

PD-8
Amendment

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 07-051

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 05-20 AND ORDINANCE NO. 02-48; REZONING A TRACT OF LAND CONSISTING OF 226.506 ACRES, MORE OR LESS, SITUATED IN THE COLLIN COUNTY SCHOOL SURVEY, ABSTRACT NO. 147, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS, HERETOFORE ZONED SINGLE FAMILY-15 (SF-15) AND PLANNED DEVELOPMENT-8-SINGLE FAMILY-10 (PD-8-SF-10) IS HEREBY REZONED AND PLACED IN THE ZONING CLASSIFICATION OF PLANNED DEVELOPMENT-8-SINGLE FAMILY-10 (PD-8-SF-10); 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 and No. 02-48 should be amended; and

WHEREAS, the Town of Prosper, Texas ("Prosper") has received a request from Bon-Terre-B, Ltd. ("Applicant") to rezone 226.506 acres of land, more or less, situated in the Collin County School Survey, Abstract No. 147, in the Town of Prosper, Collin County, Texas; 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 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 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 Zoning Ordinance No. 05-20 and Ordinance No. 02-48. Zoning Ordinance No. 05-20 and Ordinance No. 02-48 is amended as follows: The zoning designation of the below-described property containing 226.506 acres of land, more or less, situated in the Collin County School Survey, Abstract No. 147, in the Town of Prosper, Collin County, Texas, (the "Property") and all streets, roads and alleyways contiguous and/or adjacent thereto is hereby rezoned as Planned

Development-8-Single Family-10 (PD-8-SF-10). The property as a whole and the boundaries for each zoning classification are more particularly described in Exhibit "A" and Exhibit "A – Tract 2" attached hereto and incorporated herein for all purposes as if set forth verbatim.

The development plans, standards, and uses for the Property in this Planned Development District shall conform to, and comply with 1) Ordinance No. 02-48 rezoning 187.03 acres of land; 2) the planned development standards, attached hereto as "B – Tract 2"; 3) and the conceptual development plan, attached hereto as Exhibit "D" and Exhibit "D – Tract 2"; which are incorporated herein for all purposes as if set forth verbatim. 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.

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 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 AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS ON THIS 12th DAY OF JUNE, 2007.

APPROVED AS TO FORM:


Charles Niswanger, Mayor

ATTESTED TO AND
CORRECTLY RECORDED BY:


Matthew Denton, TRMC
Town Secretary



DATE OF PUBLICATION: JUNE 21, 2007, Dallas Morning News, Collin County
Addition

EXHIBIT A: for Z# _____

BOUNDARY DESCRIPTION FOR ANNEXATION AND ZONING

BEING a tract of land located in the Collin County School Land Survey No. 12, Abstract No. 147, Collin County, Texas and being all of a called 3.775 acre tract described as "Tract II" in Deed to Massad and Massad Investments, Ltd., recorded in Volume 4579, Page 2768, Deed Records, Collin County, Texas and being more particularly described as follows:

BEGINNING at a point on the occupied West line of Business Highway No. 289 for the Southeast corner of the premises herein described, said corner being the Northeast corner of a one acre tract described in a deed to Kent W. Elliott recorded in Volume 4034, Page 102 of the Land Records of Collin County;

THENCE along the recognized South line of Lot 4 of the subdivision of the Collin County School Land Survey No. 12, Abstract No. 147, South 89 degrees 51 minutes 27 seconds West 264.70 feet to a point found on the East right-of-way line of the Burlington Northern and Santa Fe Railroad at the Northwest corner of said Elliott tract for the Southwest corner hereof;

THENCE North 89 degrees 58 minutes 22 seconds West, ^{102.68} ~~20.68~~ feet to a point in the West right-of-way line of said Railroad;

THENCE North 89 degrees 38 minutes 27 seconds West 2233.00 feet to a point for the Southwest corner Lot 4 of the subdivision of Collin County School Land Survey No. 12, Abstract No. 147, said corner also being the Northwest corner of a record 64.62 acre tract described in a deed to Thomas D. Bull, et ux, recorded in Volume 726, Page 106 of the Deed Records of Collin County;

THENCE, South 00 degrees 16 minutes 17 seconds West 1326.60 feet to a point found in the corporate city limits line of the Town of Prosper, said point being in County Road No. 4, said point being the Southwest corner of a record 64.62 acre tract described in a deed to Thomas D. Bull, et ux, recorded in Volume 726, Page 106 of the Collin County Deed Records;

THENCE along said County Road No. 4 and partially along said corporate city limits line, North 89 degrees 32 minutes 58 seconds West, a distance of 1352.09 feet to a point found in County Road No. 4 for the Southwest corner of the premises herein described, said corner being the Southeast corner of a tract conveyed to Prosper Toll Road, Ltd., as evidenced by deed recorded under Collin County Clerk's File No. 97-0088560;

THENCE, North 01 degrees 00 minute 37 seconds East passing the Southeast corner or a record 29.27 acre tract described in a deed to Prosper-Toll Road Joint Venture, Ltd., recorded under Collin County Clerk's File No. 96-0090274, and in all a total distance of 2647.82 feet to a point found on the South line of a record 80 acre tract (described in a deed to Ruth Settle recorded in Volume 3655, Page 178, of the Land Records of Collin County) for the Northwest corner hereof and the Northeast corner of said called 29.27 acre tract;

THENCE, North 89 degrees 55 minutes 45 seconds East, 1317.96 feet to a point found on the West line of Lot 4 of the subdivision of said Collin County School Land Survey No. 12, Abstract No. 147;

THENCE along the West line of said Lot 4, North 00 degrees 17 minutes 36 seconds East 495.70 feet to a point found for the Northwest corner of a 106.80 acre tract designated Share "C" and described in Case No. 16764 recorded in Book 1, Page 503 of the District Court Minutes;

THENCE along the North line of said Share "C", South 89 degrees 39 minutes 19 seconds East 2622.25 feet to a point on the West of said Railroad;

THENCE South 12 degrees 17 minutes 32 seconds West along the West right-of-way line of said Railroad, a distance of 579.94 feet to a point;

THENCE South 77 degrees 42 minutes 28 seconds East, a distance of 100.33 feet to a point on the occupied West line of Business No. 289;

THENCE South 00 degrees 14 minutes 40 seconds West along the occupied West line of said Highway a distance of 1238.40 feet to the Place of BEGINNING and containing 187.033 acres of land. SAVE AND EXCEPT a 2.95 acre tract of land contained within the Burlington Northern and Santa Fe Railroad right-of-way and being more particularly described as follows:

BEGINNING at a point on the East right-of-way line of the Burlington Northern and Santa Fe Railroad at the Northwest corner of a one acre tract described in a deed to Kent W. Elliott recorded in Volume 4034, Page 102 of the Land Records of Collin County;

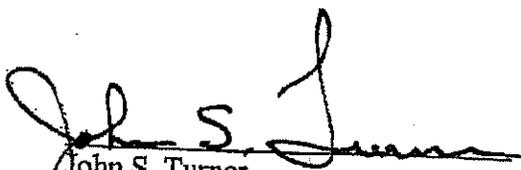
THENCE North 89 degrees 58 minutes 22 seconds West, 120.68 feet to a point in the West right-of-way line of said Railroad;

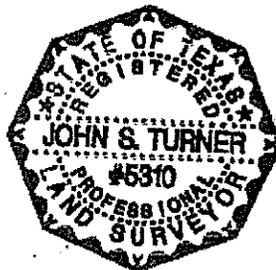
THENCE along the West right-of-way of said Railroad, North 12 degrees 17 minutes 32 seconds East 1289.93 feet to a point;

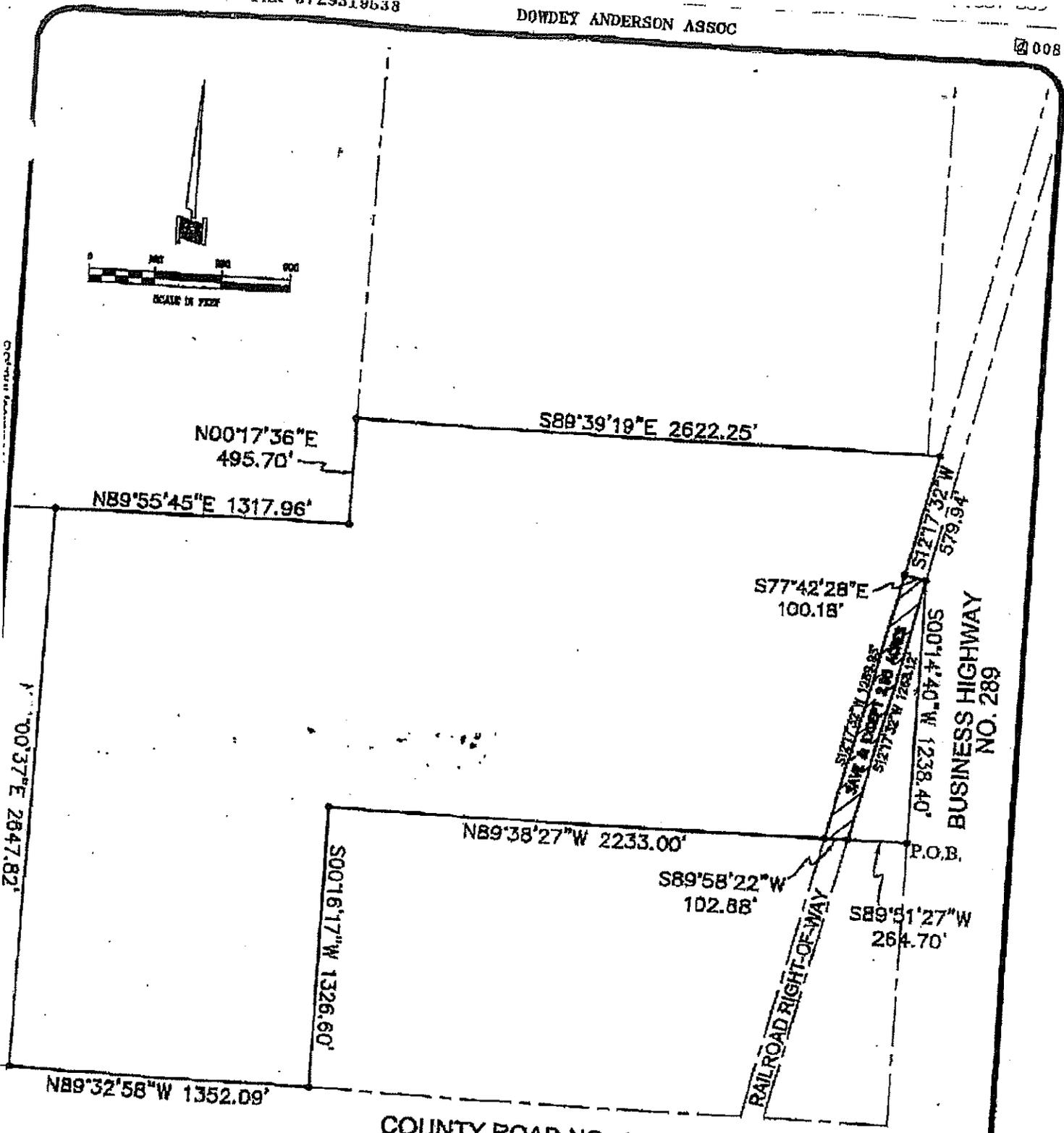
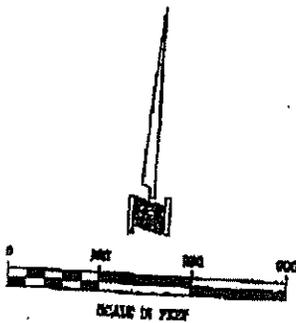
THENCE South 77 degrees 42 minutes 28 seconds East, a distance of 100.33 feet to a point on the occupied West line of Business No. 289;

THENCE along the East right-of-way of said Railroad, South 12 degrees 17 minutes 32 seconds West 1268.12 feet to the point of beginning and containing 2.95 acres of land.

This description is not based upon an actual on the ground survey by the undersigned, it is for annexation and zoning purposes only and derived from the existing boundary survey performed by James E. Smith, R.P.L.S. No. 3700, Dated July 16, 2001 and revised July 27, 2001.


John S. Turner
Registered Professional Land Surveyor
No. 5310





COUNTY ROAD NO. 4

Exhibit "A"

DOWDEY, ANDERSON & ASSOCIATES, INC. 225 Village Creek Drive, Suite 200, Plano, Texas 75093

ANNEXATION AND ZONING EXHIBIT COLLIN COUNTY SCHOOL LAND SURVEY NO. 12 ABSTRACT NO. 147 PROSPER, COLLIN COUNTY, TEXAS

EXHIBIT A
Z07-5
TRACT 2
LEGAL DESCRIPTION
39.476 ACRES

BEING a tract of land located in the COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 147, Collin County, Texas and being a part of a tract of land described in Deed to Prosper 80, Ltd., recorded in Volume 5103, Page 3723 (Document No. 2002-0021571, Deed Records, Collin County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found in the South line of said Prosper 80 tract, at the most Westerly Northwest corner of a tract of land described in Deed to Lakes of Prosper, Ltd., recorded in Volume 5372, Page 6921 (Document No. 2003-0044256), Deed Records, Collin County, Texas, said point also being the Northeast corner of a tract of land described in Deed to Prosper-Tollroad Joint Venture, Ltd., recorded in Document No. 96-0090247, Deed Records, Collin County, Texas;

THENCE North 00 degrees 50 minutes 43 seconds West, a distance of 1,314.30 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner in the North line of said Prosper 80 tract;

THENCE North 88 degrees 22 minutes 32 seconds East, along the North line of said Prosper 80 tract, a distance of 1,308.77 feet to a 1/2 inch iron rod found for the Northeast corner of said Prosper 80 tract;

THENCE South 01 degrees 02 minutes 54 seconds East, along the East line of said Prosper 80 tract, a distance of 811.57 feet to a 1/2 inch iron rod found at the most Northerly Northwest corner of said Lakes of Prosper tract;

THENCE South 01 degrees 33 minutes 44 seconds East, along the common line of said Prosper 80 tract and said Lakes of Prosper tract, a distance of 495.70 feet to a 1/2 inch iron rod found at the Southeast corner of said Prosper 80 tract, from which a 100D nail found bears South 03 degrees 45 minutes 54 seconds East, 3.14 feet;

THENCE South 88 degrees 04 minutes 25 seconds West, along the South line of said Prosper 80 tract, a distance of 1,317.96 feet to the **POINT OF BEGINNING** and containing 39.476 acres of land, more or less.



Sean Shropshire April 26, 2007
Texas Registration No. 5674

Dowdey, Anderson & Assoc., Inc.
5225 Village Creek Drive, Suite 200
Plano, Texas 75093
Ph. 972-931-0694



Exhibit "B"
Tract 2

Lakes of Prosper North
Tract 2

Planned Development District
Development Standards

An amendment to Ordinance No. 02-48 to include an additional 39.476 acres in the
Lakes of Prosper Planned Development (PD-10)

Owner/Developer:
Bon-Terre-B, LTD.
5700 West Plano Parkway
Suite 3000
Plano, Texas 75093
(972) 735-0060
(972) 380-4303 Fax

Engineer:
Dowdey, Anderson and Associates, Inc.
Planning and Engineering
5225 Village Creek Drive
Suite 200
Plano, Texas 75093
(972) 931-0694
(972) 931-9538 Fax

April 12, 2007

Lakes of Prosper North

Tract 2

PLANNED DEVELOPMENT DISTRICT STANDARDS – TRACT 2

1.0 Planned Development District - Single-Family Residence

- 1.01 **General Description:** This District will provide the ability to encourage and accommodate the development of single-family residential uses on a tract of land that has unusual physical properties. Development standards for the aforementioned housing types are outlined within this text or as set forth in the SF-10 Zoning Classification of Ordinance 05-20 if not specifically address, herein.
- 1.02 **Permitted Uses:** Land uses permitted within the PD are as follows:
- a. Residential units as described herein.
 - b. Private or public recreation facilities.
 - c. Churches / rectories.
 - d. Schools - public, private, or state accredited.
 - e. Parks, playgrounds and neighborhood recreation facilities including, but not limited to, swimming pools, clubhouse facilities and tennis courts.
 - f. Fire stations, police stations, and public safety facilities.
 - g. Real estate sales offices during the development and marketing of the Planned Development.
 - h. Public streets.
 - i. Accessory buildings and uses customarily incidental to the permitted uses.
 - j. Temporary buildings and uses incidental to construction work on the premises, which shall be removed upon completion.
- 1.03 **Required Parking:** Parking shall meet the minimum parking requirements as outlined in the Town of Prosper Zoning Ordinance.
- 1.04 **Building Materials:** exterior wall construction shall meet the minimum masonry requirements as outlined in the Town of Prosper Zoning Ordinance.
- 1.05 **Single-Family:** A single-family unit is a form of detached housing. This residential type will consist of larger units and lots, having access and frontage on a public street. Building and area requirements are as follows:
- a. **Lot Cap:** The maximum lot count shall be 120 single family lots.

- b. **Lot Area:** The minimum area of 70% of the lots shall be ten thousand (10,000) square feet (84 lots) and 30% of the lots shall be nine thousand (9,000) square feet (36 lots).
- c. **Lot Coverage:** In no case shall more than forty (40) percent of the total lot area be covered by the combined area of the main buildings and accessory buildings. Swimming pools, spas, deck, patios, porches, driveways, walks, and other paved areas shall not be included in determining maximum lot coverage.
- d. **Lot Width:** The minimum width of any lot shall not be less than sixty-four (64) feet at the front building line of the lot, except that lots at the terminus of a cul-de-sac or along street elbows/eyebrows may have a minimum width of fifty (50) feet along the arc at the front building line; provided all other requirements of this section are fulfilled. Seventy percent (70%) of the total lots shall be a minimum width of 70 feet.
- e. **Lot Depth:** The minimum depth of any lot shall be one hundred ten (110) feet, except that a lot at the terminus of a cul-de-sac or along street elbows/eyebrows may have a minimum lot depth, measured at mid-point on front and rear lot lines, of one hundred (100) feet; provided all other requirements of this section are fulfilled.
- f. **Front Yard:** The minimum depth of the front yard shall be thirty-five (25) feet. Front porches, roof eaves, chimneys and other similar architectural elements may extend into the front yard up to a maximum distance of ten feet (10'). Front yards shall be staggered per the Town of Prosper Zoning Ordinance
- g. **Side Yard:** The minimum side yard on each side of a lot shall be five (5) feet with a minimum building separation of fourteen (14) feet. A side yard for all corner lots shall not be less than fifteen (15) feet. Roof eaves, chimneys and other similar architectural elements may extend into the side yard.
- h. **Rear Yard:** The minimum depth of the rear yard shall be twenty (20) feet for main buildings.
- i. **Building Height:** Buildings shall be a maximum of two and one-half (2 ½) stories.
- j. **Minimum Dwelling Area:** The minimum enclosed heated living area shall be one thousand eight hundred (1,800) square feet for a 10, 000 square foot lot and one thousand six hundred (1,600) square feet for a 9, 000 square foot lot.

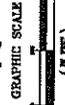
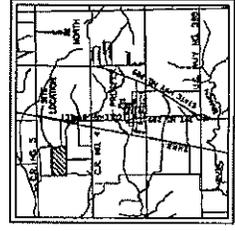
2.0 Residential Planned Development District - General Conditions

- 2.01 **Conformance to All Applicable Articles of the Town of Prosper Zoning Ordinance:** Except as amended herein, this Planned Development District shall conform to any and all applicable articles and sections of the Town of Prosper Zoning Ordinance, No. 05-20, as it presently exists.
- 2.02 **Trails:** The developer will build six foot (6') walking trails, adjacent to the detention/retention facilities to facilitate pedestrian traffic within the neighborhood. Parkways will contain trees, bed plantings and turf grass that will be irrigated. Trees will be planted at a rate of one tree per 50 linear feet of right-of-way or the equivalent number of trees in clusters.
- 2.03 **Screening and Buffering:** The area of the development along the drainage areas may be landscaped with a combination of: planted earthen berms, turf grass, shrubs and trees planted at a rate of one tree per 50 linear feet or the equivalent number of trees in clusters. All turf and landscaping areas will be irrigated. The hardscape features in the northern entry way shall be similar to those at the entry of for Lakes of Prosper on Prosper Trail.
- 2.04 **Zoning Exhibit:** Zoning Exhibits A and D are hereby attached and made a part of the ordinance. It establishes the most general guidelines for the district by identifying the land use types, approximate thoroughfare locations and project boundaries and illustrates the integration of these elements into a master plan for the whole district.
- 2.05 **Streets:** Residential streets shall consist of a fifty (50) foot right-of-way with a thirty-one (31) foot paving section (b-b).
- 2.06 **Maintenance of Facilities:** The Developers shall establish, , a homeowner's association that will be responsible for operation and maintenance of all common areas and/or common facilities contained within the area of the Planned Development District. The homeowner's association will be created with Phase 1 and each subsequent phase shall be annexed into the association.
- 2.07 **Sidewalks:** A four (4) foot sidewalk within the street right-of-way shall be provided at the front of all single-family residential lots. Corner lots shall also provide the aforementioned requirement.
- 2.08 **Mailboxes:** The Developer will deed restrict a standard mailbox design that will be required and maintained for a consistent look throughout the development.

2.09 **Landscaping:**

- a. A minimum of two (2) 3" trees shall be planted in each front yard in the single family development being a minimum total of 240 trees planted by the builders in addition to those installed as a part of the amenities by the developer. The list of approved trees, per the Town of Prosper Zoning Ordinance, will be included in the deed restrictions.
- b. Fencing adjacent to lots and Hike and Bike Trails or Open Space shall be decorative iron.

TRACT 1	TRACT 2
ORIGINAL PD-8	EXISTING SF-15
PROPOSED PD SF-10	PROPOSED PD SF-10
GRASS ACREAGE OF RESIDENTIAL: 187.03	GRASS ACREAGE OF RESIDENTIAL: 39.47
2.9 UPA	3 UPA
GRASS DENSITY: 371 UNITS	84 UNITS
10,000 S.F. LOTS = 70%	10,000 S.F. LOTS = 70%
9,000 S.F. LOTS = 30%	9,000 S.F. LOTS = 30%
DENSITY CAP: 530 LOTS	DENSITY CAP: 120 LOTS



**LAKES OF PROSPER
PLANNED DEVELOPMENT
Z07-5
EXHIBIT D
ZONING EXHIBIT
227,503 ACRES**

COLLIN COUNTY SCHOOL LAND SURVEY NO. 12 - INSTRUMENT NO. 147
PROSPER, COLLIN COUNTY, TEXAS
DATE: 12/22/2007
BY: [Signature]

DOWDEY, ANDERSON & ASSOCIATES, INC.
255 West Dallas Street, Suite 200, Dallas, Texas 75201
TEL: 972-342-1100
FAX: 972-342-1101
DATE: 12/22/2007
BY: [Signature]

**CASE NO. Z07-5
EXISTING ZONING SF-15
PROPOSED ZONING PD-SF-10
39.47 ACRES**



- NOTES:**
1. NO FEMA FLOOD PLAIN EXISTS ON THIS TRACT
 2. THE THROUGHTLINES SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATIVE PURPOSES ONLY AND DO NOT SET THE ALIGNMENTS, ALIGNMENTS ARE DETERMINED AT FINAL PLAT.

OWNER/APPLICANT:
DUNN-TERRELL LTD.
EDDIE COLLINS
5700 N. PLANO PARKWAY SUITE 3000
PLANO, TEXAS 75093
972-735-4030

REPRESENTATIVE:
DOWDEY ANDERSON & ASSOC.
HARDY BROWN
5285 VILLAGE CREEK DR. STE.200
PLANO, TEXAS 75093
469-575-1872
972-931-9538(FAX)

PROSPER TRAIL

360 ROW

DEDICATED FUTURE NORTH DALLAS TOLLWAY

ADJ. 0.98'

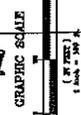
METTES REAL ESTATE LP
VOL. 034, PG. 134
D.O.C. NO. 2002-0021571
D.R.C.C.T.
VACANT
SF-15

N88°22'32"E 1331.63'

N88°22'32"E 1308.77'

CALLED 46.87 ACRES
G & L L V E N (E T E S - P O R T E R)
VOL. 030, PAGE 219
D.R.C.C.T.
VACANT
C

DEDICATED FUTURE NORTH DALLAS TOLLWAY



NOT 41°53'W 1325.03'
VACANT
D.R.C.C.T.
CALLED 46.87 ACRES
G & L L V E N (E T E S - P O R T E R)
VOL. 030, PAGE 219
D.R.C.C.T.

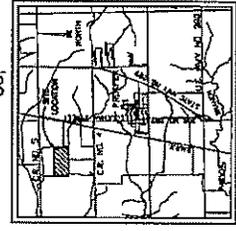
360' ROW

87°56'09"W
133.86'
VACANT
CC

87°49'51"W
539.89'
PROSPER-TOLLROAD POINT VENTURE, LTD.
D.O.C. NO. 2002-0021571
D.R.C.C.T.
VACANT
SF-15

87°57'19"W
638.59'
PROSPER-TOLLROAD POINT VENTURE, LTD.
D.O.C. NO. 2002-0021571
D.R.C.C.T.
VACANT
SF-15

NOTES:
1. NO FEMA FLOOD PLAIN EXISTS ON THIS TRACT
2. THE THUNDERBOLT DRIVE BRIDGE ON THIS TRACT IS NOT SET THE ALIGNMENTS, ALIGNMENTS ARE DETERMINED AT FINAL PLAT.



CASE NO. Z07-5
"EXISTING" ZONING: SF-15
PROPOSED ZONING: PD-SF-10
39.47 ACRES

PROSPER 80, LTD.
VOL. 5103, PG. 3723
D.O.C. NO. 2002-0081571
D.R.C.C.T.

DENTON COUNTY ELECTRIC COOPERATIVE, INC.
RIGHT-OF-WAY EASEMENT
(BLANKET EASEMENT)
VOLUME 467, PAGE 382
D.R.C.C.T.
AS AFFECTED BY AGREEMENT DEFINING
AREA EMBLEMED WITH EASEMENT
VOLUME 5002, PAGE 1740
D.R.C.C.T.

MATAADOR PIPELINE, INC.
VOL. 1447, PG. 364
D.R.C.C.T.

88°04'25"W 1317.96'
LAKES OF PROSPER, LTD.
VOL. 5172, PG. 161
D.O.C. NO. 2002-0021571
D.R.C.C.T.

OWNER/APPLICANT:
RON-TERRE-B, LTD.
EDDIE COLLINS.
5700 W. PLANO PARKWAY SUITE 3000
PLANO, TEXAS 75093
972-755-0660

REPRESENTATIVE:
DIONDEY ANDERSEN & ASSOC.
MARDY BROWN
5825 VILLAGE CREEK DR. STE 200
PLANO, TEXAS 75093
469-576-1272
972-931-9538(C FAX)



DIONDEY ANDERSEN & ASSOCIATES, INC.
2500 GULF Fwy, Suite 1000
DALLAS, TEXAS 75228
DATE: 11/11/07
SCALE: AS SHOWN
SHEET: 1 OF 1

CASE NO. Z07-5
EXHIBIT D - TRACT 2
ZONING EXHIBIT
39.47 ACRES
PROSPER, COLLIN COUNTY, TEXAS

CONTRACT NO. 147
COLLIN COUNTY SOCD
PROSPER, COLLIN COUNTY, TEXAS

DATE: 11/11/07
SCALE: AS SHOWN
SHEET: 1 OF 1

TOWN OF PROSPER
VOLUME NOT AVAILABLE
ETX
H.O.A. OWNED AND MAINTAINED LOT
VOLUME NOT AVAILABLE
DRAINAGE AREA WITH AND B/E TRAIL

S01°02'54"E 811.57'

S01°33'44"E 495.70'

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
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AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 84-16; REZONING A TRACT OF LAND CONSISTING OF 187.03 ACRES, MORE OR LESS, SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 147, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS HERETOFORE ZONED SINGLE-FAMILY RESIDENCE DISTRICT-1 (SF-1) UPON ITS ANNEXATION REZONED PLANNED DEVELOPMENT; 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 of Prosper, Texas ("Prosper") has received a request from John Christie and Jen Han to rezone 187.03 acres of land, more or less, situated in the Collin County School Land Survey, Abstract No. 147, in the town of Prosper, Collin County, Texas ("Prosper"); 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 rezone this property as set forth below.

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

SECTION 1: The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: The zoning designation of the below-described property containing 187.03 acres, more or less, situated in the Collin County School Land Survey, Abstract No. 147 in the Town of Prosper, Collin County, Texas, (the "Property") and all streets, roads and alleyways contiguous and/or adjacent thereto is hereby rezoned as Planned Development District. The Property is described by metes and bounds in Exhibit "A" and the development standards are attached as Exhibit "B".

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 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: 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: 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 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: 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: All ordinances in conflict herewith are repealed to the extent they are in conflict. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 8: This Ordinance shall become effective from and after its adoption and publications as required by law.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE
TOWN OF PROSPER, TEXAS on this 13th day of January, 2003.


Jim Dunmire, Mayor

ATTESTED TO AND
CORRECTLY RECORDED BY:


Amber Phillips, Town Secretary

DATE OF PUBLICATION: January 7, 2003, McKinney Courier Gazette

EXHIBIT A: for Z# _____

BOUNDARY DESCRIPTION FOR ANNEXATION AND ZONING

BEING a tract of land located in the Collin County School Land Survey No. 12, Abstract No. 147, Collin County, Texas and being all of a called 3.775 acre tract described as "Tract II" in Deed to Massad and Massad Investments, Ltd., recorded in Volume 4579, Page 2768, Deed Records, Collin County, Texas and being more particularly described as follows:

BEGINNING at a point on the occupied West line of Business Highway No. 289 for the Southeast corner of the premises herein described, said corner being the Northeast corner of a one acre tract described in a deed to Kent W. Elliott recorded in Volume 4034, Page 102 of the Land Records of Collin County;

THENCE along the recognized South line of Lot 4 of the subdivision of the Collin County School Land Survey No. 12, Abstract No. 147, South 89 degrees 51 minutes 27 seconds West 264.70 feet to a point found on the East right-of-way line of the Burlington Northern and Santa Fe Railroad at the Northwest corner of said Elliott tract for the Southwest corner hereof;

THENCE North 89 degrees 58 minutes 22 seconds West, ^{102.68} ~~120.68~~ feet to a point in the West right-of-way line of said Railroad;

THENCE North 89 degrees 38 minutes 27 seconds West 2233.00 feet to a point for the Southwest corner Lot 4 of the subdivision of Collin County School Land Survey No. 12, Abstract No. 147, said corner also being the Northwest corner of a record 64.62 acre tract described in a deed to Thomas D. Bull, et ux, recorded in Volume 726, Page 106 of the Deed Records of Collin County;

THENCE, South 00 degrees 16 minutes 17 seconds West 1326.60 feet to a point found in the corporate city limits line of the Town of Prosper, said point being in County Road No. 4, said point being the Southwest corner of a record 64.62 acre tract described in a deed to Thomas D. Bull, et ux, recorded in Volume 726, Page 106 of the Collin County Deed Records;

THENCE along said County Road No. 4 and partially along said corporate city limits line, North 89 degrees 32 minutes 58 seconds West, a distance of 1352.09 feet to a point found in County Road No. 4 for the Southwest corner of the premises herein described, said corner being the Southeast corner of a tract conveyed to Prosper Toll Road, Ltd., as evidenced by deed recorded under Collin County Clerk's File No. 97-0088560;

THENCE, North 01 degrees 00 minute 37 seconds East passing the Southeast corner of a record 29.27 acre tract described in a deed to Prosper-Toll Road Joint Venture, Ltd., recorded under Collin County Clerk's File No. 96-0090274, and in all a total distance of 2647.82 feet to a point found on the South line of a record 80 acre tract (described in a deed to Ruth Settle recorded in Volume 3655, Page 178, of the Land Records of Collin County) for the Northwest corner hereof and the Northeast corner of said called 29.27 acre tract;

THENCE, North 89 degrees 55 minutes 45 seconds East, 1317.96 feet to a point found on the West line of Lot 4 of the subdivision of said Collin County School Land Survey No. 12, Abstract No. 147;

THENCE along the West line of said Lot 4, North 00 degrees 17 minutes 36 seconds East 495.70 feet to a point found for the Northwest corner of a 106.80 acre tract designated Share "C" and described in Case No. 16764 recorded in Book 1, Page 503 of the District Court Minutes;

THENCE along the North line of said Share "C", South 89 degrees 39 minutes 19 seconds East 2622.25 feet to a point on the West of said Railroad;

THENCE South 12 degrees 17 minutes 32 seconds West along the West right-of-way line of said Railroad, a distance of 579.94 feet to a point;

THENCE South 77 degrees 42 minutes 28 seconds East, a distance of 100.33 feet to a point on the occupied West line of Business No. 289;

THENCE South 00 degrees 14 minutes 40 seconds West along the occupied West line of said Highway a distance of 1238.40 feet to the Place of BEGINNING and containing 187.033 acres of land. SAVE AND EXCEPT a 2.95 acre tract of land contained within the Burlington Northern and Santa Fe Railroad right-of-way and being more particularly described as follows:

BEGINNING at a point on the East right-of-way line of the Burlington Northern and Santa Fe Railroad at the Northwest corner of a one acre tract described in a deed to Kent W. Elliott recorded in Volume 4034, Page 102 of the Land Records of Collin County;

THENCE North 89 degrees 58 minutes 22 seconds West, 120.68 feet to a point in the West right-of-way line of said Railroad;

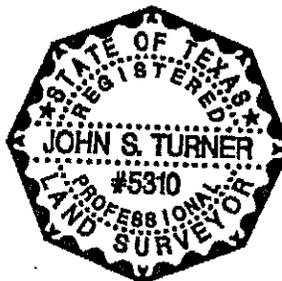
THENCE along the West right-of-way of said Railroad, North 12 degrees 17 minutes 32 seconds East 1289.93 feet to a point;

THENCE South 77 degrees 42 minutes 28 seconds East, a distance of 100.33 feet to a point on the occupied West line of Business No. 289;

THENCE along the East right-of-way of said Railroad, South 12 degrees 17 minutes 32 seconds West 1268.12 feet to the point of beginning and containing 2.95 acres of land.

This description is not based upon an actual on the ground survey by the undersigned, it is for annexation and zoning purposes only and derived from the existing boundary survey performed by James E. Smith, R.P.L.S. No. 3700, Dated July 16, 2001 and revised July 27, 2001.


John S. Turner
Registered Professional Land Surveyor
No. 5310



TOWN OF PROSPER, TEXAS
Exhibit "B"

Lakes of Prosper

Planned Development District
Development Standards

EXHIBIT "B"

Lakes of Prosper

PLANNED DEVELOPMENT DISTRICT STANDARDS

1.0 Planned Development District - Single-Family Residence

1.01 **General Description:** This Planned Development Ordinance permits a maximum of five hundred thirty (530) single-family residential units on this tract of land. The development standards for the aforementioned housing types are outlined within this text or as set forth in the SF-2 Zoning Classification of Ordinance 84-16 as it exists or may be amended, if not specifically addressed herein.

1.02 **Permitted Uses:** Land uses permitted within the PD are as follows:

1.02.1 Single Family Residential

1.02.2 Schools – public

1.02.3 Public or Private Parks, playgrounds and neighborhood recreation facilities including, but not limited to, swimming pools, clubhouse facilities, gate house, water features and tennis courts, all to be shown on the Site Plan and plat(s).

1.02.4 Temporary Real estate sales office for each builder is allowed during the development and marketing of that builder's lots, which office shall be removed no later than thirty (30) days following the issuance of a Certificate of Occupancy (CO) on the last lot owned by the builder.

1.02.5 Accessory buildings not to exceed ten percent (10%) of the lot area on which it is located and uses customarily incidental to the permitted uses.

1.02.6 Temporary buildings and uses incidental to construction work on the premises, which shall be removed upon completion of such work.

1.02.7 The Amenities Center as set forth in Section 2.02 herein.

1.03 **Required Parking:** In addition to the required garage parking, parking shall be provided at the rate of a minimum of two (2) vehicle spaces for each dwelling unit. The parking of recreational vehicles, sports vehicles, boats and/or trailers on a lot facing a street is prohibited. For purposes of this Ordinance, recreational vehicle means any mobile unit (motorized or under tow) designed, converted, or modified for use as a sleeping, cooking, gathering, or any use other than human transport and material transport typically associated with a car, sport utility vehicle, or pick-up truck and sport utility vehicle means a vehicle designed for or

modified for off-road or other recreational use, which is not a standard car, sport utility vehicle or pick-up.

1.04 **Exterior Façade Building Materials:**

1.04.1 **Surface Area Façade:** The surface area of the first floor exterior wall (exclusive of openings for windows and doors) and all second story walls in the same vertical plane as the first floor wall shall be veneered with minimum coverage of a unit masonry material as follows:

- Front Façade: **100%** unit masonry exclusive of wall areas that are architecturally enclosed. Acceptable architectural enclosures are:
 - Roofed Porches
 - Roofed Porte-cochere
 - Entries that are recessed within the exterior wall a minimum of 2.5 feet.
- Side façade facing a street: **70%** provided that the unit masonry veneer from the front façade “wraps” the house corner connecting front and side façade a minimum of 6 feet and does not create a vertical masonry line that intersects with window openings.
- Side façade: **65%** provided that the unit masonry veneer from the front façade “wraps” the house corner connecting front and side façade a minimum of 6 feet and does not create a vertical masonry line that intersects with window openings.
- Rear façade: **0%**

Where the second floor is offset from the first floor (the wall plane of the second floor is not in the same vertical wall plane (typically because it projects or is set in from that plane), no masonry veneer is required. In addition, walls or portions of walls that protrude in front of or are recessed behind the vertical wall plane of the first floor wall (including dormers) shall not be included in calculations of wall area to determine the required percentage of masonry.

1.04.2 **Unit Masonry Veneer:** Unit Masonry Veneer is any brick, natural stone, or concrete cast stone (or combination of these materials) laid up by unit and set in mortar. To facilitate enforcement of this standard, all plan submittals must indicate the wall areas of those walls subject to the above masonry requirements.

1.05 **Single-Family:** Single Family shall mean the use of a lot with one building designed for and containing not more than one unit with facilities for living, sleeping, cooking, and eating therein. The maximum number of single-family units allowed is five hundred thirty (530). This residential type will consist of larger units and lots, having access and frontage on a public street. Building and area requirements are as follows:

1.05.1 **Lot Area:** The minimum area of seventy percent (70%) of the lots shall be equal to or greater than ten thousand (10,000) square feet and no more than thirty percent (30%) shall be nine thousand (9,000) square feet or greater in surface area.

1.05.2 **Lot Coverage:** In no case shall more than forty percent (40%) of the total lot area be covered by the combined area of the main buildings and accessory buildings. Swimming pools, spas, deck, patios, driveways and walks shall not be included in determining maximum lot coverage.

1.05.3 **Lot Width:** The minimum width of any lot shall not be less than sixty-four (64) feet at the front building line of the lot, except that lots at the terminus of a cul-de-sac or along street elbows/eyebrows may have a minimum width of fifty (50) feet measured along the arc at the front building line; provided all other requirements of this section are fulfilled. Seventy percent (70%) of the total lots shall be a minimum width of seventy (70) feet or greater.

1.05.4 **Lot Depth:** The minimum depth of any lot shall be one hundred ten (110) feet, except that a lot at the terminus of a cul-de-sac or along street elbows/eyebrows may have a minimum lot depth, measured at mid-point on front and rear lot lines, of one hundred (100) feet; provided all other requirements of this section are fulfilled.

1.05.5 **Front Yard:** The minimum depth of the front yard shall be thirty-five (35) feet. Front porches, roof eaves, porte-cocheres and chimneys may extend into the front yard space, but in no event shall the front yard setback depth be less than twenty five (25) feet.

1.05.6 **Side Yard:** The minimum side yard on each side of a lot shall be five (5) feet with a minimum building separation of fourteen (14) feet. The side yard setback for all corner lots shall be a minimum of fifteen (15) feet; provided, however, key lots shall have a minimum side yard setback of twenty (20) feet. All lots abutting a trail as shown in Exhibit "C" shall have a minimum side yard setback of five (5) feet. Roof eaves, chimneys and other similar architectural elements may extend into the side yard.

- 1.05.7 **Rear Yard:** The minimum depth of the rear yard shall be twenty (20) feet for main buildings. Accessory structures shall have a minimum rear yard setback of two (2) feet.
- 1.05.8 **Building Height:** Buildings shall be a maximum of two and one-half (2 ½) stories, not to exceed thirty-six (36) feet in height.
- 1.05.9 **Minimum Dwelling Area:** The minimum enclosed heated and cooled living area shall be one thousand eight hundred (1,800) square feet for a 10,000 or greater square foot lot and one thousand six hundred (1,600) square feet for all other.
- 1.05.10 **Mechanical Equipment:** All mechanical equipment (pool, air conditioning, satellite dish antennae, and solar collectors) must be completely screened from public view. A combination of screens, hedges, or walls should be used to screen equipment or mechanical areas.

2.0 Residential Planned Development District - General Conditions

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

2.02 **Amenities:**

- 2.02.1 **Amenity Center and Water Features:** The Developer for the Planned Development District shall provide for an amenity center which will include, but not be limited to, a swimming pool (sized to equal six (6) square feet of surface area per single-family lot as shown on the preliminary plat), restrooms and dressing rooms, charcoal grilles, children's play areas, a sports court that could be paved, sand or sodded for basketball, volleyball or other youth and adult sports, sidewalks, parking spaces for ten (10) vehicles and landscaping. The amenity center will be owned, operated, and maintained by a HOA as provided for herein.

With the design of Phase 1 of the development, Developer will begin the design of the Water Features that includes lakes, bridges, weirs and other appurtenances required to provide the required storm water detention and maintain a static pool elevation (the "Water Features"). The Developer shall design and construct the Water Features; said construction shall commence within six (6) months of approval and receipt by the Developer of all permits,

approvals and/or releases for construction from the Town of Prosper and any branch of the state or federal government, as maybe required by said governmental entities, for construction of the Water Features. The amenity center and Water Features shall be substantially complete within twelve (12) months from the commencement of construction with allowances for force majeure. The HOA, as defined below, shall maintain the Water Features. The Water Features shall meet state specifications and be approved by Hunter & Associates Texas, Inc. prior to construction.

2.02.2 **Pocket Parks:** In addition to the amenity center, the Developer will build two (2) pocket parks that comply with the following criteria. One (1) of the parks will be located near the center of the neighborhood (“the First Pocket Park”) and the second pocket park shall be located on the eastern or northeastern portion of the project (the “Second Pocket Park”). The First Pocket Park shall be at least one-half (1/2) acre in size and be completed by the build out of the next to last phase of the development. This pocket park shall include playground equipment, trees, turf and irrigation at a minimum. The Second Pocket Park will be at least one quarter (1/4) acre in size and be completed by the build out of the last phase of the development. At a minimum, this pocket park shall include turf and irrigation. Both pocket parks will be owned, operated and maintained by the HOA as provided for herein.

2.02.3 **Trails:** The Developer will construct eight (8) foot wide walking trails as depicted on Exhibit “C” attached hereto and incorporated herein. Trail A shall run along one side of the Spine Road to facilitate pedestrian traffic within the neighborhood and between the Amenities Center and the Pocket Parks. Trail A will be built in the eleven and one-half (11 ½) foot parkway of the Spine Road and a ten (10) foot wide open space area adjacent to the parkway of the Spine Road and to be dedicated at platting by the Developer and owned and maintained by the HOA as provided herein.

2.02.4 **Open Space Requirements:** There shall be at least fifteen (15) acres of open space with credit given for the improvements listed in Sections 2.02.1 – 2.02.3.

2.03 **Screening, Buffering and Right of Way:**

2.03.1 **County Road 4:** At final platting of Phase I, Developer will dedicate seventy (70) feet of right of way to Prosper adjacent to its southern property line, which is presumed to be the center line of County Road 4; the southern forty (40) feet shall be road right of way and the northern thirty (30) feet will be landscaping and buffer

right of way ("Buffer Area A"). A five (5) foot wall maintenance easement will be established by final plat of Phase I on the individual lots along the north boundary line of Buffer Area A. Within the five foot (5') wall maintenance easement, the Developer will deed restrict the fencing to the same standards as those for the Spine Road as delineated in Section 2.10 herein. The lots along County Road 4 shall be screened from County Road 4 by Buffer Area A, as depicted on Exhibits "F-1" and "F-2" Buffer Area A shall be a minimum of thirty foot (30') wide in addition to the right of way parkway of County Road 4. Within Buffer Area A, as illustrated on Exhibits "F-1" and "F-2", there will be a combination of earthen berms containing turf grass, shrubs and trees planted at a rate of one canopy tree per fifty (50) linear feet or the equivalent number of trees in cluster. Canopy trees shall be a minimum of two and one-half (2 ½) caliper inches and accent or ornamentals shall be a minimum of one and one-half (1 ½) total caliper inches, all as measured at, all as measured at twelve (12) inches above the root ball. All turf and landscaping areas will be irrigated. The hardscape features in the entry way shall be similar to those depicted on Exhibit "F-3". Upon approval of the final plat for Phase I, Developer will escrow to the Town a sum of money equal to the cost of a four (4) foot concrete sidewalk, four (4) inch depth for a future city trail in Buffer Area A. The Developer or the HOA will be allowed to landscape, irrigate and maintain the Buffer Area A until the Town expands and improves County Road 4. At the time the Town expands and improves County Road 4, the Town will maintain the buffering or replace it with a buffer that is similar in effect and appearance. The Town and the HOA will negotiate the responsibility for maintenance of the buffer after the improvements by the Town.

2.03.2 **Railroad Track:** In the fifty (50) foot area along the west side of the railroad track ("Buffer Area B"), as depicted on Exhibits "F-1" and "F-2", the Developer will use a combination of earthen berms, canopy trees and evergreens to reduce the affects of the railroad. All turf and landscaping areas will be irrigated.

2.04 **The Conceptual Development Plan:** The current plan for the Lakes of Prosper is a Conceptual Development Plan, as attached as Exhibit "D".

Prior to submittal of any application for preliminary and/or final plat within Prosper an applicant must complete the Conceptual Development Plan approval process. The Conceptual Development Plan application submittal procedure shall conform to the zoning application and procedures specified in current Town Codes. The purpose of the Conceptual Development Plan Process is to establish the general conditions of development that will be

required of the Final Site Plan and Project Design. The Conceptual Development Plan will establish:

- a. The site's natural conditions that will affect the development, including vegetation, topography, waterways, and drainage (surface and subsurface);
- b. Building sites, land use and density;
- c. Street dedications, treatment of existing streets, other required right of ways, points of ingress and egress, connections to adjacent property, median breaks and turn lanes, enhancement of the public right of way;
- d. Internal routes of vehicular circulation and parking; and
- e. Development phasing (if any).

Anyone applying for a Conceptual Development Plan Approval must provide the following documents for consideration in that review:

- a. Conceptual Development Plan: The Conceptual Plan shall include the information listed below on one or more 24 in. by 36 in. drawings, drawn at as large a scale as possible while still allowing the entire development and portions of the adjacent properties to be illustrated within the 24 in. x 36 in. area. The Conceptual Development Plan shall include existing and proposed site conditions and shall include:
 - (i.) Site Boundaries and dimensions, lot lines, site acreage and square footage, and approximate distance to the nearest cross street.
 - (ii.) Location Map, north arrow, scale, title block, and site/development summary table.
 - (iii.) Topography at one foot contours.
 - (iv.) Natural features, including tree groupings, flood plains, drainage ways, and creeks. The Conceptual Plan must indicate the anticipated tree loss.
 - (v.) Land use on site and on adjacent properties, including assignment of use to specific locations within the plan.
 - (vi.) Maximum allowable building coverage, density, and height.
 - (vii.) Minimum building setbacks and use.

- (viii.) Existing and proposed public streets, private drives, (indicate widths), any other rights of way (including easements), with approximate dimensions, radii, and surface type.
 - (ix.) Dedications and reservations of land for public use including but not limited to required landscape setbacks, right of ways, easements, park land, open space, drainage ways, flood plains, and facility sites.
 - (x.) Monument Sign.
 - (xi.) Any proposed covenants or site restrictions.
- b. Waive Required inclusions in the Conceptual Development Plan drawing: The applicant may request that the Town Manager waive any of the above required inclusions in the Conceptual Development Plan that are not necessary or are not applicable for the review of a specific document. However, when a waiver is granted it will be documented via a cover sheet attached to the application and includes a date at which the items will be provided if these items are deferred.
- 2.05 **Streets:** Right-of-way and all necessary easements shall be dedicated and provided on any and all adjacent street or road section to conform to the approved Thoroughfare Plan of the Town and identified on the Conceptual Development Plan (Exhibit "D"). All streets shall be dedicated as public streets. The curb may be a mountable or lay down design if constructed in compliance with the City of McKinney, Texas regulations, which are incorporated herein.
- 2.05.1 **Residential Streets** shall consist of a fifty (50) foot right-of-way with a thirty-one (31) foot paving section (B-B). Drainage systems shall be incorporated into the street facility with concrete paving.
- 2.05.2 **Spine Road**, a Collector Class thoroughfare, shall meet the minimum standards of the Town's Thoroughfare Plan. Collector streets with lots fronting on the collector street shall have sixty feet (60') of right-of-way and forty-one feet (41') (B-B) of concrete pavement. The collector streets with no lots fronting on them shall have sixty feet (60') of right-of-way and thirty-seven feet (37') (B-B) of concrete pavement, all as described on Exhibit "G".
- 2.06 **Maintenance of Facilities:** The Developer shall establish a Home Owner's Association ("HOA") that will be responsible for operation and maintenance of all common areas and/or common facilities contained within the area of the Planned Development District. The HOA will be created and each phase shall be included in the association. The Developer shall construct all specified facilities and transfer ownership to the HOA upon completion of each facility. The Town

Council shall approve the HOA agreement and covenants regarding the maintenance of the facilities; all of which will be included in the deed restrictions filed on this property providing that the HOA cannot be dissolved or amend its maintenance obligations without Town Council approval.

2.07 **Sidewalks:** Except as amended in this Ordinance, a four (4) foot wide sidewalk located on each side of the street shall be located two (2) feet from each street right-of-way line. All single-family residential lots, including corner lots shall meet this sidewalk requirement. All public streets, sidewalks and crossings shall comply with the Americans With Disabilities Act. In locations where open space, common, or HOA areas exist, sidewalks shall be extended to connect with adjacent walks or trails.

2.08 **Mailboxes:** The Developer will deed restrict the property to require a standard mailbox design that will be required and maintained by the property owner or HOA for a consistent look throughout the development. Each mailbox will be iron; wrought iron or cast alloy posts or stand and all mailboxes will match in color and style. Brick mailboxes will not be allowed.

2.09 **Landscaping:**

2.09.1 **Irrigation:** The Spine Road parkways, bedding plantings, turf grass and trail areas will be irrigated. All trails depicted on Exhibit "C" will be grassed and irrigated. Each trail will be at least eight (8) foot wide.

2.09.2 **Trees:**

2.09.2.1 **Thoroughfares/Screening:** The Spine Road parkways and open space along Trail A will contain trees and turf grass. Trees along the Spine Road Parkways and Trail A will be planted at a rate of one (1) canopy tree per fifty (50) linear feet of right-of-way or the equivalent number of trees in clusters. Clusters will have a maximum separation of one hundred (100) feet. Canopy trees will be a minimum of two and one-half (2 ½) inch caliper and ornamental trees will be a minimum of one and one-half (1 ½) inch caliper, all as measured at twelve (12) inches above the root ball.

2.09.2.2 **Side Yard.** A minimum of one (1) two and one-half (2 1/2) inch caliper canopy trees, measured at twelve (12) inches above the root ball shall be planted in each side yard between the building line and the street right of way line and shall be planted

generally parallel to the street, preferably at the edge of the street right of way. The list of approved trees is included as Exhibit "E".

2.09.2.3 **Trees on Single Family Lots.** A minimum of two (2) – two and one half (2 ½) inch canopy or six (6) one and one-half (1 ½) inch accent or ornamental trees shall be planted in each front yard and one (1) – two and one-half (2 ½) inch canopy or one and one-half (1 ½) inch accent or ornamental tree in each rear yard in the single-family development being a minimum total of fifteen hundred (1,500) trees planted by the builders in addition to those installed as a part of the amenities by the Developer. The list of approved trees is included as Exhibit "E".

2.09.2.4 **Substitution of Trees.** For purposes of determining the number of trees to be planted, three (3) ornamental trees are equal to one (1) canopy tree.

2.10 **Fencing:** Consistent fencing will be required on all lots adjacent and siding to the Spine Road parkways within the development. The fencing will be a combination of masonry columns at the rear lot corners and the front building line of the adjacent lots, board on board wood fencing along the rear yards and wrought iron fencing adjacent to the front yards and across the open ends of cul-de-sacs. The improvements along Trail A and the fencing will be constructed by the Developer and will be owned and maintained by the HOA as provided herein. Trail A will not be closer than three (3) feet to the fencing described above.

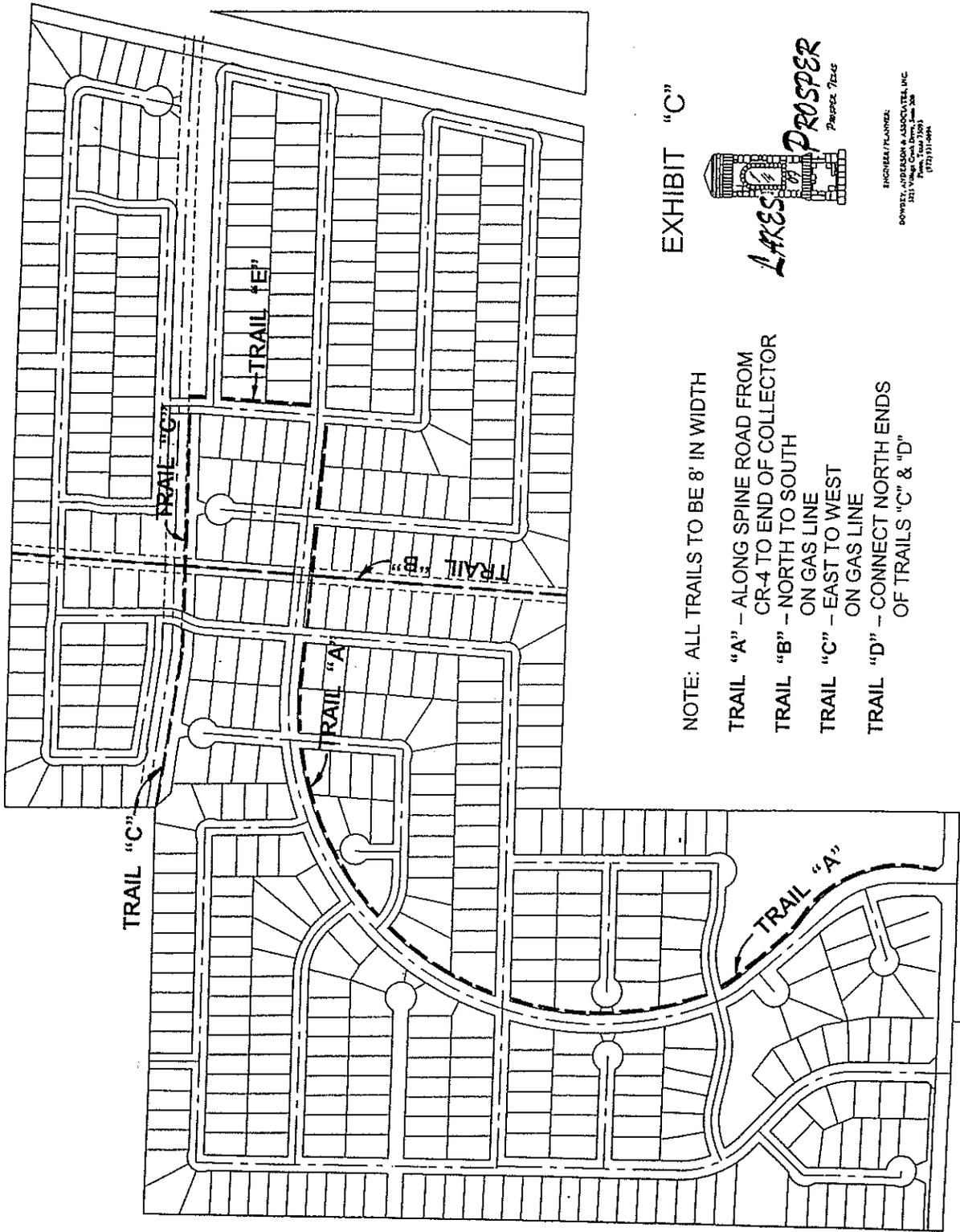
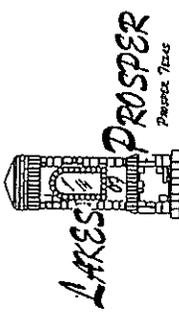


EXHIBIT "C"

NOTE: ALL TRAILS TO BE 8' IN WIDTH

- TRAIL "A" - ALONG SPINE ROAD FROM CR-4 TO END OF COLLECTOR
- TRAIL "B" - NORTH TO SOUTH ON GAS LINE
- TRAIL "C" - EAST TO WEST ON GAS LINE
- TRAIL "D" - CONNECT NORTH ENDS OF TRAILS "C" & "D"



ENGINEER/PLANNER
 DOWNEY, ANDERSON & ASSOCIATES, INC.
 1511 Village Creek Drive, Suite 200
 Prosper, Texas 75077
 (972) 311-0999

TOLLWAY (FUTURE)

3.28 AC ±
PROSPER RD LTD.
3720 BLAND HWY. SUITE 2000
PLANO, TEXAS 75074

MINNER - FOLKARD
JOINT VENTURE, LTD.
1811 WINDYBELL

PROSPER TRUCKING, LTD.
1500 WINDYBELL ST. #215
DALLAS, TEXAS 75202

OSWALD, F. J. CARRAN & ASSOCIATES
1000 WINDYBELL ST. #215
DALLAS, TEXAS 75202

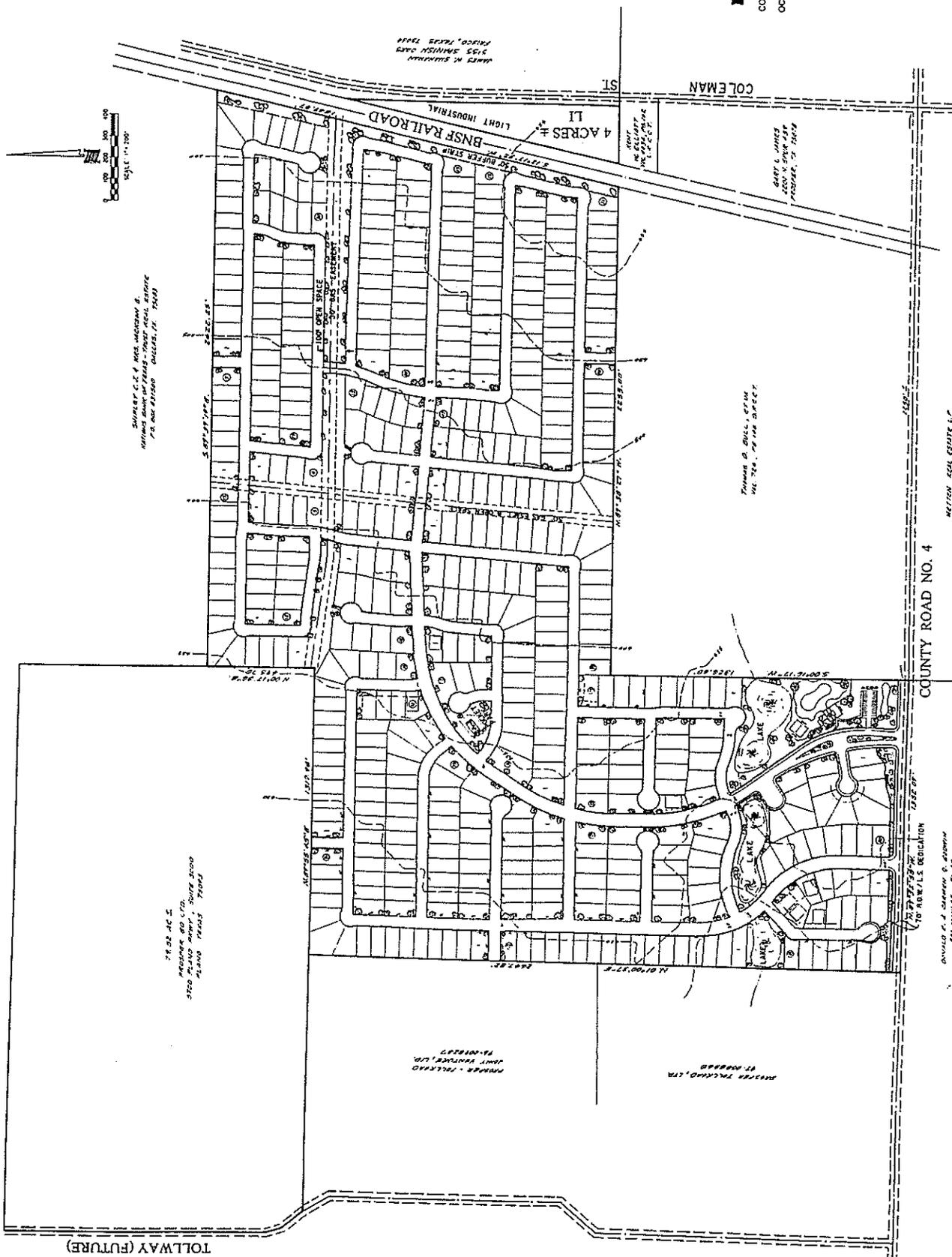
TO ROW/LS DESIGNATION

COUNTY ROAD NO. 4

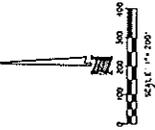
WELTON - GILL - CRISTE, L.P.
2510 WINDYBELL ST.
DALLAS, TEXAS 75227

THOMAS D. BULL, CPDM
10117 W. WINDYBELL ST.
DALLAS, TEXAS 75243

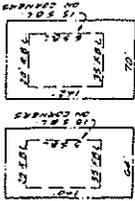
BART L. JAMES
1000 W. WINDYBELL ST.
DALLAS, TEXAS 75202



SUMBERT, C. F. & BOB JACKSONMAN &
ATTORNEYS AT LAW - FIRST FLOOR, EASTWING
1000 W. WINDYBELL ST. DALLAS, TX 75202



VICINITY MAP
NOT TO SCALE



TYP TYP
9000 S.F. LOT 14000 S.F. LOT
NOTE: ALL LOTS FORMERLY 1/4 ACRES

DEVELOPMENT DATA:

LANDUSE:
LIGHT INDUSTRIAL
SINGLE FAMILY
TOTAL LOTS: 530
10,000 SQ. FT. = 70%
9,000 SQ. FT. = 30%
ROADS:
50' R.O.W. W/11' - 37' B.B. PAVING
50' R.O.W. W/11' B.B. PAVING
OPEN SPACE: 15% ACRES
COUNTY ROAD 4 R.O.W.: 1.61 ACRES
GROSS AREA: 183.3 ACRES
GROSS DENSITY: 2.9 U.P.A.

EXHIBIT "D"

LAKES OF PROSPER
TOWN OF PROSPER
COLLIN CO. SCHOOL LAND SURVEY, ABST. NO. 147
COLLIN COUNTY TEXAS
OCTOBER, 2002 SCALE 1" = 200'

ENGINEER
DOWDEY, ANDERSON & ASSOCIATES, INC.
5225 VILLAGE CREEK DRIVE, SUITE 200
DALLAS, TEXAS 75237
CONTACT: BILL ANDERSON

OWNER
PROSPER WEST PARTNERSHIP
3111 W. WINDYBELL ST.
DALLAS, TEXAS 75243
JOHN CHRISTIE, General Partner
JEN HAN, General Partner
5818 WINDYBELL, DALLAS, TEXAS 75237
PH 972.521.1022

DEVELOPER
GOODMAN LAND ADVISORS, LTD.
3000 WEST WINDYBELL, SUITE 1000
DALLAS, TEXAS 75203
PH 972.336.1000 FAX 972.336.1003
CONTACT: EDDIE COLLINS

EXHIBIT "E"
CITY OF PROSPER
LAKES OF PROSPER
APPROVED TREE LIST

Shade or Canopy Tree	
Common Name	Botanical Name
Caddo Maple	<i>Acer barbatum</i> 'Caddo'
Bigtooth Maple	<i>Acer grandidentatum</i>
Texas Buckeye	<i>Aesculus arguta</i>
Chittamwood	<i>Bumelia lanuginosa</i>
Pecan	<i>Carya illinocensis</i>
Texas Persimmon	<i>Diospyrus texana</i>
White Ash	<i>Fraxinus americana</i>
Texas Ash	<i>Fraxinus texensis</i>
Black Walnut	<i>Juglans nigra</i>
Red Cedar	<i>Juniperus virginiana</i>
Sweet Gum	<i>Liquidambar styraciflora</i> (cultivars)
Afghan Pine	<i>Pinus eldarica</i>
Texas Live Oak	<i>Quercus virginia</i> (cultivars)
Lacey Oak	<i>Quercus glauciodes</i>
Bur Oak	<i>Quercus macrocarpa</i>
Chinquapin Oak	<i>Quercus muehlenbergii</i>
Shumard Red Oak	<i>Quercus shumardii</i>
Texas Red Oak	<i>Quercus texana</i>
Western Soapberry	<i>Sapindus saponaria</i> v. "Drummondii"
Winged Elm	<i>Ulmus alata</i>
Cedar Elm	<i>Ulmus crassifolia</i>
Bald Cypress	<i>Taxodium distichum</i>
Southern Magnolia	<i>Magnolia grandiflora</i>
Additional Canopy Trees Recommended for Reforestation	
Leyland Cypress	<i>Cupressocyparis leylandii</i>
Austrian Pine	<i>Pinus nigra</i>
Sawtooth Oak	<i>Quercus acutissima</i>
Coastal Red Oak	<i>Quercus virginiana</i> (cultivars)
Lacebark Elm	<i>Ulmus parviflora</i>
Slippery Elm	<i>Ulmus rubra</i>
Bradford Pear	<i>Pyrus calleryana</i>
Accent or Ornamental Trees	
Common Name	Botanical Name
Redbud	<i>Cercis canadensis</i> (cultivars)
Texas Redbud	<i>Cercis canadensis texensis</i> 'Oklahoma'
Possumhaw Holly	<i>Ilex decidua</i>
Crape Myrtle	<i>Lagerstroemia indica</i> (cultivars)
Texas Pistache	<i>Pistacia chinensis</i>
Mexican Plum	<i>Prunus mexicana</i>
Additional Accent or Ornamental Trees Recommended for Reforestation	
Oklahoma Redbud	<i>Cercis canadensis texensis</i> 'Oklahoma'
Forest Pansy Redbud	<i>Cercis canadensis</i> 'Forest Pansy'
Yaupon Holly	<i>Ilex vomitoria</i> (cultivar)
Japanese Black Pine	<i>Pinus thunbergii</i>

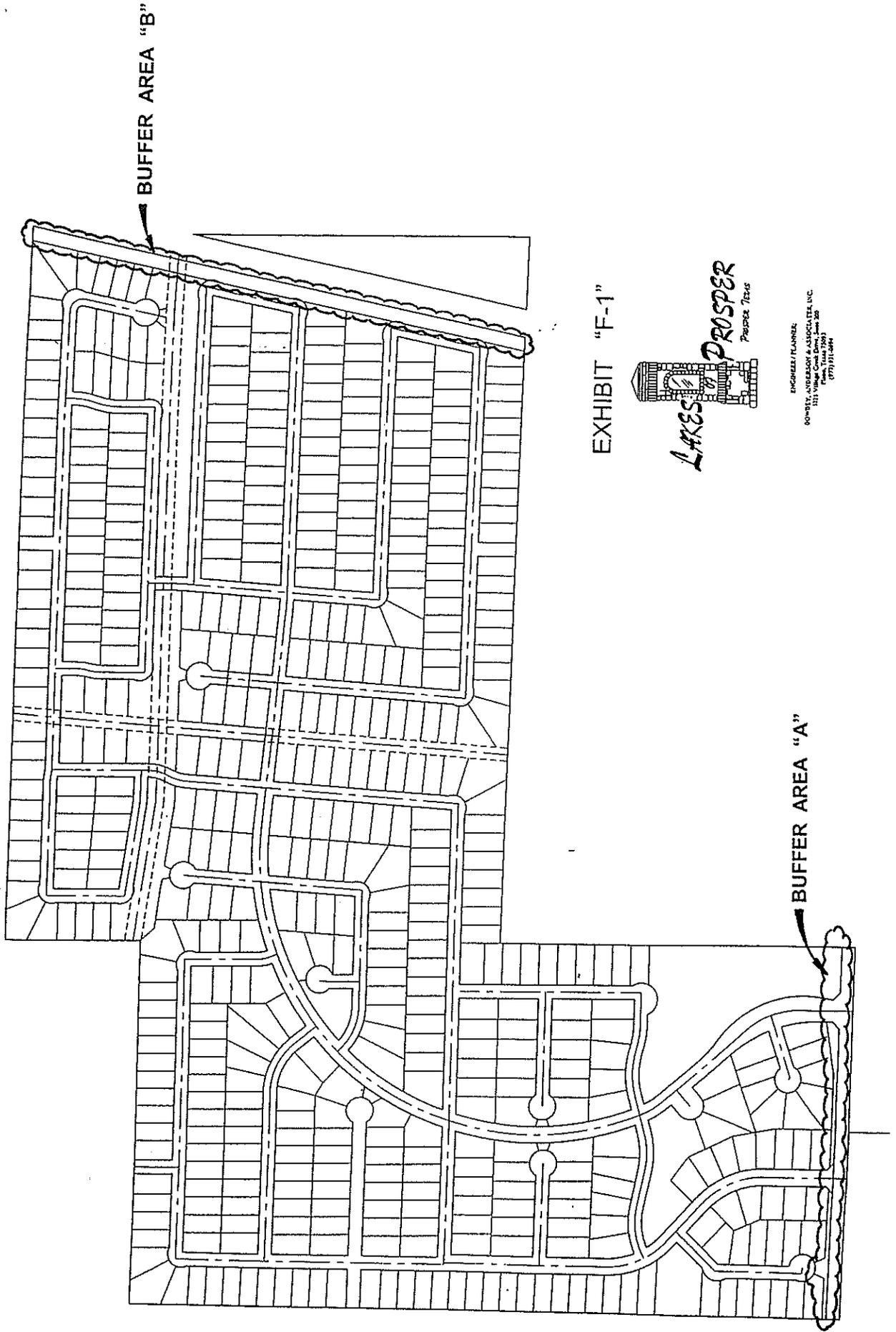
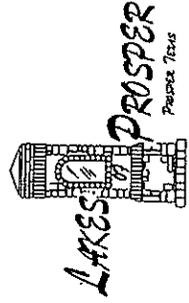


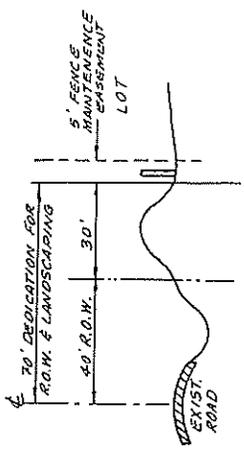
EXHIBIT "F-1"



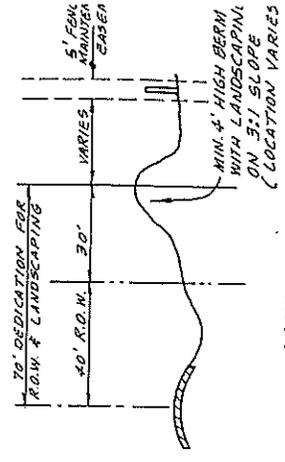
ENGINEER / PLANNER
 ROWLEY ANDERSON & ASSOCIATES, INC.
 1311 Village Creek Drive, Suite 302
 Prosper, Texas 75077
 (972) 317-0000

BUFFER AREA "A"

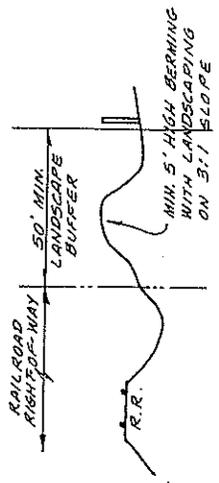
BUFFER AREA "B"



SECTION A-A

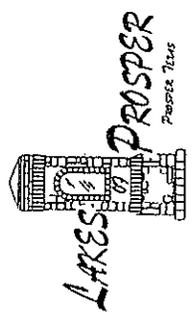


SECTION B-B

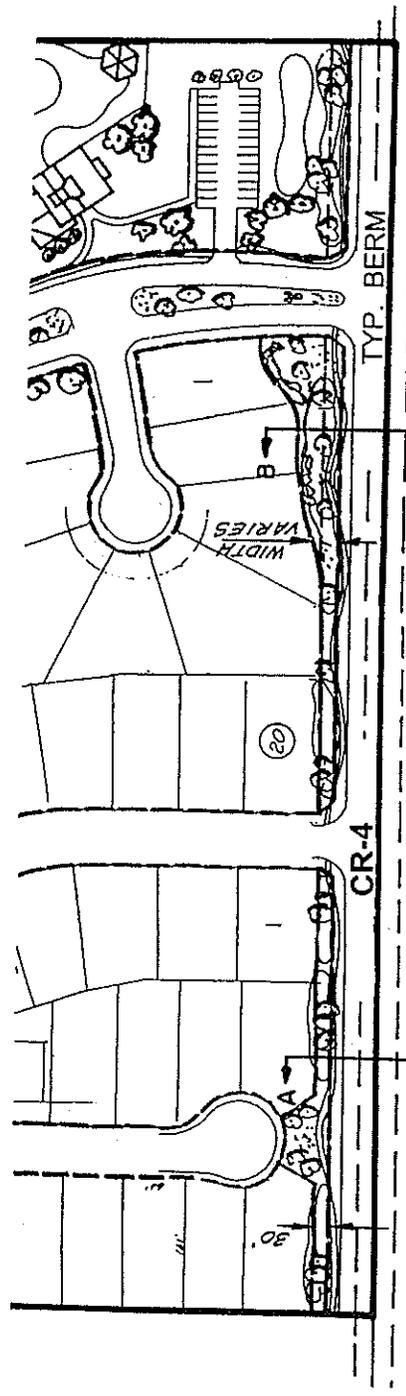


SECTION C-C

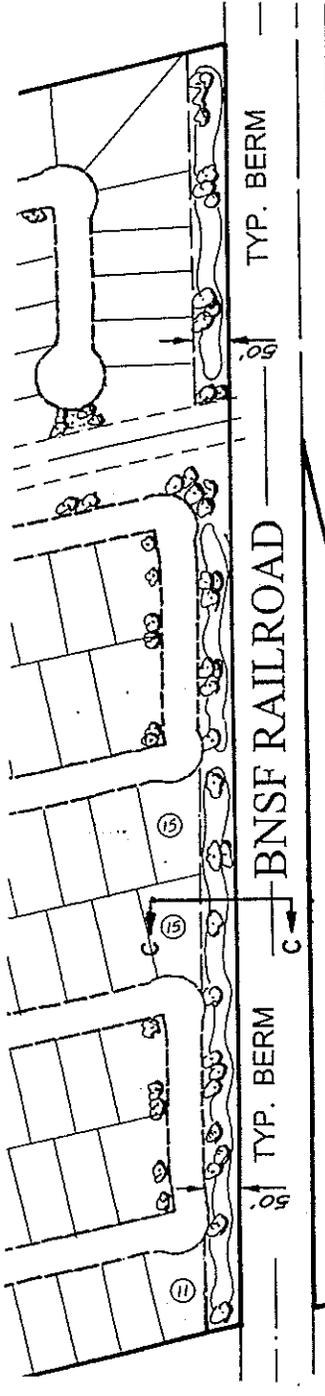
EXHIBIT "F-2"



ENGINEER PLANNER
ROBERT ANDERSON & ASSOCIATES, INC.
1313 Village Creek Drive, Suite 200
Plano, Texas 75075
(972) 781-1000

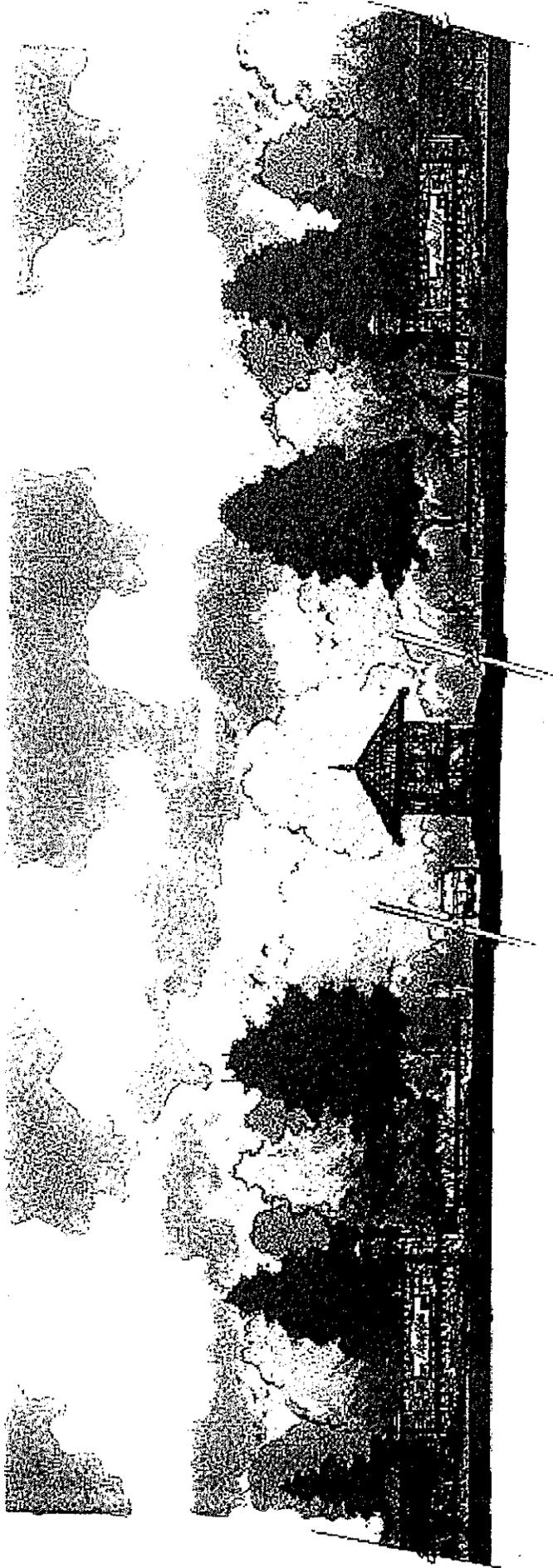


BUFFER AREA "A"



BUFFER AREA "B"

4 ACRES ±
LI



GOODMAN LAND ADVISORS
PLANO, TEXAS

PROSPER LAKES
CONCEPTUAL MAIN ENTRY
PROSPER, TEXAS

EXHIBIT "F-3"



DATE: 11-1-17



October 19th, 2018

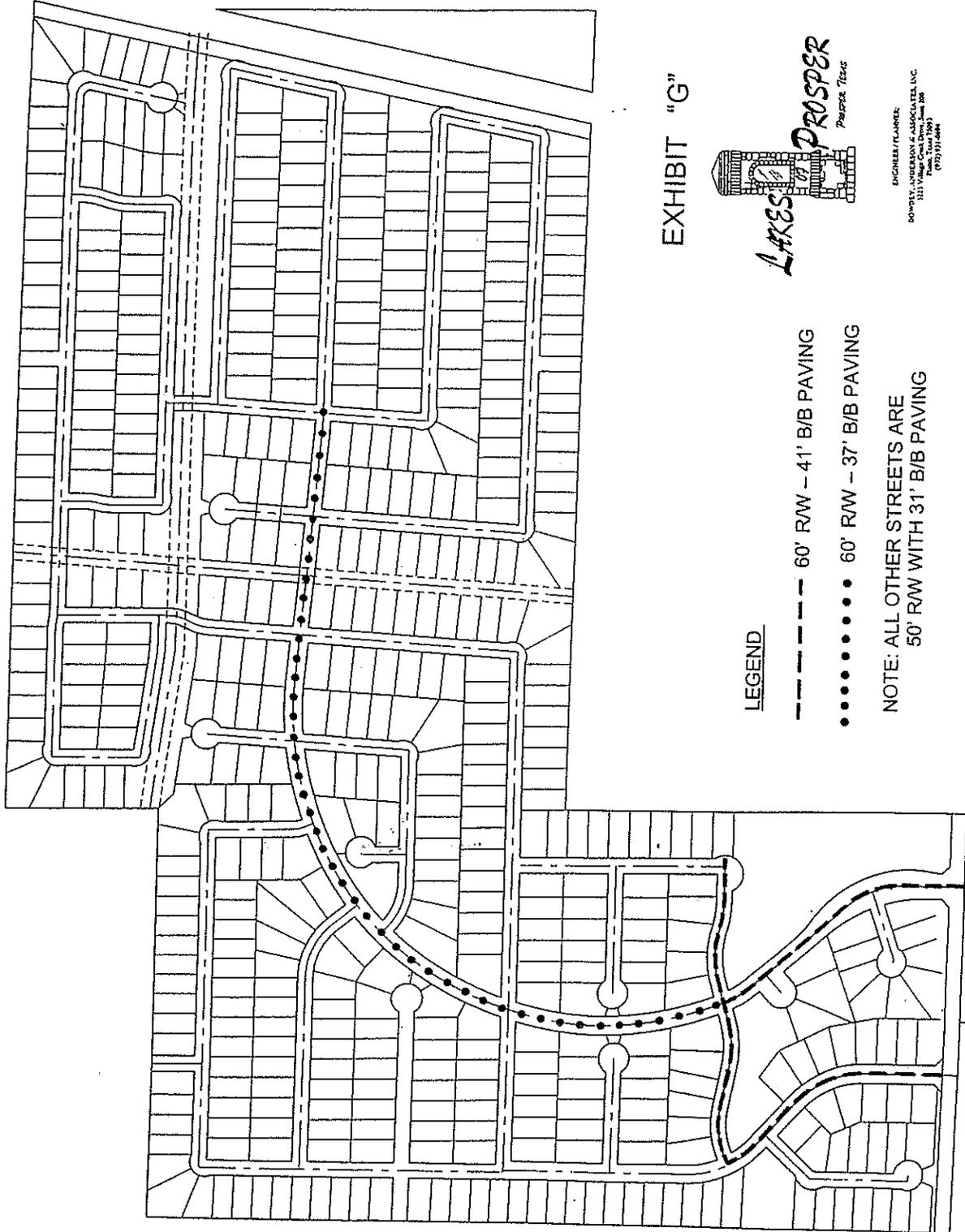
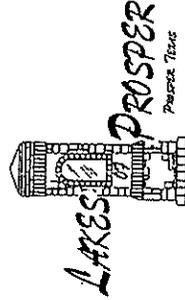


EXHIBIT "G"



LEGEND

--- 60' RW - 41' B/B PAVING

..... 60' RW - 37' B/B PAVING

NOTE: ALL OTHER STREETS ARE
50' RW WITH 31' B/B PAVING

ENGINEER/PLANNER:
DOUGLAS ANDERSON & ASSOCIATES, INC.
111 Village Creek Drive, Suite 200
Prosper, Texas 75088
(972) 317-4044