

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE; GRANTING A SPECIFIC USE PERMIT (SUP) FOR A CHILD DAY CARE CENTER, LOCATED ON A TRACT OF LAND CONSISTING OF 3.105 ACRES, MORE OR LESS, SITUATED IN TRACT 10, OF THE I.C. WILLIAMSON SURVEY, ABSTRACT NO. 948, 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 Pinnacle Montessori ("Applicant") for a Specific Use Permit (SUP) for a child day care center, on a tract of land zoned Planned Development-38 (PD-38), consisting of 3.105 acres of land, more or less, situated in Tract 10, of the I.C. Williamson Survey, Abstract No. 948, 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 child day care center, on a tract of land zoned Planned Development-38 (PD-38), consisting of 3.105 acres of land, more or less, situated in Tract 10, of the I.C. Williamson Survey, Abstract No. 948, 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 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 concept 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 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

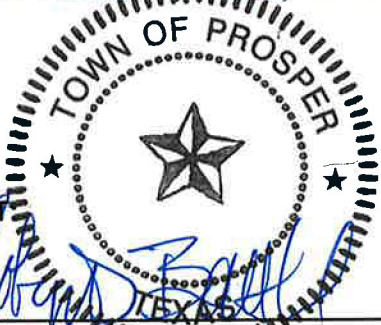
Savings/Repealing Clause. Prosper's Zoning Ordinance No. 05-20 shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall 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

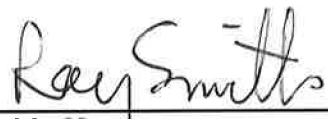
Effective Date. This Ordinance shall become effective from and after its adoption and publications as required by law.

DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 11TH DAY OF APRIL, 2017.

ATTEST



Robyn Battle, Town Secretary


Ray Smith, Mayor

APPROVED AS TO FORM AND LEGALITY:


Terrence S. Welch, Town Attorney



SURDUKAN SURVEYING
SURVEYOR:
P.O. BOX 126
ANNA, TEXAS 75409
(972) 924-8200
Email: David@surdukanurveying.com

Revisions:	2-21-17 ~ Per City Comments

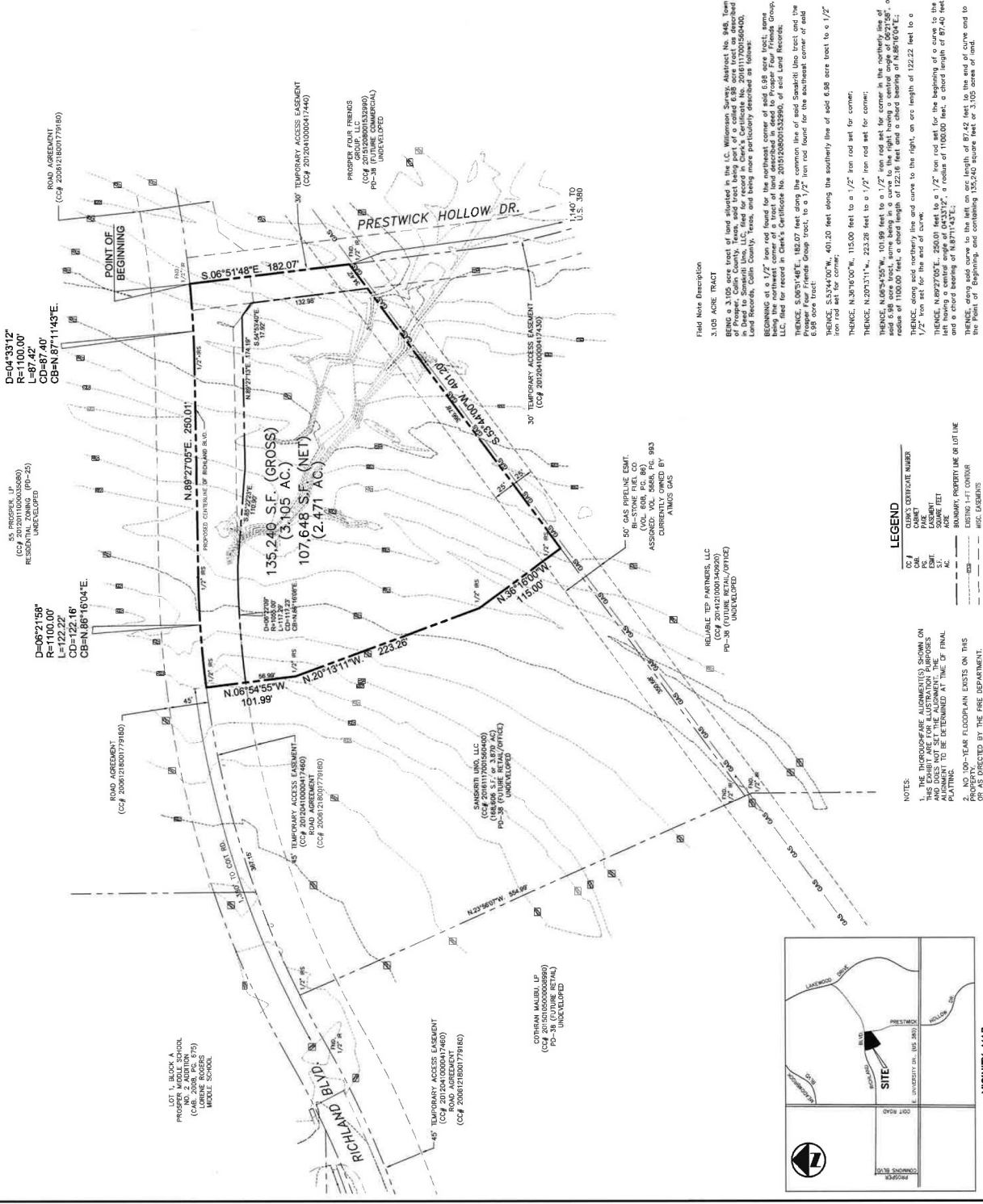
TOWN PROJ. # S17-0001

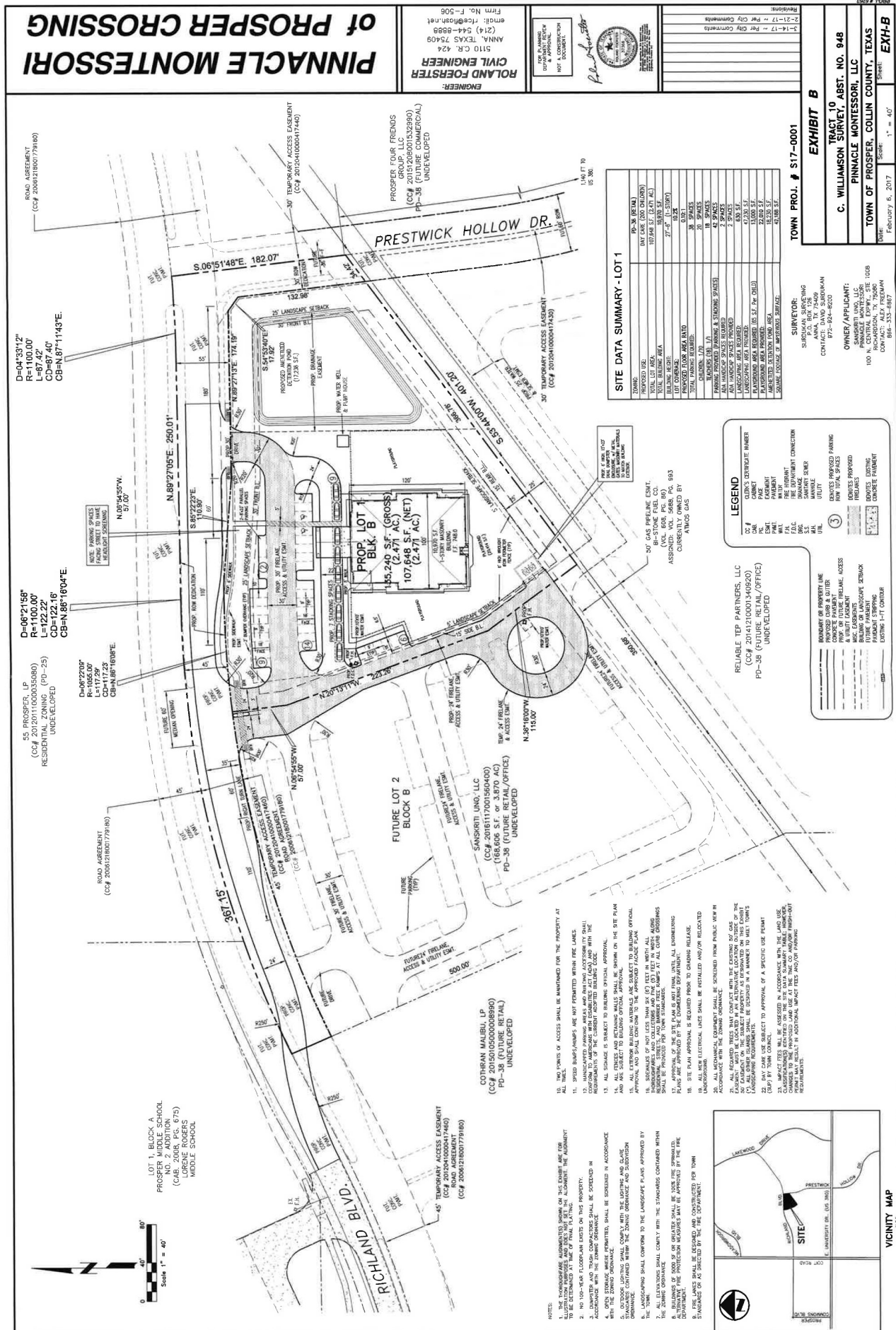
EXHIBIT A

C. WILLIAMSON SURVEY, ABST. NO. 948
TRACT 10

TOWN OF PROSPER, COLLIN COUNTY, TEXAS

EXH-A





PINNACLE MONTESSORI of PROSPER CROSSING

ENGINEER:
ROLAND FOERSTER
CIVIL ENGINEER
5110 C.R. 424
ANNA, TEXAS 75409
(214) 544-8888
email: rfoer@iosh.net
Firm No. F-506

FOR PLANNING
DESIGN, CONSTRUCTION
& APPROVAL
NOT A CONSTRUCTION
DOCUMENT.

Handwritten signature: R. L. L. L.

Seal of the U.S. Army Corps of Engineers, District of Columbia, with text: "U.S. ARMY CORPS OF ENGINEERS DISTRICT OF COLUMBIA" and "27-548".

Small text at bottom right: "This drawing is the property of the U.S. Army Corps of Engineers and is not to be distributed outside the Corps of Engineers without the written permission of the District Engineer." (mirrored text)

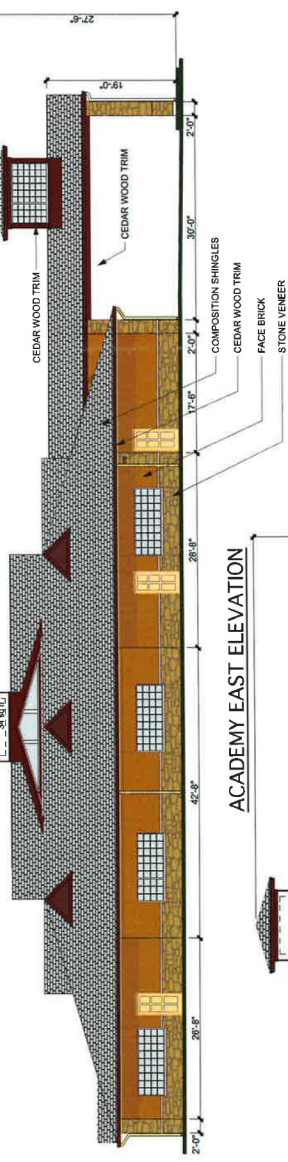
Revisions:
2-21-17 ~ Per City Comments
3-14-17 ~ Per City Comments

EXHIBIT B	TRACT 10	
	C. WILLIAMSON SURVEY, ABST. NO. 948	
	PINNACLE MONTESSORI, LLC	
	Date: February 6, 2017	Sheet: 1" = 40'
	TOWN OF PROSPER, COLLIN COUNTY, TEXAS	
		EXH-B

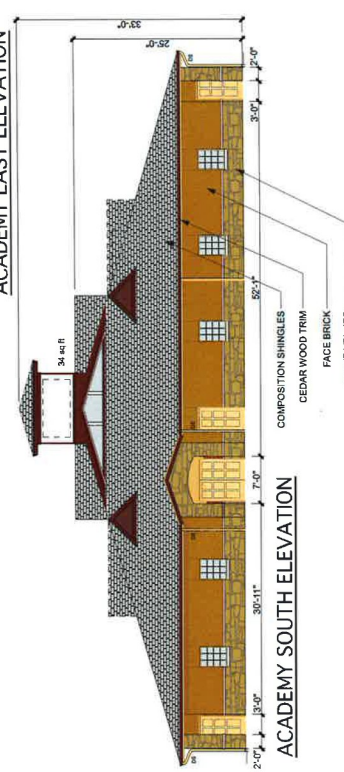
MATERIALS CALCULATIONS - ACADEMY

ELEVATIONS	SOUTH		EAST		WEST	
	SO. FT.	%	SO. FT.	%	SO. FT.	%
TOTAL	1,817	1,387	1,158	1,387	1,387	1,387
GLAZING	463	391	391	249	381	381
NET	1,054	1,006	100	909	100	1,006
FACE BRICK	286	28	535	53	485	53
STONE	654	62	370	37	383	37
CEGAR WOOD TRIM	114	10	101	10	91	10

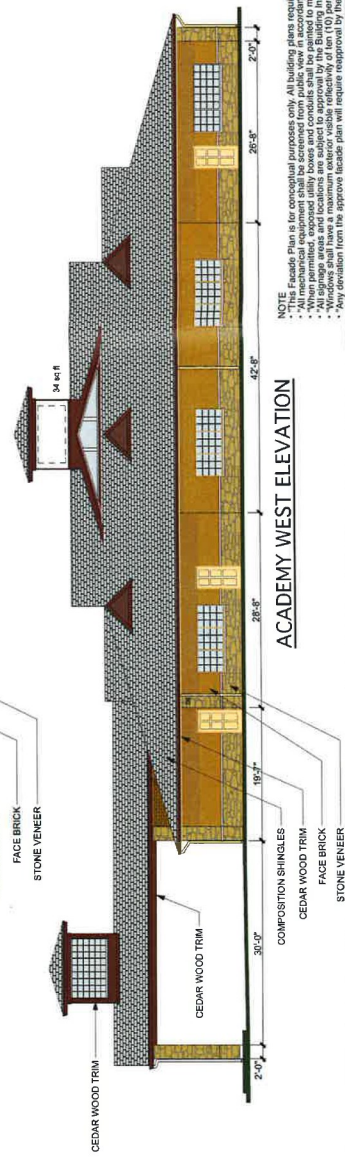
ACADEMY NORTH ELEVATION - PORTE COCHERE



ACADEMY EAST ELEVATION



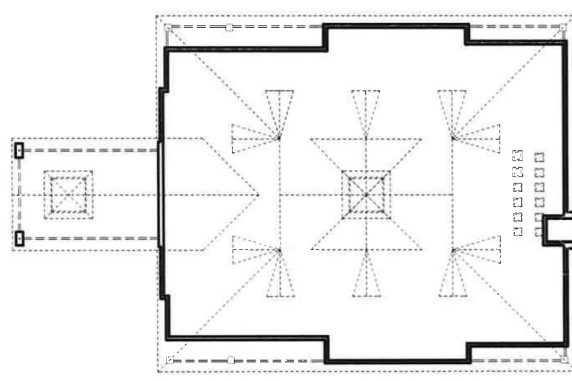
ACADEMY SOUTH ELEVATION



ACADEMY WEST ELEVATION



NOTE: Elevation plus 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.
 • All exterior lighting shall be screened from public view in accordance with the Zoning Ordinance.
 • All exterior signs and locations are subject to approval by the Building Inspections Department.
 • Windows shall have a maximum exterior visible reflectivity of ten (10) percent.
 • Any deviation from the approved facade plan will require reapproval by the Board.



ACADEMY FOOTPRINT

BUILDING MUST BE DESIGNED AND
CONSTRUCTED IN ACCORDANCE WITH
PLANNED DEVELOPMENT, 38, AND THE
FACADES OF TOWNS
ZONING ORDINANCE

TOWN PROJECT # S17-0001

EXHIBIT-D

TRACT 10

C. WILLIAMSON SURVEY, ABST. NO. 948

PINNACLE MONTESSORI, LLC

TOWN OF PROSPER, COLLIN COUNTY, TEXAS

REV. 3-14-2017

DATE: February 9, 2017

SCALE: 3/16" = 1'-0"

EXH-D