



Legislation Text

File #: 2024-008, **Version:** 1

Consider public testimony regarding, and an ordinance zoning 149.34 acres located north of SH 45 and west of CR 172 to the Planned Unit Development (PUD) No. 153 zoning district. (First Reading)*

Background:

Changes to state law between 2017 and 2019 regarding annexation have resulted in municipalities being stripped of their ability to require properties located within the ETJ to annex when requesting city services. The land area included in the city's Certificate of Convenience and Necessity (CCN) includes all property within the city limits and much of the ETJ, and the city is required to provide utility services to those properties. Since the city may not deny service for land that develops in the county (i.e. that is not annexed or zoned), the city has become concerned about preserving utility resources and ensuring continued availability for properties within city limits.

After state law regarding annexation changed in recent legislative sessions, the city attempted to redefine the land area included in the city's CCN to match city limits so that the city would no longer be required to serve the ETJ unless a property was annexed. The request was denied by the Public Utilities Commission. As a result, Round Rock has addressed the annexation issue by offering municipal services at a reduced level to properties within the ETJ that do not desire to annex into the City in an effort to preserve utility resource capacity. The reduced level is equivalent to that permitted for single family zoning, which is four Living Unit Equivalents (4 LUEs) per acre.

Based on the reduced service level, if the 149-acre property that is the subject of this zoning application was developed in the county, the city would be required to provide up to 597 LUEs to the site. The applicant, Amazon.com Services, LLC, proposes approximately 295.5 LUEs for the entire site, which would allow for the site to develop within the county without compliance with the city's development standards. However, the development team for Amazon has opted to work with city staff to develop a PUD that is equivalent or superior to the standards for the LI (Light Industrial) zoning district, which is the base zoning used for warehouse and distribution facilities. In addition, the development team has met with the nearby neighborhood in a series of meetings to address concerns related to the proposed development.

There is no state legislation that requires Amazon to voluntarily annex the property into the City of Round Rock to develop the property as they wish.

Comprehensive Plan and Zoning:

The Round Rock 2030 Comprehensive Plan designates the site for mixed use. The Zoning &

Development Code permits modification of the Future Land Use Map for a property through the PUD process. In this case, the new land use designation would be industrial. The location criteria for light industrial uses require direct access to a collector street or arterial roadway and no adjacent residential development. The subject property meets these location requirements with access to CR 172 and no shared property line with residential development. The nearby neighborhood is separated from the development site by Union Pacific right-of-way and McNeil Road right-of-way measuring approximately 150 feet in width.

PUD Summary:

The PUD establishes two development areas with the following permitted uses in each:

	Proposed Use	Base Zoning District
Area A	Warehouse and Distribution	LI (Light Industrial)
Area B	Warehouse and Distribution, Data Center, Electric Substation	LI (Light Industrial)

While most PUDs allow the other land uses that are permitted by the base zoning district in the Code, this PUD is unique in that it specifically prohibits all other uses except those that are explicitly permitted in the PUD document. If additional land uses are desired in the future, a major PUD amendment would be required to be approved by city council after a public hearing process. Further, the PUD proposes that if a Data Center is not developed on Development Area B, then an Electric Substation will no longer be a permitted use (substations are frequently required by an electric provider to serve new data centers).

Development Area A, which is roughly the northern half of the site plus the entirety of the CR 172 road frontage, permits a maximum building height of 60 feet. Development Area B, which is the southern half of the site closest to SH 45, allows up to 120 feet. Other basic development standards will apply to both development areas, including requirements to provide a ROW reserve area near the intersection of CR 172 and McNeil Road to allow for the future realignment of the intersection, a 15' wide reuse water easement to accommodate the future expansion of the city's infrastructure, prohibition of electronic messaging signs, and site design that would not preclude access to SH 45. Streetscape requirements along the CR 172 frontage include a ten foot wide sidewalk and street tree plantings. PUD requirements for noise and lighting are more restrictive than the base Code allows.

Loading docks and temporary storage areas shall be screened from CR 172 and McNeil Road by an eight foot tall masonry or architectural CMU wall, which is an increase over the base Code requirement of six feet. A combination of large, medium, and small trees shall also be planted alongside the screening wall, and these trees must be installed at a size that is one caliper inch larger than what the Code requires with the goal of quickly establishing robust screening. Water quality and detention ponds that have earthen berm walls and which are located between the street and the development shall provide enhanced landscaping. The PUD also includes additional standards for

Development Area B to provide enhanced screening for electrical substation and data center mechanical yards.

Public Outreach:

The applicant's development team has met with the nearby Greater Round Rock West Neighborhood Association (GRRWNA) several times since the inception of the proposal. After a general meeting in November 2021, the GRRWNA formed a committee that met with the development team regarding drainage, light and noise, site layout, traffic, and other questions related to the development in a series of six meetings between January 2022 and May 2022. These meetings resulted in some modifications to the initial PUD development standards to improve compatibility with the neighborhood.

In mid-2022 the applicant paused the project and withdrew the PUD application they had submitted. In October 2023, the PUD application was resubmitted with the addition of data center and electric substation as permitted uses for the southern portion of the property. The applicant's team met with the GRRWNA on November 2, 2023, to inform the neighborhood of their intent to move forward with the PUD and to provide an opportunity to receive input. Based on historical experience, the amount of public outreach and involvement for this application far exceeds what generally occurs during any zoning process.

Planning and Zoning Commission:

The PUD application was heard by the Planning and Zoning Commission on December 6, 2023. The Commission recommended approval of the PUD with a vote of 7-0. Two Commissioners were absent. Eight residents spoke during the public hearing to express concerns related to traffic volume, roadway safety in the vicinity of nearby schools, visibility of loading areas, and compatibility of industrial development with nearby neighborhoods.