

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING ORDINANCE NO. 1015-09-09-08 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY CHANGING THE ZONING DESIGNATION OF LOT 3, BLOCK A PFAIRWAY OFFICE PARK, CONSISTING OF 14.47 ACRES OUT OF THE WILLIAM BARKER SURVEY NO. 74 IN TRAVIS COUNTY, TEXAS FROM AGRICULTURE/CONSERVATION (A) TO ALTERNATIVE LAND USE REGULATION (ALUR) DISTRICT; TO BE KNOWN AS THE PFAIRWAY PARK ALUR REZONING (REZ1212-01), AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, **Continental Homes of Texas, L.P.**, a Texas Limited Partnership ("Owner"), are the owners of Lot 3, Block A Pfairway Office Park, consisting of approximately 14.47 acres of land located east of A.W. Grimes Blvd, more fully described and shown on "Exhibit A", attached and incorporated herein for all purposes (the "Land"), have applied to the City of Pflugerville for the creation of an Alternative Land Use Regulation District ("ALUR") on the Land in accordance with Subchapter 5 of the Unified Development Code; and

WHEREAS, on February 4, 2013, the Planning and Zoning Commission approved a request to consider the Pfairway Park ALUR application on land with less than 50 acres; and

WHEREAS, on February 21, 2013, the Parks and Recreation Commission recommended approval for fee in lieu of public parkland dedication; and

WHEREAS, on March 4, 2013, the Planning and Zoning Commission conducted a public hearing to consider the Pfairway Park ALUR and with a vote of 6-0, 1 abstain, recommended approval of the rezoning with the associated development code and regulating plan; and

WHEREAS, on March 26, 2013, the City Council conducted a public hearing on the application and has considered the recommendation of the Planning and Zoning Commission regarding the rezoning with the associated development code and regulating plan; and

WHEREAS the City Council has determined that the creation of the proposed ALUR will create a superior community environment through unified planning and building operations; provide facilities needed by the community, protect the natural beauty of the landscape; encourage the preservation and more efficient use of open space; and offer an opportunity for greater flexibility and more creative and imaginative design for the development of the City; and

WHEREAS, the City Council has further determined that the proposed ALUR should be created, subject to the terms and conditions of this ordinance;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS

Section 1. Creation of Pfairway Park ALUR. An Alternate Land Use Regulation District or ALUR is hereby created on the Land, to be known as the "Pfairway Park ALUR". The Pfairway Park ALUR will be developed, improved, used and occupied in accordance with the terms of this ordinance and the attached exhibits.

Section 2. Development Code and Regulating Plan. The development code and regulating plan for the Pfairway Park ALUR attached as Exhibit "B" ("ALUR Development Code") and Exhibit "C" ("ALUR Regulating Plan") is hereby approved for the Land and will be incorporated into and considered a part of this ordinance. All development within the ALUR must conform to the limitations and conditions set forth in the Development Code, Regulating Plan and this ordinance.

Section 3. Applicable Rules, Regulations and Ordinances. Except as otherwise specifically provided in this ordinance and the attached exhibits, all ordinances and regulations contained in the Code of Ordinances of the City of Pflugerville in effect on the date hereof will apply to the Land.

Section 4. Exhibit. The following exhibits are copies of original documents on file with the City of Pflugerville and are incorporated in this ordinance in their entirety as though set forth fully in the text of this ordinance:

<u>Exhibit "A"</u>	Legal Description of the Land
<u>Exhibit "B"</u>	ALUR Development Code
<u>Exhibit "C"</u>	ALUR Regulating Plan

Section 5, Effective Date. This ordinance will become effective upon the date of its passage by the City Council. Such date shall be referred to herein as the "Effective Date",

PASSED AND APPROVED this _____ day of _____, 2013.

CITY OF PFLUGERVILLE, TEXAS

by: _____
JEFF COLEMAN, Mayor

ATTEST:

KAREN THOMPSON, City Secretary

APPROVED AS TO FORM:

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

PFAIRWAY PARK

ALUR

- EXHIBIT A LEGAL DESCRIPTION OF THE LAND
- EXHIBIT B ALUR DEVELOPMENT CODE
- EXHIBIT C ALUR REGULATING PLAN

Pflugerville, Texas

PFAIRWAY PARK

LEGAL DESCRIPTION OF THE LAND

EXHIBIT A

Pflugerville, Texas

**FIELD NOTES
FOR**

A 14.473 acre, or 630,423 square feet more or less, tract of land being all of Lot 3, Block A, Final Plat Pfairway Office Park recorded in Document No. 200500126 of the Public Records of Travis County, Texas in the City of Pflugerville, Travis County, Texas. Said 14.473 acre tract being more fully described as follows, with bearings based on the North American Datum of 1983 (CORS 1996), from the Texas Coordinate System established for the Central Zone:

BEGINNING: At a found ¾" iron rod, the southwest corner of said Lot 3, the northwest corner of Lot 1 of Puddin Hill recorded in Vol. 91, Page 271 of the Public Records of Travis County, Texas, the southeast corner a called 17.881 acre tract recorded in Document Number 2012080476 of the Official Public Records of Williamson County, Texas and the northeast corner of a called 2.08858 acre tract recorded in Vol. 1226, Pages 4-7 of the Deed Records of Williamson County, Texas;

THENCE: N 35°03'08" E, along and with the west line of said Lot 3 and the east line of said called 17.881 acre tract, a distance of 958.12 feet to a found ¾" iron rod, the northwest corner of said Lot 3, the northeast corner of said called 17.881 acre tract and a point in the south line of called 82.83 acre tract recorded in Vol. 431, Pages 508-511 of the Deed Records of Williamson County, Texas;

THENCE: S 78°31'27" E, along and with the north line of said Lot 3 and the south line of said called 82.83 acre tract, a distance of 600.12 feet to a found ¾" iron rod, the northeast corner of said Lot 3, a point in the south line of said called 82.83 acre tract and the northwest corner of Block E, Correction Final Plat Pflugerville Heights recorded in Vol. 204, Pages 316-317 of the Public Records of Travis County, Texas;

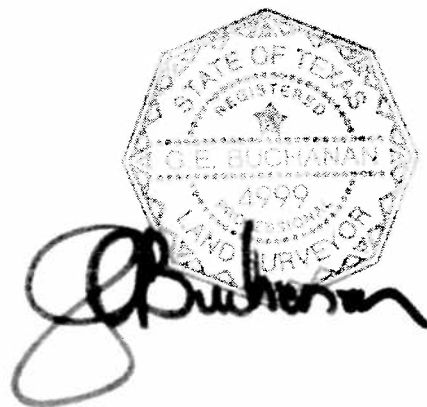
THENCE: S 27°00'58" W, departing the south line of said called 82.83 acre tract, along and with the east line of said Lot 3 and the west line of said Block E of Pflugerville Heights, at a distance of 545.66 feet passing the northwest corner of Violet Blue Drive, a 50' Right of Way recorded in said Correction Final Plat of Pflugerville Heights and a point in the east line of said Lot 3 at a distance of 595.66 feet passing the southwest right of way line of said Violet Blue Drive, the east line of said Lot 3, the northwest corner of Block F of said Pflugerville Heights, continuing along and with the east line of said Lot 3 and the west line of said Block F for a total distance of 977.50 feet to a found ¾" iron rod, the southeast corner of said Lot 3, the southwest corner of said Block F, the northeast corner of Lot 2, Block A of the aforementioned Pfairway Office Park

and the northwest corner of a called 8.453 acre tract recorded in Vol. 13328, Pages 1038-1041 of the Real Public Records of Travis County, Texas;

THENCE: N 78°13'40" W, along and with the north line of said Lot 2 and the south line of said Lot 3, at a distance of 315.56 feet passing the northwest corner of said Lot 2 and the northeast corner of Lot 1, Block A of said Final Plat Pfairway Office Park, continuing along and with the south line of said Lot 3 and the north line of said Lot 1 of Pfairway Office Park a total distance of 630.38 feet to a found ¾" iron rod, a southwesterly corner of said Lot 3, the northwest corner of said Lot 1 of Pfairway Office Park and the northeast corner of the aforementioned Lot 1 of Puddin Hill;

THENCE: N 44°59'30" W, along and with the north line of said Lot 1 of Puddin Hill and a southwesterly line of said Lot 3, a distance of 109.27 feet to the **POINT OF BEGINNING** and containing 14.473 acres in the City of Pflugerville, Travis County, Texas, Said tract being described in accordance with a survey made on the ground and a survey map prepared by Pape Dawson Engineers, Inc..

PREPARED BY: Pape Dawson Engineers, Inc.
DATE: December 28, 2012
JOB NO. 59007-12
DOC. ID. H:\AUSTIN SURVEY\SURVEY12\12-59000\59007-12\Field Notes\Field Notes.docx



NOTES:

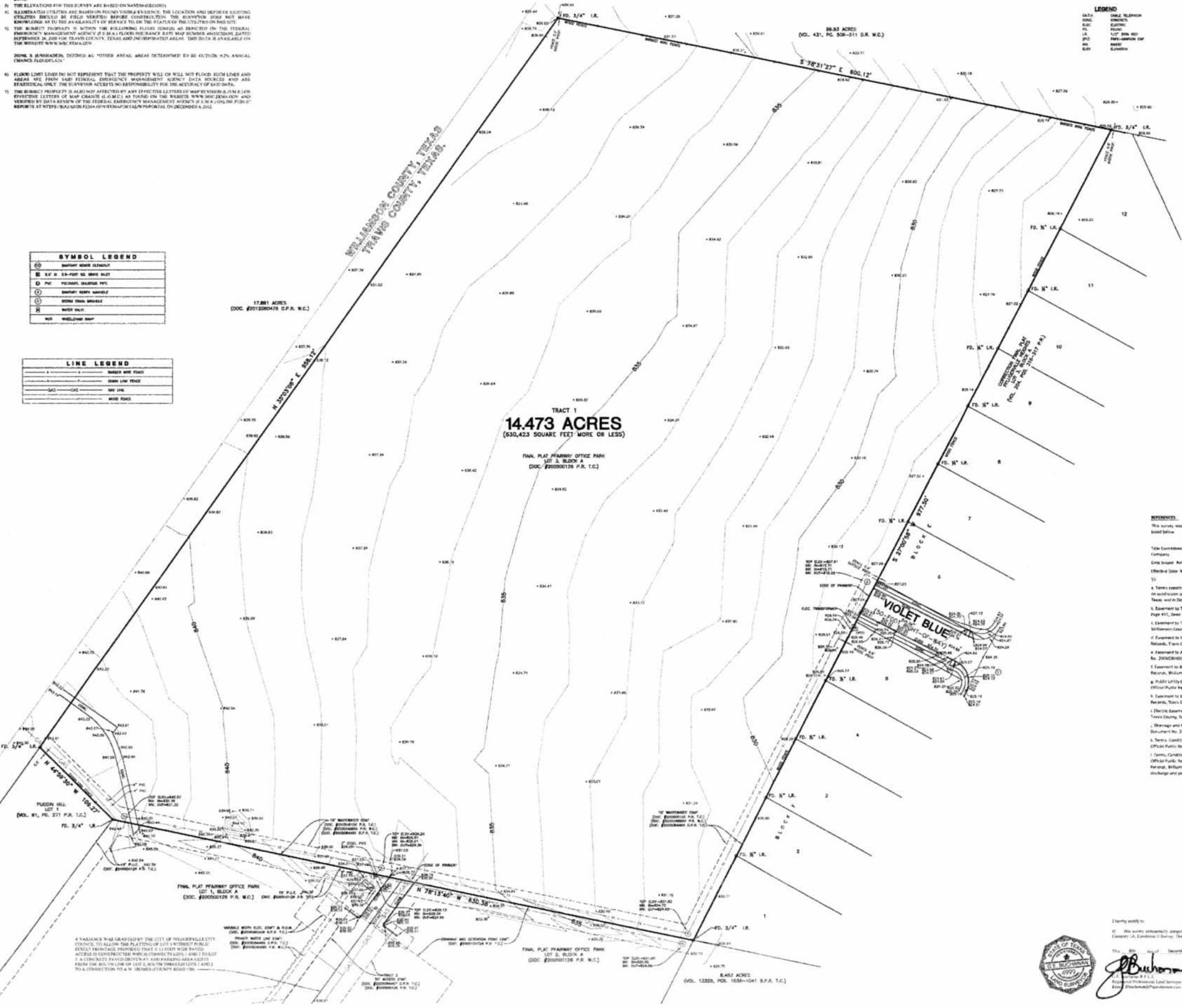
- 1" IRON ROD WITH YELLOW CAP MARKED "P&E DAWSON" SET AT SUBJECT PROPERTY CORNER UNLESS INDICATED OTHERWISE.
- THE BEARINGS FOR THIS SURVEY ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 AND AS CORRECTED TO THE NATIONAL SPHEROID SYSTEM ESTABLISHED FOR THE CENTRAL ZONE.
- THE ELEVATIONS FOR THIS SURVEY ARE BASED ON NAVD83 HORIZONTALS.
- RELEVANT UTILITIES ARE SHOWN ON RECORD DRAWINGS. THE LOCATION AND DEPTH OF EXISTING UTILITIES SHOULD BE FIELD VERIFIED BEFORE CONSTRUCTION. THE ELEVATION DOES NOT HAVE EMPLOYMENT AS TO THE AVAILABILITY OF SERVICES TO OR THE FEATURES OF UTILITIES ON THIS SITE.
- THE SUBJECT PROPERTY IS WITHIN THE FOLLOWING FLOOD ZONES AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP NUMBER 4500010001, DATED SEPTEMBER 24, 2009 FOR TRANS COUNTY, TEXAS AND INCORPORATED AS SHOWN. THIS DATA IS AVAILABLE ON THE WEBSITE WWW.FEMA.GOV.
- ZONE 3 (UNSHADED) DENOTES ALL OTHER AREAS DETERMINED TO BE OUTSIDE 1% ANNUAL CHANCE FLOODPLAIN.
- FLOOD LIMIT LINES DO NOT REPRESENT THAT THE PROPERTY WILL OR WILL NOT FLOOD. SUCH LINES AND AREAS ARE FROM SAID FEDERAL EMERGENCY MANAGEMENT AGENCY DATA SOURCED AND ARE EFFECTIVE ONLY TO THE EXTENT ACCURACY NO RESPONSIBILITY FOR THE ACCURACY OF SAID DATA.
- THE SUBJECT PROPERTY IS ALSO NOT AFFECTED BY ANY EFFECTIVE LETTERS OF MAPS REVISION (LOR) OR EFFICIENCY LETTERS OF MAP CORRECTION (ELMC) AS FOUND ON THE WEBSITE WWW.FEMA.GOV AND VERIFIED BY DATA REVIEW OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FEMA ONLINE FIRM REPORTS AT HTTP://BAZARON.FEMA.GOV/EMAP/ONLINE/PORTAL ON DECEMBER 4, 2012.

SYMBOL LEGEND

	1" IRON ROD
	1" IRON ROD WITH YELLOW CAP
	BENCH MARK
	OTHER SURVEY POINT
	BOUNDARY LINE
	EASEMENT LINE
	UTILITY LINE
	FLOOD ZONE
	RIGHT-OF-WAY
	OTHER FEATURE

LINE LEGEND

	BOUNDARY LINE
	EASEMENT LINE
	UTILITY LINE
	FLOOD ZONE
	RIGHT-OF-WAY
	OTHER FEATURE



REFERENCES:

This survey was prepared in conjunction with, but not solely relying on, the Title Commitment listed below:

Title Commitment # 7 # 200915 This Company National Investors Title Insurance Company
 Orig Issue: November 27, 2012
 Effective Date: November 09, 2012

1. Texas conditions, provisions, covenants, restrictions, easements and other matters as set out in subdivision plat recorded in Volume 44, Sheet 137 (20), Williamson County, Texas and in Document No. 200500126, Official Public Records, Travis County, Texas. (Applied)
2. Easement by Texas Power & Light Company recorded in Volume 1300, Page 1412, Volume 4807, Page 411, Deer Ranch, Travis County, Texas. (Tract 2) (Applied) (not available at time of survey)
3. Easement by Texas Power & Light Company recorded in Volume 1435, Page 71, Official Public Records, Williamson County, Texas. (Tract 2) (Applied)
4. Easement to the City of Pflugerville, Texas recorded in Document No. 200504438, Official Public Records, Travis County, Texas. (Tract 2) (Applied)
5. Easement by Atmos Energy Corporation recorded in Document No. 200504438 and Document No. 200603406, Official Public Records, Travis County, Texas. (Tract 2) (Applied)
6. Easement to Atmos Energy Corporation recorded in Document No. 200604141, Official Public Records, Williamson County, Texas. (Tract 2) (Applied)
7. Public Utility Easement to the City of Pflugerville, Texas recorded in Document No. 200504438, Official Public Records, Travis County, Texas. (Tract 2) (Applied)
8. Easement to the City of Pflugerville, Texas recorded in Document No. 200504470, Official Public Records, Travis County, Texas. (Tract 2) (Applied)
9. Easement to the City of Pflugerville, Texas recorded in Document No. 200603406, Official Public Records, Travis County, Texas. (Tract 2) (Applied)
10. Easement to Atmos Energy Corporation recorded in Document No. 200604141, Official Public Records, Travis County, Texas. (Tract 2) (Applied)
11. Terms, Conditions, and Implications of Water Rights Deed recorded in Document No. 200504438, Official Public Records, Travis County, Texas and in Document No. 200504438, Official Public Records, Williamson County, Texas. (Tract 2) (Applied)
12. Easement and Utility Easement by Structured Office Development Corporation recorded in Document No. 200614726, Official Public Records, Travis County, Texas. (Tract 2) (Applied)
13. Texas Conditions and Restrictions in Atmos Easement recorded in Document No. 200504438, Official Public Records, Travis County, Texas. (Tract 2) (Applied)
14. Terms, Conditions, and Implications of Water Rights Deed recorded in Document No. 200504438, Official Public Records, Travis County, Texas and in Document No. 200504438, Official Public Records, Williamson County, Texas. (Tract 2) (Applied)
15. Easement and Utility Easement by Structured Office Development Corporation recorded in Document No. 200614726, Official Public Records, Travis County, Texas. (Tract 2) (Applied)

P&E DAWSON ENGINEERS

1000 PFAIRWAY OFFICE PARK, SUITE 200, PFLUGERVILLE, TEXAS 78660
 PHONE: 714.364.8100
 FAX: 714.364.8101
 WWW.PANDAWSON.COM

BOUNDARY, IMPROVEMENT & TOPOGRAPHIC SURVEY

A 14,473 ACRES OR 630,423 SQUARE FEET MORE OR LESS, TRACT OF LAND BEING ALL OF LOT 1, BLOCK A, OF THE FINAL PLAT PFAIRWAY OFFICE PARK SUBDIVISION RECORDED IN: DOC. #200500126 OF THE PLAT RECORDS OF TRANS COUNTY, TEXAS.

2 North only to:
 17. This survey conforms with the current Texas Society of Professional Surveyors Standards and Specifications for a Surveyor in Charge (Survey) (See said work as amended on December 7, 2012).

J. Dawson
 Registered Professional Land Surveyor No. 4899
 State of Texas
 License No. 123456789

JOB NO: 59007-12
 DATE: 12/11/12
 CHECKED BY: J. Dawson
 DRAWN BY: J. Dawson
 REFERENCE: 1 of 1

PFAIRWAY PARK
ALUR DEVELOPMENT CODE

EXHIBIT B

Pflugerville, Texas

PFAIRWAY PARK

DEVELOPMENT CODE

1.0 Purpose and Intent

The purpose of the Pfairway Park Development Code and Regulating plan is to (i) provide for variety in the development patterns of the City, and (ii) to establish a framework of zoning guidelines and criteria which support the development of Pfairway Park. The requirements of this Development Code and Regulating Plan are intended and shall apply to the property, consisting of approximately 14.473 acres of land located within the City of Pflugerville, Texas, as more particularly described in the Regulating Plan.

2.0 Community Features

The Developer intends to provide various Community Features that will enhance the development. These amenities include, but are not limited to:

- a. Common Open Space
 - i. An approximately 1.0 acre lot will be provided that will accommodate a detention pond, landscaping, covered pavilion, seating, and play elements.
 - ii. Landscape lots totaling approximately 0.15 acres will be provided that will accommodate landscaping, trees, and benches.
 - iii. The Common Open Space lots and amenities identified above will be owned and maintained by the Homeowner's Association (HOA).
- b. Residential Construction
 - i. Residential structures shall have 4 sides consisting of 100% brick, ledge stone, field stone, stucco, or other similar stone veneer material, as further detailed in Section 3.0.

3.0 Code Amendments

The Pfairway Park Development Code and Regulating Plan will adhere to the City of Pflugerville Unified Development Code (UDC) and Engineering Design Guidelines (EDG) for development according to the Single-Family Suburban zoning district except as amended by this document. Amendments to the UDC are as follows:

Modifications related to Subchapter 4(A)(4) General Regulations Suburban Districts

General Regulations Suburban Districts	SF-S
	SF Detached
Minimum Lot Area	5,000 sq ft
Minimum Lot Width	40'
Minimum Width (cul-de-sac chord length)	32'
Minimum Lot Depth	115'
Minimum Front Setback	15'
Maximum Front Setback	NA
Minimum Side Setback (corner lots)	15'

Minimum Interior Side Setback	5'
Minimum Interior Side Setback (abutting SF-S zoning or existing single family detached unit, not SF-U)	5'
Minimum Rear Setback	20'
Minimum Rear Setback (abutting SF-S zoning or existing single family detached unit, not SF-U)	20'
Single Family Adjacency Vegetative Bufferyard	NA
Maximum Lot Coverage	NA
Maximum Density	NA
Minimum Dwelling Unit Area (livable space)	1,200 sq ft
Unit Mix Required	NA
Maximum Units per Structure	1
Maximum Building Length	NA

Modifications related to Subchapter 9(A)(3) Materials Required

This section replaces Subchapter 9(A)(3) of the UDC

(3) Materials Required.

- (a) The outside wall area of the first story of any residential dwelling unit must have a minimum of 100 percent masonry construction consisting of brick, ledge stone, field stone, stucco, or any other native type of stone veneer. The minimum 100 percent masonry construction includes masonry on all four sides of any such dwelling, with the exception of a covered entryway, boxed windows and bay windows, which may be of sawn wood, Hardiplank® or other cementitious material; and the following exceptions which may be made of Hardiplank® or other cementitious material: dormers, gable ends and facade walls above the first floor, provided it is installed as horizontal lap siding.
- (b) If the Inset is four feet or less, and when an Inset in the side wall occurs on the back corner of the residential dwelling unit, the wall projecting from the back wall and parallel with the side wall must consist of masonry.
- (c) The front and side walls of an addition to the first story of a residential dwelling unit must have a percentage of masonry construction equivalent to that of the front and side walls of the existing dwelling: provided, however, that the side wall of an addition to the rear of the residential dwelling unit is not required to have an equivalent percentage of masonry construction to that of the nearest existing side wall if an Inset is created that is four feet or more.

Modifications related to Subchapter 9(A)(4) Architectural Details Required

This section replaces Subchapter 9(A)(4) of the UDC

(4) Architectural Details Required.

- (a) Covered rear patios or decks of a minimum of sixty-four square feet (64 SF) are required on all floor plans.
- (b) All windows and doors not bordered by masonry must have a minimum of three-inch (3") trim.

- (c) "Box-on-box" (two-story) homes must include a single-story element on rear elevations consisting of bay windows, cantilevers, or dormers.
- (d) Distinctive architectural details present on the front of a dwelling that must be provided on all sides and on all stories of the dwelling and shall consist of trim, door and window details.
- (e) Similarity Restricted. No Building Permit may be issued for any new single-family dwelling unit which is similar in appearance to any dwelling unit near the Proposed Unit as further defined in (f) below.
- (f) Calculation of Differences in Appearance.
 - (i) Differences in design standards may be reviewed for two Lots on either side of the Proposed Unit on the same side of the street.
 - (ii) There must be a minimum of one full Lot between the same floor plan with different elevations on the opposite side of the street.
 - (iii) There must be a minimum of four full Lots between the same floor plan with the same elevation on the same or opposite side of the street.
 - (iv) There must be a minimum of two full Lots between houses with the same color building materials on the same side of the street.
 - (v) There must be a minimum of one full Lot between houses with the same color building material on the opposite side of the street.
 - (vi) Where Lots are interrupted by an intervening street, parkland, or similar feature of at least 50 feet in width, no review is necessary.
 - (vii) The Proposed Unit must be considered different from any Vacant Lot for which a building permit has not been issued without requiring further documentation.
- (g) Elevation Differentiation. A Proposed Unit shall differ from each other reviewed house as identified below:
 - (i) If proposed unit is the same level as adjacent home, three complying variances are:
 - a. Proposed unit has a combination of hips and gables.
 - b. Proposed unit will have a front covered porch ranging from 61 sqft – 134 sqft.
 - c. Proposed unit will have garage placement 9 1/2" to 8'1" behind front most architectural element.
 - (ii) If proposed unit is not of the same number of levels as adjacent homes, one complying variance is:
 - a. Proposed unit has a combination of hips and gables.

Modifications related to Subchapter 9(A)(6) Yard Standards

This section replaces Subchapter 9(A)(6) of the UDC

(6) Yard Standards.

- (a) Rear yard setbacks for two-story dwellings must be no less than thirty (30') feet.
- (b) The front yard setback lines must be staggered to achieve a range of six feet or more over four contiguous Lots with no front yard setback less than fifteen feet.
- (c) All setbacks are measured from the property lines on the parcel involved.
- (d) The covered patio may extend into the minimum Rear Yard setback no more than ten feet.

4.0 Revision of the Development Code and Regulating Plan

The City, Owner, and Developer acknowledge that changes to this Development Code and the Regulating Plan may be necessary during the development of the Property.

- a. Minor Changes and Revisions. Minor changes, revisions, and modifications to, and variances from, this Development Code and the Regulating Plan that do not substantially increase the overall density of development in Pfairway Park may be approved administratively by the City Manager if the City Manager determines in his sole and absolute discretion to be a minor change, revision, modification or variance. Examples of minor changes, revisions, modifications, and variances include, but are not limited to, the following: street alignments, lot types and sizes, and location and size of Open Space.
- b. Major Changes and Revisions. Major changes, amendments, and/or revisions of this Development Code and the Regulating Plan must be approved in accordance with the City's procedures for amendments to the ALUR process.

5.0 Regulating Plan

The Regulating Plan establishes street locations, street types, and Open Space. Development of the land must be consistent with the Regulating Plan. The street types indicated in the Regulating Plan shall conform to the requirements of the Engineering Design Guidelines for local streets.

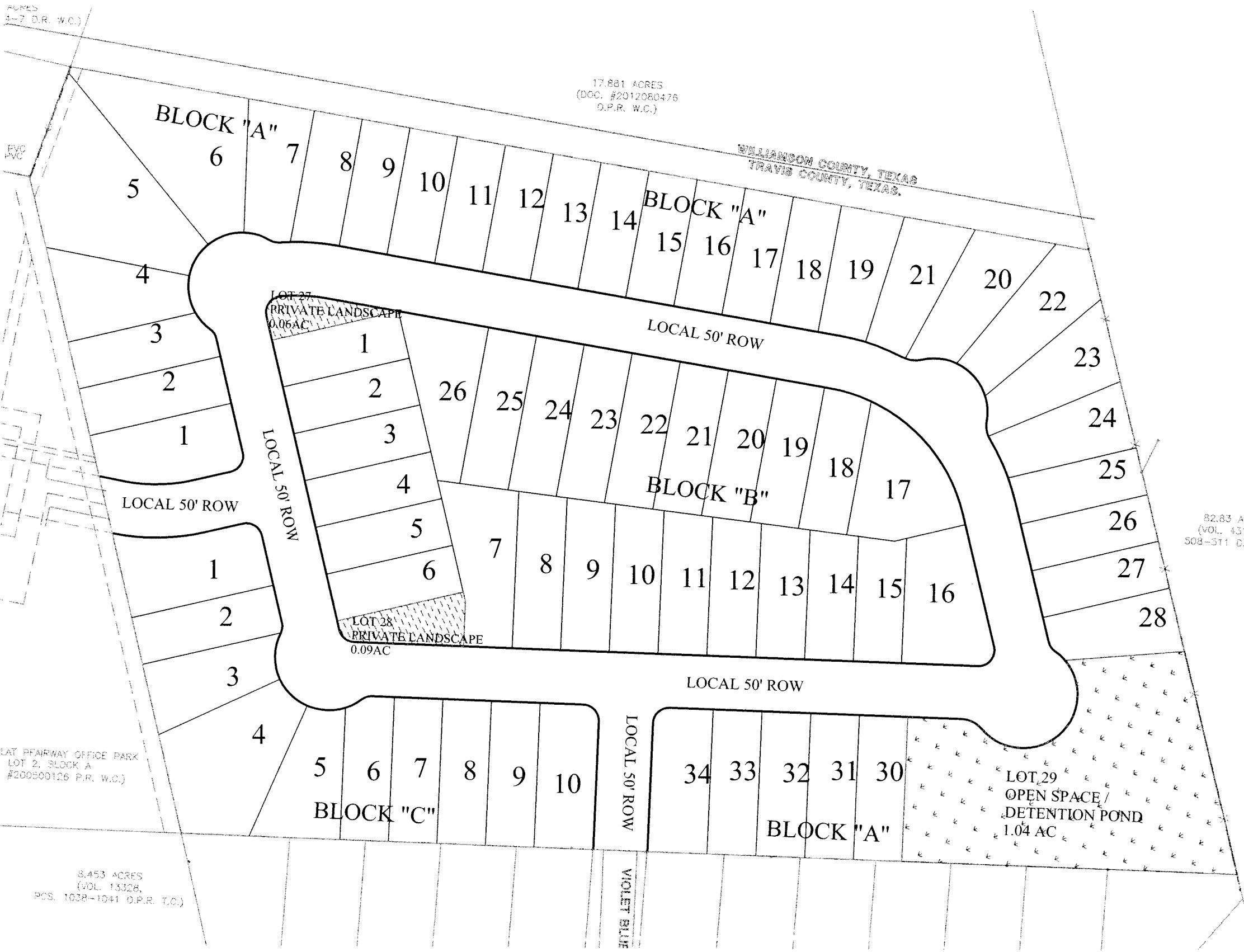
6.0 Development Procedure

Development standards in this Development Code and the Regulating Plan will take precedence over the City's applicable development codes. Where the Development Code is silent on specific requirements and regulations, the City's codes, including the Single-Family Suburban district requirements as amended, shall prevail. Zoning is approved by the adoption of this Development Code and the Regulating Plan and will remain in force unless the property is re-zoned.

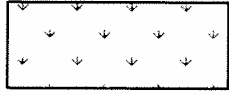

PFAIRWAY PARK
ALUR REGULATING PLAN

EXHIBIT C

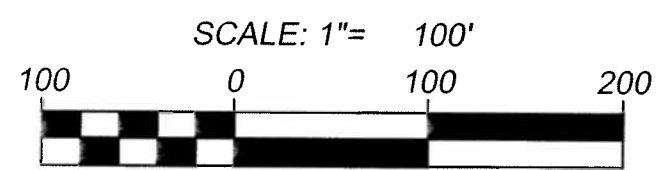
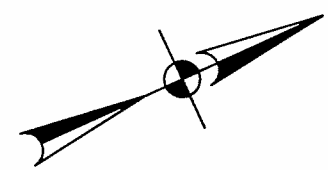
Pflugerville, Texas



LEGEND:

-  PRIVATE OPEN SPACE / DETENTION POND
-  PRIVATE LANDSCAPE

82.83 ACRES
 (VOL. 431, PC.
 508-511 D.R. W.C.)



PLAT PFAIRWAY OFFICE PARK
 LOT 2, BLOCK A
 #200500126 P.R. W.C.)

8.453 ACRES
 (VOL. 13328,
 PCS. 1038-1041 D.P.R. T.C.)

17.881 ACRES
 (DCC. #2012080476
 O.P.R. W.C.)

WILLIAMSON COUNTY, TEXAS
 TRAVIS COUNTY, TEXAS.