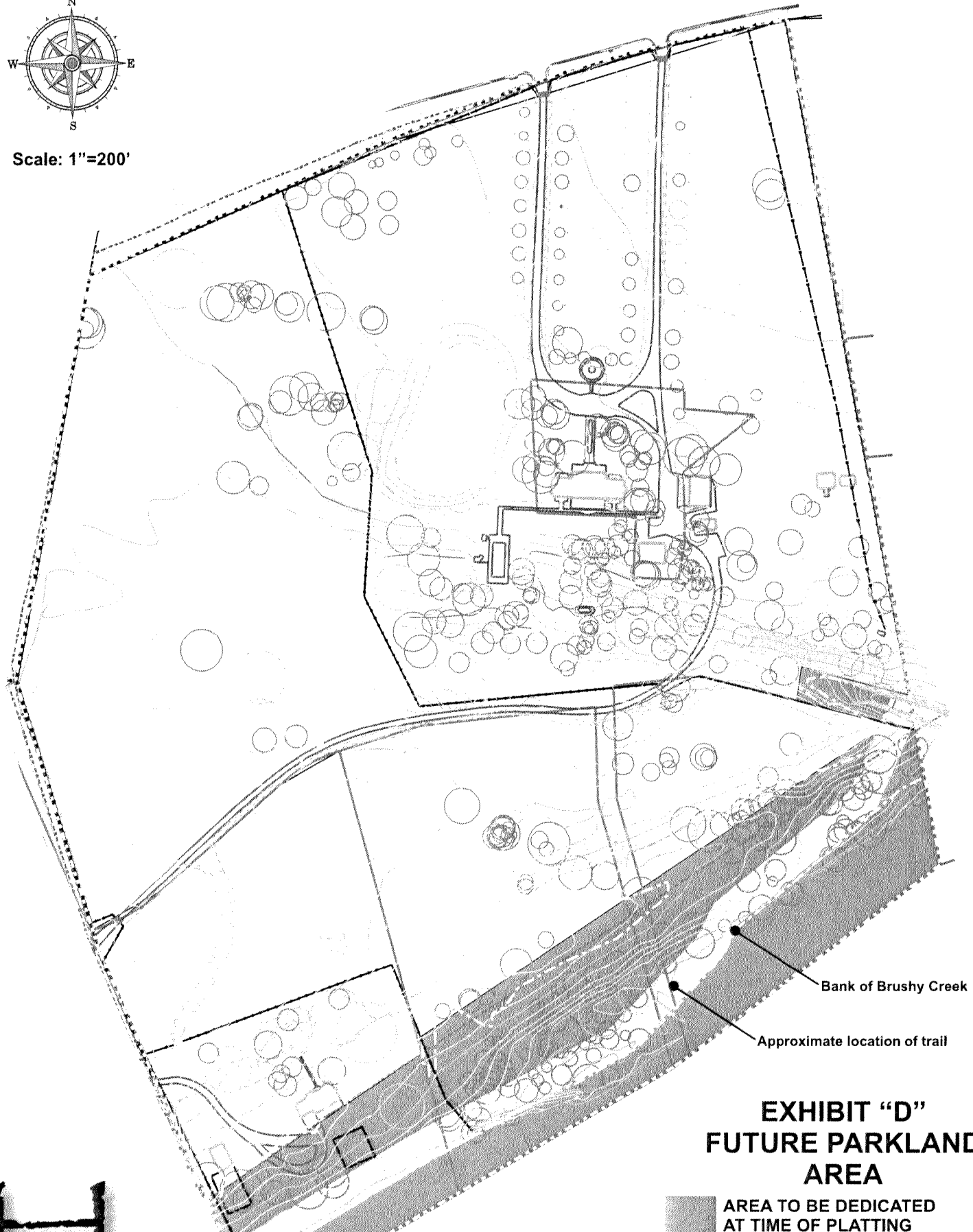
T R A C T

## EXHIBIT "C" CONCEPT PLAN W/ POTENTIAL LAND USES

Retail, Restaurant (RR):	18%
Office (OF):	22%
Commercial (CO):	8%
Hotel (HT):	14%
Multifamily (MF) / Town home (TH):	27%
Parking (PK):	11%



Scale: 1"=200'



Bank of Brushy Creek

Approximate location of trail

### EXHIBIT "D" FUTURE PARKLAND AREA

 AREA TO BE DEDICATED  
AT TIME OF PLATTING  
(Average FEMA 100 Year Flood Plain  
Elevations- Effective September 26, 2008)

ESTIMATED 50' EASEMENT  
FOR HERITAGE TRAIL

# Henna

T R A C T

RECORDED

ORDINANCE

FOLLOWS



THE STATE OF TEXAS \*

COUNTY OF WILLIAMSON \*

CITY OF ROUND ROCK \*

I, MEAGAN SPINKS, Deputy 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-2020-0268 which rezones 46.28 acres of land to Planned Unit Development (PUD) No. 122. This ordinance was approved and adopted at a regular meeting held by the City Council on the 24<sup>th</sup> day of September 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 October 2020.



  
MEAGAN SPINKS, Deputy City Clerk

**ORDINANCE NO. O-2020-0268**

**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 46.28 ACRES OF LAND, OUT OF THE WILEY HARRIS SURVEY, ABSTRACT NO. 298, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, FROM SF-2 (SINGLE-FAMILY – STANDARD LOT) ZONING DISTRICT TO PUD (PLANNED UNIT DEVELOPMENT) NO. 122 ZONING DISTRICT; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.**

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**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.

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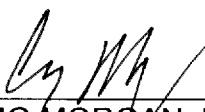
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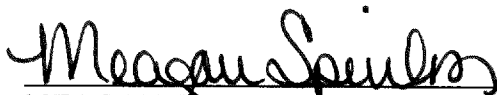
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READ, APPROVED and ADOPTED on second reading this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

  
\_\_\_\_\_  
CRAIG MORGAN, Mayor  
City of Round Rock, Texas

ATTEST:

  
\_\_\_\_\_  
MEAGAN SPINKS, Deputy City Clerk

**EXHIBIT**  
**"A"**

**DEVELOPMENT PLAN  
HENNA FAMILY TRACT  
PLANNED UNIT DEVELOPMENT NO. 122**

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

**THIS DEVELOPMENT PLAN** (this "**Plan**") is made and entered by and between the CITY OF ROUND ROCK, TEXAS, a Texas municipal corporation, having its offices at 221 East Main Street, Round Rock, Texas 78664 (hereinafter referred to as the "City", and Louis Henna, Jr., his successors and assigns, having offices at 8805 IH-35, Austin, Texas 78753 (hereinafter referred to as the "Owner").

**WHEREAS**, the Owner is the owner of certain real property consisting of 46.28 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 Section 46-106 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 August 19, 2020, 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 are approved as stated in Section II.8.

**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 1-32, Code of Ordinances, City of Round Rock, Texas, as amended.

**4. MISCELLANEOUS PROVISIONS****4.1. Severability**

In case one or more provisions contained in 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, Texas.

**4.2. Effective Date**

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

## II.

### HENNA FAMILY TRACT 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 46.28 acres of land located within the City of Round Rock, Texas, and more particularly as described in **Exhibit "A"**.

#### 3. **PURPOSE**

The purpose of this Plan is to ensure a PUD that: 1) is equal to, superior than and/or more consistent than that which would occur under the standard ordinance requirements, 2) is in harmony with the General Plan, as amended, 3) does not have an undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and welfare, 4) is adequately provisioned by essential public facilities and services, and 5) will be developed and maintained so as not to dominate, by scale or massing of structures, the immediate neighboring properties or interfere with their development or use.

#### 4. **APPLICABILITY OF CITY ORDINANCES**

##### 4.1 **Zoning and Subdivision Ordinances**

The Property shall be regulated for purposes of zoning and subdivision by this Plan. All aspects not specifically covered by this Plan shall be regulated by the **MU-G (Mixed-Use Greenfield)** 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 **Tree Protection and Preservation Ordinance**

Chapter 8, Article III of the Code contains Tree Protection and Preservation standards, including the designation of monarch trees. **Exhibit "B"** identifies four magnolia trees indicating their monarch tree status. Removal of these four magnolia trees is hereby permitted. All provisions of Chapter 8, Article III shall otherwise apply.

##### 4.3 **Traffic Impact Analysis**

As stated in Section 2-75 (f)(2) of the Code, a Traffic Impact Analysis (TIA) shall be required for any development in the MU-G district.



#### 4.4 Concept Plan

This Plan, as depicted in **Exhibit "C"**, shall serve as the Concept Plan required by Part III, Section 10-26 of the Code, as amended.

#### 4.5 Other Ordinances

All other Ordinances within the Code, in existence upon the date of adoption of this ordinance, 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. **LAND USES**

#### 5.1 Permitted and Prohibited Uses

Section 2-75 (d) of the Code contains the permitted and prohibited uses in the MU-G (Mixed Use - Greenfield) zoning district.

#### 5.2 Additional Prohibited Uses

In addition to the prohibited uses listed in Section 2-75 (d) of the Code, the following uses are also prohibited: drive-through facilities, development sites with direct access to Mays Street or Palm Valley Boulevard (US 79); and individual single-story buildings of more than 50,000 square feet.

### 6. **DENSITY AND DEVELOPMENT STANDARDS**

#### 6.1 Height

Maximum building height is twelve (12) stories.

#### 6.2 Building Design

All buildings shall be constructed in accordance with MU-G (Mixed-Use Greenfield) district design standards.

### 7. **PARKLAND DEDICATION AND FEES**

7.1 Parkland Dedication and fees in lieu of dedication shall be satisfied for the development of the entire tract by the conveyance of the land required for the Heritage Trail and the additional land to be conveyed at the time of platting and development as shown on **Exhibit "D"** (Future Parkland Area).

### 8. **CHANGES TO DEVELOPMENT PLAN**

#### 8.1 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.

#### 8.2 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"	Monarch Magnolia Trees
Exhibit "C"	Concept Plan
Exhibit "D"	Parkland

**EXHIBIT 'A'****THE STATE OF TEXAS}  
COUNTY OF WILLIAMSON}**

Being a 46.28 acre (2,016,139 square foot) tract of land out of the Wiley Harris Survey, Abstract No. 298, in Williamson County, Texas, said 46.28 acres being comprised all of a called 29.23 acre tract (Exhibit A) (less a 1.43 acre tract) and all of a 1.43 acre tract (Exhibit B) as conveyed in a Special Warranty Deed from Billie Sue Henna to BSH Holdings, LP, a Limited Texas Partnership, filed March 5, 1998 and recorded in Document No. 9810912 of the Official Records of Williamson County, Texas, (ORWC), all of a called 6.58 acre tract as conveyed in an Executor's Distribution Deed to Louis M. Henna, Jr. as Independent Executor of the Estate of Billie Sue Cross, Deceased, filed August 8, 2018 and recorded in Document No. 2018070604 of the Official Public Records of Williamson County, Texas (OPRWC), all of a called 5.83 acre tract as conveyed in a Warranty Deed from Louis M. Henna and wife, Billie Sue Henna to Robert Herber and Carol Ruth Henna, filed January 11, 1974 as recorded in Volume 580, Page 674 of the Deed Records of Williamson County, Texas (DRWC), and all of a called 4.56 acre tract as conveyed in a Warranty Deed from Louis M. Henna, et ux to Louis M. Henna, Jr., et ux, filed June 15, 1977 and recorded in Volume 672, Page 818 DRWC, said 46.28 acre tract being more fully described by metes and bounds as follows;

**BEGINNING** at a 5/8 inch diameter iron rod with a yellow plastic cap stamped "CIVILCORP" set for the Northeast corner of the herein described tract, said iron rod being the Northeast corner of the said 29.23 acre tract, the Northwest corner of the Amending Plat of Lots 1, 2, & 3 of the Replat of Heritage Center Subdivision, Lots 1 & 2, filed July 18, 2001 and recorded in Cabinet U, Slides 347-348 of the Plat Records of Williamson County, Texas also recorded as Document No. 2001052130 OPRWC, and said iron rod being in the South Right-of-Way line of U.S Highway 79 (East Palm Valley Boulevard);

**THENCE**, South 10°19'08" East, with the common line of the said 29.23 acre tract and the said Amending Plat of Lots 1, 2, & 3 of the Replat of Heritage Center Subdivision, passing at a distance of 505.53 feet, a point for the Southwest corner of the said Subdivision and the Northwest corner of a Replat of Heritage Center Subdivision, Lots 1 & 2, filed July 7, 1998 and recorded in Document No. 9837632 ORWC, passing at a distance of 695.97 feet, a 1/2 inch diameter iron rod found for the Southwest corner of the said Subdivision and the Northwest corner of Lots 3 & 4, Heritage Center Minori, Inc to the City of Round Rock, filed June 18, 2014 as recorded in Document No. 2014046645 OPRWC, and continuing for a total distance of 1349.79 feet, to a point in the approximate center of Brushy Creek;

**THENCE**, with the approximate center of Brushy Creek with the South lines of the aforesaid 4.56 acre tract, 29.23 acre tract, 5.83 acre tract, and the 6.58 acre tract, respectfully as follows:

1. South 52°44'55" West, a distance of 528.90 feet, to a point;
2. South 59°38'16" West, a distance of 767.55 feet, to a point in the East Right-of-Way line of Mays Street (Right-of-Way varies);

**THENCE**, North 23°47'08" West, leaving the center of Brushy Creek with the common line of the said 6.58 acre tract and the East line of Mays Street, passing a 5/8 inch diameter iron rod with a yellow plastic cap stamped "CIVILCORP" set for reference at a distance of 64.40 feet from the top bank of Brushy Creek and a distance of 127.50 feet from the approximate centerline of Brushy Creek, passing at a distance of 613.30 feet, a TxDot (TYP. I) Monument found at Station 130+98.15, and continuing for a total distance of 615.12 feet, to a 5/8 inch diameter iron rod with a yellow plastic cap stamped "CIVILCORP" set for an exterior angle corner of the herein described tract, said iron rod being an exterior angle corner of the said 6.58 acre tract, and the South corner of a 0.260 acre tract as conveyed in a Transfer of Right-of-Way from the State of Texas to the City of Round Rock, filed April 11, 2013 and recorded in Document No. 2013032585 OPRWC;


**THENCE**, North 17°20'41" West, with the common line of the said 0.260 acre tract, the 6.58 acre tract, and the 29.23 acre tract, a distance of 453.40 feet (called 453.28 feet), to a TxDot (TYP. I) Monument found at Station 135+50.50 for an exterior corner of the herein described tract, said monument being an exterior corner of the said 29.23 acre tract, the Northeast corner of the said 0.260 acre tract, and the Southeast corner of a 7.433 acre tract as conveyed in a Condemnation to the State of Texas (Parcel B), dated November 25, 1940 and recorded in Volume 6, Page 538 of the Civil Minutes of the County Clerk of Williamson County, Texas;

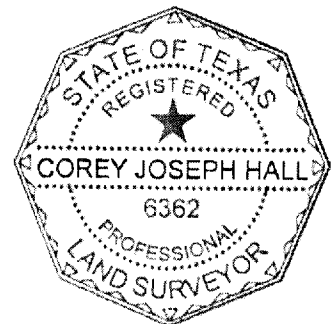
**THENCE**, North 10°19'40" East, with the West line of the said 29.23 acre tract, a distance of 651.61 feet (called 651.88 feet), to a 1/2 inch iron rod found for the Northwest corner of the herein described tract, said iron rod being the Northwest corner of the said 29.23 acre tract, and in the South line of the aforesaid U.S. Highway 79;

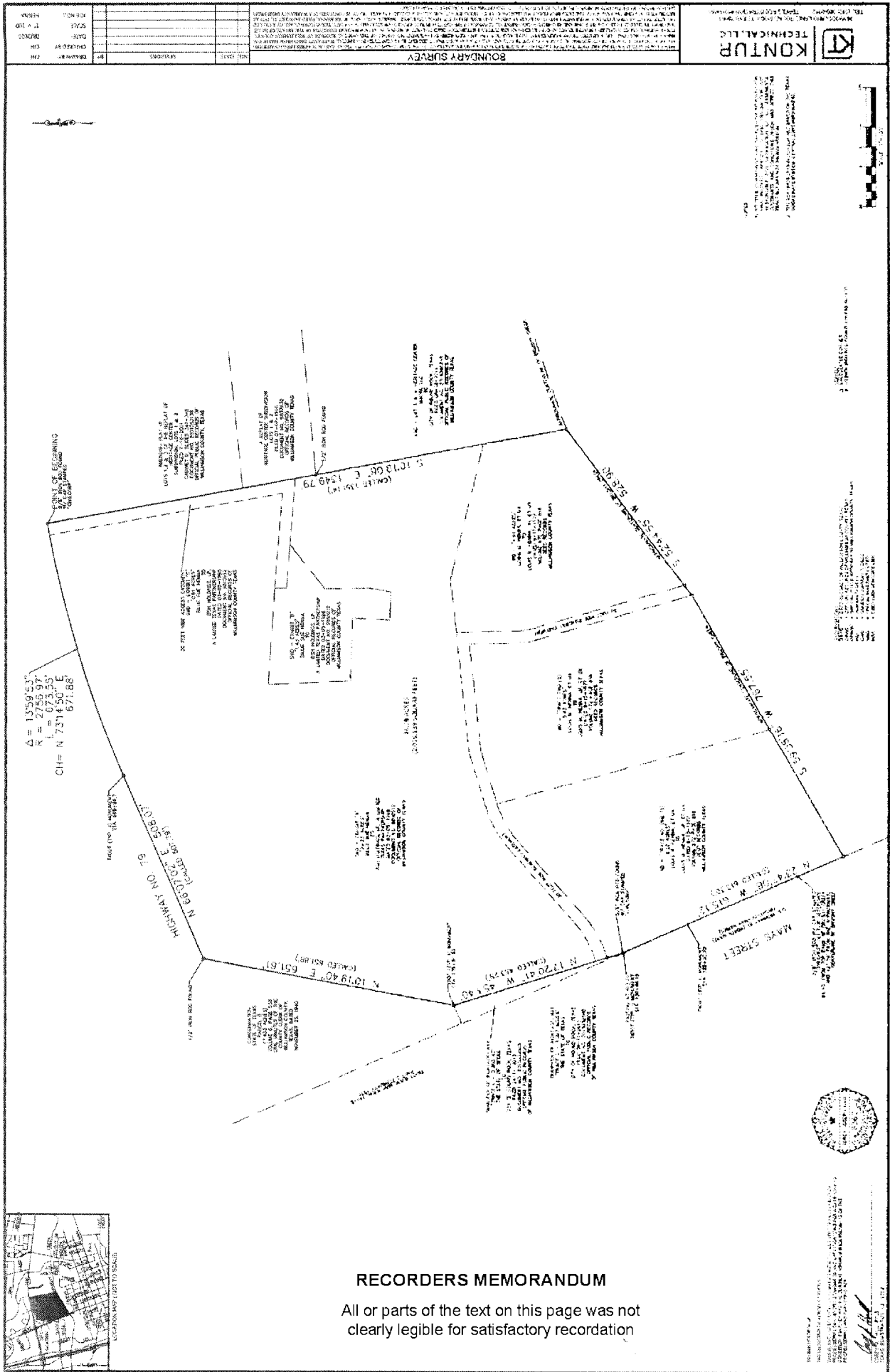
**THENCE**, North 66°07'02" East, with the common line of the said 29.23 acre tract and U.S. Highway 79, a distance of 508.07 feet (called 507.79 feet), to a TxDot (TYP. II) Monument found at Station 669+96.7 for an exterior corner of the herein described tract, said monument being the beginning of a curve to the right;

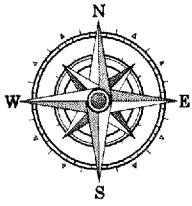
**THENCE**, continuing with the common line of the said 29.23 acre tract and U.S. Highway 79 with said curve to the right having a radius of 2,756.97 feet, a central angle of 13°59'53", and an arc length of 673.55 feet, whose chord bears North 73°14'50" East, a distance of 671.88 feet, to the **POINT OF BEGINNING, CONTAINING** within these metes and bounds 46.28 Acres (2,016,139 square feet) of land, more or less.

All bearings and distances shown herein are based on the Texas Coordinate System, Central Zone (4203) NAD83. The foregoing Field Notes Description is based on an actual survey made under my supervision and completed in the month of August 2016, and is true and correct to the best of my knowledge and belief.

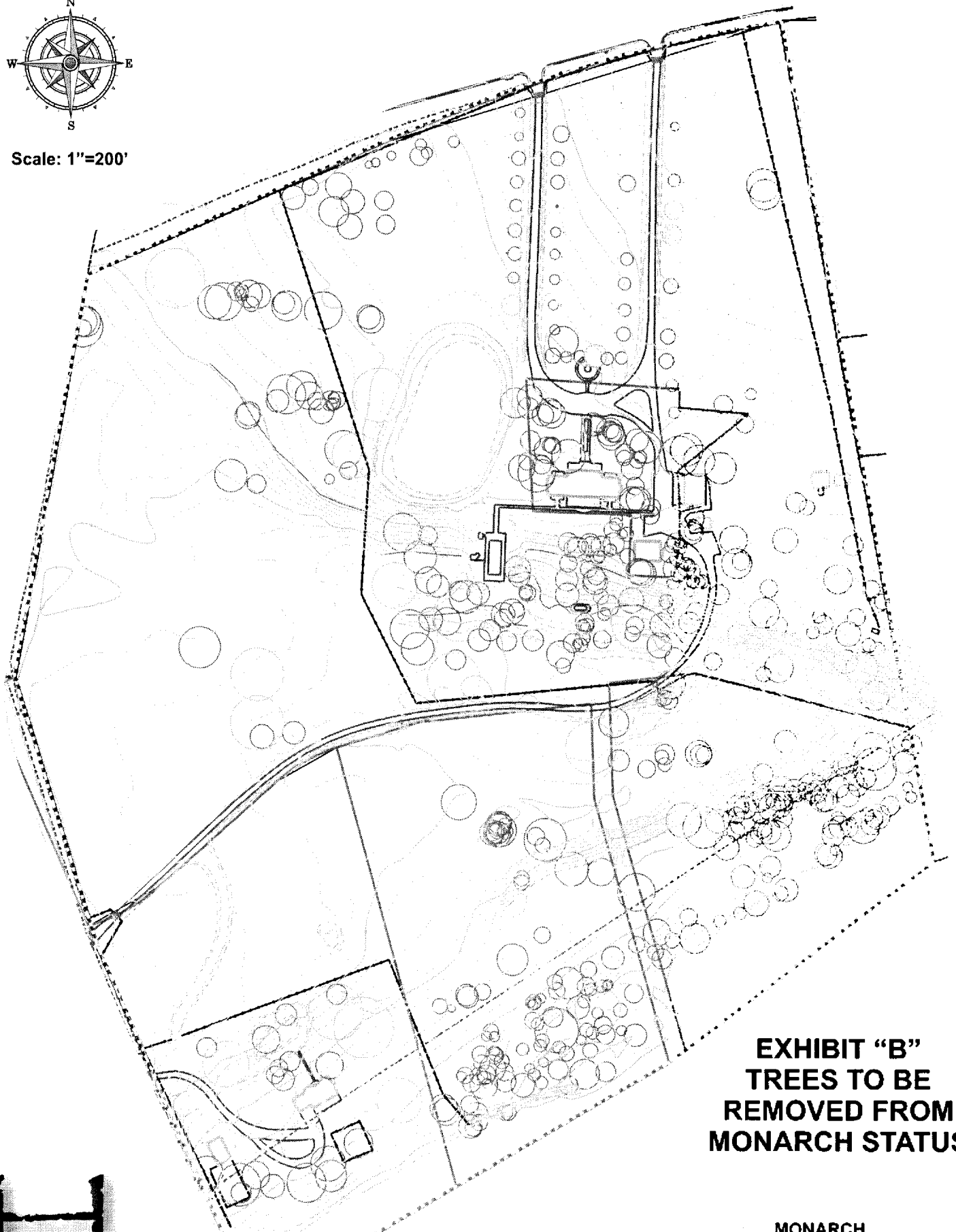
  
 Corey Joseph Hall Registered Professional Land Surveyor No. 6362  
 TBPLS Firm No. 10194152







Scale: 1"=200'



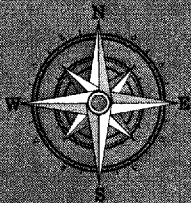
**EXHIBIT "B"  
TREES TO BE  
REMOVED FROM  
MONARCH STATUS**

**MONARCH  
(Magnolia)**

**Henna**  
I R A C T

RECORDERS MEMORANDUM

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Scale: 1"=200'

US 79 (Palm Valley Boulevard)

North Mays Street

Heritage Trail and Park

Brushy Creek

# Henna

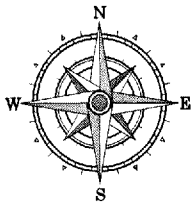
T R A C T

## EXHIBIT "C" CONCEPT PLAN W/ POTENTIAL LAND USES

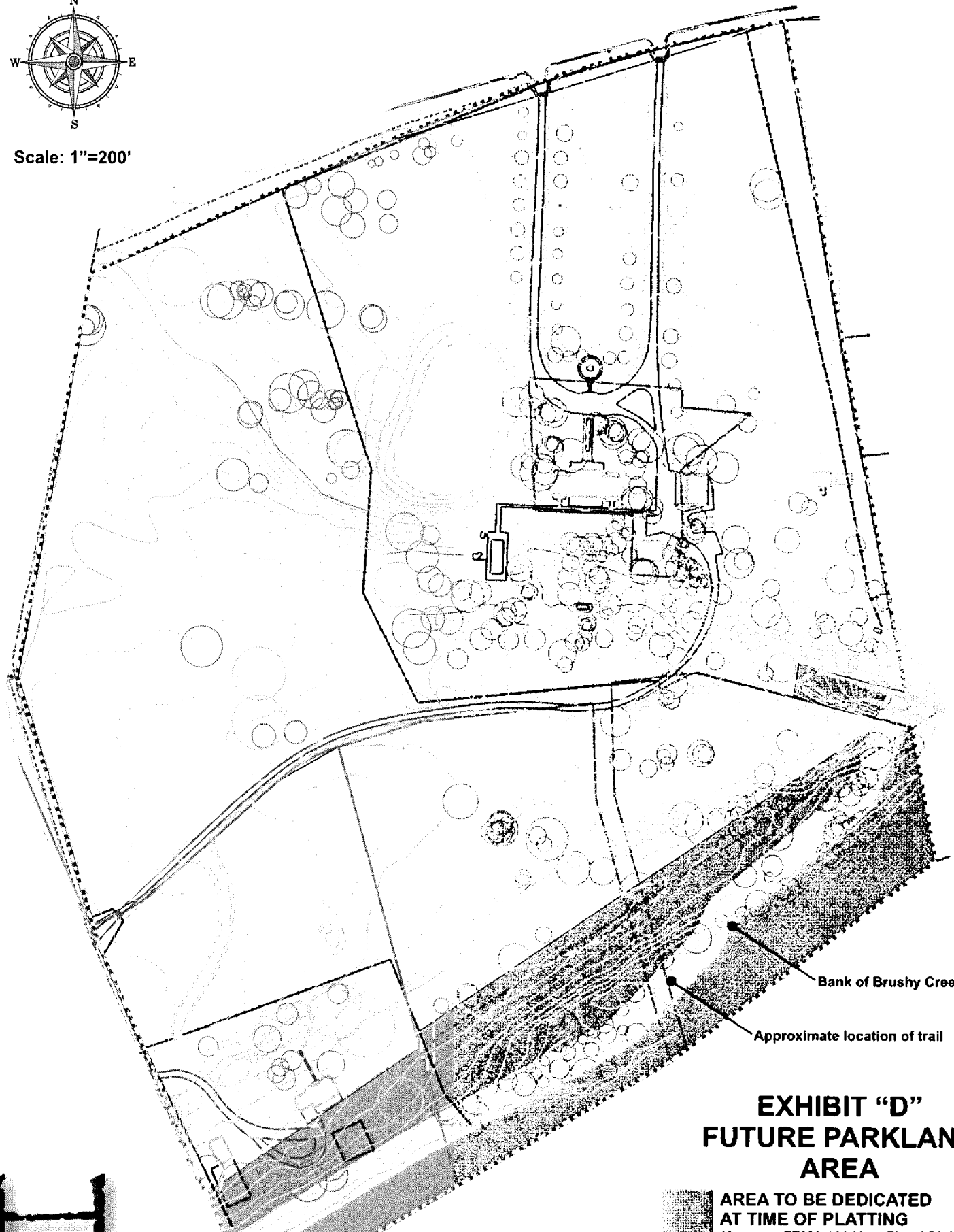
Retail, Restaurant (RR):	18%
Office (OF):	22%
Commercial (CO):	8%
Hotel (HT):	14%
Multifamily (MF) / Town home (TH):	27%
Parking (PK):	11%

### RECORDERS MEMORANDUM

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Scale: 1"=200'



### EXHIBIT "D" FUTURE PARKLAND AREA

 AREA TO BE DEDICATED  
AT TIME OF PLATTING  
(Average FEMA 100 Year Flood Plain  
Elevations- Effective September 26, 2008)

ESTIMATED 50' EASEMENT  
FOR HERITAGE TRAIL

# Henna

T R A C T

#### RECORDERS MEMORANDUM

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**ELECTRONICALLY RECORDED  
OFFICIAL PUBLIC RECORDS**

**2020120384**

Pages: 17 Fee: \$93.00

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*Nancy E. Rister*

Nancy E. Rister, County Clerk  
Williamson County, Texas