

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 18-24

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 05-20; GRANTING A SPECIFIC USE PERMIT (SUP) FOR A UTILITY DISTRIBUTION/TRANSMISSION FACILITY, LOCATED ON A TRACT OF LAND CONSISTING OF 8.947 ACRES, MORE OR LESS, SITUATED IN THE J. MORTON LAND SURVEY, ABSTRACT NO. 793, IN THE TOWN OF PROSPER, DENTON COUNTY, TEXAS; DESCRIBING THE TRACT TO BE REZONED; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town Council of the Town of Prosper, Texas (the "Town Council") has investigated and determined that Zoning Ordinance No. 05-20 should be amended; and

WHEREAS, the Town of Prosper, Texas ("Prosper") has received a request from Brazos Electric Power Cooperative, Inc. ("Applicant") for a Specific Use Permit (SUP) to allow for a Utility Distribution/Transmission Facility on a tract of land zoned Agricultural (A), consisting of 8.947 acre of land, more or less, situated in the J. Morton Land Survey, Abstract No. 793, in the Town of Prosper, Denton County, Texas, and being particularly being described in Exhibit "A," attached hereto and incorporated herein for all purposes; and

WHEREAS, the Town Council has investigated into and determined that the facts contained in the request are true and correct; and

WHEREAS, all legal notices required to grant a Specific Use Permit (SUP) have been given in the manner and form set forth by law, public hearings have been held, and all other requirements of notice and completion of such procedures have been fulfilled; and

WHEREAS, the Town Council has further investigated into and determined that it will be advantageous and beneficial to the Town of Prosper and its inhabitants to rezone this property as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS:

SECTION 1

Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

Specific Use Permit Granted. Zoning Ordinance No. 05-20 is amended as follows: Applicant is granted a Specific Use Permit (SUP) to allow the operation of a Utility Distribution/Transmission Facility, on a tract of land zoned Agricultural (A), consisting of 8.947 acre of land, more or less, situated in the J. Morton Land Survey, Abstract No. 793, in the Town of Prosper, Denton County, Texas, and being particularly being described in Exhibit "A," attached hereto and incorporated herein for all purposes as if set forth verbatim.

The property shall continue to be used in a manner consistent with the conditions expressly stated in the concept site plan, attached hereto as Exhibit "B," the concept landscape plans, attached hereto as Exhibit "C"; and the conceptual elevations, attached hereto as Exhibit "D," which are incorporated herein for all purposes as if set forth verbatim, subject to the following conditions of approval by the Town Council:

1. Removal of the perimeter fencing in conjunction with adjacent development; and
2. Connection to Town water once available, if temporary irrigation is provided.

Except as amended by this Ordinance, the development of the Property within this Planned Development District must comply with the requirements of all ordinances, rules, and regulations of Prosper, as they currently exist or may be amended.

Three original, official and identical copies of the zoning exhibit map are hereby adopted and shall be filed and maintained as follows:

- a. Two (2) copies shall be filed with the Town Secretary and retained as original records and shall not be changed in any matter.
- b. One (1) copy shall be filed with the Building Official and shall be maintained up-to-date by posting thereon all changes and subsequent amendments for observation, issuing building permits, certificates of compliance and occupancy and enforcing the zoning ordinance. Reproduction for information purposes may from time-to-time be made of the official zoning district map.

SECTION 3

No Vested Interest/Repeal. No developer or property owner shall acquire any vested interest in this Ordinance or in any other specific regulations contained herein. Any portion of this Ordinance may be repealed by the Town Council in the manner provided for by law.

SECTION 4

Unlawful Use of Premises. It shall be unlawful for any person, firm or corporation to make use of said premises in some manner other than as authorized by this Ordinance, and shall be unlawful for any person, firm or corporation to construct on said premises any building that is not in conformity with the permissible uses under this Zoning Ordinance.

SECTION 5

Penalty. Any person, firm, corporation or business entity violating this Ordinance or any provision of Prosper's Zoning Ordinance No. 05-20, or as amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined any sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Prosper from filing suit to enjoin the violation. Prosper retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6

Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Prosper hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 7

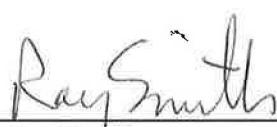
Savings/Repealing Clause. Prosper's Zoning Ordinance No. 05-20 shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the appeal prevent a prosecution from being commenced for any violation if occurring prior to the repealing of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 8

Effective Date. This Ordinance shall become effective from and after its adoption and publications as required by law.

DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE
TOWN OF PROSPER, TEXAS, ON THIS 27TH DAY OF MARCH, 2018.




Ray Smith, Mayor

Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:


Terrence S. Welch, Town Attorney

XREF\3dby-Brazos.XREF SITE-XREF\2436-sup XREF\2436-sp
XREF SITE PLAN - SUP.DWG
DRAWN BY GEA C.H.HAY 15/2018 10:53 AM
JOBNAME KDAI_LCIV\0642597-RAZOSARVIN SUBSTATION\DWG\PLAN SHEETS\SUP\10C - SITE PLAN - SUP.DWG
LAST SAVED 2/20/2018 1:49 PM

CAUTION!!

EXISTING UNDERGROUND UTILITIES IN THE AREA CONTRACTOR IS RESPONSIBLE FOR DETERMINING THE HORIZONTAL AND VERTICAL LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY REPAIRS TO EXISTING UTILITIES DUE TO DAMAGE INCURRED DURING CONSTRUCTION. CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES ON THE PLANS.

811

**Know what's below.
Call before you dig.**

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94.804 ACRES
DEVELOPMENT SOLUTIONS CR, LLC
NO. 2013-144477
REAL PROPERTY RECORDS

A HISTORY

1100 1100 1100 1100

SUP EXHIBIT B: S17-0004
**BRAZOS ELECTRIC
PARVIN SUBSTATION**
*Being 8.947 Acres Out Of The
J. MORTON LAND SURVEY
tract No. 793, CALLED 8.947 ACRES
n of Prosper, Denton County, Texas*

Owner/Applicant: Brazos Electric Power Cooperative, Inc
6 Bagby Avenue
Waco, TX 76712
Contact: Johnny York
Phone: (254)750-6500

Engineer: Kimley-Horn and Associates, Inc.
13455 Noel Road
Two Galleria Office Tower, Ste. 700
Dallas, Texas 75240
Contact: Jeffrey Dolian, P.E.
Phone: (972)770-1300

Surveyor: Brazos Electric Power Cooperative, Inc
7616 Bagby Avenue
Waco, TX 76712
Contact: Mike Nelson
Phone: (254)750-6500

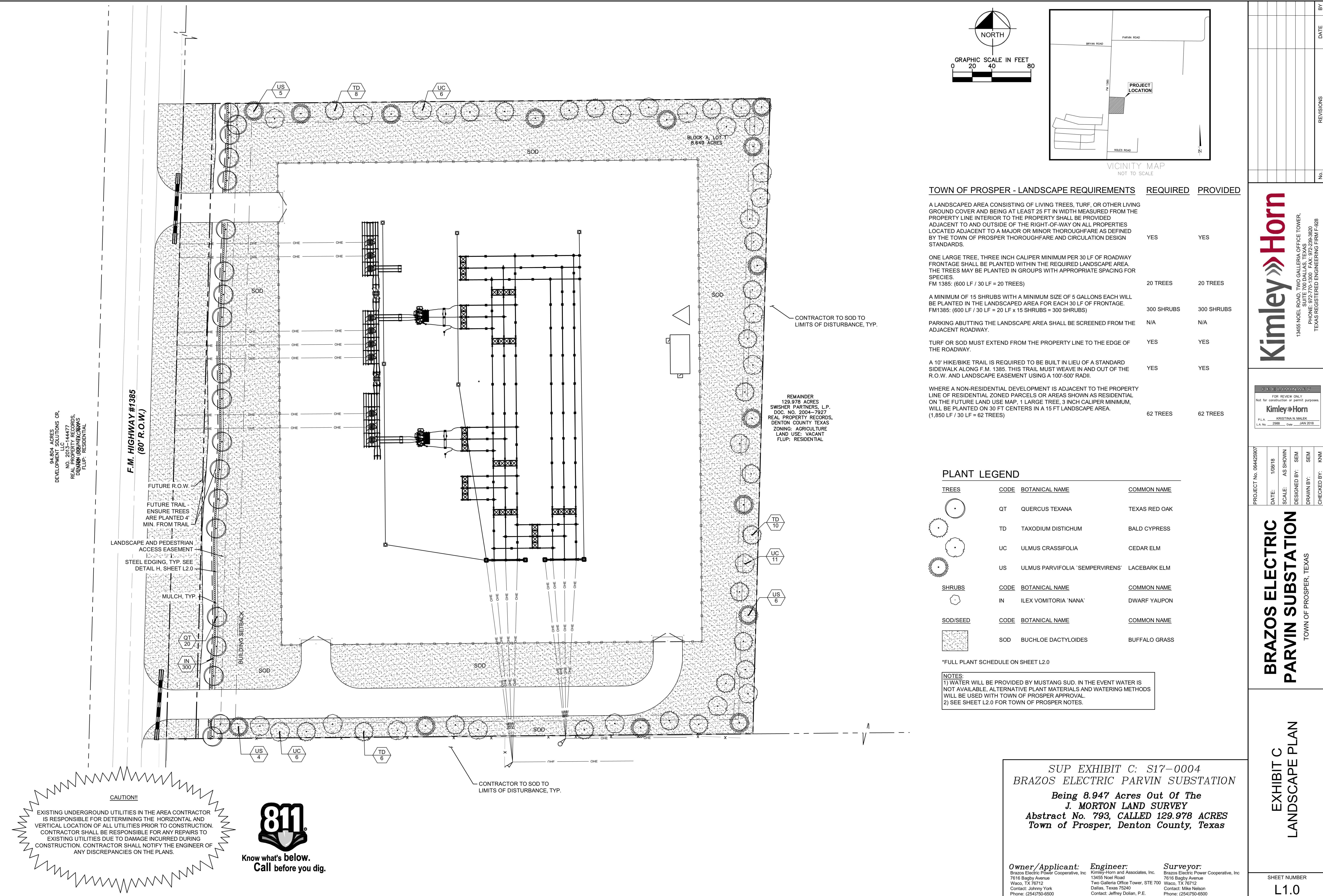
BRAZOS ELECTRIC PARVIN SUBSTATION

EXHIBIT B

Kimley-Horn

The logo for Miley Horn is positioned on the left side of the page. It features the word "miley" in a lowercase, bold, black sans-serif font. To the right of "miley" is a graphic element consisting of three right-pointing chevrons of increasing size: a dark red one at the top, a grey one in the middle, and a dark grey one at the bottom. To the right of this graphic is the word "Horn" in a large, bold, black sans-serif font.

SHEET NUMBER



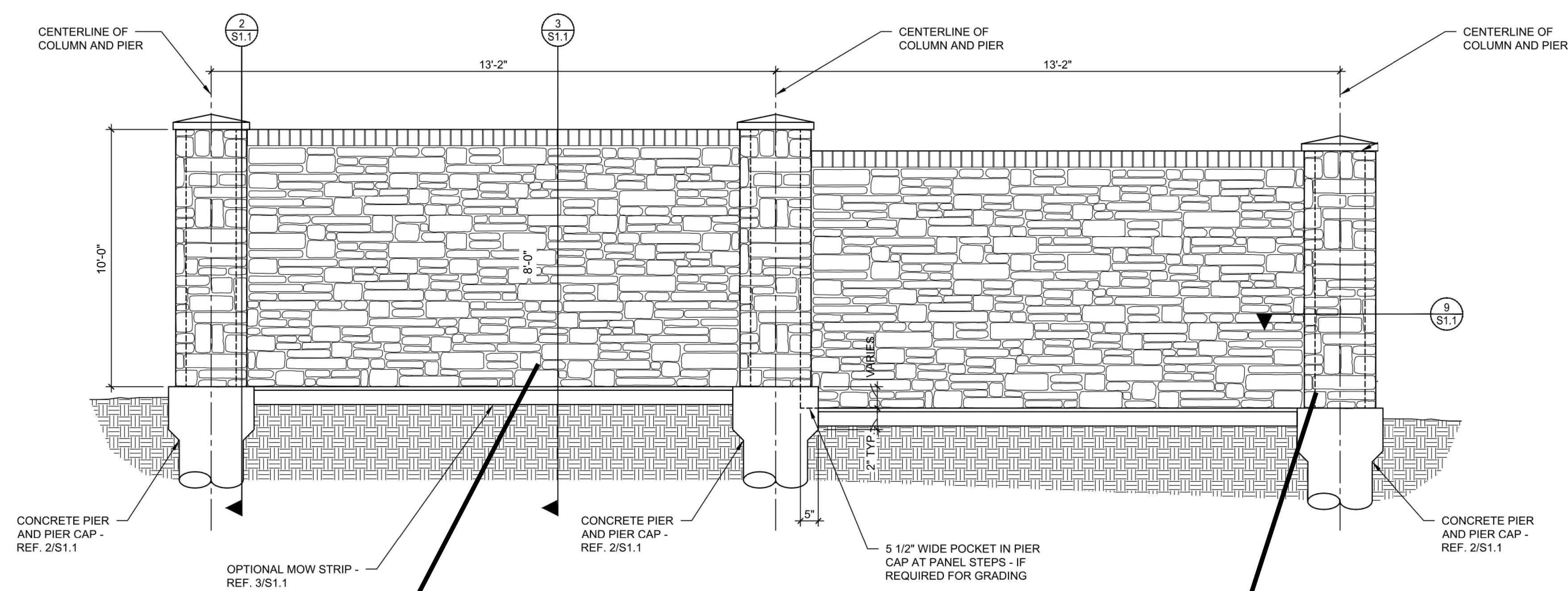
IMAGES
REFS XREF246:SUP2015-XREFBnDy-Brazos-XREF-xSite-XREF xl.scp
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LWNAME K:\HO\LLAPND\SUPORT\ALL\AS00425907_BRAZOSPARVIN SUBSTATION\DWG\Sheetsl-SET_SUP.DWG
AS SAVED 11/11/2018 10:40 AM
THIS DOCUMENT TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.

EXISTING UNDERGROUND UTILITIES IN THE AREA CONTRACTOR IS RESPONSIBLE FOR DETERMINING THE HORIZONTAL AND VERTICAL LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY REPAIRS TO EXISTING UTILITIES DUE TO DAMAGE INCURRED DURING CONSTRUCTION. CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES ON THE PLANS.

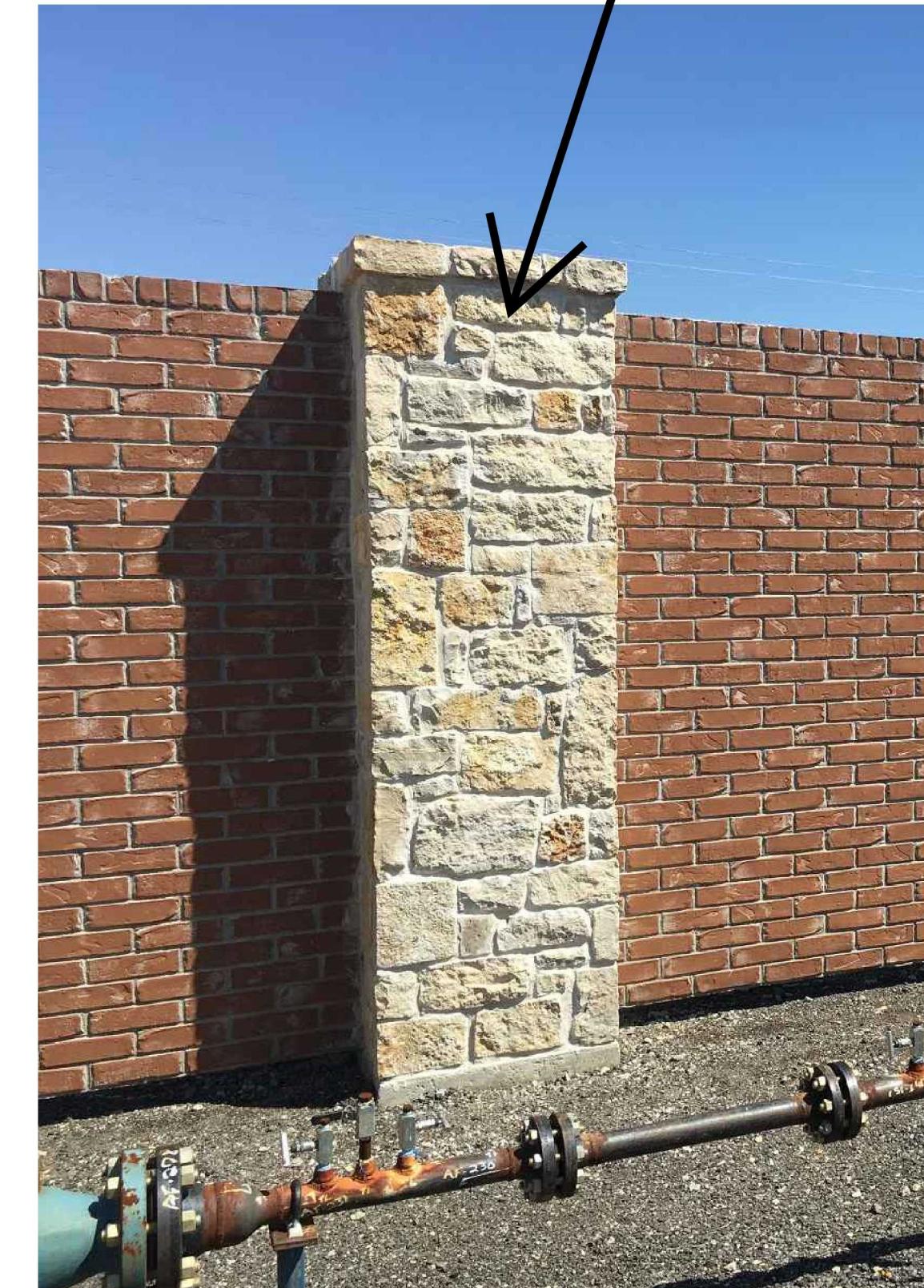


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Ordinance No. 18-24, Page 6



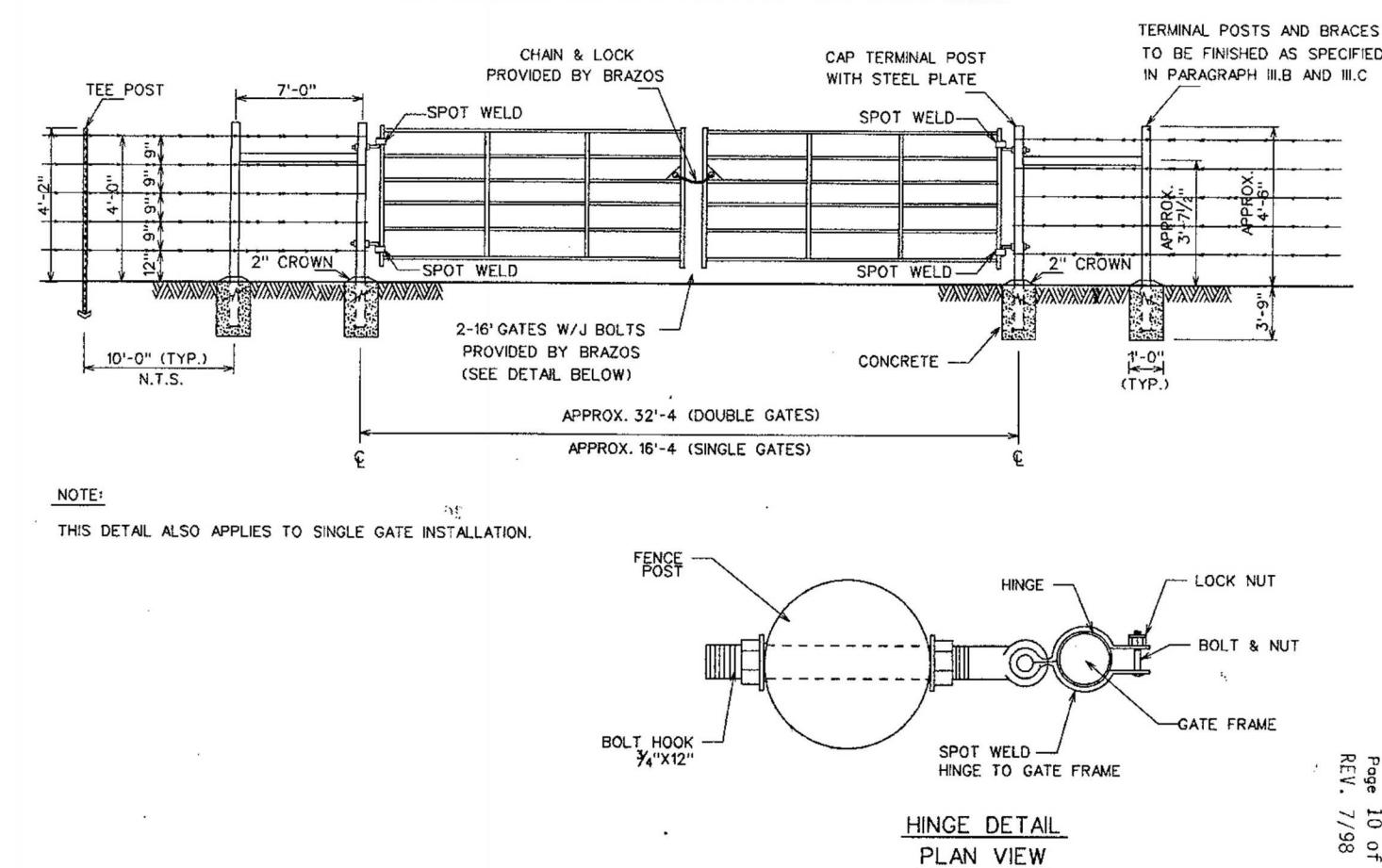
PRECAST STONE SCREENING WALL



STONE COLUMN

**F. BARBED & BARBLESS WIRE FENCING, TERMINATION & GATE INSTALLATION DETAIL
(SINGLE H-BRACE)**

THIS DETAIL APPLIES IF SPECIFIED ON FENCE PLAN DRAWING.



BARBLESS WIRE FENCING AND GATE DETAIL



BARBLESS WIRE FENCING IMAGE

Kimley»Horn

13455 NOEL ROAD, TWO GALLERIA OFFICE TOWER,
SUITE 200 DALLAS, TEXAS
PHONE: 972-770-1300 FAX: 972-239-3820
TEXAS REGISTERED ENGINEERING FIRM F-328

**BRAZOS ELECTRIC
PARVIN SUBSTATION**

EXHIBIT D

EX D

PRELIMINARY
FOR REVIEW ONLY
Not for construction or permit purposes.
Kimley»Horn
Engineer JEFFREY DOLAN
P.E. No. 114925 Date 2/13/18
DRAWN BY: P.J.H.
CHECKED BY: J.W.D.

**SUP EXHIBIT D: S17-0004
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PARVIN SUBSTATION
Being 8.947 Acres Out Of The
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