

**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 REZONING APPROXIMATELY 4.642 ACRES OF LAND IN THE E. BEBEE SURVEY NO. 5, LOCATED ALONG THE SOUTH SIDE OF BLACK LOCUST, GENERALLY NORTHWEST OF THE BLACK LOCUST AND PFENNIG LANE INTERSECTION, FROM NEIGHBORHOOD SERVICES (NS) DISTRICT TO SINGLE FAMILY MIXED USE (SF-MU) DISTRICT; TO BE KNOWN AS THE KP BROTHERS HOME REZONING (REZ1605-02); 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 requested to change the zoning of approximately 4.642 acres of land in the E. Bebee Survey No. 5, located along the South Side of Black Locust, generally northwest of the Black Locust and Pfennig Lane Intersection, from Neighborhood Services (NS) District to Single Family Mixed Use (SF-MU) District as reflected in Exhibit A attached hereto and fully incorporated herewith for all purposes (Proposed Zoning); and

**WHEREAS**, the Planning and Zoning Commission held a public hearing on June 6, 2016 and voted for 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.** That 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 base zoning district of the property described in Exhibit A, from Neighborhood Services (NS) District to Single Family Mixed Use (SF-MU) District.

The property described above may be developed and used in accordance with regulations established for the Single Family Mixed Use (SF-MU) District, as applicable, and other applicable ordinances of the City.

**SECTION 4.** This Ordinance shall be cumulative of all other ordinances of the City, and this Ordinance 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.

**SECTION 5.** 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.** 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 \_\_\_\_\_ 2016.

CITY OF PFLUGERVILLE,  
TEXAS

By: \_\_\_\_\_  
JEFF COLEMAN, Mayor

ATTEST:

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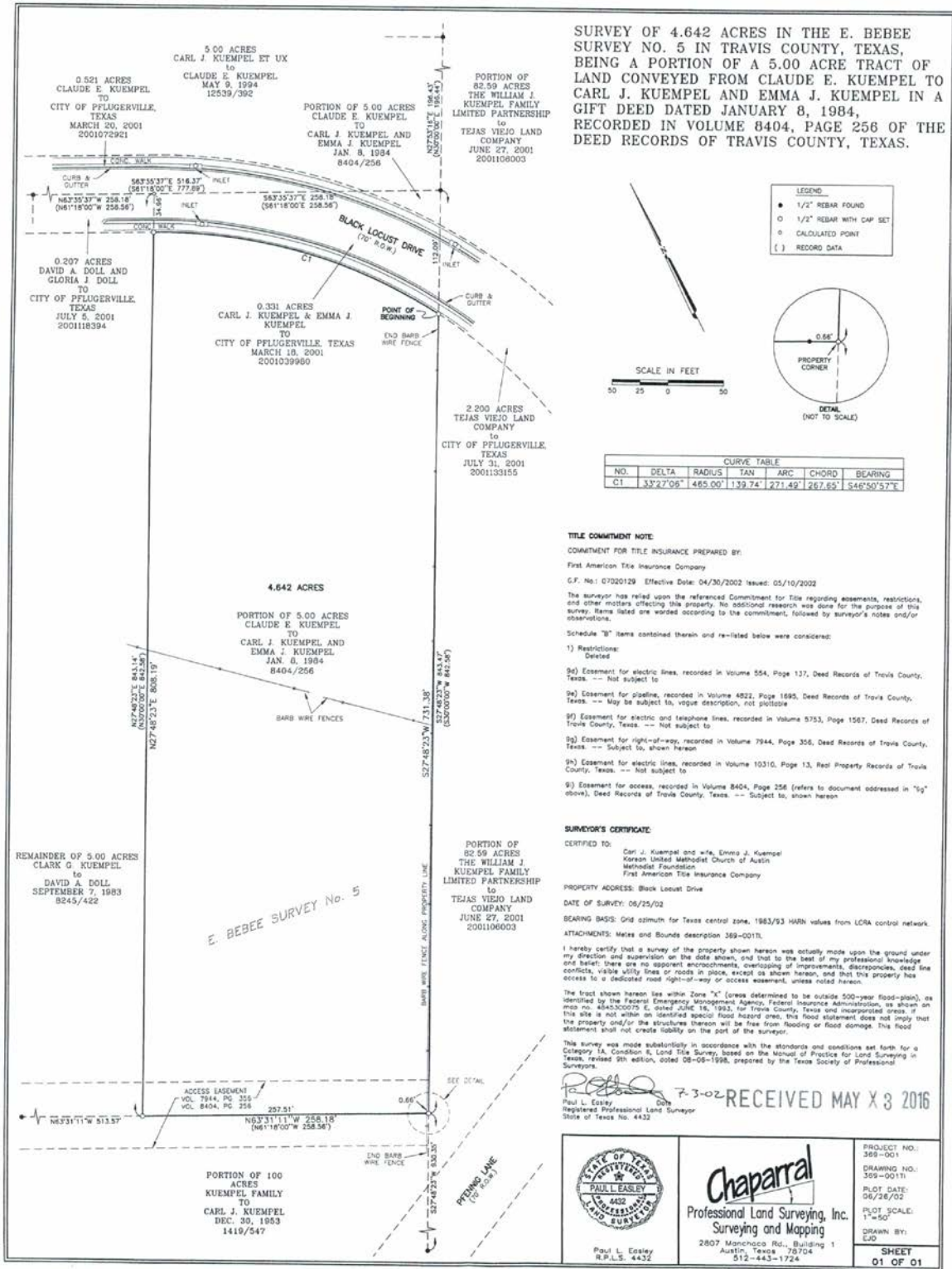
KAREN THOMPSON, City Secretary

APPROVED AS TO FORM:

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GEORGE E. HYDE, City Attorney  
DENTON NAVARRO ROCHA BERNAL HYDE & ZECH, P.C.

EXHIBIT "A"





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Professional Land Surveying, Inc.  
Surveying and Mapping

Office: 512-443-1724  
Fax: 512-441-6987

2807 Manchaca Road  
Building One  
Austin, Texas 78704

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**4.642 ACRES**

Carl J. Kuempel et ux

A DESCRIPTION OF 4.642 ACRES IN THE E. BEBEE SURVEY No. 5, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT TRACT OF LAND CALLED 5.00 ACRES IN A DEED FROM CLAUDE E. KUEMPEL TO CARL J. KUEMPEL AND EMMA J. KUEMPEL, DATED JANUARY 8, 1984 AND RECORDED IN VOLUME 8404, PAGE 256 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 4.642 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2" rebar with cap set at the intersection of the southeast line of the said 5.00 acre tract and the curving southwest right-of-way line of Black Locust Drive (70' R.O.W.), being the south corner of a 0.331 acre tract of land conveyed to the City of Pflugerville, Texas for right-of-way purposes by deed dated March 18, 2001 and recorded in Document No. 2001039980 of the Official Public Records of Travis County, Texas, and being the west corner of a 2.200 acre tract of land conveyed to the City of Pflugerville, Texas for right-of-way purposes by deed dated July 31, 2001 and recorded in Document No. 2001133155 of the Official Public Records of Travis County, Texas, and also being on the northwest line of the remainder of a 82.59 acre tract of land conveyed to Tejas Viejo Land Company in a Special Warranty Deed dated June 27, 2001 and recorded in Document No. 2001106003 of the Official Public Records of Travis County, Texas, from which a 1/2" rebar found for the east corner of the 5.00 acre tract bears North 27°48'23" East a distance of 112.09 feet;

**THENCE** South 27°48'23" West, along the common line between the said 5.00 acre Kuempel tract and the said 82.59 acre tract, a distance of 731.38 feet to a 1/2" rebar with cap set for the south corner of the said 5.00 acre Kuempel tract, being the east corner of the remainder of that tract of land called 100 acres in a deed to Carl J. Kuempel, dated December 30, 1953 and recorded in Volume 1419, Page 547 of the Deed Records of Travis County, Texas, from which a 1/2" rebar found bears North 63°31'11" West a distance of 0.66 feet, and from which a 1/2" rebar found at the southerly corner of the said 100 acre tract, being the westerly corner of the said 82.59 acre tract, bears South 27°48'23" West a distance of 930.35 feet

**THENCE** North 63°31'11" West, along the common line between the said 5.00 acre Kuempel tract and the said 100 acre tract, a distance of 258.18 feet to a 1/2" rebar with cap set for the west corner of the said 5.00 acre Kuempel tract, being the south corner of that tract of land called 5.00 acres in a deed to David A. Doll, dated September 7, 1983 and recorded in Volume 8245, Page 422 of the Deed Records of Travis County, Texas;

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4.642 Acres  
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**THENCE** North 27°48'23" East, along the common line between the said 5.00 acre Kuempel tract and the said 5.00 acre Doll tract, a distance of 808.19 feet to a 1/2" rebar with cap set in the curving southwest right-of-way line of Black Locust Drive, being the west corner of the said 0.331 acre tract, being also the south corner of a 0.207 acre tract of land conveyed to the City of Pflugerville, Texas for right-of-way purposes by deed dated July 5, 2001 and recorded in Document No. 2001118394 of the Official Public Records of Travis County, Texas;

**THENCE** along the southwest right-of-way line of Black Locust Drive, along a curve to the right, having a radius of 465.00 feet, a delta angle of 33°27'06", an arc length of 271.49 feet, and a chord which bears South 46°50'57" East, a distance of 267.65 feet to the **POINT OF BEGINNING**, containing 4.642 acres of land, more or less.

Surveyed on the ground June 25, 2002. Bearing Basis: Grid azimuth for Texas Central Zone, 1983/93 HARN values from LCRA control network. Attachments: Drawing 369-001TI.

 7-3-02  
Paul L. Easley  
Registered Professional Land Surveyor  
State of Texas No. 4432

