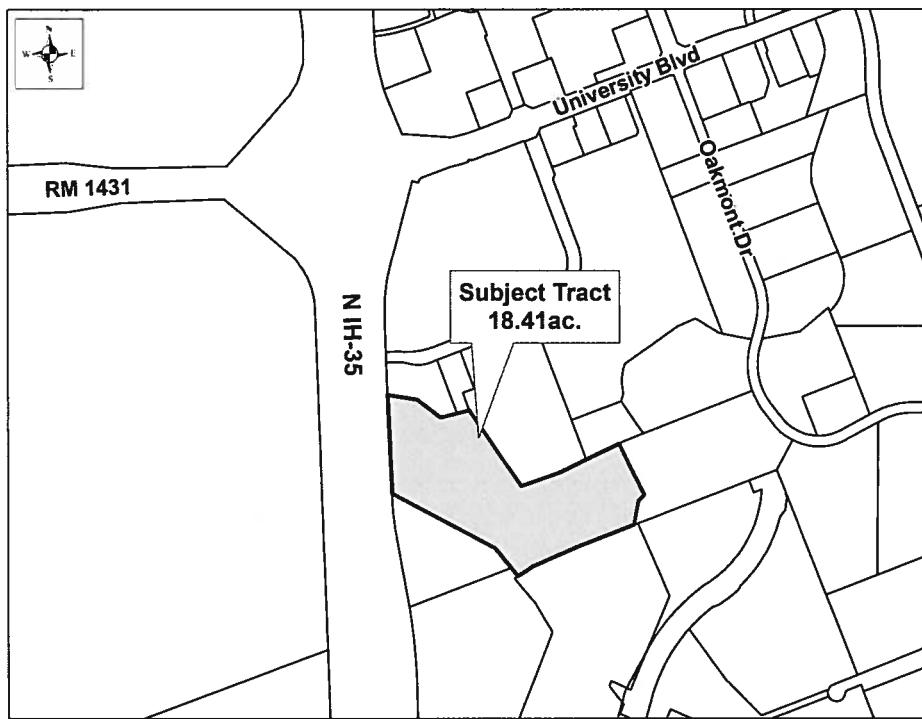


**Nutty Brown PUD**  
**ZONING      ZON1712-001**



**CASE PLANNER:** Clyde von Rosenberg

**REQUEST:** Approval of the rezoning from LI (Light Industrial) to PUD No. 112

**ZONING AT TIME OF APPLICATION:** LI (Light Industrial)

**DESCRIPTION:** 18.41 acres out of the Ephriam Evans Survey, Abstract No. 212.

**CURRENT USE OF PROPERTY:** municipal park

**GENERAL PLAN LAND USE DESIGNATION:** open space

**ADJACENT LAND USE:**

North: shopping center - PUD No. 65

South: vacant - C-1a (General Commercial - limited) and LI (Light Industrial)

East: vacant - LI (Light Industrial)

West: IH 35

**PROPOSED LAND USE:** outdoor music venue and restaurant/bar

**TOTAL ACREAGE:** 18.41

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**Owner:**

CITY OF ROUND ROCK  
221 MAIN ST  
ROUND ROCK, TX 78664-5299

**Agent**

Waeltz & Prete Inc.  
Antonio A. Prete  
3000 Joe DiMaggio Blvd. #72  
Round Rock, TX 78665

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**Nutty Brown PUD  
ZONING      ZON1712-001**

**HISTORY:** Nutty Brown Café and Amphitheater was founded in July of 2000 and is currently located in Dripping Springs. It is an outdoor live music venue with a restaurant/bar. The owners announced in November of 2016 that they were planning to move the venue and restaurant/bar to McNeil Park in Round Rock.

**DATE OF REVIEW:** January 10, 2018

**LOCATION:** Southeast of the intersection of N. IH-35 and University Blvd.

**STAFF REVIEW AND ANALYSIS:**

Site Description and Access: McNeil Park is a City owned and operated facility which contains two softball fields, two tennis courts, a playscape, picnic shelters, restrooms and parking areas. Negotiations are underway for the sale of the park to the owners of the Nutty Brown venue. The site is unique in its suitability for the location of an outdoor live music venue because it is located close to IH (Interstate Highway) 35 and there are no residential or overnight lodging uses within an approximately ½ mile radius. Access to the site is provided from a driveway to the northbound IH-35 frontage road on the west side of the property. Additional access will be provided in the future with the construction of the extension of N. Mays Street and a road connection to the east side of the property. The PUD requires that the owner also utilize this access after it is provided.

Proposed Facilities and Uses: The proposal is to develop the site with facilities including: an outdoor stage, arena and grandstands, a 'green room' building for performers, a restaurant/bar building, a building containing a bar and suites for concert viewing, a food truck area and both paved and unpaved parking areas. The outdoor music venue stage will be located to direct the amplified music towards IH 35. In addition to concerts, the venue would also be permitted to host temporary special events such as farmer markets, Christmas tree sales, charity events, and worship services.

Finished Floor Elevation: A significant portion of the site is located in the flood plain and the owner has requested that the finished floor elevation for buildings be at or above the 1% annual flood probability instead of a minimum of two feet above it, as required by the Code. The City floodplain administrator has approved this request. The outdoor stage, arena and grandstands will be designed to accommodate instances of temporary minor flooding.

Tree Removal: The site contains many trees that will need to be removed in order to accommodate the planned uses. The PUD allows for the removal of up to 60% of the diameter inches of all protected trees on the site without being subject to the tree replacement requirements. City code allows for removal of up to 30% of the diameter inches without replacement. The PUD does not provide an exception for the removal of monarch trees.

Parking Areas & Drive Aisles: The facility proposes two types of parking areas – paved parking which will meet City code requirements and an unimproved 'festival' parking area which will not. The paved parking will serve the restaurant/bar facility and the unimproved parking area will serve the music venue. Paved drive aisles will provide access to all the buildings on the site and to the entrance to the festival parking area. The festival parking area is designed for use only during concerts and special events, which will generally occur several times each week during the outdoor music season.

Signs: The site will be allowed two pylon signs – one for the restaurant/bar and one for the music venue. The restaurant/bar sign will be subject to height and display area criteria of the

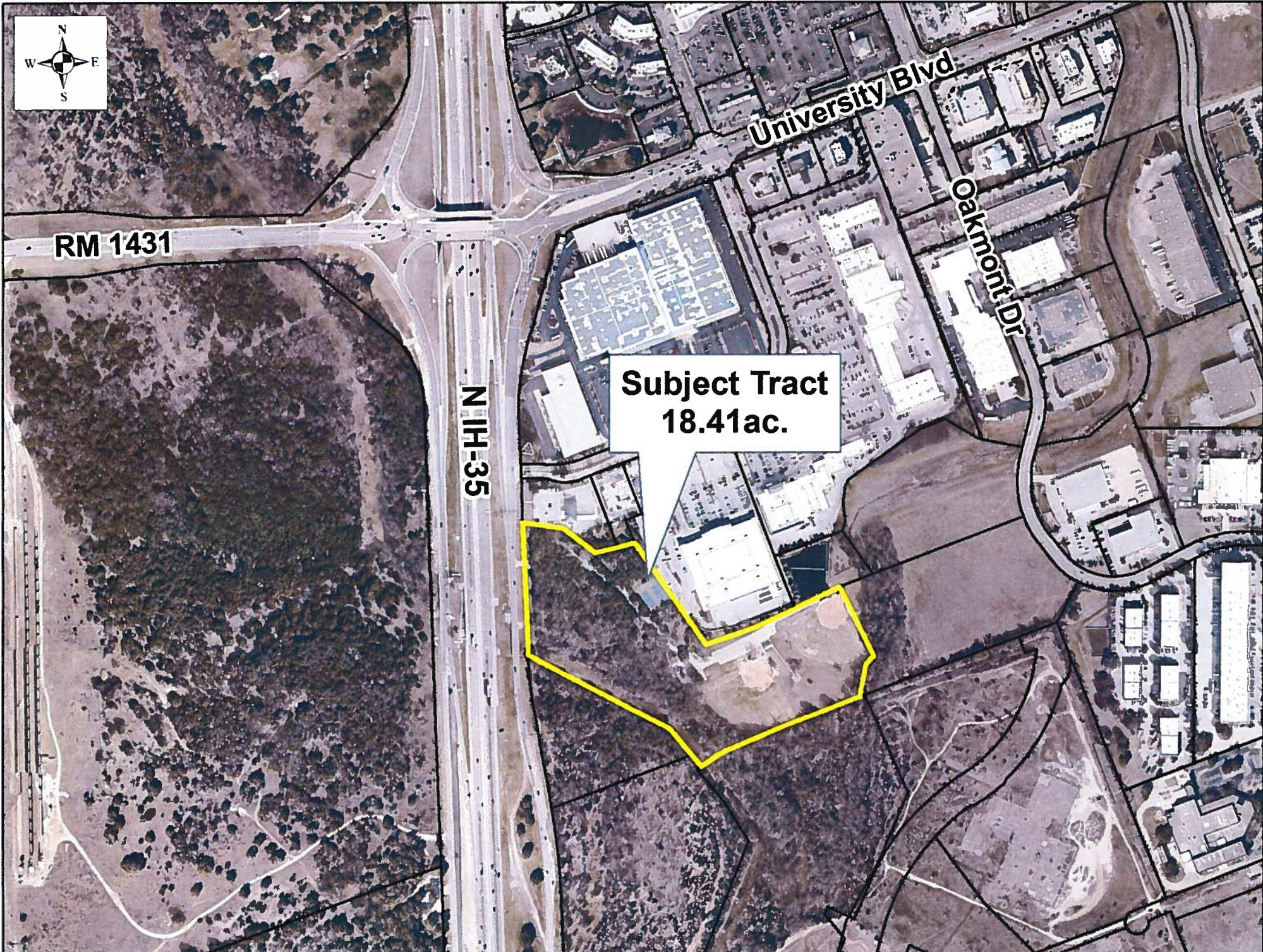
**Nutty Brown PUD  
ZONING      ZON1712-001**

City code, while the music venue sign will be allowed to be taller, with a larger display area, including an electronic messaging center display.

Noise: Operation of the venue may exceed the noise levels established by the City's noise ordinance. The City Council is therefore considering a revision to this ordinance, at their January 11, 2018 meeting, to provide an exemption for events at this location.

**RECOMMENDED MOTION:**

Staff recommends approval of the PUD zoning district for an outdoor music venue with a restaurant/bar.



## II.

### **NUTTY BROWN PLANNED UNIT DEVELOPMENT 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 18.41 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 **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.

#### **4.3 Concept Plan**

This Plan, as depicted in **Exhibit “B”**, shall serve as the Concept Plan required by Section 36-39 of the Code, as amended.

#### **4.4 Traffic Impact Analysis**

A traffic impact analysis (TIA) shall not be required for the Plan.

### **5. PERMITTED USES**

#### **5.1 Outdoor music and entertainment venue, including:**

- (1) Restaurant/bar
- (2) Stage with loading docks
- (3) Grandstands
- (4) Green Room building
- (5) Arena area for spectators
- (6) Bar and suites
- (7) Festival parking area
- (8) Food truck area
- (9) Paved Parking areas
- (10) Drive aisles
- (11) Existing restrooms building
- (12) Sidewalks
- (13) Retail sales, as an accessory use
- (14) Temporary special events such as: farmer markets, Christmas tree sales, charity events, worship services

### **6. DEVELOPMENT STANDARDS**

#### **6.1 Festival Parking Area**

The parking area provided to serve the venue may be provided on an unimproved surface, not subject to the provisions of the off-street parking and loading requirements of the Code. This unimproved parking area shall not exempt any part of the development from City requirements related to emergency access and fire safety.

#### **6.2 Building Design**

- (1) The restaurant/bar structure shall meet the design standards of the C-1a (General Commercial – Limited) zoning district.
- (2) All structures which are part of the outdoor music and entertainment venue shall be exempt from design standards of the C-1a (General Commercial – Limited) zoning district.

## **7. TREE REMOVAL**

If the development of the site causes it to become necessary to remove one or more of the protected trees on the site, a limited number of said protected trees may be removed without being subject to the tree replacement requirements of the Code, Section 43-25. In order for the site to qualify under this section, the zoning administrator shall first calculate the total number of diameter inches of protected trees on the site. Then the developer may remove protected trees whose total diameters are not more than 60 percent of the diameter inches of all protected trees on the site. Provided however, this section shall first be applied to the smallest protected tree on the site and then to the remainder of the protected trees in ascending order according to their diameters. If the developer wishes to remove more than 60 percent of the diameter inches of all protected trees on the site, the developer shall comply with the requirements of the Code, Section 43-25 for trees in excess of said 60 percent.

## **8. SIGNS**

### **8.1 Signs shall be regulated by the Code, with the following exceptions:**

- (1) Two freestanding pylon signs shall be allowed on the property, along the frontage with IH 35:
  - a) One (1) freestanding pylon sign shall be allowed at a maximum height of sixty-feet (60'), with a maximum sign display area, per side, of 1,068 square feet. The maximum sign display area, per side, may include a maximum of 740 square feet of electronic messaging center display.
  - b) One (1) freestanding pylon sign shall be allowed, subject to the height and display area standards of the Code.
- (2) Advertising and informational signs internal to the concert venue shall be exempt from the Code.

## **9. COMPATIBILITY**

Amplified music shall be directed in a west-northwest direction from the site, as indicated on **Exhibit "C"**.

## **10. FINISHED FLOOR ELEVATIONS**

All building structures shall be constructed with a finished floor elevation at or above FEMA (Federal Emergency Management Agency) Zone AE BFE (Base Flood Elevation), representing the 1% annual probability.

**11. EXISTING BALL FIELD LIGHTING**

The existing ball field lighting, as indicated on **Exhibit “D”**, shall be exempt from the site lighting design and excessive illumination requirements of the Code.

**12. PARKLAND FEES**

The Plan shall be exempt from Chapter 36, Article III – Parkland Requirement, of the Code.

**13. ACCESS**

When an access drive is provided by the City, making a connection from the Property to North Mays Street, the Owner shall incorporate this additional access into the Plan.

**14. CHANGES TO DEVELOPMENT PLAN**

**14.1 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.

**14.2 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 Field Notes
Exhibit "B"	Concept Plan
Exhibit "C"	Compatibility
Exhibit "D"	Existing Ball Field Lights

## EXHIBIT

A

Page 1 of 4

## FIELD NOTES FOR MCNEIL PARK SITE

Field Notes describing a 14.064 acre tract or parcel of land out of the Ephriam Evans Survey, Abstract No. 212, situated in Williamson County, Texas, being out of that certain 38.58 acre tract conveyed to McNeil Laboratories, Inc., by Warranty Deed recorded in Volume 657, Page 655 of the Deed Records of Williamson County, Texas; said 14.064 acres being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin found in the East right-of-way line of Interstate Highway No. 35, being the most Westerly corner of said 38.58 acre tract and the most Westerly corner of the hereinafter described 14.064 tract of land;

THENCE along said East right-of-way line, a West line hereof, N01°04'10"W, 547.98 feet to an iron pin set for the most Northerly corner hereof;

THENCE along the North and East lines hereof, the following six (6) courses: 1) S80°50'E, 173.46 feet to an iron pin set for an angle point hereof; 2) S51°10'E, 172.71 feet to an iron pin set for an angle point hereof; 3) N76°25'E, 171.83 feet to an iron pin set for an ell corner hereof; 4) S33°52'E, 639.14 feet to an iron pin set for an ell corner hereof; 5) N65°00'E, 232.00 feet to an ell corner hereof; 6) S25°00'E, 368.08 feet to an iron pin set under a fence in the South line of said 38.58 acre tract for the Southeast corner hereof;

THENCE along said South line, as fenced, the South line hereof, the following four (4) courses: 1) S70°29'20"W, 104.94 feet to an iron pin found at a fence corner for an angle point hereof; 2) S68°46'15"W, 171.29 feet to an iron pin found at a fence corner for an angle point hereof; 3) S64°47'40"W, 101.50 feet to an iron pin found at a fence corner for an angle point hereof; 4) S57°56'50"W, 130.16 feet to an iron pin found at a fence corner for the most Southerly corner hereof;

THENCE N37°12'15"W, 204.52 feet to the center of a Sewer Manhole for an angle point hereof;

THENCE along the centerline of said Sewerline N59°26'20"W, 633.85 feet to the center of a Sewer Manhole for an angle point hereof;

THENCE N54°57'30"W, 66.41 feet to the Point of Beginning of the herein described tract of land, containing 14.064 acres of land more or less.

I, Timothy E. Haynie, A REGISTERED PROFESSIONAL ENGINEER, do hereby certify that these field notes accurately represent the results of



Professional Engineer No. 36982

4-26-79

Date

EXHIBIT

A

Page 2 of 4

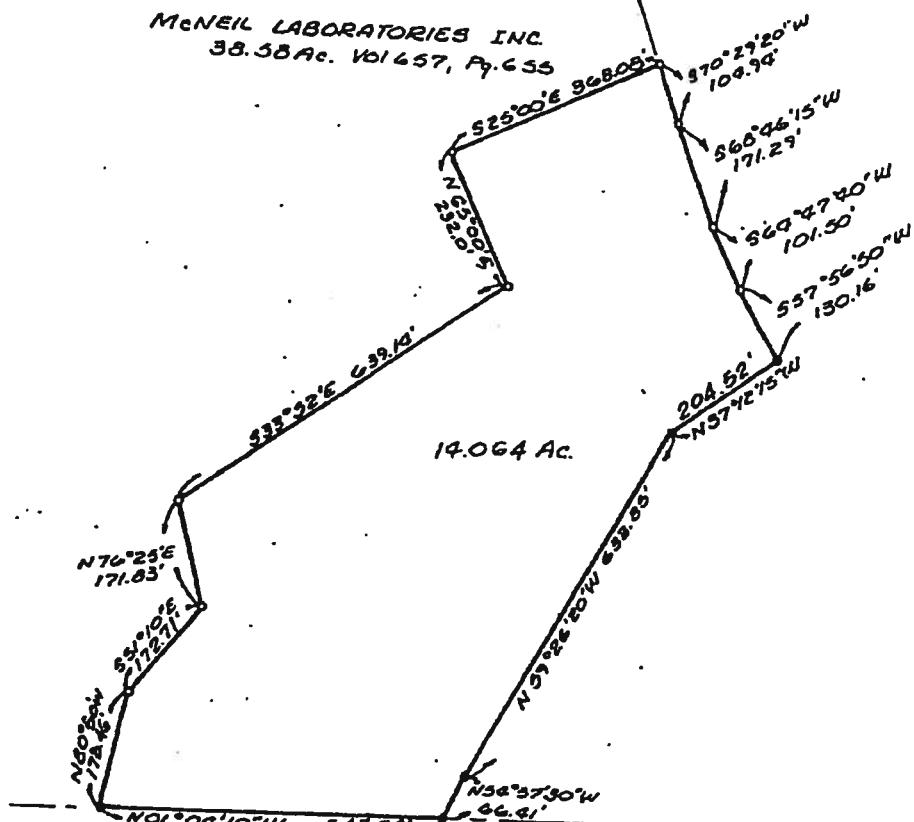
VOL 118 PAGE 335

SKETCH TO ACCOMPANY  
FIELD NOTES

SCALE: 1" = 200'

LEGEND

- IRON PIN FOUND
- IRON PIN SET



IH 35

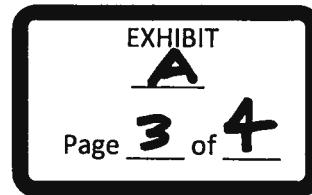
PREPARED BY:

Haynie & Kallman Inc.



CONSULTING ENGINEERS

2115 North Mays  
Round Rock, Texas 78664  
(512) 255-4564, 255-5955



Tract 2

FIELD NOTES describing a 2.00 acre tract or parcel of land out of the Ephriam Evans Survey, Abstract No. 212, situated in Williamson County, Texas, being a portion of the remainder of that certain 38.58 acre tract conveyed to McNEILAB, INC., formerly McNeil Laboratories, Incorporated, by deed recorded in Volume 657, Page 655 of the Deed Records of Williamson County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin found at an ell corner of that certain 14.064 acre tract known as the Henry S. McNeil Community Park, conveyed to the City of Round Rock, Texas, by deed recorded in Volume 778, Page 330 of the Deed Records of said County, for the most Westerly Southwest corner and POINT OF BEGINNING of the hereinafter described 2.00 acre tract;

THENCE along an East line of said 14.064 acre tract, for a West line hereof, N33 52'W, 110.00 feet to a point for the Northwest corner hereof;

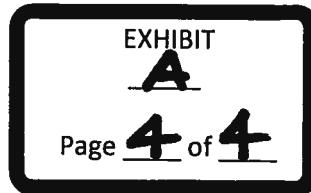
THENCE along the North line hereof, the following two (2) courses:

- 1) N72 10'E, 229.93 feet to an angle point hereof;
- 2) N65 00'E, 163.40 feet to a point for the Northeast corner hereof;

THENCE along the East line hereof, S25 00'E, 461.64 feet to a point under a fence in the South line of said 38.58 acre tract, for the Southeast corner hereof;

THENCE

THENCE along a North line of said 14.064 acre tract, for a South line hereof, S65 00'W, 232.00 feet to the POINT OF BEGINNING of the herein described tract, containing 2.00 acres of land more or less.



Tract 3

FIELD NOTES describing a 2.35 acre tract or parcel of land out of the Ephriam Evans Survey, Abstract No. 212, situated in Williamson County, Texas, being a portion of the remainder of that certain 38.58 acre tract conveyed to McNEILAB, INC., formerly McNeil Laboratories, Incorporated, by deed recorded in Volume 657, Page 655 of the Deed Records of Williamson County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING FOR REFERENCE at an iron pin found under a fence at the Southeast corner of that certain 14.064 acre tract known as the Henry S. McNeil Community Park, conveyed to the City of Round Rock, Texas, by deed recorded in Volume 778, Page 330 of said Deed Records; thence along said fence line, being the South line of said 38.58 acre tract, N70 26'E, 143.22 feet to a point under said fence for the Southwest corner and POINT OF BEGINNING of the hereinafter described 2.35 acre tract;

THENCE departing said fence along the West line hereof, N25 00'W, 461.64 feet to a point for the Northwest corner hereof;

THENCE along the North line hereof, N65 00'E, 238.36 feet to a point for the Northeast corner hereof;

THENCE, along the East line hereof, the following three (3) courses:

- 1) S25 00'E, 349.17 feet to a point in the center-line of a creek, for an angle point hereof;
- 2) along said creek centerline, S47 43" w, 60.60 feet to an angle point hereof;
- 3) along said creek centerline, S03 40'W, 121.14 feet to a point under a fence in the South line of said 38.58 acre tract, for the Southeast corner hereof;

THENCE along the South line of said 38.58 acre tract, as fenced, for a South line hereof, the following two (2) courses:

- 1) S70 42'W, 40.00 feet to a fence corner post, for an angle point hereof;
- 2) S70 26'W, 82.96 feet to the POINT OF BEGINNING of the herein described tract, containing 2.35 acre of land more or less.

