

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING PROSPER'S ZONING ORDINANCE BY GRANTING A SPECIFIC USE PERMIT (SUP) FOR TEMPORARY BUILDINGS TO BE LOCATED ON A TRACT OF LAND CONSISTING OF 8.2 ACRES, MORE OR LESS, IN THE J. BATES SURVEY, ABSTRACT NO. 1620, 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 of Prosper, Texas ("Prosper") has received a request from St. Martin de Porres Catholic Church ("Applicant") for a Specific Use Permit (SUP) for temporary buildings to be located on a tract of land zoned Planned Development- 91 (PD-91), consisting of 8.2 acres of land, more or less, in the J. Bates Survey, Abstract No. 1620, 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 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 temporary buildings, on a tract of land zoned Planned Development-91 (PD-91), consisting of 8.2 acres of land, more or less, in the J. Bates Survey, Abstract No. 1620, 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 1) the site plan, attached hereto as Exhibit "B," and 2) the

elevations, attached hereto as Exhibit "C," which are incorporated herein for all purposes as if set forth verbatim, subject to the following conditions of approval by the Town Council:

1. The specific use permit granted herein shall not exceed two (2) years in duration from the date of adoption of this Ordinance, with the option of a one (1) year renewal. The Town reserves the right to initiate a rezoning request in the event that the Applicant has not submitted a renewal request prior to the expiration of the two-year term referenced herein.

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, 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 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 8TH DAY OF AUGUST, 2023.


David F. Bristol, Mayor

ATTEST:


Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:


Terrence S. Welch, Town Attorney



LEGAL DESCRIPTION

RECORDS, DENTON COUNTY, TEXAS, ACCORDING TO THE PLANT THIEVES' RECORDS IN DOCUMENT NUMBER 2077-365. PLANT RECORDS, DENTON COUNTY, TEXAS, ALSO BEING A PORTION OF US HIGHWAY 360. A PUBLIC 160' RIGID-DRY-WAY, AND BEING MORE CARBONIZED BY DISPERSED BY METES AND BOUNDS AS FOLLOWS.

LOT 2, BLOCK A
T. MARTIN DE PORRES
DOC. NO. 2017-385
P.R.D.C.T.

3. BLOCK A
ARTIN DE PORRE
NO. 2017-385
P.R.D.C.T.

LINE	BRAND	LENGTH
1.1	500'00' 30"	102.30'
1.2	943'26' 42"	44.88'
1.3	543'33' 72"	23.88'
1.4	507'23' 72"	81.00'
1.5	943'27' 72"	82.00'

LOCATION MAP

BULK REGULATIONS

- [illegible]

SURVEYOR'S NOTES

THE COURT'S SEARCH FOR EVIDENCE OF THE "COMMON KNOWLEDGE" OF THE INDUSTRY WAS LIMITED BY THE FACTS OF THIS CASE. THE RELEVANT EVIDENCE, TESTIMONY AND OTHER MATERIALS, WAS LIMITED TO THE INFORMATION MADE PUBLIC BY THE INDUSTRY. OTHER ORGANIZATIONS, GROUPS OR OTHER INSTRUMENTALITIES, SUCH AS THE NATIONAL ASSOCIATION OF REALTORS, DID NOT HAVE ANY INFORMATION ON THE MATTER. THE COURT'S SEARCH FOR EVIDENCE OF THE "COMMON KNOWLEDGE" OF THE INDUSTRY WAS LIMITED BY THE FACTS OF THIS CASE. THE RELEVANT EVIDENCE, TESTIMONY AND OTHER MATERIALS, WAS LIMITED TO THE INFORMATION MADE PUBLIC BY THE INDUSTRY. OTHER ORGANIZATIONS, GROUPS OR OTHER INSTRUMENTALITIES, SUCH AS THE NATIONAL ASSOCIATION OF REALTORS, DID NOT HAVE ANY INFORMATION ON THE MATTER.

BASIS OF BEARINGS

COORDINATES AND BEARINGS ARE BASED UPON THE TEXAS
STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM
OF 1983 (2011), TEXAS NORTH CENTRAL ZONE (4202)

FLOOD HAZARD NOTE

OWNER

MICHAEL GUSAN, 57 A. BRIDGE FOR THE CATHOLIC CHURCH OF FIRST MONTH
800 W. LOOP 820 E.
FIRST MONTH, TX 75108

FLOOD HAZARD NOTE

EXHIBIT A

8.238 ACRES OF LAND IN THE MEMPHIS, EL PASO, & PACIFIC RAILROAD COMPANY SURVEY, ABSTRACT NO'S. 1620 & 1681

**TOWN OF PROSPER PROJECT NO:
ZONE-23-0009**

1 OF 1

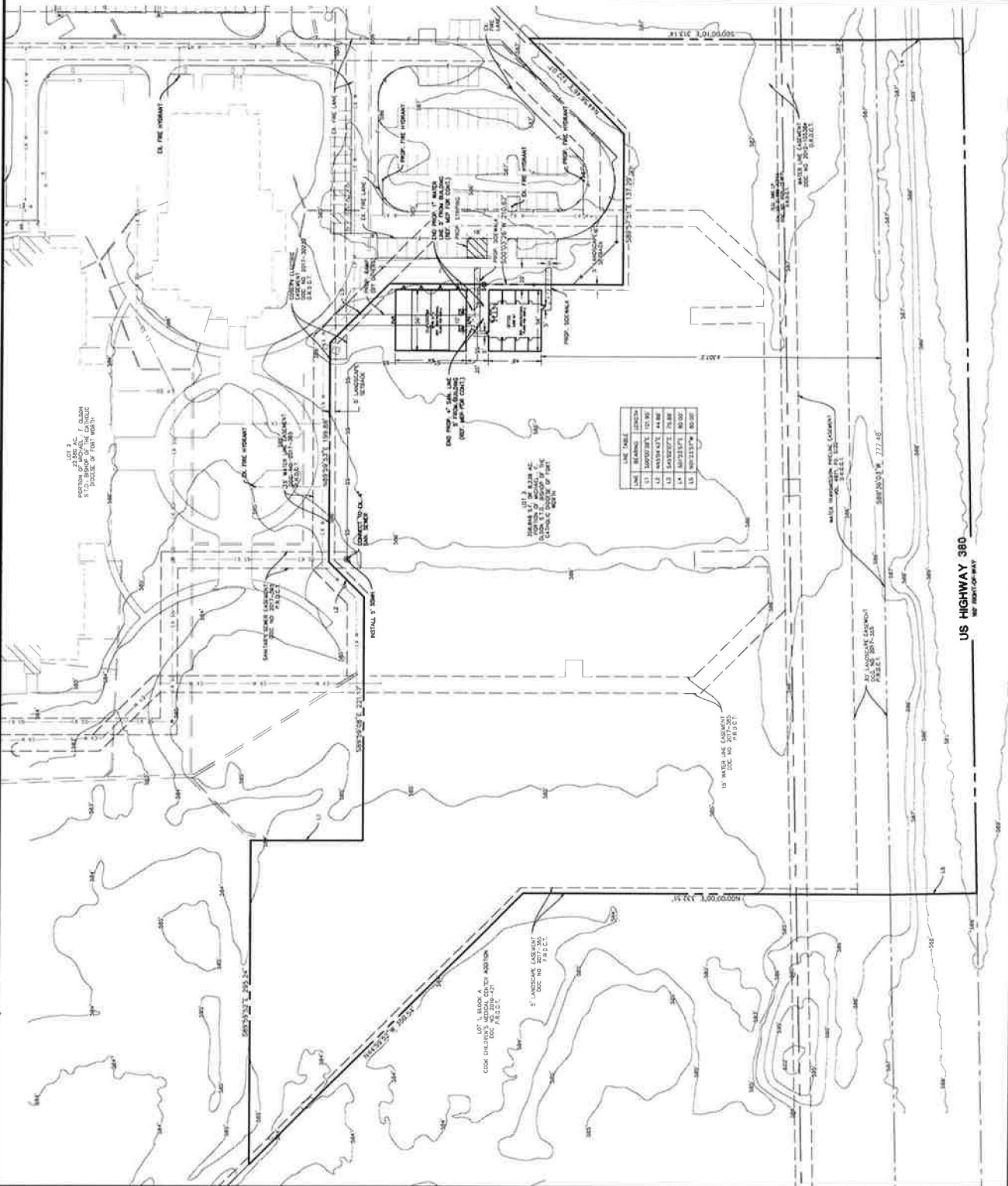
SMDPCC SCHOOL ZONING
 REY, ABST. NO. 1020 & C.L. SMITH SURVEY, A
 Y OF PROSPER, DENTON COUNTY, TEX

СНИТНО

ST. MARTIN DE PORRES CATHOLIC CHURCH

Manhard

LOT SITE DATA TABLE		PO-40 (adj)	
SPECIFIC USE PER THE ZONING ORDINANCE		25888	8
1	1	5,197	14,375
2	2	1,251	1,251
3	3	0	0
4	4	0	0
5	5	0	0
6	6	0	0
7	7	0	0
8	8	0	0
9	9	0	0
10	10	0	0
11	11	0	0
12	12	0	0
13	13	0	0
14	14	0	0
15	15	0	0
16	16	0	0
17	17	0	0
18	18	0	0
19	19	0	0
20	20	0	0
21	21	0	0
22	22	0	0
23	23	0	0
24	24	0	0
25	25	0	0
26	26	0	0
27	27	0	0
28	28	0	0
29	29	0	0
30	30	0	0
31	31	0	0
32	32	0	0
33	33	0	0
34	34	0	0
35	35	0	0
36	36	0	0
37	37	0	0
38	38	0	0
39	39	0	0
40	40	0	0
41	41	0	0
42	42	0	0
43	43	0	0
44	44	0	0
45	45	0	0
46	46	0	0
47	47	0	0
48	48	0	0
49	49	0	0
50	50	0	0
51	51	0	0
52	52	0	0
53	53	0	0
54	54	0	0
55	55	0	0
56	56	0	0
57	57	0	0
58	58	0	0
59	59	0	0
60	60	0	0
61	61	0	0
62	62	0	0
63	63	0	0
64	64	0	0
65	65	0	0
66	66	0	0
67	67	0	0
68	68	0	0
69	69	0	0
70	70	0	0
71	71	0	0
72	72	0	0
73	73	0	0
74	74	0	0
75	75	0	0
76	76	0	0
77	77	0	0
78	78	0	0
79	79	0	0
80	80	0	0
81	81	0	0
82	82	0	0
83	83	0	0
84	84	0	0
85	85	0	0
86	86	0	0
87	87	0	0
88	88	0	0
89	89	0	0
90	90	0	0
91	91	0	0
92	92	0	0
93	93	0	0
94	94	0	0
95	95	0	0
96	96	0	0
97	97	0	0
98	98	0	0
99	99	0	0
100	100	0	0

[illegible]

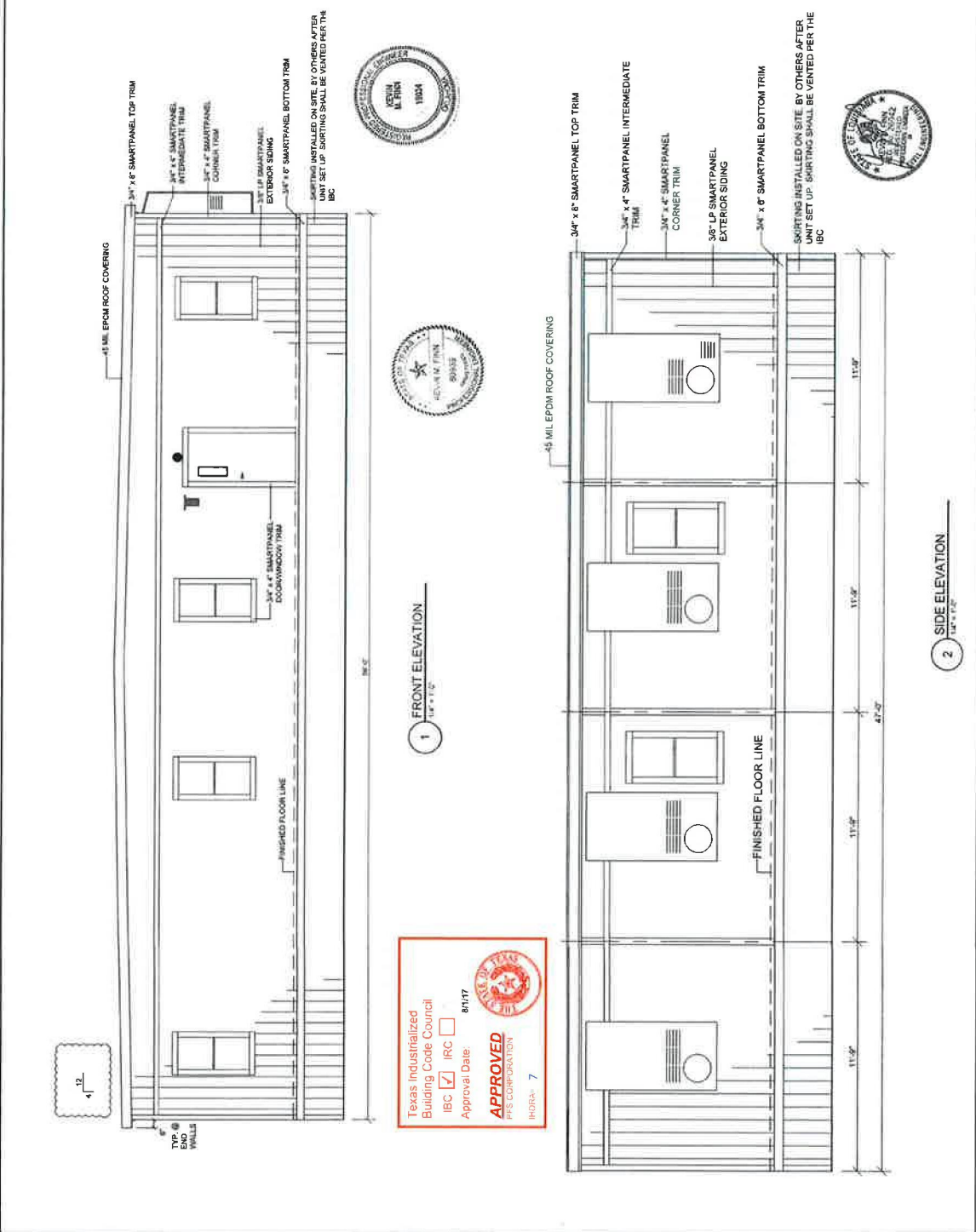
GENERAL NOTES:

1. THIS CONCEPTUAL DESIGN IS FOR INFORMATION PURPOSES ONLY. THE DESIGNER SHALL REVIEW AND APPROVE ALL CONCEPTS AND SPECIFICATIONS BEFORE PROCEEDING WITH THE DESIGN.
2. ALL MECHANICAL, ELECTRICAL, AND PLUMBING (MEP) SYSTEMS SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE LOCAL CODES AND STANDARDS.
3. WHEN PERMITTED BY THE LOCAL CODES, THE DESIGNER SHALL SUBMIT THE DESIGN FOR REVIEW AND APPROVAL BY THE LOCAL AUTHORITY.
4. ALL SIGNAGE AND MARKINGS SHALL BE DESIGNED TO BE CLEARLY VISIBLE AND EASY TO READ.
5. WINDOWS SHALL BE DESIGNED TO BE ENERGY EFFICIENT AND HAVE A MINIMUM U-VALUE OF 0.30.

DATE	REVISION DESCRIPTION	BY	PROJECT	TITLE	FILE
			17360 - 17362 BOX	E-FLX	17360 - 17362 BOX
		JT	DRAWING BY	DATE	02/01/17
				SCALE	PER PLAN

BOX MODULAR
E-PLEX
A VARIABLE UNIT COMPLEX

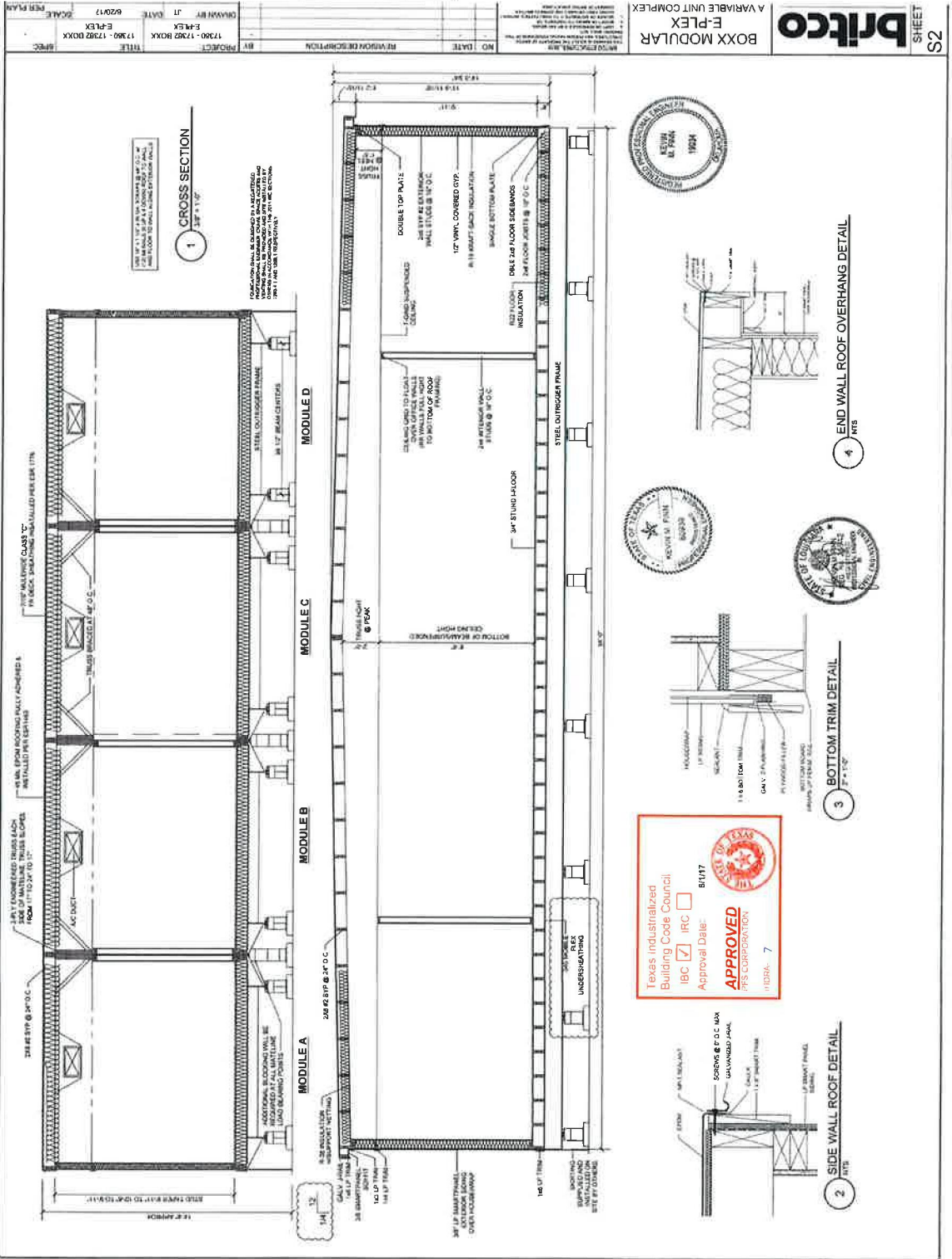
בריכו

S1
SHEET

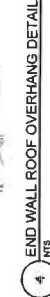
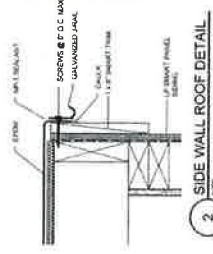
ST. MARTIN DE PORRES CATHOLIC CHURCH
PROSPER, TEXAS
EXHIBIT D - FACADE PLAN

Manhard CONSULTING
1000 West 10th Street, Suite 201, Fort Worth, TX 76102
Tel: 817.335.1111 Fax: 817.335.1112
www.manhardconsulting.com

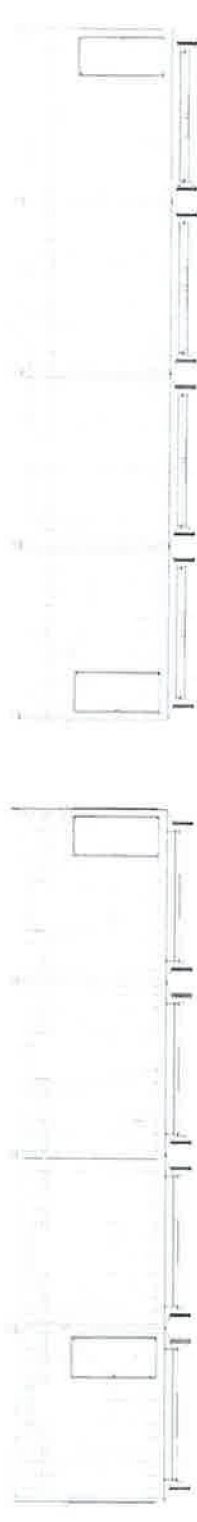
- GENERAL NOTES:
- THIS CONCEPTUAL ELEVATION IS FOR CONCEPTUAL PURPOSES ONLY. IT IS NOT TO BE USED FOR PERMITS OR CONTRACTS.
 - ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS IN PARENTHESES ARE IN METERS.
 - THE ELEVATION IS FOR INFORMATION ONLY. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE FINAL DESIGN AND CONSTRUCTION OF THE BUILDING.
 - ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 - REVISIONS TO THIS ELEVATION SHALL BE MADE BY THE ARCHITECT.



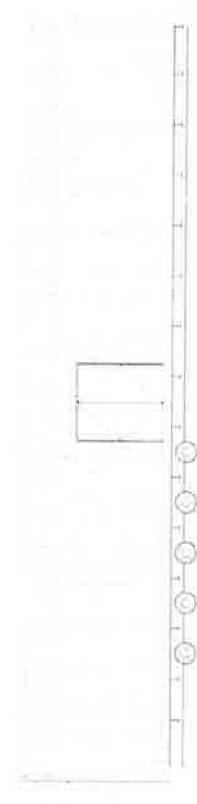
Texas Industrialized Building Code Council
IBC ☒ IRC ☐
Approval Date: 8/1/17
APPROVED
MRS. CORPORATION
110000-7



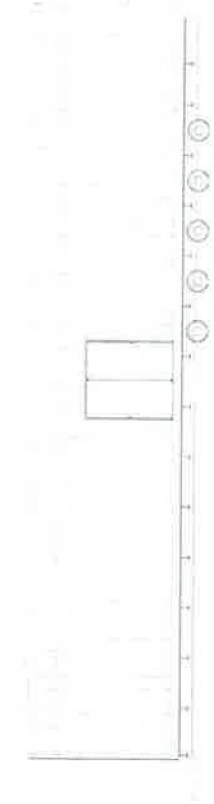
- GENERAL NOTES:**
1. THIS DOCUMENT, INCLUDING ALL OF ITS CONTENTS, IS THE PROPERTY OF BRITCO. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BRITCO.
 2. THIS DOCUMENT, INCLUDING ALL OF ITS CONTENTS, IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BRITCO.
 3. THIS DOCUMENT, INCLUDING ALL OF ITS CONTENTS, IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BRITCO.
 4. THIS DOCUMENT, INCLUDING ALL OF ITS CONTENTS, IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BRITCO.
 5. THIS DOCUMENT, INCLUDING ALL OF ITS CONTENTS, IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BRITCO.



(2) EAST ELEVATION
1/8" = 1'-0"



(3) NORTH ELEVATION
1/8" = 1'-0"



(4) SOUTH ELEVATION
1/8" = 1'-0"

BRITCO, 2010
THE INFORMATION ON THIS DRAWING IS THE PROPERTY OF BRITCO. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BRITCO.

DATE	SCALE	DRAWN BY	CHECKER	REV #
2014.05.05	1/8" = 1'-0"	MAU		
DESCRIPTION	BY	DATE		
ISSUE FOR REVIEW	MAU	2014.05.05		

PROJECT TITLE
(2) 4 UNIT CLASSROOMS A,B,C,D
DRAWING TITLE
ELEVATIONS
PROJECT NO.
20597-01
SHEET NO.
D02

britco
BUILDING INNOVATION

EX D2-1
ELEVATION

ST. MARTIN DE PORRES CATHOLIC CHURCH
PROSPER, TEXAS
EXHIBIT D- FACADE PLAN

Manhard CONSULTING
10000 West Loop South, Suite 1000, Houston, Texas 77042
Tel: 281.414.1111 Fax: 281.414.1112
www.manhardconsulting.com

ST. MARTIN DE PORRES CATHOLIC CHURCH
PROSPER, TEXAS
EXHIBIT D - FACADE PLAN

Manhard
CONSULTING
3000 West 30th Street, Suite 200
Frisco, Texas 75034
Tel: 972.291.1100
Fax: 972.291.1101
www.manhardconsulting.com

SPECIAL NOTE:
1. THIS EXHIBIT, EXHIBIT D, IS THE FACADE PLAN FOR THE EXTERIOR WALLS OF THE CHURCH. IT IS NOT TO BE CONSIDERED A STRUCTURAL DRAWING.
2. THE EXTERIOR WALLS OF THE CHURCH ARE TO BE CONSTRUCTED OF CONCRETE BLOCK WITH A FINISH OF STUCCO.
3. THE EXTERIOR WALLS OF THE CHURCH ARE TO BE CONSTRUCTED OF CONCRETE BLOCK WITH A FINISH OF STUCCO.
4. THE EXTERIOR WALLS OF THE CHURCH ARE TO BE CONSTRUCTED OF CONCRETE BLOCK WITH A FINISH OF STUCCO.
5. THE EXTERIOR WALLS OF THE CHURCH ARE TO BE CONSTRUCTED OF CONCRETE BLOCK WITH A FINISH OF STUCCO.

ITEM	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
1	CONCRETE BLOCK	1000	CU YD	1.20	1200.00
2	STUCCO	1000	SQ YD	0.10	100.00
3	REINFORCING BARS	1000	LB	0.05	50.00
4	FORMWORK	1000	SQ YD	0.05	50.00
5	PAINT	1000	GA	0.05	50.00
6	LABOR	1000	HR	0.05	50.00
7	PERMITS	1	SET	100.00	100.00
8	DESIGN	1	SET	100.00	100.00
9	CONSTRUCTION	1	SET	100.00	100.00
10	INSURANCE	1	SET	100.00	100.00
11	LIQUOR	1	SET	100.00	100.00
12	SALES TAX	1	SET	100.00	100.00
13	TOTAL				2000.00



ITEM	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
1	CONCRETE BLOCK	1000	CU YD	1.20	1200.00
2	STUCCO	1000	SQ YD	0.10	100.00
3	REINFORCING BARS	1000	LB	0.05	50.00
4	FORMWORK	1000	SQ YD	0.05	50.00
5	PAINT	1000	GA	0.05	50.00
6	LABOR	1000	HR	0.05	50.00
7	PERMITS	1	SET	100.00	100.00
8	DESIGN	1	SET	100.00	100.00
9	CONSTRUCTION	1	SET	100.00	100.00
10	INSURANCE	1	SET	100.00	100.00
11	LIQUOR	1	SET	100.00	100.00
12	SALES TAX	1	SET	100.00	100.00
13	TOTAL				2000.00



ITEM	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
1	CONCRETE BLOCK	1000	CU YD	1.20	1200.00
2	STUCCO	1000	SQ YD	0.10	100.00
3	REINFORCING BARS	1000	LB	0.05	50.00
4	FORMWORK	1000	SQ YD	0.05	50.00
5	PAINT	1000	GA	0.05	50.00
6	LABOR	1000	HR	0.05	50.00
7	PERMITS	1	SET	100.00	100.00
8	DESIGN	1	SET	100.00	100.00
9	CONSTRUCTION	1	SET	100.00	100.00
10	INSURANCE	1	SET	100.00	100.00
11	LIQUOR	1	SET	100.00	100.00
12	SALES TAX	1	SET	100.00	100.00
13	TOTAL				2000.00



ITEM	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
1	CONCRETE BLOCK	1000	CU YD	1.20	1200.00
2	STUCCO	1000	SQ YD	0.10	100.00
3	REINFORCING BARS	1000	LB	0.05	50.00
4	FORMWORK	1000	SQ YD	0.05	50.00
5	PAINT	1000	GA	0.05	50.00
6	LABOR	1000	HR	0.05	50.00
7	PERMITS	1	SET	100.00	100.00
8	DESIGN	1	SET	100.00	100.00
9	CONSTRUCTION	1	SET	100.00	100.00
10	INSURANCE	1	SET	100.00	100.00
11	LIQUOR	1	SET	100.00	100.00
12	SALES TAX	1	SET	100.00	100.00
13	TOTAL				2000.00

