

AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, AMENDING PROSPER'S ZONING ORDINANCE BY GRANTING A SPECIFIC USE PERMIT 43 (SUP-43) FOR A RESTAURANT WITH DRIVE-THROUGH, LOCATED ON A TRACT OF LAND CONSISTING 1.121 ACRES, SITUATED IN THE JEREMIAH HORN SURVEY, ABSTRACT NO. 411, 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 the Zoning Ordinance should be amended; and

WHEREAS, the Town of Prosper, Texas ("Prosper") has received a request from Sara Sangani ("Applicant"), to rezone 1.121 acres of land, more or less, in the Jeremiah Horn Survey, Abstract No. 411, in the Town of Prosper, Collin County, Texas, 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 for rezoning 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

Amendment to the Town's Zoning Ordinance. The Town's Zoning Ordinance is amended as follows: The zoning designation of the below described property containing 1.121 acres of land, more or less, in the Jeremiah Horn Survey, Abstract No. 411, in the Town of Prosper, Collin County, Texas, (the "Property") and all streets, roads, and alleyways contiguous and/or adjacent thereto is hereby zoned 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 concept plan, attached hereto as Exhibit "B," 2) the landscape plan, attached hereto as Exhibit "C," and 3) the concept elevations, attached hereto as Exhibit "D"; which are incorporated herein for all purposes as if set forth verbatim.

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 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 28TH DAY OF FEBRUARY 2023.



David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni
Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch

Terrence S. Welch, Town Attorney



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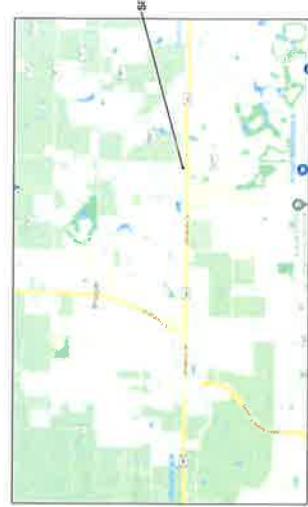
ATTEST:

Michelle Lewis Sirianni
Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney





VICINITY MAP

PROSPER PLAZA
TRACT 1 LOT 2 BLOCK A
VOLUME 2009, PAGE 140 O P R C C T
JEREMIAH HORN SURVEY, ABSTRACT NO. 411
1/121 ACRES



SITE PLAN

Scale: 1" = 40'-0" 
 1111 Travis Street, Houston, Texas 77002

EXHIBIT "A"

LEGAL DESCRIPTION OF THE LAND

BEING a tract of land situated in the City of Prosper, Collin County, Texas out of the Jeremiah Horn Survey, Abstract No. 411 and being all of Lot 2, Block A, Prosper Plaza, according to the revised plat thereof recorded in Volume 2008, Page 564, Map Records, Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199" in the north right of way line of U.S. Highway 380 (variable-width right of way), the southwest corner of said Lot 2, the southeast corner of Lot 3, of said Block A;

THENCE, departing said north right of way line, along the west line of said Lot 2, the east line of said Lot 3, North 00 degrees, 49 minutes, 56 seconds West, a distance of 258.14 feet to a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199", the northwest corner of said Lot 2, lying in the south line of Lot 5 of said Block, A;

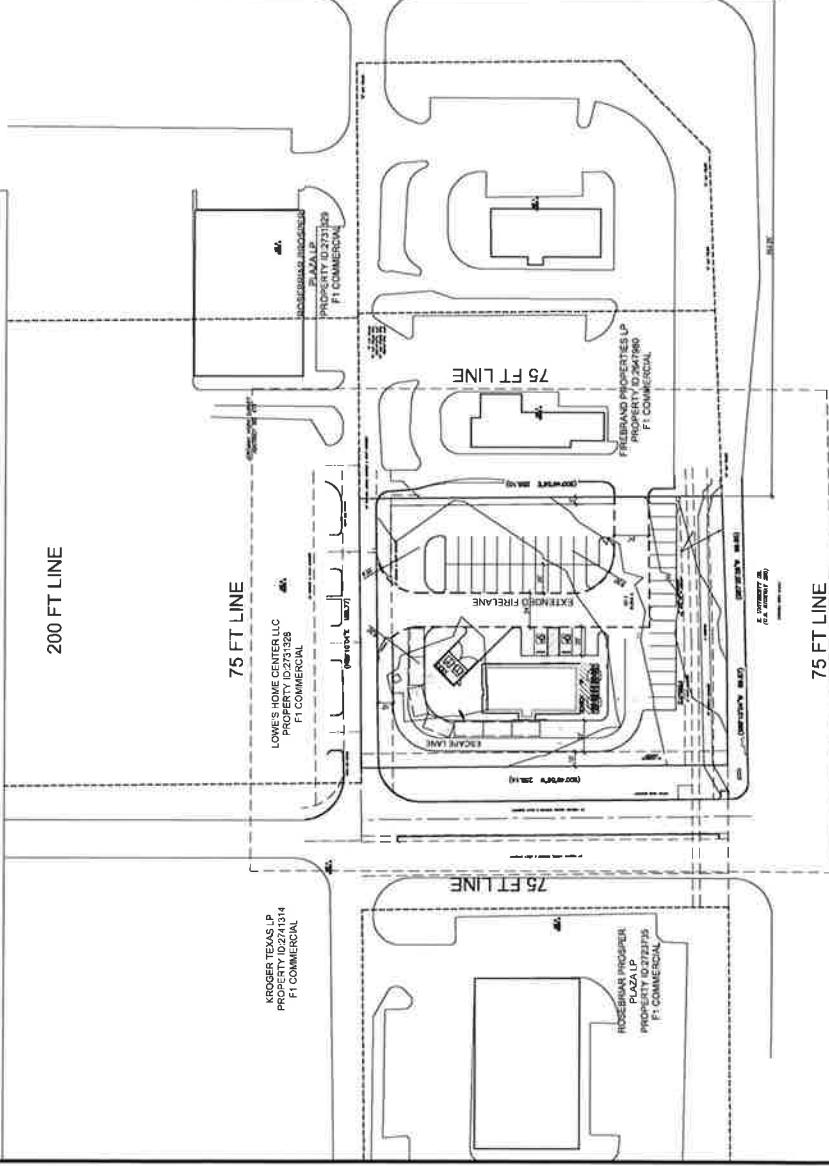
THENCE, along the north line of said Lot 2, the south line of said Lot 5, North 89 degrees, 10 minutes, 04 seconds East, a distance of 189.77 feet to a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199";

THENCE, departing said common line, South 00 degrees, 49 minutes, 56 seconds East, a distance of 255.10 feet to a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199" in said north right of way line;

THENCE, along said north right of way line, the south line of said Lot 2, South 87 degrees, 25 minutes, 28 seconds West, a distance of 99.95 feet to a 5/8" iron rod found;

THENCE, continuing along said common line South 89 degrees, 10 minutes, 04 seconds West, a distance of 89.87 feet to the POINT OF BEGINNING, and containing 48,835 square feet, or 1.1211 acres of land, more or less.

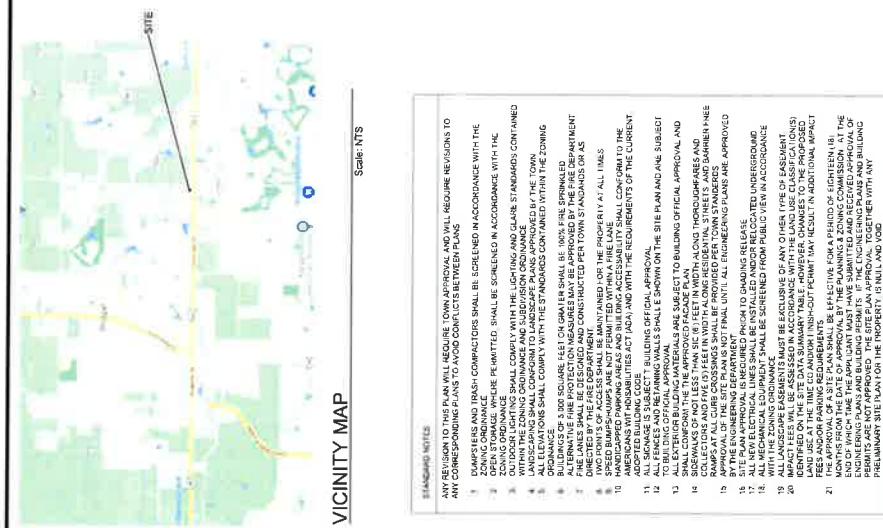
S22-0002 SPECIFIC USE PERMIT (SITE PLAN)



SITE PLAN

identityARCHITECTS
111 Travis Street, Houston, Texas 77002
www.identityarchitects.com 713.595.2109

Scale: 1" = 40'-0"



STANDARD NOTES:
1. ANY REVISIONS TO THIS PLAN WILL REQUIRE TOWN APPROVAL AND WILL REQUIRE NECESSARY CHANGES TO THE SITE PLAN AND ANY CONFLICTS BETWEEN PLANS.
2. ALL RESPONDERS AND TRASH CONTRACTORS SHALL BE SHIELDED IN ACCORDANCE WITH THE ZONING ORDINANCE.
3. OUTDOOR LIGHTING SHALL COMPLY WITH THE LIGHTING AND GLARE STANDARDS CONTAINED IN THE ZONING ORDINANCE.
4. LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH THE ZONING ORDINANCE.
5. ALL ELEVATIONS SHALL COMPLY WITH THE STANDARDS CONTAINED WITHIN THE ZONING ORDINANCE.
6. ALTERNATIVE FIRE PROTECTION MEASURES MAY BE APPROVED BY THE FIRE DEPARTMENT.
7. THE LAKES SPILL WAY SHALL BE LOCATED AND CONSTRUCTED IN PEDESTRIAN STANDARDS OR AS TWO POINTS OF ACES SHALL BE MAINTAINED FOR THE PROPERTY AT ALL TIMES.
8. FRIED BURGERS SHALL NOT BE PLACED WITHIN A FIRE LANE.
9. AMERICANS WITH DISABILITIES ACT (ADA) AND WITH THE REQUIREMENTS OF THE CURRENT ADOTTED BUILDING CODE, BUILDING OFFICIAL APPROVAL.
10. ALL FENCE AND RETAINING WALLS SHALL BE SHIELDED ON THE SITE PLAN AND ARE SUBJECT TO BUILDING OFFICIAL APPROVAL.
11. APPROVED PLANS SHALL BE SUBMITTED TO BUILDING OFFICIAL APPROVAL AND SHALL CONFORM TO THE APPROVED PLANS.
12. SIDEWALKS OF NO LESS THAN 48 IN IN WIDTH, ACROSS THOROUGHFARES AND RAMPS SHALL BE PROVIDED IN PEDESTRIAN STANDARDS.
13. APPROVAL OF THE SITE PLAN SHALL NOT BE GRANTED UNTIL ALL ENGINEERING PLANS ARE APPROVED AND PLANS ARE SUBMITTED TO BUILDING OFFICIAL APPROVAL.
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17. ALL NEW ELECTRICAL LINES SHALL BE INSTALLED UNDER RECCOATED UNDERGROUND.
18. ALL THE ZONING REQUIREMENTS MUST BE EXCLUSIVE OF ANY OTHER TYPE OF EASEMENT.
19. ALL LANDSCAPE EASMENTS MUST BE EXCLUSIVE OF ANY OTHER TYPE OF EASEMENT.
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EXHIBIT B

PROSPER PLAZA
TRACT 1 LOT 2 BLOCK A
VOLUME 205 PAGE 40 OF R.C.C.T.
JEREMY HORN SURVEY / ABSTRACT NO. 411
1.12 ACRES

May 10, 2022

