

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 17-60

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 2.794 ACRES, MORE OR LESS, BEING A PORTION OF LOT 2, BLOCK A, NORTH PRESTON VILLAGE, IN THE J. TUNNEY SURVEY, ABSTRACT NO. 916, 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 Kiddie Academy ("Applicant") for a Specific Use Permit (SUP) for a child day care center, on a tract of land zoned Retail, consisting of 2.794 acres of land, more or less, being a portion of Lot 2, Block A, North Preston Village, in the J. Tunney Survey, Abstract No. 916, 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 Retail, consisting of 2.794 acres of land, more or less, being a portion of Lot 2, Block A, North Preston Village, in the J. Tunney Survey, Abstract No. 916, 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.

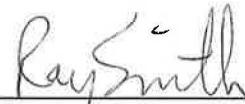
**DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE
TOWN OF PROSPER, TEXAS, ON THIS 8TH DAY OF AUGUST, 2017.**

ATTEST:



The seal of the Town of Prosper, Texas, is a circular emblem. It features a five-pointed star in the center, surrounded by a dotted line. The words "TOWN OF PROSPER" are written in a circular pattern around the star, and "TEXAS" is written at the bottom. A small five-pointed star is also visible on the left side of the seal.

Robyn Battle, Town Secretary



Ray Smith, Mayor

APPROVED AS TO FORM AND LEGALITY:

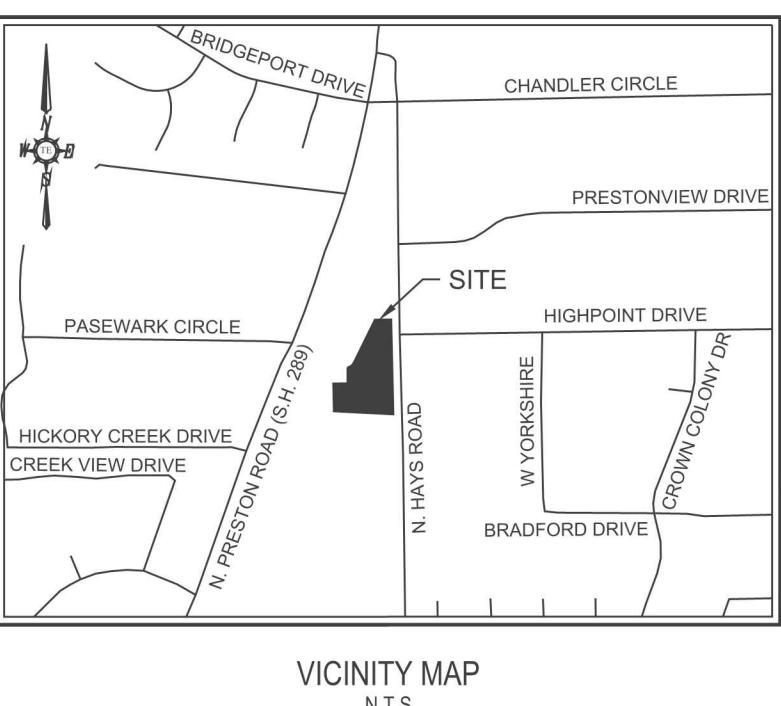
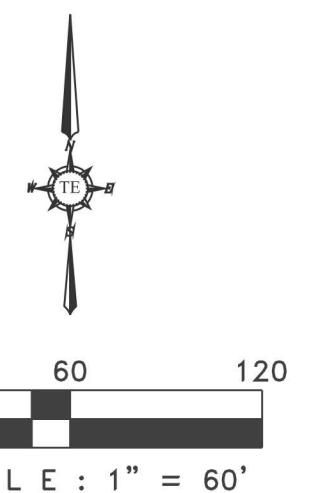


Terrence S. Welch, Town Attorney

KIDDIE ACADEMY SITE DEVELOPMENT

2.794 ACRES IN THE J. TUNNEY SURVEY ABSTRACT NO. 916

TOWN OF PROSPER, COLLIN COUNTY, TEXAS



VICINITY MAP
N.T.S.

LEGEND

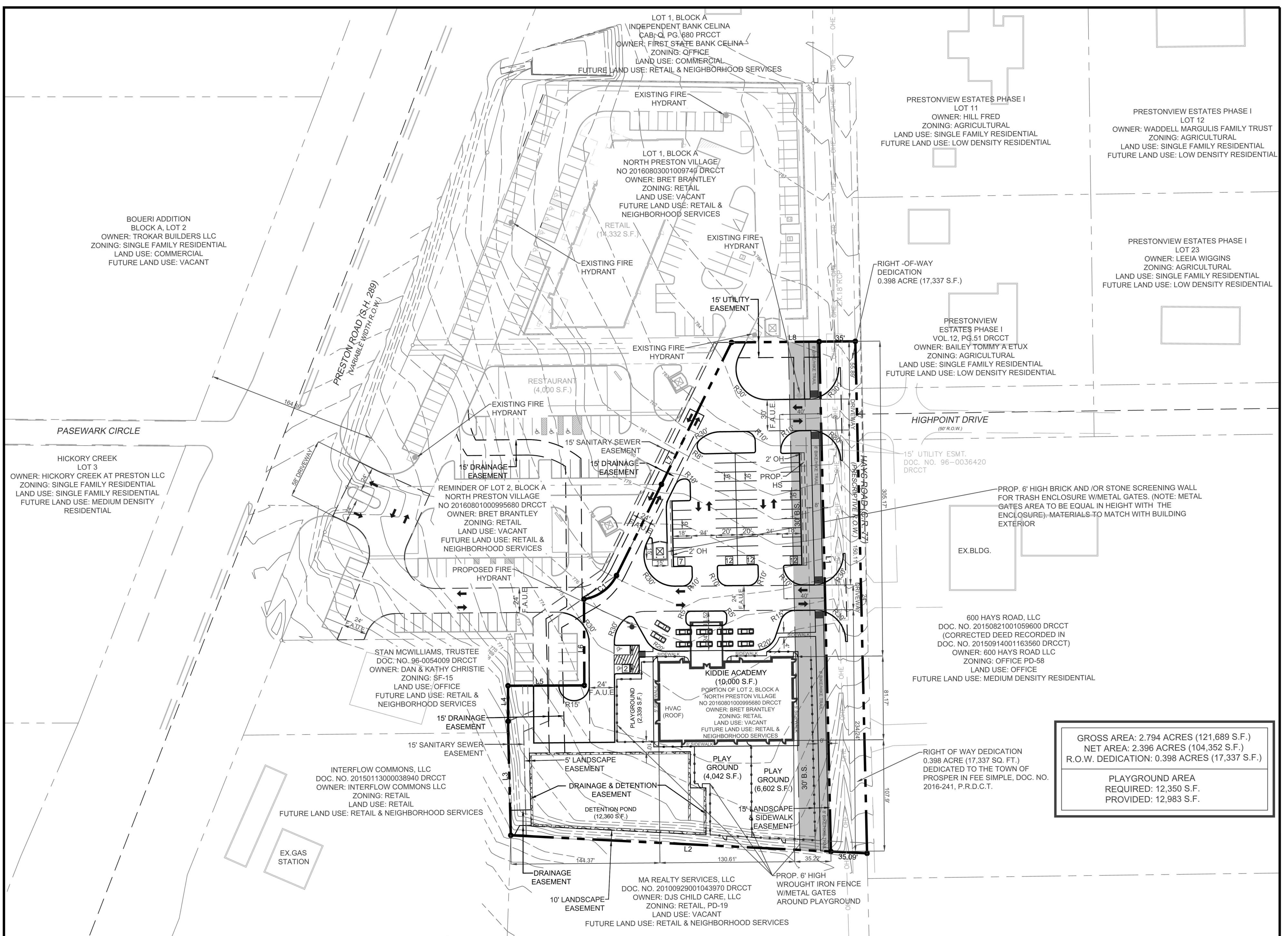
EXISTING BOUNDARY	—
EXISTING ASPHALT PVMT.EDGE	—
EXISTING WATER MAIN	W 8" WTR
EXISTING SANITARY SEWER	S 8" SEWER
EXISTING CLEANOUT	○ C.O.
EXISTING POWER POLE	PP 8" RCP
EXISTING CURB	—
PROPOSED CURB	—
PROPOSED HANDICAP SIGN	—
PROPOSED HANDICAP LOGO	—
PROPOSED WATER METER	○ WM
PROP. BACK FLOW PREVENTOR	○ NH
PROP. CONCRETE WHEEL STOP	○ SSMH
PROP. SANITARY SEWER MANHOLE	—
PROP. MONUMENT/POLE SIGN	—
EXISTING CONTOURS	— 80' —
PROPOSED CLEAN OUTS	○ C.O.
PROP. SEWER LINE	8" W
PROP. WATER LINE	6" SS

LEGEND

SANITARY SEWER EASEMNET	S.E.
DRAINAGE EASEMENT	D.E.
WATERLINE EASEMENT	W.E.
GAS RISER	GR
BUILDING SET BACK	B.S.
LANDSCAPE BUFFER	L.B.
PROPOSED 24' WIDE FIRE LANE	—
OVERHANG	O.H.
BARRIER FREE RAMPS	B.F.R.
PROPOSED HEADLIGHT SCREENING	H.S.
PROPOSED BUILDING SETBACK HATCH	—

SITE DATA SUMMARY TABLE

ZONING	RETAIL
PROPOSED USE	DAYCARE
GROSS LOT AREA	2.794 ACRES (121,689 S.F.)
NET LOT AREA	2.396 ACRES (104,352 S.F.)
TOTAL BUILDING AREA	10,000 S.F.
MAX. BUILDING HEIGHT (FEET/STORY)	32'7" / ONE STORY
LOT COVERAGE	09.58%
FLOOR AREA RATIO	0.59:1
PARKING REQUIREMENTS	
BUILDING	PARKING REQUIRED
KIDDIE ACADEMY (1 PER 10 STUDENTS & 1 PER STAFF)	39 (190 STUDENTS & 20 STAFF)
TOTAL PARKING REQUIRED	39
TOTAL PARKING PROVIDED	45
HANDICAP PARKING REQUIRED PER ADA	2
HANDICAP PARKING PROVIDED	2
PERCENTAGE OF LANDSCAPING REQUIRED	15 S.F.X 50 SPACE (750 S.F.)
PERCENTAGE OF LANDSCAPING PROVIDED	50,902 S.F. (48.77 %)
IMPERVIOUS COVERAGE	53,450 F. (51.23 %)



FEMA NOTES

- NO PART OF THE SUBJECT LAND IS LOCATED IN A 100-YEAR FLOOD PLAIN OR IN AN IDENTIFIED "FLOOD PRONE AREA," AS DEFINED PURSUANT TO THE FLOOD DISASTER PROTECTION ACT OF 1973, AS AMENDED, AS REFLECTED BY FLOOD INSURANCE RATE MAP PANELS 48085C0235J, DATED JUNE 2, 2009. THE PROPERTY IS LOCATED IN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN).
- NO 100 YEAR FLOOD PLAN EXISTS ON THE PROPERTY.

BOUNDARY CURVE DATA

CURVE	RADIUS	BEARING	LENGTH	CURVE DIS.
C1	42.00'	N 53°57'28" E	40.59'	39.03'

BOUNDARY LINE DATA

LINE	BEARING	LENGTH
L1	S 01°18'56" E	492.29'
L2	N 87°06'24" W	310.75'
L3	N 01°26'23" W	99.59'
L4	N 00°41'16" W	45.41'
L5	N 89°45'44" E	74.00'
L6	N 00°14'16" W	83.63'
L7	N 26°16'06" E	251.89'
L8	N 89°30'23" E	84.99'

NO.	DATE	DESCRIPTION	BY
1	06/19/17	CITY SUP SUBMITTAL	KP
2	07/05/17	PER CITY COMMENTS	KP
			KARTAVYA S. PATEL 97534 PROFESSIONAL ENGINEER 07/05/2017
			TX PE FIR #11525

TOWN OF PROSPER SITE PLAN GENERAL NOTES

- DUMPSTERS AND TRASH COMPACTORS SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE.
- OPEN STORAGE, WHERE PERMITTED, SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE.
- OUTDOOR LIGHTING SHALL COMPLY WITH THE LIGHTING AND GLARE STANDARDS CONTAINED WITHIN THE ZONING ORDINANCE AND SUBDIVISION ORDINANCE.
- LANDSCAPING SHALL CONFORM TO LANDSCAPE PLANS APPROVED BY THE TOWN.
- ALL ELEVATIONS SHALL COMPLY WITH THE STANDARDS CONTAINED WITHIN THE ZONING ORDINANCE.
- BUILDINGS OF 5000 SQUARE FEET OR GREATER SHALL BE 100% FIRE SPRINKLED. ALTERNATIVE FIRE PROTECTION MEASURES MAY BE APPROVED BY THE FIRE DEPARTMENT.
- FIRE LANES SHALL BE DESIGNED AND CONSTRUCTED PER TOWN STANDARDS OR AS DIRECTED BY THE FIRE DEPARTMENT.
- TWO POINTS OF ACCESS SHALL BE MAINTAINED FOR THE PROPERTY AT ALL TIMES.
- SPEED BUMPS/HUMPS ARE NOT PERMITTED WITHIN A FIRE LANE.
- 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.
- ALL SIGNAGE IS SUBJECT TO BUILDING OFFICIAL APPROVAL.
- ALL FENCES AND RETAINING WALLS SHALL BE SHOWN ON THE SITE PLAN AND ARE SUBJECT TO BUILDING OFFICIAL APPROVAL.
- ALL EXTERIOR BUILDING MATERIALS ARE SUBJECT TO BUILDING OFFICIAL APPROVAL AND SHALL CONFORM TO THE APPROVED FAÇADE PLAN.
- SIDEWALKS OF NOT LESS THAN SIX (6') FEET IN WIDTH ALONG THOROUGHFARES AND COLLECTORS AND FIVE (5') IN WIDTH ALONG RESIDENTIAL STREETS, AND BARRIER FREE RAMPS AT ALL CURB CROSSINGS SHALL BE PROVIDED PER TOWN STANDARDS.
- APPROVAL OF THE SITE PLAN IS NOT FINAL UNTIL ALL ENGINEERING PLANS ARE APPROVED BY THE ENGINEERING DEPARTMENT.
- SITE PLAN APPROVAL IS REQUIRED PRIOR TO GRADING RELEASE.
- ALL NEW ELECTRICAL LINES SHALL BE INSTALLED AND/OR RELOCATED UNDERGROUND.
- ALL MECHANICAL EQUIPMENT SHALL BE SCREENED FROM PUBLIC VIEW IN ACCORDANCE WITH THE ZONING ORDINANCE.
- IMPACT FEES WILL BE ASSESSED IN ACCORDANCE WITH THE LAND USE CLASSIFICATION(S) IDENTIFIED ON THE SITE DATA SUMMARY TABLE; HOWEVER, CHANGES TO THE PROPOSED LAND USE AT THE TIME OF THE FINISH-OUT PERMIT MAY RESULT IN ADDITIONAL IMPACT FEES AND/OR PARKING REQUIREMENTS.

NOTES

- ALL DIMENSIONS ARE FROM FACE TO FACE OF CURB.

CASE # S17-0003

EXHIBIT "B"
NORTH PRESTON VILLAGE LP
BLOCK A, LOT 4
2.794 ACRES 121,689 S.F.
J. TUNNEY SURVEY
ABSTRACT NO. 916
TOWN OF PROSPER
COLLIN COUNTY, TEXAS
JULY 5TH, 2017



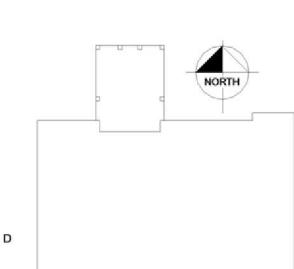
T: 214.609.9271 F: 469.359.6709 E: kpatel@triangle-engr.com
W: triangle-engr.com O: 1333 McDermott Drive, Suite 200, Allen, TX 75013

Planning | Civil Engineering | Construction Management

DESIGN DRAWN DATE SCALE PROJECT NO. SHEET NO.

KP TT 05/08/17 1":60' 011-17

2 TX PE FIR #11525



MATERIAL CALCULATIONS :

North (Front) Facade Calculations		
Item	Area	Percent
Openings	339	17 %
Brick	1004	50 %
Stone	467	23 %
Stucco	75	4 %
Cast Stone	111	6 %
Total	1996	100 %

South (Rear) Facade Calculations		
Item	Area	Percent
Openings	230	20 %
Brick	542	47 %
Stone	282	24 %
Stucco	0	0 %
Cast Stone	99	9 %
Total	1153	100 %

East (Right) Facade Calculations		
Item	Area	Percent
Openings	166	14 %
Brick	709	59 %
Stone	167	14 %
Stucco	70	6 %
Cast Stone	81	7 %
Total	1193	100 %

West (Left) Facade Calculations		
Item	Area	Percent
Openings	108	9 %
Brick	754	62 %
Stone	176	15 %
Stucco	70	5 %
Cast Stone	105	9 %
Total	1213	100 %

REFERENCE NOTE :

- (1) Stone Veneer : Grandbury Chopped - Plum 1
- (2) Brick Veneer : Richland Meadows
- (3) Brick and Stone Mortar : Buff
- (4) Stucco : Beige
- (5) Cast Stone : Gray
- (6) Window Frame : Bronze Aluminum
- (7) Glazing : Double Pane Tinted / Low E
- (8) Front Entry Door : Aluminum Storefront Bronze Tempered Glass
- (9) Insulated Metal Door and Frame Painted to match Bronze Aluminum
- (10) Metal Cap : Color to Match Stucco Finish (Beige)
- (11) Window and Door Trims : Cast Stone Gray
- (12) Roofing : Slate Gray (manuf. GAF)
- (13) Stucco Foam Detail : Beige
- (14) Built-Up Roof : TPO Roofing System (Manuf. CARLISLE)

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

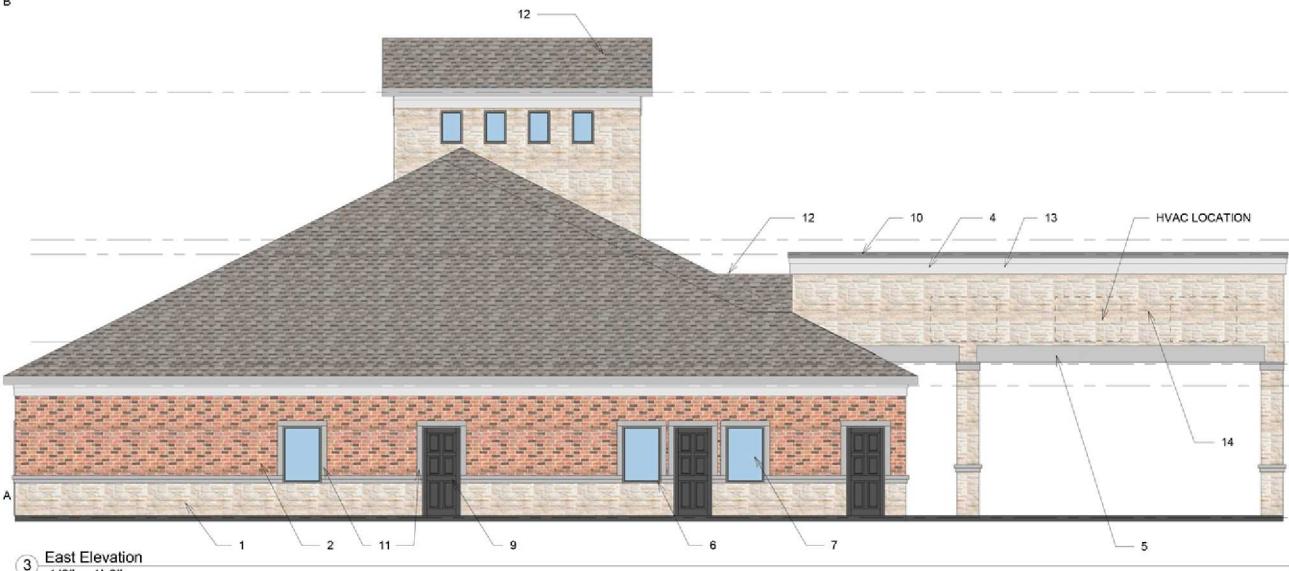
"All mechanical equipment shall be screened from public view. Rooftop mounted equipment shall be screened by a parapet wall or screening wall. Screening walls shall meet the specifications of the Zoning Ordinance."

"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"

"Any deviation from the approved Facade plan will require reapproval by the Town."



KIDDIE ACADEMY

PROJECT ADDRESS

NORTH PRESTON VILLAGE LP
9550 JOHN ELLIOT DRIVE, SUITE 106
FRISCO, TEXAS 75033

OWNER

9550 JOHN ELLIOT DRIVE, SUITE 106
FRISCO, TEXAS 75033

REVISIONS		
TAG	REVISION DATE	REVISION DESCRIPTION
1	06/06/2017	-
2		
3		

SHEET CONTENT

Approver

PROJECT No.	0000 00 x
PROJECT DESCRIPTION	
DESIGNED BY	jc abaya
DRAWN BY	jc abaya
DATE ISSUED	2017 06 16
SHEET No.	
BUILDING PERMIT COMMENT	

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