

PD-1

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 99-46

U4625 02192

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 84-16; REZONING A TRACT OF LAND CONSISTING OF 469.08 ACRES, MORE OR LESS, SITUATED IN THE A. DYER SURVEY, ABSTRACT NO. 258, THE W.T. HORN SURVEY, ABSTRACT NO. 376 AND THE W.T. HORN SURVEY, ABSTRACT NO. 419 IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS HERETOFORE ZONED AGRICULTURE (A) IS REZONED PLANNED DEVELOPMENT (PD); DESCRIBING THE TRACT TO BE REZONED; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town of Prosper, Texas ("Prosper") has received a request from Prosper Land Company, L.L.C. to rezone 469.08 acres of land, more or less, situated in the A. Dyer Survey, Abstract No. 258, the W.T. Horn Survey, Abstract No. 376 and the W.T. Horn Survey, Abstract No. 419, in Prosper, Collin County, Texas; and

WHEREAS, the Town Council of Prosper (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 for rezoning have been given in the manner and form set forth by law, and public hearings have been held on the proposed rezoning and all other requirements of notice and completion of such zoning 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 amend Prosper's Zoning Ordinance No. 84-16 and 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: Amendments to Prosper's Zoning Ordinance No. 84-16. Prosper's Zoning Ordinance No. 84-16 is amended as follows: The zoning designation of the below-described property containing 469.08 acres, more or less, situated in the A. Dyer Survey, Abstract No. 258, the W.T. Horn Survey, Abstract No. 376 and the W.T. Horn Survey, Abstract No. 419, in Prosper, Collin County, Texas, (the "Property") and all streets, roads and alleyways contiguous and/or adjacent thereto are hereby rezoned as Planned Development (PD).

The Property as a whole is more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes.

The development plans, standards, uses and schedules for the Property in this Planned Development District shall conform to, and comply with 1) the conceptual and/or site plan attached hereto as Exhibit "B", 2) the planned development standards attached hereto as Exhibit "C", 3) the statement of purpose and intent attached hereto as Exhibit "D", and 4) the development schedule attached hereto as "E". Exhibits "B", "C", "D" and "E" are incorporated herein for all purposes. 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 (3) 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 the original records and shall not be changed in any manner.

b. One (1) copy shall be filed with the building inspector 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.

Written notice of any amendment to this Planned Development District shall be sent to all property owners within two hundred feet (200') of the specific area to be amended.

SECTION 3: No Vested Interest/Repeal. No developer or property owner shall acquire any vested interest in this Ordinance, the Planned Development Zone 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 it 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 Provision. Any person, firm, corporation or business entity violating this Ordinance or any provision of Prosper's Zoning Ordinance No. 84-16, or as amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a 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: Savings/Repealing Clause. Prosper's Zoning Ordinance No. 84-16 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 repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 7: 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 8: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by law.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS on this 15 day of February 2000 ~~1999~~.


STEPHEN COFFMAN, MAYOR

ATTESTED TO AND
CORRECTLY RECORDED BY:

APPROVED AS TO FORM:


SHIRLEY JACKSON
Town Secretary

ABERNATHY, ROEDER, BOYD,
& JOPLIN, P.C.
RICHARD M. ABERNATHY
REBECCA BREWER
Town Attorneys



DATE OF PUBLICATION: 3-17-00 in the McKinney Courier Gazette

BEING a tract of land situated in the A. Dyer Survey, Abstract No. 258, the W.T. Horn Survey, Abstract No. 376, and the W.T. Horn Survey, Abstract No. 419, Collin County, Texas, and being a part of that same tract of land as described in deed to Neal Small recorded under Clerk's File No. 96-0062445 of the Deed Records of Collin County, Texas (DRCCT), and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found at the intersection of the center of County Road No. 82 and County Road No. 80, at the northwest corner of a tract of land as described in deed to Mae Smith Star and Harold Star, Jr. recorded in Volume 761, Page 260 DRCCT, and lying in the east line of a tract of land as described in deed to Richard M. Kendrick III, Trustee for the Glory Gaines Kendrick Testamentary Trust recorded under Clerk's File No. 93-0012851 DRCCT, said beginning point also being called the southwest corner of said A. Dyer Survey, Abstract No. 258, the northwest corner of the William H. Thomason Survey, Abstract No. 895, and also lying in the called east line of the E. Chambers Survey, Abstract No. 179;

THENCE N 00°36'15" W, along said County Road No. 80, and the east line of said Kendrick tract, 1656.42 feet to a 3/4-inch iron rod found at the northeast corner of said Kendrick tract, same being the southeast corner of a tract of land as described in deed to Bob L. and Cheryl P. Walker recorded in Volume 3205, Page 256 DRCCT;

THENCE N 00°55'17" W, continuing along said County Road No. 80, and east line of said Walker tract, at a called distance of 318.93 feet passing the northeast corner of said Walker tract, same being the southeast corner of a tract of land as described in deed to Georgina Hennen recorded in Volume 3135, Page 704 DRCCT, continuing along the east line of said Hennen tract and along County Road No. 80, at a called distance of 556.14 feet passing the northeast corner of said Hennen tract, same being the southeast corner of a tract of land as described in deed to FFF Preston Hills III, Ltd. Recorded under Clerk's File No. 97-0036319, continuing along the east line of said FFF Preston Hills tract and along County Road No. 80, in all a distance of 2459.37 feet to a 5/8-inch iron rod found at the southwest corner of a tract of land as described in deed to Charles F. and Ann L. Mullaney recorded in Volume 765, Page 823 DRCCT;

THENCE N 89°36'45" E, departing said County Road No. 80, along the south line of said Mullaney tract, at a called distance of 395.78 feet passing the southeast corner of said Mullaney tract, same being the southwest corner of a tract of land as described in deed to Randy L. White recorded in Volume 3299, Page 865 DRCCT, continuing along the south line of said White tract, in all a distance of 793.22 feet to a 1/2-inch iron rod found;

THENCE N 89°38'03" E, continuing along the south line of said White tract, at a called distance of 315.56 feet passing the southeast corner of said White tract, same being the southwest corner of a tract of land as described in deed to D. Steven and L. Charlene Hansen recorded in Volume 3917, Page 381 DRCCT, continuing along the south line of said Hansen tract, at a called distance of 1094.38 feet passing the southeast corner of said Hansen tract, same being the southwest corner of a tract of land as described in deed to Chang-Han Partnership recorded in Volume 4045, Page 1789 DRCCT, continuing along the south line of said Chang-Han Partnership tract, in all a distance of 1325.04 feet to a point in Gentle Creek, said point being the westerly corner of Lot 7, Block C of Gentle Creek Estates Phase II, an addition to the Town of Prosper according to the plat thereof recorded in Volume K, Page 476 of the Plat Records of Collin County, Texas (PRCCT);

THENCE southeasterly, departing the south line of said Chang-Han Partnership tract, along the southwest line of said Gentle Creek Estates, Phase II and along the meanders of said Gentle Creek, the following:

S 41°37'25" E, 142.47 feet;

S 61°55'26" E, 169.56 feet;

N 48°12'25" E, 98.00 feet;

S 86°30'30" E, 106.00 feet;

S 36°31'35" E, 206.00 feet;

S 54°47'41" E, 170.99 feet;

N 81°33'56" E, 42.00 feet;

S 69°31'50" E, 107.00 feet;

S 00°15'40" E, 151.00 feet;

S 50°15'05" E, 99.00 feet;

S 81°24'55" E, 96.00 feet;

S 45°40'25" E, 133.00 feet;

N 49°50'45" E, departing said Gentle Creek, along the southeast line of Lot 11 in said Block C, 253.50 feet to a point in the southwest line of Gentle Way (50 foot right-of-way), and lying in a non-tangent circular curve to the left having a radius of 975.00 feet;

THENCE southeasterly, along the southwest line of said Gentle Creek Estates, Phase II and southwest line of said Gentle Way, the following:

Southeasterly, along said circular curve to the left, through a central angle of 24°32'35", an arc distance of 417.65 feet and having a chord which bears S 64°12'41" E, 414.46 feet to a 5/8-inch iron rod found at the point of tangency;

S 76°28'58" E, 211.08 feet to a 5/8-inch iron rod found at the point of curvature of a circular curve to the right having a radius of 450.00 feet;

Southeasterly, along said circular curve to the right, through a central angle of 44°23'50", an arc distance of 348.69 feet and having a chord which bears S 54°17'04" E, 340.4 feet to a 5/8-inch iron rod found at the point of reverse curvature of a circular curve to the left having a radius of 2000.00 feet;

Southeasterly, along said circular curve to the left, through a central angle of 14°22'21", an arc distance of 501.70 feet and having a chord which bears S 39°16'19" E, 500.39 feet to a 5/8-inch iron rod found at the point of tangency;

S 46°27'30" E, 433.02 feet to a 5/8-inch iron rod found;

N 47°49'04" E, 232.25 feet to the point of curvature of a circular curve to the right having a radius of 350.00 feet and lying in the southwest line of Gentle Creek Estates Phase I, an addition to the Town of Prosper according to the plat thereof recorded in Volume K, Page 474 PRCCT;

Northeasterly, along said circular curve to the right, through a central angle of 13°48'03", an arc distance of 23.22 feet and having a chord which bears N 49°43'06" E, 23.21 feet to a 5/8-inch iron rod found at the point of curvature of a non-tangent circular curve to the left having a radius of 50.00 feet and lying in the southwest line of Winding Creek Road (50 foot right-of-way);

THENCE southeasterly, along the southwest line of said Winding Creek Road and southwest line of said Gentle Creek Estates Phase I, along said circular curve to the left, through a central angle of 32°50'57", an arc distance of 28.67 feet and having a chord which bears S 50°42'40" E, 28.28 feet to a 5/8-inch iron rod found at the point of curvature of a non-tangent circular curve to the left having a radius of 400.00 feet;

THENCE southeasterly, along the southwest line of said Winding Creek Road and southwest line of said Gentle Creek Estates Phase I, along said circular curve to the left, through a central angle of 23°41'16" , an arc distance of 165.37 feet and having a chord which bears S 15°53'07" E, 164.20 feet to a 5/8-inch iron rod found at the point of tangency;

THENCE S 27°43'45" E, along the southwest line of said Winding Creek Road and southwest line of said Gentle Creek Estates Phase I, 544.69 feet to a 5/8-inch iron rod found at the point of curvature of a circular curve to the right having a radius of 730.00 feet;

THENCE southeasterly, along the southwest line of said Winding Creek Road and southwest line of said Gentle Creek Estates Phase I, along said circular curve to the right, through a central angle of 06°41'00", an arc distance of 85.15 feet and having a chord which bears S 24°23'15" E, 85.10 feet to a 5/8-inch iron rod found at the point of tangency;

THENCE S 21°02'45" E, along the southwest line of said Winding Creek Road and southwest line of said Gentle Creek Estates Phase I, at 317.98 feet passing a 5/8-inch iron rod found at the westerly northwest corner of Lot 27, Block A of said Gentle Creek Estates Phase I, continuing along the southwest line of said Lot 27, Block A, departing the southwest line of said Winding Creek Road, in all a distance of 766.60 feet to a point in Gentle Creek;

THENCE southeasterly, along the southerly line of said Lot 27, Block A and meanders of said Gentle Creek, the following:

N 77°33'05" E, 125.01 feet;

S 20°44'14" E, 100.00 feet;

S 31°12'40" E, 85.00 feet;

S 63°45'29" E, 54.00 feet;

N 51°17'05" E, 35.00 feet;

N 00°44'45" W, 120.00 feet;

S 59°18'35" E, 136.00 feet;

S 16°43'05" W, 111.00 feet;

S 81°51'39" E, 43.00 feet;

N 59°44'25" E, 93.00 feet;

S 39°44'05" E, 53.00 feet;

S 21°06'20" W, 90.00 feet;

S 60°01'15" E, 45.00 feet;

S 83°06'53" E, 71.10 feet;

S 53°36'15" E, 238.72 feet to a point in the center of Wilson Creek and west line of a tract of land as described in deed to Amberwood Farms. Ltd. Recorded in Volume 4334, Page 1892 DRCCT;

THENCE southerly, along the center of Wilson Creek and west line of said Amberwood Farms. tract, the following:

S 00°30'45" W, 40.97 feet;

S 16°14'59" E, 222.61 feet;

S 12°52'40" W, 163.36 feet;

S 06°06'14" E, 50.81 feet;

S 11°54'29" E, 187.74 feet to the northeast corner of a tract of land as described in deed to Collin County recorded in Volume 4116, Page 1749 DRCCT;

THENCE S 88°18'15" W, departing said Wilson Creek, along the north line of said Collin County tract, 126.21 feet to the point of curvature of a circular curve to the left having a radius of 7435.00 feet;

THENCE southwesterly, continuing along the north line of said Collin County tract, and along said circular curve to the left, through a central angle of 01°39'55", an arc distance of 216.10 feet and having a chord which bears S 89°08'12" W, 216.09 feet;

THENCE S 89°58'10" W, continuing along the north line of said Collin County tract, 50.00 feet;

THENCE S 00°04'18" W, along the west line of said Collin County tract, 25.05 feet;

THENCE N 89°58'10" E, along the south line of said Collin County tract, 398.97 feet to a point in said Wilson Creek and west line of said Amberwood Farms tract;

THENCE S 11°54'29" E, along the center of Wilson Creek and west line of said Amberwood Farms tract, 3.09 feet to a point in the center of County Road No. 82 (30 foot right-of-way) at this point;

THENCE S 89°58'10" W, along the center of said County Road No. 82, at a called distance of 1200.96 feet passing the northeast corner of a tract of land as described in deed to Michael W. and Jane G. Reeves recorded in Volume 1804, Page 100 DRCCT, continuing along the north line of said Reeves tract and center of said County Road No. 82, at a called distance of 1400.96 feet passing the northwest corner of said Reeves tract, same being the northeast corner of a tract of land as described in deed to George Bryce, Jr. recorded in Volume 1816, Page 81 DRCCT, continuing along the north line of said Bryce tract and center of said County Road No. 82, at a called distance of 1851.76 feet passing the northwest corner of said Bryce tract, same being the northeast corner of a tract of land as described in deed to Leon J. and Rebecca Sue Mace recorded in Volume 3610, Page 446 DRCCT, continuing along the north line of said Mace tract and center of said County Road No. 82, at a called distance of 2151.76 feet passing the northwest corner of said Mace tract, same being the northeast corner of Tract II as described in deed to Mae Smith Star and Harold Star, Jr. recorded in Volume 761, Page 260 DRCCT, continuing along the north line of said Star tract and center of said County Road No. 82, in all a distance of 2855.34 feet to a 1/2-inch iron rod found;

THENCE N 89°41'04" W, continuing along the north line of said Star tract and center of said County Road No. 82, 999.93 feet to a 1/2-inch iron rod found at the northwest corner of said Star tract;

THENCE S 00°03'51" W, along the west line of said Star tract, 20.41 feet to a 1/2-inch iron rod found at the northeast corner of Tract I as described in deed to Mae Smith Star and Harold Star, Jr. recorded in Volume 761, Page 260 DRCCT;

THENCE S 89°58'10" W, along the center of said County Road No. 82 and north line of said Star Tract I, 2663.24 feet to the POINT of BEGINNING and containing 469.08 acres of land.

EXHIBIT "B"

Part of the original plat is shown in dashed lines and is not to be construed as a part of the plat.



COUNTY ROAD 84

COUNTY ROAD 84 (FUTURE COIT ROAD)

TYPE A LOTS

TYPE B LOTS

TYPE C LOTS

PLAT

PLANNED DEVELOPMENT DISTRICT
DEVELOPMENT STANDARDS

FOR

GENTLE CREEK
PROSPER, TEXAS

APPLICANT:

Prosper Land Company, L.L.C.
14275 Midway Road, Suite 100
Dallas, Texas 75244
972-980-4170

July 16, 1999

EXHIBIT "C"

GENTLE CREEK PLANNED DEVELOPMENT DEVELOPMENT STANDARDS

1.0 PLANNED DEVELOPMENT DISTRICT - SINGLE FAMILY RESIDENTIAL

1.01 General Description: The single family residential tracts are intended to accommodate a variety of single family residential uses. The residential units will be comprised of Single Family - Type A, Single Family - Type B, Single Family - Type C, and Single Family - Type D. Development standards for each of the aforementioned housing types are outlined within this text.

1.02 Permitted Uses:

A. Land uses permitted within the residential area of the Planned Development District are as follows:

1. Residential units described herein.
2. Residential uses such as Single Family Estate Residence, Single Family Residence - 1, Single Family Residence - 2, Single Family Residence - 3 and Single Family Residence - Attached as permitted in Section 9 of the City of Prosper Comprehensive Zoning Ordinance No. 84-16 as it currently exists or may be amended.
3. Golf Course, driving range, clubhouse, maintenance facilities, rental/for sale dwelling units and other related uses such as, but not limited to, restaurant, bar in conjunction with the operation of a restaurant or country club and pro shop.
4. Public and private street facilities. Private streets shall be permitted only if approved by the Prosper City Council at the time of platting.
5. Real Estate sales offices during the development and marketing of the residential areas.
6. Private recreation facilities including, but not limited to, swimming pools, clubhouse facilities and sport courts (independent site plans require City approval).

B. Land uses within the retail area of the Planned Development District as permitted in Section 9 of the City of Prosper Comprehensive Zoning Ordinance No. 84-16 as it currently exists or may be amended.

1.03 Single Family - Type A (Base District Single Family Estate Residence): Single Family - Type A units are a form of single family, detached housing. This residential area will consist of larger dwelling units and lots, having access and frontage on public or private roads. Area regulations shall be in accordance with Section 10 of

the City of Prosper Comprehensive Zoning Ordinance No. 84-16, unless otherwise noted below:

- a. Lot Width: The minimum lot width of any lot shall be one hundred and thirty (130) feet measured at the front building line.
- b. Side Yard: The minimum side yard shall be no less than twenty (20) feet and have a maximum setback of twenty-five (25) feet. A side yard adjacent to a street shall be twenty-five (25) feet.
- c. Rear Yard: The minimum depth of the rear yard shall be twenty-five (25) feet.
- d. Dwelling Unit Size: The minimum square footage of each dwelling unit, to include only air conditioned space, shall be no less than 3,500 square feet.

1.04 Single Family - Type B (Base District Single Family Residence - 1): Single Family - Type B units are another form of detached housing. This residential area is designed to provide single family housing at a slightly higher density than permitted in the Single Family - Type A area. These residential units will have access and frontage on a public or private road. Area regulations shall be in accordance with Section 10 of the City of Prosper Comprehensive Zoning Ordinance No. 84-16, unless otherwise noted below:

- a. Lot Area: The minimum lot size of any lot shall be 18,000 square feet.
- b. Lot Width: The minimum lot width of any lot shall be one hundred and twenty-five (125) feet measured at the front building line, except for lots at the terminus of a cul-de-sac or along street elbows/eyebrows may have a minimum width of one hundred and ten (110) feet measured at the front building line.
- c. Rear Yard: The minimum depth of the rear yard shall be twenty (20) feet.
- d. Side Yard: The minimum side yard of any lot shall be ten (10) feet.
- e. Dwelling Unit Size: The minimum square footage of each dwelling unit, to include only air-conditioned space, shall be no less than 2,750.

1.05 Single Family - Type C (Base District Single Family Residence - 2): Single Family - Type C units are another form of detached housing. This residential area is designed to provide single family housing at a slightly higher density than permitted in the Single Family - Type B area. These residential units will have access and frontage on a public or private road. Area regulations shall be in accordance with Section 10 of the City of Prosper Comprehensive Zoning Ordinance No. 84-16, unless otherwise noted below:

- a. Front Yard: The minimum depth of the front yard shall be thirty (30) feet.
- b. Rear Yard: The minimum depth of the rear yard shall be twenty (20) feet.
- c. Side Yard: The minimum side yard of any lot shall be nine (9) feet.
- d. Dwelling Unit Size: The minimum square footage of each dwelling unit, to include only air-conditioned space, shall be no less than 2,250.
- e. Lot Coverage: The maximum lot coverage shall be no greater than forty-five (45) percent.
- f. Lot Width: The minimum lot width shall be eighty (80) feet.

1.06 Single Family - Type D (Base District Single Family Residence - 3): Single Family - Type D units are another form of detached housing. This residential area is designed to provide single family housing at a higher density than permitted in the Single Family - Type C area. These residential units will have access and frontage on a public or private road. Area regulations shall be in accordance with Section 10 of the City of Prosper Comprehensive Zoning Ordinance No. 84-16, unless otherwise noted below:

- a. Lot Area: The minimum lot size of any lot shall be 6,500 square feet.
- b. Lot Width: The minimum lot width of any lot shall be fifty-five (55) feet measured at the front building line, except for lots at the terminus of a cul-de-sac or along street elbows/eyebrows may have a minimum width of fifty (50) feet measured at the front building line.
- c. Front Yard: The minimum depth of the front yard shall be twenty-five (25) feet.
- d. Rear Yard: The minimum depth of the rear yard shall be twenty (20) feet.
- e. Side Yard: The minimum side yard of any lot shall be seven (7) feet.
- f. Dwelling Unit Size: The minimum square footage of each dwelling unit, to include only air-conditioned space, shall be no less than 1,800.
- g. Lot Coverage: The maximum lot coverage shall be no greater than forty-five (45) percent.

2.0 PLANNED DEVELOPMENT DISTRICT - RETAIL

2.01 General Description: The retail tract is intended to accommodate retail and commercial uses that supply the surrounding residential areas with convenience

goods and services which are normal daily necessities and routine purchases. Development standards for the retail tract are outlined within this text.

2.02 Permitted Uses: Land uses permitted within the retail area of the Planned Development District shall be in accordance with Section 9 of the City of Prosper Comprehensive Zoning Ordinance No. 84-16 as it currently exists or may be amended.

2.03 Building and Area Regulations: Building and area regulations shall be in accordance with Section 10 of the City of Prosper Comprehensive Zoning Ordinance No. 84-16, unless otherwise noted below:

- a. Lot Width: The minimum lot width shall be no less than one hundred fifty (150) feet.
- b. Front Yard: The minimum depth of the front yard shall be twenty five (25) feet.
- c. Side Yard: The minimum side yard shall be ten (10) feet.
- d. Rear Yard: The minimum depth of the rear yard shall be fifteen (15) feet.

3.0 PLANNED DEVELOPMENT - GENERAL CONDITIONS

3.01 Conformance to All Applicable Articles of The Prosper Zoning Ordinance: Except as amended herein, this Planned Development shall conform to any and all applicable articles and sections of the Prosper Zoning Ordinance, Ordinance No. 84-16, as it currently exists or may be amended.

3.02 Procedure to be followed throughout development of the Planned Development District:

- a. **Conceptual Plan:** A conceptual plan is hereby attached and made part of the approval for this Planned Development. This plan indicated as Exhibit "B" is drawn to scale and shows: (a) land uses; (b) streets and thoroughfares; (c) general layout of residential subdivisions; and (d) other features which graphically explain the standards and conditions set forth in this exhibit and the proposed development. The conceptual plan indicated the general location of the single family residential areas and retail area within the Planned Development District.
- b. **Development Schedule:** This ordinance shall be accompanied by a development schedule, indicating the approximate date on which construction is expected to begin and the approximate time frame to completion. The development schedule, if approved by the Prosper City Council, shall be

generally adhered to by the owner, developer and their successors in interest; unless amended by approval of the Prosper City Council.

3.03 Screenwalls: Screening materials of six (6) feet to eight (8) feet in height in combination of approved landscape materials may be permitted within landscape easements, exclusive of visibility easements.

- a. **Fencing:** All fencing along rear of golf course lots shall be constructed of metal or iron which gives the appearance of a wrought iron fence.
- b. **Utility Easement:** A minimum five (5) foot utility easement shall be dedicated to Prosper along the frontage of all front entry lots.
- c. **Trees:** A minimum of two (2) - four (4) inch shade trees shall be planted and maintained on each residential lot.

3.04 Preliminary Plat: A preliminary plat for each phase of development must be submitted to the Prosper Planning and Zoning Commission and City Council, or their designee, and must be approved by said bodies prior to the completion of the final plat.

All preliminary plats must comply substantially with the applicable Concept Plan attached hereto.

EXHIBIT “D”

GENTLE CREEK PLANNED DEVELOPMENT STATEMENT OF INTENT AND PURPOSE

The purpose and intent of this planned development district is to provide a higher quality of mixed residential uses that are compatible with the natural characteristics of the land, such as trees, topography, creeks and floodplain, while still providing the highest and best use for the property based on its location and access to major roadways. For all single-family residential districts, this is accomplished by providing flexible area regulations, while using the natural characteristics of the property separate land uses, thus creating “pockets” of residential development.

EXHIBIT "E"

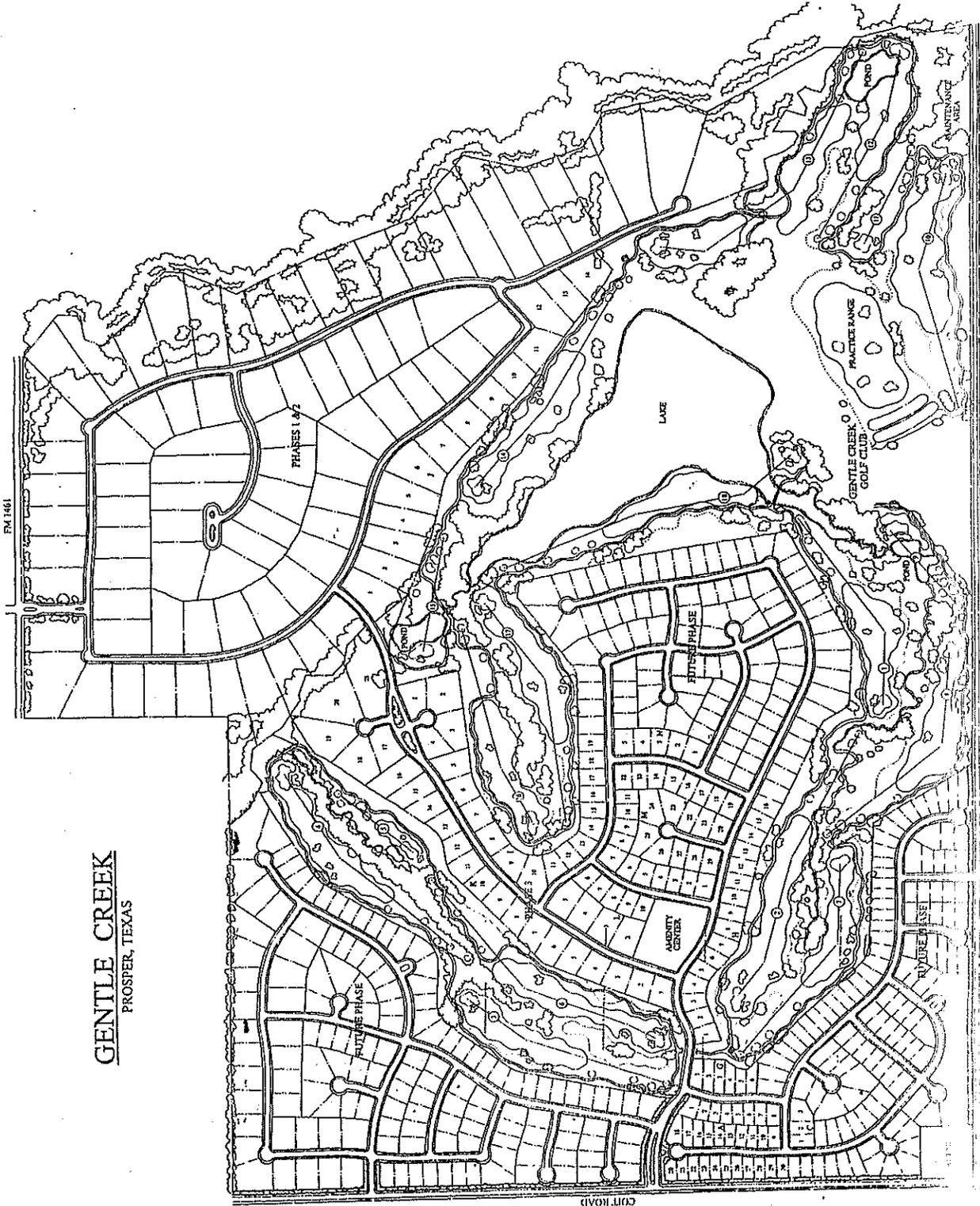
**GENTLE CREEK
PLANNED DEVELOPMENT
DEVELOPMENT SCHEDULE**

It is anticipated that the development of the property will begin within 2 to 5 years after approval and signing of the zoning ordinance. During this time period, prior to the initial stages of development, it is foreseen that plans and studies will be prepared for development and marketing of the property.

Progress of development improvements will primarily depend on time frames established for construction of thoroughfares, utilities and market trends/demands for the area.

It is anticipated that the development of the property, excluding total construction of all structures, will be completed within 10 to 15 years after approval and adoption of the zoning ordinance.

GENTLE CREEK
PROSPER, TEXAS



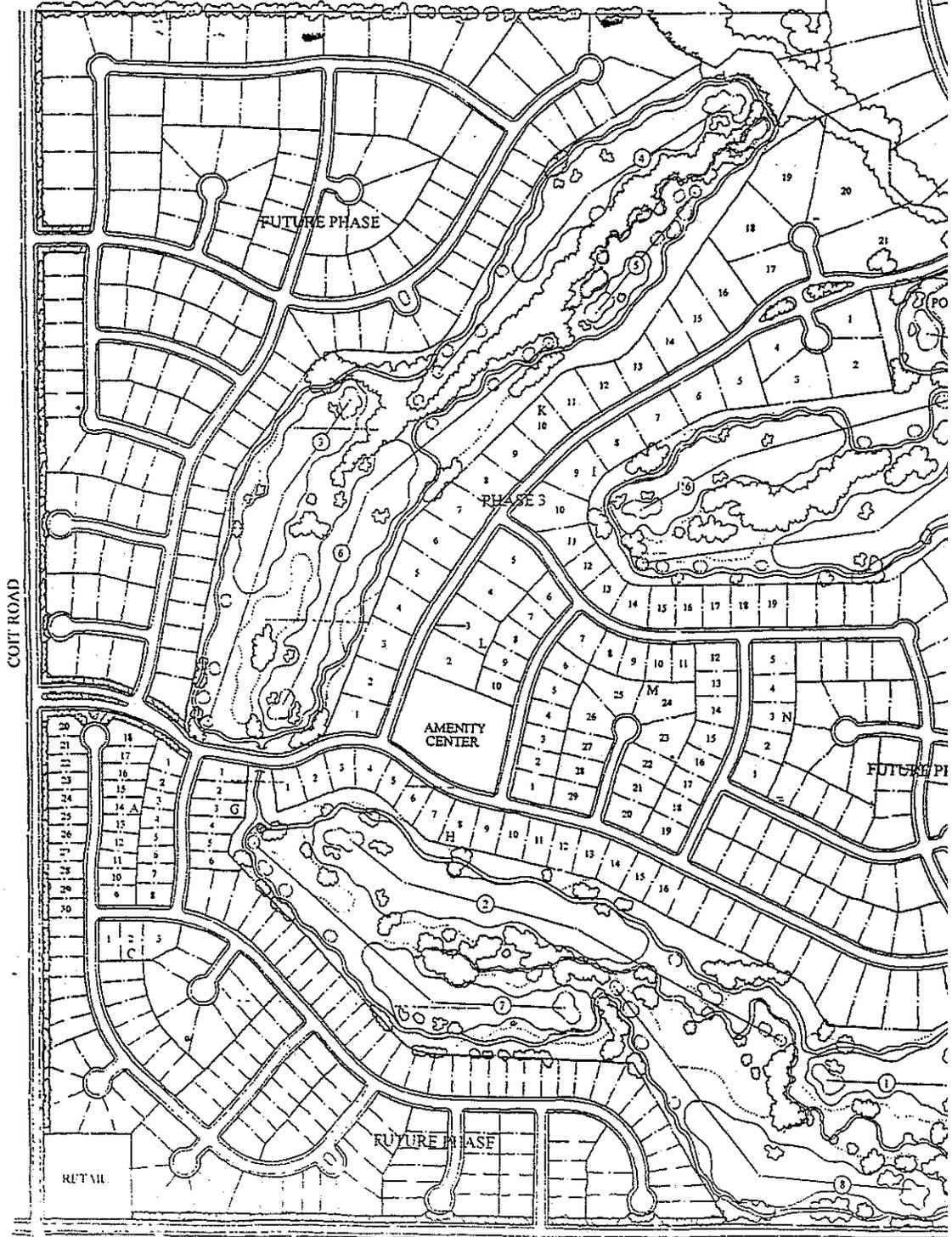
This plan is for illustrative purposes only and does not constitute an offer of any securities. It is subject to change without notice. For more information, please refer to the prospectus for the offering.

COUNTY ROAD 122

COTT ROAD

GENTLE CREEK

PROSPER, TEXAS



STATE OF TEXAS
COUNTY OF COLLIN

WHEREAS, PROSPER LAND COMPANY, L.L.C., is the owner of a tract of land known as the Abiah Dyer Survey, Abstract No. 238, and the W.T. Horn Survey, Abstract No. 61818, both surveys of land as recorded in Collin County, Texas, and being more particularly described as follows: ...

THENCE S 87°42'28"E, 171.11 feet along the said south line of F.M. Road No. 1461, and a chord bearing of N 2°19'56"W, 180.00 feet to a point for center; ...

THENCE S 87°42'28"E, 171.11 feet along the said south line of F.M. Road No. 1461, and a chord bearing of N 2°19'56"W, 180.00 feet to a point for center; ...

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: THAT PROSPER LAND COMPANY, L.L.C., acting hereby by and through its duly authorized officers and agents, has caused this plat designating the boundaries described property as GENTLE CREEK ESTATES to be prepared and recorded in the public records of this State, Texas, and as shown, are defined for the public use thereof. ...

STATE OF TEXAS
COUNTY OF DALLAS
I, Notary Public in and for the said County and State, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office, this the _____ day of July, 1998.

STATE OF TEXAS
COUNTY OF COLLIN
I, Notary Public in and for the said County and State, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office, this the _____ day of July, 1998.

OWNERS CERTIFICATE AND DEDICATION

WHEREAS, PROSPER LAND COMPANY, L.L.C., is the owner of a tract of land known as the Abiah Dyer Survey, Abstract No. 238, and the W.T. Horn Survey, Abstract No. 61818, both surveys of land as recorded in Collin County, Texas, and being more particularly described as follows: ...

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STATE OF TEXAS
COUNTY OF COLLIN

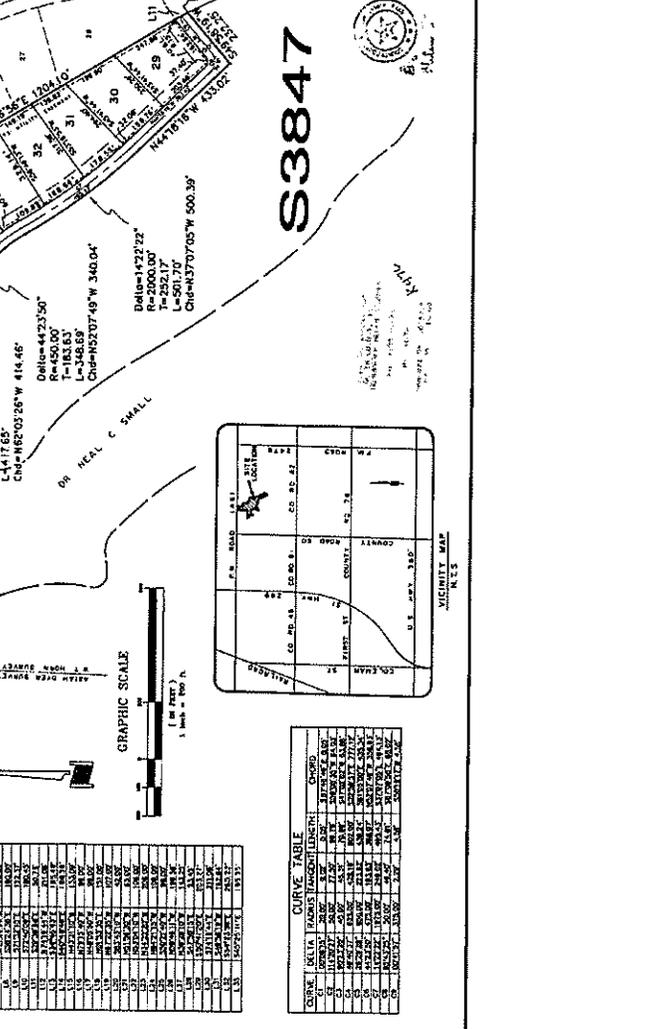
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FINAL PLAT
GENTLE CREEK ESTATES
PHASE TWO
AN ADDITION TO THE TOWN OF PROSPER
ABIAH DYER SURVEY, ABSTRACT NO. 238
W T HORN SURVEY, ABSTRACT NO. 376
COLLIN COUNTY, TEXAS
JULY, 1998
SCALE: 1" = 200'

OWNERS CERTIFICATE AND DEDICATION
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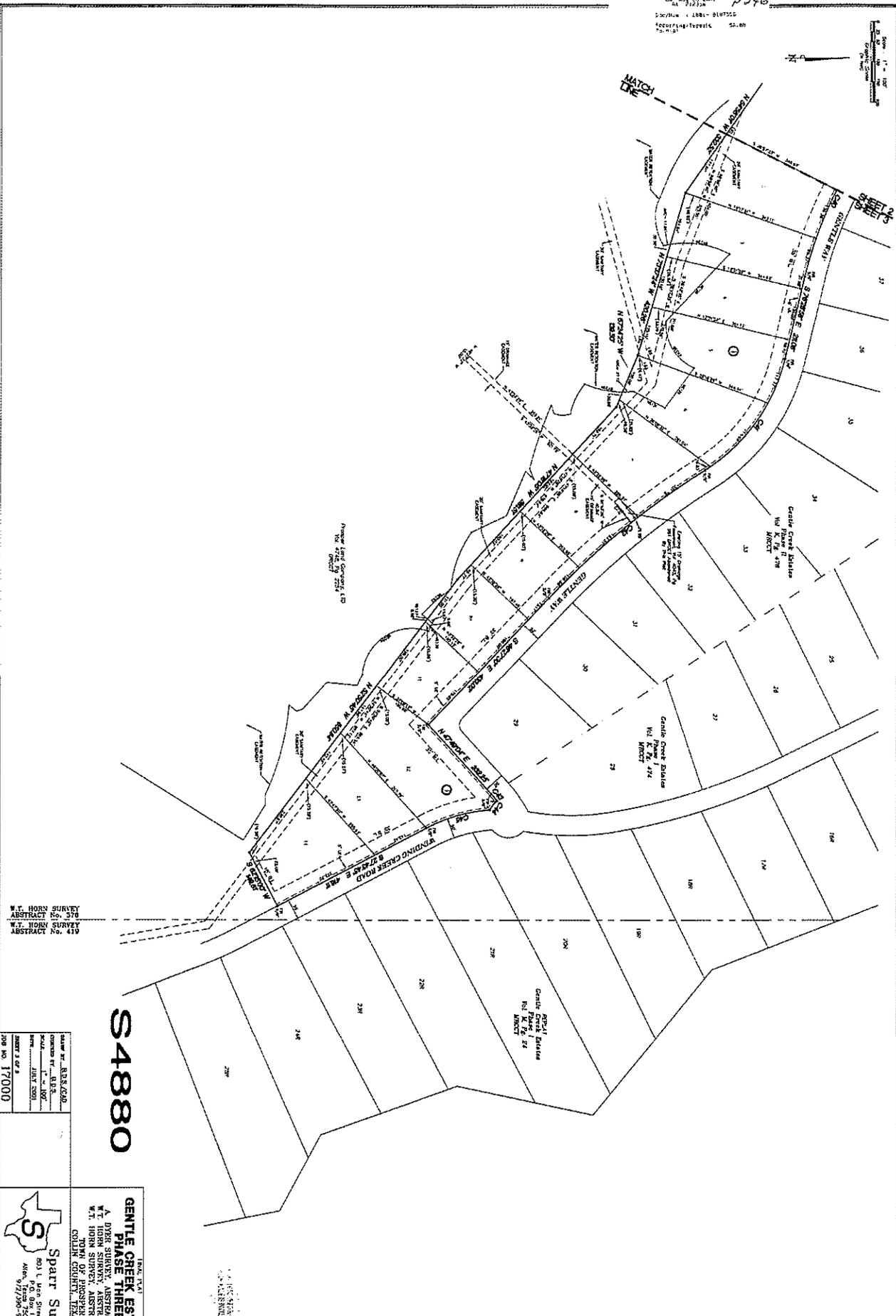
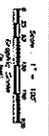


CURVE TABLE

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C2	100.0000	200.00	100.00	100.00	141.4214
C3	100.0000	200.00	100.00	100.00	141.4214
C4	100.0000	200.00	100.00	100.00	141.4214
C5	100.0000	200.00	100.00	100.00	141.4214
C6	100.0000	200.00	100.00	100.00	141.4214
C7	100.0000	200.00	100.00	100.00	141.4214
C8	100.0000	200.00	100.00	100.00	141.4214
C9	100.0000	200.00	100.00	100.00	141.4214
C10	100.0000	200.00	100.00	100.00	141.4214
C11	100.0000	200.00	100.00	100.00	141.4214
C12	100.0000	200.00	100.00	100.00	141.4214
C13	100.0000	200.00	100.00	100.00	141.4214
C14	100.0000	200.00	100.00	100.00	141.4214
C15	100.0000	200.00	100.00	100.00	141.4214
C16	100.0000	200.00	100.00	100.00	141.4214
C17	100.0000	200.00	100.00	100.00	141.4214
C18	100.0000	200.00	100.00	100.00	141.4214
C19	100.0000	200.00	100.00	100.00	141.4214
C20	100.0000	200.00	100.00	100.00	141.4214
C21	100.0000	200.00	100.00	100.00	141.4214
C22	100.0000	200.00	100.00	100.00	141.4214
C23	100.0000	200.00	100.00	100.00	141.4214
C24	100.0000	200.00	100.00	100.00	141.4214
C25	100.0000	200.00	100.00	100.00	141.4214
C26	100.0000	200.00	100.00	100.00	141.4214
C27	100.0000	200.00	100.00	100.00	141.4214
C28	100.0000	200.00	100.00	100.00	141.4214
C29	100.0000	200.00	100.00	100.00	141.4214
C30	100.0000	200.00	100.00	100.00	141.4214
C31	100.0000	200.00	100.00	100.00	141.4214
C32	100.0000	200.00	100.00	100.00	141.4214
C33	100.0000	200.00	100.00	100.00	141.4214
C34	100.0000	200.00	100.00	100.00	141.4214
C35	100.0000	200.00	100.00	100.00	141.4214
C36	100.0000	200.00	100.00	100.00	141.4214
C37	100.0000	200.00	100.00	100.00	141.4214
C38	100.0000	200.00	100.00	100.00	141.4214
C39	100.0000	200.00	100.00	100.00	141.4214
C40	100.0000	200.00	100.00	100.00	141.4214
C41	100.0000	200.00	100.00	100.00	141.4214
C42	100.0000	200.00	100.00	100.00	141.4214
C43	100.0000	200.00	100.00	100.00	141.4214
C44	100.0000	200.00	100.00	100.00	141.4214
C45	100.0000	200.00	100.00	100.00	141.4214
C46	100.0000	200.00	100.00	100.00	141.4214
C47	100.0000	200.00	100.00	100.00	141.4214
C48	100.0000	200.00	100.00	100.00	141.4214
C49	100.0000	200.00	100.00	100.00	141.4214
C50	100.0000	200.00	100.00	100.00	141.4214
C51	100.0000	200.00	100.00	100.00	141.4214
C52	100.0000	200.00	100.00	100.00	141.4214
C53	100.0000	200.00	100.00	100.00	141.4214
C54	100.0000	200.00	100.00	100.00	141.4214
C55	100.0000	200.00	100.00	100.00	141.4214
C56	100.0000	200.00	100.00	100.00	141.4214
C57	100.0000	200.00	100.00	100.00	141.4214
C58	100.0000	200.00	100.00	100.00	141.4214
C59	100.0000	200.00	100.00	100.00	141.4214
C60	100.0000	200.00	100.00	100.00	141.4214

PROSPER LAND COMPANY, L.L.C.
14275 MIDWAY ROAD, SUITE 100
DALLAS, TEXAS 75244
DOWDEY, ANDERSON & ASSOCIATES, INC.
5225 VILLAGE CREEK DRIVE, SUITE 100
PLANO, TEXAS 75093
19721 931-0694

FILED FOR RECORD BY
 COUNTY CLERK
 COUNTY OF TARRANT, TEXAS
 ON AUG 24 2004
 AT 10:00 AM
 S44880
 RECORDING FEE \$5.00



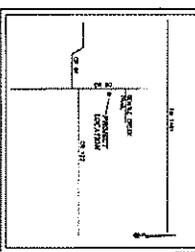
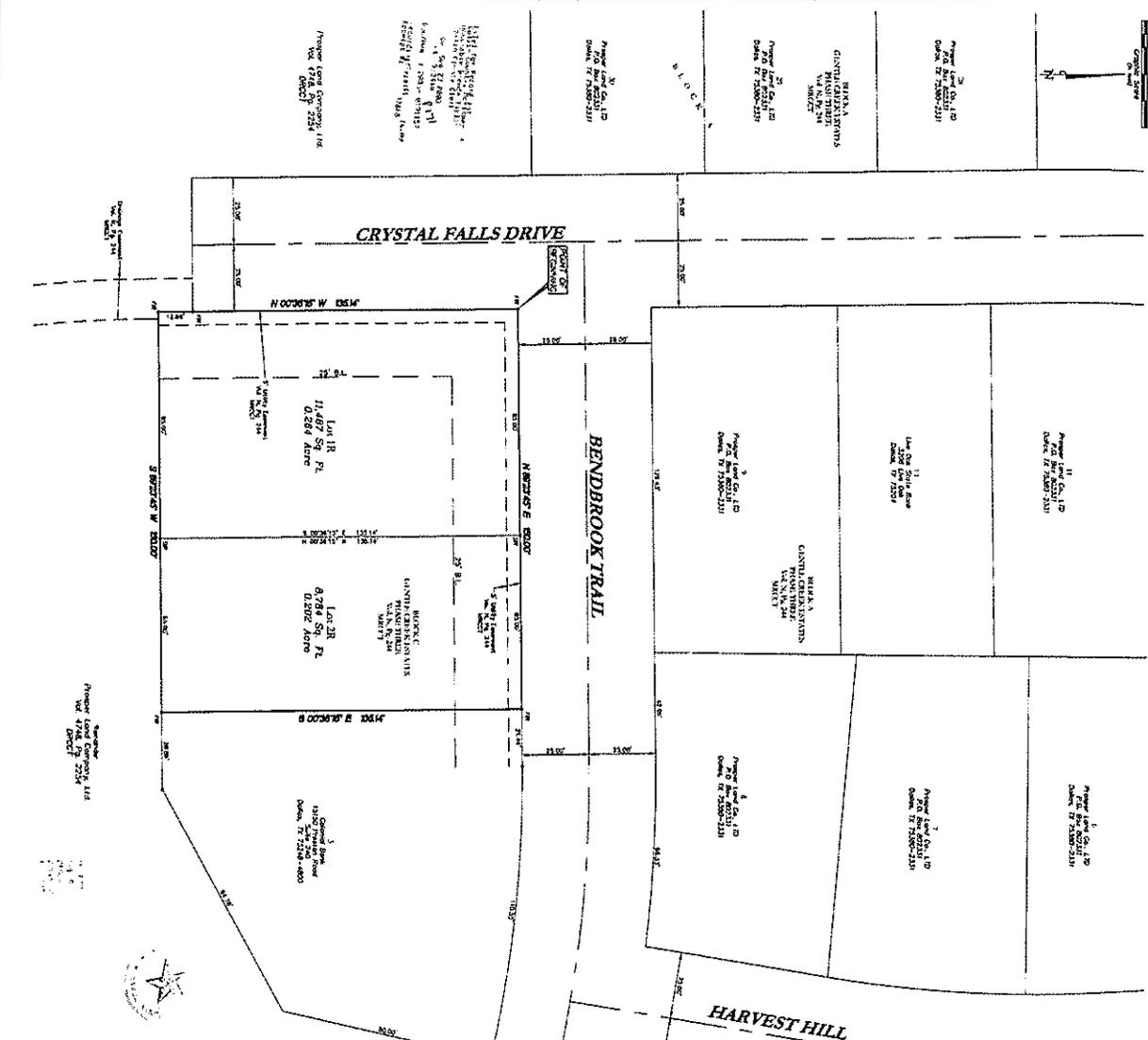
W.T. HORN SURVEY
 ABSTRACT No. 370
 W.T. HORN SURVEY
 ABSTRACT No. 410

S4880

OWNER: SRS, LLC
 DATE: JULY 2004
 JOB NO. 17000

GENTLE CREEK ESTATES
PHASE THREE
 A DEED SURVEY, ABSTRACT 288
 W.T. HORN SURVEY, ABSTRACT 410
 TOWN OF HORSHEAR
 COLLIN COUNTY, TEXAS

Spart Surveys
 801 L. JACK CROWN, Suite C
 Allen, Texas 75011-1270
 972.290-9928



SURVEYORS CERTIFICATE
 STATE OF TEXAS
 COUNTY OF COLLIN
 I, the undersigned, being duly sworn, do hereby certify that the foregoing plat was prepared by me or by a duly qualified and licensed surveyor under my personal supervision and in accordance with the existing laws and regulations of the State of Texas.
 My hand and seal of office, this 28th day of August, 2003.

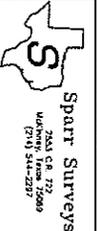
S4880
 PROJECT: GENTLE CREEK ESTATES PHASE THREE
 LOT 1B AND 2B, BLOCK C
 BENDBROOK TRAIL
 A DYER STREET, ARLINGTON 2608
 COLLIN COUNTY, TEXAS

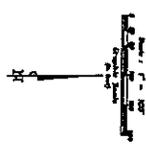
Assembled by the Consent of the Board of Project Owners:
 [Signatures]
 Date: 9/28/03

Witnessed by me and the City of Irving, Texas:
 [Signature]
 Date: 9/28/03

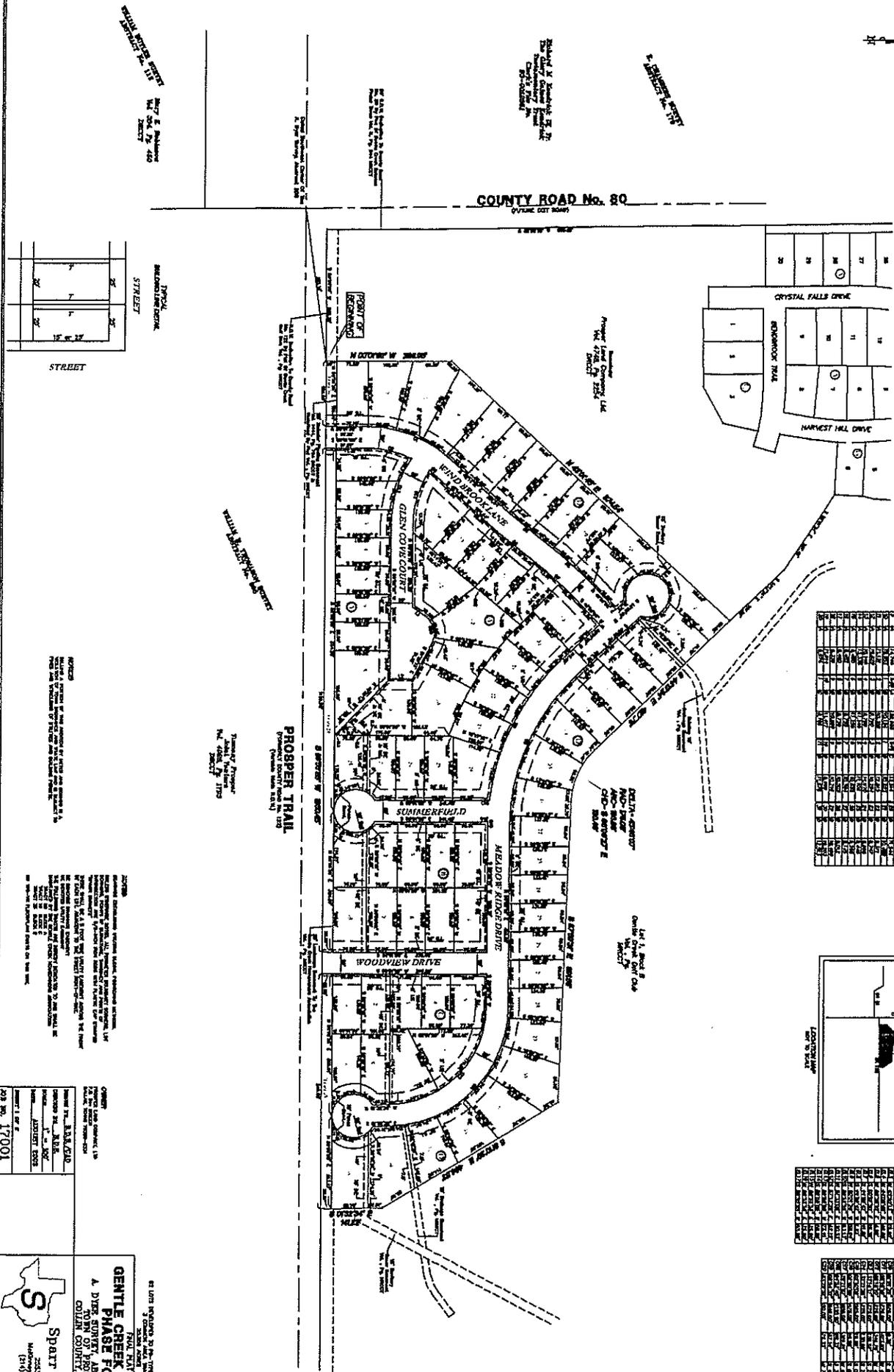
Prepared by: Sparr Surveys
 2464 E. 7th
 Irving, Texas 75039
 (214) 544-2237

Sparr Surveys
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 Irving, Texas 75039
 (214) 544-2237

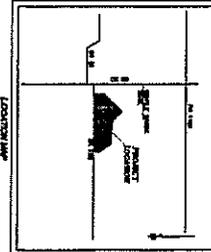




COUNTY ROAD No. 80
 FUTURE LOT 1001



LOT NO.	ACRES	OWNER	STATUS
1	0.15	...	...
2	0.15	...	...
3	0.15	...	...
4	0.15	...	...
5	0.15	...	...
6	0.15	...	...
7	0.15	...	...
8	0.15	...	...
9	0.15	...	...
10	0.15	...	...
11	0.15	...	...
12	0.15	...	...
13	0.15	...	...
14	0.15	...	...
15	0.15	...	...
16	0.15	...	...
17	0.15	...	...
18	0.15	...	...
19	0.15	...	...
20	0.15	...	...
21	0.15	...	...
22	0.15	...	...
23	0.15	...	...
24	0.15	...	...
25	0.15	...	...
26	0.15	...	...
27	0.15	...	...
28	0.15	...	...
29	0.15	...	...
30	0.15	...	...
31	0.15	...	...
32	0.15	...	...
33	0.15	...	...
34	0.15	...	...
35	0.15	...	...
36	0.15
37	0.15
38	0.15
39	0.15
40	0.15
41	0.15
42	0.15
43	0.15
44	0.15
45	0.15
46	0.15
47	0.15
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49	0.15
50	0.15
51	0.15
52	0.15
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55	0.15
56	0.15
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62	0.15
63	0.15
64	0.15
65	0.15
66	0.15
67	0.15
68	0.15
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74	0.15
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80	0.15
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82	0.15
83	0.15
84	0.15
85	0.15
86	0.15
87	0.15
88	0.15
89	0.15
90	0.15
91	0.15
92	0.15
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94	0.15
95	0.15
96	0.15
97	0.15
98	0.15
99	0.15
100	0.15



LOT NO.	ACRES	OWNER	STATUS
101	0.15
102	0.15	...	...
103	0.15	...	...
104	0.15	...	...
105	0.15	...	...
106	0.15	...	...
107	0.15	...	...
108	0.15	...	...
109	0.15	...	...
110	0.15	...	...
111	0.15	...	...
112	0.15	...	...
113	0.15	...	...
114	0.15	...	...
115	0.15	...	...
116	0.15	...	...
117	0.15	...	...
118	0.15	...	...
119	0.15	...	...
120	0.15	...	...
121	0.15	...	...
122	0.15	...	...
123	0.15	...	...
124	0.15	...	...
125	0.15	...	...
126	0.15	...	...
127	0.15	...	...
128	0.15	...	...
129	0.15	...	...
130	0.15	...	...
131	0.15	...	...
132	0.15	...	...
133	0.15	...	...
134	0.15	...	...
135	0.15	...	...
136	0.15	...	...
137	0.15	...	...
138	0.15	...	...
139	0.15	...	...
140	0.15	...	...
141	0.15	...	...
142	0.15	...	...
143	0.15	...	...
144	0.15	...	...
145	0.15	...	...
146	0.15	...	...
147	0.15	...	...
148	0.15	...	...
149	0.15	...	...
150	0.15	...	...

LOT NO.	ACRES	OWNER	STATUS
151	0.15	...	...
152	0.15	...	...
153	0.15	...	...
154	0.15	...	...
155	0.15	...	...
156	0.15	...	...
157	0.15	...	...
158	0.15	...	...
159	0.15	...	...
160	0.15	...	...
161	0.15	...	...
162	0.15	...	...
163	0.15	...	...
164	0.15	...	...
165	0.15	...	...
166	0.15	...	...
167	0.15	...	...
168	0.15	...	...
169	0.15	...	...
170	0.15
171	0.15
172	0.15
173	0.15
174	0.15
175	0.15
176	0.15
177	0.15
178	0.15
179	0.15
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183	0.15
184	0.15
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186	0.15
187	0.15
188	0.15
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190	0.15
191	0.15
192	0.15
193	0.15
194	0.15
195	0.15
196	0.15
197	0.15
198	0.15
199	0.15
200	0.15

NOTICE: This plat is subject to the provisions of the Texas Subdivision Map Act, Chapter 208, Texas Property Code, and the rules and regulations of the Texas Department of Transportation, Chapter 171, Texas Administrative Code. The plat is subject to the provisions of the Texas Subdivision Map Act, Chapter 208, Texas Property Code, and the rules and regulations of the Texas Department of Transportation, Chapter 171, Texas Administrative Code. The plat is subject to the provisions of the Texas Subdivision Map Act, Chapter 208, Texas Property Code, and the rules and regulations of the Texas Department of Transportation, Chapter 171, Texas Administrative Code.

SPART SURVEYS
 2025 S.W. 75th Ave.
 Suite 200
 Fort Worth, TX 76116
 (817) 544-2247

GENTLE CREEK ESTATES
 A DIVER SURVEY, ASSESSMENT 206
 COLLIN COUNTY, TEXAS

SPART SURVEYS
 2025 S.W. 75th Ave.
 Suite 200
 Fort Worth, TX 76116
 (817) 544-2247