

VILLAGE OF VOLENTE

ORDINANCE No. 2021-0-2

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS ("VILLAGE"), APPROVING A CONDITIONAL USE PERMIT FOR APPROXIMATELY 5.217 ACRES SITUATED IN THE JOHN STEWART SURVEY NO. 51 AND THE ROBERT FOSTER SURVEY NO. 31, TRAVIS COUNTY, TEXAS TO ALLOW FOR FACILITIES REQUIRED BY PUBLIC OR PRIVATE UTILITY PROVIDERS; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE & MEETING.

WHEREAS, the Village Council of Village of Volente ("Village Council") seeks to promote orderly land use and development within the Village; and

WHEREAS, a conditional use permit has been requested by the owner of a tract of land totaling approximately 5.217 acres, described more fully in *Attachment "A"* for Facilities Required by Public or Private Utility Providers; and

WHEREAS, after notice and hearing required by law, a public hearing was held before the Village of Volente Planning and Zoning Commission on February 16, 2021, to consider the proposed Conditional Use Permit and the Planning and Zoning Commission recommended approval of the Conditional Use Permit for Facilities required by Public or Private Utility Providers as stated in the application; and

WHEREAS, after public hearing held by the Village Council on February 17, 2021, the Village Council voted to approve the recommendation of the Planning and Zoning Commission; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the Village has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the Village and is necessary or proper for carrying out a power granted by law to the Villager; and

WHEREAS, the Village Council finds the proposed Conditional Use Permit, as stated in the application attached hereto as *Attachment "B"*, appropriate and consistent with the general plan of the Village of Volente.

NOW, THEREFORE, BE IT ORDAINED by the Village Council of the Village of Volente:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as expressly set forth herein.

2. ENACTMENT

A Conditional Use Permit is approved for Facilities Required by Private and Public Utility Providers, as presented in the application attached hereto as *Attachment "B."* The Conditional Use Permit is restricted to a Maintenance Building not to exceed 3,000 sq. ft. (invasive mussel control systems, chemical storage, electrical, and other appurtenances) as per the approved Site Plan as presented in the Interlocal Agreement between the Village of Volente and Brushy Creek Regional Utility Authority and attached as *Attachment "C,"* which is made part hereof for all purposes.

3. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage.

6. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, a public hearing was held, and that public notice of the time, place and purpose of said hearing and meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED & APPROVED this, the 17th day of February 2021, by a vote of 5 (*ayes*) to 0 (*nays*) to 0 (*abstentions*) of the Village Council of the Village of Volente, Texas.

VILLAGE OF VOLENTE:

by: _____

Dan Thost, Mayor

ATTEST:



Assistant City Secretary,

Melissa Seltmann

Attachment "A "
Description of Tract

Approximately 5.217 acre tract of land situated in the John Stewart Survey No. 551 and the Robert Foster Survey No. 31, Travis County, Texas; said 5.217 acre tract being comprised of a portion of Tract 1, all Tract 2 (called 1.069 acres) and a portion of Tract 3 (called 10.068 acres) with all 3 Tracts being described in a warranty deed to Gary L. Gross and Wife, Cathy L. Gross, as recorded in Volume 11546, Page 1498 of the Real Property Records of Travis County, Texas and also being a portion of that certain called 5.163 acre tract of land described in a special warranty deed to Gary L. Gross and Wife, Cathy L. Gross, as recorded in Volume 128 I 7, page 1043 of the Real Property Records of Travis County, Texas.

Attachment "B"
Conditional Use Permit Application



VILLAGE OF VOLENTE CONDITIONAL USE PERMIT APPLICATION

WALKER PARTNERS / FREESE AND

Applicant's Name: NICHOLS JOINT VENTURE Contact Phone: 512-382-0021

804 LAS CIMAS PKWY, STE. 150,

Mailing Address: AUSTIN, TX 78746

Property Address (if different): SOUTHWEST CORNER OF BERNARD ST. AND JACKSON ST. ROW, CURRENT ROAD
ENDS AT BERNARD STREET CUL-DE-SAC IN VOLENTE, TX

Legal Description of Property: LOT 1, BLOCK 1, B.C.R.U.A. ADDITION

Conditional Use Requested:

- Water Storage Tanks or Towers
- Telecommunications Facilities
- Restaurant, Cafes, Bars and Similar Uses
- Warehouse, convenience store, offices, Retail Shop and Similar Uses
- Alcoholic beverages
- Commercial in "OS" Zone
- Other uses as identified in the specific district/definition of the use
- Vacation Rental Dwellings
- Commercial, Recreational or Amusement Development
- Marinas and Similar Uses
- Parking Lots
- Schools - Public and Denominational
- Amusement Park
- Utility Districts

WATER INTAKE FACILITIES AND PUMPING STATIONS (per Volente Code of Ordinances Section 9.02.057 (c)(2))

Additional Information: PART OF THE PHASE 2 OF THE REGIONAL WATER SYSTEM IMPROVEMENT PROJECT PERFORMED BY THE BRUSHY CREEK REGIONAL UTILITY AUTHORITY (BCRUA). SITE WILL SUPPORT OPERATION AND MAINTENANCE TO THE INTAKE, INCLUDING MUSSEL CONTROL SYSTEMS.

Photos included? Yes No

Site Plan included? Yes No

Signature of Applicant X *S. Fred Neri* Date 07/24/2019

The City Council may grant a conditional use permit for the above listed uses, with the recommendation of the Planning and Zoning Commission, and with approval by 75% affirmative votes. The City Council may impose additional conditions on the permit, as appropriate. See Section 9.02.14(4)(E)

For City Use Only

| | |
|--|---|
| Application fee paid: <u>1,9960</u> | Received by: _____ |
| Date of Publication of Public Hearing Notice: <u>1/28/21</u> | Notices Mailed: <u>2/1/2021</u> |
| P&Z Meeting Date: <u>2/16/2021</u> | City Council Meeting Date: <u>2/17/2021</u> |
| Staff Notes: _____ _____ | |

Authorized Agent Affidavit



VILLAGE OF
VOLENTE

I/We, Brushy Creek Regional Utility Authority (BCRUA),
owner(s) of 5.217 ac tract of land in the John Stewart Survey 551 and the Robert Foster Survey 31, Travis County, TX,
authorize Walker Partners/Freese and Nichols Joint Venture

to represent and act on my behalf regarding the above named property for the purpose of preparing and submitting applications or requests for inspections to the Village of Volente for review and approval of the following:

Short Form Final Plat, Zoning Change, Conditional Use Permit, Site Development Permit, NPS Pollution Control Permit and Annual Operating Permit, Building Permit and all associated inspections

(Type of Application, Permit or Inspection)

Karen Bondy
Signature

Karen Bondy, General Manager
Print Name

6/18/2019
Date

Signature

Print Name

Date

The State of Texas
County of Williamson

BEFORE ME, the above signed authority, on this day personally appeared

Karen Bondy, General Manager,

known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that (s)he executed same for the purpose and consideration therein expressed in the above affidavit.

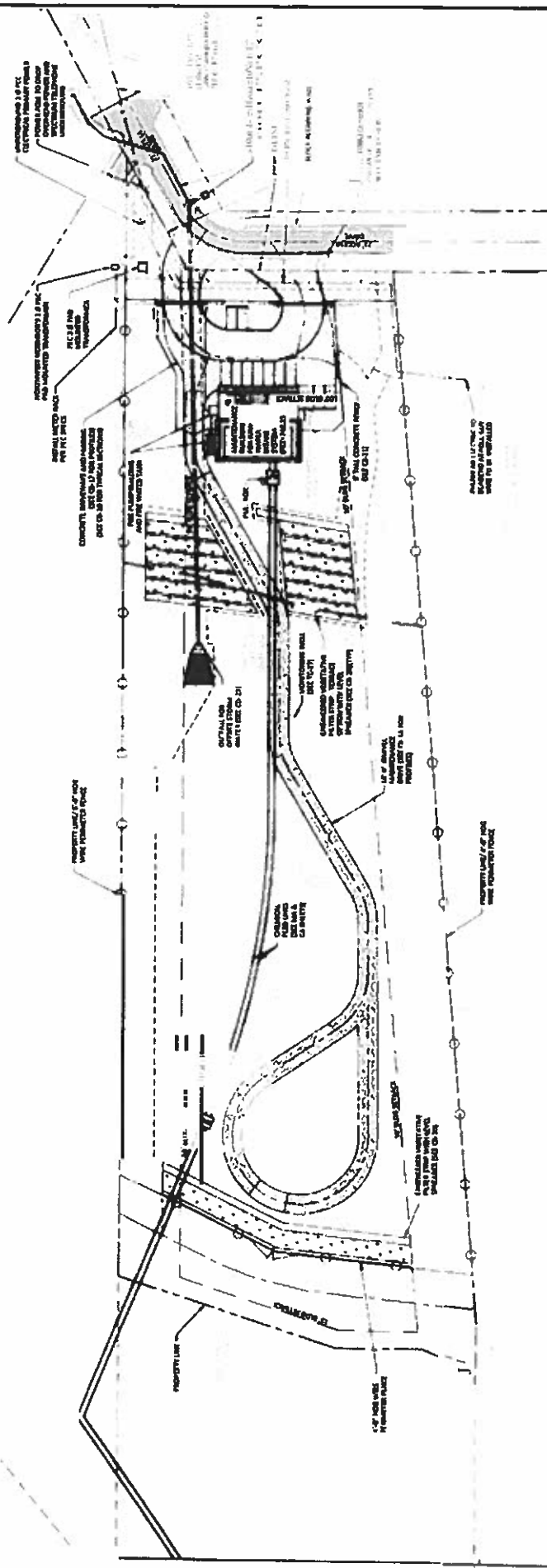
Given under my hand and seal of office on this 18th day of June, 2019.

Notary Public: Monique Adams

My Commission Expires:
3/22/22



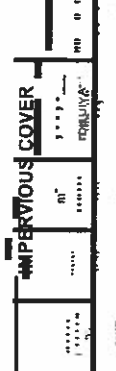
Attachment "C"
Site Plan



GENERAL NOTES

1. ALL WORKSHOWN IN LITHIUM BATTERY
 2. ALL WORKSHOWN IN LITHIUM BATTERY
 3. ALL WORKSHOWN IN LITHIUM BATTERY

| | |
|---------|---|
| PARKING | |
| 1 | 1 |
| 1 | 1 |



Walker Partners
 CONSULTING ENGINEERS & ARCHITECTS

PRESTON
 CONSULTING ENGINEERS & ARCHITECTS

BRUHY CREEK

OVERALL SITE PLAN

PHASE 2

RAW WATER DELIVERY SYSTEM