ORDINANCE NO. 0-2020-0335

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 1.06 ACRES OF LAND, OUT OF THE WILEY HARRIS SURVEY, ABSTRACT NO. 298, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, FROM TF (TWO-FAMILY) ZONING DISTRICT TO PUD (PLANNED **DEVELOPMENT) NO. 123 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 1.06 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 TF (Two-Family) zoning district to PUD (Planned Unit Development) No. 123 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 6th day of October, 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. 123, and

WHEREAS, on the 12th day of November, 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:

١.

That the City Council has hereby determined the Planned Unit Development (PUD) No. 123 meets the following goals and objectives:

- (1) The development in PUD No. 123 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) P.U.D. No. 123 is in harmony with the general purposes, goals, objectives and standards of the General Plan.
- (3) P.U.D. No. 123 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. 123 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. 123 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.

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. 123, and that the Mayor is hereby authorized and directed to enter into the Development Plan for PUD No. 123 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.

ATTEST:

SARÁ L. WHITE, City Clerk

EXHIBIT

"A"

DEVELOPMENT PLAN 615 PECAN AVENUE PLANNED UNIT DEVELOPMENT NO. 123

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 APHEK HOLDINGS LLC SERIES – A TRUSTEE OF PECAN AVE TRUST; 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 1.06 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 6, 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 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 1.06 acres of land, Lot 2 of the Replat of a Portion of Block 2, Starkfield Addition to Round Rock, more particularly described in **Exhibit "A"** located within the city limits of Round Rock, Texas.

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 TF** (**Two-Family**) **zoning district** and other sections of the Code, as applicable and as amended. If there is a conflict between this Plan and the Code, this Plan shall supersede the specific conflicting provisions of the Code.

4.2. Other Ordinances

All other Ordinances within the Code, as amended, shall apply to the Property, except as clearly modified by this Plan. In the event of a conflict, the terms of this Plan shall control.

5. PERMITTED USES

Single-family attached dwelling units located on a commonly-owned lot.

6. <u>DEVELOPMENT STANDARDS</u>

6.1. Single Family Attached, Common Lot

Development Standard	<u>Measure</u>
Maximum Number of Dwelling Units	8
Minimum Rear Setback	20 ft.
Minimum Side Setback	5 ft. (1)
Maximum Height of Principle Building	2.5 stories
Maximum Building Coverage	50%

(1) Common walls are not required to have a setback. All required setbacks shall be free from any encroachments, including but not limited to eaves, roof hangovers, by windows, and fireplaces. Air conditioning units and other similar ground mounted equipment are exempt from this requirement.

6.2. Private Drive Aisles

- 1) Subgrade to be approved by the City of Round Rock according to the Transportation Manual, Section 3 Pavement Design for local streets;
- 2) A private home-owners association or condominium regime will be established for the maintenance of the private drive aisles.

6.3. Off-Street Parking

The minimum number of parking spaces shall be: four (4) spaces per dwelling unit, at least one (1) of which must be garage-enclosed.

7. FENCING. SCREENING AND LANDSCAPING

7.1. Fencing and Screening:

- (1) Fencing: The two types of fencing permitted are:
 - (a) Wood Fence: Cedar privacy fence with a picket size of 1" x 6", a top cap, pressure-treated rails and metal posts: the finished side shall face the abutting properties.
 - (b) Masonry Fence: In compliance with Section 8-2 (f) (2) of the Code.

- (2) Common Parking Spaces: A six-foot (6') high masonry fence shall be provided along the property line between all common area parking spaces and the adjacent residential lots.
- (3) Perimeter Screening: Notwithstanding the requirement in Section (2) above, screening shall be provided along any residential property line, excluding the entry drive, by either providing a fence as indicated Section (1) above, or by providing screening with existing or installed trees and landscape materials. Newly installed trees shall be in accordance with Section 7.2 (2) below.

7.2 Landscaping:

- (1) The landscape development standards outlined in Section <u>8-10</u>, Landscaping of the Code of Ordinances, 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-Wish 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 one (1) four-inch (4") caliper large species tree, whether through the preservation of existing trees or planting of a new container-grown tree.
 - (d) All required landscaping shall be irrigated by means of an automatic underground irrigation system which may include drip irrigation for shrub and ground cover planting beds.
 - (e) Newly planted 4" caliper trees shall be irrigated with a minimum of 2 flood bubbler heads per tree. Tree bubblers shall be on a separate irrigation section from shrub/ground cover areas and grass.
 - (f) All planting beds shall include some form of permanent edging between the planting bed and abutting grass areas.
- (2) Landscape buffer. A landscape buffer shall be provided adjacent to the masonry walls. The minimum quantity of landscaping shall be determined by the following requirements:
 - (a) One large tree per 100 linear feet with a minimum caliper of four (4) inches, selected from the list of approved tree species in Appendix B of the Tree Technical Manual; and

- (b) One medium tree per100 linear feet with a minimum caliper of three (3) inches, selected from the list of approved tree species in Appendix B of the Tree Technical Manual; and
- (c) All trees utilized shall be of an evergreen species.
- (d) Existing large and medium trees as well as existing large shrubs/ vegetation to remain may be utilized towards the required tree quantity and vegetation buffer requirements within the landscape buffer.
- (e) The landscape buffer may not be used as a utility easement.
- (3) A private home-owners association or condominium regime will be established for the maintenance of any landscape and irrigation areas located within the property as well as for all community signage, walls, medians, common open space and detention areas.

8. ENTRY FEATURES

8.1 Driveway Lighting

Ground level lighting shall be provided along both sides of the entry way at the driveway intersection adjacent to Pecan Avenue.

8.2 Entry Sign

An entry sign shall be constructed along Pecan Avenue. Signage shall be constructed to the post and panel sign standards in Sec. 8-78 (j) of the Code or to the armature sign standards in Sec. 8-78 (k) of the Code. The Downtown Special Area standards shall also apply.

8.3 Entry Enhancement

Scored and stained concrete bands, or paver inserts, shall be provided on the project entry drive, generally aligning with the sidewalk crossing.

9. CHANGES TO DEVELOPMENT PLAN

9.1. 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.

9.2. Major Changes

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

LIST OF EXHIBITS

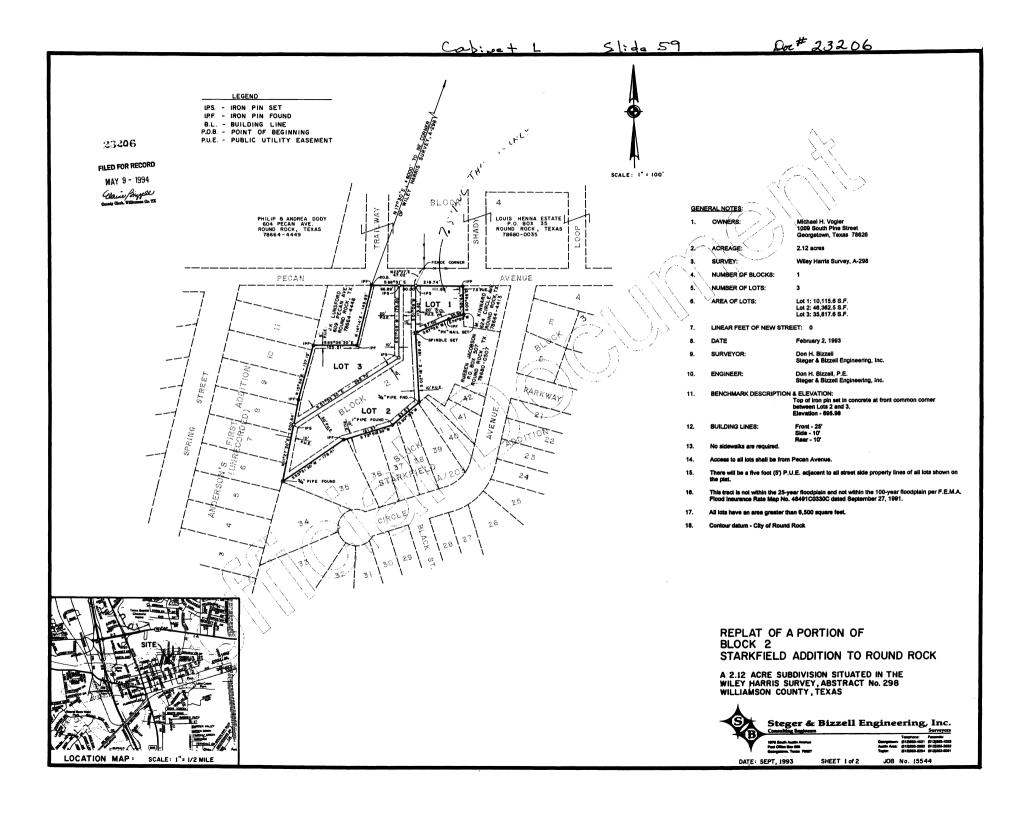
Exhibit "A"

Survey and Legal Description – 1.0573 acres

EXHIBIT A

Legal Description – 615 Pecan Avenue

Lot 2, Block 2 of Replat of a Portion of Block 2, Starkfield Addition to Round Rock, a Subdivision in Williamson County, Texas, according to the Map or Plat thereof recorded in Cabinet L, Slides 59-60, of the Plat Records of Williamson County, Texas.



BEING 2.12 scres of land, situated in the Wiley Harris Survey, Abstract No. 298, in Williamson County, Texas, said land being a portion of Block 2 of the Startfield Addition to Round Rock, Texas, an addition of record in Cabinet A. Silde 203, of the Plet Records of Williamson County, Texas, and being a portion of the certain tot of land, called 1.62 acres, as conveyed to Michael H. Vogler by deed as recorded in Volume 2432, Page 319, of the Deed Records of Williamson County, Texas, and that certain tract of land, called 0.50 of an acre, as conveyed to Michael H. Vogler by deed as recorded in Volume 779, Page 247, of the Deed Records of Williamson County, Texas. Surveyed on the ground in the month of January, 1983, under the supervision of Don H. Bizzell, and being more particularly described as follows:

BEGINNING at an iron pin found on the seuth line of Pecan Drive, marking the most northerly Northwest corner of the above-referenced 1.82 acre Vogler tract, said point being approximately 817°30'W, 8000 feet, more or tess, from the Northeast corner of the Willey Harris Survey, A-298, for the most northerly Northwest corner

THENCE, along the said south line of Pecan Drive passing the Northeast corner of the said 1.82 acre Vogler tract being the Northwest corner of the above-referenced 0.50 of an acre Vogler tract and continuing along the north line of the said 0.50 of an acre Vogler trad, S89*15E, 218.74 feet on itnoy pin found marking the Northwest corner of that certain tract it, called 0.04 of an acre, as conveyed to Midred Knand by deed as Northwest Corner of that certain tract it, called 0.04 of an acre, as conveyed to Midred Knand by deed as Northwest Corner of Williamson County, Texas, for the Northeast Corner of Williamson County, Texas, for the Northeast Corner of Northwest Corner of Nort

THENCE, S0°48°E, 88.85 feet to a PK nail set in a board on a fence on a southerly line of the said 0.50 of an acre Voglier tract, marking the Southwest corner of the said 0.04 of an acre Kinnard tract, for the most easterly Southeast corner hereof;

THENCE, S74°59'W, 35.92 feet to an iron pin found and S87°25'W, 87.00 feet to a cotton picker spindle set in the root of a 12" Elm for an interior corner of the said 0.50 of an acre Vogler tract, for an interior corner hereof;

THENCE, S2*18'E, 169.49 feet to a %* pipe found marking the most southerty Southeast comer of the said 0.50 of an acre Vogler tract, for the most southerty Southeast comer hereof;

THENCE, S50°33W, passing the Southwest corner of the said 0.50 of an acre Vogler tract being the Southeast corner of the said 1.62 acre Vogler tract, 83.55 feet to a 1° pipe found; \$73°55°30°W, 121.57 feet to an iron pin found and \$55°51°30°W, 178.41 feet to a ½° pipe found marking the Southwest corner of the said 1.62 acre

THENCE, N11°27'30"E, 200.64 feet to an iron pin found and N15°56"E, 137.15 feet to an iron pin found marking the most westerly Northwest comer of the said 1.62 acre Vogler tract, for the most westerly Northwest comer

THENCE, S89°06'30"E, 103.21 feet to an iron pin found marking an interior corner of the said 1.62 acre Vogler tract, for an interior corner hereof;

THENCE, N14°14'E, 149.83 feet to the Place of BEGINNING and containing 2.12 acres of land.

STATE OF TEXAS

COUNTY OF WILLIAMSON

KNOW ALL MEN BY THESE PRESENTS:

I, Don H. Bizzell, Registered Professional Land Surveyor, do hereby certify that this survey was made on the ground of the property legally described hereon and is correct, and that there are no apparent discrepencies, conflicts, overlapping of improvements, visible utility lines or roads in place, except as shown on the accompanying plat, and that said property has access to and from a dedicated roadway, to the best of my

TO CERTIFY WHICH, WITNESS my hand and seal at Georgetown, Williamson County, Texas, this the

Oon H. Bizzeli Professionali Land Surveyor, No. 2218 State of Texas

THE STATE OF TEXAS COUNTY OF WILLIAMSON

That I, Don H. Bizzell, do hereby certify that I prepared this plat from an actual and control or personal supervision, in accordance with the control of the land of that the content of the land of the three controls of the land of the control of the land of ground survey of the land and that the comer monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision Regulations of the City of Round Rock, Texas.

ered Professional Land Surveyor, No. 2218

THE STATE OF TEXAS COUNTY OF WILLIAMSON &

I, Don H. Bizzell, do hereby certify that the information contained on this plat complies with the subdivision ordinances and the stormwater drainage policy adopted by the City of Round Rock,

Don H. Bizzeli Professional Engineer, No. 28782

State of Texas



H. BOZZELL

2218

2218

COUNTY OF WILLIAMSON &

KNOW ALL MEN BY THESE PRESENTS

That I, Michael H. Vogler, owner of that certain tract of land called 1.82 acres, as recorded in Volume 2432, Page 319 of the Deed Records of Williamson County, Texas, and that certain tract of land, called 0.50 of an acre, as recorded in Volume 7R, Page 247 of the Deed Records of Williamson County, Texas, situated in the Wiley Harris Survey, Abstract No. 288, in Williamson County, Texas, said land being a portion of Block 2 of the Starfield Addition to Round Rock, Texas, an addition of record in Cabinet A, Side 230 of the Plat Records of Williamson County, Texas, and hereby subdivide 2.12 acres, as shown herein, subject to any easements or restrictions heretolore granted and to hereby dedicate to the public the threets and easements shown hereon to be know as the REPLAT of A PORTION OF BLOCK 2. STARKFIELD ADDITION TO ROUND ROCK.

Witness my hand this the 9 day of NOVEMBEK 1995 A.D.

STATE OF TEXAS

COUNTY OF WILLIAMSON

KNOW ALL MEN BY THESE PRESENTS

Before me, the undersigned authority, on this day personally appeared Michael H. Vogler known to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein 0//L -

GIVEN UNDER MY HAND AND SEAL of office this the

Approved this <u>3e*6</u> day of <u>Occartion</u> 19<u>25</u> by the City Planning and Zoning Commission of the City of Round Rock, Teysa, and authorized to be filled for record by the County Clark of

Banne Lan danne Land, City Secreta City of Round Rock, Texas

I, Eleine Bizzell, Clerk of the County Court of said County, do hereby certify that the foregoing instrument in writing, with its certification of authentication, was filled for record in my office on the 10th day of both A.D., 1946, at 35 portions, B.M. and duly recorded on the 21th day of the 10th d

WITNESS MY HAND AND SEAL of the County Court of said County, at office in Georgetown, Texas, the date last above written.

ELAINE BIZZELL, Clerk, County Court

REPLAT OF A PORTION OF BLOCK 2 STARKFIELD ADDITION TO ROUND ROCK

A 2.12 ACRE SUBDIVISION SITUATED IN THE WILEY HARRIS SURVEY, ABSTRACT No. 298 WILLIAMSON COUNTY, TEXAS



Steger & Bizzell Engineering, Inc.

DATE: SEPT, 1993

SHEET 2 of 2

JOB No. 15544