

ORDINANCE NO. O-2023-132

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 10.85 ACRES OF LAND, OUT OF THE DAVID CURRY SURVEY, ABSTRACT NO. 130, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, FROM C-1 (GENERAL COMMERCIAL) ZONING DISTRICT TO PUD (PLANNED UNIT DEVELOPMENT) NO. 148 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 10.85 acres of land, out of the David Curry Survey, Abstract No. 130, 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.148 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 1st day of March, 2023, 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. 148, and

WHEREAS, on the 25th day of May, 2023, 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. 148 meets the following goals and objectives:

- (1) The development in PUD No. 148 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) P.U.D. No. 148 is in harmony with the general purposes, goals, objectives and standards of the Round Rock Comprehensive Plan.
- (3) P.U.D. No. 148 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. 148 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. 148 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. 148, and that the Mayor is hereby authorized and directed to enter into the Development Plan for PUD No. 148 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.

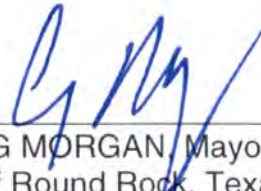
By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED, and ADOPTED on first reading this _____ day of _____, 2023.

Alternative 2.

READ and **APPROVED** on first reading this the 25th day of May, 2023.

READ, APPROVED and ADOPTED on second reading this the 8th day of JUNE, 2023.



CRAIG MORGAN, Mayor
City of Round Rock, Texas

ATTEST:



MEAGAN SPINKS, City Clerk

Exhibit A

Lot 2, Block A, Mesa Creek Subdivision, a subdivision in Williamson County, Texas, according to the map or plat thereof recorded in Document No. 2017087746, Official Public Records of Williamson County, Texas.

EXHIBIT
"B"

SLATE ROUND ROCK
PLANNED UNIT DEVELOPMENT NO. 148

THE STATE OF TEXAS §
COUNTY OF WILLIAMSON §

(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 Performance Services Real Estate 7 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 10.845 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 March 1, 2023, 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

1.1 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.

1.2 Venue

All obligations of the Plan are performable in Williamson County, Texas, and venue for any action shall be in Williamson County.

1.3 Effective Date

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

II.

DEVELOPMENT PLAN

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 Development Plan covers approximately 10.845 acres of land, located within the City of Round Rock, Texas, and more particularly described in Exhibit "A". The property is divided into two areas, more particularly depicted on the concept plan in Exhibit "B".

3. PURPOSE

The purpose of this Plan is to insure a Planned Unit Development ("PUD") that: (1) is equal to or superior to development that would occur under the standard ordinance requirements, (2) is in harmony with the Round Rock Comprehensive Plan of the City of Round Rock, Texas, (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 to not dominate, by scale or massing of structures, the immediate neighboring properties or interfere with their development or use.

4. APPLICABILITY OF CITY ORDINANCES

A. Zoning Ordinance

All aspects not specifically covered by this Plan shall be regulated by the TH (Townhouse) and MF-3 (Multifamily-Urban) zoning districts, as amended. If there is a conflict between this Plan and the Code, this Plan shall supersede the specific conflicting provisions of the Code.

B. Other Ordinances

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

5. CONCEPT PLAN

Exhibit "B" shall serve as the Concept Plan for the project, according to Chapter 10, Article IV Section 10-22 of the Code.

6. COMPREHENSIVE PLAN

This development plan shall amend the Future Land Use Map of the Round Rock 2030 Comprehensive Plan land use designation from commercial to residential.

7. PERMITTED USES

A. Area 1: Urban Multi-family Residential

- 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 maximum of **375** total residential dwelling units shall be permitted within Area 1, as depicted on the Concept Plan “Exhibit B”
 - a) A minimum of **210** multi-family residential units shall be located within a residential structure that includes attached structured parking that is directly attached to the residential structure.
 - b) No more than **90** multi-family residential units shall be located within separate residential structures that do not provide attached structured parking but instead provide a combination of tuck under parking and surface parking.

B. Area 2: Townhouse

- 1) Attached multi-family (townhouses) with a maximum height of 2.5 stories: The townhouse development shall conform with the requirements of the TH zoning district, unless otherwise specified by this plan.
- 2) A maximum of 12 townhouse units per acre shall be located within Area 2.

8. GENERAL DEVELOPMENT STANDARDS

A. Amenities

- 1) Amenities shall be shared and located within Area 1 and/or Area 2.
- 2) A minimum of seven (7) amenities shall be chosen from the list below:
 - a) Playground equipment.
 - b) Fenced dog park, to measure no smaller than 2,500 square feet, with minimum depth 25 feet.
 - c) Dog spa
 - d) Bicycle repair station and bike storage/parking
 - e) Private fitness facility*.

- f) Picnic area, to contain no fewer than two tables and two cooking grills.
- g) Swimming pool.
- h) Business center, to contain no less than one computer, printer, fax machine, copier, and scanner (printer, fax machine, copier, and scanner may be integrated into a single device), available for resident use*.
- i) Tennis court.
- j) Basketball court.
- k) Volleyball court.
- l) Kitchen available for resident use*.
- m) Social room available for resident use*.

* These amenities may be located in the amenity center and each one qualifies toward the amenity requirement.

- 3) The following are additional amenities that may count towards the required minimum amenities provided:
 - a) Gaming room including no fewer than three communal games (including, but not limited to, ping pong, shuffleboard, foosball, billiards, and darts); and
 - b) Outdoor gaming areas to include no fewer than three communal games (including, but not limited to, corn hole, ping pong, horseshoes, darts, and bocci ball).

B. Fencing for Private Yards and Amenities

- 1) All fences shall provide a finished face to abutting drive aisles and/ or public rights-of-way.
- 2) Fences shall not conflict with sight visibility triangles at drive aisle intersections or obstruct views from adjacent driveways.
- 3) Fence posts for all new fences shall be constructed of rust-resistant metal parts, concrete-based masonry, or concrete pillars of sound structural integrity, or other type of post approved by the Zoning Administrator.
- 4) Fence posts and fence panels for non-wood fences shall be capped or have an integral finished top.
- 5) Maximum fence height: six feet (6').

9. DEVELOPMENT STANDARDS FOR AREA 1

A. Setbacks and Dimensional Standards

- 1) Multifamily residential structures shall be set back a minimum of 15 feet from public rights of way (ROW).
- 2) Multifamily residential structures shall be set back a minimum of 10 feet from side property lines.
- 3) Five (5) story multifamily residential structure with structured parking garage shall be set back a minimum of one hundred seventy (170) feet from the south property line.
- 4) Four (4) story multifamily residential structures shall be set back a minimum of one hundred thirty five (135) feet from the south property line.
- 5) Multifamily surface parking, and active amenities (i.e; pools and dog parks) shall be set back a minimum of fifty (50) feet from the southern property line.
- 6) The maximum height for the residential structure with attached structured parking is limited to five (5) stories. The attached parking structure is limited to five and a half (5.5) stories above finished grade, excluding any below-grade parking, where provided.
- 7) The maximum height for the residential structure without structured parking is limited to four (4) stories, inclusive of “tuck under” parking.

B. Parking

- 1) A minimum of eighty percent (80%) of required parking spaces shall be provided within the attached structured parking garage.
- 2) A maximum of twenty percent (20%) of required parking may be located on surface lots or tuck under parking.
- 3) Parking spaces for Area 1 (multi-family residential) shall be provided in accordance with the chart below:

Studio	1
1-Bedroom	1
2-Bedroom	2
3-Bedroom	2.5
Guest Spaces	5% of the total number of required spaces

C. Building Design

- (1) Buildings shall contain design elements which substantially comply with the depictions contained in Exhibit C, including, but not limited to elevation variation, roof pitch and orientation.
- (2) Where visible from the north and south property lines, parking structure facades shall have architectural design treatment that complements the adjacent building design including stone faced or split faced CMU, brick, stone, metal, or other materials approved by the zoning administrator.
- (3) A raised pedestrian crossing comprised of decorative pavers or stamped concrete shall be provided between the parking structure and the multi-family residential structure with “tuck under” parking to clearly delineate the pedestrian path.
- (4) Balconies
 - a. A minimum of 25% of units shall include balconies.
 - b. Balconies shall only be permitted on west, north, and east building facades.
 - c. On south facing building facades, individual unit yards are permitted for ground floor units.

D. Landscape Standards

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 building facades in accordance with the requirements of Chapter 8, Article II, Section 8-10(h), Category 2.
 - a. The building façades facing south shall provide foundation treatment in accordance with Category 2.
 - b. The building façade facing east shall provide foundation treatment in accordance with Category 3 where parking is not proposed between the building and W. Mesa Park Drive.
- (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

E. Landscaped Open Space

The landscaped open space requirement of Chapter 2, Article 2, Section 2-24 of the Code shall be satisfied by a minimum of 1,200 linear feet of trail to be constructed along the south and west property lines (within both Area 1 and Area 2), outside of the drainage easement, as conceptually depicted on Exhibit B. Trail shall be constructed of concrete or decomposed granite, shall be a minimum of six (6) feet wide, and shall offer amenities along its path.

10. DEVELOPMENT STANDARDS FOR AREA 2

All development shall meet the applicable standards of the TH (Townhouse) zoning district, the landscape requirements of Chapter 8, Article II, Section 8-10, and the screening requirements of Chapter 8, Article II, Section 8-40

A. Setbacks and Dimensional Standards

- 1) A minimum of 50% of all town home units shall have a 2 foot setback from private drives, the other buildings may have a zero (0) feet minimum setback from private drives.
- 2) Required building separation shall be 0 feet for attached units and 10 feet required between detached units in adjacent buildings.
- 3) A side setback of 10 feet is required from the property line.
- 4) Setback from south property line for townhouses shall be a minimum of 50 feet with a 10 foot allowance for encroachment into the setback for the following items:
 - a) Decks
 - b) Patios
 - c) Pergolas
 - d) Roof eaves
 - e) Covered porches.
- 5) No balconies shall be permitted facing the south property line above the first floor level.

B. Parking

- 1) Two (2) parking spaces shall be provided for each townhouse unit within enclosed garages.
- 2) Guest parking spaces shall be provided at a rate of 5% of the total required parking spaces for the townhouses. Guest parking spaces for townhouses may be located either within Area 1 (MF-3) or Area 2 (TH).

C. Landscape Standards

- 1) Each Townhome end unit shall provide one (1) large species tree, whether through the preservation of existing trees on the site or the planting of one (1) three-inch (3") caliper container-grown tree. Where two buildings abut, one tree shall satisfy the requirement for both end units.
- 2) A minimum of 50% of townhome units shall provide foundation planting within a two (2) foot minimum wide planting area to be located between the units and private drive.

D. Compatibility Fence and Landscape Buffer

- 1) A compatibility fence, a minimum of eight (8) feet in height and consisting of masonry, pre-cast concrete, or architectural CMU, shall be required along the southern property line, avoiding all easements.
- 2) A landscape buffer with a minimum width of fifteen (15) feet shall be provided along the southern property line.
 - a) One (1) large species tree shall be planted for each fifty (50) linear feet of landscape buffer, or portion thereof.
 - b) One (1) medium species tree shall be planted for each twenty five (25) linear feet, or portion thereof.
 - c) All trees shall be of an evergreen species.
 - d) Required landscape buffers and tree plantings shall not overlap with any required private or public utility easements.

11. CHANGES TO DEVELOPMENT PLAN

A. Major Changes

All changes in use from those approved in the original PUD shall require City Council approval.

B. Minor Changes

Minor additions and modifications to the approved development plans meeting the criteria below may be approved by the zoning administrator:

- 1) Minor additions to structures, with a floor area no larger than ten percent of the existing floor area of the main floor, not to exceed 5,000 square feet, provided that overall density of the project does not increase.
- 2) Minor new accessory structures if the location does not interfere with existing site layout (e.g., circulation, parking, loading, stormwater management facilities, open space, landscaping or buffering).
- 3) Minor additions to parking lots comprising no more than ten percent of the original number of parking spaces required, not to exceed 25 spaces.
- 4) Clearing or grading that does not exceed 5,000 square feet in area or ten percent of the site.

LIST OF EXHIBITS

Exhibit A: Legal Description

Exhibit B: Concept Plan

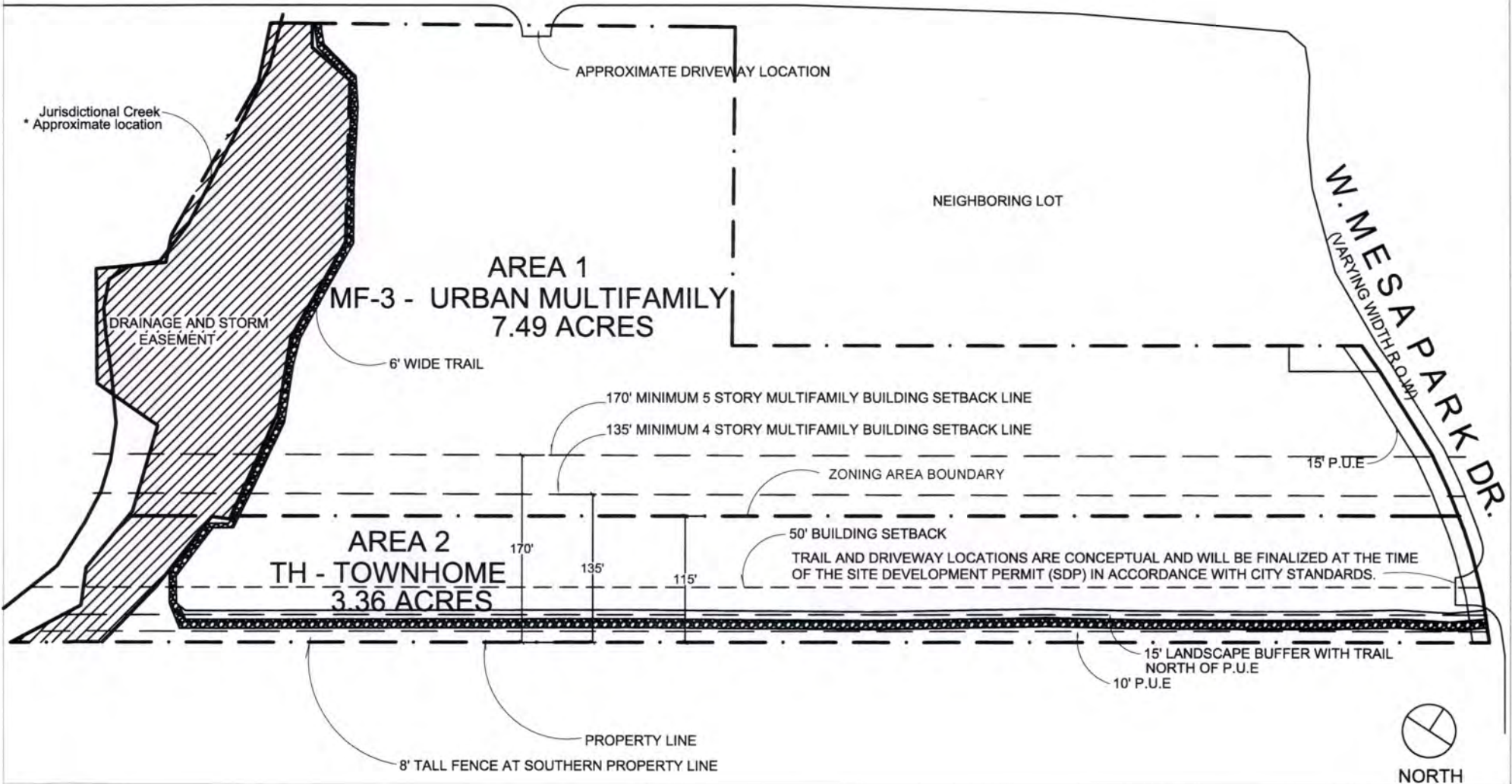
Exhibit C: Multifamily Residential Elevations

Exhibit A

Lot 2, Block A, Mesa Creek Subdivision, a subdivision in Williamson County, Texas, according to the map or plat thereof recorded in Document No. 2017087746, Official Public Records of Williamson County, Texas.

E. OLD SETTLERS BLVD

(120' R.O.W)



Concept Plan

EXHIBIT B

pr22028

June, 7th, 2023

1/128" = 1'-0"



Multi-family Residential Structure with Attached Parking



Multi-family Residential Structure with Attached Parking



Facades with less articulation and façade variation, as shown by the arrow below shall not face public streets or adjacent residential.
Exterior stairways shall be prohibited.

Multi-family Residential Structure with Surface and "Tuck Under" Parking

Exhibit C

Elevation Character

C

Exhibit

The images above are representative in nature and reflect options for the general character of the community.

Old Settlers

23003

February 09, 2023

1/4" = 1'-0"