

## TOWN OF PROSPER, TEXAS

## ORDINANCE NO. 16-13

AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, ADOPTING AND APPROVING A SPECIAL PURPOSE SIGN DISTRICT, PURSUANT TO SECTION 3.14.012 OF THE TOWN'S CODE OF ORDINANCES, AS AMENDED, FOR 23.40 ACRES OUT OF A 35.72-ACRE TRACT OF LAND, MORE OR LESS, COMMONLY KNOWN AS PROSPER PLAZA (KROGER); MAKING FINDINGS; 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**, Section 3.14.012 of the Town's Code of Ordinances, as amended, provides for the approval by the Town Council of the Town of Prosper, Texas (the "Town Council"), of a special district that exclusively addresses sign regulations; and

**WHEREAS**, the special district, if approved by the Town Council, is designated a Special Purpose Sign District ("SPSD"), and in general, the purposes of an SPSD are to (1) promote consistency among signs within a development, thus creating visual harmony between signs, buildings, and other components of the property; (2) enhance the compatibility of signs with the architectural and site design features within a development; (3) encourage signage that is in character with planned and existing uses, thus creating a unique sense of place; and (4) encourage multi-tenant commercial uses to develop a unique set of sign regulations in conjunction with development standards; and

**WHEREAS**, an application has been submitted to the Town for a SPSD for 23.40 acres out of a 35.72-acre tract of land, more or less ("the Property"), commonly known as Prosper Plaza (Kroger), generally located on the northwest corner of US Highway 380 and Custer Road in the Town; and

**WHEREAS**, the proposed SPSD consists of signage for a Kroger store on 23.40 acres, which was approved by the Town Council on January 26, 2016; while the signage for the Lowe's store for 12.30 acres was approved by Town Council on December 8, 2015, as SPSD Ordinance No. 15-73; and

**WHEREAS**, all legal notices required for the creation of the proposed SPSD have been given in the manner and form set forth by law, and public hearings have been held on the proposed SPSD and all other requirements of notice and completion of such SPSD 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 adopt a SPSD on the aforementioned property, subject to the terms and conditions as set forth herein.

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

## SECTION 1

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

## SECTION 2

There is hereby created and approved a Special Purpose Sign District on the Property. All signage on the Property shall be subject to the Statement of Intent and Purpose, attached hereto as Exhibit A and incorporated by reference, the Sign Coordination Plan, attached hereto as Exhibit B and incorporated by reference, the detailed elevations, attached hereto as Exhibits C-4, C-5, C-6, and C-7, the Sign Schedule, attached hereto as Exhibit D and incorporated by reference, and incorporated by reference. Any signage not specifically addressed in the attachments to this Special Purpose Sign District Ordinance shall comply with the Town's Sign Ordinance, contained in Article 3.14, "Signs," of Chapter 3, "Building Regulations," of the Town's Code of Ordinances, as amended.

## SECTION 3

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

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 signage that is not in conformity with this Ordinance.

## SECTION 5

Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined any sum not exceeding Five Hundred (\$500.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the Town from filing suit to enjoin the violation. The Town retains all legal rights and remedies available to it pursuant to local, state and federal law.

## SECTION 6

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 any and 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.

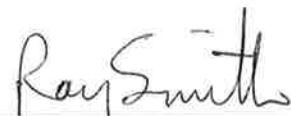
## SECTION 7

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

This Ordinance shall become effective from and after its adoption and publication as required by law.

**DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 9TH DAY OF FEBRUARY, 2016.**



Ray Smith, Mayor

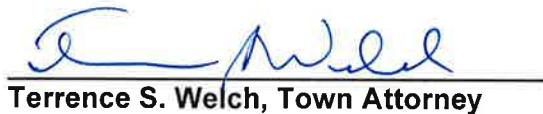
ATTEST:



---

Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:



---

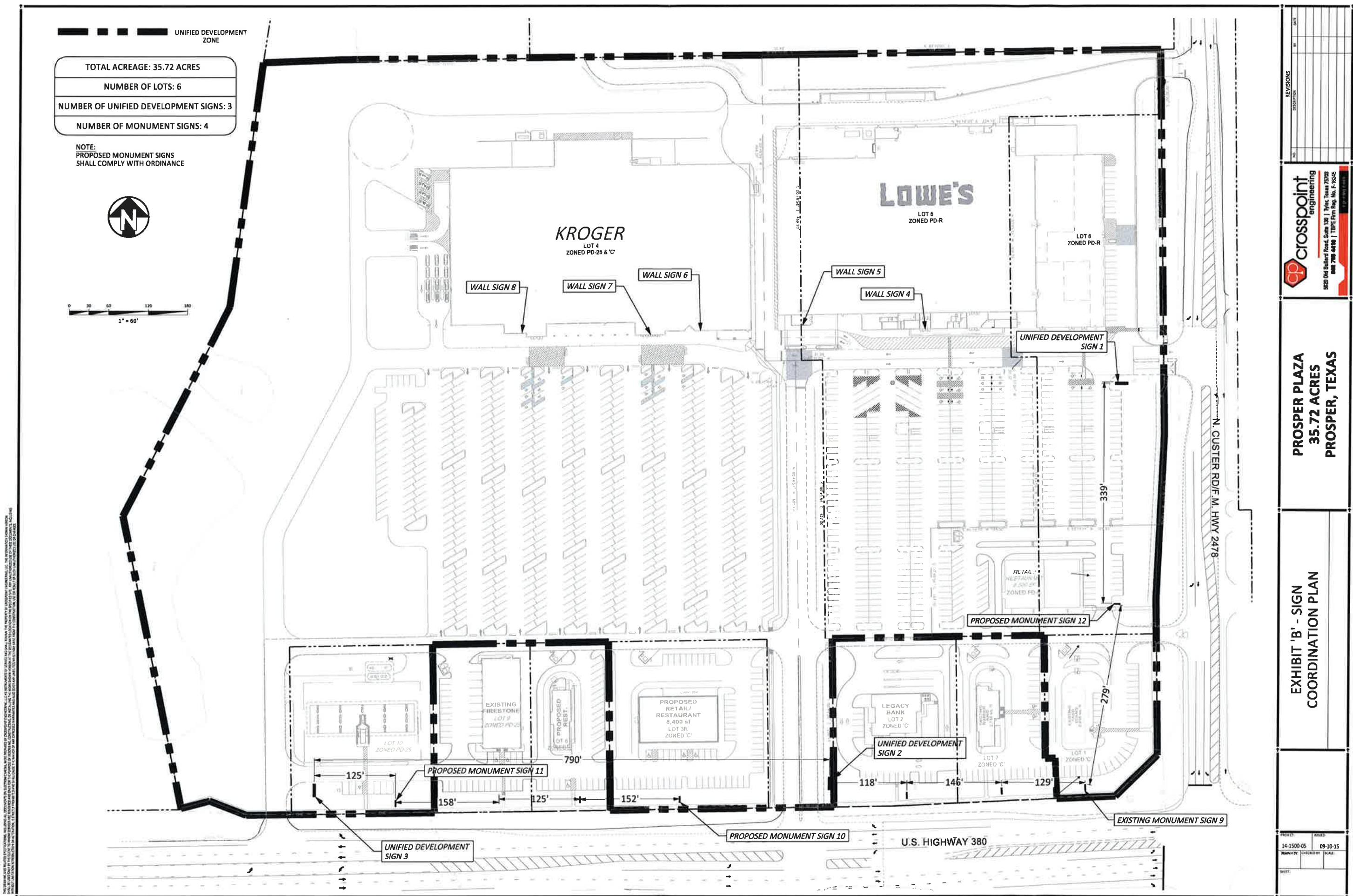
Terrence S. Welch, Town Attorney

## **EXHIBIT "A"**

### **STATEMENT OF INTENT & PURPOSE**

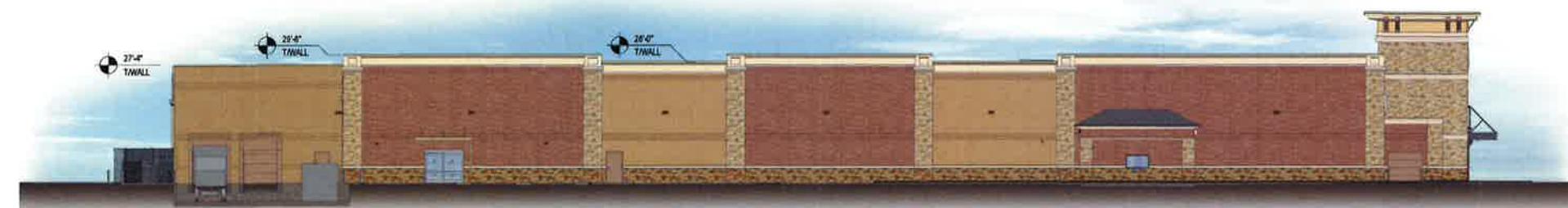
#### **Prosper Plaza – Kroger**

On the Kroger building, there are three signs that are larger than the Town Ordinance including Wall Wall Sign 6 on Exhibit B-Starbucks logo which is 5 feet in diameter vs. 4 feet in the ordinance (due to the wall height-ordinance is 4 feet), Wall Sign 7 on Exhibit B -Kroger Oval over the main entry which is 7 feet 6 inches vs. 5 feet in the ordinance, and Wall Sign 8 on Exhibit B-Kroger Oval over second entrance which is 5 feet 7 inches vs. 5 feet in the ordinance. The total Kroger signage is less than 7% of the total front façade of the building, and the code allows 50% of the wall area. Additionally, the Kroger architectural front facades are 47 feet tall and 44 feet tall, and signage that was smaller than proposed would look out of scale. All other monument or building signage will comply with the Town sign ordinance.





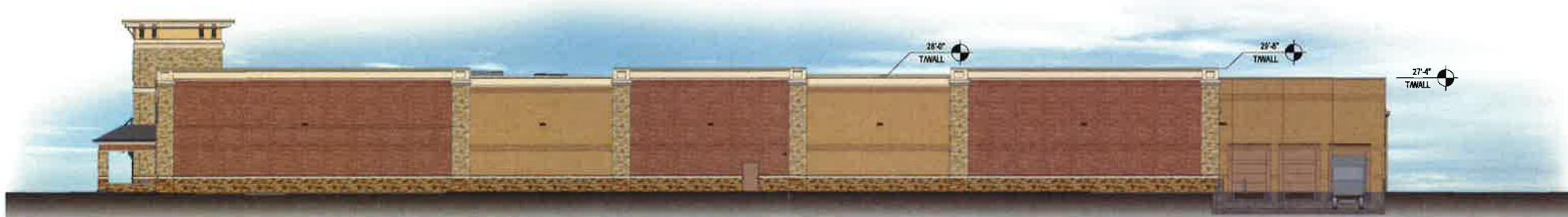
SOUTH ELEVATION



WEST ELEVATION



NORTH ELEVATION



EAST ELEVATION

SIGN EXHIBIT C-4

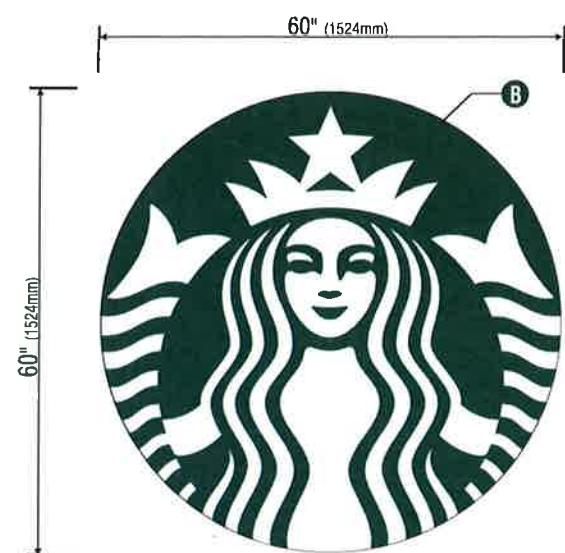
January 13, 2016

Big Box Store

Prosper, TX  
K515451

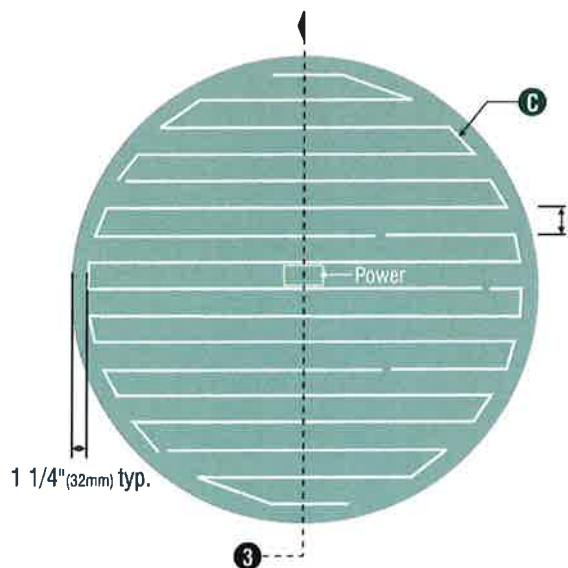
## 60" ILLUMINATED SIREN

Qty. 1 SBC-S13164-277



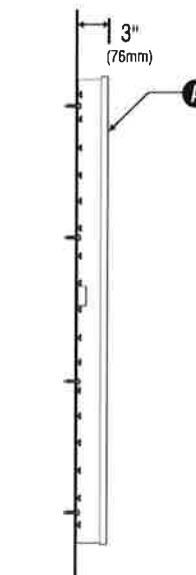
1 Front View

1/2" = 1' (11x17 Paper)



2 LED Detail

LED's Provided By:  
**LUMIficient**



3 Section View



4 Side View

## WALL SIGN 6

**HILTON DISPLAYS**

125 HILLSIDE DRIVE • GREENVILLE SC 29607  
P 800 353 9132 • F 864 242 2204  
www.hiltondisplays.com

**QID 15-28640**

JOB NAME

LOCATION

Prosper TX

CUSTOMER CONTACT

SALESMAN / PM

Valerie Foster

DESIGNER

Brian Sowder

DWG. DATE

6-29-15

REV. DATE / REVISION

SCALE

FILE

DESIGN SPECIFICATIONS ACCEPTED BY:

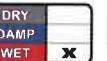
EST:  CLIENT:

SLS/PM:  LANDLORD:

THE INTENT OF THIS DRAWING IS TO SHOW A CONCEPTUAL REPRESENTATION OF THE PROPOSED SIGNAGE. DUE TO VARIATIONS IN PRINTING DEVICES AND SUBSTRATES, THE FINISHED PRODUCT MAY DIFFER SLIGHTLY FROM DRAWING.



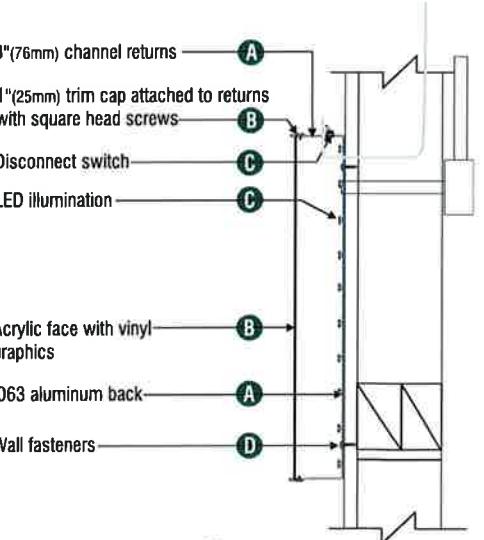
Underwriters  
Laboratories Inc.



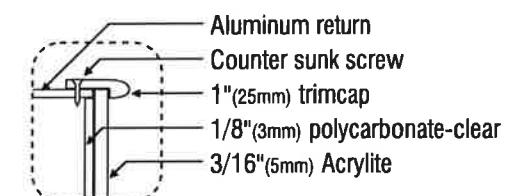
### SPECIFICATIONS:

- A** Single faced internally illuminated wall mount logo disk. Cabinet to be 3" (76mm) deep, fabricated aluminum sidewalls and back. Paint cabinet black polyurethane. Faces to be 3/16" (5mm) White acrylic. 1" black trimcap with square head screws retainer edging.
- B** Graphics of logo to be 1st surface 3M Translucent Scotchcal vinyl- Holly Green #3630-76. Siren to show thru White.
- C** Internally illuminate logo disk with Lumificient™ white LED's installed to back of disk. Power with self-contained Lumificient™ power supply covered in white vinyl film. Fasten to wall with required fasteners.

wall mount EVOLVED			
Size	Sq.Ft.	Sq.M.	Volts
60" (1524mm)	19.62	1.82	277



5 Disk Section View Typ.



6 Enlarged Detail

COLOR LEGEND	
PMS/PAINT	VINYL
PMS 3525 C	3M 3630-76
RAL 7021M	3M 3630-22
PMS WHITE	3M 3630-20/ 7725-10 TRANSLUCENT OPAQUE
PMS 369 C	NA

060-00005155 (120V)  
060-00005156 (277V)

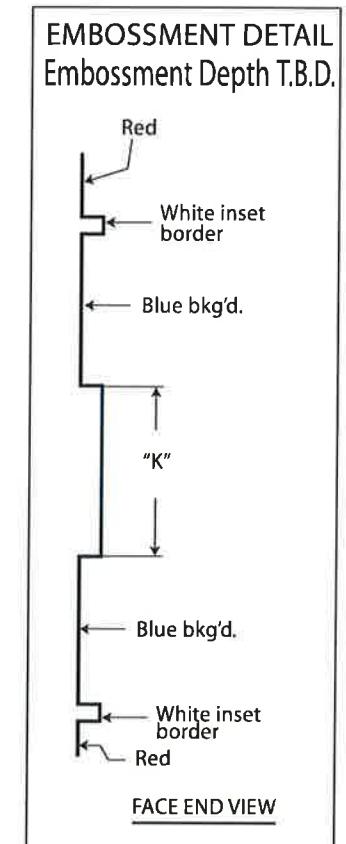
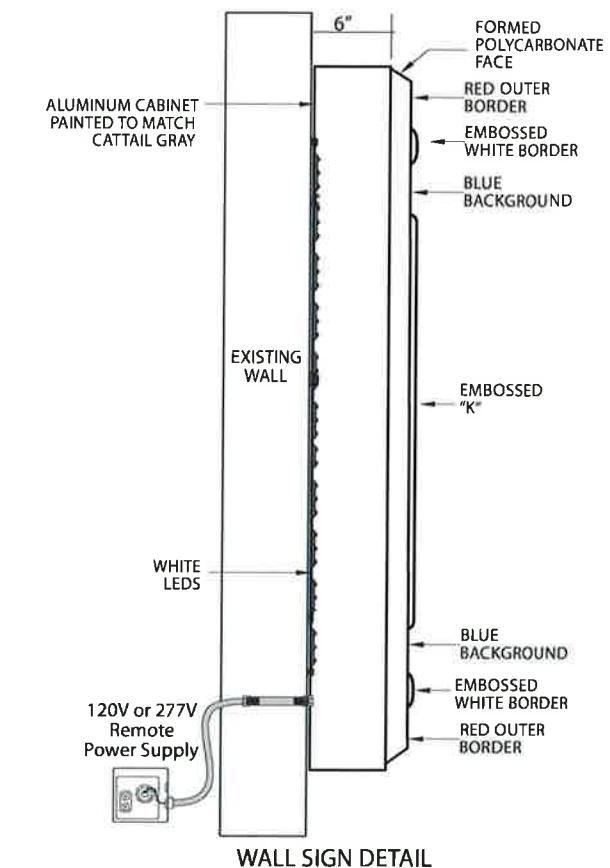
060-00005005 (120V)  
060-00005006 (277V)

WALL SIGN 7

WALL SIGN & LETTERS



3630-157  
3630-33  
WHITE  
RETURNS:  
AKZO TO MATCH  
MATTHEWS P&L 2530  
CATTAIL GRAY  
(Gloss Level T.B.D.)



2030 GREEN  
ACRYLIC FACE  
TRIMCAP:  
BRONZE  
RETURNS:  
AKZO TO MATCH  
MATTHEWS P&L 2530  
CATTAIL GRAY  
(Gloss Level T.B.D.)

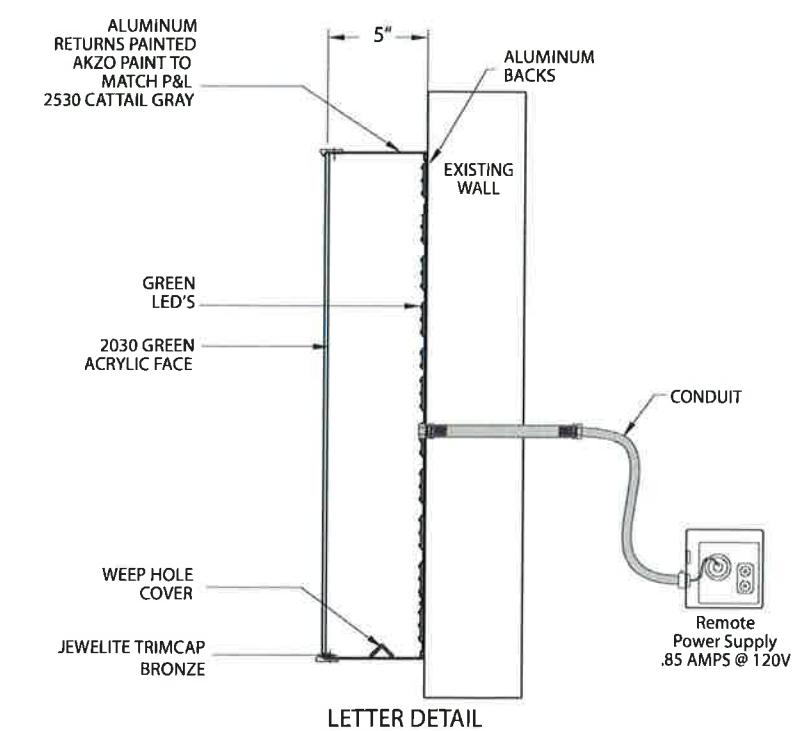


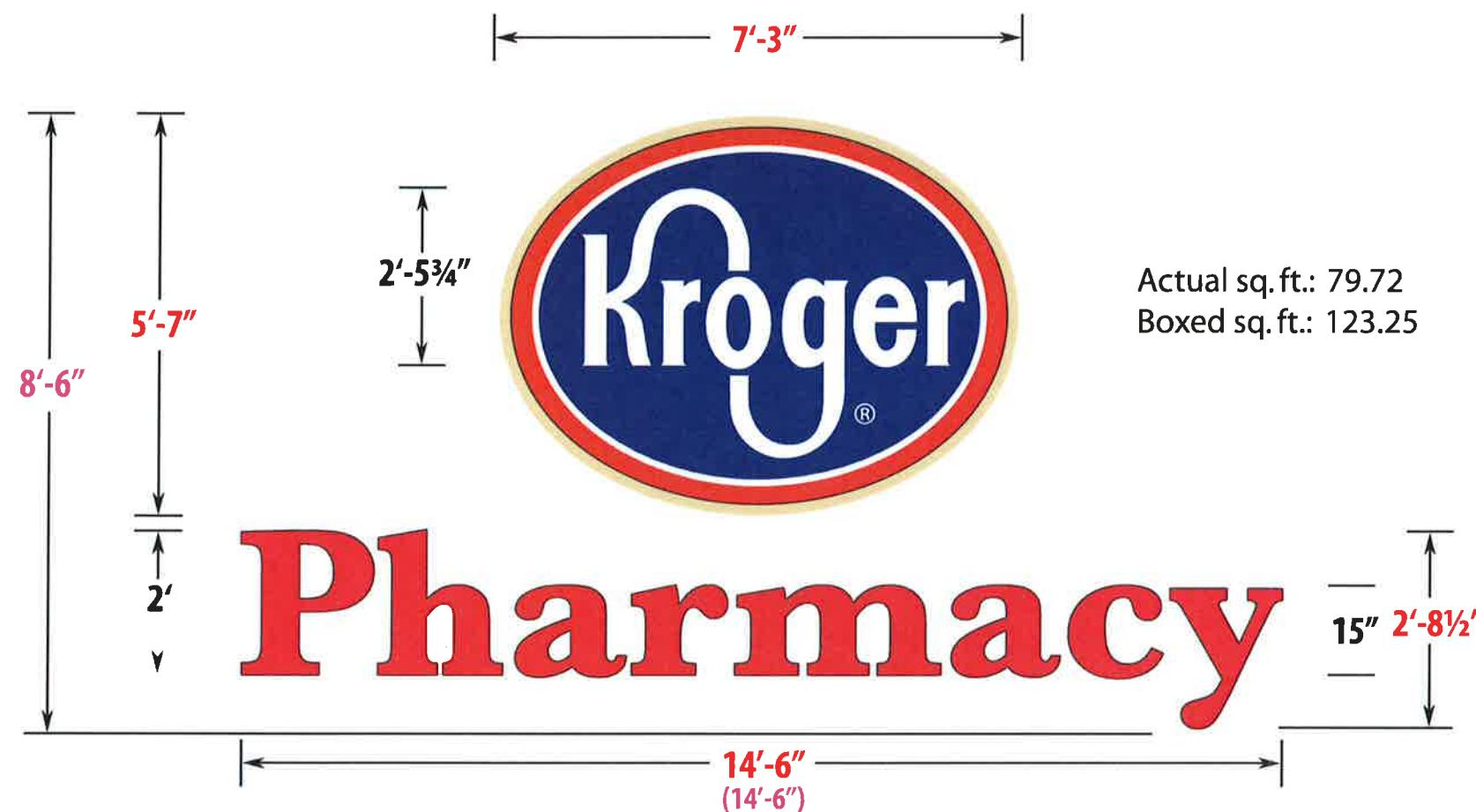
EXHIBIT C-6

403-LOGO-7X9SC-120  
403-LOGO-7X9SC-277  
403-CL52MKPL-RMT120  
403-CL52MKPL-RMT277

060-00005154 (120V)  
060-00005157 (277V)

060-00005007 (120V)  
060-00005008 (277V)

WALL SIGN 8 WALL SIGN & LETTERS



Actual sq.ft.: 79.72  
Boxed sq.ft.: 123.25

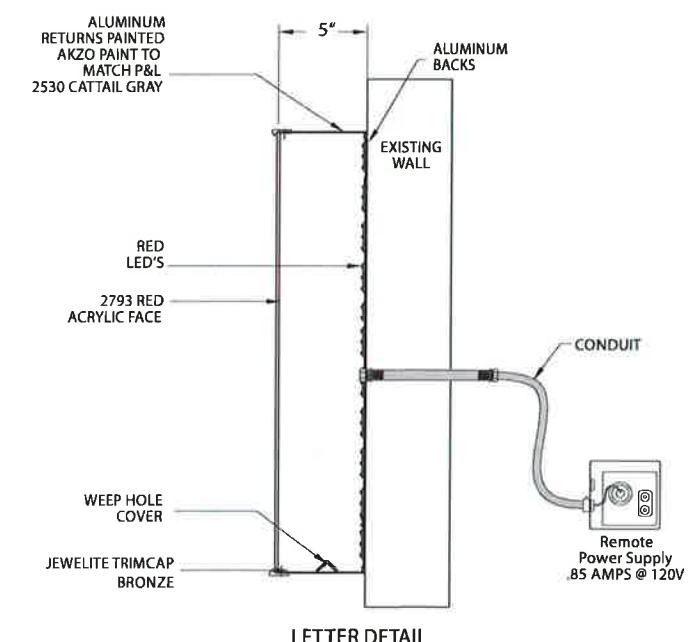
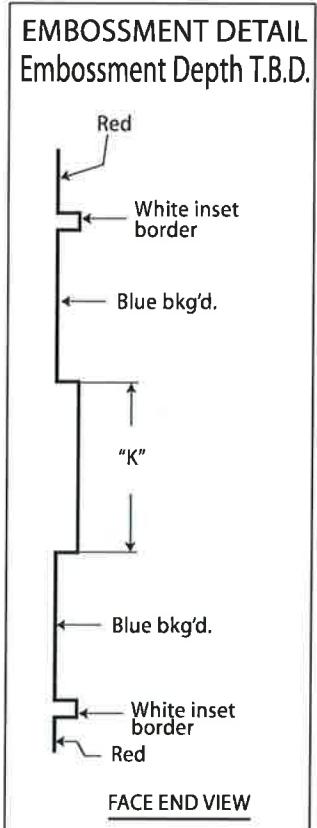
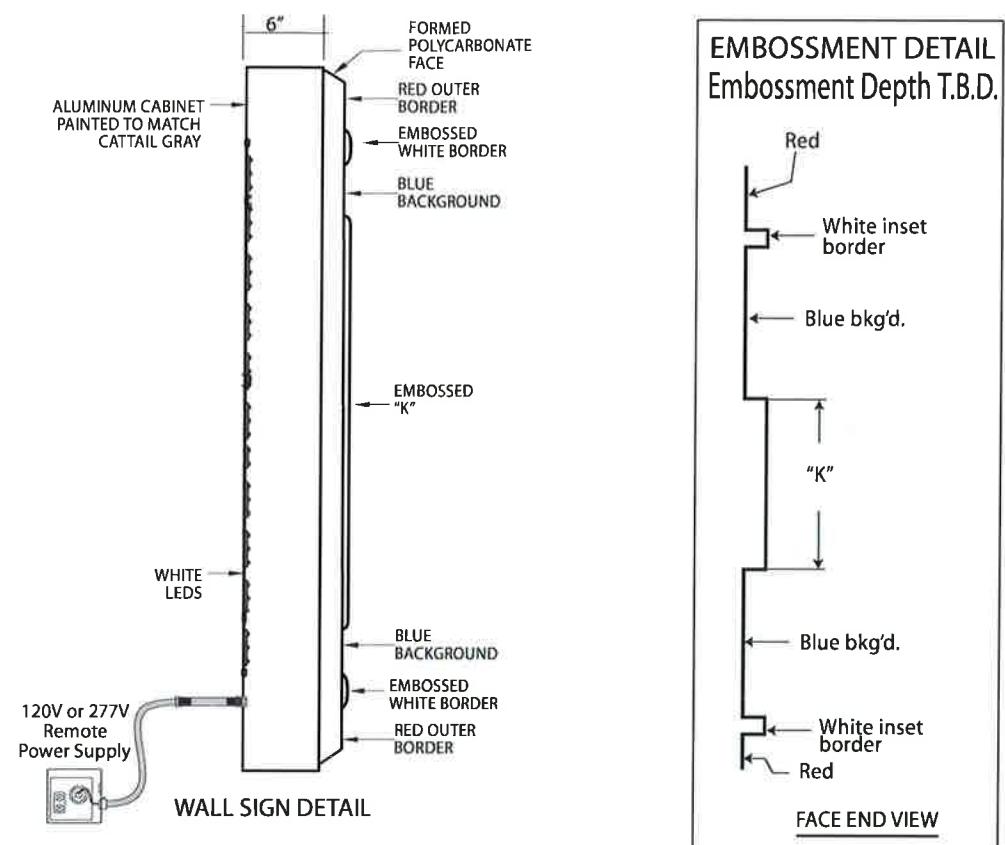


EXHIBIT C-7

403-LOGO-5X7SC-120  
403-LOGO-5X7SC-277  
403-CL24MKPL-RMT120  
403-CL24MKPL-RMT277

## EXHIBIT "D"

## SIGN SCHEDULE / DEVELOPMENT STANDARDS

SIGN NUMBER	TYPE	DOES NOT COMPLY WITH:	SECTION
1	Unified Development Sign	Not Applicable	
2	Unified Development Sign	Not Applicable	
3	Unified Development Sign	Not Applicable	
4	Wall Sign (Lowe's)	Maximum Wall Sign Height	1.09 N.2.c.4
5	Wall Sign (Lowe's)	Maximum Wall Sign Height	1.09 N.2.c.4
6	Wall Sign (Kroger Starbucks)	Maximum Wall Sign Height	1.09 N.2.c.4
7	Wall Sign (Kroger)	Maximum Wall Sign Height	1.09 N.2.c.4
8	Wall Sign (Kroger)	Maximum Wall Sign Height	1.09 N.2.c.4
9	Existing Monument (Taco Bueno)	Not Applicable	
10	Proposed Monument (Prosper Retail 1)	Not Applicable	
11	Proposed Monument (Kroger Fuel)	Not Applicable	
12	Proposed Monument (Prosper Retail 2)	Not Applicable	