

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY CHANGING THE ZONING DESIGNATION OF APPROXIMATELY 5.05 ACRES, OF UNPLATTED LAND SITUATED IN THE JACOB CASNER SURVEY NO. 9, ABSTRACT NO. 2753, IN TRAVIS COUNTY, TEXAS, FROM AGRICULTURE/DEVELOPMENT RESERVE (A) TO RETAIL (R); TO BE KNOWN AS THE 1718 ROWE LANE REZONING (2023-5-REZ); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, under the authority of Chapter 211 of the Texas Local Government Code, the City of Pflugerville (City) adopts regulations and establishes zoning to control the use of land within the corporate limits of the City; and

**WHEREAS**, the City has been petitioned by the property owner in accordance with the procedures of the City of Pflugerville's Code of Ordinances, Chapter 157, Unified Development Code, to amend the zoning of an approximate 5.05-acre tract of land out of the Jacob Casner Survey No. 9, Abstract No. 2753, in Travis County, Texas, from Agriculture/Development Reserve (A) to Retail (R), as depicted and described in **Exhibit A**, which is attached hereto and fully incorporated herein for all purposes (Proposed Zoning); and

**WHEREAS**, the Planning and Zoning Commission held a public hearing on August 7, 2023 determined that the petition and associated application for the Proposed Zoning met the requirements of Chapter 157 of the City's Unified Development Code, and voted affirmatively in favor of its approval of the Proposed Zoning with a vote of 5-0; and

**WHEREAS**, the City has complied with all conditions precedent necessary to take this action, has properly noticed and conducted all public hearings and public meetings pursuant to the Texas Local Government Code and Texas Government Code, as applicable.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS:**

**SECTION 1.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**SECTION 2.** The City Council finds:

That the Proposed Zoning is in accordance with the City’s Comprehensive Plan for the purpose of promoting the health, safety, morals and general welfare of the City, and is in accordance with the following purposes: 1) lessen congestion in City streets and thoroughfares; 2) secure safety from fire, panic and other dangers; 3) promote the general health and welfare; 4) provide adequate air and light; 5) prevent undue overcrowding of land; 6) avoid undue concentration of population; and 7) facilitate the adequate provision of transportation, water, sewer, schools, parks and other public requirements.

**SECTION 3:** The City Council amends the Official Zoning Map of the City of Pflugerville, Texas adopted in Ordinance No. 1203-15-02-24, as amended, to change the zoning district of the property described in Exhibit A from Agriculture/Development Reserve (A) to Retail (R) for an approximate 5.05-acre tract of land out of the Jacob Casner Survey No. 9, Abstract No. 2753, in Travis County, Texas. The property described herein may be developed and used in accordance with regulations established for the base zoning district of Retail (R), as applicable, and all other applicable ordinances of the City.

**SECTION 4.** Cumulative and Repealer Clause. This ordinance shall be cumulative of all other ordinances of the City of Pflugerville, Texas, and shall not operate to repeal or affect any other ordinances of the City except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed to the extent of such conflict.

**SECTION 5.** Severability Clause. The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or invalid, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

**SECTION 6.** Effective Date. That this Ordinance will become effective on its adoption and passage by the City Council in accordance with Section 3.15(d) of the City Charter.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF PFLUGERVILLE,  
TEXAS

by:

\_\_\_\_\_  
VICTOR GONZALES, Mayor

ATTEST:

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TRISTA EVANS, City Secretary

APPROVED AS TO FORM:

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CHARLES E. ZECH, City Attorney  
DENTON NAVARRO ROCHA BERNAL & ZECH, PC

**EXHIBIT "A"**

EXHIBIT "A"

BEING 5.05 ACRES OF LAND, OUT OF THE JACOB CASNER SURVEY NUMBER 9, ABSTRACT NUMBER 2753, TRAVIS COUNTY, TEXAS, SAME BEING ALL OF THAT CERTAIN JERRY W. PETERMANN AND ANDREA PETERMANN 5.05 ACRE TRACT, RECORDED IN VOLUME 9082, PAGE 860, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, SAID 5.05 ACRES OF LAND TO BE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at an iron rod set, in the northerly right-of-way line of Rowe Lane, same being the southwest corner of said 5.05 Acre Tract, for the southwest corner hereof;

THENCE North 07 degrees 52 minutes 50 seconds East, along the easterly line of Lot 2, Block A, Final Plat Arrington Subdivision, a subdivision in Travis County, Texas, recorded in Document Number 201600112, Official Public Records, Travis County, Texas, along the westerly line of said 5.05 Acre Tract, at 14.96 feet to an iron rod found, and in all 418.13 feet to an iron rod found, at the southeast corner of that certain Meinhard L. Lorenzen III & Linda G. Lorenzen 5.03 Acre Tract, recorded in Volume 8695, Page 349, Real Property Records, Travis County, Texas, at the southwest corner of that certain Arthur L. Serrano 5.032 Acre Tract, recorded in Document Number 2000169453, Official Public Records, Travis County, Texas, at the northeast corner of said Lot 2, Block A, same being the northwest corner of said 5.05 Acre Tract, for the northwest corner hereof;

THENCE South 82 degrees 31 minutes 13 seconds East, along the southerly line of said 5.032 Acre Tract, along the northerly line of said 5.05 Acre Tract, 525.45 feet to an iron rod set, in the westerly right-of-way line of Rowe Loop, at the southeast corner of said 5.032 Acre Tract, same being the northeast corner of said 5.05 Acre Tract, for the northeast corner hereof;

THENCE South 07 degrees 52 minutes 10 seconds West, along the westerly right-of-way line of said Rowe Loop, along the easterly line of said 5.05 Acre Tract, 418.76 feet to an iron rod set, at the intersection of the westerly right-of-way line of said Rowe Loop, and the northerly right-of-way line of said Rowe Lane, same being the southeast corner of said 5.05 Acre Tract, for the southeast corner hereof;

THENCE North 82 degrees 27 minutes 05 seconds West, along the northerly right-of-way line of said Rowe Lane, along the southerly line of said 5.05 Acre Tract, 525.53 feet to the POINT OF BEGINNING.

THIS LEGAL DESCRIPTION IS TO BE USED IN CONJUNCTION WITH THE ATTACHED SURVEY PLAT (BY SEPARATE INSTRUMENT), ONLY.



EDWARD RUMSEY  
TX R.P.L.S. No. 5729  
Job No. A0507323

06/07/2023

Date



# SURVEY

