

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

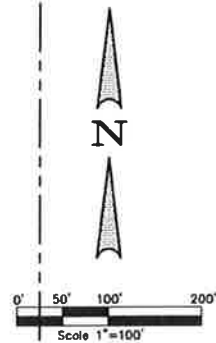
FLOOD NOTE
According to the Federal Emergency Management Agency, Flood Insurance Rate Map Community Panel No. 480141-0260G, dated January 18th, 1996, this property is within Flood Zone X.
Zone X - Areas determined to be outside the 500-year floodplain.

This flood statement does not imply that the property and/or the structure thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.

NOTES:

1. THE THOROUGHFARE ALIGNMENT(S) SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DOES NOT SET THE ALIGNMENT. THE ALIGNMENT IS DETERMINED AT TIME OF FINAL PLAT.
2. NO 100-YEAR FLOODPLAIN EXISTS ON THE PROPERTY.

LEGEND	
PP	Power Pole
GW	Guy Wire
MH	Manhole
WV	Water Valve
TP	Telephone Pedestal
WM	Water Meter
FH	Fire Hydrant
LP	Light Pole
IV	Irrigation Valve
CO	Clean Out
AC	Air Conditioner
TV	Cable Box
SB	Signal Box
SP	Signal Pole
SN	Sign
IRF	Iron Rod Found
IRS	Iron Rod Set
SS	Sanitary Sewer
SW	Storm Sewer



OWNER: PINEVIEW WOODS LP
LEGAL INFO: WHISPERING CABLES, BLOCK A, LOT 2
EXISTING USE: VACANT
FUTURE LAND USE: US 380 DISTRICT
ZONING: D

OWNER: MUSTANG MIDWAY PLANO LTD.
LEGAL INFO: H. JAMISON SURVEY, ABSTRACT 480 TRACT 9
EXISTING USE: VACANT
FUTURE USE: US 380 DISTRICT
ZONING: PD-2 (COR)

H. JAMISON SURVEY
ABSTRACT NO. 480

I. C. WILLIAMSON SURVEY
ABSTRACT NO. 947

W. MCCARTY SURVEY
ABSTRACT NO. 975

OWNER: PROSPER ISD
LEGAL INFO: PROSPER MIDDLE SCHOOL #2, BLOCK A, LOT 1
EXISTING USE: SCHOOL
FUTURE LAND USE: SCHOOL
ZONING: PD-25 (SF)

TRACT A
28.480 AC.
(1240574 S.F.)

EXISTING ZONING: PD-38 (R)
PROPOSED ZONING: PD-38 (R)
EXISTING USE: VACANT
PROPOSED USE: US 380 DISTRICT

10' DENTON COUNTY COOPERATIVE EASEMENT
CLERK'S FILE NO. 96-007488
(DRCCT)

OWNER: BLUE STAR COIT 32 LLC
LEGAL INFO: WILLIAM MCCARTY SURVEY, ABSTRACT 975, TRACT 1
EXISTING USE: VACANT
FUTURE LAND USE: TBD (CITY OF MCKINNEY)
ZONING: UNKNOWN (CITY OF MCKINNEY)

OWNER: 55 PROSPER LP
LEGAL INFO: I.C. WILLIAMSON SURVEY, TRACT 3
EXISTING USE: VACANT
FUTURE LAND USE: US 380 DISTRICT/MEDIUM DENSITY RESIDENTIAL
ZONING: PD-25 (SF)

PD-38 ZONING
83.607 AC.
(3641919 S.F.)

20' WIDE WATER EASEMENT
TOWN OF PROSPER
FILE NO. 20050831001260450
(DRCCT)

TRACT B
22.125 AC.
(963745 S.F.)

EXISTING ZONING: PD-38 (R)
PROPOSED ZONING: PD-38 (R)
EXISTING USE: VACANT
PROPOSED USE: US 380 DISTRICT

50' BI-STONE FUEL CO.
Volume 608, Page 86 &
Volume 5688, Page 993
Clerk's File No. 2004-0086392
(DRCCT)

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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

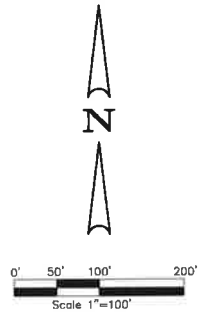
1. US 380 – On Tracts B, C, & D tree plantings shall be provided at minimum rate of a four (4) inch Caliper trees (at the time of planting) per twenty-five (25) lineal feet. Shrub plantings shall be provided at a lineal rate of 40 five (5) gallon shrubs (at the time of planting) per a minimum thirty (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.

FLOOD NOTE
According to the Federal Emergency Management Agency, Flood Insurance Rate Map Community Panel No. 480141-0260G, dated January 19th, 1996, this property is within Flood Zone X.
Zone X - Areas determined to be outside the 500-year floodplain.

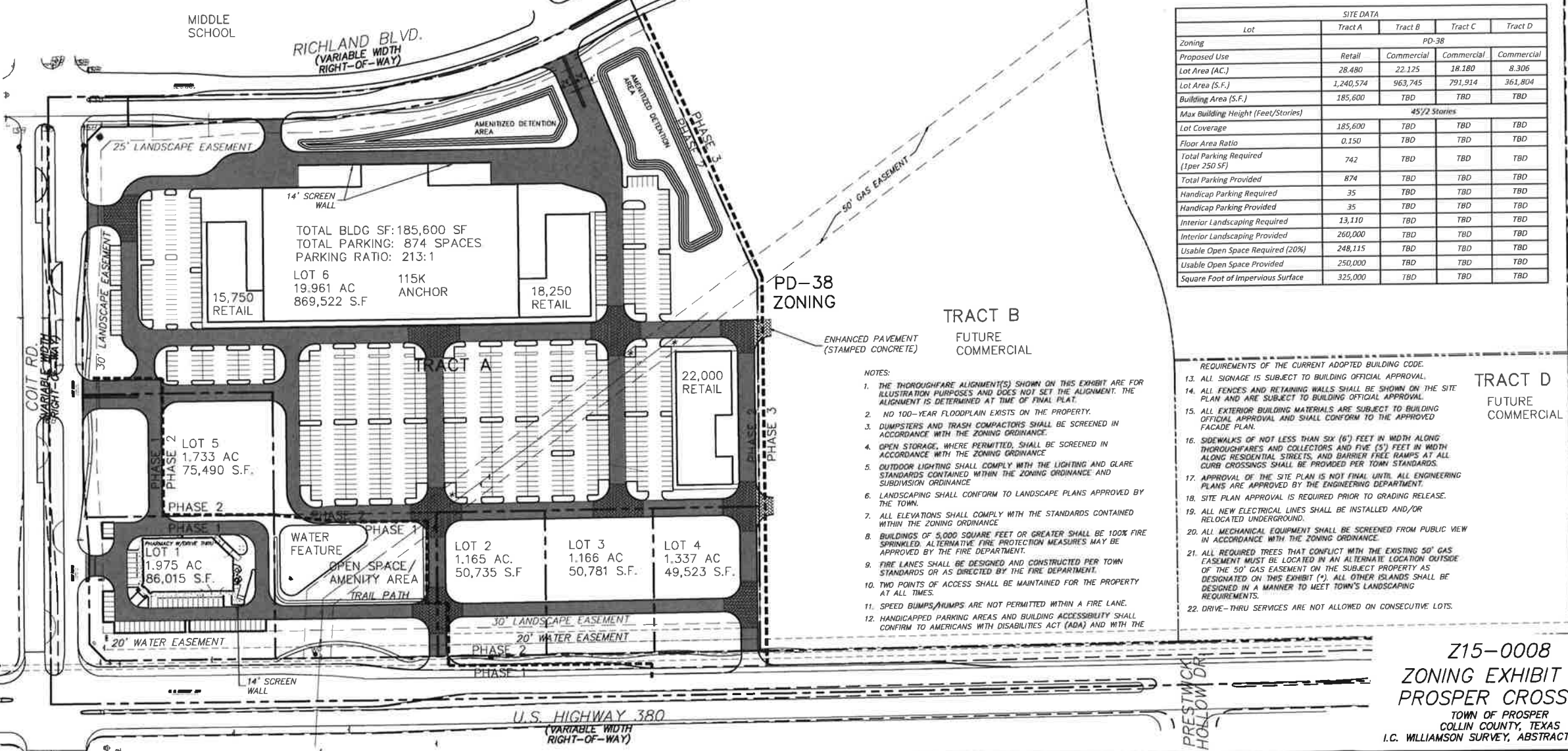
This flood statement does not imply that the property and/or the structure thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.

LEGEND	
PP	Power Pole
CW	Guy Wire
MH	Manhole
WV	Water Valve
TP	Telephone Pedestal
WM	Water Meter
FH	Fire Hydrant
LP	Light Pole
IV	Irrigation Valve
CO	Clean Out
AC	Air Conditioner
TV	Cable Box
SB	Signal Box
SP	Signal Pole
SN	Sign
IRF	Iron Rod Found
IRS	Iron Rod Set
SS	Sanitary Sewer
SW	Storm Sewer



MIDDLE SCHOOL

RICHLAND BLVD.
(VARIABLE WIDTH
RIGHT-OF-WAY)



NOTE: RICHLAND BLVD. IN THIS AREA IS SHOWN PER THE "ROAD AGREEMENT" DATED 12/18/06. THE TOWN OF PROSPER IS NOT A PARTY TO THIS AGREEMENT THEREFORE THE ALIGNMENT MUST BE RECONFIGURED AT THE TIME OF PRELIMINARY SITE PLAN APPROVAL.

RESIDENTIAL

TRACT C
FUTURE
COMMERCIAL

SITE DATA				
Lot	Tract A	Tract B	Tract C	Tract D
Zoning	PD-38			
Proposed Use	Retail	Commercial	Commercial	Commercial
Lot Area (AC.)	28.480	22.125	18.180	8.306
Lot Area (S.F.)	1,240,574	963,745	791,914	361,804
Building Area (S.F.)	185,600	TBD	TBD	TBD
Max Building Height (Feet/Stories)	45/2 Stories			
Lot Coverage	185,600	TBD	TBD	TBD
Floor Area Ratio	0.150	TBD	TBD	TBD
Total Parking Required (1per 250 SF)	742	TBD	TBD	TBD
Total Parking Provided	874	TBD	TBD	TBD
Handicap Parking Required	35	TBD	TBD	TBD
Handicap Parking Provided	35	TBD	TBD	TBD
Interior Landscaping Required	13,110	TBD	TBD	TBD
Interior Landscaping Provided	260,000	TBD	TBD	TBD
Usable Open Space Required (20%)	248,115	TBD	TBD	TBD
Usable Open Space Provided	250,000	TBD	TBD	TBD
Square Foot of Impervious Surface	325,000	TBD	TBD	TBD

PD-38
ZONING

TRACT B
FUTURE
COMMERCIAL

- NOTES:
1. THE THOROUGHFARE ALIGNMENT(S) SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DOES NOT SET THE ALIGNMENT. THE ALIGNMENT IS DETERMINED AT TIME OF FINAL PLAN.
 2. NO 100-YEAR FLOODPLAIN EXISTS ON THE PROPERTY.
 3. DUMPSTERS AND TRASH COMPACTORS SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE.
 4. OPEN STORAGE, WHERE PERMITTED, SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE.
 5. OUTDOOR LIGHTING SHALL COMPLY WITH THE LIGHTING AND GLARE STANDARDS CONTAINED WITHIN THE ZONING ORDINANCE AND SUBDIVISION ORDINANCE.
 6. LANDSCAPING SHALL CONFORM TO LANDSCAPE PLANS APPROVED BY THE TOWN.
 7. ALL ELEVATIONS SHALL COMPLY WITH THE STANDARDS CONTAINED WITHIN THE ZONING ORDINANCE.
 8. BUILDINGS OF 5,000 SQUARE FEET OR GREATER SHALL BE 100% FIRE SPRINKLED. ALTERNATIVE FIRE PROTECTION MEASURES MAY BE APPROVED BY THE FIRE DEPARTMENT.
 9. FIRE LANES SHALL BE DESIGNED AND CONSTRUCTED PER TOWN STANDARDS OR AS DIRECTED BY THE FIRE DEPARTMENT.
 10. TWO POINTS OF ACCESS SHALL BE MAINTAINED FOR THE PROPERTY AT ALL TIMES.
 11. SPEED BUMPS/DUMPS ARE NOT PERMITTED WITHIN A FIRE LANE.
 12. HANDICAPPED PARKING AREAS AND BUILDING ACCESSIBILITY SHALL CONFIRM TO AMERICANS WITH DISABILITIES ACT (ADA) AND WITH THE

- REQUIREMENTS OF THE CURRENT ADOPTED BUILDING CODE.
13. ALL SIGNAGE IS SUBJECT TO BUILDING OFFICIAL APPROVAL.
 14. ALL FENCES AND RETAINING WALLS SHALL BE SHOWN ON THE SITE PLAN AND ARE SUBJECT TO BUILDING OFFICIAL APPROVAL.
 15. ALL EXTERIOR BUILDING MATERIALS ARE SUBJECT TO BUILDING OFFICIAL APPROVAL AND SHALL CONFORM TO THE APPROVED FACADE PLAN.
 16. SIDEWALKS OF NOT LESS THAN SIX (6) FEET IN WIDTH ALONG THOROUGHFARES AND COLLECTORS AND FIVE (5) FEET IN WIDTH ALONG RESIDENTIAL STREETS, AND BARRIER FREE RAMPS AT ALL CURB CROSSINGS SHALL BE PROVIDED PER TOWN STANDARDS.
 17. APPROVAL OF THE SITE PLAN IS NOT FINAL UNTIL ALL ENGINEERING PLANS ARE APPROVED BY THE ENGINEERING DEPARTMENT.
 18. SITE PLAN APPROVAL IS REQUIRED PRIOR TO GRADING RELEASE.
 19. ALL NEW ELECTRICAL LINES SHALL BE INSTALLED AND/OR RELOCATED UNDERGROUND.
 20. ALL MECHANICAL EQUIPMENT SHALL BE SCREENED FROM PUBLIC VIEW IN ACCORDANCE WITH THE ZONING ORDINANCE.
 21. 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 AS DESIGNATED ON THIS EXHIBIT (*). ALL OTHER ISLANDS SHALL BE DESIGNED IN A MANNER TO MEET TOWN'S LANDSCAPING REQUIREMENTS.
 22. DRIVE-THRU SERVICES ARE NOT ALLOWED ON CONSECUTIVE LOTS.

TRACT D
FUTURE
COMMERCIAL

Z15-0008
ZONING EXHIBIT 'D'
PROSPER CROSSING
TOWN OF PROSPER
COLLIN COUNTY, TEXAS
I.C. WILLIAMSON SURVEY, ABSTRACT NO. 948

CITY COMMENTS		NO	APPROV.
REVISION	DATE		
1.	06/08/2015		

Winkelman & Associates, Inc.
CONSULTING CIVIL ENGINEERS • SURVEYORS
1400 WILSON BLVD., SUITE 100
DALLAS, TEXAS 75203
(214) 440-0000
www.winkelman.com

TOWN OF PROSPER
COLLIN COUNTY, TEXAS
I.C. WILLIAMSON SURVEY, ABSTRACT NO. 948
ORANGE DEVELOPMENT LLC
1200 CORPORATE DRIVE, STE. G-50
BIRMINGHAM, AL 35242

CONCEPTUAL DEVELOPMENT PLAN
ZONING EXHIBIT 'D'
PROSPER CROSSING

Date : 05/04/15
Scale : 1"=100'
File : 70935-ZON.DWG
Project No. : 70935

SHEET
2
OF
2

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

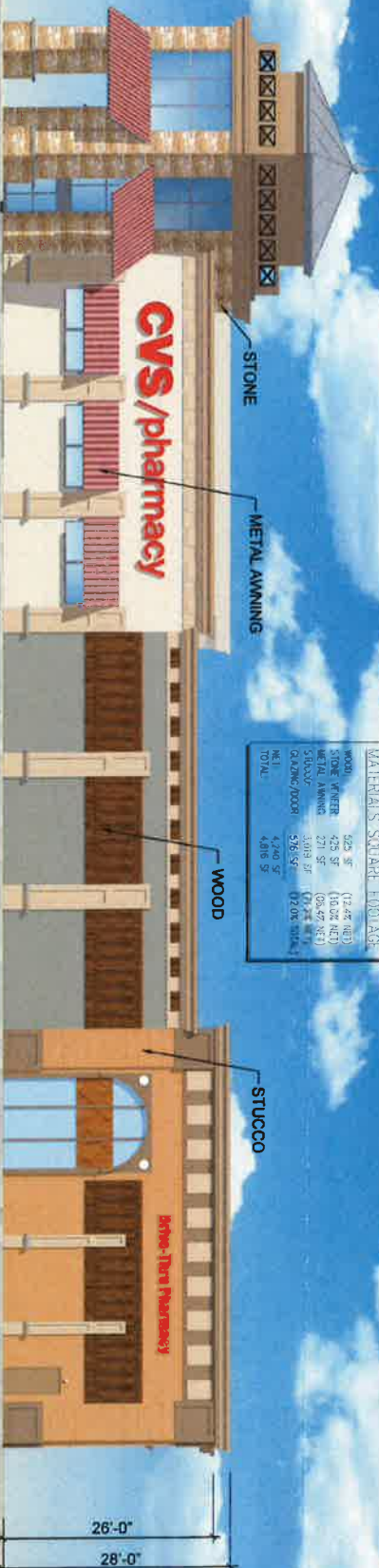
- | | |
|----------------------------|-----|
| a. Construction Start | TBD |
| b. Construction Completion | TBD |
| c. Store Opening | TBD |

MATERIALS SQUARE FOOTAGE			
WOOD	50.57	(0.92 NET)	
STONE VENEER	425.57	(16.45 NET)	
METAL AWNING	271.57	(10.45 NET)	
STUCCO	1,848.57	(71.35 NET)	
GLAZING/DOOR	300.57	(6.35 TOTAL)	
NET TOTAL	2,396.25		



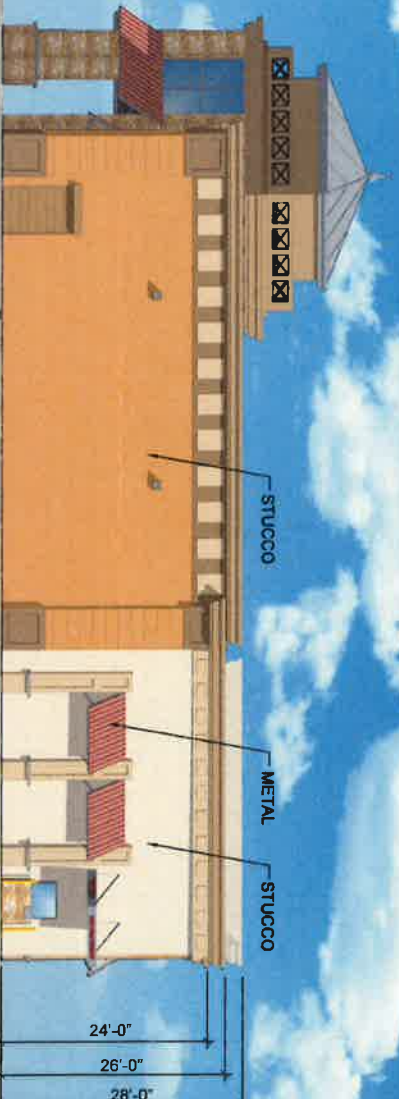
WEST ELEVATION
(COIT ROAD)

MATERIALS SQUARE FOOTAGE			
WOOD	522.57	(12.42 NET)	
STONE VENEER	425.57	(16.45 NET)	
METAL AWNING	271.57	(10.45 NET)	
STUCCO	3,018.57	(119.57 NET)	
GLAZING/DOOR	576.57	(12.05 TOTAL)	
NET TOTAL	4,744.85		



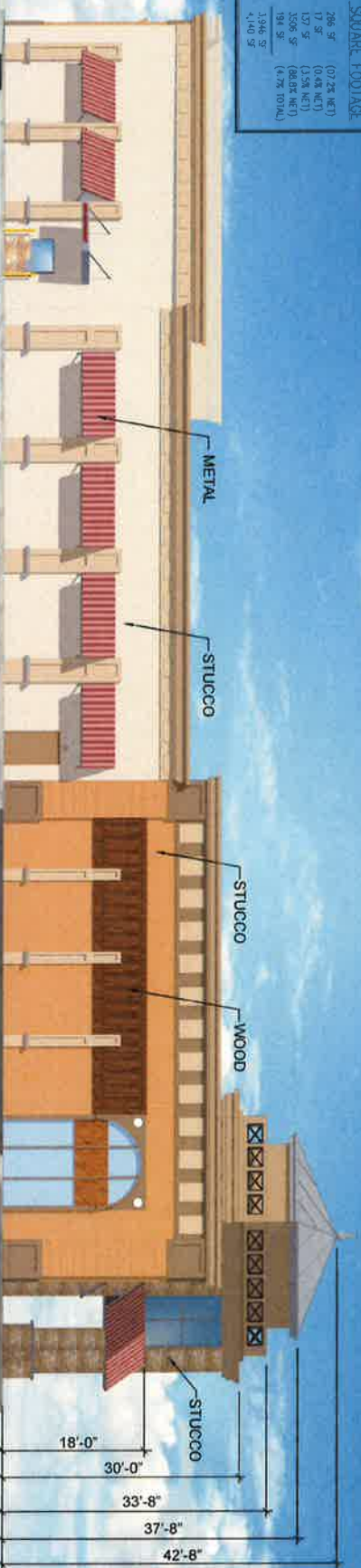
SOUTH ELEVATION
(UNIVERSITY DRIVE/ U.S. 380)

MATERIALS SQUARE FOOTAGE			
WOOD	0.57	(0.02 NET)	
STONE VENEER	17.57	(0.68 NET)	
METAL AWNING	86.57	(3.42 NET)	
STUCCO	2,418.57	(94.75 NET)	
GLAZING/DOOR	83.57	(1.76 TOTAL)	
NET TOTAL	2,597.25		



EAST ELEVATION

MATERIALS SQUARE FOOTAGE			
WOOD	286.57	(0.72 NET)	
STONE VENEER	17.57	(0.68 NET)	
METAL AWNING	137.57	(5.35 NET)	
STUCCO	2,528.57	(98.55 NET)	
GLAZING/DOOR	281.57	(7.19 TOTAL)	
NET TOTAL	3,149.25		



NORTH ELEVATION

- NOTE:**
1. THIS FACADE PLAN IS FOR CONCEPTUAL PURPOSES ONLY. ALL BUILDING PLANS REQUIRE REVIEW AND APPROVAL FROM THE BUILDING INSPECTION DIVISION.
 2. ALL MECHANICAL EQUIPMENT SHALL BE SCREENED FROM 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.

CVS/pharmacy

Prosper, TX

Proposed Materials



Ordinance No. 15-65, Page 14



Exhibit F
Z15-0008

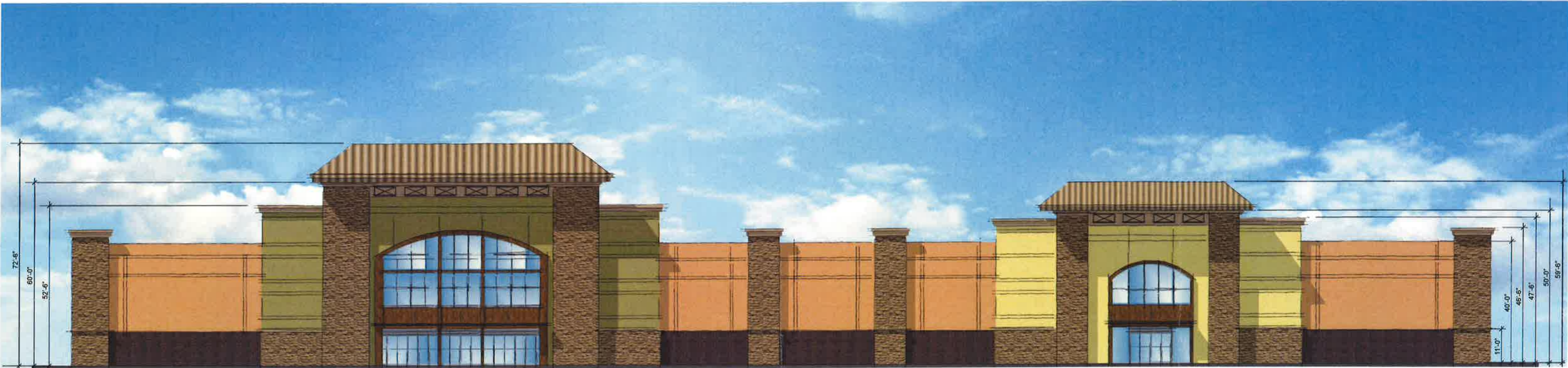
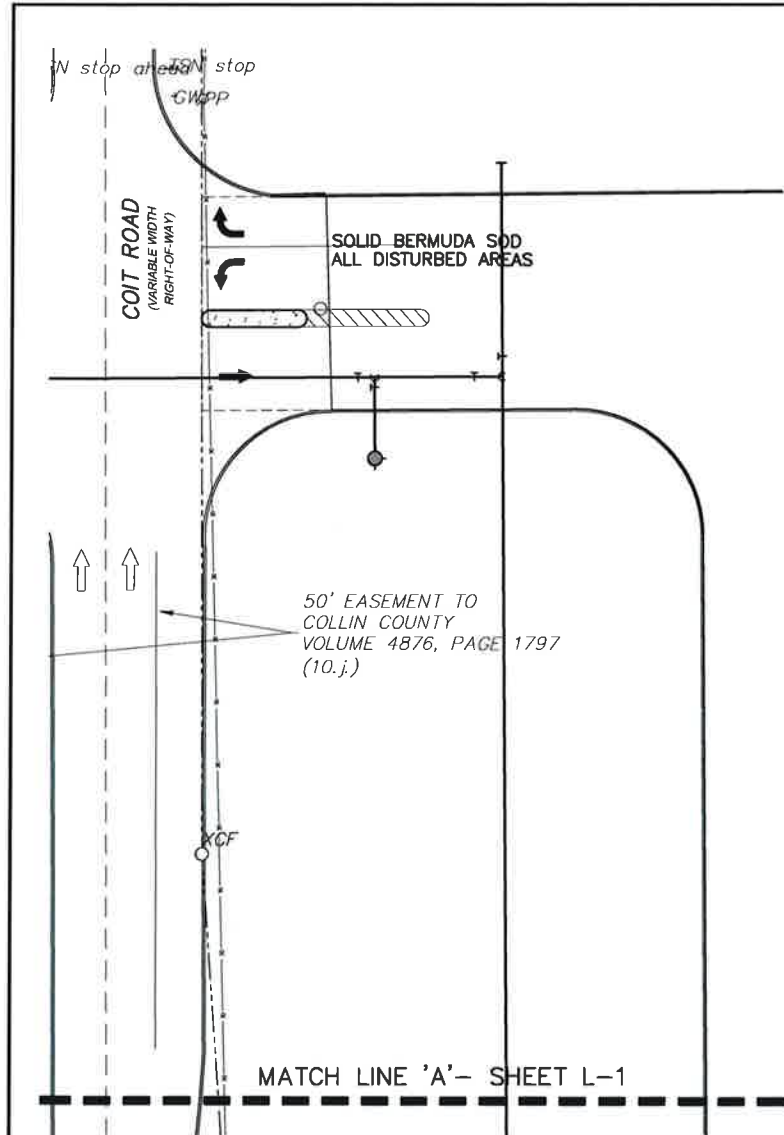


EXHIBIT F-1



NOTE:
NO LANDSCAPE PLANTINGS
WITHIN 18" OF PARKING
LOT CURBS.

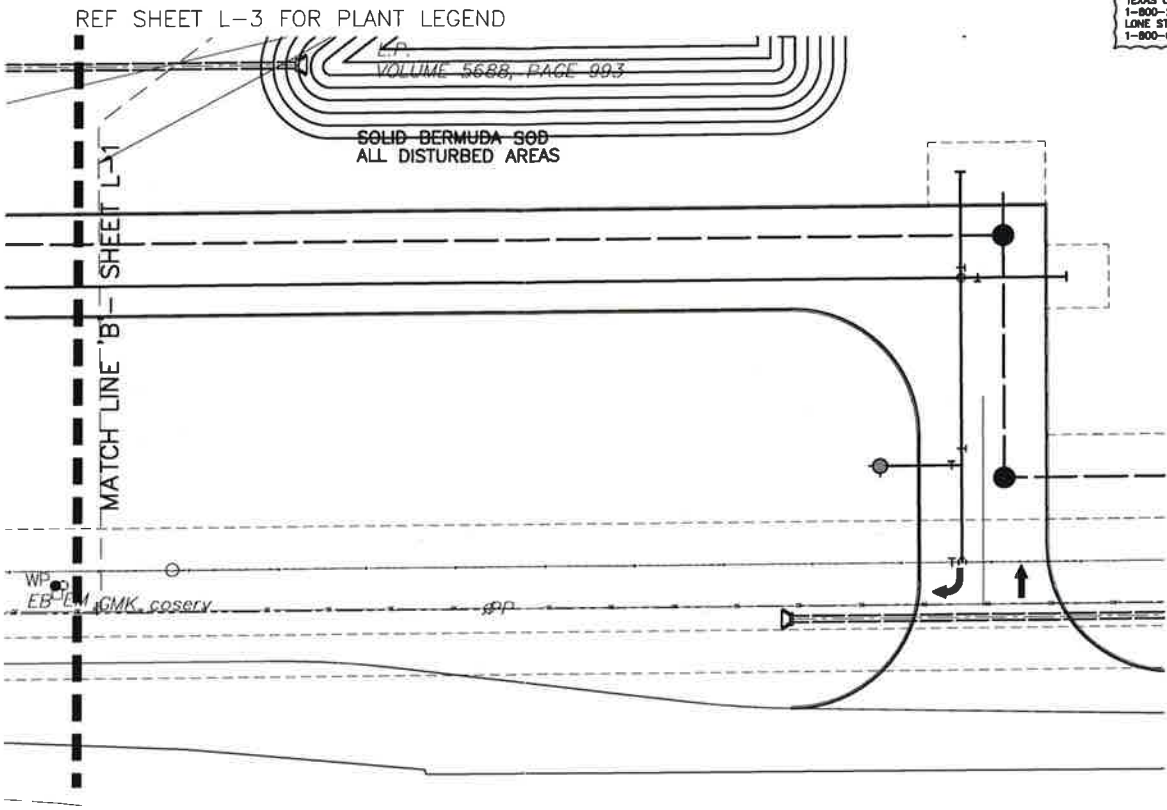
TEMPORARY IRRIGATION WILL BE REQUIRED TO ESTABLISH
TURF IN ALL DISTURBED AREAS WITHOUT A PERMANENT
IRRIGATION SYSTEM. SOD TURF IN
ALL DISTURBED AREAS AS IDENTIFIED ON GRADING AND
EROSION CONTROL PLANS.

CAUTION!!
UNDERGROUND UTILITIES ARE LOCATED IN
THIS AREA. 48 HOURS PRIOR TO ANY
CONSTRUCTION ACTIVITIES, CONTACT LINE
LOCATES FOR FRANCHISE UTILITY INFO.
CALL BEFORE YOU DIG.
TEXAS EXCAVATION SAFETY SYSTEM (TESS)
1-800-344-8377
TEXAS ONE CALL SYSTEMS
1-800-243-4545
LONE STAR NOTIFICATION CENTER
1-800-699-8344 EXT. 5



BEFORE
YOU DIG...

0' 10' 20' 40'
Scale ####



PROSPER LANDSCAPE

(In the event of conflict between these notes and any other plan comments or specifications, Town of Prosper notes shall apply.)

Landscape Notes

PLANTING NOTES:

1. PLANT SIZE, TYPE, AND CONDITION SUBJECT TO APPROVAL OF OWNER'S REPRESENTATIVE.
2. ALL PLANT MATERIAL TO BE NURSERY GROWN STOCK.
3. CONTRACTOR RESPONSIBLE FOR MAINTENANCE OF ALL PLANT MATERIAL UNTIL PROJECT ACCEPTANCE.
4. ALL CONTAINER GROWN PLANTS TO HAVE FULL, VIGOROUS ROOT SYSTEM, COMPLETELY ENCOMPASSING CONTAINER.
5. ALL PLANTS WELL ROUNDED AND FULLY BRANCHED. ALL TREES WITH SPREAD 2/3 OF HEIGHT.
6. CONTRACTOR TO PROVIDE OWNER WITH PREFERRED MAINTENANCE SCHEDULE OF ALL PLANTS AND LAWNS.
7. MAINTAIN/PROTECT VISIBILITY TRIANGLE WITH PLANT MATERIAL PER CITY STANDARDS AT ALL ENTRANCES TO SITE.
8. PREP ENTIRE WIDTH OF ALL DEFINED PLANTING BEDS WITH MIX AS OUTLINED IN SPECS. WHERE SHRUBS ARE LOCATED ALONG CURB, SET SHRUBS BACK FROM CURB 3 FT.
9. SEE DETAIL SHEET FOLLOWING FOR PLANTING DETAILS.
10. CONTRACTOR RESPONSIBLE FOR LOCATION OF ALL UTILITIES, INCLUDING BUT NOT LIMITED TO TELEPHONE, TELECABLE, ELECTRIC, GAS, WATER AND SEWER. ANY DAMAGE TO UTILITIES TO BE REPAIRED BY CONTRACTOR AT NO COST TO OWNER.
11. EXISTING TREES ARE SHOWN TO REMAIN. CONTRACTOR SHALL PRUNE ONLY ON APPROVAL OF CITY ARBORIST. WORK TO INCLUDE REMOVAL OF ALL SUCKER GROWTH; DEAD AND DISEASED BRANCHES AND LIMBS; VINES, BRIARS AND OTHER INVASIVE GROWTH; AND ALL INTERFERING BRANCHES. MAKE ALL CUTS FLUSH TO REMAINING LIMB. RETAIN NATURAL SHAPE OF PLANT. ALL WORK SUBJECT TO APPROVAL OF OWNER'S REPRESENTATIVE.
12. QUANTITIES ARE PROVIDED AS A COURTESY AND NOT INTENDED FOR BID PURPOSES. CONTRACTOR TO VERIFY PRIOR TO PRICING.
13. INSTALL EDGING BETWEEN LAWN AND PLANTING BEDS. REFER TO SPECIFICATIONS. FILE ALL CORNERS SMOOTH.
14. INSTALL CURLEX BLANKET (OR EQUAL) PER MANUFACTURES INSTRUCTIONS ON ALL GROUNDCOVER/SHRUB BEDS WITH A SLOPE OF 4:1 OR GREATER.
15. AT TIME OF PLAN PREPARATION, SEASONAL PLANT AVAILABILITY CANNOT BE DETERMINED. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO SECURE AND RESERVE ALL B&B PLANTS WHEN AVAILABLE IN CASE ACTUAL INSTALLATION OCCURS DURING THE OFF-SEASON. PURCHASE AND HOLD B&B PLANTS FOR LATE SEASON INSTALLATION.
16. BERM ALL PARKING LOT ISLANDS AS SHOWN ON ENCLOSED DETAIL SHEET. (BERMS MAY NOT BE SHOWN ON GRADING PLAN.)

1. Plant material shall be measured and sized according to the latest edition of The Texas Nursery & Landscape Association (TNLA) Specifications, Grades and Standards.
2. All plant substitutions are subject to Town approval and must be specified on the approved landscape plan.
3. Groundcovers 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.
4. 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.
5. 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.
6. 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 berming or provide alternative drainage.
7. Trees shall not be planted deeper than the base of the 'trunk flare'.
8. The tree pit shall be backfilled with native topsoil free of rock and other debris.
9. Burlap, twine, and wire baskets shall be loosened and pulled back from the trunk of tree as much as possible.
10. Trees shall not be watered to excess that result in soil saturation. If soil becomes saturated, the watering schedule shall be adjusted to allow for drainage and absorption of the excess water.
11. 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.
12. 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, trimming trees with a backhoe, or use of fire or poison to cause the death of the tree.
13. Topsoil shall be a minimum of 8" in depth in planting area. Soil shall be free of stones, roots, and clods and any other foreign material that is not beneficial for plant growth.
14. All plant beds shall be top-dressed with a minimum of 3" of mulch.
15. Trees overhanging walks and parking shall have a minimum clear trunk height of 7 feet. Trees overhanging public street pavement drive aisles and fire lanes shall have a minimum clear trunk height of 14 feet.
16. A visibility triangle must be provided at all intersections, where shrubs are not to exceed 30inches in height, and trees shall have a minimum clear trunk height of 9 feet.
17. Trees planted on a slope shall have the tree well at the average grade of the slope.
18. 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 fixed paving.
19. 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 be limited to, mowing, edging, pruning, fertilizing, watering, and other activities necessary for the maintenance of landscape areas.
20. All plant materials 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.
21. Landscape and open areas shall be kept free of trash, litter, and weeds.
22. An automatic irrigation system shall be provided to irrigate all landscape areas. Overspray on streets and walks is prohibited. A permit from the Building Inspection Department is required for each irrigation system.
23. No plant material shall be allowed to encroach on right-of-way, sidewalks, or easements to the extent that the vision of route of travel for vehicular, pedestrian, or bicycle traffic is impeded.
24. No planting areas shall exceed 3:1 slopes: 3' horizontal to 1' vertical.
25. Earthen berms shall not include construction debris. Contractor must correct slippage or damage to the smooth finish grade of the berm prior to acceptance.
26. All walkways shall meet A.D.A. and T. A. S. requirements.
27. Contact Town of Prosper Parks and Recreation Division at (972) 346-3502 for landscape inspection. Note that the installation must comply with approved landscape plans prior to final acceptance by the Town and/or obtaining a Certificate of Occupancy.
28. Final inspection and approval of screening walls, irrigation and landscape is subject to all public utilities, including but not limited to manholes, valves, water meters, cleanouts, and other appurtenances, to be accessible, adjusted to grade, and to the Town of Prosper's Public Works Department standards.
29. Prior to calling for a landscape inspection, contractor is responsible for marking all manholes, valves, water meters, cleanouts, and other utility appurtenances with flagging for field verification by the Town.

CITY OF PROSPER LANDSCAPE REQUIREMENTS	
PERIMETER BUFFER	
30' PERIMETER BUFFER ON HWY 380	
REQUIRED	PROVIDED
30'	30'
15' PERIMETER BUFFER ON COLLECTOR STREETS	
REQUIRED	PROVIDED
15'	15'
15' PERIMETER BUFFER ON ADJACENT RESIDENTIAL	
REQUIRED	PROVIDED
NA	NA
5' PERIMETER BUFFER ON ALL OTHER PERIMETERS	
REQUIRED	PROVIDED
5'	5'
PERIMETER BUFFER	
1 TREE PER 30 LF AND 15 SHRUBS PER 30 LF	
REQUIRED (ADJ UNIVERSITY/380)	PROVIDED
333 / 30 = 12 TREES (333 / 30) X 15= 167 SHRUBS	14 TREES 444 SHRUBS
REQUIRED (ADJ COIT RD)	PROVIDED
222 / 30 = 8 TREES (222 / 30) X 15= 111 SHRUBS	9 TREES 296 SHRUBS
REQUIRED (ADJ RESIDENTIAL)	PROVIDED
NA	NA
REQUIRED (ADJ NON-RESIDENTIAL)	PROVIDED
526 / 15 = 35 ORNAMENTALS 526 / 15 = 35 SHRUBS	35 ORNAMENTALS 35 SHRUBS
REQUIRED PARKING LOT LANDSCAPING	
15 SF LANDSCAPE AREA REQUIRED PER EVERY SPACE	
REQUIRED	PROVIDED
60 SPACES X 15 = 900 SF	1,023 SF
REQUIRED PARKING LOT TREES	
1 TREE PER TERMINUS OF EACH ROW	
1 TREE LOCATED WITHIN 150 LF OF EVERY PARKING SPACE	
FOUNDATION LANDSCAPING	
1 TREE PER AT 10,000 SF	PROVIDED
14,600 / 10,000 = 2 TREES	2 TREES

NOTE: PLAN MEETS TOTAL REQUIRED MINIMUM PLANTINGS
HOWEVER, SPACE LIMITATIONS REQUIRE SOME PLANTINGS TO BE
MOVED ELSEWHERE ON THE SITE.

- PARKING LOT IS SCREENED FROM ROW WITH EVERGREEN HEDGE.
- PARKING LOT SPACES DO NOT EXCEED 15 WITHOUT LANDSCAPE ISLAND.
- SITE WILL BE IRRIGATED WITH AN UNDERGROUND, AUTOMATIC IRRIGATION SYSTEM, DESIGNED AND INSTALLED BY A LICENSED TEXAS IRRIGATOR.
- SITE WILL BE MAINTAINED IN ACCORDANCE WITH THE CITY OF PROSPER LANDSCAPE ORDINANCE, SECTION 2.4.

EXHIBIT G-1



THIS ELECTRONIC DRAWING FILE IS RELEASED UNDER THE AUTHORITY OF JOHN R. FAIN, LANDSCAPE ARCHITECT REGISTRATION NUMBER 805 ON 09/15/15, WHO MAINTAINS THE ORIGINAL FILE. THIS ELECTRONIC DRAWING FILE MAY BE USED AS A BACKGROUND DRAWING, PURSUANT TO RULE 3.103(F) OF THE RULES AND REGULATIONS OF THE TEXAS BOARD OF ARCHITECTURAL EXAMINERS, THE USER OF THIS ELECTRONIC DRAWING FILE AGREES TO ASSUME ALL RESPONSIBILITY FOR ANY MODIFICATION TO OR USE OF THIS DRAWING FILE THAT IS INCONSISTENT WITH THE REQUIREMENTS OF THE RULES AND REGULATIONS OF THE TEXAS BOARD OF ARCHITECTURAL EXAMINERS. NO PERSON MAY MAKE MODIFICATIONS TO THIS ELECTRONIC DRAWING FILE WITHOUT THE LANDSCAPE ARCHITECT'S EXPRESS WRITTEN PERMISSION.



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:
Winkelmann & Associates, Inc.
CONSULTING CIVIL ENGINEERS + SURVEYORS
6730 WILHELM PLAZA DR., SUITE 325 (972) 480-7000
DALLAS, TEXAS 75248 (972) 480-7099 FAX
Texas Engineers Registration No. 89
Texas Surveyors Registration No. 100860-00
CERTIFIED 1/1/2014 Winkelmann & Associates, Inc.

CONSULTANT:

DEVELOPER:

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

SEAL:

REVISIONS:

FILE NAME: 70936-LAN.dwg

JOB NUMBER: 70936

DATE: 10/07/14

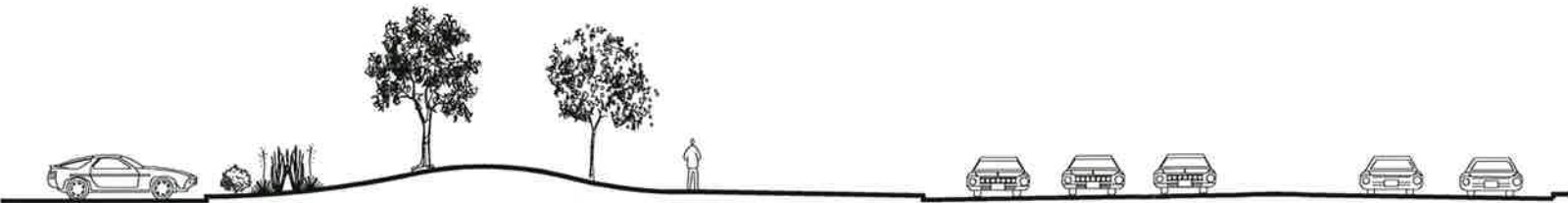
TITLE:

LANDSCAPE
PLAN

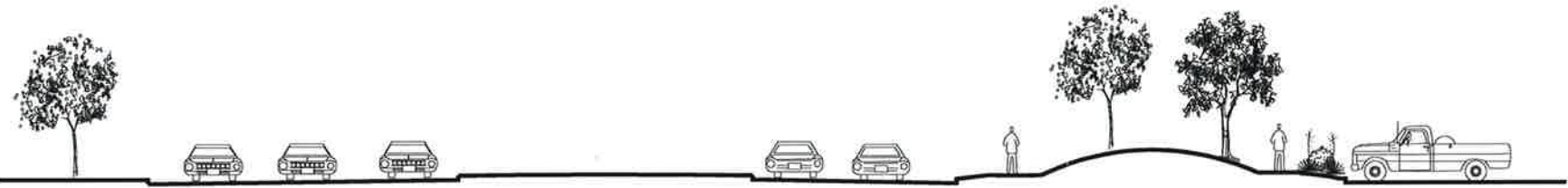
SHEET NUMBER:

L-2

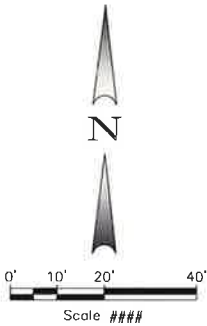
COMMENTS:
NOT FOR CONSTRUCTION




SECTION A-A



SECTION B-B



CAUTION!!!
UNDERGROUND UTILITIES ARE LOCATED IN THIS AREA. 48 HOURS PRIOR TO ANY CONSTRUCTION ACTIVITIES, CONTACT LINE LOCATES FOR FRANCHISE UTILITY INFO. CALL BEFORE YOU DIG.
TEXAS EXCAVATION SAFETY SYSTEM (TESS) 1-800-344-8377
TEXAS ONE CALL SYSTEMS 1-800-245-4545
LONE STAR NOTIFICATION CENTER 1-800-669-8344 EXT. 5



BEFORE YOU DIG...



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
6706 HILBERT PLAZA DR., SUITE 325 (877) 400-7090
DALLAS, TEXAS 75230 (877) 400-7095 FAX
Texas Engineers Registration No. 89
Texas Surveyors Registration No. 100866-DD
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TEL: (205)408-3443
FAX: (205)408-1850

SEAL:

REVISIONS:

FILE NAME: 70936-LAN.dwg
JOB NUMBER: 70936
DATE: 06/02/14
TITLE: OPEN SPACE PLAN
SHEET NUMBER: OS-1
COMMENTS: NOT FOR CONSTRUCTION

EXHIBIT G-2



THIS ELECTRONIC DRAWING FILE IS RELEASED UNDER THE AUTHORITY OF JOHN R. FAIN, LANDSCAPE ARCHITECT REGISTRATION NUMBER 805 ON 06/02/15, WHO MAINTAINS THE ORIGINAL FILE. THIS ELECTRONIC DRAWING FILE MAY BE USED AS A BACKGROUND DRAWING. PURSUANT TO RULE 3.103(f) OF THE RULES AND REGULATIONS OF THE TEXAS BOARD OF ARCHITECTURAL EXAMINERS, THE USER OF THIS ELECTRONIC DRAWING FILE AGREES TO ASSUME ALL RESPONSIBILITY FOR ANY MODIFICATION TO OR USE OF THIS DRAWING FILE THAT IS INCONSISTENT WITH THE REQUIREMENTS OF THE RULES AND REGULATIONS OF THE TEXAS BOARD OF ARCHITECTURAL EXAMINERS. NO PERSON MAY MAKE MODIFICATIONS TO THIS ELECTRONIC DRAWING FILE WITHOUT THE LANDSCAPE ARCHITECT'S EXPRESS WRITTEN PERMISSION.