

**AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 05-20; GRANTING A SPECIFIC USE PERMIT (SUP) FOR CHILD DAY CARE CENTER AND/OR PRIVATE SCHOOL, LOCATED ON A TRACT OF LAND CONSISTING OF 0.61 ACRE, MORE OR LESS, SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 147, LOCATED AT 601 EAST SEVENTH STREET, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS; 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 Koschrow Sadeghian ("Applicant") for a Specific Use Permit (SUP) to allow for a child day care center and/or a private school on a tract of land zoned Single Family-15 (SF-15), consisting of 0.61 acre of land, more or less, situated in the Collin County School Land Survey, Abstract No. 147, located at 601 East Seventh Street, in the Town of Prosper, Collin County, Texas, and being particularly being described in Exhibit "A", attached hereto and incorporated herein for all purposes; 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 to grant a Specific Use Permit (SUP) have been given in the manner and form set forth by law, public hearings have been held and all other requirements of notice and completion of such 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: Specific Use Permit Granted. Zoning Ordinance No. 05-20 is amended as follows: Applicant is granted a Specific Use Permit (SUP) to allow the operation of a child day care center and/or a private school on a tract of land zoned Single Family-15 (SF-15), consisting of 0.61 acre of land, more or less, situated in the Collin County School Land Survey, Abstract No. 147, located at 601 East Seventh Street, in the Town of Prosper, Collin County, Texas, and being particularly being described in Exhibit "A", attached hereto and incorporated herein for all purposes as if set forth verbatim.

The property shall develop in compliance with the conditions expressly stated in the site plan, attached hereto as Exhibit "B", which is incorporated herein for all purposes as if set forth verbatim. The conditions expressly stated in the site plan, include, but are not limited to:

1. A six foot (6') irrigated living screen being planted along the east, north, and west property lines as shown on Exhibit "B";
2. The maximum permitted height for playground equipment and/or accessory structures shall be twenty (20) feet.

Except as amended by this Ordinance, the development of the Property within this Specific Use Permit (SUP) shall comply fully with the requirements of all ordinances, rules, and regulations of the Town 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 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.

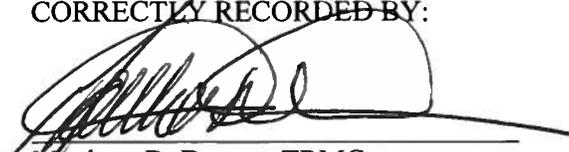
SECTION 8: Effective Date. This Ordinance shall become effective from and after its adoption and publications as required by law.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS ON THIS 10<sup>th</sup> DAY OF MARCH, 2009.

APPROVED AS TO FORM:

  
Charles Niswanger, Mayor

ATTESTED TO AND  
CORRECTLY RECORDED BY:

  
Matthew D. Denton, TRMC  
Town Secretary



DATE OF PUBLICATION: 03/13/09, *Dallas Morning News - Collin County*  
*Addition*

0.61 ACRES

FIELD NOTES to all that certain tract of land situated in the Collin County School Land Survey Abstract Number 147, in the City of Prosper, Collin County, Texas, and being a portion of North Street, a portion of East Seventh Street, all of Lot 5 and the East 30 feet of Lot 4 Block D of Valley View Addition 1st Installment, an Addition to the City of Prosper, Texas, according to the Plat thereof recorded in Volume 4 Page 77 of the Map Records of Collin County, Texas, same being all of a called 0.42 acre tract of land described in a deed from Gateway National Bank to Khosrow Sadeghian as recorded in Volume 5824 Page 1100 Land Records, Collin County, Texas, the subject tract being more particularly described as follows:

BEGINNING for the Southeast corner of said 0.42 acre tract at a 1/2" iron rod found in the East line of the herein described tract in the North line of East Seventh Street;

THENCE South 00 degrees 06 minutes 00 seconds East a distance of 30.00 feet to a corner in the center of said street being the Southeast corner of the herein described tract.

THENCE West with the centerline of said street and parallel with the South line of said 0.42 acre tract a distance of 156.36 feet to a corner at the intersection of the centerline of said street and the centerline of North Street, said corner being the Southwest corner of the herein described tract;

THENCE North 00 degrees 08 minutes 53 seconds West with the centerline of said street and parallel with the West line of said 0.42 acre tract a distance of 169.97 feet to the Northwest corner of the herein described tract in the South line of a 20' alley;

THENCE North 89 degrees 59 minutes 23 seconds East with the South line of said alley at 25.00 feet passing a 1/2" iron rod found for the Northwest corner of said 0.42 acre tract in the East line of said street and continuing along said course a total distance of 156.50 feet to a point for the Northeast corner of said 0.42 acre tract;

THENCE South 00 degrees 06 minutes 00 seconds East with the East line of said 0.42 acre tract a distance of 140.00 feet to the PLACE OF BEGINNING and enclosing 0.61 acres of land more or less.

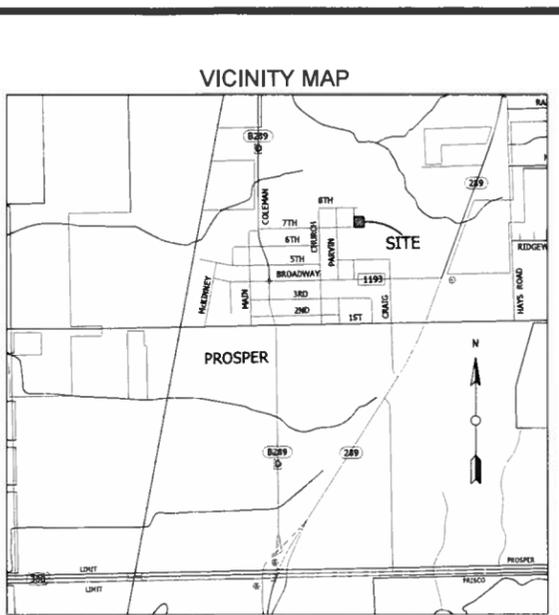
*K.A.Z.*  
Kenneth A. Zollinger R.P.L.S. No. 5312 Date *9-4-08*



1720 WESTMINSTER  
DENTON, TX 76205  
(940)382-3446  
JOB NUMBER: 080607  
DRAWN BY: P.J.W.  
CHECKED BY: K.A.Z.  
DATE: 9-2-08  
R.P.L.S.  
KENNETH A. ZOLLINGER

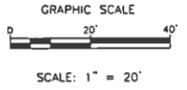
Reviewed By:	K.A.Z.
GF NO:	-
REV 1:	-
REV 2:	-
REV 3:	-





**SITE PLAN NOTES**

- Any revision to this plan will require town approval and will require revisions to any corresponding plans to avoid conflicts between plans.
- 1) Dumpsters and trash compactors shall be screened in accordance with the Comprehensive Zoning Ordinance.
  - 2) Open storage, where permitted, shall be screened in accordance with the Comprehensive Zoning Ordinance.
  - 3) Outdoor lighting shall comply with the lighting and glare standards contained within the Comprehensive Zoning Ordinance and Subdivision Regulation Ordinance.
  - 4) Landscaping shall conform to landscape plans approved by the town.
  - 5) All elevations shall comply with the standards contained within the Comprehensive Zoning Ordinance.
  - 6) Buildings of 5,000 square feet or greater shall be 100% fire sprinkled. Alternative fire protection measures may be approved by the Fire Department.
  - 7) Fire lanes shall be designed and constructed per town standards or as directed by the Fire Department.
  - 8) Two points of access shall be maintained for the property at all times.
  - 9) Speed bumps/humps are not permitted within a fire lane.
  - 10) Handicapped parking areas and building accessibility shall conform to the Americans with Disabilities Act (ADA) and with the requirements of the current, adopted Uniform Building Code.
  - 11) All signage is subject to Building Official approval.
  - 12) All fences and retaining walls shall be shown on the site plan and are subject to Building Official approval.
  - 13) All exterior building materials are subject to Building Official approval.
  - 14) Sidewalks of not less than six (6) feet in width along thoroughfares and five (5) feet in width along collectors and residential streets, and barrier free ramps at all curb crossings shall be provided per Town standards.
  - 15) Approval of the site plan is not final until all engineering plans are approved by the Town Engineer.
  - 16) Site plan approval is required prior to grading release.
  - 17) All new electrical lines shall be installed and/or relocated underground.



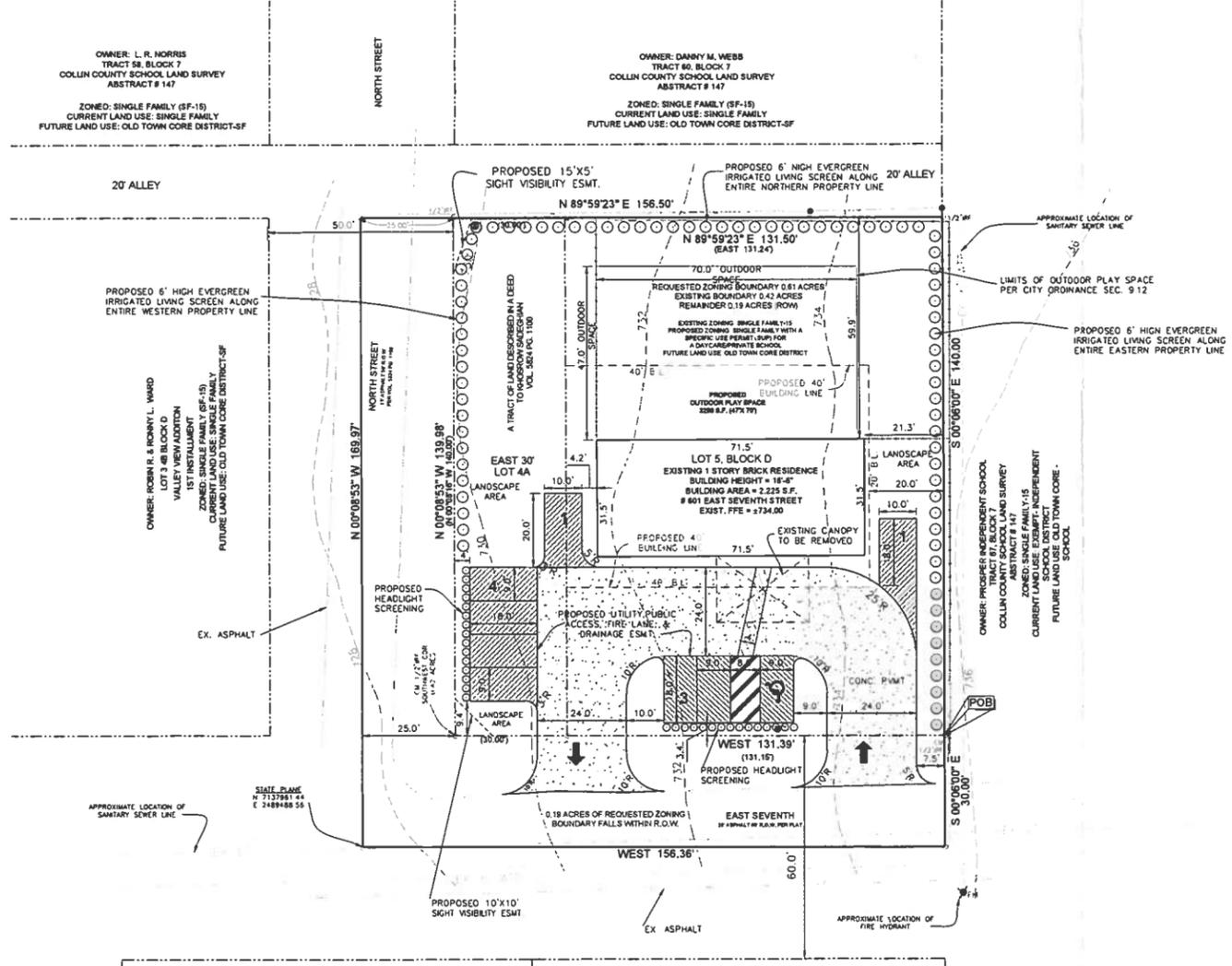
**FEMA FLOOD NOTE**  
 ACCORDING TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FEDERAL INSURANCE ADMINISTRATION FLOOD INSURANCE RATE MAP 480141C0260 G COMMUNITY PANEL NUMBER 260 G EFFECTIVE DATE JANUARY 19, 2008, THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD HAZARD AREA.

**SITE DATA SUMMARY TABLE FOR DAYCARE CENTER DEVELOPMENT**

EXISTING ZONING	SINGLE FAMILY-15
PROPOSED USE	DAYCARE AND/OR PRIVATE SCHOOL
LAND USE DESIGNATION	DAYCARE
GROSS ACREAGE	0.61 Ac
NET ACREAGE (EXCLUDING RIGHT-OF-WAY)	0.42 Ac
BUILDING AREA (USE EXISTING STRUCTURE)	2,252 S.F.
MAXIMUM BUILDING HEIGHT (EXISTING BLOC.)	16'-6"
LOT COVERAGE	12.3%
FLOOR AREA RATIO (FAR)	0.123
PROPOSED FLOOR AREA (EXISTING BLOC.)	2,252 S.F.
TOTAL PARKING REQUIRED (50 STUDENTS + 4 TEACHERS = 54/6 PER SPACE)	9 SPACES
TOTAL PARKING PROVIDED	9 SPACES
NUMBER OF HANDICAP PARKING SPACES REQUIRED PER ADA STANDARDS (5% = 1 SPACE)	1 SPACE
NUMBER OF HANDICAP PARKING SPACES PROVIDED	1 SPACE
PERCENTAGE OF LANDSCAPING PROVIDED	60.8%
SQUARE FOOTAGE OF IMPERVIOUS SURFACE	7,180 S.F. (0.165 Ac)

**LANDSCAPING NOTE**  
 ALL LANDSCAPING SHALL MEET THE TOWN OF PROSPER REQUIREMENTS PER THE ZONING ORDINANCE AND SHALL BE SHOWN ON THE LANDSCAPING PLAN AS PREPARED BY A REGISTERED LANDSCAPE ARCHITECT.

**PLAYGROUND/ACCESSORY STRUCTURE NOTE**  
 THE MAXIMUM PERMITTED HEIGHT FOR PLAYGROUND EQUIPMENT AND/OR ACCESSORY STRUCTURES SHALL BE 20 FEET.



**SUP CASE # S09-1 EXHIBIT B**

**601 EAST SEVENTH STREET  
 COLLIN COUNTY, TEXAS**

BEING 0.61 ACRES GROSS AREA AND A 0.42 ACRES NET AREA OUT OF COLLIN COUNTY SCHOOL LAND SURVEY ABSTRACT NUMBER 147 COLLIN COUNTY, TEXAS

**LOT 4A & LOT 5, BLOCK D  
 IN THE VALLEY VIEW ADDITION #01**

OWNER/APPLICANT  
**KOSCHROW SADEGHIAN**  
 P.O. BOX 50593, DENTON TX 76206  
 (940) 597-0262

SURVEYOR  
**KAZ SURVEYING, INC.**  
 1720 WESTMINSTER  
 KENNETH A. ZOLLINGER, RPLS  
 (940) 382-3446

FEBRUARY 27, 2009

REVISIONS	DATE	BY
FIRST SUBMITTAL TO THE CITY	1/29/09	MRN
PER CITY COMMENTS	1/28/09	MRN
PER CITY COMMENTS	3/2/09	MRN

**SCHATZ CONSULTING ENGINEERS, INC.**  
 "MAKING A POSITIVE DIFFERENCE IN ENGINEERING PRACTICE"  
 7355 AIRPORT FREEWAY, FORT WORTH, TX 76149  
 TEL: 817-500-2226 FAX: 817-500-4433  
 WWW.SCHATZ-ENGINEERS.COM



OWNER  
**DAY CARE CENTER**  
 601 EAST SEVENTH STREET  
 DENTON, TX 76209  
 CONTACT: KOSCHROW SADEGHIAN  
 PH: (972) 442-1964  
 FAX: (214) 447-9368

**DAY CARE CENTER  
 601 EAST SEVENTH STREET  
 PROSPER, COLLIN COUNTY, TX**  
**SPECIFIC USE PERMIT (SUP)  
 EXHIBIT B**

DRAWN BY	NM
CHECKED BY	NM
SCECM JOB No.	S08-082
ORIGINAL ISSUE DATE	11/10/2008
CONSTRUCTION SET DATE	TBD
ISSUE DATE	TBD

**B**

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