

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 THREE SEPARATE (3) PARCELS WITHIN A PROPOSED 7.31-ACRE SUBDIVISION GENERALLY LOCATED SOUTHWEST OF THE NORTH HEATHERWILDE BOULEVARD AND KINGSTON LACY BOULEVARD INTERSECTION WITH PARCEL ONE (1), CONSISTING OF 5.46 ACRES, BEING REZONED FROM GENERAL BUSINESS 1 (GB1) TO GENERAL BUSINESS 2 (GB2) DISTRICT, PARCEL TWO (2), CONSISTING OF 1.0 ACRE, BEING REZONED FROM AGRICULTURE/CONSERVATION (A) TO GENERAL BUSINESS 2 (GB2) DISTRICT, AND PARCEL THREE (3), CONSISTING OF 0.45 ACRES, BEING REZONED FROM AGRICULTURE/CONSERVATION (A) TO GENERAL BUSINESS 1 (GB1) DISTRICT, AND ALL COLLECTIVELY TO BE KNOWN AS THE KUEMPEL COMMERCIAL REZONING (REZ1708-01); 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 three separate (3) parcels within a proposed 7.31-acre subdivision located generally southwest of the North Heatherwilde Boulevard and Kingston Lacy Boulevard intersection with parcel one (1), consisting of 5.46 acres, proposed to be rezoned from General Business 1 (GB1) to General Business 2 (GB2) district, parcel two (2), consisting of 1.0 acre, proposed to be rezoned from Agriculture/Conservation (A) to General Business 2 (GB2) district, and parcel three (3), consisting of 0.45 acres, proposed to be rezoned from Agriculture/Conservation (A) to General Business 1 (GB1) district, as depicted and described in **Exhibit A**, which is attached hereto and incorporated herein for all purposes (the "Proposed Zoning"); and

WHEREAS, the Planning and Zoning Commission held a public hearing on September 18, 2017, 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 approval of the Proposed Zoning with a vote of 7-0; 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 base zoning district of the properties depicted and described in **Exhibit A**, from General Business 1 (GB1) to General Business 2 (GB2) district (parcel 1), from Agriculture/Conservation (A) to General Business 2 (GB2) district (parcel 2), and from Agriculture/Conservation (A) to General Business 1 (GB1) district (parcel 3). The property described herein may be developed and used in accordance with regulations established for the General Business 1 (GB1) District and General Business 2 (GB2), 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 _____ 2017.

CITY OF PFLUGERVILLE, TEXAS

By: _____
VICTOR GONZALES, Mayor

ATTEST:

KAREN THOMPSON, City Secretary

APPROVED AS TO FORM:

CHARLIE ZECH, City Attorney
Denton Navarro Rocha Bernal & Zech, P.C.

Exhibit "A"

Parcel 1

LEGAL DESCRIPTION: ABS 200 SUR 71 CONRAD P ACR 1.000

TCAD ID: 282124

LEGAL DESCRIPTION: ABS 200 SUR 71 CONRAD P ACR 1.290

TCAD ID: 282117

LEGAL DESCRIPTION: ABS 200 SUR 71 CONRAD P ACR 1.000

TCAD ID: 282122

LEGAL DESCRIPTION: ABS 200 SUR 71 CONRAD P ACR 2.595

TCAD ID: 282118

Parcel 2

LEGAL DESCRIPTION: ABS 200 SUR 71 CONRAD P ACR 1.00

TCAD ID: 282121

Parcel 3

LEGAL DESCRIPTION: ABS 200 SUR 71 CONRAD P ACR .45

TCAD ID: 282123

