

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 15-65

AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, AMENDING THE TOWN'S ZONING ORDINANCE AND ORDINANCE NO. 07-088 BY REZONING A TRACT OF LAND CONSISTING OF 83.608 ACRES, MORE OR LESS, SITUATED IN THE I.C. WILLIAMSON SURVEY, ABSTRACT NO. 948, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS, FROM PLANNED DEVELOPMENT-38 (PD-38) TO PLANNED DEVELOPMENT-38 (PD-38); 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 Town's Zoning Ordinance should be amended; and

WHEREAS, the Town of Prosper, Texas ("Prosper"), initiated an amendment to Planned Development-38 (PD-38), in conjunction with a request from Cothran Malibu, L.P. ("Applicant"), to rezone 83.608 acres of land, more or less, situated in the I.C. Williamson Survey, Abstract No. 948, in the Town of Prosper, Collin County, Texas; 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, THAT:

**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**

Amendments to the Town's Zoning Ordinance and Ordinance No. 07-088. The Town's Zoning Ordinance, adopted by Ordinance No. 05-20, and Ordinance No. 07-088 are amended as follows: The zoning designation of the below-described property containing 83.608 acres of land, more or less, situated in the I.C. Williamson Survey, Abstract No. 948, in the Town of Prosper, Collin County, Texas, (the "Property") and all streets, roads and alleyways contiguous and/or adjacent thereto is hereby rezoned as Planned Development-38 (PD-38). The property as a whole and the boundaries for each zoning classification are more particularly described in Exhibit A and attached hereto and incorporated herein for all purposes as if set forth verbatim.

The development plans, standards, and uses for the Property in this Planned Development District shall conform to, and comply with 1) the statement of intent and purpose, attached hereto as Exhibit B; 2) the planned development standards, attached hereto as Exhibit C; 3) the concept plan, attached hereto as Exhibit D; 4) the development schedule, attached hereto as Exhibit E; 5) the conceptual elevations, attached hereto as Exhibits F and F-1, and 6) the conceptual landscape plan, attached hereto as Exhibits G, G-1, and G-2, which are incorporated herein for all purposes as if set forth verbatim.

Except as amended by this Ordinance, the development of the Property within this Planned Development District must comply with the requirements of all ordinances, rules, and regulations of Prosper, as they currently exist or may be amended.

Three original, official and identical copies of the zoning exhibit map are hereby adopted and shall be filed and maintained as follows:

- a. Two (2) copies shall be filed with the Town Secretary and retained as original records and shall not be changed in any matter.
- 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.

Written notice of any amendment to this District shall be sent to all owners of properties within the District as well as all properties within two hundred feet (200') of the District to be amended.

### **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 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.

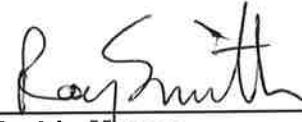
## SECTION 7

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 13TH DAY OF OCTOBER, 2015.**



Ray Smith, Mayor

ATTEST:

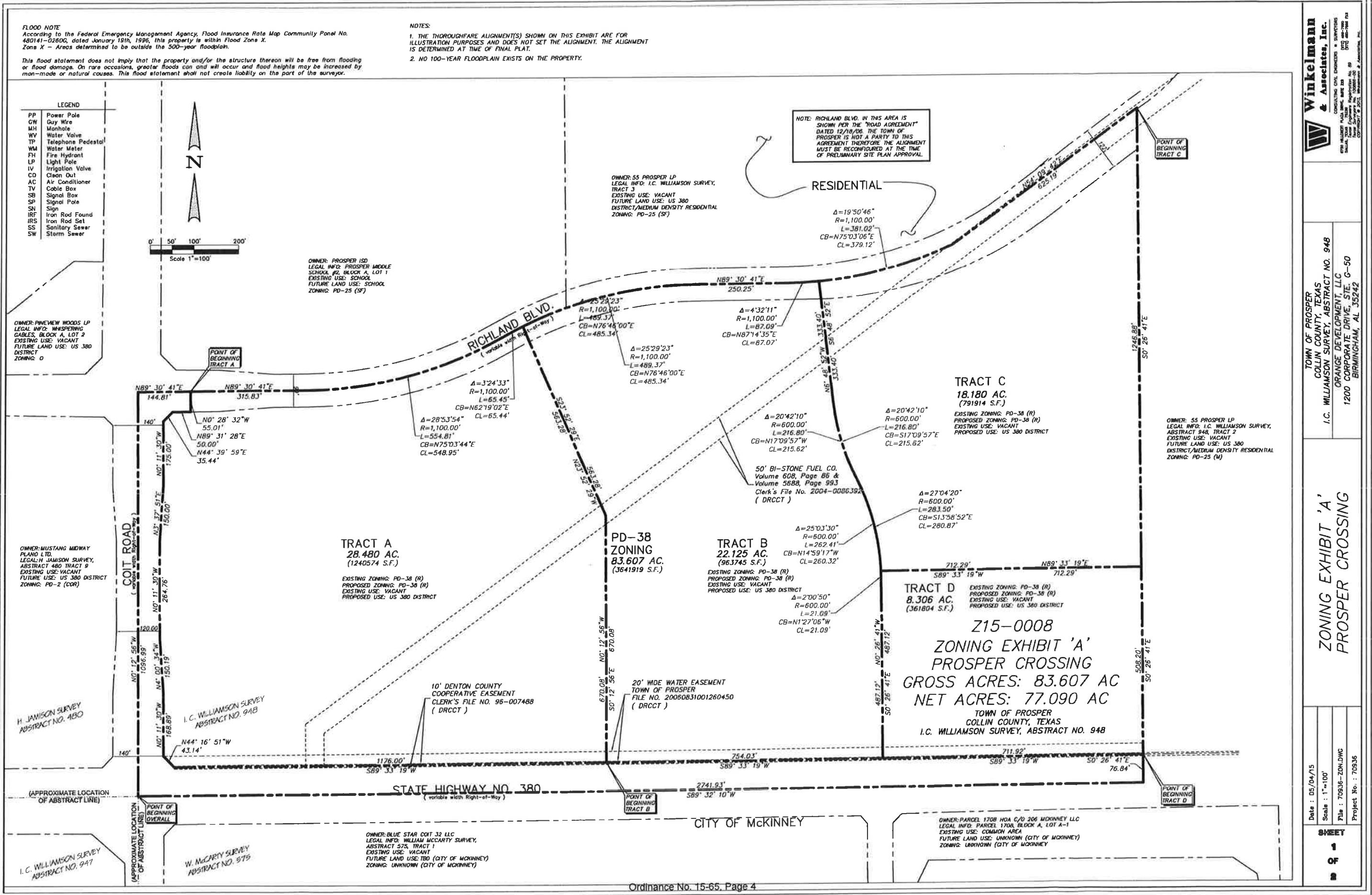


Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:



Terrence S. Welch, Town Attorney



OVERALL FIELD NOTE DESCRIPTION

STATE OF TEXAS  
COUNTY OF COLLIN

BEING A TRACT OF LAND SITUATED IN THE I.C. WILLIAMSON SURVEY, ABSTRACT NO. 948, COLLIN COUNTY, TEXAS AND BEING A PORTION OF A TRACT OF LAND AS DESCRIBED IN A DEED TO W.H. RASOR, III ET AL AS RECORDED IN COUNTY CLERK'S NUMBER 97-0088102 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS (DRCCT) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FOUND AT THE INTERSECTION OF THE CENTERLINE OF STATE HIGHWAY NO. 380 (VARIABLE WIDTH RIGHT-OF-WAY) AND THE CENTERLINE OF COIT ROAD (VARIABLE WIDTH RIGHT-OF-WAY);

THENCE DEPARTING SAID CENTERLINE OF SAID STATE HIGHWAY NO. 380 AND ALONG THE CENTERLINE OF SAID COIT ROAD NORTH 00 DEG 12 MIN 56 SEC WEST A DISTANCE OF 1096.99 FEET TO A POINT FOR CORNER;

THENCE DEPARTING THE CENTERLINE OF SAID COIT ROAD AND ALONG THE NORTHERLY LINE OF SAID RASOR TRACT AS FOLLOWS;

NORTH 89 DEG 30 MIN 41 SEC EAST A DISTANCE OF 460.64 FEET TO A POINT FOR THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 1100.00 FEET, AND HAVING A CHORD BEARING NORTH 75 DEG 03 MIN 44 SEC EAST AND A CHORD DISTANCE OF 548.95 FEET;

CONTINUING ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 28 DEG 53 MIN 54 SEC FOR AN ARC LENGTH OF 554.81 FEET TO A POINT FOR THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1100.00 FEET, AND HAVING A CHORD BEARING NORTH 75 DEG 03 MIN 44 SEC EAST AND A CHORD DISTANCE OF 548.95 FEET;

CONTINUING ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 28'53" FOR AN ARC LENGTH OF 554.82 FEET TO A POINT FOR CORNER;

NORTH 89 DEG 30 MIN 41 SEC EAST A DISTANCE OF 250.25 FEET TO A POINT FOR THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 1100.00 FEET, AND HAVING A CHORD BEARING NORTH 77 DEG 19 MIN 13 SEC EAST AND A CHORD DISTANCE OF 464.59 FEET;

CONTINUING ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 24 DEG 23 MIN 01 SEC FOR AN ARC LENGTH OF 468.11 FEET TO A POINT FOR CORNER;

THENCE NORTH 54 DEG 09 MIN 42 SEC EAST A DISTANCE OF 625.19 FEET TO A POINT FOR CORNER;

THENCE DEPARTING SAID NORTH LINE OF 78.623 ACRE TRACT 3 SOUTH 00 DEG 26 MIN 41 SEC EAST A DISTANCE OF 1831.92 FEET TO A POINT FOR CORNER, SAID POINT BEING IN THE CENTERLINE OF SAID STATE HIGHWAY NO. 380;

THENCE ALONG SAID CENTERLINE OF STATE HIGHWAY NO. 380 SOUTH 89 DEG 32 MIN 10 SEC WEST A DISTANCE OF 2741.93 FEET TO THE POINT OF BEGINNING;

CONTAINING WITHIN THESE METES AND BOUNDS IS 83.607 ACRES OR 3,641,919 SQUARE FEET OF LAND MORE OR LESS.

THIS DOCUMENT WAS PREPARED UNDER 22 TAC §663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

TRACT A

BEING A TRACT OF LAND SITUATED IN THE I.C. WILLIAMSON SURVEY, ABSTRACT NO. 948, TOWN OF PROSPER, COLLIN COUNTY, TEXAS, THE SUBJECT TRACT BEING A PORTION OF A TRACT OF LAND CONVEYED TO NEC COIT/380, LLC, ACCORDING TO THE DEED RECORDED IN DOCUMENT NO. 20110617000629000 OF THE DEED RECORDS, COLLIN COUNTY, TEXAS (DRCCT), THE SUBJECT TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTERLINE OF RICHLAND BOULEVARD, A 45 FOOT RIGHT-OF-WAY, RECORDED IN CABINET 2008, PAGE 675, PLAT RECORDS, COLLIN COUNTY, TEXAS (PRCCT);

THENCE N 89° 30' 41" E, 315.83 FEET ALONG THE CENTERLINE THEREOF TO A POINT FOR CORNER;

THENCE CONTINUING ALONG THE CENTERLINE THEREOF, AROUND A TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 28° 53' 54", A RADIUS OF 1100.00 FEET, A CHORD OF N 75° 03' 44" E - 548.95 FEET, AN ARC LENGTH OF 554.81 FEET TO A POINT FOR CORNER;

THENCE CONTINUING ALONG THE CENTERLINE THEREOF, AROUND A REVERSE CURVE HAVING A CENTRAL ANGLE OF 03° 24' 33", A RADIUS OF 1100.00 FEET, A CHORD OF N 62° 19' 02" E - 65.44 FEET, AN ARC LENGTH OF 65.45 FEET TO A POINT FOR CORNER FOR THE NORTHWEST CORNER OF A TRACT CONVEYED TO HARMONY CAPITAL, LLC, RECORDED IN DOCUMENT NO. 20120402000374830 DRCCT;

THENCE S 23° 52' 29" E, 563.28 FEET ALONG THE WEST LINE THEREOF TO A POINT FOR CORNER;

THENCE S 00° 12' 56" E, 670.08 FEET CONTINUING ALONG THE WEST LINE THEREOF TO A POINT FOR CORNER ON THE NORTH LINE OF U.S. HIGHWAY 380, A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY;

THENCE S 89° 33' 19" W, 1176.00 FEET ALONG THE NORTH LINE OF U.S. HIGHWAY 380 TO A POINT FOR CORNER FOR THE SOUTH END OF A CORNER CLIP AT THE PUBLIC INTERSECTION OF THE NORTH LINE OF SAID HIGHWAY WITH THE EAST LINE OF COIT ROAD, A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY;

THENCE N 44° 16' 51" W, 43.14 FEET ALONG SAID CORNER CLIP TO A POINT FOR CORNER;

THENCE N 00° 11' 30" W, 168.89 FEET ALONG THE EAST LINE OF COIT ROAD TO A POINT FOR CORNER;

THENCE N 04° 00' 34" W, 150.19 FEET CONTINUING ALONG THE EAST LINE OF COIT ROAD TO A POINT FOR CORNER;

THENCE N 00° 11' 30" W, 264.76 FEET ALONG THE EAST LINE OF COIT ROAD TO A POINT FOR CORNER;

THENCE N 03° 37' 51" E, 150.00 FEET CONTINUING ALONG THE EAST LINE OF COIT ROAD TO A POINT FOR CORNER;

THENCE N 00° 11' 30" W, 175.00 FEET CONTINUING ALONG THE EAST LINE OF COIT ROAD TO A POINT FOR CORNER FOR THE SOUTH END OF A CORNER CLIP AT THE INTERSECTION OF THE EAST LINE OF COIT ROAD WITH THE SOUTH LINE OF RICHLAND BOULEVARD;

THENCE N 44° 39' 59" E, 35.44 FEET ALONG SAID CORNER CLIP TO A POINT FOR CORNER;

THENCE N 89° 31' 28" E, 50.00 FEET ALONG THE SOUTH LINE OF RICHLAND BOULEVARD TO A POINT FOR CORNER;

THENCE N 00° 28' 32" W, 55.01 FEET DEPARTING THE SOUTH LINE OF RICHLAND BOULEVARD TO THE POINT OF BEGINNING WITH THE SUBJECT TRACT CONTAINING 1,240.574 SQUARE FEET OR 28.480 ACRES OF LAND

THIS DOCUMENT WAS PREPARED UNDER 22 TAC §663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED

TRACT B

BEING A TRACT OF LAND SITUATED IN THE I.C. WILLIAMSON SURVEY, ABSTRACT NO. 948, TOWN OF PROSPER, COLLIN COUNTY, TEXAS, THE SUBJECT TRACT BEING A PORTION OF A TRACT CONVEYED TO HARMONY CAPITAL, LLC ACCORDING TO THE DEED RECORDED IN DOCUMENT NO. 20120402000374830 OF THE OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS (OPRCCT), THE SUBJECT TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF U.S. HIGHWAY 380, A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY, FOR THE SOUTHEAST CORNER OF A TRACT CONVEYED TO NEC COIT/380, LLC, RECORDED IN DOCUMENT NO. 20110617000629000 OPRCCT;

THENCE N 00° 12' 56" W, 670.08 FEET ALONG THE COMMON LINE THEREOF TO A POINT FOR CORNER;

THENCE ALONG THE SOUTH LINE OF RICHLAND BOULEVARD, A 45 FOOT RIGHT-OF-WAY, CREATED BY THE PLAT OF LOT 1, BLOCK A, PROSPER MIDDLE SCHOOL NO 2 ADDITION, AN ADDITION RECORDED IN CABINET 2006, PAGE 675 OF THE PLAT RECORDS, COLLIN COUNTY, TEXAS;

THENCE ALONG THE SOUTH LINE OF RICHLAND BOULEVARD, AROUND A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 25° 29' 23", A RADIUS OF 1100.00 FEET, A CHORD OF N 76° 45' 00" E - 485.34 FEET, PASSING AT AN ARC LENGTH OF 126.95 FEET TO A POINT FOR THE SOUTHEAST CORNER OF SAID RIGHT-OF-WAY AND THE SOUTHWEST CORNER OF A TRACT CONVEYED TO PROSPER 380 COIT PARTNERS, LTD., RECORDED IN VOLUME 6050, PAGE 214 OF THE DEED RECORDS, COLLIN COUNTY, TEXAS, AND CONTINUING ALONG THE SOUTH LINE THEREOF A TOTAL ARC DISTANCE OF 493.37 FEET TO A POINT FOR CORNER;

THENCE N 89° 30' 41" E, 250.25 FEET CONTINUING ALONG THE COMMON LINE THEREOF TO A POINT FOR CORNER;

THENCE CONTINUING ALONG THE COMMON LINE THEREOF, AROUND A TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 04° 32' 11", A RADIUS OF 1100.00 FEET A CHORD OF N 87° 14' 35" E - 87.07 FEET, AN ARC LENGTH OF 87.09 FEET TO A POINT FOR CORNER FOR THE NORTHWEST CORNER OF A TRACT CONVEYED TO FIRST BAPTIST CHURCH PROSPER, TEXAS, RECORDED IN DOCUMENT NO. 2012041000417390 OPRCCT;

THENCE S 08° 48' 52" E, 333.40 FEET ALONG THE COMMON LINE THEREOF TO A POINT FOR CORNER;

THENCE CONTINUING ALONG THE COMMON LINE THEREOF, AROUND A TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 20° 42' 10", A RADIUS OF 600.00 FEET A CHORD OF S 17° 09' 57" E - 215.62 FEET, AN ARC LENGTH OF 216.80 FEET TO A POINT FOR CORNER;

THENCE CONTINUING ALONG THE COMMON LINE THEREOF, AROUND A REVERSE CURVE HAVING A CENTRAL ANGLE OF 27° 04' 21", A RADIUS OF 600.00 FEET A CHORD OF S 13° 58' 52" E - 280.27 FEET, PASSING AT AN ARC LENGTH OF 262.41 FEET TO A POINT FOR CORNER FOR THE NORTHWEST CORNER OF A TRACT CONVEYED TO COTHREAN MALIBU INVESTMENTS, INC., RECORDED IN DOCUMENT NO. 20140319000257500 OPRCCT, AND CONTINUING ALONG THE COMMON LINE THEREOF A TOTAL ARC DISTANCE OF 283.50 FEET TO A POINT FOR CORNER;

THENCE S 00° 26' 41" E, 487.12 FEET CONTINUING ALONG THE COMMON LINE THEREOF TO A POINT FOR CORNER ON THE NORTH LINE OF U.S. HIGHWAY 380;

THENCE S 89° 33' 19" W, 754.03 FEET ALONG THE NORTH LINE OF U.S. HIGHWAY 380 TO THE POINT OF BEGINNING WITH THE SUBJECT TRACT CONTAINING 963.745 SQUARE FEET OR 22.125 ACRES OF LAND.

THIS DOCUMENT WAS PREPARED UNDER 22 TAC §663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

TRACT C

BEING A TRACT OF LAND SITUATED IN THE I.C. WILLIAMSON SURVEY, ABSTRACT NO. 948, TOWN OF PROSPER, COLLIN COUNTY, TEXAS, THE SUBJECT TRACT BEING A PORTION OF A TRACT OF LAND CONVEYED TO PROSPER 380 COIT PARTNERS, LTD. ACCORDING TO THE DEED RECORDED IN VOLUME 6050, PAGE 214 OF THE DEED RECORDS, COLLIN COUNTY, TEXAS (DRCCT), THE SUBJECT TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FOR THE NORTHEAST CORNER OF THE SUBJECT TRACT;

THENCE, S 00 DEG 26 MIN 41 SEC E, A DISTANCE OF 1246.88 FEET TO A POINT FOR CORNER;

THENCE, S 89 DEG 33 MIN 19 SEC W, A DISTANCE OF 712.29 FEET TO A POINT FOR CORNER;

THENCE, ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 25 DEG 03 MIN 30 SEC, A RADIUS OF 600.00 FEET, A CHORD OF N 14 DEG 59 MIN 17 SEC W, 260.33 FEET, AN ARC LENGTH OF 262.41 FEET TO A POINT FOR CORNER;

THENCE, ALONG A REVERSE CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 20 DEG 42 MIN 10 SEC, A RADIUS OF 600.00 FEET, A CHORD OF N 17 DEG 09 MIN 57 SEC W, 215.62 FEET, AN ARC LENGTH OF 216.80 FEET TO A POINT FOR CORNER;

THENCE, N 06 DEG 48 MIN 52 SEC W, A DISTANCE OF 333.40 FEET TO A POINT FOR CORNER;

THENCE, ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 19 DEG 50 MIN 46 SEC, A RADIUS OF 1100.00 FEET, A CHORD OF N 75 DEG 03 MIN 06 SEC E, 379.12 FEET, AN ARC LENGTH OF 381.02 FEET TO A POINT FOR CORNER;

THENCE, N 54 DEG 09 MIN 42 SEC E, A DISTANCE OF 625.19 FEET TO THE PLACE OF BEGINNING WITH THE SUBJECT TRACT CONTAINING 791.914 SQUARE FEET OR 18.180 ACRES OF LAND

THIS DOCUMENT WAS PREPARED UNDER 22 TAC §663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

TRACT D

BEING A TRACT OF LAND SITUATED IN THE I.C. WILLIAMSON SURVEY, ABSTRACT NO. 948, TOWN OF PROSPER, COLLIN COUNTY, TEXAS, THE SUBJECT TRACT BEING A PORTION OF A TRACT OF LAND CONVEYED TO HARMONY CAPITAL, LLC ACCORDING TO THE DEED RECORDED IN DOCUMENT NO. 20120402000374830 OF THE DEED RECORDS, COLLIN COUNTY, TEXAS (DRCCT), THE SUBJECT TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF U.S. HIGHWAY 380 (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY) FOR THE SOUTHEAST CORNER OF THE SUBJECT TRACT, AND BEING A SOUTHWESTERLY CORNER OF A REMAINDER OF THAT TRACT CONVEYED TO PROSPER 380 COIT PARTNERS, LTD., RECORDED IN VOLUME 6050, PAGE 214 DRCCT;

THENCE S 89° 33' 19" W, 711.92 FEET ALONG THE NORTH LINE OF U.S. HIGHWAY 380 TO A POINT FOR CORNER;

THENCE N 00° 26' 41" W, 487.12 FEET ALONG THE EAST LINE THEREOF TO A POINT FOR CORNER;

THENCE ALONG A TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 2°00'50", A RADIUS OF 600.00 FEET, A CHORD OF N 01°27'06" W - 21.09 FEET, AN ARC LENGTH OF 21.09 FEET TO A POINT FOR CORNER FOR THE SOUTHWEST CORNER OF A TRACT CONVEYED TO THE FIRST BAPTIST CHURCH, PROSPER, TEXAS, RECORDED IN DOCUMENT NO. 2012041000417390 DRCCT;

THENCE N 89° 33' 19" E, 712.29 FEET ALONG THE COMMON LINE THEREOF TO A POINT FOR CORNER ON THE EAST LINE OF SAID PROSPER 380 COIT PARTNERS TRACT, FOR THE SOUTHEAST CORNER OF SAID FIRST BAPTIST CHURCH TRACT;

THENCE S 00° 26' 41" E, 508.20 FEET ALONG THE COMMON LINE THEREOF TO THE POINT OF BEGINNING WITH THE SUBJECT TRACT CONTAINING 361,804 SQUARE FEET OR 8,306 ACRES OF LAND

THIS DOCUMENT WAS PREPARED UNDER 22 TAC §663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

APPROV.	Winkelmann
REVISION	
DATE	
No.	

TOWN OF PROSPER  
COLLIN COUNTY, TEXAS  
I.C. WILLIAMSON SURVEY, ABSTRACT NO. 948  
ORANGE DEVELOPMENT, LLC  
1200 CORPORATE DRIVE, STE. G-50  
BIRMINGHAM, AL 35222

ZONING EXHIBIT 'A'  
PROSPER CROSSING



**EXHIBIT 'B'**

CVS Pharmacy intends to develop the hard corner of US 380 & Coit road with a 14,600 SF building with drive-thru service. The remainder of Tract A is designed as a shopping center to accommodate an approximate 115,000 square foot anchor retail building along with complimentary retail establishments containing restaurant and typical service tenants. Other than CVS, there are four (4) planned outparcels which may contain a combination of national and regional retailers including banks, casual dining restaurants as well as established quick-service restaurants.

Tracts B, C & D are under separate ownership, but governed by the same zoning, Planned Development-38 (PD-38).

This Planned Development request is intended to resolve the discrepancy between the zoning and ownership circumstances and allow for the development of a CVS Pharmacy in the near term and future retail and service of the remaining property in the future.

## **-Exhibit C-**

### **Planned Development Standards**

#### **Conformance with the Town's Zoning Ordinance and Subdivision Ordinance:**

Except as otherwise set forth in these Development Standards, the regulations of the Town's Zoning Ordinance (Ordinance No. 05-20 as it exists or may be amended) and the Subdivision Ordinance (as it exists or may be amended) shall apply.

#### **Tract A Retail District**

A.1 Except as noted below, Tract A shall develop in accordance with the Retail District, as it exists or may be amended.

A.2 Development Plans

1. Conceptual Development Plan: Development shall be in conformance with the attached concept plan, set forth in Exhibit D.
2. Elevations: Development shall be in conformance with the attached elevations, set forth in Exhibit F.
3. Landscape Plan: Development shall be in conformance with the attached landscape plan, set forth in Exhibit G.

4. Minor amendments to the approved Conceptual Development shall be considered at time of the submittal of a Preliminary Site Plan. The Preliminary Site Plan shall clearly note any deviations from the approved Conceptual Development Plan. To be classified as a minor amendment, the proposed changes shall not:

1. alter the basic relationship of the proposed development to adjacent property,
2. alter the uses permitted,
3. increase the density,
4. increase the building height,
5. increase the coverage of the site,
6. reduce the off-street parking ratio,
7. reduce the building lines provided at the boundary of the site, or
8. significantly alter any open space plans

Where the proposed changes do not meet the criteria of a minor amendment, a formal amendment of the Planned Development District, including Public Hearings conducted by the Planning & Zoning Commission and Town Council shall be required in accordance with Chapter 1, Section 8 of the Zoning Ordinance as it exists or may be amended.

A.3 Uses. Uses shall be permitted in accordance with the Retail District and as shown on Exhibit D with the exception of the following uses which shall be prohibited:

1. Athletic Stadium or Field, Private
2. Athletic Stadium or Field, Public
3. Cemetery/Mausoleum
4. Commercial Amusement, Outdoor

5. Recycling Collection Point
6. School District Bus Yard
7. Sewage Treatment Plant/Pumping Station
8. Trailer Rental
9. Utility Distribution/Transmission Facility
10. Water Treatment Plant

**A.4 Regulations**

1. US 380 - Tree plantings shall be provided at minimum rate of a four (4) inch Caliper trees (at the time of planting) per twenty-five (25) lineal feet. Shrub plantings shall be provided at a lineal rate of 40 five (5) gallon shrubs (at the time of planting) per a minimum thirty (30) lineal feet.
2. Coit Road - Tree plantings shall be provided at minimum rate of a four (4) inch Caliper tree (at the time of planting) per twenty-five (25) lineal feet. Shrub plantings shall be provided at a lineal rate of 40 five (5) gallon shrubs (at the time of planting) per a minimum thirty (30) lineal feet.
3. Richland Blvd. – Tree plantings shall be provided at a minimum rate of a four (4) inch caliper tree per twenty (20) linear feet. Shrub plantings shall be provided at a minimum rate of 20 ten (10) gallon shrubs per thirty (30) linear feet. A berm of a minimum height of four (4) feet shall be provided within the landscape buffer along Richland Boulevard in areas which are not encumbered by the gas line easement.
4. Parking abutting perimeter landscape areas shall be screened from the adjacent roadway by 3' minimum tall shrubs and 3' minimum tall berms.
5. Loading Areas – Where loading areas are adjacent to Richland Boulevard evergreen trees with a minimum height of ten (10) feet shall be provided at a minimum rate of one (1) tree per twenty (20) linear feet within the landscape buffer adjacent to the loading areas.
6. Utility Power Lines: New utility distribution and service lines for individual business establishments, buildings, signs and for any other site development features shall be placed underground. Existing overhead facilities may remain overhead.
7. All required trees that conflict with the existing 50' gas easement must be located in an alternate location outside of the 50' gas easement on the subject property for the parking islands as designated on Exhibit 'D'. All other islands shall be designed in a manner to meet Town's landscape requirements.
8. All above ground detention ponds shall be treated as open space amenities and landscaped as such. These ponds shall be placed in a manner as to be designed and constructed to maintain a constant normal pool elevation. The Town's engineering department shall review and confirm any design constraints that would preclude the pond from maintaining a constant pool elevation.
9. Building Height – Maximum Building Height shall not exceed forty-five (45) feet.
10. Drive-thru services are not allowed on consecutive lots.

11. Lots 2, 3, and 4 are designated for retail and drive-thru restaurant uses; however, drive-thru restaurants may not be adjacent to each other on those lots. Lot 5 shall be limited to a restaurant use and no drive-thru restaurant use shall be permitted. Further, the open space tract depicted on the site plan depicted in Exhibit D shall be depicted as a component of Phase 1 and developed and constructed in conjunction with the proposed CVS Pharmacy. The open space tract shall be landscaped and subject to Town staff approval.

#### **Tract B, C, & D Retail District**

B.1 Except as noted below, the Tracts B, C, & D shall develop in accordance with the Retail District, as it exists or may be amended.

B.2 Development Plans

1. Conceptual Development Plan: Prior to application for a Preliminary Site Plan and/or Site Plan on Tract B, C, & D, a Conceptual Development Plan shall be submitted for each Tract, and receive a recommendation from the Planning & Zoning Commission and be approved by the Town Council.

A Conceptual Development Plan shall be prepared and contain the same information as required for "Exhibits D and F" associated with the application for a Planned Development District. The required information of Exhibits D and F associated with a Planned Development District are denoted in the Town's Development Manual as it exists or may be amended.

This Conceptual Development Plan shall be required for the general area within which development is to occur. This general area shall be bounded by thoroughfares, ownership lines, creekways or other physical barriers that define a geographic boundary that separates the area of interest from other parcels.

Minor amendments to the approved Conceptual Development shall be considered at time of the submittal of a Preliminary Site Plan. The Preliminary Site Plan shall clearly note any deviations from the approved Conceptual Development Plan. To be classified as a minor amendment, the proposed changes shall not:

1. alter the basic relationship of the proposed development to adjacent property,
2. alter the uses permitted,
3. increase the density,
4. increase the building height,
5. increase the coverage of the site,
6. reduce the off-street parking ratio,
7. reduce the building lines provided at the boundary of the site, or
8. significantly alter any open space plans

Where the proposed changes do not meet the criteria of a minor amendment, a formal amendment of the Planned Development District, including Public Hearings conducted by the Planning & Zoning Commission and Town Council shall be required in accordance with Chapter 1, Section 8 of the Zoning Ordinance as it exists or may be amended.

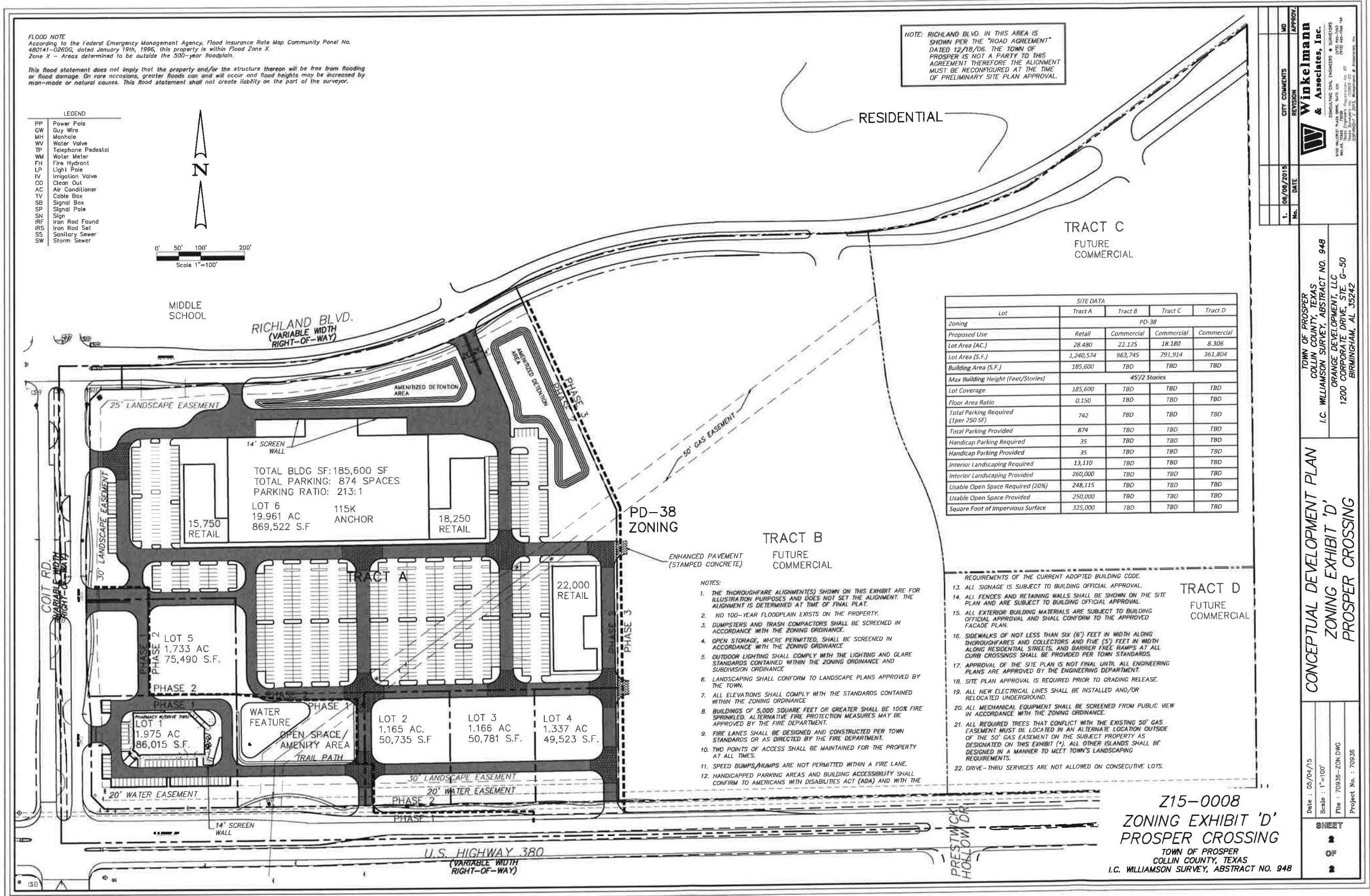
B.3 **Uses.** Uses shall be permitted in accordance with the Retail District with the exception of the following uses which shall be prohibited:

1. Athletic Stadium or Field, Private
2. Athletic Stadium or Field, Public
3. Cemetery/Mausoleum
4. Commercial Amusement, Outdoor
5. Recycling Collection Point
6. School District Bus Yard
7. Sewage Treatment Plant/Pumping Station
8. Trailer Rental
9. Utility Distribution/Transmission Facility
10. Water Treatment Plant

B.4 **Regulations**

1. US 380 – On Tracts B, C, & D tree plantings shall be provided at minimum rate of a four (4) inch Caliper trees (at the time of planting) per twenty-five (25) lineal feet. Shrub plantings shall be provided at a lineal rate of 40 five (5) gallon shrubs (at the time of planting) per a minimum thirty (30) lineal feet.
2. Richland Blvd. – On Tracts B, C, & D tree plantings shall be provided at a minimum rate of a four (4) inch caliper tree per twenty (20) linear feet. Shrub plantings shall be provided at a minimum rate of 20 ten (10) gallon shrubs per thirty (30) linear feet. A berm of a minimum height of four (4) feet shall be provided within the landscape buffer along Richland Boulevard in areas which are not encumbered by the gas line easement.
3. East Property Line - On Tracts B, C, & D the landscape buffer shall be twenty five (25) in width. Tree plantings shall be provided at a minimum rate of a four (4) inch caliper tree per twenty (20) linear feet. Shrub plantings shall be provided at a lineal rate of 40 five (5) gallon shrubs (at the time of planting) per a minimum thirty (30) lineal feet.
4. Parking abutting perimeter landscape areas shall be screened from the adjacent roadway by 3' minimum tall shrubs and 3' minimum tall berms.
5. Loading Areas – Where loading areas are adjacent to Richland Boulevard and the east property line, evergreen trees with a minimum height of ten (10) feet shall be provided at a minimum rate of one (1) tree per twenty (20) linear feet within the landscape buffer adjacent to the loading areas.
6. Utility Power Lines: New utility distribution and service lines for individual business establishments, buildings, signs and for any other site development features shall be placed underground. Existing overhead facilities may remain overhead.
7. All required trees that conflict with the existing 50' gas easement must be located in an alternate location outside of the 50' gas easement on the subject property for the parking islands as designated on Exhibit 'D'. All other islands shall be designed in a manner to meet Town's landscape requirements.

8. All above ground detention ponds shall be treated as open space amenities and landscaped as such. These ponds shall be placed in a manner as to be designed and constructed to maintain a constant normal pool elevation. The Town's engineering department shall review and confirm any design constraints that would preclude the pond from maintaining a constant pool elevation.
9. Building Height – Maximum Building Height shall not exceed forty-five (45) feet.
10. Drive-thru services are not allowed on consecutive lots.



**EXHIBIT 'E'**

**PROJECTED DEVELOPMENT SCHEDULE**

**PROSPER CROSSING**  
**June 12, 2015**

**TRACT A:**

**Phase 1 (CVS Pharmacy)**

a. Construction Start	02/01/16
b. Construction Completion	07/16/16
c. Store Opening	08/07/16

**Phase 2 (Anchored Shopping Center)**

a. Construction Start	TBD
b. Construction Completion	TBD
c. Store Opening	TBD

**TRACTS B, C, & D**

a. Construction Start	TBD
b. Construction Completion	TBD
c. Store Opening	TBD

# CVS/pharmacy Prosper, TX

NORI ELEVATION

## Proposed Materials

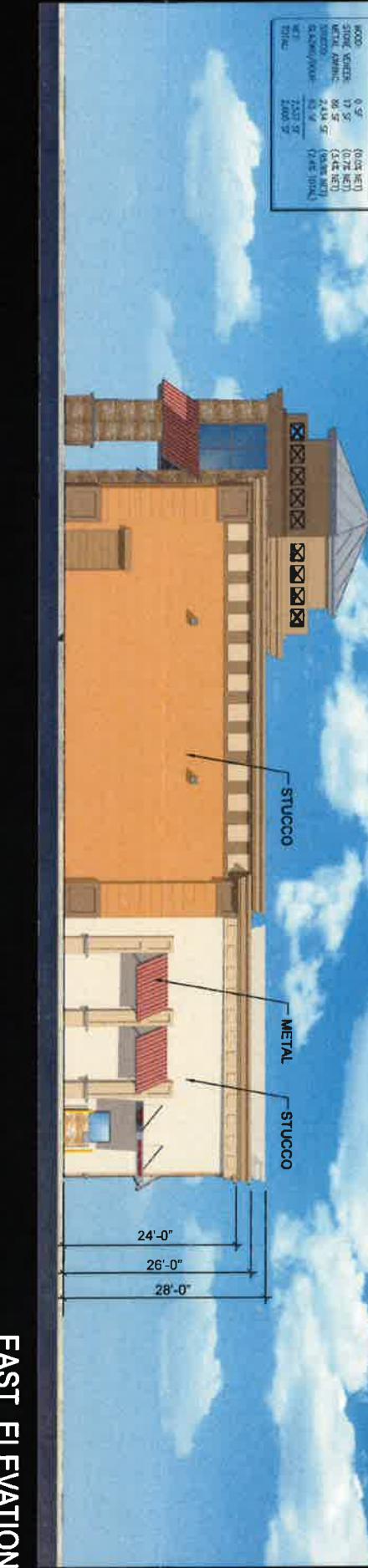
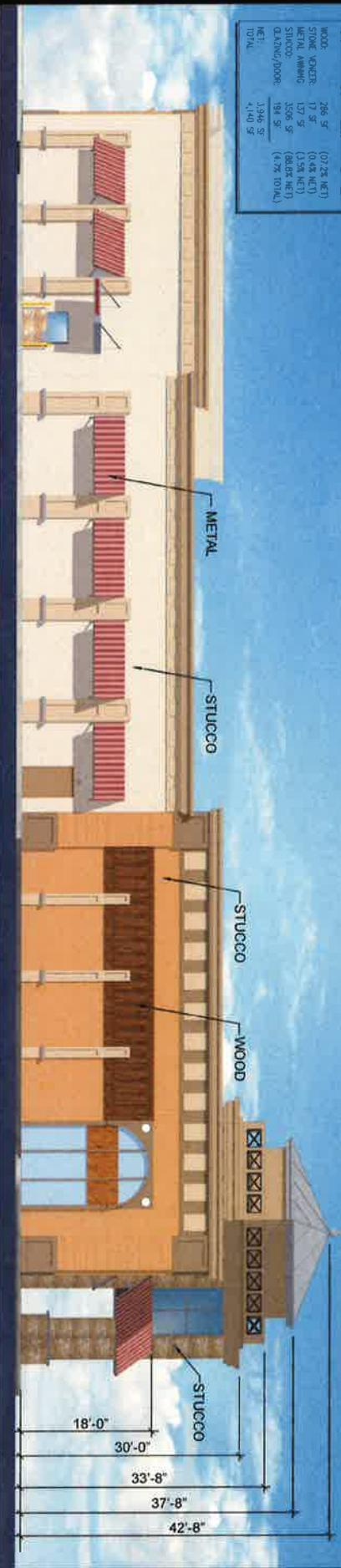
1. THIS  
ALB

**PUBLIC VIEW IN ACCORDANCE WITH THE COMPREHENSIVE ZONING ORDINANCE**

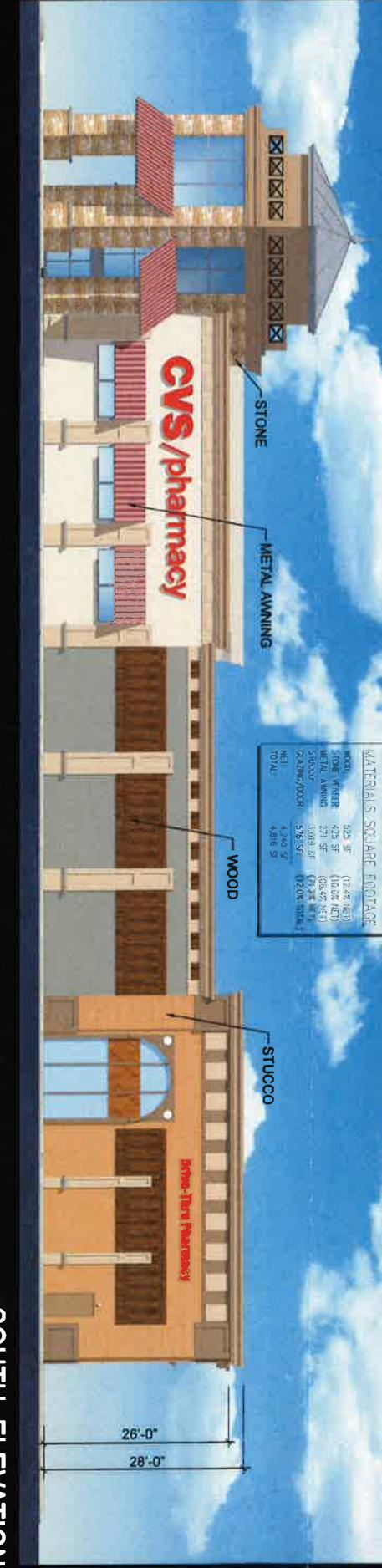
3. WHEN PERMITTED, EXPOSED UTILITY BOXES AND CONDUITS SHALL BE PAINTED TO MATCH THE BUILDING

4. ALL SIGNAGE AREAS AND LOCATIONS ARE SUBJECT TO APPROVAL BY THE BUILDING INSPECTION DEPARTMENT

5. WINDOWS SHALL HAVE A MAXIMUM EXTERIOR VISIBLE REFLECTIVITY OF TEN (10) PERCENT.



**SU IN ELEVATION**  
(UNIVERSITY DRIVE/U.S. 380)



**WEST ELEVATION**  
(COIT ROAD)



MATERIALS		SQUARE	FOOTAGE
WOOD:			
STONE VENEER:	50 SF	(01.00% NET)	
METAL AWNING:	42.5 SF	(16.2% NET)	
STUCCO:	21 SF	(10.0% NET)	
GLAZING/DOORS:	1,849 SF	(71.3% NET)	
NET:	305 SF	(16.2% NET)	
TOTAL:	2,354 SF	(30.0% NET)	
	3,100 SF	(30.0% NET)	





EXHIBIT F-1

**CVS**  
pharmacy®

SOUTHERN 14,600-RIGHT  
CHAMFER DRIVE-THRU

STORE NUMBER: 10641

NEC U.S. HWY 380 & COIT ROAD  
PROSPER, TEXAS  
PROJECT TYPE: NEW  
DEAL TYPE: FEE FOR SERVICE

CS PROJECT NUMBER: 82079

CML ENGINEER:

**Winkemann**

CONSULTING CIVIL ENGINEERS & SURVEYORS  
STAR MILLER PLATE OF SURVEY 325  
BIRMINGHAM, ALABAMA 35242  
(205) 467-7000  
FAX: (205) 467-7099  
Texas Engineers Registration No. 89  
Texas Surveyors Registration No. 100866-00  
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CONSULTANT:

DEVELOPER:

**Orange Development Inc.**  
1200 Corporate Drive  
Suite G-50  
BIRMINGHAM, AL 35242  
TEL: (205)408-3443  
FAX: (205)408-1850

SEAL:

REVISIONS:

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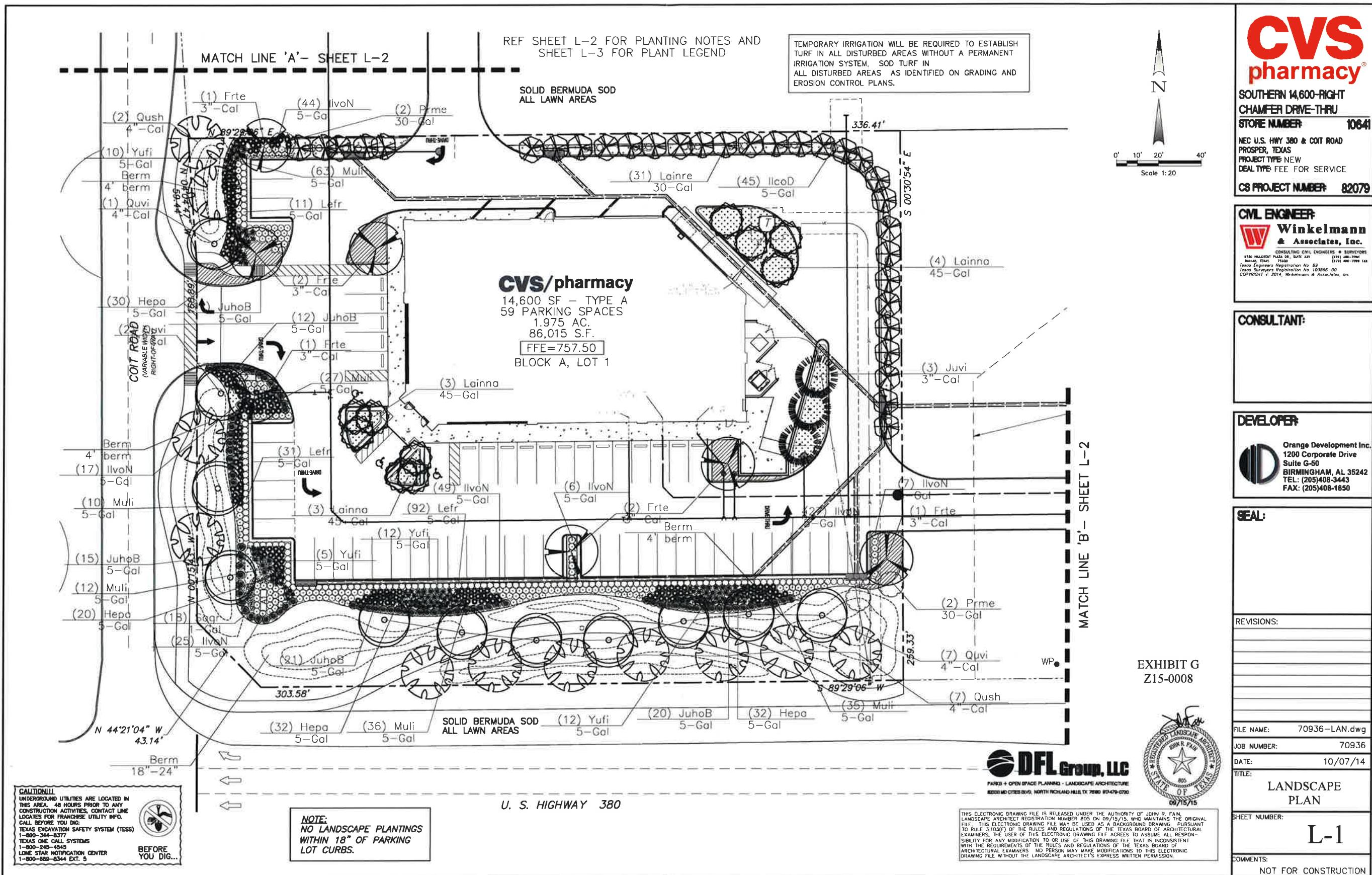
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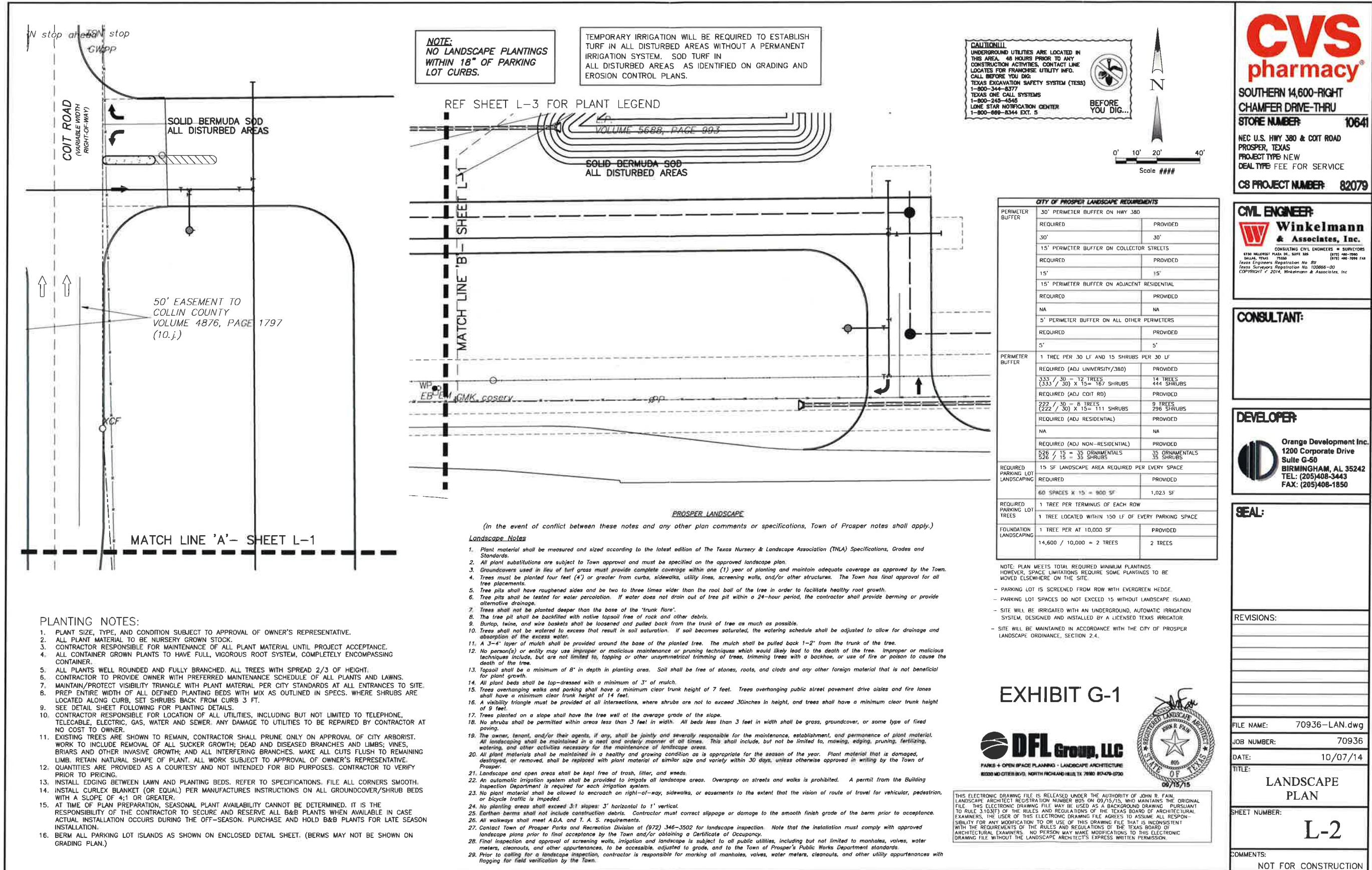
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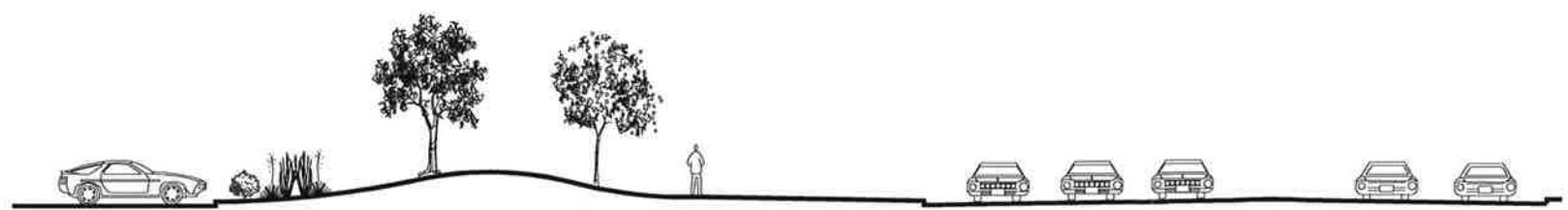
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SHEET NUMBER: L-1

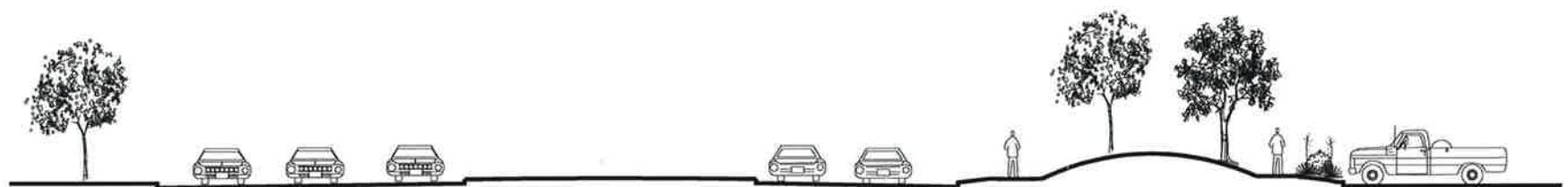
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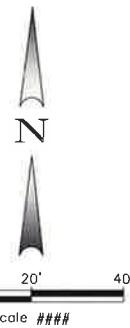




SECTION A-A



SECTION B-B



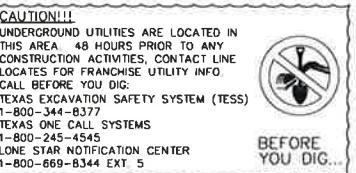
**CVS**  
pharmacy®

SOUTHERN 14,600-RIGHT  
CHAMFER DRIVE-THRU

STORE NUMBER: 10641

NEC U.S. HWY 380 & COIT ROAD  
PROSPER, TEXAS  
PROJECT TYPE: NEW  
DEAL TYPE: FEE FOR SERVICE

CS PROJECT NUMBER: 82079



CIVIL ENGINEER:

**Winkelmann**  
& Associates, Inc.

CONSULTING CIVIL ENGINEERS & SURVEYORS  
6750 HILLCREST ROAD, SUITE 300  
DALLAS, TEXAS 75230  
(972) 480-7000 FAX  
Texas Engineers Registration No. 89  
Texas Surveyors Registration No. 100866-00  
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CONSULTANT:

DEVELOPER:



SEAL:

REVISIONS:

## EXHIBIT G-2



PARKS + OPEN SPACE PLANNING • LANDSCAPE ARCHITECTURE

2228 101 CITIES BLVD, NORTH RICHLAND HILLS, TX 76110 817-769-0730



FILE NAME: 70936-LAN.dwg

JOB NUMBER: 70936

DATE: 06/02/14

TITLE: OPEN SPACE PLAN

SHEET NUMBER: OS-1

COMMENTS:  
NOT FOR CONSTRUCTION

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