

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 2022-57

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE BY GRANTING A SPECIFIC USE PERMIT (SUP) FOR PRIVATE STREETS LOCATED ON A TRACT OF LAND CONSISTING OF 16.41 ACRES, MORE OR LESS, SITUATED IN THE JAMES STONE SURVEY, ABSTRACT NUMBER 847, 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 Zoning Ordinance should be amended; and

WHEREAS, the Town of Prosper, Texas ("Prosper") has received a request (Case S22-0008) from the Mohan Kilaru ("Applicant") for a Specific Use Permit (SUP) for Private Streets, located on a tract of land consisting of 16.41 acres of land, more or less, in the James Stone Survey, Abstract Number 847, 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 into 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, and public hearings have been held on the proposed rezoning and all other requirements of notice and completion of such zoning 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 Private Streets, located on a tract of land consisting of 16.41 acres of land, more or less, in the James Stone Survey, Abstract Number 847, 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 and uses for the Property in this Specific Use Permit shall conform to, and comply with the conceptual development plans, attached hereto as Exhibit "B", which are 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, 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 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 publication as required by law.

**DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE
TOWN OF PROSPER, TEXAS, ON THIS 27TH DAY OF SEPTEMBER 2022.**



David F. Bristol, Mayor

ATTEST:



Michelle Lewis Sirianni
Michelle Lewis Sirianni, Town Secretary

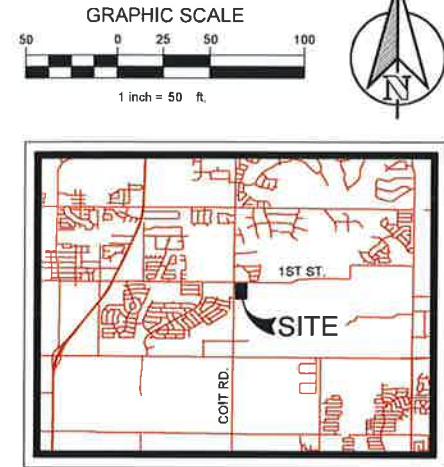
APPROVED AS TO FORM AND LEGALITY:



Terrence S. Welch, Town Attorney



VENKAT PROSPER
1ST STREET & COIT ROAD
PROSPER, TEXAS



VICINITY MAP
 N.T.S.

LEGAL DESCRIPTION

BEING A 16.41 ACRE TRACT OF LAND OUT OF THE JAMES STONE SURVEY, ABSTRACT NUMBER 847, SITUATED IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS, BEING ALL OF A CALLED TRACT 1-16.406 ACRE TRACT OF LAND CONVEYED TO EUNOMIA PROSPER, LLC, BY DEED OF RECORD IN DOCUMENT NUMBER 20200717001114560 OF THE OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, AT A 1/2 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED 'CORWIN ENG' FOUND IN THE EAST RIGHT-OF-WAY LINE OF COIT ROAD (RIGHT-OF-WAY VARIES), BEING THE NORTHWEST CORNER OF LOT 1, BLOCK A, LAKEWOOD PRESERVE, A SUBDIVISION OF RECORD IN DOCUMENT NUMBER 2017-462 OF SAID OFFICIAL PUBLIC RECORDS; THENCE, N00°50'02.5" W, A DISTANCE OF 421.84 FEET TO THE SOUTHEAST CORNER OF A CALLED 0.7038 ACRE TRACT OF LAND CONVEYED TO TOWN OF PROSPER, TEXAS, BY DEED OF RECORD IN DOCUMENT NUMBER 2011111701247370 OF SAID OFFICIAL PUBLIC RECORDS; ALSO BEING THE SOUTHWEST CORNER OF SAID 16.406 ACRE TRACT AND HEREOF;

218 PROSPER, L.P.
 DOC. NO. 200702980001184
 C.P.R.C.C.T.

THENCE, ALONG THE EAST RIGHT-OF-WAY LINE OF COIT ROAD, BEING THE COMMON EAST LINE OF SAID 0.7038 ACRE TRACT, AND BEING THE COMMON WEST LINE OF SAID 16.406 ACRE TRACT, THE FOLLOWING THREE (3) COURSES AND DISTANCES:

1. N00°50'02.5" W, A DISTANCE OF 421.84 FEET TO A 1/2 INCH IRON ROD WITH GREEN PLASTIC CAP STAMPED 'EAGLE SURVEYING' SET;

2. N00°49'55.5" E, A DISTANCE OF 150.33 FEET TO A 1/2 INCH IRON ROD WITH GREEN PLASTIC CAP STAMPED 'EAGLE SURVEYING' SET;

3. N00°49'55.5" W, A DISTANCE OF 175.00 FEET TO A 1/2 INCH IRON ROD WITH GREEN PLASTIC CAP STAMPED 'EAGLE SURVEYING' SET AT THE SOUTH END OF A CUTBACK LINE AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF COIT ROAD AND THE SOUTH RIGHT-OF-WAY LINE OF E. FIRST STREET (RIGHT-OF-WAY VARIES), BEING THE MOST WESTERLY CORNER OF SAID 16.406 ACRE TRACT AND HEREOF;

THENCE, N44°17'12" E, LEAVING THE EAST RIGHT-OF-WAY LINE OF COIT ROAD, ALONG SAID CUTBACK LINE, BEING THE COMMON SOUTHEAST LINE OF SAID 0.7038 ACRE TRACT, AND BEING THE COMMON NORTHWEST LINE OF SAID 16.406 ACRE TRACT, A DISTANCE OF 35.28 FEET TO A 1/2 INCH IRON ROD WITH GREEN PLASTIC CAP STAMPED 'EAGLE SURVEYING' SET IN THE SOUTH RIGHT-OF-WAY LINE OF E. FIRST STREET, BEING THE MOST NORTHWEST CORNER OF SAID 16.406 ACRE TRACT AND HEREOF;

THENCE, ALONG THE SOUTH RIGHT-OF-WAY LINE OF E. FIRST STREET, BEING THE COMMON SOUTH LINE OF SAID 0.7038 ACRE TRACT, AND BEING THE COMMON NORTH LINE OF SAID 16.406 ACRE TRACT, THE FOLLOWING THREE (3) COURSES AND DISTANCES:

1. N89°24'19" E, A DISTANCE OF 125.00 FEET TO A 1/2 INCH IRON ROD WITH GREEN PLASTIC CAP STAMPED 'EAGLE SURVEYING' SET;

2. N89°35'29" E, A DISTANCE OF 150.33 FEET TO A 1/2 INCH IRON ROD WITH GREEN PLASTIC CAP STAMPED 'EAGLE SURVEYING' SET;

3. N89°24'19" E, A DISTANCE OF 612.51 FEET TO A 1/2 INCH IRON ROD WITH GREEN PLASTIC CAP STAMPED 'EAGLE SURVEYING' SET IN THE WEST LINE OF A TRACT OF LAND CONVEYED TO 218 PROSPER, L.P. BY DEED OF RECORD IN DOCUMENT NUMBER 20070298000184370 OF SAID OFFICIAL PUBLIC RECORDS, BEING THE SOUTHWEST CORNER OF SAID 0.7038 ACRE TRACT, ALSO BEING THE SOUTHEAST CORNER OF SAID 16.406 ACRE TRACT AND HEREOF, FROM WHICH A 1/2 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED 'CORWIN ENG' FOUND AT THE NORTHEAST CORNER OF SAID LOT 1, BEING AN INTERIOR ELL CORNER OF SAID 218 PROSPER, L.P. BEARS N89°24'20" E, A DISTANCE OF 50.00 FEET;

THENCE, S89°24'20" W, ALONG THE NORTH LINE OF SAID LOT 1, BEING THE COMMON SOUTH LINE OF SAID 16.406 ACRE TRACT, A DISTANCE OF 919.24 FEET TO THE POINT OF BEGINNING, AND CONTAINING AN AREA OF 16.41 ACRES (714,621 SQUARE FEET) OF LAND, MORE OR LESS.

CASE #: S22-0008

VENKAT PROSPER

EXHIBIT A

DEVELOPER:
 PROSPER SE FIRST & COIT LLC
 2904 LOFTSMOOR LANE
 PLANO, TX 75025-4190
 EMAIL: MKILARU@HOTMAIL.COM CONTACT NAME: MOHAN KILARU

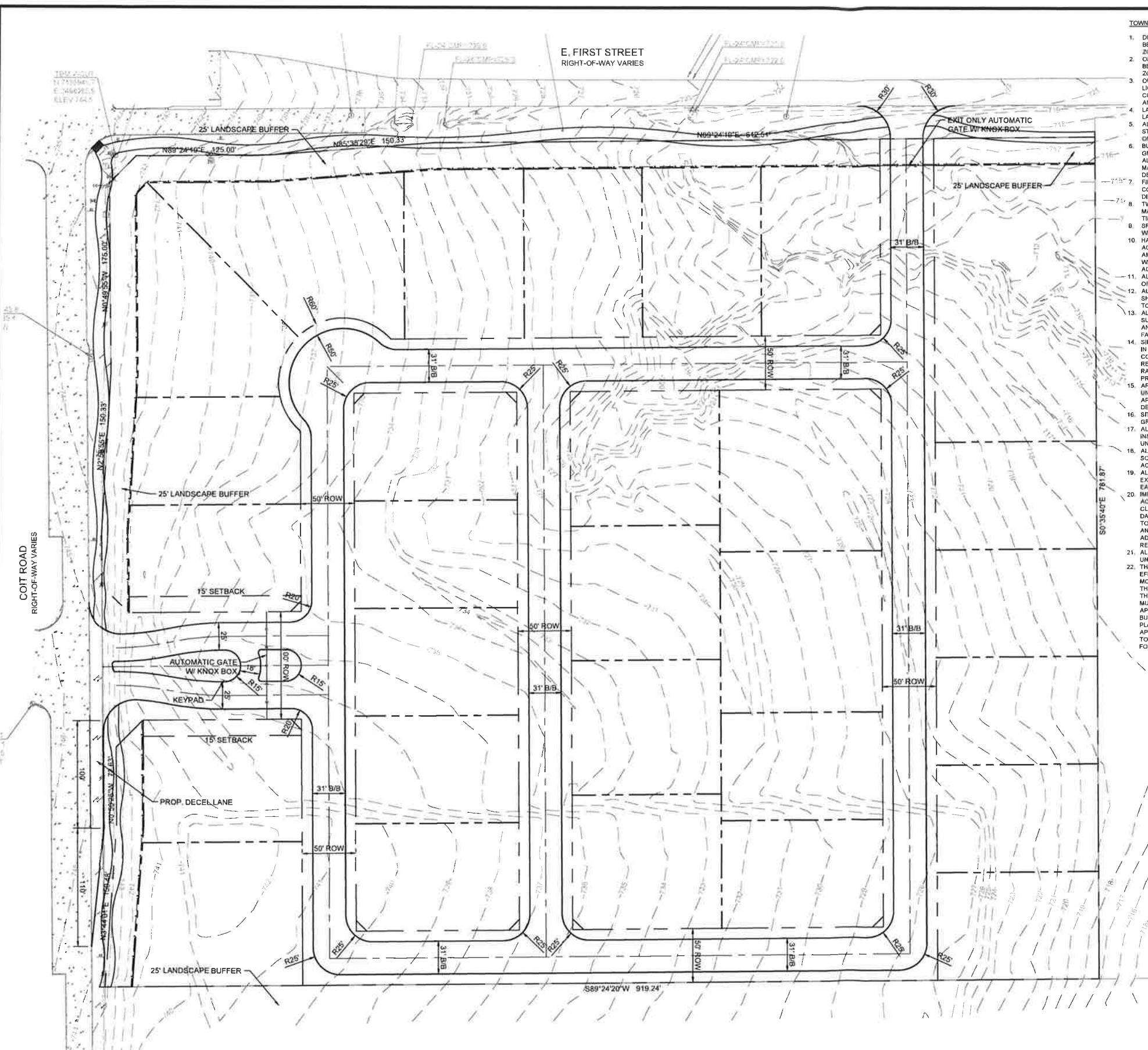
APPLICANT:
 CLAYMORE ENGINEERING, INC.
 1903 CENTRAL DRIVE, SUITE #406
 BEDFORD, TX 76021
 PH: 817.281.0572 CONTACT NAME: MATT MOORE

SURVEYOR:
 EAGLE SURVEYING, LLC
 210 SOUTH ELM STREET, SUITE #104
 DENTON, TX 76201
 PH: 840.222.3009 CONTACT NAME: MATTHEW RAABE

LEGAL DESCRIPTION:
 BEING A 16.41 ACRE TRACT OF LAND OUT OF THE JAMES STONE SURVEY
 ABSTRACT NUMBER 847, SITUATED IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS, BEING ALL OF A CALLED TRACT 1-16.406 ACRE TRACT OF LAND CONVEYED
 TO EUNOMIA PROSPER, LLC BY DEED OF RECORD IN DOCUMENT NUMBER
 20200717001114560 OF THE OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS

CITY:
 PROSPER
STATE:
 TEXAS
COUNTY:
 COLLIN
SURVEY:
 JAMES STONE SURVEY
ABSTRACT NO.:
 847

EXHIBIT A



Ordinance 2022-57, Exhibit B

N

1. ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
2. REFER TO ARCHITECTURAL PLANS FOR BUILDING DIMENSIONS AND EXACT DOOR LOCATIONS.

TOWN OF PROSPER SITE PLAN GENERAL NOTES

1. DUMPSTERS AND TRASH COMPACTORS SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE.
2. OPEN STORAGE, WHERE PERMITTED, SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE.
3. OUTDOOR LIGHTING SHALL COMPLY WITH THE LIGHTING AND GLARE STANDARDS CONTAINED WITHIN THE ZONING ORDINANCE AND SUBDIVISION ORDINANCE.
4. LANDSCAPING SHALL CONFORM TO LANDSCAPE PLANS APPROVED BY THE TOWN.
5. ALL ELEVATIONS SHALL COMPLY WITH THE STANDARDS CONTAINED WITHIN THE ZONING ORDINANCE.
6. BUILDINGS OF 5,000 SQUARE FEET OR GREATER SHALL BE 100% FIRE SPRINKLED. ALL FIRE SPRINKLER AND FIRE PROTECTION MEASURES MAY BE APPROVED BY THE FIRE DEPARTMENT.
7. FIRE LANES SHALL BE DESIGNED AND CONSTRUCTED PER TOWN STANDARDS OR AS DIRECTED BY THE FIRE DEPARTMENT.
8. TWO POINTS OF ACCESS SHALL BE MAINTAINED FOR THE PROPERTY AT ALL TIMES.
9. NEED BUMPS/UMPS ARE NOT PERMITTED WITHIN THE FIRE LANE.
10. 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.
11. ALL SIGNAGE IS SUBJECT TO BUILDING OFFICIAL APPROVAL.
12. ALL FENCE AND RETAINING WALLS SHALL BE SHOWN ON THE SITE PLAN AND BE SUBJECT TO BUILDING OFFICIAL APPROVAL.
13. ALL EXTERIOR BUILDING MATERIALS ARE SUBJECT TO BUILDING OFFICIAL APPROVAL AND SHALL CONFORM TO THE APPROVED FAÇADE PLAN.
14. SIDEWALKS OF NOT LESS THAN SIX (6) FEET IN WIDTH ALONG THOROUGHFARES AND COLLECTORS AND FIVE (5) FEET IN WIDTH ALONG RESIDENTIAL STREETS. CURB CARRIER FREE RAMPS AT ALL CURB CROSSINGS SHALL BE PROVIDED PER TOWN STANDARDS.
15. APPROVAL OF THE SITE PLAN IS NOT FINAL UNTIL ALL ENGINEERING PLANS ARE APPROVED BY THE ENGINEERING DEPARTMENT.
16. SITE PLAN APPROVAL IS REQUIRED PRIOR TO GRADING RELEASE.
17. ALL NEW ELECTRICAL LINES SHALL BE INSTALLED AND OR RELOCATED UNDERGROUND.
18. ALL MECHANICAL EQUIPMENT SHALL BE SCREENED FROM PUBLIC VIEW IN ACCORDANCE WITH THE ZONING ORDINANCE.
19. ALL LANDSCAPE EASEMENTS MUST BE EXCLUSIVE OF ANY OTHER TYPE OF EASEMENT.
20. 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 AND/OR FINISH-OUT PERMIT MAY RESULT IN ADDITIONAL IMPACT FEES AND/OR PARKING REQUIREMENTS.
21. ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
22. THE APPROVAL OF THE 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 ANY PRELIMINARY SITE PLAN FOR THE PROPERTY, IS NULL AND VOID.

GRAPHIC SCALE



VICINITY MAP
N.T.S.

LEGAL DESCRIPTION

VENKAT PROSPER
ST STREET & COIT ROAD
PROSPER, TEXAS

VENKAT PROSPER
ST STREET & COIT ROAD
PROSPER, TEXAS

EXHIBIT B

VENKAT PROSPER			EXHIBIT B
EXHIBIT B			
<p><u>DEVELOPER:</u> PROSPER SE FIRST & COIT LLC 2904 LOFTSMOOR LANE PLANO, TX 75025-4190 EMAIL: MKILARU@HOTMAIL.COM</p> <p><u>APPLICANT:</u> CLAYMOORE ENGINEERING, INC. 1903 CENTRAL DRIVE, SUITE #406 BEDFORD, TX 76021 PH: 817.281.0572</p> <p><u>SURVEYOR:</u> EAGLE SURVEYING, LLC 210 SOUTH ELM STREET, SUITE #104 DENTON, TX 76201 PH: 940.222.3009</p> <p><u>LEGAL DESCRIPTION:</u> BEING A 16.41 ACRE TRACT OF LAND OUT OF THE JAMES STONE SURVEY. ABSTRACT NUMBER 847, SITUATED IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS, BEING ALL OF A CALLED TRACT 1 - 16.405 ACRE TRACT OF LAND CONVEYED TO EUONOMIA PROSPER, LLC BY DEED OF RECORD IN DOCUMENT NUMBER 20200717001114560 OF THE OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS</p>			<u>CONTACT NAME:</u> MOHAN KILARU
<u>CITY:</u> PROSPER	<u>STATE:</u> TEXAS	<u>ABSTRACT NO.</u> 847	<u>DESIGN:</u> ASD <u>DRAWN:</u> ASD <u>CHECKED:</u> MAM <u>DATE:</u> 06/20/2022
<u>COUNTY:</u> COLLIN	<u>SURVEY:</u> JAMES STONE SURVEY		<u>SHEET</u> B File No. 2022-054