

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 TWO SEPARATE TRACTS CONSISTING OF APPROXIMATELY 31.439 ACRES OF LAND LOCATED GENERALLY SOUTHWEST OF THE WEISS LN AND KELLY LN INTERSECTION, FROM AGRICULTURE/CONSERVATION (A) TO RETAIL (R); TO BE KNOWN AS THE KELLY LANE SENIOR LIVING REZONING (REZ1509-03); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, under the authority of Texas Local Government Code Chapter 211, the City of Pflugerville adopts regulations and establishes zoning to control the use of land within the corporate limits of the City; and

WHEREAS, the Planning and Zoning Commission held a public hearing on November 2, 2015 and voted for its approval with a vote of 4-0;

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;

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

The City Council finds:

THAT, the zoning amendment 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 the street; 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 1: That the Official Zoning Map of the City of Pflugerville, Texas adopted in Ordinance No. 1203-15-02-24, as amended, is amended to change the base zoning district of the property described in Exhibit A, from Agriculture/Conservation (A) to Retail (R) District.

The property described above may be developed and used in accordance with regulations established for the Retail (R) District, as applicable, and other applicable ordinances of the City of Pflugerville, Texas.

Section 2. This ordinance shall be cumulative of all other ordinances of the City of Pflugerville, and this ordinance shall not operate to repeal or affect any other ordinances of the City of Pflugerville 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.

Section 3. 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 4. That this Ordinance will become effective on its adoption and passage by the City Council.

PASSED AND APPROVED this _____ day of _____, 2015.

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, HYDE & ZECH P.C.

19.81 ACRES

All that certain tract or parcel of land situated in Travis County, Texas, out of the Edward Flint Survey No. 11, Abstract No. 277, and being a portion of that tract described as 40.00 acres, more or less, in that Document to KM Avalon, Ltd., a Texas limited partnership, dated July 1, 2005 and recorded in document No. 2005118426, Official Public Records of Travis County, Texas, and further described by metes and bounds as follows:

BEGINNING: at a 1/2" iron rod with a pink plastic cap stamped TLS INC set in the south line of Kelly Lane and the north line of that tract described as 168.159 acres in that document to W.A. Rinderknecht Jr., dated June 16, 1982 and recorded in Volume 7780, Page 661, Deed Records of Travis County, Texas, marking the northeast corner of said KM Avalon tract and this tract;

THENCE: S 27°24'35" W 1567.72 feet across said Rinderknecht tract with the east line of said KM Avalon tract and this tract to a 1/2" iron rod with a pink plastic cap stamped TLS INC set in the north line of that tract called 9.19 acres in that document to Carolyn Graff, et vir, dated October 21, 1997 and recorded in Volume 13049, page 1351, of the Real Property Records of Travis County, Texas, marking the southeast corner of said KM Avalon tract and this tract;

THENCE: N 64°27'19" W 366.08 feet with the north line of said Graf tract and the south line of said KM Avalon tract and this tract to a 1/2" iron rod found for the northwest corner of said Graf tract and the northeast corner of The Villages Of Hidden Lake, Phase 1, a subdivision recorded in document No. 200300119, Plat Records of Travis County, Texas, marking an angle point in the south line of said KM Avalon tract and this tract;

THENCE: N 64°31'51" W 176.03 feet with the north line of said The Villages Of Hidden Lake subdivision and the south line of said KM Avalon tract and this tract to a 1/2" iron pin with an orange plastic cap stamped PATE found for the southeast corner of Pathways Subdivision Final Plat recorded in document No. 201000077 of said plat records marking an angle point in the south line of said KM Avalon tract and the southwest corner of this tract;

THENCE: N 26°56'17" E 1579.43 feet, leaving the south line of said KM Avalon tract with the east line of said Pathways Subdivision tract for the west line of this tract to a cotton spindle set in a paved driveway in the south line of Kelly Lane and the north line of said KM Avalon tract for the northeast corner of said Pathways Subdivision marking the northwest corner of this tract, from which a 1" iron pipe found for the northwest corner of said KM Avalon tract and the northwest corner of said Pathways Subdivision bears N 63°13'56" W 554.84 feet;

THENCE: S 63°13'56" E 554.85 feet with the south line of Kelly Lane and with the north line of said KM Avalon tract and this tract to the point of beginning and containing 19.81 acres, more or less.

Bearings cited hereon based on the Texas State Plane Coordinate System, North American Datum of 1983(93), Texas Central Zone.

**FIELD NOTE DESCRIPTION
OF A
11.629 ACRE TRACT OF LAND
SITUATED IN THE EDWARD FLINT SURVEY NO. 11,
ABSTRACT NO. 277, TRAVIS COUNTY, TEXAS**

BEING A 11.629 ACRE TRACT OF LAND SITUATED IN THE EDWARD FLINT SURVEY NO. 11, ABSTRACT NO. 277, TRAVIS COUNTY, TEXAS; SAID 11.629 ACRE TRACT ALSO BEING A PORTION OF THE REMAINDER OF THAT CERTAIN CALLED 168.159 ACRE TRACT OF LAND DESCRIBED IN A GENERAL WARRANTY DEED TO W.A. RINDERKNECHT, JR., FILED ON JUNE 18, 1982, AND RECORDED IN VOLUME 7780, PAGE 661, DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.T.); SAID 11.629 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS WITH BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM (CENTRAL ZONE, NAD83) WHICH IS BASED ON LEICA'S CENTRAL TEXAS GPS COOPERATIVE CORS RTK NETWORK:

BEGINNING at a 1/2" inch iron rod with pink plastic cap stamped "TLS INC" found marking the common northwest corner of the herein described tract and the northeast corner of that certain called 19.81 acre tract of land described in a Special Warranty Deed to Robert P. Johnson, filed on November 5, 2014, and recorded in Document No. 2014166945, Official Public Records of Travis County, Texas (O.P.R.T.C.T.), said point also being on the common south line of Kelly Lane (having a variable width) and the north line of said 168.159 acre remainder tract, and from which a cotton spindle in paved driveway found marking the northwest corner of said 19.81 acre tract bears North 63° 14' 11" West, at a distance of 554.87 feet;

THENCE South 63° 14' 11" East, with said common line, a distance of 314.64 feet to a 1/2" iron rod with orange plastic cap stamped "WALLACE GROUP" set for the northeast corner of said 168.159 acre remainder tract and the herein described tract, said point also marking the northwest corner of that certain called 20.162 acre tract of land described in a Deed of Gift to Ronny Wayne Rinderknecht, Lonny Charles Rinderknecht, and Becky Rinderknecht Krueger, filed on February 12, 1986, and recorded in Volume 9568, Page 80, Real Property Records of Travis County, Texas (R.P.R.T.C.T.);

THENCE South 26° 43' 26" West, departing the south line of said Kelly Lane, and with the common east line of said 168.159 acre remainder tract and the west line of said 20.162 acre tract, a distance of 1,560.19 feet to a 1" O.D. pipe protruding 2' above the ground approximately 17 feet east of a fence post found [168.159 acre deed call – set iron pipe in a fence about 15 feet east of a fence corner] marking the southeast corner of said 168.159 acre remainder tract and the herein described tract, same marking the southwest corner of said 20.162 acre tract, said point also being on the north line of that certain called 8.67 acre tract of land described in a Warranty Deed With Vendor's Lien to William H. Walton and wife, Bobbie Kay Walton, filed on June 16, 1980, and recorded in Volume 7010, Page 1634, D.R.T.C.T.;

THENCE North 62° 36' 00" West, with the common south line of said 168.159 acre remainder tract and the north line of said 8.67 acre tract, a distance of 17.60 feet to a 1" iron rod found for a corner of the herein described tract, same marking the common northwest corner of said 8.67 acre tract and the northeast corner of that certain called 9.19 acre tract of land described in a Deed of Gift to Karolyn Graf and spouse Dennis Graf, filed on October 27, 1997, and recorded in Volume 13049, Page 1351, R.P.R.T.C.T.;

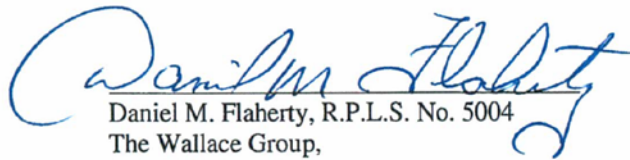
Description of a 11.629 acre tract (continued)

THENCE North 64° 38' 37" West, with the common south line of said 168.159 acre remainder tract and the north line of said 9.19 acre tract, a distance of 315.82 feet to a 1/2" iron rod found marking the southwest corner of the herein described tract, same marking the southeast corner of said 19.81 acre tract, and from which a 5/8" iron pipe at a fence post found [168.159 acre deed call – pipe set at a fence corner] marking an angle point on the south line of said 168.159 acre tract bears North 63° 31' 30" West, at a distance of 2,151.46 feet [calculated straight line distance from 168.159 acre deed calls - 2,151.66 feet];

THENCE North 27° 24' 26" East, with the common east line of said 19.81 acre tract and the west line of the herein described tract, a distance of 1,567.84 feet to the **POINT OF BEGINNING** of the herein described tract, delineating and encompassing within the metes recited 11.629 acres of land, more or less.

[] = Record Information per Volume 7780, Page 661, D.R.T.C.T.

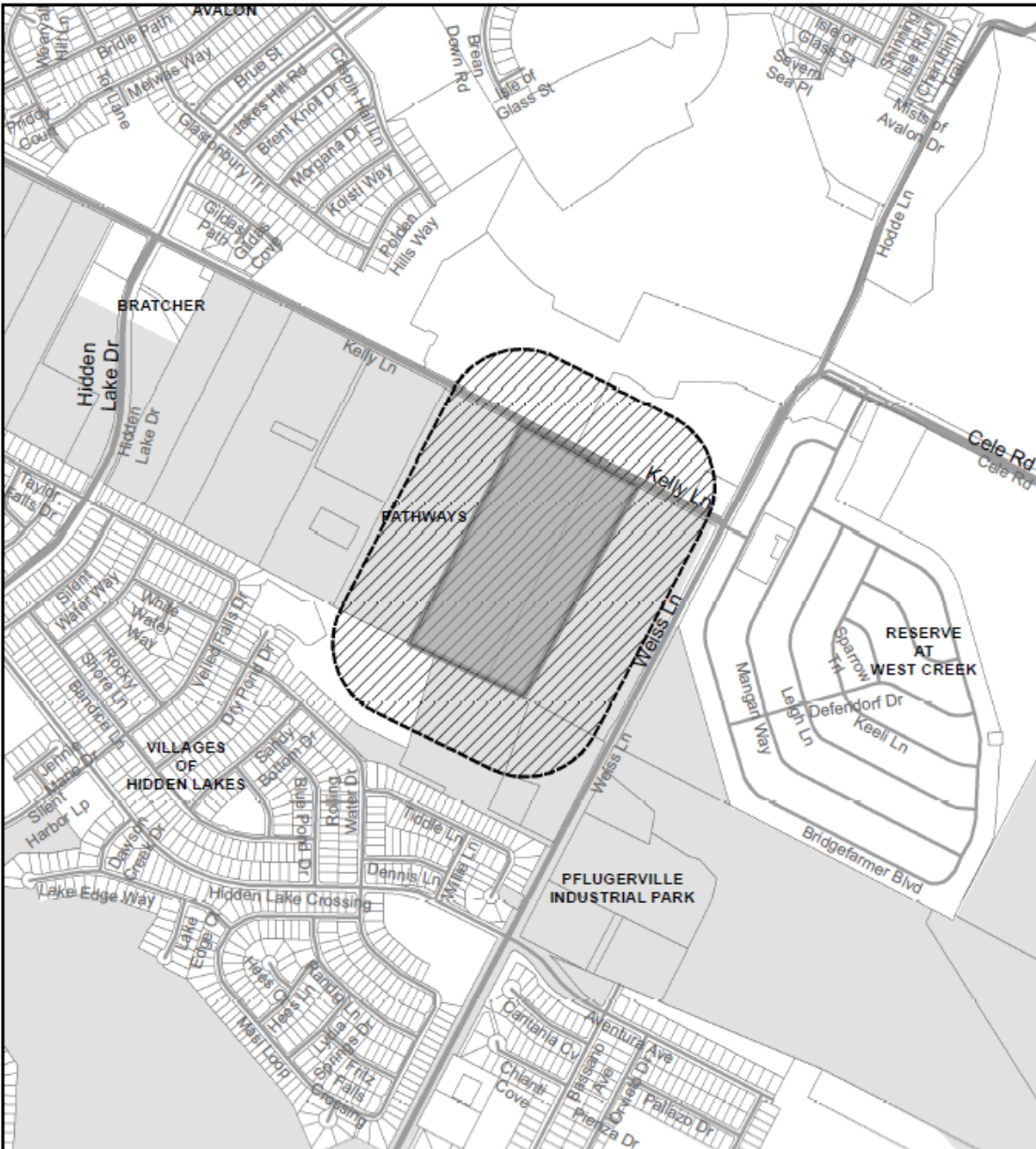
That I, Daniel M. Flaherty, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision



Daniel M. Flaherty, R.P.L.S. No. 5004
The Wallace Group,
A CP&Y, Inc. Company
One Chisholm Trail, Suite 130
Round Rock, Texas 78681
Ph. (512) 248-0065
TBPLS Firm No. 1005701
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07-02-2015
Date






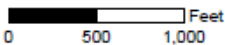
**Kelly Ln Senior Living
(A to R)**

**Case Number:
REZ1509-03**

9/28/2015

Legend

-  Subject Property
-  Notification Area
-  City Limits



When required the City of Pflugerville complies with Texas Local Government Code for public notifications. All notification addresses are derived from tax role information that is certified annually.



Locator Map



