

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 05-20; REZONING A TRACT OF LAND CONSISTING OF 9.440 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 AGRICULTURAL (A) IS HEREBY REZONED AND PLACED IN THE ZONING CLASSIFICATION OF PLANNED DEVELOPMENT-SINGLE FAMILY-15 (PD-SF-15); 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 Baldwin Associates, LLC ("Applicant") to rezone 9.440 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 and Ordinance No. 04-99. Zoning Ordinance No. 05-20 is amended as follows: The zoning designation of the below-described property containing 9.440 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-Single Family-15 (PD-SF-15). The property as a whole and the boundaries for

each zoning classification are more particularly described in Exhibits "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 plans, 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 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.

### **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.

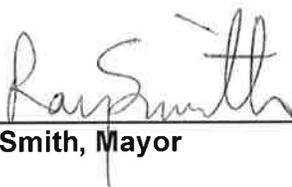
**SECTION 7**

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 9<sup>th</sup> DAY OF JUNE, 2015.**

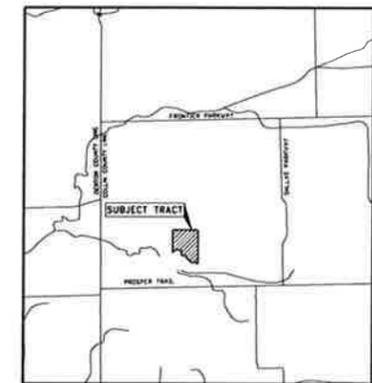
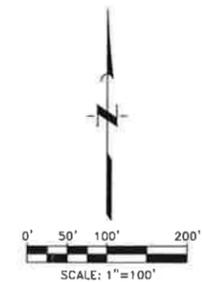
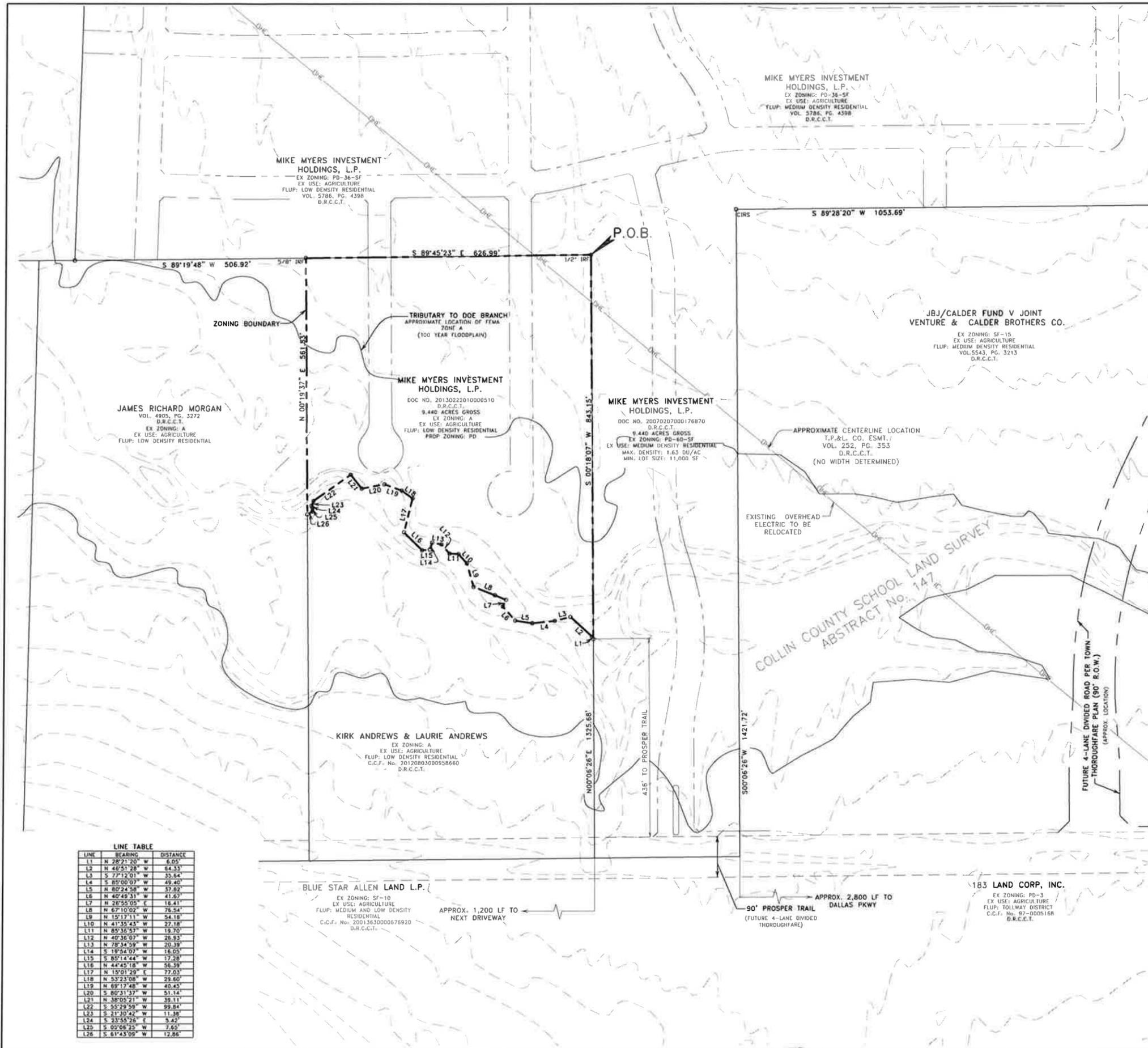
  
\_\_\_\_\_  
Ray Smith, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Robyn Battle, Town Secretary

**APPROVED AS TO FORM AND LEGALITY:**

  
\_\_\_\_\_  
Terrence S. Welch, Town Attorney



**LEGEND**  
 C.C.F.# COUNTY CLERK'S FILE NUMBER  
 VOL. VOLUME  
 PG. PAGE  
 CAB. CABINET  
 D.R.C.C.T. DEED RECORDS, COLLIN COUNTY, TEXAS

**METES AND BOUNDS DESCRIPTION**  
 Mike Myers Investment Holdings, L.P.  
 9.440 AC Tract

BEING a tract of land situated in the Collin County School Land Survey, Abstract No. 147, Collin County, Texas, and also being part of a 19,001 acre tract as conveyed to Kirk and Laurie Andrews as recorded in County Clerks No. 2012080300958660 of the Land Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for corner of the northeast corner of said 19,001 acre tract; THENCE S 00°18'07" W a distance of 843.15' to a point in a creek; THENCE up said creek

- N 28°21'20" W a distance of 6.05';
- N 46°51'28" W a distance of 64.33';
- S 77°12'01" W a distance of 35.64';
- S 85°00'07" W a distance of 49.40';
- N 80°24'58" W a distance of 37.82';
- N 40°49'31" W a distance of 41.67';
- N 26°55'05" E a distance of 16.41';
- N 67°10'02" W a distance of 76.54';
- N 15°17'11" W a distance of 54.16';
- N 41°35'43" W a distance of 27.18';
- N 85°36'57" W a distance of 19.70';
- N 40°36'07" W a distance of 26.93';
- N 78°34'59" W a distance of 20.39';
- S 19°54'07" W a distance of 16.05';
- S 85°14'44" W a distance of 17.28';
- N 44°45'18" W a distance of 56.39';
- N 15°01'29" E a distance of 77.03';
- N 53°23'08" W a distance of 29.60';
- N 69°17'48" W a distance of 40.45';
- S 80°31'37" W a distance of 51.14';
- N 38°05'21" W a distance of 39.11';
- S 55°29'59" W a distance of 99.84';
- S 21°30'42" W a distance of 11.38';
- S 23°55'26" E a distance of 5.42';
- S 05°06'25" W a distance of 7.65';
- S 61°43'09" W a distance of 12.86';

THENCE N 00°19'37" E a distance of 561.53' to a capped 1/2" iron rod set for corner; THENCE S 89°45'23" E a distance of 626.99' to the POINT OF BEGINNING and containing 411,185 square feet or 9.440 acres of land.

**Z14-0016**  
**EXHIBIT A**  
**COLLIN COUNTY SCHOOL LANDS, SURVEY 12**  
**ABSTRACT NO. 147**

**COLLIN COUNTY, TEXAS**  
**MAY 2015**

**OWNER:**  
 MIKE A. MYERS INVESTMENT HOLDINGS, LP  
 6310 LEMMON AVENUE DALLAS, TX 75209  
 PHONE: (214) 350-6500

**ENGINEER:**  
 J.C. JONES & CARTER, INC.  
 6509 WINDCREST DRIVE, SUITE 600 PLANO, TEXAS 75024  
 PHONE: (972) 488-0440  
 FAX: (972) 488-3882

**SURVEYOR:**  
 SURDUKAN SURVEYING, INC.  
 P.O. BOX 126 ANNA, TEXAS 75409  
 PHONE: (972) 924-8200

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	N 28°21'20" W	6.05'
L2	N 46°51'28" W	64.33'
L3	S 77°12'01" W	35.64'
L4	S 85°00'07" W	49.40'
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**Exhibit B**  
**Statement of Intent and Purpose**

The purpose of this planned development is to contribute to the positive environment created by the PD regulations established for Legacy Crossing (PD-36 and PD-60). The proposed development standards exceed those previously adopted by the Legacy Crossing Planned Development in order to conform to the 2012 Comprehensive Plan. This property will further the design for the entrance, common areas, and buffer treatments established for Legacy Crossing.

This planned development will also allow the opportunity to include some landlocked property into Legacy Crossing which will further the positive atmosphere created by that community.

## Exhibit C

### Planned Development Standards 9.440 Acres (Gross)

#### 1.0 Planned Development District - Single Family Residential

- 1.1 The property shall be developed in accordance with the Single Family-15 District as outlined in the Town of Prosper Zoning Ordinance 05-20, as it exists or may be amended, unless identified below. Unless otherwise noted, all development shall be in accordance with all Town Codes.
- 1.2 Development Pattern: The property shall generally develop in accordance with Exhibit D, Zoning Exhibit.
- 1.3 Open Space: The open spaces shown on the Zoning Exhibit, Exhibit D, shall be landscaped and maintained by the Homeowners Association.
- 1.4 Setbacks:
  - a. Minimum Front Yard: 25 feet.
  - b. Minimum Side Yard: 10 feet.
  - c. Minimum Rear Yard: 25 feet.
- 1.5 Minimum Lot Area: 15,000 square feet.
- 1.6 Minimum Lot Width at Front Building Line: 90 feet.
- 1.7 Minimum Lot Depth: 130 feet.
- 1.8 Minimum Dwelling Area: 2,500 square feet.
- 1.9 Building Standards:
  - a. All homes shall provide an exterior lighting package to illuminate the front of homes. The package shall include a minimum of 2 up or down lights to accent building architectural and/or landscape features. Security lighting may not be substituted for accent lighting.
  - b. Home elevations shall alternate at a minimum of every 4 homes on the same side of a street and every 3 homes on the opposite sides of a street.
  - c. Garage doors shall be cedar clad and stained.
  - d. Homes on a minimum of 2/3 of the single family lots within the community shall utilize swing in garages. For the purposes of this item, when garages for 3 cars are provided and the 2-car garage is a swing in garage, the home shall be considered as to have provided a swing in garage.
  - e. Except for garage doors provided on swing in garages, garage doors shall not be located closer to the street than the primary front facade of the home.

f. Carports are prohibited.

1.10 Required Parking:

- a. A minimum of 4 off-street, concrete parking spaces shall be provided for each residential unit. As part of the parking requirement, at least 2 of the off-street parking spaces shall be in an enclosed garage.
- b. The parking of motor homes, boats, and/or trailers on a lot facing a street or on a street, is prohibited.

1.11 a. All fencing located on single-family lots adjacent to open spaces shall consist of ornamental metal/tubular steel.

b. All wooden fencing shall be cedar, board-on-board with a top rail, and comply with the Town's fencing standards as they exist or may be amended. A common wood fence stain color shall be established for the development.

c. Privacy fences on single family residential lots shall be located no closer to the front property line than 10 feet behind the front elevation of the house and shall not exceed 8 feet in height above grade.

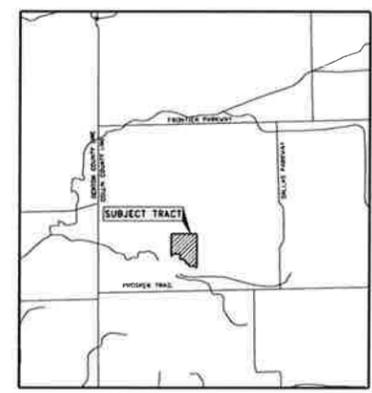
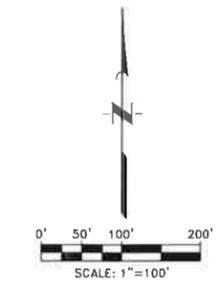
1.12 Driveways: Enhanced paving treatments shall be provided for all driveways and shall consist of one of the following, or other treatment as approved by the Director of Development Services.

- a. Stamp and stain/patterned concrete (must be dust-on color application to wet concrete).
- b. Acid-etched color concrete for the field with scored smooth colored borders (must use dust-on color application to wet concrete).
- c. Colored concrete with scored smooth border (must use dust-on color application to wet concrete).

1.13 Cul-de-sacs: Cul-de-sacs shall not exceed 700 feet in length.

2.0 General Conditions

2.01 Homeowners Association. Each lot shall be a member of the Legacy Crossing (PD-60) Homeowner's Association.



**LEGEND**  
 C.C.F.# COUNTY CLERK'S FILE NUMBER  
 VOL. VOLUME  
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NOTE: THE THOROUGHFARE AND TRAIL ALIGNMENTS SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DOES NOT SET THE ALIGNMENT. THE ALIGNMENT IS DETERMINED AT TIME OF FINAL PLAT.

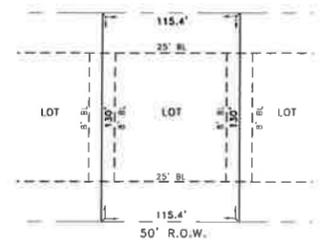
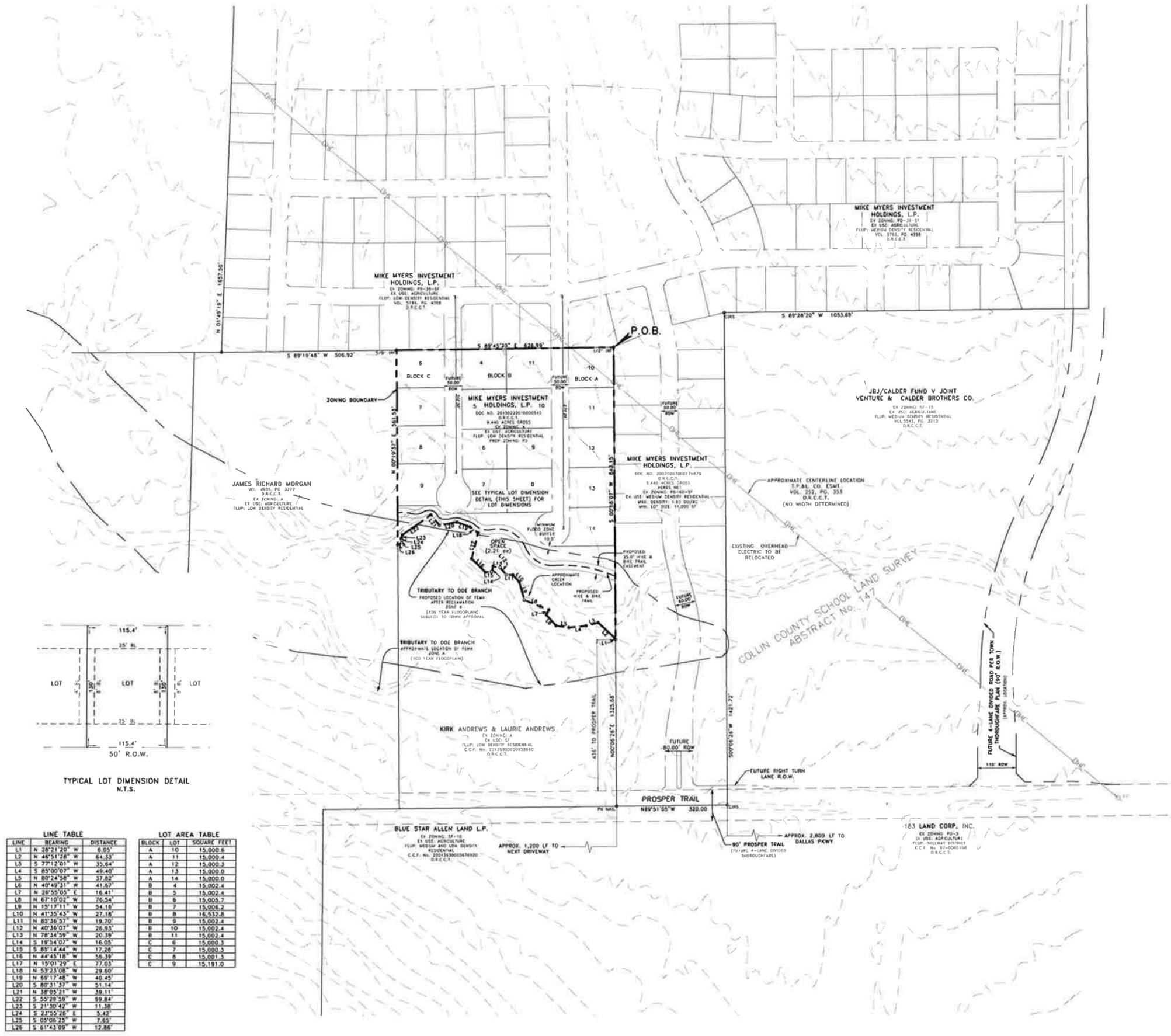
**Z14-0016**  
**EXHIBIT D**  
**COLLIN COUNTY SCHOOL LANDS, SURVEY 12**  
**ABSTRACT NO. 147**

**COLLIN COUNTY, TEXAS**  
**MAY 2015**

OWNER:  
 MIKE A. MYERS INVESTMENT HOLDINGS, LP  
 6310 LEMMON AVENUE  
 DALLAS, TX 75209  
 PHONE: (214) 350-6500

ENGINEER:  
 JONES & CARTER, INC.  
 6509 WINDCREST DRIVE, SUITE 800  
 PLANO, TEXAS 75024  
 PHONE: (972) 488-0440  
 FAX: (972) 488-3882

SURVEYOR:  
 SURDUKAN SURVEYING, INC.  
 P.O. BOX 126  
 ANNA, TEXAS 75409  
 PHONE: (972) 924-8200



TYPICAL LOT DIMENSION DETAIL  
 N.T.S.

LINE	BEARING	DISTANCE
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BLOCK	LOT	SQUARE FEET
A	10	15,000.6
A	11	15,000.4
A	12	15,000.3
A	13	15,000.0
A	14	15,000.0
B	5	15,002.4
B	6	15,005.7
B	7	15,006.2
B	8	15,002.8
B	9	15,002.4
B	10	15,002.4
B	11	15,002.4
B	12	15,000.3
C	4	15,000.3
C	7	15,000.3
C	8	15,001.3
C	9	15,191.0

## **Exhibit E**

### **Development Schedule**

9/16/14– Development Application Submitted

12/2/14 – Preliminary plat goes to P&Z

2/21/15 – Phase 1 construction plans approved

3/15/15 – Construction begins

8/12/15 – Construction Complete/Town accepts infrastructure

9/14/15 – Final plat file