

ORDINANCE NO. O-2022-021

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 ORIGINALLY ZONE 6.50 ACRES OF LAND OUT OF THE WILLIS DONAHO SURVEY, ABSTRACT NO. 173, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, AS PLANNED UNIT DEVELOPMENT (PUD) NO. 135; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

WHEREAS, the City of Round Rock, Texas has annexed 6.50 acres of land out of the Willis Donaho Survey, Abstract No. 173 in Round Rock, Williamson County, Texas, being more fully described in Exhibit "A" (the "Property"), attached hereto and incorporated herein, and

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the original zoning of the Property on the 1st day of December, 2021, 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 Property in Exhibit "A" be originally zoned as Planned Unit Development (PUD) No. 135, and

WHEREAS, on the 13th day of January, 2022, after proper notification, the City Council held a public hearing on the proposed original zoning, 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 10, Article I, Section 10-2 and Article IV, Sections 10-20 and 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 has hereby determined the Planned Unit Development (PUD) No. 135 meets the following goals and objectives:

- (1) The development in PUD No. 135 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) P.U.D. No. 135 is in harmony with the general purposes, goals, objectives and standards of the General Plan.
- (3) P.U.D. No. 135 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. 135 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. 135 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. 135, and that the Mayor is hereby authorized and directed to enter into the Development Plan for PUD No. 135 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 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.

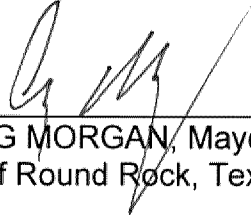
READ, PASSED, and ADOPTED on first reading this 13th day of January, 2022.

Alternative 2.

READ and APPROVED on first reading this the _____ day of _____, 2022.

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

_____, 2022.



CRAIG MORGAN, Mayor
City of Round Rock, Texas

ATTEST:



MEAGAN SPINKS, City Clerk



**DEVELOPMENT PLAN
OLD SETTLERS TOWNHOMES
PLANNED UNIT DEVELOPMENT NO. 135**

**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, 221 East Main Street, Round Rock, Texas 78664 (hereinafter referred to as the “**City**”, and Hossain & Orlena Mehrabian, their successors and assigns, 3200 Old Settlers Blvd, Round Rock, TX 78665 (hereinafter referred to as the “**Owner**”).

WHEREAS, the Owner is the owner of certain real property consisting of 6.50 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 December 1, 2021, 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.

OLD SETTLERS TOWNHOMES 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 6.50 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 **TH (Townhouse)** 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 Concept Plan

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

4.3 Other Ordinances

All other Ordinances within the Code, in existence upon the date of adoption of this ordinance, shall apply to the Property, as applicable and as amended, except as clearly modified by this Plan. In the event of a conflict the terms of this Plan shall control.

5. **LAND USES**

The use shall be Townhouse, Common Lot, with a maximum number of 78 living units, in addition to the remaining permitted uses in the **TH (Townhouse)** zoning district contained in Section 2-25 of the Code.

6. **DENSITY AND DEVELOPMENT STANDARDS**

6.1 Height

Maximum building height shall be three (3) stories, not to exceed 45 feet.

6.2 Building Orientation

All buildings, garages and balconies shall be oriented with the front and rear facing the south and north, so that no front or rear of the structures face the adjacent single family lots to the east.

7. **AMENITIES AND LANDSCAPE BUFFER**

7.1 Amenities

The following three amenities shall be provided, in accordance with Part III, Chapter 2, Article II, Section 2-20 of the code:

- 1) Playground equipment
- 2) Fenced dog park, to measure no smaller than 2,500 sq. ft. with a min. depth 25 ft.
- 3) Picnic area, to contain no fewer than two tables and two cooking grills

7.2 Compatibility Buffer

- 1) A setback of a minimum of 10 feet in width along the eastern property line, abutting single family lots, as indicted on **Exhibit 'B'**, shall be provided.
- 2) Use of the area within the setback shall be limited to fencing, landscaping, and natural drainage. No buildings, parking areas, refuse containers or similar development shall be permitted.
- 3) The following shall be required within the setback:
 - a) A pre-cast concrete panel or architectural concrete masonry unit (CMU) fence, with materials, construction standards, and miscellaneous requirements as follows:
 - i. Pre-cast concrete panels shall be installed per manufacturer's specifications.
 - ii. Construction details or shop drawings must be sealed by a civil engineer, structural engineer, or landscape architect and provided prior to the issuance of a building permit.
 - iii. Both sides of the fence shall have a finished face; and
 - iv. The fence shall have a minimum height of six (6) feet.
 - b) A landscape buffer at least eight (8) feet wide with one large tree with a minimum of three (3) caliper inches per 50 linear feet and one medium tree with a minimum of two (2) caliper inches per 50 linear feet. The trees shall be selected from the list of approved evergreen tree species in Appendix B of the Tree Technical Manual, City of Round Rock.

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

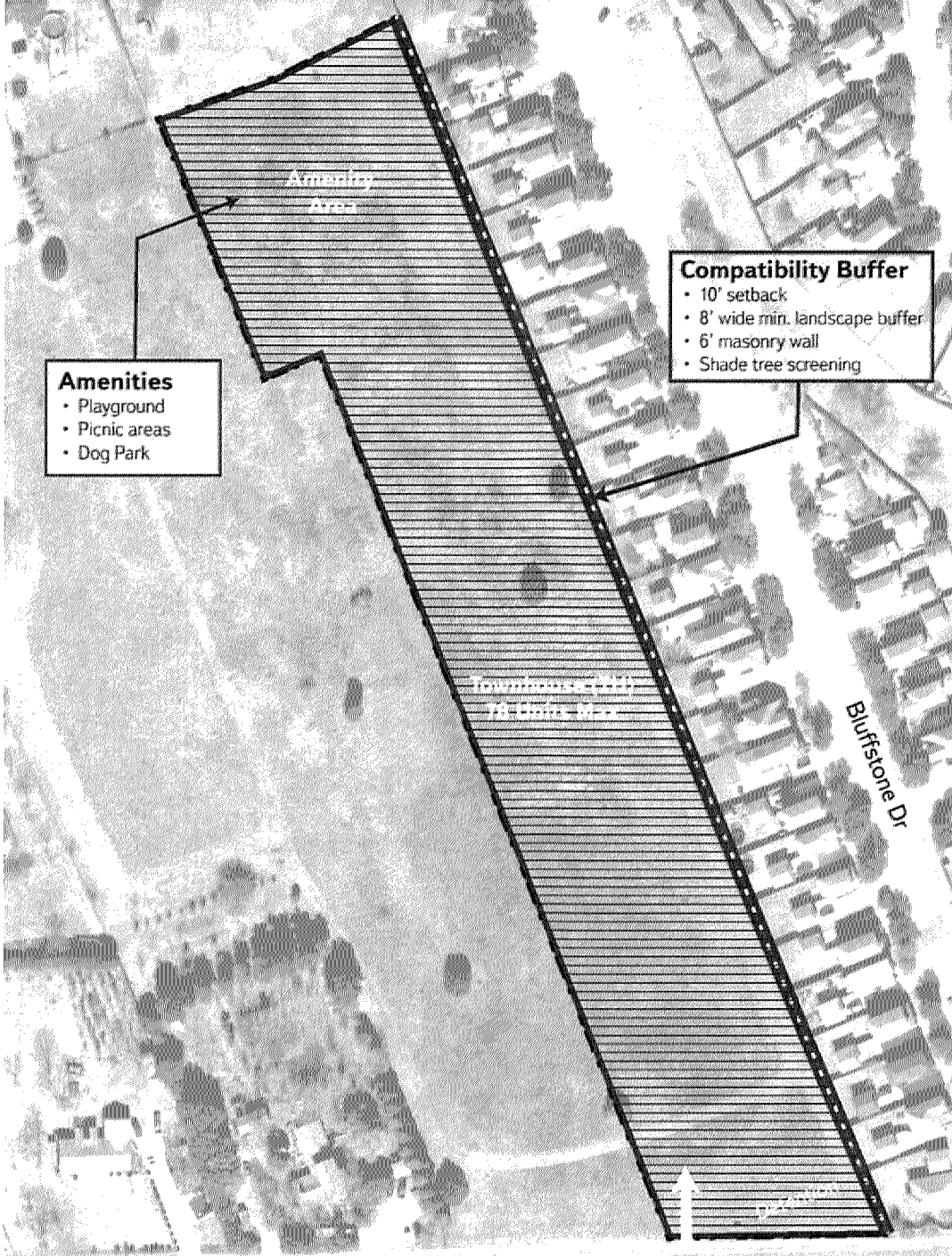
All changes not permitted above shall be resubmitted following the same procedure required by the original PUD application.

LIST OF EXHIBITS

Exhibit "A"	Survey
Exhibit "B"	Concept Plan

EXHIBIT 'B'

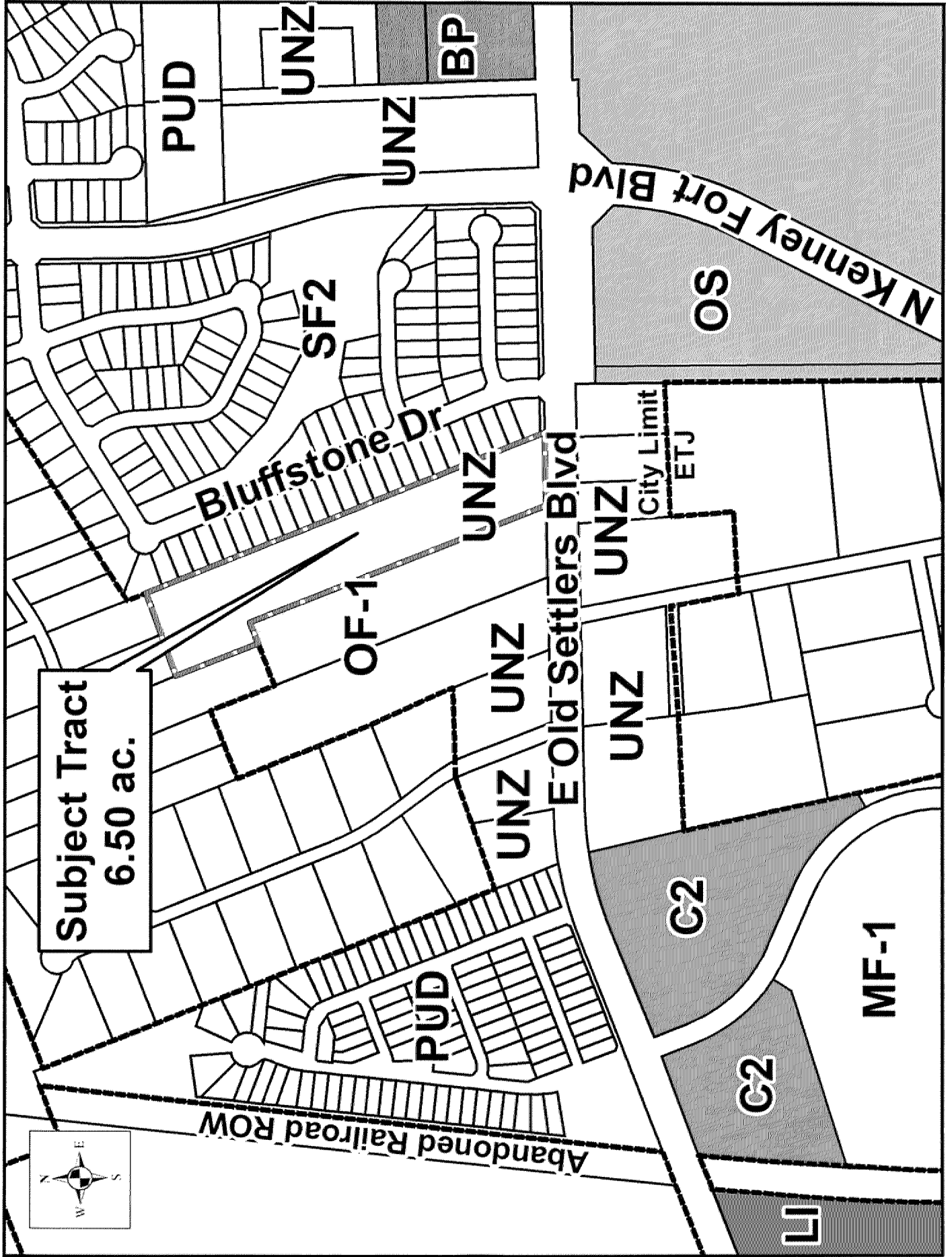
Old Settlers Townhomes Planned Unit Development

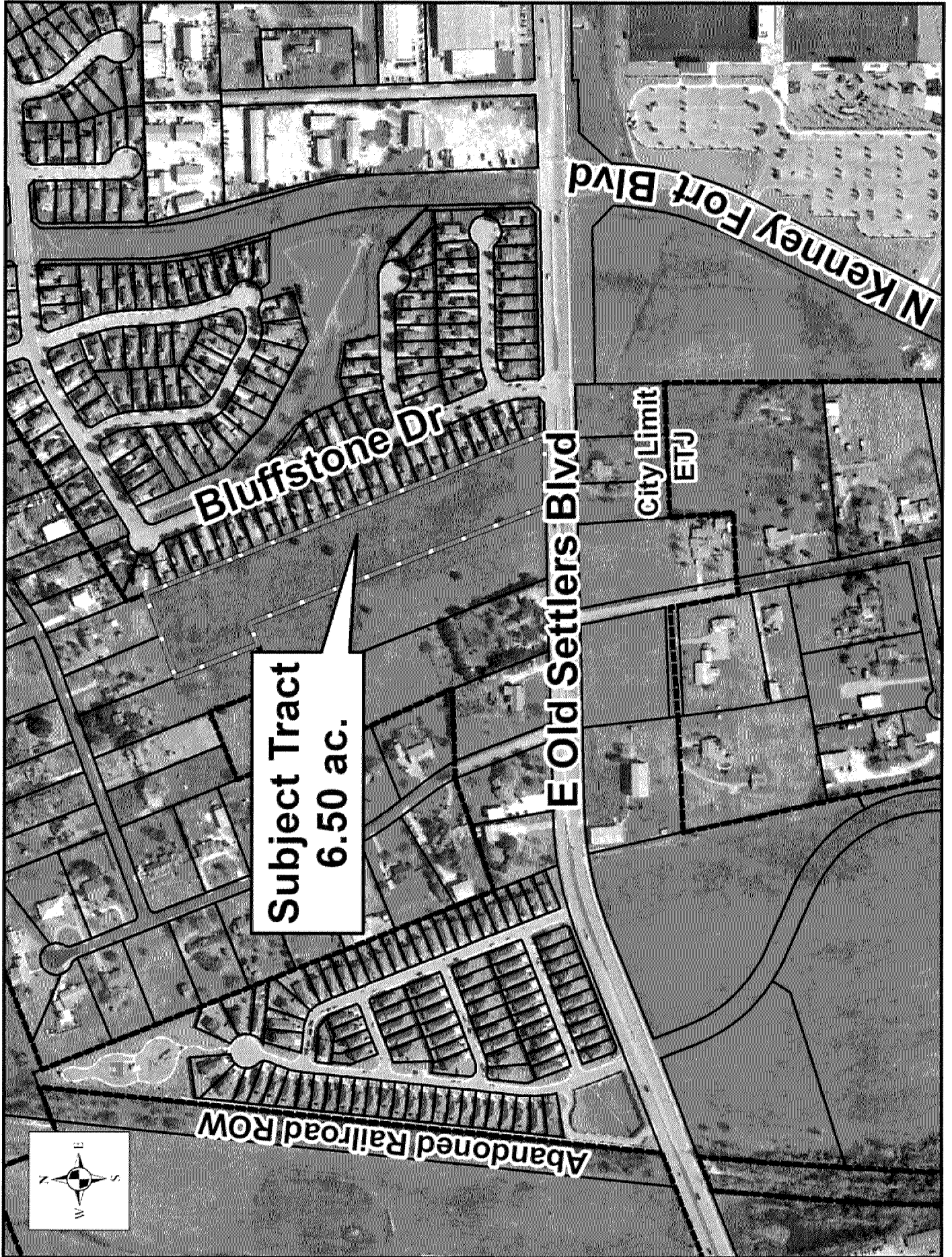


E Old Settlers Blvd



Graphic Representation Only





Bluffstone Dr

E Old Settlers Blvd

N Kenney Fort Blvd

City Limit
ETJ

Abandoned Railroad ROW

Subject Tract
6.50 ac.

