

# EXHIBIT

## "B"

### 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 8.1.

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".

#### **2. PROPERTY**

This Plan covers approximately 0.34 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 to, 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 as to not interfere with the use of the immediate neighboring properties.

#### **4. APPLICABILITY OF CITY ORDINANCES**

##### **4.1 Zoning and Subdivision Ordinances**

All aspects not specifically covered by this Plan shall be regulated by MU-2 (Mixed Use – Medium Density) zoning district and the City of Round Rock Zoning and Development Code, 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 Concept Plan**

This plan, as depicted in Exhibit "B", shall serve as the concept plan required by Part III, Section 10-26 of the Code, as amended.

##### **4.3 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.

A) The Code is defined herein as the City of Round Rock, Texas, Code of Ordinances ("Code").

- B) The Future Land Use Map of the Round Rock 2030 Comprehensive Plan land use designation for this tract is Downtown Mixed Use.

**5. PERMITTED USES**

- 5.1** All uses in the MU-2 (Mixed-use downtown medium density) zoning district, in addition to:
- 1) Wine tasting room, subject to the following:
    - a) Wine tasting room shall be defined as an establishment for the sale and consumption of wine on the premises and the sale of wine by the bottle for consumption off of the premises as defined by the Texas Alcoholic Beverage Commission (TABC) Winery Permit (G).
- 5.2** Mobile Food Establishments (MFEs) shall be permitted in accordance with City of Round Rock Code of Ordinances Part III, Chapter 2, Article VIII, Section 2-93, as amended.
- 5.3** Unless otherwise described below, the definitions of all terms used to describe uses in this document shall be those found in the Zoning Code of the City of Round Rock, as amended.
- 5.4** Compatibility Wall
- A) Outdoor rear or side dining areas shall be required to install and maintain a natural stone, simulated stone, or brick wall that is six (6) feet in height as depicted in Exhibit B.
  - B) The zoning administrator may waive the above requirement based upon a finding of any of the following:
    - 1) The zoning administrator determines that due to the site plan layout and/or existing conditions, potential impacts will be negligible;
    - 2) The zoning administrator receives a letter from the adjacent residential property owner(s) requesting that the fence not be installed; or
    - 3) The zoning administrator determines that existing and/or proposed vegetation will serve as an adequate screen.

**6. CHANGES TO DEVELOPMENT PLAN**

- 6.1** All changes to the development plan shall be subject to Part III, Chapter 10, Article IV, Section 10-22(i), Amendments, of the Code of Ordinances of the City of Round Rock, Texas, as amended.

7. **LIST OF EXHIBITS**

Exhibit “A” Legal Description

Exhibit “B” Concept Plan

## **Exhibit "A"**

### **Tract 1:**

Being the west half of Lot 6 and all of Lot 7, Block 31, City of Round Rock, Williamson County, Texas, according to the map or plat thereof recorded in Volume 25, Pages 315-316, Deed Records, Williamson County, Texas, and as transcribed in Cabinet A, Slides 190-191, Plat Records, Williamson County, Texas.

### **Tract 2:**

Being a portion of a certain alleyway located on Lot 7 and Lot 12, and the west one-half of Lot 6 and of 13, Block 31, City of Round Rock, Williamson County, Texas, according to the map thereof recorded in Volume 1634, Pages 511-514, Deed Records, Williamson County, Texas and as transcribed in Cabinet A, Slides 190-191, Plat Records, Williamson County, Texas.

### **Tract 3:**

Being all of Lot 12 and the west half of Lot 13, Block 31, City of Round Rock, Williamson County, Texas, according to the map or plat thereof recorded in Volume 25, Pages 315-316, Deed Records, Williamson County, Texas, and as transcribed in Cabinet A, Slides 190-191, Plat Records, Williamson County, Texas.

EXHIBIT B

Round Rock Ave

W Liberty Ave

Compatibility  
Wall

**GENERAL NOTES:**

1. DRIVEWAYS ARE SHOWN AS EXISTING AND WILL NOT BE ALTERED.
2. SEE PLAN FOR APPROXIMATE SCREEN FENCE LOCATION AND STONE COMPATIBILITY WALL.

1 SITE PLAN - CONCEPT  
SCALE: 1" = 10'-0"



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CLIENT:



ISSUE:

MARK	DATE	DESCRIPTION

SWALLOW  
WINES  
407 ROUND ROCK AVE.  
ROUND ROCK, TX 78664

OWNER:

GABE  
ELLIS  
407 ROUND ROCK AVE.  
ROUND ROCK, TX 78664

DRAWING TITLE:

SITE  
PLAN  
(CONCEPT)

PROJECT No.

1002645

SHEET No.

A-101