

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 2024-10

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING A TRACT OF LAND CONSISTING OF 0.40 ACRES, MORE OR LESS, SITUATED IN THE BRYANT'S ADDITION, BLOCK 11, LOTS 1, 11, AND 12, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS, FROM SINGLE FAMILY-15 (SF-15) TO PLANNED DEVELOPMENT-124 (PD-124), 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-23-0027) from Michael Bryant and Curtis Klieger ("Applicants"), to rezone 0.40 acres of land, more or less, Bryant's Addition, Block 11, Lots 1, 11, and 12, 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 0.40 acres of land, more or less, in the Bryant's Addition, Block 11, Lots 1, 11, and 12, Town of Prosper, Collin County, Texas, and all streets, roads, and alleyways contiguous and/or adjacent thereto are hereby zoned as Planned Development-124 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 Intent and Purpose, attached hereto as Exhibit B; (2) the Development Standards, attached hereto as Exhibit C, 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 THIS 9TH DAY OF JANUARY 2024.



David F. Bristol, Mayor

ATTEST:



Michelle Lewis Sirianni, Town Secretary

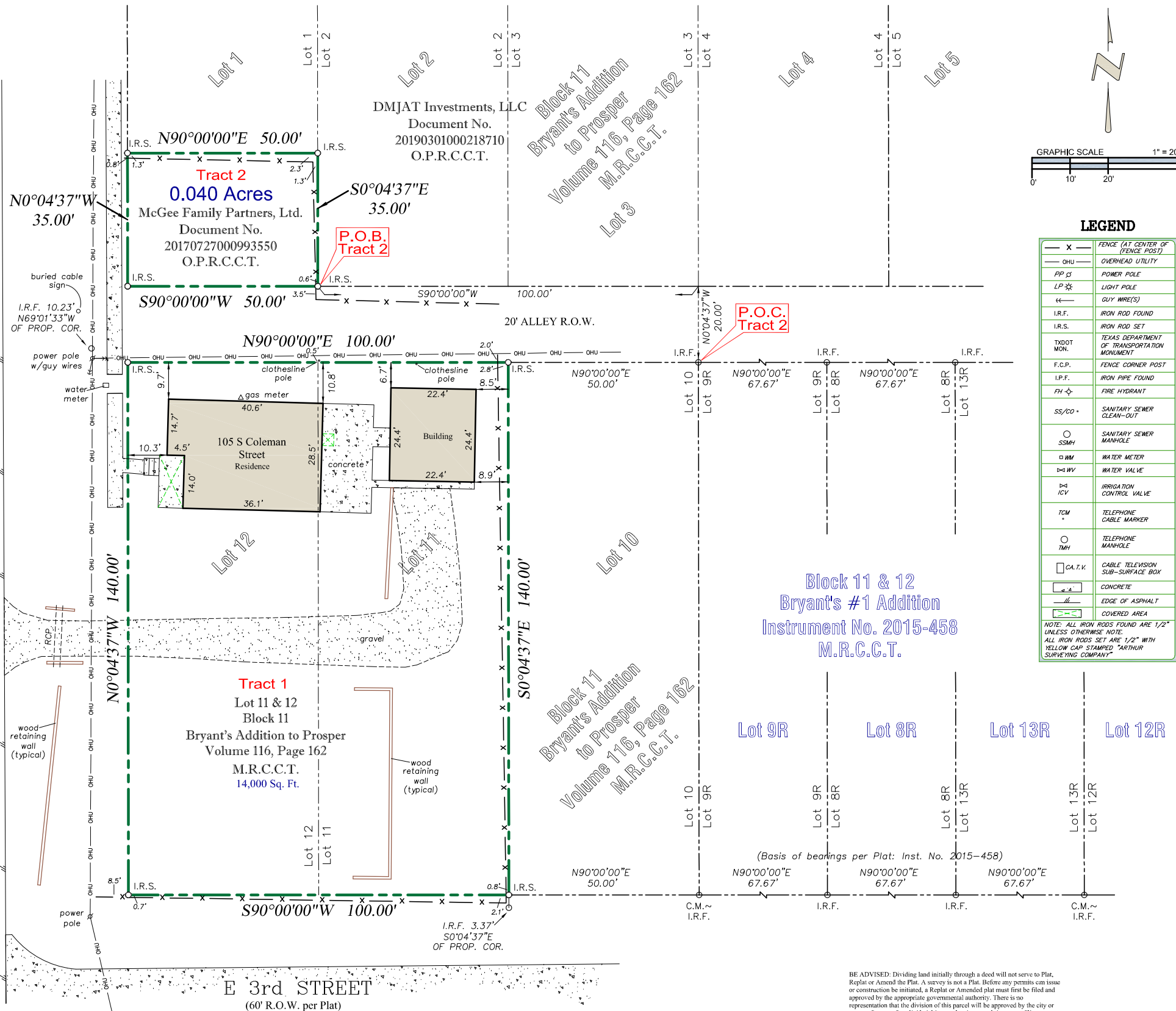
APPROVED AS TO FORM AND LEGALITY:



Terrence S. Welch, Town Attorney



S COLEMAN STREET
(60' R.O.W. per Plat)



LEGAL DESCRIPTION FOR TRACT 1:

BEING Lot 11 and 12, in Block 11, of Bryant's Addition to Prosper an addition to the Town of Prosper, Collin County, Texas, according to the Plat thereof recorded in Volume 116, Page 162, of the Map Records of Collin County, Texas.

LEGAL DESCRIPTION FOR TRACT 2:

BEING a 0.040 acre tract of lands situated in the Town of Prosper, Collin County, Texas, and being a portion of Lot 1, Block 11, of Bryant's Addition to Prosper, an addition to the Town of Prosper, Collin County, Texas, according to the Plat thereof recorded in Volume 116, Page 162, of the Map Records of Collin County, Texas (M.R.C.C.T.), and being that same tract of land described by deed to McGee Family Partners, Ltd., as recorded in Document No. 20170727000993550, of the Official Public Records of Collin County, Texas, and being more particularly described as follows:

COMMENCING from a 1/2 inch iron rod found for the northeast corner of Lot 10 of said Block 11, same being the northwest corner of Lot 9R, Block 11 & 12 of Bryant's #1 Addition, an addition to the Town of Prosper, Collin County, Texas, according to the Plat thereof recorded in Instrument No. 2015-458, M.R.C.C.T., same being in the south line of a 20 foot wide alley right-of-way, same from which a 1/2 inch iron rod found for the northeast corner of said Lot 9R bears North 90 degrees 00 minutes 00 seconds East, a distance of 67.67 feet;

THENCE North 00 degrees 04 minutes 37 seconds West, traversing over and across said 20 foot wide alley, a distance of 20.00 feet to a point for the common south corner of Lots 3 and 4 of said Block 11;

THENCE South 90 degrees 00 minutes 00 seconds West, with the north line of said 20 foot wide alley and with the south lines of said Lot 3 and of Lot 2 of said Block 11, a distance of 100.00 feet to a 1/2 inch capped iron rod stamped "ARTHUR SURVEYING COMPANY" set (I.R.S.) for the southeast corner and POINT OF BEGINNING of the herein described tract, same being the southeast corner of said Lot 1;

THENCE South 90 degrees 00 minutes 00 seconds West, with the north line of said 20 foot wide alley, a distance of 50.00 feet to an I.R.S. for corner, same being in the east line of S Coleman Street (a 60 foot wide right-of-way);

THENCE North 00 degrees 04 minutes 37 seconds West, with the east line of said S Coleman Street, a distance of 35.00 feet to an I.R.S. for corner;

THENCE North 90 degrees 00 minutes 00 seconds East, traversing over and across said Lot 1, a distance of 50.00 feet to an I.R.S. for corner, same being in the west line of said Lot 2;

THENCE South 00 degrees 04 minutes 37 seconds East, with the west line of said Lot 2, a distance of 35.00 feet to the POINT OF BEGINNING and containing a total of 0.040 acres of land, more or less, and being subject to any and all easements that may affect.

BOUNDARY SURVEY

Lots 11 & 12 and a
0.040 Acre Portion of Lot 1, Block 11
Bryant's Addition to Prosper
Town of Prosper, Collin County, Texas

PC/TECH: RB/SWIM DATE: 02-24-20 SCALE: 1"= 20' ASC NO.: 2002.4771



(mailing address)
105 S Coleman Street
Prosper, Texas



The undersigned have/has received and reviewed a copy of this survey.

X
X
X
Date:

NATIONAL TITLE
LATHAM PDS & ASSOCIATES / GARY MILLER TEAM
3360 Long Prairie Road, Suite 200
Flower Mound, Texas
Ph.: 972.221.3521

SURVEYOR'S CERTIFICATION: The undersigned does hereby certify to National Title (G.F.# 662000103), that this survey was this day made on the ground of the property legally described hereon and is correct and to the best of my knowledge, there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or rights of way that I have been advised of except as shown hereon.

FLOOD NOTE: It is my opinion that the property described hereon is not within the 100-year flood zone area according to the Federal Emergency Management Agency Flood Insurance Rate Map Community-Panel No. 480141 0235 J, present effective date of map, June 2, 2009, herein property situated within Zone "X".

ARTHUR
LAND SURVEYING
220 Elm St., # 200 - Lewisville, TX 75057
Ph. 972.221.9439 - TFRN# 10063800
arthursurveying.com Established 1986

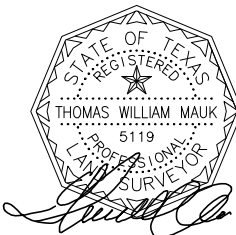


EXHIBIT "B"
PROSPER RE HOLDINGS LLC
Statement of Intent and Purpose

May 2, 2023

To Whom It May Concern,

This letter is to state our intent in regard to 105 S Coleman, Prosper, Texas 75078. Prosper RE Holdings LLC is the owner of the property and this partnership is managed by Michael Bryant and Curtis Klieger. Michael Bryant is the managing partner of Blumka Bryant CPAs LLC and Curtis Klieger is the managing partner of Stonewater Financial Services.

Our intent is to build a commercial building at 105 S Coleman that will house both of our firms. Additionally, we would like to offer rental space for tenants seeking either retail or office space. Our firms will occupy the second floor and the tenants will occupy the first floor. We want to work with the city to determine whether the rental space is best used for office or retail tenants. Being an entry point to Downtown Prosper, we want to build a structure that reflects the exciting development taking place already.

Thanks in advance, we are looking forward to meeting and working with everyone beautifying our home and making it a destination for future residents and businesses.

Sincerely,

Michael Bryant

407-982-0700

michael@blumkabryant.com

2929 N CENTRAL EXPRESSWAY SUITE 270, RICHARDSON, TX 75080

972-437-1918 MICHAEL@BLUMKABRYANT.COM

Exhibit “C”
Development Standards

This tract shall develop under the regulation of the Downtown Retail (DTR) 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
- Antique Shop and Used Furniture (First Floor Only)
- Artisan’s Workshop (First Floor Only)
- Business Service (First Floor Only)
- Insurance Office
- Museum/Art Gallery (First Floor Only)
- Retail Stores and Shops (First Floor Only)
- Retail/Service Incidental Use (First Floor Only)

2.0 Landscaping

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

- 5’ Landscaping Buffer around the northern, eastern, southern, and western property lines.
- The eastern landscape island on Tract 2 shall not be required and may be used for an additional parking space.

3.0 Architectural Standards

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

- All construction shall have an approved façade plan before issuance of a building permit.
- The primary building material shall be clay fired brick. Natural stones and other masonry materials are encouraged for architectural details and accents.
- Awnings and canopies shall be architectural materials that complement the building such as metal flashing, wood trim, or fabric. Vinyl shall not be permitted.
- Choice of color for the primary façade, various architectural elements, or details shall be compatible with the overall visual qualities existing within the original downtown portion of the town.



PARKING NOTE : 25% REDUCTION PARKING

LEGAL DESCRIPTION FOR TRACT 2:
BEING A 0.040 ACRE TRACT OF LANDS SITUATED IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS, AND BEING A PORTION OF LOT 1, BLOCK 11, OF BRYANT'S ADDITION TO PROSPER, AN ADDITION TO THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 116, PAGE 162, OF THE MAP RECORDS OF COLLIN COUNTY, TEXAS (M.R.C.C.T.), AND BEING THAT SAME TRACT OF LAND DESCRIBED BY DEED TO MCGEE FAMILY PARTNERS, LTD., AS RECORDED IN DOCUMENT NO. 20170727000993550, OF THE OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS,

A north arrow pointing upwards, labeled 'N'. Below it is a graphic scale bar with markings at 0, 20, and 40 feet. The text 'SCALE: 1" = 20\'' is centered below the scale bar.



JD RIVER CONSTRUCTION
HOUSTON 2 LLC
We enrich your life
Blueprint-Permit-Construction

3302 CANAL ST 21, HOUSTON, TX 77003
TEL +1(214) 462 0683 www.jdriverco.com

OWNER:
CURTIS KLIEGER
OWNER ADDRESS:
7021 ROYAL VIEW DR. MCKINNEY TX 75070

REVIEW BY:	DRAWN BY:	DATE	FILE	NUMBER	SHEET
L.D.J.	J.D.R DALLAS	DATE BEGUN OF PROJECT 09/22/2023	----	----	C1.00