

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 05-20 AND ORDINANCE NO. 12-24; REZONING A TRACT OF LAND CONSISTING OF 6.60 ACRES, MORE OR LESS, SITUATED IN THE GEORGE HORN SURVEY, ABSTRACT NO. 412, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS, HERETOFORE ZONED PLANNED DEVELOPMENT-57-OFFICE (PD-57-O) IS HEREBY AMENDED; 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 Grace Academy of North Texas ("Applicant") to rezone 6.60 acres of land, more or less, situated in the George Horn Survey, Abstract No. 412, 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 Nos. 05-20 and 12-24. Zoning Ordinance No. 05-20 and No. 12-24 is amended as follows: The zoning designation of the property containing 6.60 acres of land, more or less, situated in the George Horn Survey, Abstract No. 412, in the Town of Prosper, Collin County, Texas, (the "Property") and all streets, roads and alleyways contiguous and/or adjacent thereto is hereby amended as Planned Development-57-Office (PD-57-O). The Property as a whole and for this zoning classification is 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 concept plan, attached hereto as Exhibit "D", 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 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.

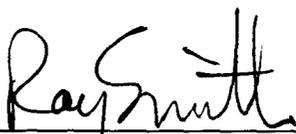
SECTION 7

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, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 25TH DAY OF FEBRUARY, 2014.



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:



Terrence S. Welch, Town Attorney

EXHIBIT 'B'
PLANNED DEVELOPMENT
STATEMENT OF INTENT
6.6 Acres, 4255 Prosper Trail
TOWN OF PROSPER, TX

The intent of this Revision to the existing Planned Development Zoning (PD 57) currently in place for this property is to allow for temporary buildings on a portion of the property, owned by Collin County Lighthouse Christian Fellowship.

The change affects the 6.6 acre tract described in the Exhibit 'A' of this PD Zoning Request and allows for Temporary Buildings in the approximate location shown on Exhibit 'D' of this PD Zoning Request. The Permitted Use of Temporary Buildings would be allowed for a term of three (3) years from the date of Certificate of Occupancy of the first building, and would allow for an extension of One (1) year, one time prior to expiration of the permitted use.

EXHIBIT 'C'

PLANNED DEVELOPMENT STANDARDS

6.6 Acres, 4255 Prosper Trail Town of Prosper, Texas Planned Development-57 Amendment

Except as otherwise set forth in the development standards below, the property, as described in Exhibit A, shall develop under Ordinance No. 12-24 (PD-57).

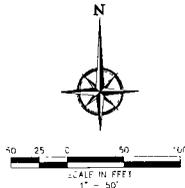
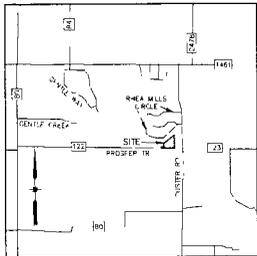
1.0 Permitted Uses

- Permitted uses listed in Ordinance Number 12-24 (PD-57)
- Temporary Buildings, subject to the conditions below:
 - A. The temporary buildings shall be located north of the main buildings, as conceptually shown on Exhibit D.
 - B. A permit to erect a temporary building may be issued for an initial period of three (3) years provided the applicant submits:
 - 1) an application with documented evidence of an immediate need for space to the Building Official, who shall evaluate each application for a temporary building based on the following criteria:
 - a) capacity of the existing permanent building(s), which is located or planned to be located on the same property for which the temporary building permit is being sought, compared to the enrollment, employment, and/or number of people attending the existing permanent building(s) at one time;
 - b) total enrollment, employment, and/or membership size;
 - c) documentation of growth records depicting the number of people in the congregation, school and/or office;
 - d) whether the facility is a start-up or new facility;
 - e) indication of alternative options that were explored before a temporary building application was considered;
 - f) acts of nature; and/or
 - g) any other evidence which is reasonably related to the immediate need for additional space;
 - 2) A letter describing the applicant's plan for providing for a permanent solution to the immediate need for a new temporary building(s) showing the permanent building(s); and

- 3) a site plan for the temporary building(s) to the Planning Department, which is subject to the review and approval of the Planning & Zoning Commission
- C. The temporary building(s) shall be removed within thirty (30) days of the date:
- 1) a Certificate of Occupancy is issued for the permanent building; or
 - 2) the permit for the temporary building expires, whichever occurs first.
- D. A request for a one (1) year extension of the temporary building permit may be granted by the Planning & Zoning Commission provided the applicant:
- 1) has an approved and valid preliminary site plan for the permanent building(s) and an approved and valid site plan for the temporary building(s);
 - 2) has a specific plan of how an additional year would allow the applicant to construct the permanent building(s) by providing:
 - a) evidence of numeric growth, beyond that which was specifically anticipated by the applicant;
 - b) membership, enrollment, and/or employment growth records;
 - c) evidence that alternative options were explored before an extension of the temporary building permit was requested; and
 - d) any other criteria reasonably deemed appropriate by the Planning & Zoning Commission.
- E. The applicant may challenge a decision of the Building Official or Planning & Zoning Commission, by appealing, in writing, to the Town Council within fourteen (14) days of a decision of the Building Official or the Planning & Zoning Commission. The Town Council's decision is final.

2.0 Landscaping

- A. Landscaping shall be located between the temporary buildings and the Rhea Mills subdivision, as conceptually shown on Exhibit D, and shall consist of one (1) small evergreen tree and one (1) five (5) gallon evergreen shrub planted every fifteen (15) linear feet.



- LEGEND
- 1/2" IRB 1/2" IRON ROD SET WITH LAT STAMPED "GENTON AREA"
 - IRB IRON ROD FOUND
 - DRPCT NEPT DEPT/BOE C/IN COLLIN COUNTY, TEXAS
 - PRCCT PLAT RECORDS COLLIN COUNTY, TEXAS
 - FLAKE FIRE LANE, UTILITY & ACCESS EASEMENT
 - WLE WATERLINE EASEMENT
 - SSE SANITARY SEWER EASEMENT

ZONED: SF-15

BLOCK A
MHEA WILLS ESTATES
(TAB. 2, PG. 95)
PRCCT

ZONED: A

CALLED 5.718 AC
JAMES W. ZOLLER &
JANE C. ZOLLER
(VOL. 3608 PG. 4922)
URCCT

**EXISTING ZONING: PD-57
PROPOSED ZONING: PD**

287,514 SQ. FT.
6.600 ACRES

ZONED: PD-57

LOT 1, BLOCK A
LIGHTHOUSE CHURCH ADDITION
(TAB. 200, PG. 142)
PRCCT

ZONED: A

CALLED 10.3028 AC
PAUL D. GENTON & LINDA P. GENTON
(VOL. 3042 PG. 628)
PRCCT

ZONED: A

CALLED 7.78 AC
CHARLES BRANT
(VOL. 3000 PG. 4400)
URCCT

ZONED: PD-49

LOT 1, BLOCK A
CYPRESS ELEMENTARY
(TAB. 207 PG. 27)

ZONED: PD-49

UNIT 1, BLOCK 4
K&B (TAB. 102 PG. 68)
PRCCT

FLOODPLAIN NOTE
By graphical plotting, the parcel described hereon does not lie within a Special Flood Hazard Area (SFHA) as delineated on the Collin County Texas and Incorporated Areas, Flood Insurance Rate Map, Form Number 48060C0255, dated June 2, 2009, as published by the Federal Emergency Management Agency. The Surveyor utilized the above referenced flood plain information for this determination and the Surveyor does not certify that revised flood plain information has or has not been published by the Federal Emergency Management Agency or some other source.

EXHIBIT "D"
OF
6.60 ACRES
SITUATED IN THE

GEORGE HORN SURVEY, ABST. NO. 412
CITY OF PROSPER, COLLIN COUNTY, TEXAS

ENGINEERING CONCEPTS & DESIGN, L.P.
ENGINEERING/PROJECT MANAGEMENT/CONSTRUCTION SERVICES
TEXAS FORM REG. NO. 001145
201 WINDCO CIRCLE, SUITE 200 WYLLIE, TX 75098
(972) 941-8400 FAX (972) 941-8401

**COLLIN COUNTY LIGHTHOUSE
CHRISTIAN FELLOWSHIP INC.**
4255 PROSPER ROAD
PROSPER, TX 75078
(972) 582-2500
FAX (214) 544-6989

APPLICANT
GRACE ACADEMY OF NORTH TEXAS
1225 PROSPER ROAD
PROSPER, TX 75078
(489) 26-7111
FAX (972) 632-1128

LAND SURVEYOR
CRIFPHITH SURVEYING CO., LLC
605 AVENUE B, SUITE 110
LONGVIEW, TX 75702
(903) 295-1560
FAX (903) 295-1270