

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, AMENDING FRISCO’S ZONING ORDINANCE, ORDINANCE NO. 11-04-09, AS AMENDED, AND GRANTING A SPECIFIC USE PERMIT FOR A BREWERY, LOCATED ON 0.1± ACRE ON THE NORTHWEST CORNER OF 5TH STREET AND MAIN STREET, FRISCO ORIGINAL DONATION, BLOCK 56, LOT 6, IN THE CITY OF FRISCO, DENTON COUNTY, TEXAS; PRESCRIBING CONDITIONS TO THE SPECIFIC USE PERMIT; DESCRIBING THE SUBJECT TRACT; PROVIDING A PENALTY CLAUSE, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

WHEREAS, the City Council of the City of Frisco, Texas (“City Council”) has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Frisco, Texas (“Frisco”) to amend Frisco’s Zoning Ordinance, Ordinance No. 11-04-09, as amended (“Zoning Ordinance”), as set forth below; and

WHEREAS, 4278 Nack Investments, LLC. (“Owner”), initiated a request for the issuance of a Specific Use Permit for a Brewery, on 0.1± acre of land, situated in Frisco Original Donation, Block 56, Lot 6, City of Frisco, Denton County, Texas, more particularly described in Exhibit A, attached hereto and incorporated herein for all purposes (“Property”), and depicted in Exhibit A-1 and Exhibit A-2, both of which are attached hereto and incorporated herein for all purposes; and

WHEREAS, the City Council has investigated and determined that the facts contained in the Owner’s request are true and correct; and

WHEREAS, the City Council finds that the Owner of the Property has agreed to comply with all provisions of the ordinances of Frisco, as they exist, may be amended, or in the future arising, including but not limited to, this Ordinance and the Zoning Ordinance; and the additional restrictions, standards and conditions set forth herein; and in the following exhibits, each of which are attached hereto and incorporated herein by reference for all purposes (collectively, the “Additional Conditions”):

- The Site Plan, attached hereto as Exhibit B;
- Traffic Circulation Study, attached hereto as Exhibit C.

WHEREAS, all legal notices required for the adoption of this Ordinance have been given in the manner and form required by law, public hearings have been held on this Ordinance and all other requirements of notice and completion of ordinance adoption procedures have been satisfied; and

WHEREAS, the City Council has investigated and determined that it will be

WHEREAS, the City Council finds that it will be advantageous and beneficial to Frisco and its citizens to grant the Specific Use Permit sought by the Owner; that such grant will not be detrimental to the public welfare, safety or health; and that the Specific Use Permit should be granted.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:**

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: Specific Use Permit Granted. A Specific Use Permit is granted to allow a Brewery on the Property.

The Property, as a whole and the boundaries thereof, is more particularly described in Exhibit A. The general location of the Property is depicted in Exhibit A-1, and the current condition of the Property is depicted in Exhibit A-2. The Property shall be developed in compliance with the conditions expressly stated and/or depicted in Exhibit B, Exhibit C and the other Additional Conditions. Additional Conditions for granting the Specific Use Permit described in this Ordinance include, but are not limited to, the following:

1. The Property shall develop in accordance the Site Plan attached hereto as Exhibit B; and
2. The Property shall comply with the Traffic Circulation Plan attached hereto as Exhibit C.

To the extent that any of the exhibits attached hereto are in conflict with the provisions of this Ordinance or one another, the provisions of this Ordinance, then the provisions of Exhibit B and Exhibit C shall prevail in that order.

SECTION 3: Failure to Comply; Assignment and Transfer. All terms of the Specific Use Permit shall be complied with at all times and as a condition of Frisco's issuance of a Certificate of Occupancy, if applicable. Failure to comply with any term or condition of this Ordinance or the Zoning Ordinance will result in the Specific Use Permit being declared null and void and of no force and effect. The Specific Use Permit is issued to the Property and is assignable and transferable.

SECTION 4: Specific Use Permit Regulations. Upon holding a properly noticed public hearing, the City Council may amend, change, or rescind the Specific Use Permit if:

1. A violation of any of the provisions of this Ordinance or any other Frisco ordinance occurs on the Property and there is a conviction thereof;
2. The building, premise or land uses under the Specific Use Permit are enlarged, modified, structurally altered, or otherwise significantly changed, unless a

separate Specific Use Permit is granted for such enlargement, modification, structural alteration or change;

3. Violation of any provision of the terms or conditions of the Specific Use Permit;
4. Ad valorem taxes on the Property are delinquent by more than six (6) months;
5. The Specific Use Permit was obtained by fraud or deception; or
6. As otherwise permitted by law or the Zoning Ordinance.

SECTION 5: Specific Use Permit Effective Date. The Specific Use Permit shall be effective from and after the effective date of this Ordinance. Upon termination of the Specific Use Permit, the Property shall cease to be used as provided herein unless another Specific Use Permit or appropriate zoning has been obtained.

SECTION 6: Unlawful Use of Property. It shall be unlawful for any person, firm, entity or corporation to use the subject portion of the Property in some manner other than as authorized by this Ordinance or the Zoning Ordinance.

SECTION 7: 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 City Council in the manner provided for by law.

SECTION 8: Penalty. Any person, firm, entity, or corporation who violates any provision of this Ordinance or the Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction, therefore, shall be fined in a sum not exceeding TWO THOUSAND AND 00/100 DOLLARS (\$2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 9: Savings/Repealing. The Zoning Ordinance 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 repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 10: Severability. Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional and/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. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof regardless of

whether any one or more sections, subsections, sentences, clauses and/or phrases may be declared unconstitutional and/or invalid.

SECTION 11: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by the City Charter and by law.

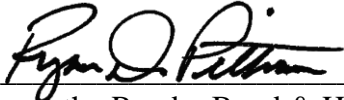
**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS** on this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Jeff Cheney, Mayor

**ATTESTED TO AND  
CORRECTLY RECORDED BY:**

\_\_\_\_\_  
Kristi Morrow, City Secretary

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Abernathy Roeder Boyd & Hullett, P.C.  
Ryan D. Pittman, City Attorneys

Dates of Publication: \_\_\_\_\_, *Frisco Enterprise*

**Exhibit A**  
**Legal Description of the Property**

**LEGAL DESCRIPTION**

Being a tract of land situated in the City of Frisco, Collin County, Texas, a part of the William B. Watkins Survey, Abstract No. 1004, and being part of Lot 6, Block 56, Old Donation, an addition to the City of Frisco, as recorded in Volume 113, Page 74, Plat Records, Collin County, Texas (P.R.C.C.T.), being part of a called 0.333 acre tract of land described as Tract 2 in a Special Warranty Deed with Vendor's Lien to 4278 Nack Investments, LLC, as recorded in County Clerk's File No. 20191011001278920, Official Public Records, Collin County, Texas (O.P.R.C.C.T.), and being more particularly described as follows:

**COMMENCING** at a one-half inch iron rod with cap stamped "Bohler Eng." (herein after called "capped iron rod") found at the southeast corner of said Lot 6, said rod being at the intersection of the west line of said Fifth Street (a 60' width right-of-way) and the north line of Main Street (a 80' width right-of-way);

**THENCE** North 11 degrees 16 minutes 45 seconds East, a distance of 34.30 feet along the east line of said Lot 6 and along the west line of said Fifth Street to the **POINT OF BEGINNING** of the herein described tract of land;

**THENCE** North 78 degrees 35 minutes 18 seconds West, a distance of 25.91 feet to a point for corner;

**THENCE** South 11 degrees 34 minutes 52 seconds West, a distance of 9.25 feet to a point for corner;


**THENCE** North 78 degrees 25 minutes 08 seconds West, a distance of 24.21 feet to a point for corner;

**THENCE** North 11 degrees 19 minutes 12 seconds East, a distance of 30.94 feet to a point for corner;

**THENCE** South 78 degrees 40 minutes 48 seconds East, a distance of 50.15 feet to a point in the east line of said Lot 6 and the west line of said Fifth Street, from which a one-half inch capped iron rod found at the northeast corner of said Lot 6 bears North 11 degrees 16 minutes 45 seconds East, a distance of 88.86 feet;

**THENCE** South 11 degrees 16 minutes 45 seconds West, a distance of 21.85 feet to the **POINT OF BEGINNING** and containing 1,317 square feet or 0.030 of an acre tract of land.

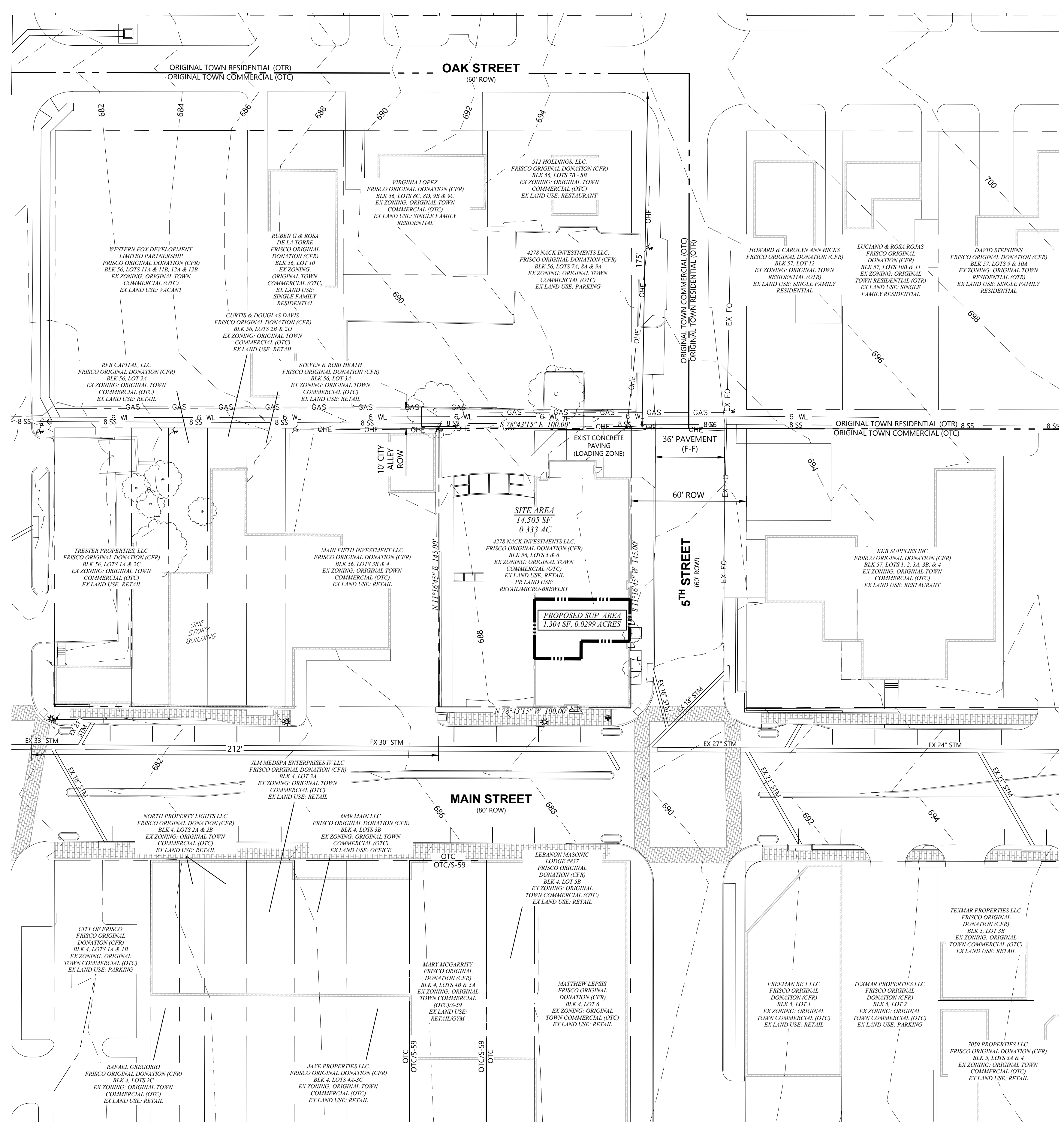


  
\_\_\_\_\_  
Billy M. Logsdon, Jr.  
Registered Professional  
Land Surveyor No. 6487  
February 10, 2023

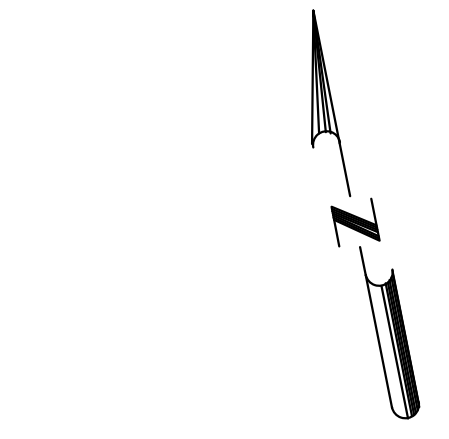
**Exhibit A-1**  
**General Location of the Property**

**SUP22-0009**  
**Frisco Original Donation**  
**Block 56, Lot 6**





**VICINITY MAP**  
(SCALE: 1" = 1,000')



**LEGEND**

- PROPOSED SUP BOUNDARY
- EXISTING CONTOURS
- EXISTING ZONING BOUNDARIES
- EXISTING PROPERTY LINES
- EXISTING BRICK PAVEMENT SIDEWALKS/CROSSWALKS

**GENERAL NOTES:**

1. ACCORDING TO FLOOD INSURANCE RATE MAP (FIRM) MAP NO. 48085C0240K DATE JUNE 7, 2017 PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR COLLIN COUNTY, TEXAS, THIS PROPERTY IS WITHIN ZONE X (UNSHADED).
2. NO EXISTING TREES WILL BE REMOVED.

<b>APPLICANT</b>  5000 Eldorado Pkwy, Suite 150 Frisco, Texas 75033 (214) 789-6196 Phone Ms. Clara Carlisle	<b>SURVEYOR</b>  6017 Main Street Frisco, TX 75034 Mr. Billy Logsdon (214)534-5875 Phone	Revision	Date	Description	By

<b>PROJECT INFORMATION</b>	
<b>FORD BUILDING</b>	
6990 Main Street Frisco, Collin County, TX Existing Use: Retail Proposed Use: Retail, Micro-brewery Existing Zoning: Original Town Commercial (OTC) Proposed Zoning: Original Town Commercial (OTC) / SUP	

**TENANT/DEVELOPER**

Three Empires Brewing Company, LLC. 4278 Nack Investments  
 6990 Main Street, Ste. B  
 Frisco, TX 75033  
 Mr. David Wible  
 (214) 649-0691 Phone

**OWNER**

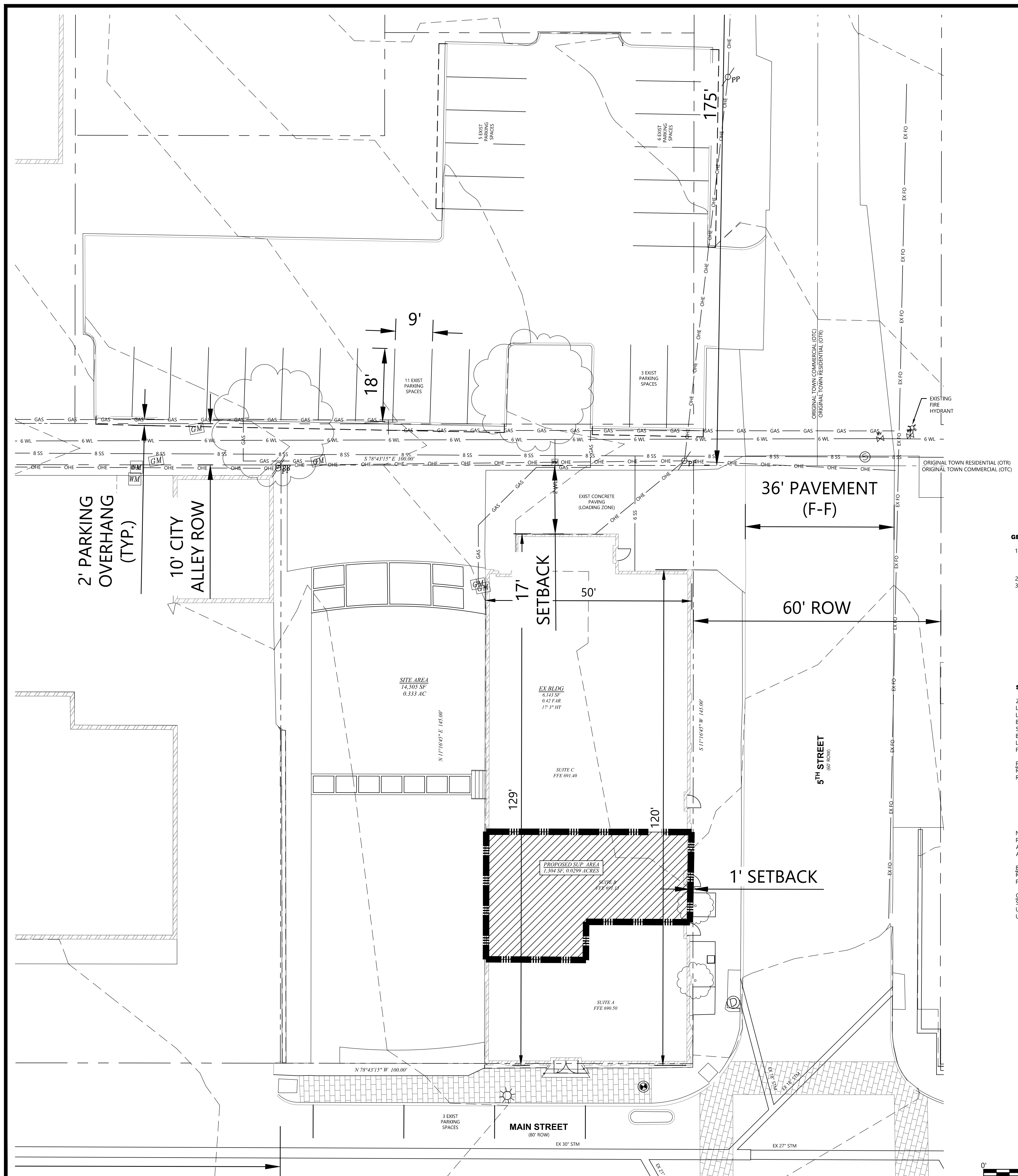
2354 W Creek Drive  
 Frisco, TX 75033  
 Mr. Donny Churchman  
 (972) 330-3819 Phone

**EXHIBIT A-2: SUP22-0009**

**WILLIAM B WATKINS SURVEY, ABSTRACT 1004**  
**FRISCO ORIGINAL DONATION, BLOCK 56, LOTS 5 & 6**  
**CITY PROJECT NO: SUP22-0009**  
**FEBRUARY 13, 2023**

SCALE: 1" = 30'

Sheet **EX-A.2**



**LEGEND**

- PROPOSED SUP BOUNDARY
- - - EXISTING CONTOURS
- - - EXISTING ZONING BOUNDARIES
- - - EXISTING PROPERTY LINES
- ▨ EXISTING BRICK PAVEMENT SIDEWALKS/CROSSWALKS

**GENERAL NOTES:**

1. ACCORDING TO FLOOD INSURANCE RATE MAP (FIRM) MAP NO. 48085C0240K DATE JUNE 7, 2017 PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR COLLIN COUNTY, TEXAS, THIS PROPERTY IS WITHIN ZONE X (UNSHADED).
2. NO EXISTING TREES WILL BE REMOVED.
3. "The thoroughfare alignment(s) shown on this exhibit are for illustration purposes and does not set the alignment. The alignment is determined at time of final plat."

**SITE DATA TABLE:**

ZONING	OLD TOWN COMMERCIAL
LAND USE	BREWERY
LOT AREA	14,505 SF
BUILDING AREA	6,143 SF
SUP AREA	1,304 SF
BUILDING HEIGHT	17'-3"
LOT COVERAGE	42.3%
FLOOR AREA RATIO	0.42:1
<b>PARKING</b>	
REQUIRED PARKING RATIO	SEE BELOW
REQUIRED SPACES	
SUITE A (RETAIL: 1,502 SF)	@1:200 SF = *8
SUITE B (BREWERY: 1,313 SF, 650 SF WAREHOUSE)	@1:1000 SF = *1
663 SF CONSUMPTION	@1:100 SF = *7
SUITE C (FITNESS STUDIO: 3,106 SF)	@1: 100 SF = *31
*50% REDUCTION PER 4.04.09(B)(1).	
NEW REQUIRED PARKING SPACES	24 SPACES
PROVIDED SPACES	28 SPACES
ACCESSIBLE PARKING REQUIRED	2 SPACES
ACCESSIBLE PARKING PROVIDED	2 SPACES
<b>BICYCLE PARKING</b>	
REQUIRED PARKING	EXISTING
PROVIDED PARKING	EXISTING
<b>OPEN SPACE</b>	
SQUARE FOOTAGE OF IMPERVIOUS SURFACE	9,100
USABLE OPEN SPACE REQUIRED	EXISTING
USABLE OPEN SPACE PROVIDED	EXISTING

EXHIBIT B: SUP22-0009

SCALE: 1" = 10'

**GENERAL NOTES**

1. "The thoroughfare alignment(s) shown on this exhibit are for illustration purposes and does not set the alignment. The alignment is determined at time of final plat."
2. NO TREES OR LANDSCAPE SHALL BE AFFECTED WITH THIS SUP.
3. EXISTING BUILDINGS NOT AFFECTED BY SUP.
4. "On-site detention limiting post-development discharge to a pre-development runoff rate is required for all new construction unless a downstream assessment has been provided demonstrating that the existing storm system is adequate to handle post-development discharge rates. If regional detention exists for this project, provide a note referencing where the regional detention was designed and constructed."
5. ACCORDING TO FLOOD INSURANCE RATE MAP (FIRM) MAP NO. 48085C0240K DATE JUNE 7, 2017 PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR COLLIN COUNTY, TEXAS, THIS PROPERTY IS WITHIN ZONE X (UNSHADED).
6. EXISTING STORM DRAINAGE NOT AFFECTED BY SUP.
7. EXISTING TRAFFIC NOT AFFECTED BY SUP.
8. EXISTING FIRE LANE, FIRE PREVENTION DESIGN NOT AFFECTED BY SUP.

**CITY OF FRISCO NOTES**

1. Any revision to this plan will require city approval and will require revision to any corresponding plans to avoid conflicts between plans.
2. Open storage, where permitted, shall be screened in accordance with the zoning Ordinance.
3. Buildings with an aggregate sum of 5,000 square feet or greater on a lot shall have automatic fire sprinklers installed throughout all structures. Alternative fire protection measures may be approved by the Fire Department.
4. All signs to be subject to Building Inspection Division approval.
5. All fences and retaining walls shall be shown on exhibit B and are subject to Building Inspection Division approval.
6. When used, wheel stops shall be installed so that all surface parking spaces are a minimum of 18 feet deep measured from the face of the wheel stop. Any vertical obstruction in front of a surface parking space shall be located 20 feet from the back of the parking space.

**ACTION**

	APPROVED	DENIED
STAFF	Date	Initials
P&Z	Date	Initials
Neighborhood #		

See the Staff Approval Letter or P&Z Result Memo for any conditions associated with the approval of the project.

OWNER:  
4218 NACK INVESTMENTS, LLC.  
368 CORKWOOD DRIVE  
FRISCO, TEXAS 75033

APPLICANT:  
THREE EMPIRES BREWING CO.  
DAVID WIMBLE  
6990 MAIN STREET, STE 200  
FRISCO, TEXAS 75034

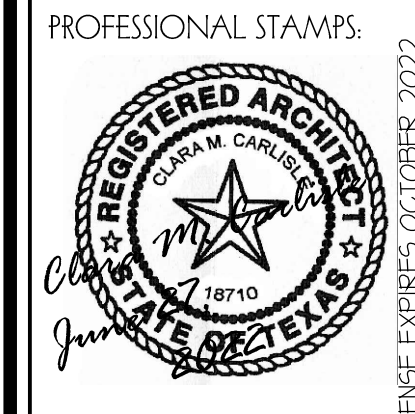
ARCHITECT:  
708 STUDIOS, LLC  
5000 ELDORADO PKY, STE 150  
FRISCO, TEXAS 75033  
CLARA CARLISLE, AIA  
214.789.6196

SUBDIVISION: FRISCO ORIGINAL DONATION  
ABSTRACT No.: 1004  
SURVEY: William B. Watkins Survey  
ACREAGE: LOT is .333 AC  
BLOCK: 56  
LOT: 5&6  
CITY PROJECT NUMBER: SUP22-0009

THREE EMPIRES BREWING CO.  
6990 MAIN STREET  
SUITE 200  
FRISCO, TX 75034



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REVISIONS:

KEYPLAN:

JOB No.: 22070  
DATE: 1/30/2023



# Exhibit C



January 29, 2023

City of Frisco

Traffic Department

Reference: **Traffic Circulation**  
**Three Empires Brewing Company**  
**6990 Main Street, Suite 200**

## Parking

Parking for Three Empires Brewing Company will primarily be the parking lot located north of the Ford Building off 5<sup>th</sup> Street. On street parking is available along Main Street both east and west of the Ford Building.

## Loading Zone

Any deliveries to Three Empires Brewing Company will utilize the parking lot located north of the Ford Building off 5<sup>th</sup> Street and the loading zone just north of the building. Delivery vehicles will not be allowed to park or stop on 5<sup>th</sup> Street next to the building. Since this is a smaller facility, any deliveries should be hand delivered to the suite or potentially using a hand truck/dolly.

Regards,

David Wible

Chief Operating Officer

Three Empires Brewing Company, LLC