

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 APPROVING A SPECIFIC USE PERMIT FOR AN OFFICE/WAREHOUSE USE ON A PORTION OF A 60.16 ACRE TRACT OF LAND CURRENTLY ZONED CORRIDOR URBAN LEVEL 4 DISTRICT (CL4) SITUATED IN THE THOMAS G. STUART SURVEY, SECTION NO. 6, ABSTRACT 689, LOCATED IN PFLUGERVILLE, TRAVIS COUNTY, TEXAS, TO BE KNOWN AS THE LIVING SPACES SPECIFIC USE PERMIT (SUP1611-01); PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR A NON-SEVERABILITY CLAUSE; 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, a petition for a Specific Use Permit has been made by the property owner in conformance with the procedures of the City of Pflugerville's Code of Ordinances, Chapter 157, Unified Development Code; and

WHEREAS, the Planning and Zoning Commission held a public hearing on December 5, 2016, determined that the petition and associated application for the Specific Use Permit met the requirements of Chapter 157, Subchapter 3 (Specific Use Permits) and Subchapter 4 (Zoning Districts and Use Regulations), and recommended approval of the Specific Use Permit with conditions for an Office/Warehouse use on the subject site; and

WHEREAS 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.

NOW, THEREFORE, 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.

I.

Zoning Map Amended

THAT the Official Zoning Map of the City of Pflugerville, Texas adopted in Ordinance No. 1203-15-02-24, as amended, is amended to apply the Specific Use Permit to the Corridor Urban Level 4 (CL4) base zoning district of the property, which is described as a 60.16 acre tract of land situated in the Thomas G. Stuart Survey, Section No. 6, Abstract 689 in Pflugerville, Travis County, Texas as shown in Exhibit A.

II.

Conditions Accepted by Applicant

The property described above may be developed and used in accordance with regulations established by this Specific Use Permit, as provided in Exhibit B “Conditions” and Exhibit C “General Site Layout, Streetscape, and Screening Plan,” and all other applicable ordinances of the City of Pflugerville, Texas, which are incorporated herein; and the applicant, owner and grantees have accepted the terms thereof, all of which are required by Chapter 157, Subchapter 3 of the Unified Development Code.

III.

Cumulative Clause.

This ordinance shall be cumulative of all provisions of the City of Pflugerville, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

IV.

Severability.

If any provision of the Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will be void and the property will revert back to the zoning in place before this ordinance’s effective date.

V.

Effective Date.

This Ordinance will take effect upon its adoption by the City Council and publication of the caption hereof in accordance with Section 3.15(d) of the City Charter.

PASSED AND APPROVED this _____ day of _____, 2016.

CITY OF PFLUGERVILLE, TEXAS

by:

Victor Gonzales, Mayor

ATTEST:

KAREN THOMPSON, City Secretary

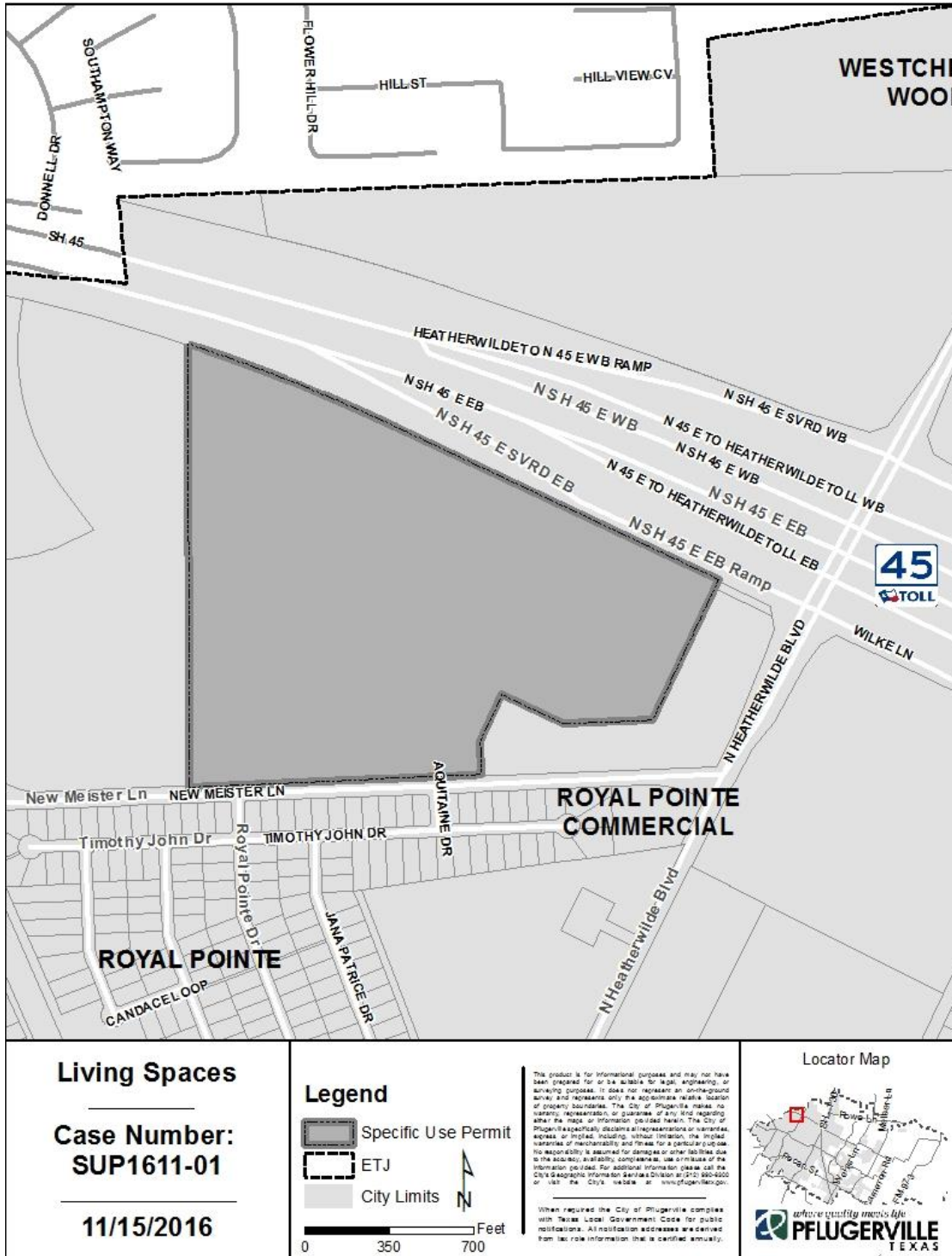
APPROVED AS TO FORM:

GEORGE E. HYDE, City Attorney
Denton Navarro Rocha Bernal Hyde & Zech, PC

EXHIBIT "A"

SUBJECT PROPERTY:

60.16 acre tract of land situated in the Thomas G. Stuart Survey, Section No. 6, Abstract 689 in Pflugerville, Travis County, TX



TEXAS TOLL ROAD 45

(VARIABLE WIDTH R.O.W.)
STATE OF TEXAS
A CALLED 11.086 ACRE TRACT
DOC. NO. 200708953 O.P.R.

FD. I.R.
(RPLS 5970)

P.O.B.

R=7,616.94'
Delta=3°41'18"
CB=S66°34'14"E
CD=490.25'
L=490.33'

A 60.16 ACRE TRACT OF LAND SITUATED IN THE THOMAS G. STUART SURVEY, SECTION NO. 6, ABSTRACT 689 IN TRAVIS COUNTY, TEXAS BEING OUT OF THE REMNANT PORTION OF A CALLED 132.6766 ACRE TRACT CONVEYED JOHN S. LLOYD, FIRST UNITED CORPORATION RECORDED IN DOCUMENT NO. 2003196132 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY, BEING A PORTION OF A CALLED 69.085 ACRE TRACT CONVEYED TO RICHARD AND AGATHA DAY RECORDED IN VOLUME 12874, PAGE 1015 OF THE REAL PROPERTY RECORDS OF SAID COUNTY, AND BEING ALL OF A CALLED 3.00 ACRE TRACT CONVEYED TO 302NEW MEISTER PROPERTIES, LLC RECORDED IN DOCUMENT NO. 2014132494 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY.

R=7,616.94'
Delta=3°18'13"
CB=S70°03'59"E
CD=439.11'
L=439.18'

THOMAS G. STUART SURVEY
SECTION NO. 6
ABSTRACT NO. 689

60.16 ACRES

OWNER JOHN S. LLOYD
FIRST UNITED CORPORATION
REMANANT OF A 132.6766 ACRE TRACT
DOCUMENT NO. 2003196132
O.P.R.

OWNER RICHARD & AGATHA RADY
A CALLED 69.085 ACRE TRACT
VOL. 12784, PG. 1015
R.P.R.
OWNER REALTRON, INC.
A CALLED 69.086 ACRE TRACT
DOCUMENT NO. 2006202615
O.P.R.

S87°34'55"W 659.60'

FD. I.R.
(RPLS 5870)

FD. 1/2" I.R.
FD. 1/2" I.R.
FD. 1/2" I.R.
NEW MEISTER LANE
(60 R.O.W.)

S64°43'47"E 1478.98'

TEXAS TOLL ROAD 45
(VARIABLE WIDTH R.O.W.)
A CALLED 10.538 ACRE TRACT
DOC. NO. 2008018287 O.P.R.

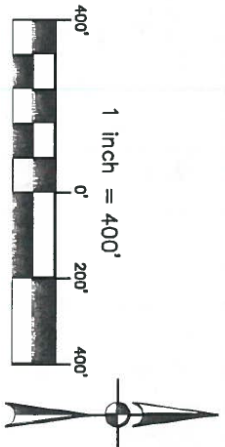
NORTH HEATHERWILDE BLVD.
(VARIABLE WIDTH R.O.W.)

OWNER 302NEW MEISTER
PROPERTIES, LLC
3.00 ACRES
DOCUMENT NO. 2014132494
O.P.R.

PAPE-DAWSON
ENGINEERS

AUSTIN | SAN ANTONIO | HOUSTON | FORT WORTH | DALLAS
7800 SHOUL CREEK BLVD., STE 220 W | AUSTIN, TX 78757 | 512.454.8711
TYPE FIRM REGISTRATION #470 | TPELS FIRM REGISTRATION #10028801

EXHIBIT OF



NOTES:

1. THE PROFESSIONAL SERVICES PROVIDED HEREWITH INCLUDE THE PREPARATION OF A FIELD NOTE DESCRIPTION.
2. THE BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE CENTRAL ZONE FROM THE NORTH AMERICAN DATUM OF 1983 NAD 83 (NAD2011) EPOCH 2010.00.
3. ADJOINERS ARE FOR INFORMATIONAL PURPOSES ONLY.

LEGEND:

- O.P.R. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
- FD. I.R. FOUND
- IRON ROD FOUND MONUMENT AS NOTED
- SET 1/2" IRON ROD WITH PAPE-DAWSON CAP

LINE TABLE

LINE	BEARING	LENGTH
L1	S87°31'08"W	370.53'
L2	N64°43'47"W	280.84'
L3	S25°16'13"W	213.27'
L4	S02°25'21"E	136.71'
L5	S87°44'01"W	43.27'
L6	S87°41'01"W	364.43'
L7	S86°32'31"W	148.72'



OCTOBER 28, 2016

JOB NO.:

SHEET 1 OF 1
50930-00

FIELD NOTES

FOR

A 60.16 ACRE, TRACT OF LAND SITUATED IN THE THOMAS G. STUART SURVEY, SECTION NO. 6, ABSTRACT 689 IN TRAVIS COUNTY, TEXAS BEING OUT OF THE REMNANT PORTION OF A CALLED 132.6766 ACRE TRACT CONVEYED JOHN S. LLOYD, FIRST UNITED CORPORATION RECORDED IN DOCUMENT NO. 2003196132 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY, BEING A PORTION OF A CALLED 69.085 ACRE TRACT CONVEYED TO RICHARD AND AGATHA DAY RECORDED IN VOLUME 12874, PAGE 1015 OF THE REAL PROPERTY RECORDS OF SAID COUNTY, AND BEING ALL OF A CALLED 3.00 ACRE TRACT CONVEYED TO 302NEW MEISTER PROPERTIES, LLC RECORDED IN DOCUMENT NO. 2014132494 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY. SAID 60.16 ACRE TRACT OF LAND BEING MORE FULLY DESCRIBED AS FOLLOWS, WITH THE BEARINGS BASED ON THE NORTH AMERICAN DATUM OF 1983 (CORS 1996), FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE CENTRAL ZONE:

BEGINNING at a ½" iron rod with yellow cap marked "Pape-Dawson" set at the northwest corner of said Remnant Portion, same being the northeast corner of said 69.085 acre tract, also being the southeast corner of a called 11.066 acre tract conveyed to the State of Texas in Document No. 2007089653 of the Official Public Records of said County, same being the southwest corner of a called 40.539 acre tract conveyed to the State of Texas in Document No. 2008019287 of the Official Public Records of said County, also being a point in the south right-of-way line of Texas Toll Road 45 for a point of curvature in the north line and **POINT OF BEGINNING** hereof;

THENCE along the arc of a curve to the right, with the north line of said Remnant Portion, same being a south line of said 40.539 acre tract and south right-of-way line of said Toll Road 45, having a **radius of 7616.94 feet**, a **central angle of 03°41'18"**, a **chord bearing and distance of S 66°34'14" E, 490.25 feet**, an **arc length of 490.33 feet** to a TXDOT Type II monument found for the northernmost northeast corner of said Remnant Portion, same being a south corner of said 40.539 acre tract, same being a point in the south right-of-way line of said Toll Road 45, same being the northwest cutback of North Heatherwilde Blvd., a variable width Right of Way, also being the northernmost northwest corner of said Remnant Portion for the northernmost northeast corner hereof;

THENCE S 64°43'47" E, continuing with the north line of said Remnant Portion, same being a south line of said 40.539 acre tract and south right-of-way line of said Toll Road 45, a distance of **1478.98 feet** to a calculated point for the northeast corner hereof, from which a TXDOT Type II monument found at the northernmost northeast corner of said Remnant Portion, same being a southwest corner of said 40.539 acre tract, same being a point in the south right-of-way line of said Toll Road 45, also being the northwest cutback corner of North Heatherwilde Blvd., a variable width right-of-way bears **S 64°43'47" E, 239.46 feet**;

THENCE departing the south right-of-way line of said Toll Road 45, through the interior of said Remnant Portion the following five (5) courses and distances:

1. **S 25°16'13" W**, a distance of **643.62 feet** to a calculated point for the easternmost southeast corner hereof,
2. **S 87°31'08" W**, a distance of **370.53 feet** to a calculated angle point,
3. **N 64°43'47" W**, a distance of **280.84 feet** to a calculated angle point,
4. **S 25°16'13" W**, a distance of **213.27 feet** to a calculated angle point, and
5. **S 02°25'21" E**, a distance of **136.71 feet** to a calculated point in the north right-of-way line of New Meister Lane, a 60 foot right-of-way for the southernmost southeast corner hereof;

THENCE S 87°44'01" W, with the south line of said Remnant Portion, same being the north right-of-way line of said New Meister Lane, a distance of **43.27 feet** to a ½" iron rod found at a southwest corner of said Remnant Portion, same being the southeast corner of said 3.00 acre tract, also being a point in the north right-of-way line of said New Meister Lane;

THENCE S 87°41'01" W, with the south line of said 3.00 acre tract, same being the north right-of-way line of said New Meister Lane, a distance of **364.43 feet** to a ½" iron rod found at the southwest corner of said 3.00 acre tract, same being a southeast corner of said Remnant Portion, also being a point in the north right-of-way line of said New Meister Lane;

THENCE S 86°32'31" W, with the south line of said Remnant Portion, same being the north right-of-way line of New Meister Lane, a distance of **148.72 feet** to a ½" iron rod found at the southwest corner of said Remnant Portion, same being the southeast corner of said 69.085 acre tract;

THENCE S 87°34'55" W, with the south line of said 69.085 acre tract, same being the north right-of-way line of said New Meister Lane, a distance of **659.60 feet** to an iron rod with cap marked "RPLS 5870" found in the south line of said 69.085 acre tract, same being the north right-of-way line of said New Meister Lane for the southwest corner hereof;

THENCE N 00°02'03" W, departing the north right-of-way line of said New Meister Lane, through the interior of said 69.085 acre tract, a distance of **1836.87 feet** to an iron rod with cap marked "RPLS 5970" for a point in the north line of said 69.085 acre tract, same being a point in the south line of said 11.066 acre tract and south right-of-way line of said Toll Road 45 for the northwest corner hereof and point of non-tangent curvature,

60.16 Acre
Job No. 50930-00
Page 3 of 3

THENCE along a curve to the right, with the north line of said 69.085 acre tract, same being the south line of said 11.066 acre tract and south right-of-way line of said Toll Road 45, said curve having a **radius** of **7616.94 feet**, a **central angle** of **03°18'13"**, a **chord bearing and distance** of **S 70°03'59" E, 439.11 feet**, an **arc length** of **439.18 feet** to the **POINT OF BEGINNING** and containing 60.16 acres in Travis County, Texas, Said tract being described in accordance with a survey made on the ground prepared under Job No. 50930-00 by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: October 28, 2016
JOB No.: 50830-00
DOC.ID.: H:\survey\CIVIL\50930-00\Exhibits\Word\60.16Ac_SpecialUsePermit.docx
TBPE Firm Registration #470
TBPLS Firm Registration #100288-01

Parker J. Graham

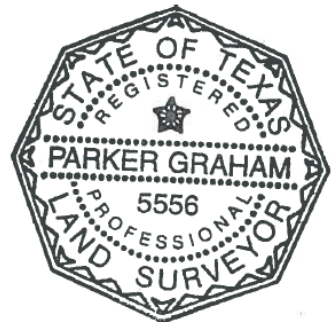


EXHIBIT “B”

CONDITIONS:

Item	Conditions
1	Site use and development shall be in accordance with the Unified Development Code, Ordinance No. 1203-15-02-24, as amended.
2	The site configuration of Lot 1 shall substantially conform to “Exhibit C” (Sheet L1.01). Other site improvements shall be required through the site development process to comply with the Unified Development Code.
3	The screening of the truck courts along SH 45 and New Meister Lane will include 8’ masonry walls at locations identified on “Exhibit C” (Sheets L1.01 and Sheets L1.02)
4	25’ Streetscape yards along SH 45 and New Meister Lane will include tree plantings at a rate of 1 large tree (Type A) and 2 smaller trees (Type B or C) every 40 linear feet along the street frontage.
5	Additional interior landscaping shall be provided consistent with “Exhibit C” (Sheet L1.01) and in accordance with Subchapter 11 Landscaping and Screening of the Unified Development Code.
6	The office/warehouse portion of the building shall be constructed in conjunction with the retail furniture store component.

EXHIBIT “C”
General Site Layout, Streetscaping and Screening Plan
(Sheet L1.01 and Sheet L1.02)