

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 2.2013 ACRES,
LOT 1A FROM THE MILESTONE PECAN STREET
RESUBDIVISION, FROM GENERAL BUSINESS 2 (GB2) TO
GENERAL BUSINESS 1 (GB1) DISTRICT; TO BE KNOWN AS
THE HEATHERWILDE OFFICE CONDOS REZONING (REZ2001-
03); 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 approximately 2.2013 acres, Lot 1A from the Milestone Pecan Street Resubdivision, from General Business 2 (GB2) to General Business 1 (GB1) District as 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 03, 2020, 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 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.

**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 zoning district of the property described in Exhibit A, from General Business 2 (GB2) District to General Business 1 (GB1) District for 2.2013 acres. The property described herein may be developed and used in accordance with regulations established for the zoning district of General Business 1 (GB1) 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 _____, 2020.

CITY OF PFLUGERVILLE,
TEXAS

by:

VICTOR GONZALES, Mayor

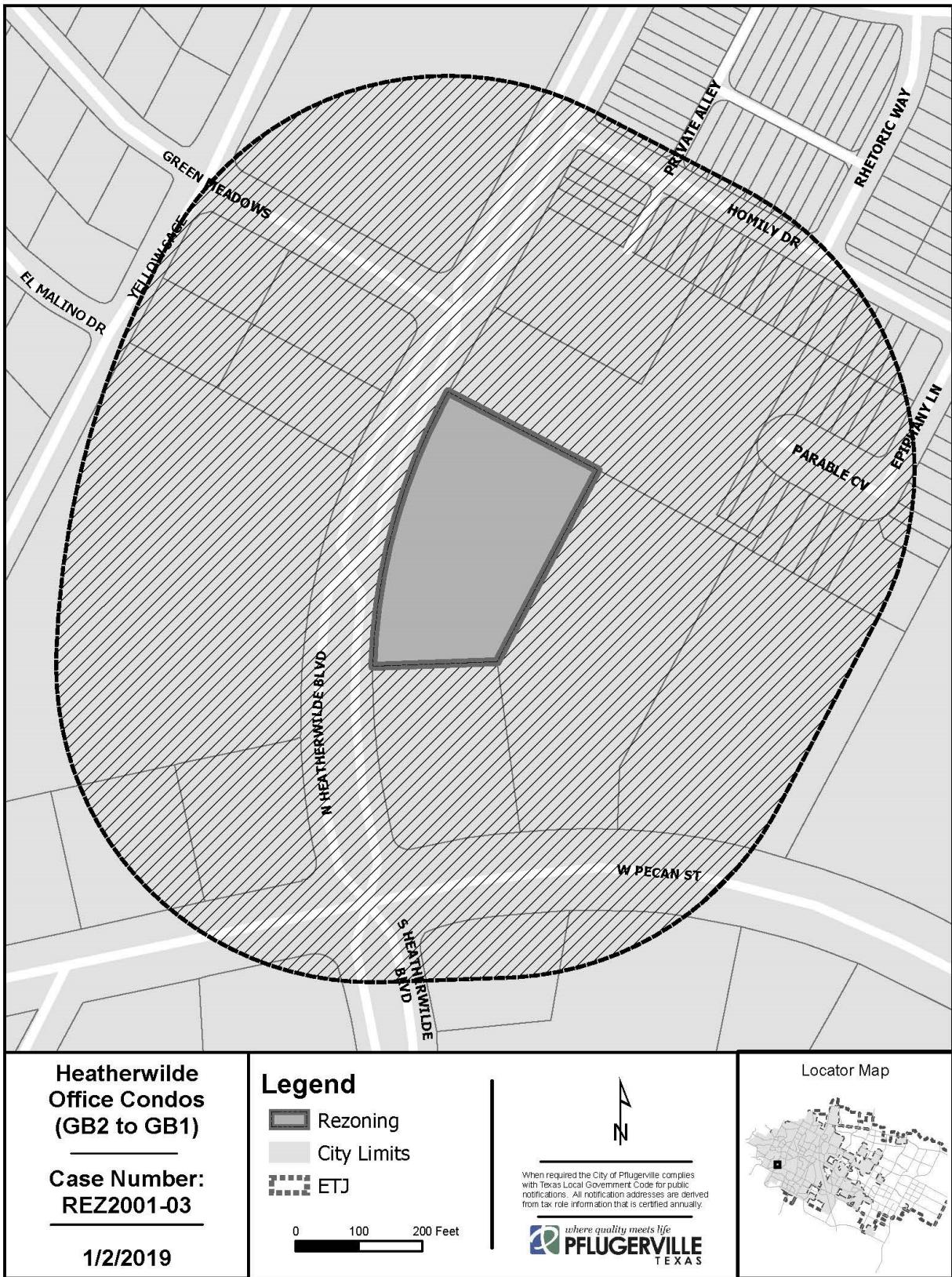
ATTEST:

KAREN THOMPSON, City Secretary

APPROVED AS TO FORM:

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

EXHIBIT "A"



FINAL PLAT

\$48

8-4-2017

201700171

**RE-SUBDIVISION OF LOT 1
MILESTONE PEAK STREET SUBDIVISION
FINAL PLAT**

LAND USE SURVEY
SUBDIVISION ACREAGE: 5.0358 ACRES
TOTAL NO. OF LOTS: 2

ENGINEER:
PAKE DAWSON ENGINEERS, INC.
7800 SHAW CREEK BLVD, SUITE 220 WEST
AUSTIN, TEXAS 78723

SURVEYOR:
BRECHER & ASSOCIATES, INC.
4444 HIGHWAY 35E, SUITE B-108
AUSTIN, TEXAS 78723

STATE OF TEXAS:
KNOW ALL MEN BY THESE PRESENTS

COUNTY OF TRAVIS:
THAT MILESTONE PEAK STREET DEVELOPMENT LTD., A TEXAS LIMITED PARTNERSHIP, ACTING HEREBY BY AND THROUGH MILESTONE PROPERTIES, INC., ITS GENERAL PARTNER, TO ACQUERELLA, AKA, BEING THE OWNER OF TRACT 5018, AND THE ALEXANDER WALLACE SURVEY NUMBER, ASST# 1, NO. 751, IN TRAVIS COUNTY, TEXAS, BEING ALL OF LOT 1, MILESTONE PEAK STREET SUBDIVISION, RECORDATION DATE, 10-23-2017, AND RECORDATION NUMBER, 100003232, IS HEREBY RECORDED IN DOCUMENT NUMBER 201816638, BEING THE SAME PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, DEED NUMBER Y SUBDIVISION, 5.0358 ACRE TRACT OF LAND IN ACCORDANCE WITH THE PLAT DRAWN BY BRECHER & ASSOCIATES, INC.

AND DO HEREBY AGREE TO THE FOLLOWING TERMS, ALLEYS, PARKS, AND EASEMENTS SHOWN ON PLAT, SUBJECT TO ANY AND ALL ELEMENTS OR RESTRICTIONS HEREOFBEFORE GRANTED AND NOT REFILED, PURSUANT TO CHAPTER 220 OF THE TEXAS LOCAL GOVERNMENT CODE.

WITNESS MY HAND, THIS THE 30th DAY OF July, 2017, AT

Michael H. Thompson

JACINTO HALL,
MILESTONE PROPERTIES, INC.
9800 RICHMOND AVE, STE 490
HOUSTON, TEXAS 77042

STATE OF TEXAS:
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THE DAY PERSONALLY PREZRED, JACINTO HALL, A/K/A, KJON TO ME, THE PERSON WHOSE NAME IS SUSPENDED, TO THE FORGOING INSTRUMENT OF WRITING, AND CONSIDERED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS HEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

WITNESS MY HAND AND SEAL OF OFFICE THIS 30th DAY OF July, 2017.

Notary Public in and for Travis County, Texas
MICHAEL S. FISHER
MY COMMISSION EXPIRES: 05-20-2018

STATE OF TEXAS:
KNOW ALL MEN BY THESE PRESENTS

THAT I, HERBAN W. CRITCHLOW, DO HEREBY CERTIFY THAT I PREPARED THIS PLAN OF ANY WATERFALL THAT IS WITHIN THE LIMITS OF STUDY OF THE FEDERAL FLOOD INSURANCE ADMINISTRATION, PLAN NO. 8448000004, DATED AUGUST 16, 2017, CITY OF PflUGERVILLE, TEXAS.

PAKE DAWSON ENGINEERS, INC.
7800 SHAW CREEK BLVD, SUITE 220 WEST
FIRM REGISTRATION # 470

STATE OF TEXAS:
KNOW ALL MEN BY THESE PRESENTS

THAT I, HERBAN W. CRITCHLOW, DO HEREBY CERTIFY THAT I PREPARED THIS PLAN FROM AN ACTUAL AND ACCURATE ON-THE-GROUND SURVEY OF THE LAND, AND THAT ALL CORNER MONUMENTS SHOWN THEREIN WERE PROPERLY SURVEYED AND LOCATED IN ACCORDANCE WITH FEDERAL STANDARDS AND THAT ALL KNOWN EASEMENTS WITHIN THE BOUNDARY OF THE PLAT ARE SHOWN HEREON.

HERBAN W. CRITCHLOW, R.P.S.
HERBAN W. CRITCHLOW
CRITCHLOW & ASSOCIATES, INC.
448 HIGHWAY 35E
AUSTIN, TEXAS 78723

LEGEND

CALCULATED POINT
● 1/2" RIN PIN FOUND
○ 1/2" RIN PIN SET
△ NAIL FOUND
◆ BENCHMARK SEE NOTE 17
* * * SWIMMING POOL
--- ACCORDING PROPERTY LINES
--- WATER LINE
--- 12' WATER LINE
--- WATER SOURCE
--- WATER SOURCE

GRAPHIC SCALE
(IN FEET)
1 inch = 100 ft.

STATE OF TEXAS:
CITY OF PflUGERVILLE,
APPROVED THIS 17 DAY OF August, 2017, BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF PflUGERVILLE, TEXAS, ON BEHALF OF THE CITY.

BY:
ELIOT BARRON - PLANNING DIRECTOR
KAREN THOMPSON - CITY SECRETARY

RECORDED THIS 17 DAY OF August, 2017, BY THE COUNCIL OF THE CITY OF PflUGERVILLE, TEXAS, ON BEHALF OF THE CITY.

BY:
James Williamson - CHAIRMAN
KAREN THOMPSON - CITY SECRETARY

RECORDED THIS 17 DAY OF August, 2017, BY THE COUNCIL OF THE CITY OF PflUGERVILLE, TEXAS, ON BEHALF OF THE CITY.

BY:
KAREN THOMPSON - CITY SECRETARY

STATE OF TEXAS:
CITY OF PflUGERVILLE,
THIS PLAT REFLECTS THE APPROVAL GRANTED BY THE PLANNING AND ZONING COMMISSION ON THE DATE INDICATED ABOVE.

BY:
ELIOT BARRON - PLANNING DIRECTOR
KAREN THOMPSON - CITY SECRETARY

RECORDED THIS 17 DAY OF August, 2017, BY THE COUNCIL OF THE CITY OF PflUGERVILLE, TEXAS, ON BEHALF OF THE CITY.

BY:
KAREN THOMPSON - CITY SECRETARY

STATE OF TEXAS:
CITY OF PflUGERVILLE,
THIS PLAT REFLECTS THE APPROVAL GRANTED BY THE PLANNING AND ZONING COMMISSION ON THE DATE INDICATED ABOVE.

BY:
ELIOT BARRON - PLANNING DIRECTOR
KAREN THOMPSON - CITY SECRETARY

RECORDED THIS 17 DAY OF August, 2017, BY THE COUNCIL OF THE CITY OF PflUGERVILLE, TEXAS, ON BEHALF OF THE CITY.

BY:
KAREN THOMPSON - CITY SECRETARY

STATE OF TEXAS:
CITY OF PflUGERVILLE,
FORGEING INSTRUMENT OF WRITING AND ITS CERTIFICATE OF AUTHENTICATION ARE RECORDED ON THE 17 DAY OF August, 2017, A.D.
COUNTY AND STATE IN DOCUMENT NO. 201700171 OFFICIAL PUBLIC RECORDS OF PflUGERVILLE, TEXAS.

WITNESSES MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THIS 4 DAY OF August, 2017.

OF August, 2017, A.D.
DANA DEBRYAN, CLERK OF TRAVIS COUNTY, TEXAS TO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND ITS CERTIFICATE OF AUTHENTICATION ARE RECORDED ON THE 17 DAY OF August, 2017, A.D.
Aug. 17 A.D. A COPY OF THIS RECORD IS MAILED TO THE COUNCIL OF THE CITY OF PflUGERVILLE, TEXAS.

BY:
Dana Debryan
DANA DEBRYAN, COUNTY CLERK, TRAVIS COUNTY, TEXAS

STATE OF TEXAS:
CITY OF PflUGERVILLE,
RECORDED THIS 17 DAY OF August, 2017, BY THE COUNCIL OF THE CITY OF PflUGERVILLE, TEXAS.

BY:
Deputy Clerk

REV. DATE: APRIL 21, 2017 SCALE: 1" = 100'
JOB. NO. 07-248
DATE: DEC. 28, 2016 CASE NO. FF1702-01

16. A "G" PUE REQUIRED ALONG ALL STREET FRONTAGES.
17. BENCHMARK LOCATIONS.
18. 11' SPONGE IN NORTHERN BOUNDARY OF SPONGE TRACT:
ELEVATION = 132.32' ASL
19. 77' SPONGE IN SOUTHERN BOUNDARY OF SPONGE TRACT:
ELEVATION = 132.23' ASL
20. 20' SPONGE IN EASTERN BOUNDARY OF SPONGE TRACT:
ELEVATION = 132.23' ASL
21. 20' SPONGE IN WESTERN BOUNDARY OF SPONGE TRACT:
ELEVATION = 132.23' ASL
22. 10' SPONGE IN SOUTHERN BOUNDARY OF SPONGE TRACT:
ELEVATION = 132.23' ASL
23. 10' SPONGE IN NORTHERN BOUNDARY OF SPONGE TRACT:
ELEVATION = 132.23' ASL
24. 10' SPONGE IN EASTERN BOUNDARY OF SPONGE TRACT:
ELEVATION = 132.23' ASL
25. 10' SPONGE IN WESTERN BOUNDARY OF SPONGE TRACT:
ELEVATION = 132.23' ASL

18. BEARING BASIS = (423)
19. CENTRAL TEXAS ZONE = (423)

11. THE OWNER OF THIS SUBDIVISION, AND HIS OR HER