

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 APPROXIMATELY 5.84 ACRES OF AN UNPLATTED TRACT LOCATED AT THE SOUTH TERMINUS OF WILLOW ST. FROM RETAIL (R) AND GENERAL BUSINESS 1 (GB1) DISTRICTS TO SINGLE FAMILY MIXED USE (SF-MU) DISTRICT, AND APPROXIMATELY 1.25 ACRES OF AN UNPLATTED TRACT LOCATED AT THE EAST TERMINUS OF E. PFLUGER ST. FROM SINGLE FAMILY SUBURBAN (SF-S) TO SINGLE FAMILY MIXED USE (SF-MU) DISTRICT; TO BE KNOWN AS THE TOWNHOMES OF OLD TOWN EAST REZONING (REZ1805-01); 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 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 an approximate 5.84 acre tract out of the A. Walters Survey, Abstract No. 791 from Retail (R) District and General Business 1 (GB1) District to the Single Family Mixed Use (SF-MU) District, and also to amend the zoning of an approximate 1.25 acre tract out of the A. Walters Survey, Abstract No. 791 from Single Family Suburban (SF-S) District to Single Family Mixed Use (SF-MU) District, both tracts being depicted and described in **Exhibit A**, which is attached hereto and fully incorporated herein for all purposes (Proposed Zoning); and

WHEREAS, the Planning and Zoning Commission held a public hearing on February 4, 2019, 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 its approval of the Proposed Zoning with a vote of 6-1; 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 Retail (R), General Business 1 (GB1), and Single Family Suburban (SF-S) 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 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 _____, 2019.

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"

FIELD NOTES

JOB NO. 17460-00

DATE: 11-12-2018

PAGE 1 OF 3

6.98 ACRES – field notes to accompany exhibit

Being 6.98 acres of land situated in Travis County, Texas, out of the A. Walters Survey, Abstract No. 791, and being part of a called 7.728 acres (tract 1=1.7870 acres, and tract 2=5.85 acres) conveyed to Annyce Lynette Bohls, in that instrument recorded under Document No. 2014143942 of the Official Public Records, Travis County, Texas, and further described by metes and bounds as follows:

BEGINNING: at a ¾" pipe, found in the west line of Dessau Road, for the northeast corner of the remainder of a called 119.623 acres, conveyed to Wuthrich Hill Farm, Ltd., in that instrument recorded under Document No. 2000152149 of said Official Public Records, the most southerly corner of the remainder of a called 3.18 acres, conveyed to Barbara Bohls Freeman, in that instrument recorded in Volume 10069, Page 826 of the Real Property Records, Travis County, Texas, the southeast corner of said Bohls 5.85 acre tract (tract 2), and this parcel, from which a 5/8" iron rod w/ aluminum cap, found in the north line of Dessau Road, for the northeast corner of said Freeman tract, bears N 55°36'32" E, 214.71 feet.

THENCE: N 62°23'08" W, 1011.19 feet along the north line of said Wuthrich Hill Farm, Ltd. tract, the north line of a called 2.237 acres, conveyed to Eileen Wuthrich Gant and George R. Gant, in that instrument recorded in Volume 8393, Page 844 of the Deed Records, Travis County, Texas, the south line of said Bohls 5.85 acre tract (tract 2), and this parcel, to a 60D nail in a ¾" pipe, found in the east line of Selman Subdivision, a subdivision in Travis County, Texas, as recorded under Document No. 201300251 of the Plat Records, Travis County, Texas, for the southwest corner of said Bohls 5.85 acre tract, and this parcel.

THENCE: N 59°51'03" E, 322.59 feet along the east line of said Selman Subdivision, the west line of said Bohls 5.85 acre tract (tract 2), and this parcel, to a ¾" pipe, found in the south line of Lisso Subdivision a subdivision in Travis County, Texas, as recorded in Volume 30, Page 42 of the Plat Records, Travis County, Texas, for an angle point in the east line of said Selman Subdivision, the northwest corner of said Bohls 5.85 acre tract (tract 2), and this parcel, from which a ¾" pipe found, for an angle point in the east line of said Selman Subdivision, and the southwest corner of said Lisso Subdivision, bears N 62°35'43" W, 17.33 feet.

THENCE: S 62°53'55" E, 221.93 feet along the south line of said Lisso Subdivision, the north line of said Bohls 5.85 acre tract (tract 1), and this parcel, to a ½" iron rod w/ cap stamped "TLS, Inc.", found for an angle point.

THENCE: S 62°23'55" E, 420.59 feet along, in part, the south line of said Lisso Subdivision, crossing Willow Street, the south line of the Wuthrich Addition No. 2 to the City of Pflugerville, a subdivision in Travis County, Texas, as recorded in Volume 2, Page 183 of said Plat Records, the north line of said Bohls 5.85 acre tract (tract 2), and this parcel, to a ½" iron rod w/ cap stamped "TLS, Inc." set for the southeast corner of said Wuthrich Addition No. 2, the southwest corner of said Bohls 1.7870 acre tract (tract 1), and an angle point in the north line of this parcel.

THENCE: N 27°18'21" E, 127.79 feet along the east line of said Wuthrich Addition No. 2, the west line of said Bohls 1.7870 acre tract (tract 1), and this parcel, to a "MAG" nail found in a 12" cedar post, in the south line of E. Pfluger Street, for the northeast corner of said Wuthrich Addition No. 2, the southwest corner of a called 0.213 acres, known as Bohls Street, conveyed to the City of Pflugerville, Texas, in that instrument recorded in Volume 6817, Page 1885 of said Deed Records, and an angle point in the north line of this parcel.

THENCE: S 62°51'52" E, 30.00 feet into, over and across said Bohls 1.7870 acre tract (tract 1), along the south line of said City of Pflugerville tract, and the north line of this parcel, to a ½" iron rod w/ cap stamped "TLS, Inc.", set for the southeast corner of said City of Pflugerville tract, and an angle point in the north line of this parcel.

THENCE: N 27°07'04" E, 139.36 feet into, over and across said Bohls 1.7870 acre tract (tract 1), along the east line of said City of Pflugerville tract, and the north line of this parcel, to a ½" iron rod w/ cap stamped "TLS, Inc.", set for an angle point.

THENCE: S 64°57'24" E, 170.44 feet into, over and across said Bohls 1.7870 acre tract (tract 1), and along the north line of this parcel, to a ½" iron rod w/ cap stamped "TLS, Inc.", found in the west line of a called 12.6758 acres, conveyed to James Robert Bohls, in that instrument recorded under Document No. 2007012384 of said Official

EXHIBIT "A"

FIELD NOTES

JOB NO. 17460-00

DATE: 11-12-2018

PAGE 2 OF 3

Public Records, for the northeast corner of this parcel, from which a 1/2" iron rod w/ cap stamped "TLS, Inc.", found in the south line of Paul Street extended, for the northeast corner of said Bohls 1.7870 acre tract (tract 1), bears N 27°10'17" E, 169.99 feet.


THENCE: S 27°10'17" W, 275.01 feet along the west line of said Bohls 12.6758 acre tract, the east line of said Bohls 1.7870 acre tract (tract 1) to a 1/2" iron rod w/ cap stamped "TLS, Inc." set, for the southeast corner of said Bohls 1.7870 acre tract (tract 1), the northeast corner of said Bohls 5.85 acre tract (tract 2), an angle point in the west line of said Bohls 12.6758 acre tract, and an angle point in the east line of this parcel.

THENCE: S 29°51'34" W, 84.92 feet along the west line of said Bohls 12.6758 acre tract, the east line of said Bohls 5.85 acre tract (tract 2), and this parcel, to a 1/2" iron rod found, for the northwest corner of said Freeman tract, the southwest corner of said Bohls 12.6758 acre tract, an angle point in the east line of said Bohls 5.85 acre tract (tract 2) and this parcel, from which a 5/8" iron rod w/ aluminum cap, found in the west line of Dessau Road, for the northeast corner of said Freeman tract, bears S 62°04'15" E, 100.22 feet.

THENCE: S 27°47'05" W, 190.14 feet along the west line of said Freeman tract, the east line of said Bohls 5.85 acre tract (tract 2), and this parcel, to the Point of Beginning, and containing a computed area of 6.98 acres.

Bearings cited hereon based on Grid North Texas State Plane Coordinate System Central Zone (NAD83).

This survey may be in violation of State of Texas Local Government Code, Chapter 232, County Regulations of Subdivisions. Texas Land Surveying, Inc. assumes NO liability of any kind for the misuse (illegal use) of this survey.

 11-13-18

Kenneth Louis Crider, R.P.L.S. No. 5624
Texas Land Surveying, Inc.
3613 Williams Drive, Suite 903
Georgetown, Texas 78628
TBPLS FIRM No. 10056200



EXHIBIT "A"



BOUNDARY SURVEY MADE FOR AND BEHALF OF LAND OWNERS IN TRACT COUNTY TEXAS, OUT OF THE A. WALTERS SURVEY, ABSTRACT NO. 701, AND BEING PART OF THE SAME, THE FOLLOWING DESCRIBED TRACTS, TO-WIT: TRACTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 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EXHIBIT "A"

FIELD NOTES

JOB NO. 17460-00

DATE: 11-12-2018

PAGE 1 OF 2

0.22 ACRES – field notes to accompany exhibit

Being 0.22 acres of land situated in Travis County, Texas, out of the Alexander Walters Survey No. 67, Abstract No. 791, and being part of a called 3.18 acres conveyed to Barbara Bohls Freeman, in that instrument recorded in Volume 10069, Page 826 of the Real Property Records, Travis County, Texas, and further described by metes and bounds as follows:

BEGINNING: at a ¾" pipe, found in the west line of Dessau Road, for the northeast corner of the remainder of a called 119.623 acres, conveyed to Wuthrich Hill Farm, Ltd., in that instrument recorded under Document No. 2000152149 of said Official Public Records, the southeast corner of a called 5.85 acres (tract 2), conveyed to Annyce Lynette Bohls, in that instrument recorded under Document No. 2014143942 of the Official Public Records, Travis County, Texas, the most southerly corner of said Freeman tract, and this parcel, from which a 60D nail in a ¾" pipe found, for the southwest corner of said Bohls tract, bears N 62°23'08" W, 1011.19 feet.

THENCE: N 27°47'05" E, 190.14 feet along the east line of said Bohls 5.85 acre tract (tract 2), the west line of said Freeman tract, and this parcel, to a ½" iron rod found, for the southwest corner of a called 12.6758 acres, conveyed to James Robert Bohls, in that instrument recorded under Document No. 2007012384 of said Official Public Records, an angle point in the east line of said Bohls 5.85 acres tract (tract 2), the northwest corner of said Freeman tract, and this parcel.

THENCE: S 62°04'15" E, 100.22 feet along the south line of said Bohls 12.6758 acre tract, the north line of said Freeman tract, and this parcel, to a 5/8" iron rod w/ aluminum cap found in the west line of Dessau Road, for the southeast corner of said Bohls 12.6758 acre tract, and the northeast corner of this parcel.

THENCE: S 55°36'32" W, 214.71 feet into, over and across said Freeman tract, along the west line of Dessau Road, and the east line of this parcel, to the Point of Beginning, and containing a computed area of 0.22 acres.

Bearings cited hereon based on Grid North Texas State Plane Coordinate System Central Zone (NAD83).

This survey may be in violation of State of Texas Local Government Code, Chapter 232, County Regulations of Subdivisions. Texas Land Surveying, Inc. assumes NO liability of any kind for the misuse (illegal use) of this survey.

 11-14-18
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