



# City of Round Rock

## Zoning Board of Adjustment

### Meeting Agenda - Final

Chairman Robert Eskridge  
Vice Chairman Patrick Gove  
Boardmember Lora Kaasch  
Boardmember Donna Kohn  
Boardmember Rudy Porter  
Alternate Victor Mares  
Alternate Wallis Meshier  
Alternate Andrew Wolfe

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Wednesday, October 24, 2018

5:30 PM

City Council Chambers, 221 East Main St.

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**A. CALL MEETING TO ORDER**

**B. ROLL CALL**

**C. APPROVAL OF MINUTES:**

- C.1 [ZB-2018-011](#) Consider approval of the minutes for the March 13, 2018 Zoning Board of Adjustment meeting.

**D. SPECIAL EXCEPTIONS:**

- D.1 [ZB-2018-009](#) Consider public testimony and an action regarding an application for a special exception in accordance with Part III - Zoning and Development Code, Section 2-35 of the City of Round Rock Code of Ordinances, to allow a day care facility of 10,000 square feet or larger. The proposed facility is for 11,000 square feet, located at the northeast corner of N. Red Bud Ln. and N. CR 122. Case No. ZBA1809-001
- D.2 [ZB-2018-010](#) Consider public testimony and an action regarding an application for a special exception in accordance with Part III - Zoning and Development Code, Section 2-77 of the City of Round Rock Code of Ordinances to allow a restaurant with an outdoor cooking area, generally located at the northwest corner of S. Mays St. and W. Bagdad Ave. Case No. ZBA1810-001

**E. ADJOURNMENT**

*In addition to any executive session already listed above, the Zoning Board of Adjustment for the City of Round Rock reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code for the following purposes:*

*§551.071 Consultation with Attorney*

*§551.072 Deliberations regarding Real Property*

*§551.073 Deliberations regarding Gifts and Donations*

*§551.074 Personnel Matters*

*§551.076 Deliberations regarding Security Devices*

*§551.087 Deliberations regarding Economic Development Negotiations*

**POSTING CERTIFICATION**

*I certify that this notice of the Zoning Board of Adjustmnet was posted on the 18th day of October 2018 at 5:00 p.m. as required by law in accordance with Section 551.043 of the Texas Government Code.*

*/ORIGINAL SIGNED/*

*Sara L. White, TRMC, City Clerk*

**ZONING BOARD OF ADJUSTMENT  
THURSDAY, MARCH 13, 2018 AT 5:30 PM**

**DRAFT - MEETING MINUTES**

**A. CALL TO ORDER**

The Round Rock Zoning Board of Adjustment met in regular session on March 13, 2018, in the Round Rock City Council Chambers located at 221 East Main Street. With a quorum present, Chairman Robert Eskridge called the meeting to order at 5:30 p.m.

**B. ROLL CALL**

Present were Chairman Robert Eskridge, Vice-Chair Patrick Gove, Boardmember Lora Kaasch, Alternate Boardmember Rick Villarreal, and Alternate Boardmember Andrew Wolfe.

Planning and Development Services Department staff included Diane Buck, Erin Smith, Jorge Scott, Juan Enriquez, and Veronica Chandler.

**C. APPROVAL OF MINUTES:**

**C1. Consider approval of the minutes for the January 18, 2018, Zoning Board of Adjustment meeting.**

With there being no questions or comments, a motion was offered.

**Motion:** Motion by Vice-Chair Gove, second by Alt. Boardmember Villarreal to approve Agenda Item C1 as presented.

**Vote: AYE:** Chairperson Eskridge, Vice-Chair Gove, Boardmember Kaasch, Alt. Boardmember Villarreal, and Alt. Boardmember Wolfe. **NAY:** None. The vote was 5-0.

**D. ACTION ITEMS:**

**D1. Consider public testimony and an action regarding an application for a variance to allow a building encroachment in the rear setback of a single-family home in accordance with Section 46-100, Chapter 46 of the City of Round Rock Code of Ordinances, 2010 Edition, located at 1104 Jillian Ct. Case No. ZBA1802-001**

Mr. Enriquez briefly reviewed the application stating that the variance request was to decrease the rear yard setback for a residential structure from 10 feet to 8-feet, 3-inches. He explained that PUD #98 (Madsen Ranch Subdivision) requires a 10-foot required minimum rear yard setback between building structures and the property line; however, the existing residential structure was encroaching 1-foot, 9-inches into the minimum required rear yard setback.

Mr. Enriquez explained that the discrepancy was discovered during the survey process and the applicant brought the issue to the attention of City staff so it could be resolved. Mr. Enriquez stated that prior to applying for a variance different options were considered, including an administrative adjustment and reducing the length of the back patio to minimum rear setback. He explained that removing a portion of the structure was not an option because the integrity of the entire house would be compromised due to the building design; therefore, the only solution was to apply for a variance. He explained that to approve the application the following criteria had to be met: extraordinary conditions, application of a substantial property right, substantial detriment, other property, applicant's actions, general plan, and utilization. Staff recommended approval of the variance as conditioned.

Chairman Eskridge opened the public hearing and asked anyone wishing to speak for or against this item to come forward. Seeing no speakers, Chairperson Eskridge closed the public hearing.

With there being no questions or comments, a motion was offered.

**Motion:** Motion by Boardmember Villarreal, second by Boardmember Kaasch to approve the special exception request as presented by staff.

**Vote: AYE:** Chairperson Eskridge, Vice-Chair Gove, Boardmember Kaasch, Alt. Boardmember Villarreal, and Alt. Boardmember Wolfe. **NAY:** None. The vote was 5-0.

**D2. Consider public testimony and an action regarding an application for an exception to allow a sign located in an area that does not meet code criteria due to site constraints in accordance with Section 30-10, Chapter 30 of the City of Round Rock Code of Ordinances, 2010 Edition, generally located at the northeast corner of University Blvd. and N. Mays St. Case No. ZBA1802-002**

Ms. Buck gave a brief overview of the proposed application stating that the request was to allow a sign in an area that is not in compliance with the Code of Ordinances, Chapter 30-Sign Code. She explained that the Sign Code requires a monument sign on a lot greater than 5 acres to be a minimum of 400 linear feet from any other monument sign on the site. The distance between an existing monument sign and the new Cancer Center sign is approximately 295 linear feet.

She noted that City staff worked with the sign company to find another acceptable sign location with the minimum required distance from the existing sign; however, every suggested location had either existing established trees that block the view of the sign or there were utility easement and right-of-way constraints. Staff determined that the proposed location meets the required ZBA criteria. Ms. Buck noted that the sign exception did not have to be recorded. Staff recommended approval of the current location of the new sign.

Chairman Eskridge opened the public hearing and asked anyone wishing to speak for or against this item to come forward. Seeing no speakers, Chairperson Eskridge closed the public hearing.

With there being no questions or comments, a motion was offered.

**Motion:** Motion by Boardmember Kaasch, second by Alt. Boardmember Wolfe to approve the special exception request as presented by staff.

**Vote: AYE:** Chairperson Eskridge, Boardmember Kaasch, Alt. Boardmember Villarreal, and Alt. Boardmember Wolfe. **NAY:** Vice-Chair Gove. The motion was approved 4-1.

**E. ADJOURNMENT**

There being no further discussion, the meeting adjourned at 5:41 p.m.

Respectfully Submitted,

Veronica Chandler, Planning Tech

**SPECIAL EXCEPTION REQUEST  
1401 N. Redbud Lane**



**SPECIAL EXCEPTION REQUEST:** To allow a daycare facility of 10,000 square feet or greater.

**BACKGROUND:** The 4.0-acre tract is zoned as C-2 (Local Commercial), which provides for day care. Because the site has frontage on Red Bud Lane, a designated arterial roadway, the zoning district allows for a day care exceeding 7,500 square feet, but less than 10,000 square feet. Part III, Section 2-35 of the code states that a special exception is required for a day care of 10,000 square feet or greater. The proposed day care facility would be 11,000 square feet.

The zoning code has specific requirements for day care facilities when adjoining existing or planned single or two-family homes, including a 25-foot unencumbered landscape buffer and a masonry fence at least eight feet

in height. This site does not adjoin residential areas, however.

The code also requires that all day care facilities that exceed 7,500 square feet shall submit a traffic impact analysis (TIA) for review and approval by the transportation division. The TIA shall address the projected traffic impacts to the surrounding neighborhood and how these impacts will be mitigated. A TIA has been completed and it is under review. North Red Bud Lane, currently a two-lane undivided road, is planned as a 4-lane divided arterial. County Road (CR) 117/122 is two-lane undivided road. A determination on driveway locations and the potential need for a left-turn bay on N. Red Bud will be made as the property is platted and review of a site plan takes place.

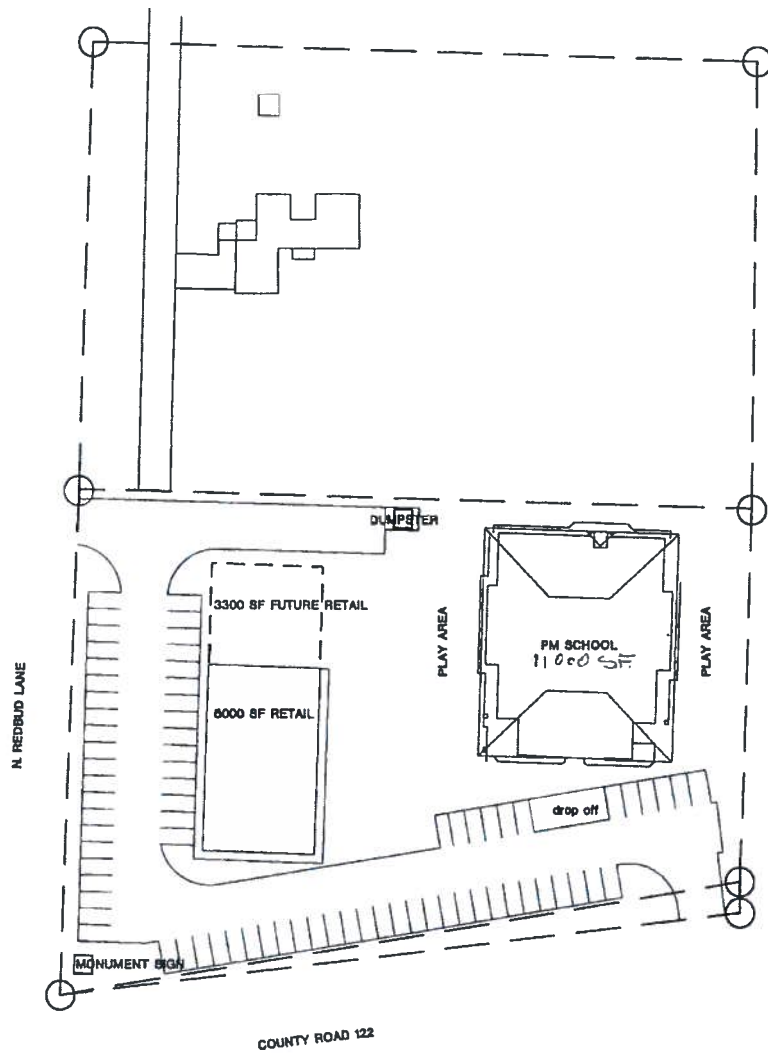
DATE OF REVIEW:	October 24, 2018
OWNERS:	TOP Family, LLC
APPLICANT:	Alvin G. Peters, Architect
DESCRIPTION:	1401 N. Redbud Lane, Tract 1, Robert McNutt Survey, Abstract No. 422
ZONING:	C-2 (Local Commercial)
LAND USE:	undeveloped
LOCATION:	Northeast corner of N. Red Bud Ln. and CR 117
ADJACENT LAND USE:	North: vacant - C-2 (Local Commercial) South: single family – PUD No. 98 – Madsen Ranch (across CR 122) East: vacant – OF (Office) West: single family – Paloma Lake (across N. Red Bud Lane)
GENERAL PLAN POLICY:	Residential
STAFF ANALYSIS:	<p>The applicant proposes to construct a day care facility with 11,000 square feet, which requires the approval of a special exception. See <b>Exhibit “A”</b>, submitted by the applicant.</p> <p>The requested special exception shall be reviewed by the ZBA according to specific criteria described in Part III, Section 10-53 of the code. The criteria and staff analysis are provided below:</p>

- 1) Consistent with Zoning Ordinance:  
The proposed exception shall be specifically listed as permitted by special exception in the zoning district under consideration. The proposed exception shall meet the purpose and intent of this chapter and the use shall meet all the minimum standards established in this chapter for this type of use.
- 2) Consistent with General Plan:  
The proposed exception shall be consistent with the development policies and goals and objectives as embodied in the general plan.
- 3) Compatible with surrounding area:  
The required site plan shall ensure compatibility with existing land uses in the surrounding area. The proposed use will not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property.
- 4) Harmonious with character and scale of surrounding area:  
The proposed site plan, circulation plan, and schematic architectural, signage, and landscaping designs shall be harmonious with the character of the surrounding area.
- 5) Impacts minimized:  
The likely impact on public infrastructure such as roads, parking facilities, water and wastewater systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to adequately service the proposed use shall be minimized without negatively impacting uses in the area and in the city.
- 6) Effect on natural environment:  
The potential creation of noise, glare, fumes, dust, smoke, vibration, fire hazard, or other injurious or obnoxious impacts shall be minimized.

**RECOMMENDATION:**

This exception request meets the factors required by Section 10-53 of the code, as the location of the day care does not pose any apparent conflicts with, or danger to, the neighboring residential uses. Staff recommends approval.

EXHIBIT "A"



01 **1401 N. REDBUD LANE**  
**pm round rock site plan 04.10.2018 90 parking spaces**  
SCALE: 1" = 50'-0"

Exhibit "D"





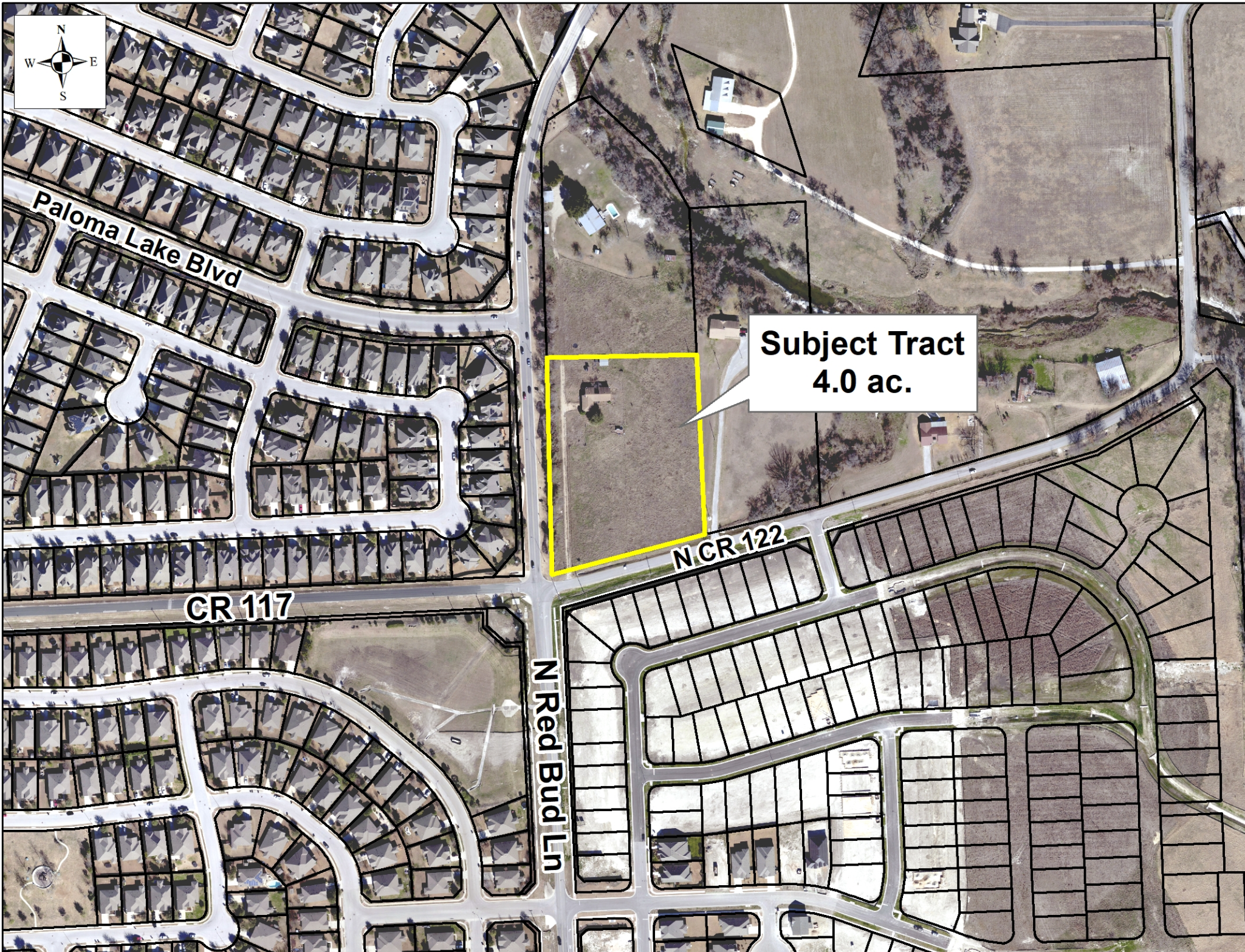
Paloma Lake Blvd

CR 117

N Red Bud Ln

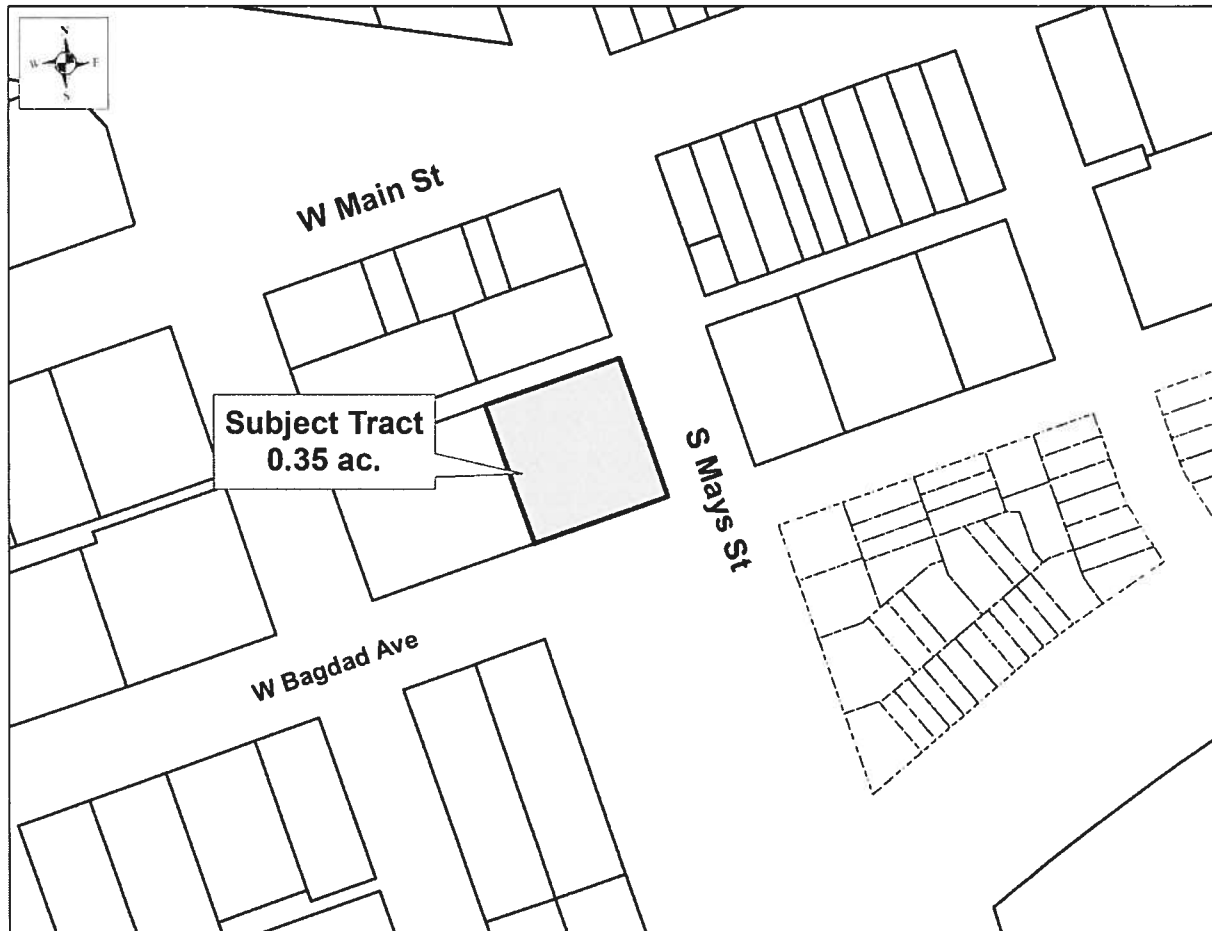
N CR 122

Subject Tract  
4.0 ac.





**SPECIAL EXCEPTION REQUEST  
110 S. Mays Street**



**SPECIAL EXCEPTION REQUEST:** To allow a restaurant with an outdoor cooking area.

**BACKGROUND:** Part III, Section 2-77 of the code requires that a special exception be granted for a restaurant with an outdoor cooking area in the MU-2 (Mixed-Use Downtown Medium Density) zoning district.

The 0.35-acre tract is zoned as MU-2 (Mixed-Use Downtown Medium Density), which allows for a restaurant, with a requirement for an 8-foot high masonry fence when the property has a shared boundary with a residential use. This property does not share a boundary with a residential use. In addition, all restaurants that serve alcohol must hold a food and beverage certificate from the Texas Alcoholic Beverage Commission.

The applicant is proposing an outdoor cooking area at the rear of the building, as indicated on the attached site layout, **Exhibit “A”** and aerial photo, **Exhibit “B”**. The outdoor cooking area would be located inside a screened enclosure, similar to the one shown on **Exhibit “C”**.

The purpose of the special exception requirement for outdoor cooking in the MU-2 zoning district is for the Zoning Board of Adjustments (ZBA) to decide whether the cooking area will adversely affect the neighboring uses, particularly residential uses. The MU-2 zoned area of the downtown is on both sides of S. Mays Street, but the area to the west of S. Mays has fewer residences than the area to the east. This site is located at the edge of the MU-2 zoned area along S. Mays Street and is not adjacent to any residential properties.

DATE OF REVIEW:	October 24, 2018
OWNERS:	M.D.J.D. LLC
APPLICANT:	Domingo Hernandez
DESCRIPTION:	City of Round Rock, Block 8, Lots 1-4 and part of Lot 5
ZONING:	MU-2 (Mixed-Use Downtown Medium Density)
LAND USE:	restaurant
LOCATION:	110 S. Mays Street
ADJACENT LAND USE:	North: bar – MU-1 (Mixed-Use Historic Commercial Core) South: auto repair and body shop - unzoned East: (across S. Mays St.) restaurant/bar - MU-1 (Mixed-Use Historic Commercial Core) West: office - MU-2 (Mixed-Use Downtown Medium Density)
GENERAL PLAN POLICY:	Downtown Mixed-Use
STAFF ANALYSIS:	<p>The applicant proposes to operate an outdoor cooking area for a restaurant, which requires the approval of a special exception.</p> <p>The requested special exception is to be reviewed by the ZBA according to specific criteria described in Part III, Section 10-53 of the code. The criteria and staff analysis are provided below:</p>

- 1) Consistent with Zoning Ordinance:  
The proposed exception shall be specifically listed as permitted by special exception in the zoning district under consideration. The proposed exception shall meet the purpose and intent of this chapter and the use shall meet all the minimum standards established in this chapter for this type of use.
- 2) Consistent with General Plan:  
The proposed exception shall be consistent with the development policies and goals and objectives as embodied in the general plan.
- 3) Compatible with surrounding area:  
The required site plan shall ensure compatibility with existing land uses in the surrounding area. The proposed use will not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property.
- 4) Harmonious with character and scale of surrounding area:  
The proposed site plan, circulation plan, and schematic architectural, signage, and landscaping designs shall be harmonious with the character of the surrounding area.
- 5) Impacts minimized:  
The likely impact on public infrastructure such as roads, parking facilities, water and wastewater systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to adequately service the proposed use shall be minimized without negatively impacting uses in the area and in the city.
- 6) Effect on natural environment:  
The potential creation of noise, glare, fumes, dust, smoke, vibration, fire hazard, or other injurious or obnoxious impacts shall be minimized.

**RECOMMENDATION:**

This exception request meets the factors required by Part III, Section 2-77 of the code, as the location and anticipated use of the outdoor cooking area does not pose any apparent conflicts with the surrounding uses. S. Mays Street is a commercial corridor which is suitable for restaurants. Staff

recommends that the ZBA consider applying conditions to the use of the outdoor cooking area, such as hours of operation and the height of the smoke stack for the cooking area.

EXHIBIT "A"

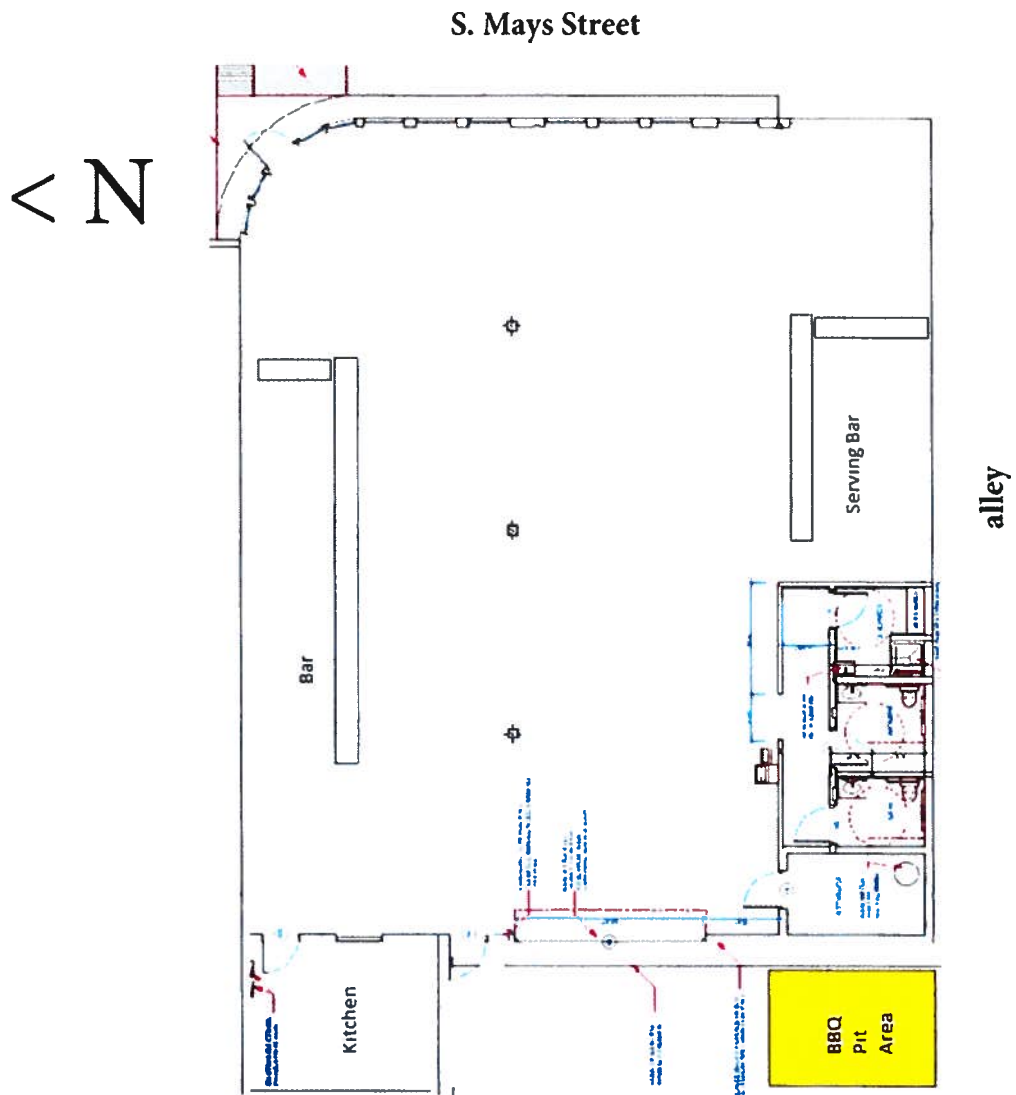


EXHIBIT "B"



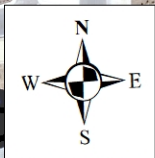




EXHIBIT "C"

BBQ SCREENED SHELTER WOULD BE SOMETHING SIMILAR TO THIS





W Main St

Subject Tract  
0.35 ac.

S Mays St

W Bagdad Ave

