

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 15-14

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE AND SPECIFIC USE PERMIT ORDINANCE 08-029; AMENDING SPECIFIC USE PERMIT-4 (SUP-4) TO ALLOW FOR OFFICE/SHOWROOM USES, LOCATED ON A TRACT OF LAND CONSISTING OF 5.415 ACRES, MORE OR LESS, SITUATED IN THE H. JAMISON SURVEY, ABSTRACT NO. 480, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS; DESCRIBING THE TRACT TO BE REZONED; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town Council of the Town of Prosper, Texas (the "Town Council") has investigated and determined that the Town's Zoning Ordinance and Specific Use Permit Ordinance No. 08-029 should be amended; and

WHEREAS, the Town of Prosper, Texas ("Prosper"), has received a request from Advantage Self Storage ("Applicant") to amend Specific Use Permit-4 (SUP-4) to allow for Office/Showroom uses on a tract of land zoned Commercial (C) and Specific Use Permit-4 (SUP-4), consisting of 5.415 acres of land, more or less, situated in the H. Jamison Survey, Abstract No. 480, in the Town of Prosper, Collin County, Texas, and being particularly being described in Exhibit "A," attached hereto and incorporated herein for all purposes; and

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

WHEREAS, all legal notices required to grant a Specific Use Permit (SUP) have been given in the manner and form set forth by law, public hearings have been held, and all other requirements of notice and completion of such procedures have been fulfilled; and

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

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

SECTION 1

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

SECTION 2

Specific Use Permit Granted. The Town's Zoning Ordinance and Specific Use Permit Ordinance No. 08-029 are amended as follows: Specific Use Permit-4 (SUP-4) is amended to allow Office/Showroom uses, on a tract of land zoned Commercial (C) and Specific Use Permit-4 (SUP-4), consisting of 5.415 acres of land, more or less, situated in the H. Jamison Survey, Abstract No. 480, in the Town of Prosper, Collin County, Texas, and being particularly being

described in Exhibit "A," attached hereto and incorporated herein for all purposes as if set forth verbatim.

The property shall continue to be used in a manner consistent with the conditions expressly stated in the site plan attached hereto as Exhibit "B," landscape plan attached hereto as Exhibit "C," façade plan attached hereto as Exhibit "D," and office/showroom use exhibit attached hereto as Exhibit "E," which exhibits are incorporated herein for all purposes as if set forth verbatim.

Except as amended by this Ordinance, the development of the Property within this Specific Use Permit (SUP) shall comply fully with the requirements of all ordinances, rules, and regulations of the Town of Prosper, as they currently exist or may be amended.

Two (2) original, official and identical copies of the zoning exhibit map are hereby adopted and shall be filed and maintained as follows:

- a. One (1) copy shall be filed with the Town Secretary and retained as an original record and shall not be changed in any manner.
- b. One (1) copy shall be filed with the Building Official and shall be maintained up-to-date by posting thereon all changes and subsequent amendments for observation, issuing building permits, certificates of compliance and occupancy and enforcing the zoning ordinance. Reproduction for information purposes may from time-to-time be made of the official zoning district map.

SECTION 3

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

SECTION 4

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

SECTION 5

Penalty. Any person, firm, corporation or business entity violating this Ordinance or any provision of Prosper's Zoning Ordinance, as amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined any sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Prosper from filing suit to enjoin the violation. Prosper retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6

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

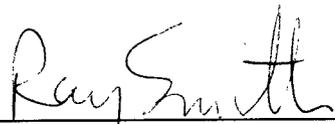
SECTION 7

Savings/Repealing Clause. Prosper's Zoning Ordinance, 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 24th DAY OF FEBRUARY, 2015.



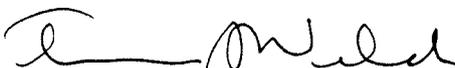
Ray Smith, Mayor

ATTEST:

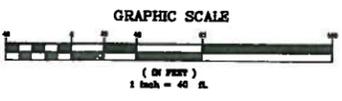
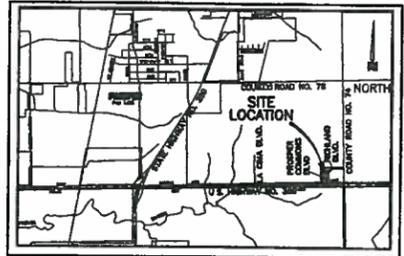
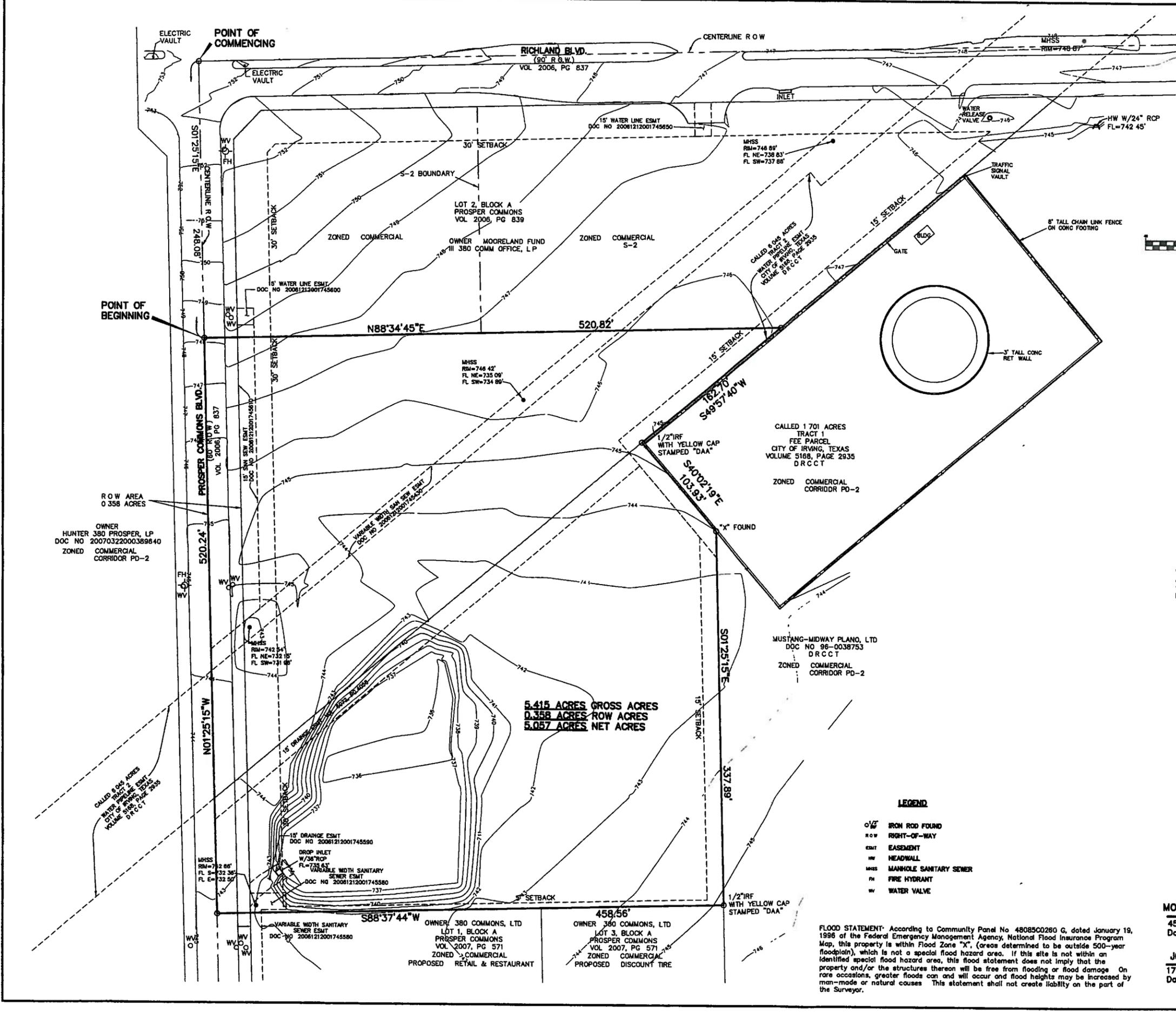


Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:



Terrence S. Welch, Town Attorney



LEGAL DESCRIPTION

BEING a tract of in the Town of Prosper, Collin County, Texas, a part of the H. JAMISON SURVEY, ABSTRACT No. 480, and being a part of Lot 2, Block A, Prosper Commons, an addition to the Town of Prosper as recorded in Volume 2006, Page 837, Collin County Plat Records, and also being a part of Prosper Commons Boulevard (a 80 foot right-of-way), as recorded in Volume 2006, Page 837, Collin County Plat Records, and being further described as follows:

COMMENCING at the centerline intersection of Richland Boulevard (a 90 foot right-of-way), as recorded in Volume 2006, Page 837, Collin County Plat Records, and Prosper Commons Boulevard;

THENCE South 01 degrees 25 minutes 15 seconds East, 248.08 feet along the centerline of Prosper Commons Boulevard to the POINT OF BEGINNING of this tract of land;

THENCE North 88 degrees 34 minutes 45 seconds East, 520.82 feet to a point for corner in the east line of said Lot 2,

THENCE along the east line of said Lot 2 as follows:
 South 49 degrees 57 minutes 40 seconds West, 162.70 feet to a one-half inch iron rod with yellow cap stamped "DAA" found for corner;
 South 40 degrees 02 minutes 19 seconds East, 103.93 feet to an "X" in concrete found for corner;
 South 01 degrees 25 minutes 15 seconds East, 337.89 feet to a one-half inch iron rod with yellow cap stamped "DAA" found at the southeast corner of said Lot 2;

THENCE South 88 degrees 37 minutes 44 seconds West, 458.56 feet along the south line of said Lot 2 to a point for corner in the centerline of Prosper Commons Boulevard,

THENCE North 01 degrees 25 minutes 15 seconds West, 520.24 feet along the centerline of Prosper Commons Boulevard to the POINT OF BEGINNING and containing 235,889 square feet or 5.415 acres of land.

"This document was prepared under 22 TAC 863.23, 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 those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."



Dan B. Ramsey, R.P.L.S. No. 4172

**SUP#S08-1
 EXHIBIT A
 PART OF LOT 2, BLOCK A
 PROSPER COMMONS**

5.415 ACRES OUT OF THE H. JAMISON SURVEY, ABSTRACT NO. 480 IN THE TOWN OF PROSPER COLLIN COUNTY, TEXAS

MOORELAND FUND III 380 COMM OFFICE, L.P. OWNER
 4516 Lovers Lane, Suite 350 (214)599-0852
 Dallas, Texas 75225

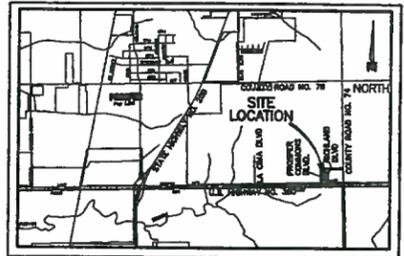
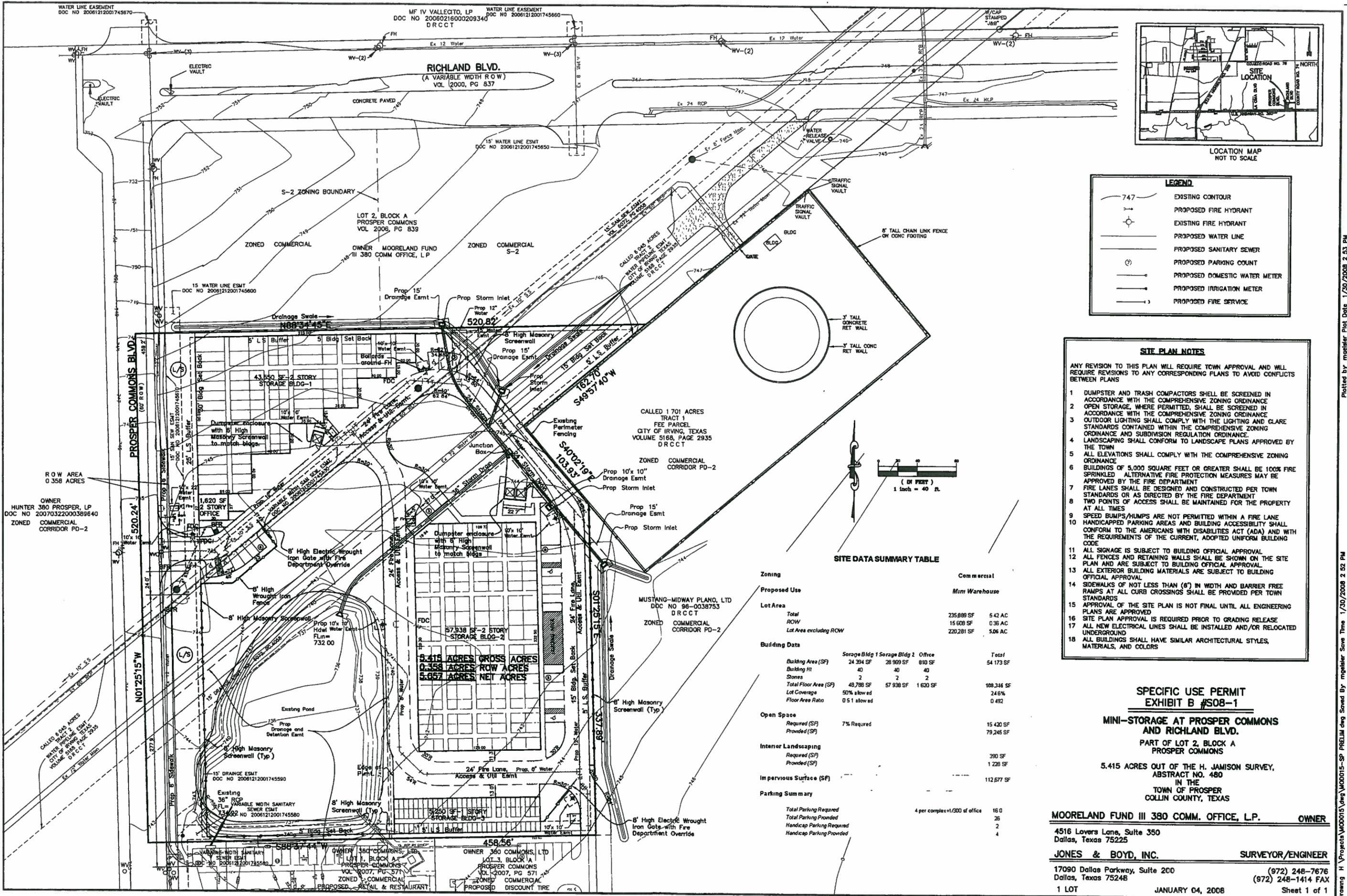
JONES & BOYD, INC. PLANNER/SURVEYOR/ENGINEER
 17090 Dallas Parkway, Suite 200 (972)248-7676
 Dallas, Texas 75248

LEGEND

○	IRON ROD FOUND
—	RIGHT-OF-WAY
---	EASEMENT
HW	HEADWALL
MHSS	MANHOLE SANITARY SEWER
PH	FIRE HYDRANT
WV	WATER VALVE

FLOOD STATEMENT: According to Community Panel No. 48085C0260 G, dated January 19, 1996 of the Federal Emergency Management Agency, National Flood Insurance Program Map, this property is within Flood Zone "X", (areas determined to be outside 500-year floodplain), which is not a special flood hazard area. If this site is not within an identified special flood hazard area, 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 can and will occur and flood heights may be increased by man-made or natural causes. This statement shall not create liability on the part of the Surveyor.

Plotted by: mgstalar Plot Date 1/30/2008 2:59 PM



LEGEND

- 747 --- EXISTING CONTOUR
- +--- PROPOSED FIRE HYDRANT
- +--- EXISTING FIRE HYDRANT
- PROPOSED WATER LINE
- PROPOSED SANITARY SEWER
- PROPOSED PARKING COUNT
- PROPOSED DOMESTIC WATER METER
- PROPOSED IRRIGATION METER
- PROPOSED FIRE SERVICE

- SITE PLAN NOTES**
- ANY REVISION TO THIS PLAN WILL REQUIRE TOWN APPROVAL AND WILL REQUIRE REVISIONS TO ANY CORRESPONDING PLANS TO AVOID CONFLICTS BETWEEN PLANS
- DUMPSTER AND TRASH COMPACTORS SHALL BE SCREENED IN ACCORDANCE WITH THE COMPREHENSIVE ZONING ORDINANCE
 - OPEN STORAGE, WHERE PERMITTED, SHALL BE SCREENED IN ACCORDANCE WITH THE COMPREHENSIVE ZONING ORDINANCE
 - OUTDOOR LIGHTING SHALL COMPLY WITH THE LIGHTING AND GLARE STANDARDS CONTAINED WITHIN THE COMPREHENSIVE ZONING ORDINANCE AND SUBDIVISION REGULATION ORDINANCE.
 - LANDSCAPING SHALL CONFORM TO LANDSCAPE PLANS APPROVED BY THE TOWN
 - ALL ELEVATIONS SHALL COMPLY WITH THE COMPREHENSIVE 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
 - SPEED BUMPS/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, ADOPTED 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
 - SIDEWALKS OF NOT LESS THAN (6") IN WIDTH 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
 - SITE PLAN APPROVAL IS REQUIRED PRIOR TO GRADING RELEASE
 - ALL NEW ELECTRICAL LINES SHALL BE INSTALLED AND/OR RELOCATED UNDERGROUND
 - ALL BUILDINGS SHALL HAVE SIMILAR ARCHITECTURAL STYLES, MATERIALS, AND COLORS

SITE DATA SUMMARY TABLE

Zoning	Commercial			
Proposed Use	Mini Warehouse			
Lot Area				
Total	235,889 SF	5.42 AC		
ROW	15,608 SF	0.36 AC		
Lot Area excluding ROW	220,281 SF	5.06 AC		
Building Data				
Storage Bldg 1	Storage Bldg 2	Office		
Building Area (SF)	24,394 SF	28,969 SF	810 SF	Total
Building Ht	40	40	40	54,173 SF
Stones	2	2	2	
Total Floor Area (SF)	48,788 SF	57,938 SF	1,620 SF	108,346 SF
Lot Coverage	50% allowed			24.6%
Floor Area Ratio	0.51 allowed			0.492
Open Space				
Required (SF)	7% Required			15,420 SF
Provided (SF)				79,245 SF
Interior Landscaping				
Required (SF)				390 SF
Provided (SF)				1,228 SF
Impervious Surface (SF)				112,677 SF
Parking Summary				
Total Parking Required	4 per complex + 1/200 of office			160
Total Parking Provided				26
Handicap Parking Required				2
Handicap Parking Provided				4

SPECIFIC USE PERMIT EXHIBIT B #S08-1

MINI-STORAGE AT PROSPER COMMONS AND RICHLAND BLVD.

PART OF LOT 2, BLOCK A PROSPER COMMONS

5.415 ACRES OUT OF THE H. JAMISON SURVEY, ABSTRACT NO. 480 IN THE TOWN OF PROSPER COLLIN COUNTY, TEXAS

MOORELAND FUND III 380 COMM. OFFICE, L.P. OWNER

4516 Lovers Lane, Suite 350
Dallas, Texas 75225

JONES & BOYD, INC. SURVEYOR/ENGINEER

17090 Dallas Parkway, Suite 200 (972) 248-7676
Dallas, Texas 75248 (972) 248-1414 FAX

1 LOT JANUARY 04, 2008 Sheet 1 of 1

Plotted by mgelsler Plot Date 1/30/2008 2:53 PM

Exhibit D: Architectural Style of the Two Story Buildings

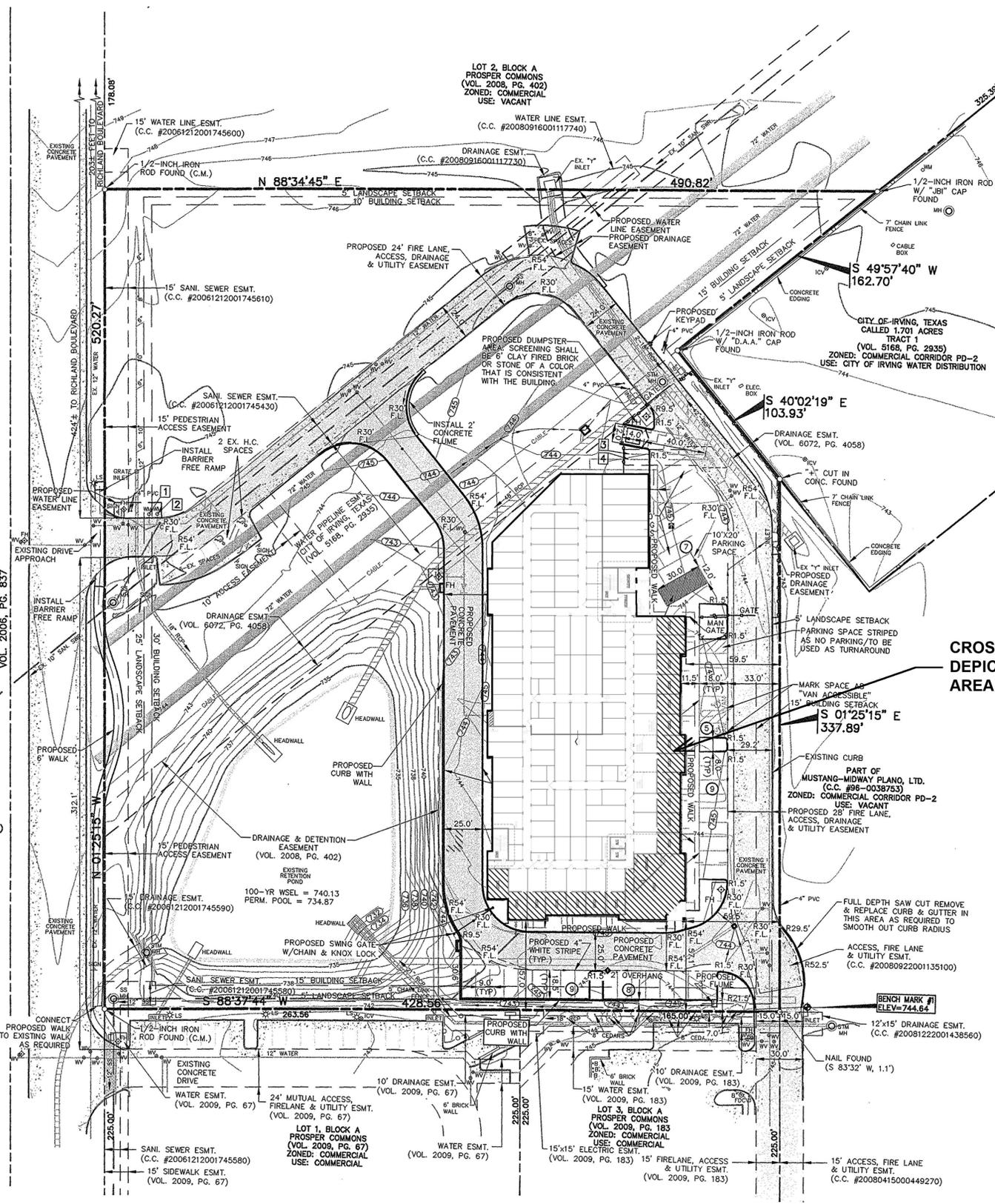
Intent of this Exhibit is to illustrate the brick, stone and cast stone details to be woven into the second floor of the building and parapet. Building to follow Articulation guidelines specified for Commercial Zoning. Second floor to include false windows as shown. First floor to remain as ground-level unit access doors with panels set up to facilitate a future potential conversion to Office use. Awnings will not be installed during useage phase of mini-storage. This building style also facilitates the potential use of Office / Showroom on the first floor as well.



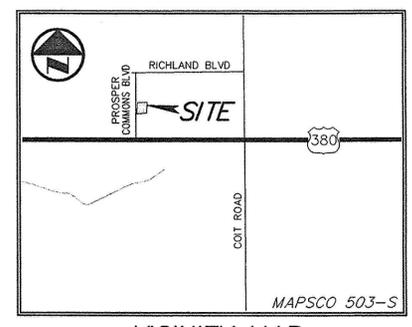
10/22/2013 - 4:43PM
 ROLLINS 1308-13-033-SITE PLAN.DWG
 P:\085\1308-13-033 - ADVANTAGE-PROSPER\DWG\1308-13-033-SITE PLAN.DWG
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PROSPER COMMONS BOULEVARD
 (60' RIGHT-OF-WAY)
 (VOL. 2006, PG. 857)

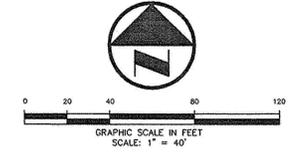
HUNTER 380
 PROSPER, LP
 (C.C. NO.
 20070322000389640)



**CROSS HATCHED AREA
 DEPICTS OFFICE SHOWROOM
 AREA NOT TO EXCEED 5,130 SF.**



VICINITY MAP
NOT TO SCALE



ITEM	LOT 4
ZONING	COMMERCIAL
PROPOSED USE	SELF STORAGE FACILITY / OFFICE SHOWROOM
LOT AREA (SF/ACRES)	220,281/5.0570
BUILDING (SF)	57,434 STORAGE/5,130 OFFICE
BUILDING HEIGHT (FT)	35 FT MAX
LOT COVERAGE (%)	14.1%
FLOOR AREA RATIO	.284:1
PARKING REQUIRED	STORAGE: 4 SPACES OFFICE: 18 SPACES TOTAL PARKING REQUIRED: 22 SPACES
HANDICAPPED PARKING REQUIRED	2 SPACES
PARKING PROVIDED	38
HANDICAPPED PARKING PROVIDED	2
LOADING ZONE REQUIRED (12'X30')	1
LOADING ZONE PROVIDED (12'X30')	1
INTERIOR LANDSCAPING REQUIRED (SF)	825
INTERIOR LANDSCAPING PROVIDED (SF)	2,158
IMPERVIOUS AREA (SF/%)	110,895/50.34%
7% OPEN SPACE REQUIRED (SF)	15,420
OPEN SPACE PROVIDED (SF)	89,223

B	BOLLARD
EM	ELECTRIC METER
PP	POWER POLE
LS	LIGHT STANDARD
WM	WATER METER
WV	WATER VALVE
ICV	IRRIGATION CONTROL VALVE
FH	FIRE DEPARTMENT CONNECTION
FOC	FIRE HYDRANT
CO	CLEAN OUT
MH	MANHOLE
GM	GAS METER
TSC	TRAFFIC SIGNAL CONTROL
TSP	TRAFFIC SIGNAL POLE
SIG	TRAFFIC SIGN
TELE	TELEPHONE BOX
TV	TV BOX
FP	FLAG POLE
L.A.	LANDSCAPE AREA
---	PROPERTY LINE
---	O.H. POWER LINES
---	U/G TELEPHONE LINES
---	U/G WATER LINE
---	U/G GAS LINE
---	FENCE
---	PROPOSED AMERICANS WITH DISABILITIES ACT ROUTE
F.L.	FIRE LANE
(C.M.)	CONTROLLING MONUMENT
SIR	5/8-INCH IRON ROD WITH "POGUE ENG & DEV" CAP SET

[Pattern]	STANDARD PAVEMENT
[Pattern]	FIRE LANE PAVEMENT
[Pattern]	DUMPSTER PAD AND APRON

- PROSPER SITE PLAN NOTES
- Dumpsters and trash compactors shall be screened in accordance with the Comprehensive Zoning Ordinance.
 - Open storage, where permitted, shall be screened in accordance with the Comprehensive Zoning Ordinance.
 - Outdoor lighting shall comply with the lighting and glare standards contained within the Comprehensive 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 Comprehensive 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.
 - Speed bumps/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, adopted 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 five (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 in 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 Comprehensive Zoning Ordinance.

NO.	DATE	REVISION / DESCRIPTION	PI NUMBER
DESIGN	DRAWN	DATE	PI NUMBER
RND	WTW	10-22-2013	1338-13-033

OWNER
 PROSPER BANK
 805 1ST ST E
 PROSPER, TEXAS 75078
 (469) 952-5500

DEVELOPER
 ADVANTAGE SELF STORAGE
 2600 ELDORADO PARKWAY, SUITE 110
 MCKINNEY, TEXAS 75070
 MR. RICK JONES
 (972) 547-0236 PHONE

THIS DOCUMENT IS RELEASED FOR THE PURPOSE
 OF INTERIM REVIEW UNDER THE AUTHORITY OF RYETT
 DOLLINS, P.E. 10/22/13 ON 10-22-2013. IT IS
 NOT TO BE USED FOR CONSTRUCTION, PERMITS OR
 PERMIT PURPOSES.

PRELIMINARY
 FOR INTERIM REVIEW ONLY
 NOT TO BE USED FOR
 CONSTRUCTION OR
 BIDDING PURPOSES.
 Engineer: RYETT DOLLINS, P.E.
 P.E. No.: 102738
 Date: 10-22-2013

POGUE
 ENGINEERING & DEVELOPMENT COMPANY, INC.
 1512 BRAY CENTRAL DRIVE (214) 544-8880 PHONE
 SUITE 100 (214) 544-8882 FAX
 MCKINNEY, TEXAS 75069 www.PogueEngineering.com
 TX BOARD PROF. ENGINEERS, CERT. #F-000461; TX BOARD PROF. LAND SURVEYING, CERT. 100421-00

EXHIBIT "E"
 ADVANTAGE STORAGE PROSPER
 LOT 4, BLOCK A, PROSPER COMMONS ADDITION
 H. JAMISON SURVEY, ABSTRACT NO. 480
 TOWN OF PROSPER, TEXAS

SHEET
 NO.
 SP