



Agenda
Prosper Town Council Meeting
Prosper Town Hall, Council Chambers
250 W. First Street, Prosper, Texas
Tuesday, April 11, 2023
6:15 PM

Welcome to the Prosper Town Council Meeting.

Citizens may watch the meeting live by using the following link:
<https://prospertx.new.swagit.com/views/378/>

Addressing the Town Council:

Those wishing to address the Town Council must complete the Public Comment Request Form located on the Town's website or in the Council Chambers.

If you are attending in person, please submit this form to the Town Secretary or the person recording the minutes for the Board/Commission prior to the meeting. When called upon, please come to the podium, and state your name and address for the record.

If you are watching online, please submit this form to the Town Secretary prior to 4:00 p.m. on the day of the meeting in order for your comments to be read into the record. The Town assumes no responsibility for technical issues beyond our control.

In compliance with the Texas Open Meetings Act, the Town Council/Board/Commission may not deliberate or vote on any matter that does not appear on the agenda. The Council/Board/Commission, however, may provide statements of fact regarding the topic, request the topic be included as part of a future meeting, and/or refer the topic to Town staff for further assistance.

Citizens and other visitors attending Town Council meetings shall observe the same rules of propriety, decorum, and good conduct applicable to members of the Town Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the Town Council or while attending the Town Council meeting shall be removed from the room, if so directed by the Mayor or presiding officer, and the person shall be barred from further audience before the Town Council during that session of the Town Council. Disruption of a public meeting could constitute a violation of Section 42.05 of the Texas Penal Code.

Call to Order/ Roll Call.

Invocation, Pledge of Allegiance and Pledge to the Texas Flag.

Announcements of recent and upcoming events.

Presentations.

1. Presentation of a Proclamation declaring April 2023, as Sexual Assault Awareness Month. (MLS)

CONSENT AGENDA:

Items placed on the Consent Agenda are considered routine in nature and non-controversial. The Consent Agenda can be acted upon in one motion. Items may be removed from the Consent Agenda by the request of Council Members or staff.

2. Consider and act upon the minutes from the March 27, 2023, Town Council Joint Work Session Meeting. (MLS)
3. Consider and act upon the minutes from the March 28, 2023, Town Council Work Session meeting. (MLS)
4. Consider and act upon the minutes from the March 28, 2023, Town Council Regular meeting. (MLS)
5. Consider and act upon an ordinance amending Section 12.09.003, "Speed Limits on Specific Streets," of Chapter 12 "Traffic and Vehicles," of the Town's Code of Ordinances by modifying the prima facie speed limit on FM 1461 (Frontier Parkway). (HW)
6. Consider and act upon approving the purchase of Public Safety, Police Department supplies and equipment through the Texas Department of Information Services (DIR) Contract #DIR-TSO-4101 with Motorola Solutions, Inc. (DK)
7. Consider and act upon the appointment of Frank Jaromin, Public Works Director, to the Upper Trinity Regional Water District Board of Directors effective June 1, 2023. (CE)
8. Consider and act upon authorizing the Town Manager to execute an Interlocal Agreement between the City of Celina, Texas, and the Town of Prosper, Texas, related to cost participation in the construction of interim asphalt improvements on Parvin Road from east of FM 1385 to west of Legacy Drive, and funding participation for the design of Frontier Parkway from Legacy Drive to the Dallas Parkway. (HW)
9. Consider and act upon an ordinance amending Planned Development-94 (PD-94), for the Westside Development, on 64.5± acres, northeast corner of US 380 and FM 1385, regarding a big box use and development standards. (Z22-0020). (DS)
10. Consider and act upon authorizing the Town Manager to execute a Development Agreement between 1385 Prosper LLC, Alphas 3 Prosper RI LLC, SSSS Holdings LLC, and Westside Prosper LLC and the Town of Prosper, related to the Westside Development, northeast corner of US 380 and FM 1385. (DS)
11. **(Item will be Postponed to April 25, 2023)** Conduct a public hearing and act upon a request to amend the Future Land Use Plan from Residential Low Density to Retail and Neighborhood Services, generally located, located on the east side of Preston Road, north of St. Peter Lane. This is a companion case to Z21-0003. (CA21-0001). (DS)
12. **(Item will be Postponed to April 25, 2023)** Conduct a public hearing and consider and act upon a request to rezone 13.3± acres from Single Family- 15 (SF-15) to Planned Development-Retail (PD-R), generally to allow for an office/retail development, located on the east side of Preston Road, north of St. Peter Lane. (Z21-0003). (DS)
13. Consider and act upon whether to direct staff to submit a written notice of appeals on behalf of the Town Council to the Development Services Department, pursuant to Chapter 4, Section 1.5(C)(7) and 1.6(B)(7) of the Town's Zoning Ordinance, regarding action taken by the Planning & Zoning Commission on any Site Plan, including Legacy Wireless Communication Tower. (DS)

CITIZEN COMMENTS

The public is invited to address the Council on any topic. However, the Council is unable to discuss or take action on any topic not listed on this agenda. Please complete a "Public Comment Request Form" and present it to the Town Secretary prior to the meeting. Please limit your comments to three minutes. If multiple individuals wish to speak on a topic, they may yield their three minutes to one individual appointed to speak on their behalf. All individuals yielding their time must be present at the meeting, and the appointed individual will be limited to a total of 15 minutes.

REGULAR AGENDA:

If you wish to address the Council, please fill out a "Public Comment Request Form" and present it to the Town Secretary, preferably before the meeting begins. Pursuant to Section 551.007 of the Texas Government Code, individuals wishing to address the Council for items listed as public hearings will be recognized when the public hearing is opened. For individuals wishing to speak on a non-public hearing item, they may either address the Council during the Citizen Comments portion of the meeting or when the item is considered by the Town Council.

Items for Individual Consideration:

14. Consider and act upon a resolution of the Town Council of the Town of Prosper, Texas, declaring the public necessity to acquire certain water line easements and temporary construction easements for the construction of the Dallas North Tollway (Prosper Trail - Frontier) 12" Water Line project; determining the public use and necessity for such acquisition; authorizing the acquisition of property rights necessary for said Project; appointing an appraiser and negotiator as necessary; authorizing the Town Manager to establish just compensation for the property rights to be acquired; authorizing the Town Manager to take all steps necessary to acquire the needed property rights in compliance with all applicable laws and resolutions; and authorizing the Town Attorney to institute condemnation proceedings to acquire the property rights if purchase negotiations are not successful. (HW)

Possibly direct Town staff to schedule topic(s) for discussion at a future meeting.

EXECUTIVE SESSION:

Recess into Closed Session in compliance with Section 551.001 et seq. Texas Government Code, as authorized by the Texas Open Meetings Act, to deliberate regarding:

Section 551.087 – To discuss and consider economic development incentives and all matters incident and related thereto.

Section 551.072 – To discuss and consider purchase, exchange, lease or value of real property for municipal purposes and all matters incident and related thereto.

Section 551.074 – To discuss and consider personnel matters and all matters incident and related thereto.

Section 551.074 - To discuss appointments to the Board of Adjustment/Construction Board of Appeals, Parks & Recreation Board, Library Board, Prosper Economic Development Corporation Board, Planning & Zoning Commission, and the Community Engagement Committee, and all matters incident and related thereto.

Reconvene in Regular Session and take any action necessary as a result of the Closed Session.

Adjourn.

CERTIFICATION

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted at Prosper Town Hall, located at 250 W. First Street, Prosper, Texas 75078, a place convenient and readily accessible to the general public at all times, and said Notice was posted by 5:00 p.m., on Friday, April 7, 2023, and remained so posted at least 72 hours before said meeting was convened.

Michelle Lewis Sirianni, Town Secretary

Date Notice Removed

Pursuant to Section 551.071 of the Texas Government Code, the Town Council reserves the right to consult in closed session with its attorney and to receive legal advice regarding any item listed on this agenda.

NOTICE

Pursuant to Town of Prosper Ordinance No. 13-63, all speakers other than Town of Prosper staff are limited to three (3) minutes per person, per item, which may be extended for an additional two (2) minutes with approval of a majority vote of the Town Council.

<p>NOTICE OF ASSISTANCE AT PUBLIC MEETINGS: The Prosper Town Council meetings are wheelchair accessible. For special services or assistance, please contact the Town Secretary's Office at (972) 569-1011 at least 48 hours prior to the meeting time.</p>

**Prosper Town Council & Planning and Zoning
Commission Joint Work Session**
Prosper Town Hall – Council Chambers
250 W. First Street, Prosper, Texas
Monday, March 27, 2023

Town Council Call to Order/ Roll Call.

Mayor Bristol called the meeting to order at 5:00 p.m. and declared a quorum present of the Town Council

Planning and Zoning Commission Call to Order/Roll Call

Chair Daniel called to order at 5:01 p.m. and declared a quorum present of the Planning and Zoning Commissioners.

Council Members Present:

Mayor David F. Bristol
Councilmember Marcus E. Ray (Arrived at 5:05 p.m.)
Councilmember Amy Bartley
Councilmember Chris Kern
Councilmember Charles Cotten

Council Members Absent:

Mayor Pro-Tem Jeff Hodges
Deputy Mayor Pro-Tem Craig Andres

Planning and Zoning Commissioners Present:

Brandon Daniel, Chair
Mike Pettis
Cameron Reeves
Sekou Harris
Tommy Van Wolfe

Planning and Zoning Commissioners Absent:

Damon Jackson

Staff Members Present:

Mario Canizares, Town Manager
Michelle Lewis Sirianni, Town Secretary
Terry Welch, Town Attorney
Bob Scott, Executive Director of Administrative Services
Robyn Battle, Executive Director of Community Services
Chuck Ewings, Executive Director of Development and Infrastructure Services
David Soto, Planning Manager

Items for Individual Consideration

1. Discuss Planned Development (PD) Guidelines. (DS)

Mr. Soto introduced this item with an overview of the previous discussion points by the Town Council and Planning and Zoning Commission.

Mayor Bristol stated he would like the Council and Planning and Zoning Commission to continue discussions regarding Mixed-Use Developments including multi-family and desired location(s) and the total number to be built within the Town.

The Town Council and Planning and Zoning Commission discussed multi-family, triggers, and architectural standards within Mixed-Use Developments. The consensus of the Town Council and the Commission was to empower the P&Z Commission to fully review any proposed developments brought forward by consenting to the use of triggers, to use the Tollway Design Guidelines, Downtown Master Plan, and Comprehensive Plan as guidelines in determining a decision, to consider alternate building materials, and to have an attorney and/or security present at P&Z meetings if needed.

Mr. Soto provided a timeline of upcoming projects.

The meeting was adjourned at 6:32 p.m.

These minutes approved on the 11th day of April 2023.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary



MINUTES

Item 3.

Prosper Town Council Work Session
Prosper Town Hall – Council Chambers
250 W. First Street, Prosper, Texas
Tuesday, March 28, 2023

Call to Order/ Roll Call.

The meeting was called to order at 5:00 p.m.

Council Members Present:

Mayor David F. Bristol
Mayor Pro-Tem Jeff Hodges
Councilmember Amy Bartley
Councilmember Chris Kern
Councilmember Charles Cotten

Council Members Absent:

Councilmember Marcus E. Ray
Deputy Mayor Pro-Tem Craig Andres

Staff Members Present:

Mario Canizares, Town Manager
Michelle Lewis Sirianni, Town Secretary
Terry Welch, Town Attorney
Bob Scott, Executive Director of Administrative Services
Chuck Ewings, Executive Director of Development and Infrastructure Services
Hulon Webb, Engineering Director
Chris Landrum, Finance Director
Ryan Patterson, Assistant Finance Director
Sherry Fangio, Buyer
Dan Baker, Parks & Recreation Director
James Edwards, Director of Human Resources
Stuart Blasingame, Fire Chief
Doug Kowalski, Police Chief

Items for Individual Consideration

1. Discuss multi-year budget projections. (RBS/CL)

Mr. Scott introduced this item with an overview of the Town Council goals and priorities, revenue forecasts, and the Budget calendar.

Mr. Landrum reviewed General Fund assumptions with projected revenues and expenditures, personnel, and capital dedicated assumptions. A brief overview of the debt service long-range plan and the Utility Fund assumptions were given. A list of upcoming workshops was provided. Staff is seeking feedback on any additional workshops desired or information pertaining to the upcoming fiscal year budget.

The Town Council requested a breakdown of new versus existing property value assumptions as it pertains to property tax, a price index specifically for municipalities, and a workshop for the Downtown Fund.

2. Discuss Field Use Policy for youth sports. (DB)

Mr. Baker presented this item with capacity constraints the Prosper Baseball and Softball Association (PBSA) is currently experiencing. Staff is seeking feedback on options to open additional Frontier Park fields for practices and/or off set field maintenance costs or finding other alternatives.

The Town Council expressed they would like to see Prosper residents have priority in registering, the possibility of holding tournaments on established weekends, and getting feedback from the Parks and Recreation Board.

The meeting was adjourned at 6:03 p.m.

These minutes approved on the 11th day of April 2023.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

MINUTES

Prosper Town Council Meeting
Prosper Town Hall, Council Chambers
250 W. First Street, Prosper, Texas
Tuesday, March 28, 2023

Call to Order/ Roll Call.

The meeting was called to order at 6:15 p.m.

Council Members Present:

Mayor David F. Bristol
Mayor Pro-Tem Jeff Hodges
Councilmember Marcus E. Ray
Councilmember Amy Bartley
Councilmember Chris Kern
Councilmember Charles Cotton

Council Members Absent:

Deputy Mayor Pro-Tem Craig Andres

Staff Members Present:

Mario Canizares, Town Manager
Michelle Lewis Sirianni, Town Secretary
Terry Welch, Town Attorney
Bob Scott, Executive Director of Administrative Services
Chuck Ewings, Executive Director of Development and Infrastructure Services
Hulon Webb, Engineering Director
Chris Landrum, Finance Director
Ryan Patterson, Assistant Finance Director
Dan Baker, Parks and Recreation Director
Frank Jaromin, Public Works Director
Brady Cudd, Building Official
Todd Rice, Communications Manager
Jessika Hotchkin, Help Desk Technician/Broadband Support
Mary Ann Moon, Economic Development Executive Director
Stuart Blasingame, Fire Chief
Doug Kowalski, Police Chief

Invocation, Pledge of Allegiance and Pledge to the Texas Flag.

Councilmember Ray led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

Announcements of recent and upcoming events.

Councilmember Kern made the following announcements:

The Discover Downtown Series kicks off this Friday, March 31 with a Moonlight Movie. Bring the family to Downtown Prosper for fun, games, popcorn, and to watch Sonic the Hedgehog 2, an action-adventure comedy film. Fun begins at 7:00 p.m. Parking will be on the north side of Town Hall with the movie beginning at dusk.

Join Mayor David Bristol along with your community in the newly expanded Mayor's Fitness Challenge! The annual Challenge will run the full year, beginning with the Spring Season, to

encourage wellness as a Prosper lifestyle. Challengers who submit a completed tracking sheet by June 9 will earn a t-shirt and entry into the drawing for the top seasonal prize, Bluetooth earbuds along with other prizes and giveaways. Register today by visiting prosper.tx.gov/mayorsfitnesschallenge.

Residents who have moved to Prosper since August 2022 are invited to our New Resident Mixer on Thursday, April 6, 2023, from 6:00 to 8:00 p.m. Please join us for an evening of family-friendly fun with entertainment and refreshments as you meet new neighbors and Town staff. Booths will be set up on the South Lawn of Town Hall with information about Town services. We look forward to meeting you!

Reminder that Town Hall Offices will be closed Friday, April 7 for the Good Friday Holiday. Trash and recycling services will run as normally scheduled.

Councilmembers Ray, Bartley, and Mayor Pro-Tem Hodges presented Frank Jaromin with a THRIVES coin.

CONSENT AGENDA:

Items placed on the Consent Agenda are considered routine in nature and non-controversial. The Consent Agenda can be acted upon in one motion. Items may be removed from the Consent Agenda by the request of Council Members or staff.

1. **Consider and act upon the minutes from the March 14, 2023, Town Council Work Session meeting. (MLS)**
2. **Consider and act upon the minutes from the March 14, 2023, Town Council Regular meeting. (MLS)**
3. **Consider and act upon the minutes from the March 20, 2023, Town Council Work Session meeting. (MLS)**
4. **Consider and act upon Resolution 2023-29 awarding the depository services contract to Independent Financial and authorizing the Town Manager to execute all documents for same. (CL)**
5. **Consider and act upon approving funding for expenses of scheduled and unscheduled maintenance and repairs by Siddons-Martin Emergency Group, LLC to fire department apparatus including fire engines and aerial trucks. (SB)**
6. **Consider and act upon approving the purchase of water and wastewater materials from Ferguson Enterprises, LLC, utilizing BuyBoard contracts; and authorizing the Town Manager to execute documents for the same. (FJ)**
7. **Consider and act upon approving the purchase of one 2023 Chevrolet Silverado 2500HD for Facilities Management from Enterprise Fleet Management utilizing The Interlocal Purchasing System (TIPS); and authorizing the Town Manager to execute the same. (JC)**
8. **Consider and act upon approving the purchase of two 2023 Chevrolet Tahoe's and for the Police Department from Enterprise Fleet Management utilizing The Interlocal Purchasing System (TIPS); and authorizing the Town Manager to execute the same. (JC)**

9. Consider and act upon approval of Change Order #3 related to construction services for the Hays Park Project (1802-PK) to Ratliff Hardscape, Ltd., and authorizing the Town Manager to execute the same. (DB)
10. Consider and act upon Resolution 2023-30 authorizing the Town Manager to execute an Advance Funding Agreement between the Texas Department of Transportation (TxDOT), and the Town of Prosper, Texas, related to the design and construction funding of the Preston Road (SH 289) and First Street Dual Left Turn Lanes project. (HW)
11. Consider and act upon approving Resolution 2023-27 supporting U.S. Highway 380 as a Controlled Access Highway within the corporate limits of the Town of Prosper, in accordance with recommendations by the Texas Department of Transportation in its December 2022 Draft Environmental Impact Statement for U.S. Highway 380 from Coit Road to FM 1827, and January 2023 Draft Environmental Assessment for U.S. Highway 380 from Teel Parkway to Lakewood Drive; acknowledging the preferred alignment of the future expansion of U.S. Highway 380 within the corporate limits of the Town is consistent with the Town's Thoroughfare Plan; requesting that the Texas Department of Transportation's final Environmental Impact Statement and Environmental Assessment reflect the alignment of U.S. Highway 380 within the corporate limits of the Town of Prosper as recommended; and authorize the Mayor to submit comments to the Texas Department of Transportation on the Draft Environmental Impact Statement and/or Draft Environmental Assessment. (HW)
12. Consider and act upon Ordinance 2023-31 establishing a no parking zone on Foxfield Court. (HW)

Mayor Bristol requested to pull item 9.

Mayor Pro-Tem Hodges made a motion to approve consent agenda items 1 through 8 and 10 through 12. Councilmember Ray seconded that motion, and the motion was unanimously approved.

Mr. Baker provided an overview of the work being requested and cost associated through the Change Order in item 9.

The Town Council discussed the design of the park, current drainage issues, costs associated for the improvements, and ultimately who should be responsible for the improvements.

Councilmember Ray made a motion to table item 9 to a future meeting date. Councilmember Cotten seconded that motion, and the motion was unanimously approved.

CITIZEN COMMENTS

Toni Wengler, 1240 Packsaddle, spoke to the Town Council regarding the importance of visual arts and requested the Town Council to formally consider a Public Arts Board.

Items for Individual Consideration:

13. Consider and act upon Ordinance 2023-32 adopting a Special Purpose Sign District for the Gates of Prosper, Phase 2 and Phase 3, on 52.1± acres, located on the northwest corner of US 380 and Preston Road. (MISC-23-0001) (BC)

Mr. Cudd provided an overview of the history of the Special Purpose Sign District for Phase 1 of the Gates of Prosper, as well as what is being requested for Phase 2 and 3. The first is to allow for unified development signs, monument signs that are consistent with existing signs in Phase 1, and to permit six wall signs to exceed maximum height requirement for the big box retailer that is situated along US 380. Town staff is recommending approval.

Councilmember Cotten expressed his concern for the number of signs on buildings and temporary signs on the existing project that he would like to be removed once projects are fully developed.

Nicholas Link with Blue Star Land commented that he can address the temporary signs with the developer.

Members of Council agreed with Councilmember Cotten and requested a review of the sign ordinance.

Councilmember Cotton made a motion to approve an Ordinance 2023-32 adopting a Special Purpose Sign District for the Gates of Prosper, Phase 2 and Phase 3, on 52.1± acres, located on the northwest corner of US 380 and Preston Road. Mayor Pro-Tem Hodges seconded that motion, and the motion was unanimously approved.

14. Consider and act upon Resolution 2023-33 accepting the Independent Audit Report and Annual Comprehensive Financial Report for the Fiscal Year Ended September 30, 2022, as audited by Weaver and Tidwell LLP, Certified Public Accountants. (RBS)

Mr. Scott stated that the auditors must make certain required communications to those in charge of governance. These communications have been made to the Finance Sub-Committee and copies have been distributed to the Council. Staff is requesting acceptance of the audit as presented.

Councilmember Ray made a motion to approve a Resolution 2023-33 accepting the Independent Audit Report and Annual Comprehensive Financial Report for the Fiscal Year Ended September 30, 2022, as audited by Weaver and Tidwell LLP, Certified Public Accountants. Councilmember Cotten seconded that motion, and the motion was unanimously approved.

Possibly direct Town staff to schedule topic(s) for discussion at a future meeting.

Councilmember Kern requested for the timing of the light signalization to be checked at First Street and the tollway due to backup since the opening of the overpass.

Mayor Bristol requested a list of items and their status requested thus far.

Councilmember Cotten requested a discussion on tournaments for Parks and Recreation.

Mayor Pro-Tem Hodges requested for staff to monitor the traffic pattern on First Street into Andy's due to the number of cars and blocking entrance into CVS.

Councilmember Bartley requested for staff to schedule a meeting for the Capital Subcommittee, and to revisit the five-to-ten-year plan(s).

EXECUTIVE SESSION:

Recess into Closed Session in compliance with Section 551.001 et seq. Texas Government Code, as authorized by the Texas Open Meetings Act, to deliberate regarding:

Section 551.087 – To discuss and consider economic development incentives and all matters incident and related thereto.

Section 551.072 – To discuss and consider purchase, exchange, lease or value of real property for municipal purposes and all matters incident and related thereto.

Section 551.074 – To discuss and consider personnel matters and all matters incident and related thereto.

Section 551.071 - Consultation with the Town Attorney regarding pending and anticipated litigation regarding zoning and International Fire Code matters, and all matters incident and related thereto.

Section 551.074 - To discuss appointments to the Board of Adjustment/Construction Board of Appeals, Parks & Recreation Board, Library Board, Prosper Economic Development Corporation Board, Planning & Zoning Commission, and the Community Engagement Committee, and all matters incident and related thereto.

The Town Council recessed into Executive Session at 7:04 p.m.

Reconvene in Regular Session and take any action necessary as a result of the Closed Session.

The Town Council reconvened into Regular Session at 7:53 p.m.

Mayor Pro-Tem Hodges made a motion to appoint Glen Blanscet to the Planning and Zoning Commission. Councilmember Cotten seconded that motion, and the motion unanimously passed.

Adjourn.

The meeting was adjourned at 7:54 p.m.

These minutes approved on the 11th day of April 2023.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary



ENGINEERING SERVICES

To: Mayor and Town Council

From: Hulon T. Webb, Jr., P.E., Director of Engineering Services

**Through: Mario Canizares, Town Manager
Chuck Ewings, Executive Director of Development and Infrastructure Services**

Re: Speed Limit Ordinance: FM 1461 (SH 289 – FM 2478)

Town Council Meeting – April 11, 2023

Agenda Item:

Consider and act upon an ordinance amending Section 12.09.003, "Speed Limits on Specific Streets," of Chapter 12 "Traffic and Vehicles," of the Town's Code of Ordinances by modifying the prima facie speed limit on FM 1461 (Frontier Parkway).

Description of Agenda Item:

On March 23, 2023, the Texas Department of Transportation (TxDOT) informed the Town of Prosper that they have recently completed a speed study on FM 1461 from SH 289 (Preston Road) to FM 2478 (Custer Road) through the City of Celina and Town of Prosper. This study sampled the speed of vehicles on the roadway to determine the 85th percentile speed, which is the speed at which the majority of drivers drive at or below. The results of the study found that the 85th percentile speed on FM 1461, between Preston Road and Custer Road, varied between 52 and 57 mph, compared to the existing speed limit of 55 mph.

TxDOT typically sets the speed limit at the nearest value to the 85th percentile speed ending in 5 or 0, however the posted speed limit may be lowered up to 10 mph (12 miles per hour for locations with crashes higher than statewide average) below the 85th percentile speed if some of the following conditions are present:

- Roadway pavement width of 20 feet or less
- Curves and hills
- Hidden driveways and other developments
- High number of driveways
- Crash history
- Rural residential or developed area
- Lack of striped, improved shoulders

Due to the high number of driveways along this stretch of roadway, TxDOT has recommended that the existing speed limit of 55 mph be reduced to 50 mph, which is a reduction of 5 mph below both the existing speed limit and the 85th percentile speed.

Even though TxDOT completed the speed study and recommends the speed limit, local communities must adopt the speed limit by ordinance to become effective. Upon approval of this ordinance, and similar ordinance in the City of Celina for the north side of FM 1461 (westbound traffic), TxDOT will install the necessary speed limit signs.

Budget Impact:

There is no impact since TxDOT will complete the installation of the speed limit signs.

Legal Obligations and Review:

Terrence Welch of Brown & Hofmeister, L.L.P., has reviewed the ordinance as to form and legality.

Attached Documents:

1. Ordinance
2. Speed Study Results

Town Staff Recommendation:

Town staff recommends that the Town Council adopt an ordinance amending Section 12.09.003, "Speed Limits on Specific Streets," of Chapter 12 "Traffic and Vehicles," of the Town's Code of Ordinances by modifying the prima facie speed limit on FM 1461 (Frontier Parkway).

Proposed Motion:

I move to adopt an ordinance amending Section 12.09.003, "Speed Limits on Specific Streets," of Chapter 12 "Traffic and Vehicles," of the Town's Code of Ordinances by modifying the prima facie speed limit on FM 1461 (Frontier Parkway).

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 23-__

AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, AMENDING SECTION 12.09.003, "SPEED LIMITS ON SPECIFIC STREETS," OF CHAPTER 12, "TRAFFIC AND VEHICLES," OF THE CODE OF ORDINANCES OF THE TOWN OF PROSPER BY MODIFYING THE PRIMA FACIE SPEED LIMITS ON FM 1461 (FRONTIER PARKWAY) WITHIN THE TOWN OF PROSPER; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town of Prosper, Texas ("Town"), is a home-rule municipal corporation duly organized under the laws of the State of Texas; and

WHEREAS, Section 545.356 of the Texas Transportation Code provides that the governing body of a municipality may alter prima facie speed limits by ordinance based on the results of an engineering and traffic investigation; and

WHEREAS, Texas Department of Transportation has investigated the speed limits on FM 1461 (Frontier Parkway) within the corporate limits of the Town and has determined that modifying the prima facie speed limit on FM 1461 (Frontier Parkway) is in the best interests of the Town and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

Existing Section 12.09.003, "Speed Limits on Specific Streets," of Chapter 12, "Traffic and Vehicles," of the Code of Ordinances of the Town of Prosper, Texas, is hereby amended by modifying the prima facie speed limit on FM 1461 (Frontier Parkway), to read as follows:

"Sec. 12.09.003 Speed Limits on Specific Streets

A person shall not operate a vehicle upon a public street or highway listed in this section at a speed greater than established by this section, with the limits established being prima facie evidence that the speed is not reasonable and prudent and that the speed is unlawful. The following maximum speed limits are established:

State Highways		
Highway	Limits	Speed Limit (MPH)
FM 1461 (Frontier Pkwy)	SH 289 (Preston Road) to FM 2478 (Custer Road)	50

SECTION 3

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 repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

SECTION 4

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town of 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.

SECTION 5

Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by fine not to exceed the sum of five hundred dollars (\$500.00) for each offense.

SECTION 6

This Ordinance shall become effective after its passage and publication, as required by law.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 11TH DAY OF APRIL, 2023

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

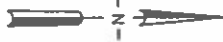
APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney

FM 1461

DEVELOPMENT	RES. SIGHT DISTANCE
BALL BANK OR ADVISORY SPEED	
CURVES OVER 2°	
GRADES OVER 3%	
SURFACE WIDTH AND TYPE	
R.O.W. AND R.O.B.D. WIDTH	
ACCIDENTS	
ZONE LENGTHS (MILES)	
ZONE SPEEDS (M.P.H.)	

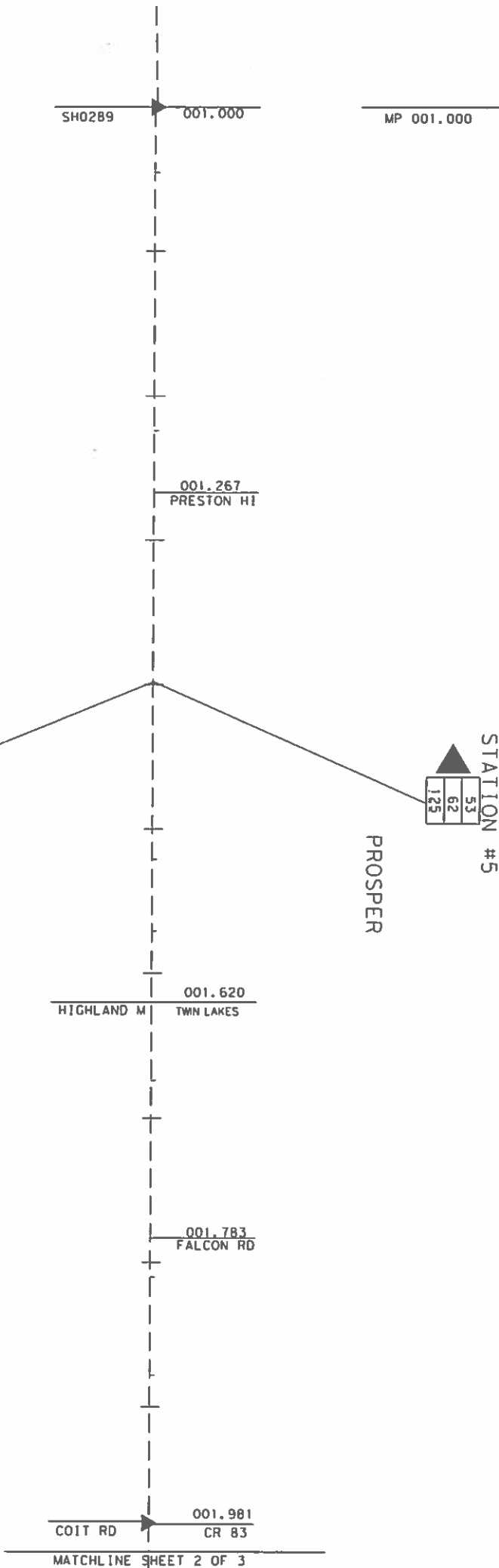
1 LANE, UNDIVIDED, SHOULDER
3.119
*50 MPH



TOWARD
SH 289

TOWARD
FM 2478

C.L. BEARINGS



EXISTING SPEED LIMIT
ZONE SPEEDS (M.P.H.)
ZONE LENGTHS (MILES)

CONSTRUCTION

55 MPH
*50 MPH
3.119

ACCIDENTS
R.O.W. AND R.O.B.D. WIDTH
SURFACE WIDTH AND TYPE
GRADES OVER 3%
CURVES OVER 2°

1 LANE, UNDIVIDED, SHOULDER

BALL BANK OR ADVISORY SPEED
RES. SIGHT DISTANCE

DEVELOPMENT

DISTRICT: DALLAS
COUNTY: COLLIN
CITY: PROSPER
SCALE 1" = 0.1 MILES

MINUTE NO. :
REPLACES :
REPLACED BY :
CANCELLED BY :
DATE :
DATE :
DATE :

LIMITS OF ZONE

SECTION ONE	LENGTH	MILES	SECTION TWO	LENGTH	MILES
BEGINS STA. OR M.P. MP	CONT. AND SECT. PROJECT	BEGINS ()	STA. OR M.P. MP	CONT. AND SECT. PROJECT	BEGINS ()
ENDS STA. OR M.P. MP	CONT. AND SECT. PROJECT	ENDS ()	STA. OR M.P. MP	CONT. AND SECT. PROJECT	ENDS ()

42 85 PERCENTILE SPEED
62 TOP SPEED MEASURED
125 NUMBER OF CARS CHECKED

- FATAL ACCIDENT
- PERSONAL INJURY ACCIDENT
- PROPERTY DAMAGE ACCIDENT
- INDICATES SECTION ZONED BY COMMISSION MINUTE
- SIGNALIZED INTERSECTION
- TRIAL RUN

SPEED ZONE

CONT. 1973 SEC. 01
LIMITS: SH 289 TO FM 2478
*SPEED LIMIT REDUCED BY 5MPH
BELOW 85TH PERCENTILE SPEED
DUE TO THE FOLLOWING FACTOR:
HIGH DRIVEWAY DENSITY

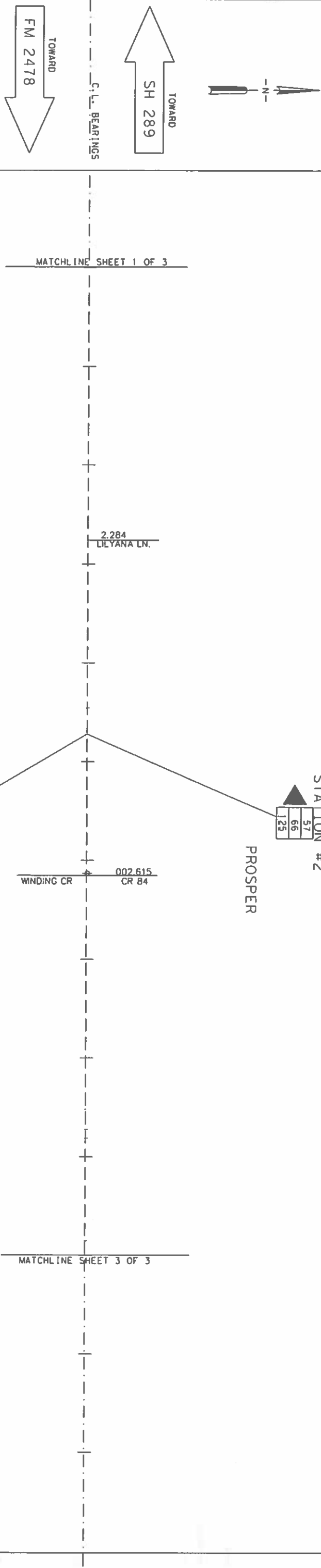


SHEET 1 OF
Texas Department of Transportation

SPEED STUDY
COLLIN COUNTY
FM 1461

DESIGN TEAM	FILE NO.	FEDERAL AID PROJECT NO.	SHEET NO.
STATE	COUNTY		
SECTION	SECTION		
NO.	NO.		

DEVELOPMENT	RES. SIGHT DISTANCE	OPEN
BALL BANK OR ADVISORY SPEED		
CURVES OVER 2"		
GRADES OVER 3%		
SURFACE WIDTH AND TYPE		
R.O.W. AND R.O.B.D. WIDTH		
ACCIDENTS		
ZONE LENGTHS (MILES)		
ZONE SPEEDS (M.P.H.)		



EXISTING SPEED LIMIT	
ZONE SPEEDS (M.P.H.)	
ZONE LENGTHS (MILES)	
ACCIDENTS	
R.O.W. AND R.O.B.D. WIDTH	
SURFACE WIDTH AND TYPE	
GRADES OVER 3%	
CURVES OVER 2"	
BALL BANK OR ADVISORY SPEED	
RES. SIGHT DISTANCE	
DEVELOPMENT	

DISTRICT: DALLAS	COUNTY: COLLIN	MINUTE NO.:	DATE: / /				
HIGHWAY: FM 1461	CITY: PROSPER	REPLACES:	DATE: / /				
DATE OF STUDY 10-19-22	SCALE 1" = 0.1 MILES	REPLACED BY:	DATE: / /				
LIMITS OF ZONE							
SECTION ONE		SECTION TWO					
LENGTH		LENGTH					
MILES		MILES					
BEGINS	STA. OR M.P.	CONT. AND SECT.	PROJECT	BEGINS	STA. OR M.P.	CONT. AND SECT.	PROJECT
MP	0 + 00	-	()	MP	0 + 00	-	()
ENDS	STA. OR M.P.	CONT. AND SECT.	PROJECT	ENDS	STA. OR M.P.	CONT. AND SECT.	PROJECT
MP	0 + 00	-	()	MP	0 + 00	-	()

LEGEND

- 85 PERCENTILE SPEED
- TOP SPEED MEASURED
- NUMBER OF CARS CHECKED
- FATAL ACCIDENT
- PERSONAL INJURY ACCIDENT
- PROPERTY DAMAGE ACCIDENT
- INDICATES SECTION ZONED BY COMMISSION MINUTE
- SIGNALIZED INTERSECTION
- TRIAL RUN

SPEED ZONE

CONT. 1973 SEC. 01

LIMITS: SH 289 TO FM 2478

*SPEED LIMIT REDUCED BY 5MPH BELOW 85TH PERCENTILE SPEED DUE TO THE FOLLOWING FACTOR:

HIGH DRIVEWAY DENSITY

SHEET 2 OF

Texas Department of Transportation

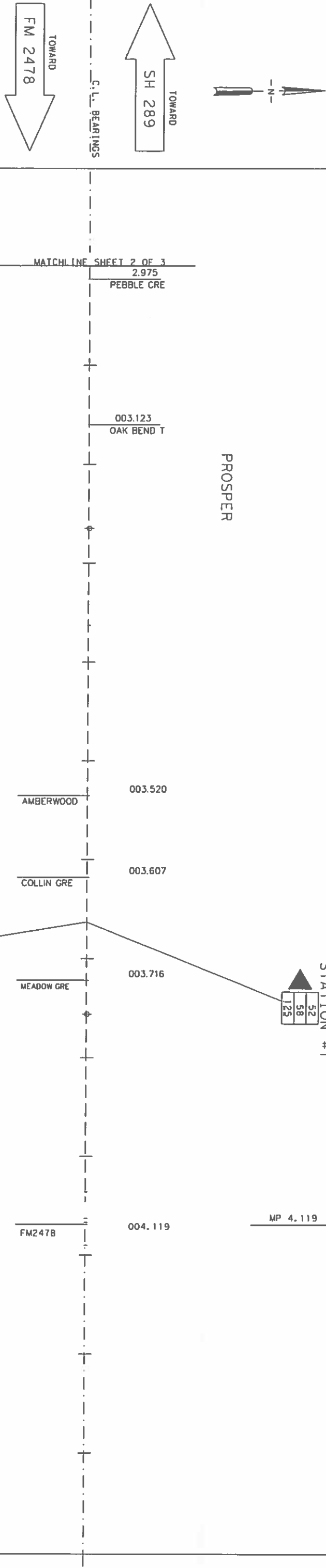
SPEED STUDY

COLLIN COUNTY

FM 1461

DISTRICT	FILE NO.	FEDERAL AID PROJECT NO.	SHEET NO.
STATE	COUNTY		
SECTION	SECTION		
SECTION	SECTION		

DEVELOPMENT	RES. SIGHT DISTANCE	OPEN
BALL BANK OR ADVISORY SPEED		
CURVES OVER 2"		
GRADES OVER 3%		
SURFACE WIDTH AND TYPE		
R.O.W. AND RDBD. WIDTH		
ACCIDENTS		
ZONE LENGTHS (MILES)		
ZONE SPEEDS (M.P.H.)		



EXISTING SPEED LIMIT	
ZONE SPEEDS (M.P.H.)	
ZONE LENGTHS (MILES)	
ACCIDENTS	
R.O.W. AND RDBD. WIDTH	
SURFACE WIDTH AND TYPE	
GRADES OVER 3%	
CURVES OVER 2"	
BALL BANK OR ADVISORY SPEED	
RES. SIGHT DISTANCE	
DEVELOPMENT	
DISTRICT: DALLAS	COUNTY: COLLIN
HIGHWAY: FM 1461	CITY: PROSPER
DATE OF STUDY 10-19-22	SCALE 1" = 0.1 MILES
REPLACES:	DATE: / /
CANCELLED BY:	DATE: / /

SECTION ONE	LENGTH	MILES	SECTION TWO	LENGTH	MILES
BEGINS	STA. OR M.P.	CONT. AND SECT.	PROJECT	BEGINS	STA. OR M.P.
ENDS	STA. OR M.P.	CONT. AND SECT.	PROJECT	ENDS	STA. OR M.P.

42
62
125

LEGEND

- 85 PERCENTILE SPEED
- TOP SPEED MEASURED
- NUMBER OF CARS CHECKED
- FATAL ACCIDENT
- PERSONAL INJURY ACCIDENT
- PROPERTY DAMAGE ACCIDENT
- INDICATES SECTION ZONED BY COMMISSION MINUTE
- SIGNALIZED INTERSECTION
- TRIAL RUN

SPEED ZONE

CONT. 1973 SEC. 01

LIMITS: SH 289 TO FM 2478

*SPEED LIMIT REDUCED BY 5MPH BELOW 85TH PERCENTILE SPEED DUE TO THE FOLLOWING FACTOR:

HIGH DRIVEWAY DENSITY

SHEET 3 OF

Texas Department of Transportation

SPEED STUDY

COLLIN COUNTY

FM 1461

DESIGN TEAM	FILE NO.	FEDERAL AID PROJECT NO.	SHEET NO.
STATE	SECTION	COUNTY	
CONTRACT NO.	SECTION NO.	CONTRACT NO.	SECTION NO.

POLICE DEPARTMENT

To: Mayor and Town Council

From: Doug Kowalski, Chief of Police

Through: Mario Canizares, Town Manager

Re: Motorola Solutions, Inc. - Texas Contract #DIR-TSO-4101

Town Council Meeting – April 11, 2023

Agenda Item:

Consider and act upon approving the purchase of Public Safety, Police Department supplies and equipment through the Texas Department of Information Services (DIR) Contract #DIR-TSO-4101 with Motorola Solutions, Inc.

Description of Agenda Item:

Local governments are authorized by the Interlocal Cooperation Act, V.T.C.A. Government Code, Chapter 791, to enter into joint contracts and agreements for the performance of governmental functions and services, including administrative functions normally associated with the operation of government (such as purchasing necessary materials and equipment).

The Town of Prosper entered into an interlocal participation agreement in June 2005, providing the Town's participation in the Texas Local Government Purchasing Cooperative. Participation in the cooperative purchasing program allows local government to purchase goods and services from the cooperative's online purchasing systems while satisfying all competitive bidding requirements.

As outlined in the attached, Texas DIR Contract #DIR-TSO-4101 with Motorola Solutions, Inc., "This contract offers Motorola branded products and related services." Utilizing this contract will allow the process of purchase orders as needed for the Police Department.

Budget Impact:

Estimated annual expenditures are \$125,000*, funded through the FY23 operating budget.

*(*Note: Purchase Order#23143 for an in-car and body worn camera and evidence management system in the amount of \$356,772 was a one-time additionally approved expenditure for FY23).*

Attached Documents:

1. Contract #DIR-TSO-4101

Town Staff Recommendation:

Town Staff recommends approving the purchase of Public Safety, Police Department supplies and equipment through the Texas Department of Information Services (DIR) Contract #DIR-TSO-4101 with Motorola Solutions, Inc.

Proposed Motion:

I move to approve the purchase of Public Safety, Police Department supplies and equipment through the Texas Department of Information Services (DIR) Contract #DIR-TSO-4101 with Motorola Solutions, Inc.

[Home](#) > [Explore DIR Contracts](#)

Contract Number

DIR-TSO-4101Contract Term Date: **04/24/23** ?Contract Expiration Date: **04/24/23** ?

Vendor Information

[Motorola Solutions, Inc.](#)Vendor ID: **1361115800000**HUB Type: **Non HUB** ?RFO: **DIR-TSO-TMP-426**Contract Status: **Active****VENDOR CONTACT:**[Marty Saucedo](#) ↗

Phone: (210) 237-2936

[Vendor Website](#) ↗**DIR CONTACT:**[Tiffanay Waller](#) ↗

Phone: (512) 475-4962

Contract Overview

This contract offers Motorola branded products and related services. Customers can purchase directly through this DIR contract. Contracts may be used by state and local government, public education, other public entities in Texas, as well as public entities outside the state. • DIR has exercised the automatic renewal option for this Contract. This renewal extends the contract through 4/24/2023.

Contract Details & Ordering Information

Products & Services

[Commodity Codes](#)[Brands](#)[Contract Documents](#)[How to Order](#)[Resellers](#)

Products & Services

This contract offers the following products and services. Please contact the Vendor for the latest information.

- Hardware
- Software
- Technical Services

MORE INFORMATION[Vendor Website](#) ↗

Visit this Vendor's website to view the latest product, service, and pricing information.

Getting Started



TOWN MANAGER

To: Mayor and Town Council

From: Chuck Ewings, Executive Director of Development and Infrastructure Services

Through: Mario Canizares, Town Manager

Re: Board Appointment to Upper Trinity Regional Water District

Town Council Meeting – April 11, 2023

Agenda Item:

Consider and act upon the appointment of Frank Jaromin, Public Works Director, to the Upper Trinity Regional Water District Board of Directors effective June 1, 2023.

Description of Agenda Item:

The Upper Trinity Regional Water District (UTRWD) is a conservation district, created by the State of Texas in 1989 to provide towns, cities, and utilities with a long-term water supply. UTRWD is authorized to provide water, wastewater, solid waste, and storm water services.

The boundaries of UTRWD include all of Denton County, plus some portions of Collin and Dallas, and Grayson counties. The District is composed of 23 member entities (19 cities and towns, 1 utility authority, and 2 special districts and Denton County). The District is governed by a Board of Directors appointed by the governing bodies of the District's member entities. Denton County appoints two Directors and each member entity, including Prosper, appoints one Director. Each Director is appointed for a four-year term.

Frank Jaromin, the Town's Public Works Director, has been Prosper's representative on the UTRWD Board of Directors since 2015. Mr. Jaromin's term will expire on May 31, 2023, and he has expressed his willingness to continue to serve on the UTRWD Board of Directors.

Budget Impact:

There is no budgetary impact affiliated with this item.

Legal Obligations and Review:

Terrence Welch of Brown & Hofmeister, L.L.P., has approved the attached documents as to form and legality.

Attached Documents:

1. UTRWD Letter

Town Staff Recommendation:

Town Staff recommends the Town Council approve the appointment of Frank Jaromin, Public Works Director, to the Upper Trinity Regional Water District Board of Directors effective June 1, 2023.

Proposed Motion:

I move to approve the appointment of Frank Jaromin, Public Works Director, to the Upper Trinity Regional Water District Board of Directors effective June 1, 2023..



P.O. Drawer 305 • Lewisville, TX 75067

(972) 219-1228 • Fax (972) 221-9896

March 24, 2023

Mr. Mario Canizares
Town Manager
Town of Prosper
P.O. Box 307
Prosper, TX 75078

Subject: Appointment of Board Member

Dear Mr. Canizares:

As a Member of the Upper Trinity Regional Water District, the Town of Prosper is authorized to appoint a Director to the governing Board of Directors for wholesale water service. The Town's current appointee Mr. Frank Jaromin (Board Member) has a current term that ends May 31, 2023.

The Board of Directors of Upper Trinity has regional responsibilities for developing, funding and implementing regional water and wastewater systems - - services which are vital to the cities, towns and utilities of this region. A high priority mission of the Board is to plan ahead for a secure water supply, adequate for the next 50 years. The work of the Board is strategic and challenging. The Board oversees extensive regional programs as a utility enterprise, with some thirty cities, towns and utilities cooperating to achieve the mandate. Therefore, your appointment to the Board of Directors should be carefully considered - - for your interest as well as for the region.

Please be informed that Mr. Jaromin is eligible for reappointment by the Town Council for a new four-year term. Should the Town choose to make an appointment other than Mr. Jaromin, be advised that an appointee must be a qualified voter, must reside within the boundaries of Upper Trinity, may not be an elected official and may not be an employee of another member-entity of Upper Trinity.

As soon as the reappointment (or new appointment) is made, please let us know by forwarding a copy of the approved Resolution or Motion. Board Members are scheduled to take the oath of office on June 1 at the regular meeting of the Upper Trinity Board. Please call me or Nancy Tam (972) 219-1228 if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Larry N. Patterson".

Larry N. Patterson
Executive Director

LNP/nt

c: Mr. Frank Jaromin, Board Member, UTRWD

c:\BoardMemberAppt\2023-Prosper



ENGINEERING SERVICES

To: Mayor and Town Council

From: Hulon T. Webb, Jr., P.E., Director of Engineering Services

Through: Mario Canizares, Town Manager
Chuck Ewings, Executive Director of Development and Infrastructure Services

Re: City of Celina ILA: Parvin Road and Frontier Parkway (FM 1385 - DNT)

Town Council Meeting – April 11, 2023

Agenda Item:

Consider and act upon authorizing the Town Manager to execute an Interlocal Agreement between the City of Celina, Texas, and the Town of Prosper, Texas, related to cost participation in the construction of interim asphalt improvements on Parvin Road from east of FM 1385 to west of Legacy Drive, and funding participation for the design of Frontier Parkway from Legacy Drive to the Dallas Parkway.

Description of Agenda Item:

Parvin Road, between FM 1385 and Legacy Drive, is an existing two-lane gravel road that is regularly maintained by the Town of Prosper's Public Works Department. Even with routine grading of the surface of the roadway, the increased traffic utilizing the roadway is contributing to a higher rate of deterioration as well as requests for improvements to control the spread of dust migrating onto adjacent homeowner's properties. With the construction of the concrete widening of the roadway several years away, the City of Celina coordinated with Denton County and developments in the area to secure funding for interim asphalt improvements. These interim improvements will provide a much-improved driving surface that will require less maintenance as well as eliminate the dust concerns. The City of Celina recently bid the construction of the asphalt improvements, and in exchange for the Town of Prosper providing \$500,000, in cost participation towards the nearly \$3.2M construction costs, the City of Celina will maintain the asphalt improvements after the completion of the project, until such time as the road is improved with concrete.

As for the section of Frontier Parkway from Legacy Drive to the Dallas Parkway, it is currently a two-lane concrete road on the north side, or the City of Celina side, of the ultimate six-lane divided roadway. The current construction of Frontier Parkway east of the Dallas Parkway to Preston Road will complete four lanes of the ultimate six-lane divided roadway, and the construction of the Dallas North Tollway, scheduled to start construction by the end of 2023, includes the ultimate widening of the Frontier Parkway intersection under the proposed Dallas North Tollway overpass. With only two lanes of Frontier Parkway existing west of the Dallas Parkway, the intersection of Frontier Parkway under the Dallas North Tollway overpass will have some decreased capacity. To address the capacity restriction to the intersection, the City of Celina and Town of Prosper are proposing to begin the design of Frontier Parkway from Legacy Drive to the Dallas Parkway and incorporate the design into the overall design plans of the Parvin Road, from FM 1385 to Legacy Drive, project.

The funding participation from the Town of Prosper for the design of Frontier Parkway from Legacy Drive to the Dallas Parkway is \$300,000. Since the section of Frontier Parkway from Legacy Drive to the Dallas Parkway is in Collin County, the municipalities intend to request regional support for funding the construction of the improvements.

Budget Impact:

The 2022-2023 Capital Improvement Program includes \$800,000, in Account Number 750-5410-10-00-2208-ST towards the design of the Parvin Road (FM 1385 – Legacy) project. In November 2022, the Denton County Transportation Bond (Proposition A) passed, and included in that proposition, is a list of anticipated road improvement projects. In Precinct 1, Denton County is committing \$32M in funding (\$16M for the City of Celina and \$16M for the Town of Prosper) towards the widening of Parvin Road from FM 1385 to Legacy Drive, estimated at \$62M. The remaining \$30M in funding needed for the project is anticipated to come from regional partnerships.

The City of Celina began the schematic design of Parvin Road from FM 1385 to Legacy Drive last year and to continue moving the project into the next phase of design and environmental evaluation, the City of Celina is entering into an agreement with Denton County to utilize funding from the Denton County Transportation Bond (Proposition A). Since the \$800,000, the Town of Prosper has in the 2022-2023 Capital Improvement Program was to provide the funding for that effort, the use of the Denton County bond funds instead, allows the Town to reallocate that \$800,000.

As outlined in the Interlocal Agreement, \$500,000, is proposed to be reallocated towards the cost participation in the construction of interim asphalt improvements from east of FM 1385 to west of Legacy Drive, and \$300,000, towards the funding participation for the design of Frontier Parkway between Legacy Drive and the Dallas Parkway.

Legal Obligations and Review:

Terrence Welch of Brown & Hofmeister, L.L.P., has reviewed the agreement as to form and legality.

Attached Documents:

1. Interlocal Agreement

Town Staff Recommendation:

Town staff recommends that the Town Council authorize the Town Manager to execute an Interlocal Agreement between the City of Celina, Texas, and the Town of Prosper, Texas, related to cost participation in the construction of interim asphalt improvements on Parvin Road from east of FM 1385 to west of Legacy Drive, and funding participation for the design of Frontier Parkway from Legacy Drive to the Dallas Parkway.

Proposed Motion:

I move to authorize the Town Manager to execute an Interlocal Agreement between the City of Celina, Texas, and the Town of Prosper, Texas, related to cost participation in the construction of interim asphalt improvements on Parvin Road from east of FM 1385 to west of Legacy Drive, and funding participation for the design of Frontier Parkway from Legacy Drive to the Dallas Parkway.

INTERLOCAL AGREEMENT BETWEEN THE TOWN OF PROSPER, TEXAS, AND THE CITY OF CELINA, TEXAS, FOR IMPROVEMENTS TO PARVIN ROAD AND FRONTIER PARKWAY

THIS INTERLOCAL AGREEMENT BETWEEN THE TOWN OF PROSPER, TEXAS, AND THE CITY OF CELINA, TEXAS, FOR IMPROVEMENTS TO PARVIN ROAD AND FRONTIER PARKWAY ("Agreement") is made and entered into by and among the **TOWN OF PROSPER, TEXAS**, a home-rule municipal corporation, hereinafter referred to as "Prosper," and the **CITY OF CELINA, TEXAS**, a home-rule municipal corporation, hereinafter referred to as "Celina." Prosper and Celina may from time to time herein be referred to collectively as "Parties" and individually as a "Party." The effective date of this Agreement is the date that the last of the Parties has executed the Agreement, after approval from their respective governing bodies (the "Effective Date").

WHEREAS, the Interlocal Cooperation Act ("Act"), codified at Chapter 791 of the Texas Government Code, authorizes units of local government to contract with one or more units of local government to perform governmental functions and services; and

WHEREAS, pursuant to Section 791.032 of the Act, with the approval of the governing body of a municipality, a local government may enter into an interlocal agreement with another municipality to finance the improvement of streets in the municipality; and

WHEREAS, Prosper and Celina are political subdivisions of the State of Texas and are engaged in the provision of governmental services for the benefit of their citizens and users; and

WHEREAS, this Agreement is entered into pursuant to the authority, under the provisions of, and in accordance with, the Act for the performance of governmental functions and services; specifically, the service of construction of asphalt improvements to Parvin Road from east of FM 1385 to west of Legacy Drive (the "Parvin Project"), depicted in **Exhibit A**, attached hereto and incorporated herein for all purposes, and the design of Frontier Parkway from Legacy Drive to Dallas Parkway (the "Frontier Project"), depicted in **Exhibit C**, attached hereto and incorporated herein for all purposes, and together hereinafter referred to as "Projects"; and

WHEREAS, Prosper and Celina have determined that the Projects may be completed most economically by implementing this Agreement; and

WHEREAS, each of the Parties has current funds available to satisfy any fees and costs required pursuant to this Agreement.

NOW, THEREFORE, in consideration of the covenants and conditions contained in this Agreement, the Parties agree as follows:

**I.
TERM; TERMINATION**

This Agreement is effective from the Effective Date for a period of one (1) year; however, the initial term of this Agreement will automatically be extended until such time as the Projects are complete, unless any Party gives written notice to the other Parties to the contrary not less than ninety (90) days prior to the expiration of the then-current term. Notwithstanding the foregoing, however, this Agreement may be terminated by any Party, with or without cause, and without penalty or prejudice to any other remedy it may be entitled to at law, or in equity or otherwise under this Agreement, by giving the other Parties at

least ninety (90) days' prior written notice of the termination date, in which event this Agreement shall terminate as to all Parties as of such termination date.

II. ROLES AND RESPONSIBILITIES OF THE PARTIES

2.1. Celina. Celina will:

- A. Assume primary responsibilities for the construction of the asphalt improvements for the Parvin Project. Such Project will be provided for under a separate contract managed by Celina, for which bids were requested in accordance with state law. Celina agrees to cause the Parvin Project to begin no later than ninety (90) days from the Effective Date; however, Celina shall notify Prosper of any reasonable commercial delays of this start date for either Project necessitating an extension. After construction of the Parvin Project, Celina agrees to maintain the portion of Parvin Road improved by the Parvin Project, until such time as the road is improved with concrete.
- B. Assume primary responsibilities for the design of Frontier Parkway from Legacy Drive to Dallas Parkway as a four-lane (ultimate six-lane) divided concrete curb and gutter roadway. Such Project will be provided for under a separate contract managed by Celina. The design will be incorporated into the overall design plans of the Parvin Road from FM 1385 to the Dallas Parkway project. Celina will provide funding for the design of the Frontier Project and any shortfall in design costs, minus Prosper's contribution, as described in Sec. 2.2.B herein.

2.2 Prosper. Prosper will contribute:

- A. FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) toward the total cost of the Parvin Project, estimated costs of which are represented by bids provided in Exhibit B, attached hereto and incorporated herein for all purposes. Prosper agrees to deliver such funds to Celina for the Parvin Project within ninety (90) days of Celina's award of a bid to a contractor for such Parvin Project, or within thirty (30) days of the Effective Date of this Agreement if a bid award has been made prior to the Effective Date.
- B. THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) toward the total design costs of the Frontier Project which is depicted in Exhibit C, attached hereto and incorporated herein for all purposes. Prosper agrees to deliver such funds to Celina for the Frontier Project within thirty (30) days of Celina's execution of a design contract for the Frontier Project.

2.3 Both Parties. Prosper and Celina mutually agree to approach regional partners for funding opportunities to construct the Frontier Parkway from Legacy Drive to Dallas Parkway.

III. CONSIDERATION

The Parties acknowledge and agree that the continuation of this Agreement after the close of any given fiscal year of a Party shall be subject to approval by each Party's governing body. In the event that a Party's governing body does not approve the appropriation of funds required to be paid under this Agreement, this Agreement shall terminate at the end of the fiscal year for which funds were

appropriated, and the Parties shall have no further obligations hereunder, but the Party responsible for payment shall be obligated to pay all charges incurred by the Party to whom payment must be made through the end of that fiscal year provided that the Party to whom payment must be made is not in breach of this Agreement.

IV. RELEASE AND HOLD HARMLESS

TO THE EXTENT ALLOWED BY LAW, AND WITHOUT WAIVING GOVERNMENTAL OR SOVEREIGN IMMUNITY, EACH PARTY AGREES TO RELEASE, DEFEND, INDEMNIFY, AND HOLD HARMLESS THE OTHER (AND ITS OFFICERS, AGENTS, AND EMPLOYEES) FROM AND AGAINST ALL CLAIMS OR CAUSES OF ACTION FOR INJURIES (INCLUDING DEATH), PROPERTY DAMAGES (INCLUDING LOSS OF USE), AND ANY OTHER LOSSES, DEMANDS, SUITS, JUDGMENTS AND COSTS, INCLUDING REASONABLE ATTORNEYS' FEES AND EXPENSES, IN ANY WAY ARISING OUT OF, RELATED TO, OR RESULTING FROM ITS PERFORMANCE UNDER THIS AGREEMENT, OR CAUSED BY ITS NEGLIGENT ACTS OR OMISSIONS (OR THOSE OF ITS RESPECTIVE OFFICERS, AGENTS, EMPLOYEES, OR ANY OTHER THIRD PARTIES FOR WHOM IT IS LEGALLY RESPONSIBLE) IN CONNECTION WITH PERFORMING THIS AGREEMENT.

THIS INDEMNIFICATION CLAUSE IS VALID ONLY TO THE EXTENT PERMITTED BY THE LAWS AND CONSTITUTION OF THE STATE OF TEXAS, PARTICULARLY SECTION 7 OF ARTICLE XI OF THE TEXAS CONSTITUTION, AND WITH THE MUTUAL UNDERSTANDING THAT THE PARTIES ARE POLITICAL SUBDIVISIONS OF THE STATE OF TEXAS AND THAT THIS EXECUTORY INDEMNITY OBLIGATION CANNOT BE PAID FROM CURRENT REVENUES AND THAT NO TAX NOR INTEREST AND SINKING FUND HAS BEEN SET, ADOPTED OR ESTABLISHED FOR THE PAYMENT OF THIS EXECUTORY INDEMNITY OBLIGATION.

V. INDEPENDENT CONTRACTOR

Each Party covenants and agrees that each Party is an independent contractor of the other Parties and not an officer, agent, servant or employee of any other Party and that nothing herein shall be construed as creating a partnership or joint enterprise between or among any Party.

VI. NOTICE

Any notice provided under this Agreement shall be delivered by mail or personal service to the Parties named below:

Celina Representative:

City of Celina
Attn: Jason Laumer
City Manager
142 N Ohio
Celina, TX 75009

Prosper Representative:

Town of Prosper
 Attn: Mario Canizares
 Town Manager
 250 W. First Street
 Prosper, TX 75078

**VII.
 AUTHORITY TO SIGN/CITY COUNCIL AUTHORIZATION**

The undersigned officers and/or agents of the Parties hereto are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the Parties hereto.

- Prosper has executed this Agreement pursuant to duly authorized action of the Prosper Town Council on April 11, 2023.
- Celina has executed this Agreement pursuant to duly authorized action of the Celina City Council on April 11, 2023.

Each of the Parties shall provide written documentation evidencing the grant of approval by its respective governing body.

**VIII.
 SEVERABILITY**

The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement is for any reason held to be contrary to the law or contrary to any rule or regulation having the force and effect of the law, such decisions shall not affect the remaining portions of the Agreement. However, upon the occurrence of such event, any Party may terminate this agreement by giving the other Parties thirty (30) days written notice.

**IX.
 VENUE**

This Agreement and any of its terms or provisions, as well as the rights and duties of the Parties hereto, shall be governed by the laws of the State of Texas. The Parties agree that this Agreement shall be enforceable in Collin County, Texas, and Denton County, Texas, and if legal action is necessary, venue shall lie in either Collin County, Texas, or Denton County, Texas.

**X.
 INTERPRETATION OF AGREEMENT**

Although this Agreement is drafted by Celina, this is a negotiated document. Should any part of this Agreement be in dispute, the Parties agree that the Agreement shall not be construed more favorably for or against any Party.

XI. REMEDIES

No right or remedy granted herein or reserved to the Parties is exclusive of any other right or remedy granted by law or equity; but each shall be cumulative of every right or remedy given hereunder. No covenant or condition of this Agreement may be waived without the express written consent of the Parties. It is further agreed that one (1) or more instances of forbearance by any Party in the exercise of its respective rights under this Agreement shall in no way constitute a waiver thereof.

XII. SUCCESSORS AND ASSIGNS

The Parties each bind themselves, their respective successors, executors, administrators, and assigns to the other Parties to this Agreement. No Party will assign, sublet, subcontract, or transfer any interest in this Agreement without the prior written consent of the other Parties. No assignment, delegation of duties or subcontract under this Agreement will be effective without the written consent of all Parties.

XIII. IMMUNITY

It is expressly understood and agreed that, in the execution and performance of this Agreement, no Party waives, nor shall be deemed hereby to have waived, any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By entering into this Agreement, the Parties do not create any obligations, express or implied, other than those set forth herein, and this Agreement shall not create any rights in Parties not signatories hereto.

XIV. MULTIPLE COUNTERPARTS

This Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes. An electronic mail and/or facsimile signature will also be deemed to constitute an original if properly executed and delivered to the other Party.

XV. ENTIRE AGREEMENT

This Agreement embodies the entire agreement between the Parties with respect to the subject matter hereof and may only be modified in a writing executed by all Parties.

IN WITNESS WHEREOF, the Parties have executed this Agreement by signing below:

CITY OF CELINA, TEXAS

Printed Name: _____

Title: _____

Date: _____

ATTEST:

By: _____

City Secretary

TOWN OF PROSPER, TEXAS

By: _____

Printed Name: Mario Canizares

Title: Town Manager

Date: _____

ATTEST:

By: _____

Name: Michelle Lewis Sirianni

Title: Town Secretary

Date: _____

APPROVED AS TO FORM AND LEGALITY:

By: _____

Name: Terrence S. Welch

Title: Town Attorney

Date: _____

Exhibit A Parvin Project

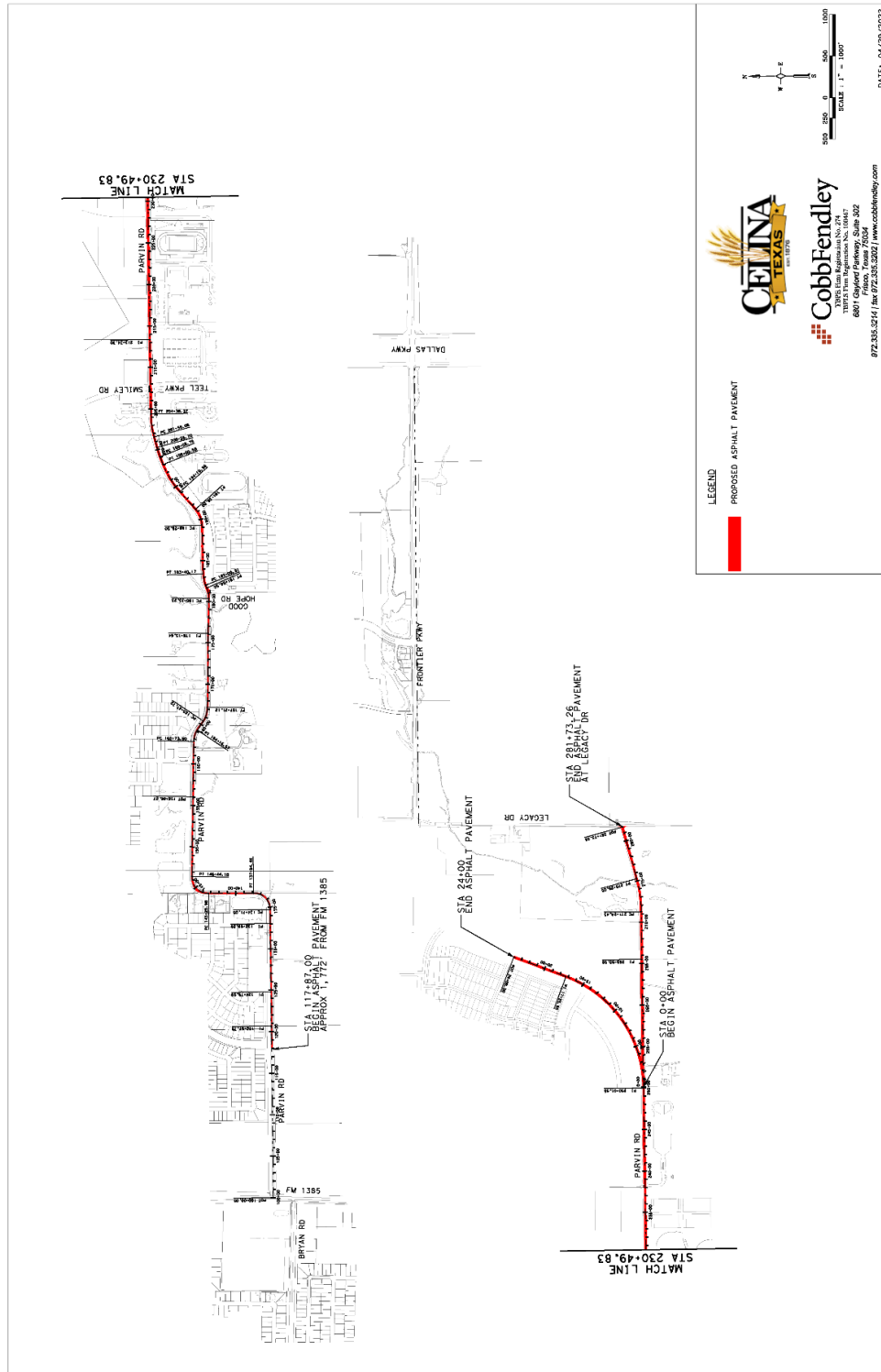
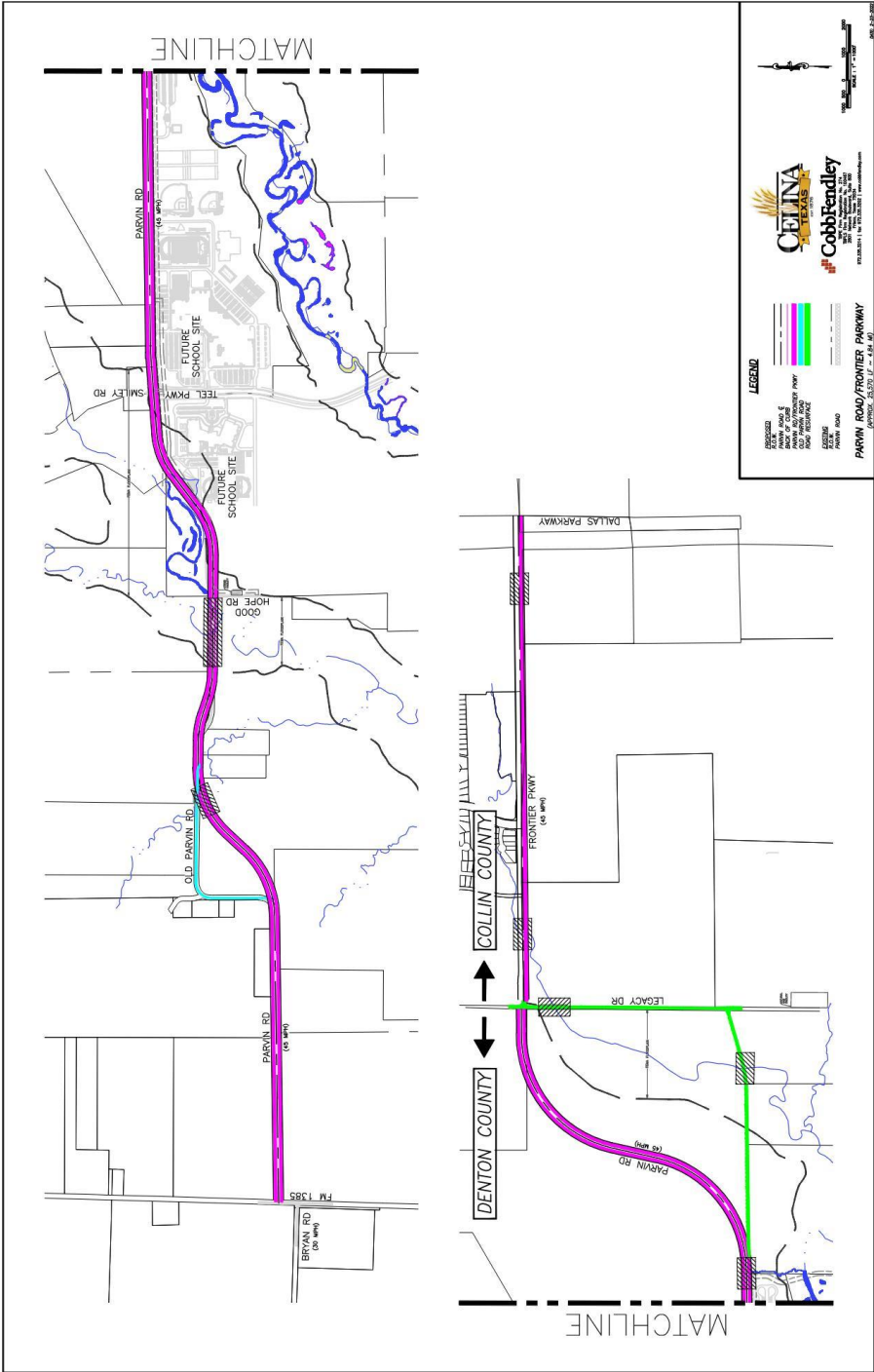


Exhibit B

Parvin Project Bids

Line #	Description	Mfgr	Mfgno	QTY	UOM	Estimated	Total Price Unit	\$3,358,833.18 Extended	Total Price Unit	\$3,718,586.58 Extended	Total Price Unit	\$3,985,894.00 Extended	Total Price Unit	\$4,361,203.00 Extended
1	Base Bid			1	EA									
1.1	Project Signs			4	EA									
1.2	Traffic Control			1	LS		\$1,200.00	\$3,358,833.18	\$720.69	\$1,500.00	\$600.00	\$3,985,894.00	\$600.00	\$4,361,203.00
1.3	SWPPP			1	LS		\$25,000.00	\$25,000.00	\$75,340.33	\$165,000.00	\$60,000.00	\$3,985,894.00	\$60,000.00	\$4,361,203.00
1.4	Remove Existing Pavement			1961	SY		\$61,266.00	\$61,266.00	\$34,186.82	\$45,000.00	\$60,000.00	\$3,985,894.00	\$60,000.00	\$4,361,203.00
1.5	Remove Existing Sign, Including Post			20	EA		\$22.50	\$22.50	\$10.97	\$20.00	\$5.00	\$3,985,894.00	\$5.00	\$4,361,203.00
1.6	Pulverize, Mix with Cement & Compact Exis			37910	SY		\$250.00	\$250.00	\$110.88	\$250.00	\$250.00	\$3,985,894.00	\$250.00	\$4,361,203.00
1.7	Compacted Fill			1712	CY		\$6.00	\$6.00	\$21.70	\$20.00	\$25.00	\$3,985,894.00	\$25.00	\$4,361,203.00
1.8	Scarify & Rework Subgrade (12 Inch Depth)			6708	SY		\$15.00	\$15.00	\$110.90	\$50.00	\$80.00	\$3,985,894.00	\$80.00	\$4,361,203.00
1.9	8 Inch Flexible Base (TXDOT Item 247 Grade			6708	SY		\$22.00	\$22.00	\$7.56	\$8.00	\$3.00	\$3,985,894.00	\$3.00	\$4,361,203.00
1.10	2 inch HMA Type D, Including Tack Coat &			44640	SY		\$17.00	\$17.00	\$28.13	\$35.00	\$45.00	\$3,985,894.00	\$45.00	\$4,361,203.00
1.11	4 inch HMA Type B, Including Tack Coat &			44640	SY		\$32.00	\$32.00	\$16.35	\$17.50	\$17.00	\$3,985,894.00	\$17.00	\$4,361,203.00
1.12	8 inch Reinforced Concrete Pavement			1360	SY		\$105.00	\$105.00	\$23.93	\$29.00	\$30.00	\$3,985,894.00	\$30.00	\$4,361,203.00
1.13	Cross Street / Driveway Tie In			937	SY		\$100.00	\$100.00	\$112.76	\$90.00	\$150.00	\$3,985,894.00	\$150.00	\$4,361,203.00
1.14	Seed and Curlex			30000	SY		\$2.50	\$2.50	\$69.86	\$95.00	\$140.00	\$3,985,894.00	\$140.00	\$4,361,203.00
1.15	Flexamat			737	SY		\$158.75	\$158.75	\$2.16	\$2.00	\$6.00	\$3,985,894.00	\$6.00	\$4,361,203.00
1.16	RC PIPE (CL III)(18 IN)			58	LF		\$223.38	\$223.38	\$149.68	\$125.00	\$95.00	\$3,985,894.00	\$95.00	\$4,361,203.00
1.17	RC PIPE (CL III)(21 IN)			115	LF		\$211.80	\$211.80	\$183.46	\$85.00	\$130.00	\$3,985,894.00	\$130.00	\$4,361,203.00
1.18	RC PIPE (CL III)(24 IN)			79	LF		\$217.16	\$217.16	\$123.65	\$105.00	\$135.00	\$3,985,894.00	\$135.00	\$4,361,203.00
1.19	SET (TY II) (18 IN) (RCP) (6:1) (C)			2	EA		\$3,500.00	\$3,500.00	\$166.67	\$125.00	\$150.00	\$3,985,894.00	\$150.00	\$4,361,203.00
1.20	SET (TY II) (21 IN) (RCP) (6:1) (C)			2	EA		\$3,500.00	\$3,500.00	\$1,919.31	\$2,500.00	\$1,800.00	\$3,985,894.00	\$1,800.00	\$4,361,203.00
1.21	SET (TY II) (24 IN) (RCP) (6:1) (C)			2	EA		\$3,500.00	\$3,500.00	\$2,084.52	\$3,000.00	\$2,200.00	\$3,985,894.00	\$2,200.00	\$4,361,203.00
1.22	Reflective Pavement Marking Ty I (V) 4 Inch			1750	LF		\$2.25	\$2.25	\$2,249.73	\$3,500.00	\$2,500.00	\$3,985,894.00	\$2,500.00	\$4,361,203.00
1.23	Reflective Pavement Marking Ty I (V) 4 Inch			9705	LF		\$1.50	\$1.50	\$1.28	\$1.00	\$0.75	\$3,985,894.00	\$0.75	\$4,361,203.00
1.24	Reflective Pavement Markers (RPM)			530	EA		\$7.50	\$7.50	\$2.33	\$1.00	\$1.40	\$3,985,894.00	\$1.40	\$4,361,203.00
1.25	Reflective Pavement Marking Ty I (W) 24 In			70	LF		\$15.00	\$15.00	\$4.82	\$15.00	\$5.50	\$3,985,894.00	\$5.50	\$4,361,203.00
1.26	Reflective Pavement Marking Ty I (W) 4 Inc			32255	LF		\$0.75	\$0.75	\$15.80	\$20.00	\$12.00	\$3,985,894.00	\$12.00	\$4,361,203.00
1.27	Aluminum Signs (Ty A)			124	SF		\$25.00	\$25.00	\$1.16	\$1.00	\$0.70	\$3,985,894.00	\$0.70	\$4,361,203.00
1.28	Sm Rd Sgn Assm Ty 10BWG (1) SA (P-BM)			19	EA		\$750.00	\$750.00	\$21.23	\$35.00	\$80.00	\$3,985,894.00	\$80.00	\$4,361,203.00
1.29	Solar Powered LED Roadside Sign			2	EA		\$14,000.00	\$14,000.00	\$604.27	\$1,150.00	\$1,000.00	\$3,985,894.00	\$1,000.00	\$4,361,203.00
									\$3,963.81	\$15,000.00	\$7,000.00			

Exhibit C
Frontier Project



PLANNING

To: Mayor and Town Council

From: David Soto, Planning Manager

**Through: Mario Canizares, Town Manager
Chuck Ewings, Executive Director of Development and Infrastructure Services**

Re: Westside Planned Development Ordinance

Town Council Meeting – April 11, 2023

Agenda Item:

Consider and act upon an ordinance amending Planned Development-94 (PD-94), for the Westside Development, on 64.5± acres, northeast corner of US 380 and FM 1385, regarding a big box use and development standards. (Z22-0020).

Description of Agenda Item:

On February 28, 2023, the Town Council approved the proposed rezoning request, by a vote of 6-0 subject to:

1. The applicant revises the 8-foot screening wall on the north side of the property line to include a potential pedestrian entryway adjacent to Kent Drive.
 - a. *The applicant has revised the exhibit to include a potential pedestrian entry way.*
2. The applicant submits Property Owner Association (POA) documentation to be approved by the Executive Director of Development Services.
 - a. *The applicant will submit Property Owner Association (POA) documentation to be approved by the Executive Director of Development Services*
3. The applicant increases the landscaping on the east façade of the big box building.
 - a. *The applicant revised the landscape plan to add additional landscaping on the east façade of the big box building.*
4. The applicant revises the west and south elevations of the big box building.
 - a. *The applicant revised the façade plan on the west and south elevation of the big box building.*
5. The applicant revises the screening wall to continue between the residential area and Multifamily use.
 - a. *The applicant extended the screening wall along the residential area and multifamily use to match what was being proposed between the residential area and retail/big box building.*

An ordinance has been prepared accordingly. The Development Agreement between the Town of Prosper and 1385 Prosper LLC, Alphas 3 Prosper RI LLC, SSSS Holdings LLC, and Westside Prosper LLC, is also on the March 28, 2023, Town Council agenda for consideration.

Item 9.

Legal Obligations and Review:

Town Attorney, Terrence Welch of Brown & Hofmeister, L.L.P., has approved the standard ordinance as to form and legality.

Attached Documents:

1. Ordinance
2. Ordinance Exhibits

Staff Recommendation:

Staff recommends approval of an ordinance to amend Planned Development-94 (PD-94), for the Westside Development, on 64.5± acres, northeast corner of US 380 and FM 1385, regarding a big box use and development standards subject to following:

1. Town Council approval of the license agreement.

Proposed Motion:

I move to approve an ordinance to amend Planned Development-94 (PD-94), for the Westside Development, on 64.5± acres, northeast corner of US 380 and FM 1385, regarding a big box use and development standards subject to the following:

1. Town Council approval of the license agreement.

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 2023-26

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING A TRACT OF LAND CONSISTING OF 64.501 ACRES, MORE OR LESS, SITUATED IN THE J. GONZALEZ SURVEY, ABSTRACT NO. 447, THE B. HODGES SURVEY, ABSTRACT NO. 593, THE P. BARNES SURVEY, ABSTRACT NO. 79, THE R.TAYLOR SURVEY, ABSTRACT NO. 1671, THE J. HAYNES SURVEY, ABSTRACT NO. 573 AND THE ANGUS JAMISON SURVEY, TOWN OF PROSPER, DENTON COUNTY, TEXAS, FROM PLANNED DEVELOPMENT-94 (PD-94) TO PLANNED DEVELOPMENT-94, AS AMENDED; 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 Z22-0020) from 1385 Prosper LLC, Alphas 3 Prosper RI LLC, SSSS Holdings LLC, and Westside Prosper LLC (collectively, "Applicants"), to rezone 64.601 acres of land, more or less, in the J. Gonzalez Survey, Abstract No. 447, the B. Hodes Survey, Abstract No. 593, the P. Barnes Survey, Abstract No. 79, the R. Taylor Survey, Abstract No. 1671, the Haynes Survey, Abstract No. 573 and the Angus Jamison Survey, Town of Prosper, Denton County, Texas, from Planned Development-94 to Planned Development-94, As Amended (PD-94) 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, as amended, is hereby amended as follows: The zoning designation of the below described property containing 64.501 acres of land, more or less, in the J. Gonzalez Survey, Abstract No. 447, the B. Hodes Survey, Abstract No. 593, the P. Barnes Survey, Abstract No. 79, the R. Taylor Survey, Abstract No. 1671, the Haynes Survey, Abstract No. 573 and the Angus Jamison Survey, Town of Prosper, Denton County, Texas, and all streets, roads, and alleyways contiguous and/or adjacent thereto are hereby zoned as Planned Development-94 As Amended 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 of Intent and Purpose, attached hereto as Exhibit B; (2) the Development Standards, attached hereto as Exhibit C; (3) the Site Plan, attached hereto as Exhibit D; (4) the Development Schedule, attached hereto as Exhibit E; (5) the Façade Plans, attached hereto as Exhibit F; and (6) the Landscape Plans, attached hereto as Exhibit G, all of which are incorporated herein for all purposes as if set forth verbatim, subject to the following conditions of approval by the Town Council:

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, 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 28TH DAY OF MARCH, 2023.**

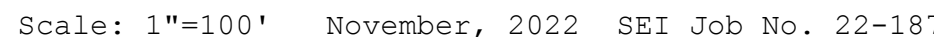
David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney



STATE OF TEXAS §
COUNTY OF DENTON §

BEGINNING at a 1/2" iron rod found on the east line of Farm to Market Road 1385 (F.M. 1385), a variable width right-of-way, for the southwest corner of Glenbrook Estates Phase 1, an addition recorded in Cabinet X, Page 717, Plat Records, Denton County, Texas;

THENCE S 72°45'37" E, 2051.53 feet along the south line of Glenbrook Estates Phase 1 to a U.S. Army Corps of Engineers brass monument found for the southeast corner thereof and a westerly corner of a tract conveyed to VP Windsong Operations LLC, recorded in Document No. 2018-84666 OPRDCT;

THENCE along the common line thereof, the following:

S 73°52'09" E, 688.55 feet;
S 17°34'52" W, 197.90 feet;
S 55°28'52" W, 183.40 feet;
S 14°31'52" W, 184.70 feet;
N 62°48'08" W, 216.20 feet;
S 44°40'52" W, 261.10 feet;
N 81°22'08" W, 88.40 feet;
N 19°45'52" E, 155.70 feet;
S 55°26'52" W, 132.20 feet;

And S 08°23'52" W, 242.07 feet a 1/2" iron rod with plastic cap stamped "SPIARSENG" set on the north line of U.S. Highway 380, a variable width right-of-way;

THENCE along the north line of U.S. Highway 380, the following:

N 89°04'33" W, 465.67 feet to a point from which a concrete right-of-way monument bears S 59°08'57" E, 1.23 feet;
N 89°50'39" W, 276.91 feet to an aluminum TxDOT monument found;
S 87°49'01" W, 300.44 feet to a point from which a 5/8" iron rod with plastic cap found bears N 83°03'00" W, 0.46 feet;
N 89°04'33" W, 194.31 feet to a 5/8" iron rod with plastic cap found;
N 86°48'41" W, 187.66 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

Around a tangent curve to the right having a central angle of 00°36'07", a radius of 5288.50 feet, a chord of N 87°06'44" W - 55.55 feet, an arc length of 55.55 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

N 82°11'54" W, 118.63 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;
N 89°02'28" W, 355.22 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;
N 44°48'18" W, 37.22 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

And N 06°19'03" W, 66.39 feet to the east line of F.M. 1385 and from which a 5/8" iron rod with plastic cap found bears S 71°16'17" W, 0.86 feet;

THENCE along the east line of F.M. 1385, the following:

N 05°26'52" E, 400.49 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

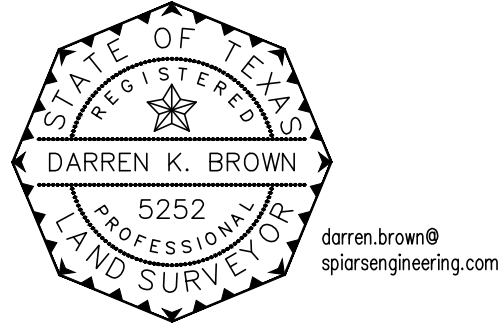
A tangent curve to the right having a central angle of 03°15'00", a radius of 5689.58 feet, a chord of N 07°04'22" E - 322.69 feet, an arc length of 322.73 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

N 08°41'52" E, 601.90 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

And a tangent curve to the left having a central angle of 03°26'25", a radius of 1185.92 feet, a chord of N 06°58'40" E - 71.20 feet, an arc length of 71.21 feet to the POINT OF BEGINNING with the subject tract containing 2,776,385 square feet or 63.737 acres of land.

SURVEYOR'S CERTIFICATE

DARREN K. BROWN, R.P.L.S. NO. 5252



TOWN OF PROSPER CASE NO. Z22-0020
Exhibit A

WestSide

BEING 63.737 ACRES OF LAND (GROSS)
63.017 ACRES (NET)
IN THE B. HODGES SURVEY, ABSTRACT NO. 593 &
IN THE J. GONZALEZ SURVEY, ABSTRACT NO. 447 &
IN THE P. BARNES SURVEY, ABSTRACT NO. 79 &
IN THE R. TAYLOR SURVEY, ABSTRACT NO. 1671 &
IN THE J. HAYNES SURVEY, ABSTRACT NO. 573 &
IN THE ANGUS JAMISON SURVEY
TOWN OF PROSPER, DENTON COUNTY, TEXAS

ENGINEER / SURVEYOR / APPLICANT	OWNER/DEVELOPER
Spiars Engineering, Inc.	WestSide Prosper, LLC
765 Custer Road, Suite 100	8668 John Hickman Pkwy., Suite 907
Plano, TX 75075	Frisco, Texas 75034
Telephone: (972) 422-0077	Telephone (248) 345-3818
TBPE No. F-2121	Contact: Shiva Kondru
Contact: David Bond	

Z22-0020
EXHIBIT B
STATEMENT OF INTENT AND PURPOSE
WESTSIDE

1. Statement of Intent

A. Overall Intent

The purpose of this project is to create a walkable urban neighborhood using a horizontal mix of uses. Access to shopping, housing, community retail and park land promotes a quality of life that nurtures the public health, safety, comfort, convenience, prosperity and general welfare of the immediate community, as well as to assist in the orderly and controlled growth and development of the land area described within this document. The overall intent of the proposed Planned Development amendment is to change the western portion of Tract B-Multi-Family District to Tract A-Retail District, and to modify the site plan accordingly to accommodate a Big Box retail use.

B. Description of Property

The subject property comprises approximately 64 acres of vacant land at the northeast corner of U.S. Highway 380 and F.M. 1385 in Prosper, Texas. It is additionally bounded by the Glenbrooke single family neighborhood to the north and Doe Branch Creek to the east. An existing trail exists along the property's north boundary and currently serves the adjacent single family neighborhood. This trail may extend into the Doe Branch drainage system and be part of the larger Town of Prosper Trails Plan.

C. Description of Proposed Property

The subject property as depicted in Exhibit "D" has been divided into two distinct sub-districts. The purpose of sub-district development standards described in Exhibit "C" is to define the character of new development within each sub-district. They have been carefully designed to allow enough flexibility for creative building solutions, while being prescriptive in areas necessary to preserve consistency throughout the development. Given that the subject property resides at the hard corner of two major thoroughfares and will serve as a gateway to the Town of Prosper, a portion of land with a size yet to be determined, will be set aside as a signage easement for a Town gateway sign near the intersection of U.S. 380 and F.M. 1385.

2. Current Zoning and Future Land Uses

A. Current Zoning

The subject property is zoned Planned Development District 94 Westside (PD-94) (Ordinance 18-108, and amended Ordinance 2022-20).

B. Future Land Use Plan

The Future Land Use Plan retains the current zoning of Planned Development District 94 Westside (PD-94), reconfigures the sub-districts (Tract A and Tract B) and adjusts the arrangement of uses within Tract A to accommodate Big Box Retail. The corresponding base zoning for Tract A Retail District is R-Retail (Non-Residential District) and the corresponding base zoning for Tract B Multifamily District is MF-Multifamily (Residential District). Together Tract A and Tract B comprise uses such as big box retail and accessory uses, restaurants, retail stores and shops, hotels, banks, gas/convenience, residential and open space.

Z22-0020
EXHIBIT C
DEVELOPMENT STANDARDS
WESTSIDE

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. A landscape plan including all requirements conforming to Town ordinances and standards, except as otherwise set forth in these Development Standards, shall be provided along with the Preliminary Site Plan/Preliminary Plat, Site Plan/Final Plat, and Civil Plans.

Tract A – Retail District

- A1. Except as noted below, the Tract shall develop in accordance with the Retail District base zoning as it exists or may be amended.
- A2. Uses. Uses shall be permitted in accordance with the Retail District with the exception of the Following:

Permitted Uses

1. Restaurant (with Drive-Through)
 - a. A restaurant with drive-through shall be permitted by right in accordance with the Conditional Development Standards, outlined in the Zoning Ordinance. A maximum of three (3) noncontiguous drive-through restaurants shall be permitted along US 380, and a maximum of one (1) drive-through restaurant shall be permitted along FM 1385, as shown on Exhibit D.
2. Hotel, Extended Stay
 - a. An extended stay hotel shall be permitted by right on the subject property, as shown on Exhibit D, on either Lot 15 or Lot 16, and shall otherwise be permitted in accordance with the Conditional Development Standards, outlined in the Zoning Ordinance.
3. Big Box Retail
 - a. Big Box Retail shall be permitted by right on the subject property, as shown on Exhibit D, and shall otherwise be permitted in accordance with the Conditional Development Standards, as outlined in the Zoning Ordinance.
 - b. Big Box Retail includes the following accessory uses permitted by right on the subject property, as shown on Exhibit D, and shall otherwise be permitted in accordance with the Conditional Development Standards, as outlined in the Zoning Ordinance.
 - i. Wholesale and retail general merchandise and grocery sales;
 - ii. Discount club member services including pharmacy, optical and hearing professional services and sales;
 - iii. Restaurant;
 - iv. Tire center including the sale and installation of tires;
 - v. Fuel pumps dispensing gasoline and other fuels located on the Big Box Retail lot or a lot abutting the associated Big Box retail building. The pumps shall be operated as an accessory use to the Big Box Retail;
 - vi. Loading dock shall be setback a minimum of one hundred fifteen feet (115') from adjacent residential land use, as shown on Exhibit D.
4. Alcoholic Beverage Sales and Beer sales are permitted.
5. The outdoor display (adjacent to the building entry) of one (1) new automobile associated with a Big Box Retail discount club member online automobile sales program. This display is permitted by right without time limitation on the subject property in one (1) location immediately adjacent to the main entrance to the Big Box building as shown on Exhibit D and shall otherwise be permitted in accordance with the Conditional Development Standards, as outlined in the Zoning Ordinance.
6. Drive aisle in front of Big Box Retail building permitted without traffic calming features.
7. Vehicular access to Big Box Retail area may use mountable driveway medians to allow for truck turning radii.

Prohibited Uses:

1. Athletic Stadium or Field, Public
2. Automobile Parking Lot/Garage
3. Automobile Paid Parking Lot/Garage
4. Recycling Collection Point
5. School District Bus Yard

A3. Regulations.

Regulations shall be permitted in accordance with the Retail District with the exception of the following:

1. Hotel, Extended Stay
 - a. Maximum height of Five (5) stories, no greater than seventy-five (75) feet.
 - b. Minimum height of four (4) stories.
2. Fuel pumps that are an accessory use of Big Box Retail shall be located within eight hundred feet (800') of the right-of-way lines of intersecting major thoroughfares.
3. Size of yards shall be in accordance with Exhibit D.

A4. Design Guidelines

1. Elevation Review and Approval
 - a. Conceptual Elevations, conforming to Exhibit F, shall be submitted at the time of Preliminary Site Plan, subject to approval by the Planning & Zoning Commission.
 - b. Detailed Facade Plans conforming to the Conceptual Elevations shall be submitted for each building including Big Box retail at the time of Site Plan, subject to approval by the Planning & Zoning Commission. Facade Plans for the Extended Stay Hotels use shall also be subject to Town Council approval.
2. Architectural Standards (except for Big Box Retail)
 - a. At least eighty percent (80%) of each building's facade (excluding doors and windows) shall be finished in one of the following materials: Masonry (brick or stone)
 - b. For retail/restaurant uses, no more than thirty percent (30%) of each facade elevation shall use wood-based high pressure laminate (i.e. Prodema, Trespa, CompactWood), as shown on Exhibit F.
 - c. No more than fifteen percent (15%) of each facade elevation may use a combination of accent materials such as cedar or similar quality decorative wood, architectural metal panel, tile, stucco, or Exterior Insulating Finishing System (EIFS). Stucco and EIFS may only be used eight feet (8') above the ground floor and is prohibited on all building elevations with the exception of its use for exterior trim and molding features.
 - d. Architectural embellishments not intended for human occupancy that are integral to the architectural style of the buildings, including spires, belfries, towers, cupolas, domes, marquees and roof forms whose area in plan is no greater than fifteen percent (15%) of the ground floor footprint may exceed the height limits by up to ten feet (10').
 - e. No single material shall exceed eighty percent (80%) percent of an elevation area. A minimum of twenty percent (20%) of the front facade and all facades facing public right-of-way shall be natural or manufactured stone. A minimum of ten percent (10%) of all other facades shall be natural or manufactured stone.
 - f. All buildings shall be designed to incorporate a form of architectural articulation every thirty feet (30'), both horizontally along each wall's length and vertically along each wall's height. Acceptable articulation may include the following:
 - i. Canopies, awnings, or porticos;
 - ii. Recesses/projections;
 - iii. Arcades;
 - iv. Arches;
 - v. Display windows, including a minimum sill height of thirty (30) inches;
 - vi. Architectural details (such as tile work and moldings) integrated into the

- building facade;
 - vii. Articulated ground floor levels or base;
 - viii. Articulated cornice line;
 - ix. Integrated planters or wing walls that incorporate landscape and sitting areas;
 - x. Offsets, reveals or projecting rib used to express architectural or structural bays; or
 - xi. Varied roof heights;
- g. All buildings shall be architecturally finished on all four (4) sides with same materials, detailing, and features.
- h. Commercial buildings with facades greater than two hundred feet (200') in length shall incorporate wall plane projections or recesses that are at least six feet (6') deep. Projections/recesses must be at least twenty five percent (25%) of the length of the facade. No uninterrupted length of facade may exceed one hundred feet (100') in length.
3. Architectural Standards for Big Box Retail
- a. At least 15 percent (15%) of each building's facade (excluding doors and windows) shall be finished in one of the following materials: Masonry (structural brick, block or stone) as shown on Exhibit F.
 - b. Stucco and EIFS may only be used eight feet (8') above the ground floor and is prohibited on all building elevations with the exception of its use for exterior trim and molding features.
 - c. No single specific material shall exceed eighty percent (80%) percent of an elevation area.
 - d. Natural stone accents are encouraged at the building entry.
 - e. Big Box buildings shall be designed to incorporate changes in material, color or finish every two hundred (200') horizontally to help reduce the perceived scale of the building. Other acceptable articulation may include the following:
 - i. Canopies, awnings, or porticos to accentuate the main building entry;
 - ii. Variation in the parapet or cornice level;
 - iii. Change in material vertically along the base of the building and/or structural brick patterning accents to provide interest;
 - iv. Use of a coordinated cohesive palette of materials that offer a variety in finish, texture, and color;
 - f. All elevations of the building shall be architecturally finished with the same cohesive palette of materials;
 - g. Exposed conduit, ladders, utility boxes, and drain spouts shall be painted to match the color of the building or an accent color. Natural metal finishes (patina) are an acceptable alternative to paint.
 - h. No interrupted length of facade shall exceed two hundred fifty feet (250') in length without change in material or articulation.
 - i. At least fifty percent (50%) of each building's facade (excluding doors and windows) shall be finished in energy efficient materials including insulated architectural ribbed metal panels and embossed insulated metal panels as shown on Exhibit F.
4. Windows and Doors
- a. Except for Big Box Retail, All ground floor front facades of buildings along streets or public ways with on-street parking or that face directly onto Open Space and contain non-residential uses shall have transparent storefront windows covering no less than thirty percent (30%) of the facade area. Hotels shall have no less than ten percent (10%) of the facade.
 - b. Clear glass is required in all non-residential storefronts. Smoked, reflective, or black glass that blocks two-way visibility is only permitted above the first story. Windows shall have a maximum exterior visible reflectivity of thirty percent (30%).
5. Awning, Canopies, Arcades, and Overhangs (Except for Big Box Retail)
- a. Awnings shall not be internally illuminated.
 - b. Canopies shall not exceed one hundred linear feet (100') without a break of at least five feet (5').
 - c. Awnings and canopies shall not extend beyond ten feet (10') from the main building facade.

A5. Additional Standards

- 1. Open Space
 - a. Urban Open Space
 - i. Open space as depicted on the Landscape Plan (Exhibit G) shall comprise a minimum of one

- (1) acre of useable land area that will serve as a linear park to the development consisting of a pedestrian pathway with seating areas and enhanced landscaping. A minimum of one (1) pedestrian connection shall be required from this linear open space to the Rural Open Space.
- ii. The linear open space shall be constructed at the time of construction of Phase 1A. The linear open space shall be constructed at the developer's cost.
- iii. The hike and bike trail system and trailhead shall be constructed at the time of construction of Phase 1A. The hike and bike trail system shall be constructed at the developer's cost.
- iv. The Kent Drive right-of-way improvements (outside the Planned Development District) as shown conceptually on Exhibit G, shall be constructed at the time of Phase 1A and at the developer's cost per a separate license agreement.

b. Rural Open Space

- i. An open space as depicted on the Landscape Plan (Exhibit G) shall comprise a minimum of nine (9) acres of useable land area that will serve the greater community with both active and passive open space.
- c. Combined usable open space and Rural Open Space shall collectively satisfy all Open Space requirements for both Tract A and Tract B as required by the Town of Prosper Zoning Ordinance.

2. Landscape Screening and Buffering

The Retail District and shall be visually screened and/or buffered to provide a visual barrier between the residential land use to the north and the Planned Development District. The location and type of the screening and/or buffer shall be as prescribed in this section and conceptually depicted on Exhibits D and G.

No screening wall, fence, shrubs, or trees shall be planted within the twenty-five (25) foot Upper Trinity River Water District (UTRWD) easement extending along the northern boundary of the Planned Development District.

- a. A solid screening wall or fence eight (8) feet in height shall be erected to provide a visual barrier separating these uses. The purpose of the screening wall or fence is to provide a visual barrier between the properties. The screening wall shall be constructed of suitable permanent materials such as concrete masonry units, poured in place concrete, tilt-up concrete or concrete panels, which do not contain openings constituting more than forty (40) square inches in each one square foot of wall or fence surface, and the surface of such wall or fence shall constitute a visual barrier. The screening wall shall be equally finished on both sides of the wall.
 - i. Irrigated Quercus virginiana or approved equivalent trees (minimum three (3) inch caliper) spaced no more than thirty (30) feet on center located the length of the screen wall where feasible for the space provided as shown on Exhibits D and G, shall be planted adjacent to and south of the eight (8) foot in height screening wall or fence.
 - ii. A two (2) foot area for vehicle overhang shall be demarcated on landscape plans and maintained along all adjacent parking stalls.
 - iii. Where the Big Box retail building is adjacent to the northern boundary, irrigated Quercus virginiana or approved equivalent trees (minimum three (3) inch caliper) shall be spaced no more than thirty (30) feet on center adjacent to and south of the eight (8) foot in height screening wall or fence to screen the loading area and service drive.
 - iv. At the Big Box retail building loading dock a masonry screening wall extending the length of the loading area and six (6) feet in height above finished grade on the north side of the wall shall be provided.
- b. A thirty (30) foot wide landscape easement shall be required along roadways when an adjacent building sides or backs the road except at the Big Box retail service drive along north side of building where a screen wall and landscape area are provided between the service drive and the adjacent residential land use as shown on Exhibits D and G. The landscape buffer shall consist of a minimum three-foot (3') foot berm, except at Big Box Retail.
- c. A minimum of twenty feet (20') width of this landscape easement shall be exclusive of all utility easements, right turn lanes, drainage easements, and rights-of-way. None of the required trees and/or shrubs shall be located within any utility easement.
- d. A minimum ten-foot (10') wide landscape buffer is required adjacent to Rural Open Space.

e. A thirty (30) foot wide landscape easement shall be provided along US 380 and a minimum twenty-five (25) foot wide landscape easement shall be provided along FM 1385. These landscape easements should be exclusive of other easements and restrictions which could inhibit landscaping where feasible. Sidewalks and trails required by the Town are allowed in this easement. Berms ranging in height from three feet (3') to six feet (6'), and an overall minimum average of four and a half feet (4.5') in height, shall be provided along US 380 and FM 1385. Berm height may be reduced where the accommodation of a meandering ten (10) foot wide hike and bike trail limits feasible berm height in some locations.

3. Lot Frontage

- a. Lots are not required to front on a public right-of-way, provided an access easement is established by plat prior to issuance of a Certificate of Occupancy (CO) for any building on a lot not fronting on right-of-way.

4. Parking Requirement

- a. Hotel, Extended Stay: One (1) parking space, equivalent to seventy-five percent (75%) of the total number of rooms/keys provided. Parking spaces for Lots 15 and 16 may be shared, provided the minimum requirements per the zoning ordinance and herein are met.

5. Gas Pumps Development Standards

- a. Canopies may be flat if clad with materials that are compatible and cohesive with materials and accent colors used on the associated large-scale retail building.
- b. Canopy support columns shall be clad with materials compatible and cohesive with the associated large-scale retail building.
- c. Raised planters shall not be required at both ends of pump islands.

6. Town of Prosper monument gateway sign will be installed on the corner of US 380 and FM 1385 as shown on Exhibits D and G.

7. Landscape requirements for Big Box retail only

- a. No more than 15 parking spaces (excluding designated cart return corrals) permitted in a continuous row without being interrupted by a landscaped island. Minimum square feet of landscape islands as delineated by locations of concrete step-offs abutting back of curb adjacent to parking stalls shall be as shown on Exhibits D and G.
- b. Landscaped islands shall be located at the terminus of all parking rows except for the two (2) rows at the truck maneuver area at the Big Box retail loading dock as shown on Exhibits D and G.
- c. Foundation planting configuration and plant material sizing for Big Box retail shall be as shown on Exhibit G.

8. There shall be no vehicular connection to Kent Drive.

Tract B – Multifamily District

B1. Except as noted below, the Tract shall develop in accordance with the Multifamily District base zoning as it exists or may be amended.

B2. Multifamily Construction

1. For Phase IB, as shown on Exhibit E2, which consists of a maximum of 243 units, construction may not commence until construction of the first floor framing has begun on the restaurant/retail building as shown on Lot 8 on Exhibit D and the Extended Stay Hotel on either Lot 15 or Lot 16 on Exhibit D.

B3. Regulations. Regulations shall be permitted in accordance with the Multifamily District with the exception of the following:

1. Maximum Number of Units: Two hundred and forty-three (243) units.

2. Maximum Height:

- a. Two (2) stories, no greater than forty feet (40') for buildings within one hundred (100) feet

- of a single family zoning district.
- b. Three (3) stories, no greater than fifty feet (50').
- c. Four (4) stories, no greater than sixty-five feet (65').

3. Size of Yards

- a. In accordance with Exhibit D.

4. Minimum Dwelling Area

- a. One (1) bedroom: 650 square feet
- b. Two (2) bedroom: 925 square feet
- c. Three (3) bedroom: 1,150 square feet

5. Lot Coverage: Maximum fifty percent (50%)

B4. Design Guidelines

1. Elevation Review and Approval

- a. Conceptual Elevations, conforming to Exhibit F, shall be submitted at the time of Preliminary Site Plan, subject to approval by the Planning & Zoning Commission.
- b. Detailed Facade Plans conforming to the Conceptual Elevations shall be submitted for each building at the time of Site Plan, subject to approval by the Planning & Zoning Commission.

2. Architectural Standards

- a. At least eighty percent (80%) of each building's facade (excluding doors and windows) shall be finished in one of the following materials: Masonry (brick and stone).
- b. No more than fifteen percent (15%) of each facade elevation shall use a combination of accent materials such as cedar or similar quality decorative wood, fiber cement siding, resin-impregnated wood panel system, cementitious-fiber clapboard (not sheet) with at least a fifty (50) year warranty, architectural metal panel, split-face concrete block, tile, stucco, or Exterior Insulating Finishing System (EIFS). Stucco and EIFS may only be used eight feet (8') above the ground floor and is prohibited on all building elevations with the exception of its use for exterior trim and molding features.
- c. Any enclosed one or two-car garage shall be designed and constructed of the same material as the primary building.

B5. Additional Standards

1. Open Space

a. Urban Open Space

- i. Open space as depicted on the Landscape Plan (Exhibit G) shall comprise a minimum of one (1) acre of useable land area that will serve as a linear park for the development consisting of a pedestrian pathway with seating areas and enhanced landscaping. A minimum of one (1) pedestrian connection shall be required from this linear open space to the Rural Open Space.
- ii. The linear open space shall be constructed at the time of construction of Phase 1 A. The linear open space shall be constructed at the developer's cost.
- iii. The hike and bike trail system and trailhead shall be constructed at the time of construction of Phase 1A. The hike and bike trail system shall be constructed at the developer's cost.

b. Rural Open Space

- i. An open space as depicted on the Landscape Plan (Exhibit G) shall comprise a minimum of nine (9) acres of useable land area that will serve the greater community with both active and passive open space.
- c. Combined Urban Open Space and Rural Open Space shall collectively satisfy all Open Space requirements for both Tract A and Tract B as required by the Town of Prosper Zoning Ordinance.
- d. Kent Drive right-of-way improvements (outside the Planned Development District) must be completed and accepted by the Town in accordance with a separate approved license agreement prior to release of construction for any multi-family development.
- e. A Property Owners Association (POA) must be established before acceptance of any development within the Planned Development District. The POA shall be responsible for ownership and maintenance of all open space, trail heads, and all other similar

spaces. Developer shall submit POA documents for review to the Town prior to recording at the County. The ownership and maintenance of the Kent Drive right-of-way open space (outside the Planned Development District) shall be in accordance with a separate license agreement between the Town and the developer.

2. Landscape Screening and Buffering

The Multifamily District shall be visually screened and/or buffered to provide a visual barrier between the residential land use to the north and the Planned Development District. The location and type of the screening and/or buffer shall be as prescribed in this section and depicted on Exhibits D and G.

No shrubs, or trees shall be planted within the twenty-five (25) foot Upper Trinity River Water District (UTRWD) easement extending along the northern boundary of the Planned Development District.

- a. A solid screening wall or fence eight (8) feet in height shall be erected to provide a visual barrier separating these uses. The purpose of the screening wall or fence is to provide a visual barrier between the properties. The screening wall shall be constructed of suitable permanent materials such as concrete masonry units, poured in place concrete, tilt-up concrete or concrete panels, which do not contain openings constituting more than forty (40) square inches in each one square foot of wall or fence surface, and the surface of such wall or fence shall constitute a visual barrier. The screening wall shall be equally finished on both sides of the wall.
 - i. Irrigated *Quercus virginiana* or approved equivalent trees (minimum three (3) inch caliper) spaced no more than thirty (30) feet on center located the length of the screen wall where feasible for the space provided as shown on Exhibits D and G, shall be planted adjacent to and south of the eight (8) foot in height screening wall or fence.
 - ii. A two (2) foot area for vehicle overhang shall be demarcated on landscape plans and maintained along all adjacent parking stalls.
 - iii. A pedestrian entryway through the screening wall is permitted adjacent to Kent Drive.
 - b. A minimum ten-foot (10') landscape buffer is required adjacent to Rural Open Space.
- ## 3. Lot Frontage
- a. Lots are not required to front on a public right-of-way, provided an access easement is established by plat prior to issuance of a Certificate of Occupancy (CO) for any building on a lot not fronting on right-of-way.
- ## 4. Parking
- a. Minimum "Off-Street" Parking. For the purpose of this ordinance, off-street parking shall mean any parking not located immediately adjacent to and along public drives (i.e. parallel parking) used for internal circulation throughout the development.
 - i. One (1) and two (2) bedroom units: 1.8 parking spaces per unit.
 - ii. Three (3) bedroom units: 2.0 parking spaces per unit.
 - b. Tandem parking shall count towards the parking provided for each designated tract or phase that the parking resides within.
 - c. Surface parallel parking that is provided along interior drives shall count towards the parking provided for each designated tract or phase that the parking resides within.
- ## 5. The provisions of Chapter 4, Section 2.6D (Non-Residential and Multifamily Development Adjacent to a Major Creek) shall apply to the proposed development.
- ## 6. The provisions of Chapter 4, Section 2.6A.6 (Landscape Area Requirements) shall apply to the proposed development.
- ## 7. The provision of Chapter 4, Section 9.17 (Multifamily Site Design) shall not apply to the proposed development.
- ## 8. There shall be no vehicular connection to Kent Drive.

Z22-0020
EXHIBIT E
DEVELOPMENT SCHEDULE
WESTSIDE

Item 9.

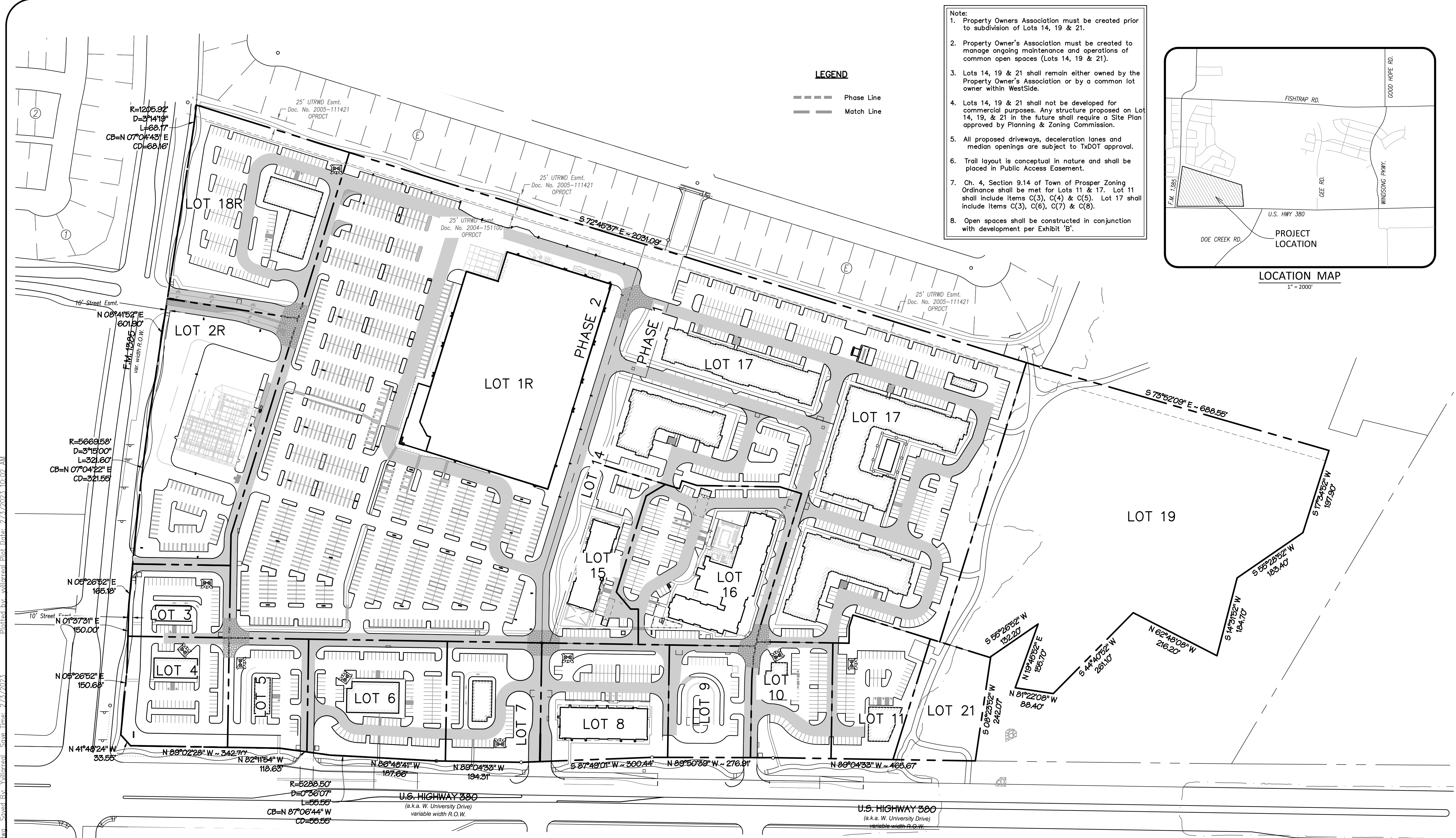
The phasing and development of this project is dependent upon both market conditions and the individual developers' timing. The anticipated schedule for the buildout will likely include a division of developmental increments. Upon commencement of development, the project construction is expected to require between 18 and 60 months. See Exhibit E2 for a graphic depiction.

Phase 1A: The central core of the property includes an extended stay hotel plus individual pads inside the retail development. Vehicular access to the property will mostly be included in this phase. Depending on the schedule of the multi-family developer, Phase 1B could be developed in conjunction with Phase 1A.

Phase 1B: Consists of multi-family development.

Phase 2: The second phase of a two phase commercial development, including the big box retail uses to the west of the planned development area. Phase 2 Big Box retail and fuel pumps may be constructed concurrent to Phase 1A if the Owner so chooses. The fuel pumps accessory use of the Big Box Retail will be developed in two (2) increments to allow for future planned expansion dependent on market conditions. The remote parking lot adjacent to the fuel pumps as shown on Exhibit D will also be developed as a separate increment of phase 2 parking.

Drawn: 6/20/22, 09:55:22-187 Westside, Revision: CAD, Preliminary Site Plan.dwg, Saved By: Villareal, Date: 2/13/2023, 10:02:20 AM
Plotted By: Villareal, Plot Date: 2/13/2023, 10:02:20 AM



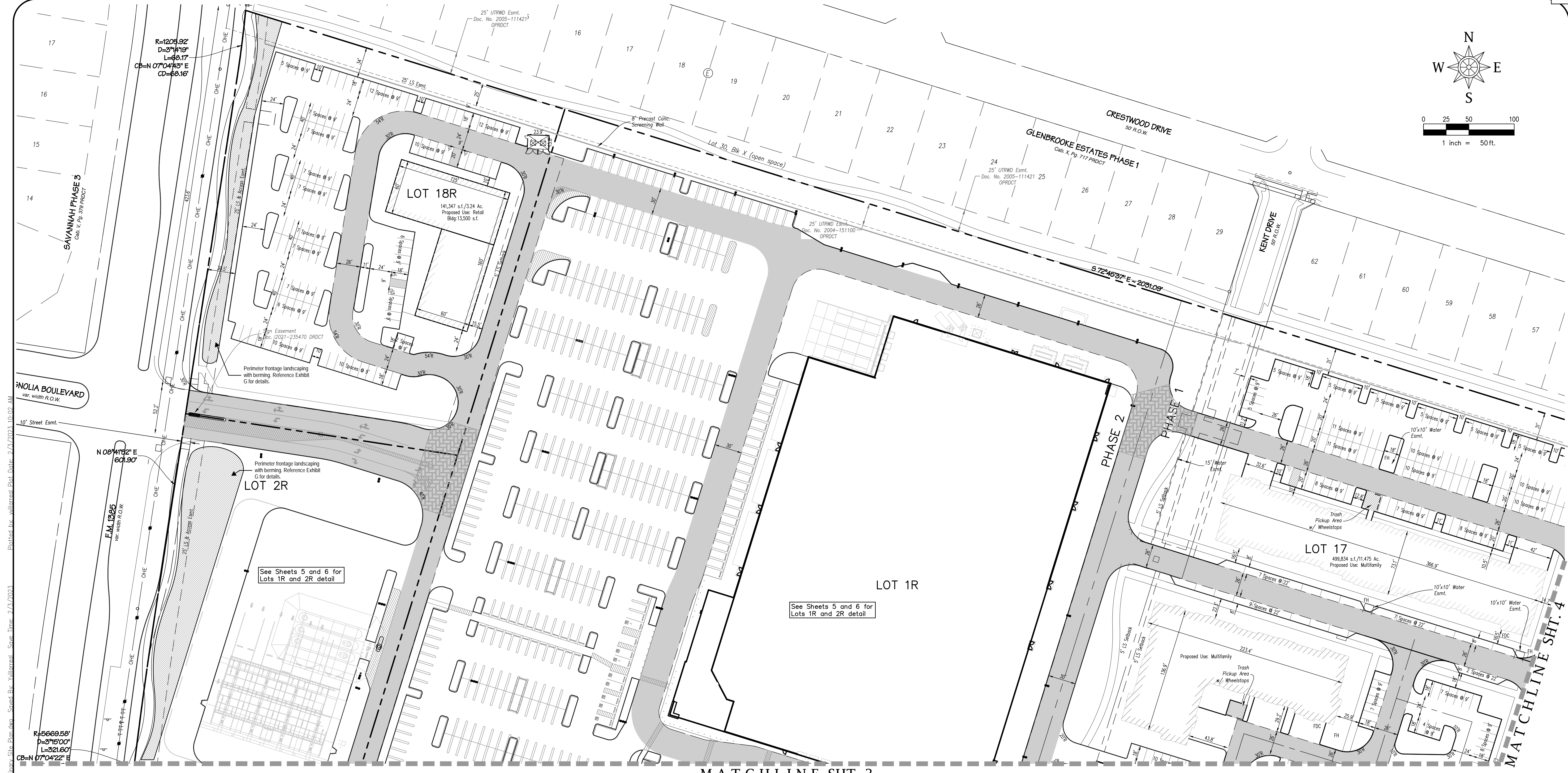
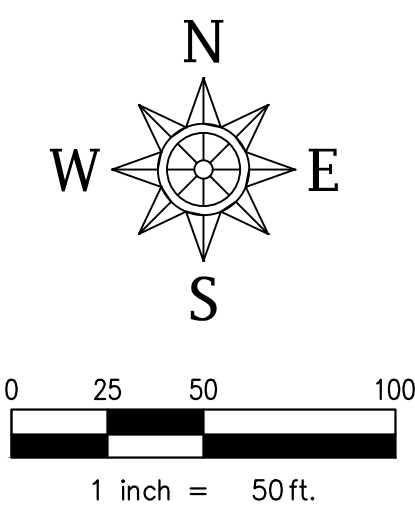
Town of Prosper Site Plan Notes:

- Dumpsters and trash compactors shall be screened in accordance of the Zoning Ordinance.
- Open storage, where permitted, shall be screened in accordance with the Zoning Ordinance.
- Outdoor lighting shall comply with the lighting and glare standards contained within the Zoning Ordinance and Subdivision Regulation Ordinance.
- Landscaping shall conform to landscape plans approved by the town.
- All elevations shall comply with the standards contained within the Zoning Ordinance.
- Buildings of 5,000 square feet or greater shall be 100% fire sprinkled. Alternative fire protection measures may be approved by the Fire Department.
- Fire lanes shall be designed and constructed per town standards or as directed by the Fire Department.
- Two points of access shall be maintained for the property at all times.
- Speedbumps/humps are not permitted within a fire lane.
- Handicapped parking areas and building accessibility shall conform to the Americans with Disabilities Act (ADA) and with the requirements of the current, adapted uniform Building Code.
- All signage is subject to Building Official approval.
- All fences and retaining walls shall be shown on the site plan and are subject to Building Official approval.
- All exterior building materials are subject to Building Official approval and shall conform to the approved facade plan.
- Sidewalks of not less than six (6') feet in width along thoroughfares and fire (5') in width along collectors and residential streets, and barrier free ramps at all curb crossings shall be provided per Town standards.
- Approval of the site plan is not final until all engineering plans are approved by the Town Engineer.
- Site plan approval is required prior to grading release.
- All new electrical lines shall be installed and/or relocated underground.
- All mechanical equipment shall be screened from public view in accordance with the Zoning Ordinance.
- All landscape easements must be exclusive of any other type of easement.
- 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 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.
- Lot 17, which consists of a maximum of 243 units, construction may not commence until construction of the first floor framing has begun on the restaurant/retail building on Lot 8 on and the Limited Service Hotel on Lot 16.

SITE DATA SUMMARY TABLE																					
LOT	ZONING	PROPOSED USE	LOT AREA		FIRST FLOOR BUILDING AREA (SF)	TOTAL BUILDING AREA (SF)	UNIT COUNT	BUILDING HEIGHT (ft)	BUILDING HEIGHT (story)	COVERAGE (%)	FLOOR AREA RATIO	REQ. PARKING RATIO	PARKING REQUIRED	PARKING PROVIDED	REQUIRED HANDICAP PARKING	PROVIDED HANDICAP PARKING	INTERIOR LANDSCAPE REQUIRED (SF)	INTERIOR LANDSCAPE PROVIDED (SF)	IMPERVIOUS AREA (SF)	OPEN SPACE REQUIRED (SF)	OPEN SPACE PROVIDED (SF)
			SF	AC																	
1R	PD	BIG BOX RETAIL	749,522	17.21	160,508	160,508	N/A	29'-11"	1	21.4%	0.2141:1	1:250	643	872	19	3	13,080	0	0	52,467	Provided in Lots 14/19
2R	PD	BIG BOX FUEL FACILITY	153,913	3.53	4,500	4,500	N/A	N/A	1	2.9%	0.0292:1	1:200	23	51	3	3	765	0	0	10,774	Provided in Lots 14/19
3	PD	RESTAURANT W/ D.T.	38,214	0.88	2,872	2,872	N/A	29'-11"	1	7.5%	0.0752:1	1:100	12	32	2	2	480	2,106	12,497	2,675	Provided in Lots 14/19
4	PD	RESTAURANT/RETAIL	59,629	1.37	4,500	4,500	N/A	29'-11"	1	7.5%	0.0755:1	1:100	45	53	1	1	795	810	27,702	4,174	Provided in Lots 14/19
5	PD	RESTAURANT W/ D.T.	46,077	1.06	2,880	2,880	N/A	29'-11"	1	6.3%	0.0625:1	1:100	29	33	1	1	495	972	24,769	3,225	Provided in Lots 14/19
6	PD	RETAIL/RESTAURANT	85,713	1.97	6,079	6,079	N/A	29'-11"	1	7.1%	0.0709:1	1:250	25	29	1	1	435	1,296	53,972	6,000	Provided in Lots 14/19
7	PD	RESTAURANT W/ D.T.	59,617	1.37	3,827	3,827	N/A	29'-11"	1	6.4%	0.0642:1	1:100	39	64	1	2	960	1,296	31,555	4,173	Provided in Lots 14/19
8	PD	RETAIL	77,582	1.78	14,358	14,358	N/A	29'-11"	1	18.5%	0.1851:1	1:100	192	56	4	3	840	2,106	48,228	5,431	Provided in Lots 14/19
9	PD	RESTAURANT W/ D.T.	49,095	1.13	521	521	N/A	29'-11"	1	1.1%	0.0106:1	1:75	7	101	4	4	1,515	1,944	45,213	3,437	Provided in Lots 14/19
10	PD	RETAIL/RESTAURANT	48,828	1.12	3,756	3,756	N/A	29'-11"	1	7.7%	0.0769:1	1:75	51	57	4	2	855	2,916	47,054	3,418	Provided in Lots 14/19
11	PD	RESTAURANT/RETAIL	55,437	1.27	4,275	4,275	N/A	29'-11"	1	7.7%	0.0771:1	1:75	57	62	2	2	930	1,620	30,091	3,881	Provided in Lots 14/19
14	PD	OPEN SPACE	66,221	1.52	0	0	N/A	N/A	1	0.0%	0:1	N/A	N/A	0	0	0	0	1,944	16,285	4,635	49,936
15	PD	RETAIL/RESTAURANT	51,832	1.19	12,151	12,151	N/A	29'-11"	1	23.4%	0.2344:1	1 per room + 1/200 commercial floor area	117 rooms + 0 SF	132	3	3	1,980	1,944	26,002	3,628	Provided in Lots 14/19
16	PD	HOTEL	123,798	2.84	27,974	27,974	N/A	75'	2	22.6%	0.226:1	1 per room + 1/200 commercial floor area	113 rooms + 0 SF	208	12	3	3,120	10,692	229,398	8,666	Provided in Lots 14/19
17	PD	MULTIFAMILY	499,834	11.47	111,516	319,215	243 (116 - 1B, 103 - 2B, 24 - 3B)	65'	4	22.3%	0.6386:1	1.8 per unit + 2.0 per unit	443	561	10	10	8,415	10,368	247,040	34,988	Provided in Lots 14/19
18R	PD	RETAIL	149,287	3.43	13,500	13,500	1	29'-11"	1	9.0%	0.0904:1	1:200	68	128	5	5	1,024	2,368	78,514	10,450	Provided in Lots 14/19
19	PD	OPEN SPACE	396,892	9.11	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	20,670	27,782	396,892
21	PD	OPEN SPACE	43,460	1.00	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	20,670	N/A	43,460
Total			2,754,951	63.244	373,217	580,916	243						1,634	2,439	72	61	35,689	42,382	959,660	189,804	490,288

Sheet No. 1 of 6
TOWN OF PROSPER CASE NO. Z22-0020
Exhibit D
WestSide
BEING 63.737 ACRES OF LAND (GROSS)
63.017 ACRES (NET)
IN THE B. HODGES SURVEY, ABSTRACT NO. 593 &
IN THE J. GONZALEZ SURVEY, ABSTRACT NO. 447 &
IN THE P. BARNES SURVEY, ABSTRACT NO. 79 &
IN THE R. TAYLOR SURVEY, ABSTRACT NO. 1671 &
IN THE J. HAYNES SURVEY, ABSTRACT NO. 573 &
IN THE ANGUS JAMISON SURVEY
TOWN OF PROSPER, DENTON COUNTY, TEXAS

ENGINEER/SURVEYOR Spiors Engineering, Inc. 765 Custer Road, Suite 100 Plano, TX 75075 Telephone: (972) 422-0077 TBPE No. F-2121 Contact: David Bond	OWNER/DEVELOPER WestSide Prosper, LLC 8668 John Hickman Pkwy., Suite 907 Frisco, Texas 75034 Telephone (248) 345-3818 Contact: Shiva Kondru	DEVELOPER/APPLICANT Cross Engineering & Associates, Inc. 1995 Raymond Drive, Suite 119 8668 John Hickman Pkwy., Suite 907 Northbrook, IL 60062 Telephone (847) 498-0800 Contact: Stephen Cross
---	--	--



MATCHLINE SHT. 3

MATCHLINE SHT. 4

All dimensions are to face of curb or edge of building unless otherwise noted.

All curb radii are 2' unless otherwise noted.

Notes:

1. The thoroughfare alignments shown on this exhibit are for illustration purposes and does not set the alignment. The alignment is determined at time of final plat.

2. Headlight screening will be provided in accordance with Town Standards.

- LEGEND**
- FIRELANE, ACCESS, DRAINAGE & UTILITY EASEMENT
 - STAMPED & STAINED CONCRETE W/CONTRASTING COLOR
 - 1/2" IRON ROD W/ PLASTIC CAP
 - STAMPED "SPIARSENG" SET, UNLESS OTHERWISE NOTED.
 - POWER POLE
 - LIGHT POLE/STANDARD
 - GUY WIRE ANCHOR
 - BOLLARD
 - SIGNPOST
 - OVERHEAD POWER LINE
 - CONTROL MONUMENT
 - PROPOSED FIRE HYDRANT
 - EXISTING FIRE HYDRANT

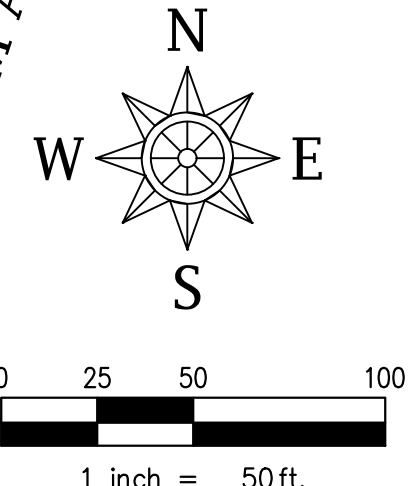
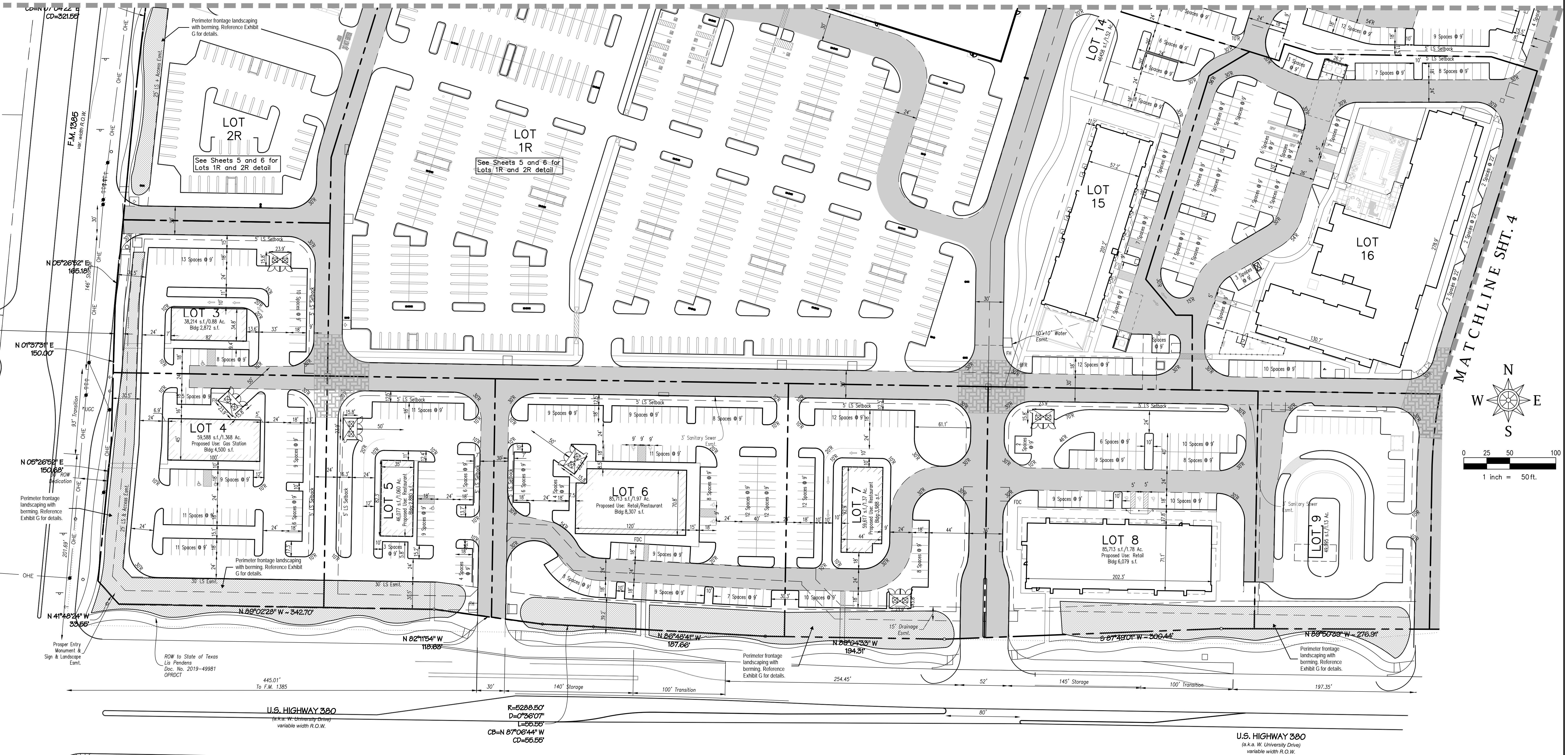
Sheet No. 2 of 6
TOWN OF PROSPER CASE NO. Z22-0020
Exhibit D

WestSide
BEING 63.737 ACRES OF LAND (GROSS)
63.017 ACRES (NET)
IN THE B. HODGES SURVEY, ABSTRACT NO. 593 &
IN THE J. GONZALEZ SURVEY, ABSTRACT NO. 447 &
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IN THE R. TAYLOR SURVEY, ABSTRACT NO. 1671 &
IN THE J. HAYNES SURVEY, ABSTRACT NO. 573 &
IN THE ANGUS JAMISON SURVEY
TOWN OF PROSPER, DENTON COUNTY, TEXAS

Drawn: G:\2022_03\22-187 Westside Prosper\22-187 Preliminary\22-187 Preliminary.dwg Saved By: Villalobos Date: 2/13/2023 10:02 AM
Plotted By: Villalobos Plot Date: 2/13/2023 10:02 AM
10:02:20 AM

ENGINEER/SURVEYOR Spiors Engineering, Inc. 765 Custer Road, Suite 100 Plano, TX 75075 Telephone: (972) 422-0077 TBPE No. F-2121 Contact: David Bond	OWNER/DEVELOPER WestSide Prosper, LLC 8668 John Hickman Pkwy., Suite 907 Frisco, Texas 75034 Telephone (248) 345-3818 Contact: Shiva Kondru	DEVELOPER/APPLICANT Cross Engineering & Associates, Inc. 1995 Raymond Drive, Suite 119 8668 John Hickman Pkwy., Suite 907 Northbrook, IL 60062 Telephone (847) 498-0800 Contact: Stephen Cross
--	---	---

MATCHLINE SHT. 2



All dimensions are to face of curb or edge of building unless otherwise noted.

All curb radii are 2' unless otherwise noted.

Notes:

1. The thoroughfare alignments shown on this exhibit are for illustration purposes and does not set the alignment. The alignment is determined at time of final plot.

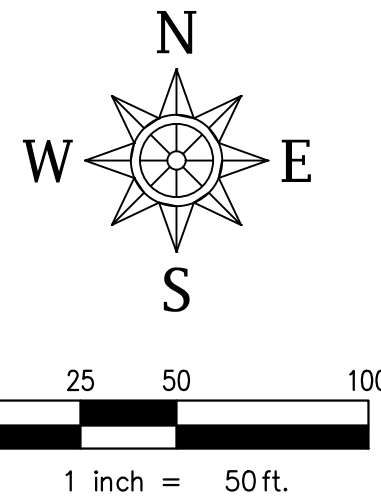
2. Headlight screening will be provided in accordance with Town Standards.

- LEGEND**
- FIRELANE, ACCESS, DRAINAGE & UTILITY EASEMENT
 - STAMPED & STAINED CONCRETE W/CONTRASTING COLOR
 - 1/2" IRON ROD W/ PLASTIC CAP STAMPED "SPIARSEN" SET, UNLESS OTHERWISE NOTED.
 - POWER POLE
 - LIGHT POLE/STANDARD
 - GUY WIRE ANCHOR
 - BOLLARD
 - SIGNPOST
 - OVERHEAD POWER LINE
 - CONTROL MONUMENT
 - PROPOSED FIRE HYDRANT
 - EXISTING FIRE HYDRANT

Sheet No. 3 of 6
TOWN OF PROSPER CASE NO. Z22-0020
Exhibit D

WestSide
BEING 63.737 ACRES OF LAND (GROSS)
63.017 ACRES (NET)
IN THE B. HODGES SURVEY, ABSTRACT NO. 593 &
IN THE J. GONZALEZ SURVEY, ABSTRACT NO. 447 &
IN THE P. BARNES SURVEY, ABSTRACT NO. 79 &
IN THE R. TAYLOR SURVEY, ABSTRACT NO. 1671 &
IN THE J. HAYNES SURVEY, ABSTRACT NO. 573 &
IN THE ANGUS JAMISON SURVEY
TOWN OF PROSPER, DENTON COUNTY, TEXAS

ENGINEER/SURVEYOR Spiars Engineering, Inc. 765 Custer Road, Suite 100 Plano, TX 75075 Telephone: (972) 422-0077 TBPE No. F-2121 Contact: David Bond	OWNER/DEVELOPER WestSide Prosper, LLC 8668 John Hickman Pkwy., Suite 907 Frisco, Texas 75034 Telephone (248) 345-3818 Contact: Shiva Kondru	DEVELOPER/APPLICANT Cross Engineering & Associates, Inc. 1995 Raymond Drive, Suite 119 Northbrook, IL 60062 Telephone (847) 498-0800 Contact: Stephen Cross
--	---	---



All dimensions are to face of curb or edge of building unless otherwise noted.

All curb radii are 2' unless otherwise noted.

- Notes:**
1. The thoroughfare alignments shown on this exhibit are for illustration purposes and does not set the alignment. The alignment is determined at time of final plat.
 2. Headlight screening will be provided in accordance with Town Standards.

VP Winsong Operations LLC
Doc. No. 2018-84866 OPRDCT

- LEGEND**
- [Symbol] FIRELANE, ACCESS, DRAINAGE & UTILITY EASEMENT
 - [Symbol] STAMPED & STAINED CONCRETE W/CONTRASTING COLOR
 - [Symbol] 1/2" IRON ROD W/ PLASTIC CAP
 - [Symbol] STAMPED "SPIRSENG" SET, UNLESS OTHERWISE NOTED.
 - [Symbol] POWER POLE
 - [Symbol] LIGHT POLE/STANDARD
 - [Symbol] GUY WIRE ANCHOR
 - [Symbol] BOLLARD
 - [Symbol] SIGNPOST
 - [Symbol] OVERHEAD POWER LINE
 - [Symbol] CONTROL MONUMENT
 - [Symbol] PROPOSED FIRE HYDRANT
 - [Symbol] EXISTING FIRE HYDRANT

Sheet No. 4 of 6
TOWN OF PROSPER CASE NO. Z22-0020
Exhibit D

WestSide
BEING 63.737 ACRES OF LAND (GROSS)
63.017 ACRES (NET)
IN THE B. HODGES SURVEY, ABSTRACT NO. 593 &
IN THE J. GONZALEZ SURVEY, ABSTRACT NO. 447 &
IN THE P. BARNES SURVEY, ABSTRACT NO. 79 &
IN THE R. TAYLOR SURVEY, ABSTRACT NO. 1671 &
IN THE J. HAYNES SURVEY, ABSTRACT NO. 573 &
TOWN OF PROSPER, DENTON COUNTY, TEXAS

ENGINEER/SURVEYOR Spiors Engineering, Inc. 765 Custer Road, Suite 100 Plano, TX 75075 Telephone: (972) 422-0077 TBPE No. F-2121 Contact: David Bond	OWNER/DEVELOPER WestSide Prosper, LLC 8668 John Hickman Pkwy., Suite 907 Frisco, Texas 75034 Telephone (248) 345-3818 Contact: Shiva Kondru	DEVELOPER/APPLICANT Cross Engineering & Associates, Inc. 1995 Raymond Drive, Suite 119 Northbrook, IL 60062 Telephone (847) 498-0800 Contact: Stephen Cross
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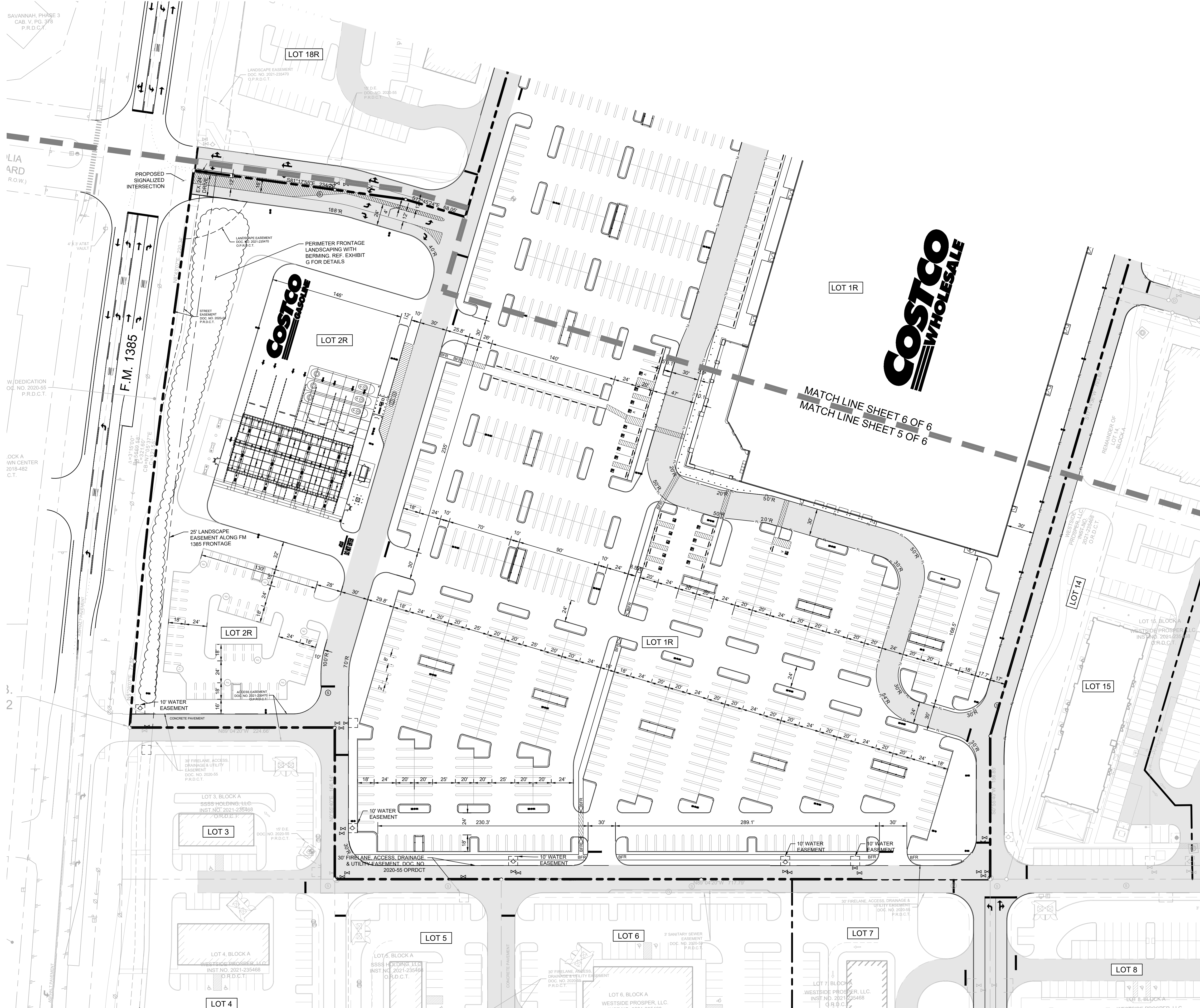
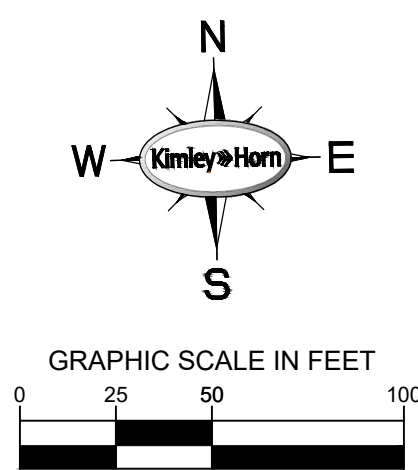
SAVANNAH, PHASE 3
CAB V, PG. 378
P.R.D.C.T.

LIARD
R.O.W.)

W/ DEDICATION
05, NO. 2020-55
P.R.D.C.T.

OCK A
WN CENTER
2018-482
C.T.

3,
2



LEGEND

	PROPERTY LINE
	SETBACK LINE
	PROPOSED EASEMENT
	PROPOSED FIRE LANE
	EXISTING OVERHEAD POWER LINE
	EXISTING CABLE LINE
	EXISTING GAS LINE
	EXISTING WATER LINE
	EXISTING SANITARY SEWER LINE
	PROPOSED FIRE HYDRANT (FH)
	PROPOSED FIRE DEPARTMENT CONNECTION (FDC)
	BARRIER FREE RAMP (BFR)
	PROPOSED TRANSFORMER LOCATION
	NUMBER OF PARKING SPACES PER ROW
	EXISTING POWER POLE
	EXISTING LIGHT POLE
	EXISTING FIRE HYDRANT
	EXISTING STORM MANHOLE
	EXISTING SAN. SWR. MANHOLE
	EXISTING SIGN
	PROP. LANDSCAPE AREA

SITE NOTES

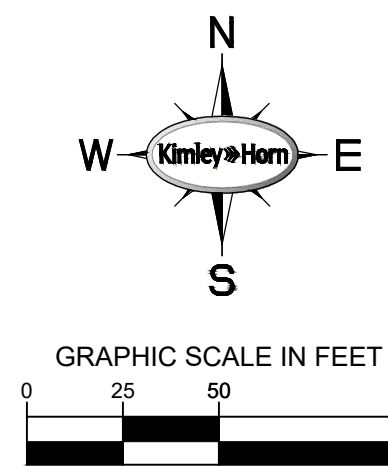
- ALL DIMENSIONS ARE FROM THE FACE OF CURB, FACE OF BUILDING, OR PROPERTY LINE UNLESS NOTED OTHERWISE.
- ALL CURB RADII ARE 3' UNLESS NOTED OTHERWISE.
- THE THOROUGHFARE ALIGNMENTS SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DO NOT SET THE ALIGNMENT. THE ALIGNMENT IS DETERMINED AT TIME OF FINAL PLAT.
- HEADLIGHT SCREENING WILL BE PROVIDED IN ACCORDANCE WITH TOWN STANDARDS.

SHEET NO. 5 OF 6
TOWN OF PROSPER CASE NO. Z22-0020
EXHIBIT D

WESTSIDE
BEING 63.737 ACRES OF LAND (GROSS)
63.017 ACRES (NET)

IN THE B. HODGES SURVEY, ABSTRACT NO. 593 &
IN THE J. GONZALEZ SURVEY, ABSTRACT NO. 477 &
IN THE P. BARNES SURVEY, ABSTRACT NO. 79 &
IN THE R. TAYLOR SURVEY, ABSTRACT NO. 1671 &
IN THE J. HAYNES SURVEY, ABSTRACT NO. 573 &
IN THE ANGUS JAMISON SURVEY
TOWN OF PROSPER, DENTON COUNTY, TEXAS

ENGINEER / SURVEYOR KIMLEY-HORN AND ASSOCIATES, INC. 13455 NOEL ROAD TWO GALLERIA OFFICE TOWER, SUITE 700 DALLAS, TEXAS 75240 TELEPHONE: (972) 770-1300 TBP# NO. F-928 CONTACT: JUDD MULLINX, P.E.	OWNER / DEVELOPER WESTSIDE PROSPER, LLC 8668 JOHN HICKMAN PKWY, SUITE 907 FRISCO, TEXAS 75034 TELEPHONE: (248) 348-3818 CONTACT: SHIVA KONDRU	DEVELOPER / APPLICANT CROSS ENGINEERING & ASSOCIATES, INC. 1905 RAYMOND DRIVE, SUITE 119 NORTHBROOK, ILLINOIS 60062 TELEPHONE: (847) 498-0800 CONTACT: STEPHEN CROSS
---	--	---



LEGEND

	PROPERTY LINE
	SETBACK LINE
	PROPOSED EASEMENT
	PROPOSED FIRE LANE
	EXISTING OVERHEAD POWER LINE
	EXISTING CABLE LINE
	EXISTING GAS LINE
	EXISTING WATER LINE
	EXISTING SANITARY SEWER LINE
	PROPOSED FIRE HYDRANT (FH)
	PROPOSED FIRE DEPARTMENT CONNECTION (FDC)
	BARRIER FREE RAMP (BFR)
	PROPOSED TRANSFORMER LOCATION
	NUMBER OF PARKING SPACES PER ROW
	EXISTING POWER POLE
	EXISTING LIGHT POLE
	EXISTING FIRE HYDRANT
	EXISTING STORM MANHOLE
	EXISTING SAN. SWR. MANHOLE
	EXISTING SIGN
	PROP. LANDSCAPE AREA

SITE NOTES

- ALL DIMENSIONS ARE FROM THE FACE OF CURB, FACE OF BUILDING, OR PROPERTY LINE UNLESS NOTED OTHERWISE.
- ALL CURB RADII ARE 3' UNLESS NOTED OTHERWISE.
- THE THOROUGHFARE ALIGNMENTS SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DO NOT SET THE ALIGNMENT. THE ALIGNMENT IS DETERMINED AT TIME OF FINAL PLAT.
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SHEET NO. 6 OF 6
TOWN OF PROSPER CASE NO. Z22-0020
EXHIBIT D

WESTSIDE

BEING 63.737 ACRES OF LAND (GROSS)
63.017 ACRES (NET)

IN THE B. HODGES SURVEY, ABSTRACT NO. 593 &
IN THE J. GONZALEZ SURVEY, ABSTRACT NO. 477 &
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IN THE R. TAYLOR SURVEY, ABSTRACT NO. 1671 &
IN THE J. HAYNES SURVEY, ABSTRACT NO. 573 &
IN THE ANGUS JAMISON SURVEY
TOWN OF PROSPER, DENTON COUNTY, TEXAS

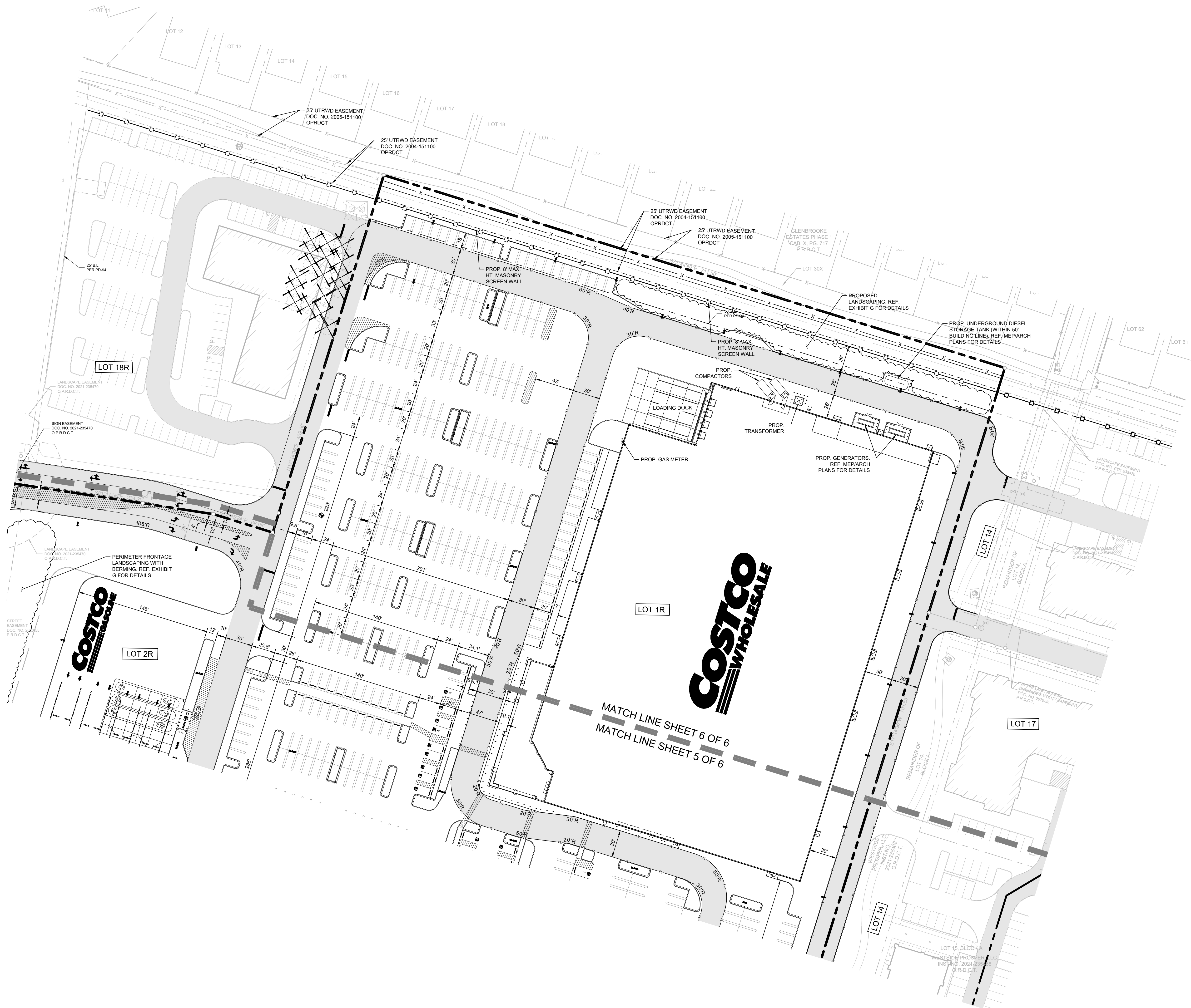
ENGINEER / SURVEYOR
KIMLEY-HORN AND ASSOCIATES, INC.
13455 NOEL ROAD
DALLAS, TEXAS 75240
TELEPHONE: (972) 770-1300
TBP# NO. F-928
CONTACT: JUDD MULLINIX, P.E.

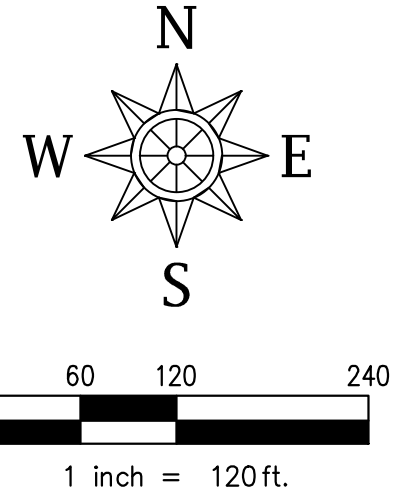
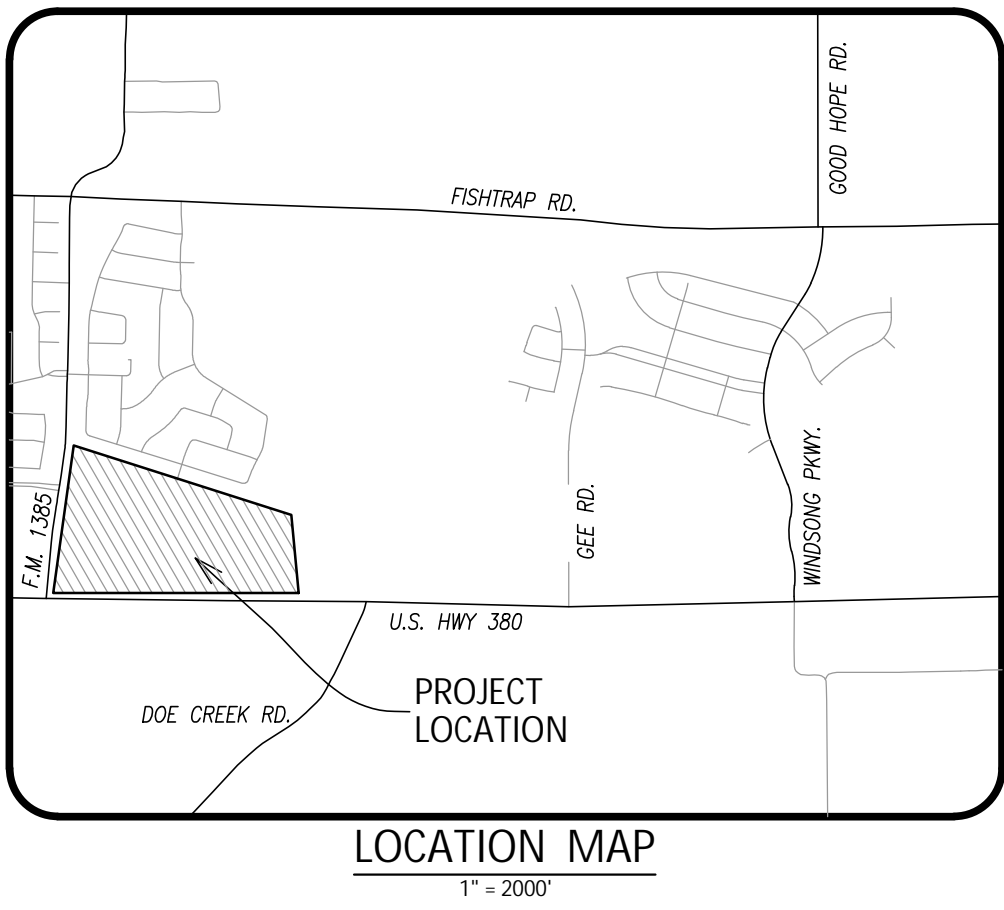
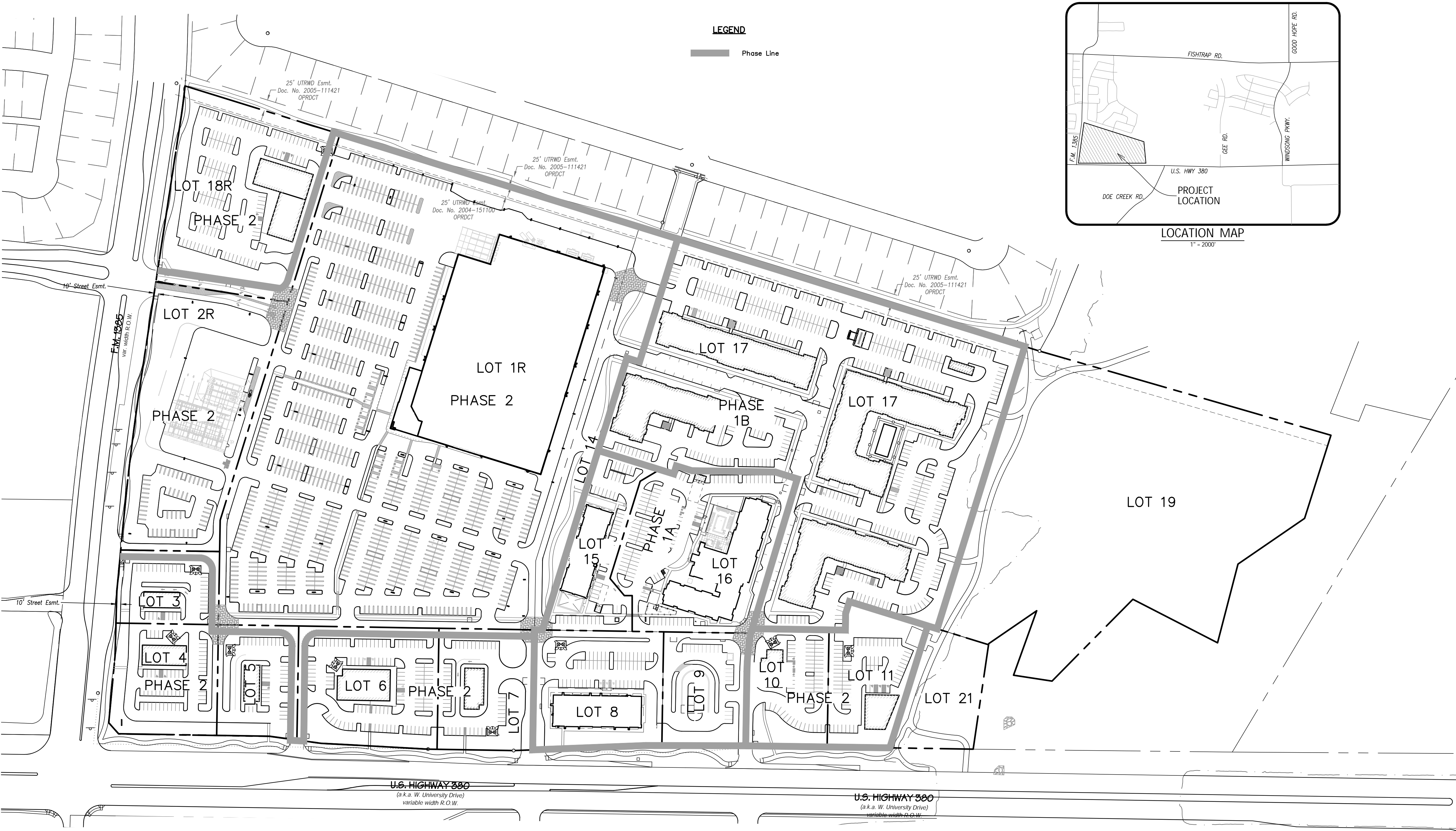
OWNER / DEVELOPER
WESTSIDE PROSPER, LLC
8668 JOHN HICKMAN PKWY, SUITE 907
Frisco, TEXAS 75034
TELEPHONE: (214) 348-3818
CONTACT: SHIVA KONDRU

DEVELOPER / APPLICANT
CROSS ENGINEERING & ASSOCIATES, INC.
1905 RAYMOND DRIVE, SUITE 119
NORTHBROOK, ILLINOIS 60062
TELEPHONE: (847) 498-0800
CONTACT: STEPHEN CROSS

COSTCO
WHOLESALE

MATCH LINE SHEET 6 OF 6
MATCH LINE SHEET 5 OF 6





TOWN OF PROSPER CASE NO. Z22-0020
Exhibit E-2

WestSide
BEING 63.737 ACRES OF LAND (GROSS)
63.017 ACRES (NET)
IN THE B. HODGES SURVEY, ABSTRACT NO. 593 &
IN THE J. GONZALEZ SURVEY, ABSTRACT NO. 447 &
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IN THE ANGUS JAMISON SURVEY
TOWN OF PROSPER, DENTON COUNTY, TEXAS

ENGINEER/SURVEYOR Spiors Engineering, Inc. 765 Custer Road, Suite 100 Plano, TX 75075 Telephone: (972) 422-0077 TBPE No. F-2121 Contact: David Bond	OWNER/DEVELOPER WestSide Prosper, LLC 8668 John Hickman Pkwy., Suite 907 Frisco, Texas 75034 Telephone (248) 345-3818 Contact: Shiva Kondru	DEVELOPER/APPLICANT Cross Engineering & Associates, Inc. 1995 Raymond Drive, Suite 119 8668 John Hickman Pkwy., Suite 907 Northbrook, IL 60062 Telephone (847) 498-0800 Contact: Stephen Cross
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Z22-0020
EXHIBIT E
DEVELOPMENT SCHEDULE
WESTSIDE

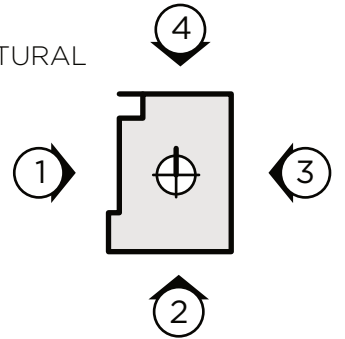
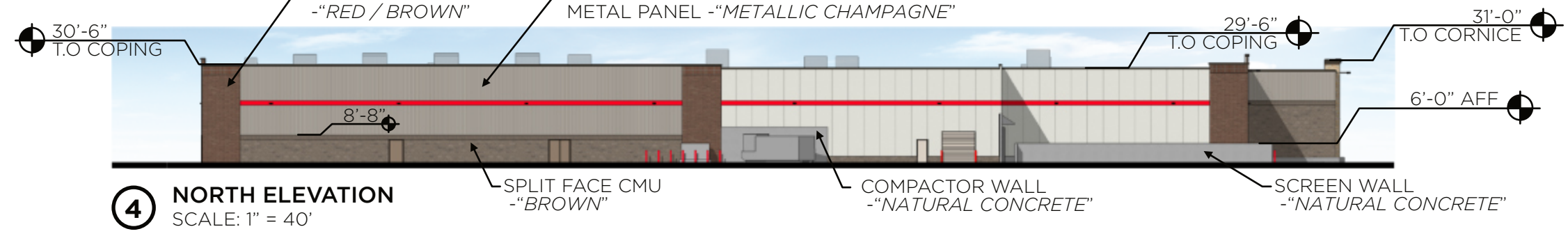
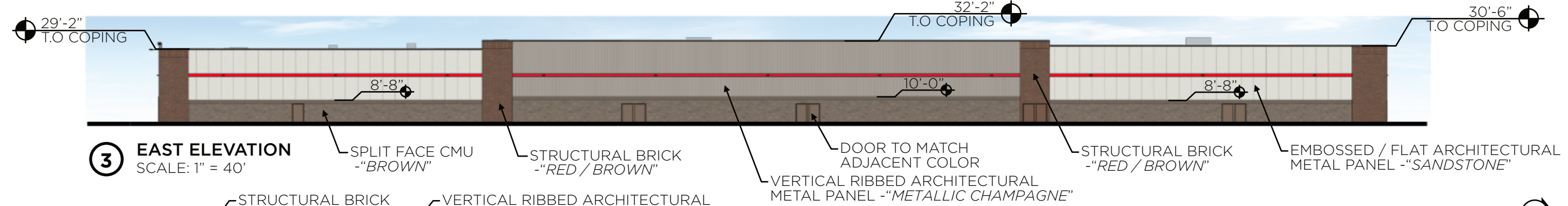
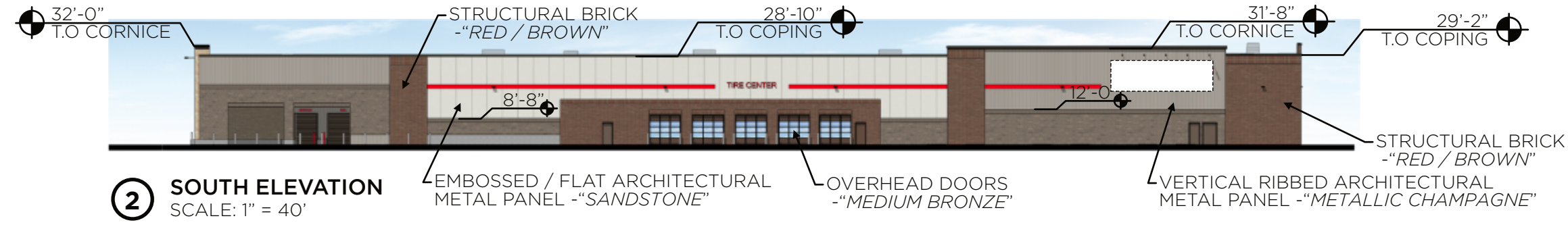
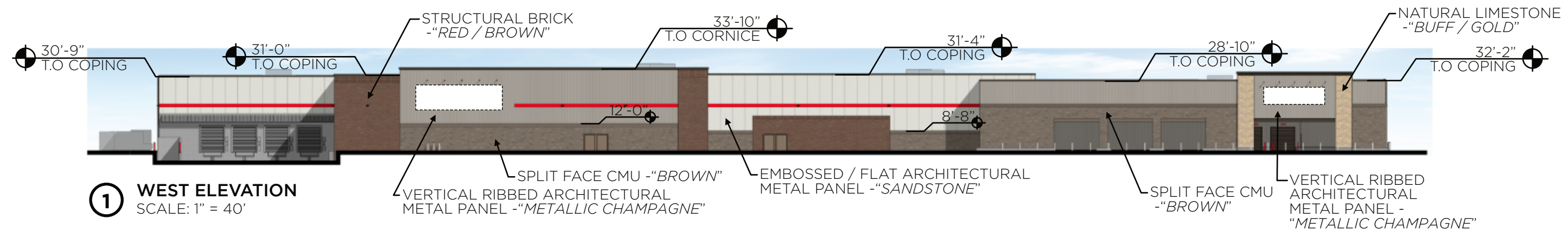
Item 9.

The phasing and development of this project is dependent upon both market conditions and the individual developers' timing. The anticipated schedule for the buildout will likely include a division of developmental increments. Upon commencement of development, the project construction is expected to require between 18 and 60 months. See Exhibit E2 for a graphic depiction.

Phase 1A: The central core of the property includes an extended stay hotel plus individual pads inside the retail development. Vehicular access to the property will mostly be included in this phase. Depending on the schedule of the multi-family developer, Phase 1B could be developed in conjunction with Phase 1A.

Phase 1B: Consists of multi-family development.

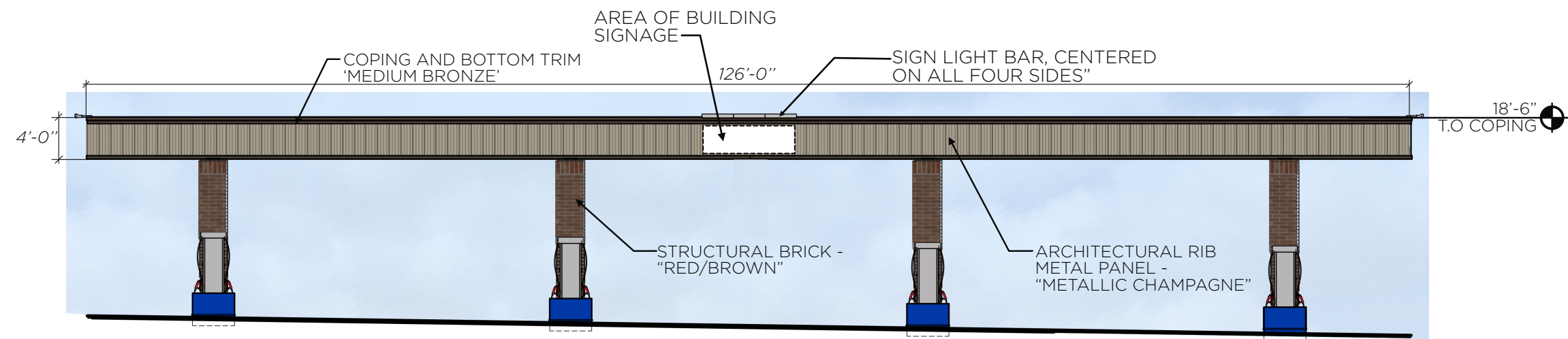
Phase 2: The second phase of a two phase commercial development, including the big box retail uses to the west of the planned development area. The fuel pumps accessory use of the Big Box Retail will be developed in two (2) increments to allow for future planned expansion dependent on market conditions. The remote parking lot adjacent to the fuel pumps as shown on Exhibit D will also be developed as a separate increment of phase 2 parking.



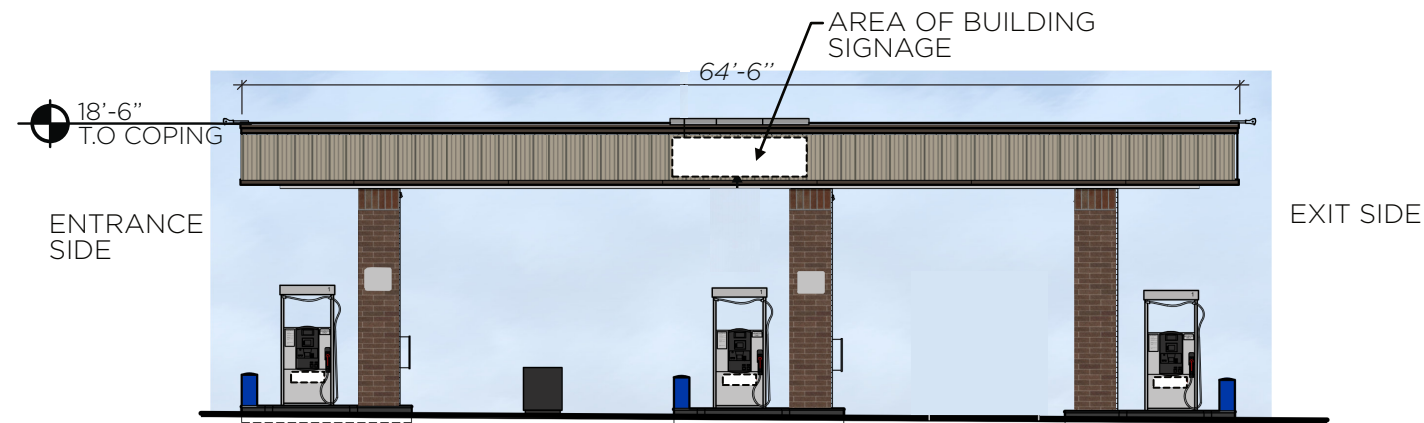
ELEVATION MATERIAL PERCENTAGES

MATERIAL	ELEVATION			
	WEST	SOUTH	EAST	NORTH
SPLIT FACE CMU "BROWN"	2,666 SF 18%	1,766 SF 18%	4,196 SF 27%	1,725 SF 16%
STRUCTURAL BRICK "RED/BROWN"	2150 SF 14%	2,497 SF 26%	1,568 SF 9%	1,026 SF 10%
NATURAL LIMESTONE "BUFF/GOLD"	387 SF 3%	0 SF 0%	0 SF 0%	0 SF 0%
CONCRETE "NATURAL"	1,580 SF 10%	202 SF 2%	0 SF 0%	991 SF 9%
VERTICAL RIBBED ARCHITECTURAL METAL PANEL "METALLIC CHAMPAGNE"	5,090 SF 34%	2,619 SF 27%	4,443 SF 30%	3,270 SF 31%
EMBOSSED/FLAT ARCHITECTURAL METAL PANEL "SANDSTONE"	3,241 SF 21%	2,614 SF 27%	5,065 SF 33%	3,570 SF 34%

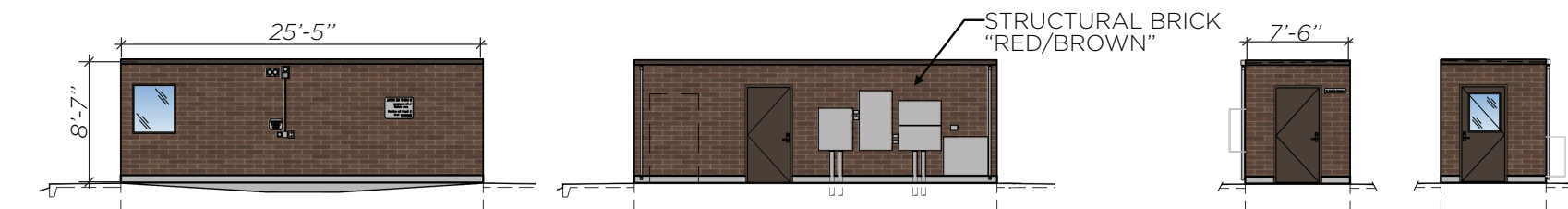
*CALCULATION DOES NOT INCLUDE EXTERIOR DOORS OR TIRE CENTER DOORS



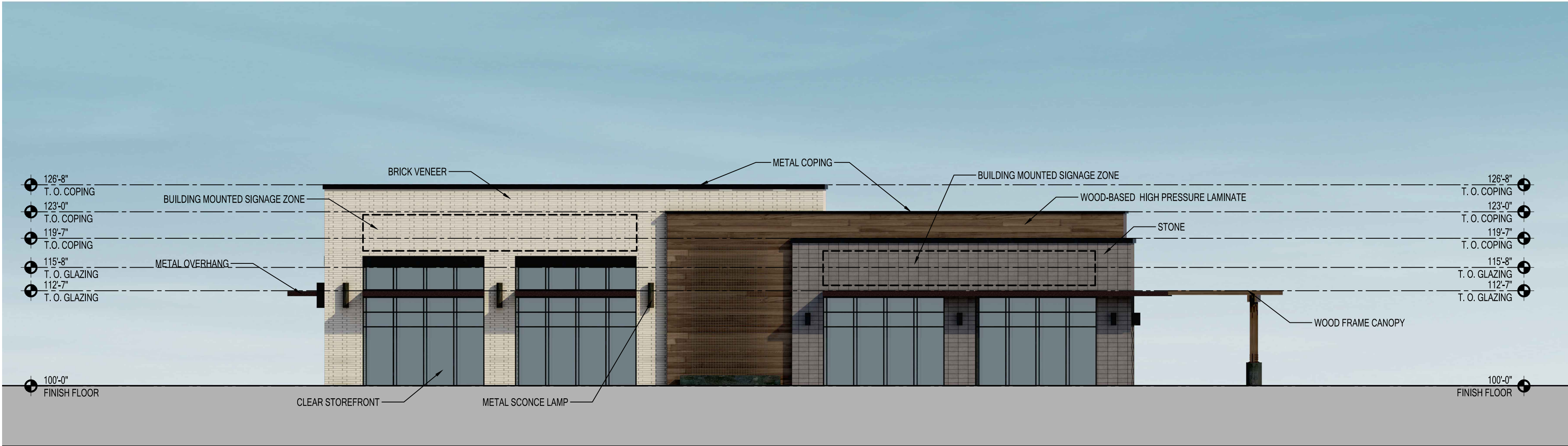
1 CANOPY AND DISPENSER ELEVATION (NORTH/SOUTH)
SCALE: 1/8" = 1'



2 CANOPY AND DISPENSER ELEVATION (EAST/WEST)
SCALE: 1/8" = 1'



3 CONTROLLER ENCLOSURE EXTERIOR ELEVATIONS
SCALE: 1/8" = 1'



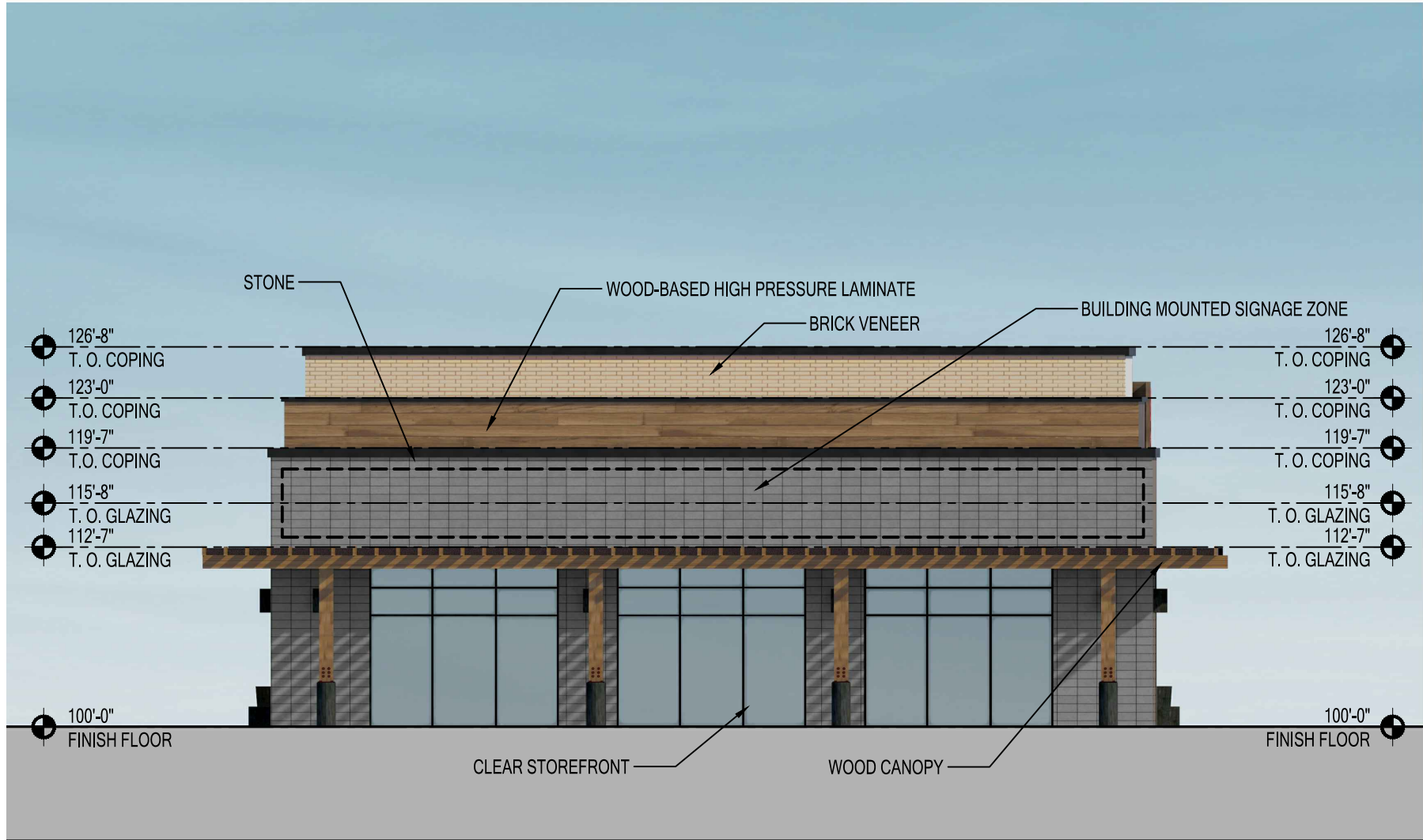
1 EAST ELEVATION
3/32" = 1'-0"



2 WEST ELEVATION
3/32" = 1'-0"



3 NORTH ELEVATION
3/32" = 1'-0"



4 SOUTH ELEVATION
3/32" = 1'-0"

FACADE MATERIAL ANALYSIS		
01 EAST ELEVATION		
MATERIAL	AREA (SF)	%
BRICK VENEER	1220	46.90%
WOOD-BASED HIGH PRESSURE LAMINATE	509	19.60%
STONE	873	33.60%
TOTALS*	2602	100.00%
*GLAZING NOT INCLUDED		
02 WEST ELEVATION		
MATERIAL	AREA (SF)	%
BRICK VENEER	1220	47.50%
WOOD-BASED HIGH PRESSURE LAMINATE	511	19.90%
STONE	839	32.60%
TOTALS*	2570	100.00%
*GLAZING NOT INCLUDED		
03 NORTH ELEVATION		
MATERIAL	AREA (SF)	%
BRICK VENEER	1474	100.00%
WOOD-BASED HIGH PRESSURE LAMINATE	0	0.00%
STONE	0	0.00%
TOTALS*	1474	100.00%
*GLAZING NOT INCLUDED		
04 SOUTH ELEVATION		
MATERIAL	AREA (SF)	%
BRICK VENEER	161	10.70%
WOOD-BASED HIGH PRESSURE LAMINATE	186	12.40%
STONE	1157	76.90%
TOTALS*	1504	100.00%
*GLAZING NOT INCLUDED		

MATERIALS TABLE	
	MAS 1
	MAS 2
	WOOD 1

NOTES	
1	This Conceptual Elevation is for conceptual purposes only. All building plans require review and approval from the Building Inspection Division.
2	All mechanical equipment shall be screened from public view in accordance with the Zoning Ordinance.
3	When permitted, exposed utility boxes and conduits shall be painted to match the building.
4	All signage areas and locations are subject to approval by the Building Inspection Department.
5	Windows shall have a maximum exterior visible reflectivity of (10) percent.

Owner:
GF3 Partnership, LLC
Contact: Michael C. Fannin
15700 State Highway 121
Frisco, Texas 75035
972.747.9233
mcfannin@gmail.com

Job #: 17173.02
File Name: RestaurantRetailElevations_2018-0928.dwg
Date: 09/28/18
Drawn by: BEM, LA, PA

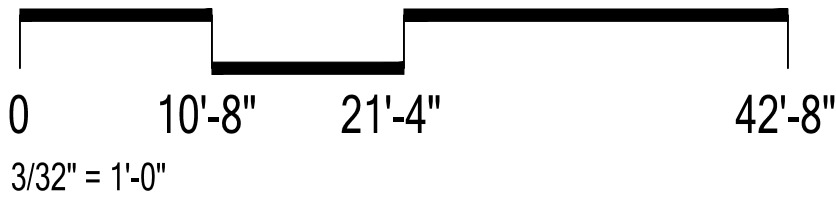


PLANNING

2808 Fairmount Street,
Suite 300
Dallas, Texas 75201 |
214.303.1500

3300 West 7th Street,
Suite 110
Fort Worth, Texas 76107 |
817.303.1500

EXHIBIT "F"
US 380 / FM 1385 NEC
Prosper, Texas
63.905 Acres





GLA-ATL,LLC

649 11TH STREET
ATLANTA,GA 30318
VOICE: 404.228.1958
FAX: 404.228.8350

WWW.GLAATL.COM

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5	Windows shall have a maximum exterior visible reflectivity of (10) percent.

MATERIAL CALCULATION (PHASE 2-BLDG. 1)		
TOTAL AREA (EXCLUDING GLAZING) IN SF: 3,853 = 100%		
MASONRY (BRICK/STONE) IN SF:	3,799 SF	98.6%
FIBER CEMENT/OTHER IN SF: (BALCONY FASCIA)	54 SF	0.14%

MATERIAL CALCULATION (3-Story Concept)		
TOTAL AREA (EXCLUDING GLAZING) IN SF: 7,028 = 100%		
MASONRY (BRICK/STONE) IN SF:	6,972 SF	99.2%
FIBER CEMENT/OTHER IN SF: (BALCONY FASCIA)	56 SF	0.8%

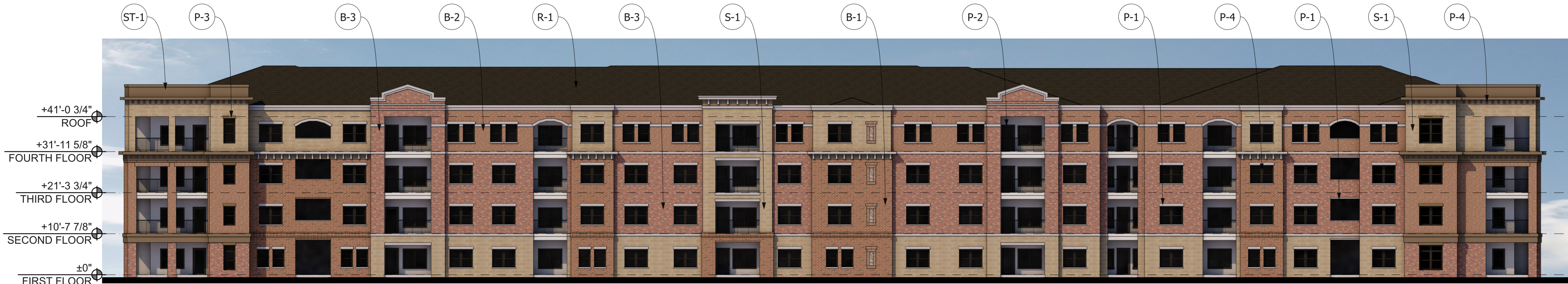
MATERIAL CALCULATION (4-Story Concept)		
TOTAL AREA (EXCLUDING GLAZING) IN SF: 9,563 = 100%		
MASONRY (BRICK/STONE) IN SF:	9,282 SF	97.1%
FIBER CEMENT/OTHER IN SF: (BALCONY FASCIA)	281 SF	2.1%



BUILDING ELEVATION - 2/3-STORY CONCEPT

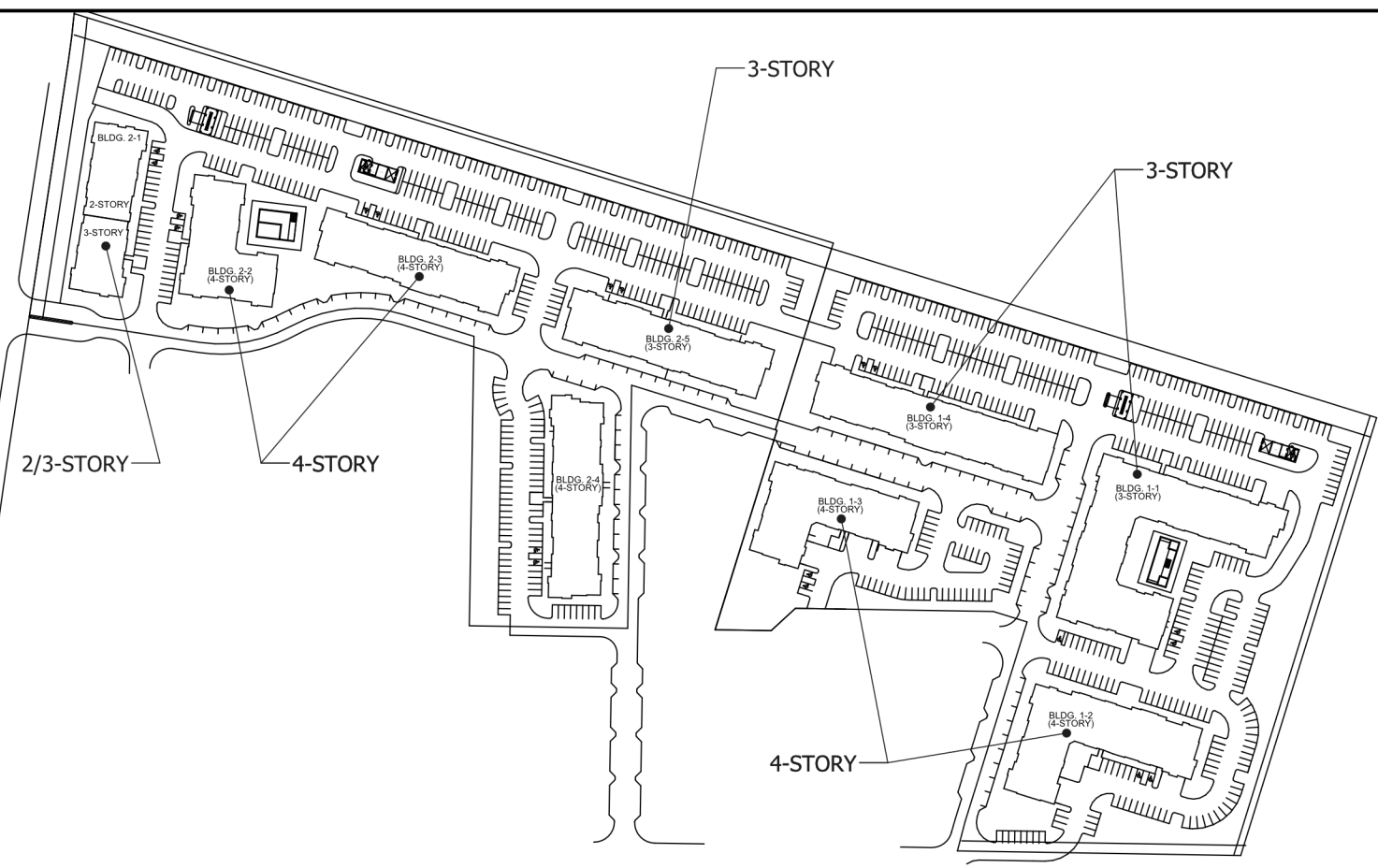


BUILDING ELEVATION - 3-STORY CONCEPT



BUILDING ELEVATION - 4-STORY CONCEPT

SITE PLAN

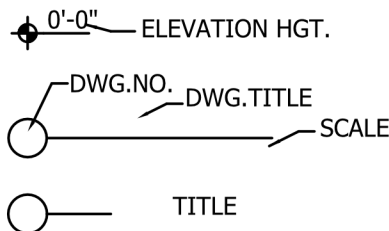


NOTES

BUILDING HEIGHTS	
NUMBER OF STORIES	RIDGE HEIGHT
4	54'-11"
3	49'-5"
2/3	43'-7"

ABBREVIATIONS

ALUM.	ALUMINUM
BLDG.	BUILDING
BRZWY.	BREEZEWAY
FF.	FINISHED FLOOR
STL.	STEEL



FACADE PLANS

MATERIAL LEGEND

TAG	SWATCH	DESCRIPTION	TAG	SWATCH	DESCRIPTION	TAG	SWATCH	DESCRIPTION	TAG	SWATCH	DESCRIPTION
S-1		VENDOR: BORAL CASTFIT CUT: FRENCH GRAY COLOR: GRAY MATERIAL: NATURAL STONE	B-1		VENDOR: BORAL BRICK COLOR: REMINGTON CLASSIC MATERIAL: CLAY-FIRED BRICK	P-1		VENDOR: SHERWIN WILLIAMS COLOR: WESTHIGHLAND WHITE NUMBER: SW7566 R:196, G:180, B: 158 MATERIAL: SUB-TRIM, CORNER CORBELS	P-4		VENDOR: SHERWIN WILLIAMS COLOR: BARCELONA BEIGE NUMBER: SW7530 R:242, G:238, B:228 MATERIAL: TRIM & GUTTER
ST-1		VENDOR: SHERWIN WILLIAMS COLOR: STUDIO TAUPE NUMBER: SW7549 R:173, G:156, B:133 MATERIAL: STUCCO	B-2		VENDOR: BORAL BRICK COLOR: SUMMER HARVEST MATERIAL: CLAY-FIRED BRICK	P-2		VENDOR: SHERWIN WILLIAMS COLOR: URBANE BRONZE NUMBER: SW7048 R:84, G:80, B:74 MATERIAL: RAILINGS & DOORS	R-1		VENDOR: CERTAINTeed SERIES: LANDMARK COLOR: WEATHERED WOOD MATERIAL: ASPHALT SHINGLES
			B-3		VENDOR: BORAL BRICK COLOR: TARRYTOWN MATERIAL: CLAY-FIRED BRICK	P-3		VENDOR: SHERWIN WILLIAMS COLOR: SAN ANTONIO SAGE NUMBER: SW7731 R:167, G:151, B:120 MATERIAL: CORNER HEADERS	*EQUAL ALTERNATES MAY BE SUBSTITUTED WITH APPROVAL FROM ARCHITECT AND OWNER		

PROJECT INFO.

Subdivision's Name: WestSide
Block / Lot Number: A / 1-19
Client: Davis Development
Phone: 770.474.5213
Address: 1050 Eagles Landing Parkway, Suite 300 Stockbridge, Georgia 30281
Architect: Geheber Lewis Assoc.
Phone: 404.228.1958
Address: 649 11th St. Atlanta, Georgia 30318
Applicant: MCF Investments
Phone: (214) 619-4930
Address: 15700 S.H. 121 Frisco, Texas 75035
Scale: AS NOTED
Date: 08/28/2018
Drawn By: BT
NOT RELEASED FOR CONSTRUCTION



GLA-ATL, LLC

649 11TH STREET
ATLANTA, GA 30318
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1 REAR/INTERIOR ELEVATION
R-2 SCALE: 3/32" = 1'-0"



BUILDING LEGEND		
MATERIAL	SQ. FT.	PERCENTAGE
BRICK	2650	58%
STONE	1310	29%
GLAZING	580	13%

1 REAR/INTERIOR ELEVATION
R-2 SCALE: 3/32" = 1'-0"



FACADE PLANS

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5	Windows shall have a maximum exterior visible reflectivity of (10) percent.

NOTES	FACADE PLAN NOTES
1. RENDERING AND ELEVATIONS ON SHEETS R-2, R-3, AND R-4 ARE REPRESENTATIVE. THE BUILDING DO NOT EXACTLY REFLECT THOSE OF THE PROPOSED PROJECT, BUT ARE INDICATIVE OF DESIGN INTENT AND SIMILAR CONDITIONS.	1. ALL MECHANICAL UNITS SHALL BE SCREENED FROM PUBLIC VIEW, OR AS REQUIRED BY ZONING GUIDELINES. 2. BUILDING RENDERINGS REFLECT THE DESIGN FORM AND INTENT OF THE REFERENCED BUILDINGS. ADDITIONAL DETAIL, GARAGE, TRASH SERVICES, AND OTHER ELEMENTS TO BE INCORPORATED AS DESIGN DEVELOPS. 3. SITE PLAN IS FOR GENERAL LOCATION PURPOSES ONLY AND MAY NOT FULLY REFLECT EXACT/CURRENT SITE DESIGN. PLEASE REFERENCE EXHIBIT D "CONCEPTUAL SITE PLAN". 4. MATERIAL CALCULATIONS DO NOT INCLUDE MINOR TRIM OR MATERIALS ABOVE THE COMMON ROOF BEARING PLANE.
ABBREVIATIONS	
ALUM. ALUMINUM BLDG. BUILDING BRZWW. BREEZEWAY FF. FINISHED FLOOR STL. STEEL	0'-0" ELEVATION HGT. DWG. NO. DWG. TITLE A1 DRAWING SCALE A1 DWG. TITLE

MATERIAL LEGEND											
TAG	SWATCH	DESCRIPTION	TAG	SWATCH	DESCRIPTION	TAG	SWATCH	DESCRIPTION	TAG	SWATCH	DESCRIPTION
S-1		VENDOR: BORAL CASTFIT CUT: FRENCH GRAY COLOR: GRAY MATERIAL: NATURAL STONE	B-4		VENDOR: BORAL BRICK COLOR: REMINGTON CLASSIC MATERIAL: CLAY-FIRED BRICK	P-1		VENDOR: SHERWIN WILLIAMS COLOR: REPOSE GRAY NUMBER: SW7015 R:204, G:201, B:192 MATERIAL: TRIM & GUTTER	R-2		VENDOR: CERTAINTED SERIES: LANDMARK COLOR: HEATHER BLEND MATERIAL: ASPHALT SHINGLES
ST-1		VENDOR: SHERWIN WILLIAMS COLOR: STUDIO TAUPE NUMBER: SW7549 R:173, G:156, B:133 MATERIAL: STUCCO	B-5		VENDOR: BORAL BRICK COLOR: SUMMER HARVEST MATERIAL: CLAY-FIRED BRICK	P-2		VENDOR: SHERWIN WILLIAMS COLOR: URBANE BRONZE NUMBER: SW7048 R:84, G:80, B:74 MATERIAL: RAILINGS & DOORS	*EQUAL ALTERNATES MAY BE SUBSTITUTED WITH APPROVAL FROM ARCHITECT AND OWNER		
		VENDOR: BORAL BRICK COLOR: TARRYTOWN MATERIAL: CLAY-FIRED BRICK	B-6		VENDOR: BORAL BRICK COLOR: TARRYTOWN MATERIAL: CLAY-FIRED BRICK	P-3		VENDOR: SHERWIN WILLIAMS COLOR: HEATHER BLEND MATERIAL: ASPHALT SHINGLES			

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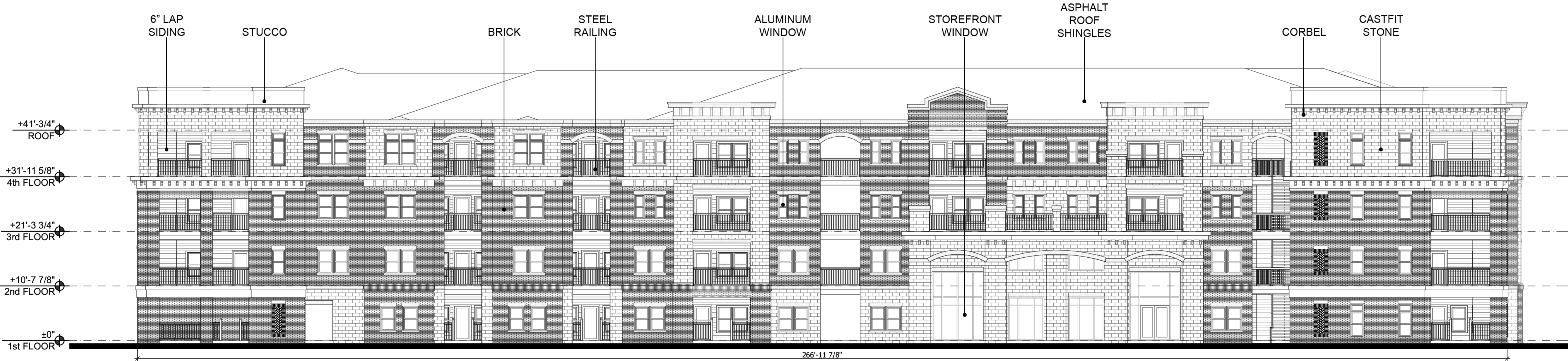
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2 FRONT ELEVATION
R-3

SCALE: 3/32" = 1'-0"



BUILDING LEGEND		
MATERIAL	SQ. FT.	PERCENTAGE
BRICK	3740	52%
STONE	2363	33%
GLAZING	1067	15%

1 FRONT ELEVATION
R-3

SCALE: 3/32" = 1'-0"



FACADE PLANS

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NOTES	FACADE PLAN NOTES
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ST-1		VENDOR: SHERWIN WILLIAMS COLOR: STUDIO TAUPE NUMBER: SW7549 R:173, G:156, B:133 MATERIAL: STUCCO	B-5		VENDOR: BORAL BRICK COLOR: SUMMER HARVEST MATERIAL: CLAY-FIRED BRICK	P-2		VENDOR: SHERWIN WILLIAMS COLOR: HEATHER BLEND NUMBER: SW7048 R:84, G:80, B:74 MATERIAL: TRIM & GUTTER	R-1		VENDOR: CERTAINTED SERIES: LANDMARK COLOR: HEATHER BLEND MATERIAL: ASPHALT SHINGLES
		VENDOR: BORAL BRICK COLOR: TARRYTOWN MATERIAL: CLAY-FIRED BRICK	B-6		VENDOR: BORAL BRICK COLOR: TARRYTOWN MATERIAL: CLAY-FIRED BRICK	P-3		VENDOR: SHERWIN WILLIAMS COLOR: URBANE BRONZE NUMBER: SW7048 R:84, G:80, B:74 MATERIAL: RAILINGS & DOORS	*EQUAL ALTERNATES MAY BE SUBSTITUTED WITH APPROVAL FROM ARCHITECT AND OWNER		

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2 FRONT ELEVATION

R-4 SCALE: 3/32" = 1'-0"



1 FRONT ELEVATION

R-4 SCALE: 3/32" = 1'-0"



FACADE PLANS

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ABBREVIATIONS

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STL. STEEL

0'-0" ELEVATION HGT.
DWG. NO. DWG. TITLE
A1 DRAWING SCALE
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			B-6		VENDOR: BORAL BRICK COLOR: TARRYTOWN MATERIAL: CLAY-FIRED BRICK	P-3		VENDOR: SHERWIN WILLIAMS COLOR: URBANE BRONZE NUMBER: SW7048 R:84, G:80, B:74 MATERIAL: RAILINGS & DOORS						*EQUAL ALTERNATES MAY BE SUBSTITUTED WITH APPROVAL FROM ARCHITECT AND OWNER

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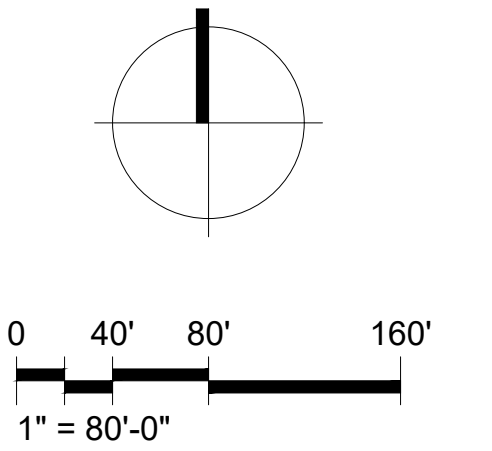
CONCEPTUAL TREE LEGEND

- LARGE SHADE TREE,
MIN. 5" CALIPER
- SMALL, ORNAMENTAL TREE,
MIN. 5" CALIPER (OR MULTI-STEM EQUIV.)
- NELLIE R. STEVENS HOLLY,
MIN. 8" HEIGHT

NOTE:
EXHIBIT G IS CONCEPTUAL IN NATURE. A LANDSCAPE PLAN, INCLUDING ALL REQUIREMENTS CONFORMING TO TOWN ORDINANCES AND STANDARDS FOR PLANTING AND PARKING ISLAND DETAILS NEEDS TO BE PROVIDED ALONG WITH THE PRELIMINARY SITE PLAN / PRELIMINARY PLAT, SITE PLAN / FINAL PLAT, AND CIVIL PLANS.

LANDSCAPE CALCS (BIG BOX RETAIL SITE):

(PROVIDED FOR PERMIT PURPOSES ONLY)
REFER TO SITE DATA ON ARCH SITE PLAN.
BIG BOX RETAIL SITE AREA: 20.03 ACRES (894,412 SF)
BUILDING AREA: 160,479 SF
OPEN SPACE:
SEE ARCH SITE PLAN FOR OPEN SPACE AREAS.
ALL REQUIRED OPEN SPACE AREAS TO BE COMPLETELY COVERED WITH LIVING PLANT MATERIAL.
BUILDING LANDSCAPING:
LARGE TREES REQUIRED: 17 (ONE PER 10,000 S.F. BUILDING AREA)
LARGE TREES PROVIDED: 17
SMALL TREES MAY BE SUBSTITUTED FOR LARGE TREES AT 5:1 RATE.
PERIMETER LANDSCAPING:
MIN. 25' WIDE LANDSCAPED AREA ALONG FM 1385.
BERMS: 3'-6" HT., AVERAGE OF 4.5' ALONG FM 1385.
STREET FRONTAGE: 200 L.F. (N.I.C. DRIVEWAYS)
LARGE TREES REQUIRED: 20 (ONE LARGE TREE PER 30')
LARGE TREES PROVIDED: 21
5-GAL. SHRUBS REQUIRED: 200 (15 SHRUBS PER 30')
5-GAL. SHRUBS PROVIDED: 300+
ADJACENT TO RESIDENTIAL: OPEN SPACE BUFFER EXISTING TO REMAIN, PLUS NEW LIVING SCREEN PER PLAN.
ADJACENT TO NON-RESIDENTIAL:
MIN. 5' WIDE LANDSCAPED AREA
ONE SMALL TREE AND ONE 5-GAL. SHRUB PER 15'
PROPOSED PLANTING EXCEEDS REQUIREMENTS ALONG EAST, WEST & SOUTH
INTERIOR PARKING LOT LANDSCAPING:
TOTAL PARKING STALLS: 921 (INCLUDES 50 FUTURE STALLS)
LANDSCAPE AREA REQUIRED: 13,815 S.F. (15 S.F. PER STALL)
LANDSCAPE AREA PROVIDED: 26,300 S.F.
LANDSCAPE ISLANDS MIN. 160 S.F. AND MAX. 15 STALLS IN CONTINUOUS ROW
ONE LARGE TREE WITHIN 150' OF EVERY PARKING SPACE.
TOTAL MIN. TREES AT 10' O.C. AND SHRUBS AT 5' O.C.



WEISMANDESIGNGROUP

LANDSCAPE ARCHITECTURE 1430 NE 65TH ST. SEATTLE WA 98115 206-322-1732 WWW.WEISMANDESIGNGROUP.COM

MARCH 13, 2023

CONCEPT LANDSCAPE PLAN

CONCEPT LANDSCAPE PLAN

PROSPER, TEXAS

EXHIBIT "G"

MARCH 13, 2023



PLANNING

To: Mayor and Town Council

From: David Soto, Planning Manager

Through: Mario Canizares, Town Manager
Chuck Ewings, Executive Director of Development and Infrastructure Services

Re: Westside Development Agreement

Town Council Meeting – April 11, 2023

Agenda Item:

Consider and act upon authorizing the Town Manager to execute a Development Agreement between 1385 Prosper LLC, Alphas 3 Prosper RI LLC, SSSS Holdings LLC, and Westside Prosper LLC and the Town of Prosper, related to the Westside Development, northeast corner of US 380 and FM 1385.

Description of Agenda Item:

On February 28, 2023, the Town Council approved the proposed request.

A Development Agreement has been prepared accordingly. Most of the language is standard except for changes to paragraph two prohibiting certain businesses. Costco requested that the prohibition of package stores selling liquor be removed. Costco does not currently intend to sell liquor but does not want to eliminate the opportunity to do so if state laws change in the future.

Legal Obligations and Review:

Town Attorney, Terrence Welch of Brown & Hofmeister, L.L.P., has reviewed the agreement as to form and legality.

Attachments:

1. Development Agreement
2. Exhibits

Town Staff Recommendation:

Town staff recommends that the Town Council authorize the Town Manager to execute a Development Agreement between 1385 Prosper LLC, Alphas 3 Prosper RI LLC, SSSS Holdings LLC, and Westside Prosper LLC and the Town of Prosper, related to the Westside Development, northeast corner of US 380 and FM 1385 subject to following:

1. Town Council approval of the license agreement.

Proposed Motion:

Item 10.

I move to authorize the Town Manager to execute a Development Agreement between 1385 Prosper LLC, Alphas 3 Prosper RI LLC, SSSS Holdings LLC, and Westside Prosper LLC and the Town of Prosper, related to the Westside Development, northeast corner of US 380 and FM 1385 subject to following:

1. Town Council approval of the license agreement.

FIRST AMENDED DEVELOPMENT AGREEMENT

THIS FIRST AMENDED DEVELOPMENT AGREEMENT ("First Amended Agreement") is entered into by and between the Town of Prosper, Texas ("Town"), and Alpha3 Prosper RI LLC, a Texas limited liability company, 1385 Prosper LLC, a Texas limited liability company, Westside Prosper LLC, a Texas limited liability company, SSSS Holdings LLC, a Texas limited liability company (Alpha3 Prosper RI, 1385 Prosper, Westside Prosper and SSSS Holdings, collectively, are "Owner") (the Town and Owner are each sometimes referred to individually as a "Party" and collectively as the "Parties") to be effective (the "Effective Date") on the latest date executed by a Party.

WHEREAS, the Town is a home-rule municipal corporation, located in Collin County and Denton County, Texas, organized and existing under the laws of the State of Texas; and

WHEREAS, Owner is developing property in the Town known as WestSide ("WestSide"), the zoning for which development was approved by the Town on or about December 11, 2018, in Ordinance No. 18-108, as amended by Ordinance No. 2022-20 and Ordinance No. 2023-26, such development also known as Planned Development 94 ("PD-94"); and

WHEREAS, a legal description of the property for WestSide is more particularly described in Exhibit A, attached hereto and incorporated by reference (the "Property"); and

WHEREAS, on or about February 25, 2020, a Development Agreement ("2020 Development Agreement") was executed relative to the phasing of development as well as the adoption of architectural standards and building materials for structures constructed on the Property; and

WHEREAS, on or about June 28, 2022, a Development Agreement ("2022 Development Agreement") was executed relative to the prohibition of certain business establishments on Lots 15 and 16 of the Property; and

WHEREAS, this First Amended Agreement seeks to incorporate, in part, the negotiated and agreed upon development standards contained in PD-94, as amended, to recognize Owner's reasonable investment-backed expectations in PD-94, and to clarify issues related to the development, as more fully described herein; and

WHEREAS, subject to the terms of this First Amended Agreement, Owner agrees and acknowledges that any structures on the Property will be constructed in accordance with the provisions, standards and notes reflected in this First Amended Agreement.

NOW, THEREFORE, in consideration of the foregoing premises, and for other good and valuable consideration the receipt and adequacy of which are hereby acknowledged, the Parties to this First Amended Agreement agree as follows:

1. Architectural Standards and Building Materials. With the exception those architectural standards and building materials approved for Lots 15 and 16, as reflected in the 2020 Development Agreement, any structure built on the Property following the Effective Date shall comply with the applicable requirements contained in Exhibit B, "Architectural Standards, Building Materials and Elevations," attached hereto and incorporated by reference, including without limitation any accessory gasoline pumps, any landscaping on Lot 1R, and any solid fencing along the north side of the Property. If and to the extent of any of the requirements in Exhibit B are amended by an amendment to PD-94, the amended requirements in PD-94 shall control with respect to any structure built on the Property following the effective date of such amendment to PD-94.

2. Certain Business Establishments Prohibited. With the exception of Lots 15 and 16, which are subject to applicable provisions of the 2022 Development Agreement, Owner agrees and acknowledges that it will not lease, sell or otherwise permit or authorize on the Property any of the following business establishments: (1) credit access businesses, as defined in Texas Finance Code § 393.601, as amended, including but not limited to payday lending businesses, "cash for title" lenders, and credit services businesses, as defined in Texas Finance Code § 393.001, as amended); (2) body art facilities; (3) smoke or vape shops; (4) any business entity that sells drug paraphernalia, as defined in Texas Health and Safety Code § 481.002(17), as amended; (5) any business establishment offering gaming or slot machines; (6) sex shops, including but not limited to business entities whose primary purpose is the sale of lewd merchandise; (7) pawn shops; and (8) business entities which primarily utilize outdoor storage or displays; however, subpart (8) of the Paragraph shall not apply to sales, displays or other activities by third parties in connection with a Costco Wholesale membership warehouse, such as Christmas trees or similar short-term outdoor sales. Nothing in this First Amended Agreement shall be deemed to modify or otherwise amend any zoning regulation duly adopted by the Town, previously or in the future.

3. Covenant Running with the Land. The terms, conditions, rights, obligations, benefits, covenants and restrictions of the provisions of this First Amended Agreement shall be deemed covenants running with the land, and shall be binding upon and inure to the benefit of the Owner and its heirs, representatives, successors and assigns. This First Amended Agreement shall be deemed to be incorporated into each deed and conveyance of the Property or any portion thereof hereafter made by any other owners of the Property, regardless of whether this First Amended Agreement is expressly referenced therein.

4. Applicability of Town Ordinances. The Property shall be developed, and all structures constructed on the Property shall be constructed, in accordance with all applicable Town ordinances and building/construction codes.

5. Default. No Party shall be in default under this First Amended Agreement until notice of the alleged failure of such Party to perform has been given (which notice shall set forth in reasonable detail the nature of the alleged failure) and until such Party

has been given a reasonable time to cure the alleged failure (such reasonable time determined based on the nature of the alleged failure, but in no event less than thirty (30) days after written notice of the alleged failure has been given). In addition, no Party shall be in default under this First Amended Agreement if, within the applicable cure period, the Party to whom the notice was given begins performance and thereafter diligently and continuously pursues performance until the alleged failure has been cured. If either Party is in default under this First Amended Agreement, the other Party shall have the right to enforce the First Amended Agreement in accordance with applicable law, provided, however, in no event shall any Party be liable for consequential or punitive damages.

6. Venue. This First Amended Agreement shall be governed by and construed in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Denton County, Texas. Exclusive venue for any action arising under this First Amended Agreement shall lie in Denton County, Texas.

7. Notice. Any notices required or permitted to be given hereunder (each, a "Notice") shall be given by certified or registered mail, return receipt requested, to the addresses set forth below or to such other single address as either party hereto shall notify the other:

If to the Town:	The Town of Prosper 250 W. First Street P.O. Box 307 Prosper, Texas 75078 Attention: Town Manager
If to 1385 Prosper:	1385 Prosper LLC 5867 Aylworth Drive Frisco, Texas 75035 Attention: Srikanth Krothapalli
If to Alpha3 Prosper RI:	Alpha3 Prosper RI LLC 1700 Pacific Avenue, Suite 1850 Dallas, Texas 75201 Attention: Perwez Molubhoy
If to Westside Prosper:	Westside Prosper LLC 8668 John Hickman Parkway, Suite 907 Frisco, Texas 75034 Attention: Shiva Kondru

If to SSSS Holdings: SSSS Holdings LLC
 8668 John Hickman Parkway, Suite 907
 Frisco, Texas 75034
 Attention: Shiva Kondru

8. Prevailing Party. In the event any person initiates or defends any legal action or proceeding to enforce or interpret any of the terms of this First Amended Agreement, the prevailing party in any such action or proceeding shall be entitled to recover its reasonable costs and attorney's fees (including its reasonable costs and attorney's fees on any appeal).

9. Entire Agreement. This First Amended Agreement contains the entire agreement between the Parties hereto with respect to development of the Property and supersedes all prior agreements, oral or written, with respect to the subject matter hereof. The provisions of this First Amended Agreement shall be construed as a whole and not strictly for or against any Party.

10. Savings/Severability. In the event any provision of this First Amended Agreement shall be determined by any court of competent jurisdiction to be invalid or unenforceable, the First Amended Agreement shall, to the extent reasonably possible, remain in force as to the balance of its provisions as if such invalid provision were not a part hereof.

11. Binding Agreement. A telecopied facsimile of a duly executed counterpart of this First Amended Agreement shall be sufficient to evidence the binding agreement of each party to the terms herein, including without limitation a scanned copy sent via electronic mail by either party.

12. Authority to Execute. This First Amended Agreement shall become a binding obligation on the signatories upon execution by all signatories hereto. The Town warrants and represents that the individual executing this First Amended Agreement on behalf of the Town has full authority to execute this First Amended Agreement and bind the Town to the same. Owner warrants and represents that any individual executing this First Amended Agreement on behalf of Owner has full authority to execute this First Amended Agreement and bind Owner to the same. The Town warrants and represents to Owner that the Town Council has approved and authorized the Town Manager of the Town to execute this First Amended Agreement on behalf of the Town.

13. Filing in Deed Records. This First Amended Agreement, and any and all subsequent amendments to this First Amended Agreement, shall be filed in the deed records of Denton County, Texas.

14. Mediation. In the event of any disagreement or conflict concerning the interpretation of this First Amended Agreement, and such disagreement cannot be resolved by the signatories hereto, the signatories agree to submit such disagreement to nonbinding mediation.

15. Notification of Sale or Transfer; Assignment of First Amended Agreement. Owner shall notify the Town in writing of any sale or transfer of all or any portion of the Property, within ten (10) business days of such sale or transfer. Owner has the right (from time to time without the consent of the Town, but upon written notice to the Town) to assign this First Amended Agreement, in whole or in part, and including any obligation, right, title, or interest of Owner under this First Amended Agreement, to any person or entity (an "Assignee") that is or will become an owner of any portion of the Property or that is an entity that is controlled by or under common control with Owner. Each assignment shall be in writing executed by Owner and the Assignee and shall obligate the Assignee to be bound by this First Amended Agreement. A copy of each assignment shall be provided to the Town within ten (10) business days after execution. Whether or not Owner assigns this First Amended Agreement to a subsequent owner of the Property or any portion thereof (a "Subsequent Owner"), each Subsequent Owner shall be bound by the provisions of this First Amended Agreement with respect to the portion of the Property owned by such Subsequent Owner. Upon transfer of the Property or any portion thereof to a Subsequent Owner (whether such transfer is made by Owner or a Subsequent Owner), the transferring party will be released from any rights and obligations under this First Amended Agreement as to the Property that is the subject of such transfer, effective upon recordation of the deed to such portion of the Property in the Real Property Records of the County in which the applicable portion of the Property is located. No assignment or transfer by Owner or any Subsequent Owner shall release the transferor from any liability that resulted from an act or omission by the transferor that occurred prior to the effective date of the transfer. Owner shall maintain true and correct copies of all assignments made by Owner to Assignees, including a copy of each executed assignment and the Assignee's Notice information. In no event shall Owner be responsible for the default, acts or omissions of any Assignee, Subsequent Owner or other third party.

16. Sovereign Immunity. The Parties agree that the Town has not waived its sovereign immunity from suit by entering into and performing its obligations under this First Amended Agreement.

17. Effect of Recitals. The recitals contained in this First Amended Agreement: (a) are true and correct as of the Effective Date; (b) form the basis upon which the Parties negotiated and entered into this First Amended Agreement; (c) are legislative findings of the Town Council; and (d) reflect the final intent of the Parties with regard to the subject matter of this First Amended Agreement. In the event it becomes necessary to interpret any provision of this First Amended Agreement, the intent of the Parties, as evidenced by the recitals, shall be taken into consideration and, to the maximum extent possible, given full effect. The Parties have relied upon the recitals as part of the consideration for entering into this First Amended Agreement and, but for the intent of the Parties reflected by the recitals, would not have entered into this First Amended Agreement.

18. Consideration. This First Amended Agreement is executed by the parties hereto without coercion or duress and for substantial consideration, the sufficiency of which is forever confessed.

19. Counterparts. This First Amended Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes. A facsimile signature will also be deemed to constitute an original.

20. Exactions/Infrastructure Costs. Owner has been represented by legal counsel in the negotiation of this First Amended Agreement and been advised or has had the opportunity to have legal counsel review this First Amended Agreement and advise Owner, regarding Owner's rights under Texas and federal law. Owner hereby waives any requirement that the Town retain a professional engineer, licensed pursuant to Chapter 1001 of the Texas Occupations Code, to review and determine that the exactions required by the Town are roughly proportional or roughly proportionate to the proposed development's anticipated impact. Owner specifically reserves its right to appeal the apportionment of municipal infrastructure costs in accordance with § 212.904 of the Texas Local Government Code; however, notwithstanding the foregoing, Owner hereby releases the Town from any and all liability under § 212.904 of the Texas Local Government Code, as amended, regarding or related to the cost of those municipal infrastructure requirements imposed by this First Amended Agreement.

21. Rough Proportionality. Owner hereby waives any federal constitutional claims and any statutory or state constitutional takings claims under the Texas Constitution with respect to roadway or infrastructure requirements imposed by this First Amended Agreement. Owner and the Town further agree to waive and release all claims one may have against the other related to any and all rough proportionality and individual determination requirements mandated by the United States Supreme Court in *Dolan v. City of Tigard*, 512 U.S. 374 (1994), and its progeny, as well as any other requirements of a nexus between development conditions and the projected impact of the terms of this First Amended Agreement, with respect to roadway or infrastructure requirements imposed by this First Amended Agreement.

22. Waiver of Texas Government Code § 3000.001 et seq. With respect to any structures or improvements constructed on the Property pursuant to this First Amended Agreement, Owner hereby waives any right, requirement or enforcement of Texas Government Code §§ 3000.001-3000.005, as amended.

23. Time. Time is of the essence in the performance by the Parties of their respective obligations under this First Amended Agreement.

24. Third Party Beneficiaries. Nothing in this First Amended Agreement shall be construed to create any right in any third party not a signatory to this First Amended Agreement, and the Parties do not intend to create any third-party beneficiaries by entering into this First Amended Agreement.

25. Amendment. This First Amended Agreement shall not be modified or amended except in writing signed by the Parties. A copy of each amendment to this First Amended Agreement, when fully executed and recorded, shall be provided to each Party, Assignee and successor owner of all or any part of the Land; however, the failure to provide such copies shall not affect the validity of any amendment.

26. Miscellaneous Drafting Provisions. This First Amended Agreement shall be deemed drafted equally by all Parties hereto. The language of all parts of this First Amended Agreement shall be construed as a whole according to its fair meaning, and any presumption or principle that the language herein is to be construed against any Party shall not apply.

IN WITNESS WHEREOF, the parties hereto have caused this document to be executed as of the date referenced herein.

TOWN:

THE TOWN OF PROSPER, TEXAS

By: _____
 Name: Mario Canizares
 Title: Town Manager, Town of Prosper

STATE OF TEXAS)
)
COUNTY OF COLLIN)

This instrument was acknowledged before me on the ____ day of _____, 2023, by Mario Canizares, Town Manager of the Town of Prosper, Texas, on behalf of the Town of Prosper, Texas.

Notary Public, State of Texas
 My Commission Expires: _____

OWNER:

ALPHA3 PROSPER RI LLC, a Texas limited liability company

By: _____
Perwez Molubhoy, Manager

STATE OF TEXAS)
)
COUNTY OF _____)

This instrument was acknowledged before me on the ____ day of _____, 2022, by Perwez Molubhoy, in his capacity as Manager of Alpha3 Prosper RI, LLC, a Texas limited liability company, known to be the person whose name is subscribed to the foregoing instrument, and that he executed the same on behalf of and as the act of Owner.

Notary Public, State of Texas
My Commission Expires: _____

OWNER:

WESTSIDE PROSPER LLC,
a Texas limited liability company

By: _____

Printed Name: _____

Title: _____

STATE OF TEXAS)

)

COUNTY OF _____)

This instrument was acknowledged before me on the ____ day of _____, 2023, by _____, in his capacity as _____ of Westside Prosper LLC, a Texas limited liability company, known to be the person whose name is subscribed to the foregoing instrument, and that he executed the same on behalf of and as the act of Owner.

Notary Public, State of Texas

My Commission Expires: _____

OWNER:

1385 PROSPER LLC,
a Texas limited liability company

By: _____
Printed Name: _____
Title: _____

STATE OF TEXAS)
)
COUNTY OF _____)

This instrument was acknowledged before me on the ____ day of _____, 2023, by _____, in his capacity as _____ of 1385 Prosper LLC, a Texas limited liability company, known to be the person whose name is subscribed to the foregoing instrument, and that he executed the same on behalf of and as the act of Owner.

Notary Public, State of Texas
My Commission Expires: _____

OWNER:

SSSS HOLDINGS LLC,
a Texas limited liability company

By: _____
Printed Name: _____
Title: _____

STATE OF TEXAS)
)
COUNTY OF _____)

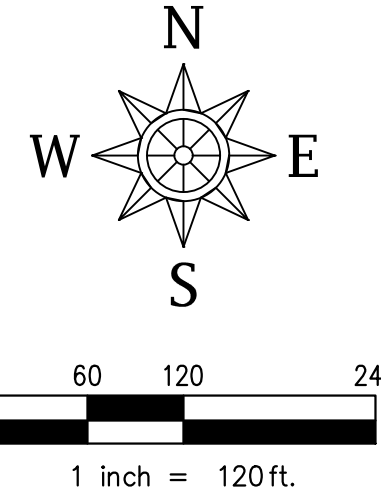
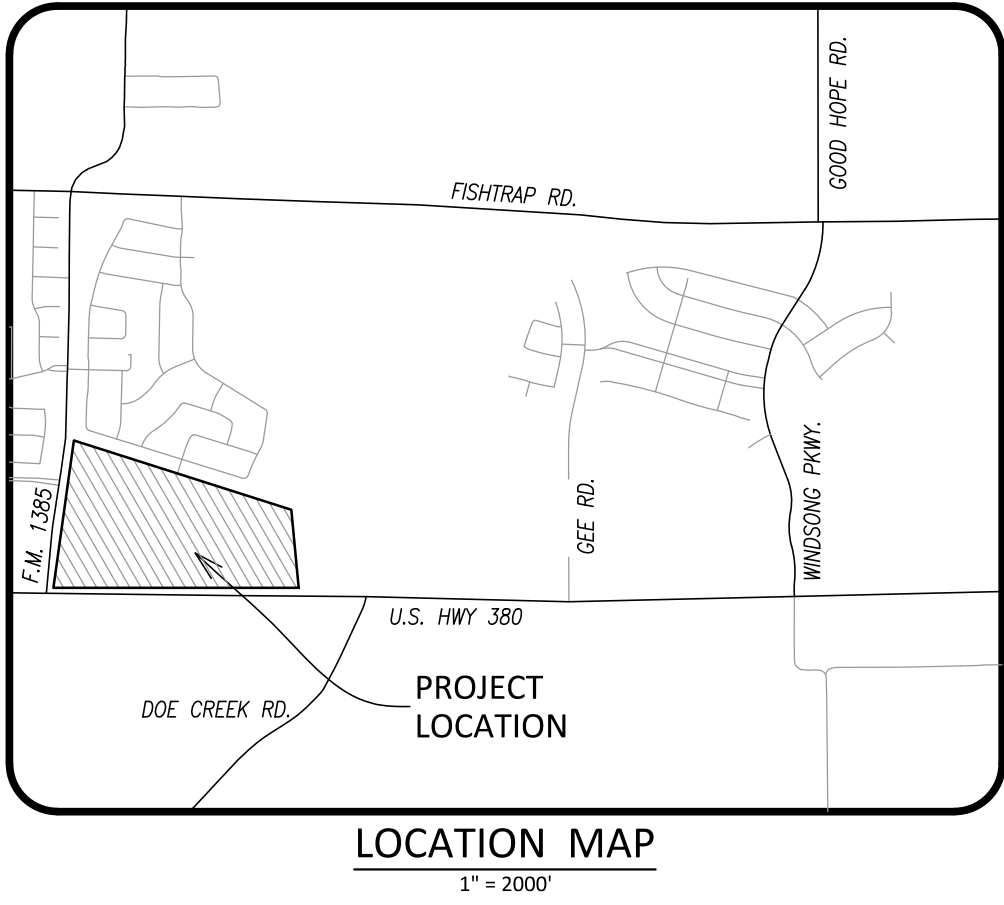
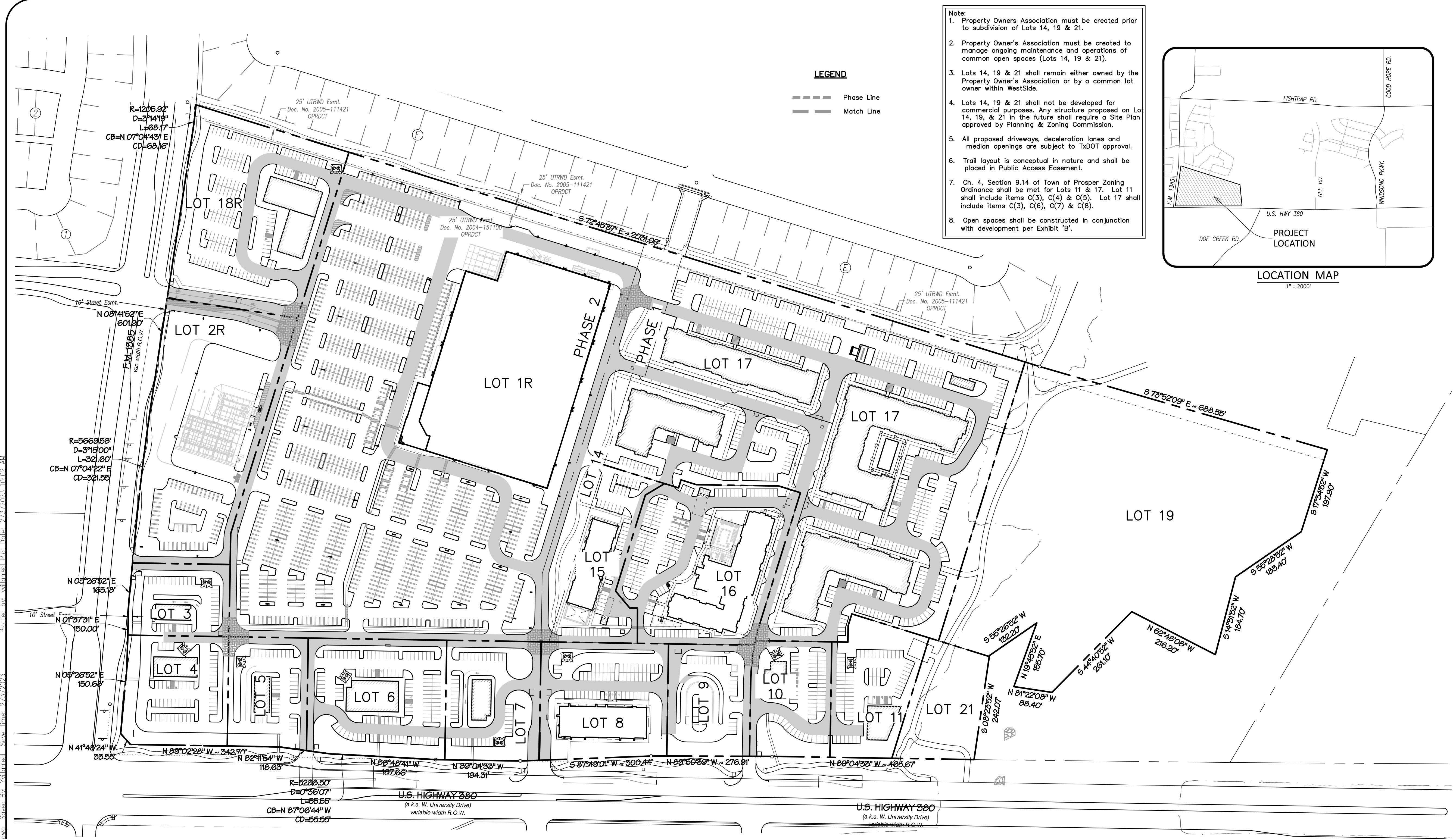
This instrument was acknowledged before me on the ____ day of _____, 2023, by _____, in his capacity as _____ of SSSS Holdings LLC, a Texas limited liability company, known to be the person whose name is subscribed to the foregoing instrument, and that he executed the same on behalf of and as the act of Owner.

Notary Public, State of Texas
My Commission Expires: _____

EXHIBIT A
(Property Description)

EXHIBIT B
(Architectural Standards, Building Materials and Elevations)

Drawn: 6/20/22 09:53:22-187 Westside, Revision: CAD, Preliminary Site Plan.dwg Saved By: Villareal Plot Date: 2/13/2023 10:02 AM
Plotted By: Villareal Plot Date: 2/13/2023 10:02 AM



Town of Prosper Site Plan Notes:

1. Dumpsters and trash compactors shall be screened in accordance of the Zoning Ordinance.
2. Open storage, where permitted, shall be screened in accordance with the Zoning Ordinance.
3. Outdoor lighting shall comply with the lighting and glare standards contained within the Zoning Ordinance and Subdivision Regulation Ordinance.
4. Landscaping shall conform to landscape plans approved by the town.
5. All elevations shall comply with the standards contained within the Zoning Ordinance.
6. Buildings of 5,000 square feet or greater shall be 100% fire sprinkled. Alternative fire protection measures may be approved by the Fire Department.
7. Fire lanes shall be designed and constructed per town standards or as directed by the Fire Department.
8. Two points of access shall be maintained for the property at all times.
9. Speedbumps/humps are not permitted within a fire lane.
10. Handicapped parking areas and building accessibility shall conform to the Americans with Disabilities Act (ADA) and with the requirements of the current, adapted uniform Building Code.
11. All signage is subject to Building Official approval.
12. All fences and retaining walls shall be shown on the site plan and are subject to Building Official approval.
13. All exterior building materials are subject to Building Official approval and shall conform to the approved facade plan.
14. Sidewalks of not less than six (6') feet in width along thoroughfares and fire (5') in width along collectors and residential streets, and barrier free ramps at all curb crossings shall be provided per Town standards.
15. Approval of the site plan is not final until all engineering plans are approved by the Town Engineer.
16. Site plan approval is required prior to grading release.
17. All new electrical lines shall be installed and/or relocated underground.
18. All mechanical equipment shall be screened from public view in accordance with the Zoning Ordinance.
19. All landscape easements must be exclusive of any other type of easement.
20. 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.
21. 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 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.
22. Lot 17, which consists of a maximum of 243 units, construction may not commence until construction of the first floor framing has begun on the restaurant/retail building on Lot 8 on and the Limited Service Hotel on Lot 16.

SITE DATA SUMMARY TABLE																			
LOT	ZONING	PROPOSED USE	LOT AREA		FIRST FLOOR BUILDING AREA (SF)	TOTAL BUILDING AREA (SF)	UNIT COUNT	BUILDING HEIGHT (ft)	BUILDING HEIGHT (story)	COVERAGE (%)	FLOOR AREA RATIO	REQ. PARKING RATIO	PARKING REQUIRED	PARKING PROVIDED	REQUIRED HANDICAP PARKING	PROVIDED HANDICAP PARKING	INTERIOR LANDSCAPE REQUIRED (SF)	INTERIOR LANDSCAPE PROVIDED (SF)	IMPERVIOUS AREA (SF)
			SF	AC															
1R	PD	BIG BOX RETAIL	749,522	17.21	160,508	160,508	N/A	29'-11"	1	21.4%	0.2141:1	1:250	643	872	19	19	13,080	0	0
2R	PD	BIG BOX FUEL FACILITY	153,913	3.53	4,500	4,500	N/A	N/A	1	2.9%	0.0292:1	1:200	23	51	3	3	765	0	0
3	PD	RESTAURANT W/ D.T.	38,214	0.88	2,872	2,872	N/A	29'-11"	1	7.5%	0.0752:1	1:100	12	32	2	2	480	2,106	12,497
4	PD	RESTAURANT/RETAIL	59,629	1.37	4,500	4,500	N/A	29'-11"	1	7.5%	0.0755:1	1:100	45	53	1	1	795	810	27,702
5	PD	RESTAURANT W/ D.T.	46,077	1.06	2,880	2,880	N/A	29'-11"	1	6.3%	0.0625:1	1:100	29	33	1	1	495	972	24,769
6	PD	RETAIL/RESTAURANT	85,713	1.97	6,079	6,079	N/A	29'-11"	1	7.1%	0.0709:1	1:250	25	29	1	1	435	1,296	53,972
7	PD	RESTAURANT W/ D.T.	59,617	1.37	3,827	3,827	N/A	29'-11"	1	6.4%	0.0642:1	1:100	39	64	1	2	960	1,296	31,555
8	PD	RETAIL	77,582	1.78	14,358	14,358	N/A	29'-11"	1	18.5%	0.1851:1	1:100	192	56	4	3	840	2,106	48,228
9	PD	RESTAURANT W/ D.T.	49,095	1.13	521	521	N/A	29'-11"	1	1.1%	0.0106:1	1:75	7	101	4	4	1,515	1,944	45,213
10	PD	RETAIL/RESTAURANT	48,828	1.12	3,756	3,756	N/A	29'-11"	1	7.7%	0.0769:1	1:75	51	57	4	2	2,916	2,916	47,054
11	PD	RESTAURANT/RETAIL	55,437	1.27	4,275	4,275	N/A	29'-11"	1	7.7%	0.0771:1	1:75	57	62	2	2	930	1,620	30,091
14	PD	OPEN SPACE	66,221	1.52	0	0	N/A	N/A	1	0.0%	0:1	N/A	N/A	0	0	0	1,944	1,944	16,285
15	PD	RETAIL/RESTAURANT	51,832	1.19	12,151	12,151	N/A	29'-11"	1	23.4%	0.2344:1	1 per room + 1/200 commercial floor area	117 rooms + 0SF	132	3	3	1,980	1,944	26,002
16	PD	HOTEL	123,798	2.84	27,974	27,974	N/A	75'	2	22.6%	0.226:1	1 per room + 1/200 commercial floor area	113 rooms + 0SF	208	12	3	3,120	10,692	229,398
17	PD	MULTIFAMILY	499,834	11.47	111,516	319,215	243 (116 - 1B, 103 - 2B, 24 - 3B)	65'	4	22.3%	0.6386:1	1.8 per unit + 2.0 per unit	443	561	10	10	8,415	10,368	247,040
18R	PD	RETAIL	149,287	3.43	13,500	13,500	1	29'-11"	1	9.0%	0.0904:1	1:200	68	128	5	5	1,024	2,368	78,514
19	PD	OPEN SPACE	396,892	9.11	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	20,670
21	PD	OPEN SPACE	43,460	1.00	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	20,670
Total			2,754,951	63.244	373,217	580,916	243						1,634	2,439	72	61	35,689	42,382	959,660

Sheet No. 1 of 6
TOWN OF PROSPER CASE NO. Z22-0020
Exhibit D
WestSide
BEING 63.737 ACRES OF LAND (GROSS)
63.017 ACRES (NET)
IN THE B. HODGES SURVEY, ABSTRACT NO. 593 &
IN THE J. GONZALEZ SURVEY, ABSTRACT NO. 447 &
IN THE P. BARNES SURVEY, ABSTRACT NO. 79 &
IN THE R. TAYLOR SURVEY, ABSTRACT NO. 1671 &
IN THE J. HAYNES SURVEY, ABSTRACT NO. 573 &
IN THE ANGUS JAMISON SURVEY
TOWN OF PROSPER, DENTON COUNTY, TEXAS

ENGINEER/SURVEYOR Spiors Engineering, Inc. 765 Custer Road, Suite 100 Plano, TX 75075 Telephone: (972) 422-0077 TBPE No. F-2121 Contact: David Bond	OWNER/DEVELOPER WestSide Prosper, LLC 8668 John Hickman Pkwy., Suite 907 Frisco, Texas 75034 Telephone (248) 345-3818 Contact: Shiva Kondru	DEVELOPER/APPLICANT Cross Engineering & Associates, Inc. 1995 Raymond Drive, Suite 119 8668 John Hickman Pkwy., Suite 907 Northbrook, IL 60062 Telephone (847) 498-0800 Contact: Stephen Cross
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STATE OF TEXAS §
COUNTY OF DENTON §

BEGINNING at a 1/2" iron rod found on the east line of Farm to Market Road 1385 (F.M. 1385), a variable width right-of-way, for the southwest corner of Glenbrook Estates Phase 1, an addition recorded in Cabinet X, Page 717, Plat Records, Denton County, Texas;

THENCE S 72°45'37" E, 2051.53 feet along the south line of Glenbrook Estates Phase 1 to a U.S. Army Corps of Engineers brass monument found for the southeast corner thereof and a westerly corner of a tract conveyed to VP Windsong Operations LLC, recorded in Document No. 2018-84666 OPRDCT;

THENCE along the common line thereof, the following:

S 73°52'09" E, 688.55 feet;
S 17°34'52" W, 197.90 feet;
S 55°28'52" W, 183.40 feet;
S 14°31'52" W, 184.70 feet;
N 62°48'08" W, 216.20 feet;
S 44°40'52" W, 261.10 feet;
N 81°22'08" W, 88.40 feet;
N 19°45'52" E, 155.70 feet;
S 55°26'52" W, 132.20 feet;

And S 08°23'52" W, 242.07 feet a 1/2" iron rod with plastic cap stamped "SPIARSENG" set on the north line of U.S. Highway 380, a variable width right-of-way;

THENCE along the north line of U.S. Highway 380, the following:

N 89°04'33" W, 465.67 feet to a point from which a concrete right-of-way monument bears S 59°08'57" E, 1.23 feet;
N 89°50'39" W, 276.91 feet to an aluminum TxDOT monument found;
S 87°49'01" W, 300.44 feet to a point from which a 5/8" iron rod with plastic cap found bears N 83°03'00" W, 0.46 feet;
N 89°04'33" W, 194.31 feet to a 5/8" iron rod with plastic cap found;
N 86°48'41" W, 187.66 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;
Around a tangent curve to the right having a central angle of 00°36'07", a radius of 5288.50 feet, a chord of N 87°06'44" W - 55.55 feet, an arc length of 55.55 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;
N 82°11'54" W, 118.63 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;
N 89°02'28" W, 355.22 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;
N 44°48'18" W, 37.22 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;
And N 06°19'03" W, 66.39 feet to the east line of F.M. 1385 and from which a 5/8" iron rod with plastic cap found bears S 71°16'17" W, 0.86 feet;

THENCE along the east line of F.M. 1385, the following:

N 05°26'52" E, 400.49 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

A tangent curve to the right having a central angle of 03°15'00", a radius of 5689.58 feet, a chord of N 07°04'22" E - 322.69 feet, an arc length of 322.73 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

N 08°41'52" E, 601.90 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

And a tangent curve to the left having a central angle of 03°26'25", a radius of 1185.92 feet, a chord of N 06°58'40" E - 71.20 feet, an arc length of 71.21 feet to the POINT OF BEGINNING with the subject tract containing 2,776,385 square feet or 63.737 acres of land.

SURVEYOR'S CERTIFICATE

DARREN K. BROWN, R.P.L.S. NO. 5252



darren.brown@spiarsengineering.com

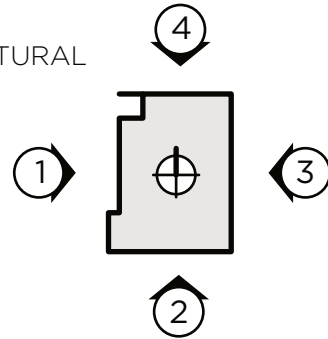
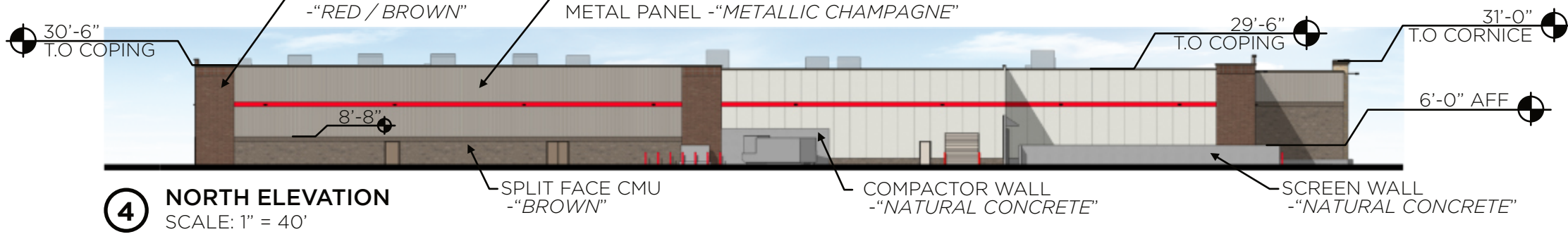
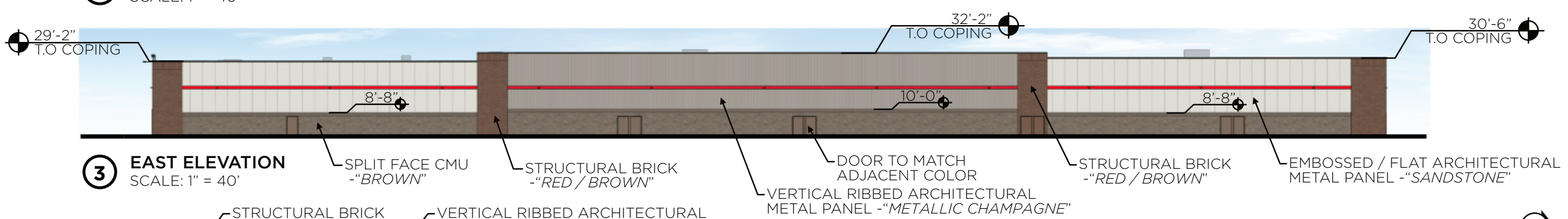
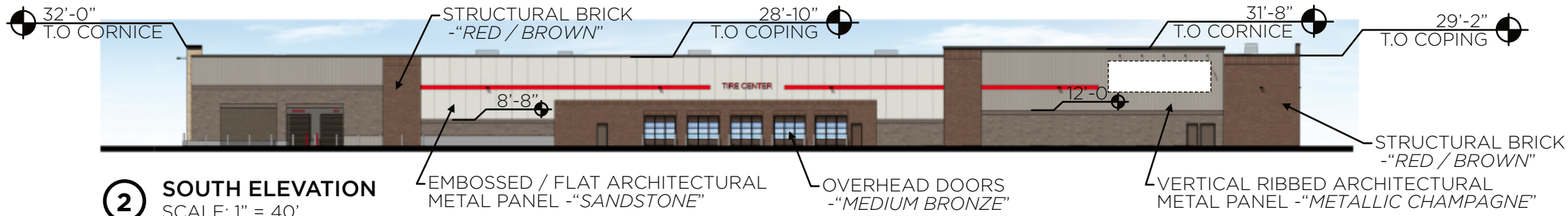
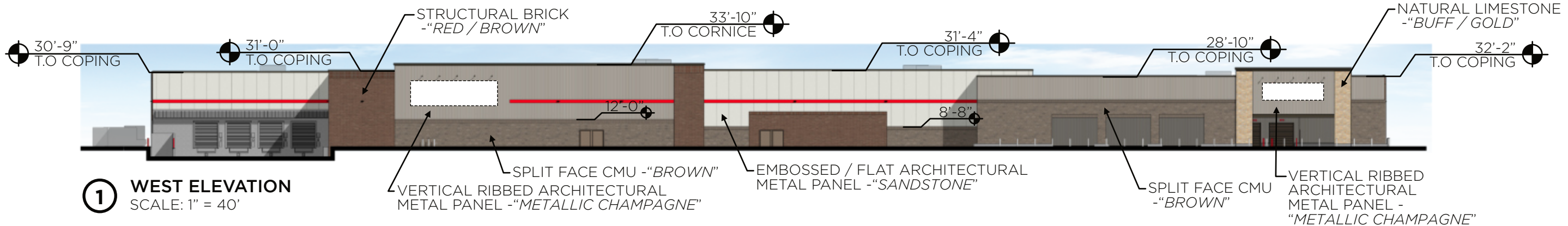
TOWN OF PROSPER CASE NO. Z22-0020
Exhibit A

WestSide

BEING 63.737 ACRES OF LAND (GROSS)
63.017 ACRES (NET)
IN THE B. HODGES SURVEY, ABSTRACT NO. 593 &
IN THE J. GONZALEZ SURVEY, ABSTRACT NO. 447 &
IN THE P. BARNES SURVEY, ABSTRACT NO. 79 &
IN THE R. TAYLOR SURVEY, ABSTRACT NO. 1671 &
IN THE J. HAYNES SURVEY, ABSTRACT NO. 573 &
IN THE ANGUS JAMISON SURVEY
TOWN OF PROSPER, DENTON COUNTY, TEXAS

ENGINEER / SURVEYOR / APPLICANT
Spiars Engineering, Inc.
765 Custer Road, Suite 100
Plano, TX 75075
Telephone: (972) 422-0077
TBPE No. F-2121
Contact: David Bond

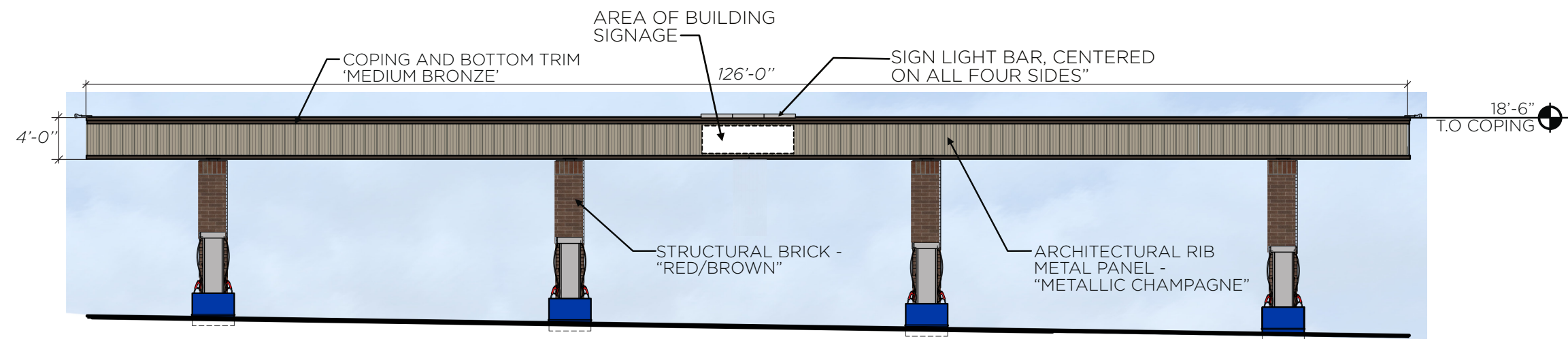
OWNER/DEVELOPER
WestSide Prosper, LLC
8668 John Hickman Pkwy., Suite 907
Frisco, Texas 75034
Telephone (248) 345-3818
Contact: Shiva Kondru



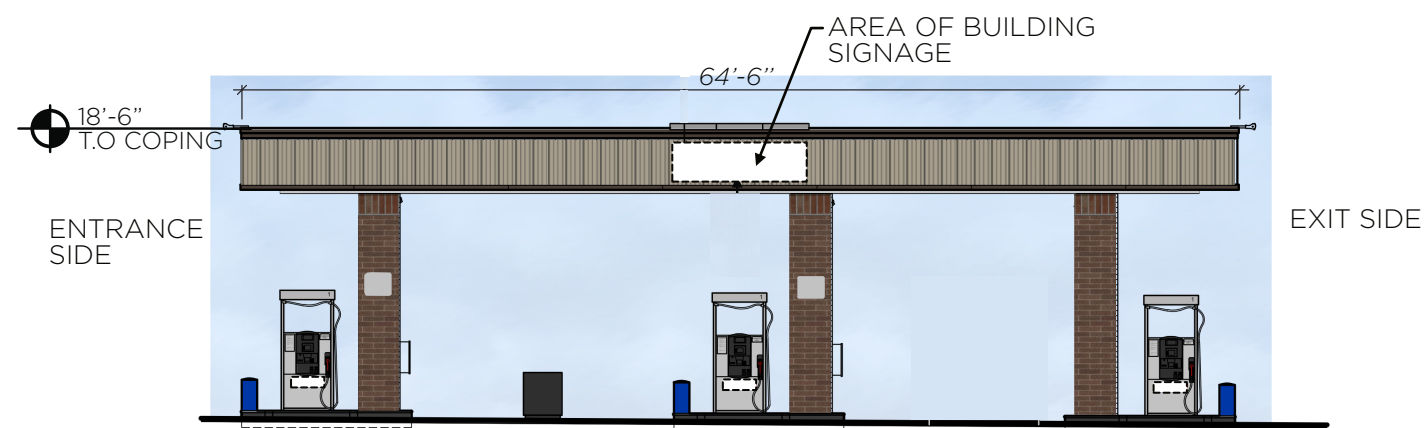
ELEVATION MATERIAL PERCENTAGES

MATERIAL	ELEVATION			
	WEST	SOUTH	EAST	NORTH
SPLIT FACE CMU "BROWN"	2,666 SF 18%	1,766 SF 18%	4,196 SF 27%	1,725 SF 16%
STRUCTURAL BRICK "RED/BROWN"	2150 SF 14%	2,497 SF 26%	1,568 SF 9%	1,026 SF 10%
NATURAL LIMESTONE "BUFF/GOLD"	387 SF 3%	0 SF 0%	0 SF 0%	0 SF 0%
CONCRETE "NATURAL"	1,580 SF 10%	202 SF 2%	0 SF 0%	991 SF 9%
VERTICAL RIBBED ARCHITECTURAL METAL PANEL "METALLIC CHAMPAGNE"	5,090 SF 34%	2,619 SF 27%	4,443 SF 30%	3,270 SF 31%
EMBOSSED/FLAT ARCHITECTURAL METAL PANEL "SANDSTONE"	3,241 SF 21%	2,614 SF 27%	5,065 SF 33%	3,570 SF 34%

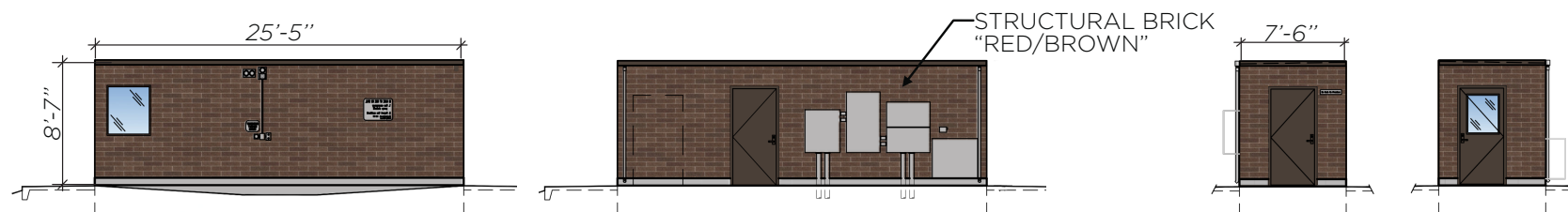
*CALCULATION DOES NOT INCLUDE EXTERIOR DOORS OR TIRE CENTER DOORS



1 CANOPY AND DISPENSER ELEVATION (NORTH/SOUTH)
SCALE: 1/8" = 1'



2 CANOPY AND DISPENSER ELEVATION (EAST/WEST)
SCALE: 1/8" = 1'



3 CONTROLLER ENCLOSURE EXTERIOR ELEVATIONS
SCALE: 1/8" = 1'



PLANNING

To: Mayor and Town Council

From: David Soto, Planning Manager

Through: Mario Canizares, Town Manager
Chuck Ewings, Executive Director of Development and Infrastructure Services

Re: MQ Prosper North Comprehensive Land Use Amendment

Town Council Meeting – April 11, 2023

This item to be postponed with the Public Hearing continued to the April 25, 2023, Town Council meeting, to allow additional time to finalize the request.

Agenda Item:

Conduct a public hearing and act upon a request to amend the Future Land Use Plan from Residential Low Density to Retail and Neighborhood Services, generally located, located on the east side of Preston Road, north of St. Peter Lane. This is a companion case to Z21-0003. (CA21-0001).



PLANNING

To: Mayor and Town Council

From: David Soto, Planning Manager

Through: Mario Canizares, Town Manager
Chuck Ewings, Executive Director of Development and Infrastructure Services

Re: Town Council Meeting – April 11, 2023
Zoning MQ Prosper North

This item to be postponed with the Public Hearing continued to the April 25, 2023, Town Council meeting, to allow additional time to finalize the request.

Agenda Item:

Conduct a public hearing and act upon a request to rezone 13.3± acres from Single Family-15 (SF-15) to Planned Development-Retail (PD-R), generally to allow for an office/retail development, located on the east side of Preston Road, north of St. Peter Lane. (Z21-0003). This is a companion case to CA21-0001. (Z21-0003).

PLANNING

To: Mayor and Town Council

From: David Soto, Planning Manager

Through: Mario Canizares, Town Manager
Chuck Ewings, Executive Director of Development and Infrastructure Services

Re: Notice of Appeal

Town Council Meeting – April 11, 2023

Agenda Item:

Consider and act upon whether to direct staff to submit a written notice of appeals on behalf of the Town Council to the Development Services Department, pursuant to Chapter 4, Section 1.5(C)(7) and 1.6(B)(7) of the Town's Zoning Ordinance, regarding action taken by the Planning & Zoning Commission on any Site Plan, including Legacy Wireless Communication Tower.

Description of Agenda Item:

Attached is the Site Plan that were acted on by the Planning & Zoning Commission at their March 21, 2023, meeting. Per the Zoning Ordinance, the Town Council has the ability to direct staff to submit a written notice of appeal on behalf of the Town Council to the Development Services Department for any Site Plans and Preliminary Site Plans acted on by the Planning & Zoning Commission.

Attachments:

1. Legacy Wireless Communication Tower Site Plan

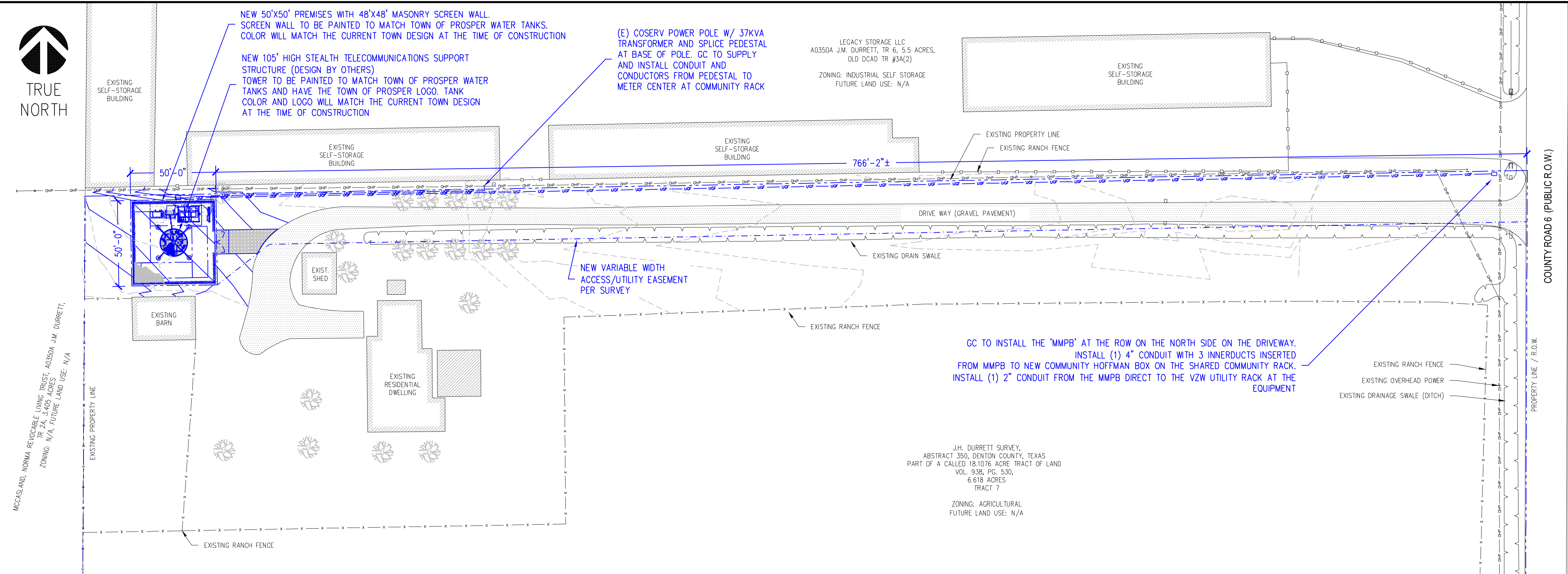
Planning & Zoning Recommendations:

At their March 21, 2023, meeting, the Planning & Zoning Commission approved the following items:

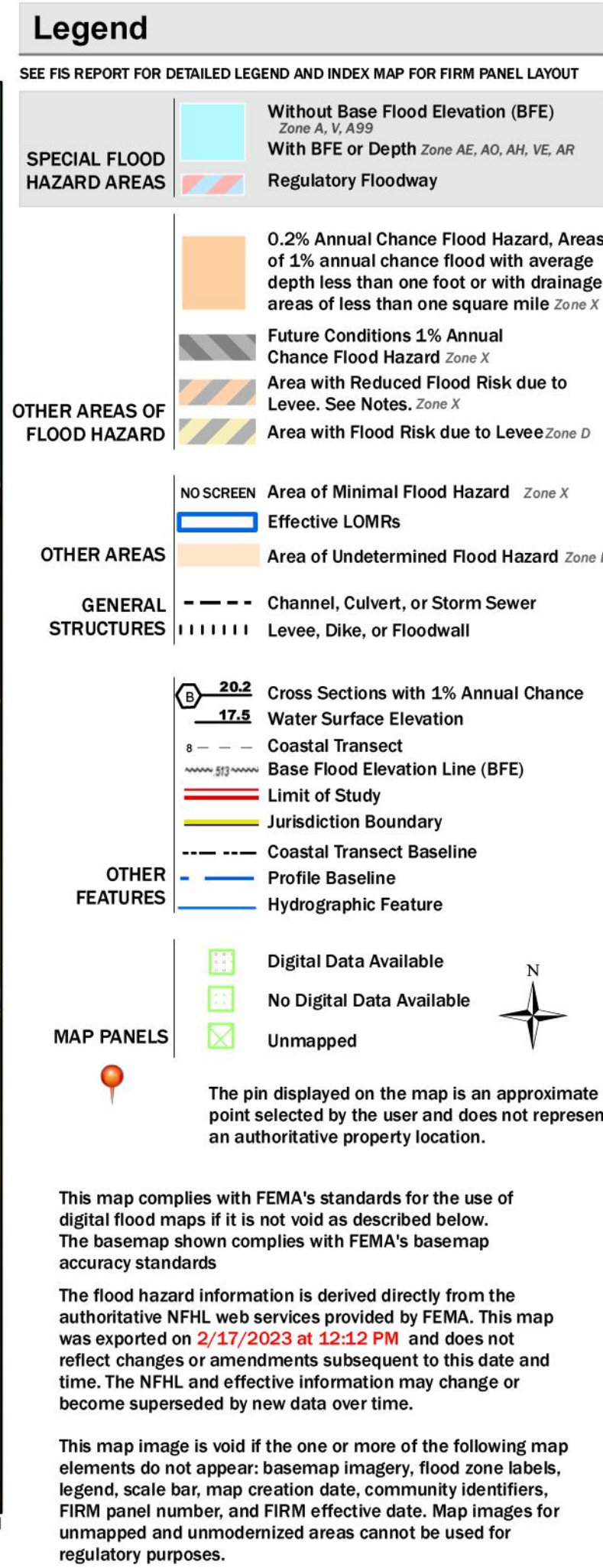
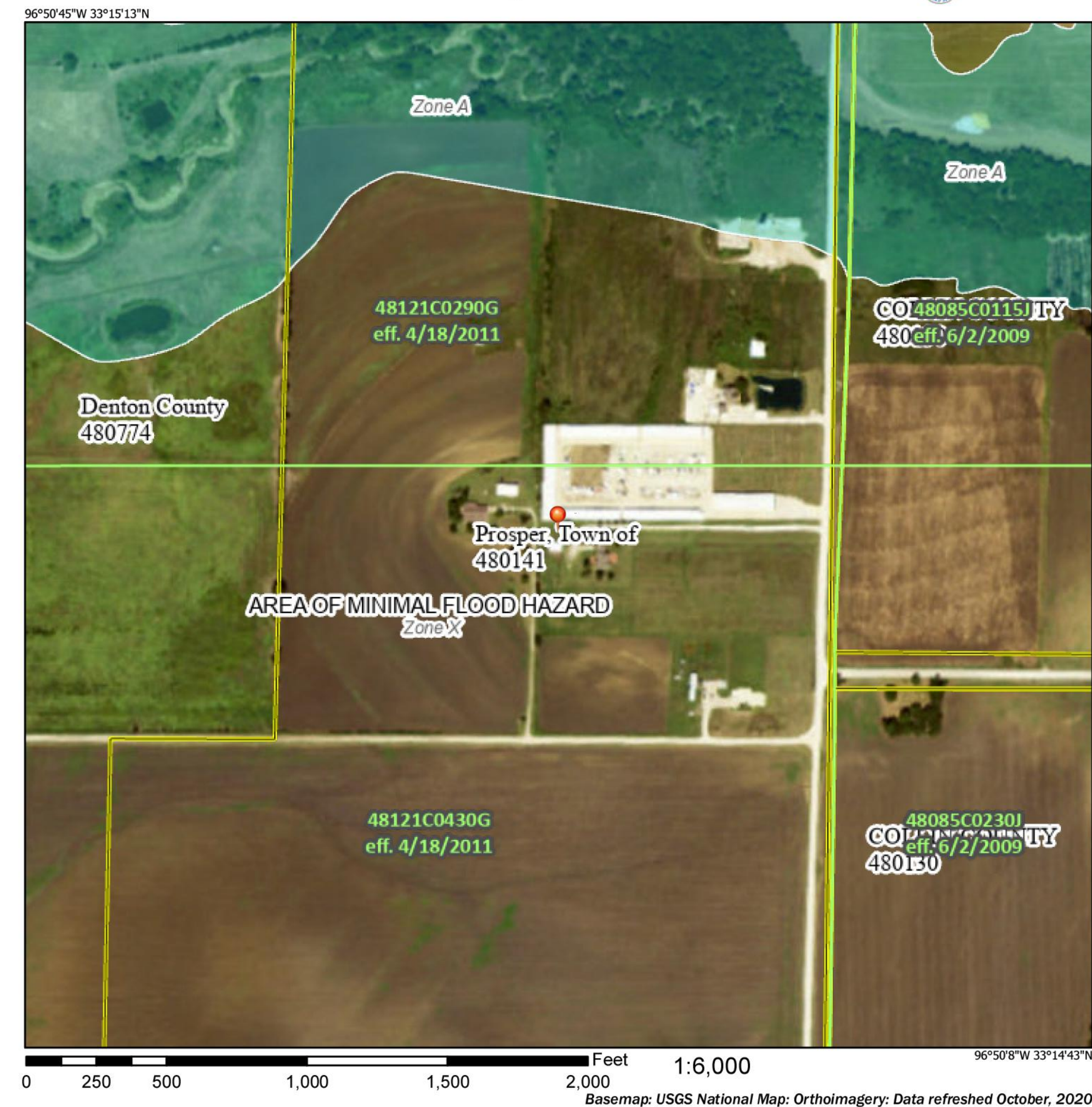
1. Legacy Wireless Communication Tower Site Plan (Approved)

Town Staff Recommendation:

Town staff recommends the Town Council take no action on this item.



National Flood Hazard Layer FIRMette



SITE DESIGN IS BASED ON SITE DESIGN VISIT BY ALLPRO CONSULTING GROUP, INC ON 6/17/2022 AND REVISED SURVEY BY 3D DESIGN & ENGINEERING, INC., DATED: 11/23/22. DUE DILIGENCE SHALL BE DONE BY OTHERS BEFORE THE SITE IS BUILT AS SHOWN.

IN CASE OF ANY CONFLICTS DUE TO PROPERTY LINES, OR EXISTING EASEMENTS, OR DUE TO LANDLORD PREFERENCE FOR A DIFFERENT DESIGN, PLEASE CONTACT ALLPRO CONSULTING GROUP, INC FOR A REDESIGN BEFORE SITE IS BUILT.

ALL INSTALLATIONS SHOULD BE IN COMPLIANCE WITH ANSI/ASSE A10.48 AND ANY OTHER SAFETY STANDARDS.

NOTE: POWER & FIBER/TELCO SOURCES AND ROUTING TO BE FIELD VERIFIED PRIOR TO CONSTRUCTION.

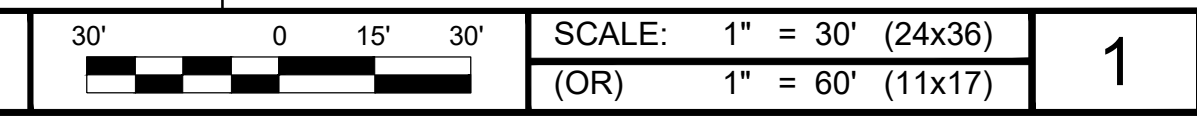
PROPOSED BURIED OR OVERHEAD UTILITIES MUST BE CONTAINED WITHIN A DEDICATED UTILITY EASEMENT AS SHOWN ON THE REVISED SURVEY BY 3D DESIGN & ENGINEERING, INC., DATED: 11/23/22.

ALL EXISTING AND NEW UTILITY EASEMENTS MUST BE VERIFIED PRIOR TO CONSTRUCTION. NO DIGGING OR TRENCHING SHALL BE ALLOWED WITHOUT PRIOR VERIFICATION OF EXISTING BURIED UTILITIES.

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS WITHIN ZONE "X", 'AREA OF MINIMAL FLOOD HAZARD', OUTSIDE OF A 100 YR. FLOOD PLAIN AS SHOWN BY FIRM MAP COMMUNITY-PANEL NUMBER 48121C0290G, DATED 04/18/2011. NO SURVEYING WAS DONE TO DETERMINE THIS FLOOD ZONE.

LEGEND	
NEW	PROPOSED
(E)	EXISTING
---	CENTER LINE
---	PROPERTY LINE
---	FENCE LINE
---	EASEMENT LINE
---	OVERHEAD POWER
---	OVERHEAD TELCO
---	OVERHEAD FIBER
---	UNDERGROUND POWER CONDUIT
---	UNDERGROUND TELCO CONDUIT
---	UNDERGROUND FIBER CONDUIT
---	HYBRID CABLE
---	COAX CABLE
---	SILT FENCE

OVERALL SITE PLAN



Item 13.

ANTHEMNET

5944 LUTHER LANE, SUITE 725
DALLAS, TX 75225

verizon

600 HIDDEN RIDGE
IRVING, TX 75038

ALLPRO
CONSULTING GROUP, INC.

9221 Lyndon B Johnson Fwy
Suite 204, Dallas, TX 75243
Phone: 972-231-8893 Fax: 866-364-8375
www.allproci.com
Registration No. 8242

ACGI NO: 23-0487
DRAWN BY: CG
CHECKED BY: SZ

REVISIONS			
REV	DATE	DESCRIPTION	BY
4	11/23/22	REVISED SURVEY	CG
5	12/02/22	REMOVED LANDSCAPE	MG
6	12/29/22	REVISED TOWER COLORS	CG
7	01/17/23	CHANGE TO 'TOWN OF PROSPER	CG
8	03/17/23	UPDATED TO MATCH Pcds	CG

03/17/23

STATE OF TEXAS
SHIQUANG ZHANG
137482
LICENSED PROFESSIONAL ENGINEER

NOT VALID WITHOUT
P.E. STAMP & SIGNATURE

SITE INFORMATION

**105' HIGH STEALTH
TELECOMMUNICATION
STRUCTURE**

**SITE NAME:
PROSPER STAR**

**APN: 122877
1185 N LEGACY DR.
PROSPER, TX 75078 DENTON
COUNTY**

PROPERTY OWNER
1185 LEGACY LLC
17147 PROSPER RD.
PO BOX 354 PROSPER, TX 75078
PHONE: 214-797-1852

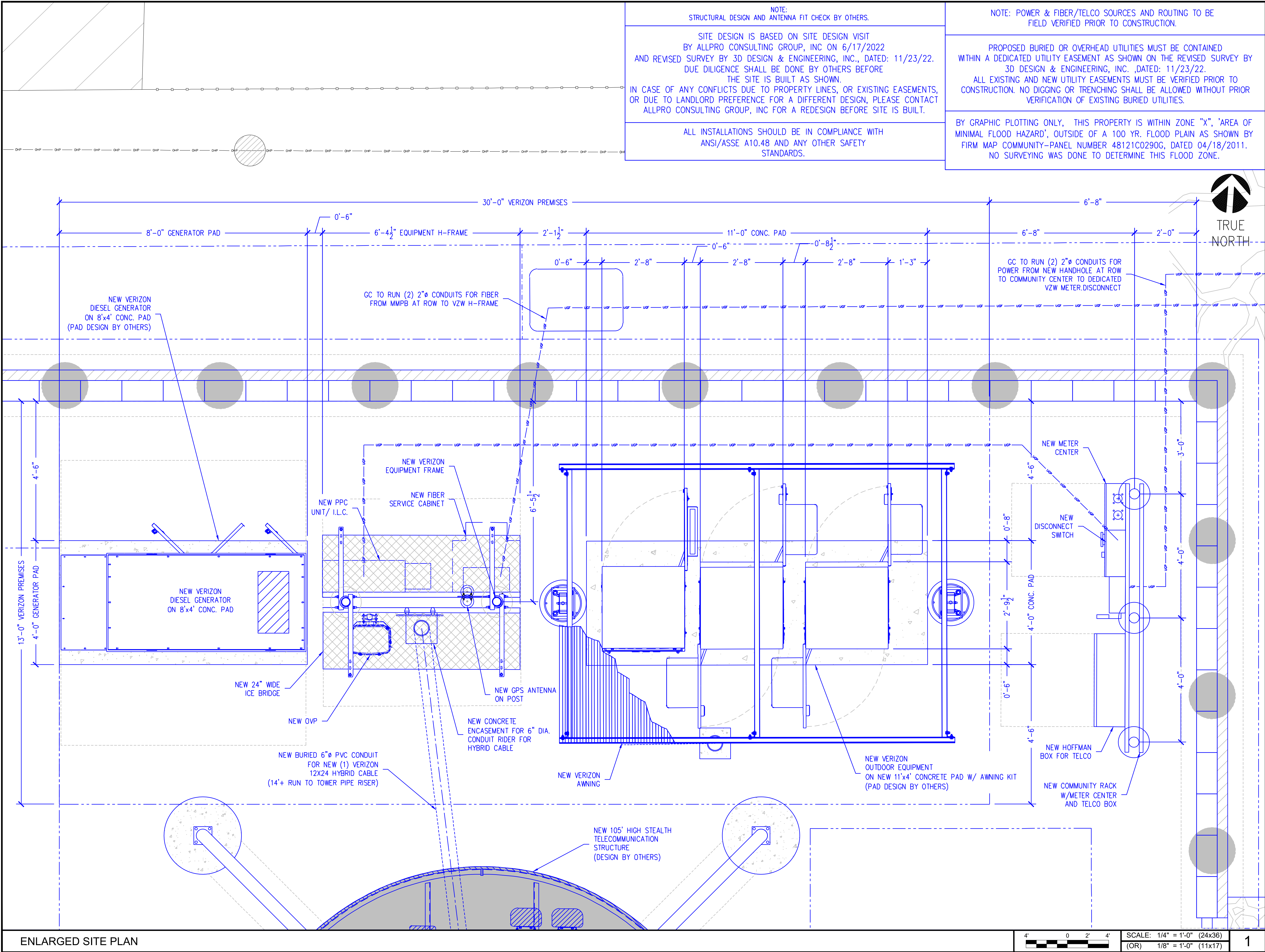
APPLICANT
ANTHEMNET, INC.
5944 LUTHER LANE SUITE 725
DALLAS, TX 75225
PHONE: 512-539-7151

LEGAL DESCRIPTION
J.H. DURRETT SURVEY, ABSTRACT NO. 350,
DENTON COUNTY, TEXAS, AND BEING OUT OF
AND PART OF A 6.618-ACRE, TRACT 7 AS
RECORDED IN FILE NUMBER 2021-121368 OF THE
DEED RECORDS OF DENTON COUNTY, TEXAS

CASE NUMBER:
DEVAPP-23-0028

SHEET TITLE:
OVERALL SITE PLAN

SHEET NUMBER:
Z-1





5944 LUTHER LANE, SUITE 725
DALLAS, TX 75225



600 HIDDEN RIDGE
IRVING, TX 75038



9221 Lyndon B Johnson Fwy
Suite 204, Dallas, TX 75243
Phone: 972-231-8893 Fax: 866-364-8375
www.allprocgi.com
Registration No. 8242

ACGI NO:	23-0487
DRAWN BY:	CG
CHECKED BY:	SZ

REVISIONS			
REV	DATE	DESCRIPTION	BY
4	11/23/22	REVISED SURVEY	CG
5	12/02/22	REMOVED LANDSCAPE	MG
6	12/29/22	REVISED TOWER COLORS	CG
7	01/17/23	CHANGE TO TOWN OF PROSPER	CG
8	03/17/23	UPDATED TO MATCH PCDs	CG

03/17/23



NOT VALID WITHOUT
P.E. STAMP & SIGNATURE

SITE INFORMATION
**105' HIGH STEALTH
TELECOMMUNICATION
STRUCTURE**

**SITE NAME:
PROSPER STAR**

**APN: 122877
1185 N LEGACY DR.
PROSPER, TX 75078 DENTON
COUNTY**

PROPERTY OWNER
1185 LEGACY LLC
17147 PROSPER RD.
PO BOX 354 PROSPER, TX 75078
PHONE: 214-797-1852
APPLICANT
ANTHEMNET, INC.
5944 LUTHER LANE SUITE 725
DALLAS, TX 75225
PHONE: 512-539-7151

LEGAL DESCRIPTION
J.H. DURRETT SURVEY, ABSTRACT NO. 350,
DENTON COUNTY, TEXAS, AND BEING OUT OF
AND PART OF A 6.618-ACRE, TRACT 7 AS
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DEED RECORDS OF DENTON COUNTY, TEXAS

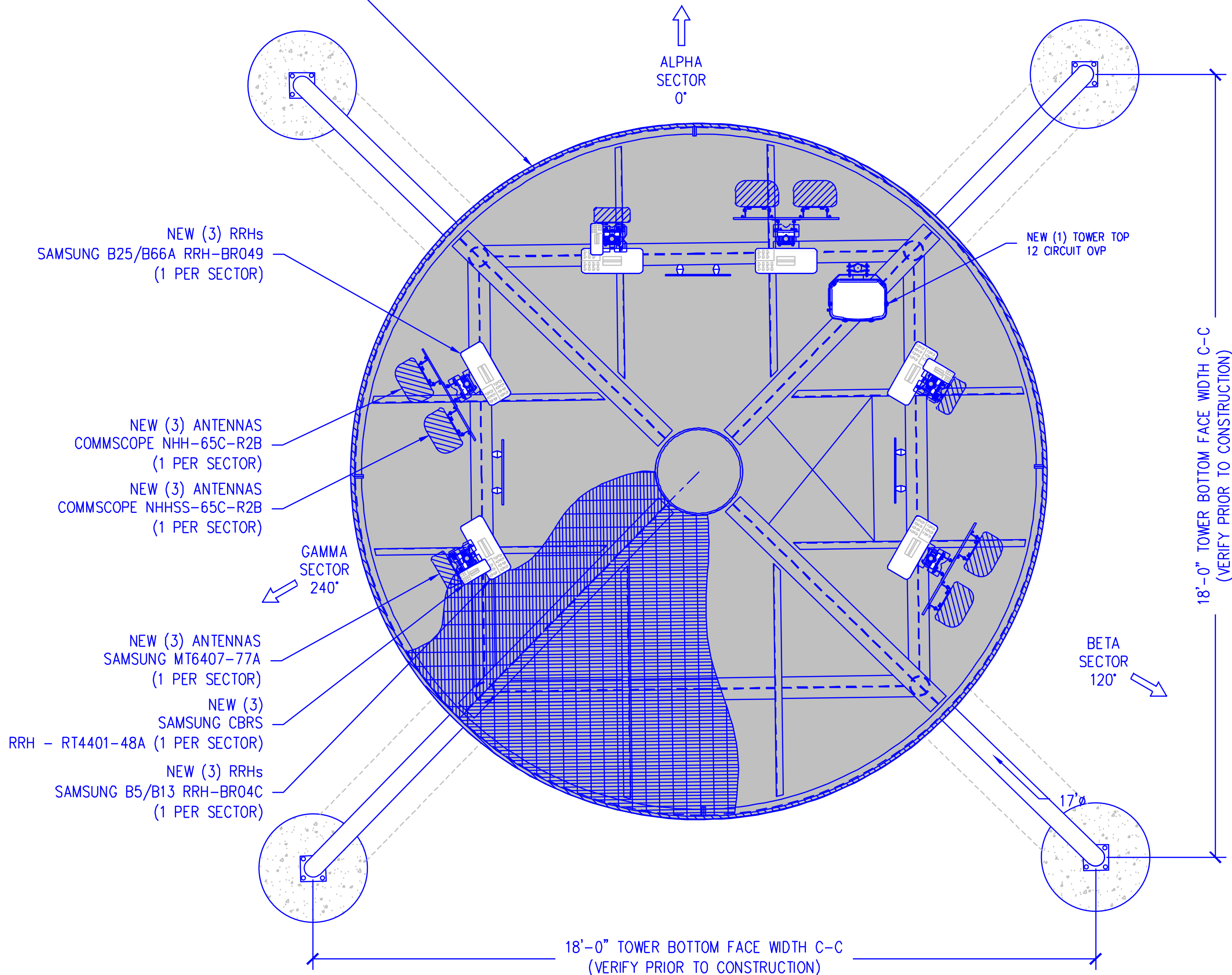
CASE NUMBER:
DEVAPP-23-0028

SHEET TITLE:
**VERIZON
ANTENNA PLAN**

SHEET NUMBER:

Z-5

REFERENCE TOWER DRAWINGS BY VECTOR ENGINEERS.
ANTENNA & RRH MOUNT TO FRAMING BY OTHERS



VERIZON - ANTENNA SECTORS @ 100' RAD CENTER



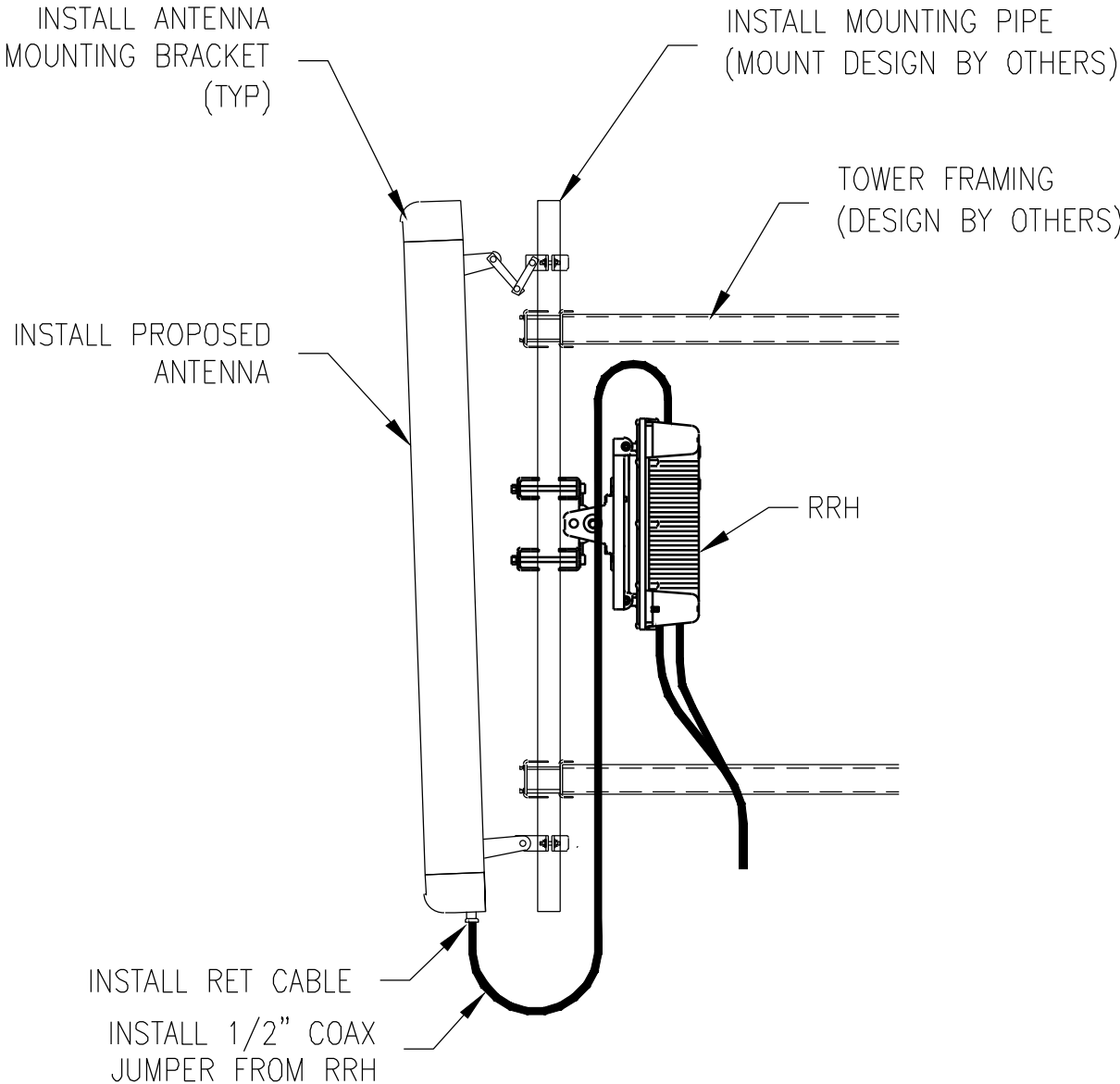
SCALE: 1" = 1'-0" (24x36)
(OR) 1/2" = 1'-0" (11x17)

1

ANTENNA MOUNT DIAGRAM

SCALE:
NTS

3





ENGINEERING SERVICES

To: Mayor and Town Council

From: Hulon T. Webb, Jr., P.E., Director of Engineering Services

**Through: Mario Canizares, Town Manager
Chuck Ewings, Executive Director of Development and Infrastructure Services**

**Re: Eminent Domain Authorization Resolution
Dallas North Tollway (Prosper Trail - Frontier) 12" Water Line**

Town Council Meeting – April 11, 2023

Agenda Item:

Consider and act upon a resolution of the Town Council of the Town of Prosper, Texas, declaring the public necessity to acquire certain water line easements and temporary construction easements for the construction of the Dallas North Tollway (Prosper Trail - Frontier) 12" Water Line project; determining the public use and necessity for such acquisition; authorizing the acquisition of property rights necessary for said Project; appointing an appraiser and negotiator as necessary; authorizing the Town Manager to establish just compensation for the property rights to be acquired; authorizing the Town Manager to take all steps necessary to acquire the needed property rights in compliance with all applicable laws and resolutions; and authorizing the Town Attorney to institute condemnation proceedings to acquire the property rights if purchase negotiations are not successful.

Description of Agenda Item:

The Town is in the process of developing engineering plans for the construction of the Dallas North Tollway (Prosper Trail - Frontier) 12" Water Line project. To facilitate the construction of the project, it is necessary for the Town to acquire certain water line and temporary construction easements. The location of which is generally set forth in the attached resolution. The Location Map included with the resolution depict the five (5) properties currently known to be affected. As with other similar water line construction projects, it is not anticipated that all easements will require the use of eminent domain to complete the acquisition process, however, staff is requesting advance authorization to pursue acquisition by eminent domain if negotiations are unsuccessful.

Under the Property Code, water, wastewater, flood control and drainage projects are treated differently than other public uses in two ways:

- First, the Town is not required to identify the specific parcels or tracts of properties that the Town will condemn. The Town is allowed to adopt a condemnation ordinance, resolution or order that will "identify the general area to be covered by the project or the general route that will be used by the governmental entity for the project in a way that provides property owners in and around the area or along the route reasonable notice that the owners' properties may be subject to condemnation proceedings during the planning or construction of the project." Tex. Gov't Code Ann. §§ 2206.053(g).

What this means is that for these covered projects, the Town may use a route map or other general diagram that gives fair notice that an owner's property may be condemned for a water line, sewer line, flowage easement or drainage easement, even if the precise location of the planned public improvement has not been determined.

- Second, the law allows the Town, for those projects which require multiple tracts of land for water lines, sewer lines, flowage easements and drainage easements, to adopt one ordinance or resolution for the project that "delegates the authority to initiate condemnation proceedings to the chief administrative official of the governmental entity." Tex. Gov't Code Ann. §§ 2206.053(f).

Utilization of this provision of the law allows the Town Manager, and presumably his/her designee, to authorize condemnation once the precise metes and bounds of the parcels needed for the project are determined by the engineers without having to go back to the Town Council again for additional authorization.

Legal Obligations and Review:

Terrence Welch of Brown & Hofmeister, L.L.P., has reviewed the resolution as to form and legality

Attached Documents:

1. Resolution
2. Location Map

Town Staff Recommendation:

Town staff recommends that the Town Council of the Town of Prosper, Texas, approve the attached resolution declaring the necessity to acquire certain water line easements and temporary construction easements for the construction of the Dallas North Tollway (Prosper Trail - Frontier) 12" Water Line project; determining the public use and necessity for such acquisition; authorizing the acquisition of property rights necessary for said Project; appointing an appraiser and negotiator as necessary; authorizing the Town Manager to establish just compensation for the property rights to be acquired; authorizing the Town Manager to take all steps necessary to acquire the needed property rights in compliance with all applicable laws and resolutions; and authorizing the Town Attorney to institute condemnation proceedings to acquire the property rights if purchase negotiations are not successful.

Proposed Motion:

I move to approve the attached resolution declaring the necessity to acquire certain water line easements and temporary construction easements for the construction of the Dallas North Tollway (Prosper Trail - Frontier) 12" Water Line project; determining the public use and necessity for such acquisition; authorizing the acquisition of property rights necessary for said Project; appointing an appraiser and negotiator as necessary; authorizing the Town Manager to establish just compensation for the property rights to be acquired; authorizing the Town Manager to take all steps necessary to acquire the needed property rights in compliance with all applicable laws and resolutions; and authorizing the Town Attorney to institute condemnation proceedings to acquire the property rights if purchase negotiations are not successful.

Please note: Pursuant to Section 2206.053(c) of the Texas Government Code, if two (2) or more councilmembers object to adopting this single resolution for all the properties referenced therein, a separate record vote must be taken for each unit of property.

This item requires a roll call vote.

TOWN OF PROSPER, TEXAS

RESOLUTION NO. 2023-__

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, DECLARING THE PUBLIC NECESSITY TO ACQUIRE CERTAIN WATER LINE EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE CONSTRUCTION OF THE DALLAS NORTH TOLLWAY (PROSPER TRAIL – FRONTIER) 12” WATER LINE PROJECT; DETERMINING THE PUBLIC USE AND NECESSITY FOR SUCH ACQUISITION; AUTHORIZING THE ACQUISITION OF PROPERTY RIGHTS NECESSARY FOR SAID PROJECT; APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE TOWN MANAGER OF THE TOWN OF PROSPER, TEXAS, TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AUTHORIZING THE TOWN MANAGER TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND RESOLUTIONS; AND AUTHORIZING THE TOWN ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY RIGHTS IF PURCHASE NEGOTIATIONS ARE NOT SUCCESSFUL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Prosper, Texas (the “Town Council”), has determined that there exists a public necessity to acquire permanent water line easements and temporary construction easements from properties located from Prosper Trail heading north along the southbound Dallas North Tollway frontage road to Frontier Parkway and then east across the Dallas North Tollway frontage roads and future main lanes to eastern side of the northbound frontage road for the construction of the Dallas North Tollway (Prosper Trail-Frontier) 12” Water line project (“Project”), the location of which water line and temporary construction easements is generally set forth in the location map exhibit attached to this resolution; and

WHEREAS, the Town Council desires to acquire the permanent water line easements and temporary construction easements (hereinafter referred to as “Required Easements”), as more particularly reflected in the location map exhibit attached to this Resolution, for this governmental public use and public necessity in conjunction with the Project; and

WHEREAS, the Town Council desires that the Town Manager, or his designee, take all necessary steps to acquire the Required Easements for the Project including, but not limited to, the retention of appraisers, engineers, and other consultants and experts, and that the Town Attorney, or his designee, negotiate the purchase of the Required Easements for the Project, and if unsuccessful in purchasing the Required Easements for the Project, to institute condemnation proceedings to acquire the Required Easements.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

All of the above premises are hereby found to be true and correct legislative and factual findings of the Town of Prosper, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

SECTION 2

The Town Council hereby finds and determines that a public use and necessity exists for the Town of Prosper, Texas, to acquire the Required Easements for the Project, in the locations generally shown in the location map exhibit attached hereto,

SECTION 3

The Town Manager, or his designee, is authorized and directed to negotiate for and to acquire the Required Easements for the Project, for the Town of Prosper, Texas, and to acquire said rights in compliance with State and Federal law. The Town Manager is specifically authorized and directed to do each and every act necessary to acquire the Required Easements for the Project including, but not limited to, the authority to negotiate, give notices, make written offers to purchase, prepare contracts, to retain and designate a qualified appraiser of the property interests to be acquired, as well as any other experts or consultants that he deems necessary for the acquisition process and, if necessary, to institute proceedings in eminent domain.

SECTION 4

The Town Manager, or any individual he may so designate, is appointed as negotiator for the acquisition of the Required Easements for the Project, and, as such, the Town Manager is authorized and directed to do each and every act and deed hereinabove specified or authorized by reference, subject to the availability of funds appropriated by the Town Council for such purpose. The Town Manager is specifically authorized to establish the just compensation for the acquisition of the Required Easements. If the Town Manager or his designee determines that an agreement as to damages or compensation cannot be reached, then the Town Attorney or his designee is hereby authorized and directed to file, or cause to be filed, against the owners and interested parties of the Required Easements, proceedings in eminent domain to acquire the Required Easements for the Project.

SECTION 5

This Resolution is effective immediately upon its passage.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, BY A VOTE OF ____ TO ____ ON THIS THE 11TH DAY OF APRIL, 2023.

David F. Bristol, Mayor

ATTEST:

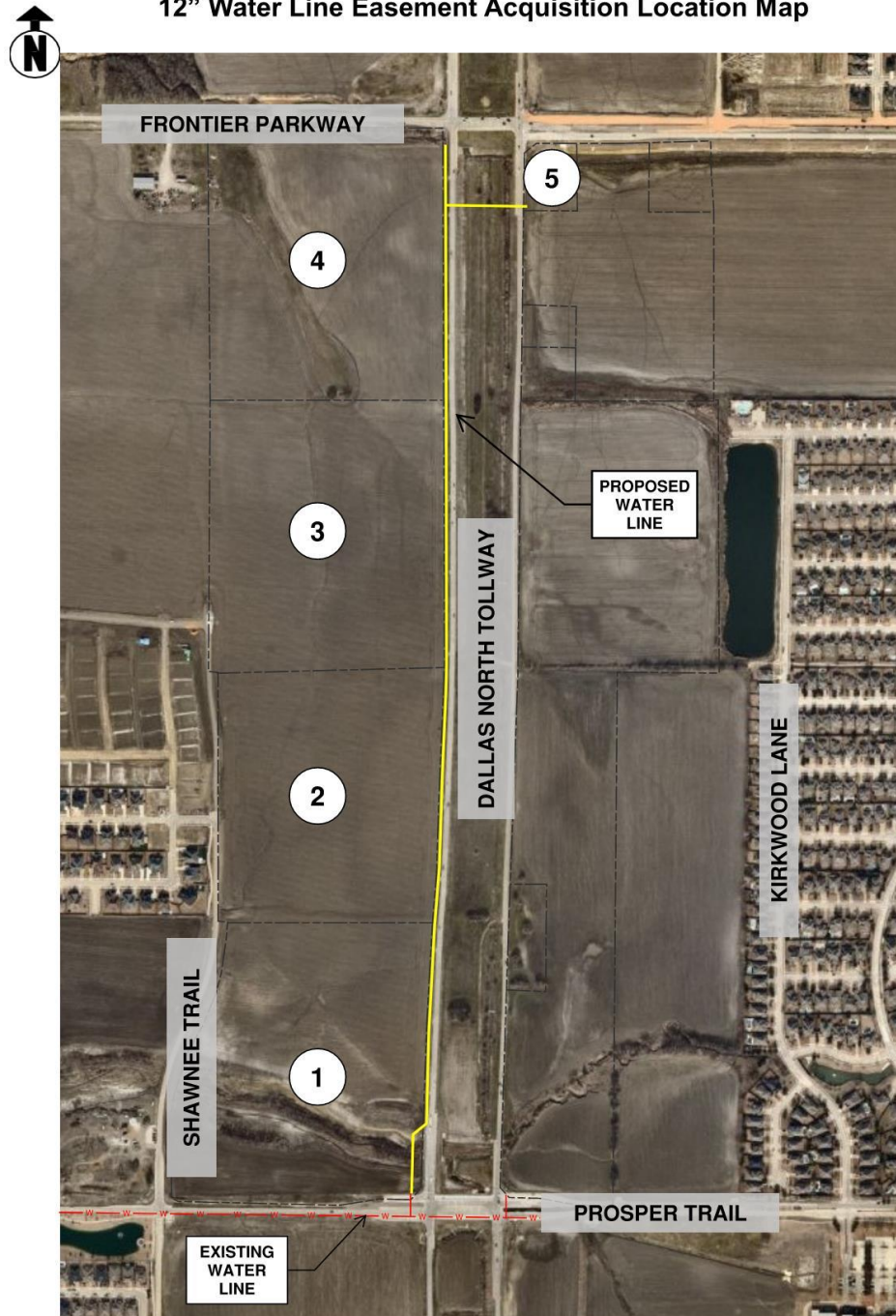
Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney

EXHIBIT 1

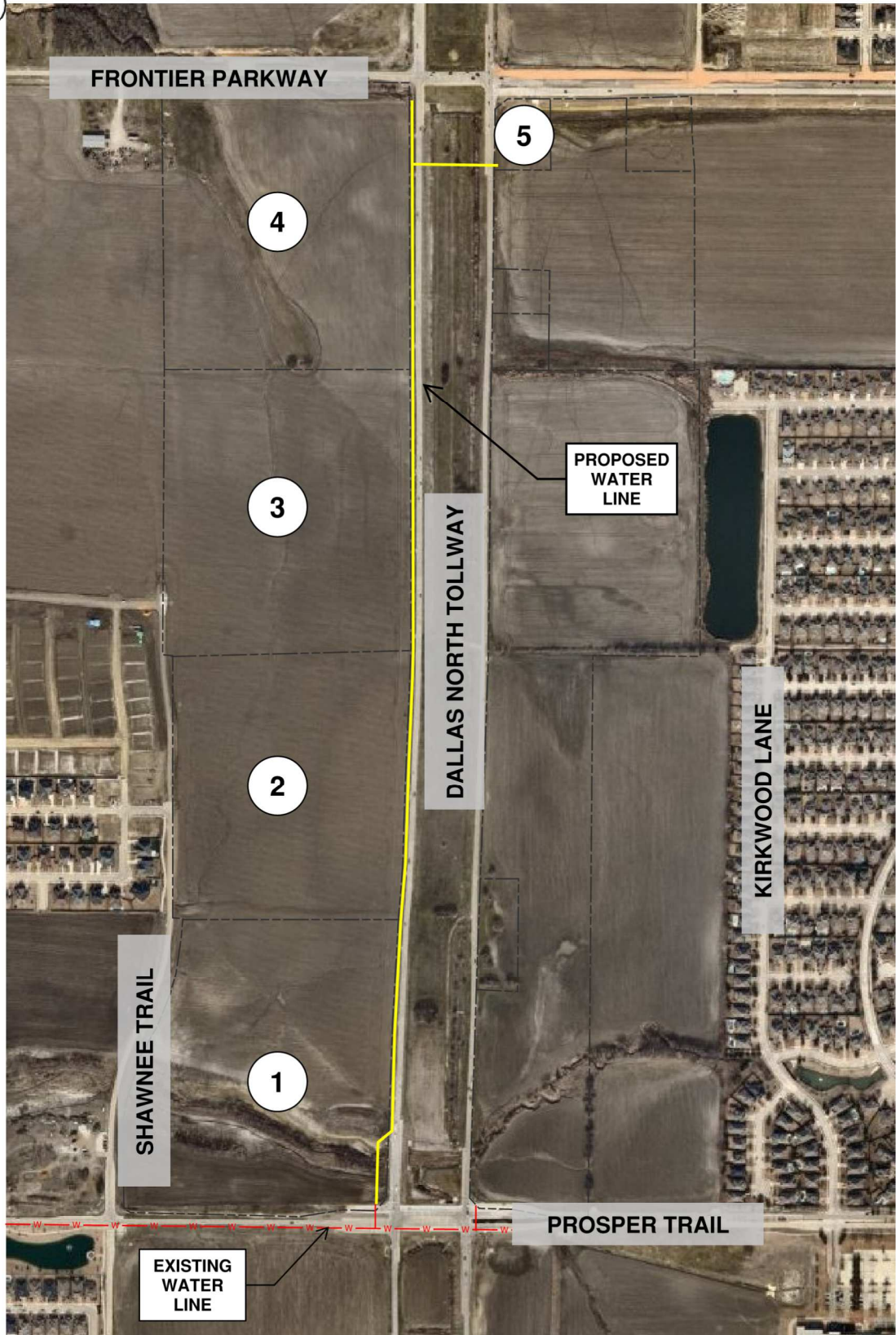
Dallas North Tollway (Prosper Trail—Frontier) 12" Water Line Easement Acquisition Location Map



PARCEL #	OWNER	PARCEL #	OWNER
1	PROSPER TOLLWAY AVENUES 35 LP	4	URBAN HEIGHTS AT FRONTIER LLC
2	COTHRAN MALIBU LP	5	DNT FRONTIER LP
3	AABVC-DNT-WEST-FRT LP		

Dallas North Tollway (Prosper Trail—Frontier) 12" Water Line Easement Acquisition Location Map

Item 14.



PARCEL #	OWNER	PARCEL #	OWNER
1	PROSPER TOLLWAY AVENUES 35 LP	4	URBAN HEIGHTS AT FRONTIER LLC
2	COTHRAN MALIBU LP	5	DNT FRONTIER LP
3	AABVC-DNT-WEST-FRT LP		