



PLANNING

To: Mayor and Town Council
From: David Soto, Planning Manager
Through: Harlan Jefferson, Town Manager
Re: Town Council Meeting – June 14, 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, located on the north side of US 380, west of Custer Road. (The property is zoned Commercial (C)). (S22-0002).

Description of Agenda Item:

The purpose of this request is to allow for a drive-through restaurant use within a 2,400 square-foot standalone building. 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, which compares to other buildings within the development. The proposed building is primarily constructed of brick and stone.

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; however, staff is concerned with the number of total drive-through restaurants within the area. Currently, there are two (2) drive-through restaurants east of the subject property, one (1) north of the subject property, and two (2) west of the subject property. The yellow stars below indicate where drive-throughs are located.



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

	Zoning	Current Land Use	Future Land Use Plan
Subject Property	Commercial	Undeveloped	US 380 District
North	Planned Development-76	Big Box Retail	US 380 District
East	Commercial	Restaurant with drive through	US 380 District
South	City of Frisco	City of Frisco	City of Frisco
West	Commercial	Retail/ Restaurant with drive through	US 380 District

Future Land Use Plan – The Future Land Use Plan recommends US 380 District uses for the property. This request conforms to the Future Land Use Plan.

Conformance to the Thoroughfare Plan – The property has direct access to US 380, 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.

Attached Documents:

1. Aerial and Zoning Maps
2. Zoning Exhibits

Planning & Zoning Commission Recommendation:

At their May 17, 2022, meeting, the Planning & Zoning Commission recommended the Town Council approve the request, as presented by the applicant, by a vote of 5-1. Commissioner Kern voted in opposition to the request.

Town 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, subject to the following:

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