

**AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 84-16 AND ORDINANCE NO. 03-60; REZONING A TRACT OF LAND CONSISTING OF 34.15 ACRES, MORE OR LESS, SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 167 AND THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 172, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS, HERETOFORE ZONED PLANNED DEVELOPMENT-RETAIL (PD-R) AND SINGLE-FAMILY-1 (SF-1) IS HEREBY REZONED AND PLACED IN THE ZONING CLASSIFICATION OF PLANNED DEVELOPMENT-RETAIL (PD-R); 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. 84-16 and Ordinance No. 03-60 should be amended; and

WHEREAS, the Town of Prosper, Texas ("Prosper") has received a request from the Frisco Tollway Partners, Ltd. ("Applicant") to rezone 34.15 acres of land, more or less, situated in the Collin County School Land Survey, Abstract No. 167 and the Collin County School Land Survey, Abstract No. 172, 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. 84-16. Zoning Ordinance No. 84-16 and Ordinance No. 03-60 are amended as follows: The zoning designation of the below-described property containing 34.15 acres of land, more or less, situated in the Collin County School Land Survey, Abstract No. 167 and the Collin County School Land Survey, Abstract No. 172, 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-Retail (PD-R). 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"; and 4) the development schedule, attached hereto as Exhibit "E"; each of which is 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 inspector and shall be maintained up-to-date by posting thereon all changes and subsequent amendments for observation, issuing building permits, certificates of compliance and occupancy and enforcing the

zoning ordinance. Reproduction for information purposes may from time-to-time be made of the official zoning district map.

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

SECTION 3: No Vested Interest/Repeal. No developer or property owner shall acquire any vested interest in this Ordinance 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. 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: 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. 84-16 shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the 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 25th DAY OF May, 2004.

APPROVED AS TO FORM:

  
Charles Niswanger, Mayor

ATTESTED TO AND  
CORRECTLY RECORDED BY:

  
Shanae Jennings, Town Secretary

DATE OF PUBLICATION: 6/3/04 & 6/4/04, Dallas Morning News – Collin County Addition

**EXHIBIT A  
LEGAL DESCRIPTION  
34.15 ACRES**

**BEING** a tract of land out of the COLLIN COUNTY SCHOOL LAND SURVEY, Abstract No. 167 and the COLLIN COUNTY SCHOOL LAND SURVEY, Abstract No. 172, in the Town of Prosper, Collin County, Texas, being part of the 127.95 acre tract of land described in deed to Michael A. Henneman, et ux recorded in Collin County Clerk's File No. 93-0097093 of the Land Records of Collin County, Texas, being part of the 14.84 acre tract of land described in deed to Frisco Tollway Partners, Ltd., recorded in Collin County Clerk's File No. 02-013484 of the Land Records of Collin County, Texas, and being more particularly described as follows:

**BEGINNING** at a point for the intersection of the centerline of Spur 439 and the east right-of-way line of State Highway No. 289;

**THENCE** with said east right-of-way line, the following courses and distances to wit:  
South 00°49'48" West, a distance of 397.04 feet to a point for corner;  
South 02°01'41" East, a distance of 200.25 feet to a point for corner;  
South 00°49'48" West, a distance of 553.70 feet to a point for corner;

**THENCE** leaving the east right-of-way line of State Highway No. 289, the following courses and distances to wit:  
North 89°10'12" West, a distance of 360.00 feet to a point for corner;  
North 35°29'56" West, a distance of 282.07 feet to a point for corner;  
North 89°13'01" West, a distance of 298.00 feet to a point in the west line of said 14.80 acre tract;

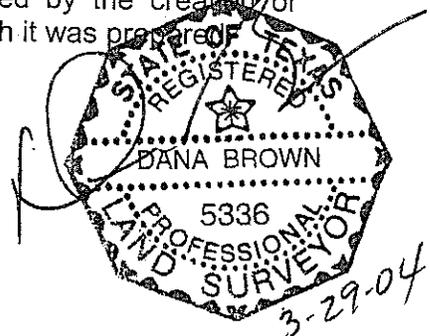
**THENCE** with said west line, South 00°46'59" West, a distance of 284.91 feet to a point for corner in the centerline of a creek;

**THENCE** along the centerline of said creek, the following courses and distances to wit:  
North 54°43'31" West, a distance of 107.29 feet to a point for corner;  
North 46°38'35" West, a distance of 109.44 feet to a point for corner;  
South 69°33'29" West, a distance of 201.06 feet to a point for corner;  
South 65°18'07" West, a distance of 218.72 feet to a point for corner;

**THENCE** leaving said centerline, North 01°08'27" West, a distance of 1193.39 feet to a point in the centerline of said Spur 439;

**THENCE** with the centerline of said Spur 439, North 88°51'33" East, a distance of 1419.61 feet to the **POINT OF BEGINNING** and containing 34.15 acres of land.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation/or reconfiguration of the boundary of the political subdivision for which it was prepared.





**Exhibit "B"**  
**Camp Retail Tract**  
**± 34 Acre Tract**

**PLANNED DEVELOPMENT DISTRICT**  
**STATEMENT OF INTENT AND PURPOSE**

While there are no immediate development plans on the subject property, the purpose and intent of this zoning application is to establish the commercial / retail / office uses and the general development standards. These uses and standards are consistent with the other planned commercial / retail / office uses along the Preston Road corridor.

## EXHIBIT "C"

### PLANNED DEVELOPMENT STANDARDS

#### I. Special Provisions

All development on this property shall be subject to this Planned Development District. Any development associated with this Planned Development District shall require a site plan as standard process. The subject property will be zoned PD Retail to include uses generally found in retail zoning. The property shall be subject to the requirements established for the Retail District in Zoning Ordinance 84-16, as it exists or may be amended, subject to the following amendments contained herein.

Any future site plans and/or engineering plans associated with this Planned Development District shall be in general conformance to the attached Concept Plan. However, any modifications, revisions or variations of the concept plan in whole or in part shall require approval by Town Staff. The concept plan contained herein is only a guide to illustrate the intent and probable development uses on the subject property.

#### II. Development Standards – PD Retail

a. Uses that shall be specifically allowed by not required shall include:

- Convenience store with a maximum of 10 MPD's
- Grocery store anchor with additional retail or office secondary uses
- Nursery – retail / commercial
- Auto repair garage, minor
- Restaurant or eating place (drive-in service)
- Tool rental (domestic equipment)
- Parking lot or structure (commercial / office)
- Sporting goods sales
- Discount building material sales
- Office
- Accessory building or use, business or industrial
- Building material yard and construction office
- Caretaker or guard residence
- Field office temporary
- Off street parking incidental to in use ?
- Swimming pool, private
- Electrical substation (high voltage, bulk power)
- Electrical transmission line, high voltage
- Fire station
- Gas line and regulating station
- Local utility line
- Private franchise utility (not listed ) with SUP
- Public Building, shop or yard of local, state or federal governmental agency (with SUP)
- Radio, television or microwave tower (with SUP)
- Sewage treatment plant

Telephone business office  
Telephone exchange, switching relay or transmitting station  
Water stand pipe, elevated or ground water storage  
Water reservoir, well or pumping station  
Church or Rectory  
College or University  
Convent or Monastery  
Community Center Public  
Faternal Club or Lodge  
Kindergarten or nursery school  
Home for senior citizens or nursing home  
Hospital, acute care  
Hospital, chronic care  
Institution of religious charitable or philanthropic nature  
Museum, library or art gallery (public)  
School, public or denominational  
Country Club (private)  
Golf Course (public or private)  
Park or playground (public)  
Playfield or Stadium (public)  
Recreation Center (public or private)  
Swim or Tennis Club (private) w/ SUP  
Swimming Pool (public)  
Theater in building  
Helistop (w/ SUP)  
Auto laundry (car wash)  
Auto parts and accessory sales (indoors)  
Gasoline or fuel service station  
Antique shop  
Art supply store  
Bakery or confectionery shop (retail)  
Bank or savings and loan  
Book or stationary store or newsstand  
Cleaning and pressing shop (small shop and pick-up)  
Custom personal service  
Clinic, medical, dental or doctor's office  
Department or variety store  
Drug store or pharmacy  
Florist or garden shop  
Furniture or appliance store  
Food and beverage sales store  
Greenhouse or plant nursery (retail sales)  
Handcraft shop and art objects  
Hardware store or hobby shop  
Household appliance service and repair  
Incidental or accessory retail and service uses  
Key shop  
Laboratory, medical and dental  
Laundry or cleaning self service  
General business and professional  
Restaurant or cafeteria

Retail shop or store other than specifically listed  
Studio, health, reducing or similar service  
Studio, music, dance or drama  
Travel bureau or consultant  
Veterinarian's office only (no animal hospital)

b. Lot Development Standards

i. Development Standards for subject property shall be those found in the Town of Prosper's Zoning Ordinance as it exists or may be amended. Specific PD standards shall include:

1. Maximum Allowable F.A.R. - 4:1
2. Maximum Allowable Height - four (4) stories, not to exceed 60'
3. Setbacks
  - Minimum Rear Setback Commercial/Retail/Accessory Structures - 15'
  - Minimum Rear Setback Office - 50'

### III. Landscaping

Landscaping shall be provided as per the following standards:

- a. A landscape buffer with a minimum average width of thirty (30) feet should be provided adjacent to the right-of-way line of S.H. 289 and/or any other major thoroughfare as identified in Prosper's Thoroughfare Plan, as it exists or may be amended. This landscape buffer strip is exclusive of the street parkway.
- b. Minimum Percentage: A minimum percentage of each site will be landscaped, according to the following requirements. Landscaped areas will include all outside plantable ground surface including buffers, parking lot landscaping, and other landscaped areas. It will not include areas inside buildings or any paved or hard surfaced areas such as walks, drives, parking areas, and hard surfaced recreation areas (unless otherwise approved by the Town Staff). All landscaped areas will be planted with trees, shrubs, lawn and/or other living ground cover as per the current Town standards or amendments thereof.
  1. Retail and Commercial Sites: A minimum of ten percent (10%) of the platted area will be landscaped.
  2. Office Sites: A minimum of fifteen percent (15%) of the platted area of each site will be landscaped.

### IV. Median Openings and Curb Cuts

- a. Subject to TxDOT approval, median openings and curb cuts shall be allowed in quantity and distances of no less than those shown on the Concept Plan.

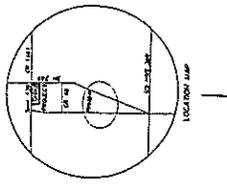
**CAMP PROPERTY**  
 26 ACRES  
 PROSPER, TEXAS

**ZONING EXHIBIT D**  
 CONCEPTUAL DEV. PLAN

Scale	
Drawn by	
Checked by	
Date	April 20, 2001
Project No.	03711307

SHEET  
 of 1

No.	Date	Revisions

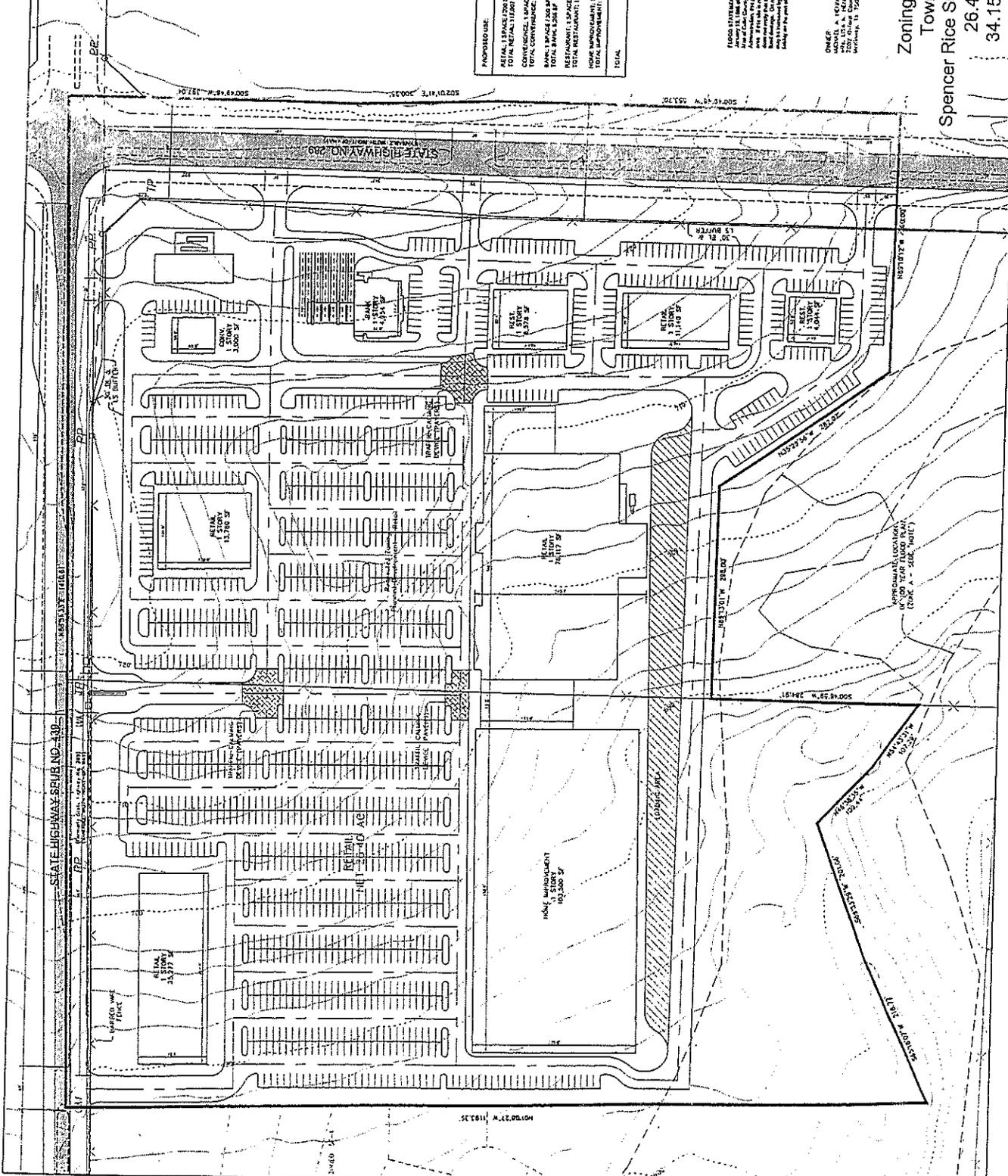


PROPOSED USE	PAVING REQUIRED	PAVING PROVIDED
RETAIL SPACE 200 SF	511 SPACES	541 SPACES
TOTAL RETAIL 11800 SF	11 SPACES	19 SPACES
CONVENIENCE SPACE 200 SF	11 SPACES	11 SPACES
TOTAL CONVENIENCE 7000 SF	11 SPACES	11 SPACES
WAREHOUSE SPACE 200 SF	137 SPACES	137 SPACES
TOTAL WAREHOUSE 12400 SF	518 SPACES	518 SPACES
TOTAL IMPROVEMENTS 200 SF	1261 SPACES	1261 SPACES
TOTAL		

FLOOD STATEMENTS: According to Community Floodplain Maps, UNADJUSTED 100 Year Flood Elevation is 104.00 ft. The proposed development is located in the 100 Year Floodplain. The proposed development is located in the 100 Year Floodplain. The proposed development is located in the 100 Year Floodplain.

OWNER: MARIE A. REFFORD and FRANK WALKER PARTNERS, LTD.  
 1318 Prosper Road  
 Prosper, TX 75078  
 Phone: 972-247-2771

Zoning Case #Z04-9  
 Town of Prosper  
 Spencer Rice Survey, Abstract No. 787  
 26.40 acres net  
 34.15 acres gross



**Exhibit "E"**  
**Camp Retail Tract**  
**± 34 Acre Tract**

**DEVELOPMENT SCHEDULE**

It is anticipated that the development of the subject tract will begin within 1 to 10 years after approval and signing of the zoning ordinance. During this time period, prior to the initial stages of development, it is foreseen that plans and studies will be prepared for development and marketing of the property.

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

It is anticipated that the development of the subject tract, excluding total construction of all structures, will be completed within approximately 20 years of zoning approval.

TOWN OF PROSPER, TEXAS

PD-10

ORDINANCE NO. 03-60  
Amended by 04-59

**AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 84-16; REZONING A TRACT OF LAND CONSISTING OF 19.439 ACRES, MORE OR LESS, SITUATED IN THE SPENCER RICE SURVEY, ABSTRACT NO. 787 IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS HERETOFORE ZONED SINGLE FAMILY-1 (SF-1) IS HEREBY REZONED AND PLACED IN THE ZONING CLASSIFICATION OF PLANNED DEVELOPMENT-RETAIL (PD-R); DESCRIBING THE TRACTS TO BE REZONED; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

WHEREAS, the Town Council of the Town of Prosper, Texas (the "Town Council") has investigated and determined that Zoning Ordinance No. 84-16 should be amended; and

WHEREAS, the Town of Prosper, Texas ("Prosper") has received a request from Frisco Tollway Partners, Ltd. ("Applicant"), to rezone 19.439 acres of land, more or less, situated in the Spencer Rice Survey, Abstract No. 787 in the Town of Prosper, Collin County, Texas; and

WHEREAS, the Town Council of Prosper (the "Town Council") has investigated into and determined that the facts contained in the request are true and correct; and

WHEREAS, all legal notices required for rezoning have been given in the manner and form set forth by law, and public hearings have been held on the proposed rezoning and all other requirements of notice and completion of such zoning procedures have been fulfilled; and

WHEREAS, the Town Council has further investigated into and determined that it will be advantageous and beneficial to Prosper and its inhabitants to 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. 84-16. Zoning Ordinance No. 84-16 is amended as follows: The zoning designation of the below-described property containing 19.439 acres of land, more or less, situated in the Spencer Rice Survey, Abstract No. 787 in the Town of Prosper, Collin County, Texas, (the "Property") and all streets, roads and alleyways contiguous and/or adjacent thereto are hereby rezoned as Planned Development-Retail (PD-R). 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 Exhibit "B"; 2) the planned development standards, attached hereto as Exhibit "C"; 3) the conceptual plan, attached hereto as Exhibit "D"; and 4) the development schedule, attached hereto as Exhibit "E"; each of which is 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.

**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 it shall be unlawful for any person, firm or corporation to construct on said premises any building that is not in conformity with the permissible uses under this Zoning Ordinance.

**SECTION 5: Penalty.** Any person, firm, corporation or business entity violating this Ordinance or any provision of Prosper's Zoning Ordinance No. 84-16, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Prosper from filing suit to enjoin the violation. Prosper retains all legal rights and remedies available to it pursuant to local, state and federal law.

**SECTION 6: 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. 84-16 shall remain in full force and effect, save and except as amended by this or any other Ordinance. All

provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

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

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS on this 14th day of October 2003.

  
\_\_\_\_\_  
CHARLES NISWANGER, Mayor

ATTESTED TO AND  
CORRECTLY RECORDED BY:

  
\_\_\_\_\_  
SHANAE JENNINGS  
Town Secretary

DATE OF PUBLICATION: Oct 18, 2003 & Oct 20, 2003, Dallas Morning News – Collin County Edition

**"EXHIBIT A"**

**LEGAL DESCRIPTION**

**BEING** a 19.439 acre tract of land situated in the Spencer Rice Survey, Abstract Number 787, Collin County, Texas and being all of a 14.840 acre tract of land according to the deed recorded in Collin County Clerk's File No. 2002-0134484 of the Deed Records of Collin County, Texas (DRCCT) and being a portion of the right-of-way of State Highway No. 289 and being a portion of the right-of-way of State Highway Spur No. 439 and being a portion of a 10 feet wide strip annexed to the Town of Prosper by Ordinance No. 102 dated September 14, 1966;

**BEGINNING** at the point of intersection of the projection of the easterly right-of-way line of said State Highway No. 289 (a 140 feet wide right-of-way at this point) with the centerline projection of said Spur Highway No. 439 and being in the center on said 10 feet wide annexed strip of land;

**THENCE** along the easterly right-of-way line of said State Highway No. 289 as follows:

**SOUTH 00°49'48" WEST** a distance of 397.04 feet to a wood monument found for corner;

**SOUTH 02°01'41" EAST** a distance of 200.25 feet to a wood monument found for corner;

**SOUTH 00°49'48" WEST** a distance of 553.70 feet to a point for corner;

**THENCE** departing the easterly right-of-way line of said State Highway No. 289 **NORTH 89°10'12" WEST** a passing distance of 160.00 feet to the southeast corner of said 14.840 acre tract of land and being located in the westerly right-of-way line of said State Highway No. 289, in all, a total distance of 360.00 feet to a point for corner;

**THENCE** along the southerly line of said 14.840 acre tract of land as follows:

**NORTH 35°29'56" WEST** a distance of 282.07 feet to a point for corner;

**NORTH 89°13'01" WEST** a distance of 298.00 feet to the southwest corner of said 14.840 acre tract of land;

**THENCE NORTH 00°46'59" EAST** a passing distance of 865.65 feet to the northwest corner of said 14.840 acre tract of land, in all, a total distance of 895.67 feet to a point for corner located in the centerline of said Spur Highway No. 439;

**THENCE** along the centerline of said Spur Highway No. 439 with the center of said 10 feet wide annexed strip of land **NORTH 88°51'33" EAST** a distance of 816.34 feet to the **POINT OF BEGINNING**;

**CONTAINING** within these metes and bounds 19.439 acres or 846,744 square feet of land, more or less.

*Christy G. [Signature]*

A circular notary seal for Christy G. [Signature], Notary Public, State of Texas, Commission Expires 08/31/2011. The seal is stamped in black ink and is partially obscured by the signature.





Kimley-Horn  
and Associates, Inc.

**Exhibit "B"**  
**Camp Retail Tract**  
**± 15 Acre Tract**

**PLANNED DEVELOPMENT DISTRICT**  
**STATEMENT OF INTENT AND PURPOSE**

While there are no immediate development plans on the subject property, the purpose and intent of this zoning application is to establish the commercial / retail / office uses and the general development standards. These uses and standards are consistent with the other planned commercial / retail / office uses along the Preston Road corridor.

## EXHIBIT "C"

### PLANNED DEVELOPMENT STANDARDS

#### I. Special Provisions

All development on this property shall be subject to this Planned Development District. Any development associated with this Planned Development District shall require a site plan as standard process. The subject property will be zoned PD Retail to include uses generally found in retail zoning.

Any future site plans and/or engineering plans associated with this Planned Development District shall be in general conformance to the attached Concept Plan. However, any modifications, revisions or variations of the concept plan in whole or in part shall require approval by Town Staff. The concept plan contained herein is only a guide to illustrate the intent and probable development uses on the subject property.

#### II. Development Standards – PD Retail

##### a. Uses

- i. Uses shall be all those found in the Retail District in the Town of Prosper Use Charts as adopted in August 2003.
- ii. Additional uses that shall be specifically allowed by not required shall include:
  1. Convenience store with a maximum of 10 MPD's
  2. Grocery store anchor with additional retail or office secondary uses
  3. Nursery – Retail / Commercial
  4. Auto repair garage
  5. Restaurant or eating place (drive-in service)
  6. Tool rental (domestic equipment)
  7. Parking lot or structure (commercial / office)
  8. Sporting goods sales
  9. Discount building material sales
  10. Office

##### b. Lot Development Standards

- i. Development Standards for subject property shall be those found in the Town of Prosper's Zoning Ordinance as it exists or may be amended. Specific PD standards shall include:
  1. Maximum Allowable F.A.R. - 4:1
  2. Maximum Allowable Height - four (4) stories, not to exceed 60'
  3. Setbacks
    - Minimum Rear Setback Commercial/Retail/Accessory Structures – 15'
    - Minimum Rear Setback Office – 50'

### **III. Landscaping**

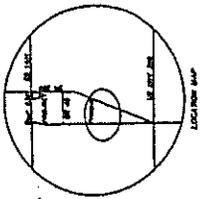
Landscaping shall be provided as per the following standards:

- a. A landscape buffer with a minimum average width of thirty (30) feet should be provided adjacent to the right-of-way line of S.H. 289 and/or any other major thoroughfare as identified in Prosper's Thoroughfare Plan, as it exists or may be amended. This landscape buffer strip is exclusive of the street parkway.
- b. **Minimum Percentage:** A minimum percentage of each site will be landscaped, according to the following requirements. Landscaped areas will include all outside plantable ground surface including buffers, parking lot landscaping, and other landscaped areas. It will not include areas inside buildings or any paved or hard surfaced areas such as walks, drives, parking areas, and hard surfaced recreation areas (unless otherwise approved by the Town Staff). All landscaped areas will be planted with trees, shrubs, lawn and/or other living ground cover as per the current Town standards or amendments thereof.
  1. **Retail and Commercial Sites:** A minimum of ten percent (10%) of the platted area will be landscaped.
  2. **Office Sites:** A minimum of fifteen percent (15%) of the platted area of each site will be landscaped.

### **IV. Median Openings and Curb Cuts**

- a. Subject to TxDOT approval, median openings and curb cuts shall be allowed in quantity and distances of no less than those shown on the Concept Plan.

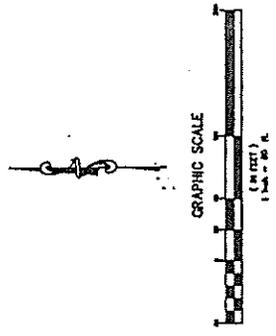
No.	Date	Revisions



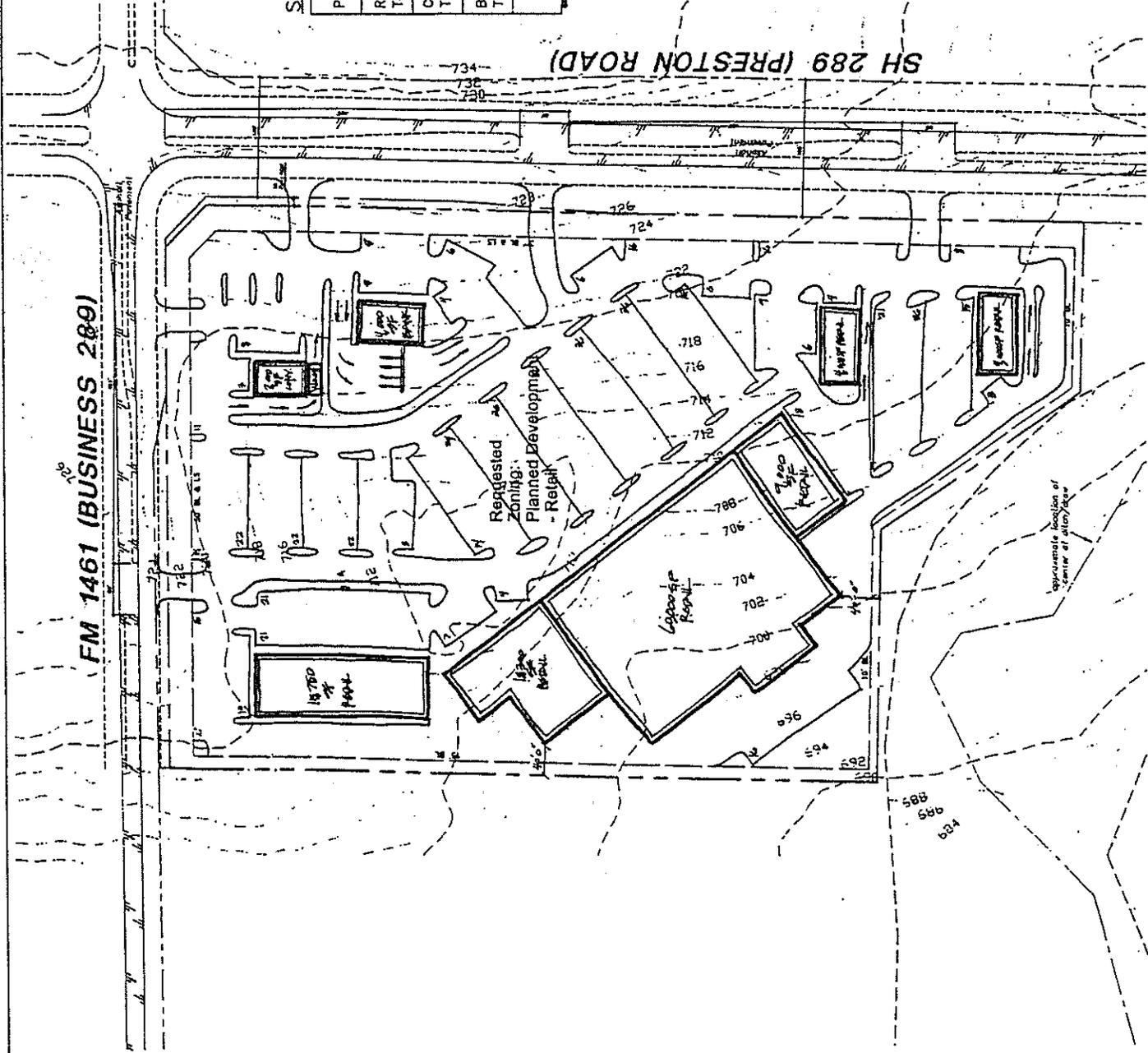
**SITE DATA:**

Proposed Use:	Parking Required:	Parking Provided:
Retail: 1 space/200SF	555 spaces	555 spaces
Total Retail: 111,050 SF		
Convenience: 1 space/200SF	10 spaces	11 spaces
Total Convenience: 2,000 SF		
Bank: 1 space/300SF	13 spaces	26 spaces
Total Bank: 4,000 SF		
<b>TOTAL PARKING</b>	<b>578 SPACES</b>	<b>592 SPACES</b>

**NOTE:**  
Minimum of 10% landscaping required to include landscape buffers along roadways



Zoning Case #03-2  
Town of Prosper  
Spencer Rice Survey, Abstract No. 787  
19.4± acres



FM 1461 (BUSINESS 289)

SH 289 (PRESTON ROAD)

Requested Zoning: Planned Development - Retail

Approximate location of center of gravity



**Exhibit "E"**  
**Camp Retail Tract**  
**± 15 Acre Tract**

**DEVELOPMENT SCHEDULE**

It is anticipated that the development of the subject tract will begin within 1 to 10 years after approval and signing of the zoning ordinance. During this time period, prior to the initial stages of development, it is foreseen that plans and studies will be prepared for development and marketing of the property.

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

It is anticipated that the development of the subject tract, excluding total construction of all structures, will be completed within approximately 20 years of zoning approval.

AFFIDAVIT OF PUBLICATION

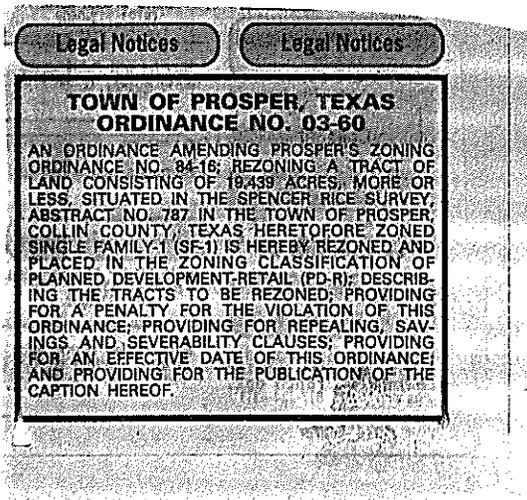
STATE OF TEXAS

COUNTY OF DALLAS

Before me, a Notary Public in and for Dallas County, this day personally appeared Lynda Black, Legal Advertising Representative for the DALLAS MORNING NEWS being duly sworn by oath, states the attached advertisement of:

CITY OF PROSPER

as published in THE DALLAS MORNING NEWS – COLLIN COUNTY EDITION on:

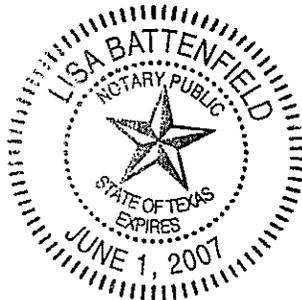


October 18, 2003  
October 20, 2003

*Lynda Black*  
(Lynda Black)

Sworn to and subscribed before me this

October 23, 2003, A.D



*Lisa Battenfield*  
(Lisa Battenfield)