

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 17.466 ACRES, OF UNPLATTED LAND SITUATED IN THE EDWARD FLINT SURVEY NO. 11, IN TRAVIS COUNTY, TEXAS, FROM AGRICULTURE/DEVELOPMENT RESERVE (A) TO MULTI-FAMILY-10 (MF-10); TO BE KNOWN AS THE WEISS/KELLY REZONING (REZ2111-01); 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 17.466-acre tract of land out of the Edward Flint Survey No. 11, in Travis County, Texas, from Agriculture/Development Reserve (A) to Multi-Family-10 (MF-10), 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 December 6, 2021, 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 Multi-Family-10 (MF-10) for an approximate 17.466-acre tract of land out of the Edward Flint Survey No. 11, in Travis County, Texas. The property described herein may be developed and used in accordance with regulations established for the base zoning district of Multi-Family-10 (MF-10), 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 _____, 2022.

CITY OF PFLUGERVILLE,
TEXAS

by:

VICTOR GONZALES, Mayor

ATTEST:

TRISTA EVANS, City Secretary

APPROVED AS TO FORM:

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

EXHIBIT "A"

TITLE DESCRIPTION:

BEING A 17.466 ACRE (760,826 SQUARE FEET) TRACT OF LAND OUT OF THE EDWARD FLINT SURVEY NO. 11, ABSTRACT 277, IN TRAVIS COUNTY, TEXAS, AND BEING THE REMAINING PORTION OF A CALLED 20.162 ACRE TRACT OF LAND CONVEYED TO RONNY WAYNE RINDERKNECHT, LONNY CHARGES RINDERKNECHT, AND BECKY RINDERKNECHT KRUEGER BY DEED RECORDED IN VOLUME 9568, PAGE 80 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS (R.P.R.T.C.T.), SAID 17.466 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT AN AXLE (CALLED TO BE 15' EAST OF A FENCE POST) FOUND MARKING THE SOUTHEAST CORNER OF THE CALLED 168.159 ACRE TRACT OF LAND CONVEYED TO W.A. RINDERKNECHT BY DEED RECORDED IN VOLUME 7780, PAGE 661 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.T.), SAME BEING THE SOUTHEAST CORNER OF LOT 7, BLOCK A, HERITAGE LAKES AT PFLUGERVILLE, AMENDED FINAL PLAT, A PLAT RECORDED IN DOCUMENT NO. 201700297 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), AND BEING THE SOUTHWEST CORNER OF SAID 20.162 ACRE TRACT OF LAND, SAID AXLE ALSO BEING ON THE NORTH CORNER LINE OF THE CALLED 5.794 ACRE TRACT OF LAND CONVEYED TO JACK PAYNE BY DEED RECORDED IN DOCUMENT NO. 2008040028, O.P.R.T.C.T., AND BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT OF LAND, FROM WHICH AN AXLE FOUND MARKING THE COMMON NORTH CORNER OF SAID 5.794 ACRE TRACT OF LAND AND OF THE CALLED 12.104 ACRE TRACT OF LAND CONVEYED TO DIAPER FULL OF LOVE, LLC., BY DEED RECORDED IN DOCUMENT NO. 2015179720, O.P.R.T.C.T. BEARS NORTH 62°23'20" WEST, 17.66 FEET, FOR REFERENCE;

THENCE, NORTH 26°43'21" EAST, WITH A COMMON LINE BEING THE EAST LINE OF SAID 168.159 TRACT OF LAND, THE EAST LINE OF SAID HERITAGE LAKES AT PFLUGERVILLE SUBDIVISION, AND THE WEST LINE OF SAID 20.162 ACRE TRACT OF LAND, AT A DISTANCE OF 416.16 PASSING A 1/2" IRON ROD WITH CAP STAMPED "WALLACE GROUP" FOUND MARKING THE COMMON CORNER OF SAID LOTS 7 AND LOT 5 OF SAID HERITAGE LAKES AT PFLUGERVILLE SUBDIVISION, AND CONTINUING FOR A TOTAL DISTANCE OF 1534.51 FEET TO A 1/2" IRON ROD WITH PLASTIC CAP STAMPED "HALFF" SET MARKING THE NORTHEAST CORNER OF LOT 3 OF SAID HERITAGE LAKES AT PFLUGERVILLE SUBDIVISION, SAME BEING THE SOUTH RIGHT-OF-WAY LINE OF KELLY LANE, A VARIABLE WIDTH RIGHT-OF-WAY AS RECORDED ON SAID HERITAGE LAKES AT PFLUGERVILLE SUBDIVISION AND IN DOCUMENT NO. 2017197207, O.P.R.T.C.T., AND BEING THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A 1/2" IRON ROD WITH CAP STAMPED "WALLACE GROUP" FOUND MARKING THE COMMON NORTH CORNER OF SAID 168.159 ACRE TRACT OF LAND AND SAID 20.162 ACRE TRACT OF LAND BEARS NORTH 26°43'21" EAST, 25.49 FEET, FOR REFERENCE;

THENCE, CROSSING INTO SAID 20.162 ACRE TRACT OF LAND AND WITH THE SOUTH AND WEST LINES OF SAID KELLY LANE, AS RECORDED IN SAID DOCUMENT NO. 2017197207, THE FOLLOWING FOUR (4) CALLS:

1. SOUTH 63°00'20" EAST, AT 4.86 FEET PASSING A 1/2" IRON ROD WITH CAP STAMPED "MCGRAY & MCGRAY" FOUND, AND CONTINUING FOR A TOTAL DISTANCE OF 488.64 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "MCGRAY & MCGRAY" FOUND MARKING AN ANGLE POINT,
2. SOUTH 17°14'09" EAST, A DISTANCE OF 35.30 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "MCGRAY & MCGRAY" FOUND MARKING AN ANGLE POINT,
3. SOUTH 28°17'24" WEST, A DISTANCE OF 1404.74 FEET TO A 1/2" IRON ROD WITH PLASTIC CAP STAMPED "HALFF" SET FOR AN ANGLE POINT, AND
4. SOUTH 27°06'28" WEST, A DISTANCE OF 124.93 FEET TO A 1/2" IRON ROD WITH PLASTIC CAP STAMPED "HALFF" SET ON A COMMON LINE BEING THE SOUTH LINE OF SAID 20.162 ACRE TRACT OF LAND, AND THE NORTH LINE OF THE AFORESAID 5.794 ACRE TRACT OF LAND, FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND.

THENCE, NORTH 60°34'31" WEST, WITH SAID COMMON LINE A DISTANCE OF 474.40 FEET TO THE POINT OF BEGINNING AND CONTAINING 17.466 ACRES (760,826 SQUARE FEET) OF LAND, MORE OR LESS.

