

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 05-20; GRANTING A SPECIFIC USE PERMIT (SUP) FOR A NEW AUTOMOBILE SALES/LEASING FACILITY, LOCATED ON A TRACT OF LAND CONSISTING OF 16.06 ACRES, MORE OR LESS, SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 147, 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 NWC Lovers/380, LLC ("Applicant") for a Specific Use Permit (SUP) to allow for a New Automobile Sales/Leasing Facility on a tract of land zoned Planned Development-43 (PD-43), consisting of 16.06 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 being particularly being described in Exhibit "A," attached hereto and incorporated herein for all purposes; and

WHEREAS, the Town Council has investigated 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 New Automobile Sales/Leasing Facility, on a tract of land zoned Planned Development-43 (PD-43), consisting of 16.06 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 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 are incorporated herein for all purposes as if set forth verbatim, subject to the following conditions of approval by the Town Council:

1. No outdoor intercoms, speakers or sound amplification devices shall be utilized on the property;
2. Any structures with a garage or bay shall include an automatic door closing device for such garage or bay, exclusive of the Automatic Car Wash; and
3. After-hours reduction of outdoor lighting, by 90%, to 10%, at midnight.

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.

Two (2) original, official and identical copies of the zoning exhibit map are hereby adopted and shall be filed and maintained as follows:

- a. One (1) copy shall be filed with the Town Secretary and retained as an original record and shall not be changed in any manner.
- 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.

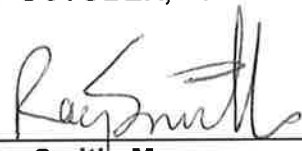
SECTION 7

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 14th DAY OF OCTOBER, 2014.



Ray Smith, Mayor

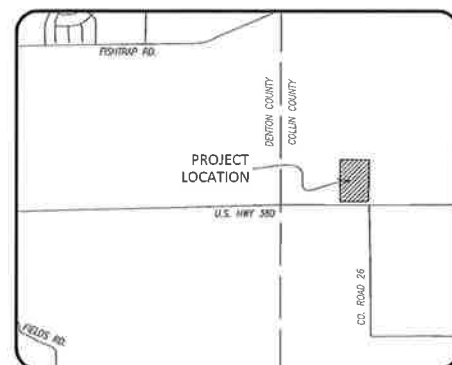
ATTEST:


Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:



Terrence S. Welch, Town Attorney



LOCATION MAP

LEGEND

(Not all items may be applicable)

o	1/2" IRON ROD WITH PLASTIC CAP STAMPED
	APPROXIMATE SIZE, UNLESS OTHERWISE NOTED
IB	IRON ROD FOUND
CB	CAPPED IRON ROD FOUND
WPT	IRON PIPE FOUND
AM	ALUMINUM MONUMENT FOUND
CM	CONTROL MONUMENT
Esmt	EASEMENT
UTL	UTILITY
OE	DRAINAGE EASEMENT
UE	DRAINAGE AND UTILITY EASEMENT
UE	UTILITY EASEMENT
WE	WATER EASEMENT
SE	SANITARY SEWER EASEMENT
SE	SIDEWALK EASEMENT
ST	STREET EASEMENT
UT	UTILITY EASEMENT
FA	FRONT LAWN, ACCESS, & UTILITY EASEMENT
WF	WASTE WATER EASEMENT
RO	RIGHT-OF-WAY
R/L	BUILDING LINE
C/F	CARPET
VOL	VOLUME
PAGE	PAGE
PL	PLASTER
NFS	NOT TO SCALE
Inst./Doc.	INSTRUMENT OR DOCUMENT
(DCCT)	DEED RECORDS, COLLIN COUNTY, TEXAS
(PLAT REC)	PLAT RECORDS, COLLIN COUNTY, TEXAS
(O&M)	OWNER'S MAPS, COLLIN COUNTY, TEXAS
(O&M-PUB)	OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS

Notes:

1. The thoroughfare alignments shown on this exhibit are for illustration purposes and does not set the alignment. The alignment is determined at time of final plat.
2. No 100 year floodplain exists onsite.

Prosper Partners, LP
Doc. No. 20080303000247320 QPRCG

Zoning: SF PD-55
Land Use: Vacant
PLUP: 45.360 Ordinal

S 89°40'49" E ~ 40.00

ena/380 LLC

NWC Lovers/50k, LLC
Doc. No. 201401080000020000 C/FACC
Zoning: CC PD-43

GST Prosser Addition
Block A, Lot 1
699,634 S.F./16.061 Ac. (Gross)
658,690 S.F./15.121 Ac. (Net)

'C Lovers/380, LLC
20140108000020390 OPRC

Zoning: CC PD-47
Land Use: Vacant
FLUP: US 500 Dues

approx. location gas pipeline
Lone Star Gas Co.
Vol. 193, Pg. 685 DRCCL
(Blanket Exempt)

15' Water line esmt,
Doc. No. 2012103000137843

Low Star Gas Company
Vol. 191, Pg. 583
(Hawing East.)

75' Perm. pipeline esmt.
Vol. 49:30 Pg. 1217 ORCT

S 89°57'18" W, 622.11
to a 5/8" ONS (CM)

U.S. HIGHWAY 380
Variable width ROW

State of Texas
Doc. No. 97-001869
DIRECT

Apparent 140° R.O.W.

POINT OF
BEGINNINGTransfer Fuel, Li
& R.O.W.
Pg. 1639MSW Prosper 380, L.P.
Date: Mo. 2013/11/30 00:05:43 OFFICE

Zoning: CC PD-4
Land Use: Vacant
FLAP: 05-180-0000

approx. location
50' Easement
Lone Star Gas Company
Vol. 193, Pg. 683
affected by Partial
Release of Easement
Vol. 860, Pg. 469

15' Denton Co. Elec. Coop., Inc.
Vol. 468, Pg. 98
affected by Agreement Defining
Area Embraced Within Easement
Doc No. 20060620000840880

METES AND BOUNDS DESCRIPTION

BEING a tract of land situated in the Collin County School Land Survey, Abstract No. 147, City of Prosper, Collin County, Texas, the subject tract being a portion of a tract of land conveyed to NWC Lovers/380, LLC, recorded in Document No. 20140108000020390 of the Deed Records, Collin County, Texas (DRCCT), the subject tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod with plastic cap stamped "SPIARSENS" found on the north line of U.S. Highway 380, a variable width public right-of-way, for the southwest corner of a tract conveyed to MSW Prosper 380, L.P., recorded in Document No. 2013011400054790 DRCC, and being the southeast corner of the said NWC Lovers/380 tract;

THENCE S 89°57'18" W, 719.36 feet along the north line of said highway to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set, from which a 5/8" iron rod with plastic cap found for the southwest corner of said NWC Lovers/380 tract bears S 89°57'18" W, 622.11 feet;

THENCE N 00°26'47" E, 974.90 feet departing said highway, to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set on a south line of a tract conveyed to Prosper Partners, LP, recorded in Document No. 20080303000247320 DRCCT;

THENCE S 89°40'49" E, 719.34 feet along the south line thereof to a 5/8" iron rod with plastic cap found on the west line of said MSW Prosper 380 tract;

THENCE S 00°26'47" W, 970.32 feet along the east line of said NWC Lovers/380, LLC tract to the POINT OF BEGINNING with the subject tract containing 699,634 square feet or 16.061 acres of land.

EXHIBIT "A"

GST PROSPER

BLOCK A, LOT 1
IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS
COLLIN CO. SCHOOL LAND SURVEY, ABST. NO. 147
16.061 Acres (Gross)/15.121 Acres (Net)
Current Zoning: CC (Commercial Corridor) PD-43

OWNER / APPLICANT
NHC Lovers/380, LLC
83 Abbey Woods
Dallas, TX 75248
Telephone: (214) 801-5020
Contact: Brett Blakey

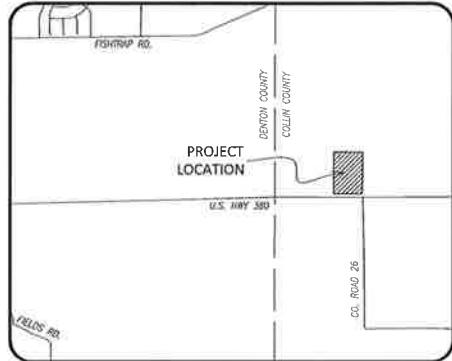
ENGINEER / SURVEYOR
Spiars Engineering, Inc.
765 Custer Road, Suite 100
Plano, TX 75075
Telephone: (972) 422-0077
TBPE No. F-2121
Contact: Kevin Wier

WRC Frisco/380 Partners, LP
Doc. No. 20070309000324700 OPRCCT

Scale: 1" = 60' September, 2014 SEI Job No. 14-085



50 0 25 50 100
1 inch = 50 ft.



LOCATION MAP
1" = 1000'

LEGEND	
(Not all items may be applicable)	
1/2"	IRON ROD WITH PLASTIC CAP STAMPED "SPARKING" SET, UNLESS OTHERWISE NOTED
1/4"	IRON ROD FOUND
1/8"	IRON PIPE FOUND
1/2"	IRON PIPE FOUND
1/4"	ALUMINUM MONUMENT FOUND
1/2"	CONTROL MONUMENT
1/4"	EASEMENT
1/2"	UTILITY
1/4"	DRAINAGE EASEMENT
1/2"	DRAINAGE AND UTILITY EASEMENT
1/4"	UTILITY EASEMENT
1/2"	WATER EASEMENT
1/4"	SANITARY SEWER EASEMENT
1/2"	SIDEWALK EASEMENT
1/4"	STREET EASEMENT
1/2"	FIRELANE, ACCESS, & UTILITY EASEMENT
1/4"	WASTE WATER EASEMENT
1/2"	RIGHT-OF-WAY
1/4"	BUILDING LINE
1/2"	CURB
1/4"	VOLUME
1/2"	PAGE
1/4"	NUMBER
1/2"	NOT TO SCALE
1/4"	INSTRUMENT OR DOCUMENT
1/2"	DEED RECORDS, COLLIN COUNTY, TEXAS
1/4"	PLAT RECORDS, COLLIN COUNTY, TEXAS
1/2"	OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS

- Notes:
1. The thoroughfare alignments shown on this exhibit are for illustration purposes and does not set the alignment. The alignment is determined at time of final plat.
 2. No 100 year floodplain exists onsite.

Prosper Partners, LP
Doc. No. 2011011001085720 DRCCIT
Zoning: CC PD-43
Land Use: Vacant
FLUP: US 380 DISTRICT

Town of Prosper Site Plan Notes:

1. Dumpsters and trash compactors shall be screened in accordance of 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. Speedbumps/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 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 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.
18. All mechanical equipment shall be screened from public view in accordance with the Comprehensive Zoning Ordinance.

SITE DATA

SITE DATA		LOT 1, BLOCK A	
Ex. Zoning	CC PD-43	Automobile Sales/Leasing	
Proposed Use	Automobile Sales/Leasing	15.121 Ac. (659,690 S.F.) - Net	
Lot Area	15.121 Ac. (659,690 S.F.) - Total	58,910 Sq. Ft. Total	
Building Area	1 Story, 40' Max.	8,93%	
Building Height:	0.0893:1	1 Sp/500 Sq. Ft.=118 Spaces	
Lot Coverage	118 Spaces (Incl. 6 HC)	Customer/Employee Parking Provided:	
Floor Area Ratio	663 Spaces	Inventory Parking Provided	
Parking Required	781 Spaces (Incl. 6 HC)	Total Parking Provided	
Customer/Employee Parking Provided:	371,409 Sq. Ft.	Total Impervious Surface	
Inventory Parking Provided	46,178 Sq. Ft.	Required Open Space (7%)	
Total Parking Provided	78,863 Sq. Ft.	Provided Open Space	
Total Impervious Surface	15 Sq. Ft Per Pkg Sp=13,395 Sq. Ft.	Required Landscape Area	
Required Open Space (7%)	16,353 Sq. Ft.	Provided Landscape Area	

SYMBOL LEGEND

	FIRELANE & UTILITY EASEMENT
	ENHANCED CAR DISPLAY AREA
	PROPOSED 4' ORNAMENTAL IRON FENCE
	EXISTING CONTOUR
	SANITARY SEWER MANHOLE
	FIRE HYDRANT

Water Meter & Sewer Schedule - Lot 5				
I.D.	Type	Size	No. Sewer	Remarks
①	Domestic	1"	1 6"	Proposed
②	Domestic	3"	1 6"	Proposed
③	Irrigation	2"	1 N/A	Proposed

EXHIBIT "B"

GST PROSPER

BLOCK A, LOT 1

IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS
COLLIN CO. SCHOOL LAND SURVEY, ABST. NO. 147

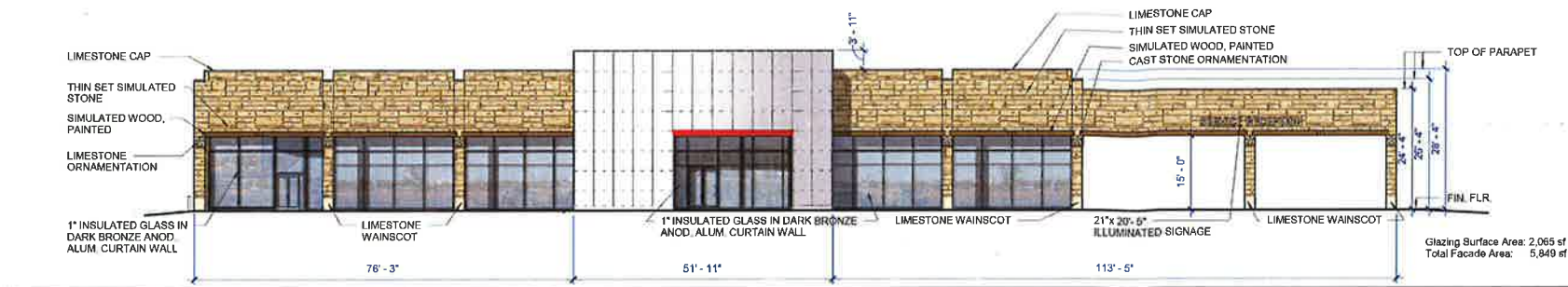
16.061 Acres (Gross)/15.121 Acres (Net)

Current Zoning: CC (Commercial Corridor) PD-43

OWNER / APPLICANT
NWC Lovens/380, LLC
Vol. 193, Pg. 683
Dated: 01/11/2011
Dallas, TX 75248
Telephone: (214) 801-5020
Contact: Brett Blakey

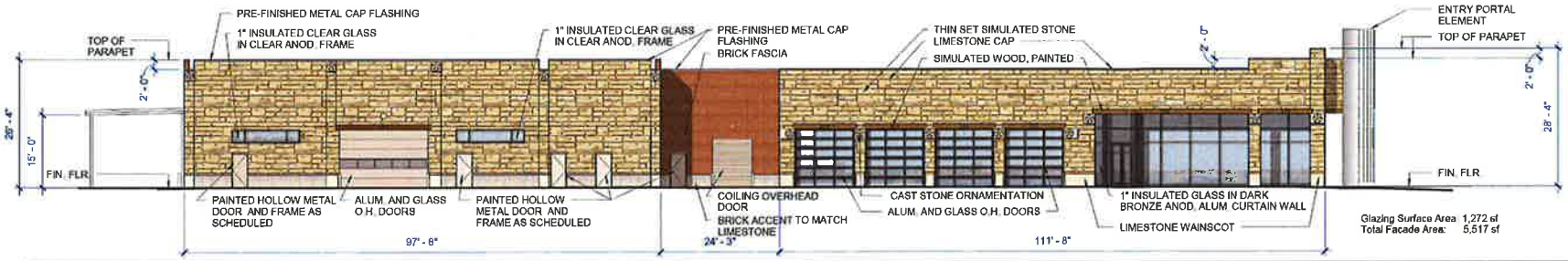
ENGINEER / SURVEYOR
Sparks Engineering, Inc.
65 Custer Road, Suite 100
Plano, TX 75075
Telephone: (972) 422-0077
FEE: No. F-2121
Contact: Kevin Wier

Scale: 1" = 50' September, 2014 SEI Job No. 14-089



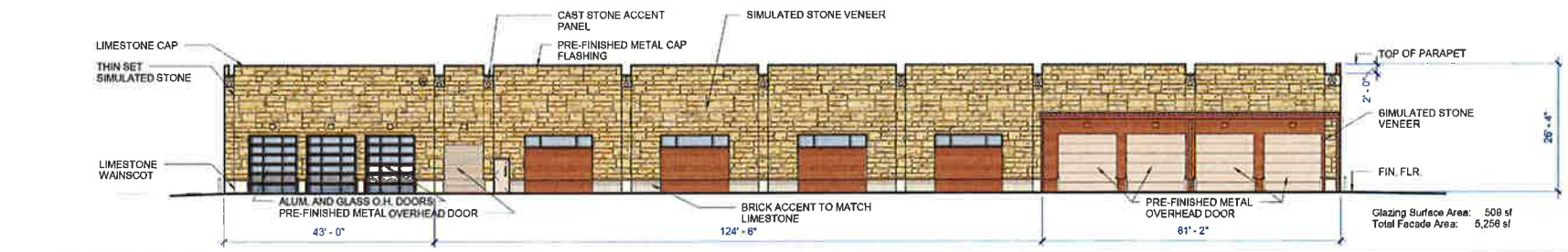
SOUTH ELEVATION
SCALE: 1/16" = 1'-0"

	CAST STONE ACCENT AND CAST STONE COPING	30 sf 1% Coverage
	THIN SET SIMULATED STONE	2,198 sf 59% Coverage
	ENTRY PORTAL ELEMENT	1,323 sf 34% Coverage
	SIMULATED WOOD	170 sf 4% Coverage
	LIMESTONE VENEER	63 sf 2% Coverage
	BRICK COLOR 1	
	BRICK COLOR 2	



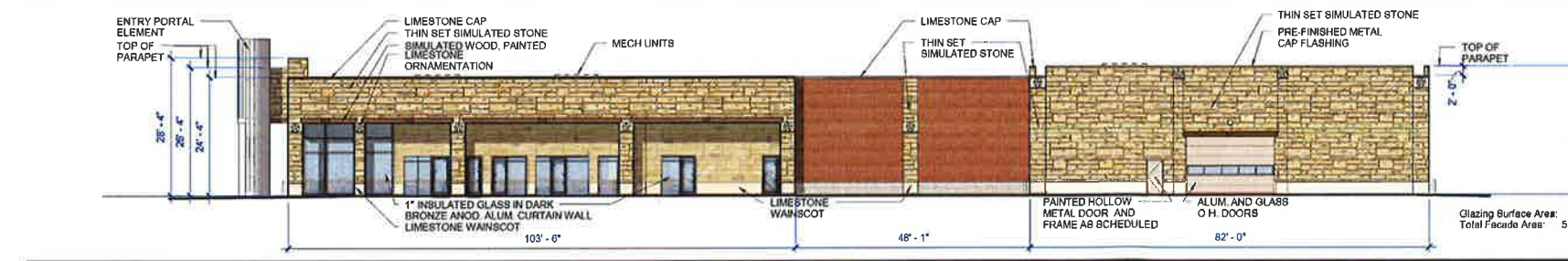
WEST ELEVATION
SCALE: 1/16" = 1'-0"

	CAST STONE ACCENT AND CAST STONE COPING	44 sf 1% Coverage
	THIN SET SIMULATED STONE	3,378 sf 79% Coverage
	GLASS PANEL PORTAL ENTRY ELEMENT	
	SIMULATED WOOD	87 sf 2% Coverage
	LIMESTONE VENEER	65 sf 2% Coverage
	BRICK COLOR 1	480 sf 11% Coverage
	BRICK COLOR 2	191 sf 5% Coverage



NORTH ELEVATION
SCALE: 1/16" = 1'-0"

	CAST STONE ACCENT AND CAST STONE COPING	42 sf 1% Coverage
	THIN SET SIMULATED STONE	3,562 sf 76% Coverage
	GLASS PANEL PORTAL ENTRY ELEMENT	
	SIMULATED WOOD	87 sf 2% Coverage
	LIMESTONE VENEER	59 sf 1% Coverage
	BRICK COLOR 1	645 sf 14% Coverage
	BRICK COLOR 2	322 sf 7% Coverage



EAST ELEVATION
SCALE: 1/16" = 1'-0"

	CAST STONE ACCENT AND CAST STONE COPING	57 sf 1% Coverage
	THIN SET SIMULATED STONE	3,977 sf 79% Coverage
	GLASS PANEL PORTAL ENTRY ELEMENT	
	SIMULATED WOOD	95 sf 2% Coverage
	LIMESTONE VENEER	234 sf 4% Coverage
	BRICK COLOR 1	814 sf 40% Coverage
	BRICK COLOR 2	68 sf 1% Coverage

CONFIDENTIAL CLIENT

PROSPER, TX

Gensler

5420 LBJ Freeway
Suite 1100
Dallas, TX 75240
Tel: 214.273.1500

Issue #	Issue Date	Issue Description

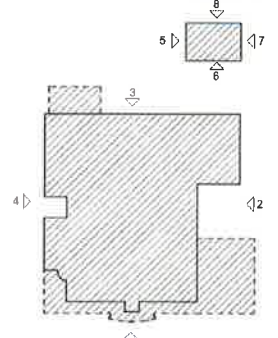
This Facade Plan is for conceptual purposes only. All building plans require review and approval from the Building Inspection Division.

All mechanical equipment shall be screened from public view in accordance with the Comprehensive Zoning Ordinance.

When permitted, exposed utility boxes and conduits shall be painted to match the building.

All signage areas and locations are subject to approval by the Building Inspection Department.

Windows shall have a maximum exterior visible reflectivity of ten (10) percent.



LOCATION KEY

Seal/Signature

Project Name
PROSPER, TX

Project Number

Description
EXTERIOR ELEVATIONS

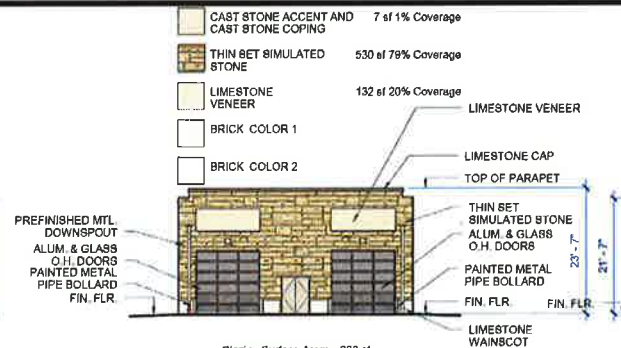
Scale
As indicated

ELEVATIONS

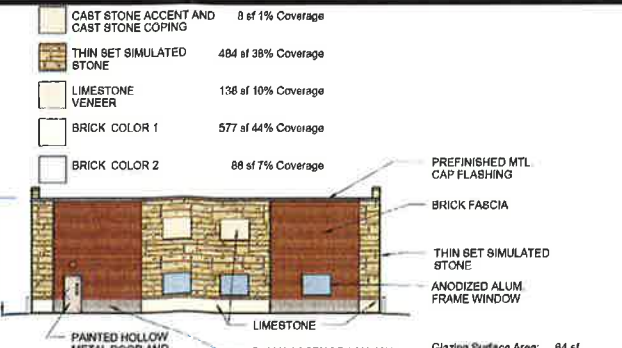
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NORTH CARWASH ELEVATION
SCALE: 1/16" = 1'-0"



8 EAST CARWASH ELEVATION
SCALE: 1/16" = 1'-0"



7 SOUTH CARWASH ELEVATION
SCALE: 1/16" = 1'-0"



6 WEST SOUTH CARWASH ELEVATION
SCALE: 1/16" = 1'-0"