

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 18-96

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE; GRANTING A SPECIFIC USE PERMIT (SUP) FOR WIRELESS COMMUNICATIONS AND SUPPORT STRUCTURES, LOCATED ON A TRACT OF LAND CONSISTING OF 1.639 ACRES, MORE OR LESS, IN THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 172 AND THE ELISHA CHAMBERS SURVEY, ABSTRACT NO. 179, IN THE TOWN OF PROSPER, COLLIN 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 the Zoning Ordinance should be amended; and

WHEREAS, the Town of Prosper, Texas ("Prosper") has received a request from Verizon Wireless ("Applicant") for a Specific Use Permit (SUP) for a wireless communications and support structures, on a tract of land zoned Planned Development-70-Single Family, consisting of 1.639 acres of land, more or less, in The Collin County School Land Survey, Abstract No. 172 and the Elisha Chambers Survey, Abstract No. 179, in the Town of Prosper, Collin County, Texas, and being more particularly described in Exhibit "A," attached hereto and incorporated herein for all purposes; and

WHEREAS, the Town Council has investigated 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 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. The Town's Zoning Ordinance is amended as follows: Applicant is granted a Specific Use Permit (SUP) for wireless communications and support structures, on a tract of land zoned Planned Development-70-Single Family, consisting of 1.639 acres of land, more or less, in The Collin County School Land Survey, Abstract No. 172 and the Elisha Chambers Survey, Abstract No. 179, in the Town of Prosper, Collin County, Texas, and

being more particularly described in Exhibit "A," attached hereto and incorporated herein for all purposes as if set forth verbatim.

The development plans, standards, and uses for the Property in this Specific Use Permit shall conform to, and comply with 1) the site plan, attached hereto as Exhibit "B" and 2) the elevations, attached hereto as Exhibit "C"; which are incorporated herein for all purposes as if set forth verbatim.

All development plans, standards, and uses for the Property shall comply fully with the requirements of all ordinances, rules, and regulations of the Town of Prosper, as they currently exist or may be amended.

Two (2) original, official, and identical copies of the zoning exhibit map are hereby adopted and shall be filed and maintained as follows:

- a. One (1) copy shall be filed with the Town Secretary and retained as an original record and shall not be changed in any manner.
- 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.

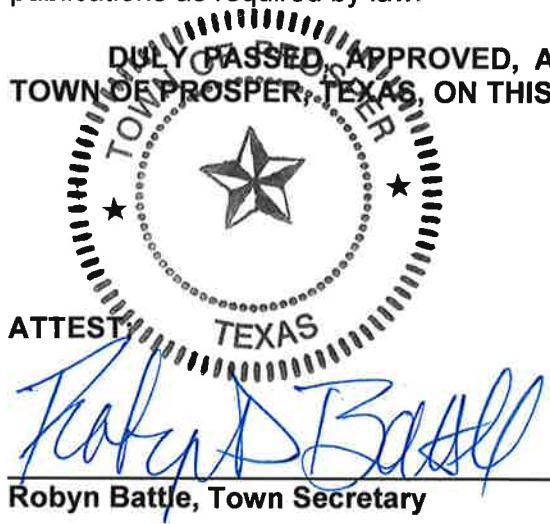
SECTION 7

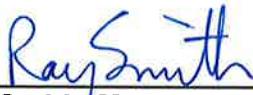
Savings/Repealing Clause. Prosper's Zoning Ordinance No. 05-20 shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall 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.

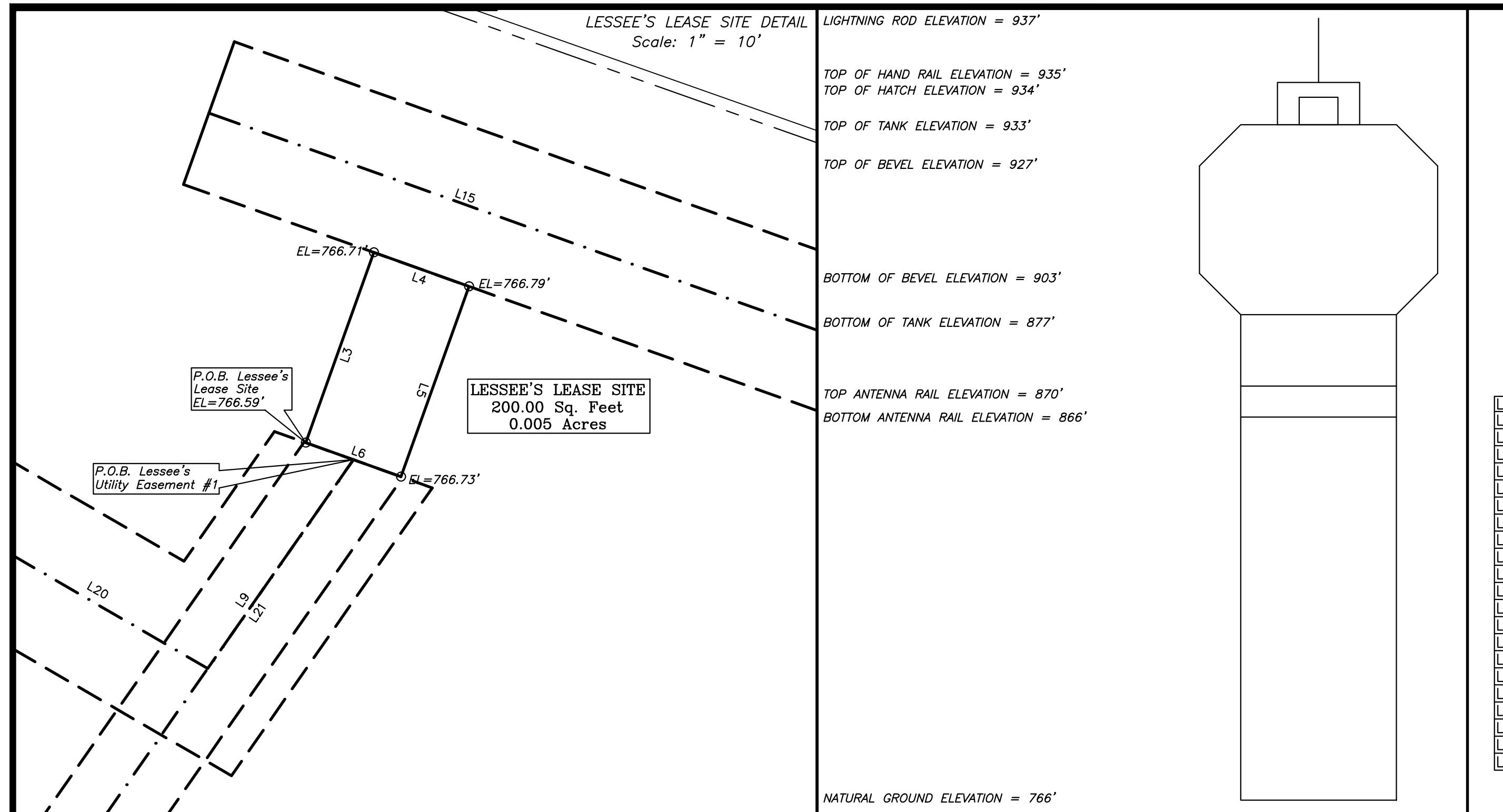
DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE
TOWN OF PROSPER, TEXAS, ON THIS 13th DAY OF NOVEMBER, 2018.




Ray Smith, Mayor

APPROVED AS TO FORM AND LEGALITY:

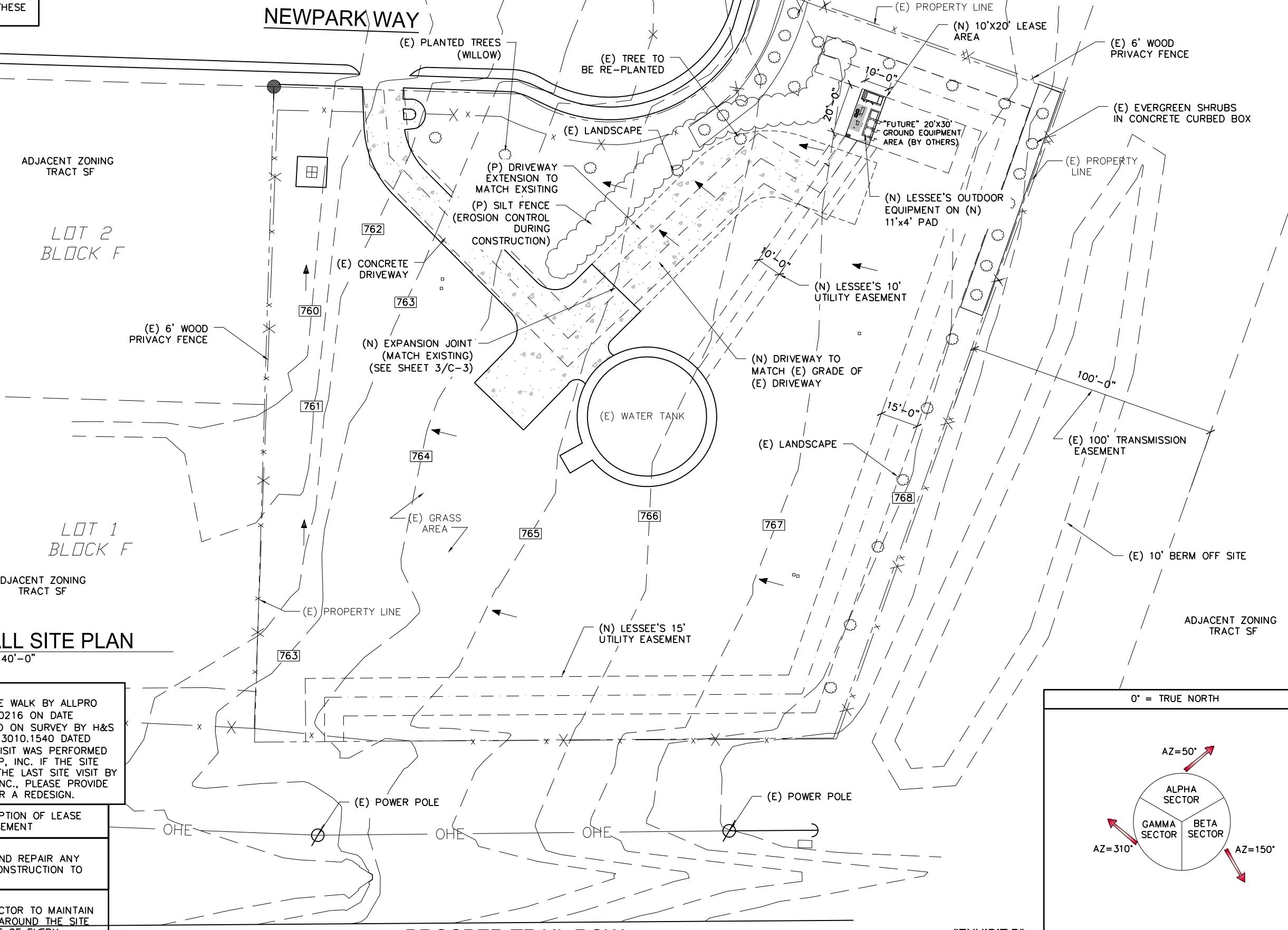

Terrence S. Welch, Town Attorney



STRUCTURAL REVIEW NOTE:
AN ANALYSIS OF THE TOWER OR
STRUCTURE HAS BEEN PERFORMED BY
MALOU ENGINEERING INT'L, INC. MEI
PROJECT ID: TX05476W-18VO DATED
07/05/18. THE ANTENNAS SHOWN ON
THIS PLAN ARE FOR REFERENCE ONLY
AND THE HEIGHT, LOCATION, AND
MOUNTING SHOWN IN THE STRUCTURAL
ANALYSIS SHOULD SUPERSEDE THESE
DRAWINGS.

NOTE:
HAND DIG INSIDE
TOWER COMPOUND

1 09/17/18
0 09/05/18
NO. DATE
ISSUED FOR FINAL
ISSUED FOR FINAL
REVISION



verizon

600 HIDDEN RIDGE
IRVING, TEXAS 75038

DATE DRAWN:
09/05/18
DRAWN BY:
J. VOIGT
APPROVED BY:
C. ZHANG

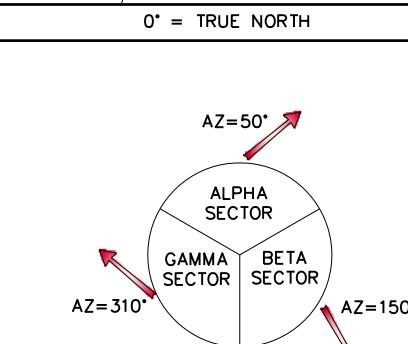
NEW SITE BUILD

PROSPER TRAIL
VZW SITE ID # 478917
FUZE ID # 15111225
1883 NEWPARK WAY
PROSPER, TX 75078

ALLPRO
CONSULTING GROUP, INC.
9221 LYNDON B JOHNSON FREEWAY
SUITE 204, DALLAS, TX 75243
PHONE: 972-231-8693
FAX: 866-364-8375
WWW.ALLPROCG.COM
FIRM REGISTRATION # 8242



09/17/18
SHEET NAME
OVERALL SITE PLAN
S18-0008
Exhibit B



ANTENNA ORIENTATION

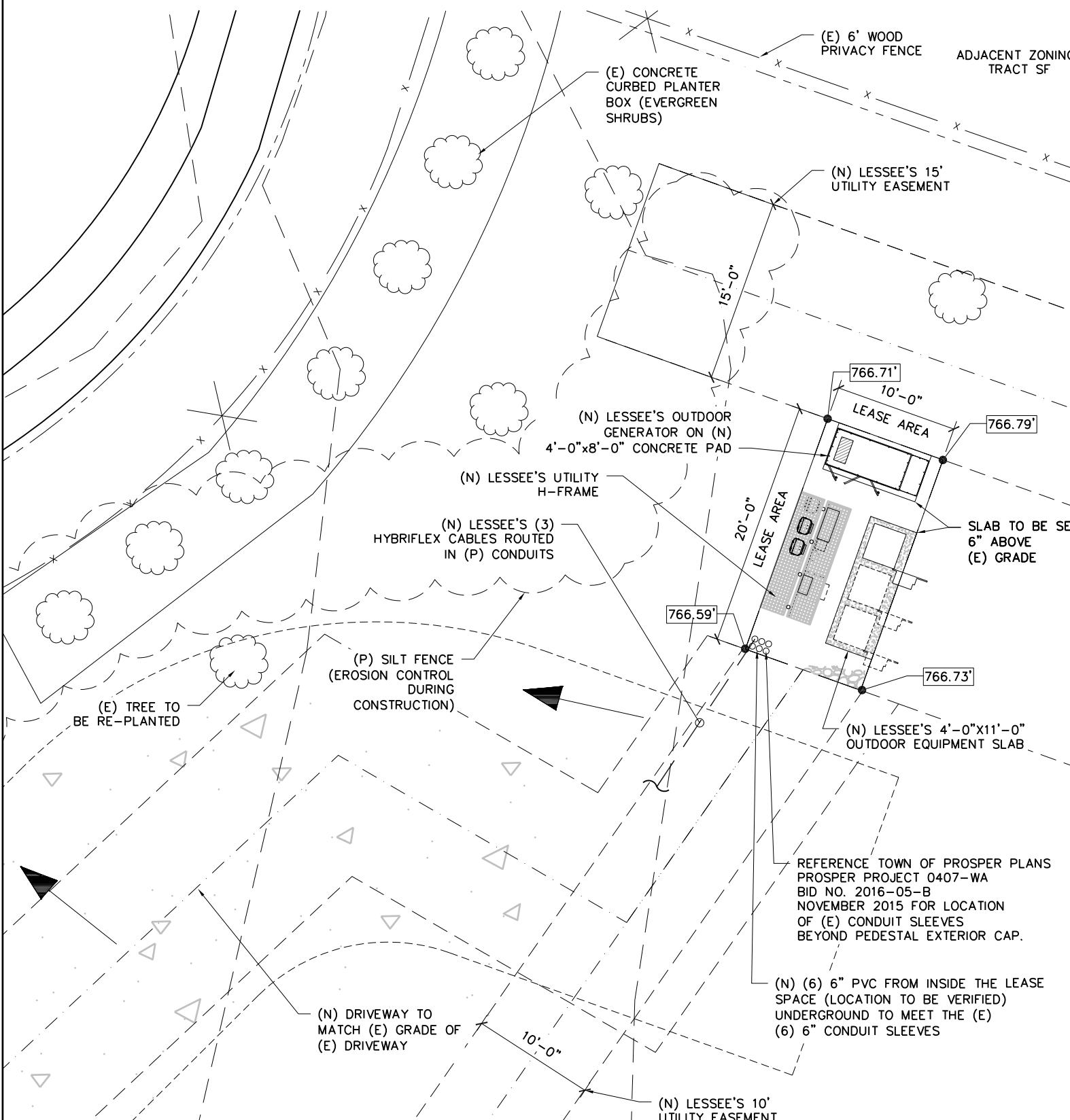
NOTE:
CONTRACTOR REQUIRED TO
PROVIDE POSITIVE DRAINAGE
"OFF" LEASE AREA.

NOTE:
VERIFY PROPERTY LINES, EASEMENTS AND FLOOD
ELEVATIONS WITH RPLS CERTIFIED SURVEY PRIOR
TO ANY CONSTRUCTION

CONTRACTOR IS RESPONSIBLE
FOR POSTING TEMPORARY
FCC NUMBER WHEN TOWER
ERCTION BEGINS

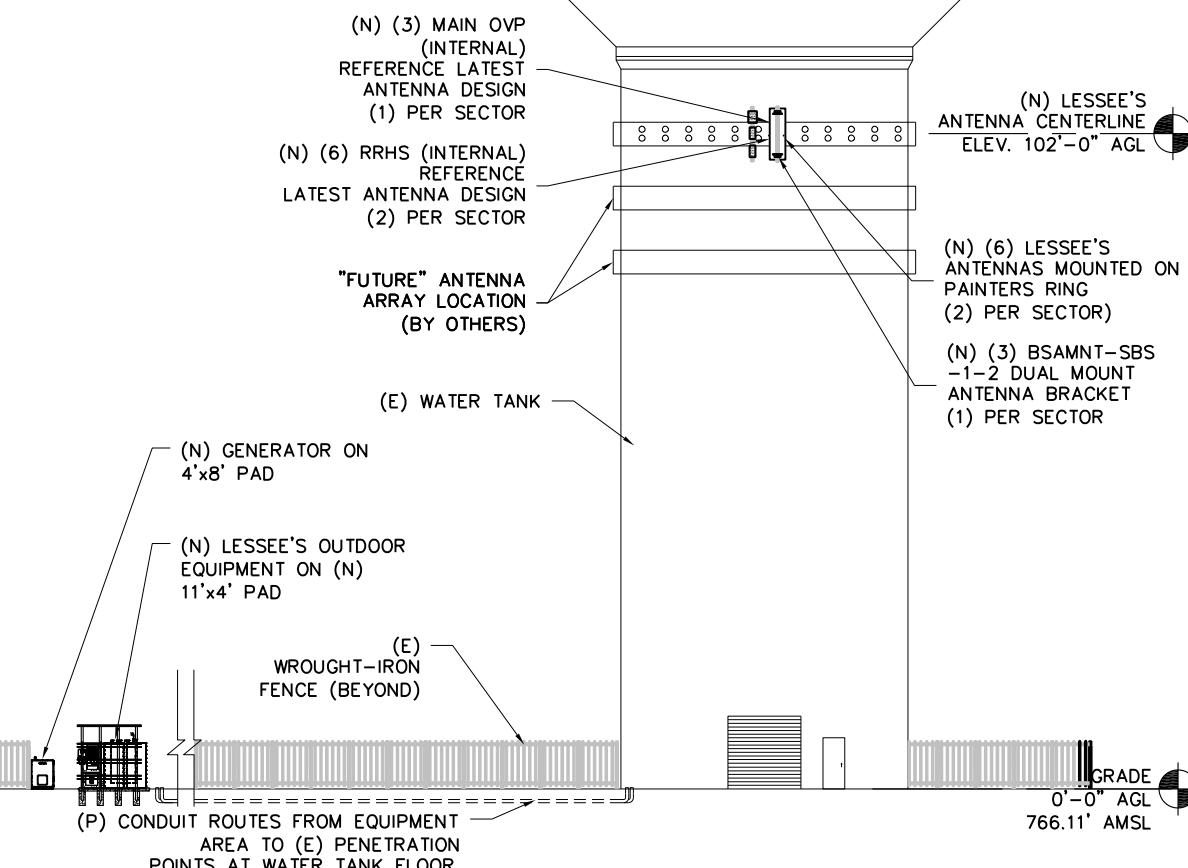
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DRAWINGS.

ISSUED FOR FINAL
REVISION
1 09/17/18
0 09/05/18
NO. DATE



TOP OF LIGHTNING ROD
ELEV. 171'-0" AGL

TOP OF TOWER
ELEV. 167'-0" AGL



2 TOWER ELEVATION

SCALE: 1" = 30'-0"

LATITUDE: 33° 14' 54.908" N
LONGITUDE: 96° 46' 34.113" W
ELEVATION: 766.11' AMSL

verizon

600 HIDDEN RIDGE
IRVING, TEXAS 75038

DATE DRAWN:
09/05/18
DRAWN BY:
J. VOIGT
APPROVED BY:
C. ZHANG

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PROSPER TRAIL
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WWW.ALLPROGROUP.COM
FIRM REGISTRATION # 8242



09/17/18
SHEET NAME
ENLARGED SITE PLAN/
TWR ELEVATION
S18-0008
Exhibit C