



PLANNING

To: Mayor and Town Council

From: David Soto, Planning Manager

Through: Harlan Jefferson, Town Manager
Hulon T. Webb, Jr., Interim Executive Director of Development and Infrastructure Services

Re: Town Council Meeting – July 26, 2022

Agenda Item:

Conduct a public hearing and consider and act upon a request for a Specific Use Permit (SUP) for a Restaurant with Drive-Through Service, on 1.2± acres, in the Victory at Frontier development. The property is zoned Planned Development-10 & Specific Use Permit 38 (PD-10 & S-38). (S22-0006).

History:

The Planning & Zoning Commission approved a Specific Use Permit (SUP) for a Restaurant with Drive-Through Service on November 2, 2021. The request originally had a drive-through restaurant use within a 4,845 square-foot restaurant building. The applicant is now requesting to amend the SUP to expand the square-footage of the building to 6,050 square-foot for a retail and restaurant with drive through service. Per our zoning ordinance, any increase in building square footage from its size on the approved SUP should be no more than 10%. Any other enlargements shall require the re-approval of the SUP.

Description of Agenda Item:

The zoning and land use of the surrounding properties are as follows:

	Zoning	Current Land Use	Future Land Use Plan
Subject Property	Planned Development-10 & Specific Use Permit 38	Undeveloped	Retail & Neighborhood Services District
North	Planned Development-10 & Specific Use Permit	Convenience Store with Gas Pumps (7-Eleven)	Retail & Neighborhood Services District
East	Planned Development-10	Undeveloped	Retail & Neighborhood Services District
South	Planned Development-10	Victory at Frontier	Retail & Neighborhood Services District
West	Planned Development-10	Undeveloped	Retail & Neighborhood Services District

Requested Zoning – The purpose of this request is to allow for a drive-through restaurant use within a 6,050 square-foot retail and restaurant with drive through service. As shown on Exhibit B, the site provides adequate parking and stacking, as well as an outdoor dining area. Exhibit C is a conceptual landscape plan, which depicts the location of required landscaping. The landscaping meets the minimum standards of the Town's Zoning Ordinance. Exhibit D shows a conceptual rendering of the architectural look and style of the building. The applicant has stated they will amend the development agreement to reflect the revised Exhibit D.

The Zoning Ordinance contains four criteria to be considered in determining the validity of a SUP request, as follows:

1. *Is the use harmonious and compatible with its surrounding existing uses or proposed uses?*
2. *Are the activities requested by the applicant normally associated with the requested use?*
3. *Is the nature of the use reasonable?*
4. *Has any impact on the surrounding area been mitigated?*

Staff believes the applicant has satisfied the noted criteria and recommends approval of the request.

Future Land Use Plan – The Future Land Use Plan recommends Retail and Neighborhood Services. The proposed zoning request conforms to the Future Land Use Plan.

Retail and Neighborhood Services

Neighborhood services typically include retail establishments that provide merchandise for retail sale, banks, neighborhood office and small medical offices. Retail uses are particularly important because they contribute to Prosper's tax base through both property and sales taxes, making their inclusion attractive and often times competitive. Within Prosper, neighborhood service uses will likely occur at major intersections along the Dallas North Tollway, Highway 380 and Preston Road corridors. Neighborhood service uses should also be strategically placed along the Town's perimeter in order to attract patrons from neighboring communities, enhancing sales tax revenue opportunities. The majority of neighborhood service activity within Prosper will likely be included within the Dallas North Tollway, Highway 380, Town Center and Old Town districts.



Conformance to the Thoroughfare Plan – The property has direct access to Preston Road, a 6-lane divided thoroughfare. The SUP exhibit complies with the Thoroughfare Plan.

Parks Master Plan – The Parks Master Plan does not indicate a park is needed on the subject property.

Legal Obligations and Review:

Notification was provided to neighboring property owners as required by the Zoning Ordinance and state law. To date, staff has not received any Public Hearing Notice Reply Forms in response to this request.

Attached Documents:

1. Aerial and Zoning Maps
2. Proposed Exhibits

Planning & Zoning Commission Recommendation:

At their June 21, 2022, meeting, the Planning & Zoning Commission recommended the Town Council approve the request, by a vote of 7-0.

Town Staff Recommendation:

Town staff recommends approval of the request for a Specific Use Permit (SUP) for a Restaurant with Drive-Through Service, on 1.2± acres, in the Victory at Frontier development.

Proposed Motion:

I move to approve the request for a Specific Use Permit (SUP) for a Restaurant with Drive-Through Service, on 1.2± acres, in the Victory at Frontier development.