

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. IO.

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 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 11.25 acres of land, 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 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 General 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

4.1 Zoning Ordinance

All aspects not specifically covered by this Plan shall be regulated by the **Multifamily - Urban (MF-3)** zoning district and the **Townhouse (TH)** zoning district, 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 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 Section 10-26 of the Code.

6. COMPREHENSIVE PLAN

The approval of this PUD amendment conforms with the Future Land Use Map of the comprehensive plan for land uses.

7. PERMITTED USES

The following principal uses are permitted on the Property, which is divided into four development areas for the purpose of this description, as depicted on **Exhibit "B"**:

7.1 Parcel Area One

- 1) High density multifamily residential development, in accordance with the MF-3 (Multifamily - Urban) zoning district standards, as amended in this Plan
 - a) The following uses shall be permitted accessory to the multi-family development:
 - b) Parking
 - c) Leasing office
 - d) Mail structure or kiosk
 - e) Amenities and amenity structures
 - f) Stormwater management

7.2 Parcel Areas Two and Three

- 1) Townhouse development, in accordance with the TH (Townhouse) zoning district standards, as amended in this Plan.
- 2) Duplexes/single family attached, in accordance with the TH (Townhouse) zoning district standards, as amended in this Plan.
- 3) Uses a-f from Parcel Area 1 above may be located within Parcel Area 2 where constructed in association with the multi-family residential development of Parcel Area One.

7.3 Private Open Space Area

- 1) The private open space area may include trails, pathways, and amenities.

8. SITE ACCESS

8.1 Existing and Planned Public Street Access

- 1) The site has frontage and proposed access points on S. Mays St. and Logan St., as depicted on Exhibit "B".
- 2) The right-of-way for Tassey St. and E. Nash St., as depicted on Exhibit "B", is proposed to be vacated.
- 3) In no instance shall the Owner deny access from any vacated section of E. Nash St. to the property located at 603 S. Mays St., also identified as B&M Addition (Amended), Lot 1 and as R455263 by the Williamson Central Appraisal District.

9. AMENITIES

9.1 Amenities shall be selected from the list provided in Section 2-24 (d)(4) of the Code.

- 1) A minimum of six (6) amenities shall be provided for the entire PUD development area.

2) Amenities shall be shared between residents of Parcel Area One (MF-3), Parcel Area Two (TH), and Parcel Area Three (TH).

3) Amenities shall be located in either Parcel Area One, Two, or Three.

10. DEVELOPMENT STANDARDS FOR PARCEL AREA ONE

10.1 The requirements of the MF-3 (Multifamily - Urban) zoning district shall apply, except as modified by the standards below:

2) Setbacks and Dimensional Standards

a) The maximum number of units is limited to 350

b) Building height shall be limited to five (5) stories above finished grade.

c) The following minimum building setbacks shall be required:

1. South Mays St. - 15 feet
2. Logan St. - 10 feet
3. Eastern property boundary adjacent to single family zoned lots - 75 feet

3) Balconies

Balconies shall not be permitted on building facades facing the eastern property line adjacent to single-family residential zoning or use.

4) Fencing

A fence, six (6) feet in height and consisting of masonry, pre-cast concrete or decorative metal, shall be required along portions of the eastern boundary of the site, as depicted on **Exhibit "B"**.

5) Landscaping

Landscaping shall be provided in accordance with Chapter 8, Article 2, Section 8-10 Landscaping, as amended except as modified below:

- a) A landscape buffer, ten (10) feet in width, shall be provided along the eastern boundary of the Property. The buffer shall be clear of obstructions, easements, or other planting limitations. The following elements shall be applied within the landscape buffer:
 1. One medium tree, as defined in the Code, per twenty- five (25) linear feet (75% of selected trees shall be of an evergreen species).
 2. One small tree, as defined in the Code, per ten (10) linear feet (75% of selected trees shall be of an evergreen species).
 3. One large shrub, as defined in the Code, per six (6) linear feet.
 4. One large tree, as defined in the Code, per forty (40) linear feet
- b) A rainwater collection system for the development shall provide for irrigation on-site for up to 2,000 gallons
- c) Foundation treatment in accordance with Chapter 8, Article 2, Section 8-10 Landscaping shall be provided along all street facing building facades.

6) Parking

- a) The minimum off-street parking requirements shall be:
 1. 1 space for each 1-bedroom unit
 2. 1.8 spaces for each 2-bedroom unit
 3. 2 spaces for each 3-bedroom unit
 4. Five percent (5%) of the total number of required spaces for guest parking
- b) Required parking shall be provided in surface parking areas, garages, tuck-under parking, or carport covered parking areas. There is no minimum percentage of parking that is required to be covered or enclosed.
- c) Tandem parking spaces, where proposed, shall be assigned to a specific unit and located directly in front of a garage parking space that is also assigned to that specific unit.

7) Site Lighting

Lighting shall comply with Section 8.1(b)4 Site Lighting with the exception that LED lighting shall be added to the permitted light source types.

Maximum height for pole light fixtures shall be 20 feet.

8) **Building Design**

Multifamily residential 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.

11. **DEVELOPMENT STANDARDS FOR PARCEL AREA TWO AND THREE**

11.1 The requirements of the **TH** (Townhouse) zoning district shall apply, except as modified by the standards below:

1) **Setbacks and Dimensional Standards**

a) Townhome and duplex/single-family attached setbacks to the south, west, and east shall be 10 feet.

b) A maximum of six (6) townhome and/or duplex/single family attached units are permitted within the entirety of the PUD.

c) Maximum building height for townhouse and duplex/single-family attached units shall be limited to three (3) stories

2) **Parking**

Off-street parking requirements for townhouses and duplex/single-family attached shall be as follow:

a) Two (2) garage parking spaces are required per each townhouse or duplex/single-family attached unit

b) Five percent (5%) of the total number of required spaces shall be provided for guest parking.

12. **DEVELOPMENT STANDARDS FOR PRIVATE OPEN SPACE AREA**

12.1 **Private Open Space**

1) Fencing shall be provided as conceptually depicted in **Exhibit "D"**:

a) All fencing shall be designed and located so as not to impede flowing water, in accordance with the approved flood study associated with the Plan.

b) Should any flood study associated with this Property determine that fence placement will impede flow, cause detrimental

damage, or in any other way be unsafe, the fencing will not be required and shall be subject to removal.

- c) The precise location and length of the fencing shall be determined and approved with the site plan for the Plan.
- 2) In the general area of the fence locations depicted, planting of shrubs including, but not limited to Pyracantha, Rotunda or Needlepoint Holly, Prickly Pear Cactus or similar plant materials approved by the City shall be required in accordance with City landscaping standards.
- 3) Should a City hike and bike trail or a public trail connection be established at this location, the fencing and landscaping is no longer required and shall be subject to removal.

13. CHANGES TO DEVELOPMENT PLAN

13.1 Minor Changes

- 1) 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.
- 2) Minor amendments shall not include:
 - a. Changes in land use;
 - b. Increases in density, building height, or coverage of the site;
 - c. Decreases in setbacks abutting residential land uses and zoning districts;
 - d. Decreases in parkland or open space;
 - e. Any proposed modification that reduces the quality of the PUD, as determined by the PDS director; or
 - f. 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 10.1 above shall be resubmitted following the same procedure required by the original PUD application and will require city council approval.

LIST OF EXHIBITS

PUD #139 Amendment No. 1 – Planning and Zoning Commission Recommendation

Exhibit "A" Legal Description and Sketch of 11.25-acre tract

Exhibit "B" Concept Plan

Exhibit "C" Building Elevations

Exhibit "D" Private Open Space Fencing