

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 18-38

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE; GRANTING A SPECIFIC USE PERMIT (SUP) FOR A RESTAURANT WITH DRIVE THROUGH, LOCATED IN THE WINDSONG RANCH MARKETPLACE ADDITION, BLOCK A, LOT 13, CONSISTING OF 1.25 ACRES, MORE OR LESS, IN THE J. SALING SURVEY, ABSTRACT NO. 1675, 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 Northeast 423/380, L.P. ("Applicant") for a Specific Use Permit (SUP) for a restaurant with drive through, in the Windsong Ranch Marketplace Addition, Block A, Lot 13, zoned Planned Development-40 (PD-40), consisting of 1.25 acres of land, more or less, in the J. Saling Survey, Abstract No. 1675, 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 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 restaurant with drive through, in the Windsong Ranch Marketplace Addition, Block A, Lot 13, zoned Planned Development-40 (PD-40), consisting of 1.25 acres of land, more or less, in the J. Saling Survey, Abstract No. 1675, 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 façade plan, attached hereto as Exhibit "D", which is incorporated herein for all purposes as if set forth verbatim.

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 22ND DAY OF MAY, 2018.

ATTEST:




Robyn Battle, Town Secretary

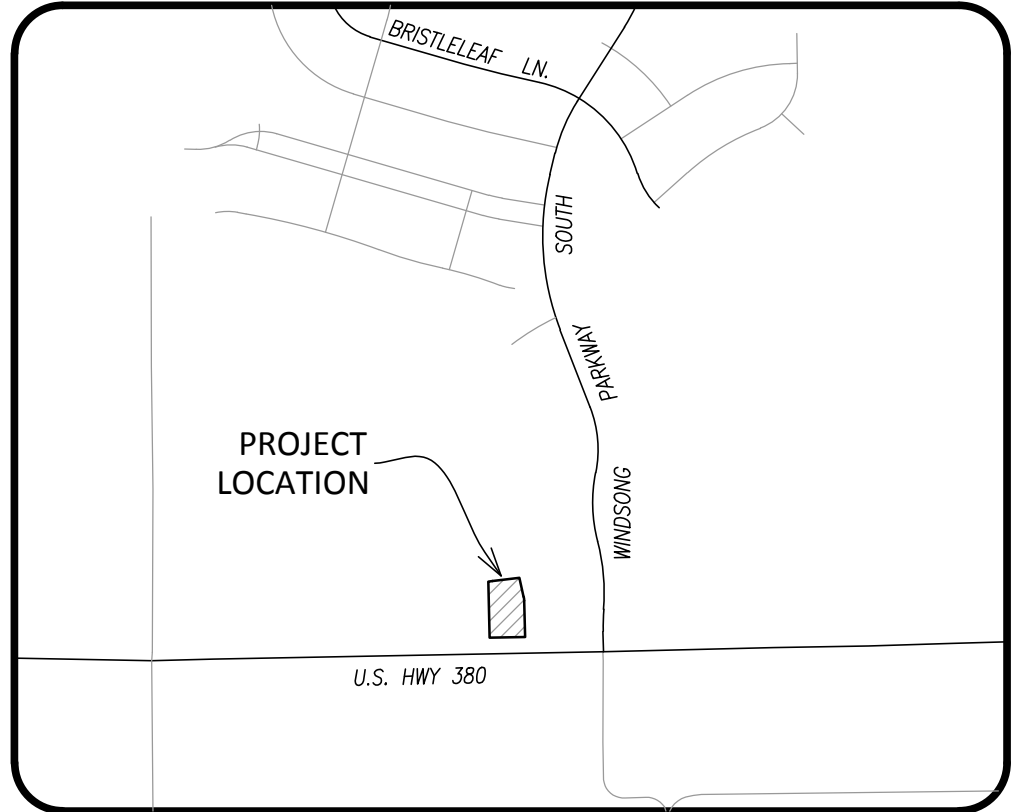
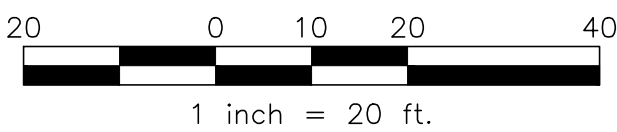
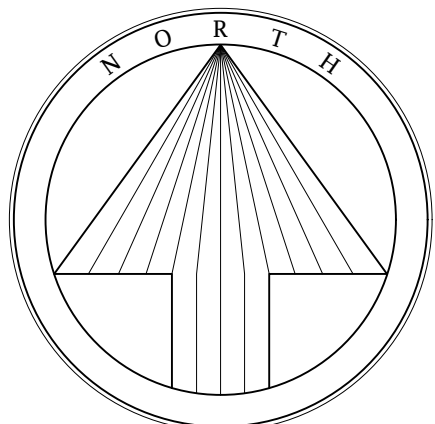

Ray Smith, Mayor

APPROVED AS TO FORM AND LEGALITY:

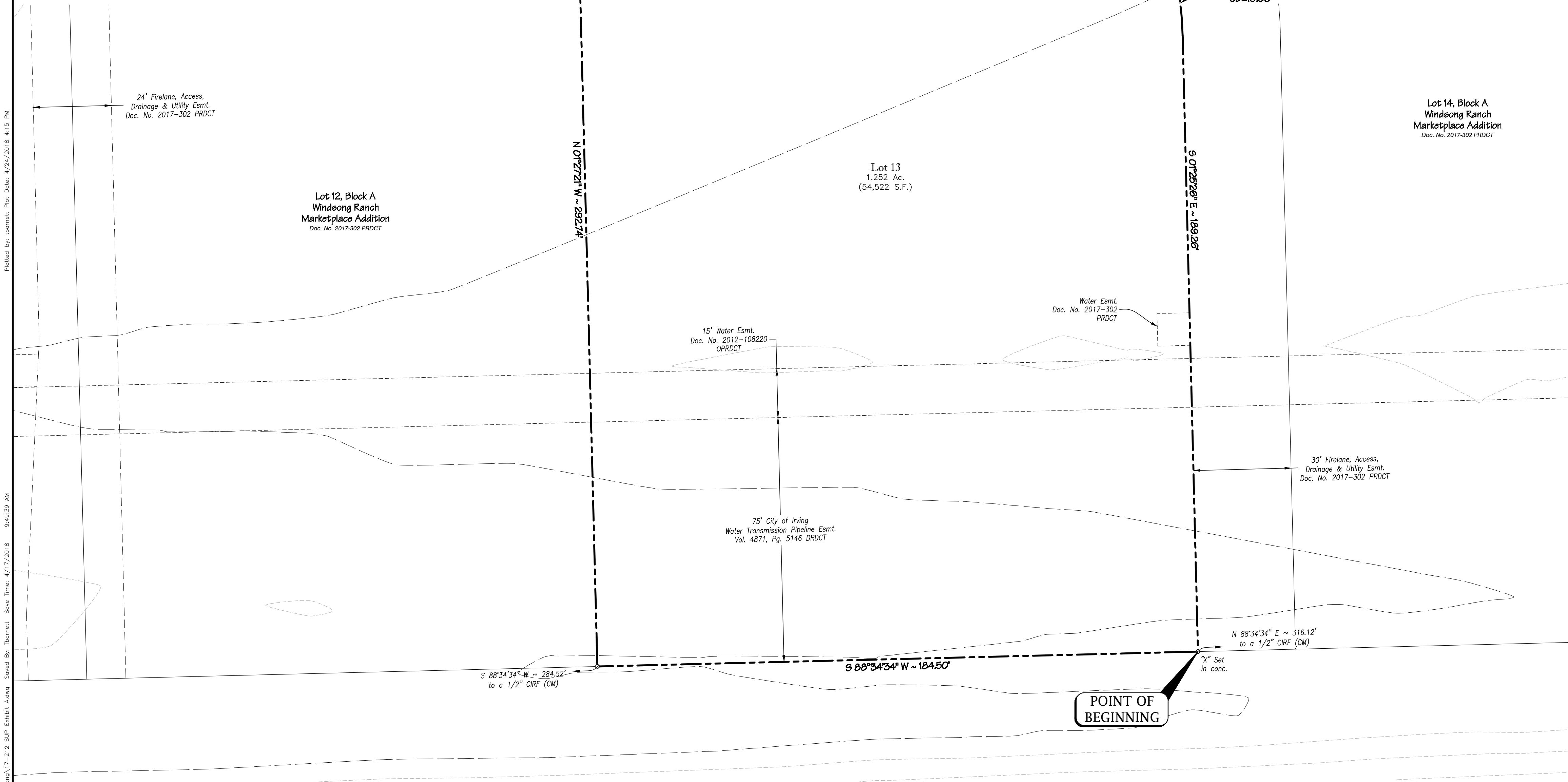

Terrence S. Welch, Town Attorney

Printed By: Burnett Plot Date: 4/24/2018 4:15 PM

Drawing: G:\2017-2018\17-212 Prosper - Windsong\17-212 Sub Exhibit A.dwg Saved By: Burnett Save Time: 4/17/2018 9:49:39 AM



LOCATION MAP
1" = 1000'



NOTES:

1. Basis of bearing derived from the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983, (2011).
2. A Conveyance Plat is a record of property approved by the Town Of Prosper, Texas, for the purpose of sale or conveyance in its entirety or interests there on defined. No building permit shall be issued nor permanent public utility service provided until a final plat is approved, filled of record and public improvements accepted in accordance with the provisions of the Subdivision Ordinance of the Town of Prosper. Selling a portion of this addition by metes and bounds is a violation of city ordinance and state law and is subject to fines and withholding of utilities and building permits.

| LEGEND | |
|-----------------------------------|--|
| (Not all items may be applicable) | |
| o | 1/2" IRON ROD WITH PLASTIC CAP STAMPED "SPIARSENG" SET, UNLESS OTHERWISE NOTED |
| IRF | IRON ROD FOUND |
| CRF | CAPPED IRON ROD FOUND |
| CM | CONTROL MONUMENT |
| Esmt. | EASEMENT |
| (BTP) | BY THIS PLAT |
| R.O.W. | RIGHT-OF-WAY |
| DRCT | DEED RECORDS, DENTON COUNTY, TEXAS |
| PRCT | PLAT RECORDS, DENTON COUNTY, TEXAS |
| OPRCT | OFFICIAL PUBLIC RECORDS, DENTON COUNTY, TEXAS |

U.S. HIGHWAY 380
a variable width R.O.W.

STATE OF TEXAS §
COUNTY OF DENTON §

OWNER'S CERTIFICATE

WHEREAS Northeast 423/380, Ltd. is the owner of a tract of land situated in the J. Saling Survey, Abstract No. 1675, Town of Prosper, Denton County, Texas, the subject tract being all of Lot 13, Block A, Windsong Ranch Marketplace Addition, according to the plat recorded in Document No. 2017-302 of the Plat Records, Denton County, Texas (PRDCT), the subject tract being more particularly described as follows:

BEGINNING at an "X" set in concrete on the north line of U.S. Highway 380, a variable width public right-of-way, for the southeast corner of Lot 13, and from which an 1/2" capped iron rod found bears N 88°34'34" E, 316.12 feet;
THENCE S 88°34'34" W, 184.50 feet;
THENCE N 01°27'21" W, 292.74 feet;
THENCE N 81°03'19" E, 17.98 feet;
THENCE around a tangent curve to the right having a central angle of 02°14'11", a radius of 115.00 feet, a chord of N 82°10'25" E - 4.49 feet, on arc length of 4.49 feet;
THENCE N 83°17'30" E, 140.95 feet;
THENCE S 12°48'59" E, 101.57 feet;
THENCE around a tangent curve to the right having a central angle of 11°23'33", a radius of 100.00 feet, a chord of S 07°07'12" E - 19.85 feet, an arc length of 19.85 feet;
THENCE S 01°25'26" E, 189.26 feet to the POINT OF BEGINNING with the subject tract containing 54,522 square feet or 1.252 acres of land.

SURVEYOR'S CERTIFICATE

That I, Darren K. Brown, of Spiars Engineering, Inc., do hereby certify that I prepared this plat and the field notes made a part thereof from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision Regulations of the Town of Prosper, Texas.

Dated this the ____ day of _____, 2018.

DARREN K. BROWN, R.P.L.S. NO. 5252

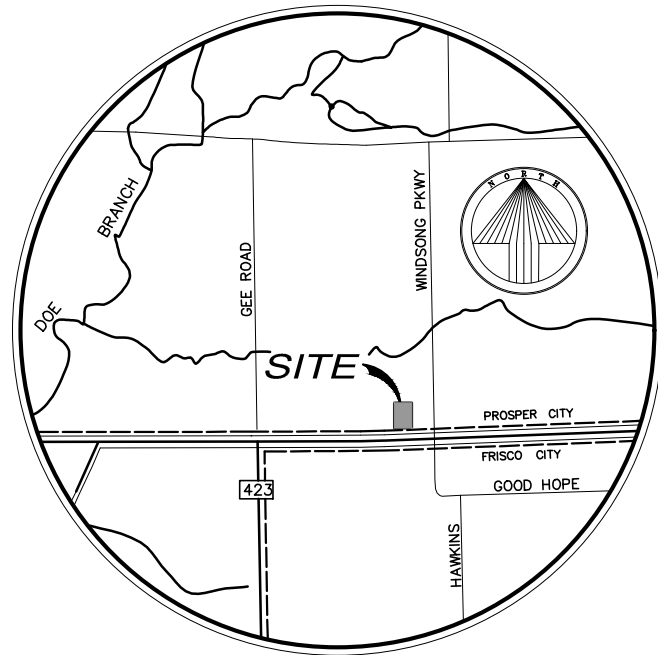
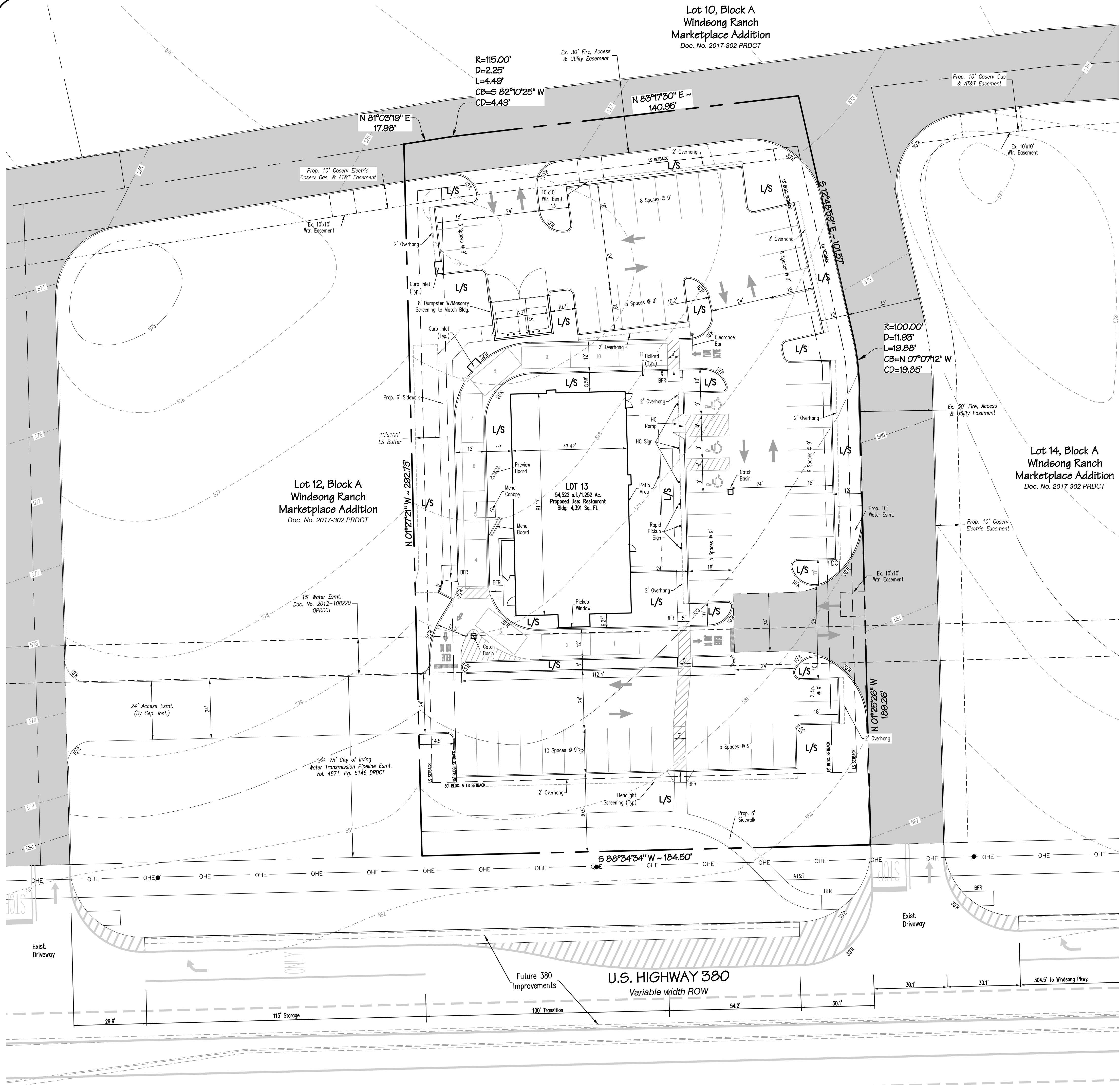


EXHIBIT A

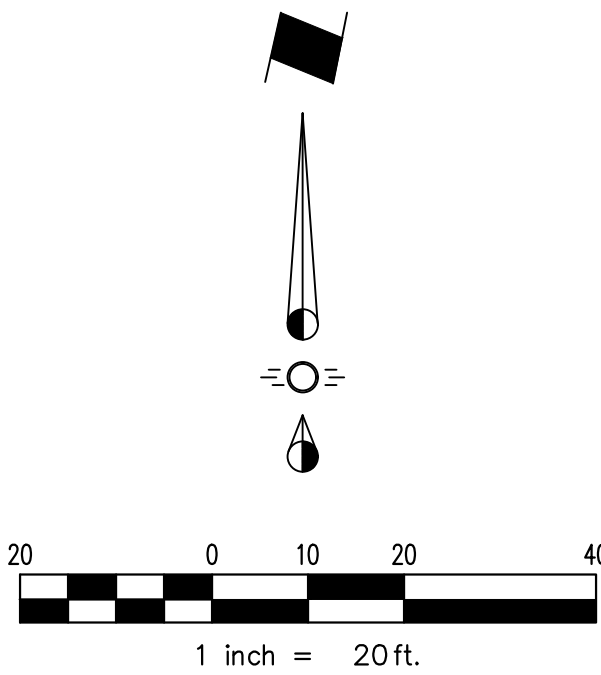
WINDSONG RANCH MARKETPLACE
BLOCK A, LOT 13
BEING 1.252 ACRES IN THE
J. SALING SURVEY, ABSTRACT NO. 1675
TOWN OF PROSPER, DENTON COUNTY, TEXAS
CASE NO. S18-0005

OWNER / APPLICANT
Northeast 423/380, Ltd.
7001 Preston Rd., Ste. 410
Dallas, Texas 75205
Telephone (214) 224-4644
Contact: Robert V. Dorazil

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



Vicinity Map
NTS



Site Data Summary Table

| SITE DATA | LOT 13, BLOCK A |
|--------------------------|----------------------------------|
| Zoning | C - Commercial w/SUP |
| Proposed Use | Restaurant W/Drive Thru |
| Lot Area | 1.170 Ac. (50,997 Sq. Ft.) |
| Building Area | 4,391 Sq. Ft. |
| Patio Area | 800 Sq. Ft. |
| Building Height: | 1 Story, 40' Max. |
| Lot Coverage | 8.61% |
| Floor Area Ratio | 0.861:1 |
| Parking Ratio: | 1 Sp./100 Sq. Ft. (Restaurant) |
| | 1 Sp./100 Sq. Ft. (Patio) |
| Total Parking Required | 52 Sp. (Restaurant & Patio) |
| Total Parking Provided | 56 Sp. (Incl. 3 HC) |
| Total Impervious Surface | 26,730 Sq. Ft. |
| Required Landscape Area | 15 Sq. Ft Per Pkg Sp=840 Sq. Ft. |
| Provided Landscape Area | 8,930 Sq. Ft. |

Town of Prosper Site Plan Notes:

- Dumpsters and trash compactors shall be screened in accordance of 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 Regulation 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 5,000 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.
- Speedbumps/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 uniform 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 facade plan.
- 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.
- 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.
- All landscape easements must be exclusive of any other type of easement.
- 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 CO and/or finish out permit may result in additional impact fees and/or parking requirements.
- The approval of a site plan shall be effective for a period of eighteen (18) months from the date of approval by the Planning & Zoning Commission, at the end of which time the applicant must have submitted and received approval of engineering plans and building permits. If the engineering plans and building permits are not approved, the site plan approval, together with an preliminary site plan for the property, is null and void.

LEGEND

| | |
|--|---|
| | FIRELANE, ACCESS, DRAINAGE & UTILITY EASEMENT |
| | LANDSCAPE AREA |

- Note:
- All curb radii are 3' or 5' unless otherwise noted.
 - All dimensions are to the face of curb, or the edge of building.

CASE No. - S18-0005
EXHIBIT 'B'

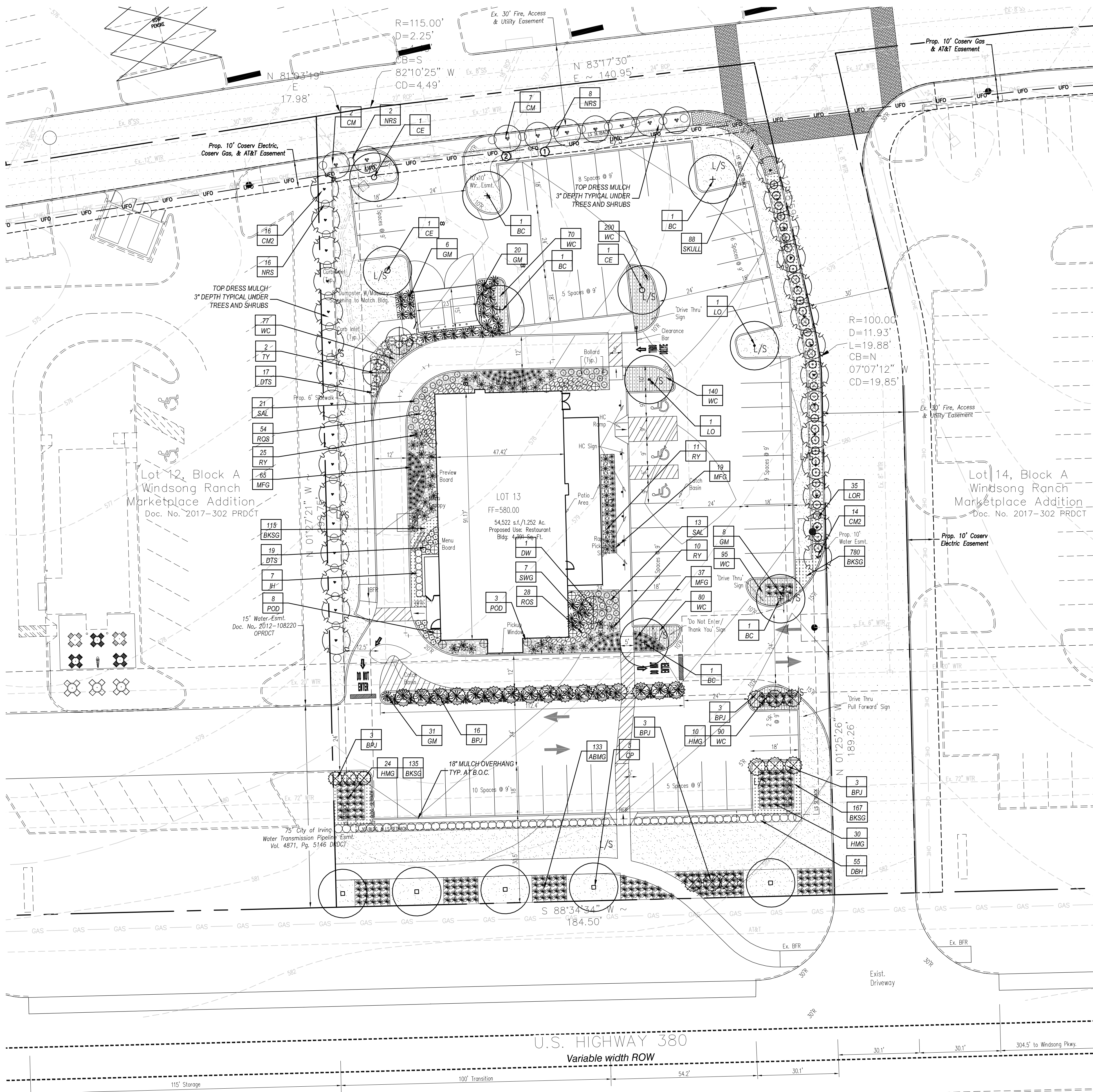
Windsong Ranch Marketplace
BLOCK A, LOT 13
1.252 Acres
SITUATED IN THE
J. SALING SURVEY, ABSTRACT NUMBER 1675
TOWN OF PROSPER, DENTON COUNTY, TEXAS

OWNER / APPLICANT
Northwest 423/380 LP
7001 Preston Road, Suite 410
Dallas, Texas 75205
Telephone (214) 224-4600
Contact: Robert Dorazil

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

Plotted by: Brian Plot Date: 4/24/2018 7:08 AM

Drawing: P:\Projects\2018\Windsong Ranch\Windsong Ranch\Windsong Ranch.dwg Saved By: 2:52:42 PM



LANDSCAPE TABULATIONS

STREET REQUIREMENTS

Requirements: (1) tree, 3" cal., per 30 l.f. of frontage
(15) shrubs, 5 gal., per 30 l.f. of frontage
or 3" h. berm

SH 380: (184.50 l.f.)

Required: (6) trees, 3" cal.
(90) shrubs

Provided: (6) trees, 3" cal.
(185) shrubs

PARKING LOT (56 spaces)

Requirements: (1) tree, 3" cal., per 15 parking spaces and
15 s.f. of landscape per each parking space
tree within 150' of any space

HEADLIGHT SCREEN

PROVIDED

Required: (4) trees, 3" cal.
840 s.f.

Provided: (8) trees, 3" cal.
8,930 s.f.

PERIMETER LANDSCAPE

Requirements: 5' width; (1) small tree and (1) shrub, 5 gallon, per 15 l.f.

West Property Line: (202.75 l.f. (less 90' for easements))

Required: (14) small trees
(14) shrubs, 5 gal.

Provided: (16) small trees
(16) shrubs, 5 gal.

East Property Line: (196.71 l.f. (less 90' for easements and 24' drive))

Required: (14) small trees
(14) shrubs, 5 gal.

Provided: (14) small trees
(35) shrubs, 5 gal.

North Property Line: (139.42 l.f. less 24' drive)

Required: (9) small trees
(9) shrubs, 5 gal.

Provided: (9) small trees
(9) shrubs, 5 gal.

BUILDING LANDSCAPE

Gross Floor Area: 4,391 s.f.

N/A

OPEN SPACE REQUIREMENTS

Requirements: 75% OF TOTAL SITE AREA TO BE

OPEN SPACE

less required interior landscape,
perimeter buffers / landscape setbacks

TOTAL SITE AREA: 54,522 s.f.

OPEN SPACE REQUIRED: 3,817 S.F. (7%)

OPEN SPACE PROVIDED: 10,025 S.F. (10.7%)

PLANT LIST

TREES

| QTY. | TYPE | COMMON NAME | BOTANICAL NAME | SIZE | REMARKS |
|------|------|--------------------|-----------------------------------|-------------|--|
| 3 | CE | Cedar Elm | Ulmus crassifolia | 3" cal. | container grown, 12" ht., 5" spread min., 5" clear trunk |
| 5 | BC | Bald Cypress | Taxodium distichum | 3" cal. | container grown, 12" ht., 5" spread min., 5" clear trunk |
| 9 | CM | Crape Myrtle Red | Lagerstroemia indica 'Dantes Red' | 8" ht. min. | 8&B, 3-5 cane, no cross carring, tree form |
| 30 | CM2 | Crape Myrtle White | Lagerstroemia indica 'Natchez' | 8" ht. min. | 8&B, 3-5 cane, no cross carring, tree form |
| 2 | TY | Tree Yucca Holly | Ilex verticillata | 3" cal. | container grown, 12" ht., 5" spread min., 5" clear trunk |
| 5 | OP | Chinese Pistache | Pistacia chinensis | 3" cal. | container grown, 12" ht., 5" spread min., 5" clear trunk |
| 2 | LO | Live Oak | Quercus virginiana | 3" cal. | container grown, 12" ht., 5" spread min., 5" clear trunk |
| 1 | DW | Desert Willow | Quercus virginiana 'High Rise' | 3" cal. | container grown, 12" ht., 5" spread min., 5" clear trunk |
| 28 | BPJ | Blue Point Juniper | Juniperus sp. 'Blue Point' | 30 gal. | container grown, full to base |

SHRUBS

| QTY. | TYPE | COMMON NAME | BOTANICAL NAME | SIZE | REMARKS |
|------|------|---------------------------|-----------------------------------|---------|---------------------------------|
| 133 | AMBG | Autumn Bush Mulberry | Moribertia sp. 'Autumn Blue' | 5 gal. | container, full plant, 36" o.c. |
| 55 | DBH | Dwarf Burford Holly | Ilex cornuta 'Burfordiana' | 36" ht. | container, full plant, specimen |
| 65 | GM | Gulf Myrtle | Muhlenbergia capillaris | 5 gal. | container, full plant, specimen |
| 36 | DTS | Dwarf Texas Sage 'Ranger' | Leucophyllum sp. 'Ranger' | 3 gal. | container, full plant, specimen |
| 64 | HMG | Dwarf Hamden Grass | Pennisetum sp. 'Hamden' | 3 gal. | container, full plant, specimen |
| 26 | NWS | Nellie R. Stevens Holly | Ilex sp. 'Nellie R. Stevens' | 7 gal. | container, full plant, specimen |
| 46 | RY | Red Yucca | Hesperaloe parviflora 'Brakeleaf' | 3 gal. | container, full plant, specimen |
| 35 | LOR | Longstalk Purple Diamond | Loropetalum sp. 'Purple Diamond' | 3 gal. | container, full plant, specimen |
| 121 | MFG | Mexican Feather Grass | Nassella tenuissima | 3 gal. | container, full plant, specimen |
| 11 | POD | Podocarpus Natchez | Podocarpus sp. 'Natchez' | 7 gal. | container, full plant, specimen |
| 82 | ROS | Rosemary 'Tuscan Blue' | Rosemaria affinis 'Tuscan Blue' | 3 gal. | container, full plant, specimen |
| 7 | SWG | Switchgrass Heavy Metal | Panicum sp. 'Heavy Metal' | 3 gal. | container, full plant, specimen |
| 7 | H | Indian Hawthorne 'Class' | Rachicallis indica 'Class' | 5 gal. | container, full plant, specimen |
| 34 | SAL | Salvia Fumaria Red | Salvia greggii 'Fumaria Red' | 3 gal. | container, full plant, specimen |

GROUNDCOVERS

| QTY. | TYPE | COMMON NAME | BOTANICAL NAME | SIZE | REMARKS |
|------|-------|---------------------|--------------------------|---------|--|
| 1197 | BKSG | Berkley Sedge | Carex divulca | 4" pots | container, full plant, 12" o.c. |
| 88 | SKULL | Pink Skullcap | Scutellaria auriflora | 1 gal. | container, full plant, 18" o.c. |
| 752 | WC | Wintercreeper | Eurostaphylos 'Colonial' | 4" pots | container, (3) 12" uniform min. 12" o.c. |
| | | Common Bermudagrass | Cynodon dactylon | | solid sod, refer to notes |

NOTE: Plant list is an aid to bidders only. Contractor shall verify all quantities on plan. All heights and spreads are minimums. All plant material shall meet or exceed remarks as indicated. All trees to have straight trunks and be maturing within varieties.

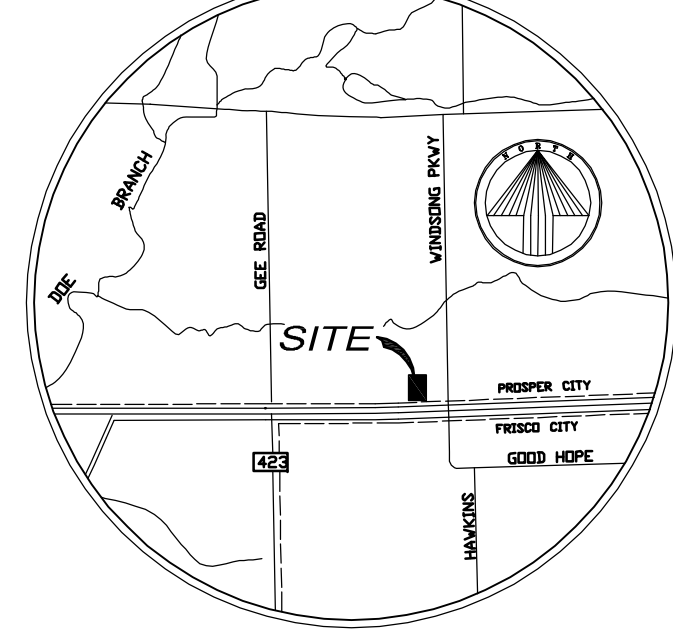
LANDSCAPE NOTES

- Contractor shall verify all existing and proposed site elements and notify Architect of any discrepancies. Survey data of existing conditions was supplied by others.
- Contractor shall locate all existing underground utilities and notify Architect of any conflicts. Contractor shall exercise caution when working in the vicinity of underground utilities.
- Contractor is responsible for obtaining all required landscape and irrigation permits.
- Contractor to provide a minimum 2% slope away from all structures.
- All planting beds and lawn areas to be separated by steel edging. No steel to be installed adjacent to sidewalks or curbs.
- All landscape areas to be 100% irrigated with an underground automatic irrigation system and shall include rain and freeze sensors.
- All lawn areas to be Solid Sod Bermudagrass, unless otherwise noted on the drawings.

GRAPHIC PLANT LEGEND

- CEDAR ELM
- BALD CYPRESS
- LIVE OAK
- CHINESE PISTACHE
- CREPE MYRTLE
- CREPE MYRTLE
- TREE YAUPOH HOLLY
- DESERT WILLOW
- BLUE POINT JUNIPER
- Autumn Bush Mulberry
- Loropetalum
- Dwarf Texas Sage
- Gulf Myrtle
- Red Yucca
- Nellie R. Stevens Holly
- Podocarpus
- Rosemary
- Indian Hawthorne
- Dwarf Burford Holly
- Switchgrass
- Dwarf Hamden Grass
- Salvia
- Mexican Feather Grass
- LAWN, BERMUDAGRASS, SOLID SOD
- Pink Skullcap
- Wintercreeper
- Berkley Sedge

COLORADO RIVER ROCK
3/4" - 1 1/2"
4" DEPTH WITH WEED BARRIER
FABRIC AND STEEL EDGING BORDER



Vicinity Map

smr
landscape architects, inc.
1708 N. Griffin Street
Dallas, Texas 75202
Tel: 214.871.0093
Fax: 214.871.0545
Email: smr@smr-ia.com

OWNER / APPLICANT
Northwest 423/380 LP
7001 Preston Road, Suite 410
Dallas, Texas 75205
Telephone (214) 224-4600
Contact: Robert Dorazil

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

Site Data Summary Table

SITE DATA

Zoning
Proposed Use
Lot Area
Building Area
Patio Area
Building Height:
Lot Coverage
Floor Area Ratio
Parking Ratio:
Total Parking Required
Total Parking Provided
Total Impervious Surface
Required Landscape Area
Provided Landscape Area

LOT 13, BLOCK A

PD-40 Mixed use
Restaurant W/Drive Thru
1,252 Ac. (54,522 Sq. Ft.)
4,391 Sq. Ft.
800 Sq. Ft.
1 Story, 40' Max.
8.61%
0.861:1
1 Sp./100 Sq. Ft. (Restaurant)
1 Sp./100 Sq. Ft. (Patio)
52 Sp. (Restaurant & Patio)
56 Sp. (Incl. 3 HC)
26,730 Sq. Ft.
15 Sq. Ft Per Pkg Sp=840 Sq. Ft.
8,930 Sq. Ft.

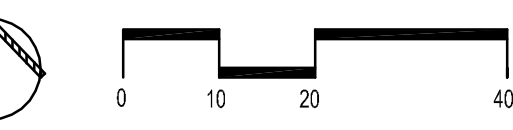
LANDSCAPE & IRRIGATION NOTES

- Plant material shall be measured and sized according to the latest edition of the Texas Nursery & Landscape Association (TNLA) Specifications, Grades and Standards.
- All plant substitutions are subject to Town approval and must be specified on the approved landscape plan.
- Ground covers used in lieu of turf grass must provide complete coverage within one (1) year of planting and maintain adequate coverage as approved by the Town.
- Trees must be planted four feet (4') or greater from curbs, sidewalks, utility lines, screening walls, and/or other structures. The Town has final approval for all tree placements.
- Tree pits shall have roughened sides and be two to three times wider than the root ball of the tree in order to facilitate healthy root growth.
- Tree pits shall be tested for water percolation. If water does not drain out of tree pit within a 24-hour period, the contractor shall provide berms, or devise alternative drainage.
- Trees shall not be planted deeper than the base of the "trunk flare".
- The tree pit shall be backfilled with native topsoil free of rocks and other debris.
- Buried, wire, and wire barriers shall be located and pulled back from the trunk of tree as much as possible.
- Trees shall not be watered to excess that results in soil saturation. If soil becomes saturated, the watering schedule shall be adjusted to allow for drainage and absorption of the excess water.
- A 3-4" layer of mulch shall be provided around the base of the planted tree. The mulch shall be pulled back 1-2" from the trunk of the tree.
- No person(s) or entity may use improper or malicious maintenance or pruning techniques which would likely lead to the death of the tree. Improper or malicious techniques include, but are not limited to, topping or other unsymmetrical trimming of trees, timing trees with a backhoe, or use of fire or poison to cause the death of a tree.
- Topsoil shall be a minimum of 6 inches in depth in planting areas. Soil shall be free of stones, rocks, and clods and any other foreign material that is not beneficial for plant growth.
- All plant beds shall be top-dressed with a minimum of 3 inches of mulch.
- Trees overhanging walks and parking shall have a minimum clear trunk height of 7 feet. Trees overhanging public street pavement drive aisles and the lanes shall have a minimum clear trunk height of 14 feet.
- A viability sample must be provided at all intersections, where shrubs are not to exceed 30 inches in height, and trees shall have a minimum clear trunk height of 9 feet.
- Trees planted on a slope shall have the tree well at the average grade of slope.
- No shrubs shall be permitted within areas less than 3 feet in width. All beds less than 3 feet in width shall be grass, groundcover, or some type of lawn paving.
- The owner, tenant, and/or their agents, if any, shall be jointly and severally responsible for the maintenance, establishment, and permanence of plant material. All landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not limited to, mowing, edging, pruning, fertilizing, watering, and other activities necessary for the maintenance of landscaped areas.
- All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant material that is damaged, destroyed, or removed shall be replaced with plant material of similar size and variety within 30 days unless otherwise approved in writing by the Town of Prosper.
- Landscape and open areas shall be kept free of trash, litter, and weeds.
- An automatic irrigation system shall be provided to irrigate all landscape areas. Overgrazing on streets and walks is prohibited. A permit from the building inspection department is required for each irrigation system.
- No plant material shall be allowed to encroach on right-of-way, sidewalks, or easements to the extent that the vision or route of travel for vehicular, pedestrian, or bicycle traffic is impeded.
- No planting areas shall exceed 34 inches, 3' horizontal to 1' vertical.
- Earthen berms shall not include construction debris. Contractor must correct disposal or damage to the smooth finish grade of the berm prior to acceptance.
- All walkways shall meet A.D.A. and T.A.S. requirements.
- Contact Town of Prosper Parks and Recreation Division at (972) 346-3502 for landscape inspection. Note that landscape installation must comply with approved landscape plans prior to final acceptance by the Town and/or obtaining a Certificate of Occupancy.
- Final inspection and approval of screening walls, irrigation, and landscape is subject to all public utilities, including but not limited to, water, sewer, water meters, electric, and other appearances, to be accessible, adjusted to grade, and to the Town of Prosper's Public Works Department standards.
- Prior to calling for a landscape inspection, contractor is responsible for marking all manholes, valves, water meters, electric, and other utility appearances with flagging for field verification by the Town.

IRRIGATION NOTES

- Manholes, valves, or control lines shall not be located in the Town of Prosper right of way.
- All systems shall have rain, wind, and freeze sensors. The sensors shall not be wired in-line. They shall be capable of working independently of each other.
- Locate valves a minimum of 3 feet away from any storm sewer, water, and sanitary sewer lines and 5 feet from Town fire hydrants and water valves.
- The bore depth under streets, drive aisles, and fire lanes shall allow two feet (minimum) from the bottom of paving to the top of the sleeves or greater if required to clear other utilities.
- Any time heads are placed in such a manner as to be parallel and near a public water and sanitary sewer line, these heads shall be tied from shutoff laterals or ball valves. A minimum of 5 feet separation is required between irrigation main lines and laterals that run parallel to public water and sanitary sewer lines.
- Irrigation system shall be designed to minimize runoff water from paved or landscaped areas.
- All irrigation heads in the Town of Prosper right of way shall utilize a swing joint connection.
- No valves, backflow preventer assemblies, quick couplers, etc. shall be located closer than 10' from the curb at street or drive intersection.

EXHIBIT 'C'
01 LANDSCAPE PLAN
SCALE: 1" = 20'-0"



CASE No. - S18-0005
EXHIBIT C - LANDSCAPE PLAN
Windsong Ranch Marketplace
BLOCK A, LOT 13
1.252 Acres
SITUATED IN THE
J. SALING SURVEY, ABSTRACT NUMBER 1675
TOWN OF PROSPER, DENTON COUNTY, TEXAS

APRIL 17, 2018 APRIL 24, 2018
Scale: 1" = 20' APRIL 2, 2018 SEI Job No. 17-212

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