

**ORDINANCE NO. O-2022-400**

**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 4.12 ACRES OF LAND, DESCRIBED AS LOTS 1 AND 2, BLOCK A OF FOUR POINTS BY SHERATON, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, FROM C-1 (GENERAL COMMERCIAL) ZONING DISTRICT TO PUD (PLANNED UNIT DEVELOPMENT) NO. 144 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 4.12 acres of land, described as Lots 1 and 2, Block A of Four Points by Sheraton, in Round Rock, Williamson County, Texas, being more fully described in Exhibit "A" attached hereto, from C-1 (General Commercial) zoning district to PUD (Planned Unit Development) No. 144 zoning district, and

**WHEREAS**, the City Council has submitted the requested change in the Official Zoning Map to the Planning and Zoning Commission for its recommendation and report, and

**WHEREAS**, the Planning and Zoning Commission held a public hearing concerning the requested change on the 2nd day of November, 2022, 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.144, and

**WHEREAS**, on the 1st day of December, 2022, 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. 144 meets the following goals and objectives:

- (1) The development in PUD No. 144 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) P.U.D. No. 144 is in harmony with the general purposes, goals, objectives and standards of the Round Rock Comprehensive Plan.
- (3) P.U.D. No. 144 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. 144 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. 144 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 PUD (Planned Unit Development) No. 144, and that the Mayor is hereby authorized and directed to enter into the Development Plan for PUD No. 144 attached hereto as Exhibit "B", which agreement shall govern the development and use of said property.

## **III.**

**A.** All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

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

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



Alternative 1.

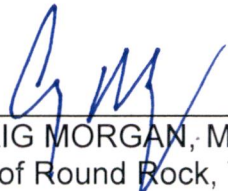
By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

**READ, PASSED, and ADOPTED** on first reading this 18<sup>th</sup> day of December, 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



**EXHIBIT A**  
**LEGAL DESCRIPTION**

Lots 1 and 2, Block A of Four Points by Sheraton, a subdivision in Williamson County, Texas, according to the map thereof, recorded In Document Number 2019039270 of the Official Public Records of Wllllamson County, Texas.

**EXHIBIT**  
**"B"**

**HESTERS 4**  
**PLANNED UNIT DEVELOPMENT NO. 144**

**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 Hesters Crossings Apts Holdings LLC; 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 4.12 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 November 2, 2022, 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.10.

**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 III, Article II, 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". This PUD Development Plan shall hereinafter be referred to as "the Plan."

**2. PROPERTY**

This Plan covers approximately 4.17 acres of land, located within the City of Round Rock, Texas, and more particularly described in **Exhibit A**, hereinafter referred to as "the Property."

**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, in effect on the date of this ordinance 3) does not have an undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and welfare, 4) is adequately provisioned by essential public facilities and services, and 5) will be developed and maintained so as not to dominate, by scale or massing of structures, the immediate neighboring properties or interfere with their development or use.

**4. APPLICABILITY OF CITY ORDINANCES**

**4.1. Zoning Ordinance**

All aspects not specifically covered by this Plan shall be regulated by the **MF-3 (Multi - Family Urban)** and the **C-1a (General Commercial- Limited)**, as amended. If there is a conflict between this Plan and the Code, this Plan shall supersede the specific conflicting provisions of the Code.

**4.2. Other Ordinances**

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

**5. CONCEPT PLAN**

Exhibit "B" shall serve as the Concept Plan for the project, in accordance with Section 10-26 of the Code.

**6. COMPREHENSIVE PLAN**

This development plan shall amend the Future Land Use Map of the Round Rock 30 Comprehensive Plan land use designation to mixed use.

## **7. PERMITTED & PROHIBITED USES**

### **7.1. Urban Multi-Family**

- (1) All uses permitted in the **MF-3 (Multifamily- Urban)** zoning district: the multifamily development shall conform with the requirements of the district, unless otherwise specified by this Plan.
- (2) A minimum of 45 living units per acre.
- (3) A maximum of 276 units are permitted.

### **7.2. Commercial**

- (1) All uses permitted in the **C-1a (General Commercial- Limited)** zoning district, except for the following uses, which are prohibited:
  - a) Auto sales, Rental and Leasing Facilities
  - b) Auto Service Facilities
  - c) Call Center
  - d) Car Wash
  - e) Drive-through services
  - f) Emergency medical services
  - g) Fuel sales
  - h) Funeral home
  - i) Parking, Commercial
  - j) Self-Storage
  - k) Shooting and Archery Ranges
  - l) All uses listed in Section 2-91 (ee)(2)(a) of the Code
- (2) A minimum of 5,900 sq. ft. of commercial space will be provided with this development, excluding leasing.

## **8. DEVELOPMENT STANDARDS**

### **8.1. Lot and Building Dimensional Standards**

<b>Standard</b>	<b>Unit of Measure</b>
Minimum Building Setback to Rawhide Dr.	15 feet
Minimum Building Setback to Hesters Crossing Rd.	15 feet
Minimum Side Building Setback	25 feet
Minimum Rear Building Setback	25 feet
Maximum Building Height	5 stories above grade, 2 stories underground parking.

### **8.2. Building Design and Orientation**

- (1) The design elements of the building shall substantially comply with the depictions contained in **Exhibit C**, including, but not limited to elevation variation, roof pitch, orientation.

- (2) All roof-mounted mechanical equipment shall be screened from public view by parapets so as to not be visible from an abutting street, public plaza or public open space. The parapet shall utilize the same or similar materials as the principal structure.

### **8.3. Amenities**

A minimum of five (5) of the following amenities accessible to all residents shall be provided within the multi-level structure. The amenity areas include, but are not limited to:

- a. Private fitness facility
- b. Courtyard, which includes an area for outdoor games
- c. Business Center
- d. Social Room which will include lounge and TV area for residents and gatherings
- e. Outdoor grill Area
- f. Sundeck Area
- g. Dog Spa
- h. Dog Park (indoor and/or outdoor)

### **8.4. Open Space**

An interior courtyard with swimming pool shall satisfy the requirement for landscape open space.

### **8.5. Landscape Requirements:**

This project shall comply with the landscape requirements of Chapter 8, Article II, Section 8-10, as amended, with the following exceptions below:

- (1) Foundation treatment will be provided for street facing building facades in accordance with the requirements of Chapter 8, Article II, Section 8-10(h).
  - a. The building façade facing Rawhide Road shall provide foundation treatment in accordance with Category 2.
  - b. The building façade facing Hesters Crossing shall provide foundation treatment in accordance with Category 3.
- (2) Special streetscape and landscape features. A minimum of four (4) of the following streetscape and landscape features shall be installed along the public-right-of-way.
  - a. Benches
  - b. Bike racks
  - c. Public art
  - d. Courtyards or plazas
  - e. Decorative paving
  - f. Water features, such as fountains
  - g. Decorative trash receptacles



- h. Street trees
- i. Decorative walls

#### **8.6. Compatibility**

##### **(1) Walls**

Any walls visible from the west property boundary including the first two (2) stories of below-grade structured parking garage wall, retaining walls, and detention facility walls shall be limited to natural stone, simulated stone, brick, split-faced or stone-faced concrete masonry units (CMU), stone veneer, tile veneer, or limestone clad cement.

##### **(2) Screening**

On the west side of the structure, screening will be provided to mitigate views of exposed portion of the parking garage and the parking garage entrance. Screening shall consist of a row of evergreen trees installed at a minimum height of 5 feet and spaced such that they will grow to form a continuous screen. Acceptable species shall include Eastern Red Cedar, Nellie R. Stevens Holly, or other species as approved by the zoning administrator. Alternatively, where site constraints do not permit space for tree planting, a green screen with evergreen vine plantings or semi-opaque structural screen shall be provided.

#### **8.7. Parking**

##### **(1) Commercial Parking**

- a. One parking space per 250 square feet of gross commercial floor area

##### **(2) Residential Parking**

- a. Parking shall be provided at a minimum ratio of:
  - a. One parking space per one (1) bedroom unit
  - b. Two parking spaces per two (2) bedroom unit
- b. At least 95 percent of this required parking shall be provided within the structured parking garage. The remaining five (5 percent) may be surface parking.
- c. Additional parking for guests shall be provided in the amount of five percent (5 percent) of the total required by (a) above. This additional parking may be provided within the structured parking garage or may be surface parking provided onsite.
- d. A maximum of 24 tandem parking spaces shall be permitted to serve 2-bedroom units.

##### **(3) Rawhide Drive On-Street Parking**

- a. Where proper corner clearance and separation allows, a maximum of six (6) parallel parking spaces, with associated striping and signage, may be located along Rawhide Drive north of the site entry driveway and may count toward the required parking for the commercial portion of the PUD.

**8.8. Maintenance**

The subject property, including all common areas, shall be maintained by the property owner.

**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" – Legal Description**

**Exhibit "B" – Concept Plan**

**Exhibit "C" – South Building Elevation**

**Exhibit "D" – East Building Elevation**

EXHIBIT A  
LEGAL DESCRIPTION

Lots 1 and 2, Block A of Four Points by Sheraton, a subdivision in Williamson County, Texas, according to the map thereof, recorded In Document Number 2019039270 of the Official Public Records of Wllllamson County, Texas.



[illegible]

SCALE: NTS NORTH

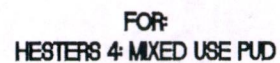


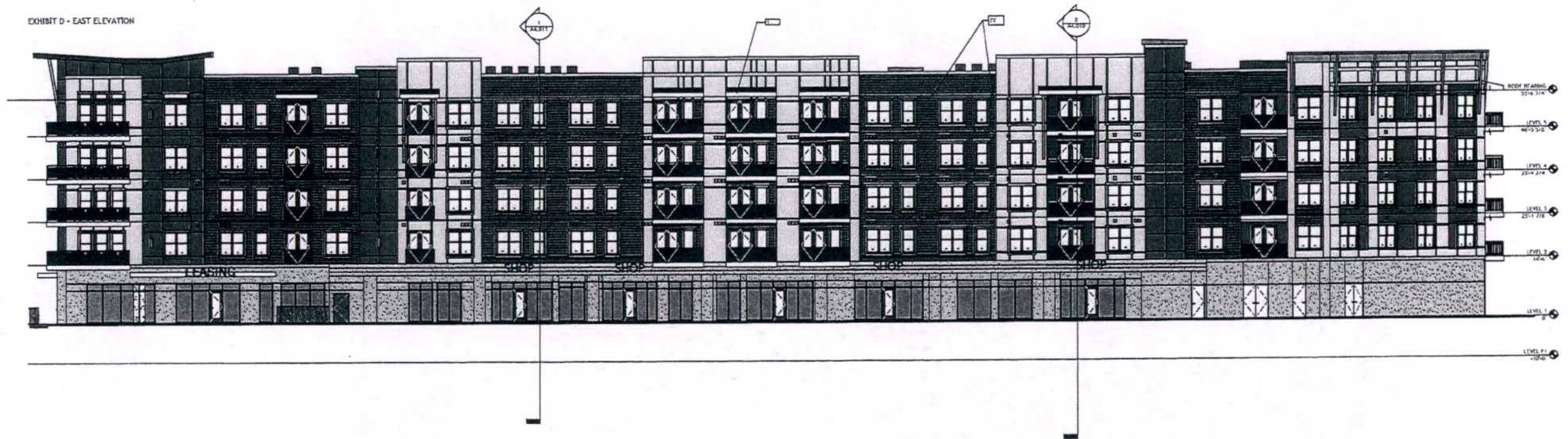
EXHIBIT C - SOUTH ELEVATION



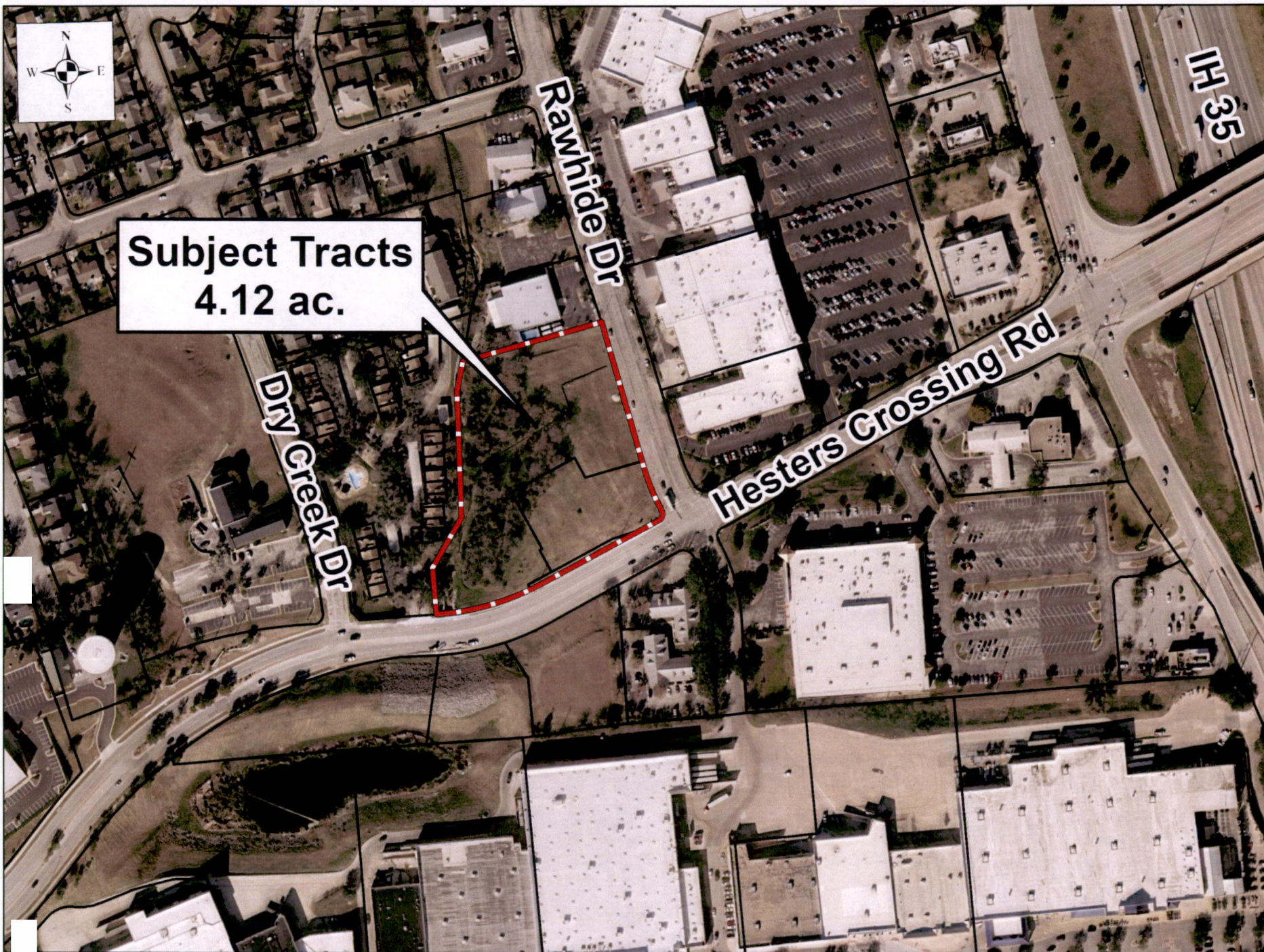
1 ELEVATION- EXTERIOR- SOUTH\_COLOR  
(A3, 101) NTS



EXHIBIT D - EAST ELEVATION







Subject Tracts  
4.12 ac.

Rawhide Dr

Dry Creek Dr

Hesters Crossing Rd

IH 35



