TOWN OF PROSPER

Prosper is a place where everyone matters.

MINUTES

Regular Meeting of the
Prosper Planning & Zoning Commission
108 W. Broadway St., Prosper, Texas
Town of Prosper Municipal Chambers
Tuesday, April 19, 2016, 6:00 p.m.

1. Call to Order / Roll Call.

The meeting was called to order at 6:00 p.m.

Commissioners present: Chair John Alzner, Secretary David Snyder, Chad Robertson, Craig Andres, Brandon Daniel, and Tripp Davenport.
Commissioner(s) absent: John Hema
Commissioner Andres left at 7:15 p.m.

Staff present: John Webb, Director of Development Services; Alex Glushko, Senior Planner; Jonathan Hubbard, Planner; and Pamela Clark, Planning Technician.

2. Recitation of Pledge of Allegiance.

CONSENT AGENDA

3a. Consider and act upon minutes from the April 5, 2016, Regular Planning & Zoning Commission meeting.

3b. Consider and act upon a Site Plan for a parking lot (Prosper United Methodist Church), on 1.0± acre, located on the northeast corner of Church Street and Third Street. This property is zoned Downtown Office (DTO). (D16-0001).

3c. Consider and act upon a Site Plan for six office/warehouse buildings (Prosper Business Park, Phase 2), on 13.9± acres, located on the east side of future Cook Lane, 1,650± feet south of Prosper Trail. This property is zoned Planned Development-26 (PD-26). (D16-0029).

3d. Consider and act upon a Final Plat for Prosper Business Park, Block A, Lots 8 and 9 and Block B, Lots 1, 2, 3, and 8, and consider and act upon a Revised Conveyance Plat for Prosper Business Park, Block A, Lot 8R, on 34.9± acres, located on the east side of future Cook Lane, 1,650± feet south of Prosper Trail. This property is zoned Planned Development-26 (PD-26). (D16-0030).

3e. Consider and act upon a Final Plat for CVS Prosper Addition, Block A, Lot 1, on 2.0± acres, located on the northeast corner of US 380 and Coit Road. This property is zoned Planned Development-38 (PD-38). (D16-0031).

3f. Consider and act upon a Revised Conveyance Plat for Gates of Prosper, Block A, Lots 2R, 5, 6 and 7, on 12.0± acres, located on the southeast corner of Preston Road and future Richland Boulevard. This property is zoned Planned Development-67 (PD-67). (D16-0032).

3g. Consider and act upon a Final Plat for Windsong Ranch Marketplace, Block A, Lots 3, 4, 7, and 8, and consider and act upon a Conveyance Plat for Windsong Ranch Marketplace, Block A, Lots 1, 2, 5, and 6, on 24.4± acres, located on the northeast corner of US 380 and Gee Road. This property is zoned Planned Development-40 (PD-40). (D16-0034).

3h. Consider and act upon a Site Plan for a retail shell building in Windsong Ranch Marketplace, on 1.2± acres, located on the east side of Gee Road, 300± feet north of US 380. This property is zoned Planned Development-40 (PD-40). (D16-0035).

Motioned by Snyder, seconded by Robertson, to approve the Consent Agenda, subject to staff recommendations. Motion approved 6-0.

REGULAR AGENDA

4. Conduct a Public Hearing, and consider and act upon a request to rezone 5.5± acres, located on the east side of Preston Road, 1,750± feet south of Prosper Trail, from Single Family-15 (SF-15) to Retail (R). (Z16-0007).

Hubbard: Summarized the request and presented an exhibit provided by the applicant. Stated the request conforms to the Future Land Use Plan. Informed Commissioners that three Public Hearing reply forms have been received not in opposition to the request. Recommended approval of the request.

The Public Hearing was opened by Chair Alzner.

There being no speakers the Public Hearing was closed.

Motioned by Snyder, seconded by Davenport, to approve Item 4, subject to staff recommendations. Motion approved 6-0.

5. Conduct a Public Hearing, and consider and act upon a request for an extension of a Specific Use Permit (SUP) for a Concrete Batching Plant, on 5.0± acres, located on the west side of Dallas Parkway, 900± feet south of First Street. The property is zoned Planned Development-19-Commercial Corridor and Specific Use Permit-6 (PD-19-CC and S-6). (S16-0006).

Hubbard: Summarized the request and provided information on the surrounding properties. Presented an exhibit provided by the applicant. Informed Commissioners that no Public Hearing reply forms have been received in opposition to the request. Recommended approval of the request.

The Public Hearing was opened by Chair Alzner.

There being no speakers the Public Hearing was closed.

Commission Discussion: Commissioners expressed support for the extension of the SUP. Commissioner Snyder requested that the Town Attorney review the ordinance in order to determine; 1) who would be responsible for environmental damage to the property, 2) who would be responsible for returning the site to its original condition after the use no longer exists, 3) how to determine what conditions would constitute a material breach and allow the use to be

immediately terminated; and 4) how to determine if a sales tax base presently exists for the revenue generated from the batch plant.

Motioned by Davenport, seconded by Snyder, to approve Item 5, subject to staff recommendations. Motion approved 6-0.

6. Conduct a Public Hearing, and consider and act upon a request for a Specific Use Permit (SUP) for a Private Street Development, on 100.0± acres, located on the south side of Prosper Road, 2,100± feet west of Legacy Drive. (S16-0005).

Hubbard: Summarized the request and provided a brief history on the request. Informed Commissioners that no Public Hearing reply forms have been received in opposition to the request. Recommended approval of the request.

The Public Hearing was opened by Chair Alzner.

Alzner: Asked for information regarding how the HOA fees would be determined and how they would ensure that an appropriate amount was being allocated for street maintenance within the development.

Andres: Asked what type of Town standards are in place to regulate the development and maintenance of private streets.

Shea Kirkman (Applicant Representative): The developer would create models that would determine the total amount of open space and at that point they would estimate the cost for continued maintenance of those areas. HOA fees would be determined based on estimated open space maintenance costs and future costs for the maintenance of streets based on Town standards for private streets. The maintenance standards for a private street development are the same as the standards for public streets.

Webb: Stated the guidelines for private street developments are outlined in the Subdivision Ordinance and that those standards will be reviewed during the Subdivision Ordinance update.

There being no other speakers the Public Hearing was closed.

Commission Discussion – Commissioners expressed support for the request and appreciation for the applicant's effort to address safety concerns previously noted by Town staff.

Motioned by Daniel, seconded by Snyder, to approve Item 6, subject to staff recommendations. Motion approved 6-0.

7. Consider and act upon a request to amend the Future Land Use Plan from Retail & Neighborhood Services to High Density Residential, on the northeast corner of First Street and Coit Road, to allow for an age-restricted, private gated, senior living development. (CA16-0002). *[Companion Case Z16-0004]*

8. Consider and act upon a request to rezone 12.7± acres, from Retail (R) to Planned Development-Multifamily (PD-MF), located on the northeast corner of First Street and Coit Road, to allow for an age-restricted, private gated, senior living development. (Z16-0004). *[Companion Case CA16-0002]*

Glushko: Summarized the request to amend the Future Land Use Plan and the zoning request. Provided information on the zoning of the surrounding properties and the designations on the Future Land Use Plan. Presented exhibits provided by the applicant for both requests. Informed Commission that three Public Hearing reply forms, for each case, have been received not in opposition to the request. Recommended that if the Future Land Use Plan amendment is recommended for approval by the Commission, approval of the zoning request is recommended. Should the Commission recommend denial of the Future Land Use Plan amendment, staff recommends denial of the zoning request.

The Public Hearings for Item 7 and Item 8 were opened by Chair Alzner.

Brenda McDonald (Applicant Representative): Provided on overview of the development and steps taken by the applicant prior to submittal, including a meeting with the residents of the Greenspoint subdivision. Presented information regarding the current designation on the Future Land Use Plan and how development meets the requirement to merit changing the Future Land Use Plan. Described the proposed development, building layout, amenities, open space, and reason for development including rental properties in lieu of privately owned units. Discussed the living screen between the eastern border of the property and the Greenspoint subdivision. In addition to the zoning requirements, explained that the development would be deed restricted to only allow residents age 55 and older. Stated restrictions would be in place to ensure visitors under the age of 55 would be permitted to stay for a maximum of 72 hours. Requested consideration and approval of the Future Land Use Plan amendment and zoning request.

William French (Architect): Described the façade and noted the differences in the design for each building. Noted the buildings would vary by elevation and color depending on the number of units within each building. Discussed the proposed building materials and the percentage of materials used on each building. Stated the porches were intentionally located on the front of each building to foster community and social interaction.

Snyder: Requested information regarding the type of sound proofing that would be between the units, and the landscaping surrounding each building.

Daniel: Requested information regarding the external lighting, how the developer plans to ensure the age demographic is met, and whether or not there is a concern with the living screen being the only border.

Mori Akhavan (Applicant Engineer): Explained that a lighting impact study would be completed with the Site Plan and light poles on street ends for outdoor lighting will be similar to that of a residential neighborhood.

Bob Goldman (Adjacent Resident): Voiced support for the Future Land Use Plan amendment and the zoning change. Asked what type of restrictions would be in place to ensure that this development and any future development in the area would be restricted to a senior living development. Expressed concerns regarding the elevation of the proposed development and that the proposed buildings would be significantly higher than their current homes which could result in increased drainage onto their properties. Expressed a preference to having a masonry wall as screening between the homes in lieu of the proposed living screen. Voiced concern regarding the fire lanes on the eastern edge of the property and requested information regarding why changes were made to the original location of the fire lanes.

Glushko: Addressed the requirements including the site layout and that age restrictions would be outlined within the approved ordinance. Explained that in order to remove the age restrictions or development requirements, the property would require the approval of a zoning change request. Stated that at the time of Site Plan submittal, a photometric plan would be required to demonstrate that the outdoor lighting would meet the Town's standards. Explained that Engineering Services would review the plans to ensure that the drainage improvements meet the Town's standards. Explained that the living screen in lieu of the masonry wall would require less long term maintenance, has the ability to be grow taller and be denser than a masonry wall and noted the living screen may provide a better light and sound buffer to the adjacent properties.

Jenna Isensee (Adjacent Resident): Expressed concern regarding the alley along the eastern edge of the property, the viability of the living screen, and the effects of irrigation on the existing wooden fences. Voiced support for the Future Land Use Plan amendment and the zoning request.

Chace Choate (Adjacent Resident): Expressed concern regarding the regulation and enforcement of the age restrictions and addressed ownership and leasing issues. Voiced support for the Future Land Use Plan amendment and zoning request. Requested additional information about issues that could arise in the future.

Sharon Hess (Adjacent Resident): Expressed support for the proposed development but requested consideration of a masonry wall in lieu of the living screen.

Jeff Hodges (Adjacent Resident): Requested clarification on the location and type of detention areas. Voiced support for the development.

Tony Elise (Adjacent Resident): Expressed support for the project but expressed concerns regarding the masonry wall, the elevation of the development and stated a preference to eliminate the access on First Street.

Kathy Dean (Adjacent Resident): Expressed support for the request, and expressed concerns regarding the masonry wall, the oversite for checking age restrictions, and the fire protection for each unit.

Tom West (Adjacent Resident): Suggested an 8-foot masonry fence in lieu of the 6 foot standard requirement or the living screen.

Brenda McDonald (Applicant Representative): Reiterated that everyone present expressed support for the proposed development and requests. Discussed the anticipated development schedule. Explained that the proposed detention areas are for the temporary storage of water during storms and will not be permanent retention areas. Clarified that the street lights in the alleys will be appropriately scaled for a residential development and a photometric plan will be required to demonstrate that light does not leave the property line. Informed Commissioners that there are deed restrictions that could address several of the issues that were raised by members of the public. Stated that the developer is also the owner and would be responsible for hiring a management company to oversee the deed restrictions. Explained that the present drainage issues will be resolved with the development of the detention areas. Stated that for a masonry wall to be considered that all adjacent property owners would be required to agree on the removal of their existing fences.

John Webb: Explained that masonry walls are a long term liability and can fail over time. He noted the Prosper vision is for open spaces rather than enclosed, walled areas that are common in the area's other communities. If there is a concern regarding the impact of the irrigation on the residents' fences, suggested drip irrigation as an alternative to spray irrigation for the living screen area.

There being no other speakers the Public Hearing was closed.

Commission Discussion: Commissioners agreed that the requests warrant an amendment to the Future Land Use Plan and zoning. Commissioners expressed support for the living screen in lieu of the masonry wall in order to maintain the open space feel of Prosper. Commissioners suggested the possibility of planting larger caliper trees at the time of development.

Motioned by Snyder, seconded by Daniel to approve Item 7, subject to staff recommendations and subject to approval of Item 8 as conditioned. Motion approved 5-0

Motion by Snyder, seconded by Daniel to approve Item 8, subject to incorporation of all Exhibits into an approved ordinance, with appropriate deed restrictions, and requiring larger caliper trees at development. Motion approved 5-0.

9. Review actions taken by the Town Council and possibly direct Town Staff to schedule topic(s) for discussion at a future meeting.

Webb: Requested that Commissioners check availability on May 3rd or May 17th for a tour.

10. Adjourn.

Motioned by Snyder seconded by Davenport, to adjourn. Motion approved 5-0 at 8:11 p.m.

Pamela Clark, Planning Technician **David Snyder, Secretary**