

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 06- 77

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 05-20; REZONING A TRACT OF LAND CONSISTING OF 4.832 ACRES, MORE OR LESS, SITUATED IN THE HARRISON JAMISON SURVEY, ABSTRACT NO. 480, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS, HERETOFORE ZONED COMMERCIAL (C) DISTRICT IS HEREBY REZONED TO COMMERCIAL DISTRICT WITH SPECIFIC USE PERMIT (SUP) FOR MINI-WAREHOUSE/PUBLIC STORAGE USES; 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 Mooreland Development Company ("Applicant") to rezone 4.832 acres of land, more or less, situated in the Harrison Jamison Survey No. 12, Abstract No. 480, in the Town of Prosper, Collin 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 property containing 0.161 acre of land, more or less, situated in the Harrison Jamison Survey No. 12, Abstract No. 480, Town of Prosper, Collin County, Texas, (the "Property") and all streets, roads and alleyways contiguous and/or adjacent thereto is hereby rezoned as Commercial (C) District with Specific Use Permit (SUP) for Mini-Warehouse/Public Storage

Uses. The Property is more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes as if set forth verbatim.

All development plans, standards, and uses for the Property within this Specific Use Permit must conform to the Conceptual Development Plan attached hereto as Exhibit "B", which is 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 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.

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 Inspector 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 District shall be sent to all owners of properties within the District as well as all properties within two hundred feet (200') of the District 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 25th DAY OF JULY, 2006.

APPROVED AS TO FORM:

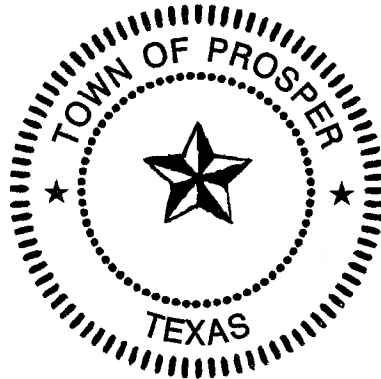


Charles Niswanger, Mayor

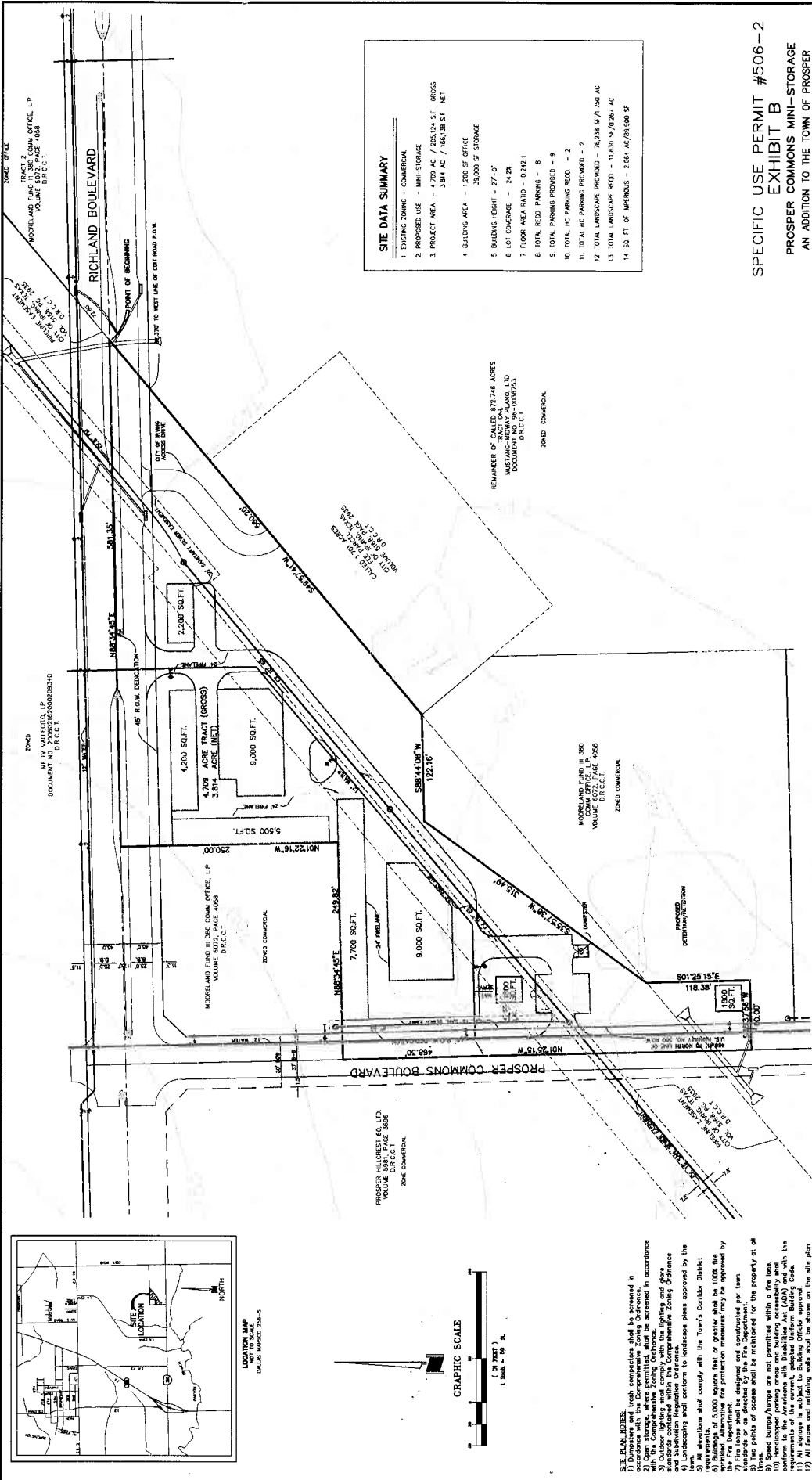
ATTESTED TO AND
CORRECTLY RECORDED BY:



Matthew Denton, Town Secretary



DATE OF PUBLICATION: Aug 1 & AUG 3, 2006, Dallas Morning News – Collin County
Addition



SITE DATA SUMMARY

1. EXISTING ZONING - COMMERCIAL
2. PROPOSED USE - MINI-STORAGE
3. PROJECT AREA - 6,789 AC / 293,124 SF GROSS
3,814 AC / 164,138 SF NET
4. BUILDING AREA - 1,206 SF OFFICE
39,000 SF STORAGE
5. BUILDING HEIGHT - 27'-0"
6. LOT COVERAGE - 24.2%
7. FLOOR AREA RATIO - 0.242:1
8. TOTAL REED PARKING - 8
9. TOTAL PARKING PRODUCED - 9
10. TOTAL HC PARKING PRODUCED - 2
11. TOTAL HC PARKING PRODUCED - 2
12. TOTAL LANDSCAPE PRODUCED - 76,208 SF/7,150 AC
13. TOTAL LANDSCAPE RECD - 11,630 SF/1,027 AC
14. 50 FT. OF IMPERVIOUS - 2,884 AC/255,000 SF

**SPECIFIC USE PERMIT #506-2
EXHIBIT B**

PROSPER COMMONS MINI-STORAGE
AN ADDITION TO THE TOWN OF PROSPER
H. JAMISON SURVEY ABSTRACT NO.480
COLLIN COUNTY, TEXAS

APRIL 21, 2006 SCALE: 1" = 50'

REVISED: JUNE 29, 2006

OWNER/DEVELOPER
MOORELAND FUND III 3RD COMM OFFICE, L.P.
4516 Lower Loop Suite 350
Dallas, Texas TX 75244
(972) 599-0852 FAX (972) 599-0856

ENGINEER/SURVEYOR
COMBINE ANDERSON AND ASSOCIATES, INC.
5025 W. Oldham Drive
Plano, Texas 75093 972-831-0894

MO 05128-SUP

REMAINDER OF CALLED 872.746 ACRES
TRACT ONE HAWK LID
MUSTANG COUNTY, TEXAS
DOCUMENT NO. 96-0038753
D.R.C.C.T.

ZONED COMMERCIAL

MOORELAND FUND III 3RD
COMM OFFICE, L.P.
VOLUME 8072, PAGE 4056
D.R.C.C.T.

ZONED COMMERCIAL

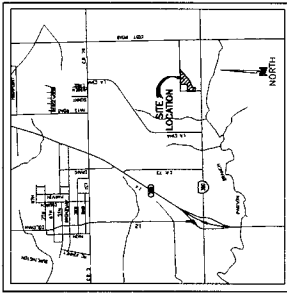
PROSPER HILLCREST 60, LTD.
VOLUME 8072, PAGE 3056
D.R.C.C.T.

ZONED COMMERCIAL

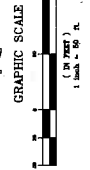
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D.R.C.C.T.

3RD COMM OFFICE
MOORELAND FUND III 3RD COMM OFFICE, L.P.
VOLUME 8072, PAGE 4056
D.R.C.C.T.

ZONED COMMERCIAL



LOCATION MAP
DATE: 04/20/06



- SEE PLAN NOTES**
- 1) The site plan shall be screened in accordance with the Comprehensive Zoning Ordinance, with the Comprehensive Zoning Ordinance.
 - 2) Outdoor lighting shall comply with the lighting and glare requirements of the current City of Prosper Ordinance and Subdivision Regulation Ordinance.
 - 3) Landscaping shall conform to landscape plans approved by the town.
 - 4) All elevations shall comply with the Town's Corridor District Ordinance.
 - 5) Buildings of 5,000 square feet or greater shall be 100% fire protected in accordance with the Fire Department.
 - 6) The fire protection measures may be approved by the Fire Department.
 - 7) The fire alarm shall be designed and constructed per town.
 - 8) The fire alarm shall be maintained for the property at all times.
 - 9) Signs, banners, awnings are not permitted within a five foot setback from the street.
 - 10) Handicapped parking area and building accessibility shall comply with the current City of Prosper Ordinance and Subdivision Regulation Ordinance.
 - 11) All signage is subject to Building Official approval and shall be subject to Building Official approval.
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 - 13) Signs of not less than four (4) feet in width and barrier height shall be provided for all entrances to the site.
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 - 15) Approved of the site plan is not final until all engineering plans are submitted to the town.
 - 16) Site plan approval is required prior to grading, rebase, or other earthwork.
 - 17) Electrical lines shall be installed and/or relocated underground.
 - 18) No 100' V. Floodplain exists on this site.

- NOTES:**
1. THE FLOODPLAIN ALIGNMENT COLUMN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DOES NOT SET THE ALIGNMENT. THE ALIGNMENT IS DETERMINED AT TIME OF FINAL PLAN.
 2. NO 100'-YEAR FLOODPLAIN EXISTS ON THIS SITE.