



PLANNING

To: Planning & Zoning Commission
From: Suzanne Porter, AICP, Planning Manager
Through: David Hoover, AICP, Director of Development Services
Re: Planning & Zoning Commission Meeting
Meeting: May 6, 2025

Item No. 4

Agenda Item:

Conduct a Public Hearing to consider and act upon amending Article 3, Division 1, Section 3.1.4 – Conditional Development Standards and Article 4, Division 9 - Additional and Supplemental, of the Town of Prosper Zoning Ordinance to modify requirements related to drive-throughs. (ZONE-25-0005)

Future Land Use Plan:

Not Applicable.

Comprehensive Plan:

The proposed Ordinance amendment fulfills the following Comprehensive Plan goal and objective:

Goal 2. Maintain and enhance the high quality of life and small-town feel currently available and expected by Prosper residents.

Objective 2.11: Update the Zoning Ordinance to address the design, look, and separation of drive-thru businesses.

Zoning:

The proposal is a text amendment to two sections of the Zoning Ordinance:

1. Modify Article 3, Division 1, Section 3.1.4 – Conditional Development Standards, to remove a separation requirement specifically related to restaurants with drive-throughs.
2. Modify Article 4, Division 9 - Additional and Supplemental, to add a requirement related to the adjacency of drive-throughs.

Thoroughfare Plan:

Not Applicable.

Parks Master Plan:

Not Applicable.

Legal Obligations and Review:

Notification was provided as required by the Zoning Ordinance and State law. Staff has not received any response to the proposed zoning request to date.

Attached Documents:

1. Ordinance

Description of Agenda Item:

On January 9, 2024, the Town Council approved an ordinance that modified several sections of the Zoning Ordinance that addressed a variety of standards related to drive-throughs, including restaurant drive-through adjacency requirements, stacking requirements, screening standards, and adjacency of certain uses to residential zoning. One of these additions addressed requirements for restaurants with drive-throughs being developed on adjacent lots. This is proposed to be removed, as shown below:

1. Restaurant.

-) A Restaurant is permitted by Specific Use Permit in the NS Zoning District and is permitted by right in the O, DTR, R, DTC, C, and CC Zoning Districts subject.
-) Restaurants with a drive-through are only permitted in the R, C, and CC Zoning Districts upon approval of a Specific Use Permit. ~~Restaurants with drive-throughs shall not be developed on adjacent lots.~~

The standard regarding adjacency requirements related to drive-throughs is proposed to be modified and expanded, as follows:

- Apply to all uses with a drive-through. This would expand the regulation to such as dry cleaners, pharmacies, financial institutions, car washes, automotive uses, groceries with a drive-through, and kiosks.
- The current language restricts the development of drive-through restaurants on adjacent lots. Since multiple buildings could be developed on one lot, this could allow for drive-throughs adjacent to each other on the same lot. The proposed language restricts drive-throughs from being on buildings adjacent to each other, regardless of lot lines.
- It clarifies that a building without a drive-through is required to be between two buildings with a drive-through. Some developments may have two drive-throughs separated by an expanse of parking or a detention pond, but this building arrangement would not comply with the new requirement.

Below is the proposed section that would be added to the Division "Additional and Supplemental":

§ 4.9.16 Drive-through Adjacency Standards.

Buildings with a drive-through, regardless of the use or size of the drive-through, shall not be adjacent to each other. There shall be a building without a drive-through between any two buildings with a drive-through.

Town Staff Recommendation:

Town Staff recommends approval of amending Article 3, Division 1, Section 3.1.4 – Conditional Development Standards and Article 4, Division 9 - Additional and Supplemental, of the Town of Prosper Zoning Ordinance to modify requirements related to drive-throughs.

Town Council Public Hearing:

Upon a recommendation by the Planning & Zoning Commission, a Public Hearing for this item will be scheduled for the Town Council at their Regular meeting on May 13, 2025.