

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 2024-78

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING A TRACT OF LAND CONSISTING OF 71.1 ACRES, MORE OR LESS, SITUATED IN THE PROSPER BUSINESS PARK, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS, FROM PLANNED DEVELOPMENT-26 (PD-26) TO PLANNED DEVELOPMENT-26 (PD-26), 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-24-0023) from Rocky Hussman ("Applicant"), to rezone 71.1 acres of land, more or less, Prosper Business Park, 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 71.1 acres of land, more or less, in the Prosper Business Park, Town of Prosper, Collin County, Texas, and all streets, roads, and alleyways contiguous and/or adjacent thereto are hereby zoned as Planned Development-26 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 Site Plan, attached hereto as Exhibit D, all of which are incorporated herein for all purposes as if set forth verbatim.

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 10TH DAY OF DECEMBER, 2024.


David F. Bristol, Mayor

ATTEST:


Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:


Terrence S. Welch, Town Attorney



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.

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David F. Bristol, Mayor

ATTEST:

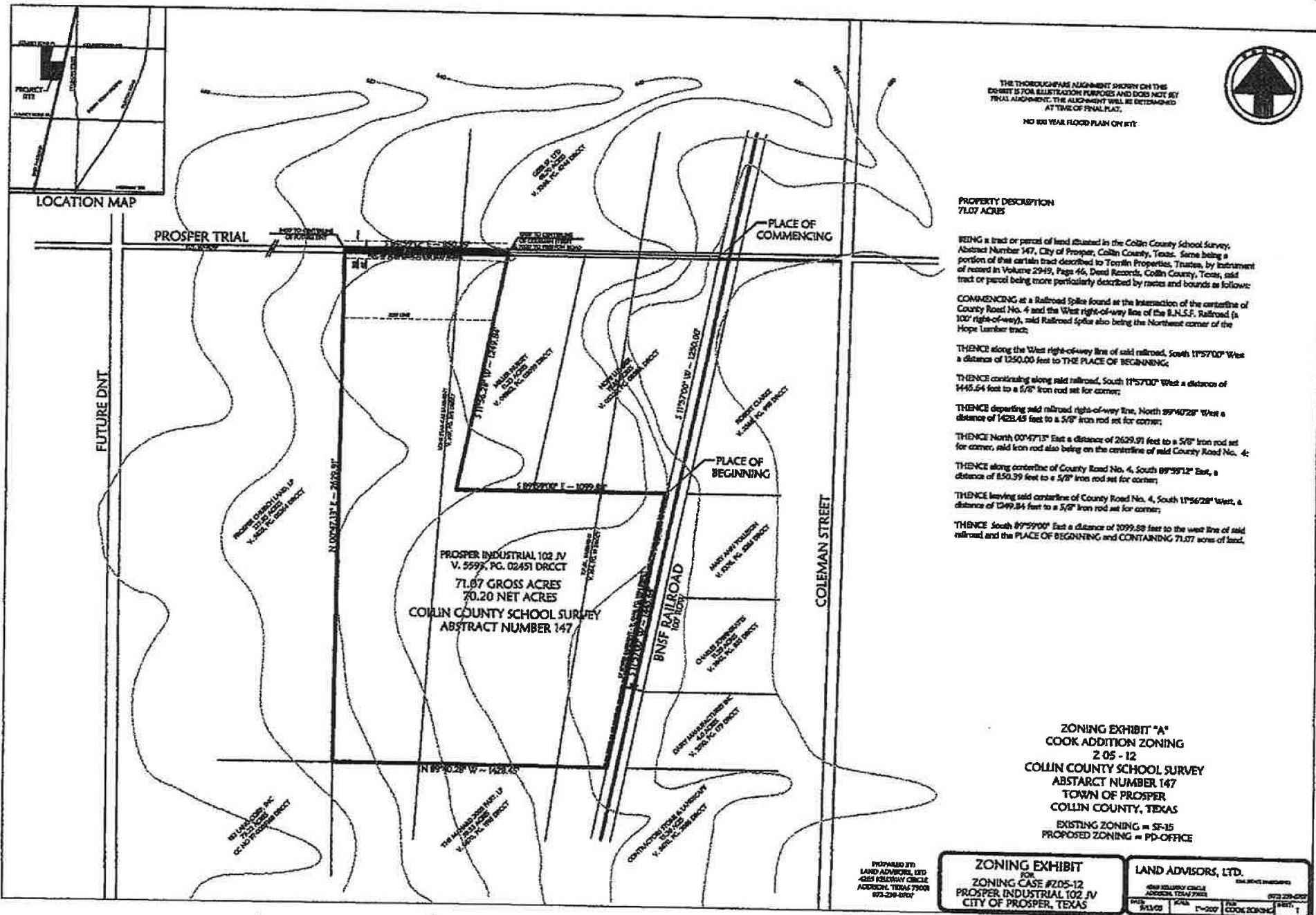


Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney





THE THOROUGHFARE ALIGNMENT SHOWN ON THIS
DRAWING IS FOR ILLUSTRATION PURPOSES AND DOES NOT SET
FINAL ALIGNMENT. THE ALIGNMENT WILL BE DETERMINED
AT TIME OF FINAL PLAT.
NO 100 YEAR FLOOD PLAIN ON R/W

PROPERTY DESCRIPTION
71.07 ACRES

BEING a tract or parcel of land situated in the Collin County School Survey, Abstract Number 147, City of Prosper, Collin County, Texas. Same being a portion of that certain tract described to Tovin Properties, Trustee, by instrument of record in Volume 2949, Page 46, Deed Records, Collin County, Texas, said tract or parcel being more particularly described by rates and bounds as follows:

COMMENCING at a Railroad Spike found at the intersection of the centerline of County Road No. 4 and the West right-of-way line of the B.N.S.F. Railroad (a 100' right-of-way), said Railroad Spike also being the Northeast corner of the Hope Lumber tract;

THENCE along the West right-of-way line of said railroad, South 11°57'00" West a distance of 1250.00 feet to THE PLACE OF BEGINNING;

THENCE continuing along said railroad, South 11°57'00" West a distance of 1445.64 feet to a 5/8" iron rod set for corner;

THENCE departing said railroad right-of-way line, North 89°40'28" West a distance of 1423.45 feet to a 5/8" iron rod set for corner;

THENCE North 00°47'13" East a distance of 2629.91 feet to a 5/8" iron rod set for corner, said iron rod also being on the centerline of said County Road No. 4;

THENCE along centerline of County Road No. 4, South 89°35'12" East, a distance of 850.39 feet to a 5/8" iron rod set for corner;

THENCE leaving said centerline of County Road No. 4, South 11°56'28" West, a distance of 1249.84 feet to a 5/8" iron rod set for corner;

THENCE South 89°59'00" East a distance of 1099.58 feet to the west line of said railroad and the PLACE OF BEGINNING, and CONTAINING 71.07 acres of land,

ZONING EXHIBIT "A"
COOK ADDITION ZONING
Z 05 - 12
COLLIN COUNTY SCHOOL SURVEY
ABSTRACT NUMBER 147
TOWN OF PROSPER
COLLIN COUNTY, TEXAS
EXISTING ZONING = SF-15
PROPOSED ZONING = PD-OFFICE

ZONING EXHIBIT
FOR
ZONING CASE #205-12
PROSPER INDUSTRIAL 102 JV
CITY OF PROSPER, TEXAS

LAND ADVISORS, LTD.
4000 BELLEVUE CIRCLE
ADDENDUM TO MAP
DATE: 01/13/08
SCALE: 1"=200'
FILE: COOK ZONING
SHEET: 1

PREPARED BY:
LAND ADVISORS, LTD.
4000 BELLEVUE CIRCLE
ADDENDUM TO MAP
01/13/08

ZONE-24-0023

Exhibit "B"

Letter of Intent

The purpose of this amendment of Ordinance No. 17-85 (Planned Development-26) is to reduce the minimum side yard setback for the building on Prosper Business Park, Block B, Lot 9, adjacent to Technology Lane. The reduced setback will allow for increased screening of the storage yard to the east of the property.

ZONE-24-0023

Exhibit "C"

Development Standards

This tract shall develop under the regulations of Ordinance No. 17-85 (Planned Development-26) as it exists or may be amended with the following amendments:

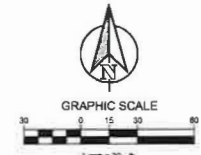
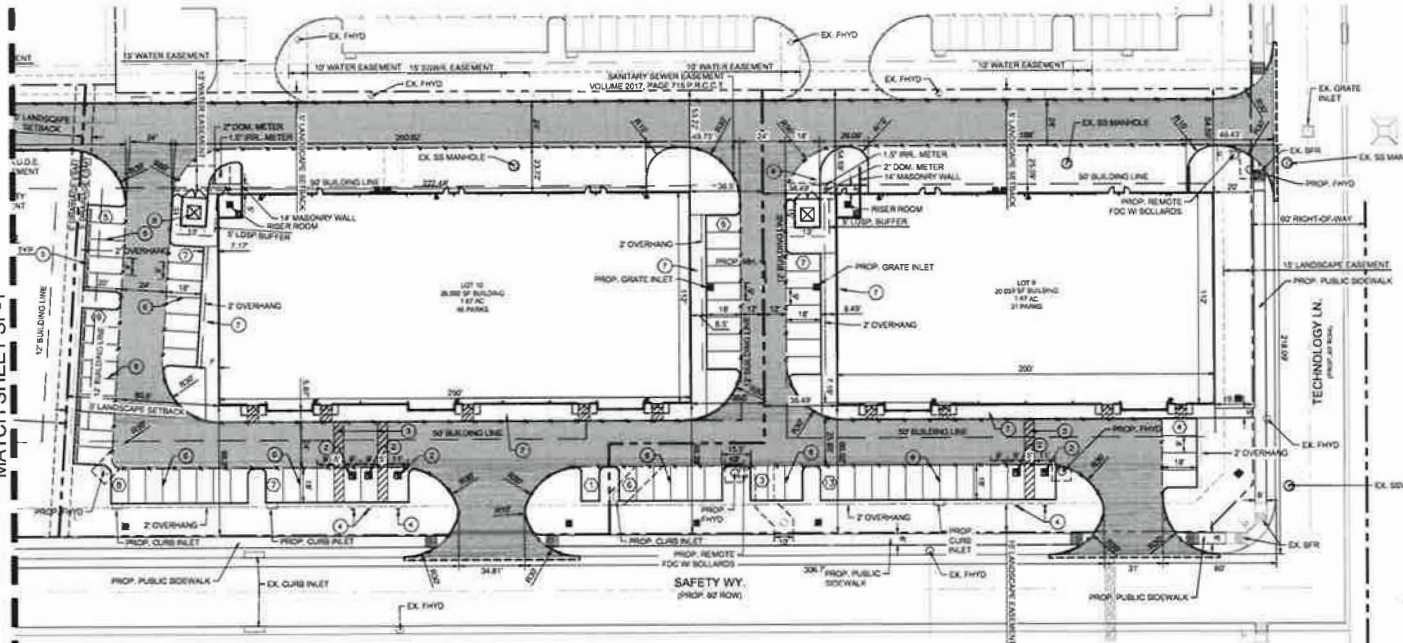
1.0 Size of Yards

1.1 The setback requirements within this Planned Development District are amended as follows:

- **Minimum Side Yard:**
 - Twenty (20) feet adjacent to Technology Lane for the building constructed on Prosper Business Park, Block B, Lot 9.

PLANNED BY: SOUTHWEST RURAL
PLANNED DATE: 11/1/2024, 9:32 AM
LOCATION: 2. PROSPECTS (VIRIDICITY) 0922-054 CROSSLAND PHASE 6 (CROSS) (SHEETS) SITE PLAN SP-1
LAST DATED: 11/22/24, 12:29 AM

MATCH SHEET SP-1



CONSTRUCTION SCHEDULE

NO.	DESCRIPTION
1	PROPOSED HANDICAP SYMBOL
2	PROPOSED PAVEMENT STRIPING
3	PROPOSED HANDICAP SIGN
4	PROPOSED CURB STOP
5	4" PARKING STALL STRIPING COLOR WHITE (TYP)
6	PROPOSED CONCRETE SIDEWALK
7	CONCRETE WITH 6" T MASONRY ENCLOSURE (REFER TO ARCHITECTURAL PLANS FOR DETAILS)

REMARKS:
NO. 1: "ACT" AT THE TERMINUS OF THE EXISTING SIDEWALK ON THE WEST SIDE OF COOK LANE, 1/4" EAST SOUTH OF THE CENTERLINE INTERSECTION OF COOK LANE AND PROSPECT TRAIL. ELEV. 628.50'
NO. 2: SQUARE CUT ON THE SOUTH END OF A HEADWALL, ON THE EAST SIDE OF COOK LANE, 1/4" SOUTH OF THE CENTERLINE INTERSECTION OF COOK LANE AND PROSPECT TRAIL. ELEV. 628.12'

GENERAL SITE PLAN NOTES:
1. ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
2. REFER TO ARCHITECTURAL PLANS FOR BUILDING DIMENSIONS AND EXACT DOOR LOCATIONS.
3. REFER TO ARCHITECTURAL PLANS FOR FENCE AND GATE DETAILS.

NOTES:
• ALL DEVELOPMENT STANDARDS SHALL FOLLOW TOWN STANDARDS.
• LANDSCAPING SHALL CONFORM TO LANDSCAPE PLANS APPROVED BY THE TOWN OF PROSPER.
• ALL DEVELOPMENT STANDARDS SHALL FOLLOW FIRE REQUIREMENTS PER THE TOWN OF PROSPER.
• HANDICAPPED PARKING AREAS AND BUILDING ACCESSIBILITY SHALL CONFORM TO THE AMERICANS WITH DISABILITIES ACT (ADA) AND WITH THE REQUIREMENTS OF THE CURRENT, ADOPTED BUILDING CODE.
• IMPACT FEES WILL BE ASSESSED IN ACCORDANCE WITH THE LAND USE CLASSIFICATION(S) IDENTIFIED ON THE SITE DATA SUMMARY TABLE; HOWEVER, CHANGES TO THE PROPOSED LAND USE AT THE TIME OF CO AND/OR FINISH-OUT PERMIT MAY RESULT IN ADDITIONAL IMPACT FEES AND/OR PARKING REQUIREMENTS.
• THE APPROVAL OF A PRELIMINARY SITE PLAN SHALL BE EFFECTIVE FOR A PERIOD OF TWO (2) YEARS FROM THE DATE THAT THE PRELIMINARY SITE PLAN IS APPROVED BY THE PLANNING & ZONING COMMISSION. AT THE END OF WHICH TIME THE APPLICANT MUST HAVE SUBMITTED AND RECEIVED THE APPROVAL OF A SITE PLAN BY THE PLANNING & ZONING COMMISSION. IF A SITE PLAN IS NOT APPROVED WITHIN SUCH TWO (2) YEAR PERIOD, THE PRELIMINARY SITE PLAN APPROVAL IS NULL AND VOID. IF SITE PLAN APPROVAL IS ONLY FOR A PORTION OF THE PROPERTY, THE APPROVAL OF THE PRELIMINARY SITE PLAN FOR THE REMAINING PROPERTY SHALL BE NULL AND VOID.
• OPEN SPACE REQUIREMENTS SHALL FOLLOW THE ZONING ORDINANCE, PER TRACT. OPEN SPACE SHALL NOT INCLUDE VEHICULAR PAVING, REQUIRED PARKING LOT LANDSCAPE ISLANDS, BUILDING FOOTPRINT, UTILITY YARDS, REQUIRED LANDSCAPE SETBACKS, SIDEWALKS, AND DETENTION POND.

WATER METER SCHEDULE					
LOT	SYMBOL	TYPE	SIZE	NO.	REMARKS
LOT 9	⊕	DOM	2"	1	PROPOSED
	⊖	IRR	1.5"	1	PROPOSED
LOT 10	⊕	DOM	2"	1	PROPOSED
	⊖	IRR	1.5"	1	PROPOSED
LOT 11	⊕	DOM	2"	1	PROPOSED
	⊖	IRR	1.5"	1	PROPOSED

SITE DATA SUMMARY

LOT	ZONING	PROPOSED USE	LOT SIZE (ACRES)	LOT SIZE (SQ. FT.)	BUILDING AREA (SQ. FT.)	BLDG. HGT. (FT. + ST.)	LOT COVERAGE				PARKING				HANDICAP SP.				TOTAL IMPERVIOUS (SQ. FT.)	PARKING LOT LANDSCAPING		OPEN SPACE		INTERIOR LANDSCAPING	
							REQ.	PROV.	REQ.	PROV.	REQ.	PROV.	REQ.	PROV.	REQ.	PROV.	REQ.	PROV.		REQ. (15 SF PER PARKING SPACE)	PROV.	REQ. (7% SITE AREA, 50 FT.)	PROV.	REQ. (15 SF PER PARKING SPACE)	PROV.
9	PD-26	OFFICE (60,125 SF) WAREHOUSE (14,007 SF)	0.47	63,938	39,439	20' - 1 STORY	50% MAX	31.3%	0.5:1 MAX	0.075:1	1 SPACE / 150 SF (Office)	33	33	2	2	59,489	964	495	1,708	4,476	2,305	495	3,987		
10	PD-26	OFFICE (6,428 SF) WAREHOUSE (21,564 SF)	1.57	84,438	28,002	20' - 1 STORY	50% MAX	36.4%	0.5:1 MAX	0.075:1	1 SPACE / 150 SF (Office)	40	46	2	2	77,369	958	670	1,860	5,713	2,389	680	7,506		
11	PD-26	OFFICE (6,700 SF) WAREHOUSE (15,736 SF)	2.36	102,644	22,496	20' - 1 STORY	50% MAX	23.9%	0.5:1 MAX	0.075:1	1 SPACE / 150 SF (Office)	36	40	2	2	80,839	786	630	1,451	11,766	20,997	660	73,049		

SITE PLAN
CASE# DEVAPP-23-0138
PROSPER BUSINESS PARK, BLOCK 8, LOTS 9-11

OWNER:
CROSSLAND TEXAS INDUSTRIAL
861 N. COLLEMAN ST
PROSPER, TX 76788
Ph: 817 347 8888

CONTACT NAME: ROOBY HUSMAN

ARCHITECT/ENGINEER:
CLAYMOORE ENGINEERING, INC.
1383 CENTRAL DRIVE, SUITE 400
BEDFORD, TX 76021
Ph: 817 281 2522

CONTACT NAME: OWEN DONOHOO

ALLIANCE ARCHITECTS:
1800 N. COLLEMAN BLVD. STE #1300
RICHARDSON, TX 75080
Ph: 972 230 0600

CONTACT NAME: ZACH WELBY

LEGAL DESCRIPTION:
PROSPER BUSINESS PARK, BLOCK 8, LOTS 9-11

CITY: TOWN OF PROSPER
COUNTY: COLLIN COUNTY

STATE: TEXAS
ASSISTANT NO: 147

CLAYMOORE ENGINEERING
11/1/2024

**PROSPER BUSINESS PARK
PHASE 6
PROSPER, TX**

SITE PLAN (2 OF 2)

**SHEET
SP-1**