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MINUTES

Meeting of the Prosper Town Council
Prosper Municipal Chambers
108 W. Broadway Street
Prosper, TX 75078
Tuesday, June 28, 2016

1. **Call to Order/Roll Call.**

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

Council Members Present:

Mayor Ray Smith
Deputy Mayor Pro-Tem Jason Dixon
Councilmember Michael Korbuly
Councilmember Kenneth Dugger
Councilmember Meigs Miller
Councilmember Mike Davis

Council Members Absent:

Mayor Pro-Tem Curry Vogelsang, Jr.

Staff Members Present:

Harlan Jefferson, Town Manager
Robyn Battle, Town Secretary/Public Information Officer
Terrence Welch, Town Attorney
Hulon Webb, Executive Director of Development and Community Services
John Webb, Development Services Director
Alex Glushko, Senior Planner
Jonathan Hubbard, Planner
January Cook, Purchasing Agent
Frank Jaromin, Public Works Director
Doug Kowalski, Chief of Police

2. **Invocation, Pledge of Allegiance and Pledge to the Texas Flag.**

Pastor John Fowler of First Presbyterian Church of Prosper led the invocation. The Pledge of Allegiance and the Pledge to the Texas flag were recited.

3. **Announcements of recent and upcoming events.**

Councilmember Korbuly read the following announcements:

Reconstruction of FM 1385 from US 380 to Mustang Road will take place over the next 10 days. During this time, FM 1385 will be one-way northbound from US 380 to Fishtrap. Motorists are encouraged to use caution in this area while the road improvement project is taking place.

Pride in the Sky returns to Frontier Park this Friday, July 1, from 5:00-10:00 p.m. Activities include a car show, charity softball game, Kid Zone, food trucks, vendors, and live music. Bring your blankets and lawn chairs and enjoy the fireworks at the end of the evening. A

shuttle service will run continuously from the Prosper High School parking lot. More information is available at www.prideinthesky.com

The next "Fun Fridays at Frontier" event will take place on July 8 at 10:00 a.m. in Frontier Park. The theme is "Art in the Park." Throughout the summer, the Parks and Recreation Department and the Library will hold weekly themed programs designed to keep young people physically and mentally fit during the summer months. More information about summer programs is available at www.prosperparksandrec.org

Town Offices will be closed in observance of the Independence Day Holiday on Monday, July 4. The Town Council wishes everyone a safe a happy Fourth of July.

4. Presentations.

- **Limited Access Roadway Presentation by Collin County Commissioner Susan Fletcher.**

Commissioner Susan Fletcher presented this item before the Town Council. She provided an overview of the current capacity of Limited Access Roadways (LARs) in Collin County, compared to Tarrant and Dallas County, and reviewed the current usage versus the projected usage at buildout. She explained the cooperative efforts that county has made to partner with municipalities, transit agencies, the Texas Department of Transportation, and the North Central Texas Council of Governments to develop a regional transportation plan that will serve the county's needs now and in the future. Finally, she reviewed cost projections and the estimated timeline to improve LARs and principal arterial roadways, including the extension of the Dallas North Tollway through Collin County.

5. CONSENT AGENDA:

(Items placed on the Consent Agenda are considered routine in nature and non-controversial. The Consent Agenda can be acted upon in one motion. Items may be removed from the Consent Agenda by the request of Council Members or staff.)

- 5a. Consider and act upon minutes from the following Town Council meetings. (RB)**
- **Regular Meeting – June 14, 2016**
- 5c. Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the Town Council to the Development Services Department, pursuant to Chapter 4, Section 1.5(C)(7) and 1.6(B)(7) of the Town's Zoning Ordinance, regarding action taken by the Planning & Zoning Commission on any Site Plan or Preliminary Site Plan. (AG)**

Councilmember Dixon removed Item 5b from the Consent Agenda.

Councilmember Dugger made a motion and Councilmember Miller seconded the motion to approve Items 5a and 5c on the Consent Agenda. The motion was approved by a vote of 6-0.

- 5b. Consider and act upon authorizing the competitive sealed proposal procurement method for the purchase and installation of artificial field turf for the Town of Prosper Frontier Park - North Field Improvements project. (JC)**

Purchasing Agent January Cook presented this item before the Town Council. She responded to questions from the Town Council related to the bid selection and the process for setting minimum specifications. While Dean Electric has been selected as the Construction Manager at Risk, oversight of the installation of the turf system will be conducted by the company to whom the bid is awarded. Ms. Cook explained that the procurement method selected will allow the Town to select the company that provides the best value.

After discussion, Councilmember Korbuly made a motion and Councilmember Dugger seconded the motion to approve the competitive sealed proposal procurement method for the purchase and installation of artificial field turf for the Town of Prosper Frontier Park - North Field Improvements project. The motion was approved by a vote of 6-0.

6. CITIZEN COMMENTS:

The public is invited to address the Council on any topic. However, the Council is unable to discuss or take action on any topic not listed on this agenda. Please complete a "Public Meeting Appearance Card" and present it to the Town Secretary prior to the meeting.

Judy Saenger, 3011 Blackthorn Drive, Prosper, did not wish to speak, but expressed her support for a history museum in Prosper.

REGULAR AGENDA:

If you wish to address the Council during the regular agenda portion of the meeting, please fill out a "Public Meeting Appearance Card" and present it to the Town Secretary prior to the meeting. Citizens wishing to address the Council for items listed as public hearings will be recognized by the Mayor. 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 Mayor and Town Council.

PUBLIC HEARINGS:

Mayor Smith opened Items 7 and 8 concurrently.

- 7. Conduct a Public Hearing and consider and act upon an ordinance amending the Future Land Use Plan from Retail & Neighborhood Services to High Density Residential, on the northeast corner of First Street and Coit Road, to allow for an age-restricted, private gated, senior living development. (CA16-0002). [Companion Case Z16-0004] (JW)**
- 8. Conduct a Public Hearing and consider and act upon an ordinance rezoning 12.7± acres, from Retail (R) to Planned Development-Multifamily (PD-MF), located on the northeast corner of First Street and Coit Road, to allow for an age-restricted, private gated, senior living development. (Z16-0004). [Companion Case CA16-0002] (JW)**

Development Services Director John Webb presented this item before the Town Council. The proposed development will consist of 102 units within duplex, four-plex, five-plex, and six-plex buildings, on 12.7 acres, equating to 8.05 dwelling units per acre on a single lot.

Because the development consists of multiple buildings on a single lot, it is technically classified as a multifamily development. The Multifamily District (MF) allows for a maximum of 15 dwelling units per acre. Rezoning requests which do not conform to the Future Land Use Plan shall be accompanied by a request to amend the Future Land Use Plan. Brenda McDonald, representing the developer, provided a PowerPoint presentation to address the criteria that will support an amendment to the Comprehensive Plan, and approval of the zoning request.

Mayor Smith opened the Public Hearing for Items 7 and 8 concurrently.

Robert "Bob" Goldman, 125 Springbrook Drive, Prosper, spoke in favor of the item, noting that he appreciated the efforts of the developer to work with the adjacent neighborhoods, specifically regarding fencing and landscaping.

With no one else speaking, Mayor Smith closed the Public Hearing.

Responding to questions from the Town Council on the proposed age restriction for residents, Town Attorney Terry Welch suggested revising the language in the development standards and deed restrictions that will prevent the Town from being obligated to enforce age restrictions on residents. Vaughan Mitchell, the developer, responded to questions from the Town Council on the number and type of similar projects he has built. Ms. McDonald, Mr. Mitchell, and Marc Tolson, the project architect, all responded that they would be willing to meet with Town staff to revise certain architectural and design elements in response to Council's requests.

Councilmember Dixon made a motion and Councilmember Korbuly seconded the request to table Item 7 and Item 8 to the July 26, 2016, Town Council meeting. The motion was approved by a vote of 6-0.

9. Conduct a Public Hearing, and consider and act upon a request for a Special Purpose Sign District for Windsong Ranch Marketplace, on 46.6± acres, located on the northeast corner of US 380 and Gee Road. (MD16-0002). (JW)

Development Services Director John Webb presented this item before the Town Council. The applicant has requested this item be tabled and the Public Hearing continued to the July 12, 2016, Town Council meeting to address comments from the Executive Development Team.

Councilmember Korbuly made a motion and Councilmember Dixon seconded the motion to table Item 9 to the July 12, 2016, Town Council meeting. The motion was approved by a vote of 6-0.

10. Conduct a Public Hearing, and consider and act upon a request for a Specific Use Permit (SUP) for a retail building with a flat roof, parapet wall and cornice, in the Shops at Prosper Trail, Block A, Lot 3, on 1.3± acres, located on the east side of Preston Road, 175± feet north of Prosper Trail. (S16-0007). (JW)

Development Services Director John Webb presented this item before the Town Council. The purpose of this request is to allow for a retail building with a flat roof, parapet wall and cornice. Planned Development-68 (PD-68) states all pad sites shall have a pitched roof with a minimum 6 in 12 inch slope; however, a flat roof with a parapet wall and cornice may be permitted subject to Town Council approval of a SUP. Donald Silverman, the developer,

addressed the Council on the design aspects of the project. Council was generally not in favor of the design, due to the lack of residential appearance. Mr. Silverman requested the item be tabled to revise the design.

Councilmember Dixon made a motion and Councilmember Dugger seconded the motion to table Item 10 to the July 26, 2016, Town Council meeting. The motion was approved by a vote of 6-0.

11. Conduct a Public Hearing, and consider and act upon a request for a variance to the Sign Ordinance, Section 1.09(M), regarding Subdivision Monuments, for the Villages at Legacy, located at the northeast corner of US 380 and Legacy Drive. (V16-0002). (JW)

Development Services Director John Webb presented this item before the Town Council. The applicant is seeking a variance for an off-premises subdivision monument for the Villages of Legacy development. The existing subdivision within the Villages of Legacy (Parks at Legacy) is approximately 2,000 feet north of US 380. The subdivision monument is proposed to be located off-premises adjacent to US 380 to allow for improved visibility to the existing subdivision, as well as to serve as the primary entrance for the overall development consisting of the multiple subdivisions. As shown on the site plan exhibit, the subdivision monument is proposed to be located 95 feet north of the US 380 right-of-way due to restrictions with multiple existing utility easements. Clint Richardson of Greater Texas Land Resources, spoke on behalf of the applicant to address the criteria required to be considered to determine the validity of a sign variance request.

Mayor Smith opened the Public Hearing.

With no one speaking, Mayor Smith closed the Public Hearing.

Councilmember Dugger made a motion and Councilmember Korbuly seconded the motion to approve the request for a variance to the Sign Ordinance, Section 1.09(M), regarding Subdivision Monuments, for the Villages at Legacy, located at the northeast corner of US 380 and Legacy Drive. The motion was approved by a vote of 6-0.

DEPARTMENT ITEMS:

12. Consider and act upon a request for a façade exception for the Windsong Ranch, Phase 4A Amenity Center, located on the east side of Windsong Parkway, 1,500± feet north of Fishtrap Road. (MD16-0005). (JW)

Councilmember Korbuly stepped away from the Council bench at 8:08 p.m.

Development Services Director John Webb presented this item before the Town Council. The applicant is requesting the exterior of the structure be constructed of natural limestone and Ipe, which is a Brazilian hardwood. The Zoning Ordinance requires a 100% exterior masonry material. In 2013, the Town Council approved an amendment to Planned Development-40 (PD-40) to allow the use of Ipe as a primary material on the Windsong Ranch, Phase 1A amenity center. Approval of the proposed façade exception would allow the two amenity centers in Windsong Ranch to have consistent façade materials.

After discussion, Councilmember Dixon made a motion and Councilmember Dugger seconded the motion to approve a façade exception for the Windsong Ranch, Phase 4A

Amenity Center, located on the east side of Windsong Parkway, 1,500± feet north of Fishtrap Road. The motion was approved by a vote of 5-1, with Councilmember Korbuly casting the opposing vote due to his absence.

Councilmember Korbuly returned to the Council bench at 8:12 p.m.

13. EXECUTIVE SESSION:

Recess into Closed Session in compliance with Section 551.001 et seq. Texas Government Code, as authorized by the Texas Open Meetings Act, to deliberate regarding:

13a. Section 551.087 – To discuss and consider economic development incentives.

13b. Section 551.072 – To discuss and consider purchase, exchange, lease or value of real property for municipal purposes and all matters incident and related thereto.

13c. Section 551-074 – To discuss appointments to the Board of Adjustment/Construction Board of Appeals, Parks and Recreation Board, Library Board, Prosper Economic Development Corporation Board, and Planning & Zoning Commission.

The Town Council recessed into Executive Session at 8:14 p.m.

14. Reconvene in Regular Session and take any action necessary as a result of the Closed Session.

The Town Council reconvened the Regular Session at 9:27 p.m. No action was taken as a result of Executive Session.

15. Possibly direct Town staff to schedule topic(s) for discussion at a future meeting.

• **Backflow Prevention Plan. (FJ)**

Public Works Director Frank Jaromin presented this item before the Town Council. The Council was presented with three options as they relate to requirements for proper backflow protection for the Town's residential wells: reduced pressure zone (RPZ) valves, air gaps, or a combination of both. Council determined that wells with existing air gaps will be allowed to keep them; however, those without any backflow prevention will be required to install RPZs. Town staff will present an ordinance for Council's consideration at a future meeting.

16. Adjourn.

The meeting was adjourned at 9:42 p.m. on Tuesday, June 28, 2016.

These minutes approved on the 12th day of July, 2016.

APPROVED:



Ray Smith
Ray Smith, Mayor

ATTEST:

Robyn Battle
Robyn Battle, Town Secretary