

**“B”**

**DEVELOPMENT PLAN  
NORTH MAYS WINE BAR  
PLANNED UNIT DEVELOPMENT NO. 99**

**THE STATE OF TEXAS** §  
**COUNTY OF WILLIAMSON** §

**THIS DEVELOPMENT PLAN** (this “**Plan**”) is adopted and approved by the CITY OF ROUND ROCK, TEXAS (hereinafter referred to as the “**City**”). For purposes of this Plan, the term **Owner** shall mean Sterling Carrizo Investments, LLC; as their respective interests may appear in the respective portions of the hereinafter described property; and their respective successors and designated assigns. Upon sale, transfer or conveyance of portions of the hereinafter described property by a respective Owner to a designated third party owner/developer, the duties and obligations of the respective Owner, as it relates to the respective property being sold, shall be assigned to and assumed by the new owner/developer, and upon such sale and assignments of the duties and obligations hereunder, the respective Owner shall have no further liability relating to the respective property so sold and conveyed.

**WHEREAS**, the Owner is the owner of certain real property consisting of 0.3848 acres, as more particularly described in **Exhibit “A” (Legal Description)**, (herein after referred to as the “Property”) attached hereto and made a part hereof; and

**WHEREAS**, the Owner has submitted a request to the City to zone the Property as a Planned Unit Development (the "PUD"); and

**WHEREAS**, pursuant to Section 46-106 of the Code of Ordinances of the City of Round Rock, Texas, the Owner has submitted Development Standards setting forth the development conditions and requirements within the PUD, which Development Standards are contained in Section II of this Plan; and

**WHEREAS**, the City has held two public hearings required by law to solicit input from all interested citizens and affected parties; and

**WHEREAS**, on December 7, 2014, the City's Planning and Zoning Commission recommended approval of the Owner's application for PUD zoning; and

**WHEREAS**, the City Council has reviewed the proposed Plan and determined that it promotes the health, safety, and general welfare of the citizens of Round Rock and that it complies with the intent of the Planned Unit Development Ordinance of the City;

## NOW THEREFORE:

## **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. 10.

#### **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.

##### **4.2. 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, City of Round Rock, Texas, hereinafter referred to as “the Code.”

#### 2. PROPERTY

This Plan covers approximately 0.3848 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 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 **MU-2 (Mixed-use downtown medium density)** 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 **MU-2 (Mixed-use downtown medium density)** zoning district, in addition to:

1) Wine bar, subject to the following:

- a) Wine bar shall be defined as an establishment for the sale and consumption on the premises of wine or beer, the sale of wine or beer by the bottle for consumption off of the premises, and food service facilities for the preparation and service of multiple entrees.
- b) With the location of an outdoor rear or side service area or patio, Owner shall be required to install and maintain a landscape buffer along the eastern property line for a distance of 60 feet from East Milam Avenue. Such landscape buffer shall consist of Arizona Cypress trees of a minimum of a 3-inch caliper diameter, measured at twelve- inches (12") above base, planted at a spacing of 20 feet on center.
- c) All applicable State alcoholic beverage licensing requirements shall be met.
- d) Within the outdoor premises of the wine bar, including seating areas on patios, it shall be lawful for the owner of any dog or cat to permit such animal to enter and remain within the outdoor seating area or patio.

**5.2.** 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.

## **6. TRANSPORTATION**

The City has determined that the project will have no significant impact on transportation and has waived the requirement for a traffic impact assessment.

## **7. GENERAL PLAN 2020**

This Development Plan is in compliance with the Round Rock General Plan 2020, which was adopted on July 22, 2010.

## **8. CONCEPT PLAN**

This Plan serves as the Concept Plan required by Section 36-39 of the Code.

**9. UNDERGROUND UTILITY SERVICE**

Except where approved in writing by the Zoning Administrator, all electrical, telephone and cablevision distribution and service lines, other than overhead lines that are three phase or larger, shall be placed underground.

**10. CHANGES TO DEVELOPMENT PLAN**

**10.1. 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 Zoning Administrator and the City Attorney.

**10.2. Major Changes**

All changes not permitted under section 10.1 above shall be resubmitted following the same procedure required by the original PUD application.

**LIST OF EXHIBITS**

<b><u>EXHIBIT</u></b>	<b><u>DESCRIPTION</u></b>
Exhibit "A"	Legal Description of Property

CRICHTON AND ASSOCIATES  
LAND SURVEYORS  
107 NORTH LAMPASAS  
ROUND ROCK, TEXAS  
512-244-3395

EXHIBIT  
"A"

FIELD NOTES

FIELD NOTES FOR A 0.3848 ACRE TRACT OF LAND BEING LOT 6, LOT 7, AND THE NORTH HALF OF LOT 8, BLOCK 1 OF THE WASHINGTON ANDERSON ADDITION TO THE TOWN OF ROUND ROCK, WILLIAMSON COUNTY, TEXAS, AN UNRECORDED SUBDIVISION, BEING TWO TRACTS. TRACT I BEING THE SAME TRACT RECORDED IN VOL. 937, PG. 880, DEED RECORDS, WILLIAMSON COUNTY, TEXAS AND TRACT II BEING THE SAME TRACT RECORDED IN DOC. NO. 9639459, OFFICIAL RECORDS, WILLIAMSON COUNTY, TEXAS. SAID 0.3848 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod set at the point of intersection of the East R.O.W. line of North Mays Street and the South R.O.W. line of Milam Avenue, being the northwest corner of the said Tract II, the northwest corner of this tract and the **POINT OF BEGINNING**.

THENCE N 77° 19' 00" E, with the South R.O.W. line of Milam Avenue, 124.95 feet to a ½" iron rod set at the point of intersection of the South R.O.W. line of Milam Avenue and the West R.O.W. line of an alley, being the Northeast corner of the said Tract II and the Northeast corner of this tract.

THENCE S 21° 14' 00" E, with the West line of the said alley, at 67.50 feet pass the Southeast corner of said Tract II also being the Northeast corner of said Tract I, in all a total distance of 135.61 feet to a ½" iron rod set being the Northeast corner of a tract of land described as in deed to Gary and Charlotte Cooper in Vol. 2357, Pg. 366, Deed Records, Williamson County, Texas. Said iron rod also being the Southeast corner of said Tract I, and the Southeast corner of this tract.

THENCE S 77° 19' 00" W, with the North line of the said Cooper tract, 125.03 feet to a ½" iron rod set on the East R.O.W. line of North Mays Street, being the Northwest corner of the said Cooper tract, the Southwest corner of the said Tract I, and the Southwest corner of this tract.

THENCE N 21° 12' 09" W, with the East R.O.W. line of North Mays Street, at 67.50 feet pass the Northwest corner of the said Tract I, also being the Southwest corner of the said Tract II, in all a total distance of 135.60 feet to the **POINT OF BEGINNING** and containing 0.3848 acres of land more or less.

I hereby certify that the foregoing field notes were prepared from a survey on the ground under my supervision and are true and correct to the best of my knowledge and belief.

Witness my hand and seal this 17th day of January, 2002.

Herman Crichton, R.P.L.S. 4046

