

**AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE; GRANTING A SPECIFIC USE PERMIT (SUP) FOR A RETAIL BUILDING WITH A FLAT ROOF, PARAPET WALL AND CORNICE, LOCATED ON A TRACT OF LAND CONSISTING OF 1.329 ACRES, MORE OR LESS, SITUATED IN THE COLLIN COUNTY SCHOOL LAND NO. 13 SURVEY, ABSTRACT NO. 172, 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 the Zoning Ordinance should be amended; and

**WHEREAS**, the Town of Prosper, Texas ("Prosper") has received a request from MQ Development Partners ("Applicant") for a Specific Use Permit (SUP) for a retail building with a flat roof, parapet wall and cornice, on a tract of land zoned Planned Development-68 (PD-68), consisting of 1.329 acres of land, more or less, situated in the Collin County School Land No. 13 Survey, Abstract No. 172, in the Town of Prosper, Collin County, Texas, and being more particularly 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. The Town's Zoning Ordinance is amended as follows: Applicant is granted a Specific Use Permit (SUP) for a retail building with a flat roof, parapet wall and cornice, on a tract of land zoned Planned Development-68 (PD-68), consisting of 1.329 acres of land, more or less, situated in the Collin County School Land No. 13 Survey, Abstract

No. 172, in the Town of Prosper, Collin County, Texas, and being more particularly 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 conceptual elevations attached hereto as Exhibit "B," which is incorporated herein for all purposes as if set forth verbatim.

All development plans, standards, and uses for the Property 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 original, official and identical copies of the zoning exhibit map are hereby adopted and shall be filed and maintained as follows:

- a. One copy shall be filed with the Town Secretary and retained as an original record and shall not be changed in any manner.
- b. One 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 9TH DAY OF AUGUST, 2016.**

  
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Ray Smith, Mayor

**ATTEST:**

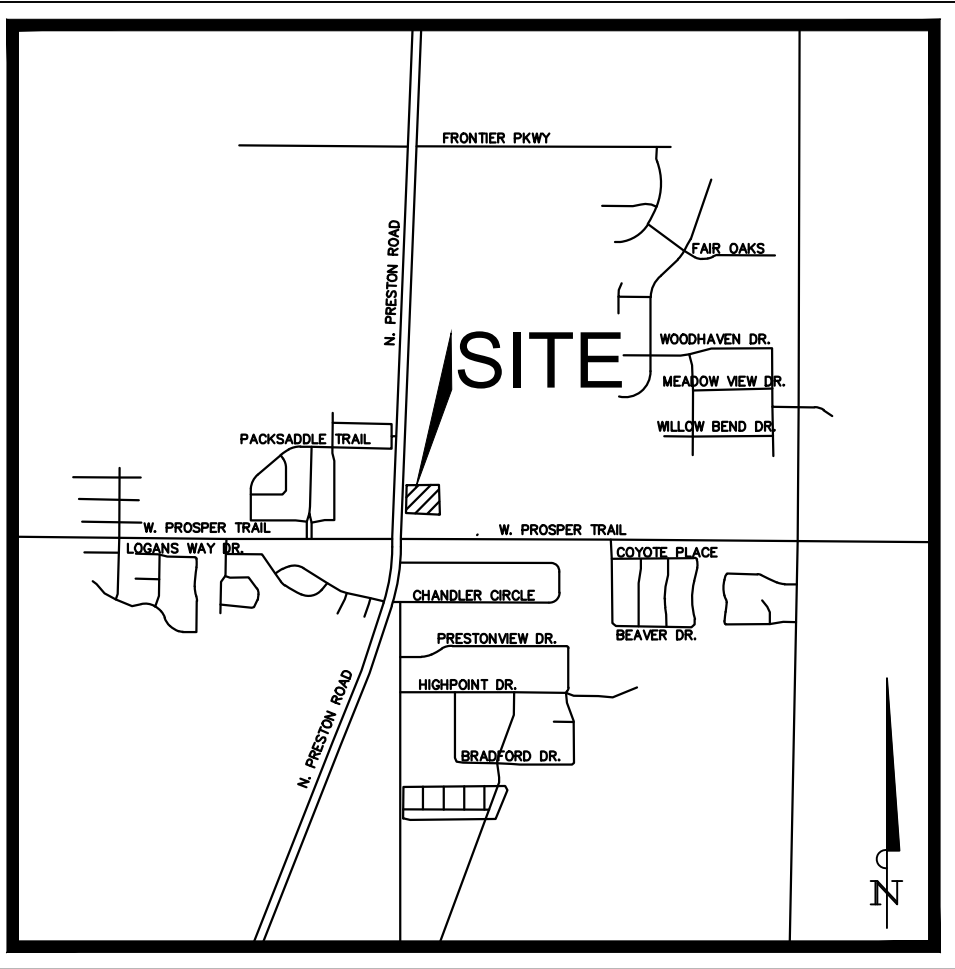
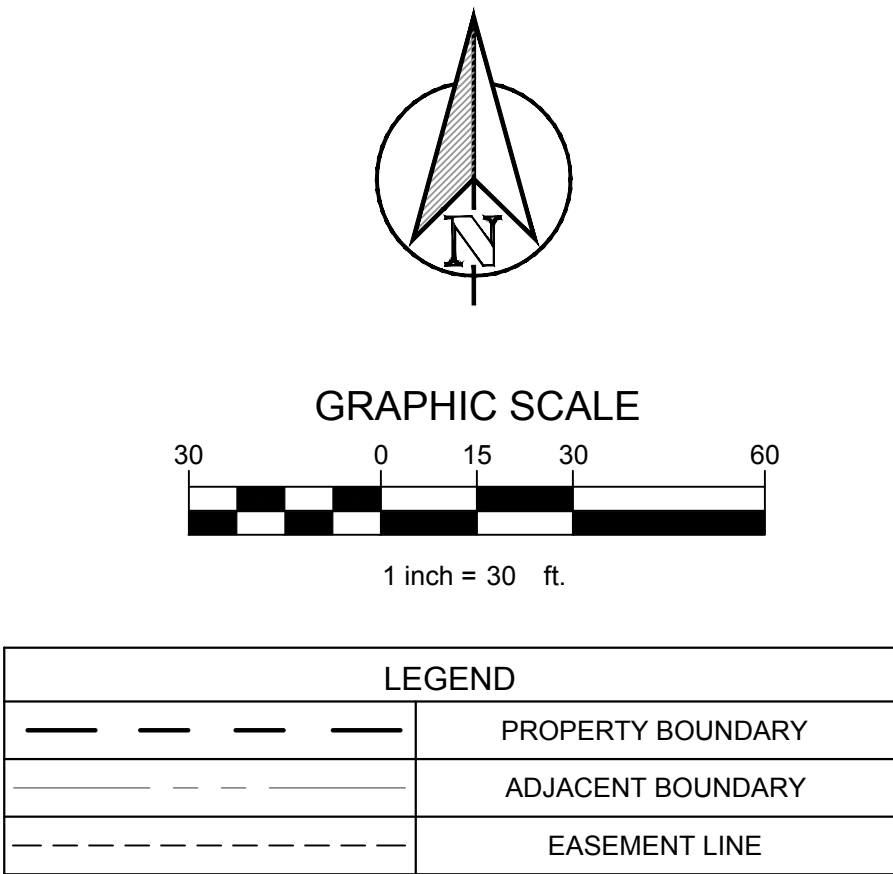
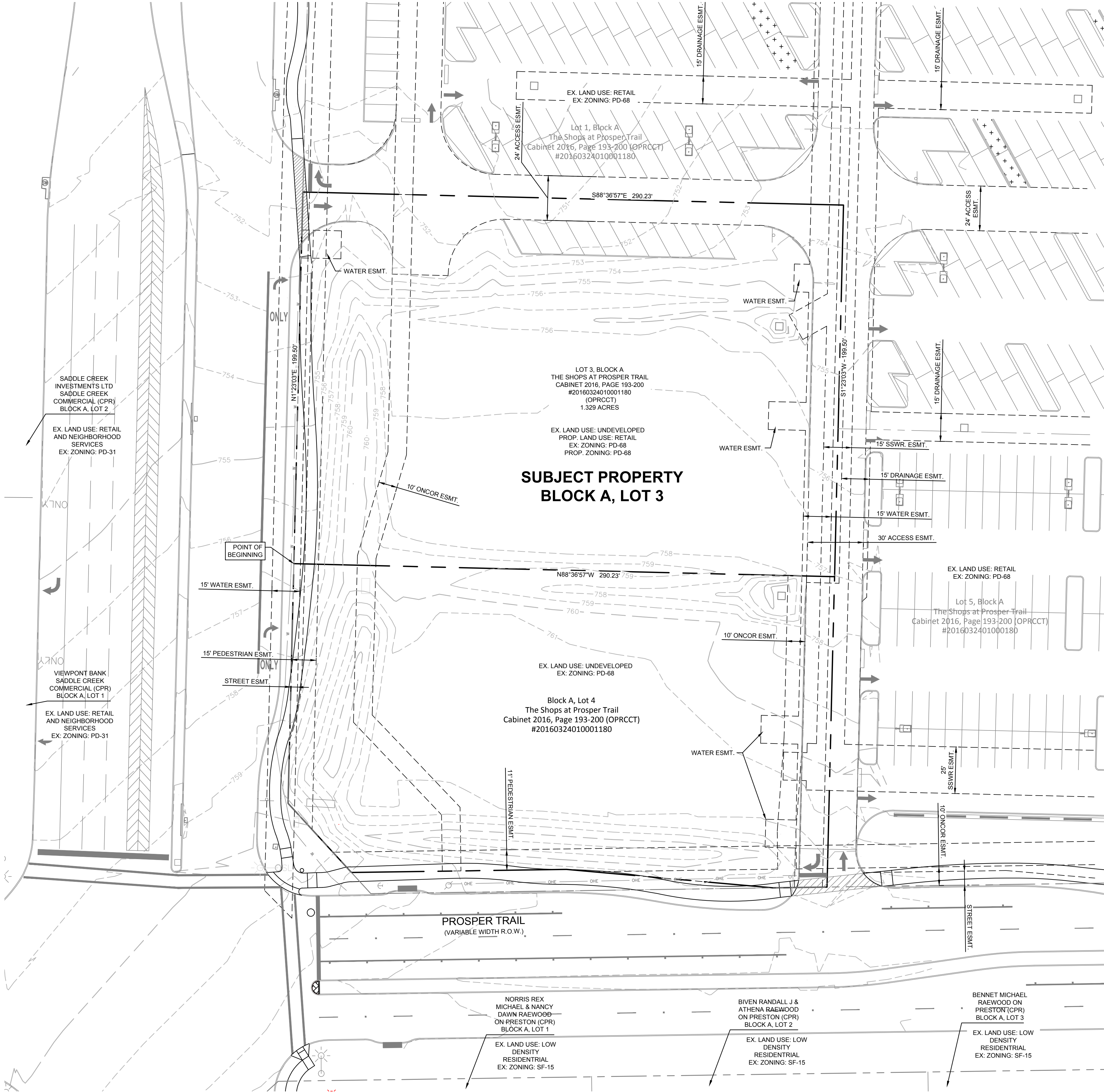
  
\_\_\_\_\_  
Robyn Battle, Town Secretary

**APPROVED AS TO FORM AND LEGALITY:**

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



PLOTTED BY: JVALDEZ  
 5/19/2016 3:02 PM  
 C:\EGNYTE\SHARED\PROJECTS\2016-006 MQ PROSPER\CADD\EXHIBIT A.DWG  
 LOCATION: 5/19/2016 2:32 PM  
 LAST SAVED:



**VICINITY MAP**  
N.T.S.

WHEREAS, MQ PROSPER RETAIL, LLC, IS THE SOLE OWNER OF A TRACT OF LAND SITUATED IN THE COLLIN COUNTY SCHOOL LAND NO. 13 SURVEY, ABSTRACT NO. 172, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS, BEING A PORTION A TRACT OF LAND DESCRIBED IN DEED TO MQ PROSPER RETAIL, LLC AS RECORDED IN COUNTY CLERK'S INSTRUMENT NO. 20140828000915740, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS (OPRCCT) AND BEING ALL OF LOT 3, BLOCK A OF THE SHOPS AT PROSPER TRAIL, AN ADDITION TO THE TOWN OF PROSPER ACCORDING TO THE PLAT RECORDED IN CABINET 2016, PAGE 193-200 (OPRCCT), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8 INCH IRON ROD SET FOR CORNER AT THE NORTHERLY END OF A CORNER CLIP AT THE INTERSECTION OF THE NORTH LINE OF COUNTY ROAD NO. 81 (PROSPER TRAIL), A VARIABLE WIDTH RIGHT-OF-WAY, AS ESTABLISHED BY PLAT RECORDED IN CABINET 2016, PAGE 193-200 (OPRCCT) WITH THE EAST LINE OF STATE HIGHWAY NO. 289 (PRESTON ROAD), A VARIABLE WIDTH RIGHT-OF-WAY, AS ESTABLISHED IN DEED TO THE STATE OF TEXAS (PARCEL 8, PART 2) AS RECORDED IN COUNTY CLERK'S INSTRUMENT NO. 20110802000807680 (OPRCCT);

THENCE ALONG THE EAST LINE OF SAID STATE HIGHWAY NO. 289, NORTH 01°23'03" EAST A DISTANCE OF 128.71 FEET TO A 5/8 INCH IRON ROD SET FOR THE POINT OF BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 3 AND THE NORTHWEST CORNER OF LOT 4 OF SAID BLOCK A;

THENCE CONTINUING ALONG THE EAST LINE OF SAID STATE HIGHWAY NO. 289, NORTH 01°23'03" EAST A DISTANCE OF 199.50 FEET TO A 5/8 INCH IRON ROD SET FOR CORNER AT THE NORTHWEST CORNER OF SAID LOT 3 AND THE SOUTHWEST CORNER OF LOT 1 OF SAID BLOCK A;

THENCE ALONG THE COMMON LINE OF SAID LOT 1 AND LOT 3, SOUTH 88°36'57" EAST A DISTANCE OF 290.23 FEET TO A 5/8 INCH IRON ROD SET FOR CORNER AT THE NORTH EAST CORNER OF SAID LOT 3; THENCE CONTINUING ALONG SAID COMMON LINE, SOUTH 01°23'03" WEST A DISTANCE OF 199.50 FEET TO AN X-CUT IN CONCRETE SET FOR CORNER AT THE SOUTHEAST CORNER OF SAID LOT 3 AND THE NORTHEAST CORNER OF SAID LOT 4;

THENCE ALONG THE COMMON LINE OF SAID LOT 3 AND LOT 4 NORTH 88°36'57" WEST A DISTANCE OF 290.23 FEET TO THE POINT OF BEGINNING;

CONTAINING 1.329 ACRES OR 57,900 SQUARE FEET OF LAND MORE OR LESS.

**FLOODPLAIN NOTE**

ACCORDING TO MAP NO. 48085C0235J, DATED JUNE 2, 2009 OF THE NATIONAL FLOOD INSURANCE PROGRAM MAP, FLOOD INSURANCE RATE MAP OF COLLIN COUNTY, TEXAS, FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, THIS PROPERTY IS WITHIN ZONE "X" (UNSHADED) AND IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA.

\*NO 100-YEAR FLOODPLAIN EXISTS ON THE SITE\*

**BENCHMARK:**

1. "X" CUT IN CONCRETE SOUTHWEST CORNER OF PRESTON ROAD AND PROSPER TRAIL, +/- 105 FEET WEST OF CENTERLINE OF PRESTON ROAD +/- 80 FEET SOUTH OF CENTERLINE OF PROSPER TRAIL. POSTED ELEVATION: 760.63

2. SQUARE CUT ON THE TOP, MIDDLE OF A CONCRETE WALL, NORTH SIDE OF PROSPER TRAIL, +/- 713.5 FEET

<b>CASE NO. S16-0007</b>	
<b>SHOPS AT PROSPER TRAIL, LOT 3</b>	
<b>SUP: EXHIBIT A</b>	
<b>OWNER:</b> MQ DEVELOPMENT PARTNERS 14801 QUORUM DRIVE DALLAS, TEXAS 75254 PH: 214-980-8806 CONTACT NAME: ROLLAND UPHOFF	
<b>APPLICANT:</b> CLAYMOORE ENGINEERING, INC. 1903 CENTRAL DRIVE, SUITE #406 BEDFORD, TX 76021 PH: 817.281.0572 CONTACT NAME: MATT MOORE	
<b>SURVEYOR:</b> AJ BEDFORD GROUP, INC. 301 N. ALAMO RD. ROCKWALL, TX 75087 PH: 972.722.0225 CONTACT NAME: BILL ELAM	
<b>LEGAL DESCRIPTION:</b> THE SHOPS AT PROSPER TRAIL BLOCK A, LOT 3 1.329 ACRES (57,900 SQ. FT.)	
CITY: TOWN OF PROSPER	STATE: TEXAS
COUNTY COLLIN	SURVEY: COLLIN COUNTY SCHOOL LAND NO. 13
ABSTRACT NO. 172	

DESIGN:	CLC
DRAWN:	JEV
CHECKED:	MAM
DATE:	05/15/2016
SHEET	

**THE SHOPS AT  
PROSPER TRAIL  
RETAIL BUILDING LOT 3**

**PRELIMINARY**  
 FOR REVIEW ONLY  
 Not for construction purposes.  
**CLAYMOORE ENGINEERING**  
 ENGINEERING AND PLANNING CONSULTANTS  
 Engineer: **MATT MOORE**  
 P.E. No. **95813** Date: **05/15/2016**





AREA CALCULATIONS & PERCENTAGES		
GROSS FACADE AREA	1,635 SQ. FT.	
OPENING AREA	420 SQ. FT.	
NET FACADE AREA	1,215 SQ. FT.	
B-1	AREA = 170 SQ. FT.	14 %
CS-1	AREA = 153 SQ. FT.	12 %
S-1	AREA = 227 SQ. FT.	19 %
S-2	AREA = 570 SQ. FT.	47 %
WT-1	AREA = 95 SQ. FT.	8 %



AREA CALCULATIONS & PERCENTAGES		
GROSS FACADE AREA	1,057 SQ. FT.	
OPENING AREA	136 SQ. FT.	
NET FACADE AREA	921 SQ. FT.	
B-1	AREA = 315 SQ. FT.	34 %
CS-1	AREA = 76 SQ. FT.	8 %
S-1	AREA = 182 SQ. FT.	20 %
S-2	AREA = 284 SQ. FT.	31 %
WT-1	AREA = 64 SQ. FT.	7 %

## 1 WEST ELEVATION

SCALE: 1/8" = 1'-0"

## 2 SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



AREA CALCULATIONS & PERCENTAGES		
GROSS FACADE AREA	1,430 SQ. FT.	
OPENING AREA	139 SQ. FT.	
NET FACADE AREA	1,291 SQ. FT.	
B-1	AREA = 578 SQ. FT.	45 %
CS-1	AREA = 91 SQ. FT.	7 %
S-1	AREA = 240 SQ. FT.	19 %
S-2	AREA = 274 SQ. FT.	21 %
WT-1	AREA = 108 SQ. FT.	8 %



AREA CALCULATIONS & PERCENTAGES		
GROSS FACADE AREA	1,131 SQ. FT.	
OPENING AREA	148 SQ. FT.	
NET FACADE AREA	983 SQ. FT.	
B-1	AREA = 324 SQ. FT.	33 %
CS-1	AREA = 68 SQ. FT.	7 %
S-1	AREA = 207 SQ. FT.	21 %
S-2	AREA = 318 SQ. FT.	32 %
WT-1	AREA = 66 SQ. FT.	7 %

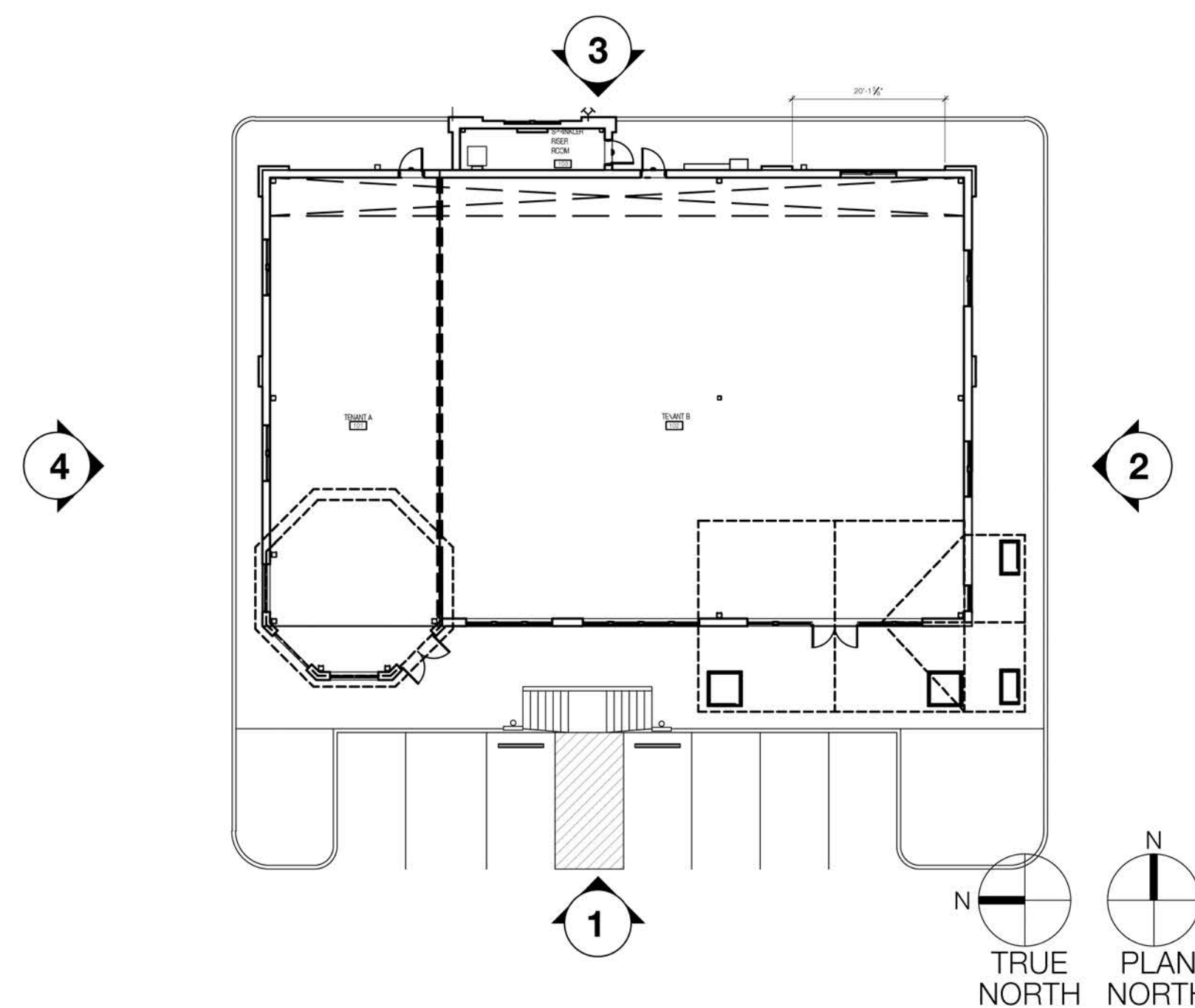
## 3 EAST ELEVATION

SCALE: 1/8" = 1'-0"

## 4 NORTH ELEVATION

SCALE: 1/8" = 1'-0"

### BUILDING OUTLINE



### GENERAL NOTES

- THIS FACADE PLAN IS FOR CONCEPTUAL PURPOSES ONLY. ALL BUILDING PLANS REQUIRE REVIEW AND APPROVAL FROM THE BUILDING INSPECTIONS DEPARTMENT.
- ALL MECHANICAL EQUIPMENT SHALL BE SCREENED FROM PUBLIC VIEW IN ACCORDANCE WITH THE 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 INSPECTIONS DEPARTMENT.
- WINDOWS SHALL HAVE A MAXIMUM EXTERIOR VISIBLE REFLECTIVITY OF TEN (10) PERCENT.

### COLOR LEGEND

S-1 MANUFACTURED STONE PALO PINTO COBBLE	SH-1 SHINGLED ROOF (SLOPE 8:12 MAX). GUTTERS & DOWNSPOUTS BERRIDGE CHARCOAL GREY	B-1 DECORATIVE MASONRY OLDCASLTE - QUICK BRICK AUTUMN, NO FLASH
S-2 MANUFACTURED STONE GRANBURY COBBLE	DOOR & WINDOW FRAMES DARK BRONZE ANODIZED ALUMINUM	WT-1 WOOD TRIM CHARCOAL GREY
CS-1 CAST STONE - ST. THOMAS TAN NO. 1103		

OWNER: MQ PROSPER RETAIL 14801 Quorum Dr Ste 160 Dallas, TX 75254 214-980-8806	APPLICANT: SBLM ARCHITECTS 16910 Dallas Parkway Dallas, TX 75248 469-554-7770	SURVEYOR: WINKELMAN & ASSOCIATES 6750 Hillcrest Plaza Dr., Suite 325 Dallas, TX 75230 972-490-7090
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**THE SHOPS AT PROSPER TRAIL**  
ABS A0172 COLLIN COUNTY SCHOOL LAND #13  
SURVEY, TRACT 11, RETAIL BUILDING LOT 3  
July 18, 2016

**SBLM**