

AN ORDINANCE AMENDING PROSPER'S TOWN'S ZONING ORDINANCE; GRANTING A SPECIFIC USE PERMIT (SUP) FOR A RESTAURANT WITH DRIVE-THROUGH SERVICE CONSISTING OF 1.198 ACRES, MORE OR LESS, SITUATED IN THE SPENCER RICE SURVEY, ABSTRACT NO. 787, 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 town's zoning ordinance should be amended; and

WHEREAS, the Town of Prosper, Texas ("Prosper") has received a request from Victory at Frontier, LP ("Applicant") for a Specific Use Permit (SUP) for a Restaurant with Drive-Through Service, consisting of 1.198 acres of land, more or less, in the Spencer Rice Survey, Abstract No. 787, 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 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 Restaurant with Drive-Through Service, consisting of 1.198 acres of land, more or less, in the Spencer Rice Survey, Abstract No. 787, 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 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, subject to the following condition of approval by the Town Council:

1. Approval of a Development Agreement, including, but not limited to, right-of-way and/or easement dedication, and architectural building materials.

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.

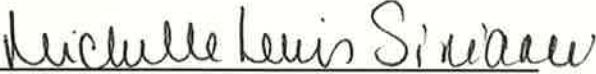
SECTION 8

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 9TH DAY OF AUGUST, 2022.


Jeff Hodges, Mayor Pro-Tem

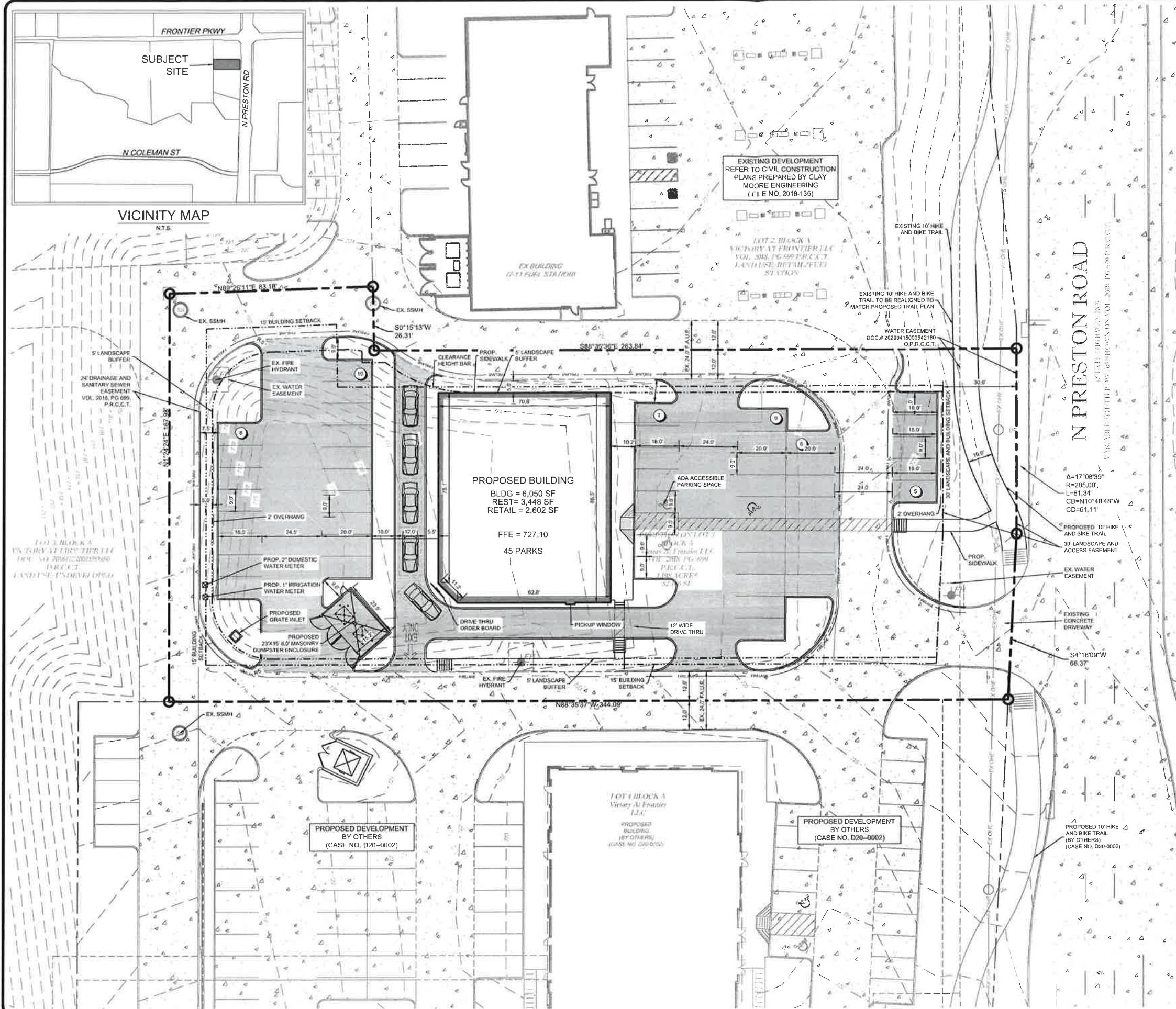
ATTEST:


Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:


Terrence S. Welch, Town Attorney





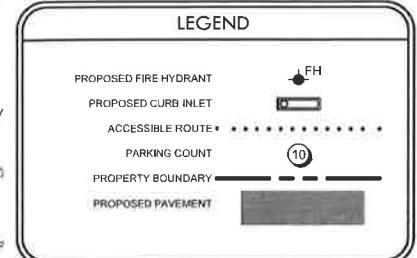
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PRELIMINARY
FOR REVIEW ONLY
THESE DOCUMENTS ARE FOR
DESIGN REVIEW ONLY AND
NOT INTENDED FOR THE
PURPOSES OF CONSTRUCTION,
BIDDING OR PERMIT. THEY
WERE PREPARED BY, OR
UNDER THE SUPERVISION OF:
PATRICK C. FILSON
P.E. # 108577
DATE: 6/8/2022

VICTORY GROUP

6125 LUTHER LANE SUITE 583
DALLAS, TX 75225-6202
214-934-2566

VICTORY AT
FRONTIER - LOT 5
LOT 5, BLOCK A
TOWN OF PROSPER
COLLIN COUNTY, TEXAS



KE SITE PLAN DATA TABLE

EXISTING ZONING	PD-10
LOT AREA (SF) / (ACRES)	52,186 SF / 1.196 AC.
TOTAL BUILDING AREA (SF)	RESTAURANT: 6,050 SF
BUILDING HEIGHT	20'-0" (1 STORY)
MAXIMUM FAR (4-1)	0.28% / 0.0928.1

KE PARKING DATA TABLE

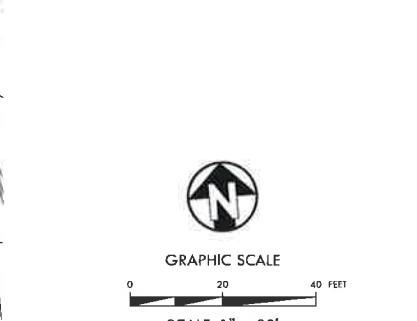
RESTAURANT PARKING REQUIREMENT	1 SPACE PER 100 SF
RETAIL PARKING REQUIREMENT	1 SPACE PER 250 SF
BUILDING AREA / PATIO AREA	6,050 SF
RESTAURANT PARKING SPACES REQUIRED	(3,400SF) 34 SPACES
RETAIL PARKING SPACES REQUIRED	(2,650SF) 11 SPACES
TOTAL PARKING SPACES PROVIDED	45 SPACES
REQUIRED ADA PARKING	3 SPACES (1 VAN)
PROVIDED ADA PARKING	3 SPACES (1 VAN)
IMPERVIOUS AREA (SF)	42,956 SF
REQUIRED LANDSCAPING (10% OF LOT AREA)	5,216 SF
PROVIDED LANDSCAPING	8,065 SF

LAYOUT & DIMENSIONAL CONTROL NOTES:

1. BOUNDARY LINES AND EASEMENT: REFER TO THE FINAL PLAT TO VERIFY PROPERTY LINES AND EXISTING EASEMENT LOCATIONS.
2. DIMENSION CONTROL: UNLESS NOTED OTHERWISE, ALL PAVING DIMENSIONS SHOWN ARE TO FACE OF CURB.
3. CURB RADIi: UNLESS NOTED OTHERWISE, ALL CURB RADIi SHALL BE 3' AT FACE OF CURB.
4. BUILDING DIMENSIONS: REFER TO EXISTING ARCHITECTURAL PLANS FOR EXACT BUILDING DIMENSIONS.
5. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND COORDINATES PRIOR TO CONSTRUCTION.
6. ALL COORDINATES ARE U.S. SURVEY FEET, NAD '83 SURFACE.

NOTE TO CONTRACTOR:

THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES (WHETHER SHOWN ON PLANS OR NOT) PRIOR TO COMMENCING CONSTRUCTION. IF FIELD CONDITIONS DIFFER SIGNIFICANTLY FROM LOCATIONS SHOWN ON THE PLANS, THE CONTRACTOR SHALL CONTACT THE PROJECT ENGINEER PRIOR TO PROCEEDING WITH CONSTRUCTION.



SITE PLAN
CASE NO. S22-0006
VICTORY AT FRONTIER LOT 5

1.196 ACRES
LOT 5, BLOCK A
VICTORY AT FRONTIER, LLC
(VOL. 2018, PAGE 699) *
P.R.C.T.
TOWN OF PROSPER, COLLIN, TEXAS
PREPARATION DATE: 10/25/2021

OWNER/APPLICANT
VICTORY AT FRONTIER, LLC
6125 LUTHER LANE STE 583
DALLAS, TX 75225-6202
PH: 214-934-2566
CONTACT: BOBBY MENDOZA

LANDSCAPE ARCHITECT
LONGHORN LANDSCAPES
P.O. BOX 242
COLLEYVILLE, TX 76233
CONTACT: AMY LONDON, RLA

ENGINEER
KIRKMAN ENGINEERING, LLC
5200 STATE HIGHWAY 121
COLLEYVILLE, TX 76034
PH: 817-864-1957
CONTACT: PATRICK FILSON, P.E.

SURVEYOR
BARTON CHAPAR SURVEYING
5200 STATE HIGHWAY 121
COLLEYVILLE, TX 76034
PH: 817-864-1957
CONTACT: JACK BARTON, RPLS



KIRKMAN ENGINEERING, LLC
5200 STATE HIGHWAY 121
COLLEYVILLE, TX 76034
TEXAS FIRM NO. 15874

JOB NUMBER: VIC2019
ISSUE DATE: 05/09/2022

EXHIBIT B
SITE PLAN

SHEET:
C3.0

FACADE NOTES

This Façade Plan is for conceptual purposes only. All building plans require review and approval from the Building Inspections Division.

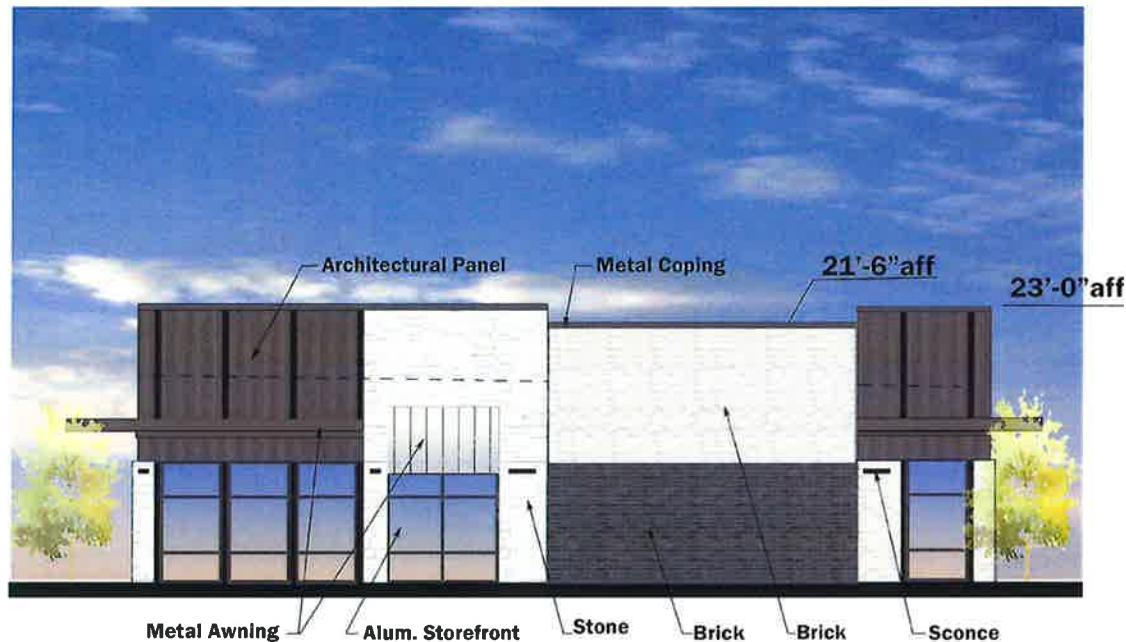
All mechanical equipment shall be screened from public view. Rooftop mounted equipment shall be screened by a parapet wall or screening wall. Screening walls shall be the specifications of the Zoning Ordinance.

When permitted, exposed utility boxes and conduits shall be painted to match the building.

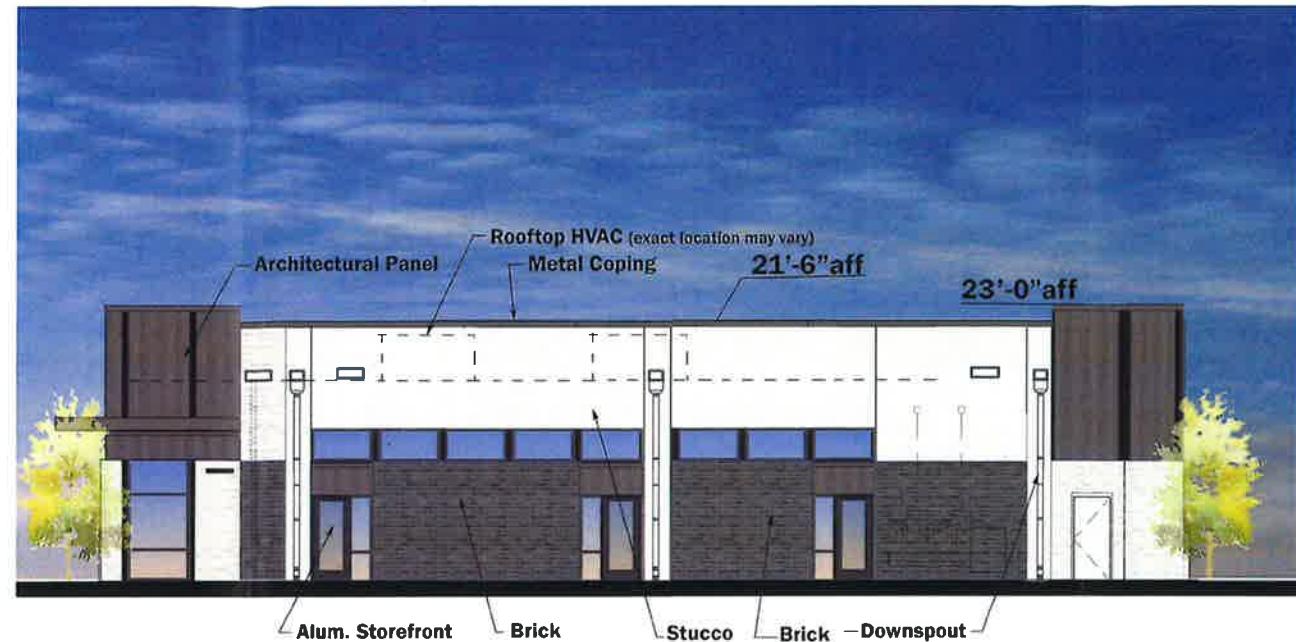
All signage areas and locations are subject to approval by the Building Inspections Division.

Windows shall have a maximum exterior visible reflectivity of ten (10) percent.

Any deviation from the approved Façade Plan will require re-approval by the Town of Prosper.



NORTH ELEVATION



WEST ELEVATION

NORTH	
TOTAL FAÇADE:	1,615 SF
DOORS/GLAZING:	323 SF
NET FAÇADE:	1,292 SF 100%
MASONRY (STONE):	256 SF 20%
MASONRY (BRICK):	641 SF 49%
TOTAL MASONRY:	69%
PANELS:	320 SF 25%
METAL AWNING:	75 SF 6%

WEST	
TOTAL FAÇADE:	1,854 SF
DOORS/GLAZING:	262 SF
NET FAÇADE:	1,592 SF 100%
MASONRY (BRICK):	824 SF 52%
TOTAL MASONRY:	52%
PANELS:	269 SF 17%
METAL AWNING:	66 SF 4%
STUCCO:	433 SF 27%

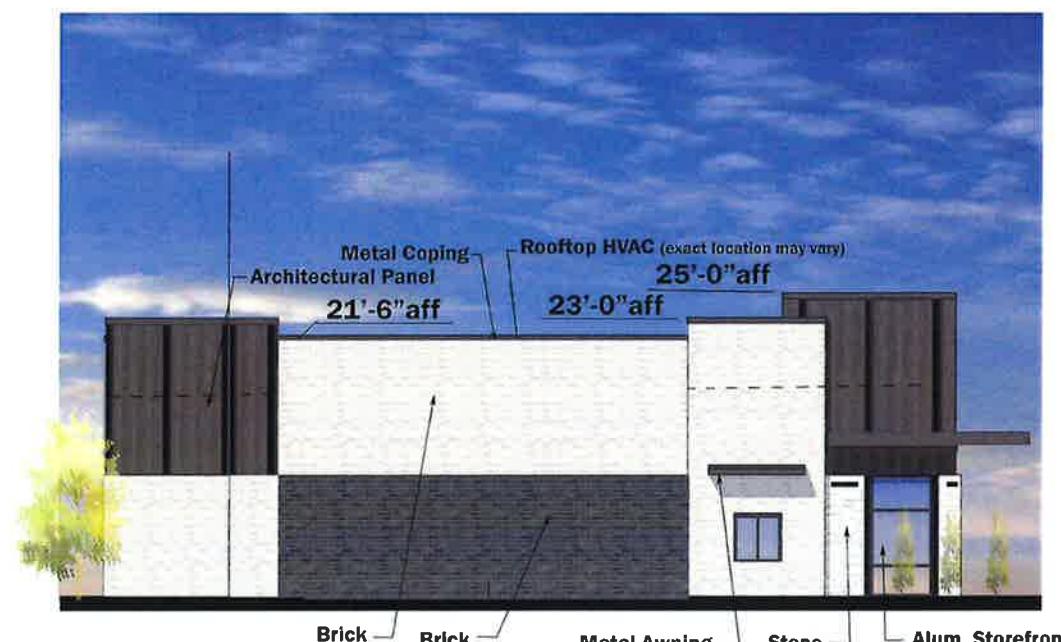
SOUTH	
TOTAL FAÇADE:	1,617 SF
DOORS/GLAZING:	76 SF
NET FAÇADE:	1,541 SF 100%
MASONRY (STONE):	51 SF 3%
MASONRY (BRICK):	1,147 SF 74%
TOTAL MASONRY:	77%
PANELS:	277 SF 19%
METAL AWNING:	66 SF 4%

EAST	
TOTAL FAÇADE:	2,062 SF
DOORS/GLAZING:	773 SF
NET FAÇADE:	1,289 SF 100%
MASONRY (STONE):	649 SF 50%
TOTAL MASONRY:	50%
PANELS:	448 SF 35%
METAL AWNING:	192 SF 15%

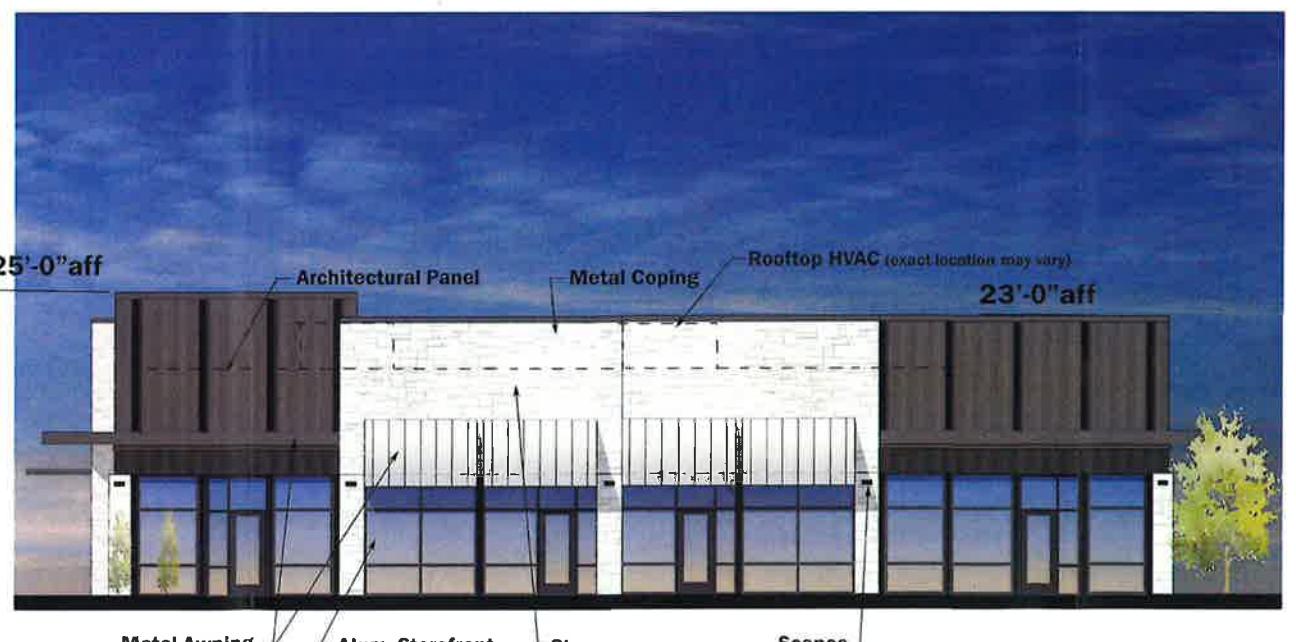
TOTAL FAÇADE:	7,148 SF
TOTAL DOORS/GLAZING:	1,434 SF
NET FAÇADE:	5,714 SF 100%
TOTAL MASONRY:	3,568 SF 62%
TOTAL ARCHITECTURAL PANEL:	1,314 SF 23%
TOTAL AWNINGS:	399 SF 7%
TOTAL STUCCO:	433 SF 8%

SITE PLAN	
CASE NO.	Victory at Frontier Lot 5
OWNER/APPLICANT	Victory at Frontier, LLC 6125 Luther Lane, Ste 563 Dallas, TX 75225-6202 PH: 214-334-2562
LANDSCAPE ARCHITECT	Longhorn Landscapes 1000 E. 10th Street Collingsville, TX 76233 P.R.C.T. CONTACT: AMY LOUGHIN, RLA
ENGINEER	Kirkpatrick Engineering, LLC 5200 State Highway 121 Colleyville, TX 76034 PH: 817-664-4960 CONTACT: PATRICK FILSON, PE
SURVEYOR	Barton/Carter Surveying 5200 State Highway 121 Colleyville, TX 76034 PH: 817-664-1957 CONTACT: JACK BARTON, RPLS

Case Number: S22-0006



SOUTH ELEVATION



EAST ELEVATION