

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE; GRANTING A SPECIFIC USE PERMIT (SUP) FOR A MINI-WAREHOUSE/PUBLIC STORAGE, LOCATED ON A TRACT OF LAND CONSISTING OF 5.00 ACRES, MORE OR LESS, SITUATED IN THE COLLIN COUNTY SCHOOL LAND NO. 12 SURVEY, ABSTRACT NO. 147, 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 Zoning Ordinance should be amended; and

WHEREAS, the Town of Prosper, Texas ("Prosper") has received a request from All Storage ("Applicant") for a Specific Use Permit (SUP) for a mini-warehouse/public storage, on a tract of land zoned Planned Development-26 (PD-26), consisting of 5.00 acres of land, more or less, situated in the Collin County School Land No. 12 Survey, Abstract No. 147, in the Town of Prosper, Collin County, Texas, and being more particularly described in Exhibit "A," attached hereto and incorporated herein for all purposes; and

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

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

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

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

**SECTION 1**

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

**SECTION 2**

Specific Use Permit Granted. The Town's Zoning Ordinance is amended as follows: Applicant is granted a Specific Use Permit (SUP) for a mini-warehouse/public storage, on a tract of land zoned Planned Development-26 (PD-26), consisting of 5.00 acres of land, more or less, situated in the Collin County School Land No. 12 Survey, Abstract No. 147, in the Town of Prosper, Collin County, Texas, and being more particularly described in Exhibit "A," attached hereto and incorporated herein for all purposes as if set forth verbatim.

The development plans, standards, and uses for the Property in this Specific Use Permit shall conform to, and comply with 1) the concept plan, attached hereto as Exhibit "B"; 2) the concept landscape plan, attached hereto as Exhibit "C"; and 3) the concept elevations, attached hereto as Exhibit "D"; which are incorporated herein for all purposes as if set forth verbatim.

All development plans, standards, and uses for the Property shall comply fully with the requirements of all ordinances, rules, and regulations of the Town of Prosper, as they currently exist or may be amended.

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

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

### **SECTION 3**

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

### **SECTION 4**

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

### **SECTION 5**

Penalty. Any person, firm, corporation or business entity violating this Ordinance or any provision of Prosper's Zoning Ordinance 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**

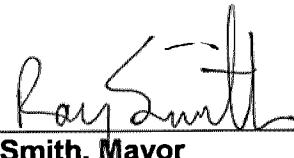
Savings/Repealing Clause. Prosper's Zoning Ordinance No. 05-20 shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall 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**

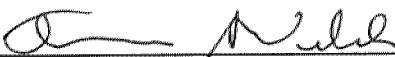
Effective Date. This Ordinance shall become effective from and after its adoption and publications as required by law.

DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE  
TOWN OF PROSPER, TEXAS, ON THIS 24TH DAY OF JANUARY, 2017.

ATTEST:  
  
Robyn Battle, Town Secretary

  
Ray Smith, Mayor

**APPROVED AS TO FORM AND LEGALITY:**

  
Terrence S. Welch, Town Attorney

LEGAL DESCRIPTION:

PROPERTY DESCRIPTION

BEING a tract of land situated in the Collin County School Land, Section Number 12, Abstract Number 147, in the Town of Prosper, Collin County, Texas, and being a portion of that certain tract of land described by deed to Prosper Industrial 102 Joint Venture, as recorded in Volume 5593, Page 2451, Deed Records, Collin County, Texas, and being more particularly described by metes and bounds as follows:

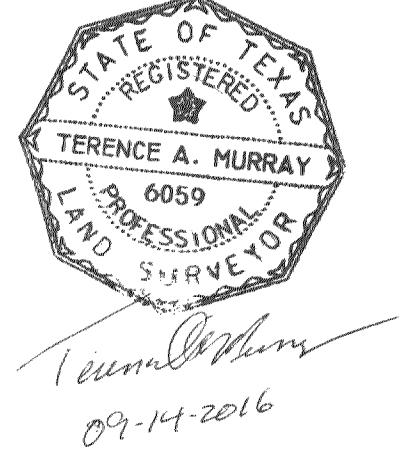
BEGINNING at a 1/2 inch iron rod with damaged cap found at the southwest corner of Lot 1, Block A, PLM Addition, an addition to the Town of Prosper, Collin County, Texas, as recorded in Clerk's File No. 20110628010001150, Real Property Records, Collin County, Texas, also being in the north line of that certain tract of land described by deed to Prosper Flex Development Partners, as recorded in Clerk's File No. 20151221001584120, Real Property Records, Collin County, Texas, and from which a 1/2 inch iron rod found for the northwest corner of said Lot 1, Block A, PLM Addition, bears N11°22'39"E, 856.38 feet;

THENCE S 89°29'27"W, (previously recorded as N 89°59'00"W, 608.55') along the north line of said Prosper Flex Development Partners tract, at 577.22 feet pass a 1/2 inch iron rod found, in all 607.22 feet to an X-cut, found, being the northwest property corner of said Prosper Flex Development Partners tract, and being in the east line of a 30 foot right-of-way dedication for Cook Lane as shown on the plat of Prestonwood Addition, as recorded in Clerk's File No. 20120823010002120, Real Property Records, Collin County, Texas, and also being in the west property line of said Prosper Industrial 102 Joint Venture tract;

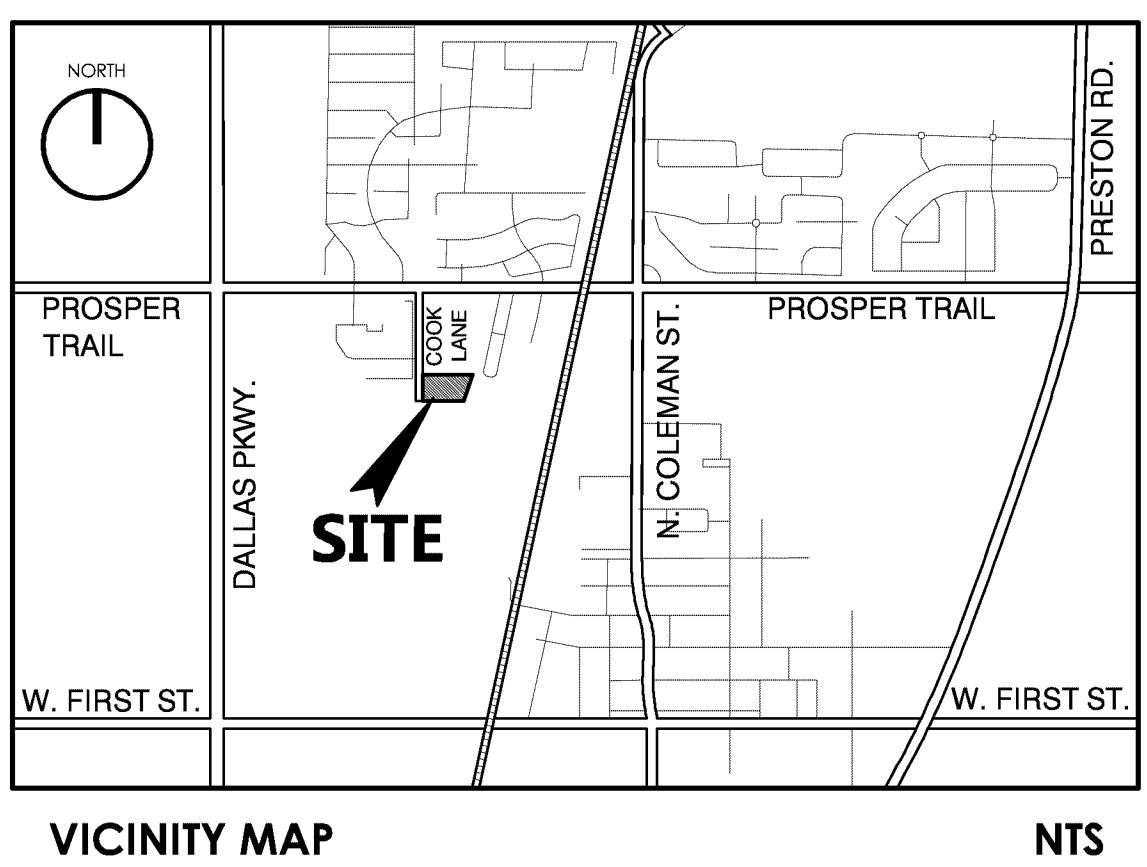
THENCE N 00°13'52"E, a distance of 339.92 feet (previously recorded as N 00°46'00"E) along the common line of said east right-of-way dedication and the west line of said Prosper Industrial 102 Joint Venture tract to an X-cut set;

THENCE N 89°29'27"E, a distance of 674.37 feet departing said common line and across said Prosper Industrial 102 Joint Venture tract to a 5/8 inch iron rod with cap stamped "Harris Kocher Smith" set in the west line of the aforementioned Lot 1, Block A, PLM Addition;

THENCE S 11°22'39"W, a distance of 347.34 feet (previously recorded as S 11°34'12"W) along the west line of said Lot 1, Block A, PLM Addition to the POINT OF BEGINNING, and containing 217,800 square feet or 5.000 acres of land, more or less.

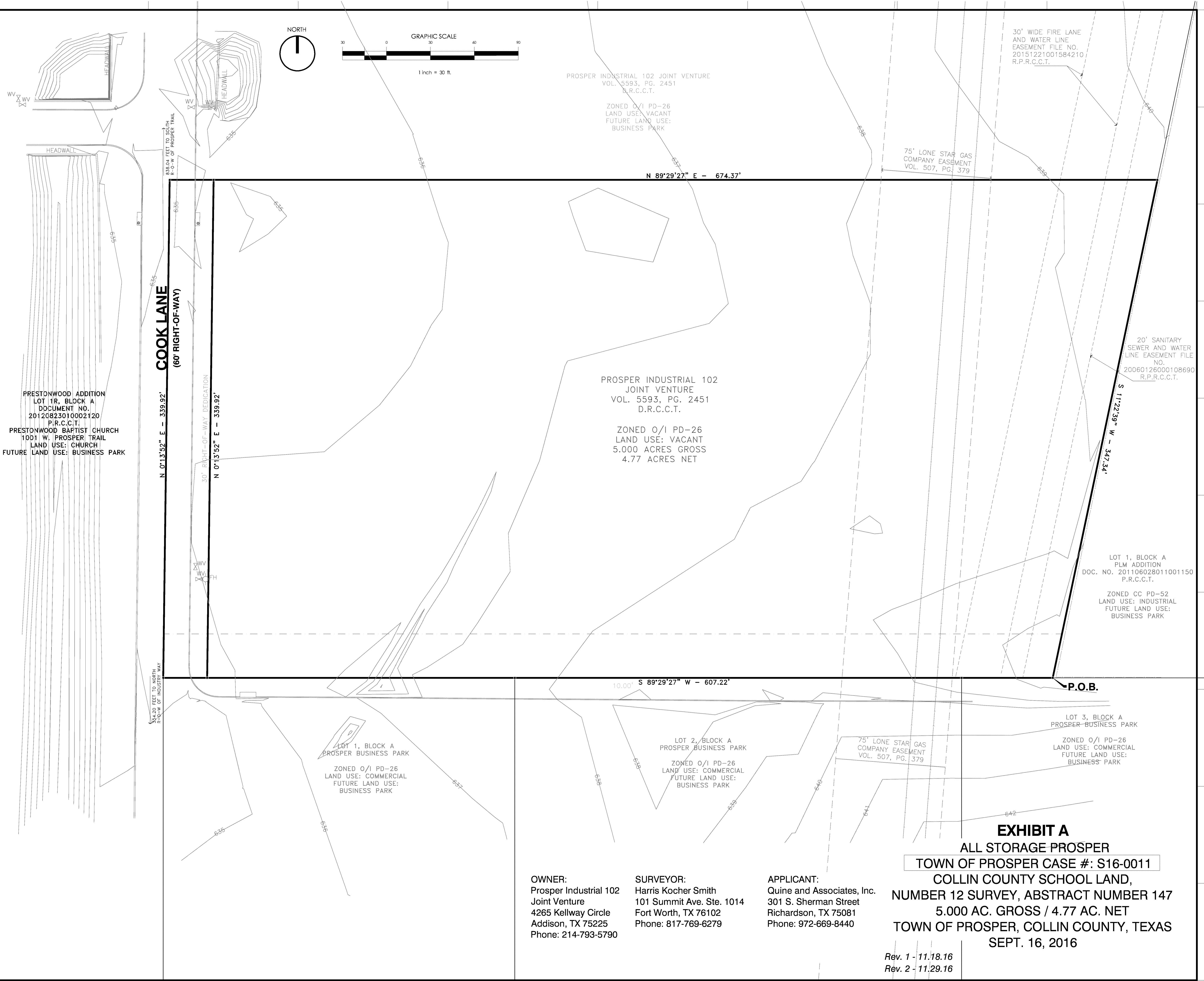


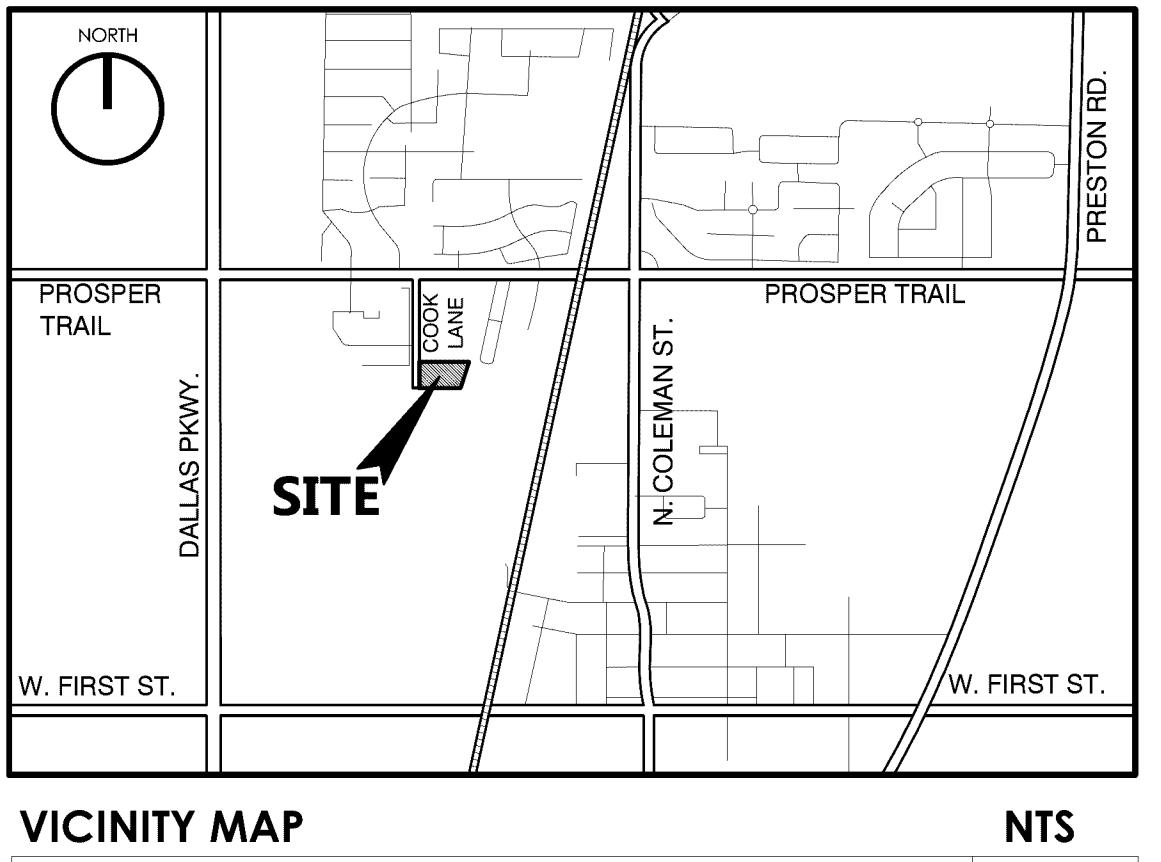
NOTE: NO PORTION OF THIS TRACT LIES WITHIN A 100-YEAR FLOODPLAIN HAZARD AREA ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP NUMBER 48085C0235J WITH EFFECTIVE DATE OF JUNE 2, 2009.



VICINITY MAP

NTS





SITE SUMMARY TABLE	
ZONING:	"O/I - PD 26"
PROPOSED USE:	MINI-WAREHOUSE
LOT AREA (SF/ACRES):	207,602 / 4.765
BUILDING (SF)	201,900 SF
BUILDING HEIGHT (FT)	49'-2"
LOT COVERAGE %	33 %
FLOOR AREA RATIO	.97:1
STORAGE PARKING REQUIRED :	4 PER COMPLEX
PARKING PROVIDED :	22
OFFICE PARKING REQUIRED @ 1 PER 300 SF :	1,265 SF OFFICE - 5 SPACES
OFFICE SPACES PROVIDED :	5
HANDICAP PARKING REQUIRED :	1
HANDICAP SPACES PROVIDED :	4
LANDSCAPING REQUIRED (SF / %)	
LANDSCAPING PROVIDED (SF / %)	68,881 SF
SF IMPERVIOUS SURFACE	71,063 SF

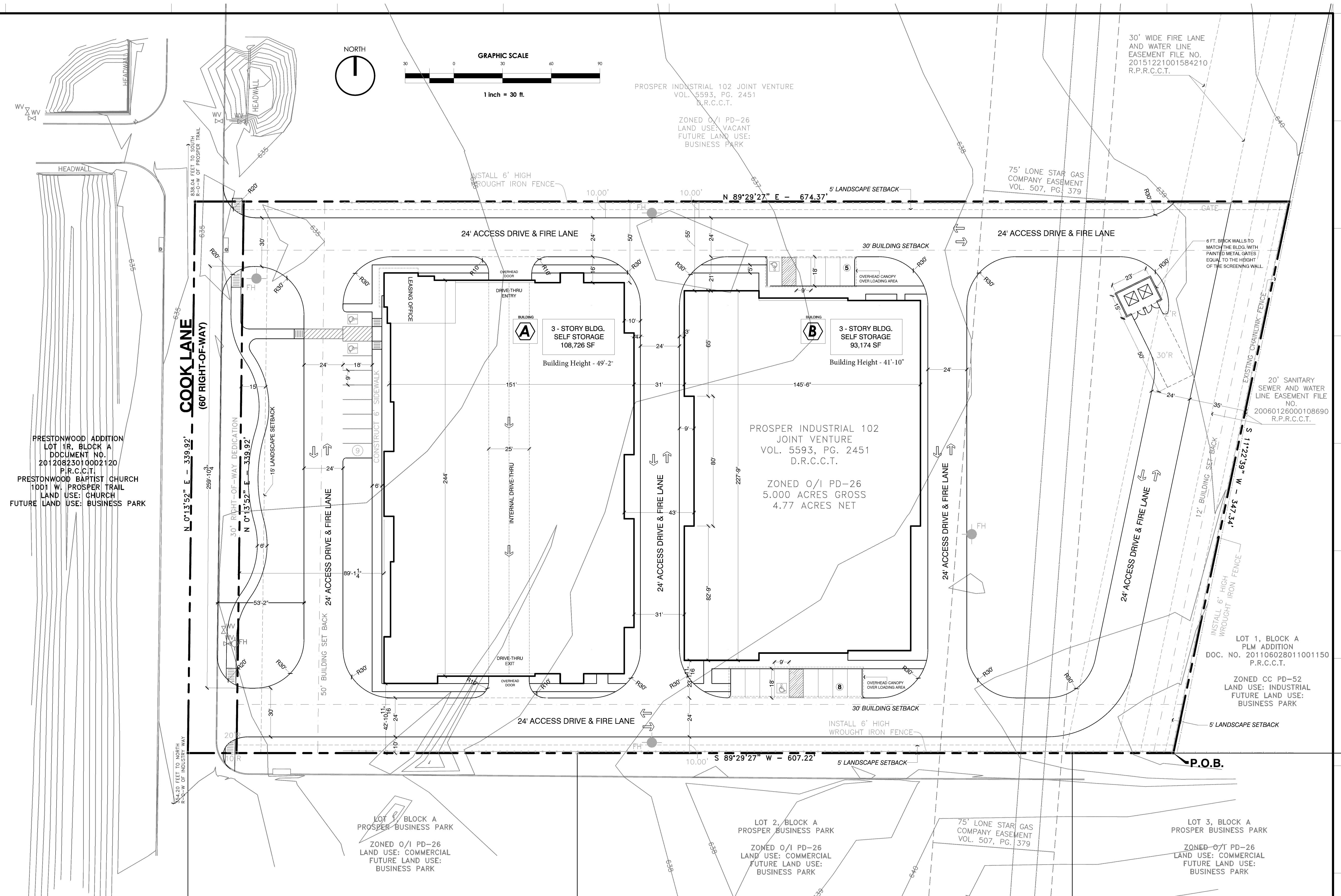
FLOODPLAIN NOTE: NO PORTION OF THIS TRACT LIES WITHIN A 100-YEAR FLOODPLAIN HAZARD AREA ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP NUMBER 48085C0235J WITH EFFECTIVE DATE OF JUNE 2, 2009.

DEVELOPMENT PHASING: DEVELOPMENT IS PROJECTED TO BE COMPLETED IN A SINGLE PHASE.

## 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.

- Dumpsters and trash compactor shall be screened in accordance with 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 with in the Zoning Ordinance and Subdivision Ordinance.
- Landscape 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.
- 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.

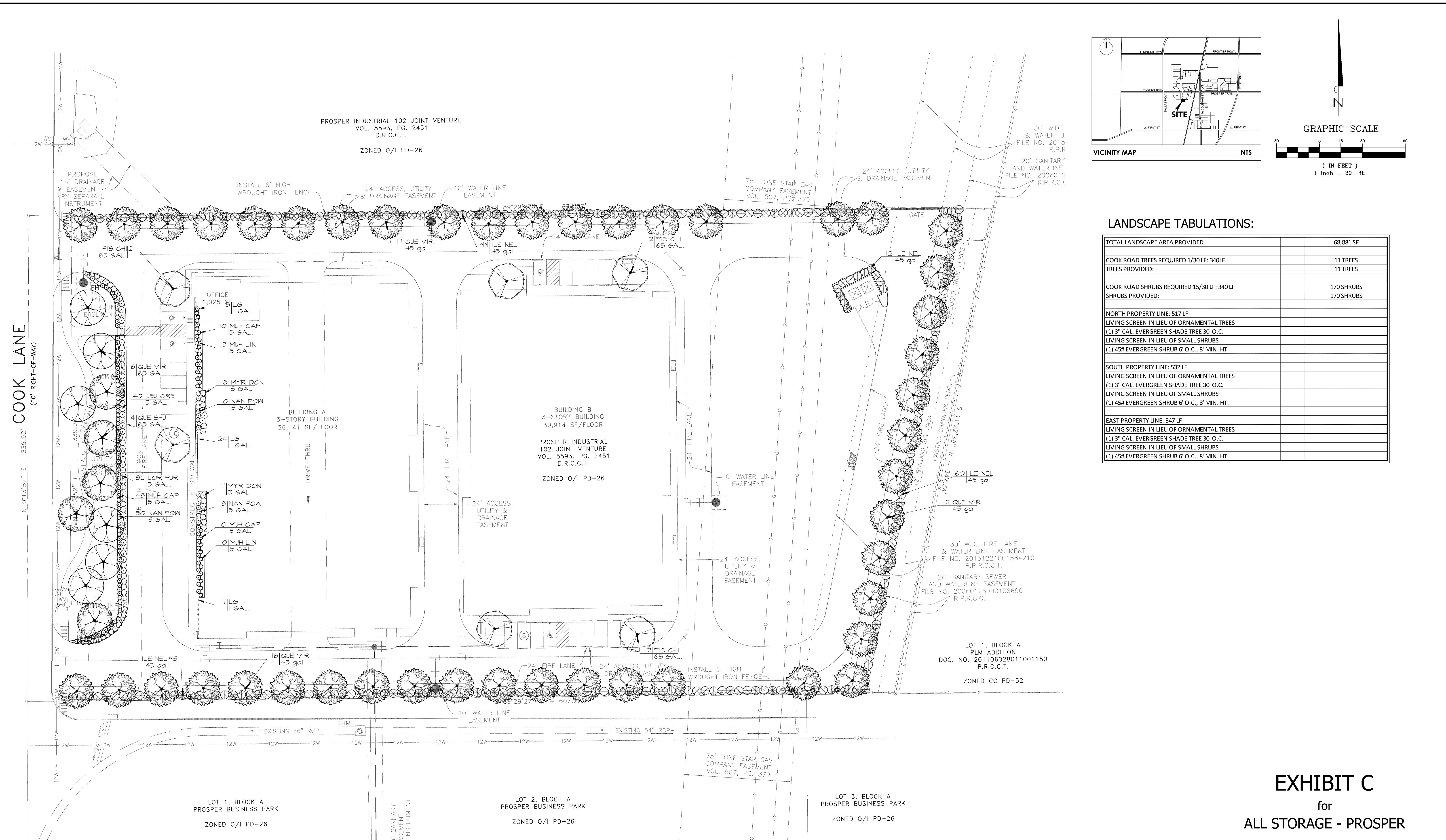


## EXHIBIT B

### ALL STORAGE PROSPER

TOWN OF PROSPER CASE #: S16-0011  
 COLLIN COUNTY SCHOOL LAND,  
 NUMBER 12 SURVEY, ABSTRACT NUMBER 147  
 5.000 AC. GROSS / 4.77 AC. NET  
 TOWN OF PROSPER, COLLIN COUNTY, TEXAS  
 SEPT. 16, 2016

Rev. 1 - 11.18.16  
 Rev. 2 - 11.29.16



# EXHIBIT C

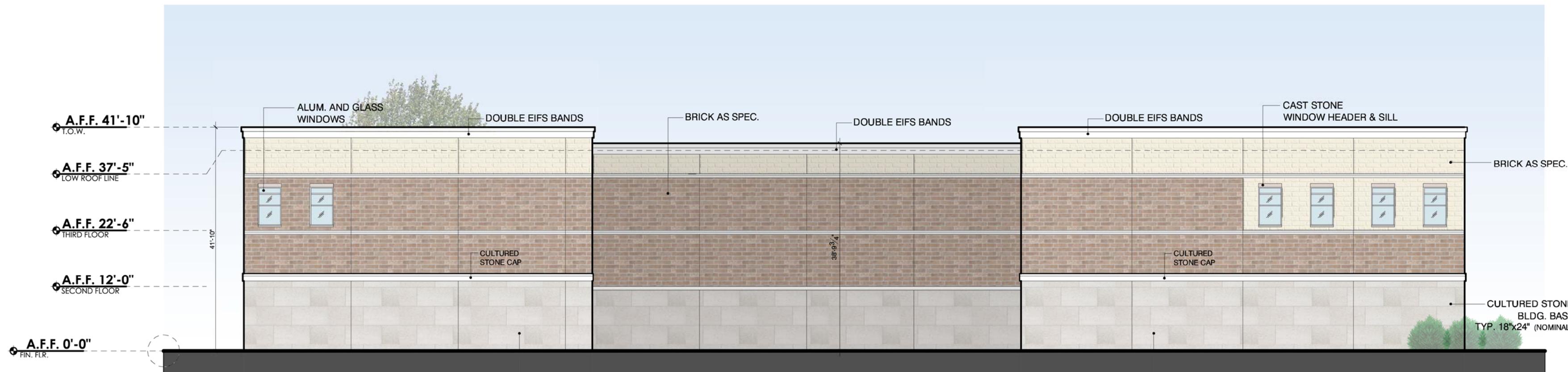
for

## STORAGE - PROSPER

PROSPER INDUSTRIAL  
102 JOINT VENTURE  
VOL.5593, PG. 2451  
D.R.C.C.T.

## PREPARED BY:





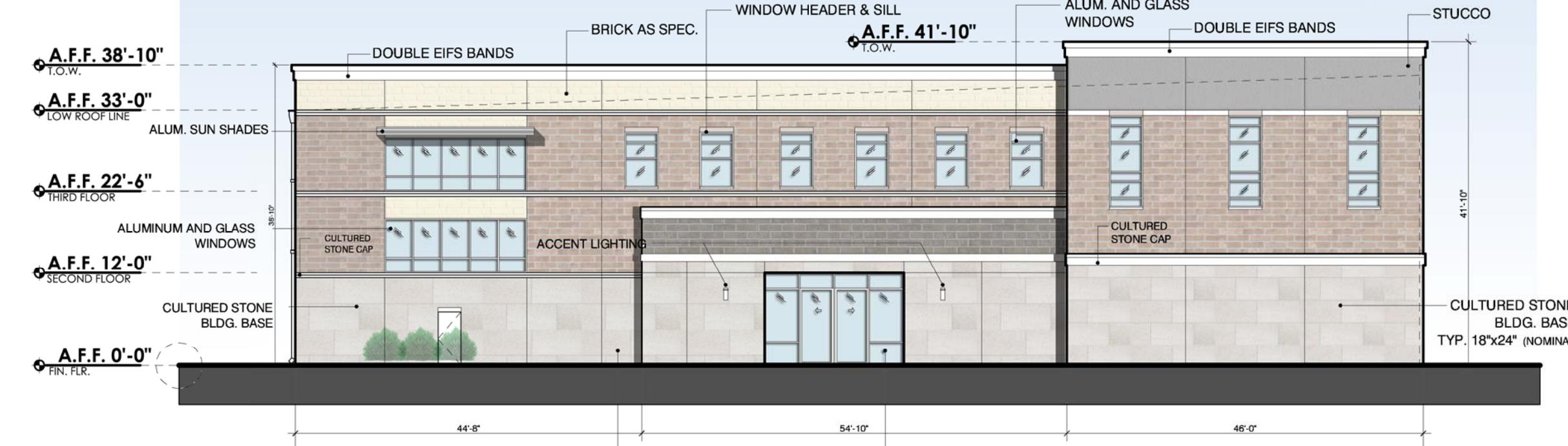
West Elevation Material Percentage

Overall	9,287.63	
Glass / Doors	186.33	
<b>Net</b>	<b>9,101.30</b>	
Brick	5,515.37	60.60%
Stone	3,127.59	34.36%
Stucco	0.00	0.00%
EIFS	458.33	5.04%
Metal	0	0.00%



CONCEPT WEST ELEVATION

SCALE: 1/16" = 1'-0"



North Elevation Material Percentage

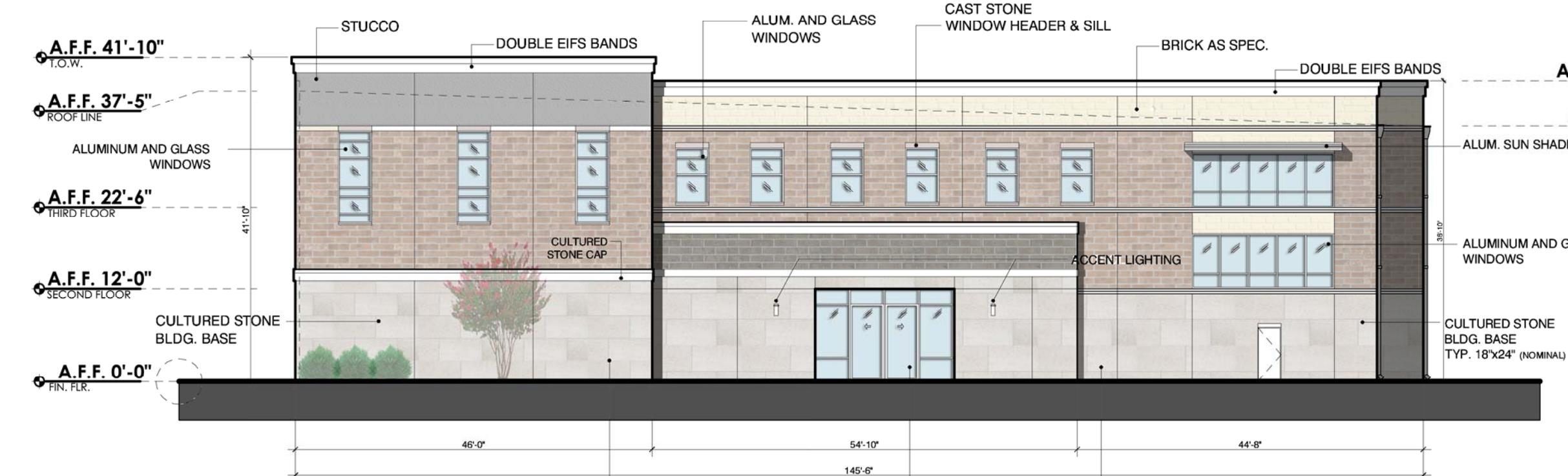
Overall	5,790.75	
Glass / Doors	834.91	
<b>Net</b>	<b>4,955.84</b>	
Brick	2,530.67	51.06%
Stone	1,797.35	36.27%
Stucco	314.33	6.34%
EIFS	293.12	5.91%
Metal	20.33	0.41%

General Notes:

- This Conceptual Elevation is for conceptual purposes only. All building plans require review and approval from the Building Inspection Division.
- All mechanical equipment shall be screened from public view in accordance with the Zoning Ordinance.
- When permitted, exposed utility boxes and conduits shall be painted to match the building.
- Unless otherwise specified, all signage shall be required to meet all Town Sign Regulations.
- Windows shall have a maximum exterior visible reflectivity of ten (10) percent.
- Wall signage shall be prohibited on Building B.
- Gray mortar shall be prohibited.
- Construction shall be 100% masonry.

CONCEPT NORTH ELEVATION

SCALE: 1/16" = 1'-0"

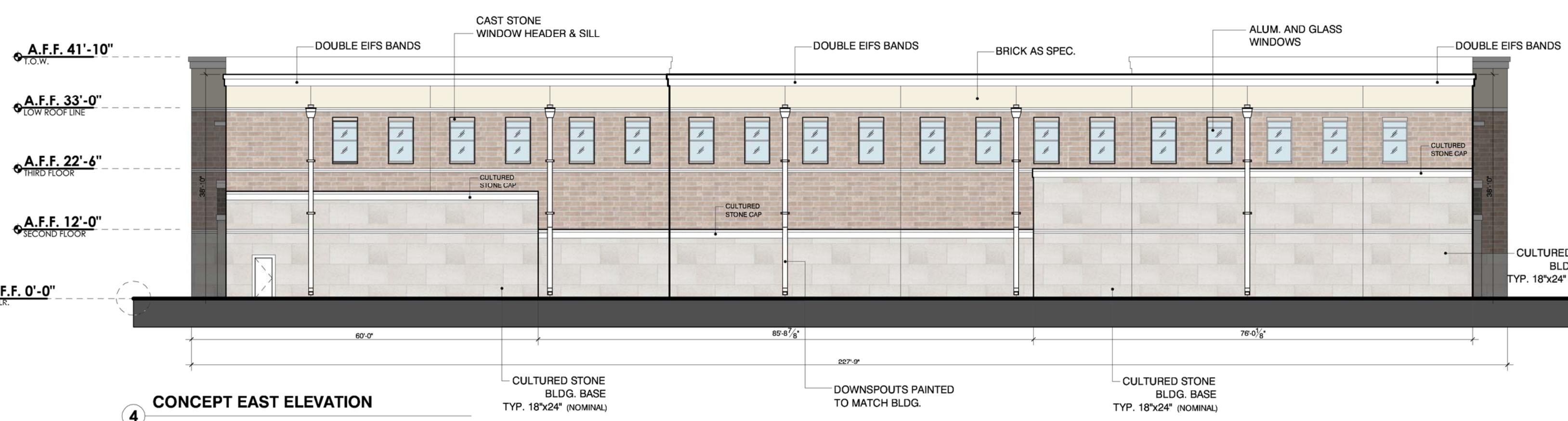


South Elevation Material Percentage

Overall	5,790.75	
Glass / Doors	834.91	
<b>Net</b>	<b>4,955.84</b>	
Brick	2,530.66	51.06%
Stone	1,797.35	36.27%
Stucco	314.33	6.34%
EIFS	293.12	5.91%
Metal	20.33	0.41%

CONTRACT PURCHASER:  
Regional Management Co., Inc.  
82 Armstrong Dr.  
Mustang, OK 76064  
Phone: 405-376-4509  
Fax: 405-376-9568

APPLICANT:  
Quine and Associates, Inc.  
301 S. Sherman Street  
Richardson, TX 75081  
Phone: 972-669-8440



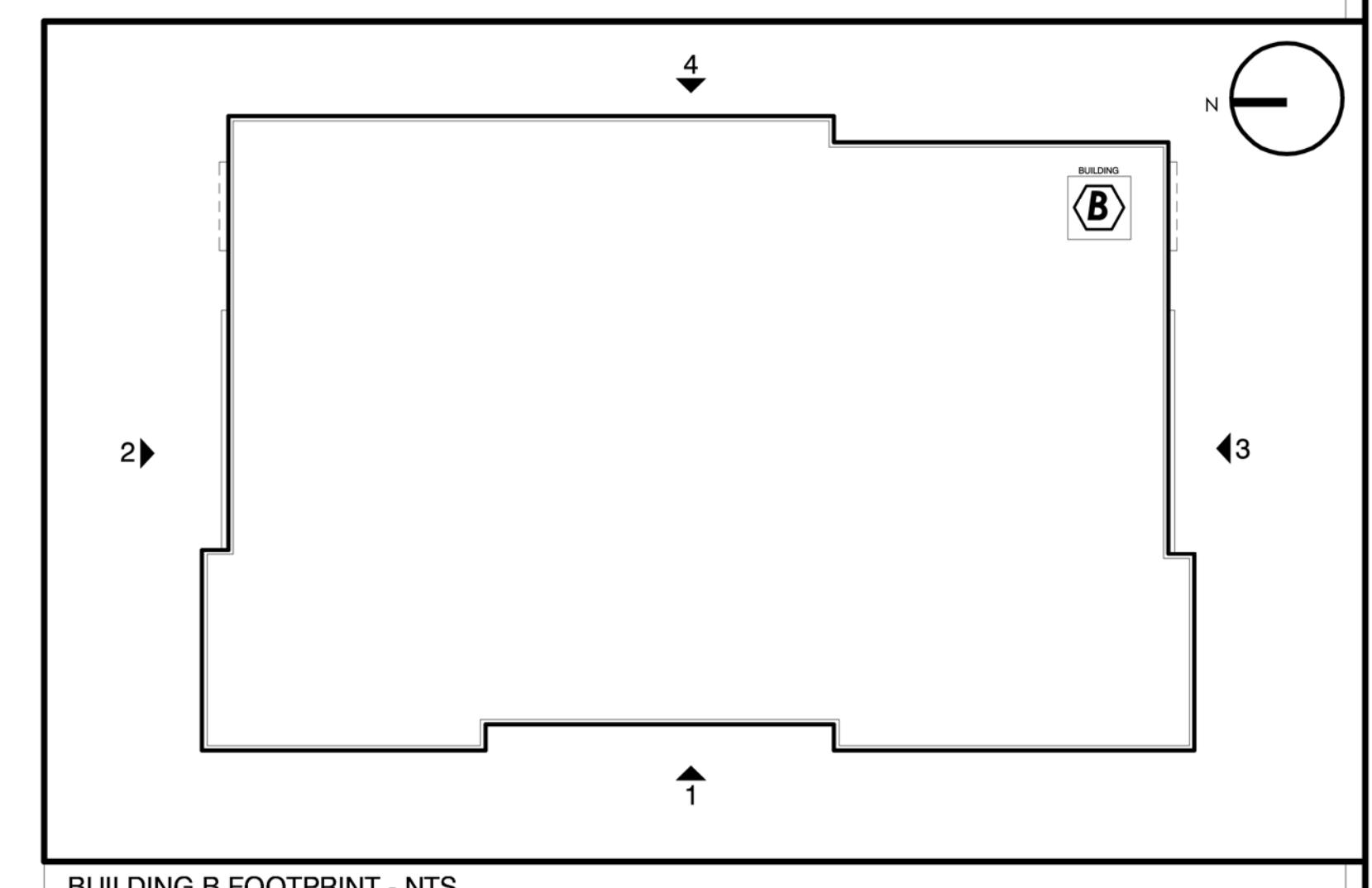
East Elevation Material Percentage

Overall	8,379.73	
Glass / Doors	611.05	
<b>Net</b>	<b>7,768.68</b>	
Brick	3,542.92	45.61%
Stone	3,792.68	48.82%
Stucco	0.00	0.00%
EIFS	432.91	5.57%

TOWN OF PROSPER CASE #: S16-0011  
**EXHIBIT D**  
ALL STORAGE - PROSPER, TX  
ZONING CONCEPT ELEVATION BLDG. B

Date: Oct. 14, 2016

Rev. - 12.27.16  
Rev. - 01.12.17



BUILDING B FOOTPRINT - NTS