



AGENDA
Regular Meeting of the
Prosper Planning & Zoning Commission
108 W. Broadway St., Prosper, Texas
Town of Prosper Municipal Chambers
Tuesday, October 20, 2015, 6:00 p.m.

1. Call to Order / Roll Call.
2. Pledge of Allegiance.

CONSENT AGENDA

(Items placed on the Consent Agenda are considered routine in nature and are considered non-controversial. The Consent Agenda can be acted upon in one motion. A Planning & Zoning Commissioner may remove any item for discussion and separate action. Planning & Zoning Commissioners may vote nay on any single item without comment and may submit written comments as part of the official record.)

- 3a. Consider and act upon minutes from the October 6, 2015, Regular Planning & Zoning Commission meeting.
- 3b. Consider and act upon a Final Plat of Lakes of La Cima, Phase 7C, being 88 single family residential lots, on 39.3± acres, located on the southwest corner of First Street and Hidden Lake Drive. The property is zoned Planned Development-6 (PD-6). (D15-0071).

REGULAR AGENDA

(If you wish to address the Planning & Zoning Commission during the regular agenda, please fill out a "Speaker Request Form" and present it to the Chair prior to the meeting. Citizens wishing to address the Planning & Zoning Commission for items listed as public hearings will be recognized by the Chair. Those wishing to speak on a non-public hearing related item will be recognized on a case-by-case basis, at the discretion of the Planning & Zoning Commission.)

4. Conduct a Public Hearing and consider and act upon a request to amend Chapter 2, Zoning Districts, and Chapter 3, Permitted Uses and Definitions of the Zoning Ordinance regarding the list of Permitted Uses, the Use Chart, Conditional Development Standards and Definitions. (Z15-0007).
5. Conduct an annual review of the Town's Comprehensive Plan.
6. Planning & Zoning Commission member orientation.
7. Review actions taken by the Town Council and possibly direct Town Staff to schedule topic(s) for discussion at a future meeting.
8. Adjourn.

Note: The order in which items are heard on the agenda is subject to change.

CERTIFICATION

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the inside window at the Town Hall of the Town of Prosper, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on October 16, 2015, at 5:00 p.m. and remained so posted at least 72 hours before said meeting was convened.

Robyn Battle, Town Secretary

Date Noticed Removed

Pursuant to Section 551.071 of the Texas Government Code, the Town Council reserves the right to consult in closed session with its attorney and to receive legal advice regarding any item listed on this agenda.

NOTICE

Pursuant to Town of Prosper Ordinance No. 13-63, all speakers other than Town of Prosper staff are limited to three (3) minutes per person, per item, which may be extended for an additional two (2) minutes with approval of a majority vote of the Planning & Zoning Commission.

<p>NOTICE OF ASSISTANCE AT PUBLIC MEETINGS: The Prosper Planning & Zoning Commission meetings are wheelchair accessible. For special services or assistance, please contact the Town Secretary's Office at (972) 569-1011 at least 48 hours prior to the meeting time.</p>



MINUTES
Regular Meeting of the
Prosper Planning & Zoning Commission
108 W. Broadway St., Prosper, Texas
Town of Prosper Municipal Chambers
Tuesday, October 6, 2015, 6:00 p.m.

1. Call to Order / Roll Call.

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

Commissioners present: David Snyder, John Hema, John Alzner, Brandon Daniel, Craig Andres, Tripp Davenport, and Chad Robertson

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

2. Recitation of the Pledge of Allegiance.

3. Recognition of new members and consider and act upon the appointment of the Planning & Zoning Commission Chair, Vice Chair and Secretary.

David Snyder recognized the appointments of Craig Andres, Tripp Davenport, and Chad Robertson as new members and the reappointment of Brandon Daniel. He also noted his appreciation to former members Craig Moody, Chris Keith and Brian Barnes for their service on the Commission.

Motioned by Hema, seconded by Davenport, to appoint John Alzner as the Chair. Motion approved 7-0.

Motioned by Snyder, seconded by Davenport, to appoint John Hema as Vice Chair. Motion approved 7-0.

Motioned by Daniel, seconded by Davenport, to appoint David Snyder as the Secretary. Motion approved 7-0.

CONSENT AGENDA

4a. Consider and act upon minutes from the September 1, 2015, Regular Planning & Zoning Commission meeting.

4b. Consider and act upon a Final Plat of Frontier Estates, Phase 2, being 95 single family residential lots, on 40.2± acres, located on the south side of Frontier Parkway, 1,000± feet east of Preston Road. The property is zoned Planned Development-15 (PD-15). (D15-0068).

4c. Consider and act upon a Final Plat of Prosper Lake on Preston, Phase 2, being 96 single family residential lots, on 45.0± acres, located 900± feet north of Prosper

Trail, 1,000± feet east of Preston Road. The property is zoned Single Family-15 (SF-15). (D15-0069).

Motioned by Davenport, seconded by Snyder, to approve the Consent Agenda subject to staff recommendations. Motion approved 7-0.

REGULAR AGENDA

5. Planning & Zoning Commission member orientation.

Webb: Informed Commissioners that the Town Attorney was unable to attend the meeting due to a scheduling conflict, and the orientation will be rescheduled for the October 20, 2015 meeting.

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

Webb: Informed the Commissioners of the recent action taken by the Council regarding the residential development standards and that the Annual Review of the Comprehensive Plan and the proposed amendments regarding permitted uses in the Zoning Ordinance amendments would be presented at the October 20th meeting. He also indicated that staff would like to take the Commission on a tour of area developments prior to the November 3rd meeting. He noted that he will confirm with the Commissioners regarding their availability.

7. Adjourn.

Motioned by Davenport, seconded by Hema, to adjourn at 6:16 p.m. Motion approved 7-0.

Pamela Clark, Planning Technician

David Snyder, Secretary



PLANNING

To: Planning & Zoning Commission
From: Jonathan Hubbard, Planner
Through: Alex Glushko, AICP, Senior Planner
Re: Planning & Zoning Commission Meeting – October 20, 2015

Agenda Item:

Consider and act upon a Final Plat of Lakes of La Cima, Phase 7C, being 88 single family residential lots, on 39.3± acres, located on the southwest corner of First Street and Hidden Lake Drive. The property is zoned Planned Development-6 (PD-6). (D15-0071).

Description of Agenda Item:

The Final Plat shows 88 single family residential lots. Access will be provided from Hidden Lake Drive. The Final Plat conforms to the Planned Development-6 (PD-6) standards and the approved Preliminary Plat.

Budget Impact:

There are no significant budget implications associated with the approval of this Final Plat.

Legal Obligations and Review:

The Final Plat meets minimum development requirements.

Attached Documents:

1. Final Plat

Town Staff Recommendation:

Town staff recommends approval of the Final Plat subject to:

1. Town staff approval of all additions and/or alterations to the easements on the Final Plat.
2. Town staff approval of civil engineering, landscape, irrigation, and screening plans.
3. Town staff approval of all right-of-way dedication, turn lanes, drive openings, street sections, hike and bike trails and easements, and sidewalks.

STATE OF TEXAS §
COUNTY OF COLLIN §

OWNERS CERTIFICATE

WHEREAS First Texas Homes, Inc., is the owner of a tract of land situated in the H. Jamison Survey, Abstract No. 480, Town of Prosper, Collin County, Texas, the subject tract being a portion of a tract conveyed to First Texas Homes, Inc. according to the deed recorded in Document No. 20120822001044890 of the Official Public Records, Collin County, Texas, the subject tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod with plastic cap found on the south line of First Street, a public right-of-way, for the northeast corner of a tract conveyed to the Town of Prosper Fire Station, recorded in Volume 5404, Page 765, Deed Records, Collin County, Texas (DRCC);

THENCE N 89°45'12" E, 864.29 feet along the common line thereof to a 1/2" iron rod with plastic cap stamped "SPIARSENG" found for the upper northwest corner of Lakes of La Cima Estates Phase Seven A, an addition recorded in Cabinet 2013, Page 347, Plat Records, Collin County, Texas (PRCT);

THENCE along the common line thereof, the following:

A tangent curve to the right having a central angle of 08°04'39", a radius of 265.00 feet, a chord of S 86°12'28" E - 37.33 feet, an arc length of 37.36 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" found;

S 82°10'08" E, 31.63 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" found;

A tangent curve to the left having a central angle of 08°04'40", a radius of 295.00 feet, a chord of S 86°12'28" E - 41.56 feet, an arc length of 41.59 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" found;

N 89°45'12" E, 90.00 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" found;

S 45°14'48" E, 14.14 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" found;

And S 00°14'48" E, 640.00 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

THENCE departing the west line of Lakes of La Cima Estates Phase Seven A, the following:

S 89°45'12" W, 705.00 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

S 00°14'48" E, 140.00 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

S 89°45'12" W, 14.26 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

S 00°14'48" E, 50.00 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

S 45°14'48" E, 14.14 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

S 00°14'48" E, 260.00 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

S 44°45'12" W, 14.14 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

S 89°45'12" W, 4.76 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

And S 00°14'48" E, 190.00 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set on the north line of Lakes of La Cima Phase Four, an addition recorded in Cabinet 2006, Page 600 PRCC;

THENCE along the common line thereof, the following:

S 89°45'12" W, 716.39 feet to a 1/2" iron rod with plastic cap found;

N 85°16'14" W, 275.53 feet to a 1/2" iron rod with plastic cap stamped "DAA" found;

A non-tangent curve to the left having a central angle of 20°37'35", a radius of 425.00 feet, a chord of S 04°38'00" E - 152.17 feet, an arc length of 153.00 feet to a 1/2" iron rod with plastic cap found;

And N 70°28'07" W, 314.65 feet to a 1/2" iron rod with plastic cap found on the east line of Willow Ridge Phase 1, an addition recorded in Cabinet M, Page 624 PRCC;

THENCE N 19°31'53" E, along the east line thereof, passing at 1136.79 feet a 1/2" iron rod found for the southeast corner of a tract conveyed to Town of Prosper, recorded in Document No. 96-0090462 DRCC, and continuing along the common line thereof a total distance of 1179.29 feet to a 1/2" iron rod with plastic cap stamped "DAA" found for the southwest corner of said Town of Prosper Fire Station tract;

THENCE along the common line thereof, the following:

S 70°28'07" E, 280.33 feet to a 1/2" iron rod with plastic cap stamped "DAA" found;

S 85°10'51" E, 39.74 feet to a 1/2" iron rod with plastic cap stamped "DAA" found;

N 89°45'12" E, 222.65 feet to a 1/2" iron rod found;

And N 00°14'48" W, 330.00 feet to the POINT OF BEGINNING with the subject tract containing 1,710,207 square feet or 39.261 acres of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT FIRST TEXAS, INC. acting herein by and through its duly authorized officers, does hereby certify and adopt this plat designating the herein above described property as **Lakes Of La Cima Phase 7C**, an addition to the Town of Prosper, and does hereby dedicate to the public use forever, the streets and alleys shown thereon. The **FIRST TEXAS HOMES, INC.** does herein certify the following:

- 1. The streets and alleys are dedicated for street and alley purposes.
- 2. All public improvements and dedications shall be free and clear of all debt, liens, and/or encumbrances.
- 3. The easements and public use areas, as shown, are dedicated for the public use forever for the purposes indicated on this plat.
- 4. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements if approved by the Town of Prosper.
- 5. The Town of Prosper is not responsible for replacing any improvements in, under, or over any easements caused by maintenance or repair.
- 6. Utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and Town of Prosper's use thereof.
- 7. The Town of Prosper and public utilities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in the easements.
- 8. The Town of Prosper and public utilities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.
- 9. All modifications to this document shall be by means of plat and approved by the Town of Prosper.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the Town of Prosper, Texas.

WITNESS, my hand, this the _____ day of _____, 2015

FIRST TEXAS HOMES, INC.,

Keith Hardesty

STATE OF TEXAS §
COUNTY OF DALLAS §

BEFORE ME, the undersigned, a Notary Public in and for The State of Texas, on this day personally appeared Keith Hardesty, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 2015.

Notary Public, State of Texas

SURVEYOR'S CERTIFICATE

That I, Darren K. Brown, of Spiars Engineering, Inc., do hereby certify that I prepared this plat and the field notes made a part thereof from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision Regulations of the Town of Prosper, Texas.

Dated this the _____ day of _____, 2015.



DARREN K. BROWN, R.P.L.S. NO. 5252

STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, the undersigned, a Notary Public in and for The State of Texas, on this day personally appeared Darren K. Brown, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 2015.

Notary Public, State of Texas

DRAINAGE, AND ACCESS EASEMENT

THE STATE OF TEXAS §
COUNTY OF COLLIN §
TOWN OF PROSPER §

This plat is hereby adopted by the Owners and approved by the Town of Prosper (Called "Town") subject to the following conditions which shall be binding upon the Owners, their heirs, grantees, successors and assigns: The Lots 1 and 3 Block X, as shown on the plat are called "Open Space / Common Area" for Drainage Hike and Bike and Landscape purposes. The Open Space / Common Area within the limits of this addition, will remain open at all times and will be maintained in a safe and sanitary condition by the owner of the lots that are traversed by or adjacent to the Open Space / Common Area. The Town will not be responsible for the maintenance and operation of said Easement or for any damage to private property or person that results from conditions in the Easement, or for the control of erosion, as herein above defined, unless approved by the Town Engineer. Provided, however, it is understood that in the event it becomes necessary for the Town to erect any type of drainage structure in order to improve the storm drainage that may be occasioned by drainage in or adjacent to the subdivision, then in such event, the Town shall have the right to enter upon the Open Space / Common Area at any point, or points, to investigate, survey or to erect, construct and maintain any drainage facility deemed necessary for drainage purposes. Each property owner shall keep the Open Space / Common Area clean and free of debris, silt, and any substance which would result in unsanitary conditions or obstruct the flow of water, and the Town shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owner to alleviate any undesirable conditions which may occur. The natural drainage through the Open Space / Common Area is subject to storm water overflow and natural bank erosion to an extent which cannot be definitely defined. The Town shall not be held liable for any damages of any nature resulting from the occurrence of these natural phenomena, or resulting from the failure of any structure or structures, within the easement.

ACCESS EASEMENT

The undersigned covenants and agrees that the access easement(s) may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of general public vehicular and pedestrian use and access, and for the Fire Department, Police, and emergency use in along, upon, and across said premises, with the right and privilege at all times of the Town of Prosper, its agents, employees, workmen, and representatives having ingress, egress, and regress in, along, upon, and across said premises.

LANDSCAPE EASEMENT

The undersigned covenants and agrees that the landscape easement and restrictions herein set forth shall run with the land and be binding on the owner(s) of the property in this subdivision, their successors and assigns, and all parties claiming by, through and under them. In the event a replat is requested on all or part of this property, the Town may require any similar or additional restrictions of its sole discretion. The sole responsibility for maintenance and replacement of landscape materials thereof shall be borne by any 'homeowners' association hereafter established for the owners of lots in this subdivision and/or the owners of the individual lots within this subdivision. Such maintenance and replacement shall be in conformance with the requirements, standards, and specifications of the Town of Prosper, as presently in effect or as may be hereafter amended. This provision may be enforced by specific performance or by any other remedy allowed by law. This Landscape Easement shall be void of utilities and other elements unless otherwise approved on the plat.

CERTIFICATE OF APPROVAL

Approved this _____ day of _____, 20____ by the Planning & Zoning Commission of the Town of Prosper, Texas.

_____ Planning & Zoning Commission Chair

_____ Town Secretary

_____ Engineering Department

_____ Development Services Department

Lot Area Table			
Lot #	Block #	Square Feet	Acres
1	Block B	14017	0.32
2	Block B	14004	0.32
3	Block B	14035	0.32
4	Block B	14035	0.32
5	Block B	14035	0.32
6	Block B	14035	0.32
7	Block B	14035	0.32
8	Block B	14618	0.34
9	Block B	18436	0.42
10	Block B	20942	0.48
11	Block B	19197	0.44
12	Block B	16750	0.38
13	Block B	14000	0.32
14	Block B	14000	0.32
15	Block B	15071	0.35
16	Block B	14259	0.33
17	Block B	17258	0.40
18	Block B	17382	0.40
19	Block B	15987	0.37
20	Block B	14866	0.34

Lot Area Table			
Lot #	Block #	Square Feet	Acres
21	Block B	15350	0.35
22	Block B	17450	0.40
23	Block B	16291	0.37
24	Block B	17301	0.40
25	Block B	18683	0.43
26	Block B	15234	0.35
27	Block B	16674	0.38
28	Block B	14375	0.33
29	Block B	14282	0.33
30	Block B	14000	0.32
31	Block B	14000	0.32
32	Block B	14000	0.32
33	Block B	14000	0.32
34	Block B	14000	0.32
35	Block B	14650	0.34
36	Block B	14650	0.34
37	Block B	14000	0.32
38	Block B	14000	0.32
39	Block B	14000	0.32
40	Block B	14000	0.32

Lot Area Table			
Lot #	Block #	Square Feet	Acres
41	Block B	14000	0.32
42	Block B	14001	0.32
43	Block B	15707	0.36
44	Block B	14722	0.34
45	Block B	18822	0.43
46	Block B	15494	0.36
47	Block B	14693	0.34
48	Block B	17702	0.41

Lot Area Table			
Lot #	Block #	Square Feet	Acres
4	Block D	14000	0.32
5	Block D	14000	0.32
6	Block D	14000	0.32
7	Block D	14000	0.32
8	Block D	14000	0.32
9	Block D	14000	0.32
10	Block D	14000	0.32
11	Block D	15558	0.36
12	Block D	16098	0.37

Lot Area Table			
Lot #	Block #	Square Feet	Acres
8	Block H	14000	0.32
9	Block H	14000	0.32
10	Block H	14000	0.32
11	Block H	14650	0.34
12	Block H	14650	0.34
13	Block H	14000	0.32
14	Block H	14000	0.32
15	Block H	14000	0.32
16	Block H	14000	0.32
17	Block H	14000	0.32
18	Block H	14000	0.32
19	Block H	14000	0.32
20	Block H	14000	0.32
21	Block H	14000	0.32
22	Block H	14650	0.34

Lot Area Table			
Lot #	Block #	Square Feet	Acres
1	Block J	15350	0.35
2	Block J	14490	0.33
3	Block J	14490	0.33
4	Block J	14490	0.33
5	Block J	14490	0.33
6	Block J	14490	0.33
7	Block J	14490	0.33
8	Block J	15350	0.35
9	Block J	15350	0.35
10	Block J	14490	0.33
11	Block J	14490	0.33
12	Block J	14490	0.33
13	Block J	14490	0.33
14	Block J	14490	0.33
15	Block J	14490	0.33
16	Block J	15350	0.35

FNAL PLAT

LAKES OF LA CIMA ESTATES
PHASE SEVEN C

88 SINGLE FAMILY LOTS AND 2 H.O.A. LOTS
DEVELOPED TO PD-6 (TRACT 1 - A) STANDARDS
39.261 ACRES OUT OF THE
HARRISON JAMISON SURVEY ~ ABSTRACT NO. 480
TOWN OF PROSPER, COLLIN COUNTY, TEXAS

OWNER / APPLICANT
FIRST TEXAS HOMES, INC.
500 Crescent Court, Suite 350
Dallas, Texas 75201
Telephone (214) 613-3400
Contact: Keith Hardesty

ENGINEER / SURVEYOR
Spiars Engineering, Inc.
765 Quarter Road, Suite 100
Ft. Worth, TX 75075
Telephone: (972) 422-0077
TBPE No. F-2121
Contact: Tim Spiars

October, 2015 SEI Job No. 14-124

CASE NO. DIS-0071



PLANNING

To: Planning & Zoning Commission

From: John Webb, AICP, Director of Development Services

Re: Planning & Zoning Commission Meeting – October 20, 2015

Agenda Item:

Conduct a Public Hearing and consider and act upon a request to amend Chapter 2, Zoning Districts, and Chapter 3, Permitted Uses and Definitions of the Zoning Ordinance regarding the list of Permitted Uses, the Use Chart, Conditional Development Standards and Definitions. (Z15-0007).

Description of Agenda Item/Background:

Staff provided briefings to the Town Council on May 12th and August 11th and to the Planning & Zoning Commission on August 18th regarding numerous land uses in the Zoning Ordinance which should be re-evaluated. The Zoning Ordinance classifies uses in the following manner:

1. Uses permitted by right without any special conditions. These uses are “entitled” to locate within the subject zoning district as long as the site is developed according to the district’s development standards. Example: a medical office building is permitted by right in the “Office” zoning district if the site meets the minimum development standards such as setbacks, building height, and masonry construction. If this use meets the development standards, neither the Planning & Zoning Commission, nor the Town Council has the authority to deny the applicant’s right to develop the use.
2. Uses permitted by right if the use meets certain Conditional Development Standards (outlined in Chapter 3, Section 1.4 of the Zoning Ordinance). These uses are permitted by right if they meet the special standards that go above and beyond the development standards of the subject district. Example: a convenience store with gas pumps is permitted by right in the “Retail” zoning district if the site meets the minimum development standards and additional conditional development standards. In this instance, the special conditions require the convenience store with gas pumps to:
 - a. be located within 200 feet of the intersection of major thoroughfares,
 - b. be restricted to two corners of the intersection,
 - c. require canopies to have pitched roofs; the canopy support structure to be masonry and the canopy band be a neutral color and
 - d. require the use to be removed if closed for more than six (6) months.

If the use meets these additional conditional development standards, neither the Planning & Zoning Commission, nor the Town Council has the authority to deny the applicant’s right to develop the use.

3. Uses permitted upon approval of a Specific Use Permit (SUP). These require Public Hearings by both the Planning & Zoning Commission and Town Council. Example: a child day center requires an SUP. The approval of the SUP is a discretionary decision by the Planning & Zoning Commission and the Town Council and neither body is required to approve the use.

Purpose of the Requested Amendments:

Since the majority of the land adjacent to US 380, Dallas Parkway, and Preston Road is zoned for various non-residential districts, there are numerous permitted uses which could diminish the long-term value of these high visibility corridors in the Town. Staff also noted several antiquated land use terms that need to be amended or removed from the Zoning Ordinance.

It is important to note that where existing Planned Developments contain a list of permitted uses, those uses will continue to be permitted, regardless of the amendments to the Zoning Ordinance.

The recommended amendments to the Land Use Chart are noted in Appendix A. Appendix B is the list of proposed additions and amendments to the Conditional Development Standards. Amended and additional Definitions are noted in Appendix C.

Administrative Amendments:

Permitted land uses are noted in two separate areas of the Zoning Ordinance; one being in each Zoning District subsection in Chapter 2 of the Ordinance as depicted in Illustration 1, and the other being in the "Use Chart" in Chapter 3 as depicted in Illustration 2. Staff recommends the permitted uses only be depicted in the "Use Chart," as typically found in most cities' Zoning Ordinances. This will eliminate the chance of inconsistencies between the two chapters.

Legal Obligations and Review:

Zoning is discretionary. Therefore, the Planning & Zoning Commission is not obligated to approve the request. Notice of the Planning & Zoning Commission Public Hearing was provided in the newspaper as required by the Zoning Ordinance and state law. To date, Town staff has not received any correspondence.

Town Staff Recommendation:

Town staff recommends the Planning & Zoning Commission approve the requested amendments to the Zoning Ordinance as submitted.

Town Council Public Hearing:

Should the Planning & Zoning Commission make a recommendation, a Public Hearing for this item will be scheduled for the Town Council at their Regular meeting on November 10, 2015.

Attached Documents:

1. Appendix A: Proposed amendments to Chapter 3, Section 1.3, Schedule of Uses
2. Appendix B: Proposed amendments to Chapter 3, Section 1.4, Conditional Development Standards
3. Appendix C: Proposed amendments to Chapter 3, Section 2, Definitions
4. Illustration 1: Proposed deletion of list of Permitted Uses in Subsections 3-23 of Chapter 2 and reference the uses can be found in the Schedule of Uses of Chapter 3
5. Illustration 2: Depiction of a portion of the Schedule of Uses in the Use Chart

APPENDIX A
PROPOSED AMENDMENT TO THE SCHEDULE OF USES

The following is a list of the proposed amendments to the Zoning Ordinance regarding permitted land uses:

1. Pawn Shop

Comments: The use is currently permitted by right in the Commercial and Industrial Districts. Pawn Shops are traditionally not seen as a value added business in a community. State law does not allow a town or city to prohibit the use and requires that Pawn Shops be permitted by right in at least one zoning district.

Proposed Amendments: Permit the use by right only in the Industrial District.

2. Auto Repair, Major

Comments: Permitted by right in the Commercial and Industrial Districts and by SUP in the Downtown Commercial District. An example of this use is an auto body collision repair facility. Due to the heavy commercial use of the facility, an SUP should be required in the Commercial District to determine the appropriateness of the use and additional screening.



Auto Repair, Major

Proposed Amendments: Permit by right in the Industrial District and require SUP in the Commercial District. Remove ability to request SUP in the Downtown Commercial District.

3. Outside Merchandise Display, Incidental

Comments: This use is not listed in the Zoning Ordinance. Typically, this is a designated area for the display of goods for sale in the front of big box retailers. Currently, to accommodate this use, a Planned Development (PD) District has to be established or amended. Permitting the use with an SUP is a more appropriate method of accommodating the use on a case-by-case basis and determining appropriate location and intensity of the merchandise.



Outside Display of Merchandise

Proposed Amendments: Permit by SUP in non-residential districts, with the exception of the Office, and Downtown Office Districts. "Sidewalk sales" would not be subject to the SUP requirement. Establish new definition in Appendix C.

4. Outside Merchandise Display, Temporary

Comments: This is a "sidewalk sale" associated with a retail business. The use is not listed in the Zoning Ordinance. The use should be permitted as a conditional use with standards to ensure the "sidewalk sale" does not become permanent, nor block accessibility.



Temporary Outside Display of Merchandise

Proposed Amendments: Permit as a Conditional Development Standard in the Downtown Retail, Retail, Downtown Commercial and Commercial Districts (refer to Appendix B and establish new definition in Appendix C).

5. Outside Storage, Incidental

Comments: This is customarily unenclosed storage of commodities, materials, goods, or equipment in conjunction with a primary enclosed use and typically located in an area not readily accessible to the public. The use is not listed in the Zoning Ordinance; and therefore, currently requires a PD to permit. Permitting the use with an SUP is a more appropriate method of accommodating the use on a case-by-case basis and determining appropriate location, intensity and screening of the materials.



Incidental Outside Storage

Proposed Amendments: Permit by SUP in non-residential districts, with the exception of the Office and Downtown Office Districts.

6. Recycling Collection Point (unmanned donation or recycling bin)

Comments: Permitted by right in all non-residential districts except the Downtown Office and Downtown Retail Districts. These bins tend to become unsightly and attract the dumping of larger materials that do not fit in the bins. The use cannot be prohibited, but it is recommended to establish reasonable conditional development standards for the placement and operation of the donation bins. Staff recommends the term be renamed, "Donation or Recycling Bin" to better identify the use; and recommends the bins be permitted by right at schools, since schools may offer this service.



Donation Bin

Proposed Amendments: Reclassify as a “Donation or Recycling Bin”. Permit as a Conditional Development Standard in the Retail and Commercial Districts and by right on property owned by a public, private or parochial school and establish an amended definition (refer to Appendix B, Conditional Developments standards and Appendix C, Definitions)

7. Trailer Rental

Comments: Permitted by right in the Commercial, Commercial Corridor and Industrial Districts and permitted by SUP in the Retail District. Due to the open storage and display of the trailers, this use is not appropriate immediately adjacent to the Town’s primary highways and thoroughfares.



Trailer Rental

Proposed Amendments: Permit by right in the Industrial District and require SUP in the Commercial District.

8. Equipment and Machinery Sales and Rental, Major

Comments: Permitted by right in the Commercial and Industrial Districts. Due to the open storage and display of the heavy equipment and machinery, this use is not appropriate immediately adjacent to the Town’s primary highways and thoroughfares.



Heavy Equipment Display

Proposed Amendments: Permit by right in the Industrial District and require SUP in the Commercial District.

9. Car Wash, Self-Serve

Comments: Permitted by right in the Commercial and Industrial Districts. Due to the noise-generating nature, the use should be evaluated by an SUP in the Commercial District. This is not an industrial use, and therefore should not be permitted in the Industrial District.



Self Service Car Wash

Proposed Amendments: Require SUP in the Commercial District, delete as permitted use in the Industrial District and note as a Conditional Development Standard to identify the 200-foot distance requirement from residential districts as currently required by the “Adjacency of Certain Uses to Residential Zoning.”

10. Motels

Comments: Motels are commonly served by outside corridors and permitted by right with minimal conditional development standards in the Downtown Commercial, Commercial and Commercial Corridor Districts. The facilities are now more commonly referred to as “Limited Service Hotels” but with interior corridors.



Motel



Limited Service Hotel

Proposed Amendments: Reclassify the term to “Hotel, Limited Service,” and establish new conditional development standards (Appendix B) and establish the appropriate definition (Appendix C).

11. Residence Hotel (extended stay)

Comments: These facilities offer “stay on a nightly, weekly and/or monthly basis” with full kitchens. Depending on the operator, these facilities can either provide quality short-term housing or become quasi-multifamily, transient housing with negative impacts on adjacent properties. This use is permitted by right with Conditional Development Standards in the Commercial and Commercial Corridor Districts and further limited to properties adjacent to Dallas Parkway, US 380 and Preston Road.



Residence Hotel

Proposed Amendments: Require an SUP to determine the appropriateness of the use and amend the Conditional Development Standards (Appendix B) and amend the definition (Appendix C).

12. Hotels (full service)

Comments: These facilities typically are multi-story in height and offer a range of amenities including a full-service restaurant and meeting/event space. The use is permitted by right with Conditional Development Standards in the Commercial and Commercial Corridor Districts and requires an SUP in the Downtown Commercial District.



Full Service Hotel

Proposed Amendments: Rename the term to “Hotel, Full Service,” and revise and establish new Conditional Development Standards (Appendix B) to more accurately reflect today’s hotel market and establish the appropriate definition (Appendix C).

13. Automobile Storage

Comments: Permitted by right in the Commercial and Industrial Districts. These facilities resemble a parking lot without a primary structure and typically accommodate the overflow storage of automobiles and light load trucks that are for sale at another location. Due to the open storage, this use may not be appropriate along the Town’s primary highways and thoroughfares.



Off-site Vehicle Storage Lot

Proposed Amendments: Permit by right in the Industrial District and require SUP in the Commercial District.

14. General Manufacturing/Industrial Use Complying with Performance Standards

Comments: The term permits manufacturing and industrial processing but must be deemed not a hazard or nuisance to adjoining properties. Truck loading docks are common to this use. Permitted by right in the Commercial, Commercial Corridor and Industrial Districts. Due to the industrial nature, the use may not be appropriate in the Commercial and Commercial Corridor Districts.



General Manufacturing

Proposed Amendments: Permit by right in the Industrial District and require SUP in the Commercial and Commercial Corridor Districts

15. Flea Market, Inside

Comments: Permitted by right in the Commercial District. Depending on the intensity of the use, may not be appropriate in certain locations.



Indoor Flea Market

Proposed Amendments: Require SUP in the Commercial District.

16. Flea Market, Outside

Comments: Permitted by SUP in the Commercial District. Due to the nature of the use, it is not appropriate in Prosper.



Outside Flea Market

Proposed Amendments: Delete as a permitted use.

17. Vet Clinic and/or Kennel, Outdoor

Comments: Permitted by right in the Commercial, Commercial Corridor and Industrial Districts. Due to the nature of the outdoor facilities, the use may not be appropriate in certain locations.



Outdoor Pet Kennel

Proposed Amendments: Permit by right in the Industrial District and require SUP in the Commercial District.

18. Retirement Housing (independent senior living)

Comments: These facilities typically resemble a traditional 2-4 story, multi-family complex but are age-restricted for “active, senior adults” who do not require the services associated with an assisted living center or nursing home. Currently permitted by right in the Townhome, Multifamily and the Mobile Home Districts. There is hesitancy to rezone any land to the Multifamily District for a retirement housing product, since there is no guarantee the use will develop as such. The current definition also includes the terms “nursing care for ambulatory elderly or handicapped persons”. This is not the intent of this use which is intended to accommodate independent senior living residential developments.



Independent Senior Living

Proposed Amendments: Require SUP in the Multifamily District to allow the use to be considered on a case-by-case basis as an age-restricted development that cannot convert into a traditional multi-family development and amend the definition in Appendix C.

19. Helistop (helicopter landing pad)

Comments: This is incidental to a main structure for take-offs and landings. The storage of helicopters or fuel is not permitted by the definition. Permitted by SUP in the Office, Commercial Corridor and Industrial District. A helistop may be appropriate and necessary for uses in the Retail and Commercial Districts since hospitals are permitted in these districts.



Helistop

Proposed Amendments: Require SUP in the Retail and the Commercial Districts in addition to Office, Commercial Corridor and Industrial Districts.

20. Nursery (Landscape), Major

Comments: Permitted by right in the Commercial and Commercial Corridor Districts. Due to the nature of the outdoor facilities, the use may not be appropriate in certain locations.



Outdoor Landscape Nursery

Proposed Amendments: Require SUP in the Commercial and Commercial Corridor Districts.

21. Dance Hall

Comments: “Dance Hall” is an antiquated term. Need to recognize and allow professional banquet facilities similar to Noah’s Event Venue. “Dance Hall” currently permitted by SUP in the Downtown Commercial, Commercial and Commercial Corridor Districts.



Private Meeting/Banquet/Reception Facility

Proposed Amendments: Reclassify as a “Meeting/Banquet/Reception Facility” and require SUP in the Retail, Downtown Commercial, Commercial and Commercial Corridor District and amend definition in Appendix C

22. Furniture Restoration

Comments: Permitted by right in the Commercial and Industrial Districts and requires SUP in the Downtown Commercial District. This is an enclosed use and does not pose adverse impacts.



Furniture Restoration Building

Proposed Amendments: Permit by right in all non-residential districts except for the Office and Downtown Office Districts.

23. Gunsmith

Comments: Antiquated term since the business is considered a retail establishment to accommodate the sales and service of firearms.



Gun Store

Proposed Amendments: Delete the term.

24. Household Appliance Service and Repair

Comments: Antiquated term. This service is now more related to the repair of electronics.



Electronics Repair

Proposed Amendments: Reclassify as “Repair Service, Indoor,” and permit by right in all non-residential districts except for Office and Downtown Office Districts. Create new definition in Appendix C that would prohibit engine repair.

25. Mortuary/Funeral Parlor

Comments: Permitted by right in the Downtown Commercial, Commercial, Commercial Corridor and Industrial Districts. It is implied but not clear that the use does not permit an on-site crematory.



Funeral Home

Proposed Amendments: Reclassify term as “Funeral Home” and amend as a Conditional Development Standard to permit by right in the same districts but require an SUP for on-site cremation services.

26. Restaurant or Cafeteria

Comments: “Cafeteria” is an antiquated term. A “Luby’s” or “Furr’s” is considered as a restaurant.



Cafeteria (restaurant)

Proposed Amendments: Amend term to read, “Restaurant.”

27. Bottling Works

Comments: Antiquated term. An operation that bottles beverages can be accommodated as a “General Manufacturing/Industrial Use Complying with Performance Standards”.



Bottling Works

Proposed Amendments: Delete the term.

28. Auto-related Uses and Restaurants with Drive-thru or Drive-in Services

- **Convenience Store with Gas Pumps**
- **Restaurant** (includes restaurants with drive-through window service)
- **Restaurant, Drive In** (Sonic)
- **Automobile Repair, Major**
- **Automobile Repair, Minor**
- **Automobile Sales/Leasing, New**
- **Automobile Sales/Leasing, Used**
- **Car Wash**
- **Car Wash, Self Service**
- **Motorcycle Sales/Service**
- **Recreational Vehicle Sales and Service, New/Used**
- **Truck/Bus Repair**
- **Truck Sales, Heavy Trucks**
- **Truck Terminal**

Comments: Section 9.11 of Chapter 4, “Development Requirements” of the Zoning Ordinance contains provisions for “Adjacency of Certain Uses to Residential Zoning” that requires that buildings and equipment associated with these uses be a minimum of 200 feet from a residential district and subject to additional screening. These requirements are often overlooked by the development community in their research of the Zoning Ordinance Use Chart.

Proposed Amendments: Note this requirement as a Conditional Development Standard in the Use Chart and reference the “Adjacency of Certain Uses.” There is no change regarding the permitted use of these uses in the currently designated districts.

29. Payday Loans/Cash for Car Titles

Comments: This is not a designated use in the Zoning Ordinance, but as such meets the definition of a “Bank or Savings and Loan” and would be permitted by right in all non-residential districts. These businesses are seen as predatory lending establishments with excessively high interest rates and are increasingly being regulated by cities in Texas and the nation.



Car Title Loan Establishment

Proposed Amendments: Per a recommendation from the Town Attorney, these businesses should be regulated in Chapter 4, Business Regulations of the Town’s Code of Ordinances. The ordinance can contain criteria for the definition, registration, operation and location/minimum spacing of the businesses. Therefore the amendments will not occur within this amendment to the Zoning Ordinance.

APPENDIX B

PROPOSED ADDITIONS/AMENDMENTS TO CONDITIONAL DEVELOPMENT STANDARDS

1. Outside Merchandise Display, Temporary

- a. The outdoor display of merchandise shall be associated with the merchandise offered for sale on the same premise.
- b. The outdoor display of merchandise shall not exceed 72 consecutive hours with a minimum of twenty-eight (28) between each occurrence.
- c. The outdoor display of merchandise shall not block or impede required accessibility.

2. Donation or Recycling Bin

- a. A donation or recycling bin requires approval of a Site Plan by the Planning & Zoning Commission and a permit issued by the Building Inspections Division.
- b. The permit shall contain written authorization of the property owner.
- c. A maximum of one (1) donation or recycling bin shall be permitted per lot or tract.
- d. The donation or recycling bin shall be located within 100 feet of the main structure but not located within the required front, side or rear property lines.
- e. The donation or recycling bin shall not be located on any required parking space(s), nor located in a manner that blocks pedestrian access or a driver's visibility.
- f. The donation or recycling bin shall not exceed six (6) feet, six (6) inches in height, six (6) feet in width and six (6) feet in length.
- g. The donation or recycling bin shall clearly identify the name, address and telephone number of the permittee and operator, if different from the permittee.
- h. The permittee shall maintain the area surrounding the donation or recycling bin free of any junk, garbage, trash, debris or other refuse material.
- i. The permittee and operator shall be responsible for abating and removing all junk, garbage, trash, debris and other refuse material in the area surrounding the donation or recycling bin within twenty-four (24) hours of written or verbal notice from the Town.
- j. The Town shall have the right to revoke any permit issued hereunder if permittee or operator fails to comply with the provisions of this subsection. The Town shall provide a written notification to the permittee or operator stating the specific grounds for revocation. Upon revocation, the donation or recycling bin shall be removed from the permittee's real property within thirty (30) calendar days and, if not removed within this time period, the Town may remove, store and dispose of the donation or recycling bin at the permittee's sole cost and expense.

3. Hotel, Limited Service (suggested edits to current standards for a Motel; "red" text notes new standards)

- a. Access to guest rooms shall be restricted exclusively to interior corridors.
- b. External balconies and walkways shall be set back two hundred (200) feet from any residential zoning district.
- c. Shall provide management staff on-site twenty four (24) hours a day.
- d. Shall provide at least four (4) amenities from the list below:
 - Indoor/Outdoor Pool
 - Spa/Sauna
 - Weight Room/Fitness Center
 - Playground
 - Sports Court
 - Plaza/Atrium

- Game Room
 - Jogging Trail
 - Conference Room (one thousand (1,000) square foot minimum)
 - ~~Full Service Restaurant (minimum seating capacity of Thirty five (35))~~
- e. Shall provide a restaurant offering a minimum of one meal per day.
- f. ~~Shall maintain a minimum separation of one thousand five hundred (1,500) feet measured linearly from property line to property line from any other Hotel, Motel, or Residence Hotel property. (Reason for deleting requirement is that some hotels prefer to group their brands in close proximity such as a Marriott Fairfield Inn, Courtyard by Marriott and Marriott Residence Inn).~~
- g. Shall provide daily housekeeping.
- h. The guest rooms shall not contain any cooking facility that includes a conventional oven, convection oven, stove top burner, grill, hibachi or hotplate.
4. **Hotel, Residence** (suggested edits to current standards for a Residence Hotel; “red” text notes new standards)
 Residence Hotel developments shall be subject to the following development standards:
- a. ~~Not more than twenty three (23) room units per acre. (Reason for deleting requirement is that appropriate density can be determined by the SUP process)~~
- b. A Specific Use Permit is required.
- c. Shall provide laundry facilities on site for guest use.
- d. Access to guest rooms shall be restricted exclusively to interior corridors.
- e. External balconies and walkways shall be set back two hundred (200) feet from any residential zoning district.
- f. Shall provide **management** staff on-site twenty four (24) hours a day.
- g. Shall provide at least five (5) amenities from the list below:
- Indoor/Outdoor Pool
 - Spa/Sauna
 - Weight Room/Fitness Center
 - Playground
 - Sports Court
 - ~~Plaza/Atrium~~
 - Game Room
 - Jogging Trail
 - Conference Room (one thousand (1,000) square foot minimum)
 - ~~Full Service Restaurant (minimum seating capacity of Thirty five (35))~~
- h. Shall be set back a minimum one hundred (100) feet from any residential district.
- i. Shall maintain fifteen (15) percent of the lot area as **outdoor** open space, exclusive of required setbacks and parking areas, but including amenities from the above list except for the **indoor pool** and the conference room and ~~full service restaurant~~ shall not count toward meeting the open space requirement. The minimum fifteen (15) percent open space may be reduced by the Town Council upon approval of a Specific Use Permit providing evidence of other amenities meeting the intent of the open space requirement.
- j. Shall provide a restaurant offering a minimum of one meal per day.
- k. ~~Shall maintain a minimum separation of one thousand five hundred (1,500) feet measured linearly from property line to property line from any other Hotel, Motel, or Residence Hotel property. (Reason for deleting requirement is that some hotels prefer to group their brands in close proximity such as a Marriott Fairfield Inn, Courtyard by Marriott and Marriott Residence Inn).~~
- l. Shall provide daily housekeeping.
- m. Any guest room indoor cooking facility shall not include a grill, hibachi or hotplate.

5. Hotel, Full Service (suggested edits to current standards for a Hotel; “red” text notes new standards)

Full Service Hotel developments shall be subject to the following development standards:

- a. External balconies and walkways shall be set back two hundred (200) feet from any residential zoning district.
- b. Shall provide **management** staff on-site twenty four (24) hours a day.
- c. Shall provide at least four (4) amenities from the list below:
 - Indoor/Outdoor Pool
 - Spa/Sauna
 - Weight Room/Fitness Center
 - Playground
 - Sports Court
 - ~~Plaza/Atrium~~
 - Game Room
 - Jogging Trail
 - ~~Conference Room (one thousand (1,000) square foot minimum)~~
 - ~~Full Service Restaurant (minimum seating capacity of Thirty five (35))~~
- d. **Shall provide a full service restaurant offering three (3) meals a day.**
- e. **Shall provide a minimum total of 10,000 square feet of meeting/event space.**
- f. **No more than five (5) percent of the total number of guest rooms shall have cooking facilities.**
- g. All room units must be accessed through an internal hallway.
- h. ~~Permitted by Specific Use Permit in a Downtown Commercial District.~~ (Permit by right in the Downtown Commercial District if the hotel meets the conditional development standards.)

6. Funeral Home (formerly Mortuary/Funeral Parlor)

Funeral Homes shall not contain on-site cremation services. Funeral Homes with on-site cremation services shall require a Special Use Permit.

7. Convenience Store with Gas Pumps

Shall be subject to the requirements of Chapter 4, Section 9.11, Adjacency of Certain Uses to Residential Zoning.

8. Restaurant

Shall be subject to the requirements of Chapter 4, Section 9.11, Adjacency of Certain Uses to Residential Zoning.

9. Restaurant, Drive In

Shall be subject to the requirements of Chapter 4, Section 9.11, Adjacency of Certain Uses to Residential Zoning.

10. Automobile Repair, Major

Shall be subject to the requirements of Chapter 4, Section 9.11, Adjacency of Certain Uses to Residential Zoning.

11. Automobile Repair, Minor

Shall be subject to the requirements of Chapter 4, Section 9.11, Adjacency of Certain Uses to Residential Zoning.

12. Automobile Sales/Leasing, New

Shall be subject to the requirements of Chapter 4, Section 9.11, Adjacency of Certain Uses to Residential Zoning.

13. Automobile Sales/Leasing, Used

Shall be subject to the requirements of Chapter 4, Section 9.11, Adjacency of Certain Uses to Residential Zoning.

14. Car Wash

Shall be subject to the requirements of Chapter 4, Section 9.11, Adjacency of Certain Uses to Residential Zoning.

15. Car Wash, Self Service

Shall be subject to the requirements of Chapter 4, Section 9.11, Adjacency of Certain Uses to Residential Zoning.

16. Motorcycle Sales/Service

Shall be subject to the requirements of Chapter 4, Section 9.11, Adjacency of Certain Uses to Residential Zoning.

17. Recreational Vehicle Sales and Service, New/Used

Shall be subject to the requirements of Chapter 4, Section 9.11, Adjacency of Certain Uses to Residential Zoning.

18. Truck/Bus Repair

Shall be subject to the requirements of Chapter 4, Section 9.11, Adjacency of Certain Uses to Residential Zoning.

19. Truck Sales, Heavy Trucks

Shall be subject to the requirements of Chapter 4, Section 9.11, Adjacency of Certain Uses to Residential Zoning.

20. Truck Terminal

Shall be subject to the requirements of Chapter 4, Section 9.11, Adjacency of Certain Uses to Residential Zoning.

APPENDIX C PROPOSED AMENDMENTS TO DEFINITIONS

1. **Outside Merchandise Display, Incidental** (new definition) - The unenclosed display of commodities, materials, goods, or equipment readily accessible to the public for retail sales in conjunction with a primary enclosed use.
2. **Outdoor Merchandise Display, Temporary** (new definition) - The temporary display of merchandise such as a sidewalk sale subject to Conditional Development Standards.
3. **Outdoor Storage, Incidental** (new definition) - The unenclosed storage of commodities, materials, goods, or equipment in conjunction with a primary enclosed use and typically located in an area not readily accessible to the public.
4. **Donation or Recycling Bin** (formerly "Recycling Collection Point") - An unattended receptacle with a door, slot or other opening that is intended to accept donated or recyclable materials.
5. **Hotel, Limited Service** (formerly "Motel") - A building or group of buildings designed for and occupied as a temporary lodging place; where financial consideration is generally calculated on a nightly basis and is not classified as a full service hotel or a residence hotel.
6. **Hotel, Residence** (amended definition) - A building or group of buildings designed for and occupied as a temporary lodging which may include an extended stay and where financial consideration is generally calculated on a nightly, weekly or monthly basis and is not classified as a limited service hotel or a full service hotel.
7. **Hotel, Full Service** (formerly "Hotel") - A building or group of buildings designed for and occupied as a temporary lodging place; where financial consideration is generally calculated on a nightly basis; provides a restaurant offering three (3) meals a day; provides meeting/event space; and is not classified as a limited service hotel or a residence hotel.
8. **Multifamily Dwelling** (need to amend definition due to changes to classifications of hotels) – Attached dwelling units designed to be occupied by three or more families living independently of one another; exclusive of Limited Service Hotels, Residence Hotels, or Full Service Hotels
9. **Retirement Housing** (amended definition) - A building or group or buildings consisting of attached or detached dwelling units designed for the housing of age-restricted residents. In addition to housing, this type of facility may provide services to its residents such as meals in a central dining room, housekeeping, transportation and activity rooms. The facility shall not be licensed as an assisted living center or a skilled nursing home.
10. **Meeting/Banquet/Reception Facility** (formerly "Dance Hall") - A building which is rented, leased or otherwise made available to any person or group for a private event function that is not open to the general public, whether or not a fee is charged.
11. **Repair Service, Indoor** (formerly Household Appliance Service and Repair) - The maintenance and repair of electronics, appliances and fixtures customarily used in a

home or office. The term does not include any type of repair to engines or other motorized equipment or vehicles.

12. **Funeral Home** (formerly Mortuary/Funeral Parlor): A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation. On-site cremation services permitted in accordance with the Conditional Development Standards.

CHAPTER 2, SECTION 16
DOWNTOWN OFFICE DISTRICT (Z07-7)

16.1 GENERAL PURPOSE AND DESCRIPTION:

The Downtown Office District is established to maintain existing and encourage additional office development in the original downtown portion of the Town. Standards for vehicle parking, building set-backs, and building height are similar to those existing on developed properties in this section of the Town. Therefore, these standards are only applicable to this section of the Town. This district will accommodate a variety of office developments providing for professional, financial, medical, and similar services for local residents and service uses necessary to support such office uses. This zoning district may be appropriate in areas designated as Old Town Core District on the Future Land Use Plan.

16.2 REGULATIONS:

A. Size of Yards:

1. **Minimum Front Yard** – Twenty five (25) feet.
2. **Minimum Side Yard** – Five (5) feet; fifteen (15) feet on corner adjacent to side street.
3. **Minimum Rear Yard** – Ten (10) feet.

B. Size of Lots:

1. **Minimum Lot Area** – Six thousand (6,000) square feet.
2. **Minimum Lot Width** – Fifty (50) feet.
3. **Minimum Lot Depth** – One hundred and twenty (120) feet.

C. **Minimum Dwelling Area**: One thousand five hundred (1,500) square feet.

D. **Maximum Height**: Two and a half (2½) stories, no greater than forty (40) feet.

E. **Lot Coverage**: fifty five (55) percent.

F. **Building Materials**: Exterior Construction of Main Buildings, Chapter 4, Section 9.8

16.3 PERMITTED USES:

A. Studio dwellings are permitted in this District only when located in conjunction with an Office use.

B. List of Permitted Uses: Uses followed by an S are permitted by Specific Use Permit. Uses followed by a C are permitted subject to conditional development standards. See Chapter 3, Section 1 for the conditional development standards.

- Accessory Building
- Administrative, Medical, or Professional Office
- Antenna and/or Antenna Support Structure, Non-Commercial C
- Athletic Stadium or Field, Public
- Automobile Parking Lot/Garage
- Bank, Savings and Loan, or Credit Union
- Beauty Salon/Barber Shop
- Bed and Breakfast Inn S
- Business Service
- Caretaker's/Guard's Residence
- Civic/Convention Center
- College, University, Trade, or Private Boarding School
- Commercial Amusement, Indoor
- Community Center
- Day Care Center, Adult S
- Day Care Center, Child C
- Day Care Center, Incidental S
- Dry Cleaning, Minor
- Fraternal Organization, Lodge, Civic Club, Fraternity, or Sorority
- Governmental Office
- Gymnastics/Dance Studio
- Health/Fitness Center
- Homebuilder Marketing Center
- Hospital
- House of Worship
- Insurance Office
- Municipal Uses Operated by the Town of Prosper
- Museum/Art Gallery
- Park or Playground
- Print Shop, Minor
- Private Club S
- Private Recreation Center
- Private Utility, Other Than Listed
- Restaurant or Cafeteria C
- Retail/Service Incidental Use
- School, Private or Parochial
- School, Public
- Stealth Antenna, Commercial C
- Studio Dwelling
- Telephone Exchange
- Temporary Building C
- Utility Distribution/Transmission Facility S
- Water Treatment Plant S

This portion of the Section to be removed and maintained in the Use Chart as noted in Illustration 2

16.4 ARCHITECTURAL STANDARDS:

- B. All construction must have an approved façade plan before issuance of a building permit. The Town Planner or his/her designee will review all façade plans according to the following standards and will either approve or deny the request. The applicant shall submit the appeal request in writing, within 14 days of the decision, to the Planning Department. The written request shall include specific reasons for the appeal and will be heard by the Town Council. Appeals will require notification of property owners within 200 feet and shall be mailed 10 days prior to the hearing.
- B. Structures must incorporate covered porches into the front façade, a multiplicity of roof forms, and high pitch roof lines. The recommended architectural styles are Folk traditional, Craftsman, and Victorian. The following examples are provided as guides for all new construction in the Downtown Office District.

Illustration 1

SECTION 1.3(F) RETAIL USES	Residential Districts						Non-Residential Districts									
	A - Agricultural	SF - Single Family (E - 10)	DTSF - Downtown SF	TH - Townhome	2F - Two Family	MF - Multifamily	MH - Mobile Home	O - Office	DTO - Downtown Office	NS - Neighborhood Service	DTR - Downtown Retail	R - Retail	DTC - Downtown Commercial	C - Commercial	CC - Commercial Corridor	I - Industrial
Antique Shop and Used Furniture											•	•	•	•		
Alcoholic Beverage Sales										16	16	16	16	16	16	16
Building Material and Hardware Sales, Major												S	S	•		•
Building Material and Hardware Sales, Minor												•	•	•		•
Convenience Store with Gas Pumps												17		17	17	
Convenience Store without Gas Pumps										•	•	•	•	•		
Equipment and Machinery Sales and Rental, Major													•			•
Equipment and Machinery Sales and Rental, Minor												•	•	•		
Farmer's Market											•	•	•	•		
Feed Store											•	•	•	•		•
Flea Market, Inside														•		
Flea Market, Outside														S		
Furniture, Home Furnishings and Appliance Store											•	•	•	•		
Nursery, Major														•	•	
Nursery, Minor												•	•	•		
Pawn Shop														•		•
Retail Stores and Shops											•	•	•	•		

Illustration 2



PLANNING

To: Planning & Zoning Commission
From: Alex Glushko, AICP, Senior Planner
Through: John Webb, AICP, Director of Development Services
Re: Planning & Zoning Commission Meeting – October 20, 2015

Agenda Item:

Conduct an annual review of the Town's Comprehensive Plan.

Background:

When the Comprehensive Plan (Plan) was adopted in 2012, the Implementation section noted the Plan should be a dynamic document that responds to changing needs and conditions of the Town. It recommends that at one-year intervals, a review of the Plan should be conducted with respect to current conditions and trends. Such evaluations provide a basis for adjusting capital expenditures and priorities, as well as identify changes and additions that should be made to the Plan in order to keep it current and applicable for the long-term.

On October 7, 2014, and October 14, 2014, the Planning & Zoning Commission and Town Council, respectively, conducted their annual review of the Plan. At a Joint Work Session held on December 2, 2014, the Council and the Commission discussed the annual review of the Plan. The services of the consulting firm, Masterplan, had been retained in 2014 to perform the annual review. At the Joint Work Session, it was determined that it would not be necessary to utilize a consultant for a formal review every year, and a staff-conducted annual review would be sufficient. The 2014 Annual Update of the Comprehensive Plan is attached for reference.

Summary of Agenda Item:

One of the significant purposes of a Plan is to guide the decision-making process in rezoning requests. Since the adoption of the Future Land Use Plan in August 2012, 42 rezoning requests have been approved.

- Of the 42 approved rezoning requests, 71% were in accordance with the Future Land Use Plan; 29% of the requests were not in accordance with the Future Land Use Plan.
- Per advice from the Town Attorney, beginning in July 2014, rezoning requests which do not conform to the Future Land Use Plan were accompanied by a separate request to formally amend the Plan.
- Since July 2014, three (3) amendments to the Future Land Use Plan were submitted and approved in conjunction with rezoning requests.

One of the major accomplishments during this year was the adoption of updated residential development standards. This project was identified in the Council's Strategic Goals and was consistent with the following Goals in the Plan which state:

- *“Maintain and enhance the high quality of life and small-town feel currently available and expected by Prosper residents.*
- *Protect the quality and integrity of Prosper’s neighborhoods.*
- *Require high-quality and visually attractive architectural characteristics in both residential and non-residential developments.”*

Future Projects:

In the upcoming year, Development Services intends to initiate or complete the following Strategic Goals and projects to meet the objectives of the Implementation section of the Plan:

- Update Zoning Ordinance Use Chart
- Update the Subdivision Ordinance
- Update nonresidential development standards
- Initiate Phase One Old Town Planning assessment study
- Update zoning districts and land use charts in the zoning ordinance (i.e. Commercial Corridor District)
- Reformat the Zoning Ordinance to improve ease of use

Staff is requesting the consideration of an amendment to the Comprehensive Plan regarding the correlation/equivalency between Future Land Use Map Designations and Zoning Districts. For instance, the Future Land Use Map designates some of the non-residential areas as “Business Park,” “Tollway District,” and “US 380 District,” but the Plan does not provide equivalent zoning district designations, such as the “Retail,” “Commercial,” and the “Commercial Corridor,” Districts. When zoning change requests are considered, it would assist in determining whether or not the request is consistent with the Future Land Use Plan’s designation.

Findings and Trends:

With the Plan being in effect in its third year, the document appears to be consistent with the Council’s goals and market conditions.

Residential Development:

The strong DFW economy and demand for new housing will continue to place Prosper as a prime market to meet this residential demand. With the increasing costs of land and development, there will be pressure to maximize lot yield. Where zoning entitlements do not currently exist, such as properties zoned Agricultural, it is anticipated that the Planning & Zoning Commission and the Town Council will be asked to approve higher density single family developments which may not be in conformance with the Future Land Use Plan.

Prosper is beginning to see an interest in age-restricted housing, which is currently not offered in the Town. This housing comes in the form of,

1. independent senior living facilities which may be situated on detached single family lots or apartment-style developments,
2. assisted living/memory care facilities and
3. skilled nursing facilities.

Because the Zoning Ordinance permits independent senior living facilities, “retirement housing,” by right in the Multifamily District, there is hesitancy to zone property to this district for the concern the site may develop for market rate, garden-style apartments. In the above-noted “Update Zoning Ordinance Use Chart,” staff will provide a process for consideration of multi-family, age-restricted housing without granting zoning entitlements for traditional, garden-style apartments.

Non-Residential Development:

The Town's demographics and the increased traffic volume on the highways and major thoroughfares have created a demand for retail and service oriented developments. The Town is witnessing the evolution from a predominantly bedroom suburb to a full service community that offers services to its citizens. The sales tax leakage will continue to decrease as the commercial developments increase providing residents the ability to purchase goods in Prosper instead of in McKinney, Frisco or other neighboring cities.

With this new interest in commercial developments in the Town, there may be requests for non-residential zoning in areas where the Plan recommends residential development. As with other requests to amend the Plan, the test for the applicants will be to identify why the Plan's recommended residential development for a particular location is no longer appropriate.

Attachments:

1. 2014 Annual Review of the Comprehensive Plan

Town Staff Recommendation:

Town staff recommends that the Planning & Zoning Commission provide feedback on this review of the Plan, findings, trends and proposed amendment.

Town Council Consideration:

Upon a recommendation by the Planning & Zoning Commission, this item will be scheduled for the October 27, 2015 Town Council meeting.

Town of Prosper Comprehensive Plan

An Annual Review of the Plan with Respect to Current Conditions and Trends

September 13, 2014

Prepared By:



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Executive Summary

The Prosper Comprehensive Plan serves as the Town's guide for development-related policy decisions. Although the planning process and various components of the Plan are not uncommon, several characteristics unique to the Town of Prosper are highlighted throughout the Plan. The most significant theme relates to how Prosper can best prepare for what is anticipated to be a period of rapid population growth and corresponding land development, so that the fully developed Prosper of the future retains many of the characteristics that the community values today.

As with any comprehensive plan, the Prosper Comprehensive Plan is intended to be a dynamic, flexible, and adaptable guide. The Plan suggests that an annual review of the document be conducted to ensure that it stays relevant during this period of rapid development activity. This supplement to the Plan summarizes the findings of the document within the context of current market conditions and evolving trends.

As an active participant in the development industry, Masterplan often spearheads land use negotiations with municipalities and other governmental entities on behalf of developers. This perspective provides consideration of the goals and objectives of the Plan from a developer's point of view, and it offers regional examples of potential opportunities and threats that Prosper may encounter as it strives toward plan implementation.

The community vision focuses on Prosper maintaining a rural character, despite experiencing rapid population growth. One interpretation is that residential areas will have a small town feel that speaks to the Town's rural roots through large lots and openness, while the primary transportation corridors will be denser and result in a much different development pattern than exists in the Town today. The visioning process also recognized the importance of having a variety of land uses, which diversifies the tax base and prevents the Town from relying too heavily on single-family residential property owners for revenue.

After exploring the seven sections of the Plan and identifying opportunities and threats given current market trends, recommendations were formulated to help guide development towards the community's desired vision. These recommendations focus primarily on concentrating retail and mixed-use development projects along the Dallas North Tollway and US 380 corridors, protecting the quality of large lot single-family residential land uses, and implementing policies of collaboration and data collection that will facilitate future planning initiatives and the Town's responsiveness to community needs.

Specifically, the recommendations include:

- Revise the current Zoning Map to be consistent with the Future Land Use Plan. A significant component to this exercise is to evaluate the appropriateness of Planned Development Districts, particularly zoning districts more than five years old that have not developed. The Town should feel empowered to initiate zoning conversations with developers when the existing development plan is no longer appropriate.
- Facilitate desired development patterns within the Dallas North Tollway and US 380 corridors by ensuring that zoning regulations encourage desired development projects and prohibit undesirable projects. A healthy Town economy requires a variety of land uses that contribute to the tax base. The corridor areas are appropriate areas to concentrate mixed-use projects and land uses other than large lot residential subdivisions. In addition, the Town should give careful consideration before rezoning additional sites for neighborhood service retail beyond what is already proposed on the Future Land Use Plan. Perpetuating a surplus of retail uses may result in lower end finish-outs and less desirable retail tenants.
- Ensure that current zoning regulations and Town policies allow for mixed-use development opportunities without over-saturating the market. In particular, evaluate mixed-use development standards. Many mixed-use projects have failed, and often multistory mixed-use projects are not successful - even in desirable locations. Some scrutiny must be given to ensure successful mixed-use projects, not just a mixture of uses. Within the region, there exist numerous resources that should be consulted in order to identify best practices and lessons learned that will allow Prosper to achieve high-quality, successful projects.
- Establish a community benchmark questionnaire that helps planners and Town administrators understand how residents and their opinions change over time. The data collected will be beneficial to future planning studies, and it will assist the Town in responding to and anticipating the changing needs of the community.

Perhaps most importantly, the Town should actively foster ongoing relationships with community partners such as the Prosper Independent School District and the Economic Development Corporation. Collaborative planning efforts will strengthen each of the three entities and therefore the ability of Prosper to prepare for growth and attract the high quality development projects envisioned in the Comprehensive Plan.

Introduction

The Town of Prosper contracted with Masterplan, a land use-consulting firm, to review the Town's Comprehensive Plan. Masterplan has extensive experience representing land development interests in the region and throughout the state. This market-driven, private sector point of view provides a different perspective for evaluating the Prosper Comprehensive Plan and developing recommendations for implementing the Plan.

As with most comprehensive plans, the Town of Prosper's Comprehensive Plan is intended to serve as a flexible guide for growth and development. Plans must be flexible enough to work within the market, yet strong enough to manage competing interests. The plan must foster a spirit of community while allowing for and guiding growth. Periodic reviews of the Plan provide another tool for plan implementation, and Plan maintenance helps the document remain up-to-date and relevant.

A central theme of Prosper's Comprehensive Plan involves preparing for non-residential growth that will diversify land use within the community as well as strengthen the tax base. Retail uses represent a significant component of anticipated new development. As emphasized in the Plan, retail development should be strategically located, well designed, and of high quality. However, the community must also recognize that the retail market is evolving along with consumer shopping habits, and development trends experienced in neighboring communities may not necessarily be applicable to Prosper's development boom.

The retail industry has seen considerable changes over recent years. Although the Dallas-Fort Worth market has climbed above 90 percent occupancy for retail in anchor-type shopping centers for the first time since 2004. It does not appear to be a trend. The region has 187,987,318 square feet of retail in shopping centers over 25,000 square feet. The Metroplex has done much better than most parts of the country. One important reason is the increase in density fueled by significant multifamily development. Municipalities can no longer separate residential planning from commercial.

Prosper must evaluate how much successful retail it can construct and have citizens patronize. A number of troubling trends are changing commercial property. Shopping and eating habits are rapidly changing. In 2010, there were 33 billion retail visits to stores during the holiday season. This number has dropped to 17.6 billion visits during the same November to December time period in 2013. As a result, retailers are building far fewer shopping centers. In 2010, there were 310 million square feet of new retail space opened nationally; in 2013 the number declined to 43.8 million square feet. To compound the problem, stores of popular retailers have closed. The Gap, JC Penney, Sears, Macy's, and Best Buy have all closed numerous stores. Previously, these were institutional

lions capable of anchoring shopping centers, and they consistently focused on expansion.

During the previous decade, developers shifted shopping trends from malls to power centers. Now, consumers are driving the market and they have decided that the Internet is ascendant. This is no longer a trend but a reality. Online sales once again doubled during the 2013 holiday season. Retailers had half the traffic that they did just three years ago. This change in shopping habit is impacting other commercial property sectors.

Municipalities also need to watch emerging changes in restaurants. Casual dining concepts struggled prior to the recession and continue to post marginal numbers. One recent study contends that the concepts are too familiar and not dissimilar from one another. Sales in casual dining have remained stagnant and are now below inflation levels. These concepts now feature value dining menus that have reduced average customer tickets to \$12.42. Unfortunately, value menu options, however, are essential to generate store traffic. The rise in fast-casual concepts also continues to eat into the sit down dining sector. Importantly, the fast-casual concept typically takes far less space. Interestingly, the per person average at Chipotle compares quite favorably at \$11.30.

City planners must actively understand the market and adapt to emerging trends. Likewise, a community must interact with staff from various departments to ensure a range of development. This review attempts to make use of real world, real estate based priorities and understand them within a planning framework. Masterplan typically represents developers and works as an agent of change at the "tip of the spear." This knowledge and interaction with developers and their tenants provides perspective often not embraced in comprehensive planning exercises.

Review

The Prosper Comprehensive Plan establishes a vision for the community's future and serves as a guide that will help direct development and policy decisions toward achieving a desirable future. The Plan is organized into seven sections which include: Planning Context, Community Vision, Community Character, Transportation Plan, Economic Analysis, Infrastructure Assessment, and Implementation Plan.

A brief synopsis of each Plan section is provided for reference as well as observations that have been categorized as either "Opportunities" or "Threats." These observations are intended to focus attention on key topics and facilitate additional discussion of potential vulnerabilities or omissions of the Plan. Exploring these topics in greater detail highlights areas of the development code that need improvement and provides a foundation for establishing a plan implementation strategy that includes recommendations for next steps.

In general, the "Opportunities" listed are concepts presented in the Plan that seem particularly important or relevant to successful plan implementation and achieving the vision created during the planning process. In some cases, the opportunities are points that speak to the Town's character currently or as it hopes to be in the future. Consideration of Prosper's opportunities for a vibrant future is also provided within the context of the larger region in which it is located. The proximity of Prosper to surrounding communities with similar experiences provides confidence in recognizing trends and preparing for the future.

"Threats" refer to topics that are perhaps vague or not easily understood by someone who did not participate in the original planning process. Threats in this context also represent external factors and local conditions that, if not addressed, could result in undesirable development patterns or an overall community character that is different from what is envisioned. Emerging national trends create concern for the ability of the Town to adapt to new and changing philosophies that may limit the potential for successful development projects. The digital age continues to influence American lifestyles and impact the way people live, work, and play. Ultimately, these changes affect the landscape of the built environment by altering needs related to housing, retail, office, and recreational uses.

Planning Context - This chapter provides a discussion of the justification for planning from both a legal and practical standpoint. The section includes a thorough examination of the existing local and regional conditions that will influence Prosper's future. The most significant characteristic of the existing community is that the Town is experiencing rapid growth that will likely continue for the next ten to twenty years. This provides exciting opportunities that may galvanize a community and create a unique sense of place, but only if the "threats" to this vision are recognized and mitigated.

The City of Plano provides an outstanding example for communities to both replicate and avoid. The city stands as a national example regarding rapid growth. In 1960, Plano remained a rural community that had not seen any substantive benefit from World War II post-war boom. Community leaders, however, recognized the city was poised to grow. By 1970, the city had a population of 17,872. The city planned a number of public works projects, acquired right-of-way, and, perhaps most importantly, did significant planning to prepare for the 1980s. The city also built a number of excellent city facilities and planned locations for others. The decision to locate the city hall in downtown has proven effective, especially with the advent of mass transit. By 1980, the city had a population of 72,000 and a national reputation for keeping up with the growth and having a quality community. The city reported population growth to 128,713 in 1990 and 222,030 to close out the century.

Plano sustained high-quality growth over a long period because of several factors. First, the city had strong leadership and longtime community members that helped identify and maintain a distinct character. Second, the city instituted rigid financial controls that remain in place. Of Texas' largest cities, Plano has the lowest per capita debt at \$1,371. Third, the city attracted a number of corporate headquarters. Likewise, high-paying and well-educated employees followed these businesses to Plano. In part, they stayed in the community because of the quality of schools. Today the community has a median income of \$82,901.

Plano thoughtfully made sound planning decisions. The city elected to participate in Dallas Area Rapid Transit. Today the downtown area has an urban feel that is bolstered by mass transit and a variety of housing stock that provides density. The city has also had strong commitment in planning from staff that has remained in place for many years as well as committed elected and appointed officials.

The city also provides a valuable perspective of what to avoid. Plano suffers from bimodal distribution in terms of an East and West split. The newest retail and most expensive homes are in the west along the Dallas North Tollway corridor. In contrast, the east, situated along North Central Expressway, suffers from vacant retail and lower home values. The city has too much retail and faces expanded competition for spending dollars on every side. Its earlier dominance of retail has

been tempered in the last decades. In fact, the city now has instituted a retail pruning initiative.

Opportunities

The Prosper planning area contains a significant amount of vacant land. An estimated eighty percent of the Town's twenty-seven square miles is undeveloped. With such a large proportion of Prosper's land projected to develop in a short amount of time, there is an opportunity for the creation of a cohesive community comprised of land uses and design styles that complement each other. In Prosper, issues such as promoting infill development or encouraging redevelopment of sites are less important than in other communities. This allows for planning efforts and infrastructure improvements to focus on encouraging quality new development.

Prosper's projected growth trend resembles the development explosion witnessed in surrounding communities over recent decades. The experiences of municipalities such as Frisco, Allen, and Plano provide a resource to Town administrators, elected officials, and citizens of lessons learned and examples of policies to emulate as well as things to avoid. Exploring the experiences of other rapidly growing communities may help Prosper officials with effective decision-making as it prepares for an extended period of rapid growth.

Although each resident has his or her own reason for living in Prosper, it appears that currently the biggest draw for people settling in the community is the opportunity for a large home on a large lot. As Prosper grows, the reasons for moving to Prosper will likely evolve. Eventually, the proximity of housing to jobs and retail may motivate people to reside in Prosper, but it seems clear that the Plan is intended to preserve the identification of Prosper as a community of large homes and large, rural lots.

Prosper has many positive attributes working in its favor. Key among those, as with any discussion of real estate, is location. Prosper's location positions the Town as the next frontier of the expanding Dallas-Fort Worth region. The center of the Metroplex (previously downtown Dallas) has shifted to LBJ and the Dallas North Tollway. This trend will continue with Highway 121 and the Dallas North Tollway becoming the regional hub in the future. The concentration of the largest retail project of the decade in Nebraska Furniture Mart as well as the relocation of Toyota illustrate that this shift is in progress. Not only does this position the Town for growth, but the location also provides the Town with numerous planning resources

not only in the form of regional planning studies and statistical data, but also in the form of experience by other planning professionals in accommodating the needs of a rapidly growing community.

Threats

The largest threat to achieving the community's vision is missing opportunities for quality development as described in the Plan and anticipated by residents. In fact, residents will expect the timely addition of development that aligns with their tastes and interests. Failure to provide these can result in citizen dissatisfaction. Missed opportunities could come in the form of development projects that fall short of the community's expectations, if the types of development that the Town is planning do not occur at the scale, quality, or rate that is predicted, or when projects locate just outside the Town limits. The desire for a full service, upper end grocery store currently is a good example.

Rapid development can easily lead to reactionary planning and administrative processes. The responsibility of juggling heavy caseloads and high volumes of permitting, zoning and subdivision applications could interfere with initiating corrective zoning measures until, of course, a development application is filed for a use that is undesirable at a particular location. Incorporating a specific plan implementation strategy into departmental work programs will assist staff in effectively guiding future development while managing current development review cycles. Town staff and elected and appointed officials must not practice exclusionary planning by only responding to development requests on a case by case basis without regard to big picture thinking. Similarly, a community can become paralyzed by only knowing what it does not want.

Like the Town of Prosper, the Prosper Independent School District faces challenges associated with accommodating rapid growth. If the school district is not able to provide an adequate supply of quality schools and teachers, residents and high quality land uses most likely will not be attracted to the community. It is vital that there is an open and continuous dialogue with the school district regarding land use assumptions and population projections in order to adequately predict student population growth. As witnessed in many communities and especially lately in Frisco, locating new schools and changing attendance zones can create community stresses that can spill into municipal activities, too.

The high density residential components of proposed mixed-use projects, for instance, require additional study to better understand how such land uses will factor into future student population projections. Typically, mixed-use projects attract households with fewer school aged children, but that assumption may be offset by Prosper's exurban location. A collaborative

relationship with the school district is key to understanding how the proposed growth scenario and Future Land Use Plan will impact the student population and facility needs for the school district.

Consideration of the tenure of citizens who participated in the planning process is necessary. The assumption is that the most of the active community leaders are newcomers that moved to Prosper within the last ten years or so. Sometimes residents of changing communities are excited and eager for new development to occur. Other times, residents seem more apprehensive about change. It is also interesting to consider that the opinions of long-time residents may differ from those of newer community members. It might prove useful to track the changing opinions of residents over time. A community survey provides a method for establishing benchmarks that describe current opinions and identifying potential changes in attitude about development and land use. Monitoring changing attitudes about important issues will allow for those topics to be more easily accommodated by future planning processes.

Although Prosper welcomes many new residents each year, long-term residents of the community may serve as an important community resource. Given Prosper's rural farming roots, families with generational ties to the community would be expected to have large land holdings with significant acres of contiguous land for development. Perhaps a historic Prosper family could be motivated to participate actively in planning and development issues with the intent of creating a legacy project within the Town. A consideration of the eagerness on the part of homeowners as well as specific segments of the community for new development projects may assist the Town in prioritizing implementation strategies.

Another area of concern relates to the large number of Planned Development (PD) Districts that were enacted several years ago but never developed. It is possible that some of the older PD Districts reflect development proposals that are out-of-date, no longer appropriate, or not feasible given current market conditions. In addition, these outdated PD Districts complicate population and land use projections. If the proposed densities are no longer realistic, the assumptions used for planning Town services and the ultimate land use mix is skewed, and the results are less accurate. If the development proposals outlined within the adopted PD Districts are no longer desirable, implementation of the community vision is certainly more challenging. Although a difficult task, renegotiating these agreements must be explored.

The first step would be a general assessment of the risks and rewards associated with individual agreements. Obviously, the legal implications of renegotiating previously approved zoning conditions would need to be considered as well as the impact that this initiative would have on Town's

reputation and perception by the real estate community. If the decision to re-evaluate existing PD Districts is made, a process approach could be based on the age of the PD District, the location, the density, or some other criteria that would allow for a prioritization of the sites rather than tackling all of the PD Districts at one time. Discussions to determine the appropriate strategy should involve representatives from the Town's administrative team, planning department, and Town council.

Community Vision - The visioning process utilized an appointed advisory committee of residents and business owners, some with past or present Council experience. The public participation process resulted in the generation of six community goals. The common theme of these goals is a dichotomy of preparing for high-quality growth while maintaining a rural, small-town image.

Opportunities

Establishing a community's vision for the future is a difficult task. It is easy for people to describe what they do not like, but imagining development types that are attractive, functional, and feasible is a much harder exercise.

Perhaps even more valuable than the adoption of a comprehensive plan is the process of planning itself. As a community, working through the steps necessary to produce a comprehensive plan establishes communication channels between residents and businesses, and the elected officials and staff who work to serve the needs of the community. Participating in a planning process focuses attention on the concerns of the community, and establishes a common ground for understanding existing conditions and the direction in which the community is headed. Maintaining this ethos after adoption is challenging and rarely occurs.

In addition to the residents and business owners that participated in the planning process, the Plan mentions attendance by representatives of the development community at Comprehensive Plan Advisory Committee meetings. If representatives were active participants in the planning process and not merely observers attending on behalf of real estate interests, those people may be key to opening a dialogue with specific developers interested in participating in future plan implementation projects. The Prosper Developers Council is an appropriate avenue for pursuing this dialogue.

As with any plan, development proposals that are inconsistent with the Comprehensive Plan and Future Land Use Plan will be encountered. The Plan should guide the decision-making process, but as a guide it is not inflexible. The Plan suggests several questions to consider when evaluating a development that does not reflect the Future Land Use Plan. In such instances, the additional evaluation may result in a higher and better use than originally envisioned for that specific location. Market conditions and real estate opportunities will lead to adjustments to the Plan. It is appropriate for a comprehensive plan to be flexible when well justified and based on reasons that are supported by the planning process including a good understanding of new opportunities, existing conditions, market shifts, and the intent of the community.

Threats

Using photographs to facilitate discussion during a visioning process is a common exercise, but there is concern with the results of the Visual Character Survey. Focusing too much attention on pictures of what has worked well in other communities may not be an appropriate method for determining the most appropriate use for Prosper. It also fails to fully take into account changes in the market, especially with respect to retail. It could be perceived as an exercise in identifying what is popular at the moment and not what is best or even realistic. It is important for the community to evolve into something genuine that establishes the Town's market niche rather than copy another community's success story. Otherwise, the Town becomes "Disney-like" and never creates its own identity. Even worse, the community loses the character that makes it special to residents and visitors and becomes "just another bedroom suburb."

Another issue with the Community Vision is that it is unclear how the participants envision maintaining a small town feel as the community braces for continued rapid growth and proposed large scale retail and mixed-use development projects. For example, not enough parking downtown is often a characteristic of small towns, but it is unlikely that is the kind of small town feel that Plan participants envision or that national retailers would accept. Future revisions to the Plan should clarify the intent of statements describing a small town feel to avoid sounding like the community is against development.

Protecting the quality and integrity of Prosper's neighborhoods is interpreted to mean that single-family residential uses should be protected from impact by non-residential land uses. Zoning is a tool for separating incompatible land uses and mitigating potential conflicts between uses,

but zoning is only effective if it avoids land use conflicts before the conflict is created. With approximately eighty percent of the Town's land undeveloped, new development cannot avoid changing the Town's landscape, which in some cases will impact existing neighborhoods. The open fields and ranches that exist today will eventually develop. In fact, the future prosperity of the Town depends on it. If the proposed future development does not occur, the Town will have an insufficient tax base, resulting in lesser Town services and ultimately reduced home values and an exodus of well-paid and well-educated professionals. The economic strength of the Town is dependent on a tax base of both residential and non-residential uses. Citizens must recognize that undeveloped tracts will eventually undergo development, and Town leaders have the difficult task of tempering citizen comments with the need for a balanced tax base.

Ultimately, achieving the community's vision of high quality development depends on having the tools (zoning and development standards) that prohibit undesirable uses or uses at the wrong location. Proper zoning encourages desirable development patterns by controlling uses and providing confidence in the compatibility of future development. The Town's experienced staff and a well trained, long-tenured, largely apolitical Planning and Zoning Commission provide components to resolving zoning and land use issues and preparing for future development opportunities. Cultivating institutional knowledge of these issues is critical.

Community Character - This section provides definitions, descriptions, analysis, and images of land use recommendations proposed on the Future Land Use Plan. The residential density ranges within the Prosper Comprehensive Plan are much less dense than densities traditionally described in other communities. This is reflective of Prosper's character, and the Town's desire to preserve that characteristic. It may, however, result in higher per capita costs for basic municipal services, including water, sanitary sewer, storm sewer, and garbage collection.

However, for a community with a strong low density rural vision the Plan recommends a significant amount of multifamily within mixed-use developments. These areas are not located near employment centers, an urban core, transit or other uses that traditionally encourage multifamily and mixed-use projects. Typically, mixed-use projects offer a solution for bringing together residents and businesses within a compact environment that is influenced by high land prices or limited land availability. Presently, these market forces do not exist in Prosper.

Opportunities

The character of Prosper's large lot, single-family residential subdivisions is well established, but there is an opportunity to promote housing options that meet the needs of residents with different housing preferences. This can complement and enhance large lot subdivisions, not marginalize them. The community should recognize that not everyone wants or needs a large home on a large lot. For example, grandparents of Prosper residents, young adults returning from college, service professionals such as teachers, police officers, and fire fighters all contribute to a healthy community, but the size and maintenance requirements of a large home and a large lot may not be desirable. Similarly, the housing needs of people change over time. Ideally, there would be alternatives within the community that would be attractive to current residents as they age or as their needs change.

The proposed Town Center District that includes public space, existing structures, and future large-scale mixed-use development seems an ideal solution for bringing together the community's desire for social spaces in which to interact and enjoy a small town atmosphere. This area is located within Tax Increment Reinvestment Zone (TIRZ) Number 1, which provides additional funding alternatives for public infrastructure improvements and community enhancements.

Threats

The biggest obstacles to achieving a community characterized by high quality development is being unrealistic about what is feasible or perceiving a development proposal as being high quality when it is not. The Plan's emphasis on mixed-use and loft-style apartments seems unrealistic until additional single-family styles of housing are developed that provide additional rooftops and heighten the demand on undeveloped tracts.

Although ironic given the desire for large lots, vertical mixed-use is indicated as being preferred over horizontal mixed-use by Prosper residents. Sometimes communities realize too late in the development process that existing codes are not conducive to mixed-use projects. It is important to confirm that the Town's Building Code and Fire Code will accommodate residential and non-residential uses within the same building.

Zoning and development regulations should be in place that will encourage development projects proposed for corridor districts, not just

prohibit unwanted development. The mid-rise office buildings and mixed-use loft-style apartments with parking garages described in the Plan may not be a developer's first choice with such an abundance of land available for development. Although structured parking offers many benefits over surface parking lots such as better walkability, reduced heat island effect, and lower stormwater run-off, market prices may not allow for a development to recoup the cost of structured parking, which is generally about four times the cost of surface parking. Development incentives or other tools for discouraging more traditional suburban products that are less expensive to develop may be needed. Examples of ways to incentivize structured parking within mixed-use developments include offering a density bonus that allows a developer to provide additional square footage, building height, or residential units to offset the cost of structured parking, or allowing for a reduction in the number of required off-street parking spaces when a portion of on-street parking is available within a mixed-use scenario.

The Plan proposes livability guidelines that include a recommendation to provide for a range of housing types in Prosper. Except for the overview of housing types provided within this section, most of the emphasis is placed on large lot homes and mixed-use loft-style apartments within special corridor districts. More emphasis on accommodating other types of single-family residential housing styles such as patio homes and zero lot line homes will help realize the "livability" objectives outlined in the Plan. The US 380 and Town Center Districts support these uses, and when located within appropriate areas these residential options allow efficient use of the land, without sacrificing quality.

A disproportionate amount of large lot subdivisions results in a uniformity of land uses, and it allows fewer housing options for entry-level buyers, young couples, empty-nesters, or older residents. If the assumption is that most residents within subdivisions comprised of lots over 10,000 square feet are members of households with school-age children, then the result is a community without much range in age among property owners. As these households become empty-nesters themselves, this could have a significant financial impact as many residents age out of their homes or the school district at about the same time, which may negatively impact property maintenance, tax revenues, and school bond referendums.

Furthermore, large lot subdivisions can contribute to poor connectivity issues, if the design isolates areas from other neighborhoods, schools, parks, and services, and it requires residents to rely on the use of automobiles. Youth and elderly populations in particular benefit from safe and effective non-auto related transportation alternatives. A reliance on the automobile creates an auto-centric community that needs large

parking areas and encourages auto-oriented land uses such as fast food restaurants.

The proposed 5,000 units of high density residential use will complement the lower density residential developments, while mitigating some of the negative impacts commonly associated with sprawl. As development occurs, it is appropriate for the Town to re-evaluate the target proportion of residential densities, and if necessary adjust the proposed Future Land Use Plan to encourage a healthy local economy.

In addition to residential character, there exist vulnerabilities to the character of nonresidential development. The community wants to discourage cookie-cutter strip development patterns. Therefore, it must regulate proper design and building orientation. Further, future Town facilities must be constructed at high levels of execution. The Town must set a standard of good development as future public projects are realized.

Land use is the product of both form and function. Building design and orientation of shopping center developments throughout the Town should give consideration to establishing a proper interface with residential developments if the high quality retail development products proposed in the Plan are to be realized. Emphasis should not be given to particular tenants, which may change over time.

Transportation Plan - The basis for this Plan section is the 2010 Thoroughfare Plan, which establishes a traditional grid network for the Town. Fundamental to this approach is the identification of key corridors within the community. Specific north-south and east-west roadways are identified by name.

Opportunities

In general, projections for the 2035 traffic volumes indicate that all proposed 2035 roads within the Town are forecasted to operate at acceptable levels of service with the exception of Preston Road and US 380. The anticipation of future issues with these roadways will encourage the Town to make necessary improvements. Prosper is fortunate in that it benefits from other planning initiatives including North Central Texas Council of Governments (NCTCOG) regional studies and plans as well as the Collin County Mobility Plan.

In addition to the street system, the Parks Plan proposes a trail system that is recognized as important from both a mobility standpoint and a

recreational standpoint. Parkland dedication requirements seem to be an effective tool that allows for the Town to adequately prepare for extensions to the trail system.

Threats

Consistency between local and regional transportation plans is important in order to better compete for federal transportation funds. It is key for the Town to have representation at regional planning initiatives to avoid inconsistencies at the regional and local planning levels. Validation of local projects by regional plans may help secure funding opportunities.

Limitations on federal transportation funds that impact state and regional transportation budgets may affect the timing of improvements that are necessary in order to maintain traffic flow at adequate levels of service throughout Town. It is important to consider how the Town might be impacted by national funding issues, and then seek solutions that reduce reliance on outside government sources for infrastructure improvements.

Economic Analysis - Provides a financial justification for future land use recommendations provided in the plan. The analysis calculates future retail demand based on current household spending estimates and land use capacity projections, although not all retail zoning will necessarily result in retail development. Those estimates are then used to compare projected sales tax and ad valorem tax revenues with estimated per capita expenditures.

Opportunities

The Plan provides for more than enough land to accommodate retail demand. However, an overabundance of retail use should be avoided. Nodal retail activity should be concentrated at primary intersections, and the “four corner” principle should be avoided to reduce the possibility of an oversupply of retail acreage. The challenge is determining and encouraging appropriate development at the other corners of an intersection. Recognize that Prosper’s traditional large-lot neighborhoods may not be appropriate at these locations because of incompatible rear yards and other site design issues. Other single-family residential styles or institutional uses, however, may complement non-residential uses quite well.

The economic analysis discusses the Town's ultimate sales tax potential being dependent on the ability to attract high quality retail establishments that provide a regional destination. It might be beneficial to identify where regional shoppers will be drawn from since there is an abundance of retail destinations located within communities to the south and east. Determining the needs of future shoppers may help Prosper identify a niche within the region.

Threats

Current zoning allows for approximately 2,900 acres of retail use. However, the economic analysis recommends 346 acres of retail use at build-out, while the Future Land Use Plan accommodates an estimated 757 acres of retail use. The assumptions used for these analyses should be revisited often and adjusted accordingly, which will provide greater confidence in the land use recommendations of the Plan. Placing too much confidence in the ultimate "Tax Gap Surplus" estimates should be avoided. Consequences of an oversupply of retail could include vacant, underutilized land, lower rental rates leading to undesirable uses, pressures for more multifamily residential uses, and blighted corridors.

Prosper, like other communities, must stay aware of the changing landscape of retail in America. With increases in online shopping showing no sign of reversing, it is reasonable to expect that there will be less of an emphasis on traditional brick-and-mortar stores. Many large retailers are not only reducing the number of new store openings, but some retailers also plan to close large numbers of underperforming stores. As online retailing continues to reduce the need to develop physical store locations, more attention should be paid to encouraging development of other types of non-residential uses.

The Plan fails to assess Frisco's regional retail hub status. Prosper must balance skepticism and optimism when it comes to retail development. The previous cycles experienced by Plano, Allen, and Frisco may or may not be applicable to Prosper. The commercial sector has witnessed a paradigm shift in many regards. These must be accounted for and constantly monitored. Town staff must work outside of a silo and be interactive and cooperative with economic development to evaluate shifting trends. The Town of Prosper should embrace that a paucity of retail creates a better and more competitive environment. By creating a market cascade, where citizens see a thriving and busy center, the Town could prosper from less retail space, rather than more. Too much retail dilutes the pool of attractive users.

It is important to give careful consideration to promoting retail uses at the right locations. Following the laws of supply and demand, an overabundance of retail use should be avoided in order to keep the values and quality of development high. This is particularly important as retail continues to evolve in response to the growing online retail market. However, the demand for perishable food goods and localized personal services cannot be fully replaced by Internet shopping. Prosper residents identified an upscale grocery store as one of their top priorities along Preston Road, which will reduce the amount of sales tax dollars that Town residents divert to other communities and instead allow that revenue to serve the growing Town.

The Dallas-Fort Worth market has climbed above 90 percent occupancy for retail in shopping centers with 25,000 square feet or more for the first time since 2004. While this is a positive sign, it is not, however, a trend. One reason shopping centers in the region are on the upswing is a dramatic increase in multifamily. The Town needs to evaluate the role high density residential use plays in shaping and assisting retail. Should the Town not participate in this trend, it may find that retail will be harder to attract. At the very least, Prosper must realize there are few anchor tenants active in the market and municipalities face an unrivaled buyer's market. The recent feeding frenzy by cities to attract Nebraska Furniture Mart illustrates this trend. The Colony finally landed the furniture behemoth only after an unprecedented package of economic incentives.

Municipalities also need to watch emerging changes in restaurants. Casual dining concepts struggled prior to the recession and continue to post marginal numbers. Municipalities must take seriously the idea of pushing consumers to key locations. This helps all retailers and allows for combined trips.

The City of Plano, for instance, suffers from having too much retail. A study they commissioned after the turn of the century focuses on attracting new tenants to existing spaces that are unoccupied. Planning departments must constantly update studies and stay timely. Moreover, staff cannot stand by without regard to changing markets without the market skipping the municipality for the neighboring jurisdictions.

The Town must also evaluate the effectiveness of other retail in the area, especially that of Frisco. The proximity to Frisco and its many destination locations may make large-scale retail less likely. As such, retail should be located at key locations that are immune to outside retail interference. Prosper should see that Frisco has done a sound job of attracting high quality retail anchors, including ones, like IKEA, that is one of only three stores in Texas and the only store of that brand located within the region. Likewise, Frisco has a thriving mall, and the entertainment options are

unrivaled in the state for a city its size. As such, Prosper must realize that Frisco is a regional shopping hub that will cause competition for commercial tracts. Although in a general sense, there seems to be a strong indication that perhaps too much real estate is zoned for retail use, the importance of directing retail of the right type to the best location cannot be overstated.

Infrastructure Assessment - Refers to previous planning studies conducted by Freese and Nichols, Inc. In 2006, an in-depth analysis of water and wastewater needs was completed, and an update to the Water and Wastewater Capital Improvement Plans were completed in conjunction with an Impact Fee Update in 2011. In 2010, the Town's drainage system was assessed as part of the Drainage Utility System Fee Development Report.

Opportunities

The most critical issues identified in the Plan have since been addressed including the implementation of the new Upper Trinity Regional Water District delivery point on the west side of Town, and the adoption of the Upper Trinity Regional Water District agreement. These enhancements to the water and wastewater system reduce maintenance and operating costs, while preparing the Town to meet the demands of future growth.

By monitoring population growth, the future applicability of federal storm water quality regulations (Phase II MS4) that would require additional water quality protections for creeks and lakes should be anticipated and planned for. The year that regulations will take effect can be estimated based on population growth and TCEQ requirements. The Town should develop a Comprehensive Drainage and Utility System Master Plan to facilitate continued success in meeting the infrastructure needs for the Town of Prosper. It may also be appropriate to include stormwater protection measures in the Subdivision Ordinance, and implement a stormwater quality management plan.

Threats

A potential issue identified in the Plan is that the North Texas Municipal Water District (NTMWD) delivery point within the southeast portion of the Town is the only existing treated water delivery point. There are no emergency water connections with surrounding communities. This issue

will be addressed in 2021 when the NTMWD North Water Treatment Plant: 2nd High Service Pump Station is anticipated to be completed and in service along with the necessary pipeline to provide Prosper with a second point of delivery.

Typically, large lot residential neighborhoods create additional stresses on a water supply. The Town may need to develop special programs for accommodating the needs of these residential uses. Because Prosper's residential lot sizes are larger than traditional lots within other communities, adjustments to water modeling and utility planning methodologies may be required. Reliance on only large lot subdivisions could have a negative impact as North Texas grapples with growing water supply concerns.

Implementation Plan - Provides a list of objectives related to the six goals identified in the Community Vision section of the Comprehensive Plan. The objectives are intended to provide direction towards achieving the ultimate vision for the Town.

Opportunities

This section recognizes the need to revise the zoning map and zoning ordinance to be consistent with the land use recommendations of the Comprehensive Plan. It also suggests that zoning text amendments may also be in order.

Offering incentives to property owners in order to rezone vulnerable sites may be a way of bringing property owners to the table to negotiate zoning changes. Conversations with other developers might be helpful in formulating such a strategy.

Threats

Although the objectives are intended as methods for Plan implementation, the objectives are perceived as being incomplete. No target start dates or completion dates are assigned to the objectives, and no project champions are identified.

Many of the objectives require additional research and collaboration with supporting entities such as the Economic Development Partnership and

the Prosper Independent School District to develop a unified action plan for implementation.

Overall, the Comprehensive Plan serves as a reasonable guide for basing land use decisions. In general, the most significant areas of concern include an abundance of zoning for land uses not compatible with the Plan, a gap in single-family residential options, and potential inaccuracies in the assumptions used to validate the land use recommendations due to the effects of a shifting retail economy.

Recommendations

The following is a discussion of recommendations for addressing the most significant obstacles to achieving the goals and objectives of the Comprehensive Plan. Many of the recommendations relate to rezoning, which is often a difficult and contentious issue since property rights and property values are involved. Fortunately, the Town's Zoning Ordinance, as updated in May 2005 and with minor amendments in November 2011, appears user-friendly and is easy to understand. The zoning regulations are modern, relevant, and appropriate so the recommendations provided relate more to the zoning district assigned to properties, rather than the appropriateness of the regulations within districts.

Without proper zoning in place, the Town is vulnerable to incompatible development patterns. A citywide zoning change evaluation is not necessarily feasible or recommended. An update to the Zoning Map should be done by breaking the task into smaller study areas that include Planned Development negotiations and revisions, straight zoning changes, modifications to development standards, and zoning text amendments.

Recommendation: Revise the current Zoning Map to be consistent with the Future Land Use Plan.

The first step in this process is a thorough comparison of existing zoning and proposed land uses to identify target areas in which discrepancies exist between the two. Many of the discrepancies between the Zoning Map and Future Land Use Plan are a function of the Agricultural (A) District zoning that is also used as a holding district after an annexation and prior to establishing zoning for development. Agricultural zoned properties are the lowest priority for a Town-initiated zoning change because development options on these sites are limited. However, opportunities may exist in which rezoning an Agricultural District could provide an incentive for a property owner to rezone another site.

Identifying discrepancies between the zoning and proposed future land use within Planned Development Districts will require additional effort. First, Districts for which no development has occurred must be identified. If the Planned Development District is older than five years, there may be an opportunity to revise the conceptual development plan if the proposed development is no longer valid. Consideration should be given to the validity of the conceptual plan by evaluating the compatibility of the proposal with current conditions including the recommendations of the Comprehensive Plan. Consulting with other staff members, property owners, design engineers, and economic development experts may assist in determining if a project is still active or if it has been declared dead. If the project is not deemed dead but just delayed, evaluate the probability of development occurring within the next year versus a later planning

horizon. Soliciting input from experts in the real estate community could assist in determining the timing of projects.

Section 24.5 of the Zoning Ordinance provides, “If no development has occurred in the PD District within five (5) years from the date of adoption of the granting ordinance, the Planning & Zoning Commission and Town Council may review the original conceptual development plan to ensure its continued validity. If the Town determines the concept is not valid, a new conceptual development plan shall be approved prior to the Town issuing a building permit for any portion of the PD District.” This provision justifies further study of existing zoning, which may prompt pursuit of Town-initiated rezoning considerations.

If the PD no longer meets the land use objectives outlined in the Comprehensive Plan, explore opportunities to modify the zoning. A Town policy for reevaluating PD Districts older than five years may need to be formalized. The plan review and building permit process may provide a method for stalling a project and requiring revisions to a proposed development before it is constructed, but ideally such measures would not be necessary.

From a developer’s perspective, stopping development at the permit phase is an expensive and unexpected hurdle since pro forma, development plans, and engineering drawings would be based on the requirements of a previously adopted PD District. If a scenario occurred in which a developer resumed a project that was on hold but had an approved PD District and spent considerable dollars on engineering plans only to find out that the PD District expired, the Town’s reputation within the development community could be harmed. A better approach is to work with property owners and economic development partners to implement a project that pleases the property owner and aligns with the Comprehensive Plan.

The special districts identified in the Plan include the Old Town District, the Tollway District and the US 380 District. Zoning regulations and development standards that are tailored to the Old Town District have been adopted and should continue to be applied as new development or redevelopment occurs. This model could also be applied to the US 380 and Tollway Districts.

Recommendation: Facilitate desired development patterns within the Town’s corridor districts by ensuring that zoning regulations encourage desired development and prohibit undesirable products.

Priority should be given to ensuring appropriate development along the US 380 corridor. This corridor is comprised of several PD Districts, some of which date back to 2000. Areas not zoned PD District are for the most part zoned Commercial or Agricultural District. Ensuring high-quality development along this

corridor is important because it has high development potential, serves as a gateway to the Town, and establishes the first impression of the community.

One approach that could be used to address the zoning and development issues within the US 380 corridor is to develop a master plan that would allow for a coordinated approach to transportation flow, infrastructure improvements, site access, and urban design objectives. It would also provide an opportunity to solidify the branding theme and gateway entry treatments for the Town.

A form-based code for all or part of this corridor is another alternative to explore. Form-based codes provide greater flexibility with respect to use while placing a greater emphasis on design. An advantage of this tool is that it provides predictable products. The premise is to provide land use controls through regulation of the physical form, rather than separation of uses. This approach seems particularly appropriate for mixed-use applications. Form-based codes are regulations. Therefore, more development control is provided than those offered by design guidelines or recommendations from planning documents.

Typically, form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations are usually presented with written descriptions and diagrams that relate to a specific plan and design character. Many examples of form-based codes exist, providing plenty of resources for additional consideration if appropriate.

Planning activities and particularly rezoning initiatives within this corridor should strive to be collaborative efforts. The Economic Development Corporation could be a resource in the process as well as other experts in the real estate arena. Opportunities for collaboration with property owners should be encouraged. Although a time-consuming and delicate process, consulting with property owners about their development objectives allows for better understanding and perhaps recognition of common ground so that opportunities for mutual benefit can be explored. These meetings are not intended for a public forum. Meetings will be more effective if conducted privately between individual property owners, members of their development team and representatives from the Town. Part of the strategy includes identifying incentives that would drive desirable density and development activities to the corridor districts.

Sometimes traditional zoning ordinances and building codes result in unintended consequences or create challenges as mixed-use projects strive to meet development regulations. Encouraging mixed-use may require additional Town focus and new initiatives. These efforts may result in a new category within the Zoning Ordinance, a policy paper to guide developers, and/or a tool for evaluating mixed-use districts.

Recommendation: Conduct a mixed-use development study to ensure that current zoning regulations and Town policies allow for mixed-use development opportunities without over-saturating the market.

Preparing for the eventual consideration of mixed-use projects now will help reviewers ensure that Fire Department policies and design requirements are accommodated and Building Code issues are properly understood, while maintaining reasonable review cycles. Researching vertical and horizontal mixed-use regulations from other municipalities may provide an overview of typical requirements. In addition, consulting with planning staff from other communities and developers of mixed-use projects provides insight into lessons learned from their experiences, and that knowledge can be incorporated into the Town's policies.

Because mixed-use projects will likely merit specially tailored zoning in the form of a planned development district, amendments to the permitted use chart are not necessary. However, adding a definition for "mixed-use," "loft-style apartment," and other uses proposed in the Plan but not specifically addressed in the Zoning Ordinance may be helpful as the Town prepares for development of these land uses.

Recommendation: Establish a community benchmark questionnaire that helps planners understand how residents and their opinions change over time.

With record setting permit activity for single-family homes showing no signs of slowing, Prosper will continue to welcome many newcomers. For planning purposes, it would be useful to understand better household size, where residents work, what type of work they do, what direction they commute, what goods and services come from outside the community, shopping habits, and level of satisfaction with the Town.

Establishing a quality questionnaire and survey methodology will require time and research. It is important that questions are relevant and worth tracking. The creation of a community profile will assist future planning efforts, particularly as the population increases and changes.

If retail trends that have led to declining store openings and the closing of existing stores continue, the surveys will provide an opportunity to identify alternative uses for land that was previously designated for retail use. The Town should incorporate the timing of citizen surveys with reviews of the Comprehensive Plan to identify potential small planning studies for further improvement of the Town's development climate.

Recommendation: Initiate a planning study of the Downtown District, and develop a Town Center Master Plan.

Exploring in greater detail opportunities for future development such as various types of single-family residential housing styles, mixed-use, and the Town Center District would be beneficial. A master plan or planning study that is specific to downtown opportunities would provide a better understanding of the long-range objectives for this area and help maximize the economic and cultural opportunities associated with development in this area of Town.