

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 2024-32

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING A TRACT OF LAND CONSISTING OF 0.3 ACRES, MORE OR LESS, SITUATED IN THE PROSPER CENTRAL ADDITION, BLOCK 1, LOT 1, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS, FROM SINGLE FAMILY-15 (SF-15) TO PLANNED DEVELOPMENT-127 (PD-127), 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 ZONE-23-0029) from Mo Adepoju ("Applicant"), to rezone 0.3 acres of land, more or less, Prosper Central Addition, Block 1, Lot 1, in the Town of Prosper, Collin County, Texas, and being more particularly described in Exhibit "A", attached hereto and incorporated herein for all purposes; and

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

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

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

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

Amendment to the Town's Zoning Ordinance. The Town's Zoning Ordinance is amended as follows: The zoning designation of the below described property containing 0.3 acres of land, more or less, in the Prosper Central Addition, Block 1, Lot 1, Town of Prosper, Collin County, Texas, and all streets, roads, and alleyways contiguous and/or adjacent thereto are hereby zoned as Planned Development-127 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 Development Standards, attached

hereto as Exhibit C; (2) the Conceptual Plan, attached hereto as Exhibit D; (3) the Elevations, attached hereto as Exhibit F; (4) the Landscape Plan, attached hereto as Exhibit G, all of which are incorporated herein for all purposes as if set forth verbatim, subject to the following condition of approval by the Town Council:

1. Approval of a Development Agreement, including, but not limited to, architectural building materials.

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 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 THE 30TH DAY OF APRIL 2024.

David F. Bristol
David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni
Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch
Terrence S. Welch, Town Attorney



SURVEY PLAT

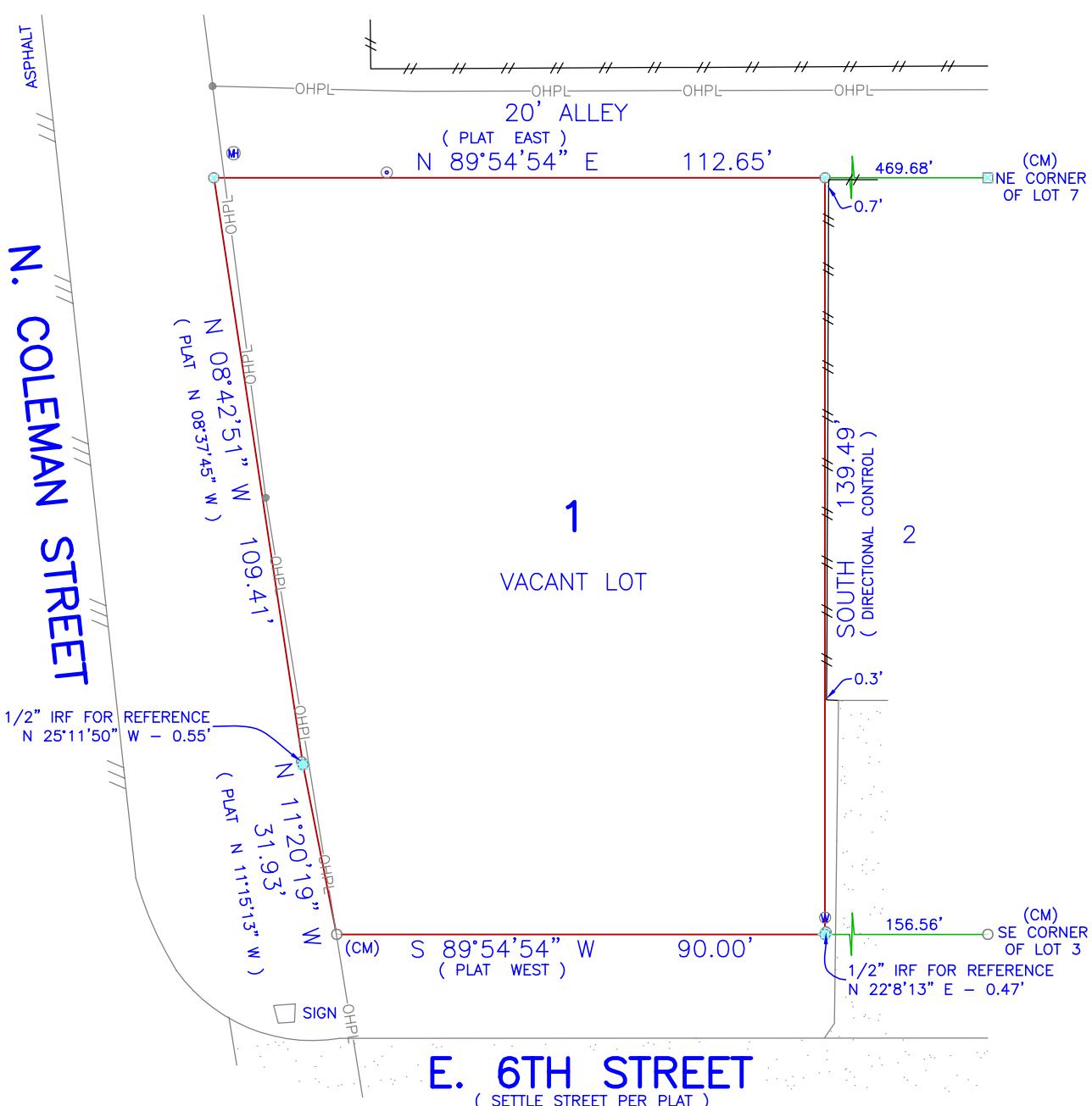
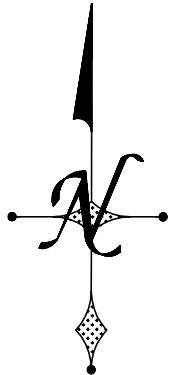


BURNS
SURVEYING

BARRY S. RHODES Registered Professional Land Surveyor (214) 326-1090

This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at
EAST 6TH STREET in the City of PROSPER Texas.

Being Lot 1 in Block 1 of Prosper Central Addition, an Addition to the City of Prosper, Collin County, Texas, according to the Map or Plat thereof Recorded in Volume C, Page 643, of the Map Records of Collin County, Texas



PROPERTY SUBJECT TO
EASEMENTS & RESTRICTIONS
Volume 1761, Page 909; Volume 1924, Page 134;
Volume 1952, Page 822; Volume 2179, Page 128

EASEMENTS RECORDED IN
THE FOLLOWING VOLUME &
PAGES TO THE BEST OF
MY KNOWLEDGE AND BELIEF
DO NOT AFFECT THE ABOVE
DESCRIBED PROPERTY.
Volume 468, Page 90; Volume 612, Page 531

ACCEPTED BY: _____

The plat hereon is true, correct, and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by the plat: the size, location and type of building and improvements are as shown, all improvements being within the boundaries of the property, set back from property lines the distance indicated, or visible and apparent easements.

TITLE AND ABSTRACTING WORK FURNISHED BY LAWYERS TITLE

THERE ARE NO ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS, EXCEPT AS SHOWN.

Scale: 1" = 30' USE OF THIS SURVEY FOR ANY OTHER PURPOSE
Date: 04/05/22 OR OTHER PARTIES SHALL BE AT THEIR RISK AND
G. F. No.: 1900182200773 UNDERSIGNED IS NOT RESPONSIBLE TO OTHER FOR
Job no.: 202203655 ANY LOSS RESULTING THEREFROM.

THIS SURVEY WAS PERFORMED EXCLUSIVELY FOR
LAWYERS TITLE

Drawn by: KHD



LEGEND	
WOOD FENCE	TEXT
CHAIN LINK	IMPROVEMENTS
IRON FENCE	BOUNDARY LINE
WIRE FENCE	EASEMENT SETBACK
CM - CONTROLLING MONUMENT	RESIDENCE
MRD - MONUMENTS OR RECORD DIGNITY	
1/2" IRON ROD FOUND	
1/2" IRON ROD SET	
3/8" IRON ROD FOUND	
FOUND "X"	
5/8" IRON ROD FOUND	
POINT FOR CORNER	
(C) - CABLE	(E) - ELECTRIC
(C) - CLEAN OUT	(P) - POOL EQUIP
(G) - GAS METER	(P) - POWER POLE
(F) - FIRE HYDRANT	(T) - TELEPHONE
(L) - LIGHT POLE	(W) - WATER METER
(M) - MANHOLE	(V) - WATER VALVE
(UNLESS OTHERWISE NOTED)	



LAWYERS TITLE

Exhibit "C"

Development Standards

This tract shall develop under the regulation of the Downtown Office (DTO) District as outlined in the Town's Zoning Ordinance as it exists or may be amended with the following conditions:

1.0 Permitted Uses

1.1 The permitted land uses within this Planned Development District are as follows:

- Administrative/Medical and Professional Office
- Art and Craft Store
- Bakery
- Bank/Savings and Loan/Credit Union (No Drive-Thru)
- Bookstore
- Boot and Shoe Sales
- Business Service
- Ceramics Store
- Clothing and Apparel Store
- Florist
- Hobby or Toy Store
- Ice Cream Shop
- Insurance Office
- Leather Store
- Minor Dry Cleaning (Drop Off Only)
- Minor Print Shop (Drop Off Only)
- Multi-Family (2nd Floor Only) – Max. 4 Units
- Music Instrument Sales
- Novelty or Gift Shop
- Trophy Sales

1.2 Any similar uses as determined by the Director of Development Services.

2.0 Parking Areas

2.1 The parking area standards within this Planned Development District are as follows:

- Parking stalls along the eastern property line shall be designated for office and retail parking only during business hours.
- No storage shall be permitted in multifamily parking.

3.0 Landscaping

3.1 The landscaping requirements within this Planned Development District are as follows:

- 5' landscaping buffer around the northern, eastern, southern, and western property lines.
- One large tree, three-inch caliper minimum, on landscaped islands on eastern property line.
- One ornamental tree every 15 linear feet on eastern property line between landscape islands.
- One ornamental tree on each end of western property line.
- Three shrubs, five-gallon minimum, on each landscape planting area on the western property line.

4.0 Fencing

4.1 The fencing standards within this Planned Development District are as follows:

- Board-on-board fencing on the eastern property line from the alley to most southern parking stall.
- Wrought iron fencing on the eastern property line from the most southern parking stall to the right-of-way.

5.0 Signage

5.1 The signage standards within this Planned Development District are as follows:

- Any signage shall be limited to the Coleman Street side of the property.
- Any lighted signage shall be consistent with the Town's Sign Ordinance.

6.0 Architectural Standards

6.1 The architectural standards within this Planned Development District are as follows:

- Any structure built on the property shall comply with the elevations and building materials reflected on the Façade Plan, attached hereto as Exhibit B.
- The Coleman Street façade shall be constructed in substantial compliance with the Coleman Street Façade Plan, attached hereto as Exhibit D.
- The use of masonry shall be at least ninety percent (90%) of the exterior surface of any structure constructed on the property per elevation.
- The use of stucco shall be limited to no more than ten percent (10%) of the exterior surface of any structure constructed on the property per elevation.
- All construction shall have an approved façade plan before issuance of a building permit.

7.0 Alleyway Paving

7.1 The paving standards within this Planned Development District are as follows:

- The developer shall pave the alleyway to the north of the property prior to commencement of construction.

8.0 Sidewalk Construction

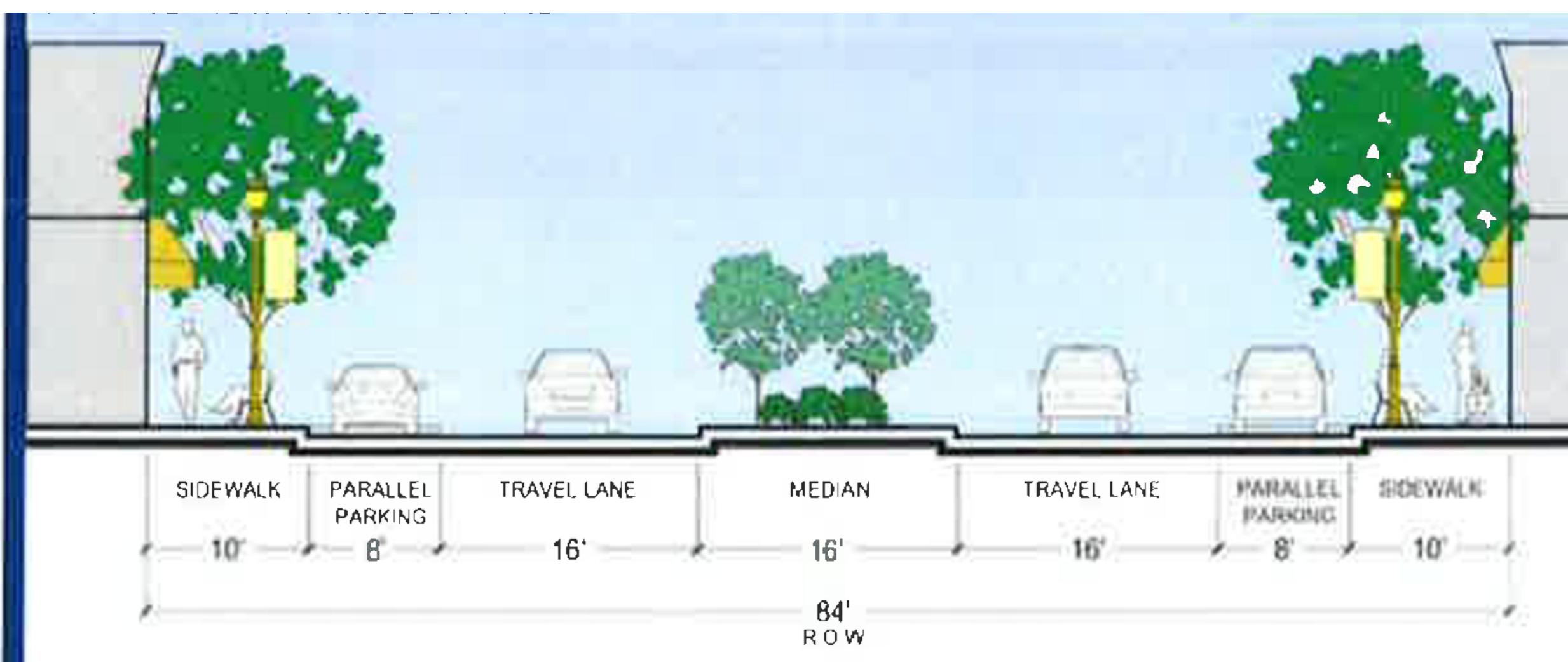
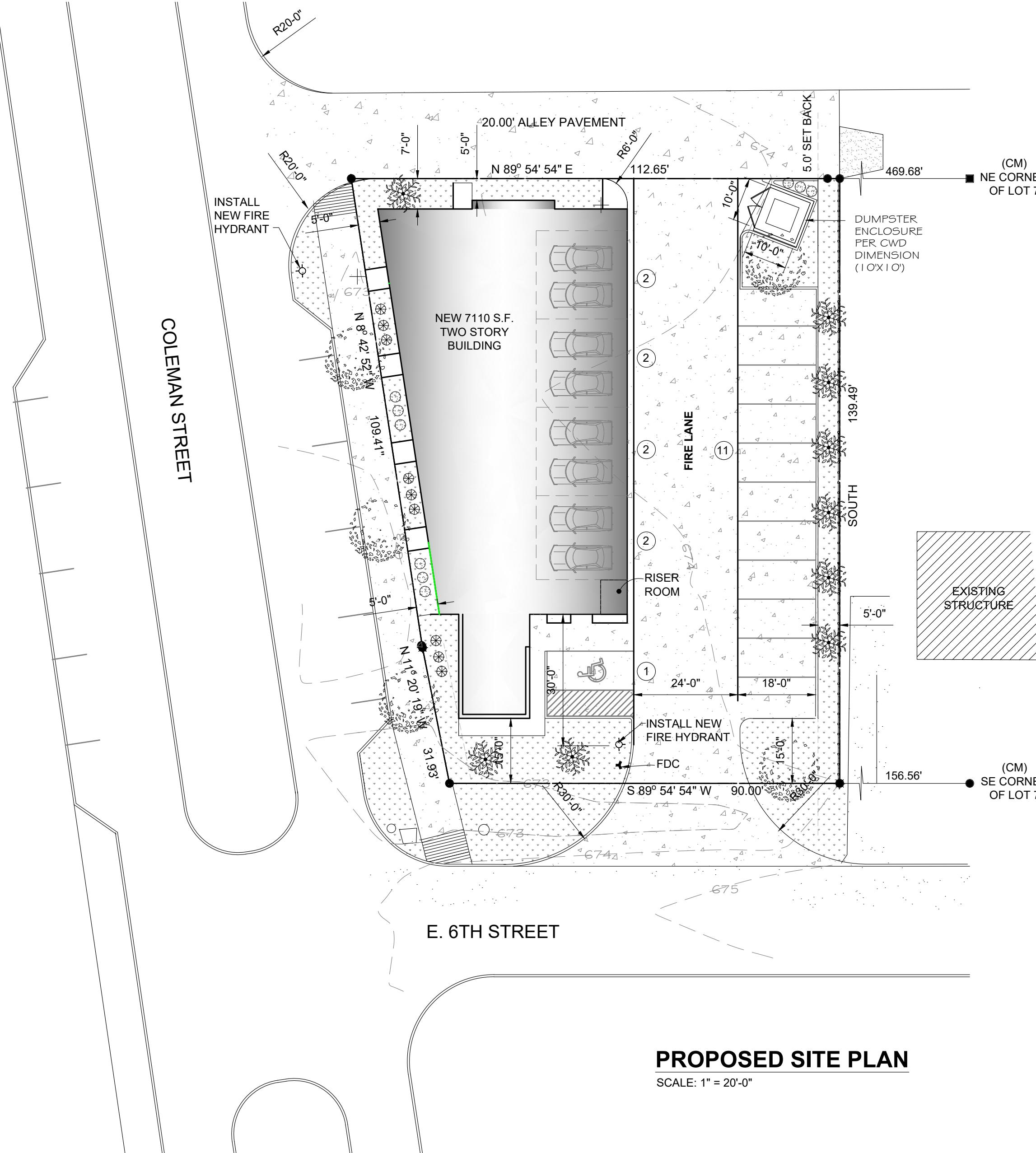
8.1 The sidewalk construction standards within this Planned Development District are as follows:

- The developer shall construct a temporary sidewalk from the parking area along the southern edge of the building and along Coleman Street for access to the businesses on the first floor.

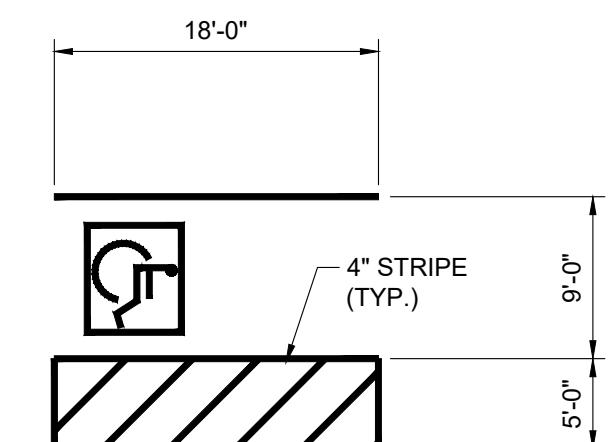
20 10 0 20 40
SCALE: 1"= 20'-0"



NORTH

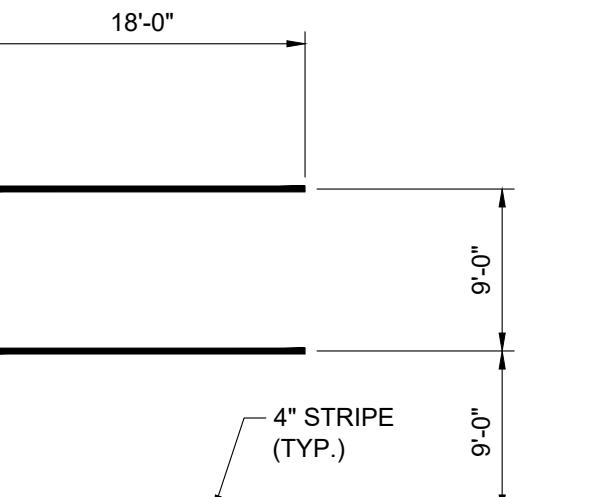


ZONING	
EXISTING ZONING	SINGLE FAMILY-15 (SF-15)
PROPOSED ZONING	
BUILDING	
TOTAL NEW BUILDING AREA 7110 SQ.FT.	
PROPOSED USE	
1ST FLOOR: 2450 SQ.FT. RETAIL/OFFICE	
2ND FLOOR: 4660 SQ.FT. RESIDENTIAL 4-2 BED ROOM UNITS	
BUILDING CONSTRUCTION	WOOD FRAME W/ BRICK VENEER
BUILDING HEIGHT	30'-0" (TWO STORY)
PARKING	
RETAIL/OFFICE PARKING: 2450/250 = 10 SPACES	
RETAIL PARKING PROVIDED 12	
ACCESSIBLE PARKING 1 SPACES (INCLUDED)	
RESIDENTIAL PARKING: 2 x 4 UNITS = 8 SPACES	
RESIDENTIAL PARKING PROVIDED 8	



ACCESSIBLE PARKING STRIPE DETAIL

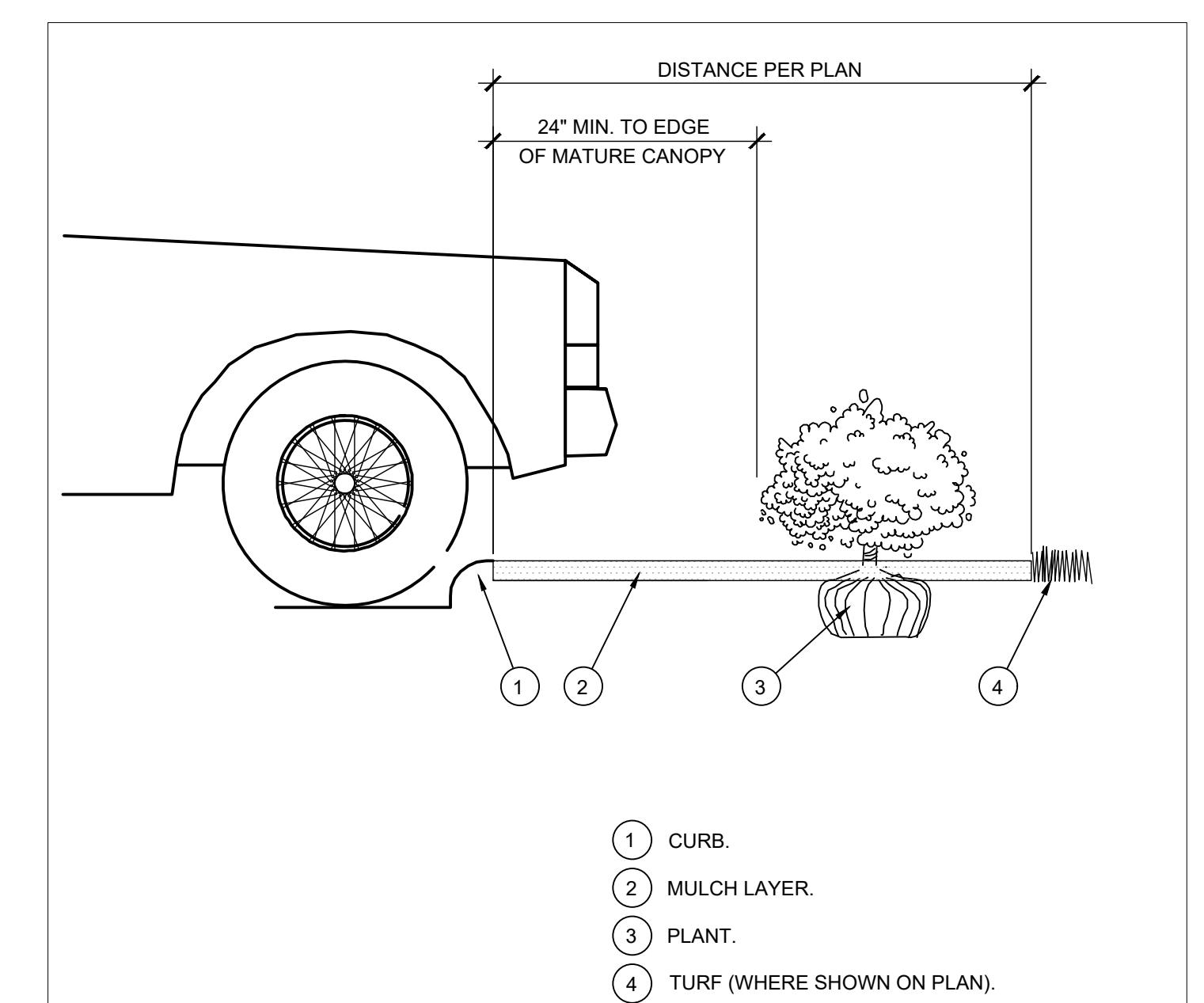
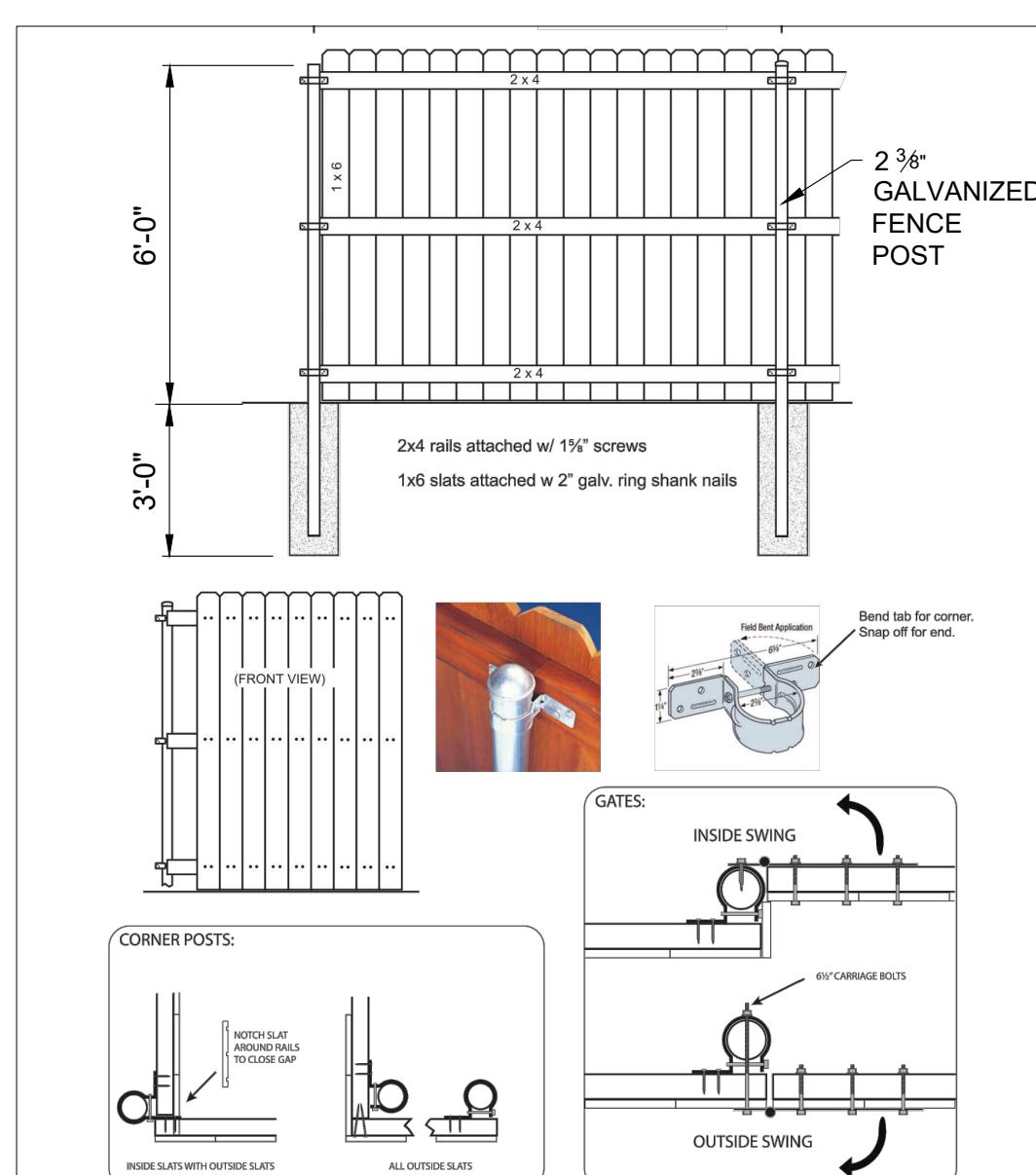
SCALE: 3/32"= 1'-0"



PARKING STRIPE DETAIL

SCALE: 3/32"= 1'-0"

LEGEND	
FH	NEW FIRE HYDRANT
GM	GAS METER
GUY	GUY WIRE
HP	HIGH MASS LIGHT POLE
LP	LIGHT POLE
PP	POWER POLE
SSMH	SANITARY SEWER MANHOLE
TPED	TELEPHONE PEDESTAL
TS	TRAFFIC SIGN
SS	SANITARY SEWER
CO	CLEAN OUT
WM	WATER METER
	GRASS
	CONCRETE
	TRAFFIC DIRECTION
	PAVEMENT SLOPE
	OVERHEAD POWER LINE
	PROPERTY LINE
	CHAIN LINK FENCE
	METAL PRIVACY FENCE
	WOODEN FENCE
	GAS LINE
	EXISTING TREE
	NEW SHADE TREE
	NEW ORNAMENTAL TREE
	NEW SHRUB



PARKING SPACE OVERHANG

NOT TO SCALE

NOTE
THIS DOCUMENT HAS BEEN PREPARED IN PART BASED UPON BOUNDARY, TOPOGRAPHIC, EXISTING UTILITIES, ELEVATIONS OVERALL SITE LAYOUT INCLUDING BUILDING LOCATION, PAVING LAYOUT, PARKING LAYOUT, BUFFER ZONES, EASEMENTS, AND OTHER SURVEYING INFORMATION PROVIDED BY OTHERS AND THE SURVEYS AND SITE LAYOUT WERE PERFORMED BY OTHERS. THE DESIGN PROFESSIONAL CAN NOT ASSURE THE ACCURACY OF THIS INFORMATION PROVIDED BY OTHERS AND THIS IS NOT RESPONSIBLE FOR THE ACCURACY OR ANY ERRORS AND OR OMISSIONS THAT MAY HAVE BEEN INCORPORATED INTO IT. THOSE RELYING ON THIS INFORMATION FOR BIDDING AND CONSTRUCTION PURPOSES, YOU ARE ADVISED TO OBTAIN INDEPENDENT FIELD VERIFICATION OF THE INFORMATION ACCURACY BEFORE APPLYING IT FOR ANY PURPOSE.

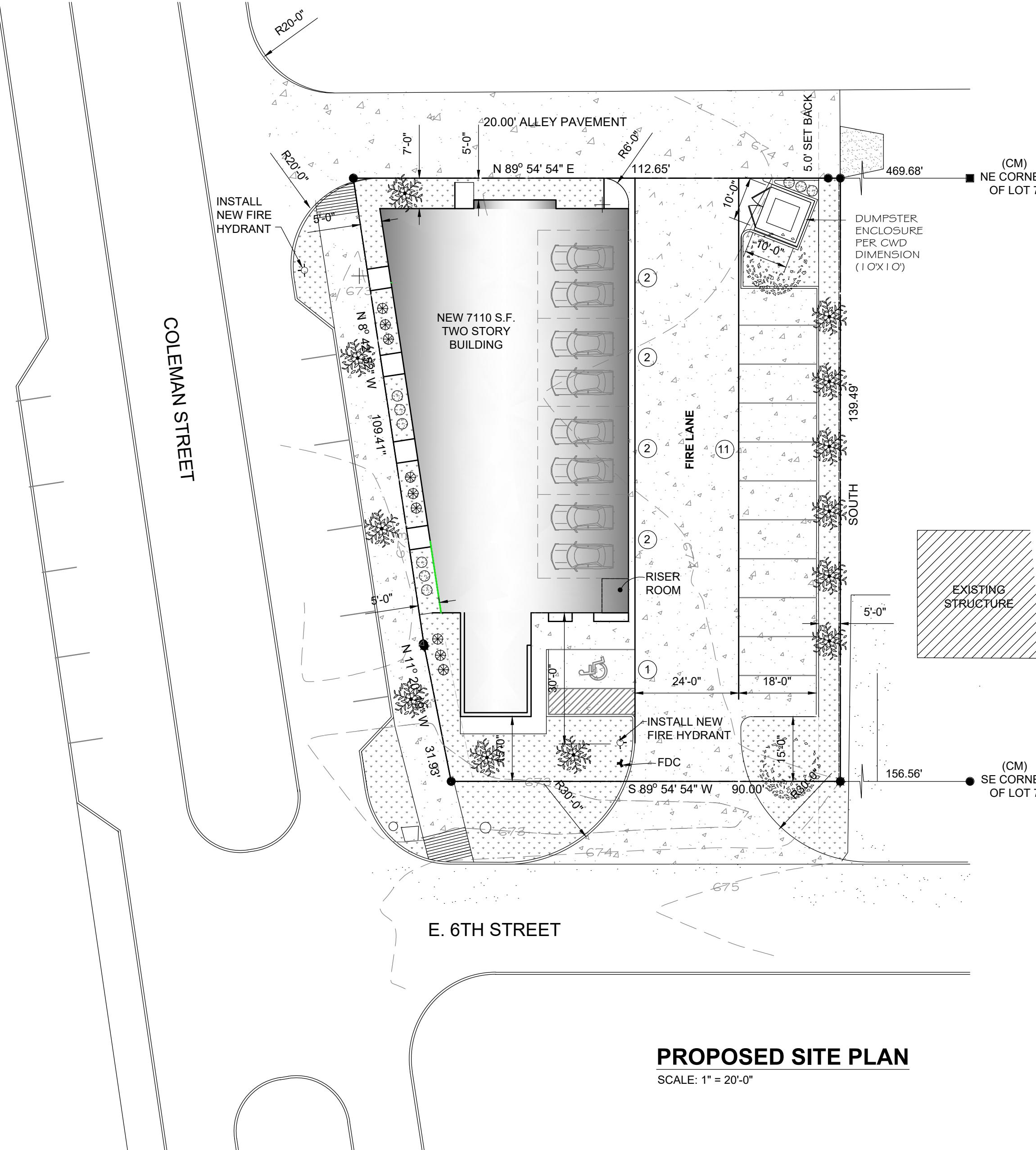
EXHIBIT D: CONCEPTUAL PLAN
PROSPER CENTRAL ADDITION BLOCK 1, LOT 1
ZONE-23-0029

DATE	REVISION	BY
PROPOSED SITE PLAN		
EAST 6TH STREET MIXED USE FACILITY N COLEMAN & E. 6TH STREETS PROSPER, TEXAS 75078		
 THOMAS DESIGN TECHNOLOGIES ENGINEERS DESIGNERS PROJECT MANAGERS 1312 RABBIT RIDGE CEDAR HILL, TEXAS 75104 PHONE: (972) 672-8927 EMAIL: rthomas371@att.net TYPE FIRM REGISTRATION NO. F-0086		
DESIGNED BY: THOMAS DESIGN TECH	CONTRACT NUMBER	23-036
DRAWN BY: THOMAS DESIGN TECH	FILE NAME	E 6th Street Mixed Use Civil Plans.Dwg
REVIEWED BY: OWNER	PLOT SCALE:	AS NOTED
DATE:		FEBRUARY 06, 2024
SHEET NO.		C-2
TOTAL SHEETS		9

20 10 0 20 40
SCALE: 1"= 20'-0"



NORTH



ZONING

EXISTING ZONING
PROPOSED ZONING

SINGLE FAMILY-15 (SF-15)
PLanned DEVELOPMENT (DOWNTOWN OFFICE)

BUILDING

TOTAL NEW BUILDING AREA 7110 SQ.FT.

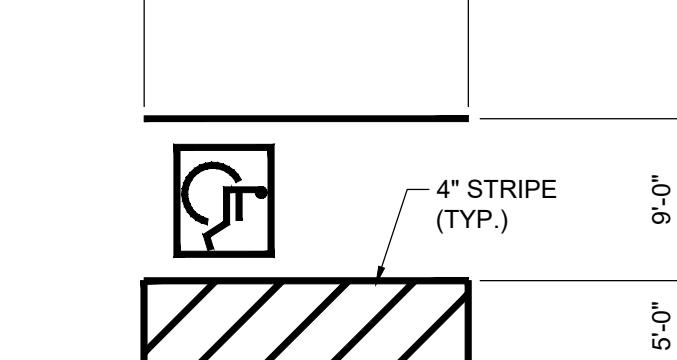
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2ND FLOOR: 4660 SQ.FT. RESIDENTIAL 4-2 BED ROOM UNITS

BUILDING CONSTRUCTION WOOD FRAME W/ BRICK VENEER
BUILDING HEIGHT 30'-0" (TWO STORY)

PARKING

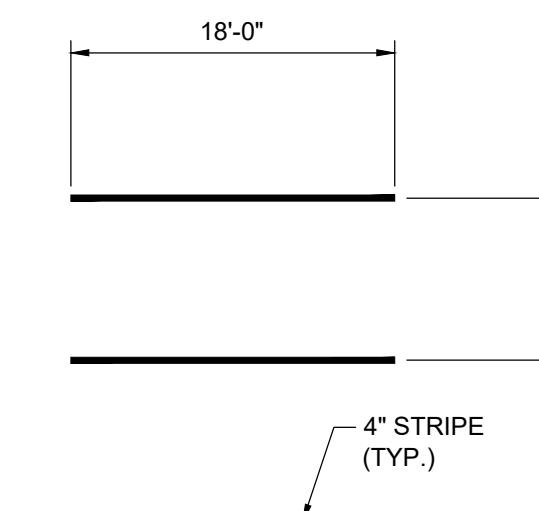
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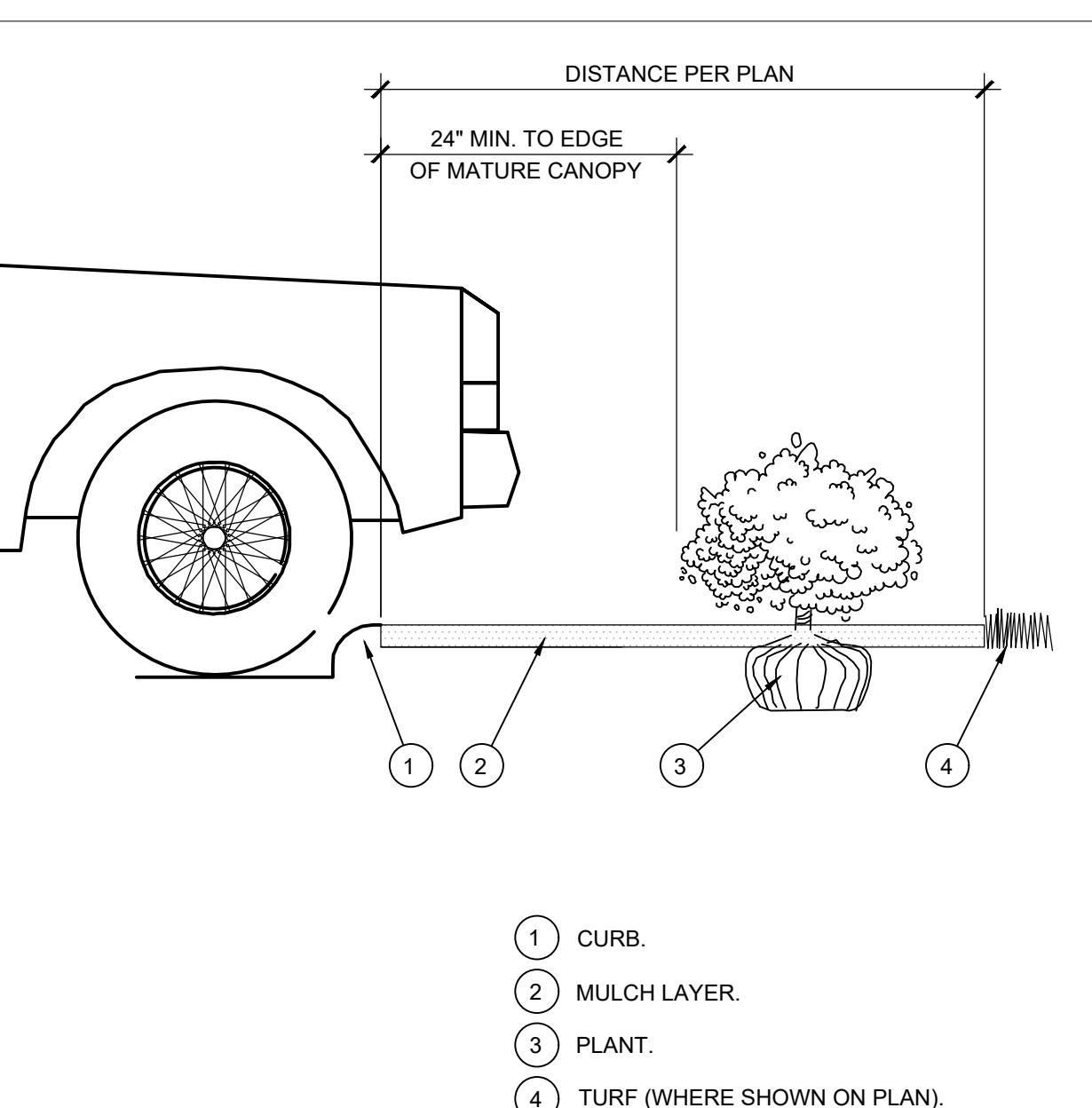
ACCESSIBLE PARKING STRIPE DETAIL

SCALE: 3/32" = 1'-0"



PARKING STRIPE DETAIL

SCALE: 3/32" = 1'-0"

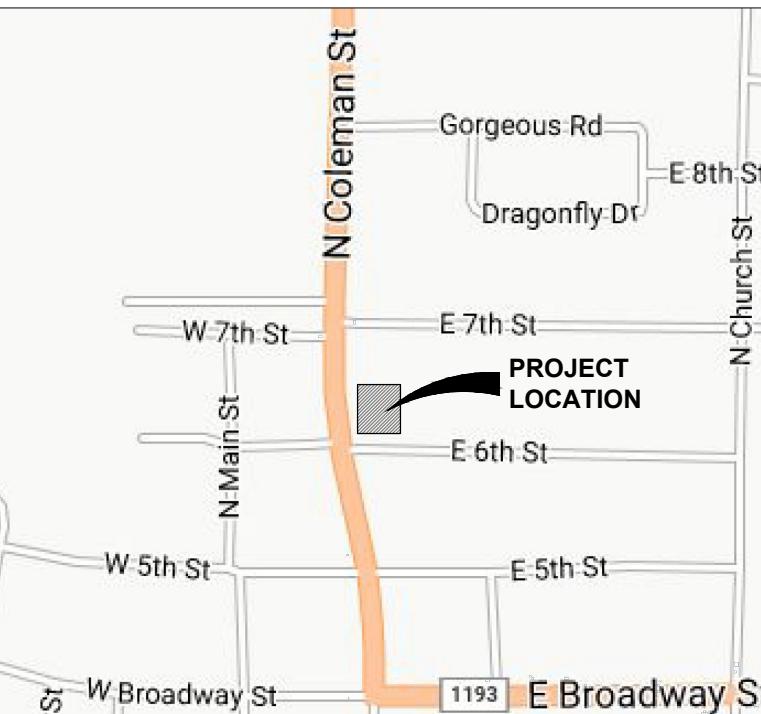


PARKING SPACE OVERHANG

NOT TO SCALE

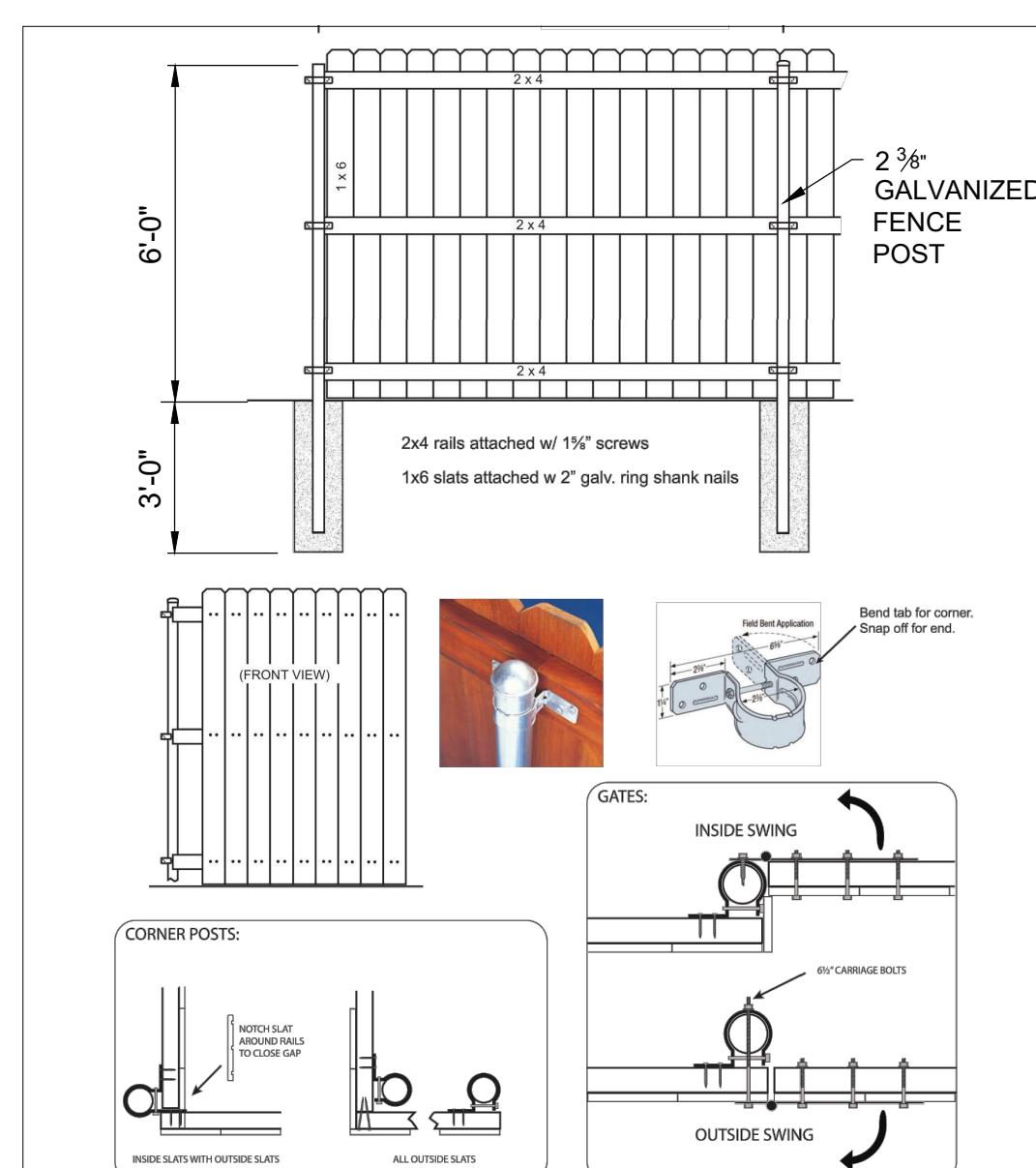
LEGEND

FH	NEW FIRE HYDRANT
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GUY	GUY WIRE
HP	HIGH MASS LIGHT POLE
LP	LIGHT POLE
PP	POWER POLE
SSMH	SANITARY SEWER MANHOLE
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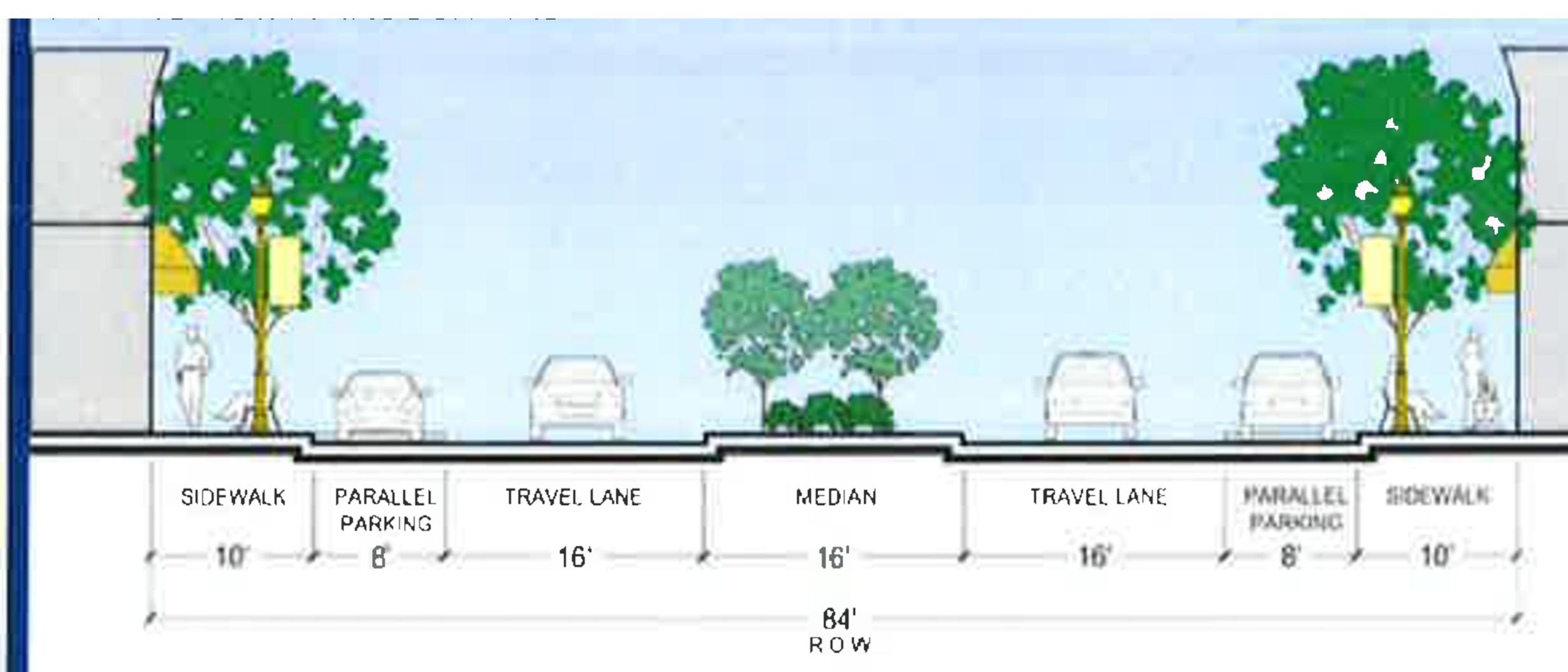
LOCATION MAP

NOT TO SCALE



WOOD SCREENING FENCE DETAILS

NOT TO SCALE

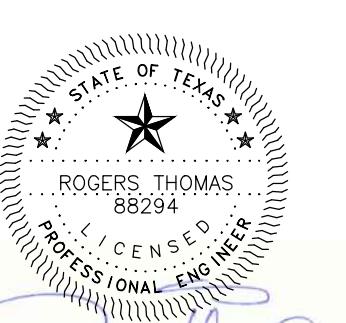


NORTH COLEMAN BUILD OUT SECTION

NOT TO SCALE

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TOTAL SHEETS 9		

PARKING SPACE OVERHANG

NOT TO SCALE

FEBRUARY 06, 2024