

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 16-03

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE; GRANTING A SPECIFIC USE PERMIT (SUP) FOR A PRIVATE STREET DEVELOPMENT, LOCATED ON A TRACT OF LAND CONSISTING OF 30.21 ACRES, MORE OR LESS, SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 172, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS; 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 Zoning Ordinance should be amended; and

WHEREAS, the Town of Prosper, Texas ("Prosper") has received a request from CADG Prosper 28, LLC ("Applicant") for a Specific Use Permit (SUP) for a Private Street Development on a tract of land zoned Single Family-15 (SF-15), consisting of 30.21 acres of land, more or less, situated in the Collin County School Land Survey, Abstract No. 172, in the Town of Prosper, Collin County, Texas, and being particularly being 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 to grant a Specific Use Permit (SUP) 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

Specific Use Permit Granted. The Town's Zoning Ordinance is amended as follows: Applicant is granted a Specific Use Permit (SUP) for a Private Street Development, on a tract of land zoned Single Family-15 (SF-15), consisting of 30.21 acres of land, more or less, situated in the Collin County School Land Survey, Abstract No. 172, in the Town of Prosper, Collin County, Texas, and being particularly being described in Exhibit "A," attached hereto and incorporated herein for all purposes as if set forth verbatim.

The property shall continue to be used in a manner consistent with the conditions expressly stated in the conceptual layout attached hereto as Exhibit "B," the entry detail plan attached hereto as Exhibit "C," and entry gate elevation attached hereto as Exhibit "D," which is incorporated herein for all purposes as if set forth verbatim.

All development plans, standards, and uses for the Property shall comply fully with the requirements of all ordinances, rules, and regulations of the Town of Prosper, as they currently exist or may be amended.

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 12TH DAY OF JANUARY, 2016.



Ray Smith, Mayor

ATTEST:

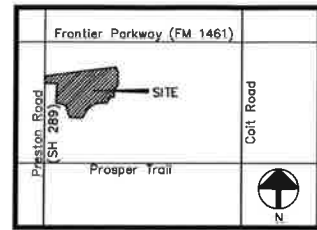


Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:



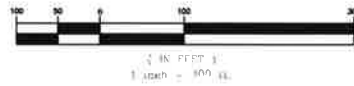
Terrence S. Welch, Town Attorney



VICINITY MAP
n.t.s.

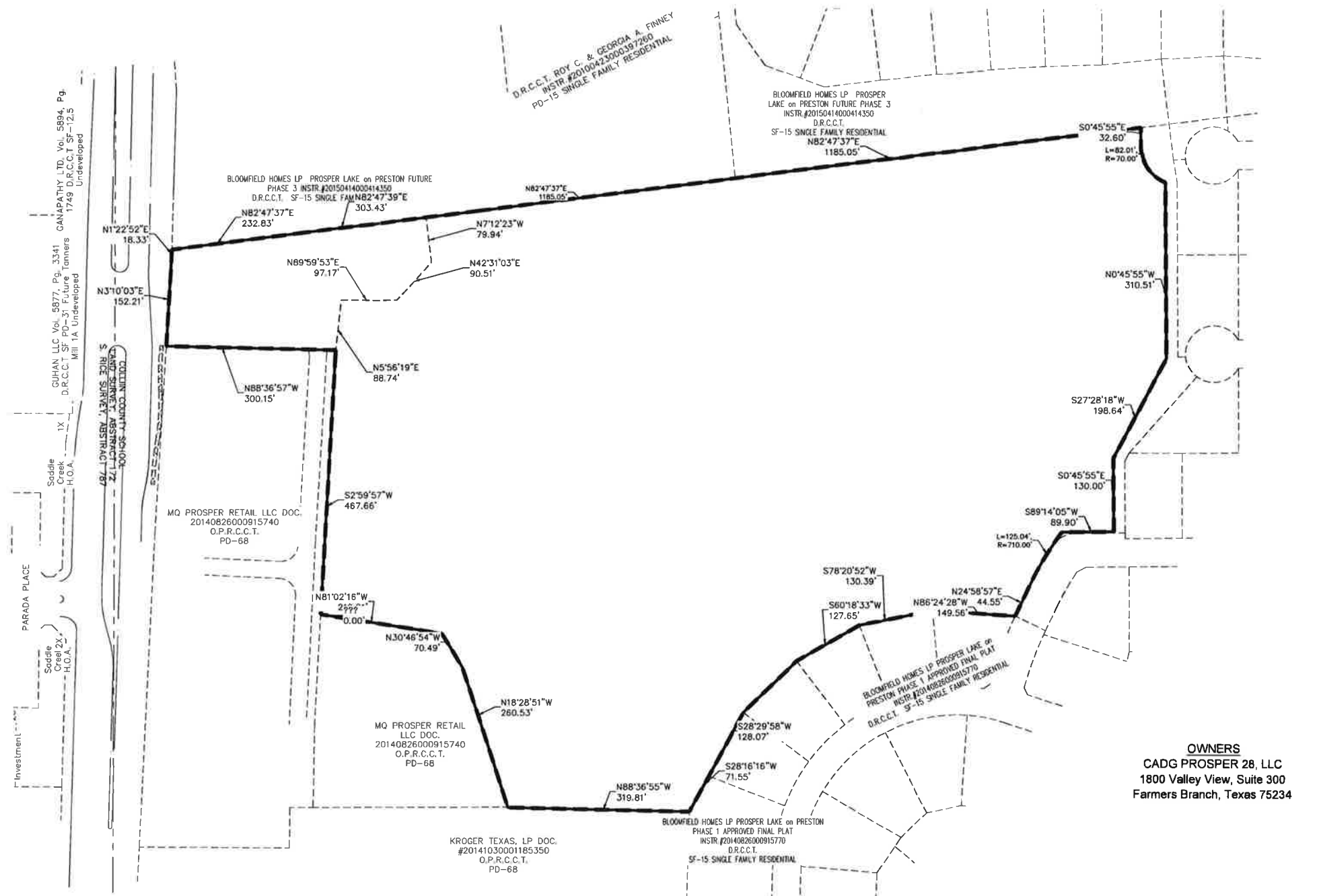


GRAPHIC SCALE



LEGEND
 - - - SUP REQUEST BOUNDARY
 - - - PRIVATE STREET BOUNDARY

Legal Description 30.21 Acre Tract
 Being a 29.542 acre tract of land situated in the Collin County School Land No. 13 Survey, Abstract No. 172, in the Town of Prosper, Collin County, Texas, and being a portion of an 80.560 acre tract of land conveyed to Bloomfield Homes, LP, recorded in county Clerk's Instrument No. 20140826000915770, Official Public Records, Collin County, Texas, (O.P.R.C.C.T.) and being more particularly described as follows:
 BEGINNING at a 1/2 inch iron rod found with red plastic cap stamped "W.A.I." found in the east right-of-way of State Highway 289 (variable width right-of-way) in the south line of a 27.960 acre tract of land conveyed to CADG Prosper 28, LLC, recorded in County Clerk's Instrument No. 20131213001642780, Official Public Records, Collin County, Texas, said rod being the northwest corner of said 80.560 acre tract;
 THENCE North 82 degrees 47 minutes 37 seconds East, departing said right-of-way and along the common north line of said Bloomfield Homes, LP, tract and the south line of said CADG Prosper 28, LLC, tract a distance of 232.82 feet to a 5/8 inch iron rod with yellow plastic cap stamped "WESTWOOD PS" set for corner;
 THENCE North 82 degrees 47 minutes 39 seconds East, along the common north line of said Bloomfield Homes, LP, tract and the south line of said CADG Prosper 28, LLC, tract a distance of 303.43 feet;
 THENCE North 82 degrees 47 minutes 37 seconds East, along the common north line of said Bloomfield Homes, LP, tract and the south line of said CADG Prosper 28, LLC, tract a distance of 1185.06 feet to a 5/8 inch iron rod with yellow plastic cap stamped "WESTWOOD PS" set for the northeast corner of the herein described tract;
 THENCE departing said common line; and over and across said Bloomfield Homes, LP, tract the following calls and distances:
 South 00 degrees 45 minutes 55 seconds East, a distance of 32.66 feet to a 5/8 inch iron rod with yellow plastic cap stamped "WESTWOOD PS" set for corner;
 Along a curve to the left having a radius of 70.00 feet and an arc length of 82.01 feet (chord bears South 34 degrees 19 minutes 36 seconds East 77.40 feet) to a 5/8 inch iron rod with yellow plastic cap stamped "WESTWOOD PS" set for corner;
 South 00 degrees 45 minutes 55 seconds East, a distance of 310.51 feet to a 5/8 inch iron rod with yellow plastic cap stamped "WESTWOOD PS" set for corner;
 South 27 degrees 28 minutes 18 seconds West, a distance of 198.64 feet to a 5/8 inch iron rod with yellow plastic cap stamped "WESTWOOD PS" set for corner;
 South 00 degrees 45 minutes 55 seconds East, a distance of 130.00 feet to a 5/8 inch iron rod with yellow plastic cap stamped "WESTWOOD PS" set for corner;
 South 89 degrees 14 minutes 05 seconds West, a distance of 89.90 feet to a 5/8 inch iron rod with yellow plastic cap stamped "WESTWOOD PS" set for corner;
 Along a curve to the left having a radius of 710.00 feet and an arc length of 125.04 feet (chord bears South 30 degrees 01 minutes 48 seconds West 124.87 feet) to a 5/8 inch iron rod with yellow plastic cap stamped "WESTWOOD PS" set for corner;
 South 24 degrees 59 minutes 04 seconds West a distance of 44.56 feet to a 5/8 inch iron rod with yellow plastic cap stamped "WESTWOOD PS" set for corner;
 North 86 degrees 24 minutes 28 seconds West a distance of 149.56 feet to a 5/8 inch iron rod with yellow plastic cap stamped "WESTWOOD PS" set for corner;
 South 78 degrees 20 minutes 52 seconds West, a distance of 130.39 feet to a 5/8 inch iron rod with yellow plastic cap stamped "WESTWOOD PS" set for corner;
 South 60 degrees 18 minutes 33 seconds West, a distance of 127.65 feet to a 5/8 inch iron rod with yellow plastic cap stamped "WESTWOOD PS" set for corner;
 South 45 degrees 45 minutes 01 seconds West, a distance of 130.23 feet to a 5/8 inch iron rod with yellow plastic cap stamped "WESTWOOD PS" set for corner;
 South 28 degrees 29 minutes 58 seconds West, a distance of 128.07 feet to a 5/8 inch iron rod with yellow plastic cap stamped "WESTWOOD PS" set for corner;
 South 28 degrees 16 minutes 16 seconds West; a distance of 71.55 feet to a 1/2 inch iron rod with red plastic cap stamped "WAI" found for the northeast corner of the 13.957 acre tract of land conveyed to Kroger Texas LP, by deed recorded in county Clerk's Instrument No. 20141030001185850 Official Public Records, Collin County, Texas;
 THENCE North 88 degrees 36 minutes 57 seconds west along the common south line of said Bloomfield Homes, LP-; tract and the north line of said Kroger Texas LP, tract, a distance of 319.81 feet to a 1/2 inch iron rod with red plastic cap stamped "WAI" found in the east line of the 28.829 acre tract (remainder) of land conveyed to, MQ Prosper Retail LLC by deed of record in County Clerk's Instrument No. 200140826000915740 Official Public Records, Collin County, Texas, for the most southerly southwest corner of the herein described tract;
 THENCE along the common west line of said Bloomfield Homes, LP, tract and the east line of said MQ Prosper Retail LLC tract the following calls and distances:
 North 18 degrees 28 minutes 51 seconds West; a distance of 260.53 feet to a 1/2 inch iron rod with red plastic cap stamped "WAI" found for corner;
 North 30 degrees 46 minutes 54 seconds west, a distance of 70.49 feet to a 1/2 inch iron rod with red plastic cap stamped "WAI" found for corner;
 North 81 degrees 02 minutes 16 seconds West, a distance of 216.21 feet to a 1/2 inch iron rod with red plastic cap stamped "WAI" found for corner;
 North 02 degrees 59 minutes 57 seconds East, a distance of 467.66 feet to a 1/2 inch iron rod with red plastic cap stamped "WAI" found for corner;
 North 88 degrees 36 minutes 57 seconds West, a distance of 300.15 feet to a 1/2 inch iron rod with red plastic cap stamped "WAI" found for corner and being in the east right-of-way-line of aforementioned State Highway 289;
 THENCE North 03 degrees 10 minutes 03 seconds East, departing said common line and along said east right-of-way line of State Highway 289 a distance of 152.21 feet to a TxDOT monument with brass top found for corner;
 THENCE North 01 degree 22 minutes 52 seconds East, continuing along said east right-of-way line a distance of 18.33 feet to the POINT OF BEGINNING and containing 1,316,077 square feet or 30.21 acres of land, more or less.



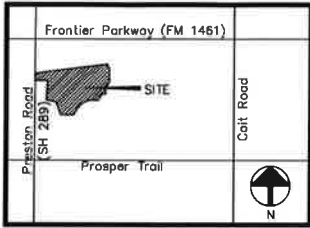
OWNERS
 CADG PROSPER 28, LLC
 1800 Valley View, Suite 300
 Farmers Branch, Texas 75234

surveyor:

A & W SURVEYORS, INC.
 P.O. BOX 870029, MESQUITE, TX.
 SUITE 198-299
 ALLEN, TX 75013
 75187 PHONE: (972) 681-4875 FAX:
 (972) 681-4854
 WWW.AWSURVEY.COM

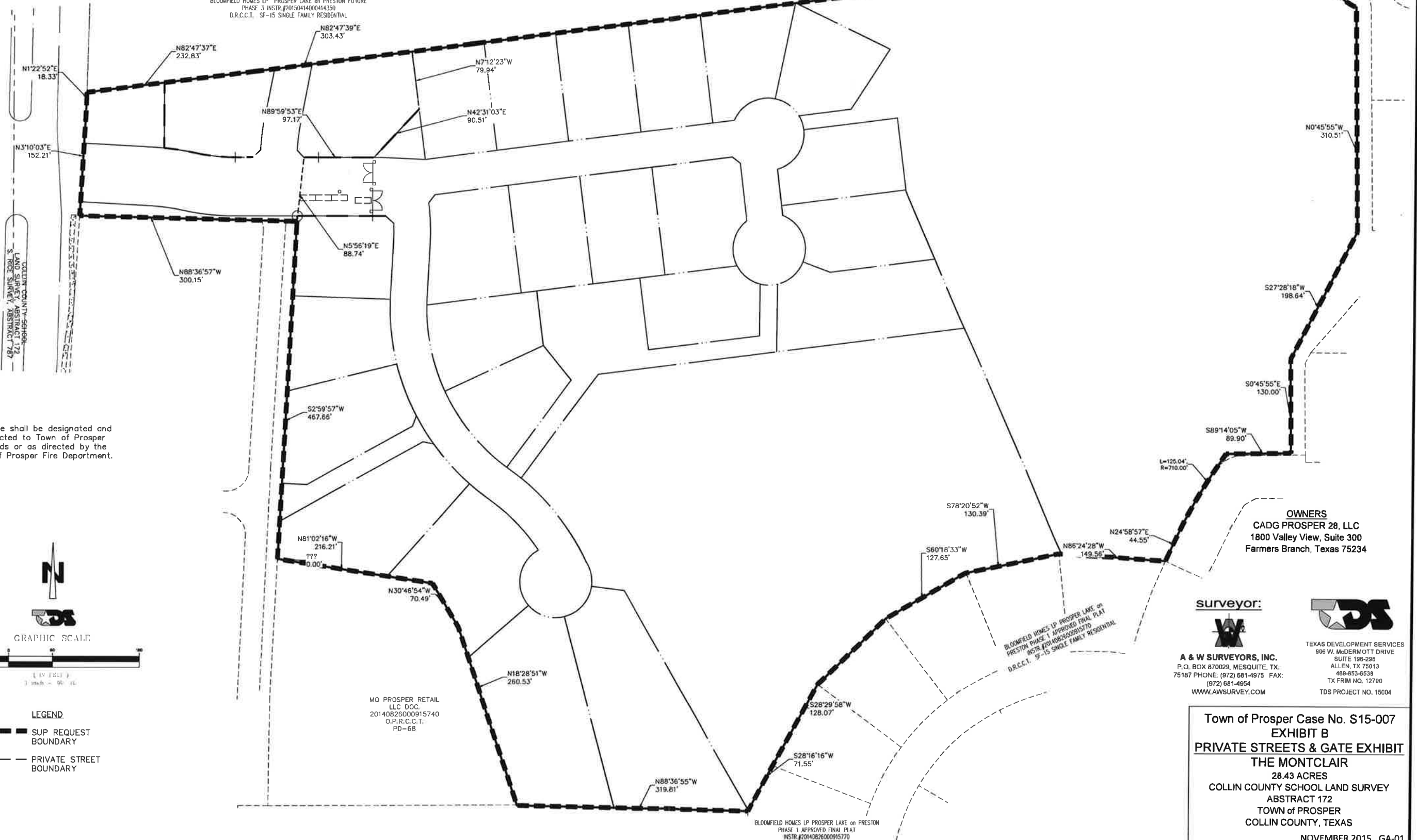
TEXAS DEVELOPMENT SERVICES
 806 W. McDERMOTT DRIVE
 SUITE 198-299
 ALLEN, TX 75013
 469-853-8538
 TX FRIM NO. 12790
 TDS PROJECT NO. 15004

Town of Prosper Case No. S15-007
EXHIBIT A
PRIVATE STREETS & GATE EXHIBIT
THE MONTCLAIR
 28.43 ACRES
 COLLIN COUNTY SCHOOL LAND SURVEY
 ABSTRACT 172
 TOWN of PROSPER
 COLLIN COUNTY, TEXAS
 NOVEMBER 2015 GA-01



VICINITY MAP
n.l.s.

BLOOMFIELD HOMES LP, PROSPER LAKE on PRESTON FUTURE
PHASE 3 INSTR #20150414000414350
D.R.C.C.T. SF-15 SINGLE FAMILY RESIDENTIAL



NOTE:
Fire lane shall be designated and constructed to Town of Prosper standards or as directed by the Town of Prosper Fire Department.

OWNERS
CADG PROSPER 28, LLC
1800 Valley View, Suite 300
Farmers Branch, Texas 75234

surveyor:



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P.O. BOX 870029, MESQUITE, TX.
75187 PHONE: (972) 581-4975 FAX:
(972) 681-4954
WWW.AWSURVEY.COM



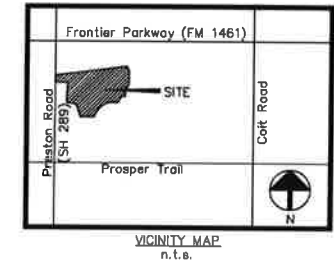
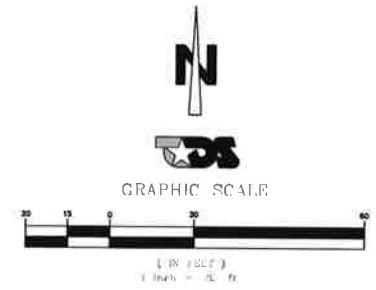
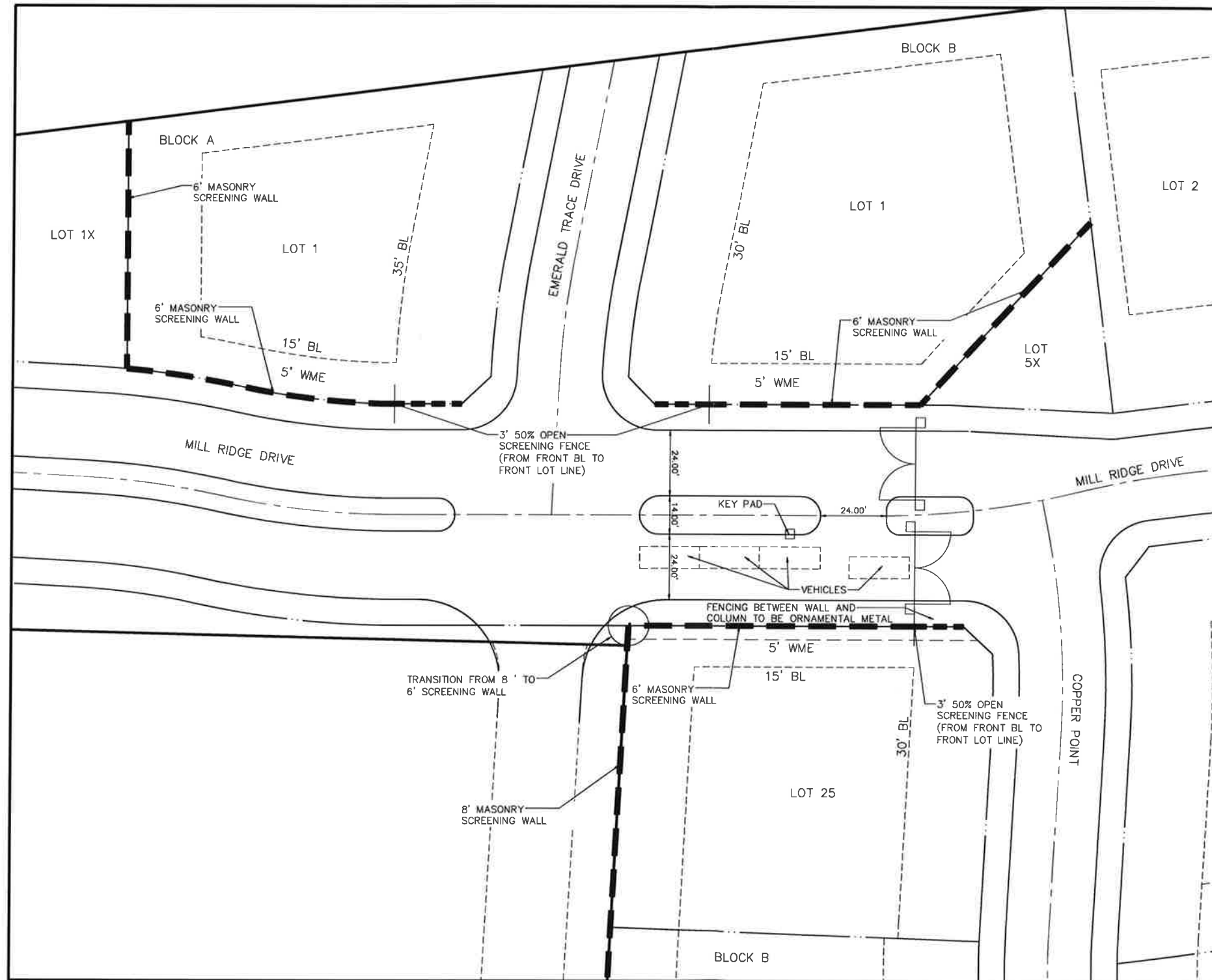
TEXAS DEVELOPMENT SERVICES
906 W. McDERMOTT DRIVE
SUITE 198-299
ALLEN, TX 75013
489-853-8538
TX FRIM NO. 12790
TDS PROJECT NO. 15004

**Town of Prosper Case No. S15-007
EXHIBIT B
PRIVATE STREETS & GATE EXHIBIT
THE MONTCLAIR
28.43 ACRES
COLLIN COUNTY SCHOOL LAND SURVEY
ABSTRACT 172
TOWN of PROSPER
COLLIN COUNTY, TEXAS
NOVEMBER 2015 GA-01**

CAD FILE C:\TDS-Projects\Dropbox\TDS\15004-CA-PSA\DWG\Planning\15004 PRELIMINARY PLAT.dwg PLOT DATE/TIME: 11/19/2015 - 2:51 pm

PLOT DATE/TIME: 11/19/2015 - 1:41 pm

CAD FILE: C:\TDS-Projects\Prosper\TDS\15004-CA-PSA\DWG\Planning\15004 PRELIMINARY PLAT.dwg



NOTE:
No portion of longitudinal wall to be in the right-of-way.

OWNERS
CADG PROSPER 28, LLC
1800 Valley View, Suite 300
Farmers Branch, Texas 75234

BLOOMFIELD HOMES, L.P.
1050 E. Highway 114, Suite 210
Southlake, Texas 76092

surveyor:



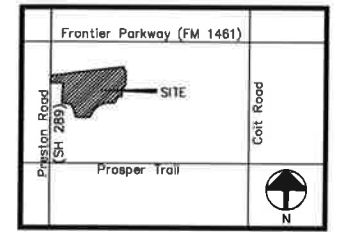
A & W SURVEYORS, INC.
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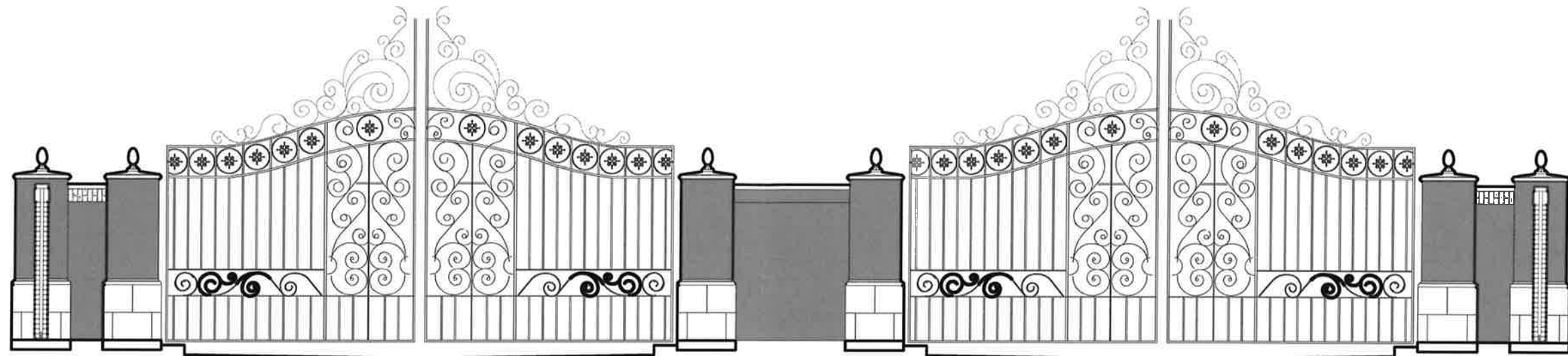
TEXAS DEVELOPMENT SERVICES
936 W. McDERMOTT DRIVE
SUITE 196-298
ALLEN, TX 75013
468-853-6538
TX FRIM NO. 12790
TDS PROJECT NO. 15004

TOWN OF PROSPER CASE NO. D15-0077

Town of Prosper Case No. S15-007
Gate Exhibit C
THE MONTCLAIR
26 RESIDENTIAL LOTS
9 OPEN SPACE LOTS
DEVELOPED TO SF15 STANDARDS
30.21 ACRES
COLLIN COUNTY SCHOOL LAND SURVEY
ABSTRACT 172
TOWN OF PROSPER
COLLIN COUNTY, TEXAS
NOVEMBER 2015 GATE 03



VICINITY MAP
n.t.s.



01 ENTRY GATE ELEVATION

SCALE: N.T.S.



01 WALL SECTION

SCALE: N.T.S.

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TEXAS DEVELOPMENT SERVICES
806 W. McDERMOTT DRIVE
SUITE 186-286
ALLEN, TX 75013
469-853-8538
TX FRIM NO. 12790
TDS PROJECT NO. 15004

TOWN OF PROSPER CASE NO. 015-0077

Town of Prosper Case No. S15-007
Gate Exhibit D
THE MONTCLAIR
26 RESIDENTIAL LOTS
9 OPEN SPACE LOTS
DEVELOPED TO SF15 STANDARDS
30.21 ACRES
COLLIN COUNTY SCHOOL LAND SURVEY
ABSTRACT 172
TOWN OF PROSPER
COLLIN COUNTY, TEXAS

NOVEMBER 2015 GATE 03