

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 05-20 AND ORDINANCE NO. 08-030; REZONING A TRACT OF LAND CONSISTING OF 12.291 ACRES, MORE OR LESS, SITUATED IN THE H.P. SALING SURVEY, ABSTRACT NO. 1628, THE L. SALING SURVEY, ABSTRACT NO. 1675, AND THE J. BATES SURVEY, ABSTRACT NO. 1620, IN THE TOWN OF PROSPER, DENTON COUNTY, TEXAS, HERETOFORE ZONED PLANNED DEVELOPMENT-40 (PD-40) IS HEREBY REZONED AND PLACED IN THE ZONING CLASSIFICATION OF PLANNED DEVELOPMENT-40 (PD-40); 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 TVG Texas I, LLC ("Applicant") to rezone 12.291 acres of land, more or less, situated in the H.P. Saling Survey, Abstract No. 1628, L. Saling Survey, Abstract No. 1675, and the J. Bates Survey, Abstract No. 1620, in the Town of Prosper, Denton County, Texas; and

WHEREAS, the Town Council has investigated into and determined that the facts contained in the request are true and correct; and

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

WHEREAS, the Town Council has further investigated into and determined that it will be advantageous and beneficial to Prosper and its inhabitants to rezone this property as set forth below.

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

SECTION 1

Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

Amendments to Zoning Ordinance No. 05-20 and Ordinance No. 08-030. Zoning Ordinance No. 05-20 and Ordinance No. 08-030 is amended as follows: The zoning designation of the below-described property containing 12.291 acres of land, more or less, situated in the H.P. Saling Survey, Abstract No. 1628, L. Saling Survey, Abstract No. 1675, and the J. Bates Survey, Abstract No. 1620, in the Town of Prosper, Denton County, Texas, (the "Property") and all streets, roads and alleyways contiguous and/or adjacent thereto is hereby rezoned as

Planned Development-40 (PD-40). 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 planned development standards, attached hereto as Exhibit "C" and; 2) the conceptual elevations, attached hereto as Exhibit "F", 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 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

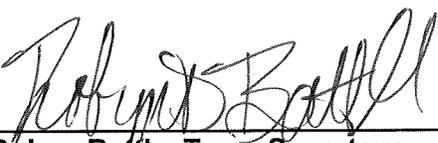
Effective Date. This Ordinance shall become effective from and after its adoption and publications as required by law.

DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 10TH DAY OF DECEMBER, 2013.



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:



Terrence S. Welch, Town Attorney

METES AND BOUNDS DESCRIPTION

BEING a tract of land situated in the H.P. Saling Survey, Abstract No. 1628, the J. Saling Survey, Abstract No. 1675 & the J. Bates Survey, Abstract No. 1620, Town of Prosper, Denton County, Texas, the subject tract being a portion of a tract of land conveyed to TVG Texas I, LLC, as recorded in Document No. 2012-59927, Deed Records, Collin County, Texas, and being more particularly described as follows;

BEGINNING at a 1/2 inch iron rod with plastic cap stamped "SPIARSENG" found at a common corner of said TVG Texas tract and the northwest corner of a tract of land conveyed to J. Tim Moore et al, as recorded in Document No. 2009-120341, Deed Records, Denton County, Texas and also being the beginning of a curve to the right in the east line of Windsong Parkway (60' Proposed Public Right-of-ay);

THENCE along said curve to the right whose chord bears North 02°50'48" West, 753.34 feet and through a central angle of 33°09'37", a radius of 1320.00 feet and an arc length of 763.96 feet to a 1/2 inch iron rod with plastic cap stamped "SPIARSENG" found;

THENCE North 13°44'01" East for a distance of 114.56 feet to a 1/2 inch iron rod with plastic cap stamped "SPIARSENG" found at the beginning of a curve to the right;

THENCE along said curve to the right whose chord bears North 19°03'25" East, 161.43 feet and through a central angle of 10°38'48", a radius of 870.00 feet and an arc length of 161.66 feet to a 1/2 inch iron rod with plastic cap stamped "SPIARSENG" found at the end of the east line of said Windsong Parkway which is also at the beginning of a compound curve to the right;

THENCE along said compound curve to the right whose chord bears North 27°44'44" East, 102.14 feet and through a central angle of 06°43'51", a radius of 870.00 feet and an arc length of 102.20 feet to a 1/2 inch iron rod with plastic cap stamped "SPIARSENG" found;

THENCE North 77°58'30" East for a distance of 20.70 feet to a 1/2 inch iron rod with plastic cap stamped "SPIARSENG" found at the beginning of a curve to the right;

THENCE along said curve to the right whose chord bears South 35°51'40" East, 436.24 feet and through a central angle of 38°17'41", a radius of 665.00 feet and an arc length of 444.47 feet to a 1/2 inch iron rod with plastic cap stamped "SPIARSENG" found to a reverse curve to the left;

THENCE along said reverse curve to the left whose chord bears South 44°50'57" East, 400.83 feet and through a central angle of 56°16'16", a radius of 425.00 feet and an arc length of 417.40 feet to a 1/2 inch iron rod with plastic cap stamped "SPIARSENG" found at the beginning of a non-tangent curve to the right;

THENCE along said non-tangent curve to the right whose chord bears South 27°34'35" East, 106.60 feet and through a central angle of 09°03'30", a radius of 675.00 feet and an arc length of 106.71 feet to a 1/2 inch iron rod with plastic cap stamped "SPIARSENG" found;

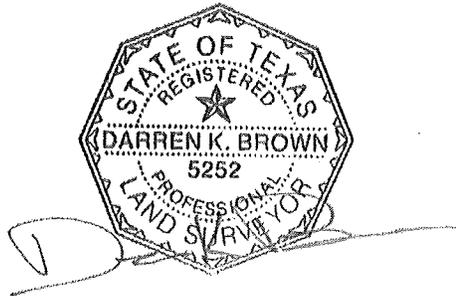
THENCE South 23°02'50" East for a distance of 187.37 feet to a 1/2 inch iron rod with plastic cap stamped "SPIARSENG" found at the common corner of said TVG Texas and J. Tim Moore tracts;

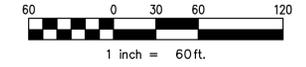
THENCE South 67°45'01" West for a distance of 61.71 feet to a 1/2 inch iron rod with plastic cap stamped "SPIARSENG" found at the beginning of a curve to the right;

THENCE along said curve to the right whose chord bears South 76°28'38" West, 464.31 feet and through a central angle of 17°27'18", a radius of 1530.00 feet and an arc length of 466.11 feet to a 1/2 inch iron rod with plastic cap stamped "SPIARSENG" found at the beginning of a reverse curve to the left;

THENCE along said reverse curve to the left whose chord bears South 76°21'33" West, 206.09 feet and through a central angle of 17°41'39", a radius of 670.00 feet and an arc length of 206.91 feet to a 1/2 inch iron rod with plastic cap stamped "SPIARSENG" found;

THENCE South 67°30'43" West for a distance of 67.54 feet to the PLACE OF BEGINNING with the subject tract containing 535,383 square feet or 12.291 acres of land.





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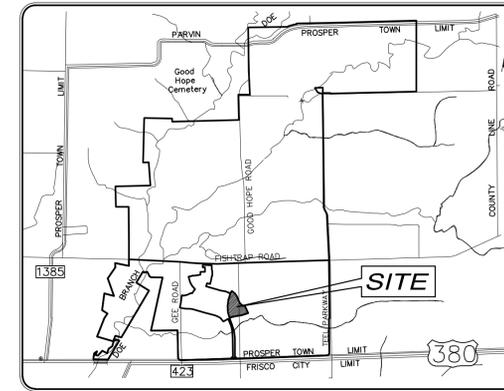
Case #Z13-0017
EXHIBIT "A"

Windsong Ranch Amenity Center

12.291 Acres
H.P. SALING SURVEY ~ ABSTRACT No. 1628
L. SALING SURVEY ~ ABSTRACT No. 1675
J. BATES SURVEY ~ ABSTRACT No. 1620
IN THE TOWN OF PROSPER, DENTON COUNTY, TEXAS
Current Zoning: PD-40
Requested Zoning: PD-40

Owner/Applicant
TVG TEXAS I, LLC
740 East Campbell Road
Suite 515
Richardson, Texas 75081
Telephone (972) 238-7410
Contact: David Blom

Engineer/Surveyor
Spiars Engineering, Inc.
765 Custer Road, Suite 100
Plano, Texas 75075
Telephone (972) 422-0077
TBPE No. F-2121
Contact: Kevin Wier



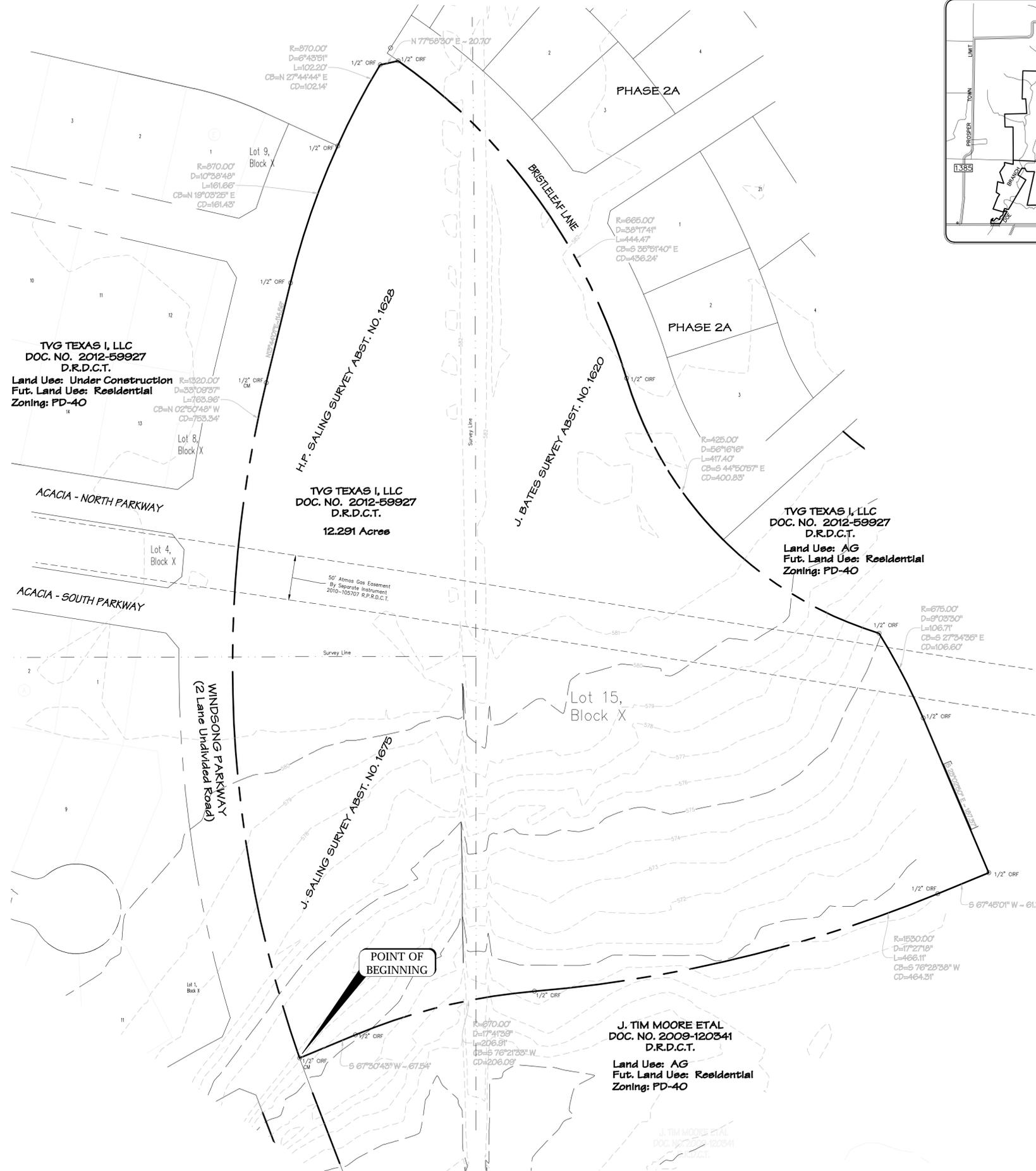
Vicinity Map
NTS

Notes:

1. Basis of bearing, horizontal and vertical position derived from the Texas WDS RTK Network-Texas State Plane Coordinate System, NAD83, North Central Zone (4202).
2. Approval of the zoning case associated with this exhibit shall not imply approval of any associated study, plot, or plan, approval of development standards shown hereon, or the initiation of the development process. Planning and Zoning Commission and/or City Council action on studies, plats or plans relating to development of this property shall be considered as an action separate from action taken on this zoning case.
3. No flood plain exists on this site.
4. The thoroughfare alignment(s) shown on this exhibit are for illustration purposes and does not set the alignment. The alignment is determined at time of final plat.

Legend

D.R.D.C.T. - Deed Records, Denton County, Texas
C.I.R.S. - 1/2" Capped Iron Rod Stamped "SPIARSEN"



Drawings: G:\2012-085\12-155-Windsong Ranch Phase 1\12-155-Zoning Exhibit-Amenity Center.dwg Saved By: D:\Drawn Save Time: 9/25/2013 11:21:48 AM
Plotted by: D:\Drawn Plot Date: 9/25/2013 11:21:48 AM

EXHIBIT C – CASE #Z13-0017

Windsong Ranch Phase 1A; Block X Lot 15 of Planned Development - 40

Planned Development District Standards

Except as otherwise set forth in these development standards, the property, as described in Exhibit A, shall develop under Ordinance No. 08-030, as adopted by the Town of Prosper Town Council on March 25, 2008.

1.0 Amenity Program

f. Community Amenity Center

- a.(C) The Community Amenity Center shall allow Ipe, a Brazilian hardwood, as an architectural wood veneer which may encompass an aggregate maximum of 40% of the total exterior façade of the Community Amenity Center, where as the other combination of store front glass and chopped limestone will be a minimum of 60% (see exhibit F). Routine oiling will enhance and maintain Ipe's aesthetic and mitigate the natural "greying" of the wood. The façade shall reflect the elevations conceptually shown on Exhibit F.

