

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 AN APPROXIMATE 24.86 ACRE TRACT FROM AGRICULTURE/DEVELOPMENT RESERVE (A) DISTRICT TO SUBURBAN (LEVEL 3: CL3) DISTRICT AND AN APPROXIMATE 131.55 ACRE TRACT FROM AGRICULTURE/DEVELOPMENT RESERVE (A) DISTRICT TO URBAN (LEVEL 4: CL4) DISTRICT, ALL OUT OF THE SEFRIN EISELIN SURVEY NO. 4, ABSTRACT NO. 265 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; TO BE KNOWN AS THE TIMMERMAN 2020 REZONING (REZ1911-04); 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 requested to change the zoning of approximately 156 acres from Agriculture/Development Reserve (A) District to Urban (Level 4: CL4) District as reflected in **Exhibit A** attached hereto and fully incorporated herewith for all purposes (Proposed Zoning); and

WHEREAS, the Planning and Zoning Commission held a public hearing on March 2, 2020 and voted for denial of the Proposed Zoning with a vote of 5-2; and

WHEREAS, the City Council approved a resolution on April 28, 2020 extending the timeframe for consideration of the Timmerman 2020 rezoning case; and

WHEREAS, the City Council held a public hearing on May 12, 2020, considered an alternative to the original zoning request to address concerns relayed by the public, and ultimately approved a rezoning of approximately 24.86 acres adjacent to the Bohls Neighborhood from Agriculture/Development Reserve (A) District to the Suburban (Level 3: CL3) District (a more restrictive district) as reflected in **Exhibit B** with the remaining land as depicted in **Exhibit A** consisting of approximately 131.55 acres from Agriculture/Development Reserve (A) District to the Urban (Level 4: CL4) District, 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; and

WHEREAS, the rezoning herein was approved unanimously by the City Council which overrules the recommended denial by the Planning and Zoning Commission and approved the rezoning as provided for herein.

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 B** from Agriculture/Development Reserve (A) District to the Suburban (Level 3: CL3) District and the remaining approximately 131.55 acres depicted in **Exhibit A** from Agriculture/Development Reserve (A) District to Urban (Level 4: CL4) District, as provided herein.

The property described herein shall be developed and used in accordance with the regulations established for the Suburban (Level 3: CL3) District and Urban (Level 4: CL4) District, as applicable, and 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. This ordinance is approved by at least a three-quarter vote of all members of the City Council.

SECTION 7. 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 _____ 2020.

CITY OF PFLUGERVILLE,
TEXAS

By: _____
VICTOR GONZALES,
Mayor

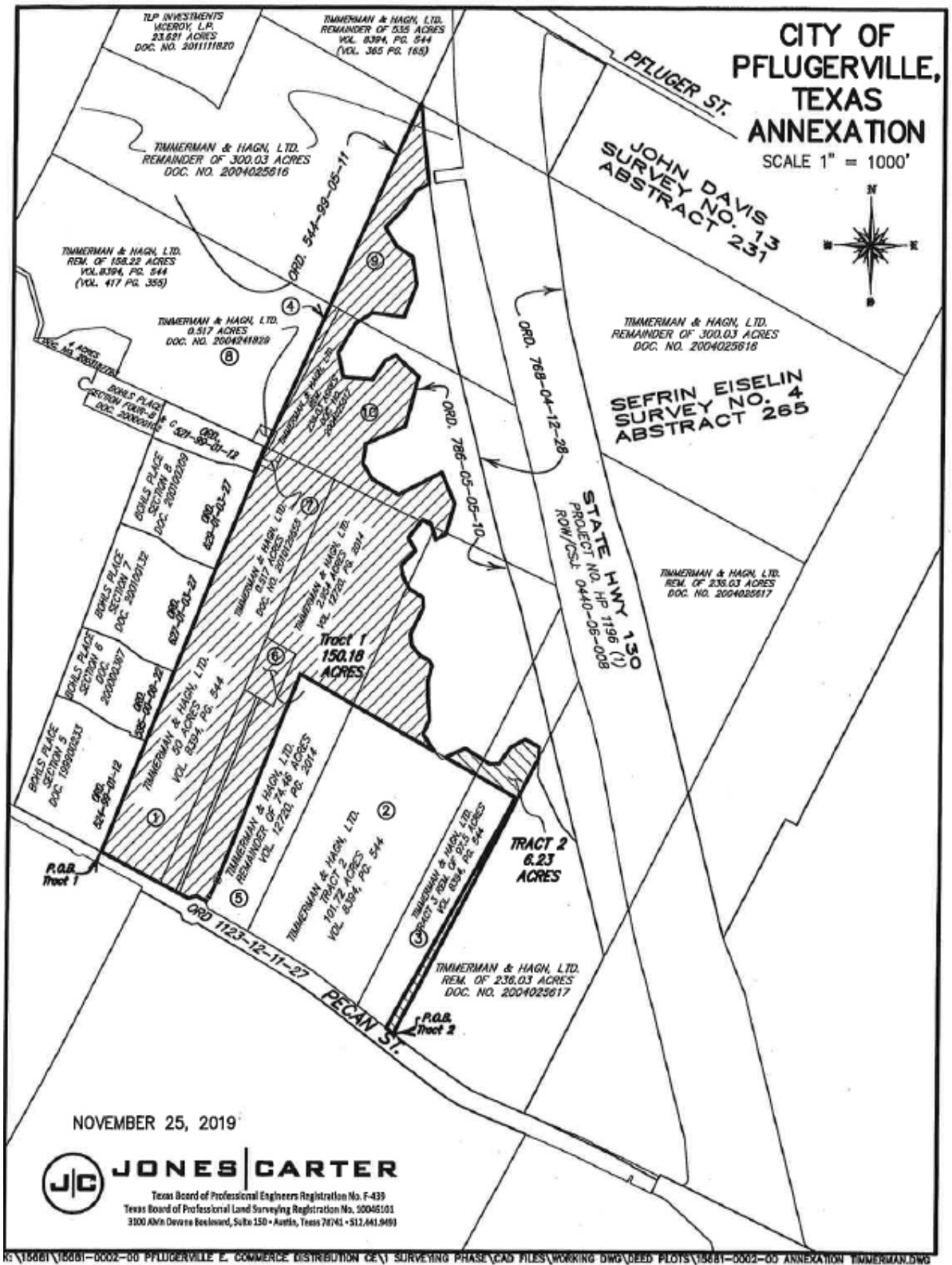
ATTEST:

KAREN THOMPSON, City Secretary

APPROVED AS TO FORM:

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

EXHIBIT "A"



**CITY OF PFLUGERVILLE
TRAVIS COUNTY, TEXAS
ANNEXATION PARCEL
156.41 ACRES TOTAL ACRES
METES AND BOUNDS DESCRIPTION**

The herein description for Tracts 1 and 2 with accompanying sketch are based on record information of various tract of land located in the Sefrin Eiselin Survey No. 4, Abstract No. 265 in Travis County, Texas and being all or parts of the following tracts:

(1) Timmerman & Hagan, Ltd.	50 acres	Volume 8394, Page 544
(2) Timmerman & Hagan, Ltd.	Tr. 2, 101.72 Acres	Volume 8394, Page 544
(3) Timmerman & Hagan, Ltd.	Tr. 3, 97.5 Acres	Volume 8394, Page 544
(4) Timmerman & Hagan, Ltd.	158.22 Acres	Volume 8394, Page 544
(5) Timmerman & Hagan, Ltd.	74.46 acres	Volume 12720, Page 2014
(6) Timmerman & Hagan, Ltd.	2.954 Acres	Volume 12720, Page 2014
(7) Timmerman & Hagan, Ltd.	0.517 Acres	Doc. No. 2010129655
(8) Timmerman & Hagan, Ltd.	0.517 Acres	Doc. No. 2004241829
(9) Timmerman & Hagan, Ltd.	300.03 Acres	Doc. No. 2004025616
(10) Timmerman & Hagan, Ltd.	236.03 Acres	Doc. No. 2004025617

(TRACT 1 – 150.18 acres) - BEGINNING: at a point on the north right-of-way line of Pecan Street, the north line of Annexing Ordinance No. 1123-12-11-27, the Southeastern corner of Bohls Place Section 5 Subdivision in Document No. 199900233, plat records, Travis County, Texas, the Southeastern corner of Annexing Ordinance No. 524-99-01-12, for the Southwestern corner of this herein described tract;

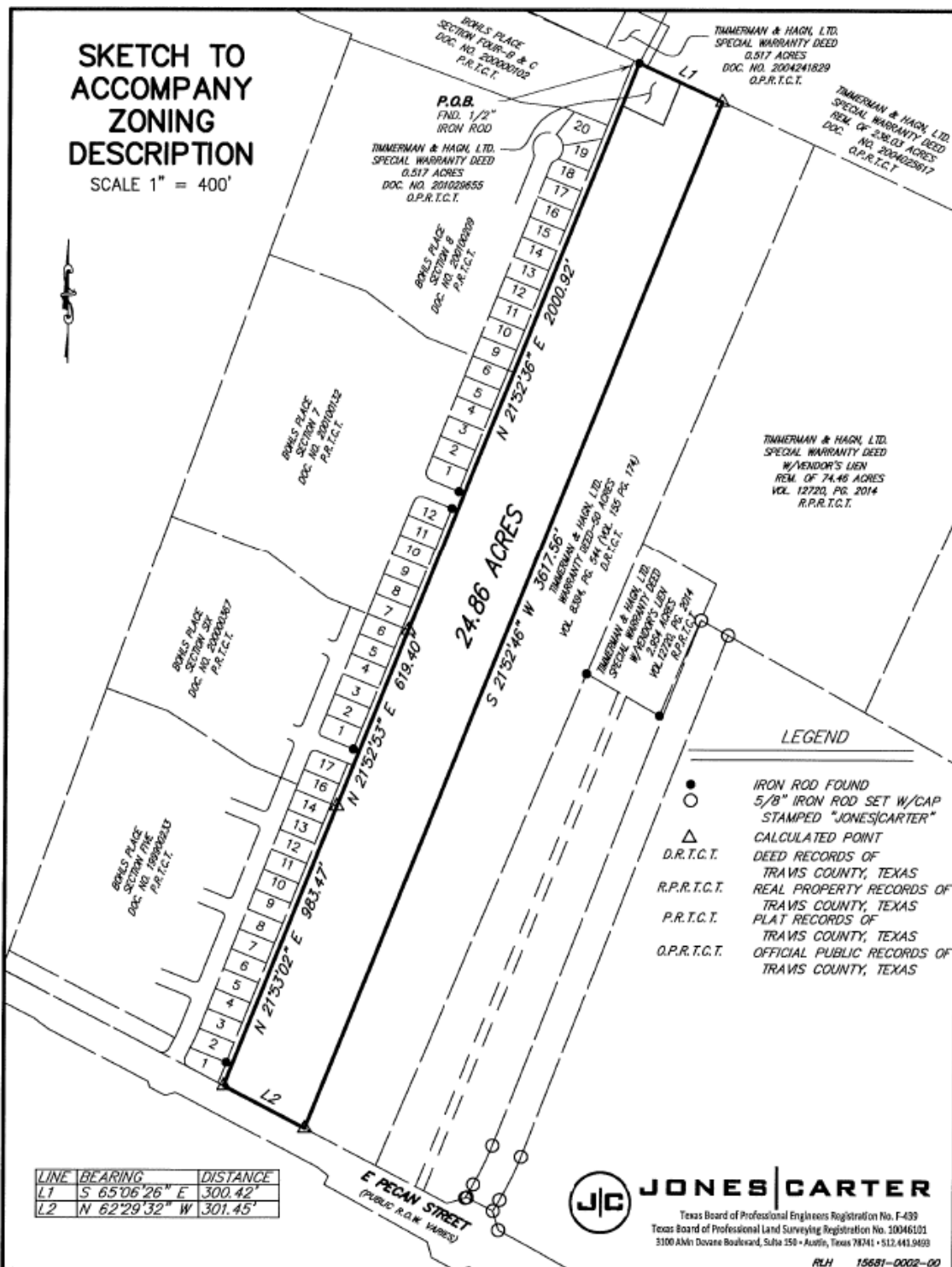
THENCE: North 21°53'13" East a distance of 3603.78 feet along the Eastern line of Annexing Ordinance No's 524-99-01-12, 595-00-08-22, 627-01-03-27, 629-01-03-27, and 521-99-01-12, also being the Eastern line of Bohls Place Section 5, Document No. 199900233, Bohls Place Section 6, Document No. 200000367, Bohls Place Section 7, Document No. 200100132, Bohls Place, Section 8, Document No. 200100209 and Bohls, Place Section Four-B & C, Document No. 200000102, the Western line of the said 50 acres and 0.517 Acres in Document No. 2010129655 to a point for the calculated southeastern corner of Annexing Ordinance No. 544-99-05-11;

THENCE: North 24°14'11" East a distance of 3124.93 feet along the eastern line of Annexing Ordinance No. 544-99-05-11 across a portion of the said 0.517 acres in Document No. 2004241829, a portion of the said 158.22 acres and a portion of the said 300.03 acres to a point for a corner of Annexing Ordinance No. 768-04-12-28, for the Northernmost corner of this herein described tract;

EXHIBIT "B"

SKETCH TO ACCOMPANY ZONING DESCRIPTION

SCALE 1" = 400'





November 27, 2019

Zoning & Planning Commission and City Council
City of Pflugerville
100 E Main Street, Suite 500
Pflugerville, TX 78691

Re: Timmerman 2020
Property Description and Supplemental Zoning Application Information

Dear Commissioners and Councilmembers:

The following information is provided, in part, as a supplement to the zoning application for the Timmerman 2020 property, located on the north side of Pecan Street at SH 130, abutting the eastern boundary of the Bohls Place subdivision. Information included below is required by the application checklist, and includes additional information that could not fit on the zoning application.

Property Description of Timmerman 2020:

Legal description

The subject property is approximately 150 acres of land in the Sefrin Eiselin Survey No. 4, Abstract 265 in Travis County, Texas.

Lot dimensions

The subject property includes a total of approximately 1,050 feet of frontage along Pecan Street. Lot depth varies and ranges from approximately 2,400 feet to approximately 6,750 feet measuring from Pecan Street. The total area is approximately 150 acres.

Zoning Request

The subject property was annexed into the full-purpose jurisdiction of Pflugerville on November 26, 2019, with an initial zoning classification of A (Agriculture). The requested zoning of the subject property is CL-4.

Parcel IDs

The subject property is comprised of land out of parcels 397016, 845330, and 845334.

Present Land Use

Vacant

Proposed Land Use

Mixed Use

Existing building on property

N/A. Site is vacant.



February 17, 2020

Planning & Zoning Commission
City Council
City of Pflugerville

Re: Timmerman 2020 – Meeting with Bohls Place Subdivision Representatives

Dear Commissioners and Council Members:

Blake Reed (Timmerman & Hagn, Ltd.) and I met Friday, January 24 with three (3) representatives from the Bohls Place subdivision to further discuss the rezoning case called Timmerman 2020. These representatives were George Vande Werken, John Oelrich, and Sandi Mota (President). The meeting was cordial, and while we were unable to offer any specific land uses or "end users" for the property, we did have a good discourse about the concerns of the neighborhood, including traffic and noise primarily. The representatives provided information on the types of users they would like to see in the Timmerman 2020 development in the future, including destination restaurants and office users. Ultimately, no new information was provided, but I believe the Bohls Place representatives understand that we want to be good neighbors and provide a development that will serve their subdivision and the surrounding area. Note that the meeting with the Bohls Place representatives was held after our original Planning & Zoning Commission hearing, which was held on January 6, 2020. Due to an instance of incorrect parliamentary procedure, we are now going back to Planning & Zoning Commission on March 3, with City Council hearings to be held on March 10 and March 24.

The Proposed Project

As you are aware, the Timmerman 2020 project is located on the north side of Pecan Street, abutting the eastern boundary of the Bohls Place subdivision, surrounding the Project Charm property, and terminating west of SH-130. We are requesting CL4 zoning, which is in keeping with the surrounding existing zoning classifications in and around the intersection of Pecan Street and SH-130, and offers flexibility in land uses. The proposed Timmerman 2020 project may include residential uses, commercial, and office uses, and will act as a visual buffer between the Bohls Place subdivision and the Project Charm development, which had its zoning approved on January 28, 2020. The Timmerman 2020 project will also provide land uses that will serve the existing subdivisions in the area, including, but not limited to, Bohls Place, Cambridge Estates, and Gatlinburg.

Please feel free to contact me should you have any questions or need additional information.

Best regards,

Paul W. Linehan, ASLA
President