

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING PROSPER'S ZONING ORDINANCE BY GRANTING A SPECIFIC USE PERMIT (SUP) TO ALLOW RETAIL STORES AND SHOPS, DRY CLEANING, MINOR, AND GYMNASTICS/DANCE STUDIO USES ON A TRACT OF LAND CONSISTING OF 3.6 ACRES, MORE OR LESS, IN THE AARON ROBERTS SURVEY, ABSTRACT NO. 1115, TOWN OF PROSPER, DENTON 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 the Zoning Ordinance should be amended; and

WHEREAS, the Town of Prosper, Texas ("Prosper") has received a request from Kimley-Horn and Associates, Inc. ("Applicant") for a Specific Use Permit (SUP) for Retail Stores and Shops, Dry Cleaning, Minor, and Gymnastics/Dance Studio uses to be located on a tract of land zoned Planned Development-103 (PD-103), consisting of 3.6 acres of land, more or less, in the Aaron Roberts Survey, Abstract No. 1115, in the Town of Prosper, Denton 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 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; 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

Specific Use Permit Granted. The Town's Zoning Ordinance is amended as follows: Applicant is granted a Specific Use Permit (SUP) to allow Retail Stores and Shops, Dry Cleaning, Minor, and Gymnastics/Dance Studio uses, on a tract of land zoned Planned Development-103 (PD-103), consisting of 3.6 acres of land, more or less, in the Aaron Roberts Survey, Abstract No.

1115, in the Town of Prosper, Denton County, Texas, 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 Specific Use Permit shall conform to, and comply with 1) the Site Plan, attached hereto as Exhibit "B," 2) the Landscape Plan, attached hereto as Exhibit "C," and 3) the Façade Plan, attached hereto as Exhibit "D," which are incorporated herein for all purposes as if set forth verbatim, subject to the following conditions of approval by the Town Council:

1. The building size and placement shall be as shown on the Site Plan, Exhibit "B."
2. A living screen shall be installed as shown on the Landscape Plan, Exhibit "C."
3. Approval of a Development Agreement, including, but not limited to building materials and prohibited uses.

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, 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 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 MARCH, 2024.


David F. Bristol, Mayor

ATTEST:


Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:


Terrence S. Welch, Town Attorney



PRELIMINARY SITE PLAN

Kimley»Horn
2023 KIMLEY-HORN AND ASSOCIATES, INC.
13455 NOEL ROAD, SUITE 700, DALLAS, TX 75240
PHONE: 972-770-1300 FAX: 972-238-2820
WWW.KIMLEY-HORN.COM

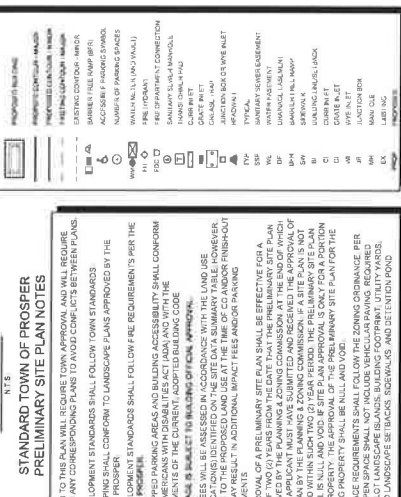
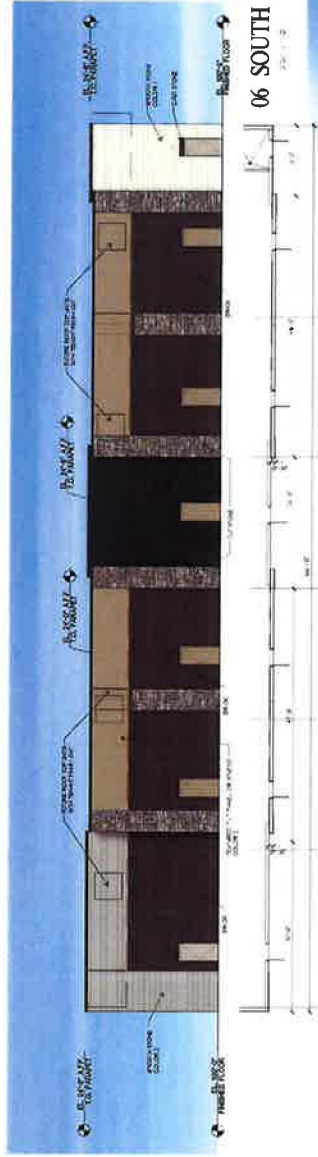


EXHIBIT B
ZONE-23-0023
PRELIMINARY SITE PLAN
TEEL PARKWAY SITE
WINDSONG RANCH OFFICE ADDITION
BLOCK A, LOT 2
Being 3.593 Acres Out Of The
AARON ROBERTS Survey Abstract No. 1115
Town of Prosper, Denton County, Texas
Submitted: DECEMBER 14, 2023

Owner: Eagle Ridge Capital Holdings, LLC
Engineer/Designer: Eagle Ridge Capital Holdings, LLC
Surveyor: Eagle Ridge Capital Holdings, LLC





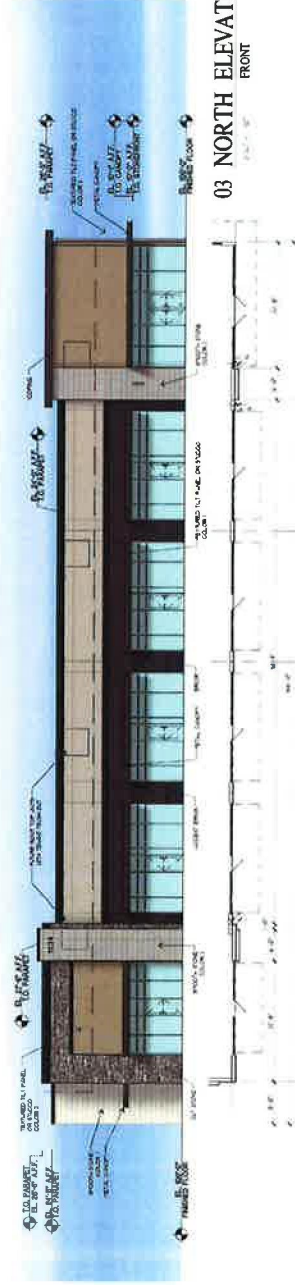
06 SOUTH ELEVATION



05 EAST ELEVATION



04 WEST ELEVATION



03 NORTH ELEVATION FRONT

1. THESE DRAWINGS ARE PREPARED FOR THE PROJECT DESCRIBED HEREIN AND ARE NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF GSO ARCHITECTS. 2. THESE DRAWINGS ARE PREPARED FOR THE PROJECT DESCRIBED HEREIN AND ARE NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF GSO ARCHITECTS. 3. THESE DRAWINGS ARE PREPARED FOR THE PROJECT DESCRIBED HEREIN AND ARE NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF GSO ARCHITECTS. 4. THESE DRAWINGS ARE PREPARED FOR THE PROJECT DESCRIBED HEREIN AND ARE NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF GSO ARCHITECTS. 5. THESE DRAWINGS ARE PREPARED FOR THE PROJECT DESCRIBED HEREIN AND ARE NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF GSO ARCHITECTS. 6. THESE DRAWINGS ARE PREPARED FOR THE PROJECT DESCRIBED HEREIN AND ARE NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF GSO ARCHITECTS. 7. THESE DRAWINGS ARE PREPARED FOR THE PROJECT DESCRIBED HEREIN AND ARE NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF GSO ARCHITECTS. 8. THESE DRAWINGS ARE PREPARED FOR THE PROJECT DESCRIBED HEREIN AND ARE NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF GSO ARCHITECTS. 9. THESE DRAWINGS ARE PREPARED FOR THE PROJECT DESCRIBED HEREIN AND ARE NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF GSO ARCHITECTS. 10. THESE DRAWINGS ARE PREPARED FOR THE PROJECT DESCRIBED HEREIN AND ARE NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF GSO ARCHITECTS.

PROJECT: 01 DUMPSTER BUILDING A
 LOCATION: 10000 N. DALLAS AVE., SUITE 100, DALLAS, TX 75243
 CLIENT: GSO ARCHITECTS
 DATE: 10/09/2023
 DRAWN BY: GSO ARCHITECTS
 CHECKED BY: GSO ARCHITECTS
 APPROVED BY: GSO ARCHITECTS

GSO ARCHITECTS
 DALLAS, TX 75243
 972.385.9651
 www.gsoarchitects.com



KEY PLAN

01 DUMPSTER

02 BUILDING OUTLINE

PROSPER CASE NO.: ZONE-23-0023
 EXHIBIT D
 PRELIMINARY FACADE PLAN
 TEEL PARKWAY RETAIL - BUILDING A
 WINDSONG RANCH COMMERCIAL ADDITION BLOCK A, LOT 2
 3.593 ACRES
 ISSUE DATE: 10/09/2023
 GSO PROJECT NO: 23465



MANUFACTURED STONE:
PROVIA NATURAL CUT FERNWOOD



TEXTURED TILT PANEL OR STUCCO
COLOR 1



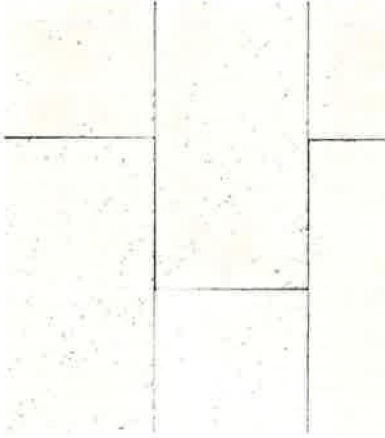
TEXTURED TILT PANEL OR STUCCO
COLOR 2



CAST STONE
CUSTOM COLOR MATCH ACCENT TRIM/BRICK



METAL TRIM
CANOPY / COPING



STONE COLOR 1:
SMOOTH STONE:
ELDORADO STONE MARQUEE24 DOVETAIL



STONE COLOR 2:
SMOOTH STONE:
ELDORADO STONE ZEN24 NICKEL



ACCENT BRICK:
ROBEN - BLACK NUANCED SMOOTH



FIELD BRICK:
ROBEN - MANCHESTER



602.344.7000
WWW.GSOARCHITECTS.COM
GSO ARCHITECTS, INC.
1000 N. CENTRAL AVENUE, SUITE 100
DENVER, CO 80202

EXHIBIT D
PROSPER CASE NO.: ZONE-23-0023
PRELIMINARY FACADE SAMPLE BOARD
TEEL PARKWAY RETAIL
WINDSONG RANCH COMMERCIAL ADDITION BLOCK A, LOT 2
3.593 ACRES

SCALE DATE: 10/06/2023
GSO PROJECT NO. 23-190