

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 July 2, 2018, 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 for denial of the Proposed Zoning with a vote of 1-3; 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 _____, 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”

BOUNDARY EXHIBIT FOR 2.04 ACRES OF LAND (CALLED 1.7870 ACRES, TRACT 1) SITUATED IN TRAVIS COUNTY, TEXAS, OUT OF THE A. WALTERS SURVEY, ABSTRACT NO. 971, BEING PART OF THE SAME PROPERTY CALLED 159.437 ACRES, CONVEYED TO ANNETTE LYNETTE BOHLS, IN A DISTRIBUTION SPECIAL WARRANTY DEED, DATED SEPTEMBER 23, 2014, AS RECORDED UNDER DOCUMENT NO. 2014143942 OF THE OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, AND FURTHER DESCRIBED BY ACCOMPANYING METES AND BOUNDS, (SEE PAGES 1 & 2 OF 3 ATTACHED).

JOB NO.: 17480
DRAWN: RJT
F.C.: CC

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THIS SURVEY MAY NOT BE USED FOR THE CONVEYANCE OF TITLE IN REAL PROPERTY THAT RESULTS IN VIOLATION OF STATE OF TEXAS LOCAL GOVERNMENT CODE CHAPTER 232, COUNTY REGULATION OF SUBDIVISION TEXAS LAND SURVEYING, INC. ASSURES NO LIABILITY OF ANY KIND FOR ANY MISUSE OR ILLEGAL USE OF THIS SURVEY.

Scale: 1" = 100'

BEARINGS CITED HEREON BASED ON STATE PLANE COORDINATES, GRID-NORTH, CENTRAL ZONE, TEXAS NAD 83 (93).

LEGEND

●	1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
○	1/2" IRON ROD SET W/PLASTIC CAP STAMPED "T.S.I.N.C."
■	3/4" PIPE
+	FENCE POST
-	RAILROAD
R.R.A.T.O.	REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
D.P.R.T.C.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
P.A.T.O.	PLAY RECORDS OF TRAVIS COUNTY, TEXAS
/	RECORD INFORMATION
C&G	CONCRETE

NOTES:

- FENCE TIES (FT) WITH A PLUS (+) SIGN INDICATE FENCE INSIDE THE PROPERTY LINE.
- FENCE TIES (FT) WITH A MINUS (-) SIGN INDICATE FENCE OUTSIDE THE PROPERTY LINE.

SURVEY PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. OTHER EASEMENTS AND/OR RESTRICTIONS NOT SHOWN HEREON MAY APPLY.

STATE OF TEXAS §
COUNTY OF WILLIAMSON §
KNOW ALL MEN BY THESE PRESENTS
THAT SURVEYOR FOR TEXAS LAND SURVEYING, INC., HAVE THIS DATE CAUSED TO BE PERFORMED AN ON-THE-GROUND SURVEY UNDER MY SUPERVISION OF THE FOREGOING TRACT OF LAND TO THE BEST OF MY KNOWLEDGE AND BELIEF THERE ARE NO DISCREPANCIES, COMPLETS, SHORTAGES IN AREA, ENCROACHMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A DESIGNATED ROADWAY, EXCEPT AS SHOWN HEREON.

Texas Land Surveying, Inc.
-A Land Surveying and Geosience Firm-
3613 Willicoma Drive, Suite 903 - Georgetown, Texas 78626
(512) 930-1600/(512) 930-9389 for www.tlsurveyor-inc.com
TBPLS FRM NO.10056200 GEOSCIENCE FIRM NO.50538

IF THIS DOCUMENT DOES NOT CONTAIN THE WORDS "SURVEY" OR "THE UNDERSIGNED SURVEYOR," IT IS UNLAWFUL TO REPRODUCE OR COPY, TRANSMIT, OR COMMUNICATE IN ANY MANNER, INCLUDING BUT NOT LIMITED TO, ELECTRONIC, MECHANICAL, PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

THIS AREA DOES NOT APPEAR TO BE IN A SPECIAL FLOOD HAZARD AREA PER FEMA'S FLOOD INSURANCE RATE MAP #48453C0001A, DATED AUGUST 18, 2014. THIS STATEMENT IS NOT MADE IN LIEU OF AN EVIDENCE CERTIFICATE.

KENNETH LOUIS CRIDER
PROFESSIONAL LAND SURVEYOR
No. 50538

Witness my hand and seal this 17th Day of June, 2017 A.D.

EXHIBIT "A"

FIELD NOTES

JOB NO. 17460-00

DATE: 7-24-17

PAGE 1 OF 3

5.84 ACRES (TRACT 2)

Being 5.84 acres of land (called 5.85 acres, tract 2) situated in Travis County, Texas, out of the A. Walters Survey, Abstract No. 791, being part of the same property called 159.437 acres, conveyed to Annyce Lynette Bohls, in a Distribution Special Warranty Deed, dated September 23, 2014, as 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 $\frac{1}{4}$ " 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 a Warranty Deed, dated September 15, 2000, as 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 a Gift Deed, dated January 15, 1987, as recorded in Volume 10069, Page 826 of the Real Property Records, Travis County, Texas, the southeast corner of said Bohls 5.85 acre tract, and this parcel.

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 a Deed, dated December 30, 1983, as recorded in Volume 8393, Page 844 of the Deed Records, Travis County, Texas, the south line of said Bohls 5.85 acre tract, and this parcel, to a 60D nail in a $\frac{3}{4}$ " 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, and this parcel, to a $\frac{3}{4}$ " pipe, found in the south line of Lisso Subdivision a subdivision in Travis County, Texas, as recorded in Volume 3, Page 361 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, and this parcel, from which a $\frac{3}{4}$ " 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, and this parcel, to a $\frac{1}{2}$ " iron rod w/ cap stamped "TLS, Inc.", set for an angle point.

THENCE: S 62°23'55" E, 621.09 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, the south line of a called 1.7870 acres (tract 1), conveyed to Annyce Lynette Bohls, in a Distribution Special Warranty Deed, dated September 23, 2014, as recorded under Document No. 2014143942 of said Official Public Records, the north line of said Bohls 5.85 acre tract, and this parcel, to a $\frac{1}{2}$ " iron rod w/ cap stamped "TLS, Inc.", set in the west line of the remainder of a called 12.6758 acres, conveyed to James Robert Bohls, et al, in an Executor's Deed, dated January 19, 2007, as recorded under Document No. 2007012384 of said Official Public Records, the east line of said Bohls 5.85 acre tract, and this parcel, for the southeast corner of said Bohls 1.7870 acre tract, the northeast corner of said Bohls 5.85 acre tract, and this parcel.

EXHIBIT "A"

FIELD NOTES


JOB NO. 17460-00

DATE: 7-24-17

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THENCE: S 28°25'31" W, 275.02 feet along, in part, the west line of said Bohls 12.6758 acre tract, the west line of said Freeman tract, the east line of said Bohls 5.85 acre tract, and this parcel, to the Point of Beginning.

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

 4-25-18

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

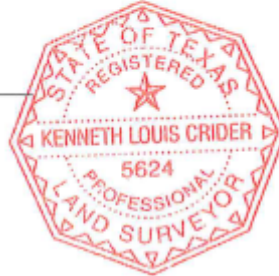


EXHIBIT "A"

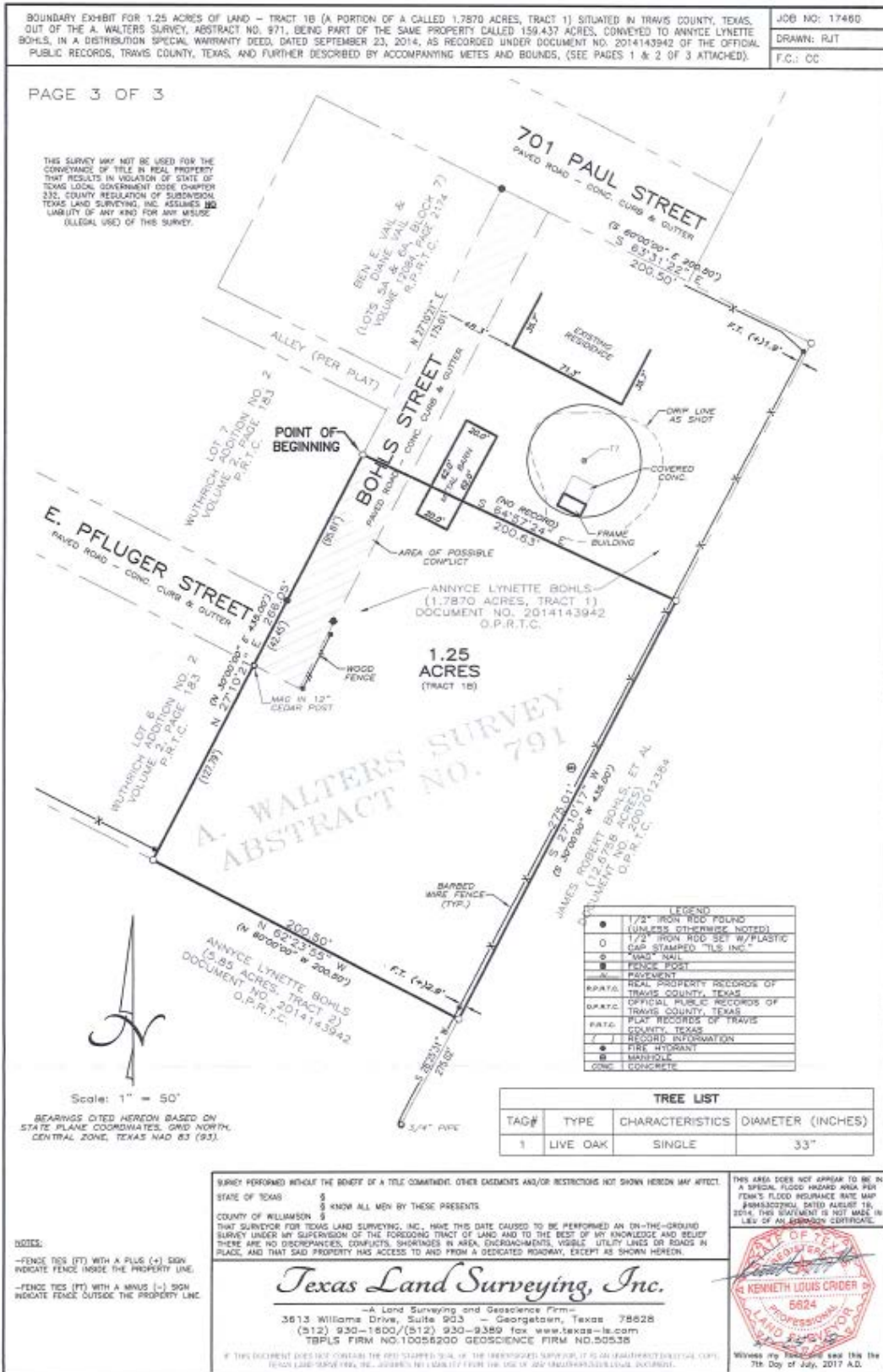


EXHIBIT "A"

FIELD NOTES

JOB NO. 17460-00

DATE: 11-14-17

PAGE 1 OF 3

1.25 ACRES (TRACT 1B) – field notes to accompany exhibit

Being 1.25 acres of land (a portion of a called 1.7870 acres, tract 1) situated in Travis County, Texas, out of the A. Walters Survey, Abstract No. 791, being part of the same property called 159.437 acres, conveyed to Annyce Lynette Bohls, in a Distribution Special Warranty Deed, dated September 23, 2014, as recorded under Document No. 2014143942 of the Official Public Records, Travis County, Texas, as surveyed on the ground on this, the 7th day of July, 2017, by Texas Land Surveying, Inc., and further described by metes and bounds as follows:

BEGINNING: at a ½" iron rod w/ cap stamped "TLS, Inc.", set in the west line of Bohls Street (no right-of-way dedication found), the east line of Lot 7 of the Wuthrich Addition No. 2 to the City of Pflugerville, Texas, a subdivision in Travis County, Texas, as recorded in Volume 2, Page 183 of the Plat Records, Travis County, Texas, and the west line of said Bohls tract, for the northwest corner of this parcel, from which a ½" iron rod, found in the south line of Paul Street, for the northeast corner of a called Lots 5A and 6A, Block 7, of the Wuthrich Addition No. 1 to the City of Pflugerville, a subdivision in Travis County, Texas, according to the plat recorded in Volume 2, Page 161 of the Plat Records, Travis County, Texas, and conveyed to Ben E. Vail and Diane Vail, in a General Warranty Deed With Vendor's Lien, dated November 17, 1993, as recorded in Volume 12084, Page 2174 of the Real Property Records, Travis County, Texas, and the northwest corner of said Bohls 1.7870 acre tract, bears N 27°10'21" E, 175.01 feet.

THENCE: S 64°57'24" E, 200.63 feet into, over and across said Bohls 1.7870 acre tract, to a ½" iron rod w/ cap stamped "TLS, Inc.", set in the west line of a called 12.6758 acres, conveyed to James Robert Bohls, et al, in a Executor's Deed, dated January 19, 2007, as recorded under Document No. 2007012384 of said Official Public Records, and the east line of said Bohls 1.7870 acre tract, for the northeast corner of this parcel.

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, and this parcel, to a ½" iron rod w/ cap stamped "TLS, Inc.", set for the northeast corner of a called 5.85 acres (tract 2) of said Bohls 159.437 acre tract, the southeast corner of said Bohls 1.7870 acre tract, and this parcel, from which a ¾" pipe, found in the west line of said Bohls 12.6758 acre tract, for the southeast corner of said 5.85 acres (tract 2) of said Bohls 159.437 acre tract, bears S 28°25'31" W, 275.02 feet.

THENCE: N 62°23'55" W, 200.50 feet along the north line of said Bohls 5.85 acre tract (tract 2) of said Bohls 159.437 acre tract, the south line of said Bohls 1.7870 acre tract, and this parcel, to a ½" iron rod w/ cap stamped "TLS, Inc.", set for the southeast corner of Lot 6, Wuthrich Addition No. 2 to the City of Pflugerville, Texas, a subdivision in Travis County, Texas, as recorded in Volume 2, Page 183 of the Plat Records, Travis County, Texas, the southwest corner of said Bohls 1.7870 acre tract, and this parcel.

THENCE: N 27°10'21" E, along the east line of said Wuthrich Addition No. 2, the west line of said Bohls 1.7870 acre tract, and this parcel, at 127.79 feet passing a "MAG" nail in a 12" cedar post, found in the south line of E. Pfluger Street, for the northeast corner of Lot 6, of said Wuthrich Addition No. 2, crossing E. Pfluger Street at 170.24 feet passing a ½" iron rod found in the north line of E. Pfluger Street, and the