

AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, ADOPTING AND APPROVING A SPECIAL PURPOSE SIGN DISTRICT, PURSUANT TO SECTION 3.14.012 OF THE TOWN'S CODE OF ORDINANCES, AS AMENDED, FOR 12.30 ACRES OUT OF A 35.72-ACRE TRACT OF LAND, MORE OR LESS, COMMONLY KNOWN AS PROSPER PLAZA (LOWE'S); MAKING FINDINGS; 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, Section 3.14.012 of the Town's Code of Ordinances, as amended, provides for the approval by the Town Council of the Town of Prosper, Texas (the "Town Council"), of a special district that exclusively addresses sign regulations; and

WHEREAS, the special district, if approved by the Town Council, is designated a Special Purpose Sign District ("SPSD"), and in general, the purposes of an SPSP are to (1) promote consistency among signs within a development, thus creating visual harmony between signs, buildings, and other components of the property; (2) enhance the compatibility of signs with the architectural and site design features within a development; (3) encourage signage that is in character with planned and existing uses, thus creating a unique sense of place; and (4) encourage multi-tenant commercial uses to develop a unique set of sign regulations in conjunction with development standards; and

WHEREAS, an application has been submitted to the Town for a SPSP for 12.30 acres out of a 35.72-acre tract of land, more or less ("the Property"), commonly known as Prosper Plaza (Lowe's), generally located on the northwest corner of US Highway 380 and Custer Road in the Town; and

WHEREAS, the proposed SPSP consists of signage for a Lowe's store on 12.30 acres, which was approved by the Town Council on November 10, 2015, and signage for a Kroger store on 23.42 acres, consideration of which was postponed from November 10, 2015, to December 8, 2015; and

WHEREAS, all legal notices required for the creation of the proposed SPSP have been given in the manner and form set forth by law, and public hearings have been held on the proposed SPSP and all other requirements of notice and completion of such SPSP procedures have been fulfilled; and

WHEREAS, the Town Council has further investigated and determined that it will be advantageous and beneficial to Prosper and its inhabitants to adopt a SPSP on the aforementioned property, subject to the terms and conditions as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

There is hereby created and approved a Special Purpose Sign District on the Property. All signage on the Property shall be subject to the Statement of Intent and Purpose, attached hereto as Exhibit A and incorporated by reference, the Sign Coordination Plan, attached hereto as Exhibit B and incorporated by reference, and the detailed elevations, attached hereto as Exhibits C-1, C-2, and C-3 and incorporated by reference. Any signage not specifically addressed in the attachments to this Special Purpose Sign District Ordinance shall comply with the Town's Sign Ordinance, contained in Article 3.14, "Signs," of Chapter 3, "Building Regulations," of the Town's Code of Ordinances, as amended.

SECTION 3

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

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 signage that is not in conformity with this Ordinance.

SECTION 5

Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined any sum not exceeding Five Hundred (\$500.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the Town from filing suit to enjoin the violation. The Town retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6

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

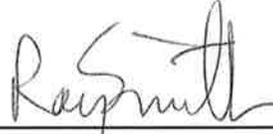
All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation

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

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 8TH DAY OF DECEMBER, 2015.



Ray Smith, Mayor

ATTEST:



Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:



Terrence S. Welch, Town Attorney

EXHIBIT "A"

STATEMENT OF INTENT & PURPOSE

Prosper Plaza – Lowe's

This Special Purpose Sign District (SPSD) is for the portion of Prosper Plaza related to a proposed Lowe's Home Improvement store on 12.30 acres. The Sign Coordination Plan shows the location of unified development signs and monument signs, which shall comply with the Town's Sign Ordinance, contained in Article 3.14, "Signs," of Chapter 3, "Building Regulations", of the Town's Code of Ordinances, as amended.

The proposed wall signs #4 and #5 do not comply with the Sign Code in regard to maximum wall sign height. The maximum permitted height of a wall sign is five feet (5'). The highest point of one (1) letter of wall sign #4 is 9'-4" with the remaining letters being 8'-0" high. The highest point of one letter of wall sign #5 is 7'-6" and the remaining letters 2'-2" high.

The maximum permitted wall sign area is 50% of the wall area which is 19,639 square feet. The proposed wall signs represents 2.5% (480 square feet) of the total wall area.

The proposed wall signs are proportional to the height of the front façade.

UNIFIED DEVELOPMENT ZONE

TOTAL ACREAGE: 35.72 ACRES

NUMBER OF LOTS: 6

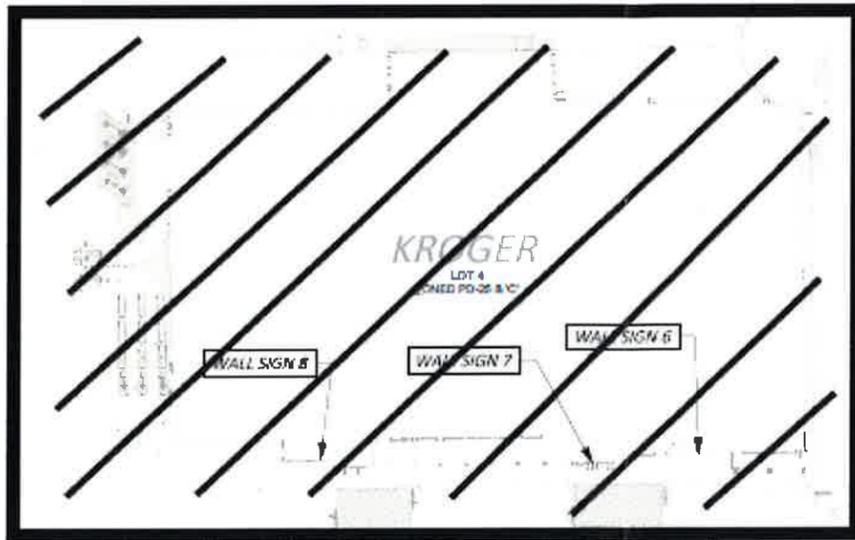
NUMBER OF UNIFIED DEVELOPMENT SIGNS: 3

NUMBER OF MONUMENT SIGNS: 4

NOTE:
PROPOSED MONUMENT SIGNS
SHALL COMPLY WITH ORDINANCE



NOT PART OF THIS ORDINANCE



LOWE'S
LOT 5
ZONED PD-R

LOT 6
ZONED PD-R

WALL SIGN 5

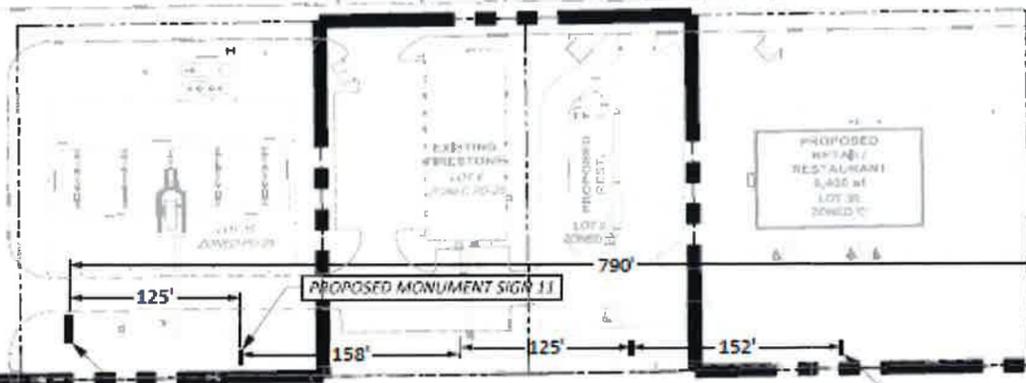
WALL SIGN 4

UNIFIED DEVELOPMENT
SIGN 2

N CUSTER RD/F. M. HWY 2478

PROPOSED MONUMENT SIGN 12

279'



LEGACY BANK
LOT 2
ZONED C

UNIFIED DEVELOPMENT
SIGN 2

U.S. HIGHWAY 380

UNIFIED DEVELOPMENT
SIGN 3

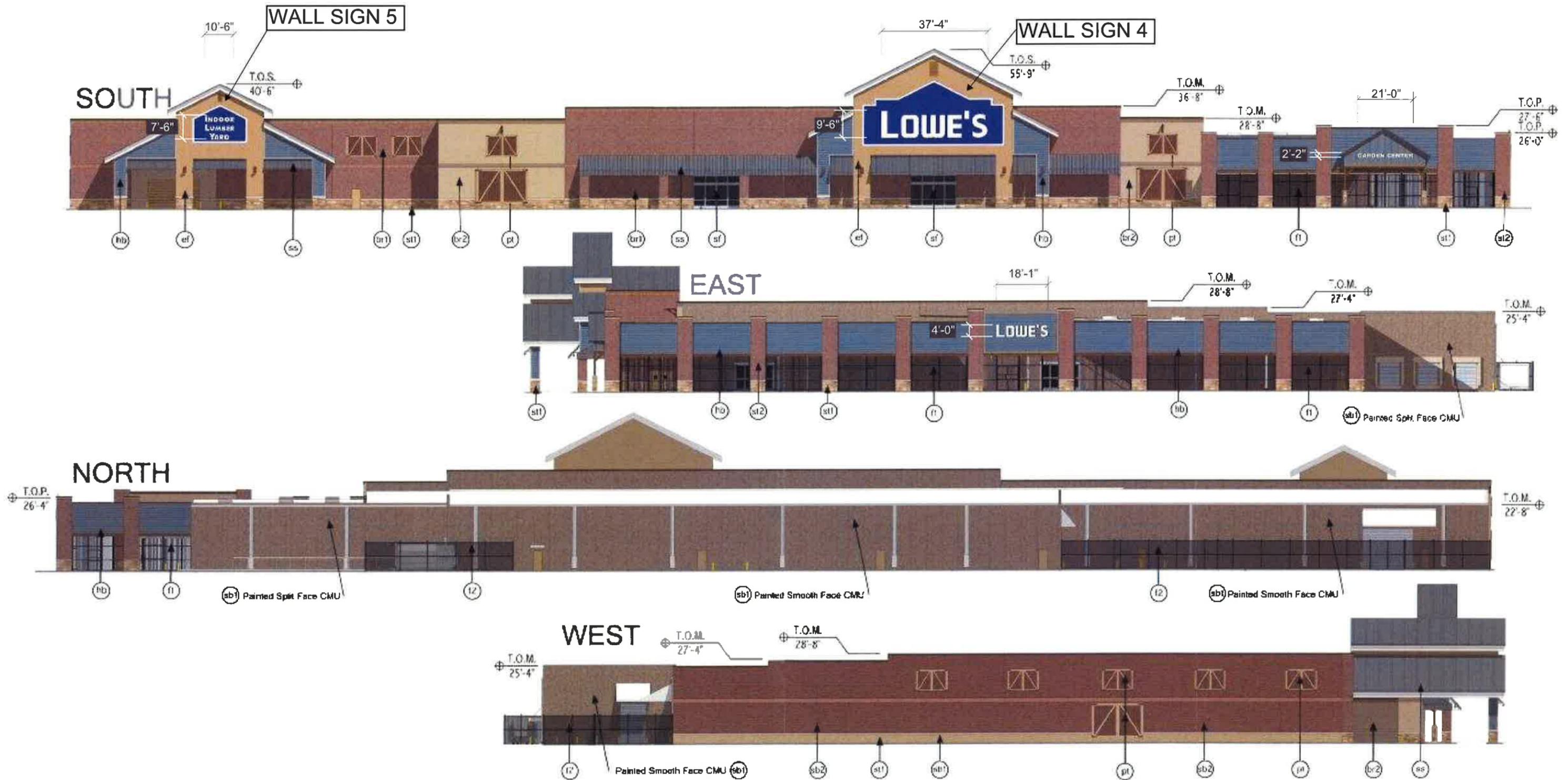


PROSPER PLAZA
35.72 ACRES
PROSPER, TEXAS

**EXHIBIT 'B' - SIGN
COORDINATION PLAN**

DATE	24 1000 05	29 10 15
BY		
REVISION		
NO.		

WALL SIGN 4 & 5



SCALE 1/16 = 1'-0" (384)

EXHIBIT C-1

Client Review Status

Allen Industries, Inc. requires that an "Approved" drawing be obtained from the client prior to any production release or production release revision.

Approved Approved as Noted Revise & Resubmit

Name _____ Date _____
Title _____

Declaration

Copyright © 2015 Allen Industries, Inc.

This is an original, unpublished drawing, created by Allen Industries, Inc. This drawing is submitted to you in confidence for your use solely in connection with the project being planned for you by Allen Industries, Inc. and is not to be shown to anyone outside your organization, nor used, reproduced, copied or exhibited in any fashion whatsoever. The designs shown on the drawing (except for any registered trademarks that may belong to a client of Allen Industries, Inc.) remain the property of Allen Industries, Inc.

Date / Description

07/21/15 Issue Date

- / - / -
- / - / -
- / - / -
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Notes

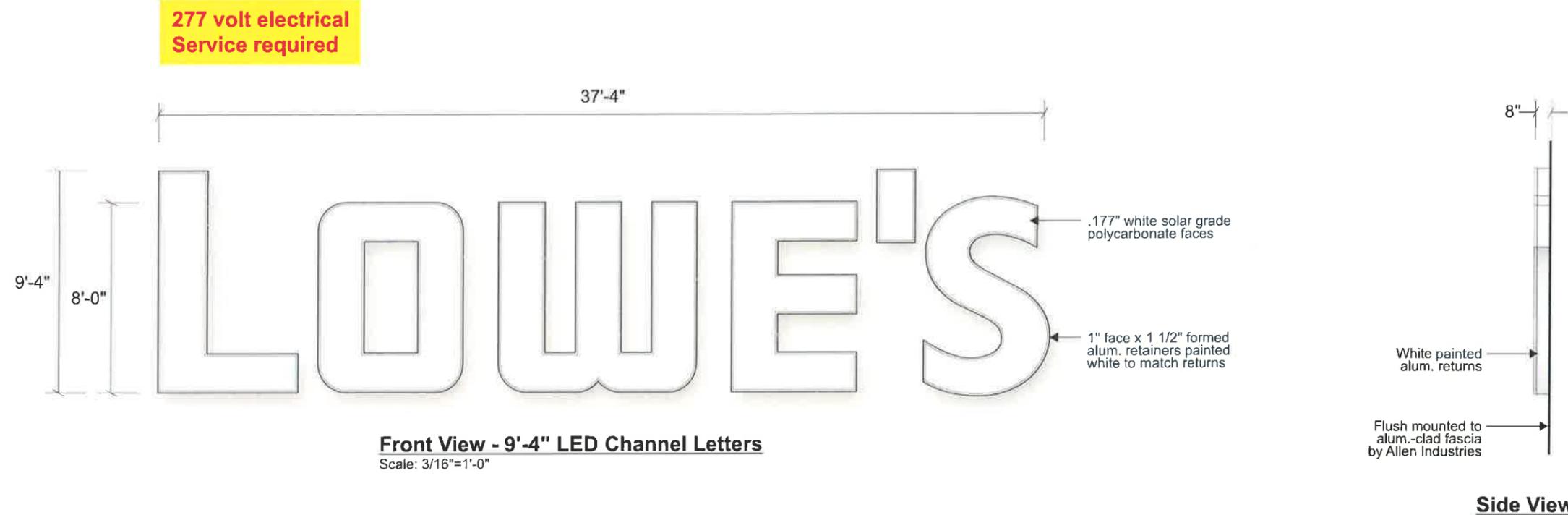
Project Information

Client **Lowe's Home Centers**
University Drive and N. Custer Dr.
Prosper, TX
 File **LWS-C053 Lowes Prosper TX Wall Signs**
 Sales **House** Design **SPN** PM **Neil Chase**



888-294-2007
 www.allenindustries.com

WALL SIGN 4



SPECIFICATIONS

9'-4" / 8'-0" Fabricated aluminum channel letter set, internally illuminated with white LEDs. Installed flush on pre-fabricated metal wall panel system with through bolts, utilizing existing wood blocking if possible.

Welded aluminum letter construction consists of 8" deep .063" alum. returns, .090" alum. backs with gussets and angle bracing as needed for rigidity, .177" white solar grade polycarbonate faces and 1" x 1 1/2" formed alum. retainers. All exterior surfaces of letters to be painted with Akzo Noble white exterior finish. Interior of letters to be painted white for maximum brightness. Each letter to have self contained LED power supplies & junction boxes as specified on next page. Each letter to have external disconnect switch for service. 10'-0" long electrical whip for connection to dedicated electrical circuit. Final electrical connection by clients electrical contractor.

All letters required to have UL approved label and manufacturers ID label

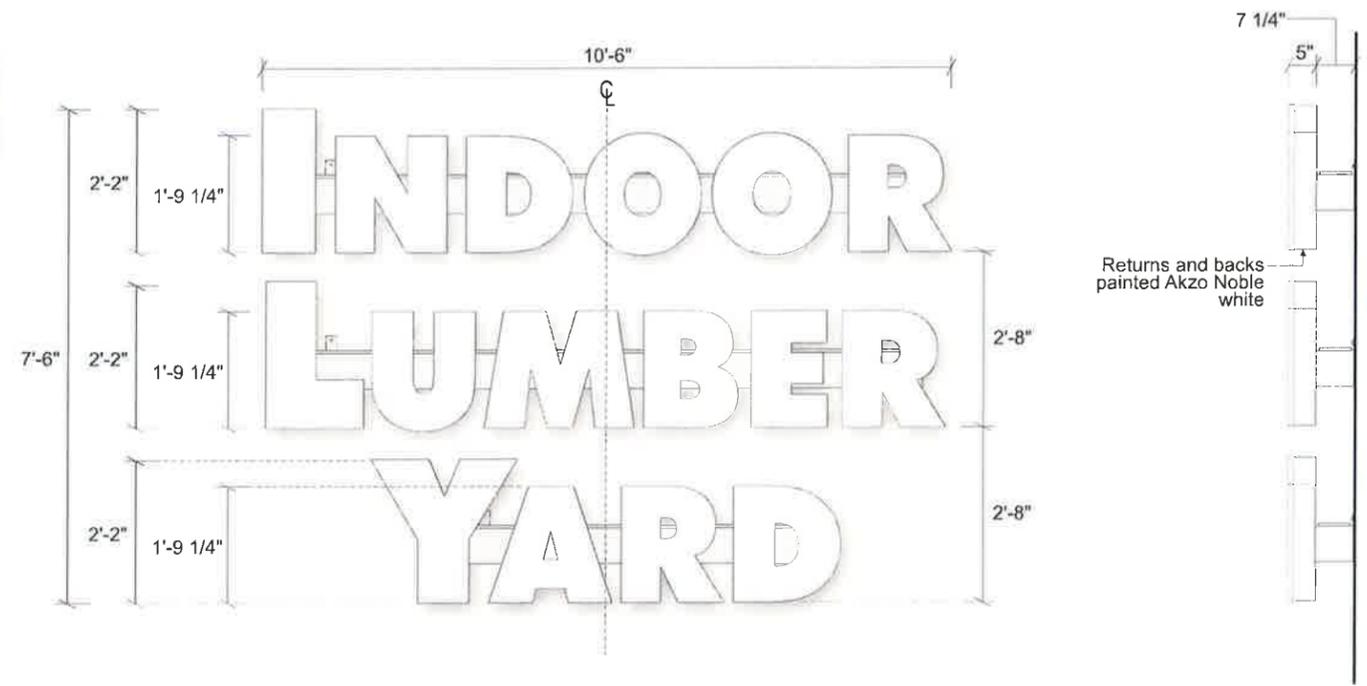


EXHIBIT C-2

Client Review Status	Declaration	Date / Description	Notes	Project Information
Allen Industries, Inc. requires that an <input type="checkbox"/> Approved drawing be obtained from the client prior to any production release or production release revision. <input type="checkbox"/> Approved <input type="checkbox"/> Approved as Noted <input type="checkbox"/> Revise & Resubmit Name _____ Title _____ Date _____	Copyright © 2015 Allen Industries, Inc. This is an original, unpublished drawing, created by Allen Industries, Inc. This drawing is submitted to you in confidence for your use solely in connection with the project being planned for you by Allen Industries, Inc. and is not to be shown to anyone outside your organization, nor used, reproduced, copied or exhibited in any fashion whatsoever. The designs shown on the drawing (except for any registered trademarks that may belong to a client of Allen Industries, Inc.) remain the property of Allen Industries, Inc.	07/21/15 Issue Date - 1 - - 2 - - 3 - - 4 -	Ordinance No. 15-73, Page 7	Client Lowe's Home Centers University Drive and N. Custer Dr. Prosper, TX File LWS-C053 Lowes Prosper TX Wall Signs Sales House Design SPN PM Neil Chase

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277 volt electrical Service required



Front View - "Indoor Lumber Yard" Channel Letters
Scale: 3/8"=1'-0"

Side View
Scale: 3/8"=1'-0"

SPECIFICATIONS

2'-2" / 1'-9 1/4" Fabricated aluminum channel letter set, internally illuminated with white LEDs. Installed on fabricated alum. 7" x 7" raceway with 1/4" alum. plate attachment clips. 2x10 wood blocking installed by GC according to specific coordinates to be provided by Allen Industries prior to installation.

Aluminum letter construction consists of 5" deep .040" alum. returns, .063" alum. backs, .150" white solar grade polycarbonate faces and white Jewelite face retainers. Letter returns pre-finished white; finish warranted for 10 years. Interior of letters painted white for maximum illumination. Entire internal perimeter of letters to be sealed with white silicone caulking after priming and painting. LED power supplies located in raceway. Each individual raceway to have external disconnect switch for service. 10'-0" long electrical whip for connection to dedicated electrical circuit. Final electrical connection by clients electrical contractor.

All letters will bear UL approved label and manufacturers ID label

EXHIBIT C-3

Client Review Status	Declaration	Date / Description	Notes	Project Information
Allen Industries, Inc. requires that an "Approved" drawing be obtained from the client prior to any production release or production release revision. <input type="checkbox"/> Approved <input type="checkbox"/> Approved as Noted <input type="checkbox"/> Revise & Resubmit Name _____ Date _____	Copyright © 2015 Allen Industries, Inc. This is an original, unpublished drawing, created by Allen Industries, Inc. This drawing is submitted to you in confidence for your use solely in connection with the project being planned for you by Allen Industries, Inc. and is not to be shown to anyone outside your organization, nor used, reproduced, copied or exhibited in any fashion whatsoever. The designs shown on the drawing (except for any registered trademarks that may belong to a client of Allen Industries, Inc.) remain the property of Allen Industries, Inc.	07/21/15 Issue Date - - - - - - - -	Ordinance No. 15-73, Page 8	Client Lowe's Home Centers University Drive and N. Custer Dr. Prosper, TX File LWS-C053 Lowes Prosper TX Wall Signs Sales House Design SPN PM Neil Chase



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EXHIBIT "D"

SIGN SCHEDULE / DEVELOPMENT STANDARDS

SIGN NUMBER	TYPE	DOES NOT COMPLY WITH:	SECTION
1	Unified Development Sign	Not Applicable	
2	Unified Development Sign	Not Applicable	
3	Unified Development Sign	Not Applicable	
4	Wall Sign (Lowe's)	Maximum Wall Sign Height	1.09 N.2.c.4
5	Wall Sign (Lowe's)	Maximum Wall Sign Height	1.09 N.2.c.4
6	Wall Sign (Kroger Starbucks)		
7	Wall Sign (Kroger)		
8	Wall Sign (Kroger)		
9	Existing Monument (Taco Bueno)	Not Applicable	
10	Proposed Monument (Prosper Retail 1)	Not Applicable	
11	Proposed Monument (Kroger Fuel)	Not Applicable	
12	Proposed Monument (Prosper Retail 2)	Not Applicable	