

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIFIC USE PERMIT (SUP) TO ALLOW A FULL-SERVICE/EXTENDED-STAY HOTEL ON A TRACT OF LAND CONSISTING OF 5.9 ACRES, MORE OR LESS, SITUATED ON MSW PROSPER 380 ADDITION, BLOCK A, LOT 1, 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 (Case ZONE-25-0008) from Wilson Parmar ("Owner") for a Specific Use Permit (SUP) for a Full-Service/Extended-Stay Hotel, on a tract of land zoned Planned Development-47 (PD-47), consisting of 5.9 acres of land, more or less, on MSW Prosper 380 Addition, Block A, Lot 1, in the Town of Prosper, Collin County, Texas, and being more particularly described in Exhibit "A-1" and Exhibit "A-2", 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 to grant a Specific Use Permit (SUP) have been given in the manner and form set forth by law, and public hearings have been held on the proposed rezoning and all other requirements of notice and completion of such zoning 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 rezone this property as set forth below.

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

Specific Use Permit Conditions

Conditions of Approval. The following standards and conditions are hereby established as part of this ordinance:

1. The development shall operate as a single integrated hotel campus only under unified ownership of the Hilton flagship.
2. A new Specific Use Permit shall be applied for and considered by the Planning and Zoning Commission and Town Council should another brand pursue any variation of an extended-stay hotel.

3. The development shall have a maximum of 194 rooms with 100 being full-service and 94 being extended-stay.
4. The development shall comply with the conditional development standards for both a full-service hotel and extended-stay hotel including but not limited to the following:
 - a. Management staff on-site 24 hours a day.
 - b. Provision of the amenities shown on Exhibit "B" and amenities such as fire pits and upscale furnishings in covered and uncovered patio seating areas.
 - i. The jogging trail can be substituted for the sports court.
 - c. Daily housekeeping for both the full-service hotel and extended-stay hotel.
 - d. Provision of three meals a day and more limited bar/food selections after hours from the full-service restaurant.
 - e. Concierge and room service that includes breakfast and evening offerings from the full-service restaurant for guests of the full-service hotel.
 - f. A minimum of 10,000 square feet of indoor event/meeting space independent of the outdoor reception area shown on Exhibit "B".
 - g. No cooking facilities in the full-service rooms.
5. Berming shall be provided along Mahard Parkway.
6. Concrete edging shall be installed in place of the steel edging shown on Exhibit "C".
7. Artificial turf or a stone/tile surface shall be installed in the outdoor reception area shown on Exhibit "C".
8. Artificial turf shall be installed in the transition area between the outdoor reception area and playground area shown on Exhibit "C".
9. Artificial turf or outdoor rubber safety mats shall be installed in the playground area shown on Exhibit "C".
10. Enhanced landscaping shall be provided at the main entrance including more seasonal color in the landscaping beds.
11. A development agreement addressing building materials and landscaping maintenance shall be filed.

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: Applicant is granted a Specific Use Permit (SUP) for a Full-Service/Extended-Stay Hotel, on a tract of land zoned Planned Development-47 (PD-47), consisting of 5.9 acres of land, more or less, on MSW Prosper 380 Addition, Block A, Lot 1, Town of Prosper, Collin County, Texas, and being more particularly described in 1) the Property Legal Description, Exhibit "A-1" and 2) Survey, Exhibit "A-2", 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 Site Plan, attached hereto as Exhibit "B", (2) the Landscape Plan, attached hereto as Exhibit "C", and (3) the 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, as amended, 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 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, as amended, 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 THE 14TH DAY OF JULY, 2026.

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney