

ORDINANCE NO. 1622-24-04-09

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 14.794 ACRES, OF UNPLATTED LAND SITUATED IN THE ALEXANDER WALTERS SURVEY NO. 67, ABSTRACT NO. 791, IN TRAVIS COUNTY, TEXAS, FROM GENERAL BUSINESS 1 (GB1) TO RETAIL (R); TO BE KNOWN AS THE WELLS BRANCH AND IMMANUEL REZONING (REZ2024-00038).

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 14.794-acre tract of land situated in the Alexander Walters Survey No. 67, Abstract No. 791, in Travis County, Texas, from General Business 1 (GB1) to Retail (R), 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 March 4, 2024, and 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 5-0; 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 1 (GB1) to Retail (R) for an approximate 14.794-acre tract of land situated in the Alexander Walters Survey No. 67, Abstract No. 791, in Travis County, Texas. The property described herein may be developed and used in accordance with regulations established for the base zoning district of Retail (R), 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 9th day of April, 2024.

CITY OF PFLUGERVILLE,
TEXAS

by: 

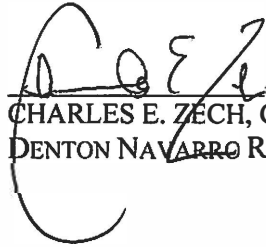
VICTOR GONZALES, Mayor

ATTEST:



TRISTA EVANS, City Secretary

APPROVED AS TO FORM:



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

EXHIBIT "A"

A METES AND BOUNDS DESCRIPTION OF A 14.794 ACRE TRACT OF LAND

BEING a 14.794 acre (644,419 square feet) tract of land situated in the Alexander Walters Survey No. 67, Abstract No. 791, Travis County, Texas; and being a portion of the remainder of that certain 240 acre tract (save and except a 2.0 acre tract recorded in Volume 9434, Page 275, Real Property Records of Travis County), described in instrument to Jan Selman and Dwaln Selman, recorded in Document No. 2020209946, Official Public Records of Travis County; and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod (with plastic cap stamped "KHA") set at the westerly end of the cutback corner marking the intersection of the northeasterly right-of-way boundary of Wells Branch Parkway (variable width public right-of-way, recorded in Document No. 2007043833, Official Public Records of Travis County), and the northwesterly right-of-way boundary of E. Pfennig Lane (70' wide public right-of-way, recorded in Document No. 202100191, Official Public Records of Travis County);

THENCE, along the northeasterly boundary of said Wells Branch Parkway, the following four (4) courses and distances:

1. In a northwesterly direction along a non-tangent curve to the left, having a radius of 2070.00 feet, a chord North 42°41'41" West, 713.03 feet, a central angle of 19°50'05", and an arc length of 716.60 feet to a 5/8-inch iron rod found for corner;
2. North 48°32'27" West, 104.23 feet to a 5/8-inch iron rod found at the beginning of a curve;
3. In a northwesterly direction along a non-tangent curve to the left, having a radius of 2080.00 feet, a chord North 59°17'35" West, 276.83 feet, a central angle of 07°37'53", and an arc length of 277.04 feet to a 1/2-inch iron rod found for corner;
4. North 63°06'31" West, 474.67 feet to a point marking the southwestern corner of the herein described tract;

THENCE, North 27°25'02" East, 391.08 feet crossing said 240 acre tract to a point on the southerly line of the remainder of that certain 169.169 acre tract described in instrument to Taylor Morrison of Texas, Inc., recorded in Document No. 2022147166, Official Public Records of Travis County, marking the northwestern corner of the herein described tract;

THENCE, South 62°20'51" East; at 880.97 feet passing an 1/2-inch iron rod (with plastic cap stamped "KHA") set marking the southwestern corner of Lot 25, Block K of Liso Tract Phase 1, plat of which is recorded in Document No. 2021100191, Official Public Records of Travis County; continuing for a total distance of 1381.09 feet along said Phase 1 to a 1/2-inch iron rod set marking the south corner of Lot 13, Block K of said Phase 1;

THENCE, South 28°40'30" West, 454.26 feet along the boundary of said Phase 1 to an 1/2-inch iron rod (with plastic cap stamped "KHA") set marking the southwestern corner of Lot 1, Block K of Phase 1;

THENCE, South 87°35'12" East, 193.80 feet along the boundary of said Phase 1 to a 1/2-inch iron rod (with plastic cap stamped "KHA") set along the southwesterly boundary of Carvin Way (50' wide public right-of-way), marking the southeast corner of said Lot 1;

THENCE, along the southwesterly boundary of said Carvin Way the following two (2) courses and distances:

1. In a southerly direction along a non-tangent curve to the left, having a radius of 325.00 feet, a chord South 09°42'09" East, 136.43 feet, a central angle of 24°13'55", and an arc length of 137.45 feet to a 1/2-inch iron rod (with plastic cap stamped "KHA") set for corner;
2. South 21°49'07" East, 25.65 feet to a 1/2-inch iron rod (with plastic cap stamped "KHA") set at the easterly end of the cutback curve marking the intersection of the southwesterly boundary of said Carvin Way and the northwesterly boundary of said E. Pfennig Lane;

THENCE, in a southerly direction along a tangent curve to the right, having a radius of 15.00 feet, a chord of South 22°11'57" West, 20.85 feet, a central angle of 88°02'07", and an arc length of 23.05 feet to a 1/2-inch iron rod (with plastic cap stamped "KHA") set at the westerly end of the cutback curve marking the intersection of the southwesterly boundary of said Carvin Way and the northwesterly boundary of said E. Pfennig Lane;

THENCE, in a southwesterly direction along a reverse tangent curve to the left, having a radius of 1035.00 feet, a chord South 62°26'45" West, 136.14 feet, a central angle of 07°32'30", and an arc length of 136.24 feet to a point for corner along the northwesterly boundary of said E. Pfennig Lane;

THENCE, South 58°40'30" West, 30.49 feet to a 1/2-inch iron rod (with plastic cap stamped "KHA") set at the eastern end of the cutback curve marking the intersection of the northwesterly boundary of said E. Pfennig Lane, northeasterly right-of-way boundary of said Wells Branch Parkway;

THENCE, in a westerly direction along a tangent curve to the right, having a radius of 25.00 feet, a chord of North 77°03'04" West, 34.90 feet, a central angle of 88°32'52", and an arc length of 38.64 feet to the **POINT OF BEGINNING**, and containing 14.794 acres of land in Travis County, Texas. The basis of this description is the Texas State Plane Coordinate System, Central Zone (FIPS 4203) (NAD'83). All distances are on the grid and shown in U.S. Survey Feet. This description was generated on 1/4/2024 at 8:28 AM, based on geometry in the drawing file K:\SNA_Survey\068705906-Liso Tract\069401801-New Growth Wells Branch\Drawg\Exhibits\14.794ac Zoning Exhibit.dwg, in the office of Kimley-Horn and Associates in San Antonio, Texas.

SURVEY

