

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 05-20; GRANTING A SPECIFIC USE PERMIT (SUP) FOR A CHILD DAY CARE CENTER, LOCATED ON A TRACT OF LAND CONSISTING OF 2.25 ACRES, MORE OR LESS, SITUATED IN THE WILLIAM H. THOMASON SURVEY, ABSTRACT NO. 895, 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 and Ordinance No. 11-73 should be amended; and

WHEREAS, the Town of Prosper, Texas ("Prosper") has received a request from Fadi El-Nachar/Nashar Group ("Applicant") for a Specific Use Permit (SUP) to allow for a Child Day Care Center on a tract of land zoned Retail (R), consisting of 2.25 acres of land, more or less, situated in the William H. Thomason Survey, Abstract No. 895, 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, on a tract of land zoned Retail (R), consisting of 2.25 acres of land, more or less, situated in William H. Thomason Survey, Abstract No. 895, 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 continue to be used in a manner consistent with the conditions expressly stated in the site plan, attached hereto as Exhibit "B", landscape plan, attached hereto as Exhibit "C", and façade plan, attached hereto as Exhibit "D", which is incorporated herein for all purposes as if set forth verbatim, subject to the following conditions of approval by the Town Council:

1. The front façade facing Coit Road shall be 80% stone,
2. The remaining façades shall be stone from the ground up to the stone sill.
3. Wrought iron fencing and access gates shall be provided at both the northwest and southeast ends of the landscaping setback.

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 (3) 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.

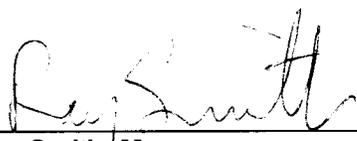
SECTION 7

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 22nd DAY OF APRIL, 2014.



Ray Smith, Mayor

ATTEST:

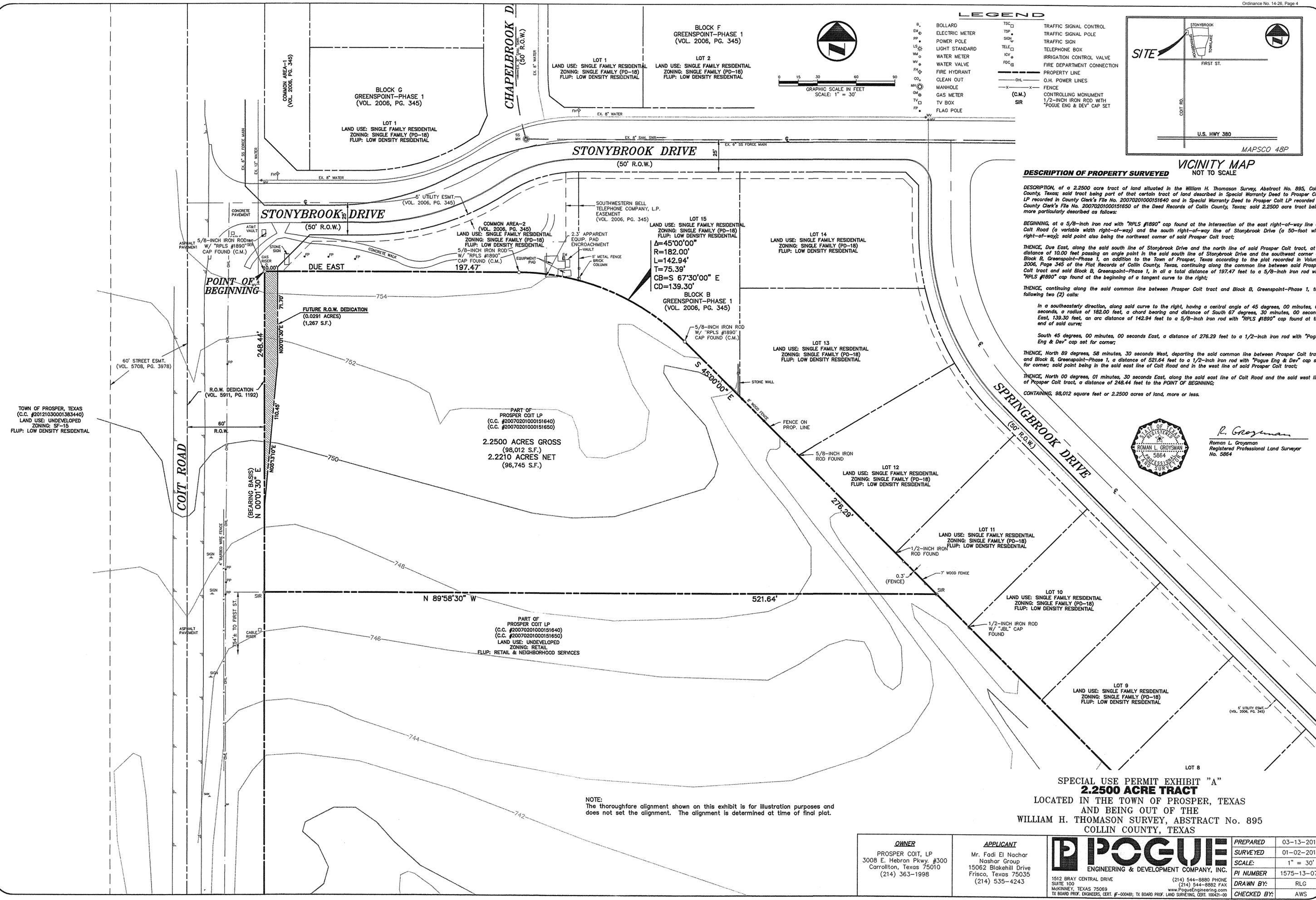

Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:



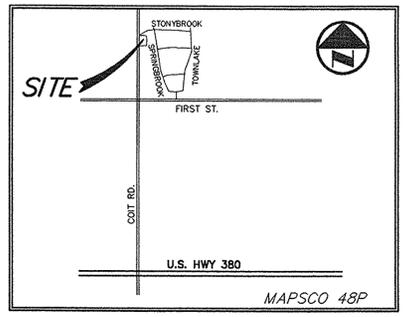
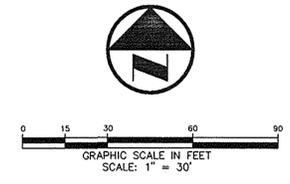
Terrence S. Welch, Town Attorney

ASAMUELSON 05/13/2014 - 3:48PM
N:\0500-1500-1598\1575-13-076-PROSPER-PRELIM. ENCL\DWG\1575-13-076-SUP. EXHIBIT A.DWG
POGUE ENGINEERING & DEVELOPMENT COMPANY, INC. THE USE FOR REPRODUCTION, CONSTRUCTION, OR DISTRIBUTION IS PROHIBITED UNLESS AUTHORIZED IN WRITING BY POGUE ENGINEERING & DEVELOPMENT COMPANY, INC.



LEGEND

- BOLLARD
- ELECTRIC METER
- POWER POLE
- LIGHT STANDARD
- WATER METER
- WATER VALVE
- FIRE HYDRANT
- CLEAN OUT
- MANHOLE
- GAS METER
- TV BOX
- FLAG POLE
- TRAFFIC SIGNAL CONTROL
- TRAFFIC SIGNAL POLE
- TRAFFIC SIGN
- TELEPHONE BOX
- IRRIGATION CONTROL VALVE
- FIRE DEPARTMENT CONNECTION
- PROPERTY LINE
- O.H. POWER LINES
- FENCE
- CONTROLLING MONUMENT
- 1/2-INCH IRON ROD WITH "POGUE ENG & DEV" CAP SET



DESCRIPTION OF PROPERTY SURVEYED

DESCRIPTION, of a 2.2500 acre tract of land situated in the William H. Thomason Survey, Abstract No. 895, Collin County, Texas; said tract being part of that certain tract of land described in Special Warranty Deed to Prosper Coit LP recorded in County Clerk's File No. 20070201000151640 and in Special Warranty Deed to Prosper Coit LP recorded in County Clerk's File No. 20070201000151650 of the Deed Records of Collin County, Texas; said 2.2500 acre tract being more particularly described as follows:

BEGINNING, at a 5/8-inch iron rod with "RPLS #1890" cap found at the intersection of the east right-of-way line of Coit Road (a variable width right-of-way) and the south right-of-way line of Stonybrook Drive (a 50-foot wide right-of-way); said point also being the northwest corner of said Prosper Coit tract;

THENCE, Due East, along the said south line of Stonybrook Drive and the north line of said Prosper Coit tract, at a distance of 10.00 feet passing an angle point in the said south line of Stonybrook Drive and the southwest corner of Block B, Greenspoint-Phase 1, an addition to the Town of Prosper, Texas according to the plat recorded in Volume 2006, Page 345 of the Plat Records of Collin County, Texas, continuing along the common line between said Prosper Coit tract and said Block B, Greenspoint-Phase 1, in all a total distance of 197.47 feet to a 5/8-inch iron rod with "RPLS #1890" cap found at the beginning of a tangent curve to the right;

THENCE, continuing along the said common line between Prosper Coit tract and Block B, Greenspoint-Phase 1, the following two (2) calls:

In a southeasterly direction, along said curve to the right, having a central angle of 45 degrees, 00 minutes, 00 seconds, a radius of 182.00 feet, a chord bearing and distance of South 67 degrees, 30 minutes, 00 seconds East, 139.30 feet, an arc distance of 142.94 feet to a 5/8-inch iron rod with "RPLS #1890" cap found at the end of said curve;

South 45 degrees, 00 minutes, 00 seconds East, a distance of 276.29 feet to a 1/2-inch iron rod with "Pogue Eng & Dev" cap set for corner;

THENCE, North 89 degrees, 58 minutes, 30 seconds West, departing the said common line between Prosper Coit tract and Block B, Greenspoint-Phase 1, a distance of 521.64 feet to a 1/2-inch iron rod with "Pogue Eng & Dev" cap set for corner; said point being in the said east line of Coit Road and in the west line of said Prosper Coit tract;

THENCE, North 00 degrees, 01 minutes, 30 seconds East, along the said east line of Coit Road and the said west line of Prosper Coit tract, a distance of 248.44 feet to the POINT OF BEGINNING;

CONTAINING, 98,012 square feet or 2.2500 acres of land, more or less.

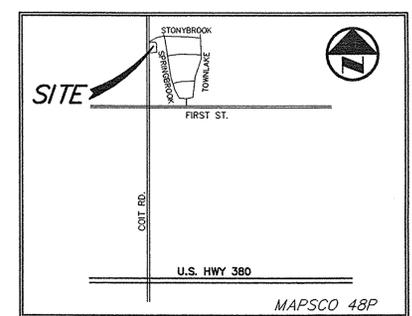
R. Groysman
Roman L. Groysman
Registered Professional Land Surveyor
No. 5864

SPECIAL USE PERMIT EXHIBIT "A"
2.2500 ACRE TRACT
LOCATED IN THE TOWN OF PROSPER, TEXAS
AND BEING OUT OF THE
WILLIAM H. THOMASON SURVEY, ABSTRACT No. 895
COLLIN COUNTY, TEXAS

OWNER PROSPER COIT, LP 3008 E. Hebron Pkwy, #300 Carrollton, Texas 75010 (214) 363-1998	APPLICANT Mr. Fadi El Nachar Nashar Group 15062 Blakehill Drive Frisco, Texas 75035 (214) 535-4243
--	--

 1512 BRAY CENTRAL DRIVE SUITE 100 MCKINNEY, TEXAS 75069 TX BOARD PROF. ENGINEERS, CERT. # 000461; TX BOARD PROF. LAND SURVEYING, CERT. 100421-00	PREPARED	03-13-2014
	SURVEYED	01-02-2014
	SCALE:	1" = 30'
	PI NUMBER	1575-13-076
	DRAWN BY:	RLG
CHECKED BY:	AWS	

NOTE:
The thoroughfare alignment shown on this exhibit is for illustration purposes and does not set the alignment. The alignment is determined at time of final plat.



VICINITY MAP NOT TO SCALE



GRAPHIC SCALE IN FEET SCALE: 1" = 30'

LEGEND

- B. BOLLARD
- EM. ELECTRIC METER
- PP. POWER POLE
- LS. LIGHT STANDARD
- WM. WATER METER
- WV. WATER VALVE
- ICV. IRRIGATION CONTROL VALVE
- PH. FIRE HYDRANT
- FDC. FIRE DEPARTMENT CONNECTION
- CO. CLEAN OUT
- MH. MANHOLE
- GM. GAS METER
- TSC. TRAFFIC SIGNAL CONTROL
- TSP. TRAFFIC SIGNAL POLE
- SGN. TRAFFIC SIGN
- TELE. TELEPHONE BOX
- TV. TV BOX
- FP. FLAG POLE
- L.A. LANDSCAPE AREA
- PROPERTY LINE
- O.H. O.H. POWER LINES
- U/G TEL. U/G TELEPHONE LINES
- U/G WATER. U/G WATER LINE
- U/G GAS. U/G GAS LINE
- FENCE
- (C.M.) CONTROLLING MONUMENT
- SIR. 5/8-INCH IRON ROD WITH 'POGUE ENG & DEV' CAP SET
- FIRE LANE

NOTE: ALL DIMENSIONS ARE FROM BACK OF CURB TO BACK OF CURB, UNLESS OTHERWISE NOTED.

SITE DATA SUMMARY TABLE

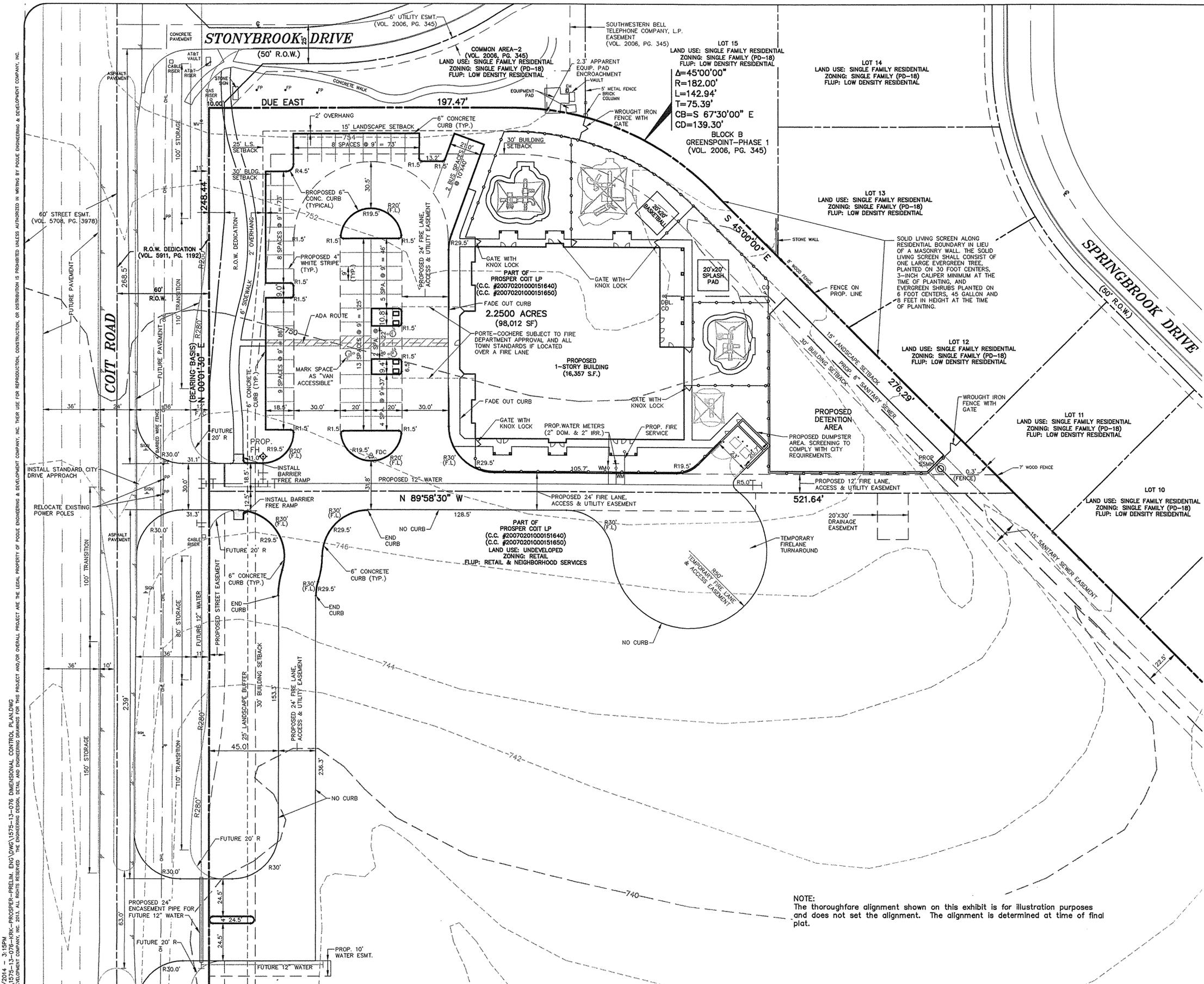
ITEM	LOT 1
ZONING	RETAIL
PROPOSED USE	DAY CARE
LOT AREA (SF/ACRES) (GROSS)	98,012 / 2.2500
LOT AREA (SF/ACRES) (NET)	96,745 / 2.2210
BUILDING (SF)	16,357
BUILDING HT (FT/STORIES)	28/1
FLOOR AREA RATIO	16.7%
* PARKING REQUIRED (1/10 STUDENTS + 1/TEACHER)	50
PARKING PROVIDED	54
HANDICAPPED PARKING REQUIRED	3
HANDICAPPED PARKING PROVIDED	3
IMPERVIOUS AREA (SF)	51,888 SF
PLAY AREA REQ'D. (65 SF/STUDENT)	19,500 SF
PLAY AREA PROVIDED	20,038 SF

* BASED ON 300 STUDENTS & 20 TEACHERS

PROSPER SITE PLAN NOTES

- 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 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 and shall conform to the approved facade plan.
- 14) Sidewalks of not less than six (6') feet in width along thoroughfares and five (5') 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 in 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.
- 18) All mechanical equipment shall be screened from public view in accordance with the Comprehensive Zoning Ordinance.
- 19) No 100-year flood plain exists on the site.

SPECIAL USE PERMIT EXHIBIT "B"
2.2500 ACRE TRACT
 LOCATED IN THE TOWN OF PROSPER, TEXAS
 AND BEING OUT OF THE
 WILLIAM H. THOMASON SURVEY, ABSTRACT No. 895
 COLLIN COUNTY, TEXAS



NOTE: The thoroughfare alignment shown on this exhibit is for illustration purposes and does not set the alignment. The alignment is determined at time of final plat.

ASHMELESON 03/31/2014 3:19PM
 P:\PROJECTS\PROSPER-RETAIL\ENVDWG\1575-13-076 DIMENSIONAL CONTROL PLAN.DWG
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NO.	DATE	REVISION / DESCRIPTION
DESIGN	DRAWN	DATE
AWS	MLM	03-31-2014

APPLICANT
 NASHAR GROUP, LLC
 15062 BLAKEHILL DRIVE
 FRISCO, TX 75035

OWNER
 PROSPER COIT, LP
 3008 E. HEBRON PKWY. #300
 CARROLLTON, TEXAS 75010
 (214) 363-1998

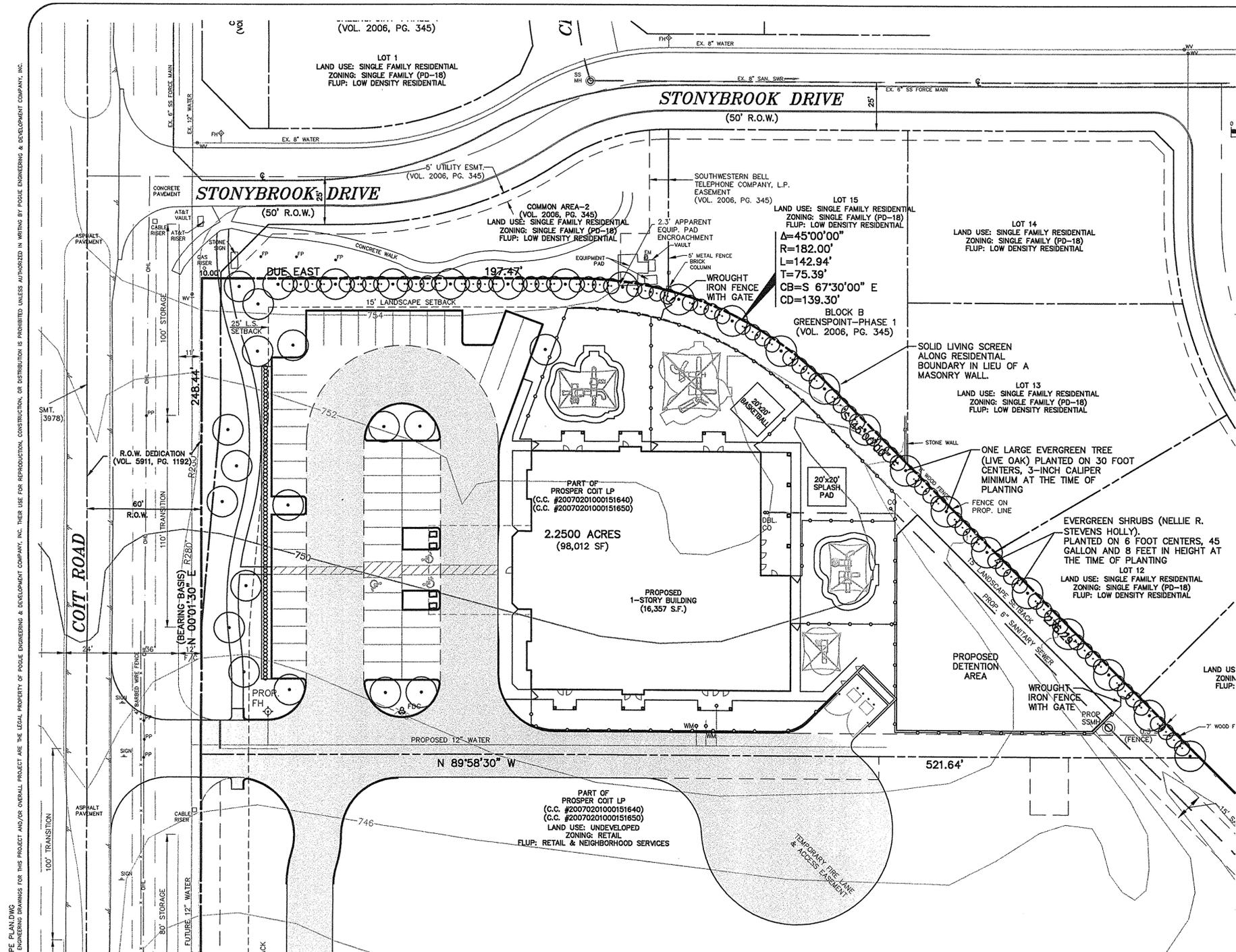
THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF ARLYN W. SAMUELSON, P.E. 99877 ON 02-24-2014. IT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.

PRELIMINARY FOR INTERIM REVIEW ONLY NOT TO BE USED FOR CONSTRUCTION OR BIDDING PURPOSES.
 Engineer: ARLYN W. SAMUELSON, P.E.
 P.E. No.: 99877
 Date: 02-24-2014

POGUE
 ENGINEERING & DEVELOPMENT COMPANY, INC.
 1512 BRAY CENTRAL DRIVE SUITE 100 MCKINNEY, TEXAS 75069
 (214) 544-8880 PHONE (214) 544-8882 FAX
 www.PogueEngineering.com
 TX BOARD PROF. ENGINEERS, CERT. #F-000461; TX BOARD PROF. LAND SURVEYING, CERT. 100421-00

SPECIAL USE PERMIT EXHIBIT B
 KIDS R KIDS
 2.25 ACRE TRACT
 WILLIAM H. THOMASON SURVEY, ABSTRACT NO. 895
 TOWN OF PROSPER, TEXAS

SHEET NO.
 SUP B



LANDSCAPE NOTES

- Contractor shall verify all existing and proposed site elements and notify Architect/Engineer of any discrepancies. Survey data of existing conditions was supplied by others.
- Contractor shall locate all existing underground utilities and notify Architect/Engineer of any conflicts. Contractor shall exercise caution when working in the vicinity of underground utilities.
- Contractor is responsible for obtaining all required landscape and irrigation permits.
- Contractor to provide a minimum 2% slope away from all structures.
- All planting beds and lawn areas to be separated by steel edging. No steel to be installed adjacent to sidewalks or curbs.
- All landscape areas to be 100% irrigated with an underground automatic irrigation system.
- All lawn areas to be Hydromulch Bermuda grass, unless otherwise noted on the drawings.

MAINTENANCE NOTES

- The Owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscape.
- All landscape shall be maintained in a neat and orderly manner at all times. This shall include mowing, edging, pruning, fertilizing, watering, weeding and other such activities common to landscape maintenance.
- All landscape areas shall be kept free of trash, litter, weeds and other such material or plants not part of this plan.
- All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year.
- All plant material which dies shall be replaced with plant material of equal or better value.
- Contractor shall provide separate bid proposal for one year's maintenance to begin after final acceptance.

HYDROMULCH NOTES

All lawn areas to be Hydromulch Bermuda grass, unless noted otherwise on drawings.

Contractor shall scarify, rip, and loosen all areas to be hydromulched to a minimum depth of 4" prior to topsoil and hydromulch installation.

Bermuda grass seed shall be extra hulled and treated lawn type and shall be delivered to the site in its original unopened container, and shall meet Texas State Law requirements.

Fiber: Shall be one hundred percent (100%) Wood Cellulose Fiber, delivered to the site in its original unopened container. "Conwab" or equal.

Fiber Tack: Shall be delivered to the site in its original unopened container, and shall be "Terra-Tack one", as manufactured by Growers, Inc., or equal.

Hydromulch with Bermuda grass seed at a rate of two (2) pound per one thousand (1000) square foot.

Use a 4' x 8' batter board against all bed areas.

If installation occurs between September 1 and April 1, all hydromulch areas to be Winter Rye grass, at a rate of four (4) pounds per one thousand (1000) square foot. Contractor shall be required to re-hydromulch with Bermuda grass the following growing season.

All lawn areas to be hydromulched, shall have one hundred percent (100%) coverage prior to final acceptance.

Contractor shall maintain all lawn areas until final acceptance. This shall include but not be limited to: mowing, watering, weeding, cultivating, cleaning, and replacing dead or bare areas to keep plants in a vigorous, healthy condition.

Contractor shall guarantee establishment of an acceptable turf area and shall provide replacement from local supply as necessary.

LEGEND

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- PP. POWER POLE
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- U/G. U/G TELEPHONE LINES
- WATER. U/G WATER LINE
- GAS. U/G GAS LINE
- X. FENCE
- 500. EXISTING CONTOURS
- 777. PROPOSED CONTOURS
- CANOPY TREE
- LARGE SHRUB (SCREENING)

CONCEPTUAL LANDSCAPE PLAN NOTES:

- PURPOSE IS TO SHOW SOLID LIVING SCREEN IN LIEU OF MASONRY WALL.
- MUST MEET ALL LANDSCAPE PLAN REQUIREMENTS AT TIME OF FINAL SITE PLAN.

ASAMUELSON, 03/31/2014, 3:13PM
 N:\DDES\1500-1589\1575-13-076-KRK-PROSPER-PRELIM_ENG\DWG\1575-13-076-KRK-PROSPER-PLAN.DWG
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 15062 BLAKEHILL DRIVE
 FRISCO, TX 75035

OWNER
 PROSPER COIT, LP
 3008 E. HEBRON PKWY. #300
 CARROLLTON, TEXAS 75010
 (214) 363-1998

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF ARNOLD SAMUELSON, P.E. 09/27/09 ON 07-21-2014. IT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.

PRELIMINARY
 FOR INTERIM REVIEW ONLY
 NOT TO BE USED FOR:
 CONSTRUCTION OR
 BIDDING PURPOSES.
 Engineer: ARNOLD W. SAMUELSON, P.E.
 P.E. No.: 98877
 Date: 03-31-2014

POGUE
 ENGINEERING & DEVELOPMENT COMPANY, INC.
 1512 BRAY CENTRAL DRIVE
 SUITE 100
 MCKINNEY, TEXAS 75069
 TX BOARD PROF. ENGINEERS, CERT. #F-000481; TX BOARD PROF. LAND SURVEYING, CERT. 100421-00
 (214) 544-8880 PHONE
 (214) 544-8882 FAX
 www.PogueEngineering.com

EXHIBIT C
CONCEPTUAL LANDSCAPE PLAN
 KIDS R KIDS
 2.25 ACRE TRACT
 WILLIAM H. THOMASON SURVEY, ABSTRACT NO. 895
 TOWN OF PROSPER, TEXAS

SHEET NO.
 SUP C

