



## PLANNING

**To:** Mayor and Town Council

**From:** Alex Glushko, AICP, Planning Manager

**Through:** Harlan Jefferson, Town Manager  
Rebecca Zook, P.E., Executive Director of Development & Infrastructure Services  
Khara Dodds, AICP, Director of Development Services

**Re:** Town Council Meeting – January 11, 2022

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**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 in the Shops at Prosper Trail, on 1.1± acres, located on the east side of Preston Road, north of Prosper Trail. The property is zoned Planned Development-68 (PD-68). (S21-0005).

**Description of Agenda Item:**

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

	<b>Zoning</b>	<b>Current Land Use</b>	<b>Future Land Use Plan</b>
<b>Subject Property</b>	Planned Development-68-Retail	Undeveloped	Retail & Neighborhood Services District
<b>North</b>	Planned Development-68-Retail	Multitenant Building (Shops at Prosper Trail)	Retail & Neighborhood Services District
<b>East</b>	Planned Development-68-Retail	Kroger Marketplace (Shops at Prosper Trail)	Retail & Neighborhood Services District
<b>South</b>	Planned Development-68-Retail	Fuel Center (Shops at Prosper Trail)	Retail & Neighborhood Services District
<b>West</b>	Planned Development-31-Office	Undeveloped	Retail & Neighborhood Services District

**Requested Zoning** – The purpose of this request is to allow for a restaurant with drive-through service, totaling 750 square feet. It is currently anticipated the tenant will be Salad and Go. As shown on Exhibit B, the site includes adequate parking and stacking. 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. Since the Planning & Zoning Commission meeting, the applicant has revised the elevations to be more consistent with the materials and styles of the buildings throughout the Shops at Prosper Trail development.

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?*

While staff believes the applicant has satisfied the noted criteria and recommends approval of the proposed use, it should be noted, as with a previous similar request, staff maintains concerns about the potential viability of repurposing of buildings under 1,000 square feet, should the tenant vacate the building in the future for any reason.

Future Land Use Plan – The Future Land Use Plan recommends Retail & Neighborhood Services uses for the property. This request conforms to the Future Land Use Plan.

Conformance to the Thoroughfare Plan – The property has direct access to Preston Road, a six-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. However, four (4) surrounding residents/property owners expressed opposition to the request at the public hearing held at the December 7, 2021, Planning & Zoning Commission meeting.

**Attached Documents:**

1. Location and Zoning Maps
2. SUP Exhibits A, B, C, and D

**Planning & Zoning Commission Recommendation:**

At their December 7, 2021, meeting, the Planning & Zoning Commission recommended the Town Council deny the request, by a vote of 6-0, noting concerns with the proposed use and building size.

**Staff Recommendation:**

Town staff recommends that the Town Council approve the request for a Specific Use Permit (SUP) for a Restaurant with Drive-Through Service in the Shops at Prosper Trail, subject to the following:

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

**Proposed Motion:**

I move to approve the request for a Specific Use Permit (SUP) for a Restaurant with Drive-Through Service in the Shops at Prosper Trail, subject to the following:

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