

**AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, AMENDING PROSPER'S ZONING ORDINANCE BY REZONING A TRACT OF LAND CONSISTING OF 9.136 ACRES, MORE OR LESS, SITUATED IN THE L. NEATHERLY SURVEY, ABSTRACT NO. 962, IN THE TOWN OF PROSPER, DENTON COUNTY, TEXAS, FROM OFFICE (O) TO PLANNED DEVELOPMENT-OFFICE (PD-O); 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 Z21-0011) from Prosper Professional Centre, LLC ("Applicant"), to rezone 9.136 acres of land, more or less, in the L. Neatherly Survey, Abstract No. 962, in the Town of Prosper, Denton County, Texas, from Office (O) to Planned Development-Office (PD-O) 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, adopted by Ordinance No. 05-20 is amended as follows: The zoning designation of the below described property containing 9.136 acres of land, more or less, in the L. Neatherly Survey, Abstract No. 962, in the Town of Prosper, Denton County, Texas, (the "Property") and all streets, roads, and alleyways contiguous and/or adjacent thereto is hereby zoned as Planned Development-Office (PD-O) 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 the Development Standards, attached hereto as Exhibit B, which is 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 No. 05-20, or 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 No. 05-20 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 14<sup>TH</sup> DAY OF DECEMBER 2021.**

  
\_\_\_\_\_  
Ray Smith, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Michelle Lewis Sirianni, Town Secretary

**APPROVED AS TO FORM AND LEGALITY:**

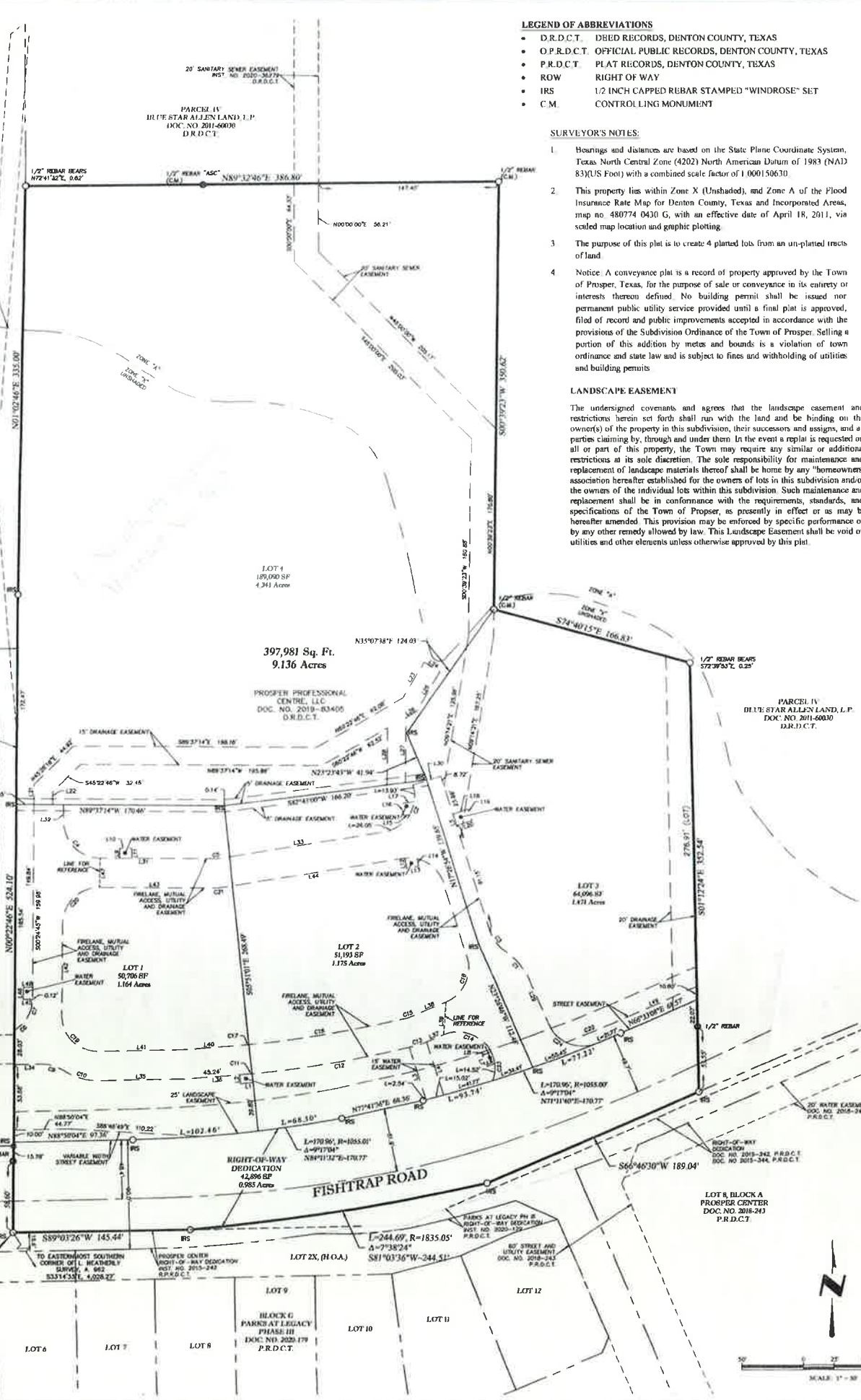
  
\_\_\_\_\_  
Terrence S. Welch, Town Attorney





Line #	Distance	Bearing
1.1	8.87	N85°42'23"E
1.2	7.47	S04°14'30"W
1.3	45.07	N17°38'34"W
1.4	43.88	S17°38'34"W
1.5	123.88	N17°38'34"W
1.6	6.36	N88°32'14"E
1.7	10.00	S23°34'48"W
1.8	7.44	S68°37'14"W
1.9	8.02	N00°00'00"E
2.0	10.00	N00°00'00"E
2.1	11.07	S00°00'00"E
2.2	8.47	N00°00'00"E
2.3	10.00	S00°00'00"E
2.4	6.35	S09°03'37"E
2.5	5.53	N00°00'00"E
2.6	10.00	N00°00'00"E
2.7	10.48	S01°54'38"W
2.8	13.17	N72°34'56"E
2.9	10.60	S17°25'04"E
3.0	13.12	S72°34'56"E
3.1	18.86	N00°00'00"E
3.2	10.37	S00°00'00"E
3.3	33.86	N03°22'46"E
3.4	15.00	S08°37'14"W
3.5	37.88	S01°22'46"W
3.6	10.16	S00°00'00"E
3.7	24.85	S00°00'00"E
3.8	44.82	N00°00'00"E
3.9	39.88	S23°34'48"W
4.0	24.90	S72°34'56"E

Line #	Distance	Bearing
1.31	83.17	N89°37'14"W
1.32	13.57	N00°24'45"E
1.33	135.86	S00°56'18"W
1.34	22.57	S00°00'00"E
1.35	88.82	S00°00'00"E
1.36	32.49	N00°00'00"E
1.37	18.16	S01°17'42"W
1.38	30.31	S07°17'42"W
1.39	28.01	N04°15'32"E
1.40	52.82	S05°45'25"W
1.41	88.14	S08°58'00"W
1.42	74.57	N00°24'45"E
1.43	83.07	S00°00'00"E
1.44	148.18	N01°54'38"W
1.45	7.50	N89°37'14"W
1.46	10.00	S00°24'45"W
1.47	24.00	S00°24'45"W
1.48	7.50	N89°37'14"W
1.49	73.88	S08°37'14"W



STATE OF TEXAS §  
COUNTY OF DENTON §

This is to certify that I, Mark N. Peoples, a Registered Professional Land Surveyor of the State of Texas, have platted the subdivision from an actual survey on the ground, and that this plat correctly represents that survey made by me or under my direction and supervision.

Mark N. Peoples, R.P.L.S., No. 6443

STATE OF TEXAS §  
COUNTY OF DENTON §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Mark N. Peoples, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 18<sup>th</sup> day of September, 2020

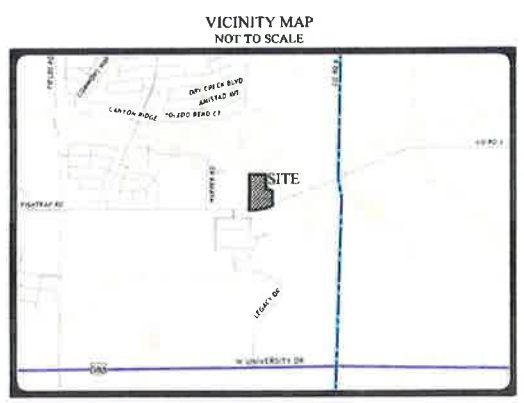
Notary Public in and for the State of Texas

**ACCESS EASEMENT**

The undersigned covenants and agrees that the access easement(s) may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of general vehicular use and access, and for the Fire Department, Police, and emergency use in, along, upon, and across said premises, with the right and privilege at all times of the Town of Prosper, its agents, employees, workmen, and representatives having ingress, egress, and regress in, along, upon, and across said premises.

**FIRE LANE EASEMENT**

The undersigned covenants and agrees that he (they) shall construct upon the Fire Lane Easements, as dedicated and shown hereon, a hard surface paved in accordance with town standards and that he (they) shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstructions, including but not limited to the parking, loading, or unloading of motor vehicles, trailers, boats, or other impediments to the access of fire apparatus. The maintenance of pavement in accordance to town standards of the Fire Lane Easements is the responsibility of the owner, and the owner shall post and maintain signage in accordance to town standards in conspicuous places along the Fire Lane, stating "Fire Lane, No Parking". The police or their duly authorized representative is hereby authorized to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for Fire Department and emergency use.



**Curve Data Table**

Curve #	Area	Radius	Delta	Chord Bearing	Chord
C1	31.28	54.00	033°07'31"	N49°38'36"W	30.62
C2	31.87	30.00	088°27'00"	S34°44'37"W	45.47
C3	29.37	30.00	038°07'17"	N37°18'00"W	20.17
C4	47.14	30.00	080°07'30"	S44°38'38"W	42.47
C5	4.44	30.00	009°24'38"	S89°38'27"W	4.89
C6	19.72	30.00	020°27'29"	N42°27'29"W	18.87
C7	19.72	30.00	020°27'29"	S42°27'29"W	18.88
C8	17.72	30.00	025°58'10"	N40°07'10"W	17.47
C9	21.88	54.00	025°58'10"	N78°07'10"W	31.47
C10	1.48	54.00	001°34'11"	S84°38'20"W	1.48
C11	143.51	103.84	007°29'20"	S00°28'40"W	133.47
C12	8.87	54.00	009°43'37"	S71°39'37"W	8.88
C13	68.74	30.00	089°17'33"	N89°02'27"W	42.17
C14	4.87	30.00	009°27'29"	S71°38'29"W	4.87
C15	126.72	89.84	007°29'20"	S00°28'40"W	120.28
C16	0.82	30.00	001°34'11"	S84°38'20"W	0.82
C17	44.37	30.00	084°47'30"	S24°50'24"W	40.47
C18	42.88	30.00	081°28'14"	N43°18'28"W	42.88
C19	43.17	30.00	085°58'01"	N43°22'43"W	43.17
C20	8.80	54.00	009°27'29"	N82°27'29"W	8.80
C21	44.14	104.00	002°28'13"	S87°48'00"W	44.14
C22	22.81	30.00	043°24'38"	N01°30'00"W	22.81
C23	44.87	30.00	088°18'17"	S87°18'17"W	41.87

**CERTIFICATE OF APPROVAL:**

APPROVED THIS 20<sup>th</sup> DAY OF NOVEMBER, 2020 BY THE PLANNING & ZONING COMMISSION OF THE TOWN OF PROSPER, TEXAS.

TOWN SECRETARY  
DEVELOPMENT SERVICES DEPARTMENT  
ENGINEERING DEPARTMENT

OWNER/DEVELOPER  
PROSPER PROFESSIONAL CENTRE, LLC  
608 8TH AVENUE  
FORT WORTH, TX, 76104  
CON. NAME: JENNIFER KOSTOHRVZ

1903 Central Drive Suite #406  
Bedford, Texas 76021  
Phone: 817-281-0572  
CONTACT: MARK TORRES/DREW DOMOSKY  
469-544-6549  
MARK@CLAYMOOREENGINEERING.COM

STATE OF TEXAS §  
COUNTY OF DENTON §

WHEREAS Prosper Professional Centre, LLC is the owner of those same tracts of land situated in the L. Neatherly Survey, Abstract No. 962, in Denton County, Texas, and being those same tracts of land conveyed to said Prosper Professional Centre, LLC, by deed recorded in Document Number 2018-93405, of the Deed Records of Denton County, Texas (D.R.D.C.T.), and being more particularly described by metes and bounds as follows (Bearings and distances are based on the State Plane Coordinate System, Texas North Central Zone (4202) North American Datum of 1983 (NAD 83) (US Foot) with a combined scale factor of 1.000150630):

**BEGINNING** at a 1/2-inch iron rod with yellow cap stamped "ARTHUR SURVEYING COMPANY" set for the southwest corner of said Prosper Professional Centre, LLC tract, and lying on the North line of a right-of-way dedication as recorded by Prosper Center, an addition to the City of Frisco, Denton County, Texas, according to the Plat thereof recorded in Document No. 2015-242, of the Plat Records of Denton County, Texas (P.R.D.C.T.), and being in the south line of an east-west road commonly known as "Fishtrap Road";

**THENCE** North 00 degrees 22 minutes 46 seconds East, passing at a distance of 58.60 feet a 1/2-inch iron rod with yellow cap stamped "ARTHUR SURVEYING COMPANY" set for the southeast corner of that certain tract of land described by deed Church of Celebration Metro, Inc., as recorded in Document Number 2018-79355, P.R.D.C.T., and now being the Southeast corner of a right-of-way dedication as recorded by C.O.C. Metro Addition, an addition to the City of Frisco, Denton County, Texas, according to the Plat thereof recorded in Document No. 2019-483, P.R.D.C.T., and continuing with the East line of said C.O.C. Metro Addition, and with the East line of Lot 2, Block A of Prosper School Church Addition, an addition to the City of Prosper, Denton County, Texas, according to the Plat thereof recorded in Document No. 2019-336, P.R.D.C.T., and continuing for a total distance of 524.10 feet to a 1/2-inch iron rod with yellow cap stamped "ARTHUR SURVEYING COMPANY" set for corner;

**THENCE** North 01 degrees 02 minutes 46 seconds East, continuing with the east line of said Lot 2, a distance of 335.00 feet to the westernmost southwest corner of that certain called "PARCEL IV" of four tracts of land described by deed in Blue Star Allen Land, L.P., a Texas limited partnership, as recorded in Document No. 2011-60030, P.R.D.C.T., same from which a 1/2-inch iron rod found bears North 72 degrees 41 minutes 32 seconds East, a distance of 0.62 feet;

**THENCE** North 89 degrees 32 minutes 46 seconds East, with a south line of said Blue Star Allen Land, L.P. tract, a distance of 386.80 feet to a 1/2-inch iron rod with cap found for an inner-ell corner thereof;

**THENCE** South 00 degrees 23 minutes 23 seconds West, with a west line of said Blue Star Allen Land, L.P. tract, a distance of 350.62 feet a 1/2-inch iron rod with cap found for corner;

**THENCE** South 74 degrees 40 minutes 15 seconds East, with a south line of said Blue Star Allen Land, L.P. tract, a distance of 166.83 feet to an inner-ell corner thereof, same from which a 1/2-inch iron rod found bears South 72 degrees 39 minutes 53 seconds East, a distance of 0.25 feet;

**THENCE** South 01 degrees 12 minutes 24 seconds East, with a west line of said Blue Star Allen Land, L.P. tract, passing at a distance of 298.99 feet a 1/2-inch iron rod with yellow cap stamped "ARTHUR SURVEYING COMPANY" set for a point on line, continuing on said course for a total distance of 352.54 feet to a 1/2-inch iron rod with yellow cap stamped "ARTHUR SURVEYING COMPANY" set for corner in the south line of Fishtrap Road;

**THENCE** South 66 degrees 46 minutes 30 seconds West, with the south line of said Fishtrap Road, a distance of 189.04 feet to a 1/2-inch iron rod with yellow cap stamped "ARTHUR SURVEYING COMPANY" set for corner, same being the beginning of a non-tangent curve to the right with a radius of 1835.05 feet and whose chord bears South 81 degrees 03 minutes 36 seconds West, a distance of 244.51 feet;

**THENCE** with the south line of said Fishtrap Road, and with said curve to the right, through a central angle of 07 degrees 38 minutes 24 seconds, an arc length of 244.69 feet to a 1/2-inch iron rod with yellow cap stamped "ARTHUR SURVEYING COMPANY" set for corner;

**THENCE** South 89 degrees 03 minutes 26 seconds West, with the south line of said Fishtrap Road, a distance of 145.44 feet to the POINT OF BEGINNING and containing a total of 397,981 square feet, or 9.136 acres of land, more or less.

**NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS**

THAT Prosper Professional Centre, LLC does hereby certify and adopt this plat designating the herein above described property as FINAL PLAT OF LOTS 1 AND 2, BLOCK A & CONVEYANCE PLAT OF LOTS 3 AND 4, BLOCK A, MAV ADDITION, and does hereby dedicate to the public use forever, the streets and alleys shown thereon.

Prosper Professional Centre, LLC, does herein certify the following:

- The streets and alleys are dedicated for street and alley purposes.
- All public improvements and dedications shall be free and clear of all debt, liens, and/or encumbrances.
- The easements and public use areas, as shown, are dedicated to the public use forever for the purposes indicated on this plat.
- No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape easements may be approved by the Town of Prosper.
- The Town of Prosper is not responsible for replacing any improvements in, under, or over any easements caused by maintenance or repair.
- Utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by the public utilities being subordinate to the public's and Town of Prosper's use thereof.
- The Town of Prosper and public utilities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in the easements.
- The Town of Prosper and public utilities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.
- All modifications to this document shall be by means of plat and approved by the Town of Prosper.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the Town of Prosper, Texas.

WITNESS MY HAND AND SEAL OF OFFICE, this 19<sup>th</sup> day of September, 2020.

PROSPER PROFESSIONAL CENTRE, LLC

By: *Riana Maguire* (Name)  
Manager (Position)

STATE OF TEXAS §  
COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared *Riana Maguire*, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 19<sup>th</sup> day of September, 2020.

*Caroline Clouse*  
Notary Public in and for the State of Texas

Filed for Record in the Official Records of:  
Denton County  
On: 1/25/2021 9:54:07 AM  
in the PLAT RECORDS  
MAV ADDITION  
Doc Number: 2021 - 40  
Number of Pages: 1  
Amount: \$0.00  
Order#: 2021012500236  
By: JM

Z21-0011  
EXHIBIT A

FINAL PLAT OF  
LOTS 1 & 2, BLOCK A &  
CONVEYANCE PLAT OF  
LOTS 3 & 4, BLOCK A  
MAV ADDITION  
AN ADDITION TO THE TOWN  
OF PROSPER, DENTON COUNTY, TEXAS  
BEING 9.136 ACRES (GROSS) (8.151 ACRES NET)  
OUT OF THE L. NEATHERLY SURVEY,  
ABSTRACT NO. 962  
DENTON COUNTY, TEXAS  
TOWN OF PROSPER CASE NO. D19-0062

CLAYMOORE ENGINEERING  
1903 Central Drive Suite #406  
Bedford, Texas 76021  
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WINDROSE LAND SURVEYING & PLATTING  
230 GLEN STREET, SUITE 200 | LEWISVILLE, TX 75057 | 972.317.2544  
TIBIA REGISTRATION NO. 10174331 | WINDROSE@WINDROSE.COM

DRAWN BY: F.R./G.L.C. DATE: 06/14/2019 CHECKED BY: T.M. JOB NO.: 2019-285  
DATE: GRAYSON, CEBALLOS 07-27-2020  
GRAYSON, CEBALLOS@WINDROSE.COM

PAGE 1 OF 1

**Z21-0011**  
**EXHIBIT B**  
**DEVELOPMENT STANDARDS**  
**CHC FISHTRAP**

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.

1. Except as noted below, the Tract shall develop in accordance with the Office District, as it exists or may be amended.
2. Permitted Uses  
Veterinarian Clinic and/or Kennel, Indoor shall be a permitted use by right.