

PD-9

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 06-127

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 05-20 AND REPEALING ORDINANCE NO. 05-11 AND 03-25; REZONING A TRACT OF LAND CONSISTING OF 339.77 ACRES, MORE OR LESS, SITUATED IN THE LARKIN MCCARTY SURVEY, ABSTRACT NO. 600, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS, HERETOFORE ZONED PLANNED DEVELOPMENT-SINGLE FAMILY-10/SINGLE FAMILY-15/SINGLE FAMILY-ESTATE (PD-SF-10/SF-15/SF-E) IS HEREBY REZONED AND PLACED IN THE ZONING CLASSIFICATION OF PLANNED DEVELOPMENT-SINGLE FAMILY-10/SINGLE FAMILY-12.5/SINGLE FAMILY-15/SINGLE FAMILY-22/SINGLE FAMILY-ESTATE (PD-SF-10/SF-12.5/SF-15/SF-22/SF-E); DESCRIBING THE TRACT TO BE REZONED; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

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

WHEREAS, the Town of Prosper, Texas ("Prosper") has received a request from CC Joint Ventures, Ltd. ("Applicant") to rezone 339.77 acres of land, more or less, situated in the Larkin McCarty Survey, Abstract No. 600, 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. Zoning Ordinance No. 05-20 is amended as follows: The zoning designation of the below-described property containing 339.77 acres of land, more or less, situated in the Larkin McCarty Survey, Abstract No. 600, 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-Single Family-10/Single Family-12.5/Single Family-15/Single

Family-22/Single Family-Estate (PD-SF-10/SF-12.5/SF-15/SF-22/SF-E). The property as a whole and the boundaries for each zoning classification are more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes as if set forth verbatim.

The development plans, standards, and uses for the Property in this Planned Development District shall conform to, and comply with 1) the statement of intent and purpose, attached hereto as Exhibit "B"; 2) the planned development standards, attached hereto as Exhibit "C"; 3) the conceptual development plan, attached hereto as Exhibit "D"; 4) the development schedule, attached hereto as Exhibit "E"; 5) the thoroughfare screening plan, attached hereto as Exhibit "F"; and 6) the entry monument, amenity center, trailhead, and bridge plan, attached hereto as Exhibit "G"; 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.

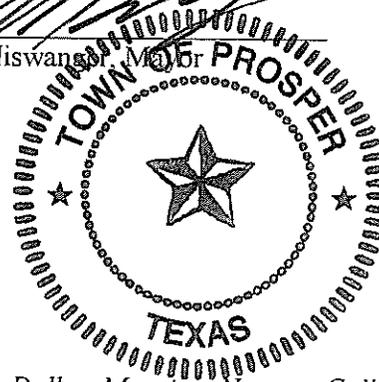
SECTION 7: Savings/Repealing Clause. Prosper's Zoning Ordinance No. 05-20 shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such 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.

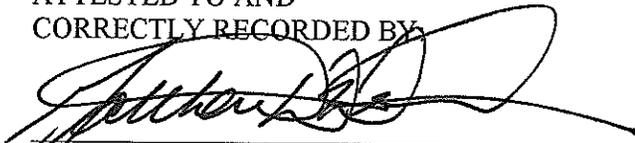
DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS ON THIS 12th DAY OF DECEMBER, 2006.

APPROVED AS TO FORM:


Charles Niswanger, Mayor



ATTESTED TO AND
CORRECTLY RECORDED BY



Matthew D. Denton, Town Secretary

DATE OF PUBLICATION: DECEMBER 16, 2006, *Dallas Morning News – Collin County Addition*

EXHIBIT A
TRACT "A" LAND DESCRIPTION

BEING a tract of land situated in the Larkin McCarty Survey, Abstract No. 600, Collin County, Texas, and being all of a tract of land as described in instrument to HRC Ranch, Ltd. as recorded in Volume 4911, Page 2695 of the Deed Records of Collin County, Texas, (D.R.C.C.T.) and being a portion of a tract of land as described in instrument to Clark Partners as recorded in Volume 5763, Page 1199 (D.R.C.C.T.) and being all of a tract of land described in instrument to CC Joint Venture, Ltd. as recorded under County Clerk's File No. 20060925001377420 (D.R.C.C.T.) and being more particularly described as follows:

BEGINNING at a point on the west right-of-way line of F.M. No. 2478, said point also being the southeast corner of a tract of land as described in instrument to the County of Collin as recorded in Volume 4837, Page 0731 of the Deed Records of Collin County, Texas;

THENCE, South 45 degrees 11 minutes 41 seconds East along the west right-of-way line of F.M. No. 2478 a distance of 40.55 feet to a ½ inch iron rod found with plastic cap stamped "RPLS 4613" at the most southerly northeast corner of said Clark Partners tract;

THENCE, South 00 degrees 26 minutes 42 seconds East continuing along the west right-of-way line of F.M. No. 2478 a distance of 3,535.45 feet to a point for corner in Wilson Creek;

THENCE, along the Wilson Creek the following courses and distances:

South 89 degrees 58 minutes 38 seconds West a distance of 44.48 feet to a point for corner;

North 69 degrees 51 minutes 39 seconds West a distance of 286.04 feet to a point for corner;

North 56 degrees 21 minutes 16 seconds West a distance of 246.31 feet to a point for corner;

North 70 degrees 54 minutes 58 seconds West a distance of 211.50 feet to a point for corner;

North 13 degrees 06 minutes 44 seconds West a distance of 70.59 feet to a point for corner;

North 21 degrees 52 minutes 12 seconds East a distance of 223.61 feet to a point for corner;

North 04 degrees 12 minutes 58 seconds West a distance of 246.42 feet to a point for corner;

North 29 degrees 06 minutes 57 seconds West a distance of 166.26 feet to a point for corner;

North 43 degrees 49 minutes 51 seconds West a distance of 798.32 feet to a point for corner on the east line of said HRC Ranch tract;

THENCE, South 01 degree 14 minutes 56 seconds East along the east line of said HRC Ranch tract a distance of 1,024.25 feet to a point for corner;

THENCE, South 01 degree 15 minutes 28 seconds East continuing along the east line of said HRC Ranch tract a distance of 367.29 feet to a ½ inch iron rod found with cap stamped #4701 at the northwest corner of the aforementioned CC Joint Ventures, Ltd. (#20060925001377420) tract;

THENCE North 89 degrees 23 minutes 47 seconds East, along the north line of said CC Joint Ventures, Ltd. (#20060925001377420) tract, a distance of 220.02 feet to a ½ inch iron rod found with cap stamped #4701 at the northeast corner of said CC Joint Ventures, Ltd. (#20060925001377420) tract;

THENCE along the easterly lines of said CC Joint Ventures, Ltd. (#20060925001377420) tract, the following;

South 07 degrees 19 minutes 09 seconds West a distance of 126.00 feet to a ½ inch iron rod found with cap stamped #4701;

South 26 degrees 10 minutes 24 seconds West a distance of 153.50 feet to a point for corner;

South 00 degrees 39 minutes 37 seconds East a distance of 272.00 feet to a ½ inch iron rod found with cap at the southeast corner of said CC Joint Ventures, Ltd. (#20060925001377420) tract;

THENCE North 89 degrees 41 minutes 21 seconds West, along the southerly line of said CC Joint Ventures, Ltd. (#20060925001377420) tract, a distance of 129.00 feet to a ½ inch iron rod found with cap stamped "RPLS 1401" at the southeast corner of said HRC Ranch tract;

THENCE, South 89 degrees 41 minutes 51 seconds West continuing along the south line of said HRC Ranch tract a distance of 2,414.83 feet to a point for corner, from which a ½ inch iron rod with cap stamped "HN" found, bears South 85 degrees 52 minutes 06 seconds West, 7.90 feet;

THENCE, South 85 degrees 52 minutes 06 seconds West continuing along the east line of said HRC Ranch tract a distance of 723.60 feet to a fence corner post at an inner ell corner of said HRC Ranch tract;

THENCE, South 01 degree 39 minutes 34 seconds West along an east line of said HRC Ranch tract a distance of 87.29 feet to the most southerly southeast corner of said HRC Ranch tract, from which a ½ inch iron rod found, bears North 89 degrees 01 minute 28 seconds East, 1.05 feet;

THENCE, South 89 degrees 01 minute 28 seconds West along the south line of the said HRC Ranch tract a distance of 358.27 feet to a point for corner, from which a 3/8 inch iron rod found, bears South 88 degrees 59 minutes 16 seconds West, 4.18 feet;

THENCE, South 89 degrees 03 minutes 26 seconds West continuing along the south line of the said HRC Ranch tract a distance of 512.67 feet to a fence corner post found at the southwest corner of said HRC Ranch tract;

THENCE, North 00 degrees 22 minutes 56 seconds West along the west line of the said HRC Ranch tract a distance of 2,053.17 feet to a point for corner in Naugle Creek;

THENCE, along Naugle Creek the following Courses and distances:

- North 58 degrees 09 minutes 26 seconds East a distance of 263.00 feet to a point for corner;
- South 73 degrees 06 minutes 08 seconds East a distance of 145.00 feet to a point for corner;
- South 80 degrees 54 minutes 52 seconds East a distance of 300.00 feet to a point for corner;
- South 68 degrees 05 minutes 19 seconds East a distance of 254.00 feet to a point for corner;
- North 88 degrees 14 minutes 21 seconds East a distance of 137.50 feet to a point for corner;
- North 59 degrees 18 minutes 21 seconds East a distance of 150.60 feet to a point for corner;
- North 86 degrees 46 minutes 41 seconds East a distance of 90.80 feet to a point for corner;
- North 58 degrees 43 minutes 34 seconds East a distance of 177.80 feet to a point for corner;
- South 78 degrees 01 minute 04 seconds East a distance of 52.20 feet to a point for corner;
- South 44 degrees 44 minutes 52 seconds East a distance of 107.70 feet to a point for corner;
- North 85 degrees 27 minutes 19 seconds East a distance of 47.00 feet to a point for corner;
- North 52 degrees 35 minutes 57 seconds East a distance of 226.60 feet to a point for corner;
- North 85 degrees 58 minutes 18 seconds East a distance of 315.03 feet to a point for corner;
- North 57 degrees 02 minutes 11 seconds East a distance of 123.50 feet to a point for corner;
- North 23 degrees 31 minutes 36 seconds East a distance of 117.00 feet to a point for corner;
- North 59 degrees 35 minutes 46 seconds East a distance of 98.00 feet to a point for corner;
- North 82 degrees 00 minutes 06 seconds East a distance of 114.00 feet to a point for corner;
- South 74 degrees 17 minutes 11 seconds East a distance of 155.50 feet to a point for corner;
- North 44 degrees 13 minutes 40 seconds East a distance of 141.00 feet to a point for corner;
- North 72 degrees 19 minutes 58 seconds East a distance of 83.00 feet to a point for corner;
- South 33 degrees 55 minutes 54 seconds East a distance of 149.00 feet to a point for corner;

North 82 degrees 42 minutes 21 seconds East a distance of 46.00 feet to a point for corner;

North 51 degrees 58 minutes 46 seconds East a distance of 103.00 feet to a point for corner;

North 39 degrees 35 minutes 41 seconds East a distance of 159.65 feet to a point for corner in the center of Wilson Creek, said point being on the most southerly line of a tract of land as described in instrument to Harold Patin, Tract "A" as recorded in County Clerk's File No. 97-0074388 of the Deed Records of Collin County, Texas;

THENCE, South 77 degrees 12 minutes 24 seconds East along the center of Wilson Creek and the said south line of the Patin tract a distance of 62.47 feet to a point for corner, said point being an extension of the west line of the said Clark Partners tract;

THENCE, North 00 degrees 38 minutes 10 seconds West, passing at 10.95 feet the southwest corner of said Clark Partners tract and continuing along the west line of said Clark Partners tract, in all a distance of 1,460.41 feet to a ½ inch iron rod with cap stamped "Geer" found at the southwest corner of said Collin County tract;

THENCE, South 89 degrees 58 minutes 57 seconds East along the south line of said Collin County tract a distance of 1,058.92 feet to a ½ inch iron rod with cap stamped "Geer" found;

THENCE, North 89 degrees 43 minutes 31 seconds East continuing along the south line of said Collin County tract a distance of 1,067.34 feet to the POINT OF BEGINNING and CONTAINING 320.3 acres of land, more or less.

For Huitt-Zollars, Inc.



Mitchell S. Pillar
Registered Professional Land Surveyor
Texas Registration No. 5491
Huitt-Zollars, Inc.
3131 McKinney Ave.
Suite 600
Dallas, Texas 75204
Tele. 214-871-3311
Date: November 20, 2006

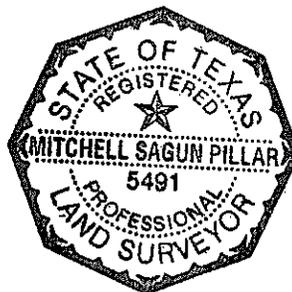


EXHIBIT "A"

TRACT "B" - LAND DESCRIPTION

BEING a 19.475 acre tract of land situated in the Larkin McCarty Survey, Abstract Number 600, Collin County, Texas, and being a portion of a 22.36 acre tract of land described in Special Warranty Deed to Grace Presbytery as recorded in County Clerk's File No. 92-0025785 of the Deed Records Collin County, Texas (D.R.C.C.T.) and being a portion of a 5.02 acre tract of land described in Special Warranty Deed to Walnut Grove Cemetery Association as recorded in County Clerk's File No. 95-0006878 (D.R.C.C.T.) and being all of a 30 foot access easement described in instrument recorded in County Clerk's File No. 95-0006878 (D.R.C.C.T.) and being more particularly described as follows;

BEGINNING at a ½ inch iron rod found with cap at the northeast corner of a tract of land as described in instrument to Walnut Grove Cemetery Association as recorded in Volume 235, Page 349 (D.R.C.C.T), said point being on the westerly right-of-way line of FM 2478;

THENCE departing the westerly right-of-way line of FM 2478, and along the northerly line of said Walnut Grove Cemetery Association tract the following;

North 88 degrees 37 minutes 39 seconds West a distance of 361.58 feet to a ½ inch iron rod found with #4701 cap;

North 59 degrees 05 minutes 53 seconds West a distance of 203.13 feet to a point fo a corner;

THENCE North 32 degrees 01 minutes 58 seconds West a distance of 15.27 feet to a point for a corner;

THENCE North 63 degrees 52 minutes 02 seconds West a distance of 83.56 feet to a ½ inch iron rod found with #4701 cap;

THENCE North 59 degrees 59 minutes 31 seconds West a distance of 466.10 feet to a ½ inch iron rod found with cap on the westerly line of said 30 foot access easement;

THENCE along the westerly line of said 30 foot access easement the following;

North 20 degrees 50 minutes 53 seconds West a distance of 41.98 feet to a ½ inch iron rod found with #4701 cap;

North 04 degrees 52 minutes 43 seconds West a distance of 40.47 feet to a ½ inch iron rod found with #4701 cap;

North 04 degrees 21 minutes 28 seconds East a distance of 90.94 feet to a ½ inch iron rod found with #4701 cap;

North 00 degrees 01 minutes 31 seconds East a distance of 70.38 feet to a point for a corner;

THENCE, departing the westerly line of said 30' access easement, North 84 degrees 11 minutes 27 seconds West a distance of 240.75 feet to a point for corner on the west line of said Walnut Grove Cemetery Association tract recorded in County Clerk's File No. 95-0006878 (D.R.C.C.T.);

THENCE along the westerly line of said Walnut Grove Cemetery Association tract and continuing along the westerly line of said Grace Presbytery tract North 00 degrees 55 minutes 20 seconds West, passing the northwest corner of said Walnut Grove Cemetery Association tract at 131.38 feet and passing at 908.36 feet a 100d nail found and continuing in all a distance of 1140.54 feet to a point for corner in the approximate centerline of Wilson Creek;

THENCE along the approximate centerline of Wilson Creek the following;

South 41 degrees 10 minutes 36 seconds East a distance of 108.68 feet to a point for corner;

South 40 degrees 52 minutes 48 seconds East a distance of 299.34 feet to a point for corner;

South 46 degrees 04 minutes 18 seconds East a distance of 477.40 feet to a point for corner;

South 07 degrees 39 minutes 12 seconds East a distance of 315.16 feet to a point for corner;

South 27 degrees 48 minutes 36 seconds West a distance of 186.60 feet to a point for corner;

South 02 degrees 06 minutes 12 seconds West a distance of 107.05 feet to a point for corner;

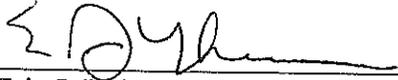
South 70 degrees 02 minutes 24 seconds East a distance of 252.99 feet to a point for corner;

South 52 degrees 48 minutes 48 seconds East a distance of 243.58 feet to a point for corner;

South 73 degrees 07 minutes 06 seconds East a distance of 311.88 feet to a point for corner at the intersection of the approximate centerline of Wilson Creek and the westerly right-of-way line of FM 2478;

THENCE South 00 degrees 10 minutes 21 seconds West, along the westerly right-of-way line of FM 2478 a distance of 253.31 feet to the **POINT OF BEGINNING** and containing 19.475 acres of land, more or less.

For Huitt-Zollars, Inc.



Eric J. Yahoudy
Registered Professional Land Surveyor
Texas Registration No. 4862
Huitt-Zollars, Inc.
3131 McKinney Ave.
Suite 600
Dallas, Texas 75204
Tele. 214-871-3311
Date: October 10, 2006

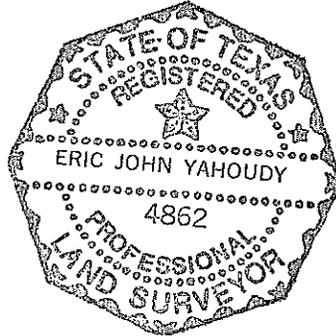


EXHIBIT "B"
WHITLEY PLACE STATEMENT OF INTENT AND PURPOSE

The purpose of this submittal is to request Planned Development zoning in a manner that meets the current market demands for residential and retail development. This submittal allows for 640 residential dwelling units and retail uses on approximately 320 acres of land in Tract A and 12 residential dwelling units on approximately 19.5 acres of land in Tract B. The proposed zoning includes specific development standards for single-family residential uses and retail uses, described herein.

TOWN OF PROSPER, TEXAS

EXHIBIT "C"

WHITLEY PLACE

Planned Development District
Residential Development Standards

November 2006

An aggregation of the following items:
Original PD Zoning Regulations, April 2003
PD Amendment No. 1, April 2005
Addition of Tract B, November 2006

WHITLEY PLACE

PLANNED DEVELOPMENT RESIDENTIAL DISTRICT STANDARDS

1.0 Planned Development District - Single-Family Residence

- 1.01 **General Description:** This Planned Development Ordinance permits a maximum of 640 single-family residential units on 320 acres in Tract A, plus 12 single-family residential units on 19.5 acres in Tract B, (see attached Exhibit “D”).

The development standards for the aforementioned housing types are outlined within this text or as set forth in the Single Family-Estate, Single Family - 22, Single Family - 15, Single Family - 12.5, and Single Family - 10 Zoning Classifications of Ordinance 05-20 and the Subdivision Ordinance 03-05 as they exist or may be amended, if not specifically addressed herein.

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

- a. Single Family Residential
- b. Schools - public
- c. Public or Private Parks, playgrounds and neighborhood recreation facilities including, but not limited to, swimming pools, clubhouse facilities and tennis courts, to be stated on plat
- d. Civic facility
- e. Real estate sales offices in a temporary building for each builder during the development and marketing of the Planned Development which shall be removed when 80% of the lots receive final issuance of a Certificate of Occupancy (CD) on the last lot owned by that builder.
- f. Model Homes - Builder’s model homes must be vacated and offered for sale when all other homes of that builder are sold out in Whitley Place.
- g. Accessory buildings incidental to the permitted use and constructed of the same materials as the main structure.
- h. Temporary buildings of the builders and uses incidental to construction work on the premises, which shall be removed upon completion of such work.

1.03 **Required Parking**

A minimum of four (4) off-street, concrete parking spaces shall be provided for each residential unit. As part of the parking requirement, at least two (2) of the off-street parking spaces shall be in an enclosed garage. Garage doors shall be

located on or behind the applicable setback line for the residential unit. The parking of motor homes, boats and/or trailers on a lot facing a street is prohibited.

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 a minimum 75% coverage of a masonry material per Town of Prosper Comprehensive Zoning Ordinances.

1.04.2 **Roofing Material**

No wood shingle roofs will be permitted.

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 652 single-family units. Building and area requirements for the single-family units for each tract are as follows:

1.05.1 **Lot Area**

The minimum area of each lot size and the mix of lot sizes shall be as shown in the following table.

LOT AREA & LOT NUMBER SUMMARY		
<u>Minimum Lot Area (SF)</u>	<u>Tract A No. of Lots</u>	<u>Tract B No. of Lots</u>
43,560 (one-acre)	14 (min.)	
30,000	25 (min.)	
15,000	39 (min.)	
12,500	339 (max.)	12
10,000	289 (max.)	
Total Maximum Allowed Lots	640	12

Tract A is the main body of Whitley Place encompassing approximately 320 acres on either side of Wilson Creek. Tract B is an irregular shaped approximately 19.5 acre tract located south of

Wilson Creek and north of the Walnut Grove Cemetery with limited frontage on FM 2489 (Custer Road).

The general location of each of the residential lot types will be as follows:

- The majority of one-acre lots will be along the south side of Wilson Creek.
- The majority of 30,000 square foot lots will be along both sides of the entry street from East First Street.
- The 15,000 square foot lots will be north and south of Wilson Creek and generally on the west side of the Property.
- The 12,500 square foot lots will be on both the north and south sides of Wilson Creek, including Tracts B.
- The 10,000 square foot lots will be on the north side of Wilson Creek generally on the east side of the Property and on the south side of Wilson Creek generally along the west side of the Property.

1.05.2 Lot Coverage

The maximum lot coverage for each lot size shall be as shown in the following table.

LOT COVERAGE SUMMARY	
<u>Minimum Lot Area (SF)</u>	<u>Max. Lot Coverage</u>
43,560 (one-acre)	35%
30,000	35%
15,000	45%
12,500	45%
10,000	50%

1.05.3 Lot Width

The minimum width of any lot shall not be less than as shown in the following table as measured 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 reduce the minimum width by 10 feet as measured along the arc at the front building line; provided all other requirements of this section are fulfilled.

LOT WIDTH SUMMARY	
<u>Minimum Lot Area (sf)</u>	<u>Min. Lot Width (ft.)</u>
43,560 (one-acre)	90
30,000	90
15,000	90

12,500	80
10,000	80

1.05.4 **Lot Depth**

The minimum depth of any lot shall be 120 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 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 as shown in the following table.

FRONT YARD SETBACK SUMMARY		
<u>Minimum Lot Area (SF)</u>	<u>Tract A- Min. Front Setback (FT.)</u>	<u>Tract B - Min. Front Setback (FT.)</u>
43,560 (one-acre)	35	
30,000	35	
15,000	30	
12,500	25	20
10,000	25	

1.05.6 **Side Yard**

The minimum side yard on each side of a lot shall be as shown in the following table. The side yard set back for all corner lots shall be a minimum of 15 feet.

SIDE YARD SETBACK SUMMARY	
<u>Minimum Lot Area (SF)</u>	<u>Min. Side Yard Setback (FT.)</u>
43,560 (one-acre)	15
30,000	15
15,000	10
12,500	10
10,000	8

1.05.7 **Rear Yard**

The minimum depth of the rear yard shall be 20 feet for all lots on Tracts A, and shall be 15 feet on Tract B.

1.05.8 **Building Height**

Buildings shall be a maximum of two and one-half (2½) stories, not to exceed forty feet (40') in height.

1.05.9 **Minimum Dwelling Area**

The minimum enclosed heated and cooled living area shall be as shown in the following table.

MINIMUM DWELLING AREA SUMMARY	
Minimum Lot Area (SF)	Min. Dwelling Area (SF)
43,560 (one-acre)	2,400
30,000	2,400
15,000	2,400
12,500	1,800
10,000	1,800

The minimum dwelling area on Tract B shall not be less than 2,800 SF.

1.5.10 **Mechanical Equipment**

All mechanical equipment (pool, air conditioning, solar collectors, etc.) 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 ordinances and regulations of the Town of Prosper, including Zoning Ordinance, No. 05-03, and Subdivision Ordinance, No. 03-05, as they presently exist or may be amended. All Right of Ways as specified in the Town's Transportation Plan will be deeded to the Town at the time of development with the Final Plat.

2.02 **Amenities:**

2.02.1 **Trailhead/Viewing Structure**

The Developer for the Planned Development District shall construct a TrailHead/ Viewing Structure with a minimum of eight parking spaces. Construction will be ADA compliant and meet requirements of Texas Accessibility Standards. The structure will be completed in Phase One.

2.02.2 **Pocket Park**

Pocket Park shall mean a park of one acre or more. In addition to the Trail Head/Viewing Structure, the developer will furnish and build a pocket park. Size and location of the Pocket Park will be located on the site plan and approved by the Town of Prosper. The pocket park shall include park benches, landscaping and automatic irrigation system as specified in the Ordinance 05-03.

2.02.3 **Trails**

The developer and Town of Prosper will enter into a Development Agreement at the time of platting, such Agreement to include a hike and bike trail to be constructed in the location shown on Exhibit D. The Trail width shall be 8 feet and constructed of concrete. Developer will install emergency access at the end of the cul-de-sac adjacent to Area A. Construction will be 12' (twelve feet) wide Grass crete* on treated base material to meet Town's requirement. Construction costs of the trail along Wilson Creek and its tributary and the bridge over Wilson Creek will offset Park Fees or serve as Park Fee credits on the overall Whitley Place development. Park fees for the lots in this development shall be set to be the same as the remainder of the Whitley Place development at \$1000 per lot. The Developer will provide an easement for the trail and bridge.

2.02.4 **Entry Features and Enhancements**

The developer will construct entry features and enhancements at a number of locations within the site. These aesthetic amenities will include monument walls, landscaping, and structural elements at key locations as shown on Exhibit "G". In addition, a "Trailhead Pavilion" will be constructed at the lakes centrally located in the development as stated in Section 2.02.1, above. These features will be constructed on open space lots contiguous to local streets and will be limited to a maximum height of 25 ft.

2.03 **Screening and Buffering**

The area of the development along East First Street, Prosper Trail and Custer Road shall be screened by a combination of earthen berms, turf grass, trees and shrubs, as specified on the attached Exhibit "F" and in conformance with Section 10.13.5 of the Subdivision Ordinance.

2.04 **Zoning Site Plan**

A Zoning Site Plan is hereby attached (Exhibit "D") and made a part of the ordinance. It establishes the most general guidelines for the district by identifying the project boundaries, land use types, approximate thoroughfare locations, ROW dedication, roads, trails, drainage, and easements and illustrates the integration of these elements into a master plan for the whole district.

2.05 **Streets**

The main entry street from East First shall be designed as an urban street section (concrete paving with integral curbs and underground storm drainage system in an appropriate right-of-way. If divided, the paved section for the main entry street shall be concrete paving with 24' wide pavement for travel in each direction. Where undivided, it shall be constructed similar to other residential streets. The residential streets shall consist of a 50-foot right-of-way with a 31 foot paving section (b-b) and drainage systems which shall be incorporated into the street facility with concrete paving and mountable curbs. Grass-crete may be provided for cul-de-sacs to provide a second point of access for emergency access to meet Fire Department requirements. Right-of-way areas shall be dedicated and provided on any and all adjacent street or road section to conform to the Town of Prosper Subdivision Ordinance.

For Tract B, the residential street shall consist of a 50-foot right-of-way with a 31 foot paving section (b-b) and drainage systems which shall be incorporated into the street facility with concrete paving and mountable curbs. An Emergency Access road shall be constructed of Grass-crete or similar suitable material from the local residential street to Custer Road to provide a second point of access to this tract. This Emergency Access road shall be provided within an Access Easement. The Emergency Access entrance off Custer Road will be gated with a Knox box and/or lock as per Fire Department requirements, and will be built to comply with the landscaping and screening requirements set forth herein. All streets, roads, and access routes shall be as shown on the Site Plan. Right-of-way areas shall be dedicated and provided on any and all adjacent street or road sections to conform to the Town of Prosper Subdivision Ordinance. The minimum centerline radius of local residential streets shall be 120 feet so as to allow preservation of existing large trees on the property. The street will not be subject to any maximum length regulations between its entry from Whitley Place Phase 1 and the proposed turn-around near the eastern boundary line.

2.06 **Maintenance of Facilities**

The Developers shall establish a Homeowner's Association (HOA), in which membership is mandatory for each lot 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 or adjacent Right of Way (ROW). The homeowner's association will be created with Phase 1 and each subsequent phase shall be annexed into the association as specified in Exhibit B. Prior to transfer of the ownership to the HOA, all specified facilities shall be constructed by the Developer and approved by the Town. A two (2) year maintenance bond for all improvements contained within the HOA area or ROW shall be provided at the time of transfer. The developer shall provide the Town a mandatory HOA agreement that will become part of the deed of record. Maintenance of Facilities will require the developer enter into a Facilities Maintenance Agreement with the Town of Prosper prior to filing of the final plat for the lots and common areas for these features.

2.07 **Sidewalks**

All residential streets in Tract A will have a four (4) foot wide sidewalk located on both sides of the street, and generally, shall be located two feet (2') from the street right-of-way line. Sidewalk in Tract B will be installed along lot frontages but not be installed along the portion of street that fronts the Walnut Grove Cemetery. All public street ROW sidewalks and crossings shall be ADA compliant.

2.08 **Mailboxes**

The Developer will deed restrict the property to require a standard mailbox design that will be constructed with each home or structure 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**

Landscaping requirements shall comply with the Town of Prosper Comprehensive Zoning Ordinance.

2.10 **Fencing**

All lots adjacent to designated open spaces, parks, and/or trails (Areas A through G as shown on Exhibit G and described in Section 2.13 herein) shall be restricted to ornamental metal fencing.

2.11 **Water Feature**

The Zoning Plan attached to the Plan Development District Standards indicates at least one water feature, which is to be constructed and improved as a part of this development. The design, construction, and initial maintenance cost of the Water Feature shall be provided by the developer. The completion of each Water

Feature indicated shall be coincidental with or prior to each Phase or Section of development. If the development schedule is modified or altered then the proposed water feature shall be completed on or prior to fifty (50%) percent of the land area being platted. Maintenance of Facilities will require the developer enter into a Facilities Maintenance Agreement with the Town of Prosper prior to filing of the final plat for lots and common areas for these features.

2.12 **Open Space Requirements**

The development of the Property will provide a minimum of 34 acres of common open space area including such items as parkland areas, pocket parks, water features, creeks and natural preserved areas as shown on Exhibit "D". Specifically, the common open space areas are designated as follows:

- Area "A" – Parkland dedication area including a portion of the hike and bike trail of approximately 2.5 acres.
- Area "B" – Hike and bike trail easement across the one-acre lots adjacent to Naugle Creek of approximately 2 acres.
- Area "C" – Parkland dedication area including a minimum of 4-acres of lakes, Viewing Structure and hike & bike trail totaling approximately 10.3 acres.
- Area "D" – HOA open space area including a ½-acre lake, sidewalks and park benches in approximately 2 acres.
- Area "E" – Parkland dedication area along Wilson Creek restricted to natural space and hike and bike trail uses, totaling approximately 12 acres.
- Area "F" – Parkland dedication area suitable for future playing fields of approximately 7 acres.
- Area "G" – Parkland dedication along Wilson Creek and the hike and bike trail and bridge of approximately 3 acres restricted to natural space and hike and bike trail uses, and approximately 6 acres of private HOA open space area.

2.13 **Park Land Dedication**

The common open space/park land shall consist of a minimum of 34 acres (7%) generally along existing creeks including park improvements such as the hike and bike trail and viewing structure as described above and an area located near the existing pond (Area "D") including passive park improvements for that area such as park benches and landscape enhancements. The maximum percentage of floodplain land that qualifies for parkland in accordance with Section 13.3.1 of the Prosper Subdivision Ordinance shall not apply to this property. The ownership and maintenance responsibilities of the common open space and parkland areas as shown on Exhibit "A" will be as follows:

- Area "A" – Parkland area to be dedicated to the Town of Prosper. The Homeowners Association (HOA) will maintain this area until the subdivision if 70% built out and the HOA is under the control of the residents of the

subdivision. Thereafter the maintenance of this area will be split evenly between the HOA and the Town of Prosper thru a Facilities Maintenance Agreement between the Whitley Place Homeowners Association and the Town of Prosper. After Application for preliminary plat but prior to filing of final plat, the Town and developer will create the Facilities Maintenance Agreement.

- Area “B” – Hike and bike trail and landscape easement will be dedicated to the city across the area of the one-acre lots that is adjacent to Naugle Creek. The Homeowners Association (HOA) will maintain this area until the subdivision is 70% built out and the HOA is under control of the residents of the subdivision. Thereafter, the maintenance of the hike and bike trail will be split evenly between the HOA and the Town of Prosper thru a Facilities Maintenance Agreement between the Whitley Place Homeowners Association and the Town of Prosper. After Application for preliminary plat but prior to filing of final plat, the Town and developer will create and execute the Facilities Maintenance Agreement.
- Area “C” – Parkland area to be dedicated to the Town of Prosper. This area will be maintained by the Home Owners Association (HOA) until the subdivision is 70% built out and the HOA is under the control of the residents of the subdivision. Thereafter the maintenance of this area will be split evenly between the HOA and the Town of Prosper thru a Facilities Maintenance Agreement between the Whitley Place Homeowners Association and the Town of Prosper. After Application for preliminary plat but prior to filing of final plat, the Town and developer will create and execute the Facilities Maintenance Agreement.
- Area “D” – Common open space area to be owned and maintained by the HOA.
- Area “E” - Parkland area to be dedicated to the Town of Prosper. This parkland area will be used for hike and bike trail and a nature area and will be maintained by the Home Owners Association (HOA) until the subdivision is 70% built out and the HOA is under the control of the residents of the subdivision. Thereafter the maintenance of this area will be split evenly between the HOA and the Town of Prosper thru a Facilities Maintenance Agreement between the Whitley Place Homeowners Association and the Town of Prosper. After Application for preliminary plat but prior to filing of final plat, the Town and developer will create and execute the Facilities Maintenance Agreement.
- Area “F” - Parkland area to be dedicated to the Town of Prosper. This area will be maintained by the Home Owners Association (HOA) until the subdivision is 70% built out and the HOA is under the control of the residents of the subdivision. Thereafter, the maintenance of this area will be by the

Town of Prosper. After Application for preliminary plat but prior to filing of final plat, the Town and developer will create and execute the Facilities Maintenance Agreement.

- Area “G” – This area is part Parkland to be dedicated to the Town of Prosper and part Common Open Space area to be owned and maintained by the HOA. The Parkland is generally located along and north of the hike and bike trail and to include Wilson Creek. The Common Open Space will be located generally south of the hike and bike trail. The Parkland area will be used for the hike and bike trail and a nature area and will be maintained by the Home Owners Association (HOA) until the subdivision is 70% built out and the HOA is under the control of the residents of the subdivision. Thereafter, the maintenance of the Parkland area will be split evenly between the HOA and the Town of Prosper thru a Facilities Maintenance Agreement between the Whitley Place Homeowners Association and the Town of Prosper. After Application for preliminary plat but prior to filing of final plat, the Town and developer will create and execute the Facilities Maintenance Agreement.

2.14 **Park Improvement Fees/ Trail Construction**

Initially, the Park Improvement Fees for this site are set at \$1,000.00 (one thousand dollars) per platted residential lot. However, the Town of Prosper may instruct the Developer to install the Hike and Bike Trail on a phase by phase basis with each phase of subdivision construction that abuts the trail system. If there is a trail in place on adjacent property under separate ownership to the west of this tract, the trail will be completed in Phase one of the development to provide for the connection.

If the Hike and Bike Trail is constructed by the developer, full dollar for dollar credit will be given to the developer as an offset against park improvement fees. In no case will the developer be required to build a trail system and park improvements that exceed the total park improvement fees for this project.

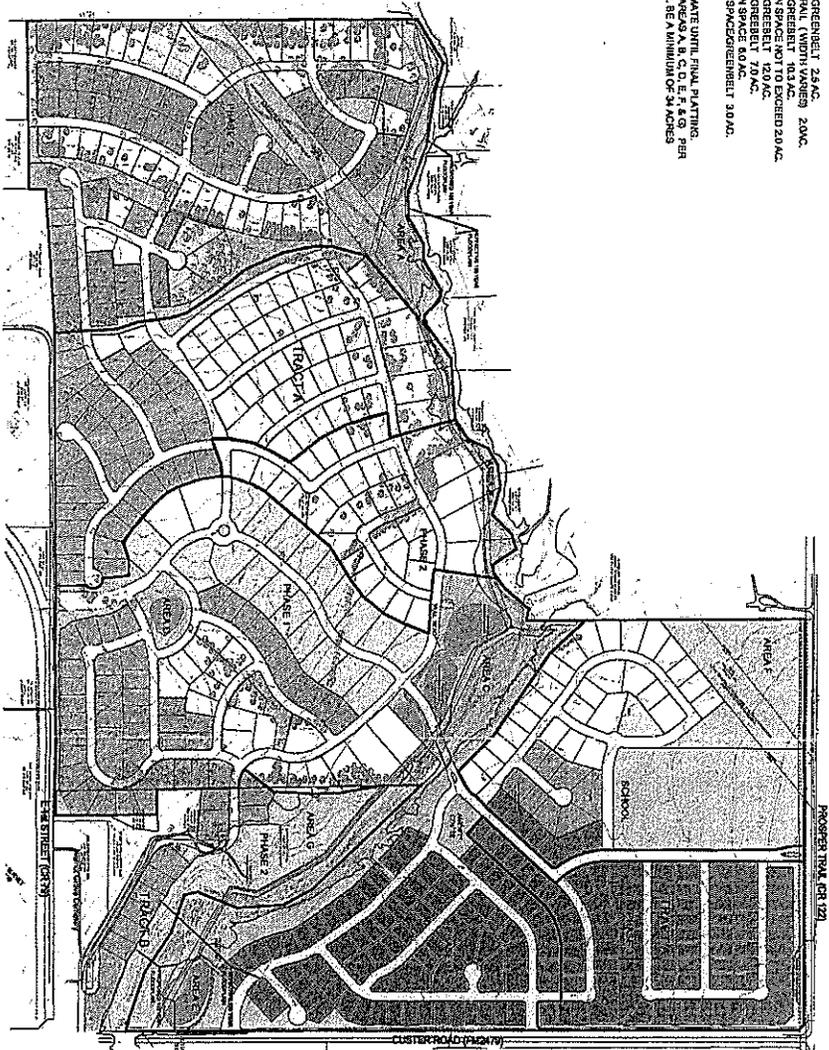
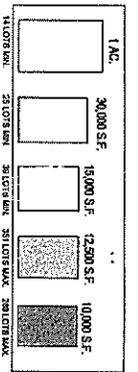
AREA SUMMARY

PROPERTY GROSS ACREAGE	339.77 ACRES
MAX NO. RESIDENTIAL UNITS	829
GROSS RESIDENTIAL DENSITY	1.92 DU/AC
OPEN SPACE/PARKLAND	34 ACRES
SCHOOL	12.1 ACRES
NET ACREAGE	203.9 ACRES
NET DENSITY (MAX)	2.22 DU/AC

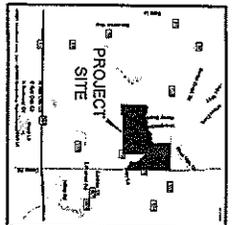
OPEN SPACE SUMMARY*

AREA A	OPEN SPACE/REBELT 29.6C.
AREA B	HOME & BIRD TRAIL, WINDY VALLES 20.0C.
AREA C	OPEN SPACE/REBELT 103.1AC.
AREA D	OPEN SPACE/REBELT 120.0C.
AREA E	OPEN SPACE/REBELT 120.0C.
AREA F	OPEN SPACE/REBELT 79.0C.
AREA G	PRIVATE OPEN SPACE 60.0AC.
	PUBLIC OPEN SPACE/REBELT 30.0AC.

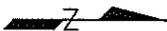
* AREA CALCULATIONS ARE APPROXIMATE UNTIL FINAL PLATTING. THE TOTAL OPEN SPACE (TOTAL OF AREAS A, B, C, D, E, F, & G) PER THE TOTAL GROSS ACREAGE WILL BE A MINIMUM OF 34 ACRES FOR THIS SITE.



THE THROUGHFARE ALIGNMENTS SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DO NOT REPRESENT THE FINAL ALIGNMENT. THE FINAL ALIGNMENT IS DETERMINED AT THE TIME OF FINAL PLAT.



VICINITY MAP



ZONING EXHIBIT

FOR
WHITLEY PLACE
 A PLANNED DEVELOPMENT ON 339.77 ACRES
 IN THE LARKIN MCCARTY SURVEY, ABSTRACT NO. 800
 COLLIN COUNTY, TEXAS

OWNER:
CC MONT VENTURES, LTD.
 1520 Dallas Parkway
 Suite 710
 Dallas, Texas 75246
 Phone: (972) 511-8771

PREPARED BY:
HUTT-ZOLLARS
 1401-Johnson, N.W.
 Suite 400
 Dallas, Texas 75240
 Phone: (214) 751-2311
 Fax: (214) 751-2075

EXHIBIT "E"
WHITLEY PLACE DEVELOPMENT SCHEDULE

The development schedule for the approximate three hundred forty (340) acres will be phased over the next nine (9) years as scheduled below:

Year	Approx. # Lots – General Location	Amenities & Features
2006	210 – Tract A north and south of Wilson Creek	Entry features with landscaping and signage Enhanced landscaping and berms along Custer Rd and CR 79 along proposed lots Area "C" park land with hike & bike trail Trailhead/Viewing structure with hike & bike trails Area "E" park land with hike & bike trail Amenity Center
2008	70 – Tract A south of Wilson Creek; and Tract B	Hike and bike trail along Naugle Creek in Area "B" Hike and bike trail along Wilson Creek in Area "G" H&B trail bridge over Wilson Creek Entry features with landscaping and signage
2010	150 – Tract A north of Wilson Creek	Area "F" park land Enhanced landscaping and berms along Custer Rd and CR 122 along proposed lots
2012	100 – Middle section of Tract A south of Wilson Creek	Entry features with landscaping and signage Hike and bike trail along Naugle Creek in Area "B"
2014	122 – West section of Tract A south of Wilson Creek	Area "A" park land with hike & bike trail Entry features with landscaping and signage

(Note: Phasing lines, number of lots and dates are approximate and are subject to change with final design and due to external forces such as market conditions. Start dates for the overall project will depend on the availability of adequate water and sewer service to this area.)

