TOWN OF PROSPER, TEXAS **ORDINANCE NO. 10-083**

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 05-20; REZONING A TRACT OF LAND CONSISTING OF 162.722 ACRES, MORE OR LESS, SITUATED IN THE LOUISA NETHERLY SURVEY, ABSTRACT NO. 962, IN THE TOWN OF PROSPER, DENTON COUNTY, TEXAS, HERETOFORE ZONED AGRICULTURAL (A) IS HEREBY REZONED AND PLACED IN THE ZONING CLASSIFICATION OF PLANNED DEVELOPMENT-COMMERCIAL/ COMMERCIAL CORRIDOR (PD-C/CC); 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 Two-J Partners, LLLP ("Applicant") to rezone 162.722 acres of land, more or less, situated in the Louisa Netherly Survey, Abstract No. 962, in the Town of Prosper, Denton County, Texas; 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 162.722 acres of land, more or less, situated in the Louisa Netherly Survey, Abstract No. 962, in the Town of Prosper, Denton County, Texas, (the "Property") and all streets, roads and alleyways contiguous and/or adjacent thereto is hereby rezoned as Planned Development-Commercial/Commercial Corridor (PD-C/CC). 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) and 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 28TH DAY OF SEPTEMBER, 2010.

APPROVED AS TO FORM:

Ray Smith

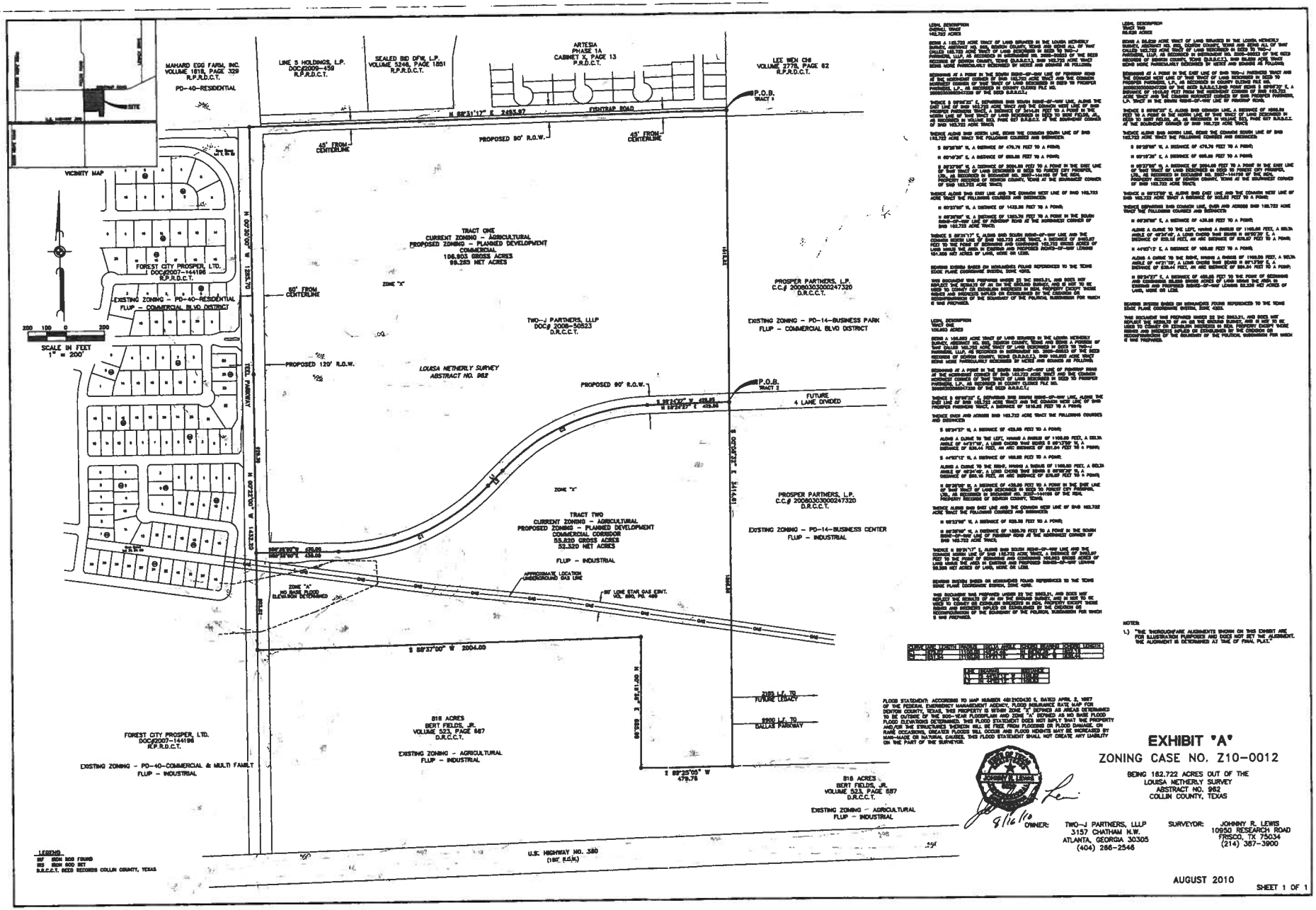
Ray Smith, Mayor

ATTESTED TO AND
CORRECTLY RECORDED BY:

Matthew D. Denton, TRMC
Town Secretary

TOWN OF PROSPER
TEXAS

DATE OF PUBLICATION: OCTOBER 14, 2010, *Dallas Morning News*



LEGAL DESCRIPTION
OVERALL TRACT
162.722 ACRES

BEING A 162.722 ACRE TRACT OF LAND SITUATED IN THE LOUISA NETHERLY SURVEY, ABSTRACT NO. 962, COLLIN COUNTY, TEXAS AND BEING ALL OF THAT CALLED 106.903 ACRE TRACT OF LAND DESCRIBED IN DEED TO TWO-J PARTNERS, LLLP, AS RECORDED IN DOCUMENT NO. 2008-50823 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS (D.R.C.C.T.) AND BEING 55.820 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT IN THE EAST LINE OF SAID TRACT, BEING THE NORTHWEST CORNER OF THE SAID TRACT OF LAND DESCRIBED IN DEED TO PROSPER PARTNERS, L.P., AS RECORDED IN COUNTY CLERKS FILE NO. 20060303000247320 D.R.C.C.T.;

THENCE S 89°31'17" E, DEPARTING SAID SOUTH RIGHT-OF-WAY LINE, ALONG THE EAST LINE OF SAID 162.722 ACRE TRACT AND THE COMMON WEST LINE OF SAID PROSPER PARTNERS TRACT, A DISTANCE OF 2493.87 FEET TO A FOUND 1/2" IRON ROD, ALONG LINE OF THE TRACT OF LAND DESCRIBED IN DEED TO BERT FIELDS, JR., AS RECORDED IN VOLUME 523, PAGE 587 D.R.C.C.T. OF THE SOUTHEAST CORNER OF SAID 162.722 ACRE TRACT;

THENCE ALONG SAID SOUTH LINE, BEING THE COMMON SOUTH LINE OF SAID 162.722 ACRE TRACT THE FOLLOWING COURSES AND DISTANCES:

S 89°25'05" W, A DISTANCE OF 479.76 FEET TO A POINT;

S 89°16'26" E, A DISTANCE OF 698.88 FEET TO A POINT;

S 89°27'00" W, A DISTANCE OF 2004.00 FEET TO A POINT IN THE EAST LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO FOREST CITY PROSPER, LTD., AS RECORDED IN DOCUMENT NO. 2007-144196 OF THE REAL PROPERTY RECORDS OF COLLIN COUNTY, TEXAS AT THE SOUTHWEST CORNER OF SAID 162.722 ACRE TRACT;

THENCE ALONG SAID EAST LINE AND THE COMMON WEST LINE OF SAID 162.722 ACRE TRACT THE FOLLOWING COURSES AND DISTANCES:

N 00°33'00" W, A DISTANCE OF 1432.36 FEET TO A POINT;

N 00°34'00" W, A DISTANCE OF 1365.70 FEET TO A POINT IN THE SOUTH RIGHT-OF-WAY LINE OF FISHTRAP ROAD AT THE NORTHWEST CORNER OF SAID 162.722 ACRE TRACT;

THENCE S 89°31'17" E, ALONG SAID SOUTH RIGHT-OF-WAY LINE AND THE COMMON NORTH LINE OF SAID 162.722 ACRE TRACT, A DISTANCE OF 2493.87 FEET TO THE POINT OF BEGINNING AND CONTAINING 162.722 GROSS ACRES OF LAND WHICH INCLUDES 106.903 ACRES OF LAND, MORE OR LESS.

BEARING SYSTEM BASED ON MONUMENTS FOUND REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, ZONE 4202.

THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, AND DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT WHEN BASED AND ACCOMPANIED BY AN EXPLANATION BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

LEGAL DESCRIPTION
TRACT ONE
106.903 ACRES

BEING A 106.903 ACRE TRACT OF LAND SITUATED IN THE LOUISA NETHERLY SURVEY, ABSTRACT NO. 962, COLLIN COUNTY, TEXAS AND BEING A PORTION OF THAT CALLED 162.722 ACRE TRACT OF LAND DESCRIBED IN DEED TO TWO-J PARTNERS, LLLP, AS RECORDED IN DOCUMENT NO. 2008-50823 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS (D.R.C.C.T.) AND 106.903 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH RIGHT-OF-WAY LINE OF FISHTRAP ROAD AT THE NORTHWEST CORNER OF SAID 162.722 ACRE TRACT AND THE COMMON NORTHEAST CORNER OF THE TRACT OF LAND DESCRIBED IN DEED TO PROSPER PARTNERS, L.P., AS RECORDED IN COUNTY CLERKS FILE NO. 20060303000247320 OF THE DEED D.R.C.C.T.;

THENCE S 89°31'17" E, DEPARTING SAID NORTH RIGHT-OF-WAY LINE, ALONG THE EAST LINE OF SAID 162.722 ACRE TRACT AND THE COMMON WEST LINE OF SAID PROSPER PARTNERS TRACT, A DISTANCE OF 1016.26 FEET TO A POINT;

THENCE OVER AND ACROSS SAID 162.722 ACRE TRACT THE FOLLOWING COURSES AND DISTANCES:

S 00°34'00" W, A DISTANCE OF 433.00 FEET TO A POINT;

ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1100.00 FEET, A DELTA ANGLE OF 40°31'00", A LENGTH CHORD THAT BEARS S 20°19'30" W, A DISTANCE OF 636.04 FEET, AN ARC DISTANCE OF 651.84 FEET TO A POINT;

S 44°05'12" W, A DISTANCE OF 100.00 FEET TO A POINT;

ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1100.00 FEET, A DELTA ANGLE OF 40°34'48", A LENGTH CHORD THAT BEARS S 20°19'30" W, A DISTANCE OF 636.16 FEET, AN ARC DISTANCE OF 648.87 FEET TO A POINT;

S 00°33'00" W, A DISTANCE OF 439.86 FEET TO A POINT IN THE EAST LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO FOREST CITY PROSPER, LTD., AS RECORDED IN DOCUMENT NO. 2007-144196 OF THE REAL PROPERTY RECORDS OF COLLIN COUNTY, TEXAS;

THENCE ALONG SAID EAST LINE AND THE COMMON WEST LINE OF SAID 162.722 ACRE TRACT THE FOLLOWING COURSES AND DISTANCES:

N 89°27'00" W, A DISTANCE OF 828.36 FEET TO A POINT;

S 00°34'00" W, A DISTANCE OF 1365.70 FEET TO A POINT IN THE SOUTH RIGHT-OF-WAY LINE OF FISHTRAP ROAD AT THE SOUTHWEST CORNER OF SAID 162.722 ACRE TRACT;

THENCE N 89°31'17" W, ALONG SAID SOUTH RIGHT-OF-WAY LINE AND THE COMMON SOUTH LINE OF SAID 162.722 ACRE TRACT, A DISTANCE OF 2493.87 FEET TO THE POINT OF BEGINNING AND CONTAINING 106.903 GROSS ACRES OF LAND WHICH INCLUDES 99.283 ACRES OF LAND, MORE OR LESS.

BEARING SYSTEM BASED ON MONUMENTS FOUND REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, ZONE 4202.

THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, AND DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT WHEN BASED AND ACCOMPANIED BY AN EXPLANATION BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

LEGAL DESCRIPTION
TRACT TWO
55.820 ACRES

BEING A 55.820 ACRE TRACT OF LAND SITUATED IN THE LOUISA NETHERLY SURVEY, ABSTRACT NO. 962, COLLIN COUNTY, TEXAS AND BEING ALL OF THAT CALLED 162.722 ACRE TRACT OF LAND DESCRIBED IN DEED TO TWO-J PARTNERS, LLLP, AS RECORDED IN DOCUMENT NO. 2008-50823 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS (D.R.C.C.T.) AND 55.820 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT IN THE EAST LINE OF SAID TRACT, BEING THE NORTHWEST CORNER OF THE SAID TRACT OF LAND DESCRIBED IN DEED TO PROSPER PARTNERS, L.P., AS RECORDED IN COUNTY CLERKS FILE NO. 20060303000247320 D.R.C.C.T.;

THENCE S 89°25'05" W, DEPARTING SAID SOUTH RIGHT-OF-WAY LINE, ALONG THE EAST LINE OF SAID 162.722 ACRE TRACT AND THE COMMON WEST LINE OF SAID PROSPER PARTNERS, L.P., AS RECORDED IN COUNTY CLERKS FILE NO. 20060303000247320 D.R.C.C.T. OF THE SOUTHEAST CORNER OF SAID 162.722 ACRE TRACT;

THENCE ALONG SAID SOUTH LINE, BEING THE COMMON SOUTH LINE OF SAID 162.722 ACRE TRACT THE FOLLOWING COURSES AND DISTANCES:

S 89°25'05" W, A DISTANCE OF 479.76 FEET TO A POINT;

S 89°16'26" E, A DISTANCE OF 698.88 FEET TO A POINT;

S 89°27'00" W, A DISTANCE OF 2004.00 FEET TO A POINT IN THE EAST LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO FOREST CITY PROSPER, LTD., AS RECORDED IN DOCUMENT NO. 2007-144196 OF THE REAL PROPERTY RECORDS OF COLLIN COUNTY, TEXAS AT THE SOUTHWEST CORNER OF SAID 162.722 ACRE TRACT;

THENCE N 00°33'00" W, ALONG SAID COMMON LINE, A DISTANCE OF 1000.00 FEET TO A POINT IN THE NORTH LINE OF THE TRACT OF LAND DESCRIBED IN DEED TO BERT FIELDS, JR., AS RECORDED IN VOLUME 523, PAGE 587 D.R.C.C.T. OF THE SOUTHEAST CORNER OF SAID 162.722 ACRE TRACT;

THENCE ALONG SAID NORTH LINE, BEING THE COMMON SOUTH LINE OF SAID 162.722 ACRE TRACT THE FOLLOWING COURSES AND DISTANCES:

N 89°27'00" E, A DISTANCE OF 428.00 FEET TO A POINT;

ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1100.00 FEET, A DELTA ANGLE OF 40°34'48", A LENGTH CHORD THAT BEARS N 20°19'30" E, A DISTANCE OF 636.16 FEET, AN ARC DISTANCE OF 648.87 FEET TO A POINT;

N 44°05'12" E, A DISTANCE OF 100.00 FEET TO A POINT;

ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1100.00 FEET, A DELTA ANGLE OF 40°31'00", A LENGTH CHORD THAT BEARS N 20°19'30" E, A DISTANCE OF 636.04 FEET, AN ARC DISTANCE OF 651.84 FEET TO A POINT;

N 00°33'00" E, A DISTANCE OF 433.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 55.820 GROSS ACRES OF LAND WHICH INCLUDES 53.320 ACRES OF LAND, MORE OR LESS.

BEARING SYSTEM BASED ON MONUMENTS FOUND REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, ZONE 4202.

THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, AND DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT WHEN BASED AND ACCOMPANIED BY AN EXPLANATION BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

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."

CURVE TABLE							
CURVE	RADIUS	TANGENT	DELTA	ARC	CHORD BEARING	CHORD DISTANCE	
C1	1100.00'	110.00'[illegible]	34°31'48"	651.84'	N 20°19'30" E	636.04'	
C2	1100.00'	110.00'[illegible]	40°34'48"	648.87'	N 20°19'30" E	636.16'	
C3	1100.00'	110.00'[illegible]	40°31'00"	651.84'	N 20°19'30" E	636.04'	

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 44°05'12" E	100.00'
L2	S 44°05'12" W	100.00'

FLOOD STATEMENT: ACCORDING TO MAP NUMBER 48121C0430 E, DATED APRIL 2, 1997 OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP FOR DENTON COUNTY, TEXAS, THIS PROPERTY IS WITHIN ZONE "X" DEFINED AS AREAS DETERMINED TO BE OUTSIDE OF THE 500-YEAR FLOODPLAIN AND ZONE "A" DEFINED AS NO BASE FLOOD ELEVATIONS DETERMINED. THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. ON RARE OCCASIONS, GREATER FLOODS WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL EVENTS. THIS FLOOD STATEMENT SHALL NOT CREATE ANY LIABILITY ON THE PART OF THE SURVEYOR.

STATE OF TEXAS
JOHNNY R. LEWIS
5690
REGISTERED PROFESSIONAL LAND SURVEYOR

8/16/10

EXHIBIT "A"

ZONING CASE NO. Z10-0012

BEING 162.722 ACRES OUT OF THE
LOUISA NETHERLY SURVEY
ABSTRACT NO. 962
COLLIN COUNTY, TEXAS

OWNER: TWO-J PARTNERS, LLLP
3157 CHATHAM N.W.
ATLANTA, GEORGIA 30305
(404) 286-2546

SURVEYOR: JOHNNY R. LEWIS
10950 RESEARCH ROAD
FRISCO, TX 75034
(214) 387-3900

AUGUST 2010

SHEET 1 OF 1

EXHIBIT "B"

Z10-0012

GRAY 163
PLANNED DEVELOPMENT DISTRICT

STATEMENT OF INTENT AND PURPOSE

The Planned Development District (PD) provides the ability to encourage and accommodate the development of Commercial Business, Business Park, and Retail uses within the Town of Prosper.

Commercial District uses will generally provide opportunities for corporate headquarters, retail, educational training centers, assembly/production facilities for technological and scientific industries, office and commercial facilities, all in close association with future thoroughfares. The Commercial Corridor District is similar and compliments the Commercial Business. Facilities will include uses that relate to the geographic location and transportation facilities that are proposed for this area.

Site characteristics of Gray 163, such as topography, thoroughfare locations, proposed uses and development opportunities will formulate a distinctive approach for the Town's future.

EXHIBIT "C"

GRAY 163
PLANNED DEVELOPMENT DISTRICT

PLANNED DEVELOPMENT STANDARDS

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 (Ordinance No. 05-20 as it currently exists or may be amended) and the Subdivision Ordinance (Ordinance No. 03-05 as it currently exists or may be amended) shall apply.

1. Commercial District (106.903 acres) - Tract 1:

   1.1 Description: Tract 1 is generally located on the subject property as shown on the attached zoning exhibit. This tract shall be developed in accordance with the "C – Commercial" District regulations of the Town of Prosper Zoning Ordinance 05-20 as presently exist or as they may be amended.

   1.2 Non-Permitted or Restricted Uses: Land uses not allowed or different from the "C-Commercial" District regulations of the Town of Prosper Zoning Ordinance 05-20 as presently exist shall be as follows: Uses followed by an **S** are permitted by specific use permit. Uses followed by an **NP** are not permitted:

   - Athletic Stadium or Field, Private **NP**
   - Athletic Stadium or Field, Public **S**
   - Bus Terminal **NP**
   - Commercial Amusement, Outdoor **S (not to be located within 1,000 feet of Teel Parkway)**
   - Recycling Center **NP**
   - Recycling Collection Point **NP**
   - Sewage Treatment Plant/Pumping Station **NP**
   - Water Treatment Plant **NP**

2. Commercial Corridor District (55.820 acres) – Tract 2:

   2.1 General Description: The Commercial Corridor District area is intended to provide development opportunities for uses similar to the Town of Prosper's "CC -Commercial Corridor" and "R – Retail" Districts. This area will also include uses that relate to the site location and transportation modes that exist within this area. Commercial Corridor uses shall be permitted throughout Tract 2 as set forth herein.

   2.2 Permitted Uses: Land uses allowed within the Commercial Corridor District are as follows: Uses followed by an **S** are permitted by specific use permit. Uses followed by a **C** are permitted subject to conditional development standards. Conditional development standards are set forth in Chapter 3, Section 1 of the Town's Zoning Ordinance.

   - Accessory Building
   - Administrative, Medical, or Professional Office
   - Antenna and /or Antenna Support Structure, Commercial **C**
   - Antenna and/or Antenna Support Structure, Non-Commercial **C**
   - Antique Shop and Used Furniture
   - Artisan's Workshop
   - Assisted Care or Living Facility

- Athletic Stadium or Field, Public **S**
- Auto Parts Sales, Inside
- Automobile Paid Parking Lot/Garage
- Automobile Parking Lot /Garage
- Automobile Repair, Minor
- Automobile Sales, Used **S**
- Automobile Sales/Leasing, New **S**
- Bank, Savings and Loan, or Credit Union
- Beauty Salon/Barber Shop
- Beer & Wine Package Sales **C**
- Bottling Works
- Building Material and Hardware Sales, Major
- Building Material and Hardware Sales, Minor
- Business Service
- Cabinet/Upholstery Shop
- Car Wash **C**
- Caretaker's /Guard's Residence
- Cemetery or Mausoleum **S**
- Civic/Convention Center
- College, University, Trade, or Private Boarding School
- Commercial Amusement, Indoor
- Commercial Amusement, Outdoor **S (not to be located within 1,000 feet of Teel Parkway)**
- Community Center
- Convenience Store with Gas Pumps **C**
- Convenience Store without Gas Pumps
- Dance Hall **S**
- Day Care Center, Adult **S**
- Day Care Center, Child **C**
- Day Care Center, Incidental **S**
- Dry Cleaning, Minor
- Fairgrounds/Exhibition Area **S**
- Farm, Ranch, Stable, Garden, or Orchard
- Flea Market, Inside
- Fraternal Organization, Lodge, Civic Club, Fraternity, or Sorority
- Furniture, Home Furnishing and Appliance Store
- Gas Pumps **C**
- General Manufacturing/Industrial Use Complying with Performance Standards
- Golf Course and/or Country Club
- Governmental Office
- Gunsmith
- Gymnastics/Dance Studio
- Health/Fitness Center
- Helistop **S**
- Homebuilder Marketing Center
- Hospital
- Hotel **C**
- House of Worship
- Household Appliance Service and Repair
- Indoor Gun Range **S**
- Insurance Office
- Laundromat
- Limited Assembly and Manufacturing Use Complying with Performance Standards
- Locksmith/Security System Company
- Machine Shop

- Massage Therapy, Licensed
- Mini-Warehouse/Public Storage **S**
- Mortuary/Funeral Parlor
- Motel **C**
- Motorcycle Sales/Service **S**
- Municipal Uses Operated by the Town of Prosper
- Museum/ Art Gallery
- Nursery, Major
- Nursery, Minor
- Office and Storage for Public/Private Utility
- Office/Showroom
- Office/Warehouse/Distribution Center
- Open Storage
- Park or Playground
- Pet Day Care **C**
- Print Shop, Major
- Print Shop, Minor
- Private Club **S**
- Private Recreation Center
- Private Utility, Other Than Listed
- Recreational Vehicle Sales and Service, New/Used **S**
- Rehabilitation Care Institution **S**
- Research and Development Center **C**
- Residence Hotel **C**
- Restaurant or Cafeteria
- Restaurant, Drive In
- Retail Stores and Shops
- Retail/Service Incidental Use
- School District Bus Yard **C**
- School, Private or Parochial
- School, Public
- Small Engine Repair Shop
- Stealth Antenna, Commercial **C**
- Storage or Wholesale Warehouse
- Taxidermist
- Telephone Exchange
- Temporary Building **C**
- Theater, Neighborhood
- Theater, Regional
- Trailer Rental
- Transit Center
- Utility Distribution/ Transmission Facility **S**
- Veterinarian Clinic and/or Kennel, Indoor
- Veterinarian Clinic and/or Kennel, Outdoor
- Winery

2.3 Size of Yards:

2.3.1 Minimum Front Yard: Thirty (30) feet for one (1) or two (2) story buildings, fifty (50) feet for buildings taller than two (2) stories

2.3.2 Minimum Side Yard:

2.3.2.1 Fifteen (15) feet adjacent to a nonresidential district. The minimum side yard setback may be eliminated for attached buildings on separate lots as shown on an approved site plan.

2.3.2.2 Forty (40) feet for a one (1) story building adjacent to a residential district and sixty (60) feet for a two (2) story building adjacent to a residential district.

2.3.2.3 Thirty (30) feet adjacent to a street.

2.3.3 Minimum Rear Yard:

2.3.3.1 Fifteen (15) feet adjacent to a nonresidential district. The minimum rear yard setback may be eliminated for attached buildings on separate lots as shown on an approved site plan.

2.3.3.2 Forty (40) feet for one (1) story building adjacent to a residential district and sixty (60) feet for a two (2) story building adjacent to a residential district.

2.4 Size of Lots:

2.4.1 Minimum Size of Lot Area: Ten thousand (10,000) square feet.

2.4.2 Minimum Lot Width: One Hundred (100) feet.

2.4.3 Minimum Lot Depth: One Hundred (100) feet.

2.5 Maximum Height: Eight (8) stories, not greater than one hundred (100) feet. Where buildings or structures exceed forty (40) feet in height, such buildings or structures shall not be located closer to any residential district boundary line than a distance equal to the sum of the required side or rear yard specified plus twice the height of the building above forty (40) feet.

2.6 Maximum Lot Coverage: Sixty (60) percent.

2.7 Maximum Floor Area Ratio: 1.5:1.

2.8 Conceptual Development Plan: Prior to application for a preliminary site plan for any tract of land within a given area in the Commercial Corridor District area (Tract 2), a Conceptual Development plan shall be submitted, receive a recommendation from the P&Z Commission and approved by the Prosper Town Council. This Conceptual Development Plan shall only be required for the general area within which development is to occur. This general area shall be bounded by major thoroughfares, ownership lines, creekways or other physical barriers that define a geographic boundary that separates the area of interest from other parcels within the Commercial Corridor District area.

Plats and/or site plans submitted for the development of the PD shall conform to the data presented and approved on the Conceptual Development plan. Changes of detail on these final development plan(s) that differ from the Conceptual Development plan may be authorized by the Planning & Zoning Commission, with their approval of the final development plan(s) and without public hearing, if the proposed changes do not:

1. alter the basic relationship of the proposed development to adjacent property,
2. alter the uses permitted,
3. increase the density,
4. increase the building height,
5. increase the coverage of the site,
6. reduce the off-street parking ratio,
7. reduce the building lines provided at the boundary of the site, or

8. significantly alter any open space plans.

If the Director of Development Services or the Planning & Zoning Commission determines that the proposed change(s) violates one (1) or more of the above eight (8) criteria, then a public hearing must be held to adequately amend the Conceptual Development Plan that is attached to the PD, prior to the Planning & Zoning Commission's approval of the final development plan(s).

3. GENERAL CONDITIONS:

3.1 Amendment to the Planned Development District:

3.1.1 At such time a request to amend the PD is submitted, only the person initiating the request shall be named as the "Applicant". All owners of property within the boundaries of the PD are not required to be applicants for amendments to the PD, unless the requested amendments directly affect their property.

3.1.2 The notification area shall be two hundred (200) feet from the subject property listed on the application as defined by a separate boundary survey or exhibit. The notification area shall meet state law as exists or may be amended.

3.2 Conformance to all applicable articles of the Prosper Zoning Ordinance:
Except as amended herein, this PD shall conform to any and all applicable articles and sections of the Prosper Zoning Ordinance as it presently exist or may be amended.

3.3 General Compliance: Except as amended by this Ordinance, development of property within this PD must comply with the requirements of all ordinances, rules and regulations of the Town of Prosper as they exist or may be amended.

EXHIBIT "E"

GRAY 163
PLANNED DEVELOPMENT DISTRICT

DEVELOPMENT SCHEDULE

It is anticipated that the development of Gray 163 will begin within 5 to 10 years after approval and signing of the zoning ordinance. During this time period, prior to the initial stages of development, it is foreseen that plans and studies will be prepared for development and marketing of the property.

Progress of development improvements will primarily depend on time frames established for construction of thoroughfares, utilities, and market trends/demands for the area.

It is anticipated that the development of Gray 163, excluding total construction of all structures, will be completed within 15 to 25 years of zoning approval.