

AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, AMENDING PROSPER'S ZONING ORDINANCE SPECIFIC USE PERMIT (S-19) FOR A CHILD DAY CARE CENTER, LOCATED IN THE PROSPER CENTER ADDITION, BLOCK A, LOT 1R, ON 2.37 ACRES, MORE OR LESS, IN THE L. NETHERLY SURVEY, ABSTRACT NO. 962, IN THE TOWN OF PROSPER, DENTON 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 SRKMR Real Estate Holding 2, LLC ("Applicant") amending Specific Use Permit-19 (S-19) for a child day care center, located in the Prosper Center Addition, Block A, Lot 1R, zoned Planned Development-65-Single Family, consisting of 2.37 acres of land, more or less, in the L. Netherly Survey, Abstract No. 962, in the Town of Prosper, Denton 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 for rezoning 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 an amended Specific Use Permit-19 (S-19) for a child day care center, located in the Prosper Center Addition, Block A, Lot 1R, zoned Planned Development-65-Single Family, consisting of 2.37 acres of land, more or less, in the L. Netherly Survey, Abstract No. 962, in the Town of Prosper, Denton County, Texas, and being more particularly described in Exhibit "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 Specific Use Permit shall conform to, and comply with 1) the concept plan, attached hereto as Exhibit "B," 2) the landscape plan, attached hereto as Exhibit "C," and 3) the concept elevations, attached hereto as Exhibit "D"; which are 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 (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.

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 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 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 28TH DAY OF FEBRUARY, 2023.



David F. Bristol, Mayor

ATTEST:



Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:



Terrence S. Welch, Town Attorney





EXISTING DRAINAGE

EXISTING ASPHALT PAVEMENT

EXISTING WATER MAIN

EXISTING SANITARY SEWER

EXISTING POWER POLE

STORM SEWER

EXISTING ASPHALT PAVEMENT

PROPOSED WATER LINE

PROPOSED CURB

EXISTING CURB

PROPOSED MONUMENT SIGN

PROPOSED HANDICAP SLOPE

PROPOSED WATER PREVENTOR

PROPOSED FLOW PREVENTOR

PROPOSED SANITARY SEWER MANHOLE

PROPOSED MONUMENT/PALE SIGN

EXISTING CONTOURS

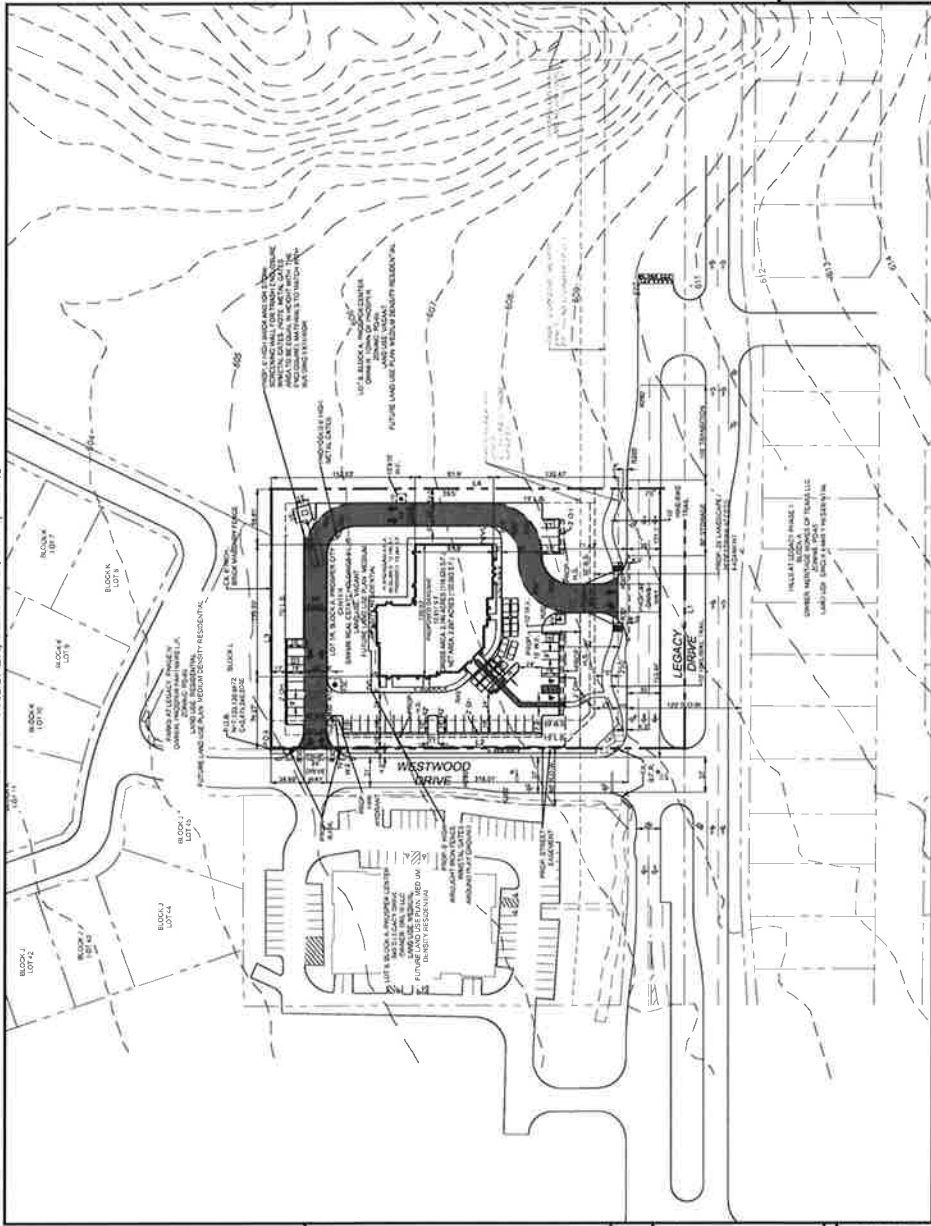
PROPOSED CLEAN OUTS

PROPOSED WATER LINE

PROPOSED WATER LINE

0 10 20 30 40 50 60 70 80 90 100

feet

[illegible][illegible]

FEMA NOTES:
1. ACCORDING TO MAP NO. 4986C0020K, DATED JUNE 3, 2006 OF THE NATIONAL FLOOD INSURANCE PROGRAM MAP, FLOOD INSURANCE RATE MAP OF COLLIN COUNTY, TEXAS, MAP NO. 4981C0020G, DATED APRIL 18, 2011 OF THE NATIONAL FLOOD INSURANCE PROGRAM MAP, FLOOD INSURANCE RATE MAP OF DENTON COUNTY, TEXAS, FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, THIS PROPERTY IS LOCATED WITHIN ZONE X (UNSHADED) AND IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA.
2. NO 10-YEAR FLOODPLAIN DEBITS ON THE PROPERTY.

LINE	BEARING	LENGTH
L1	S 42° 26' 14" W	373.00'
L2	N 49° 22' 40" W	433.00'
L3	N 42° 26' 14" E	373.00'
L4	S 49° 22' 40" E	433.00'

ONISERBARI, CANT SHORR, RALPH C. JR. 179 W. ADEWORTH DRIVE ALLEN, TEXAS 75013 CONTACT: ARTAVAN PATEL PHONE (214) 609-4671	FRANKLIN LOGGING, LLC 170 W. WAGGONWHEEL ALLEN, TEXAS 75013 CONTACT: ARTAVAN PATEL PHONE (214) 609-4671	SEALTOP KIMLEY-HORN ASSOCIATES, INC. 8749 JENNISON COURT, BLD 200 FARMERSVILLE, TEXAS 77936 CONTACT: STEVEN CHANMAN PHONE (817) 331-3486 FAX (817) 335-3775
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NO.	DATE	DESCRIPTION	QTY	UNIT
1	10/17/22	1st SUB SUBMITTAL		
2	10/31/22	2nd SUB SUBMITTAL		

09/06/2008

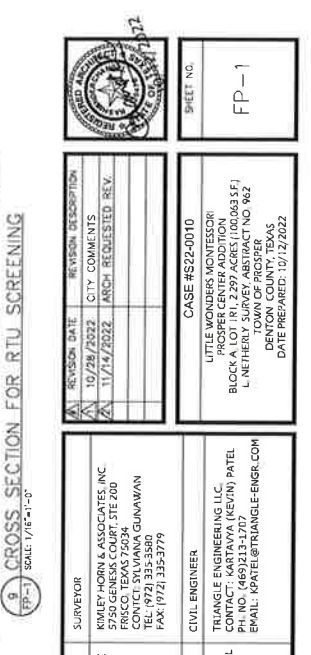
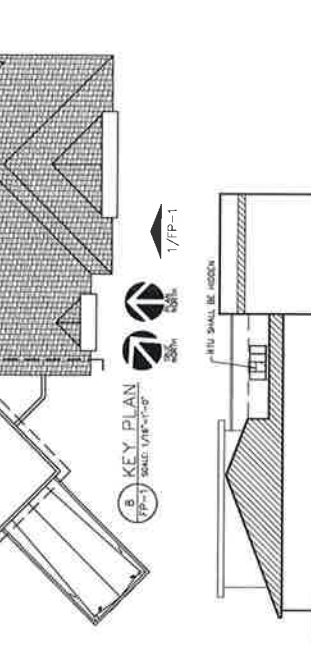
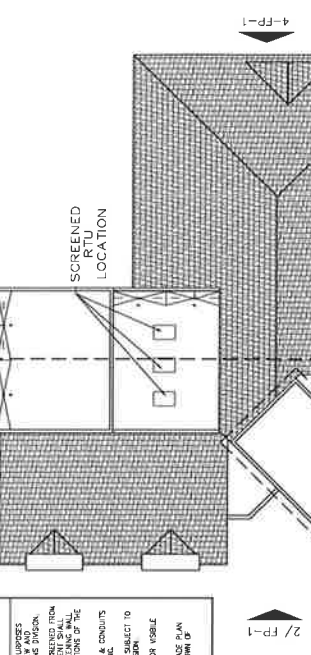
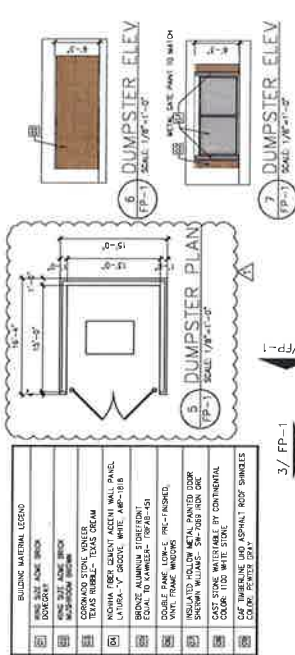
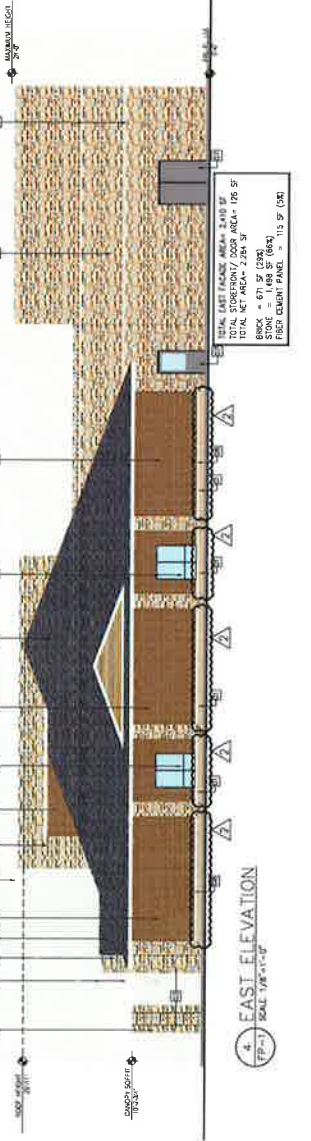
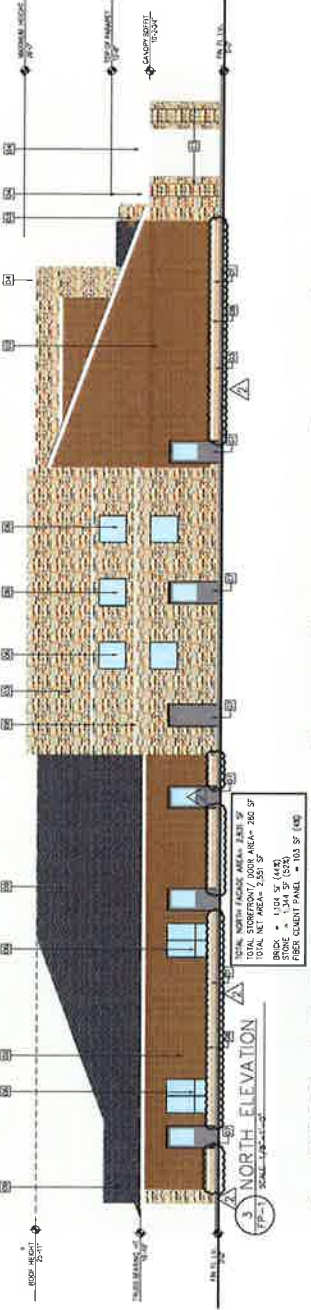
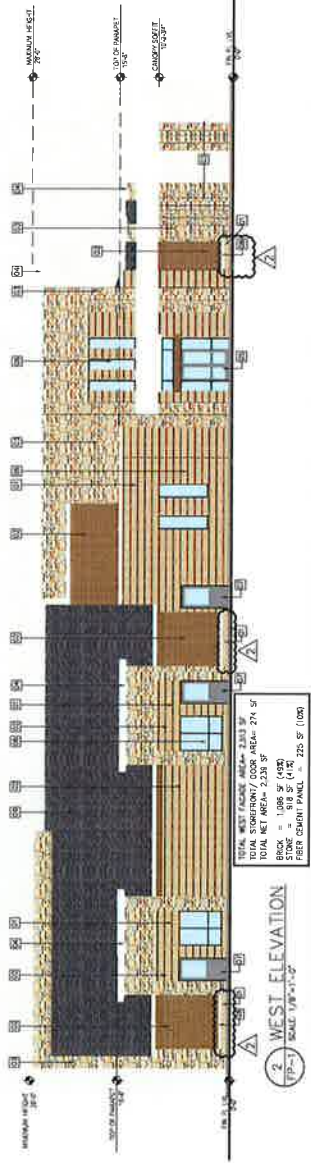
7	TK PLE FROM RT1245
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EXHIBIT "B": SUP CASE NO. S22-0010
PROSPER CENTER ADDITION
BLOCK A, LOT 1R
2.746 ACRES 119.625 S.F.
L. NETHERLY SURVEY
ABSTRACT NO. 962
TOWN OF PROSPER
DENTON COUNTY, TEXAS



F44301@mcgrill.com / f44301@mcgrill.com / F44301@mcgrill.com www.mcgrill.com / www.mcgrill.com / www.mcgrill.com Tel: 416-291-2222 / 416-291-2222 / 416-291-2222 Fax: 416-291-2222 / 416-291-2222 / 416-291-2222	2
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BUILDING MATERIAL LEGEND

1	BRICK
2	STONE
3	WOOD
4	GLASS
5	ROOF
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7	SCREEN
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- STANDARD NOTES**
- THIS FACADE PLAN IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT TO BE USED FOR CONSTRUCTION OR APPROVAL FROM THE BUILDING INSPECTION DIVISION.
 - ALL MECHANICAL EQUIPMENT SHALL BE SCREENED FROM THE FACADE. SCREENING SHALL BE DONE BY A SCREEN WALL OR SCREENING WALL. SCREENING SHALL BE DONE BY A SCREEN WALL OR SCREENING WALL. SCREENING SHALL BE DONE BY A SCREEN WALL OR SCREENING WALL.
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OWNER/APPLICANT	SURVEYOR
SKOWHEAT ESTATE HOLDINGS 2 LLC 1333 MIDWINTER ROAD STE 200 MIDWINTER, MO 64055-1111 CONTACT: KARTAVYA PATEL TEL: (214) 609-9271	KIMBLE-HORN & ASSOCIATES, INC. 5750 GENESIS COURT STE 200 MIDWINTER, MO 64055-1111 CONTACT: SYLVANA GUNAWAN TEL: (972) 335-3580 FAX: (972) 335-3779
ARCHITECT	CIVIL ENGINEER
RASHMI C INCORPORATED CONTACT: KARTAVYA PATEL PH: (817) 891-7918 EMAIL: rashmi@rashmic.com	TRIANGLE ENGINEERING, LLC CONTACT: KARTAVYA PATEL PH: (817) 891-7918 EMAIL: kpatel@triangle-engr.com
REVISION	REVISION
NO. DATE DESCRIPTION	NO. DATE DESCRIPTION
1 10/24/2022 CITY COMMENTS	1 10/24/2022 CITY COMMENTS
2 11/14/2022 ARCH REQUESTED REV.	2 11/14/2022 ARCH REQUESTED REV.
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PROJECT NO.	CASE #22-0010
SHEET NO.	FP-1
LITTLE WONDERS MONITORING	LITTLE WONDERS MONITORING
BLOCK A LOT 181 2.297 ACRES (00.0035 S.F.)	BLOCK A LOT 181 2.297 ACRES (00.0035 S.F.)
L. NETHERLY SURVEY ABSTRACT NO. 862	L. NETHERLY SURVEY ABSTRACT NO. 862
TOWN OF PROSSER	TOWN OF PROSSER
DATE PREPARED: 10/12/2022	DATE PREPARED: 10/12/2022

