

## TOWN OF PROSPER, TEXAS

## ORDINANCE NO. 19-14

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 0.0138 ACRE, MORE OR LESS, IN THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 147, 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 AT&T ("Applicant") for a Specific Use Permit (SUP) for a wireless communications and support structures, on a tract of land zoned Agricultural (A), consisting of 0.0138 acre of land, more or less, in The Collin County School Land Survey, Abstract No. 147, 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 Agricultural (A), consisting of 0.0138 acre of land, more or less, in the Collin County School Land Survey, Abstract No. 147, 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 and elevations, attached hereto as Exhibit "B", which is incorporated herein for all purposes as if set forth verbatim, subject to the following conditions of approval by the Town Council:

1. Town Council approval of a lease agreement to allow for the use of facilities on Town property;
2. Coordination with the Town and any necessary sports associations to ensure no scheduled activities are disrupted resulting from the relocation of the lights from the existing pole to the cell tower; and
3. Acquisition of any off-site access easements necessary to serve the subject property at the time of Site Plan.

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

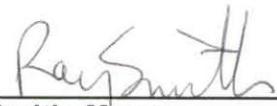
Savings/Repealing Clause. Prosper's Zoning Ordinance No. 05-20 shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall 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

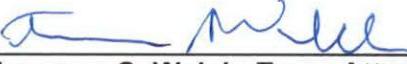
Effective Date. This Ordinance shall become effective from and after its adoption and publications as required by law.

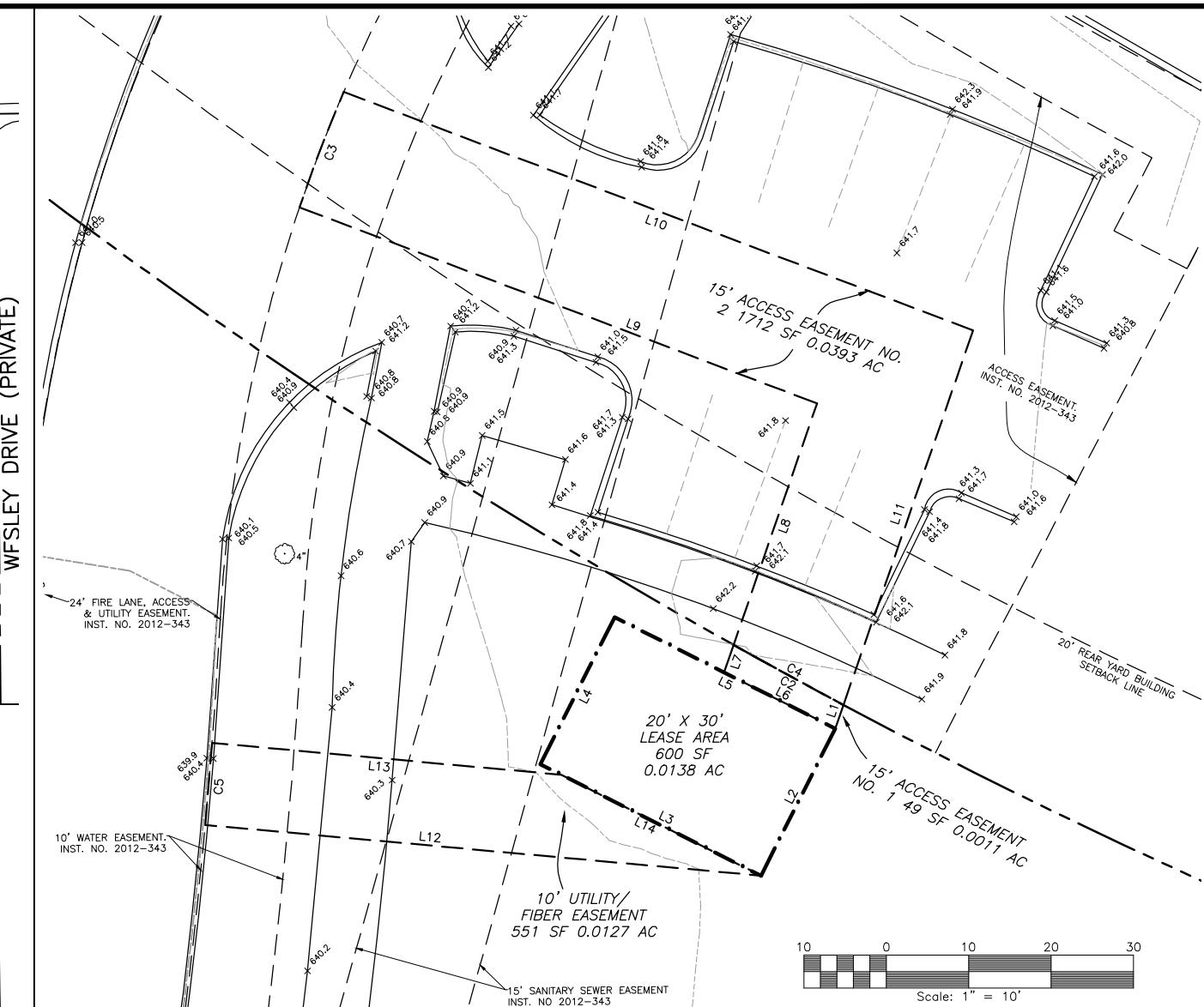
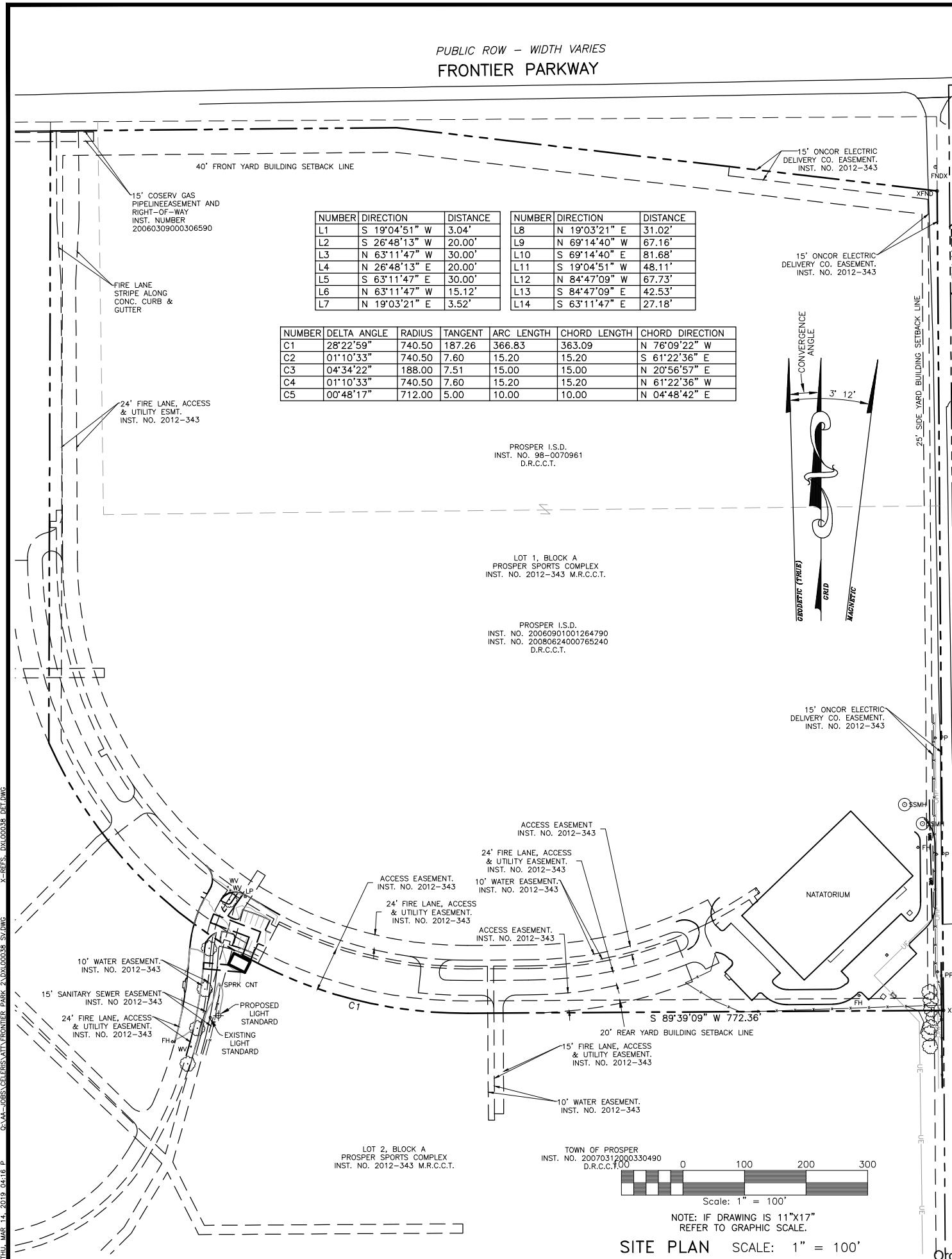
**DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE  
TOWN OF PROSPER, TEXAS, ON THIS 26<sup>th</sup> DAY OF MARCH, 2019.**

ATTEST:  
  
Robyn Battle  
Robyn Battle, Town Secretary

  
Ray Smith, Mayor

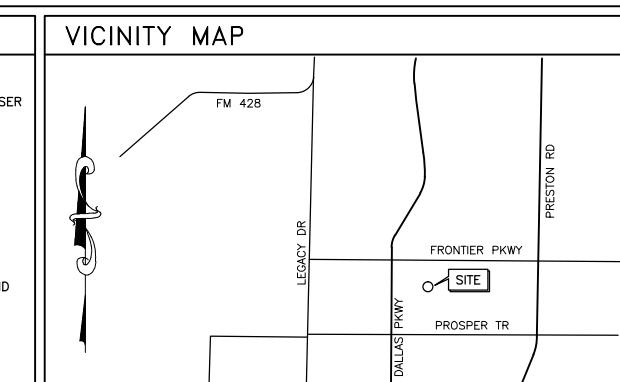
APPROVED AS TO FORM AND LEGALITY:

  
Terrence S. Welch, Town Attorney



# PROJECT INFORMATION

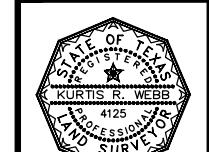
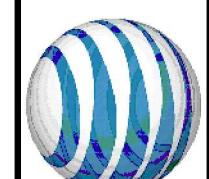
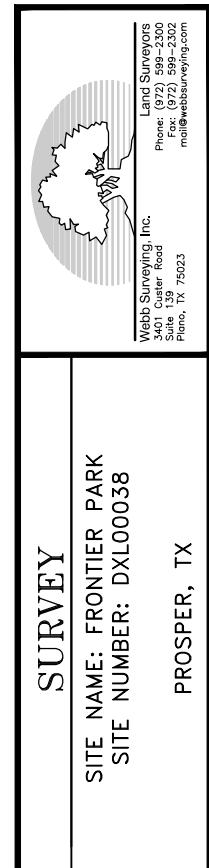
LEGEND	
○	PP - POWER POLE
□	TPED - TELEPHONE RING
○	WV - WATER VALVE
○	FH - FIRE HYDRANT
◊	TOWER CENTROID
☒	LP - LIGHT POLE
田	EM - ELECTRIC METER
☒	GM - GAS METER
●	IRS - IRON ROD SET
○	IRF - IRON ROD FOUND
TBM	BENCH MARK
 BUILDING LINES	
 FENCE LINE	
 POWER LINE	



BRUNSWICK, 2007-2008

The undersigned does hereby certify that a survey was made on the ground of the property legally described hereon prepared by the undersigned and is true and correct to the best of my knowledge; the survey correctly shows the location of all buildings, structures and other improvements situated on the property; that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or rights-of-way except as shown on the plat hereon; that subject property has access to a public roadway; and the plat hereon is a true, correct and accurate representation of the property described hereinabove. Furthermore, the undersigned hereby certifies that he has calculated the quantity of land or acreage contained within the tract shown on this plat of survey and described hereon and certifies that the quantity of land shown hereon is correct. This survey meets the applicable requirements for land surveys as defined by the "Texas Society of Professional Surveyors Manual of Practice for Land Surveying in Texas".

  
Kurtis R. Webb  
R.P.I.S. #4125



S18-0007  
Exhibit A





Celeris Group Consulting Engineers  
2000 E. Lamar Blvd., Suite 550  
Arlington, TX 76006  
Phone: 817-446-1700  
Fax: 817-460-0677  
[www.celerisgroup.com](http://www.celerisgroup.com)

Celeris Group Consulting Engineers  
2000 E. Lamar Blvd., Suite 550  
Arlington, TX 76006  
Phone: 817-446-1700  
Fax: 817-460-0677  
[www.celerisgroup.com](http://www.celerisgroup.com)

**Engineer:**  
Celeris Group Consulting Engineers  
2000 E. Lamar Blvd., Suite 550  
Arlington, TX 76006  
Phone: 817-446-1700  
Fax: 817-460-0677  
Registration No: F-13992

TAMP:

PRELIMINARY  
NOT FOR CONSTRUCTION

THIS DOCUMENT IS RELEASED FOR THE PURPOSE  
OF INTERIM REVIEW UNDER THE AUTHORITY OF  
ZHENJING GUO, P.E. LICENSE # 84667. IT IS NOT  
TO BE USED FOR CONSTRUCTION, BIDDING OR  
PERMIT PURPOSES.



AT&T SITE NUMBER  
DXL00038

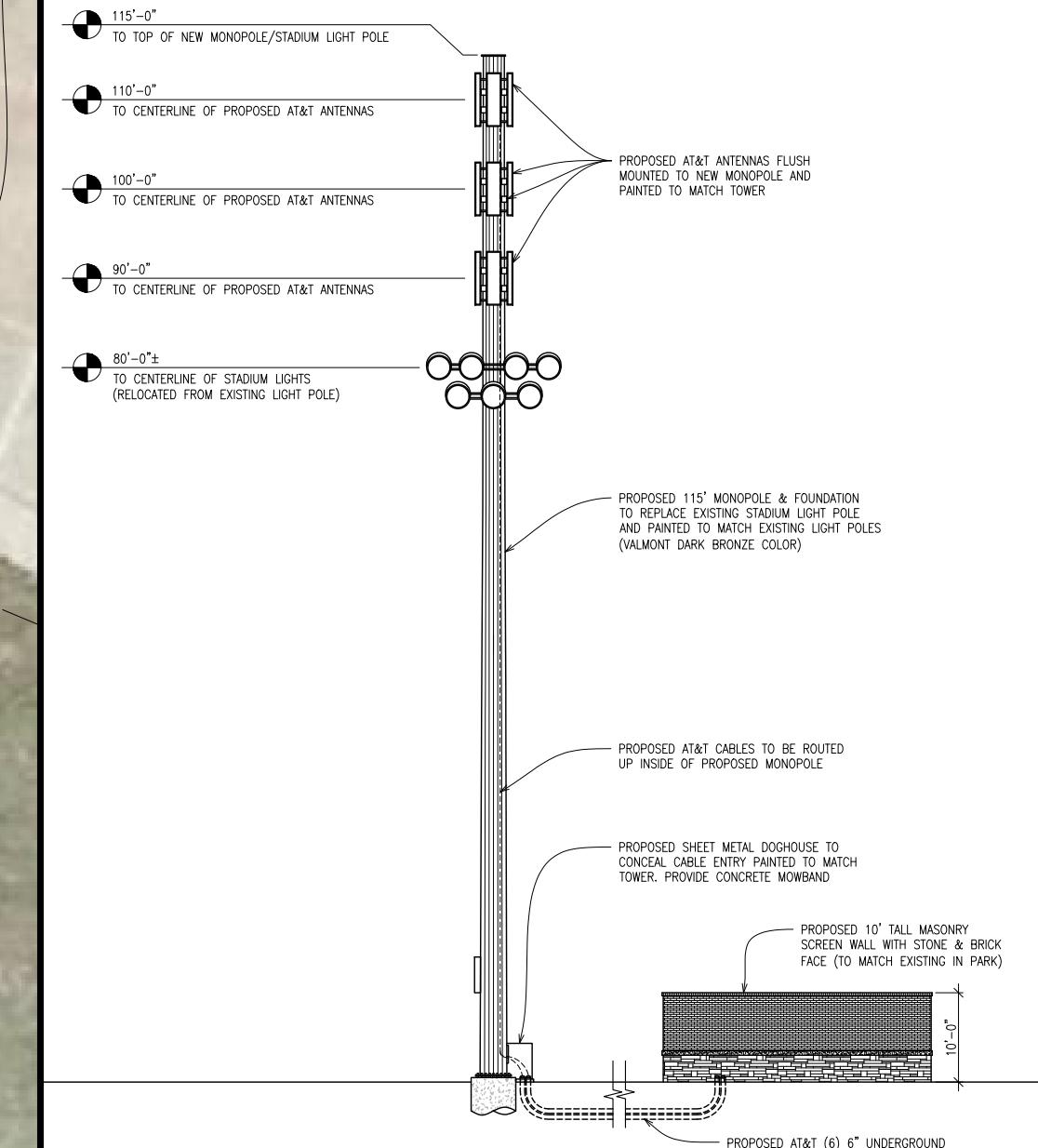
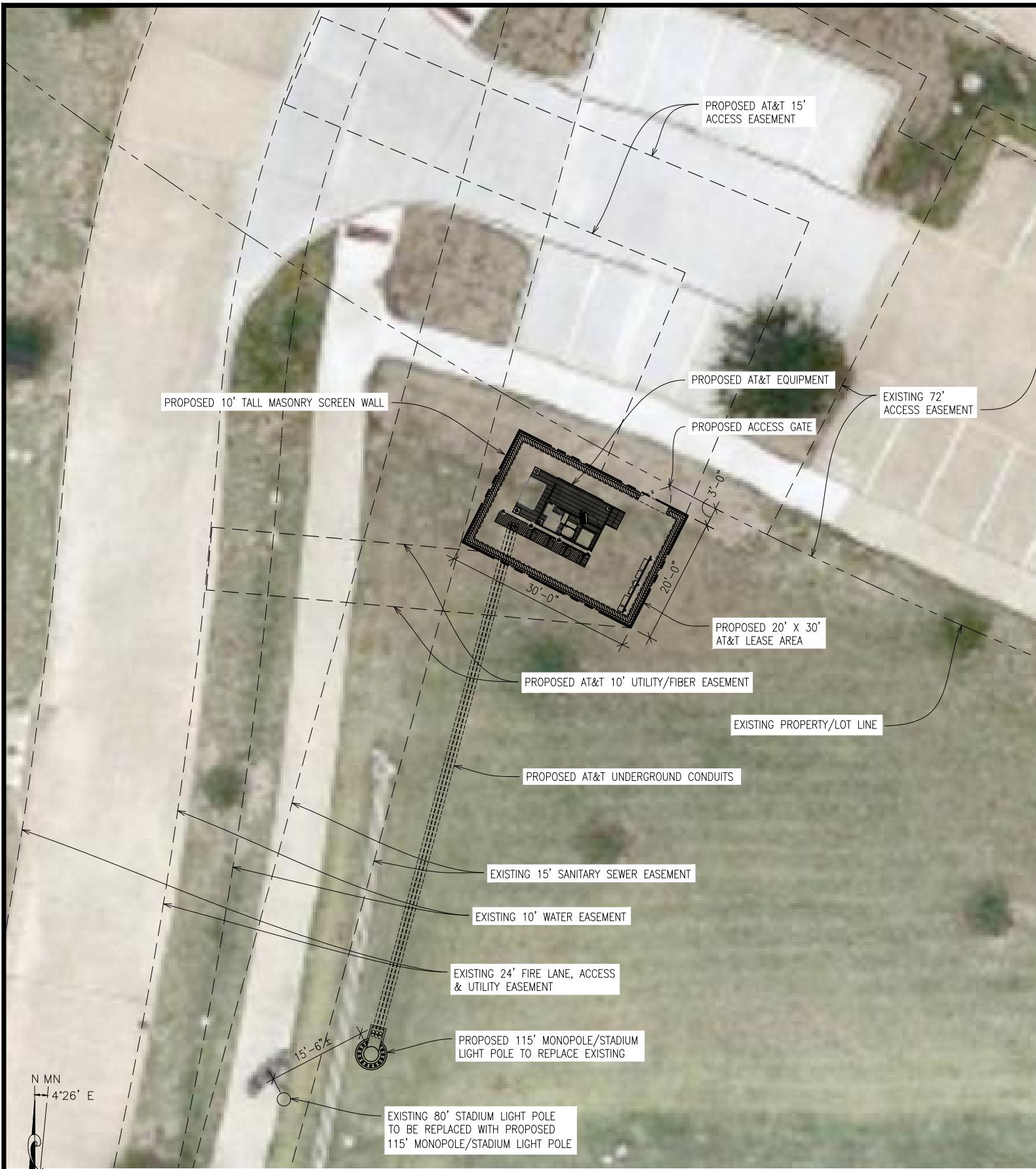
AT&T SITE NAME  
**FRONTIER PARK**

S18-0007  
Exhibit B

Object number	18-10729
Date	09/26/18
Borrowed by	JAC
Checked by	ZG

| F01

cale



Celeris Group Consulting Engineers  
2000 E. Lamar Blvd., Suite 550  
Arlington, TX 76006  
Phone: 817-446-1700  
Fax: 817-460-0677  
www.celerisgroup.com

Engineer:  
Celeris Group Consulting Engineers  
2000 E. Lamar Blvd., Suite 550  
Arlington, TX 76006  
Phone: 817-446-1700  
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No.	Description	Date
A	LEASE EXHIBIT	01/21/18
B	LEASE EXHIBIT	03/06/18
C	LEASE EXHIBIT	08/29/18
D	LEASE EXHIBIT	09/26/18



AT&T SITE NUMBER  
DXL00038

AT&T SITE NAME  
FRONTIER PARK

S18-0007  
Exhibit B

Project number 18-10729  
Date 09/26/18  
Drawn by JAC  
Checked by ZG

LEO2

Scale