

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE BY GRANTING A SPECIFIC USE PERMIT (SUP) FOR A DAY CARE CENTER LOCATED ON A TRACT OF LAND CONSISTING OF 5.27 ACRES, MORE OR LESS, SITUATED IN THE JOHN MORTON SURVEY, ABSTRACT NUMBER 793, IN THE TOWN OF PROSPER, DENTON 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 Zoning Ordinance should be amended; and

**WHEREAS**, the Town of Prosper, Texas ("Prosper") has received a request from the North Texas Conference of the United Methodist Church ("Applicant") for a Specific Use Permit (SUP) for a Day Care Center, located on a tract of land consisting of 5.27 acres of land, more or less, in the John Morton Survey, Abstract Number 793, in the Town of Prosper, Denton 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 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**

Specific Use Permit Granted. The Town's Zoning Ordinance is amended as follows: Applicant is granted a Specific Use Permit (SUP) for a Day Care Center, located on a tract of land consisting of 5.27 acres of land, more or less, in the John Morton Survey, Abstract Number 793, in the Town of Prosper, Denton 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 the conceptual development plans, attached hereto as Exhibit "B," Exhibit "C," and Exhibit "D," which are incorporated herein for all purposes as if set forth verbatim.

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 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 publication as required by law.

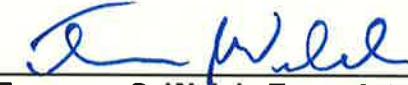
**DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 9TH DAY OF AUGUST, 2022.**

  
Jeff Hodges, Mayor Pro-Tem

ATTEST:

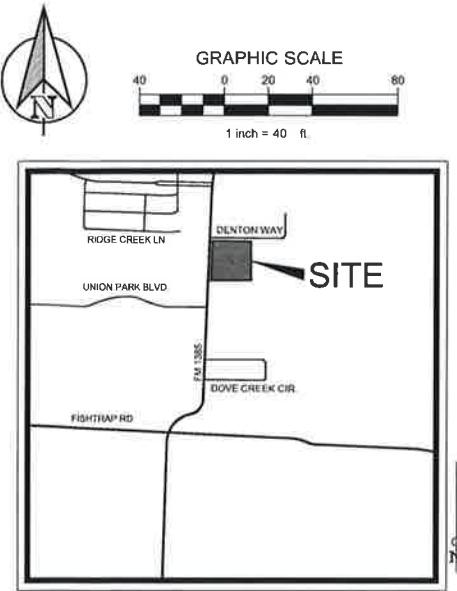
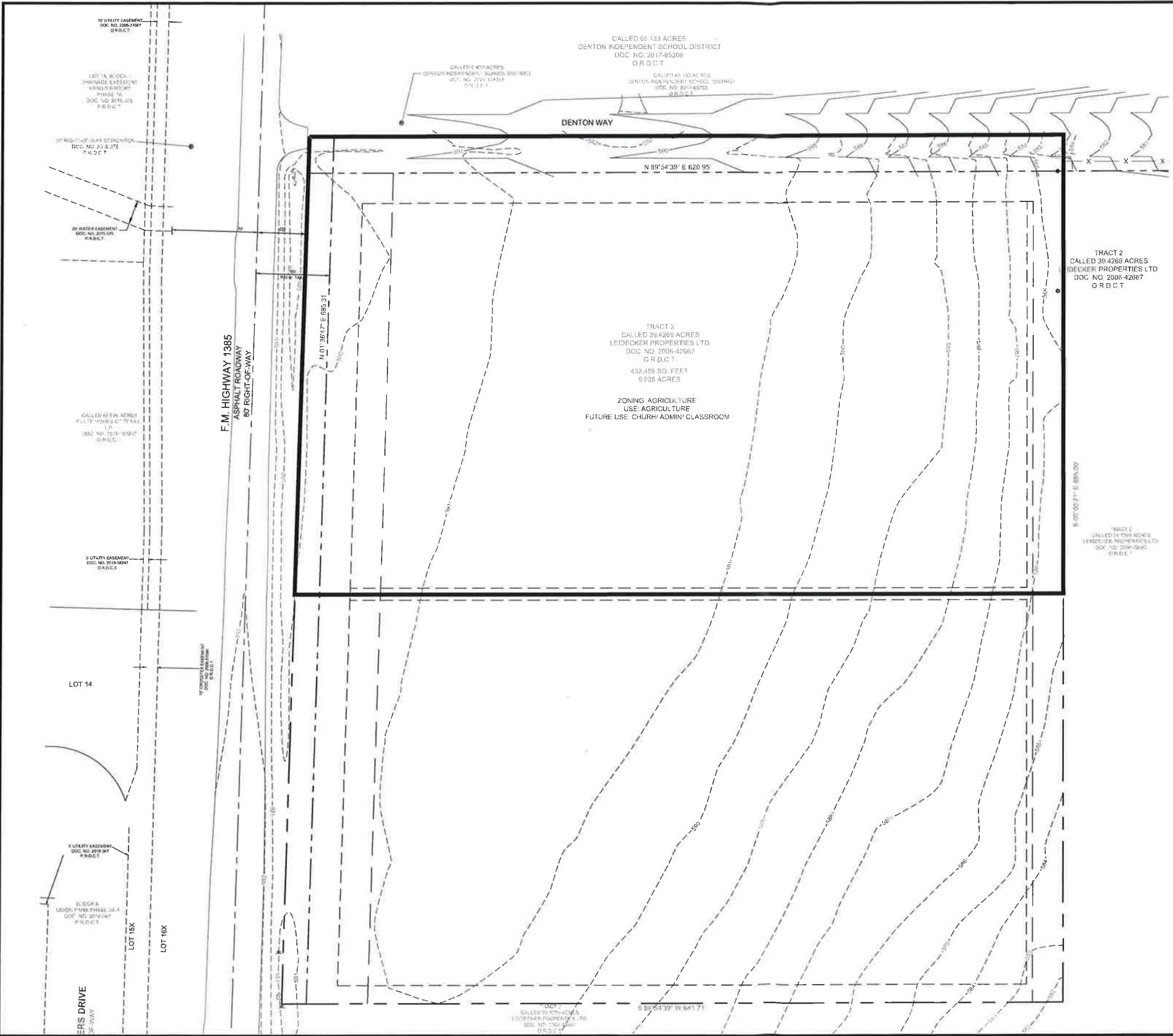
  
Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

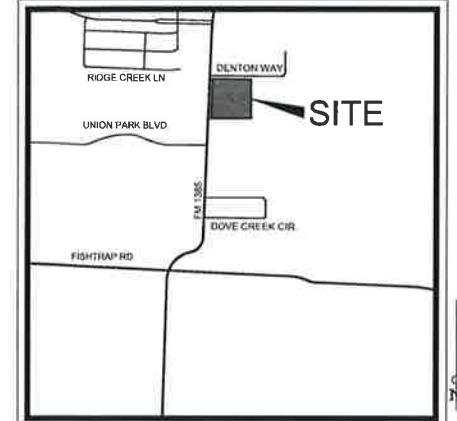
  
Terrence S. Welch, Town Attorney



PLOTTED BY: MARK TORRES  
PLOT DATE: 5/23/2022 5:18 PM  
LOCATION: Z:\\PROJECTS\\2020-064 GRACE CHAPEL PROSPER\\CADD\\EXHIBIT\\EXHIBIT A.DWG  
LAST SAVED: 5/16/2022 2:03 PM



**VICINITY MAP**  
N.T.S.



**VICINITY MAP**  
N.T.S.

PRELIMINARY  
FOR REVIEW ONLY  
Not for construction purposes.  
CLAYMORE ENGINEERING  
ENGINEERING AND PLANNING  
CONSULTANTS  
Drew Donosky  
E.I.D. 123881, Date 5/23/2022

**GRACE CHAPEL PROSPER  
FM 1385 & DENTON WAY  
PROSPER, TX**

**EXHIBIT A**

**GRACE CHAPEL PROSPER**

SIGN: MCK  
AWN: MCK  
ECKED: ASD  
TE: 4/12/2022  
SHEET  
**EXH-A**

Being a 5.27 acre tract of land out of the John Morton Survey, Abstract Number 793, situated in the Town of Prosper, Denton County, Texas, and being a portion of a called 10.35 acre tract of land conveyed to Trustees Of The North Texas Conference Of The United Methodist Church by deed of record in Document Number 2020-131951 of the Official Records of Denton County, Texas and being more particularly described by metes and bounds as follows:

**BEGINNING**, at a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" found in the East right-of-way line of Farm-To-Market Road No. 1385, being the Southwest corner of said 10.35 acre tract;

**THENCE**, N01°38'47"E, along the East right-of-way line of Farm-To-Market Road No. 1385, being the common West line of said 10.35 acre tract, a distance of 685.31 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set at the intersection of the East right-of-way line of Farm-To-Market Road No. 1385 and South margin of Noles Road, being the Southwest corner of a called 0.427 acre tract of land conveyed to Denton Independent School District by deed of record in Document Number 2021-174358 of said Official Records;

**THENCE**, N89°54'39"E, along the South line of said 0.427 acre tract and the South margin of Noles Road, a distance of 620.95 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set at the Southeast corner of said 0.427 acre tract, being the Southwest corner of a called Tract 2 – 0.070 acre tract of land conveyed to Denton Independent School District by deed of record in Document Number 2021-114016 of said Official Records;

**THENCE**, S00°05'21"E, leaving the South margin of Noles Road, along the East line of said 10.35 acre tract, a distance of 347.93 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set, from which a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" found at the Southeast corner of said 10.35 acre tract bears S00°05'21"E, a distance of 337.07 feet;

**THENCE**, over and across said 10.35 acre tract, the following two (2) courses and distances:

1. **WEST**, a distance of 596.30 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set;
2. S01°33'47"W, a distance of 338.14 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set in the South line of said 10.35 acre tract;

**THENCE**, S89°54'39"W, along the South line of said 10.35 acre tract, a distance of 35.65 feet to the **POINT OF BEGINNING**, and containing an area of 5.27 acres (229,540 square feet) of land, more or less.

PLOTTED BY: MARK TORRES  
PLOT DATE: 5/23/2022 5:18 PM  
LOCATION: Z:\\PROJECTS\\2020-064 GRACE CHAPEL PROSPER\\CAD\\SHEETS\\SUP - SITE PLAN.DWG  
LAST SAVED: 5/16/2022 2:02 PM

**TOWN OF PROSPER SITE PLAN GENERAL NOTES:**

DEVELOPMENT PLAN REVIEW GUIDELINES

1. THE BUILDING HEIGHT, WIDTH, LENGTH AND SQUARE FOOTAGE SHALL BE PROVIDED FOR ALL STRUCTURES ON THE DRAWING
2. THE CLASSIFICATION OF EACH BUILDING SHALL BE IDENTIFIED IN THE DRAWING
3. FIRE LANES SHALL BE PROVIDED ACCORDING TO THE PROPERTY SPACED NO LESS THAN 140 FEET APART. AMENDMENT 503.1.4
4. FIRE LANES SHALL BE PROVIDED WITHIN 150 FEET OF ALL EXTERIOR WALLS OF ANY BUILDING FOR HOSE LAY REQUIREMENTS. AMENDMENT 503.1.4
5. THE FIRE LANE SHALL BE A MINIMUM OF 24 FEET WIDE. AMENDMENT 503.2.1
6. BUILDINGS MORE THAN 30 FEET IN HEIGHT ARE REQUIRED TO HAVE A MINIMUM OF A 26-FOOT WIDE FIRE LANE IN THE IMMEDIATE VICINITY FOR FIREFIGHTING OPERATIONS. AMENDMENT 503.2.1
7. THE INSIDE TURNING RADIUS OF THE 24-FOOT FIRE LANE SHALL BE A MINIMUM OF 30 FEET. AMENDMENT 503.2.4
8. THE INSIDE TURNING RADIUS OF THE 26-FOOT FIRE LANE SHALL BE A MINIMUM OF 30 FEET. AMENDMENT 503.2.4
9. DEAD END LANE ACCESS SHALL BE PROVIDED WITHIN 150 FEET OF THE PROPERTY LINE. AMENDMENT 503.2.4
10. DEAD END LANE ACCESS SHALL BE PROVIDED AT THE ENTRANCES AND INTERCTIONS. AMENDMENT 503.5.1
11. AS PROPERTIES DEVELOP, FIRE HYDRANTS SHALL BE LOCATED AT ALL INTERSECTING STREETS, AND THE MAXIMUM SPACING SHALL BE EVERY 300 FEET (300') FOR ALL DEVELOPMENTS AND FACILITIES OTHER THAN R3-R3 DEVELOPMENTS SHALL BE EVERY 500 FEET (500') DISTANCES BETWEEN HYDRANTS SHALL BE MEASURED ALONG THE ROUTE THAT FIRE HOSE IS LAID BY A FIRE APPARATUS FROM A HYDRANT-TO-A HYDRANT, NOT AS THE "CROW FLIES" AMENDMENT 503.7.3
12. FIRE DEPARTMENT CONNECTION (FDC) FOR THE FIRE SPRINKLER SYSTEM SHALL BE LOCATED WITHIN 50 FEET OF A FIRE HYDRANT AND 50 FEET OF A FIRE LANE 5' STORZ, 30-DEGREE DOWNWARD TURN WITH LOCKING CAP. AMENDMENT 507.5.1
13. FIRE HYDRANTS SHALL BE LOCATED 2 FOOT (2') BACK FROM THE CURB OR FIRE LANE AND SHALL NOT BE LOCATED IN THE BULB OF A CUL-DE-SAC. AMENDMENT 507.5.1
14. THERE SHALL BE A MINIMUM OF TWO (2) FIRE HYDRANTS SERVING EACH PROPERTY WITHIN THE PRESCRIBED DISTANCES LISTED ABOVE. A MINIMUM OF ONE FIRE HYDRANT SHALL BE LOCATED ON EACH LOT. AMENDMENT 507.5.1
15. A MINIMUM 10-FOOT UNOBSTRUCTED WIDTH SHALL BE PROVIDED AROUND A BUILDING FOR ADEQUATE FIRE DEPARTMENT ACCESS. A CONTINUOUS ROW OF PARKING AND LANDSCAPING SHALL BE CONSIDERED A BARRIER. AMENDMENT 503.1.1

WHILE THERE IS AN ARRAY OF BENEFITS TO EMERGENCY RESCUE AND FIREFIGHTING TACTICS, THE FOLLOWING ARE A FEW BASIC SCENARIOS TO EXPLAIN THE RATIONALE:

1. LADDER ANGLE IN THE EVENT OF EMERGENCY RESCUE
2. LADDER ANGLE IN THE EVENT OF ROOF VENTILATION
3. STAGING OF RESCUE PERSONNEL AND EQUIPMENT OF THE FIRST ARRIVING OFFICER. THIS ALLOWS FIREFIGHTERS TO SIZE UP THE DANGER(S) TO DETERMINE IF ADDITIONAL APPARATUS AND AID WILL BE NEEDED
4. HOSE LAY MANEUVERABILITY IN THE EVENT OF A HOSE ATTACK. FIREFIGHTERS MUST PULL HOSE OUT WHEN A BUILDING IS ON FIRE
5. STAGING RESCUE EQUIPMENT AND VENTILATION FANS, TOOLS. THE MANEUVERABILITY OF EMS EQUIPMENT, AND SO FORTH

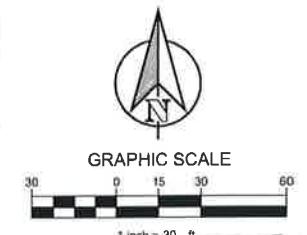
16. AN AUTOMATIC FIRE SPRINKLER SYSTEM WILL BE REQUIRED FOR THE PROPOSED BUILDINGS IF THE SQUARE FOOTAGE EXCEEDS 5,000 SQUARE FEET TO THE Drip LINE ON EACH LOT OR THE OCCUPANT LOAD WITHIN THE ASSEMBLY OCCUPANCY EXCEEDS 100 PEOPLE. AMENDMENT 503.2.11.9

### SITE SUMMARY TABLE:

BLOCK	LOT	ZONING	PROPOSED USED	LOT AREA		BUILDING AREA	MAX BUILDING HEIGHT (FT)	COVERAGE (%)	FLOOR AREA RATIO	PARKING REQUIRED	ADA PARKING REQUIRED	ADA PARKING PROVIDED	INTERIOR LANDSCAPE REQUIRED (SF)	INTERIOR LANDSCAPE PROVIDED (SF)	IMPERVIOUS AREA (SF)	OPEN SPACE REQUIRED (%)	OPEN SPACE PROVIDED (SF)	
				(SF)	(AC)													
A	1	A - AGRICULTURE	CHURCH/ADMIN /CLASSROOM	236,172	5.422	19,403	1 STORY - 25'11"	8.22	12.16:1	130	137	5	5	(15 SF PER SPACE) 2,145	3,490	120,409	(7% OF LOT AREA) 16,532	115,768
				Total		236,172		8.22		130	137	5	5	2,145	3,490	120,409	16,532	115,768

PARKING SUMMARY	
PARKING REQUIRED	
CHURCH = 300 / 3 SEATS = 100	130 SPACES
CLASSROOM = 6*1.5 = 9	
ADMIN/DAYCARE = 21	
CHILDREN = 142	
PARKING PROVIDED	137 SPACES
ADA REQUIRED	5 SPACES
ADA PROVIDED	5 SPACES

PLAYGROUND SUMMARY	
PLAYGROUND AREA REQUIRED = 65 SF / KID = 142 KIDS * 65 SF	9,230 SF
PLAYGROUND AREA PROVIDED	9,430 SF



VICINITY MAP  
N.T.S.

LEGEND	
	FIRE LANE CONCRETE PAVEMENT PER TOWN OF PROSPER STANDARDS
	HEAVY DUTY CONCRETE PAVEMENT
	DUMPSTER DUTY CONCRETE PAVEMENT
	LIGHT DUTY CONCRETE PAVEMENT
	CONCRETE SIDEWALK
	PUBLIC CONCRETE SIDEWALK PER CITY DETAILS
	PROPOSED CONCRETE CURB AND GUTTER
	PROPOSED FIRE LANE STRIPING PER CITY STANDARDS
	PARKING COUNT



### GRACE CHAPEL PROSPER

#### SUP SITE PLAN

OWNER/DEVELOPER: NORTH TEXAS CONFERENCE OF THE UNITED METHODIST CHURCH  
PO BOX 866128 PLANO, TEXAS 75088

CONTACT NAME: KENNETH WOLVERTON

APPLICANT: CLAYMORE ENGINEERING, INC.  
1001 CENTRAL DRIVE, SUITE #406  
BEDFORD, TX 76021  
PH: 817.281.0572

CONTACT NAME: DREW DONOSKY

SURVEYOR: EAGLE SURVEYING, LLC  
210 SOUTH ELM STREET, SUITE 104, TX 75057  
PH: 940.222.3099

CONTACT NAME: MASON DECKER

LEGAL DESCRIPTION: LOTS 1, BLOCK A  
NORTH TEXAS CONFERENCE OF THE METHODIST CHURCH ADDITION  
GROSS AREA: 5.422 OR 236,172 SF

CITY: TOWN OF PROSPER STATE: TEXAS

COUNTY: DENTON SURVEY: JOHN MORTON SURVEY  
ABSTRACT NO: 793

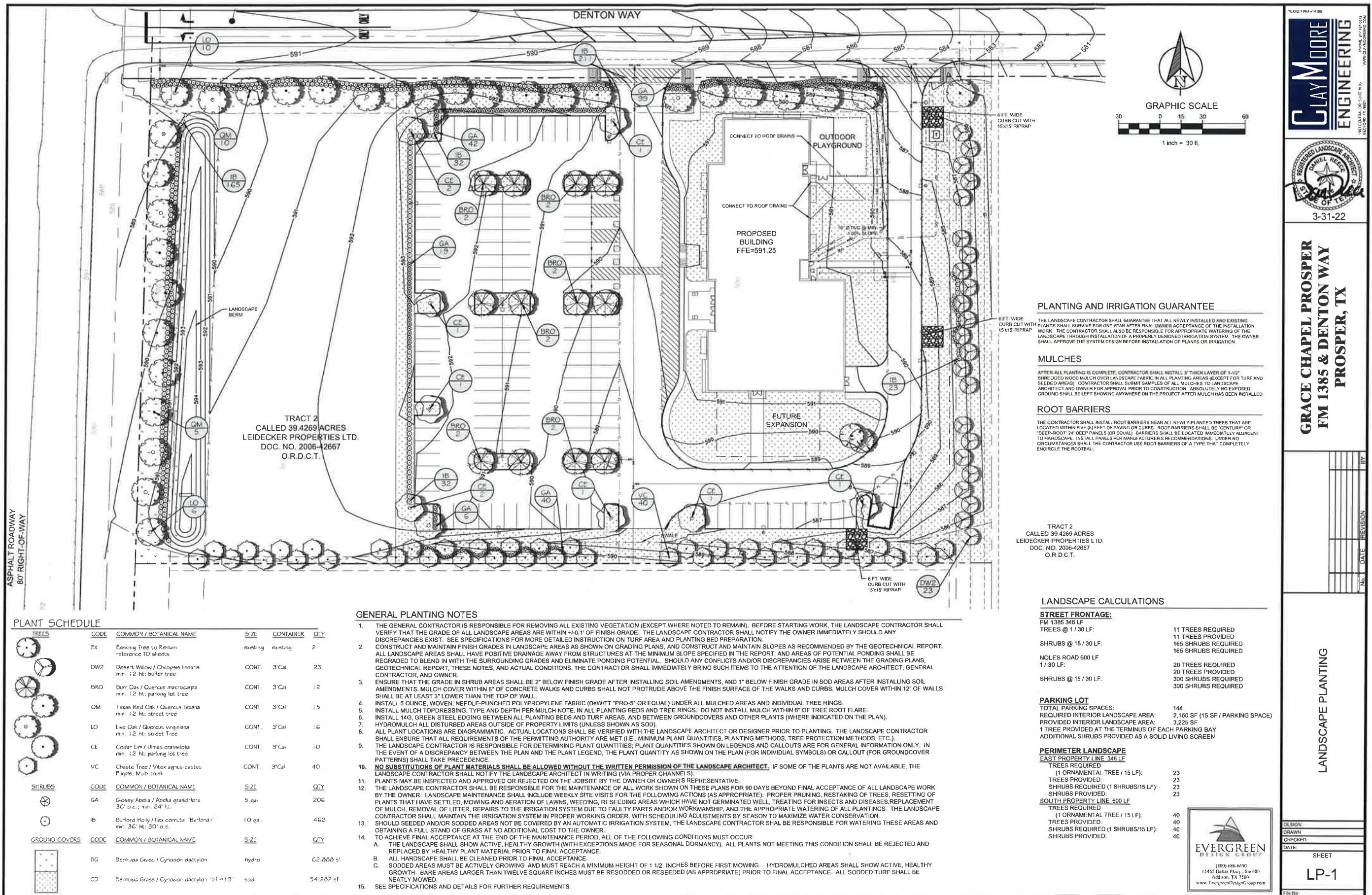
EXHIBIT B

CLAYMORE  
ENGINEERING  
1001 CENTRAL DRIVE, SUITE #406  
BEDFORD, TX 76021  
PHONE: 817.281.0572  
FAX: 817.281.0572  
E-MAIL: CLAYMORE@CLAYMORE.ORG  
WEBSITE: WWW.CLAYMORE.ORG

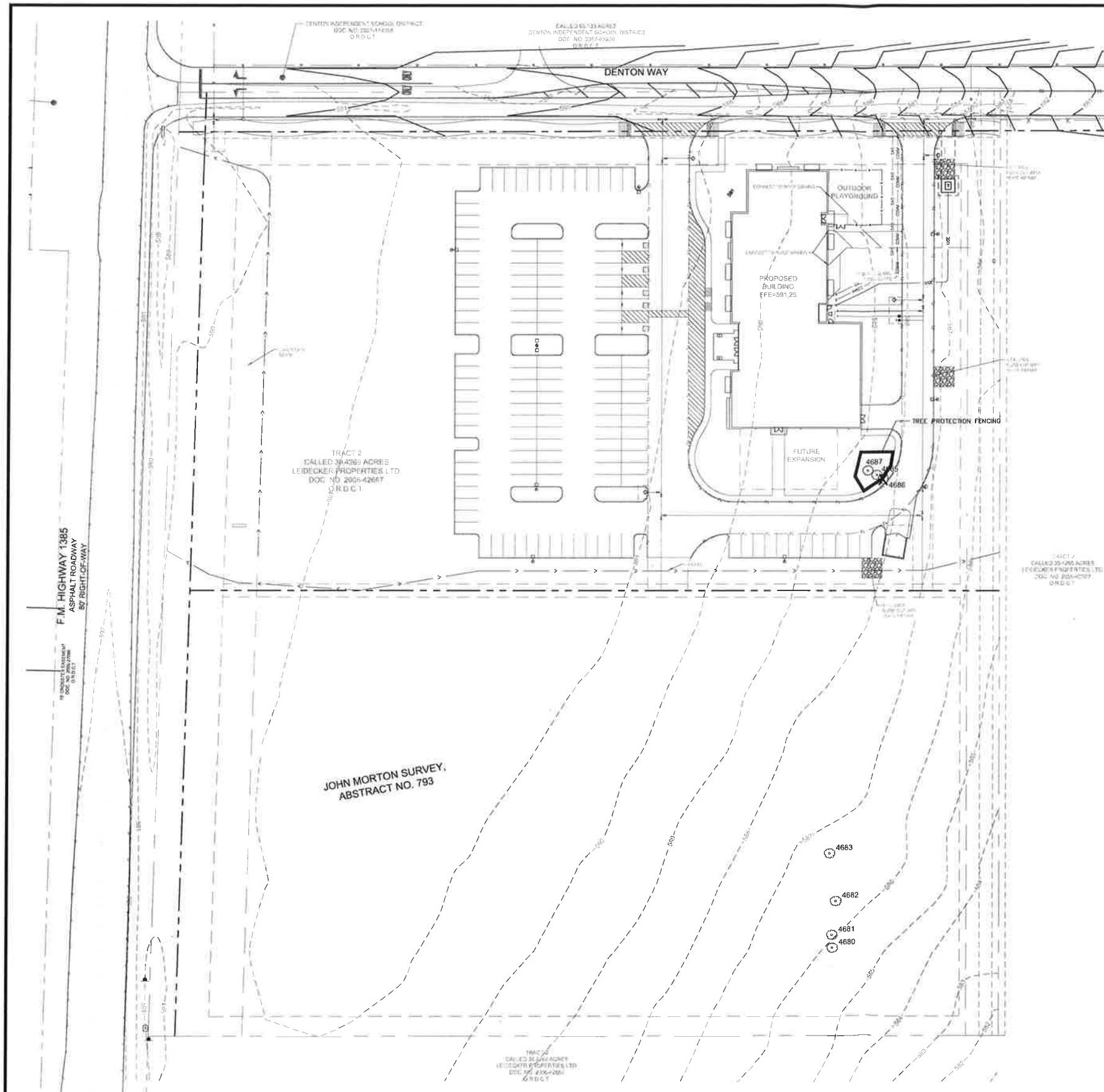
PRELIMINARY  
FOR REVIEW ONLY  
Not for construction purposes  
CLAYMORE ENGINEERING  
ENGINEERING AND PLANNING  
DESIGN  
DREW DONOSKY  
P.E. No. 1234561 Date 5/23/2022

NO.	DATE	REVISION
1	5/23/2022	B

DESIGN: Mkt.  
DRAWN: Mkt.  
CHECKED: Awd.  
DATE: 4/18/2022  
SHEET: SUP  
File No. 2023-064







TREE TABLE						
ID NO.	SPECIES	DBH (INCHES)	STATUS	LOCATION	FLOODPLAIN	%
734	BOIS D'ARC	12	RETAIN	OFF-SITE	NO	-
4680	HACKBERRY	6	RETAIN	OFF-SITE	NO	-
4681	HACKBERRY	6	RETAIN	OFF-SITE	NO	-
4682	HACKBERRY	6	RETAIN	OFF-SITE	NO	-
4683	HACKBERRY	10	RETAIN	OFF-SITE	NO	-
4685	BOIS D'ARC	12	RETAIN	ON-SITE	NO	-
4686	BOIS D'ARC	12	REMOVE	ON-SITE	NO	-
4687	BOIS D'ARC	36	RETAIN	ON-SITE	NO	-

"I Daniel Reece, being a Texas landscape architect attest that the identification and size of trees identified on this survey are correct and that all Protected Trees have been shown.

Signature: Don Dua Date: 3-1-22



BY	REVISION	DATE	NO.

TREE DISPOSITION PLAN