

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 05-20; REZONING A TRACT OF LAND CONSISTING OF 1.08 ACRES, MORE OR LESS, SITUATED IN THE JOHN TUNNEY SURVEY, ABSTRACT NO. 916, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS, SAID TRACT BEING ALL OF PRESTON 48 ADDITION, BLOCK A, LOT 5, HERETOFORE ZONED COMMERCIAL (C) IS HEREBY REZONED AND PLACED IN THE ZONING CLASSIFICATION OF PLANNED DEVELOPMENT-RETAIL (PD-R); DESCRIBING THE TRACT TO BE REZONED; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town Council of the Town of Prosper, Texas (the "Town Council") has investigated and determined that Zoning Ordinance No. 05-20 should be amended; and

WHEREAS, the Town of Prosper, Texas ("Prosper") has received a request from Integrity Car Care ("Applicant") to rezone 1.08 acres of land, more or less, situated in the John Tunney Survey, Abstract No. 916, in the Town of Prosper, Collin County, Texas, said tract being all of Preston 48 Addition, Block A, Lot 5; and

WHEREAS, the Town Council has investigated into and determined that the facts contained in the request are true and correct; and

WHEREAS, all legal notices required for rezoning have been given in the manner and form set forth by law, and public hearings have been held on the proposed rezoning and all other requirements of notice and completion of such zoning procedures have been fulfilled; and

WHEREAS, the Town Council has further investigated into and determined that it will be advantageous and beneficial to Prosper and its inhabitants to rezone this property as set forth below.

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

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: Amendments to Zoning Ordinance No. 05-20. Zoning Ordinance No. 05-20 is amended as follows: The zoning designation of the below-described property containing 1.08 acres of land, more or less, situated in the John Tunney Survey, Abstract No. 916, in the Town of Prosper, Collin County, Texas, said tract being all of Preston 48 Addition, Block A, Lot 5, (the "Property") and all streets, roads and alleyways contiguous and/or adjacent thereto is hereby rezoned as Planned

Development-Retail (PD-R). The property as a whole and the boundaries for each zoning classification are 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 planned development standards, attached hereto as Exhibit "C"; 3) the concept plan, attached hereto as Exhibit "D"; and 4) the development schedule, attached hereto as Exhibit "E"; which are incorporated herein for all purposes as if set forth verbatim. Except as amended by this Ordinance, the development of the Property within this Planned Development District must comply with the requirements of all ordinances, rules, and regulations of Prosper, as they currently exist or may be amended.

Three original, official and identical copies of the zoning exhibit map are hereby adopted and shall be filed and maintained as follows:

- a. Two (2) copies shall be filed with the Town Secretary and retained as original records and shall not be changed in any matter.
- 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.

Written notice of any amendment to this Planned Development District shall be sent to all property owners within two hundred feet (200') of the specific area to be amended.

SECTION 3: No Vested Interest/Repeal. No developer or property owner shall acquire any vested interest in this Ordinance or in any other specific regulations contained herein. Any portion of this Ordinance may be repealed by the Town Council in the manner provided for by law.

SECTION 4: Unlawful Use of Premises. It shall be unlawful for any person, firm or corporation to make use of said premises in some manner other than as authorized by this Ordinance, and shall be unlawful for any person, firm or corporation to construct on said premises any building that is not in conformity with the permissible uses under this Zoning Ordinance.

SECTION 5: Penalty. Any person, firm, corporation or business entity violating this Ordinance or any provision of Prosper's Zoning Ordinance No. 05-20, or as amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined any sum not exceeding Two Thousand Dollars

(\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Prosper from filing suit to enjoin the violation. Prosper retains all legal rights and remedies available to it pursuant to local, state and federal law.

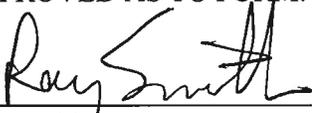
SECTION 6: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Prosper hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 7: Savings/Repealing Clause. Prosper's Zoning Ordinance No. 05-20 shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the appeal prevent a prosecution from being commenced for any violation if occurring prior to the repealing of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 8: Effective Date. This Ordinance shall become effective from and after its adoption and publications as required by law.

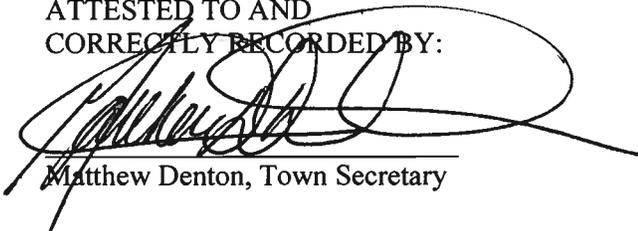
DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS ON THIS 11TH DAY OF MAY, 2010.

APPROVED AS TO FORM:



Ray Smith, Mayor

ATTESTED TO AND
CORRECTLY RECORDED BY:



Matthew Denton, Town Secretary

DATE OF PUBLICATION: MAY 27, 2010, Dallas Morning News



*** * PROPERTY DESCRIPTION * ***

All that certain tract or parcel of land situated in the John Tunney Survey, Abstract Number 916, Town of Prosper, County of Collin, State of Texas, said tract being all of Lot 5, Block A, Preston 48 Addition, an addition to the Town of Prosper, County of Collin, as evidenced by the Plat recorded thereof in Cabinet P, Page 769 of the Plat Records of the County of Collin, State of Texas and referenced in Deed to Wells Fargo Bank National Association from Stephen P. Perkins and Charles W. Sackley, filed 2 June 2009, and recorded under County Clerk's File Number 2009-0708000852400 of the Deed Records of the County of Collin, State of Texas.

The undersigned does hereby state to Corey Christensen that a survey was made on the ground, dated 22 December 2009, on the property legally described hereon or in attached field notes and is correct; except as shown on the plat hereon, there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, overlapping of improvements, easements or right-of-ways, or of which I have been informed; that the quantity of land therein has been accurately calculated, that said property has access to and from a public roadway; and, that the plat hereon is a true, correct and accurate representation of the property described hereinabove.

This Plat and Description was prepared for the exclusive use of the person or persons named in the above statements. Said statement does not extend to any unnamed person without an express restating by the surveyor naming said person, This survey was prepared for the transaction as dated hereon, this Plat or Map is the Property of Corey Christensen and Cox Land Surveying Corp., and IS NOT to be used in any other Transactions, and the COPY RIGHTS ARE RESERVED.

07 January 2010



*Don K. Cox, Texas Professional Registered
Land Surveyor Number 4577*

Integrity Car Care

Exhibit A
 Lot 5 Block A Preston 48 Addition
 Town of Prosper, Collin County, Texas



LOT 14, BLOCK F
 MOORE CREEK W/ OPEN SPACE AND BROWNS BARREN
 ZONED: PDS-SUBURBAN ESTATE
 OWNER: PDS-SUBURBAN ESTATE
 1720 DALLAS HWY, STE 3119
 DALLAS, TX 75248

LOT 2, BLOCK A
 MOORE CREEK COMMERCIAL
 ZONED: PDS-1 LIMITED USE
 LAND USE: UNDER DEVELOPMENT
 OWNER: CDS MOORE INVESTMENTS LTD
 1720 DALLAS HWY, STE 3119
 DALLAS, TX 75248

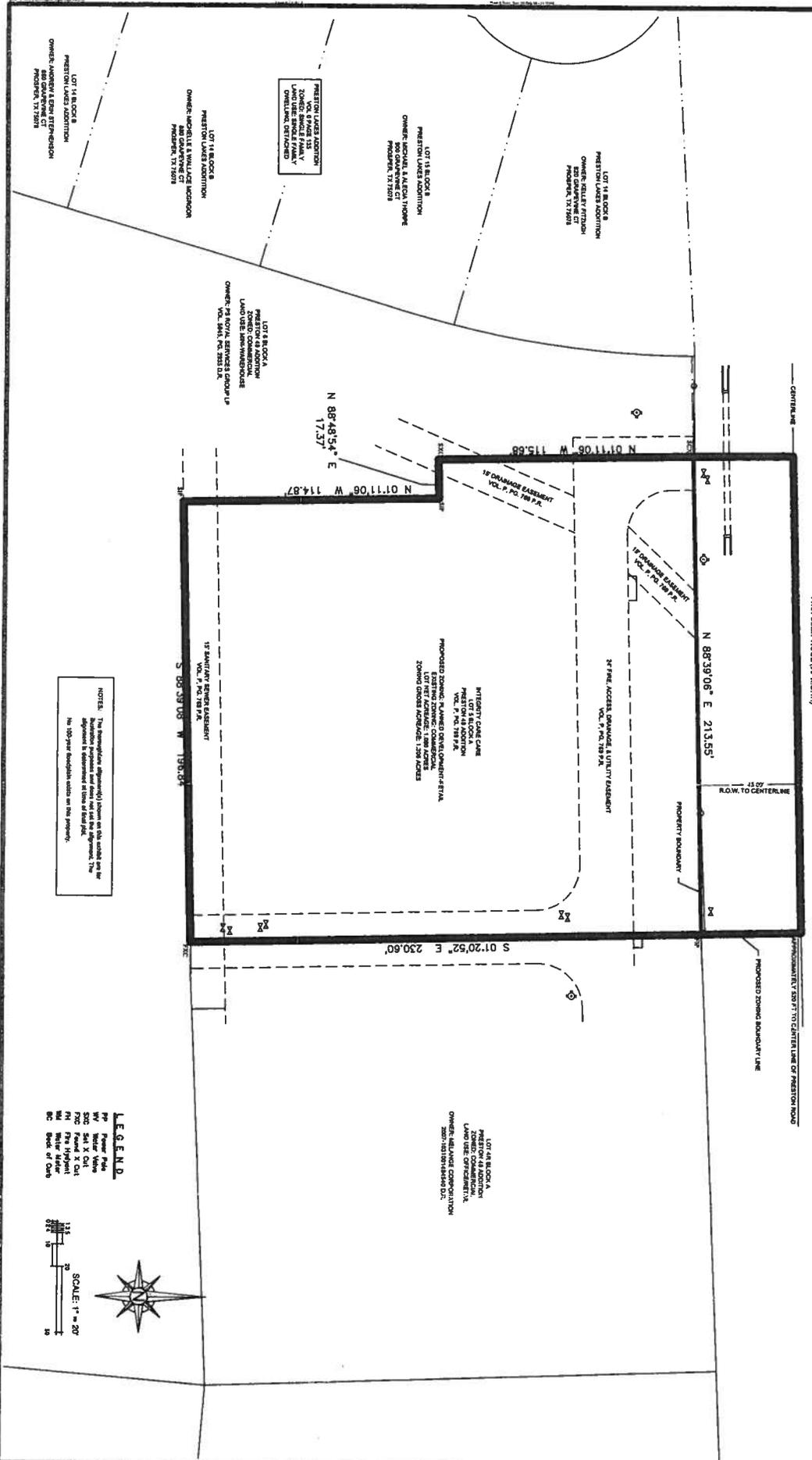
LOT 14, BLOCK A
 PRESTON LAKES ADDITION
 ZONED: COMMERCIAL
 LAND USE: SERVICE GARAGE
 OWNER: P&S ROYAL SERVICES GROUP LP
 VOL. 14, P. 283 D.I.

LOT 14, BLOCK B
 PRESTON LAKES ADDITION
 ZONED: COMMERCIAL
 LAND USE: SERVICE GARAGE
 OWNER: P&S ROYAL SERVICES GROUP LP
 VOL. 14, P. 283 D.I.

LOT 14, BLOCK B
 PRESTON LAKES ADDITION
 ZONED: COMMERCIAL
 LAND USE: SERVICE GARAGE
 OWNER: P&S ROYAL SERVICES GROUP LP
 VOL. 14, P. 283 D.I.

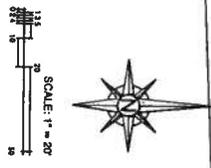
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NOTES: The boundary line(s) shown on this site plan is/are based on a survey conducted by Greg Edwards, P.E. on 02/09/2010. The boundary line(s) shown on this site plan is/are based on a survey conducted by Greg Edwards, P.E. on 02/09/2010. The boundary line(s) shown on this site plan is/are based on a survey conducted by Greg Edwards, P.E. on 02/09/2010.

LEGEND
 P.P. Proposed Building Footprint
 S.S. Setback
 F.F. Fenced X Out
 R.R. Right of Way
 B.C. Block of Care



<p>Exhibit A INTEGRITY CAR CARE 1.000 ACRES LOT 5, BLOCK A PRESTON 48 ADDITION Town of Prosper, Collin County, Texas</p>	<p>Developer: Carey Christianson 1221 N. Hwy 377, P.O. Box 1628 Prosper, TX 75078</p>	<p>GREG EDWARDS ENGINEERING SERVICES, INC. GREG EDWARDS, P.E. 1621 AMANDA CT., PROSPER, TX 75078 P. 940.482.1507 F. 940.482.1129 www.gees.com</p>	<p>DATE: 09 FEB 2010</p>	<p>REVISION</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION									
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EXHIBIT "B"
STATEMENT OF INTENT & PURPOSE
INTEGRITY CAR CARE
Prosper, Texas

Intent:

It is our intent to develop this property into a retail business. It is our request that the current Commercial zoning be allowed to be changed to Planned Development-Retail zoning. Changing to a Retail base zoning will protect surrounding residential neighborhoods by the nature of the guidelines for Retail zoning. Our plans include landscaping a "green screen", providing a natural wall on the west property line of our building site. We wish to ensure that no bay doors will face residential areas.

Purpose

The services provided by Integrity Car Care include: Tire and wheels (sales and service), oil and preventative maintenance, diagnostic and light repairs.

The purpose of this development is to provide a business much needed in the Prosper area. To accomplish this, our building plan is designed to enhance the surrounding neighborhood.

This new business will also add to and maintain support and activity of the current and future development of economic growth for Prosper.

EXHIBIT "C"
PLANNED DEVELOPMENT STANDARDS
INTEGRITY CAR CARE
Prosper, Texas

This tract may be developed under the regulations of "Retail" as outlined in the Town of Prosper's Comprehensive Zoning Ordinance No. 05-20 as it currently exists or may be amended with the following conditions:

- 1.01 All buildings and structures in conjunction with a minor automobile repair use are permitted within 200 feet of a residential zoning district. Daily operation of a minor automobile use shall begin no earlier than 7 a.m. and cease no later than 7 p.m.

- 1.02 No service bay shall directly face a residential zoning district.

- 1.03 A solid evergreen living screen shall be planted along the western property line as shown on Exhibit D. The solid evergreen living screen shall contain a minimum of four inch (4") caliper evergreen trees on thirty (30) foot centers with a continuous row of minimum seven (7) gallon evergreen shrubs at the time of planting.

EXHIBIT "E"
DEVELOPMENT SCHEDULE
INTEGRITY CAR CARE
Prosper, Texas

Following Town Approval and receipt of Building Permit, it is estimated that the development of Integrity Car Care would be complete within twelve months or less.