

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 A TRACT OF LAND CONSISTING OF APPROXIMATELY 19.851-ACRES OF LAND OUT OF THE ELNATHAN BEBEE SURVEY NO. 03 ABSTRACT NO. 53, AND BEING GENERALLY LOCATED BETWEEN E. PFLUGERVILLE PKWY AND BLACK LOCUST DRIVE, AND EAST OF HEATHERWILDE BLVD AND E. PFLUGERVILLE PKWY INTERSECTION, FROM AGRICULTURE/CONSERVATION (A) TO SINGLE FAMILY MIXED USE (SF-MU), COLLECTIVELY TO BE KNOWN AS BLACK LOCUST TOWNHOMES REZONING (REZ1712-02); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE OF FEBRUARY 27, 2018.

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 approximately 19.851 acres, located in the Elnathan Bebee Survey NO. 03 Abstract NO 53, from Agriculture/Conservation (A) to Single Family Mixed Use (SF-MU) District, as depicted and described in **Exhibit A**, which is attached hereto and fully incorporated herein for all purposes (the "Proposed Zoning"); and

WHEREAS, the Planning and Zoning Commission held a public hearing on January 8, 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 6-0; 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 property described in **Exhibit A**, from Agriculture/Conservation (A) to Single Family Mixed Use (SF-MU) District. The property described herein may be developed and used in accordance with regulations established for the Single Family Mixed Use (SF-MU) District, 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 February 27, 2018 in accordance with Section 3.15(d) of the City Charter.

PASSED AND APPROVED this _____ day of _____, 2018.

CITY OF PFLUGERVILLE, TEXAS

by: _____
VICTOR GONZALES, Mayor

ATTEST:

KAREN THOMPSON, City Secretary

APPROVED AS TO FORM:

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

EXHIBIT "A"

EXHIBIT TO ACCOMPANY METES AND BOUNDS DESCRIPTION OF 19.851 ACRES IN THE ELNATHAN BEBEE SURVEY NO. 03 ABSTRACT NO. 53, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THE CALLED 100 ACRE TRACT DESCRIBED IN A DEED TO CARL J. KUEMPEL, RECORDED IN VOLUME 1419, PAGE 547 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND A PORTION OF THE CALLED 5 ACRE TRACT CONVEYED TO TERESA C. KUEMPEL IN VOLUME 7447, PAGE 743 OF SAID DEED RECORDS.



SCALE: 1" = 200'
GRAPHIC SCALE



LEGEND

- IRF IRON ROD FOUND (SIZE NOTED)
- IRCF "LJA" 1/2" IRON ROD WITH "LJA RPLS 4532" CAP FOUND
- IRCF "5784" 1/2" IRON ROD WITH "RPLS 5784" CAP FOUND
- IRCF "CB" 1/2" IRON ROD WITH "CHAPARRAL BOUNDARY" CAP FOUND
- IRCS 5/8" IRON ROD WITH "ACS" CAP SET
- P.O.B. POINT-OF-BEGINNING
- R.O.W. RIGHT-OF-WAY
- () RECORD INFORMATION

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N44°10'41"W (S44°09'06"E)	216.18' (216.20')
L2	N27°20'18"E (S29°01'35"W) + (S30°31'26"W) (N29°48"E)	115.25' (61.52') (53.68') (144.75')
L3	N27°51'26"E (S29°55'56"W)	74.38' (179.70')
L4	S62°25'40"E (S29°55'56"W)	179.73' (180.00')
L5	S62°26'45"E (S29°55'56"W)	180.19' (180.00')
L6	N27°25'46"E	123.76'
L7	N27°25'46"E	118.17'
L8	N27°34'23"E	118.82'
L9	N44°10'41"W (N41°48'15"W) (N44°09'06"W)	201.25' (201.24') (201.26')
L10	N45°50'28"E	70.00'
L11	N45°53'03"E	70.06'

PER (2004004265)
PER (7947/743)

CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	BEARING	CHORD
C1	765.00' (765.00')	14°23'41" (14°23'36")	192.20' (192.18')	S51°19'06"E (S51°20'54"E)	191.69' (191.67')
C2	765.00' (765.00')	5°01'49" (05°02'11")	67.16' (67.25')	S61°01'51"E (S61°03'48"E)	67.14' (67.22')

PER (2004004265)
PER (2001109395)

THIS IS A SURFACE DRAWING.
BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, BASED ON LOCAL NETWORK GPS OBSERVATIONS.
COMBINED SCALE FACTOR = 0.999900009999
(FOR SURFACE TO GRID CONVERSION)
INVERSE SCALE FACTOR = 1.0001
(FOR GRID TO SURFACE CONVERSION)
SCALED ABOUT 0.0

THIS SKETCH REPRESENTS A SURVEY MADE ON THE GROUND UNDER MY SUPERVISION ON THE DATE SHOWN HEREON. THIS DOCUMENT IS NOT VALID FOR ANY PURPOSE UNLESS SIGNED AND SEALED BY A REGISTERED PROFESSIONAL LAND SURVEYOR.



ALL COUNTY SURVEYING, INC.
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512-688-5485
Tx. Firm Lic. No. 10194304

Curtis W. Watts
12/02/17





SCALE: 1" = 200'
GRAPHIC SCALE



ELNATHAN BEBEE SURVEY NO. 03 ABS. 53

SEE SHEET 1 OF 2
FOR SURVEYOR'S
CERTIFICATION

C. Watts
12/02/17



Plot Date: 12-08-2017
Survey completed: 12-01-2017
Scale: 1" = 200'
Job No.: M0606J
Dwg No.: M0606J DWG
Drawn by: GMM
Surveyor: GMM 6614
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PROTESTANT EPISCOPAL CHURCH COUNCIL OF THE DIOCESE OF TEXAS CALLED (1.0 ACRE) (1416/524)
E. PFLUGERVILLE PARKWAY (R.O.W. WIDTH VARIES)

DONNA T. TOTTH (1.00 ACRE) (1206/121)

CHRISTOPHER R. TOTTH AND DONNA T. TOTTH (4.00 ACRES) (1207/844)

HILL COUNTRY BIBLE CHURCH PFLUGERVILLE TRACT ONE, 46.87 ACRES (2004004265)

THE PROTESTANT EPISCOPAL CHURCH COUNCIL OF THE DIOCESE OF TEXAS CALLED (4.00 ACRES) (1410/72)

CARL J. KUEMPEL REM. OF THE CALLED (100 ACRES) (1419/547)

562°25'40"E
432.34'

RIGHT-OF-WAY ESMT. CALLED (5.34 ACRES) (1444/356)

19.851 ACRES (APPROX. 864,713 SQ. FT.)

CARL J. KUEMPEL REM. OF THE CALLED (100 ACRES) (1419/547)

CARL J. KUEMPEL REM. OF THE CALLED (100 ACRES) (1419/547)

N62°32'24"W
399.05'

TERESA G. KUEMPEL REM. OF THE CALLED (3 ACRES) (1441/148)

363°36'44"E 331.54'
P.O.B. (563°34'54"E) (331.49')

NEANS MASONRY, INC. CALLED (5.00 ACRES) (11064/283)

THOMAS GEBERT CALLED (5.84 ACRES) (2282/488)

LOT 1 EHERALD HEIGHTS SUBDIVISION (200800180)

LOT 2 EHERALD HEIGHTS SUBDIVISION (200800180)

BLACK LOCUST DRIVE (10' R.O.W. WIDTH) (2001109345)(2001072423)

