

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 13-10

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 05-20 AND ORDINANCE NO. 02-49; REZONING A TRACT OF LAND CONSISTING OF 1.512 ACRES, MORE OR LESS, SITUATED IN THE JOHN R. TUNNEY SURVEY, ABSTRACT NO. 916, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS, HERETOFORE ZONED OFFICE (O) IS HEREBY REZONED AND PLACED IN THE ZONING CLASSIFICATION OF PLANNED DEVELOPMENT-OFFICE (PD-O); DESCRIBING THE TRACT TO BE REZONED; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town Council of the Town of Prosper, Texas (the "Town Council") has investigated and determined that Zoning Ordinance No. 05-20 and Ordinance No. 02-49 should be amended; and

WHEREAS, the Town of Prosper, Texas ("Prosper") has received a request from Fay Etta Lookadoo Revocable Trust ("Applicant") to rezone 1.512 acres of land, more or less, situated in the John R. Tunney Survey, Abstract No. 916 (Independent Bank Celina, Block A, Lot 2), in the Town of Prosper, Collin County, Texas; and

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

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

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

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

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

SECTION 2: Amendments to Zoning Ordinance No. 05-20 and Ordinance No. 02-49. Zoning Ordinance No. 05-20 and Ordinance No. 02-49 is amended as follows: The zoning designation of the below-described property containing 1.512 acres of land, more or less, situated in the John R. Tunney Survey, Abstract No. 916 (Independent Bank Celina, Block A, Lot 2), 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-Office (PD-O). 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 concept plan, attached hereto as Exhibit "D"; 4) the development schedule, attached hereto as Exhibit "E", 5) the conceptual elevations, attached hereto as Exhibit "F", and 6) the conceptual landscaping 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.

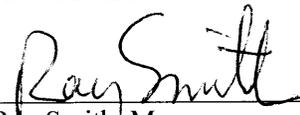
SECTION 6: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Prosper 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.

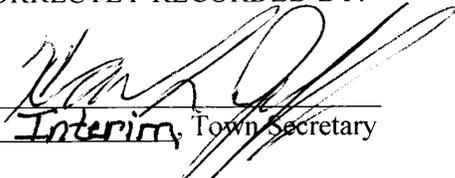
DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS ON THIS 9th DAY OF April, 2013.

APPROVED AS TO FORM:



Ray Smith, Mayor

ATTESTED TO AND
CORRECTLY RECORDED BY:



Interim Town Secretary

DATE OF PUBLICATION: April 17, 2013, Prosper Press

EXHIBIT A
METES AND BOUNDS DESCRIPTION
1.512 ACRES, OUT OF LOT 2, BLOCK A, INDEPENDENT BANK CELINA
IN THE JOHN R. TUMEY SURVEY, A-916, TOWN OF PROSPER, COLLIN COUNTY, TEXAS

All that certain 1.512 acres of land, which is out of Lot 2, Block A, Independent Bank Celina, described in the plat recorded in Cabinet Q, Page 680 in the Plat Records of Collin County, Texas (P.R.C.C.T.) and more particularly described by metes and bounds as follows: (all bearings shown hereon are based on the east right-of-way line of State Highway 289(right-of-way varies, also known as Preston Road), described in the Right-of-Way Dedication to the Texas Department of Transportation in Document Number 201 1050300045 1620, recorded in the Deed Records of Collin County, Texas(D.R.C.C.T.));

BEGINNING at a 1/2" iron rod with a cap stamped "SPRY" set in the west right-of-way line of Hayes Road(right-of-way varies), for the southeast corner of Lot 2, Block A, and northeast corner of Lot 1, Block A, of said Independent Bank Celina, from which a 1/2" iron rod with a cap stamped "ISBELL" found for the southeast corner of said Lot 1, Block A, Independent Bank Celina, in the west right-of-way line of said Hayes Road, bears South 00° 18' 09" East - 266.52';

THENCE North 89° 17' 38" West - 186.91' to a 1/2" iron rod with a cap stamped "SPRY" set for the southwest corner of the herein described tract, in the east right-of-way line of said State Highway 289, from which a 1/2" iron rod with a cap stamped "ISBELL" found, bears North 89° 01' 00" West - 0.94', and from said set 1/2" iron rod with a cap stamped "SPRY" a TX DOT Monument found, in the east right-of-way line of said State Highway 289, bears South 22° 06' 13" West - 286.21';

THENCE along the east right-of-way line of said State Highway 289 as follows:

North 22° 06' 13" East - 62.71' to a TX DOT Monument found for a point of corner of the herein described lot;

North 12° 24' 19" East - 305.18' to a 1/2" iron rod with a cap stamped "ISBELL" found for a point for corner of the herein described tract;

North 10° 18' 35" East - 239.27' to a 1/2" iron rod with a cap stamped "SPRY" set for the northwest corner of the herein described lot, and the most westerly south corner of the said right-of-way dedication in Document Number 201 1050300045 1620;

THENCE along the south line of said right-of-way dedication in Document Number 201 1050300045 1620 as follows:

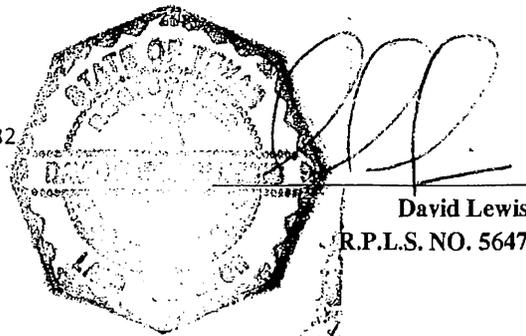
North 89° 14' 41" East - 25.13' to a 1/2" iron rod with a cap stamped "SPRY" set for a point for corner of the herein described lot;

South 36° 36' 59" East - 45.00' to a 1/2" iron rod with a cap stamped "SPRY" set for the northeast corner of the herein described lot, in the west right-of-way line of said Hayes Road;

THENCE South 00° 18' 09" East - 558.09' along the west right-of-way line of said Hayes Road, to the POINT OF BEGINING and containing 1.512 Acres of land.

SPRY  **SURVEYORS**

8241 Mid-Cities Blvd., Suite 100 · North Richland Hills, TX 76182
Phone 817-494-6359 · email: spry@sprysurveyors.com



David Lewis
R.P.L.S. NO. 5647

Exhibit 'B'

STATEMENT OF INTENT AND PURPOSE
PROPOSED SPECULATIVE OFFICE BUILDING

Prosper, Texas

Intent

It is our intention to show the improvements planned for the existing property as described in the enclosed surveys and located along Highway 289, Preston Road, south of the intersection of Preston Road, Hays Road and Chandler Circle. Due to the triangular shape of the site we are requesting a Site Specific Planned Development designation with minor modifications to existing zoning requirements.

Purpose

The office building will be designed to attract high-end users with a Class-A office building design. Construction will be concrete foundation supporting a structural steel frame and stone and brick veneer building designed to set a new standard for professional office buildings in the Town of Prosper. This development will continue the pattern of successful development by the Owner in the Town of Prosper and will generate revenue and new jobs for local citizens.

EXHIBIT 'C'

Planned Development Standards

Except as otherwise set forth in these Development Standards, the property shall develop under the Office (O) District as outlined in the regulations of the Town's Zoning Ordinance (No. 05-20 as it currently exists or may be amended).

1.01 REGULATIONS:

A. Size of Yards:

1. **Minimum Front Yard:** Thirty (30) feet. Overhangs may project up to 5' into the Building Setback.

B. **Maximum Floor Area:** Twelve Thousand Two Hundred (12,200) square feet.

1.02 LANDSCAPING: The landscaping shall generally conform to the attached Exhibit 'G'.

A. Hays Road landscape setback shall be ten (10) feet featuring 1-4" caliper tree to be planted for every 30 feet of frontage and 1-5 gallon shrub to be planted every 5 feet of frontage.

B. Preston Road shall retain a thirty (30) foot landscape buffer with an exception to allow a 6' wide by 74'-0" long stretch of concrete sidewalk to extend into the setback for the purpose of providing a pedestrian walkway from the building to the end of parking spaces. Fifteen (15) large trees, minimum four (4) inch caliper, shall be planted in the thirty (30) foot landscape buffer.

C. A 0' landscape setback along the southern property line to provide for cross access between the bank and this project (per prior agreement between this Owner and the Bank). Minimum distance to parking is 2'. No plantings are required along the southern property line.

D. Owing to the triangular shape of the site, no additional open space required as 45.8% landscaping area is already provided on site.

1.03 BUILDING ELEVATIONS: The façade of the office building shall conform to the elevations conceptually shown in Exhibit F. The material make up of the building shall be in the quantities and percentages listed in the table attached to Exhibit F. The building features a combination of brick, cast stone, regional stone veneer and less than 10% EIFS.

Exhibit 'E'

DEVELOPMENT SCHEDULE

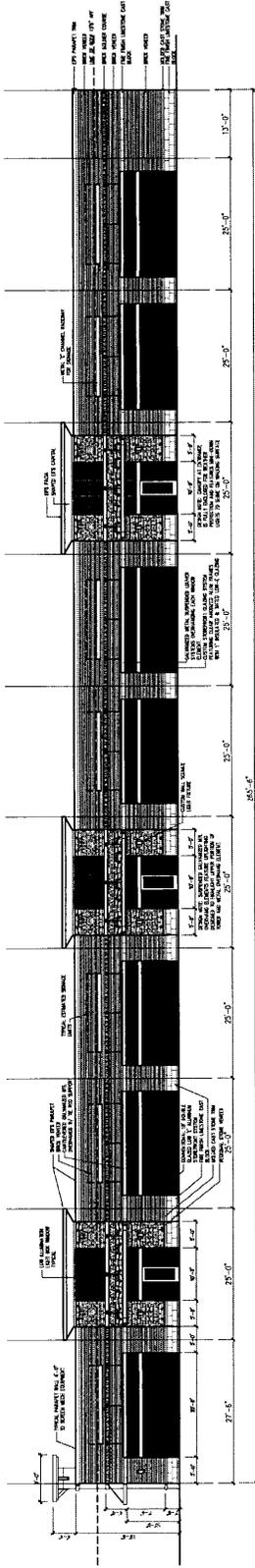
PROPOSED SPECULATIVE OFFICE BUILDING

Prosper, Texas

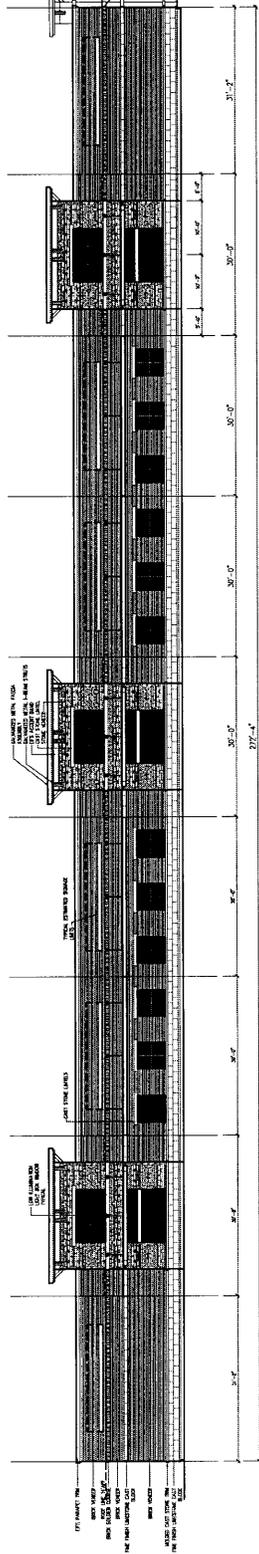
Schedule

It is our intention to submit for permit as soon as practical following Site Plan and PD approval and build out the project in 6 to 8 months. We hope to complete the project before the end of the year.

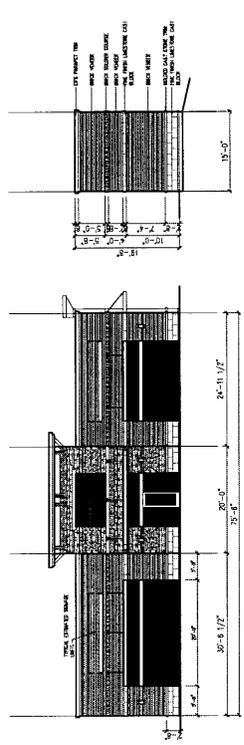
EXHIBIT 'F' EXTERIOR ELEVATIONS



EAST ELEVATION
TOTAL WALL LENGTH: 285'-5" (108)
ALLOWABLE SPAN: 18'-0" (6)
SOURCE: SHOWN: 100'-0"



WEST ELEVATION
TOTAL WALL LENGTH: 277'-4" (104)
ALLOWABLE SPAN: 18'-0" (6)
SOURCE: SHOWN: 100'-0"



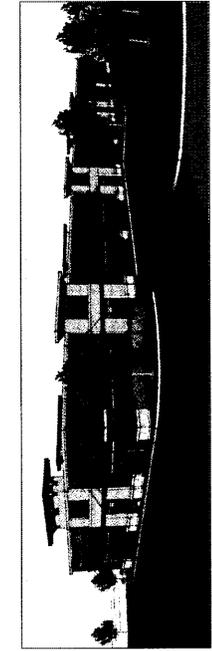
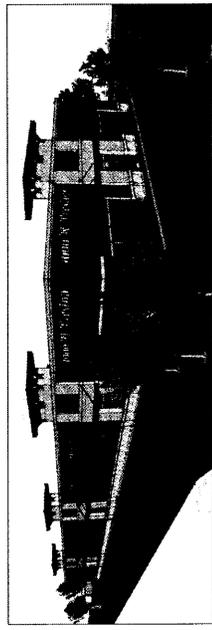
SOUTH ELEVATION
TOTAL WALL LENGTH: 75'-5" (23)
ALLOWABLE SPAN: 18'-0" (6)
SOURCE: SHOWN: 40'-0"

NORTH ELEVATION

MATERIAL SUMMARY

EAST ELEVATION		WEST ELEVATION		SOUTH ELEVATION		TOTAL	
MATERIAL	QTY	MATERIAL	QTY	MATERIAL	QTY	MATERIAL	QTY
CAST LIMESTONE CAST STONE	10,236 SF	10,236 SF	10,236 SF	10,236 SF	10,236 SF	30,708 SF	30,708 SF
PERFORATED BRICK	10,236 SF	10,236 SF	10,236 SF	10,236 SF	10,236 SF	30,708 SF	30,708 SF
GLASS	1,750 SF	1,750 SF	1,750 SF	1,750 SF	1,750 SF	5,250 SF	5,250 SF
TOTAL	22,228 SF	22,228 SF	22,228 SF	22,228 SF	22,228 SF	66,684 SF	66,684 SF

VIEW LOOKING SOUTHEAST



VIEW LOOKING NORTHEAST

VIEW LOOKING NORTHWEST

- GENERAL NOTES**
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 2. ALL DIMENSIONS SHALL BE ACCORDANCE WITH THE COMPRESSIVE ZONING ORDINANCE.
 3. WHEN PERMITTED EXPOSED BRICK AND CONCRETE SHALL BE PAINTED TO MATCH THE BUILDING FINISH.
 4. ALL FINISHED DIMENSIONS ARE APPROXIMATE AND DO NOT REPRESENT ABSOLUTE ACCURACY IN QUANTITIES OF MATERIALS.

EXTERIOR ELEVATIONS

OWNER:
Fay Rita Laddow Revocable Trust
8550 Meadows Road
Dallas, TX 75241
214-987-1897

ARCHITECT:
Stephen Hundley AIA
7921 Deer Road
Dallas, Texas 75248
214-683-0104
shundley@schundley.com

Scale: 3/32" = 1'-0"
Revision Date:

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Sheet Name:
EXHIBIT 'F'
EXT ELEVATIONS
ZONING CASE # ZU-0092

Sheet Number:
SP.02

