

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 Sirlanni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:


Terrence S. Welch, Town Attorney



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David F. Bristol, Mayor

ATTEST:

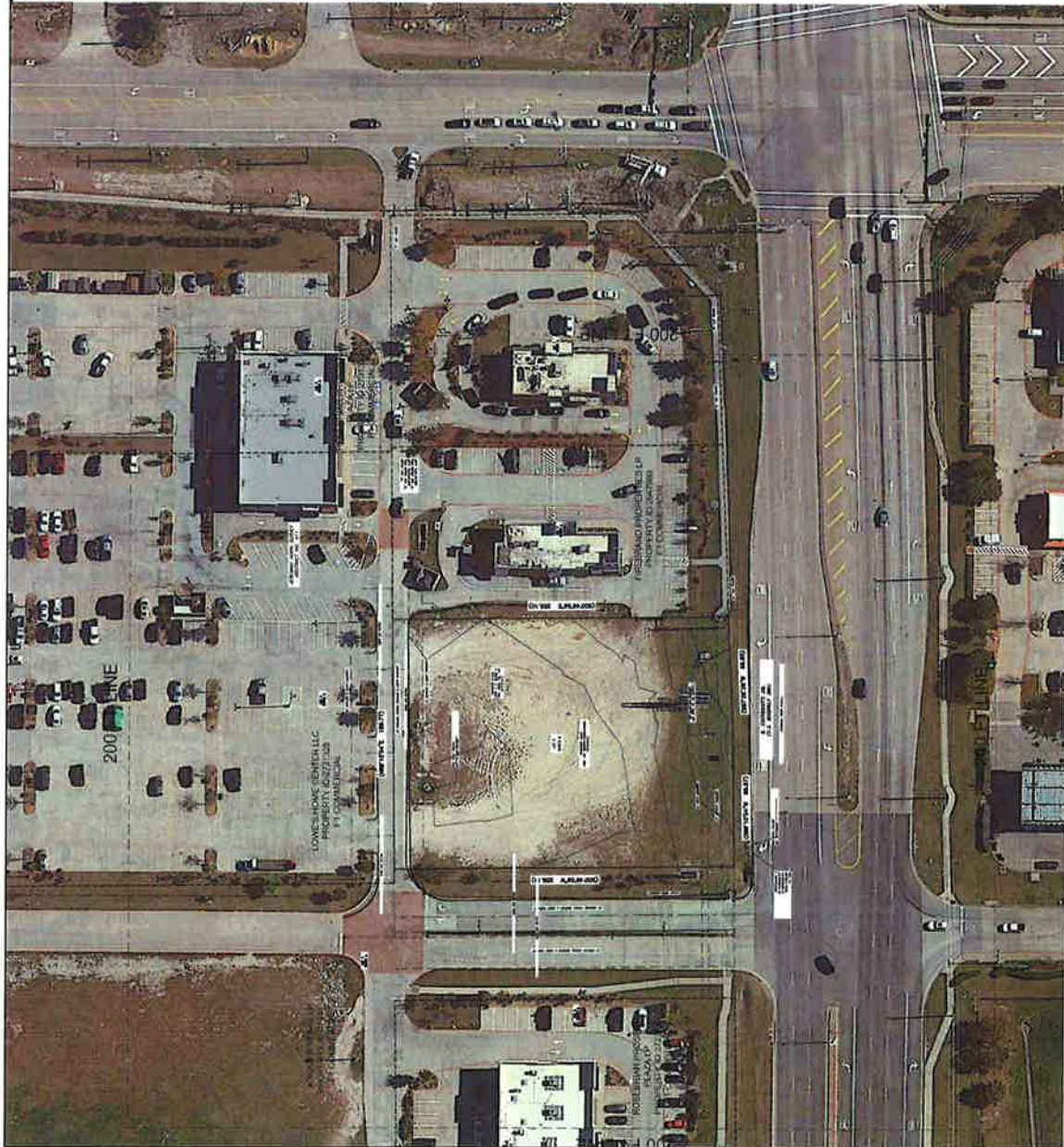


Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney





SITE PLAN

IdentityARCHITECTS

111 Town Street, Houston, Texas 77002
www.identityarchitects.com 713.956.7103



The following information is provided for your information and is not intended to be a legal description of the property. It is the responsibility of the client to verify the accuracy of the information provided. The information is provided for your information and is not intended to be a legal description of the property. It is the responsibility of the client to verify the accuracy of the information provided.

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VICINITY MAP

Scale: NTS

OWNER: **Lowes Home Centers LLC**
111 Town Street, Houston, Texas 77002
APPLICANT: **Identity Architects**
111 Town Street, Houston, Texas 77002
SURVEYOR: **William J. Carter**
111 Town Street, Houston, Texas 77002

EXHIBIT A
PROPOSED PLAZA
TRACT 1 LOT 2 BLOCK A
VOLUME 2008, PAGE 140 OF 141
JEREMIAH HORN SURVEY, ABSTRACT NO. 411
1.121 ACRES

January 14, 2022

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;

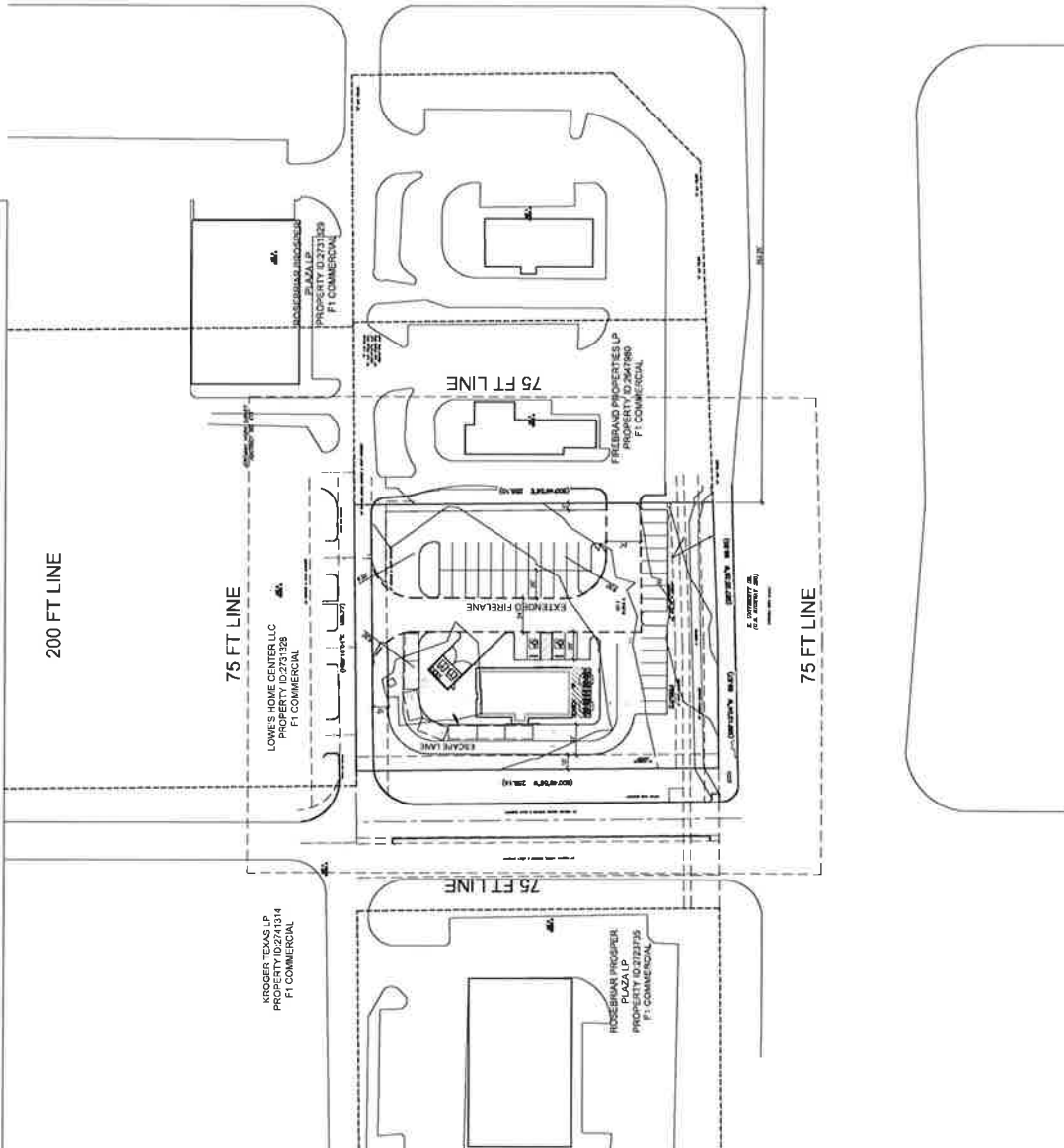
THENCE, along the north line of said Lot 2, the south line of said Lot 5, North 89 degrees, 10 minutes, 04 seconds East, a distance of 189.77 feet to a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199";

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

Scale: 1" = 40'-0"



identityARCHITECTS

1111 Travis Street, Houston, Texas 77002
www.identityarchitects.com 713.594.2150



VICINITY MAP

Scale: NTS

STAGING NOTES

- ANY REVISION TO THIS PLAN WILL REQUIRE TOWN APPROVAL AND WILL REQUIRE REVISIONS TO ANY CORRESPONDING PLANS TO AVOID CONFLICTS BETWEEN PLANS.
1. ALL EXISTING AND PROPOSED BUILDINGS SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE.
 2. OPEN STORAGE, WHERE PERMITTED, SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE.
 3. OUTDOOR LIGHTING SHALL COMPLY WITH THE LIGHTING AND GLARE STANDARDS CONTAINED IN THE ZONING ORDINANCE.
 4. ALL EXISTING AND PROPOSED LANDSCAPING SHALL COMPLY WITH THE ZONING ORDINANCE.
 5. ALL ELEVATIONS SHALL COMPLY WITH THE STANDARDS CONTAINED WITHIN THE ZONING ORDINANCE.
 6. BUILDINGS OF 3,000 SQUARE FEET OR GREATER SHALL BE 100% FIRE SPRINKLED.
 7. ALL NEW ELECTRICAL LINES SHALL BE INSTALLED AND/OR RELOCATED IN ACCORDANCE WITH THE ELECTRICAL CODE.
 8. SPEED BUMPINGS ARE NOT PERMITTED WITHIN A FIRE LANE.
 9. ALL NEW ELECTRICAL LINES SHALL BE INSTALLED AND/OR RELOCATED IN ACCORDANCE WITH THE ELECTRICAL CODE.
 10. AMERICANS WITH DISABILITIES ACT AND ANY OTHER APPLICABLE STANDARDS OF THE CURRENT ADAPTED BUILDING CODE.
 11. ALL FENCES AND RETAINING WALLS SHALL BE SHOWN ON THE SITE PLAN AND ARE SUBJECT TO THE ENGINEERING DEPARTMENT'S REVIEW AND APPROVAL.
 12. ALL EXTERIOR BUILDING MATERIALS ARE SUBJECT TO BUILDING OFFICIAL APPROVAL AND SHALL CONFORM TO THE APPROVED FACADE PLAN.
 13. ALL EXTERIOR BUILDING MATERIALS ARE SUBJECT TO BUILDING OFFICIAL APPROVAL AND SHALL CONFORM TO THE APPROVED FACADE PLAN.
 14. COLLECTORS AND THE 10 FEET IN WIDTH ALONG RESIDENTIAL, STREETS AND BARRIERS ARE SUBJECT TO THE ENGINEERING DEPARTMENT'S REVIEW AND APPROVAL.
 15. APPROVAL OF THE SITE PLAN IS NOT VALID UNTIL THE CITY ENGINEER HAS REVIEWED AND APPROVED THE SITE PLAN.
 16. BY THE ENGINEERING DEPARTMENT, THE CITY ENGINEER SHALL BE RESPONSIBLE FOR THE REVIEW AND APPROVAL OF THE SITE PLAN.
 17. ALL NEW ELECTRICAL LINES SHALL BE INSTALLED AND/OR RELOCATED IN ACCORDANCE WITH THE ELECTRICAL CODE.
 18. ALL NEW ELECTRICAL LINES SHALL BE INSTALLED AND/OR RELOCATED IN ACCORDANCE WITH THE ELECTRICAL CODE.
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 20. ALL NEW ELECTRICAL LINES SHALL BE INSTALLED AND/OR RELOCATED IN ACCORDANCE WITH THE ELECTRICAL CODE.
 21. THE APPROVAL OF A SITE PLAN SHALL BE EFFECTIVE FOR A PERIOD OF SIXTEEN (16) MONTHS FROM THE DATE OF APPROVAL. ANY CHANGES TO THE SITE PLAN MUST BE SUBMITTED AND APPROVED BY THE CITY ENGINEER BEFORE THE EXPIRATION OF THE SIXTEEN (16) MONTH PERIOD.
- PRELIMINARY SITE PLAN FOR THE PROPERTY IS NULL AND VOID.

| | | |
|--|---------------|-------------|
| ZONING: | | COMMERCIAL |
| PROPOSED USE: | RESTAURANT | |
| LOT AREA: | 48,832 SF | 1.121 ACRES |
| BUILDING AREA (GROSS): | 2,400 SF | |
| LOT COVERAGE (%): | 4.91% | |
| FLOOR AREA RATIO: | 0.051 | |
| TOTAL PARKING REQUIRED (W/RATIO): | 20 PS | |
| PATIO (PS)/100SF: | 5 PS | |
| RESTAURANT (PS)/100SF: | 24 PS | |
| TOTAL PARKING PROVIDED: | 42 PS | |
| NUMBER OF HANDICAP SPACES REQUIRED: | 2 PS | |
| PERCENTAGE OF LANDSCAPE PROVIDED (% AND SF): | 10% 4,884 SF | |
| PERCENTAGE OF LANDSCAPE PROVIDED (% AND SF): | 27% 13,207 SF | |
| SQUARE FOOTAGE OF IMPERVIOUS SURFACE: | 33,028 SF | |

EXHIBIT B

PROSPER PLAZA
TRACT: LOT 2 BLOCK A
VOLUME 2008 PAGE 140 OF 140 P.L.C.T
JEREMIAH HORN SURVEY/ADDITIONAL ACRES 1.121 ACRES

May 10, 2022

| MATERIAL CALCULATION | | | | | | | | | |
|---------------------------------|------------|-------------|------------|-------------|------------|-------------|------------|-------------|-------------|
| | SOUTH | | EAST | | NORTH | | WEST | | TOTAL |
| MATERIAL | SQ. FT. | % | SQ. FT. | % | SQ. FT. | % | SQ. FT. | % | SQ. FT. |
| NON-GLAZED DOORS AND WINDOWS | 117 | 27% | 178 | 29% | 8 | 1% | 126 | 24% | 434 |
| GLAZED DOORS AND WINDOWS | 317 | 73% | 422 | 69% | 111 | 18% | 443 | 86% | 1303 |
| TOTAL (WITHOUT FINISHES) | 434 | 100% | 600 | 100% | 119 | 100% | 569 | 100% | 1724 |
| BRICK (BROWN & IRONSPOT) | 107 | 25% | 168 | 28% | 11 | 1% | 113 | 20% | 409 |
| STUCCO (3 STEP) | 280 | 65% | 432 | 72% | 108 | 9% | 450 | 79% | 1310 |
| METAL ACCENT | 53 | 12% | 60 | 10% | 0 | 0% | 46 | 8% | 159 |

| FINISH MATERIALS | |
|------------------|---|
| BRICK 1 | EXECUTIVE BRICK EXECUTIVE IRONSPOT TBN |
| BRICK 2 | EXECUTIVE BRICK EXECUTIVE IRONSPOT TBN |
| STUCCO | EXECUTIVE BRICK EXECUTIVE IRONSPOT TBN |

| | | |
|---------|---|-------------------------------------|
| BRICK 1 | EXECUTIVE BRICK EXECUTIVE IRONSPOT TBN | METAL PWS WHITE ANODIZED |
| BRICK 2 | EXECUTIVE BRICK EXECUTIVE IRONSPOT TBN | EXECUTIVE EXECUTIVE IRONSPOT TBN |
| STUCCO | EXECUTIVE BRICK EXECUTIVE IRONSPOT TBN | EXECUTIVE EXECUTIVE IRONSPOT TBN |

GENERAL NOTES

- THIS FACADE PLAN IS FOR CONCEPTUAL PURPOSES ONLY. ALL BUILDING MATERIALS SHALL BE SELECTION FROM PUBLIC VIEW AS SHOWN ON THE FACADE PLAN.
- ALL MECHANICAL UNITS SHALL BE SCREENED FROM PUBLIC VIEW AS SHOWN ON THE FACADE PLAN.
- WHEN PERMITTED, EXPOSED UTILITY GOES AND CONDUITS SHALL BE CONCEALED OR SCREENED FROM PUBLIC VIEW AS SHOWN ON THE FACADE PLAN.
- ALL SIGNAGE AREAS AND LOCATIONS ARE SUBJECT TO APPROVAL BY THE CITY OF FORT WORTH.
- ALL FINISHES SHALL BE SELECTION FROM PUBLIC VIEW AS SHOWN ON THE FACADE PLAN.
- ALL MATERIALS SHALL NOT BE PLACED ON THE STRUCTURE UNLESS THEY ARE APPROVED BY THE CITY OF FORT WORTH.
- ALL APPROVED FACADE PLAN SHALL BE POSTED ON SITE AT ALL TIMES.

**RESTAURANT WITH DRIVE-THRU
 PROSPER PLAZA
 TRACT 1, BLOCK A, LOT 2**
 FACADE PLAN #022-0002
 SUBMITTAL DATE: 02/26/2022

OWNER:
 RESTAURANT INVESTMENTS, LLC
 1000 W. WORTH, SUITE 100
 FORT WORTH, TX 76102
 (817) 400-0444

ARCHITECT:
 ROGUE ARCHITECTURE
 1000 W. WORTH, SUITE 100
 FORT WORTH, TX 76102
 (817) 400-0444

ENGINEER:
 LANDSCAPE ARCHITECT
 1000 W. WORTH, SUITE 100
 FORT WORTH, TX 76102
 (817) 400-0444

