

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 06-114

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 05-20; REZONING A TRACT OF LAND CONSISTING OF 127.829 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 AGRICULTURE (A) IS HEREBY REZONED AND PLACED IN THE ZONING CLASSIFICATION OF PLANNED DEVELOPMENT DISTRICT (PD-33) FOR CHURCH-RELATED USES; 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 Mooreland Development Company ("Applicant") to rezone 127.829 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; 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 127.829 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, (the "Property") and all streets, roads and alleyways contiguous and/or adjacent thereto is hereby rezoned as Planned Development (PD-33) District for church-related uses. The

property is 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 Development Standards, attached hereto as Exhibit "C"; 3) the Concept Plan (including Phase 1 and ultimate build-out), attached hereto as Exhibit "D"; and 4) the Development Schedule, attached hereto as Exhibit "E" 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 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 owners of properties within the District as well as all properties within two hundred feet (200') of the District 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 24th DAY OF OCTOBER, 2006.

APPROVED AS TO FORM:

\_\_\_\_\_  
Charles Niswanger, Mayor

ATTESTED TO AND  
CORRECTLY RECORDED BY:

\_\_\_\_\_  
Matthew Denton, Town Secretary

DATE OF PUBLICATION: \_\_\_\_\_, *Dallas Morning News - Collin County  
Addition*

EXHIBIT A

LEGAL DESCRIPTION

BEING a tract of land situated in the Collin County School Land Survey, Abstract No. 147, Collin County, Texas and also being all of a 127.829-acre tract as conveyed to the Godwin Family Investments, LTD. as recorded in Volume 5634, Page 3363 of the Deed Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point for corner at the northeast corner of said 127.829-acre tract, said point being at the northwest corner of a 102.248-acre tract as recorded in Volume 5593, Page 2451, D.R.C.C.T., said point being in Prosper Trail;

THENCE South 01 degree 09 minutes 18 seconds West following the east line of said 127.829-acre tract and the west line of said 102.246-acre tract a distance of 2,629.91 feet to a point for corner;

THENCE North 89 degrees 04 minutes 41 seconds West a distance of 2,125.48 feet to a point for corner;

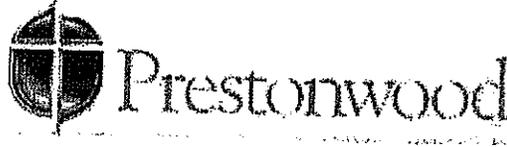
THENCE North 01 degree 08 minutes 40 seconds East a distance of 2,610.08 feet to a point for corner in Prosper Trail;

THENCE South 89 degrees 36 minutes 45 seconds East following Prosper Trail a distance of 2,126.12 feet to the POINT OF BEGINNING and containing 5,569,309 square feet or 127.854 acres of land.



*Charles F. Stark*  
7/21/06

**EXHIBIT "B"**  
**STATEMENT OF INTENT AND PURPOSE**



**THE PURPOSE OF THIS PLANNED DEVELOPMENT PROPOSAL IS TO  
CREATE A OFFICE ZONE GEARED TOWARD THE DEVELOPMENT NEEDS  
FOR THE NORTH CAMPUS OF PRESTONWOOD BAPTIST CHURCH**

**General Description:**

The Prestonwood North Campus Planned Development will encompass 127.854 acres defined as

**Legal Description:**

ABS A0147 Collin CO SCH Land #12, BLK3, Tract 169, 127.854

And will provide Prestonwood Baptist Church with the means to develop its' North Campus at Prosper, Texas to meet the growing needs of the community.

The Prestonwood North Campus Planned Development will comply with the requirements of the Office Zoning District as a base; with the exceptions as noted in Exhibit "C" Prestonwood North Campus Development Standards.

# EXHIBIT "C"

## Prestonwood Baptist North Campus Development Standards

### Maximum Building Height:

1. Three (3) stories, not greater than one hundred fifty (150) feet. Where buildings exceed forty (40) feet in height, such buildings shall not be located closer to any residential district boundary line than two hundred (200) feet.
2. Ornamental features may exceed the maximum building height provided that the ornamental feature does not contain habitable floor area and provided the required setbacks for the ornamental feature are increased by two (2) feet for every one (1) foot that the ornamental feature exceeds the maximum height. Ornamental features include, but are not limited to towers, spires, steeples, and cupolas.

### Building Design:

All building designs shall be in accordance with the Town of Prosper Zoning Ordinance No. 05-20, Chapter 4, Section 8.

With the follow exceptions:

1. In the Prestonwood North Campus PD, an articulated parapet wall or cornice may be used in place of the sloped roof as required in Section 8.2 (C) and D.

### Landscaping:

Landscaping shall be provided in accordance with The Town of Prosper Zoning Ordinance No. 05-20, Chapter 4, Section 2, Landscaping. The intention of differing from the Town of Prosper Landscape requirements is to promote a more indigenous and or natural prairie-like landscape design to be approved by town staff.

With the following exceptions:

1. Perimeter requirements
  - a. The use of indigenous materials such as but not limited to the use of prairie grasses in lieu of trees and shrubs shall be allowed as approved by city staff. Other landscaped area requirements such as widths etc. shall meet the zoning ordinance. With the allowed use of said indigenous plant materials it is presumed these materials will be allowed to grow in their natural state.
  - b. Where a non-residential development is adjacent to the property line residential zoned parcels or areas the use of

indigenous materials such as prairie grasses in lieu of trees and shrubs shall be allowed as approved by town staff.

2. Interior Parking Requirements
  - c. Landscaped areas may not be required to be protected by a raised six (6) inch concrete curb.
  - d. Landscaped areas shall meet the minimum planting requirements and are allowed to be grouped to the perimeter of the parking areas in a tree lined walkway fashion as approved by town staff.

**Prestonwood Planned Development – General Conditions**

**A. General Compliance:**

1. Except as amended by these conditions, development of property within The Prestonwood North Campus Planned Development shall comply with the requirements of all ordinances, rules, and regulations of the Town of Prosper, Texas.
2. All paved areas, permanent drives, streets, and drainage structures must be maintained and constructed in accordance with the standards of the Town of Prosper, Texas specifications.
3. The Building Inspector shall not issue a building permit or a certificate of occupancy for a use in a phase of the Prestonwood North Campus Planned Development District until there has been full compliance with this Planned Development and all other rules and regulations of The Town of Prosper, Texas.

**B. Site Plan Approval:**

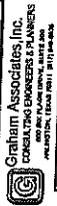
1. Prior to issuance of a building permit on a lot, a site plan shall be submitted for the lot development in accordance with The Town of Prosper Zoning Ordinance No. 05-20, Chapter 4, Section 1, Site Plan Process.

With the following exceptions:

- a. All development within the Prestonwood North Campus Planned Development must obtain prior approval from Prestonwood Baptist Church.



710 West Rosebush Drive  
 Rogers, Arkansas 72758  
 Telephone: 479.634.3345  
 Fax: 479.634.1200  
 Architect of Record



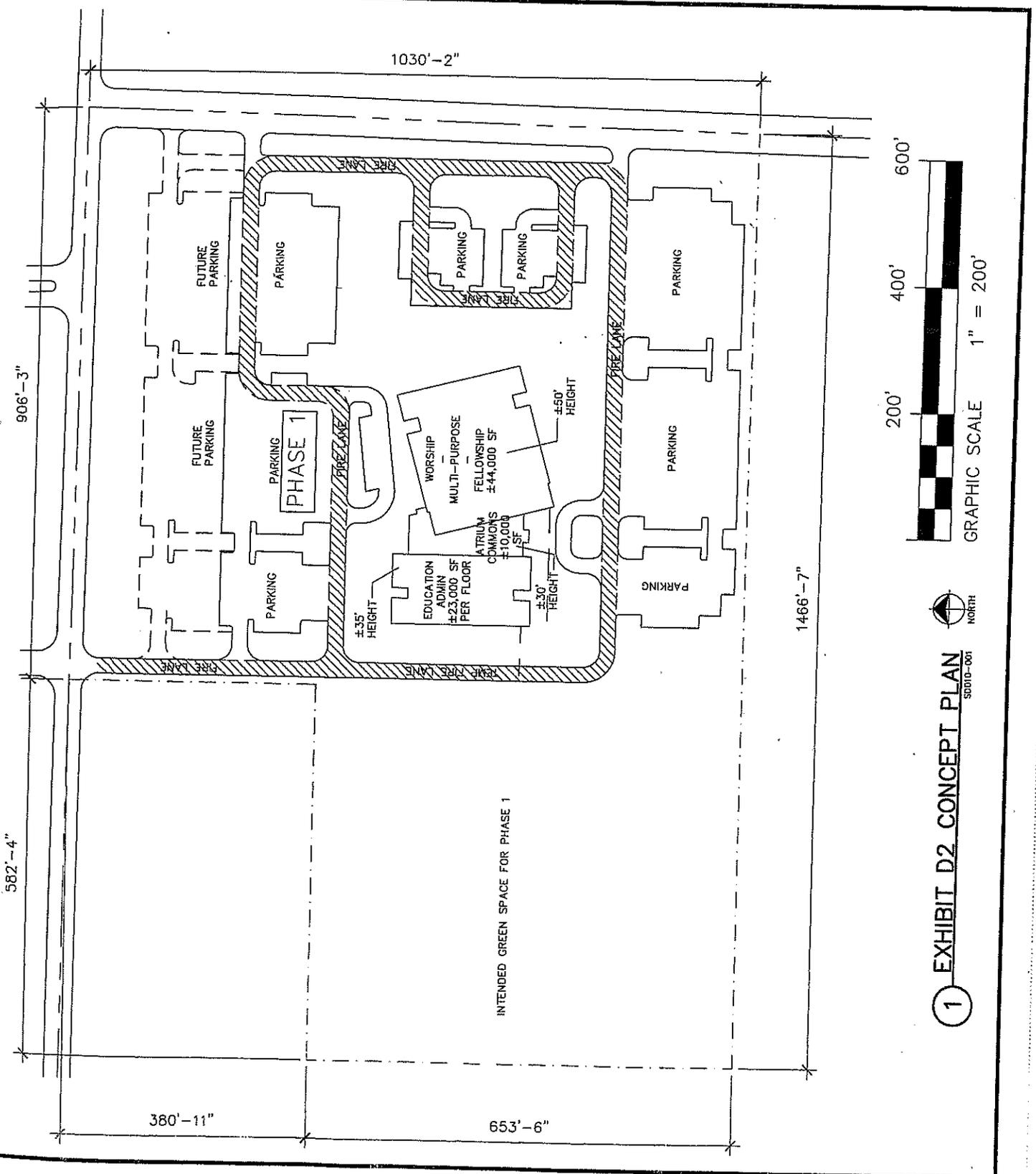
Graham Associates, Inc.  
 ARCHITECTS, ENGINEERS & PLANNERS  
 10000 N. W. 11th Ave., Suite 100  
 Fort Lauderdale, FL 33322  
 JOB NUMBER: 2008-0441  
 PRESTONWOOD BAPTIST CHURCH  
 NORTH CAMPUS

ISSUE BLOCK	DATE	BY	REVISION
8/15/08	PRE	PD	
10/16/08	PRE	PD	

CHECKED BY: CT  
 DRAWN BY: ANJ  
 DOCUMENT DATE: 10-18-08

EXHIBIT D2  
 CONCEPT PLAN

SHEET: SD1



1 EXHIBIT D2 CONCEPT PLAN  
 SDD10-001

**bb2**  
 architecture  
 & engineering

710 West Riverside Blvd.  
 Rogers, Arkansas 72716  
 Phone: 479.636.3545  
 Fax: 479.636.1120

Architect of Record

**G** Graham Associates, Inc.  
 CONSULTING ENGINEERS & ARCHITECTS

1000 W. PARKWAY DRIVE, SUITE 100  
 ROGERS, ARKANSAS 72716

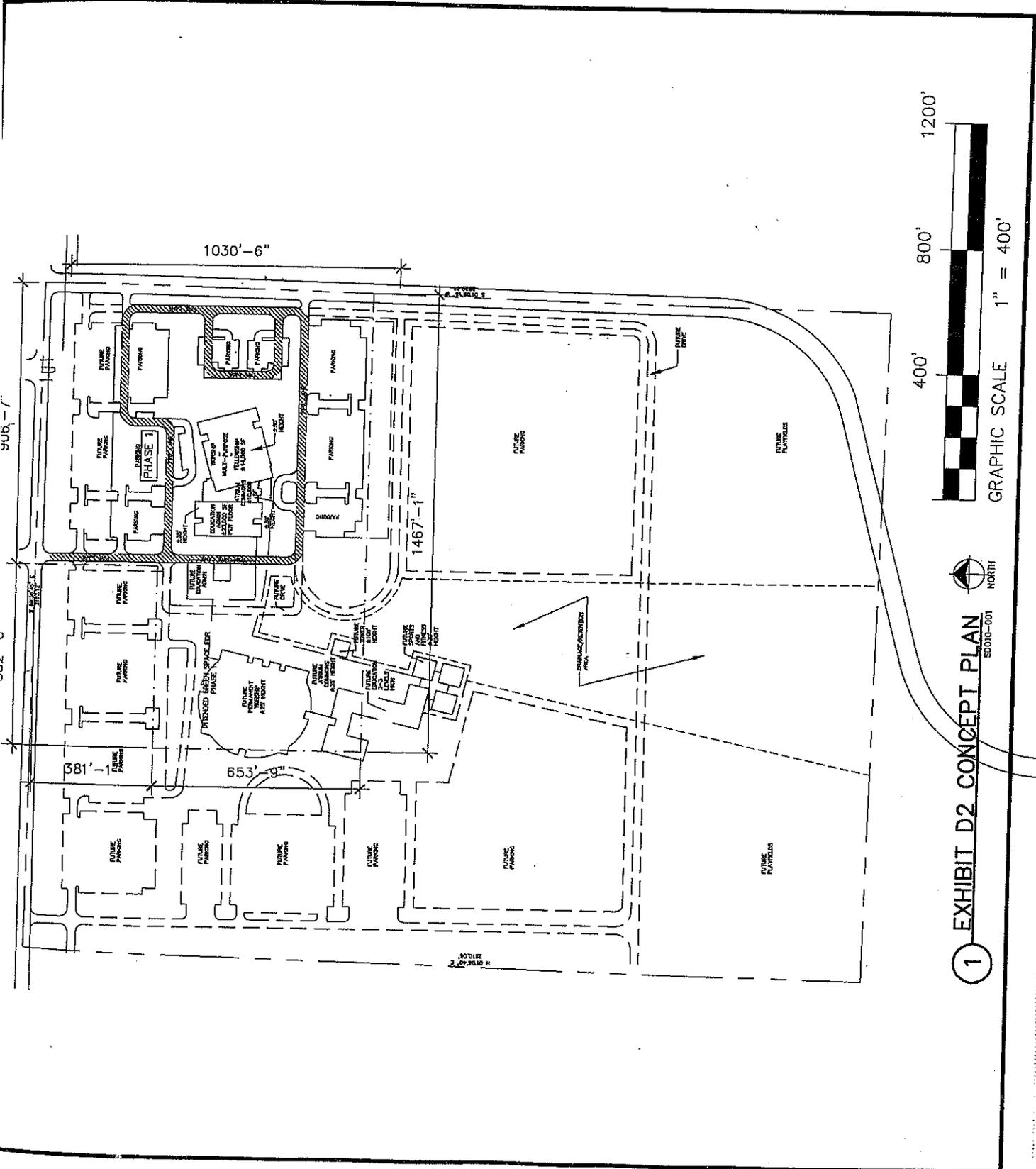
PRESTONWOOD BAPTIST CHURCH  
 NORTH CAMPUS  
 JOB NUMBER: 2008-0441

ISSUE BLOCK	
9/15/18	PRE: PD
10/18/18	PRE: PD

CHECKED BY: CT  
 DRAWN BY: ANJ  
 DOCUMENT DATE: 10-18-06

**EXHIBIT D2**  
**CONCEPT PLAN**

SHEET: **SD1**



## **EXHIBIT "E"**

### **DEVELOPMENT SCHEDULE**

The development of the Prestonwood Baptist North Campus Planned Development is anticipated to be a multi-phased development with Phase 1 as depicted in Exhibit D2, approximately 22 acres to commence in the year 2007. It is furthermore anticipated that future phases will commence over the next ten (10) to twenty (20) years.





Month	Year	Early Start	Early Finish	Month	Year								
JUN	2007	JUL	2007	AUG	2007	SEP	2007	OCT	2007	NOV	2007	DEC	2007
<p><b>DESCRIPTION</b></p> <p>100% &amp; Acoustics Requirements Report                      Programming Document Published                      Programming Document Review &amp; Approval                      Preliminary Budget - Order of Magnitude                      Block &amp; Application Diagram                      MEP System Requirements &amp; Criteria                      Building Massing (Model/3D)                      Initial Concept Plans                      Exterior Treatment &amp; Interior Finishes                      Owner Review &amp; Approval                      Final Concept Plans                      Final Concept Review &amp; Approval                      Concept Plan Budget                      Campaign Deliverables                      Confirm Construction Schedule</p> <p><b>DESIGN / ENGINEERING - NORTH CAMPUS</b></p> <p>125' 08'11/06                      Programming Data Refinement                      Design Kick-Off Meeting                      50% SD Documents                      50% SD Review &amp; Budget                      100% SD Documents                      100% SD Review &amp; Budget                      50% DD Documents                      50% DD Review &amp; Budget                      100% DD Documents (Demo &amp; Earthwork Permit)                      100% DD Review &amp; Budget                      50% CD Documents                      50% CD Review &amp; Budget                      100% CD Documents                      100% CD Review &amp; Budget (GMP)                      Site Grading &amp; Earthwork Permit</p> <p><b>PERMITS - NORTH CAMPUS</b></p> <p>20' 11/10/06                      Shell Permit                      Full Building Permit</p> <p><b>CONSTRUCTION - NORTH CAMPUS</b></p> <p>200' 12/08/06                      Preliminary North Campus Building Construction                      Building Permitting</p>													
4	08/18/06	06/21/08											
3	09/18/06	06/22/06											
5	09/18/06	06/23/06											
10	09/21/06	07/04/06											
15	09/21/06	07/11/06											
5	09/30/06	07/12/06											
5	07/12/06	07/18/06											
5	07/13/06	07/19/06											
30	07/14/06	08/10/06											
5	08/11/06	08/17/06											
5	08/11/06	08/17/06											
0	08/17/06	08/23/06											
125'	08/11/06	02/01/07											
10	08/11/06	08/24/06											
0	08/18/06												
15	08/18/06	09/07/06											
5	09/02/06	09/14/06											
15	09/28/06	09/28/06											
10	09/28/06	10/12/06											
15	09/28/06	10/19/06											
5	10/26/06	10/26/06											
15	10/26/06	11/09/06											
10	11/10/06	11/23/06											
15	11/15/06	11/30/06											
7	12/01/06	12/11/06											
15	12/01/06	12/16/06											
15	12/22/06	01/11/07											
20	11/10/06	12/07/06											
25	13/01/06	01/04/07											
30	12/22/06	02/01/07											
200'	12/08/06	01/01/08											
280	12/08/06	01/17/08											
0		01/17/08											

Legend:

- Early bar
- Summary bar
- Critical bar
- Progress point
- Construction point
- Start milestone point
- Finish milestone point

North Campus Project, Texas

Start Date: 06/21/06 @ 9:00 AM  
 Finish Date: 01/17/08 @ 5:00 PM  
 Issue Date: 08/07/06 @ 4:00 PM  
 Issue Number: 14

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