

**EXHIBIT**

**“A”**

**DEVELOPMENT PLAN  
615 PECAN AVENUE  
PLANNED UNIT DEVELOPMENT NO. 123**

**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 APHEK HOLDINGS LLC SERIES – A TRUSTEE OF PECAN AVE TRUST; as its respective interests may appear in the respective portions of the hereinafter described property; and its 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 1.06 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 Part III, Section 10-22 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 October 6, 2020, 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.

**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 II, 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.

**4.3. 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 1.06 acres of land, Lot 2 of the Replat of a Portion of Block 2, Starkfield Addition to Round Rock, more particularly described in **Exhibit “A”** located within the city limits of Round Rock, Texas.

#### 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 TF (Two-Family) 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

Single-family attached dwelling units located on a commonly-owned lot.

## 6. DEVELOPMENT STANDARDS

### 6.1. Single Family Attached, Common Lot

<u>Development Standard</u>	<u>Measure</u>
Maximum Number of Dwelling Units	8
Minimum Rear Setback	20 ft.
Minimum Side Setback	5 ft. (1)
Maximum Height of Principle Building	2.5 stories
Maximum Building Coverage	50%

(1) Common walls are not required to have a setback. All required setbacks shall be free from any encroachments, including but not limited to eaves, roof hangovers, by windows, and fireplaces. Air conditioning units and other similar ground mounted equipment are exempt from this requirement.

### 6.2. Private Drive Aisles

- 1) Subgrade to be approved by the City of Round Rock according to the Transportation Manual, Section 3 – Pavement Design for local streets;
- 2) A private home-owners association or condominium regime will be established for the maintenance of the private drive aisles.

### 6.3. Off-Street Parking

The minimum number of parking spaces shall be: four (4) spaces per dwelling unit, at least one (1) of which must be garage-enclosed.

## 7. FENCING, SCREENING AND LANDSCAPING

### 7.1. Fencing and Screening:

- (1) *Fencing*: The two types of fencing permitted are:
  - (a) Wood Fence: Cedar privacy fence with a picket size of 1" x 6", a top cap, pressure-treated rails and metal posts: the finished side shall face the abutting properties.
  - (b) Masonry Fence: In compliance with Section 8-2 (f) (2) of the Code.

- (2) *Common Parking Spaces*: A six-foot (6') high masonry fence shall be provided along the property line between all common area parking spaces and the adjacent residential lots.
- (3) *Perimeter Screening*: Notwithstanding the requirement in Section (2) above, screening shall be provided along any residential property line, excluding the entry drive, by either providing a fence as indicated Section (1) above, or by providing screening with existing or installed trees and landscape materials. Newly installed trees shall be in accordance with Section 7.2 (2) below.

## **7.2 Landscaping:**

- (1) The landscape development standards outlined in Section 8-10, Landscaping of the Code of Ordinances, shall apply, with the following modifications:
  - (a) All development areas, including residential, which include turf shall utilize Drought Tolerant Turf Grasses, as defined by the Code.
  - (b) Plant material shall be of a native and/or adapted species, including those selected from *Native and Adapted Landscape Plants, an Earth-Wish Guide for Central Texas*, created by the Texas Cooperative Extension, Grow Green and the Lady Bird Johnson Wildflower Center.
  - (c) Each single-family dwelling unit shall be provided with a minimum of one (1) four-inch (4") caliper large species tree, whether through the preservation of existing trees or planting of a new container-grown tree.
  - (d) All required landscaping shall be irrigated by means of an automatic underground irrigation system which may include drip irrigation for shrub and ground cover planting beds.
  - (e) Newly planted 4" caliper trees shall be irrigated with a minimum of 2 flood bubbler heads per tree. Tree bubblers shall be on a separate irrigation section from shrub/ground cover areas and grass.
  - (f) All planting beds shall include some form of permanent edging between the planting bed and abutting grass areas.
- (2) Landscape buffer. A landscape buffer shall be provided adjacent to the masonry walls. The minimum quantity of landscaping shall be determined by the following requirements:
  - (a) One large tree per 100 linear feet with a minimum caliper of four (4) inches, selected from the list of approved tree species in Appendix B of the Tree Technical Manual; and

- (b) One medium tree per 100 linear feet with a minimum caliper of three (3) inches, selected from the list of approved tree species in Appendix B of the Tree Technical Manual; and
  - (c) All trees utilized shall be of an evergreen species.
  - (d) Existing large and medium trees as well as existing large shrubs/ vegetation to remain may be utilized towards the required tree quantity and vegetation buffer requirements within the landscape buffer.
  - (e) The landscape buffer may not be used as a utility easement.
- (3) A private home-owners association or condominium regime will be established for the maintenance of any landscape and irrigation areas located within the property as well as for all community signage, walls, medians, common open space and detention areas.

## **8. ENTRY FEATURES**

### **8.1 Driveway Lighting**

Ground level lighting shall be provided along both sides of the entry way at the driveway intersection adjacent to Pecan Avenue.

### **8.2 Entry Sign**

An entry sign shall be constructed along Pecan Avenue. Signage shall be constructed to the post and panel sign standards in Sec. 8-78 (j) of the Code or to the armature sign standards in Sec. 8-78 (k) of the Code. The Downtown Special Area standards shall also apply.

### **8.3 Entry Enhancement**

Scored and stained concrete bands, or paver inserts, shall be provided on the project entry drive, generally aligning with the sidewalk crossing.

## **9. CHANGES TO DEVELOPMENT PLAN**

### **9.1. 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.

## **9.2. 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 and Legal Description – 1.0573 acres
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## **EXHIBIT A**

Legal Description – 615 Pecan Avenue

Lot 2, Block 2 of Replat of a Portion of Block 2, Starkfield Addition to Round Rock, a Subdivision in Williamson County, Texas, according to the Map or Plat thereof recorded in Cabinet L, Slides 59-60, of the Plat Records of Williamson County, Texas.

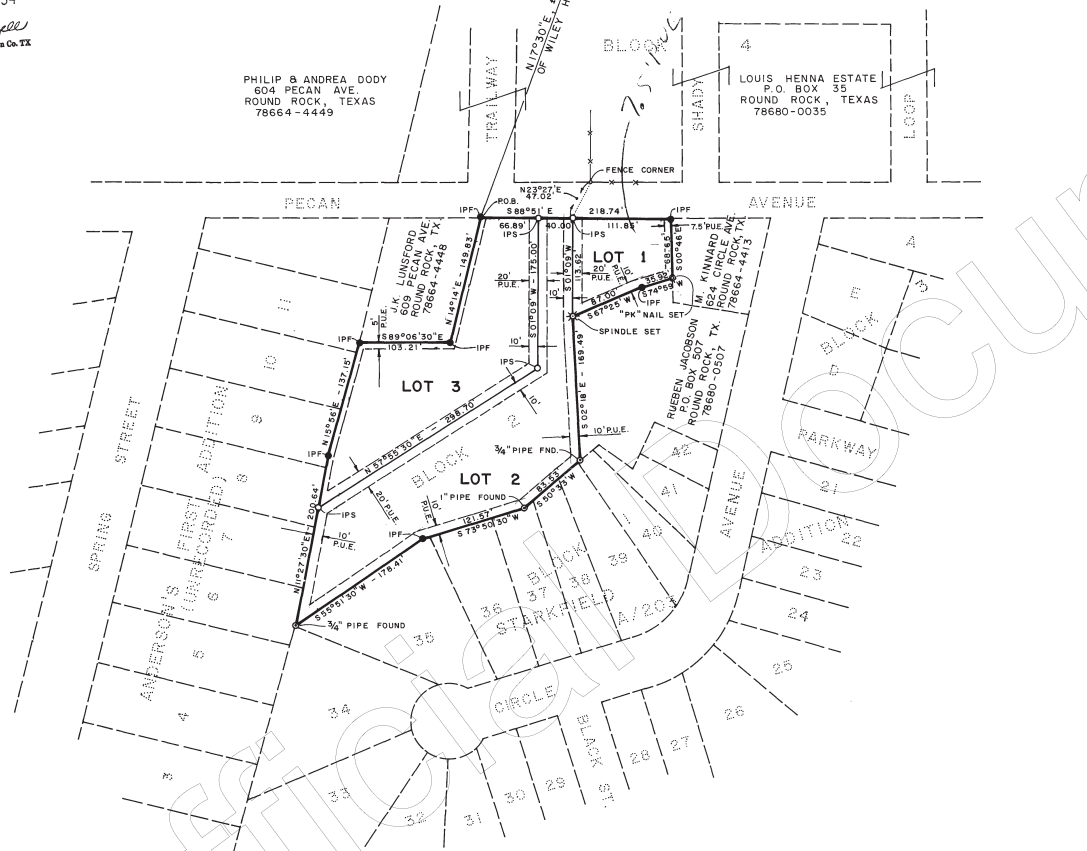
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FILED FOR RECORD

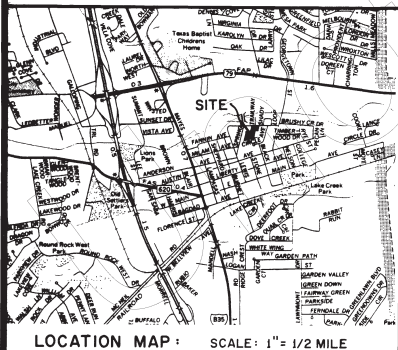
MAY 9 - 1994

*Don H. Bizzell*  
County Clerk, Williamson Co. TX

**LEGEND**  
 IPS - IRON PIN SET  
 IPF - IRON PIN FOUND  
 B.L. - BUILDING LINE  
 P.O.B. - POINT OF BEGINNING  
 P.U.E. - PUBLIC UTILITY EASEMENT

**GENERAL NOTES:**

- OWNERS: Michael H. Vogler  
1009 South Pine Street  
Georgetown, Texas 78626
- ACREAGE: 2.12 acres
- SURVEY: Wiley Harris Survey, A-298
- NUMBER OF BLOCKS: 1
- NUMBER OF LOTS: 3
- AREA OF LOTS:  
Lot 1: 10,115.6 S.F.  
Lot 2: 46,362.5 S.F.  
Lot 3: 35,817.6 S.F.
- LINEAR FEET OF NEW STREET: 0
- DATE: February 2, 1993
- SURVEYOR: Don H. Bizzell  
Steger & Bizzell Engineering, Inc.
- ENGINEER: Don H. Bizzell, P.E.  
Steger & Bizzell Engineering, Inc.
- BENCHMARK DESCRIPTION & ELEVATION:  
Top of iron pin set in concrete at front common corner  
between Lots 2 and 3.  
Elevation - 695.98
- BUILDING LINES: Front - 25'  
Side - 10'  
Rear - 10'
- No sidewalks are required.
- Access to all lots shall be from Pecan Avenue.
- There will be a five foot (5') P.U.E. adjacent to all street side property lines of all lots shown on the plat.
- This tract is not within the 25-year floodplain and not within the 100-year floodplain per F.E.M.A. Flood Insurance Rate Map No. 48491C0330C dated September 27, 1991.
- All lots have an area greater than 6,500 square feet.
- Contour datum - City of Round Rock



LOCATION MAP: SCALE: 1" = 1/2 MILE

**REPLAT OF A PORTION OF  
 BLOCK 2  
 STARKFIELD ADDITION TO ROUND ROCK**

A 2.12 ACRE SUBDIVISION SITUATED IN THE  
 WILEY HARRIS SURVEY, ABSTRACT No. 298  
 WILLIAMSON COUNTY, TEXAS



**Steger & Bizzell Engineering, Inc.**  
 Consulting Engineers

1878 South Austin Avenue  
 Post Office Box 888  
 Georgetown, Texas 78627

Telephone: (512) 863-4521  
 Facsimile: (512) 863-4523  
 Austin Area: (512) 255-2562  
 Taylor: (512) 352-2254 (512) 352-8081

DATE: SEPT, 1993

SHEET 1 of 2

JOB No. 15544

Cabinet L Slide 60

PERIMETER FIELD NOTES

BEING 2.12 acres of land, situated in the Wiley Harris Survey, Abstract No. 298, in Williamson County, Texas, said land being a portion of Block 2 of the Starkfield Addition to Round Rock, Texas, an addition of record in Cabinet A, Slide 203, of the Plat Records of Williamson County, Texas, and being a portion of that certain tract of land, called 1.62 acres, as conveyed to Michael H. Vogler by deed as recorded in Volume 2432, Page 319, of the Deed Records of Williamson County, Texas, and that certain tract of land, called 0.50 of an acre, as conveyed to Michael H. Vogler by deed as recorded in Volume 779, Page 247, of the Deed Records of Williamson County, Texas. Surveyed on the ground in the month of January, 1993, under the supervision of Don H. Bizzell, and being more particularly described as follows;

BEGINNING at an iron pin found on the south line of Pecan Drive, marking the most northerly Northwest corner of the above-referenced 1.62 acre Vogler tract, said point being approximately S17°30'W, 6000 feet, more or less, from the Northeast corner of the Wiley Harris Survey, A-298, for the most northerly Northwest corner hereof;

THENCE, along the said south line of Pecan Drive passing the Northeast corner of the said 1.62 acre Vogler tract being the Northwest corner of the above-referenced 0.50 of an acre Vogler tract and continuing along the north line of the said 0.50 of an acre Vogler tract, S88°51'E, 218.74 feet to an iron pin found marking the Northwest corner of that certain Tract II, called 0.04 of an acre, as conveyed to Mildred Kinnard by deed as recorded in Volume 636, Page 820, of the Deed Records of Williamson County, Texas, for the Northeast corner hereof;

THENCE, S0°46'E, 68.65 feet to a PK nail set in a board on a fence on a southerly line of the said 0.50 of an acre Vogler tract, marking the Southwest corner of the said 0.04 of an acre Kinnard tract, for the most easterly Southeast corner hereof;

THENCE, S74°59'W, 35.92 feet to an iron pin found and S67°25'W, 87.00 feet to a cotton picker spindle set in the root of a 12" Elm for an interior corner of the said 0.50 of an acre Vogler tract, for an interior corner hereof;

THENCE, S2°18'E, 169.49 feet to a 3/4" pipe found marking the most southerly Southeast corner of the said 0.50 of an acre Vogler tract, for the most southerly Southeast corner hereof;

THENCE, S50°33'W, passing the Southwest corner of the said 0.50 of an acre Vogler tract being the Southeast corner of the said 1.62 acre Vogler tract, 83.53 feet to a 1" pipe found; S73°50'30"W, 121.57 feet to an iron pin found and S 55°51'30"W, 178.41 feet to a 3/4" pipe found marking the Southwest corner of the said 1.62 acre Vogler tract, for the Southwest corner hereof;

THENCE, N11°27'30"E, 200.64 feet to an iron pin found and N15°56'E, 137.15 feet to an iron pin found marking the most westerly Northwest corner of the said 1.62 acre Vogler tract, for the most westerly Northwest corner hereof;

THENCE, S89°06'30"E, 103.21 feet to an iron pin found marking an interior corner of the said 1.62 acre Vogler tract, for an interior corner hereof;

THENCE, N14°14'E, 149.83 feet to the Place of BEGINNING and containing 2.12 acres of land.

STATE OF TEXAS ( )  
COUNTY OF WILLIAMSON ( ) KNOW ALL MEN BY THESE PRESENTS:

I, Don H. Bizzell, Registered Professional Land Surveyor, do hereby certify that this survey was made on the ground of the property legally described hereon and is correct, and that there are no apparent discrepancies, conflicts, overlapping of improvements, visible utility lines or roads in place, except as shown on the accompanying plat, and that said property has access to and from a dedicated roadway, to the best of my knowledge and belief.

TO CERTIFY WHICH, I, Don H. Bizzell, Registered Professional Land Surveyor, No. 2218 State of Texas, do hereby certify that this survey was made on the ground of the property legally described hereon and is correct, and that there are no apparent discrepancies, conflicts, overlapping of improvements, visible utility lines or roads in place, except as shown on the accompanying plat, and that said property has access to and from a dedicated roadway, to the best of my knowledge and belief.

Don H. Bizzell  
Registered Professional Land Surveyor, No. 2218  
State of Texas

THE STATE OF TEXAS \$  
COUNTY OF WILLIAMSON \$

That I, Don H. Bizzell, do hereby certify that I prepared this plat from an actual and accurate on-the-ground survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision Regulations of the City of Round Rock, Texas.

Don H. Bizzell  
Registered Professional Land Surveyor, No. 2218  
State of Texas

THE STATE OF TEXAS \$  
COUNTY OF WILLIAMSON \$

I, Don H. Bizzell, do hereby certify that the information contained on this plat complies with the subdivision ordinances and the stormwater drainage policy adopted by the City of Round Rock, Texas.

Don H. Bizzell  
Professional Engineer, No. 28782  
State of Texas

STATE OF TEXAS \$  
COUNTY OF WILLIAMSON \$ KNOW ALL MEN BY THESE PRESENTS

That I, Michael H. Vogler, owner of that certain tract of land called 1.62 acres, as recorded in Volume 2432, Page 319 of the Deed Records of Williamson County, Texas, and that certain tract of land, called 0.50 of an acre, as recorded in Volume 779, Page 247 of the Deed Records of Williamson County, Texas, situated in the Wiley Harris Survey, Abstract No. 298, in Williamson County, Texas, said land being a portion of Block 2 of the Starkfield Addition to Round Rock, Texas, an addition of record in Cabinet A, Slide 203 of the Plat Records of Williamson County, Texas, do hereby subdivide 2.12 acres, as shown herein, subject to any easements or restrictions heretofore granted and do hereby dedicate to the public the streets and easements shown hereon to be known as the REPLAT OF A PORTION OF BLOCK 2, STARKFIELD ADDITION TO ROUND ROCK.

Witness my hand this 9 day of NOVEMBER, 1993 A.D.

Attest:

Michael H. Vogler  
Michael H. Vogler

STATE OF TEXAS \$  
COUNTY OF WILLIAMSON \$ KNOW ALL MEN BY THESE PRESENTS

Before me, the undersigned authority, on this day personally appeared Michael H. Vogler, known to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL of office this 9th day of November, 1993 A.D.

Notary Public in and for the State of Texas

Approved this 2nd day of December, 1993, by the City Planning and Zoning Commission of the City of Round Rock, Texas, and authorized to be filed for record by the County Clerk of Williamson County, Texas.

James L. Dunham  
James L. Dunham, Chairman  
Robert R. Belanger, Secretary

PASSED AND APPROVED, on the 25th day of April, 1994.

Charles Culpepper/Mayor  
City of Round Rock, Texas

ATTEST:

Janne Land  
Janne Land, City Secretary  
City of Round Rock, Texas

I, Elaine Bizzell, Clerk of the County Court of said County, do hereby certify that the foregoing instrument in writing, with its certification of authentication, was filed for record in my office on the 9th day of November, A.D. 1993, at 3:50 o'clock P.M. and duly recorded on the 9th day of November, A.D. 1993, at 4:12 o'clock P.M. in the Plat Records of said County, in Cabinet A, Slide(s) 59-60.

WITNESS MY HAND AND SEAL of the County Court of said County, at office in Georgetown, Texas, the date last above written.

ELAINE BIZZELL, Clerk, County Court  
Williamson County, Texas

By: Elaine Bizzell  
Deputy



REPLAT OF A PORTION OF  
BLOCK 2  
STARKFIELD ADDITION TO ROUND ROCK

A 2.12 ACRE SUBDIVISION SITUATED IN THE  
WILEY HARRIS SURVEY, ABSTRACT NO. 298  
WILLIAMSON COUNTY, TEXAS



Steger & Bizzell Engineering, Inc.  
Consulting Engineers

1878 South Austin Avenue  
Post Office Box 858  
Georgetown, Texas 78627

Telephone: (512) 863-4521 (512) 863-4523  
Facsimile: (512) 255-2562 (512) 255-2562  
Austin Area: (512) 352-2254 (512) 352-2081