

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 2023-26

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING A TRACT OF LAND CONSISTING OF 64.501 ACRES, MORE OR LESS, SITUATED IN THE J. GONZALEZ SURVEY, ABSTRACT NO. 447, THE B. HODGES SURVEY, ABSTRACT NO. 593, THE P. BARNES SURVEY, ABSTRACT NO. 79, THE R. TAYLOR SURVEY, ABSTRACT NO. 1671, THE J. HAYNES SURVEY, ABSTRACT NO. 573 AND THE ANGUS JAMISON SURVEY, TOWN OF PROSPER, DENTON COUNTY, TEXAS, FROM PLANNED DEVELOPMENT-94 (PD-94) TO PLANNED DEVELOPMENT-94, AS AMENDED; DESCRIBING THE TRACT TO BE REZONED; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town Council of the Town of Prosper, Texas (the "Town Council"), has investigated and determined that the Zoning Ordinance should be amended; and

WHEREAS, the Town of Prosper, Texas ("Prosper") has received a request (Case Z22-0020) from 1385 Prosper LLC, Alphas 3 Prosper RI LLC, SSSS Holdings LLC, and Westside Prosper LLC (collectively, "Applicants"), to rezone 64.601 acres of land, more or less, in the J. Gonzalez Survey, Abstract No. 447, the B. Hodes Survey, Abstract No. 593, the P. Barnes Survey, Abstract No. 79, the R. Taylor Survey, Abstract No. 1671, the Haynes Survey, Abstract No. 573 and the Angus Jamison Survey, Town of Prosper, Denton County, Texas, from Planned Development-94 to Planned Development-94, As Amended (PD-94) and being more particularly described in Exhibit A, attached hereto and incorporated herein for all purposes; and

WHEREAS, the Town Council has investigated and determined that the facts contained in the request are true and correct; and

WHEREAS, all legal notices required for rezoning have been given in the manner and form set forth by law, Public Hearings have been held, and all other requirements of notice and completion of such procedures have been fulfilled; and

WHEREAS, the Town Council has further investigated into and determined that it will be advantageous and beneficial to Prosper and its inhabitants to rezone this property as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS:

SECTION 1

Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

Amendment to the Town's Zoning Ordinance. The Town's Zoning Ordinance, as amended, is hereby amended as follows: The zoning designation of the below described property containing 64.501 acres of land, more or less, in the J. Gonzalez Survey, Abstract No. 447, the B. Hodes Survey, Abstract No. 593, the P. Barnes Survey, Abstract No. 79, the R. Taylor Survey, Abstract No. 1671, the Haynes Survey, Abstract No. 573 and the Angus Jamison Survey, Town of Prosper, Denton County, Texas, and all streets, roads, and alleyways contiguous and/or adjacent thereto are hereby zoned as Planned Development-94 As Amended and being more particularly described in Exhibit A, attached hereto and incorporated herein for all purposes as if set forth verbatim.

The development plans, standards, and uses for the Property in this Planned Development District shall conform to, and comply with (1) the Statement of Intent and Purpose, attached hereto as Exhibit B; (2) the Development Standards, attached hereto as Exhibit C; (3) the Site Plan, attached hereto as Exhibit D; (4) the Development Schedule, attached hereto as Exhibit E; (5) the Façade Plans, attached hereto as Exhibit F; and (6) the Landscape Plans, attached hereto as Exhibit G, all of which are incorporated herein for all purposes as if set forth verbatim, subject to the following conditions of approval by the Town Council:

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, as amended, 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 28TH DAY OF MARCH, 2023.


David F. Bristol, Mayor

ATTEST:


Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:


Terrence S. Welch, Town Attorney



STATE OF TEXAS §



Exhibit A

WestSide

IN THE ANGUS JAMISON SURVEY
TOWN OF PROSPER, DENTON COUNTY, TEXAS

TEL: 06 1-2721
Contact: Fred Stone

Z22-0020
EXHIBIT B
STATEMENT OF INTENT AND PURPOSE
WESTSIDE

1. Statement of Intent

A. Overall Intent

The purpose of this project is to create a walkable urban neighborhood using a horizontal mix of uses. Access to shopping, housing, community retail and park land promotes a quality of life that nurtures the public health, safety, comfort, convenience, prosperity and general welfare of the immediate community, as well as to assist in the orderly and controlled growth and development of the land area described within this document. The overall intent of the proposed Planned Development amendment is to change the western portion of Tract B-Multi-Family District to Tract A-Retail District, and to modify the site plan accordingly to accommodate a Big Box retail use.

B. Description of Property

The subject property comprises approximately 64 acres of vacant land at the northeast corner of U.S. Highway 380 and F.M. 1385 in Prosper, Texas. It is additionally bounded by the Glenbrooke single family neighborhood to the north and Doe Branch Creek to the east. An existing trail exists along the property's north boundary and currently serves the adjacent single family neighborhood. This trail may extend into the Doe Branch drainage system and be part of the larger Town of Prosper Trails Plan.

C. Description of Proposed Property

The subject property as depicted in Exhibit "D" has been divided into two distinct sub-districts. The purpose of sub-district development standards described in Exhibit "C" is to define the character of new development within each sub-district. They have been carefully designed to allow enough flexibility for creative building solutions, while being prescriptive in areas necessary to preserve consistency throughout the development. Given that the subject property resides at the hard corner of two major thoroughfares and will serve as a gateway to the Town of Prosper, a portion of land with a size yet to be determined, will be set aside as a signage easement for a Town gateway sign near the intersection of U.S. 380 and F.M. 1385.

2. Current Zoning and Future Land Uses

A. Current Zoning

The subject property is zoned Planned Development District 94 Westside (PD-94) (Ordinance 18-108, and amended Ordinance 2022-20).

B. Future Land Use Plan

The Future Land Use Plan retains the current zoning of Planned Development District 94 Westside (PD-94), reconfigures the sub-districts (Tract A and Tract B) and adjusts the arrangement of uses within Tract A to accommodate Big Box Retail. The corresponding base zoning for Tract A Retail District is R-Retail (Non-Residential District) and the corresponding base zoning for Tract B Multifamily District is MF-Multifamily (Residential District). Together Tract A and Tract B comprise uses such as big box retail and accessory uses, restaurants, retail stores and shops, hotels, banks, gas/convenience, residential and open space.

Z22-0020
EXHIBIT C
DEVELOPMENT STANDARDS
WESTSIDE

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, as it exists or may be amended, and the Subdivision Ordinance, as it exists or may be amended, shall apply. A landscape plan including all requirements conforming to Town ordinances and standards, except as otherwise set forth in these Development Standards, shall be provided along with the Preliminary Site Plan/Preliminary Plat, Site Plan/Final Plat, and Civil Plans.

Tract A – Retail District

- A1. Except as noted below, the Tract shall develop in accordance with the Retail District base zoning as it exists or may be amended.
- A2. Uses. Uses shall be permitted in accordance with the Retail District with the exception of the Following:

Permitted Uses

1. Restaurant (with Drive-Through)
 - a. A restaurant with drive-through shall be permitted by right in accordance with the Conditional Development Standards, outlined in the Zoning Ordinance. A maximum of three (3) noncontiguous drive-through restaurants shall be permitted along US 380, and a maximum of one (1) drive-through restaurant shall be permitted along FM 1385, as shown on Exhibit D.
2. Hotel, Extended Stay
 - a. An extended stay hotel shall be permitted by right on the subject property, as shown on Exhibit D, on either Lot 15 or Lot 16, and shall otherwise be permitted in accordance with the Conditional Development Standards, outlined in the Zoning Ordinance.
3. Big Box Retail
 - a. Big Box Retail shall be permitted by right on the subject property, as shown on Exhibit D, and shall otherwise be permitted in accordance with the Conditional Development Standards, as outlined in the Zoning Ordinance.
 - b. Big Box Retail includes the following accessory uses permitted by right on the subject property, as shown on Exhibit D, and shall otherwise be permitted in accordance with the Conditional Development Standards, as outlined in the Zoning Ordinance.
 - i. Wholesale and retail general merchandise and grocery sales;
 - ii. Discount club member services including pharmacy, optical and hearing professional services and sales;
 - iii. Restaurant;
 - iv. Tire center including the sale and installation of tires;
 - v. Fuel pumps dispensing gasoline and other fuels located on the Big Box Retail lot or a lot abutting the associated Big Box retail building. The pumps shall be operated as an accessory use to the Big Box Retail;
 - vi. Loading dock shall be setback a minimum of one hundred fifteen feet (115') from adjacent residential land use, as shown on Exhibit D.
4. Alcoholic Beverage Sales and Beer sales are permitted.
5. The outdoor display (adjacent to the building entry) of one (1) new automobile associated with a Big Box Retail discount club member online automobile sales program. This display is permitted by right without time limitation on the subject property in one (1) location immediately adjacent to the main entrance to the Big Box building as shown on Exhibit D and shall otherwise be permitted in accordance with the Conditional Development Standards, as outlined in the Zoning Ordinance.
6. Drive aisle in front of Big Box Retail building permitted without traffic calming features.
7. Vehicular access to Big Box Retail area may use mountable driveway medians to allow for truck turning radii.

Prohibited Uses:

1. Athletic Stadium or Field, Public
2. Automobile Parking Lot/Garage
3. Automobile Paid Parking Lot/Garage
4. Recycling Collection Point
5. School District Bus Yard

A3. Regulations.

Regulations shall be permitted in accordance with the Retail District with the exception of the following:

1. Hotel, Extended Stay
 - a. Maximum height of Five (5) stories, no greater than seventy-five (75) feet.
 - b. Minimum height of four (4) stories.
2. Fuel pumps that are an accessory use of Big Box Retail shall be located within eight hundred feet (800') of the right-of-way lines of intersecting major thoroughfares.
3. Size of yards shall be in accordance with Exhibit D.

A4. Design Guidelines

1. Elevation Review and Approval
 - a. Conceptual Elevations, conforming to Exhibit F, shall be submitted at the time of Preliminary Site Plan, subject to approval by the Planning & Zoning Commission.
 - b. Detailed Facade Plans conforming to the Conceptual Elevations shall be submitted for each building including Big Box retail at the time of Site Plan, subject to approval by the Planning & Zoning Commission. Facade Plans for the Extended Stay Hotels use shall also be subject to Town Council approval.
2. Architectural Standards (except for Big Box Retail)
 - a. At least eighty percent (80%) of each building's facade (excluding doors and windows) shall be finished in one of the following materials: Masonry (brick or stone)
 - b. For retail/restaurant uses, no more than thirty percent (30%) of each facade elevation shall use wood-based high pressure laminate (i.e. Prodema, Trespa, CompactWood), as shown on Exhibit F.
 - c. No more than fifteen percent (15%) of each facade elevation may use a combination of accent materials such as cedar or similar quality decorative wood, architectural metal panel, tile, stucco, or Exterior Insulating Finishing System (EIFS). Stucco and EIFS may only be used eight feet (8') above the ground floor and is prohibited on all building elevations with the exception of its use for exterior trim and molding features.
 - d. Architectural embellishments not intended for human occupancy that are integral to the architectural style of the buildings, including spires, belfries, towers, cupolas, domes, marquees and roof forms whose area in plan is no greater than fifteen percent (15%) of the ground floor footprint may exceed the height limits by up to ten feet (10').
 - e. No single material shall exceed eighty percent (80%) percent of an elevation area. A minimum of twenty percent (20%) of the front facade and all facades facing public right-of-way shall be natural or manufactured stone. A minimum of ten percent (10%) of all other facades shall be natural or manufactured stone.
 - f. All buildings shall be designed to incorporate a form of architectural articulation every thirty feet (30'), both horizontally along each wall's length and vertically along each wall's height. Acceptable articulation may include the following:
 - i. Canopies, awnings, or porticos;
 - ii. Recesses/projections;
 - iii. Arcades;
 - iv. Arches;
 - v. Display windows, including a minimum sill height of thirty (30) inches;
 - vi. Architectural details (such as tile work and moldings) integrated into the

- building facade;
 - vii. Articulated ground floor levels or base;
 - viii. Articulated cornice line;
 - ix. Integrated planters or wing walls that incorporate landscape and sitting areas;
 - x. Offsets, reveals or projecting rib used to express architectural or structural bays; or
 - xi. Varied roof heights;
 - g. All buildings shall be architecturally finished on all four (4) sides with same materials, detailing, and features.
 - h. Commercial buildings with facades greater than two hundred feet (200') in length shall incorporate wall plane projections or recesses that are at least six feet (6') deep. Projections/recesses must be at least twenty five percent (25%) of the length of the facade. No uninterrupted length of facade may exceed one hundred feet (100') in length.
3. Architectural Standards for Big Box Retail
- a. At least 15 percent (15%) of each building's facade (excluding doors and windows) shall be finished in one of the following materials: Masonry (structural brick, block or stone) as shown on Exhibit F.
 - b. Stucco and EIFS may only be used eight feet (8') above the ground floor and is prohibited on all building elevations with the exception of its use for exterior trim and molding features.
 - c. No single specific material shall exceed eighty percent (80%) percent of an elevation area.
 - d. Natural stone accents are encouraged at the building entry.
 - e. Big Box buildings shall be designed to incorporate changes in material, color or finish every two hundred (200') horizontally to help reduce the perceived scale of the building. Other acceptable articulation may include the following:
 - i. Canopies, awnings, or porticos to accentuate the main building entry;
 - ii. Variation in the parapet or cornice level;
 - iii. Change in material vertically along the base of the building and/or structural brick patterning accents to provide interest;
 - iv. Use of a coordinated cohesive palette of materials that offer a variety in finish, texture, and color;
 - f. All elevations of the building shall be architecturally finished with the same cohesive palette of materials;
 - g. Exposed conduit, ladders, utility boxes, and drain spouts shall be painted to match the color of the building or an accent color. Natural metal finishes (patina) are an acceptable alternative to paint.
 - h. No interrupted length of facade shall exceed two hundred fifty feet (250') in length without change in material or articulation.
 - i. At least fifty percent (50%) of each building's facade (excluding doors and windows) shall be finished in energy efficient materials including insulated architectural ribbed metal panels and embossed insulated metal panels as shown on Exhibit F.
4. Windows and Doors
- a. Except for Big Box Retail, All ground floor front facades of buildings along streets or public ways with on-street parking or that face directly onto Open Space and contain non-residential uses shall have transparent storefront windows covering no less than thirty percent (30%) of the facade area. Hotels shall have no less than ten percent (10%) of the facade.
 - b. Clear glass is required in all non-residential storefronts. Smoked, reflective, or black glass that blocks two-way visibility is only permitted above the first story. Windows shall have a maximum exterior visible reflectivity of thirty percent (30%).
5. Awning, Canopies, Arcades, and Overhangs (Except for Big Box Retail)
- a. Awnings shall not be internally illuminated.
 - b. Canopies shall not exceed one hundred linear feet (100') without a break of at least five feet (5').
 - c. Awnings and canopies shall not extend beyond ten feet (10') from the main building facade.

A5. Additional Standards

- 1. Open Space
 - a. Urban Open Space
 - i. Open space as depicted on the Landscape Plan (Exhibit G) shall comprise a minimum of one

- (1) acre of useable land area that will serve as a linear park to the development consisting of a pedestrian pathway with seating areas and enhanced landscaping. A minimum of one (1) pedestrian connection shall be required from this linear open space to the Rural Open Space.
 - ii. The linear open space shall be constructed at the time of construction of Phase 1A. The linear open space shall be constructed at the developer's cost.
 - iii. The hike and bike trail system and trailhead shall be constructed at the time of construction of Phase 1A. The hike and bike trail system shall be constructed at the developer's cost.
 - iv. The Kent Drive right-of-way improvements (outside the Planned Development District) as shown conceptually on Exhibit G, shall be constructed at the time of Phase 1A and at the developer's cost per a separate license agreement.
- b. Rural Open Space
 - i. An open space as depicted on the Landscape Plan (Exhibit G) shall comprise a minimum of nine (9) acres of useable land area that will serve the greater community with both active and passive open space.
 - c. Combined usable open space and Rural Open Space shall collectively satisfy all Open Space requirements for both Tract A and Tract B as required by the Town of Prosper Zoning Ordinance.

2. Landscape Screening and Buffering

The Retail District shall be visually screened and/or buffered to provide a visual barrier between the residential land use to the north and the Planned Development District. The location and type of the screening and/or buffer shall be as prescribed in this section and conceptually depicted on Exhibits D and G.

No screening wall, fence, shrubs, or trees shall be planted within the twenty-five (25) foot Upper Trinity River Water District (UTRWD) easement extending along the northern boundary of the Planned Development District.

- a. A solid screening wall or fence eight (8) feet in height shall be erected to provide a visual barrier separating these uses. The purpose of the screening wall or fence is to provide a visual barrier between the properties. The screening wall shall be constructed of suitable permanent materials such as concrete masonry units, poured in place concrete, tilt-up concrete or concrete panels, which do not contain openings constituting more than forty (40) square inches in each one square foot of wall or fence surface, and the surface of such wall or fence shall constitute a visual barrier. The screening wall shall be equally finished on both sides of the wall.
 - i. Irrigated Quercus virginiana or approved equivalent trees (minimum three (3) inch caliper) spaced no more than thirty (30) feet on center located the length of the screen wall where feasible for the space provided as shown on Exhibits D and G, shall be planted adjacent to and south of the eight (8) foot in height screening wall or fence.
 - ii. A two (2) foot area for vehicle overhang shall be demarcated on landscape plans and maintained along all adjacent parking stalls.
 - iii. Where the Big Box retail building is adjacent to the northern boundary, irrigated Quercus virginiana or approved equivalent trees (minimum three (3) inch caliper) shall be spaced no more than thirty (30) feet on center adjacent to and south of the eight (8) foot in height screening wall or fence to screen the loading area and service drive.
 - iv. At the Big Box retail building loading dock a masonry screening wall extending the length of the loading area and six (6) feet in height above finished grade on the north side of the wall shall be provided.
- b. A thirty (30) foot wide landscape easement shall be required along roadways when an adjacent building sides or backs the road except at the Big Box retail service drive along north side of building where a screen wall and landscape area are provided between the service drive and the adjacent residential land use as shown on Exhibits D and G. The landscape buffer shall consist of a minimum three-foot (3') foot berm, except at Big Box Retail.
- c. A minimum of twenty feet (20') width of this landscape easement shall be exclusive of all utility easements, right turn lanes, drainage easements, and rights-of-way. None of the required trees and/or shrubs shall be located within any utility easement.
- d. A minimum ten-foot (10') wide landscape buffer is required adjacent to Rural Open Space.

- e. A thirty (30) foot wide landscape easement shall be provided along US 380 and a minimum twenty-five (25) foot wide landscape easement shall be provided along FM 1385. These landscape easements should be exclusive of other easements and restrictions which could inhibit landscaping where feasible. Sidewalks and trails required by the Town are allowed in this easement. Berms ranging in height from three feet (3') to six feet (6'), and an overall minimum average of four and a half feet (4.5') in height, shall be provided along US 380 and FM 1385. Berm height may be reduced where the accommodation of a meandering ten (10) foot wide hike and bike trail limits feasible berm height in some locations.
- 3. Lot Frontage
 - a. Lots are not required to front on a public right-of-way, provided an access easement is established by plat prior to issuance of a Certificate of Occupancy (CO) for any building on a lot not fronting on right-of-way.
- 4. Parking Requirement
 - a. Hotel, Extended Stay: One (1) parking space, equivalent to seventy-five percent (75%) of the total number of rooms/keys provided. Parking spaces for Lots 15 and 16 may be shared, provided the minimum requirements per the zoning ordinance and herein are met.
- 5. Gas Pumps Development Standards
 - a. Canopies may be flat if clad with materials that are compatible and cohesive with materials and accent colors used on the associated large-scale retail building.
 - b. Canopy support columns shall be clad with materials compatible and cohesive with the associated large-scale retail building.
 - c. Raised planters shall not be required at both ends of pump islands.
- 6. Town of Prosper monument gateway sign will be installed on the corner of US 380 and FM 1385 as shown on Exhibits D and G.
- 7. Landscape requirements for Big Box retail only
 - a. No more than 15 parking spaces (excluding designated cart return corrals) permitted in a continuous row without being interrupted by a landscaped island. Minimum square feet of landscape islands as delineated by locations of concrete step-offs abutting back of curb adjacent to parking stalls shall be as shown on Exhibits D and G.
 - b. Landscaped islands shall be located at the terminus of all parking rows except for the two (2) rows at the truck maneuver area at the Big Box retail loading dock as shown on Exhibits D and G.
 - c. Foundation planting configuration and plant material sizing for Big Box retail shall be as shown on Exhibit G.
- 8. There shall be no vehicular connection to Kent Drive.

Tract B – Multifamily District

B1. Except as noted below, the Tract shall develop in accordance with the Multifamily District base zoning as it exists or may be amended.

B2. Multifamily Construction

- 1. For Phase IB, as shown on Exhibit E2, which consists of a maximum of 243 units, construction may not commence until construction of the first floor framing has begun on the restaurant/retail building as shown on Lot 8 on Exhibit D and the Extended Stay Hotel on either Lot 15 or Lot 16 on Exhibit D.

B3. Regulations. Regulations shall be permitted in accordance with the Multifamily District with the exception of the following:

- 1. Maximum Number of Units: Two hundred and forty-three (243) units.
- 2. Maximum Height:
 - a. Two (2) stories, no greater than forty feet (40') for buildings within one hundred (100) feet

- of a single family zoning district.
 - b. Three (3) stories, no greater than fifty feet (50').
 - c. Four (4) stories, no greater than sixty-five feet (65').
- 3. Size of Yards
 - a. In accordance with Exhibit D.
- 4. Minimum Dwelling Area
 - a. One (1) bedroom: 650 square feet
 - b. Two (2) bedroom: 925 square feet
 - c. Three (3) bedroom: 1,150 square feet
- 5. Lot Coverage: Maximum fifty percent (50%)

B4. Design Guidelines

- 1. Elevation Review and Approval
 - a. Conceptual Elevations, conforming to Exhibit F, shall be submitted at the time of Preliminary Site Plan, subject to approval by the Planning & Zoning Commission.
 - b. Detailed Facade Plans conforming to the Conceptual Elevations shall be submitted for each building at the time of Site Plan, subject to approval by the Planning & Zoning Commission.
- 2. Architectural Standards
 - a. At least eighty percent (80%) of each building's facade (excluding doors and windows) shall be finished in one of the following materials: Masonry (brick and stone).
 - b. No more than fifteen percent (15%) of each facade elevation shall use a combination of accent materials such as cedar or similar quality decorative wood, fiber cement siding, resin-impregnated wood panel system, cementitious-fiber clapboard (not sheet) with at least a fifty (50) year warranty, architectural metal panel, split-face concrete block, tile, stucco, or Exterior Insulating Finishing System (EIFS). Stucco and EIFS may only be used eight feet (8') above the ground floor and is prohibited on all building elevations with the exception of its use for exterior trim and molding features.
 - c. Any enclosed one or two-car garage shall be designed and constructed of the same material as the primary building.

B5. Additional Standards

- 1. Open Space
 - a. Urban Open Space
 - i. Open space as depicted on the Landscape Plan (Exhibit G) shall comprise a minimum of one (1) acre of useable land area that will serve as a linear park for the development consisting of a pedestrian pathway with seating areas and enhanced landscaping. A minimum of one (1) pedestrian connection shall be required from this linear open space to the Rural Open Space.
 - ii. The linear open space shall be constructed at the time of construction of Phase 1A. The linear open space shall be constructed at the developer's cost.
 - iii. The hike and bike trail system and trailhead shall be constructed at the time of construction of Phase 1A. The hike and bike trail system shall be constructed at the developer's cost.
 - b. Rural Open Space
 - i. An open space as depicted on the Landscape Plan (Exhibit G) shall comprise a minimum of nine (9) acres of useable land area that will serve the greater community with both active and passive open space.
 - c. Combined Urban Open Space and Rural Open Space shall collectively satisfy all Open Space requirements for both Tract A and Tract B as required by the Town of Prosper Zoning Ordinance.
 - d. Kent Drive right-of-way improvements (outside the Planned Development District) must be completed and accepted by the Town in accordance with a separate approved license agreement prior to release of construction for any multi-family development.
 - e. A Property Owners Association (POA) must be established before acceptance of any development within the Planned Development District. The POA shall be responsible for ownership and maintenance of all open space, trail heads, and all other similar

spaces. Developer shall submit POA documents for review to the Town prior to recording at the County. The ownership and maintenance of the Kent Drive right-of-way open space (outside the Planned Development District) shall be in accordance with a separate license agreement between the Town and the developer.

2. Landscape Screening and Buffering

The Multifamily District shall be visually screened and/or buffered to provide a visual barrier between the residential land use to the north and the Planned Development District. The location and type of the screening and/or buffer shall be as prescribed in this section and depicted on Exhibits D and G.

No shrubs, or trees shall be planted within the twenty-five (25) foot Upper Trinity River Water District (UTRWD) easement extending along the northern boundary of the Planned Development District.

- a. A solid screening wall or fence eight (8) feet in height shall be erected to provide a visual barrier separating these uses. The purpose of the screening wall or fence is to provide a visual barrier between the properties. The screening wall shall be constructed of suitable permanent materials such as concrete masonry units, poured in place concrete, tilt-up concrete or concrete panels, which do not contain openings constituting more than forty (40) square inches in each one square foot of wall or fence surface, and the surface of such wall or fence shall constitute a visual barrier. The screening wall shall be equally finished on both sides of the wall.
 - i. Irrigated *Quercus virginiana* or approved equivalent trees (minimum three (3) inch caliper) spaced no more than thirty (30) feet on center located the length of the screen wall where feasible for the space provided as shown on Exhibits D and G, shall be planted adjacent to and south of the eight (8) foot in height screening wall or fence.
 - ii. A two (2) foot area for vehicle overhang shall be demarcated on landscape plans and maintained along all adjacent parking stalls.
 - iii. A pedestrian entryway through the screening wall is permitted adjacent to Kent Drive.
 - b. A minimum ten-foot (10') landscape buffer is required adjacent to Rural Open Space.
- ## 3. Lot Frontage
- a. Lots are not required to front on a public right-of-way, provided an access easement is established by plat prior to issuance of a Certificate of Occupancy (CO) for any building on a lot not fronting on right-of-way.
- ## 4. Parking
- a. Minimum "Off-Street" Parking. For the purpose of this ordinance, off-street parking shall mean any parking not located immediately adjacent to and along public drives (i.e. parallel parking) used for internal circulation throughout the development.
 - i. One (1) and two (2) bedroom units: 1.8 parking spaces per unit.
 - ii. Three (3) bedroom units: 2.0 parking spaces per unit.
 - b. Tandem parking shall count towards the parking provided for each designated tract or phase that the parking resides within.
 - c. Surface parallel parking that is provided along interior drives shall count towards the parking provided for each designated tract or phase that the parking resides within.
- ## 5. The provisions of Chapter 4, Section 2.6D (Non-Residential and Multifamily Development Adjacent to a Major Creek) shall apply to the proposed development.
- ## 6. The provisions of Chapter 4, Section 2.6A.6 (Landscape Area Requirements) shall apply to the proposed development.
- ## 7. The provision of Chapter 4, Section 9.17 (Multifamily Site Design) shall not apply to the proposed development.
- ## 8. There shall be no vehicular connection to Kent Drive.

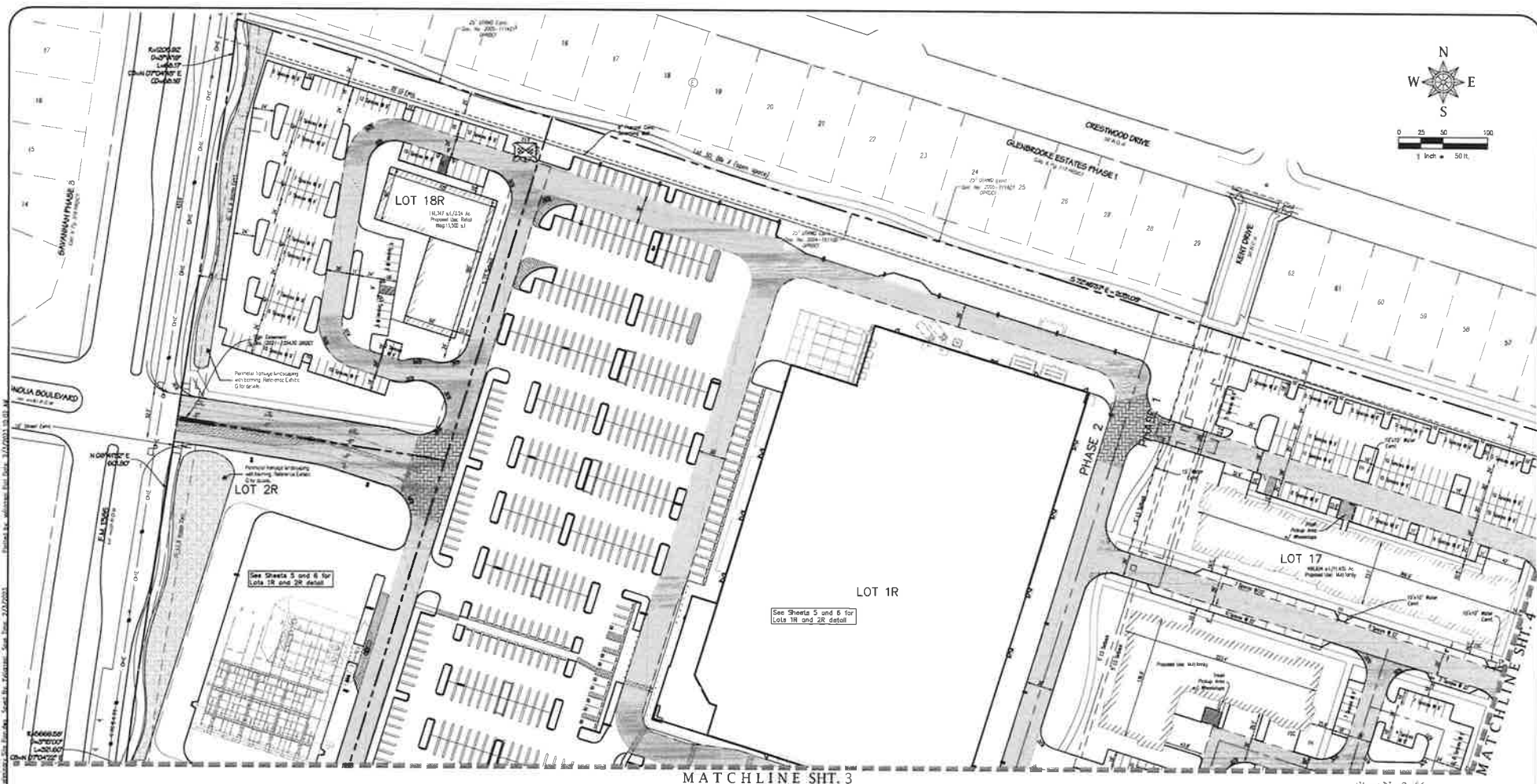
Z22-0020
EXHIBIT E
DEVELOPMENT SCHEDULE
WESTSIDE

The phasing and development of this project is dependent upon both market conditions and the individual developers' timing. The anticipated schedule for the buildout will likely include a division of developmental increments. Upon commencement of development, the project construction is expected to require between 18 and 60 months. See Exhibit E2 for a graphic depiction.

Phase 1A: The central core of the property includes an extended stay hotel plus individual pads inside the retail development. Vehicular access to the property will mostly be included in this phase. Depending on the schedule of the multi-family developer, Phase 1B could be developed in conjunction with Phase 1A.

Phase 1B: Consists of multi-family development.

Phase 2: The second phase of a two phase commercial development, including the big box retail uses to the west of the planned development area. Phase 2 Big Box retail and fuel pumps may be constructed concurrent to Phase 1A if the Owner so chooses. The fuel pumps accessory use of the Big Box Retail will be developed in two (2) increments to allow for future planned expansion dependent on market conditions. The remote parking lot adjacent to the fuel pumps as shown on Exhibit D will also be developed as a separate increment of phase 2 parking.















All dimensions are to face of curb or edge of building unless otherwise noted.

All curb radii are 2' unless otherwise noted.

1. The thoroughfare alignments shown on the exhibit are for illustration purposes and does not set the alignment. The alignment is determined at time of final plat.

2. Headlight screening will be provided in accordance with Town Standards.

LEGEND:

-  FIRELANE, ACCESS, DRAINAGE & UTILITY EASEMENT
-  STAMPED & STAINED CONCRETE W/CONTRASTING COLOR
-  1/2" IRON ROD W/ PLASTIC CAP
STAMPED "SPARKING" SET, UNLESS
OTHERWISE NOTED.
-  POWER POLE
-  LIGHT POLE/STANDARD
-  GUY WIRE ANCHOR
-  BOLLARD
-  SIGNPOST
-  OVERHEAD POWER LINE
-  CONTROL MOUNTAIN
-  PROPOSED FIRE HYDRANT
-  EXISTING FIRE HYDRANT

Sheet No. 2 of 6
TOWN OF PROSPER CASE NO. 722-0020
Exhibit D

WestSide

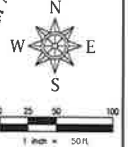
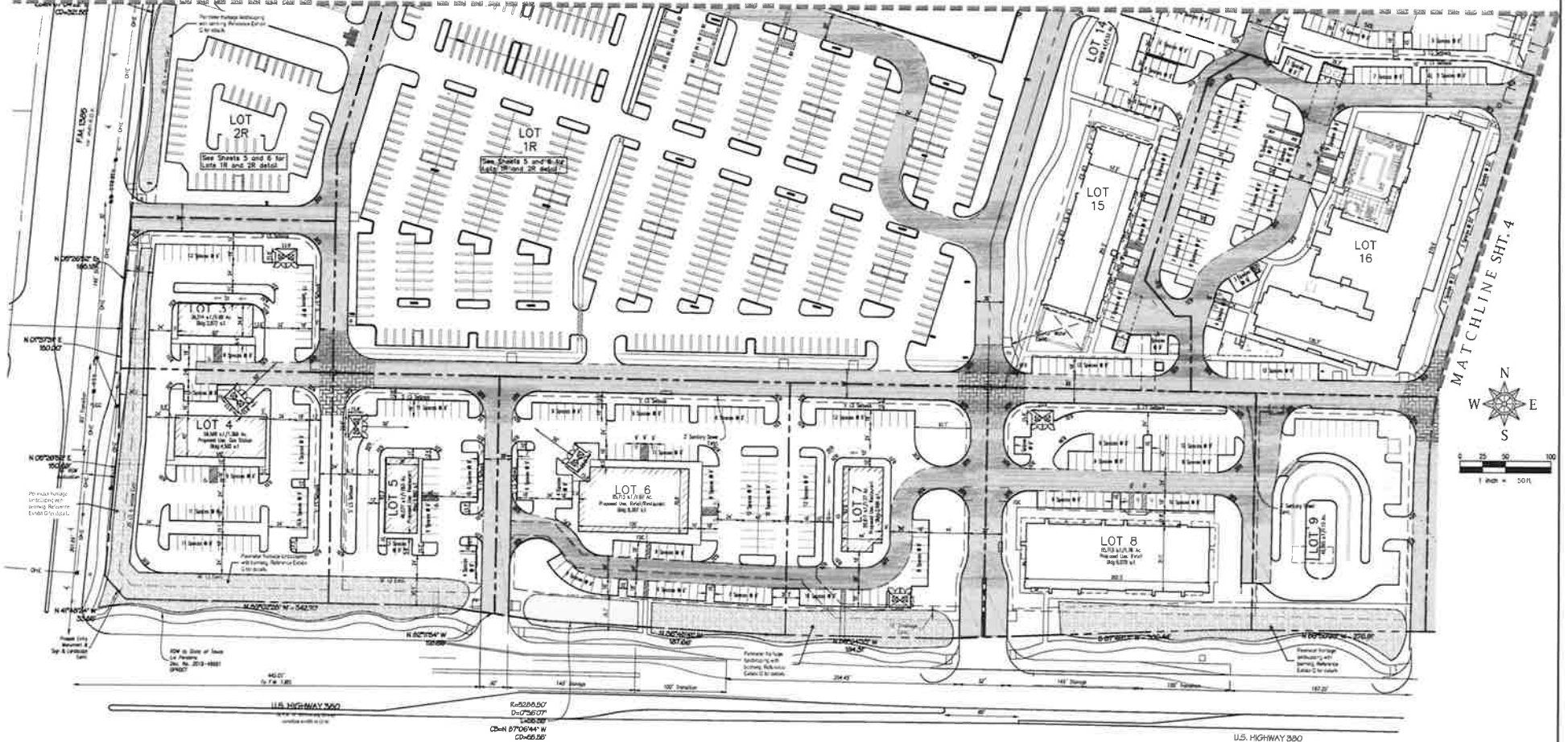
BEING 63.737 ACRES OF LAND (GROSS)

63.017 ACRES (NET)
IN THE B. HODGES SURVEY, ABSTRACT NO. 593 &
IN THE J. GONZALEZ SURVEY, ABSTRACT NO. 447 &
IN THE P. BARNES SURVEY, ABSTRACT NO. 79 &
IN THE R. TAYLOR SURVEY, ABSTRACT NO. 1671 &
IN THE J. HAYNES SURVEY, ABSTRACT NO. 573 &
IN THE ANGUS JAMISON SURVEY
TOWN OF PROSPER, DENTON COUNTY, TEXAS

ENGINEER/SURVEYOR	OWNER/DEVELOPER	DEVELOPER/APPLICANT
Spurs Engineering, Inc. 765 Cedar Road, Suite 100 Plano, TX 75075 Telephone: (972) 422-0077 TBPB No. F-2121 Contact: David Bond	Westside Prosper, LLC John Hickman Pyle, SUE Frisco, Texas 75034 Telephone: (972) 365-1818 Contact: Shiva Kordy	Cross Engineering & Associates, Inc. 1955 Raymond Drive, Suite 115 8668 John Hickman Pyle, Suite 50 Northbrook, IL 60062 Telephone: (847) 498-0600 Contact: Stephen Cross

Sheet 1 of 1 Issue: 1.0+120' File: 22 50 Job No. 72-187

MATCHLINE SHT. 2



Sheet No. 3 of 6
TOWN OF PROSPER CASE NO. 722-0920
Exhibit D

WestSide

BEING 63.737 ACRES OF LAND (GROSS)

63.017 ACRES (NET)

IN THE B. HODGES SURVEY, ABSTRACT NO. 593 &
IN THE J. GONZALEZ SURVEY, ABSTRACT NO. 447 &
IN THE P. BARNES SURVEY, ABSTRACT NO. 79 &
IN THE R. TAYLOR SURVEY, ABSTRACT NO. 1671 &
IN THE J. HAYNES SURVEY, ABSTRACT NO. 573 &
IN THE ANGUS JAMISON SURVEY
TOWN OF PROSPER, DENTON COUNTY, TEXAS

ENGINE/PLANNER
Spore Engineering, Inc.
7815 Castle Road, Suite 100
Pflug, TX 75072
Telephone: (972) 422-5977
Toll Free: 1-877-2121
Contact: David Bond

OWNER/PLANNING
WestSide Prosper, LLC
8568 John McKinstry Pkwy., Suite 907
Frisco, Texas 75034
Telephone: (972) 422-5977
Contact: Steve Komro

CONSULTING/ANALYST
Cross Engineering & Associates, Inc.
1225 Rayburn Drive, Suite 111
Frisco, Texas 75034
Telephone: (972) 422-5977
Contact: Stephen Cross

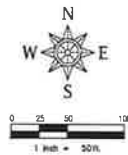
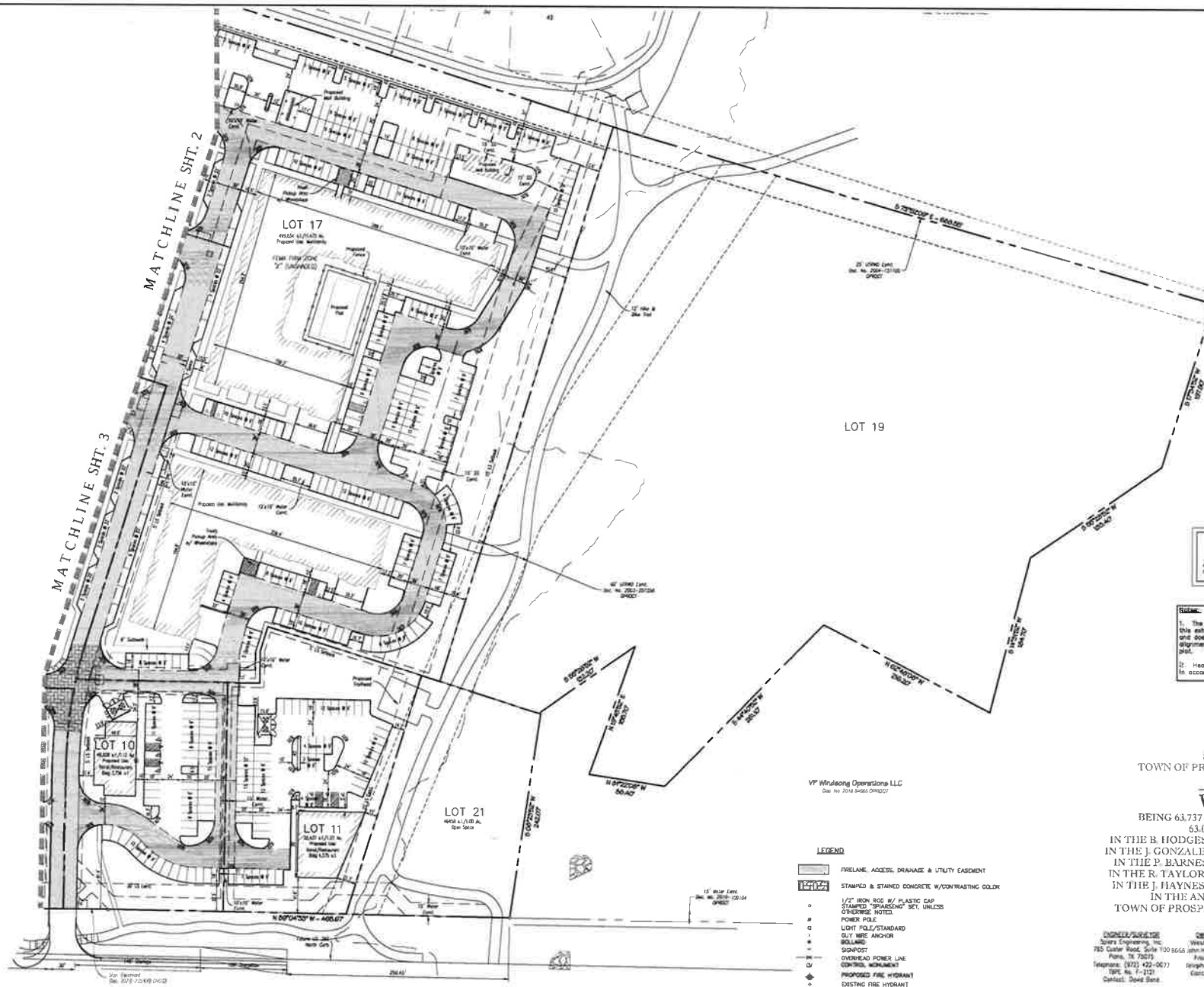
All dimensions are to face of curb or edge of building unless otherwise noted.
All curb radii are 2' unless otherwise noted.

NOTES:

- The thoroughfare alignments shown on this exhibit are for illustration purposes and does not set the alignment. The alignment is determined at time of final plat.
- Headlight screening will be provided in accordance with Town Standards.

LEGEND

- FIRELINE, ACCESS, DRAINAGE & UTILITY EASEMENT
- STAMPED & STAINED CONCRETE W/CONTRASTING COLOR
- 1/2" RIB. ROD W/ PLASTIC CAP
- STAMPED "SPARKING" SET, UNLESS OTHERWISE NOTED.
- POWER POLE
- LIGHT POLE/STANDARD
- GUY WIRE ANCHOR
- BOLLARD
- SIGNPOST
- OVERHEAD POWER LINE
- CONTROL MONUMENT
- PROPOSED FIRE HYDRANT
- EXISTING FIRE HYDRANT



All dimensions are to face of curb or edge of building unless otherwise noted.
All curb radii are 2' unless otherwise noted.

- Notes:**
1. The thoroughfare alignments shown on this exhibit are for illustration purposes and does not set the alignment. The alignment is determined at time of final plat.
 2. Headlight screening will be provided in accordance with Town Standards.

Sheet No. 4 of 6
TOWN OF PROSPER CASE NO. 722-0020
Exhibit D

WestSide

BEING 63.737 ACRES OF LAND (GROSS)
63.017 ACRES (NET)
IN THE B. HODGES SURVEY, ABSTRACT NO. 593 &
IN THE J. GONZALEZ SURVEY, ABSTRACT NO. 447 &
IN THE P. BARNES SURVEY, ABSTRACT NO. 79 &
IN THE R. TAYLOR SURVEY, ABSTRACT NO. 1671 &
IN THE J. HAYNES SURVEY, ABSTRACT NO. 573 &
IN THE ANGUS JAMISON SURVEY
TOWN OF PROSPER, DENTON COUNTY, TEXAS

- LEGEND**
- FIRELINE, ACCESS, DRAINAGE & UTILITY EASEMENT
 - STAMPED & STAINED CONCRETE W/CONTRASTING COLOR
 - 1/2" IRON ROD W/ PLASTIC CAP
 - STAMPED "SHARDING" SET, UNLESS OTHERWISE NOTED
 - POWER POLE
 - LIGHT POLE/STANDARD
 - GLY WIRE ANCHOR
 - WILLIAM
 - SIGNPOST
 - OVERHEAD POWER LINE
 - CONTROL MONUMENT
 - PROPOSED FIRE HYDRANT
 - EXISTING FIRE HYDRANT

ENGINEER/PLANNER
Sears Engineering, Inc.
785 Cedar Road, Suite 100
P.O. Box 75034
Frisco, TX 75034
Telephone: (972) 422-0677
FAX: (972) 422-0677
Contact: David Sears

OWNER/DEVELOPER
WestSide Properties, LLC
1880 Raymond Drive, Suite 310
Frisco, Texas 75034
Telephone: (972) 845-8815
Contact: Shiva Kothari

DATE/PLAT/RECORD
Creek Engineering & Associates, Inc.
1880 Raymond Drive, Suite 310
Frisco, Texas 75034
Telephone: (972) 845-8815
Contact: Kathleen O'Neil



Costco
WHOLESALE

MATCH LINE SHEET 6 OF 6
MATCH LINE SHEET 5 OF 6

LEGEND	
	PROPERTY LINE
	SETBACK LINE
	PROPOSED EASEMENT
	PROPOSED FINE LINE
	EXISTING OUTSIDE POWERLINE
	EXISTING GULLY LINE
	EXISTING GULLY LINE
	EXISTING WATER LINE
	EXISTING SEWER LINE
	PROPOSED FINE HYDRANT (7.5)
	PROPOSED FINE HYDRANT CONNECTION (10.0)
	UNAPPROVED NEW LINE
	PROPOSED TRANSFORMER LOCATION
	NUMBER OF PARKING SPACES PER ROW
	EXISTING POWER POLE
	EXISTING LIGHT POLE
	EXISTING FINE HYDRANT
	EXISTING STORM MAIN GULLY
	EXISTING SAN SEWER MANHOLE
	EXISTING SEWER
	PROPOSED LANDSCAPE AREA

- SITE NOTES**
- ALL DIMENSIONS ARE FROM THE FACE OF CURB, FACE OF BUILDING OR PROPERTY LINE UNLESS NOTED OTHERWISE.
 - ALL CURB RATES ARE 2' AND 3' SETBACKS TO THE ROAD.
 - THE PROPOSED ALLOCATION IS SHOWN ON THE LAYOUT AND THE ALLOCATION IS DETERMINED AT THE TIME OF FINAL PLAT.
 - WEIGHTED AVERAGE (W.A.) IS PROVIDED IN ACCORDANCE WITH TEXAS STANDARDS.

SHEET NO. 5 OF 6
TOWN OF PROSPER CASE NO. Z22-0020
EXHIBIT D

WESTSIDE
BEING 63.737 ACRES OF LAND (GROSS)
63.017 ACRES (NET)
IN THE B. HODGES SURVEY, ABSTRACT NO. 593 &
IN THE J. GONZALEZ SURVEY, ABSTRACT NO. 477 &
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IN THE J. HAYNES SURVEY, ABSTRACT NO. 573 &
IN THE ANGUS JAMISON SURVEY
TOWN OF PROSPER, DENTON COUNTY, TEXAS

LANDOWNERS: WILLIAMSON ASSOCIATES, INC. 2500 N. 100TH ST. TWO CANEY OFFICE TOWNS, SUITE 100 DALLAS, TEXAS 75243 PHONE: 972.770.1200 FAX: 972.770.1201 CONTACT: JESSIE WILSON, P.E.	DESIGNER: WESTSIDE ASSOCIATES, LLC 2000 JOHN H. JOHNSON PARKWAY, SUITE 100 FARGO, TEXAS 75224 PHONE: 972.770.1200 FAX: 972.770.1201 CONTACT: SHIVA KANDY	CONSULTING ENGINEER: CHOSSE ENGINEERING & ASSOCIATES, L.P. 7800 RAYMOND DRIVE, SUITE 119 NORTH RICHWOOD, TEXAS 75062 PHONE: 972.770.1200 FAX: 972.770.1201 CONTACT: STEPHEN CHOSSE
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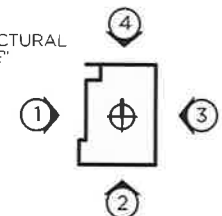
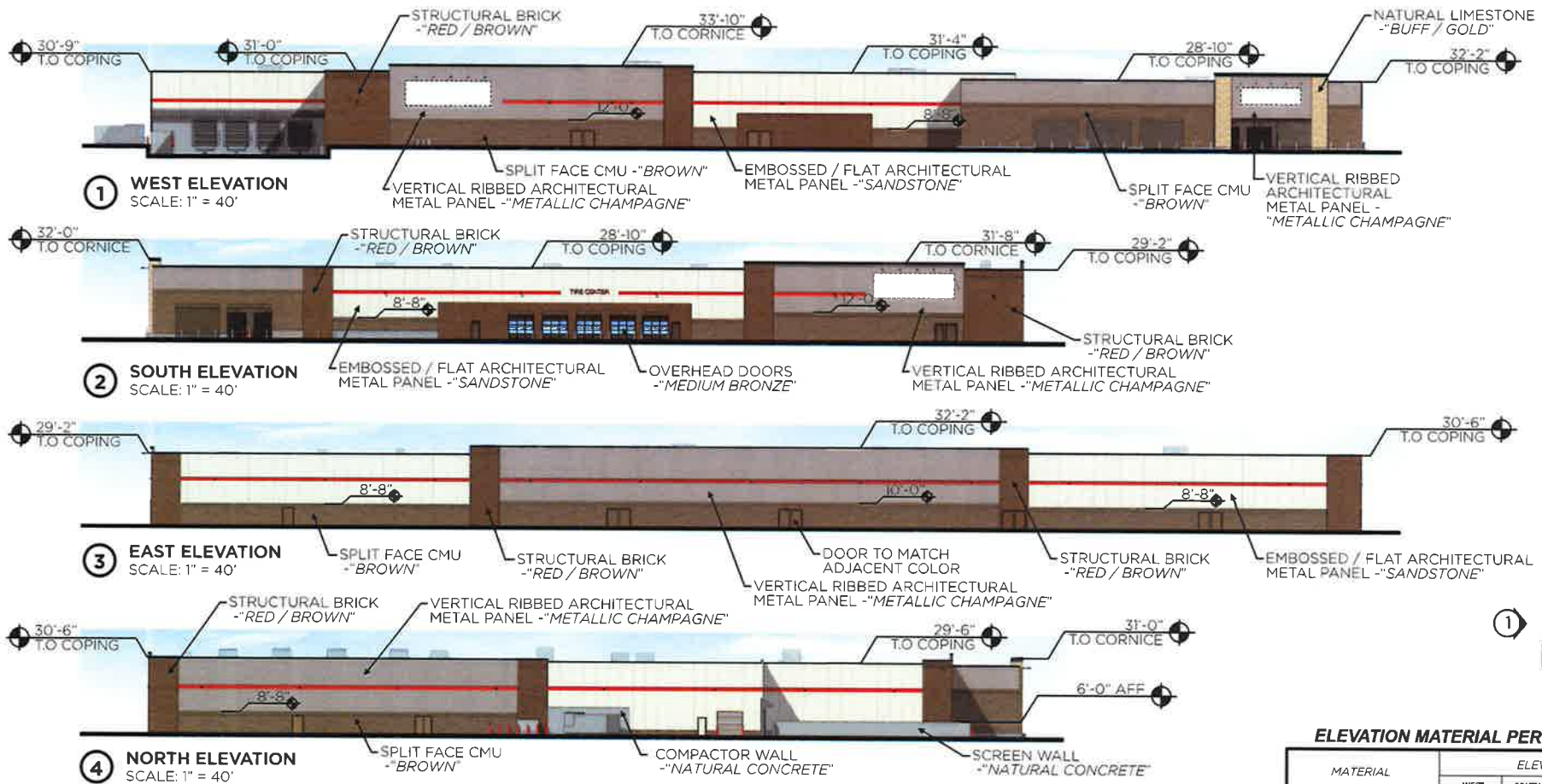
Z22-0020
EXHIBIT E
DEVELOPMENT SCHEDULE
WESTSIDE

The phasing and development of this project is dependent upon both market conditions and the individual developers' timing. The anticipated schedule for the buildout will likely include a division of developmental increments. Upon commencement of development, the project construction is expected to require between 18 and 60 months. See Exhibit E2 for a graphic depiction.

Phase 1A: The central core of the property includes an extended stay hotel plus individual pads inside the retail development. Vehicular access to the property will mostly be included in this phase. Depending on the schedule of the multi-family developer, Phase 1B could be developed in conjunction with Phase 1A.

Phase 1B: Consists of multi-family development.

Phase 2: The second phase of a two phase commercial development, including the big box retail uses to the west of the planned development area. The fuel pumps accessory use of the Big Box Retail will be developed in two (2) increments to allow for future planned expansion dependent on market conditions. The remote parking lot adjacent to the fuel pumps as shown on Exhibit D will also be developed as a separate increment of phase 2 parking.



ELEVATION MATERIAL PERCENTAGES

MATERIAL	ELEVATION			
	WEST	SOUTH	EAST	NORTH
SPLIT FACE CMU "BROWN"	2,468 SF 10%	1,166 SF 5%	4,126 SF 27%	1,721 SF 9%
STRUCTURAL BRICK "RED/BROWN"	7150 SF 34%	2,437 SF 12%	1,568 SF 10%	1,026 SF 5%
NATURAL LIMESTONE "BUFF/GOLD"	387 SF 2%	0 SF 0%	0 SF 0%	0 SF 0%
CONCRETE "NATURAL"	1,580 SF 8%	202 SF 1%	0 SF 0%	891 SF 5%
VERTICAL RIBBED ARCHITECTURAL METAL PANEL "METALLIC CHAMPAGNE"	5,090 SF 24%	2,639 SF 13%	4,413 SF 29%	3,270 SF 17%
EMBOSSED / FLAT ARCHITECTURAL METAL PANEL "SANDSTONE"	3,241 SF 15%	2,614 SF 13%	5,065 SF 33%	3,570 SF 19%

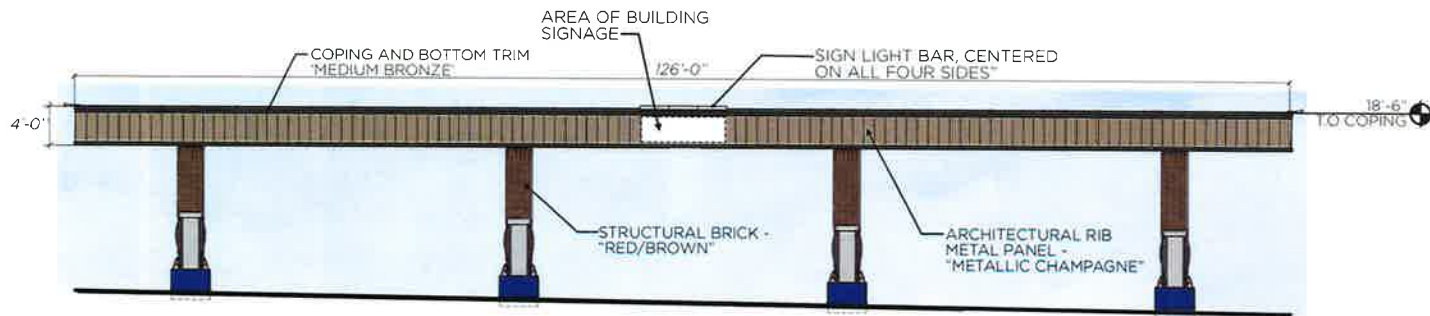
*CALCULATION DOES NOT INCLUDE EXTERIOR DOORS OR TIRE CENTER DOORS



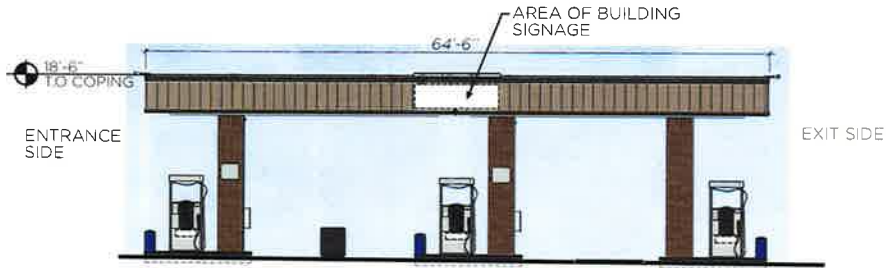
MARCH 2023
22-5585-01
PROSPER, TX

EXHIBIT F - BIG BOX ELEVATIONS





① CANOPY AND DISPENSER ELEVATION (NORTH/SOUTH)
SCALE: 1/8" = 1'



② CANOPY AND DISPENSER ELEVATION (EAST/WEST)
SCALE: 1/8" = 1'



③ CONTROLLER ENCLOSURE EXTERIOR ELEVATIONS
SCALE: 1/8" = 1'



JANUARY 2023
22-5585-01
PROSPER, TX

EXHIBIT F - FUEL FACILITY ELEVATIONS



1 EAST ELEVATION
3/32" = 1'-0"



2 WEST ELEVATION
3/32" = 1'-0"



3 NORTH ELEVATION
3/32" = 1'-0"

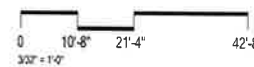


4 SOUTH ELEVATION
3/32" = 1'-0"

FACADE MATERIAL ANALYSIS		
01 EAST ELEVATION		
MATERIAL	AREA (SQ)	%
BRICK VENEER	1228	46.10%
WOOD-BASED HIGH-PRESSURE LAMINATE	888	33.80%
STONE	813	30.80%
TOTAL	2929	100.00%
GLAZING NOT INCLUDED		
02 WEST ELEVATION		
MATERIAL	AREA (SQ)	%
BRICK VENEER	1228	46.10%
WOOD-BASED HIGH-PRESSURE LAMINATE	888	33.80%
STONE	813	30.80%
TOTAL	2929	100.00%
GLAZING NOT INCLUDED		
03 NORTH ELEVATION		
MATERIAL	AREA (SQ)	%
BRICK VENEER	1228	46.10%
WOOD-BASED HIGH-PRESSURE LAMINATE	888	33.80%
STONE	813	30.80%
TOTAL	2929	100.00%
GLAZING NOT INCLUDED		
04 SOUTH ELEVATION		
MATERIAL	AREA (SQ)	%
BRICK VENEER	1228	46.10%
WOOD-BASED HIGH-PRESSURE LAMINATE	888	33.80%
STONE	813	30.80%
TOTAL	2929	100.00%
GLAZING NOT INCLUDED		

NOTES	
1. The Consultant's drawings are for informational purposes only. All building plans, including those and elevations, are subject to the Building Department's review.	
2. All materials and construction methods are subject to the Building Department's review.	
3. When permitted, structural steel and other materials shall be subject to the Building Department's review.	
4. All building plans and elevations are subject to the Building Department's review.	
5. All building plans and elevations are subject to the Building Department's review.	

MATERIALS TABLE	
	MAS 1
	MAS 2
	WOOD 1



Owner:
GF3 Partnership, LLC
Contact: Michael C. Fannin
15700 State Highway 121
Frisco, Texas 75035
972.747.5233
mcfannin@gmail.com

Job #:
17173.02
File Name:
RestaurantRetailElevations_2018-09-28.dwg
Date:
09/28/18
Drawn by:
BEM, LA, PA

For Staff Use

gff PLANNING

2508 Elmwood Street,
Suite 300
Dallas, Texas 75201 |
214.303.1500

2380 West 7th Street,
Suite 110
Fort Worth, Texas 76107 |
817.303.1500

EXHIBIT "F"
US 380 / FM 1385 NEC
Prosper, Texas
63.905 Acres

NOT RELEASED FOR CONSTRUCTION www.gladil.com



gla

GIA AT LEX

CONFESSIONE
ALL'ANTICA ROMA
VIALE FORO IMPERIALE
10121 ROMA

06 4779 1111

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