ORDINANCE NO. 0-2023-355

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 32.48 ACRES OF LAND, OUT OF THE ASA THOMAS SURVEY, ABSTRACT NO. 609, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, FROM C-1 (GENERAL COMMERCIAL) ZONING DISTRICT TO PUD (PLANNED UNIT DEVELOPMENT) NO. 152 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 32.48 acres of land, out of the Asa Thomas Survey, Abstract No. 609, 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.152 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 20th day of September, 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. 152, and

WHEREAS, on the 26th day of October, 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:

1.

That the City Council has hereby determined the Planned Unit Development (PUD) No. 152 meets the following goals and objectives:

- (1) The development in PUD No. 152 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) P.U.D. No. 152 is in harmony with the general purposes, goals, objectives and standards of the Round Rock Comprehensive Plan.
- (3) P.U.D. No. 152 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. 152 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. 152 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 PUD (Planned Unit Development) No. 152, and that the Mayor is hereby authorized and directed to enter into the Development Plan for PUD No. 152 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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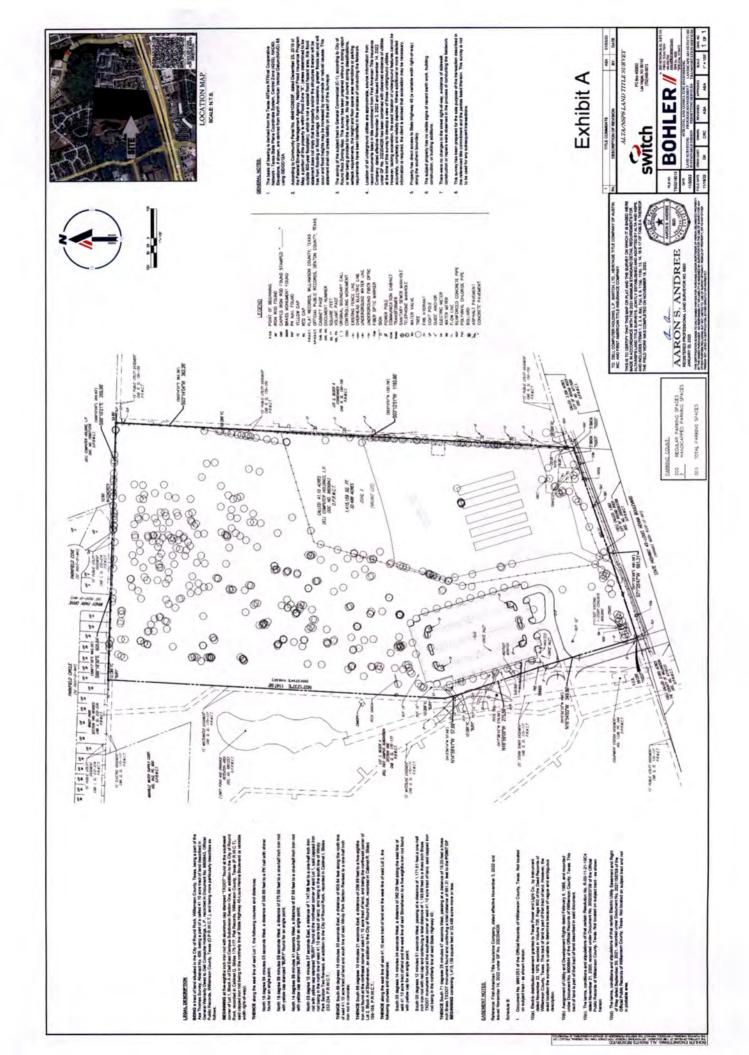
By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

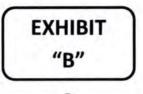
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			, 2023.								

CRAIG MORGAN, Mayor City of Round Rock, Texas

ATTEST:

MEAGAN SPINKS, City Clerk





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. 14.

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 1-9, 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 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.

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, City of Round Rock, Texas, hereinafter referred to as "the Code."

2 PROPERTY

This Plan covers approximately 32.488 acres of land, a portion of a 41.10 acre tract, located within the city limits of Round Rock, Texas, and more particularly 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 **C-1a (General Commercial-Limited)** 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

- 5.1 All uses in the C-1a (General Commercial-Limited) zoning district, in addition to:
 - A. "Data Center", subject to the following:
 - Data Center shall be defined as an establishment primarily involved in the compiling, storage, and maintenance of digital documents, records, and other types of information in digital form utilizing a mainframe computer, switches, routers, and other infrastructure critical for technology providers.
 - For the purpose of this PUD, a data center shall be entirely contained within a perimeter wall, and the primary buildings shall not exceed 6 stories in height.
 - **B.** "Communications Tower", lattice style, subject to the provisions listed in Section 12 below, Communications Tower.
 - C. "Major Utility Primary Electric Substation", subject to the screening provisions listed in Section 9 below and shall be located as depicted on the Concept Plan.
- 5.2 Unless otherwise described below, the definitions of all terms used to describe uses in this document shall be those found in the Code of the City of Round Rock, as amended.

6 ACCESSORY STRUCTURES

- 6.1 Accessory structures may be permitted in compliance with the setbacks of the C-1a (General Commercial-Limited) zoning district with the following exceptions:
 - A. Accessory structures located between the primary structure and the western property line shall be limited to a maximum height of forty (40) feet.
 - B. Accessory structures located between the primary structure and the eastern property line shall be limited to a maximum height of twenty (20) feet and shall be set back a minimum distance of fifty (50) feet from the eastern property line. Such accessory structures shall not extend beyond the northern façade of the primary structure towards the north property line adjacent to single family/two family residential use.

7 BUILDING DESIGN

7.1 Building materials, articulation, and design shall be substantially consistent with "Exhibit B".

8 SIGNAGE

- 8.1 Signage shall be permitted on the building façade and perimeter walls. No free-standing signage is permitted.
 - A. Signage shall be back lit; each sign shall not exceed 175 square feet in sign area. The data center shall have a maximum of three (3) signs.

9 LANDSCAPING FOR DATA CENTER USE

- 9.1 All applicable requirements for landscaping found in 8-10 of the Code shall apply, with the following exceptions:
 - A. Interior parking lot landscape requirements:
 - 1. End islands and interrupting islands for new construction shall not be required to contain landscaping within each landscape island.
 - The number of trees required of parking lot landscaping shall be planted onsite and outside of the boundary of the perimeter wall. Parking lot landscaping trees shall be planted within public view.
 - B. The development of a data center shall be exempt from foundation treatment requirements and parking lot landscape buffer requirements.

C. Perimeter Buffers

In lieu of foundation treatment requirements and parking lot landscape buffer requirements, the following minimum landscaping shall be required within landscape buffers that measure at least eight (8) feet wide in locations depicted on the Concept Plan. Buffers shall be subject to the following planting requirements:

- Buffer Type 1 (Along the SH45 frontage as depicted on the Concept Plan):
 - a) One large tree shall be provided every fifty (50) linear feet of buffer length, on center, and shall be planted outside all utility easements. Large trees shall be a minimum caliper of four (4) inches in diameter at time of planting.
 - b) One (1) medium tree, with a minimum caliper of two (2)

- inches at time of planting, shall be provided for each fifty (50) linear feet of buffer length.
- c) One (1) large shrub shall be provided for every eight (8) linear feet of buffer length.
- 2. Buffer Type 2 (Along the North and East Property line adjacent to residential uses as depicted on the Concept Plan):
 - a) One (1) large tree, with a minimum caliper of three (3) inches at time of planting, shall be planted for each fifty (50) linear feet of buffer length.
 - b) One (1) medium tree, with a minimum caliper of two (2) inches at time of planting, shall be planted for each fifty (50) linear feet of buffer length.
- Buffer Type 3 (Adjacent to the major utility/electric substation as depicted on the Concept Plan)
 - a) One (1) medium evergreen tree, with an upright growth habit, shall be provided for each twenty (20) linear feet of buffer length. Trees shall be installed at a minimum size of two (2) inches in caliper and chosen from the following species: Eastern Red Cedar, Arizona Cypress, Carolina Cherry Laurel, Magnolia grandiflora cultivars 'Greenback', 'Hasse', or 'Little Gem'. Tree species selections may be mixed to add visual interest.
- D. If conflicting elements prevent trees from on center spacing, trees may be clustered provided they meet the minimum spacing required for large trees within the City Tree Technical Manual.
- E. All trees shall be an evergreen species selected from the City Tree Technical Manual.

10 WALLS/ FENCES FOR DATA CENTER USE

- 10.1 The following requirements apply to walls and fences proposed for perimeter security and/or screening purposes:
 - All walls shall provide a finished face to abutting public rights-of-way and all adjacent properties.
 - B. Walls shall not conflict with sight visibility triangles at street intersections or obstruct views from adjacent driveways.

- C. Walls shall be constructed of brick, natural stone, precast concrete panel or architectural concrete masonry units (CMU) and have a decorative finish.
- Pillars shall be constructed of masonry or steel.
- E. The maximum height for perimeter or screening walls/ fences shall be no more than twenty (20) feet.
- F. The wall design shall be substantially consistent with "Exhibit B".

11 SITE LIGHTING

- 11.1 The following requirements apply to site lighting:
 - 1) Free standing light fixtures shall not exceed thirty (30) feet in height; however, if a light fixture is within twenty-five (25) feet of a residential or multi-family property line, it shall not exceed twenty (20) feet in height.
 - 2) The cone of light shall not encroach onto residential properties, with a maximum foot candle reading of zero (0) foot candles at the shared property line. At no point shall a free standing light pole be constructed between the perimeter wall and a residential property line.
 - 3) No lighting shall be mounted on an exterior wall/fence facing a residential property line, nor shall any ground lighting be directed towards a residential property line.

12 COMMUNICATIONS TOWER

- A. The following requirements apply to a single lattice style communications tower proposed with the development of the data center:
- B. A communications tower shall not exceed eighty (80) feet in height. The maximum height of the tower shall apply to both the tower and any structures attached to the tower.
- C. The communications tower shall be exclusive to the operations of the data center and shall not allow collocation of separate users.
- D. The communications tower shall meet all state and federal regulations regarding the construction and operation of a communications tower.
- E. The communications tower shall be subject to the location identified within **Exhibit "B"** and shall be located a minimum of 200 feet from residential property lines and a minimum of 100 feet from the centerline of a public right-of-way.

13 CHANGES TO DEVELOPMENT PLAN

13.1 Minor Changes

A. The PDS director shall have the authority to administratively approve a minor change to a development plan of up to ten percent (10%) of any numerical standard contained within the plan. Minor changes may include, but not be limited to, adjustments to lot lines, parking and loading areas, driveways, parking counts, building configurations and orientations, architectural design, building and landscaping materials, tree retention, street alignments, sidewalks, drainage facilities, project phasing, lighting, and site layout. The PDS director shall also have the authority to administratively approve a change in the development plan to the maximum height of a free-standing sign or a change to the maximum allowable display area of any signage.

B. Minor amendments shall not include:

- Changes in land use;
- 2. Increases in density, building height, or coverage of the site;
- Decreases in setbacks abutting residential land uses and zoning districts;
- Decreases in parkland or open space;
- Any proposed modification that reduces the quality of the PUD, as determined by the PDS director; or
- 6. Any proposed modification that seeks to alter a condition, standard, or requirement that was incorporated into the development plan as a result of public testimony during a planning and zoning commission or a city council hearing.

13.2 Major Changes

All changes not permitted under section 13.1 above shall be resubmitted following the same procedure required by the original PUD application and will require city council approval.

LIST OF EXHIBITS

EXHIBIT DESCRIPTION

Exhibit "A" Legal Description of Property

Exhibit "B" Concept Plan

Exhibit "C" Building and Perimeter Wall Elevations

Exhibit "D" Communication Tower Elevation



LOCATION MAP SCALE: N.T.S.

- The zoning of the subject lead is General Commercial (C-1), according to City of Round Rick Zoning Map. This survey has been prepared without a zoning rigin or lettle being provided to the survey. No list of contrast during disabilitations, settleast requirements, the height and thore space area exercitions or pasting requirements, they been identified in the process of conducting the fellowers.
- Location of all underground utilities are approximate, source information from record documents listed in title commitment from First American Title Insurance Company, dated effective November 3, 2022 and issued November 14, 2022 under GF No. 2022/04/28 has been combined with observed evidence of utilities at the time of this survey to develop a view of those underground utilities. ever, lacking excavation, the exact location of underground features cannot instely, completely and reliably depicted. Where additional or more detailed mation is required. The client is advised that excavation may be necessary.
- Properly has direct access to State Highway 45 (a variable width right-of-way) along the southern boundary.
- The subject property has no visible signs of recent earth work, building construction, or building additions.

Exhibit A

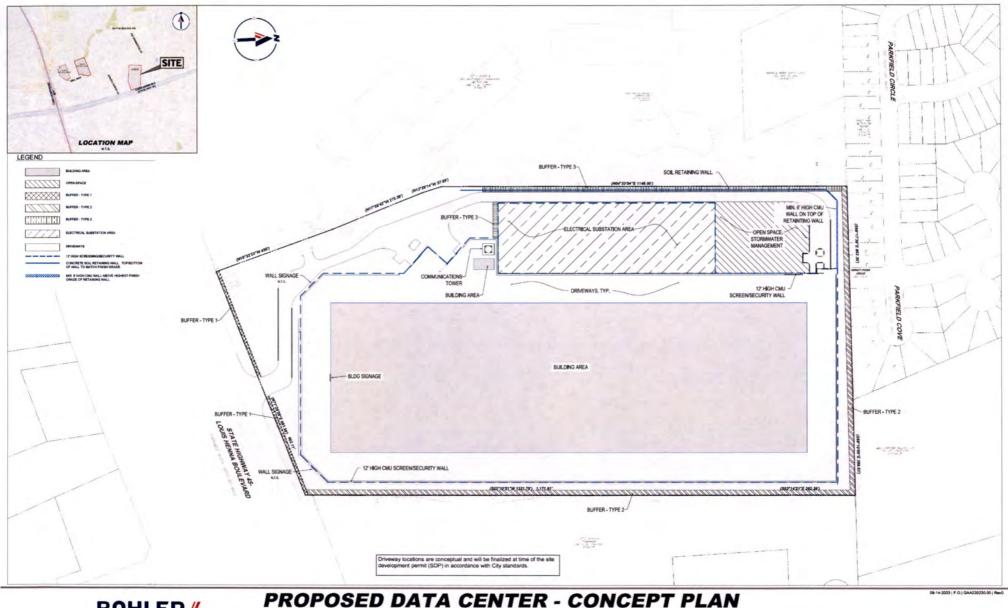
ALTA/NSPS LAND TITLE SURVEY



PARKING COUNT.

303 TOTAL PARKING SPACES

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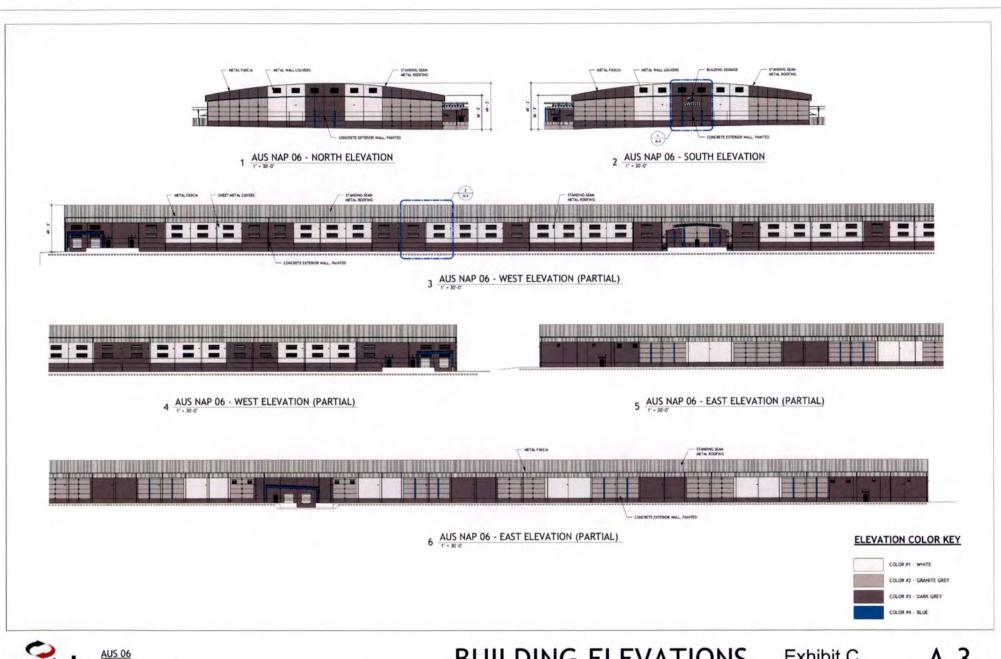


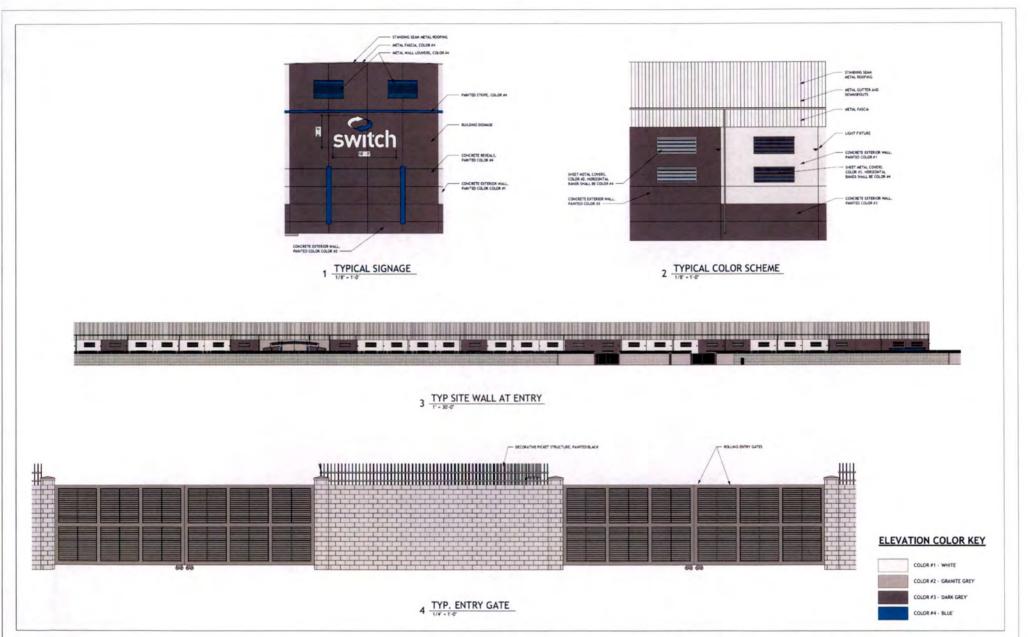
640 LOUIS HENNA BOULEVARD **ROUND ROCK TX**

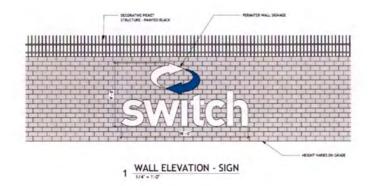
Exhibit B

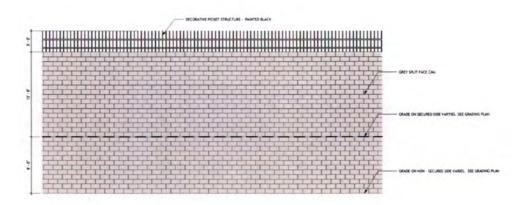


FRISCO, TX 75034 Phone: (469) 458-7300 TX@BohlerEng.com TBPE No. 18085 | TBPLS No. 10194413









2 TYP CMU WALL AT RETAINAGE



