

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 APPROVING A SPECIFIC USE PERMIT FOR A MULTI-FAMILY MIXED-USE DEVELOPMENT ON APPROXIMATELY 20-ACRES ZONED URBAN CENTER CORRIDOR LEVEL 4 (CL4) DISTRICT LOCATED AT 17314 WEISS LANE, TO BE KNOWN AS THE WEISS LANE MIXED USE SPECIFIC USE PERMIT (2022-6-SUP); PROVIDING A CUMULATIVE AND REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; 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, a petition for a Specific Use Permit has been made by the property owner in conformance with the procedures of the City of Pflugerville’s Code of Ordinances, Chapter 157, Unified Development Code for property 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 January 9, 2023, and determined that the petition and associated application for the Specific Use Permit met the requirements of Chapter 157, Subchapter 3 (Specific Use Permits) and Subchapter 4 (Zoning Districts and Use Regulations), and recommended approval of the Specific Use Permit for a multi-family use on the subject site; 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 Specific Use Permit 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 appropriate based on the following criteria: 1) the use is harmonious and compatible with the surrounding existing uses or proposed uses; 2) the activities are normally associated with the requested use; 3) the nature of the use is reasonable; and 4) any adverse impacts

on the surrounding area have been mitigated by inclusion of specific provisions related to paving of streets, alleys and sidewalks, means of ingress and egress to public streets, drainage, off-street parking, protective screening and open space, area or security lighting, heights of structures and compatibility of buildings..

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 apply the Specific Use Permit to the Urban Center Corridor Level 4 (CL4) district of the property, which is described as an approximate 20-acre tract of land located at 17314 Weiss Lane, located within Pflugerville, Travis County, Texas as shown in **Exhibit A**.

SECTION 4. Conditions Accepted by Applicant: The property described herein may be developed and used in accordance with regulations established by this Specific Use Permit, as provided in **Exhibit B** “Conditions” and **Exhibit C** “Conceptual Site Details” and all other applicable ordinances of the City of Pflugerville, Texas, which are incorporated herein; and the applicant, owner and grantee’s have accepted the terms thereof, all of which are required by Chapter 157, Subchapter 3 of the Unified Development Code.

SECTION 5. 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 6. Severability Clause. If any provision of the Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will be void and the property will revert back to the zoning in place before this ordinance’s effective date.

SECTION 7. Effective Date. This Ordinance will take effect upon its adoption by the City Council and publication of the caption hereof 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:

TRISTA EVANS, City Secretary

APPROVED AS TO FORM:

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

EXHIBIT "A"

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS



Ra
Rebecca Guerrero, County Clerk
Travis County, Texas

Feb 10, 2022 04:01 PM Fee: \$98.00

2022025714

Electronically Recorded

Corridor Title Co. GF# 21-3258-C

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

**DEED OF TRUST,
SECURITY AGREEMENT AND FINANCING STATEMENT**

DATED EFFECTIVE AS OF: **February 9, 2022**

1. **Conveyance.** DCI DEVELOPERS LLC, a Texas limited liability company ("Borrower", whether one or more), for the purpose of securing the indebtedness described in this Deed of Trust, Security Agreement, and Financing Statement (the "Deed of Trust") and for the further consideration of the uses, purposes, and trusts described in this Deed of Trust, has granted, sold, and conveyed, and does grant, sell, and convey, unto **Danny B. Butler** ("Trustee"), and Trustee's substitutes or successors, all of Borrower's right, title, and interest in and to the following described property (collectively, the "Property"):

(a) The following described real property located in Travis County, Texas, together with all of Borrower's right, title, and interest in (i) all easements, streets, roads, alleys, rights-of-way, and other rights of ingress and egress, whether proposed, existing, or vacated, that are either on, abutting, adjacent, or appurtenant to the real property or the Improvements; (ii) all other easements and licenses of any type or for any purpose whatsoever, whether proposed, existing, vacated, that are either on, abutting, adjacent, or appurtenant to the real property or Improvements; (iii) all strips or gores between the real property and abutting or adjacent properties; (iv) all water, water rights, and water stock appurtenant to the real property; and (v) all timber and crops appurtenant to the real property (the "Land"):

BEING 20.00 ACRES OF LAND, MORE OR LESS, OUT OF THE E. KIRKLAND SURVEY, ABSTRACT NO. 458, SECTION NO. 7, IN TRAVIS COUNTY, TEXAS, BEING OUT OF A 32.290 ACRE TRACT OF LAND DESCRIBED IN SPECIAL WARRANTY DEED RECORDED IN DOCUMENT NO. 2021090817, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS. SAID 20.00 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

(b) All buildings, structures, parking areas, and other improvements of any kind or nature, now or at any time in the future located, placed, constructed, or renovated upon any part of the Land and all additions, alterations, and appurtenances thereto (the "Improvements").

(c) All substances in, on, under, or above the Land which are now, or may become in the future, intrinsically valuable (that is, valuable in themselves) and which now or may be in the future enjoyed through extraction or removal from the Land, including without limitation, oil, gas, and all other hydrocarbons, coal, lignite, carbon dioxide and all other non-hydrocarbon gases, uranium and all other radioactive substances, any gold, silver, copper, iron, and all other metallic substances or ores (the "Minerals").

(d) All water, water rights, permits, claims, and easements benefitting the Land and the water stock, rights and appurtenances thereto and other water rights associated with the Land derived from any water source or water well located on or benefitting the Land (the "Water Rights") including but not limited to: (i) the authorization to withdraw, annually groundwater from any and all groundwater reservoirs for which Borrower holds the "Water Permits" (as defined below), (ii) the right to withdraw and/or beneficially use the groundwater specified in any of the Water Permits, and (iii) all real and personal property rights, appurtenances, permits, authorities, licenses, consents, and contracts, if any, pertaining either to the items described in subsections (i) and/or (ii) of this paragraph, including

EXHIBIT “B”

CONDITIONS:

Item	Conditions of Approval	Purpose
1	Pursuant to Exhibit “C” a minimum of 1.98 acres of the subject property fronting Weiss lane to provide a minimum of 13,800 square feet of retail and restaurant use.	To ensure the use is what was reviewed and approved by the Planning and Zoning Commission on February 6, 2023
2	Buildings/Structures immediately adjacent to Weiss Lane are to be oriented towards the roadway.	To ensure compliance with Mixed-Density Neighborhood as described within the 2040 Comprehensive Plan.
3.	Consistent architecture theme throughout entire 20-acre property.	To encourage uniformity throughout the entire property.
4.	Comply with all Driveway Spacing requirements.	To ensure compliance with UDC and Code of Ordinance at the time of Site Development
5.	All requirements of the Unified Development Code are met, even those not depicted in the conceptual site plan seen in Exhibit “C”.	To allow for flexibility and ensure compliance with the Unified Development Code in future site plan iterations.
6.	The development is required to put in a north and south driveway stub from the retail/restaurant for future connectivity, and a driveway stub to the west to allow residents to exit the development.	To provide for future connectivity.

EXHIBIT "C"

