

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 A WIRELESS TELECOMMUNICATION FACILITY ON AN APPROXIMATELY 4-ACRE TRACT OF LAND ZONED URBAN CENTER CORRIDOR LEVEL 4 (CL4) DISTRICT LOCATED EAST OF OLD AUSTIN HUTTO ROAD NORTH OF SWEET WILLIAM LANE SITUATED IN THE S. EISELIN SURVEY NO. 4, ABSTRACT NO. 265, PFLUGERVILLE, TX TO BE KNOWN AS THE VERIZON AT HERITAGE PARK SPECIFIC USE PERMIT (SUP2103-01); PROVIDING A CUMULATIVE AND REPEALER CLAUSE; PROVIDING FOR A NON-SEVERABILITY CLAUSE; 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, 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 for property depicted and described in **Exhibit A**, which is attached hereto and incorporated herein for all purposes (the “Proposed Zoning”); and

WHEREAS, the Planning and Zoning Commission held a public hearing on April 5, 2021, and 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 for a wireless telecommunications facility on the subject site; 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 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.

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 apply the Specific Use Permit to the Urban Center Corridor Level 4 (CL4) district of the property, which is described as an approximate 4-acre tract of land generally located East of Old Austin Hutto Road North of Sweet William Lane situated in the S. Eiselin Survey No. 4, Abstract No. 265, located within Pflugerville, Travis County, Texas as shown in **Exhibit A**.

SECTION 4. Conditions Accepted by Applicant: The property described herein may be developed and used in accordance with regulations established by this Specific Use Permit, as provided in **Exhibit B** “Conditions” and **Exhibit C** “Conceptual Site Details” and all other applicable ordinances of the City of Pflugerville, Texas, which are incorporated herein; and the applicant, owner and grantee’s have accepted the terms thereof, all of which are required by Chapter 157, Subchapter 3 of the Unified Development Code.

SECTION 5. 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 6. Non-Severability Clause. 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.

SECTION 7. 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 _____, 2021.

CITY OF PFLUGERVILLE, TEXAS

by:

VICTOR GONZALES, Mayor

ATTEST:

KAREN THOMPSON, City Secretary

APPROVED AS TO FORM:

CHARLIE ZECH, City Attorney
Denton Navarro Rocha Bernal & Zech, P.C.

EXHIBIT "B"

CONDITIONS:

Item	Conditions of Approval	Purpose
1	Access for the construction of the monopole is from Old Austin Hutto Rd and not through the Bohls Place Subdivision.	To ensure the neighborhood is not impacted by the construction of the tower.
2	A gate will be installed at the road entrance where it meets the cul-de-sac of Sweet William Lane.	To ensure the access road is used for maintenance of the tower only.
3	All ground mounted equipment associated with the cell tower be located within a masonry enclosure.	To allow for flexibility and ensure compliance with the Unified Development Code in future site plan iterations.

