1. Call to Order / Roll Call.

2. Pledge of Allegiance.

3. **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.)


3b. Consider and act upon an Amending Plat for Shops at Prosper Trail, Block A, Lot 1, on 1.1± acres, located on the northeast corner of Preston Road and Prosper Trail. The property is zoned Planned Development-68 (PD-68). (D17-0004).

3c. Consider and act upon an Amending Plat for Prosper Town Hall, Block A, Lot 1, on 4.3± acres, located on the northwest corner of Main Street and Second Street. The property is zoned Planned Development-80 (PD-80). (D17-0014).

3d. Consider and act upon a Site Plan for two (2) office/warehouse buildings (Precision Addition), on 1.1± acres, located on the east side of McKinley Street, 200± feet south of Broadway Street. The property is zoned Downtown Commercial (DTC). (D17-0015).

3e. Consider and act upon an Amending Plat of Precision Addition, Block A, Lots 5 and 7, on 1.1± acres, on the east side of McKinley Street, 200± feet south of Broadway Street. The property is zoned Downtown Commercial (DTC). (D17-0016).

3f. Consider and act upon a Final Plat for Prosper Town Center, Phase V, Block A, Lot 1, on 1.6± acres, located 880± feet north of First Street and 550± feet east of Preston Road. The property is zoned Planned Development-7 (PD-7). (D17-0018).

**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 3, Permitted Uses and Definitions, and Chapter 4, Development Requirements, of the Zoning Ordinance regarding Accessory Structures, Accessory Buildings, Guest Houses and Garage Apartments. (Z16-0014).
5. Review actions taken by the Town Council and possibly direct Town Staff to schedule topic(s) for discussion at a future meeting.
   - Residential Design Standards
   - Brookhollow PD
   - Prosper Old Town Area Assessment

6. 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 March 31, 2017, at 5:00 p.m. and remained so posted at least 72 hours before said meeting was convened.

______________________________________________ _________________________
Carol Myers, Executive Assistant/Deputy Town Secretary             Date Notice Removed

Pursuant to Section 551.071 of the Texas Government Code, the Planning & Zoning Commission 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.

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

The meeting was called to order at 6:01 p.m.

Commissioners present: Chairman John Alzner, Vice Chairman John Hema, Brandon Daniel, Bobby Atteberry, and Chad Robertson
Commissioner Andres arrived at 6:02 p.m.
Commissioner(s) absent: Secretary David Snyder

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

2. **Recitation of the Pledge of Allegiance.**

3. **CONSENT AGENDA**

3a. Consider and act upon minutes from the February 21, 2017, Special Work Session and Regular Planning & Zoning Commission meetings.

3b. Consider and act upon a Preliminary Site Plan for an automobile sales and/or leasing facility (Ford), on 14.1± acres, located on the north side of US 380, 700± feet west of Mahard Parkway. This property is zoned Planned Development-43 (PD-43). (D16-0077).

3c. Consider and act upon a Site Plan for a bank in the Shops at Prosper Trail (Bank of America), on 1.1± acres, located on the northeast corner of Preston Road and Prosper Trail. This property is zoned Planned Development-68 (PD-68). (D17-0005).

3d. Consider and act upon a Site Plan for a bank in the Windsong Ranch Marketplace (Chase), on 1.0± acre, located on the northeast corner of Gee Road and US 380. This property is zoned Planned Development-40 (PD-40). (D17-0008).

3e. Consider and act upon a Final Plat for Windsong Ranch Marketplace, Block A, Lot 1, on 1.0± acre, located on the northeast corner of Gee Road and US 380. This property is zoned Planned Development-40 (PD-40). (D17-0009).

3f. Consider and act upon a Preliminary Site Plan for a retail/restaurant/medical office development (North Preston Village), on 7.1± acres, located on the east side of Preston Road, 2,000± feet south of Prosper Trail. This property is zoned Retail (R). (D17-0011).

3g. Consider and act upon a Preliminary Plat for Cambridge Park Estates, for 201 single family residential lots and 6 HOA/open space lots, on 84.4± acres, located
on the southwest corner of Preston Road and Coleman Street. This property is zoned Single Family-12.5 (SF-12.5). (D17-0012).

3h. Consider and act upon an Amending Plat of Windsong Ranch, Phase 1A, Block X, Lots 14A, 16A, 16B, and 16C, on 0.4± acre, being within a segment of Windsong Parkway, located on the north side of US 380. This property is zoned Planned Development-40 (PD-40). (D17-0013).

3i. Consider and act upon an Amending Plat of Wildwood Estates, Phase 3B, Block G, Lot 20, on 0.3± acre, located on the southwest corner of Dianna Drive and Darian Drive. This property is zoned Planned Development-24 (PD-24). (D17-0019).

Motioned by Daniel, seconded by Robertson, to approve the Consent Agenda, subject to Town staff recommendations. Motion approved 5-0.

Commission Andres arrived at 6:02 p.m.

REGULAR AGENDA

4. Consider and act upon a Site Plan for an extension of Temporary Buildings at Rucker Elementary School, on 20.0± acres, located on the west side of Craig Road, 400± feet south of First Street. This property is zoned Single Family-15 (SF-15). (D14-0004).

5. Consider and act upon a Site Plan for an extension of Temporary Buildings at Folsom Elementary School, on 10.0± acres, located on the southeast corner of Livingston Drive and Somerville Drive. This property is zoned Planned Development-6 (PD-6). (D14-0005).

6. Consider and act upon a Site Plan for an extension of Temporary Buildings at Cockrell Elementary School, on 12.1± acres, located on the southwest corner of Prosper Trail and Escalante Trail. This property is zoned Planned Development-9 (PD-9). (D14-0006).

7. Consider and act upon a Site Plan for Temporary Buildings at Windsong Ranch Elementary School, on 12.3± acres, located on the south side of Fishtrap Road, 1,800± feet west of Teel Parkway. This property is zoned Planned Development-40 (PD-40). (D17-0006).

Chairman Alzner opened Items 4-7, since PISD is the applicant for all items.

Glushko: Provided a brief history on the requests and presented exhibits showing the proposed locations of the temporary buildings on each site.

Danny Roberts (PISD Representative): Informed Commissioners that the portable buildings are necessary to accommodate the rapid growth taking place in Prosper ISD. Stated that PISD plans to build a couple more elementary schools next year to help relieve the pressure on each of the schools.

Commissioners requested staff research amending the Zoning Ordinance regarding the continual re-approval of temporary structures knowing the structures will be required for many years.
Motioned by Hema, seconded by Atteberry, to approve Items 4, 5, 6, and 7, subject to Town staff recommendations. Motion approved 6-0.

8. **Conduct a Public Hearing, and consider and act upon a request for a Specific Use Permit (SUP) for a Child Day Care Center (Pinnacle Montessori), on 3.1± acres, located on the south side of future Richland Boulevard, 1,500± feet east of Coit Road. This property is zoned Planned Development-38 (PD-38).** (S17-0001).

**Glushko:** Summarized the request and presented exhibits provided by the applicant. Stated the building elevations conform to the approved Conceptual Development Plan elevations, required by PD-38. Recommended approval of the request.

The Public Hearing was opened by Chairman Alzner.

There being no speakers the Public Hearing was closed.

Commissioners voiced support for the request. Chairman Alzner inquired if the proposed day care would be required to adhere to a consistent architectural design and color pallet as the overall development.

**Glushko:** Stated that staff will review the façade plan in conjunction with the site plan and ensure the architectural design and color pallet conform to the building elevations approved in PD-38.

Motioned by Daniel, seconded by Atteberry, to approve Item 8, subject to Town staff recommendations. Motion approved 6-0.

9. **Conduct a Public Hearing, and consider and act upon a request to amend a portion of Planned Development-25 (PD-25), on 236.5± acres, in order to modify the residential architectural requirements, located on the east side of Coit Road, 800± feet south of First Street.** (Z17-0001).

**Glushko:** Summarized the request and presented exhibits showing the locations affected by the proposed amendments. Recommended approval of the request.

**Andres:** Asked if the Town has any maintenance standards for the cedar garage doors.

**Glushko:** Informed Commissioners that the Town is currently working on an updated property maintenance code to ensure that properties are maintained, and also that HOA’s typically enforce such maintenance requirements.

The Public Hearing was opened by Chairman Alzner.

**Aaron Richards (Representative):** Explained the request to amend to architectural requirements is to allow builders greater flexibility in their house plan options.

There being no other speakers the Public Hearing was closed.

Commissioners voiced support for the proposed amendments.
Motioned by Daniel, seconded by Robertson, to approve Item 9, subject to Town staff recommendations. Motion approved 6-0.

10. Conduct a Public Hearing and consider and act upon a request to amend Chapter 3, Permitted Uses and Definitions of the Zoning Ordinance by providing for a process for certain private clubs in conjunction with a restaurant use. (Z17-0002).

Webb: Summarized the request and provided a brief history on the election procedures required for alcohol sales on certain properties. The reason for this request is that properties annexed after the local option election in 2006, are “dry” and can only sell alcohol in restaurants with a private club permit. Recommended approval of the Zoning Ordinance amendment.

The Public Hearing was opened by Chairman Alzner.

There being no speakers the Public Hearing was closed.

Motioned by Hema, seconded by Robertson, to approve Item 10, subject to Town staff recommendations. Motion approved 6-0.

11. Discussion on proposed amendments to the Zoning Ordinance regarding guest houses, garage apartments, and accessory structures.

Webb: Discussed proposed amendments to the Zoning Ordinance regarding guest houses, garage apartment and accessory structures.

Daniel: Requested clarification regarding the proposal to not allow a second electric meter for a guest house.

George Dupont (Resident): Thanked Commissioners for their time and consideration of the proposed amendments and noted his support.

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


Motioned by Atteberry, seconded by Robertson, to adjourn. Motion approved 6-0 at 6:24 p.m.
To: Planning & Zoning Commission  
From: Pamela Clark, Planning Technician  
Through: Alex Glushko, AICP, Senior Planner  
Re: Planning & Zoning Commission Meeting – April 4, 2017

**Agenda Item:**
Consider and act upon an Amending Plat for Prosper Town Hall, Block A, Lot 1, on 4.3± acres, located on the northwest corner of Main Street and Second Street. The property is zoned Planned Development-80 (PD-80). (D17-0014).

**Description of Agenda Item:**
The purpose of this Amending Plat is to combine six (6) lots into one (1) lot and to dedicate all easements necessary for the development of a 52,770 square foot, three-story governmental office building (Prosper Town Hall), which was approved by the Planning & Zoning Commission on November 15, 2016 (D16-0079). The Amending Plat conforms to the PD-80 development standards.

**Attached Documents:**
1. Location Map  
2. Amending Plat

**Town Staff Recommendation:**
Town Staff recommends approval of the Amending Plat, subject to:
1. Town staff approval of all additions and/or alterations to the Amending Plat.
To: Planning & Zoning Commission
From: Pamela Clark, Planning Technician
Through: Alex Glushko, AICP, Senior Planner
Re: Planning & Zoning Commission Meeting – April 4, 2017

Agenda Item:
Consider and act upon an Amending Plat for Shops at Prosper Trail, Block A, Lot 1, on 1.1± acres, located on the northeast corner of Preston Road and Prosper Trail. The property is zoned Planned Development-68 (PD-68). (D17-0004).

Description of Agenda Item:
The purpose of this Amending Plat is to dedicate all easements necessary for the development of a 3,800 square foot bank (Bank of America), which was approved by the Planning & Zoning Commission on March 21, 2017 and is scheduled for Town Council consideration on April 11, 2017 (D17-0005). The Amending Plat conforms to the PD-68 development standards.

Attached Documents:
1. Location Map
2. Amending Plat

Staff Recommendation:
Staff recommends approval of the Amending Plat, subject to:
1. Town staff approval of all additions and/or alterations to the Amending Plat.
OWNER'S CERTIFICATE

STATE OF TEXAS §

WHEREAS WE, MQ Prosper Retail, LLC are the owners of that certain lot, tract, or parcel of land situated in the Collin County Shops at Prosper Trail, an addition to the Town of Prosper, Collin County, Texas according to the plat thereof recorded under Document Number 20160324010001180, Plat Records, Collin County, Texas, and being more particularly described as follows:

THENCE S 89° 04' 03" W, 29.08 feet with said north line of said Prosper Trail to an "X" in concrete found for corner;

THENCE S 89° 13' 34" W, 115.41 feet with said north line of said Prosper Trail to an "X" in concrete found for corner at a right-of-way flare of said State Highway Number 289;

THENCE N 01° 29' 10" E, 128.77 feet with said east line of said State Highway to the PLACE OF BEGINNING and containing 1.079 acres of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT MQ Prosper Retail, LLC, acting herein by and through its duly authorized officers, does hereby certify and adopt this plat designating the herein above described property as LOT 4, BLOCK A, THE SHOPS AT PROSPER TRAIL, amending Lot 1. The streets and alleys are dedicated for street and alley purposes.

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 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 public use thereof.

8. The Town of Prosper and public utilities shall at all times have the full right of ingress and egress to or from their premises for any purpose.

9. All modifications to this document shall be by means of plat and approved by the Town of Prosper.

WITNESS, my hand, this the ____day of ___________________, 20____

______________________________________________
Donald L. Silverman, Manager, MQ Prosper Retail, LLC

Silverman, 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 indicated thereon.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the __________ day of ___________________________, 20_____.

_______________________________________________________
_______________________________
Development Services Department

SURVEYOR'S CERTIFICATE

That I, Jerald D. Yensan do hereby certify that I prepared this plat and the field notes made a part thereof from an actual and accurate survey of the property and that the Plat Designation is hereon, a hard surface paved in accordance with Town standards and that he (they) shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstructions, including but not limited to the parking, loading, or unloading of motor vehicles, trailers, boats, or other improvements or obstructions, including but not limited to the parking, loading, or unloading of motor vehicles, trailers, boats, or other improvements or obstructions.

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, or under the owner(s) of the property in this subdivision.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the __________ day of ___________________________, 20_____.

_______________________________________________________
_______________________________
Development Services Department
To: Planning & Zoning Commission  
From: Alex Glushko, AICP, Senior Planner  
Through: John Webb, AICP, Director of Development Services  
Re: Planning & Zoning Commission Meeting – April 4, 2017

Agenda Item:
Consider and act upon a Site Plan for two office/warehouse buildings (Precision Addition), on 1.1± acres, located on the east side of McKinley Street, 200±.feet south of Broadway Street. The property is zoned Downtown Commercial (DTC). (D17-0015).

Description of Agenda Item:
The Site Plan shows two (2) existing 3,780 square foot buildings and two (2) proposed 4,702 square foot office/warehouse buildings. Access is provided from McKinley Street. Adequate parking has been provided. The Site Plan conforms to the DTC development standards.

As a companion item, the Amending Plat for Precision Addition, Block A, Lots 5 and 7 (D17-0016) is on the April 4, 2017, agenda.

Attached Documents:
1. Location Map  
2. Site Plan

Town Staff Recommendation:
Town staff recommends approval of the Site Plan subject to:
1. Town staff approval of civil engineering, landscape plans, irrigation plans, open space plans, façade and address plans.  
2. Town staff approval of all fire hydrants, fire department connections (FDC) and fire lanes, including widths, radii, and location.  
3. Approval of an Amending Plat for the subject property.
To: Planning & Zoning Commission
From: Alex Glushko, AICP, Senior Planner
Through: John Webb, AICP, Director of Development Services
Re: Planning & Zoning Commission Meeting – April 4, 2017

Agenda Item:
Consider and act upon an Amending Plat of Precision Addition, Block A, Lots 5 and 7, on 1.1± acres, on the east side of McKinley Street, 200± feet south of Broadway Street. The property is zoned Downtown Commercial (DTC). (D17-0016).

Description of Agenda Item:
The purpose of this Amending Plat is to dedicate right-of-way and easements to facilitate the development of two (2) 4,702 square foot office/warehouse buildings. The Amending Plat conforms to the DTC development standards.

As a companion item, the Site Plan for two (2) office/warehouse buildings (D17-0015) is on the April 4, 2017, agenda.

Attached Documents:
1. Location Map
2. Amending Plat

Town Staff Recommendation:
Town staff recommends approval of the Amending Plat, subject to:
1. Town staff approval of all additions and/or alterations to the Amending Plat.
Agenda Item:
Consider and act upon a Final Plat for Prosper Town Center, Phase V, Block A, Lot 1, on 1.6± acres, located 880± feet north of First Street and 550± feet east of Preston Road. The property is zoned Planned Development-7 (PD-7). (D17-0018).

Description of Agenda Item:
The Final Plat dedicates all easements necessary for development of a 37,884 square foot, 3-story, office building, which was approved by the Planning & Zoning Commission on September 20, 2016 (D16-0064). Access to the site is achieved via a Fire Lane, Access and Utility Easement from Hays Road and a Mutual Access and Fire Lane Easement from Preston Road, in lieu of fronting on a public street. PD-7 was amended to allow access to lots via these easements due to the location of future internal lots within the Prosper Town Center. The Final Plat conforms to the PD-7 development standards.

Attached Documents:
1. Location Map
2. 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 and dedications on the Final Plat.
To: Planning & Zoning Commission

From: John Webb, AICP, Director of Development Services

Re: Planning & Zoning Commission Meeting – April 4, 2017

Agenda Item:
Conduct a Public Hearing and consider and act upon a request to amend Chapter 3, Permitted Uses and Definitions, and Chapter 4, Development Requirements, of the Zoning Ordinance regarding Accessory Structures, Accessory Buildings, Guest Houses and Garage Apartments. (Z16-0014).

Background/Description of Agenda Item:
Recent developments of accessory structures and guest houses have warranted the need to review the standards of these uses to ensure the structures do not have a negative impact on adjacent residential properties. In addition, staff has received requests to reduce the required rear yard setback on single family lots to accommodate attached accessory structures such as patio covers.

The Commission discussed this item during their February 7th, February 21st and March 21st meetings, and toured sites in the Town on February 21st.

Guest Houses:
The Zoning Ordinance defines a “guest house” as,
“An accessory dwelling unit, detached from the main building on the lot, used to house family and/or guests of the owner(s) of the main residential structure, and which is never rented or offered for rent.”

The Zoning Ordinance permits Guest Houses by right in all residential districts and the Downtown Retail District with the following standards contained within the section of the Zoning Ordinance regarding “Accessory Structures and Uses.”

"A Guest House shall be permitted in the Agricultural through the Downtown Retail Districts as an incidental residential use of a building on the same lot or tract as the main dwelling unit and used by the same person or persons of the immediate family and shall meet the following standards:

A. The Guest House must be constructed to the rear of the main dwelling, separate from the main dwelling. A lot must have a minimum of one-half (½) acre for a Guest House to be permitted.
B. The Guest House may be constructed only upon issuance of a Building Permit.
C. The Guest House may not be sold separately from sale of the entire property, including the main dwelling unit, and shall not be sub-let.
D. Setback requirements shall be the same as for the main structure.”
Issues & Recommendations

1. Update the definition of a guest house in Section 2 of Chapter 3 to read,

   “A second, attached or detached dwelling unit located on the same lot or tract as the
   primary dwelling unit, which provides for living, sleeping, and cooking facilities and is
   used by family members, guests of the family, or a domestic worker hired by the
   homeowner of the primary dwelling unit. A mobile home or a HUD-Code manufactured
   home shall not be considered as a guest house.”

2. Amend the Use Chart in Section 1 of Chapter 3. Since the use is designated as a “by-right” in the
   Use Chart of the Zoning Ordinance, it is not readily apparent there are conditions that need to be
   met. Recommend amending the use Chart to designate “Guest Houses” as a “Conditional Use”
   with new standards as noted below in the Agricultural and Single Family Districts. Remove the use
   from the Downtown Single Family District, due to the smaller lot size in this district.

3. Create new Conditional Use for Guest House in Section 1.4 of Chapter 3 to read,
   a) The guest house, if detached, shall be located on a lot or tract containing a minimum
      of one (1) acre;
   b) To be classified as an attached guest house, the second living quarters shall be
      integral to primary dwelling and be accessed through conditioned interior corridors. A
      guest house that is connected to the primary dwelling by a covered or enclosed
      walkway shall meet all conditions of a detached guest house.
   c) The guest house shall be located on the same lot or tract as the existing primary
      dwelling;
   d) If detached, the guest house shall be located behind the primary structure at a point
      no closer than ten (10) feet from the rear wall line of the primary dwelling.
   e) If detached, the guest house shall meet all rear yard and side yard setbacks that are
      required of the primary dwelling;
   f) If detached, the height of the guest house shall not exceed the height of the primary
      dwelling;
   g) If detached, a guest house shall not be finaled/approved for occupancy prior to the
      final/approval for occupancy of the primary dwelling;
   h) No more than one (1) guest house per lot or tract shall be permitted;
   i) The guest house shall not be rented or leased or offered for rent or lease,
      independently of the primary dwelling;
   j) The guest house shall not be sold separately from the sale of the entire property, including
      the primary dwelling;
   k) The guest house shall be serviced by the same electric and natural gas utility meters
      as the primary dwelling;
   l) The exterior building materials shall be consistent with the exterior materials of the
      primary dwelling;
   m) The maximum total area of a detached guest house, including garages, covered patios
      and any enclosed storage areas shall not exceed fifty percent (50%) of the dwelling
      area of the primary dwelling. However, in no instance, shall the maximum total area
      of a detached guest house, including garages, covered patios and any enclosed
      storage areas exceed 2,000 square feet; and
   n) In no case shall the combined area of the primary dwelling, guest house and/or other
      accessory buildings exceed the maximum percentage of lot coverage permitted for the
      zoning district in which the structures are located.
**Garage Apartments:**
The Zoning Ordinance defines a “garage apartment” as,

“An accessory dwelling unit for one (1) family erected in conjunction with a garage, but
with a separate entrance than that of the primary dwelling unit on the lot, when the main
structure is an owner occupied detached dwelling unit, and which is never rented or
offered for rent.”

**Issues & Recommendations**
Garage apartments are permitted by right in the Agricultural, Single Family, and Downtown Single
Family Districts without any conditions. If standards are not established for this use, the newly
established standards for guest houses could be circumvented. Unlike a guest house, it may
appropriate for the “garage apartment” to be located on a smaller lot. Since the term, “apartment”
is associated with a rental unit, staff recommends the term be amended.

1. Amend the term, Garage Apartment” in the Use Chart in Section 1, Chapter 3 to read, “Residential
   Garage Loft,”

2. Amend the definition of the revised term in Section 2 of Chapter 3 to read, “A small, accessory
dwelling located above a private garage which provides for living, sleeping, and cooking
facilities and is used by family members, guests of the family, or a domestic worker hired by
the homeowner of the primary dwelling unit.

3. Amend the Use Chart in Section, 1, Chapter 3 by changing the “by-right” designation to a
   “Conditional Use” with new standards as noted below in the Agricultural, Single Family Districts,
   and Downtown Single Family District.

4. Create new Conditional Uses in Section 1.4 of Chapter 3 to read,
   a. The residential garage loft shall be located on the same lot or tract as the primary
dwelling unit,
   b. The residential garage loft shall be located above the garage and the total area of
      the unit shall not exceed 800 square feet.
   c. The height of the residential garage loft shall not exceed the height of the primary
dwelling;
   d. No more than one (1) residential garage loft per lot or tract shall be permitted;
   e. The residential garage loft shall not be rented or leased or offered for rent or lease,
      independently of the primary dwelling;
   f. The residential garage loft shall not be sold separately from the sale of the entire property,
      including the primary dwelling;
   g. The residential garage loft shall be serviced by the same electric and natural gas
      utility meters as the primary dwelling;
   h. The exterior building materials shall be consistent with the exterior materials of the
      primary dwelling;

**Detached Accessory Structures:**
The Zoning Ordinance currently has the following standards:

“DETACHED GARAGE AND ACCESSORY BUILDING CONSTRUCTION
A. The exterior facades of a detached garage or other accessory building or structure
greater than one hundred and sixty (160) square feet shall be subject to the same
exterior construction material(s) requirements as the main building or structure.

B. An accessory building that is larger than one hundred and sixty (160) square feet may
be vinyl, cementitious fiber board, or factory coated decorative metal if the wall height
of the building does not exceed fourteen (14) feet and if three (3) of the following six (6) conditions are met:

1. A minimum three (3) foot high wainscoting is provided on all sides, excluding windows and doors,
2. Divided light windows are provided on at least two sides of the building,
3. A minimum roof pitch of four (4) in twelve (12) is provided,
4. A cupola is provided,
5. One (1) tree, a minimum size of one (1) caliper inch, is planted every twenty (20) feet, or portion thereof, along the longest sides of the building, or
6. A minimum twenty (20) foot side yard setback is provided.

C. Metal or wood may be used as an exterior construction material for an accessory building or structure of one hundred and sixty (160) square feet or less in an SF or 2F District.

D. Cementitious fiber board may be used to fulfill masonry requirements for structures accessory to an existing structure constructed entirely of wood or vinyl siding.

The development standards for structures greater than 160 square feet were added to the Zoning Ordinance in an attempt to ensure the buildings were compatible with the residential character of the neighborhood, while allowing larger structures.

**Issues & Recommendations**

In relation of the size of an accessory building to the primary residence, with the exception of lot coverage, there is no limit on the size of an accessory structure. In relation of the height of the accessory building to the height of the primary residence, a two-story accessory building can be built on a lot with a one-story home. Staff recommends the standards of Section 7.6 of Chapter 4 be revised and new standards be established as follows:

A. The exterior facades of a detached garage or other accessory building or structure greater than one hundred and sixty (160) square feet shall be subject to the same exterior construction material(s) requirements as the main building or structure.

B. An accessory building that is larger than one hundred and sixty 160 square feet may be vinyl, cement board, or factory coated decorative metal if the wall height of the building does not exceed fourteen (14) feet and if three (3) of the following six (6) conditions are met:

1. A minimum three (3) foot high wainscoting is provided on all sides, excluding windows and doors,
2. Divided light windows are provided on at least two sides of the building,
3. A minimum roof pitch of four (4) in twelve (12) is provided,
4. A cupola is provided,
5. One (1) tree, a minimum size of one (1) caliper inch, is planted every twenty (20) feet, or portion thereof, along the longest two (2) sides of the building, or
6. A minimum twenty (20) foot side yard setback is provided.

C. Metal or wood may be used as an exterior construction material for an accessory building or structure of one hundred and sixty (160) square feet or less in an SF or 2F District.

D. Cementitious fiber board may be used to fulfill masonry requirements for structures accessory to an existing structure constructed entirely of wood or vinyl siding.

C. In no instance shall the height of an accessory building or detached garage exceed the height of the primary dwelling.

D. Accessory buildings in excess of 160 square feet shall be located behind the primary
structure at a point no closer than ten (10) feet from the rear wall line of the primary dwelling.

E. A Specific Use Permit is required for either of the following instances:
   1) An accessory building that is greater in size than the primary dwelling. For the purpose of this subsection, the size of the primary dwelling includes the attached private garage,
   2) the size of an accessory building which is greater than seven percent (7%) of the lot area, or
   3) the size of the accessory structure is greater than 4,000 square feet.

**Attached Accessory Structures:**
With smaller lots being developed in the Town, homes are being constructed up to or near the required front, side and rear yard lines. As depicted in Figure 1 below, a SF-10 District lot (minimum 10,000 square-foot lot area) requires a 25-foot front yard setback, a 25-foot rear yard setback and an eight-foot side yard setback.

![Figure 1](image)

When the house is built up to the rear yard setback, there is no opportunity to add a shade structure such as a covered patio or pergola at the back of the home without encroaching into the required rear yard setback as depicted in Figure 2. Homeowners have requested staff for relief of the rear yard setback requirement to build attached shade structures as depicted in Figure 3. Since there is no physical hardship, the Board of Adjustment cannot consider a variance.
The Zoning Ordinance permits detached accessory structures in the required rear or side yards, if the structure is located at least three (3) feet from the property line and a minimum of ten (10) feet from the main structure, as depicted in Figure 4. However, homeowners want the shade structure attached to the rear of the home.
Issues to consider:
- Allowing further encroachments into the required yard areas further reduces the open space between homes.
- Restriction of fire access at the rear of the home.
- Consequence of reduced setback for a covered patio in combination with other detached structures in the rear yard.
- Could allow the shade structure to encroach into the rear yard if open on at least three (3) sides. However, the structure could be enclosed at a later date without the staff’s knowledge.

**Attached Accessory Structures – Recommended Amendments to the Zoning Ordinance:**
Staff is not recommending an amendment to allow attached structures to encroach into the required setbacks.

**Legal Obligations and Review:**
Zoning is discretionary. Therefore, the Planning & Zoning Commission is not obligated to recommend approval of the request. Notice of the Planning & Zoning Commission Public Hearing was provided in the newspaper as required by the Zoning Ordinance and state law.

**Staff Recommendation:**
Staff recommends the Planning & Zoning Commission approve the requested amendments to the Zoning Ordinance as submitted.

**Council Review and Public Hearing:**
The Town Council will receive a briefing on this item on April 11, 2017 and a Public Hearing has been scheduled for the Town Council at their Regular meeting on May 9, 2017.
1. Call to Order/Roll Call.

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

3. Announcements of recent and upcoming events.

4. **CONSENT AGENDA**: (All Consent Agenda Items Approved, 6-0)

   (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.)

4a. Consider and act upon minutes from the following Town Council meeting. *(RB)*
   - Regular Meeting – March 14, 2017

4b. Consider and act upon a resolution amending Section 3.(c) of the Prosper Economic Development Corporation bylaws. *(KN)*

4c. Consider and act upon authorizing the Town Manager to execute a Professional Services Agreement between RPGA Design Group, Inc., and the Town of Prosper, Texas, related to conducting a needs assessment for the Public Safety Facility project. *(DK)*


4e. Consider and act upon an ordinance amending Subsection 3 of Section 4.09.004, “Permit Requirements; Additional Regulations,” and Subsection (a) of Section 4.09.007, “Fees,” of Article 4.09, “Special Events and Temporary Outdoor Seasonal Sales,” of Chapter 4, “Business Regulations,” of the Code of Ordinances, related to the provision of off-duty police officers for traffic control and related activities, and deposit requirements for special events on private property. *(DK)*

4f. Consider and act upon a resolution of the Town of Prosper, Texas, authorizing the Town Attorney to bring a condemnation action for the purpose of obtaining approximately 1.93 acres of real property, situated generally in the Collin County School #12 Land Survey, Abstract 147, in the Town of Prosper, Collin County, Texas, necessary for the construction of the Old Town Regional Detention/Retention project, and for other public purposes permitted by law. *(SG)*
4g. Consider and act upon a resolution of the Town of Prosper, Texas, authorizing the Town Attorney to bring a condemnation action for the purpose of obtaining approximately 0.215 acres of real property, situated generally in the Bryants First Addition, Block 7, in the Town of Prosper, Collin County, Texas, necessary for the construction of the First Street project and for other public purposes permitted by law. (SG)

4h. 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)

5. 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.

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:

6. Conduct a Public Hearing, and consider and act upon a request for a Variance to the Sign Ordinance, regarding a model home monument sign, for Grenadier Homes, located on the southeast corner of Redstem Drive and Pavonia Lane (4281 Pavonia Lane). (V17-0002). (AG) Approved, 6-0

DEPARTMENT ITEMS:

7. Consider and act upon approving a recommendation from the Prosper Youth Sports Commission (PYSC) on the proposed multipurpose fields striping for the Frontier Park North Field Improvements project. (DR) Approved, 6-0

8. 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:

8a. Section 551.087 – To discuss and consider economic development incentives.

8b. 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.
8c. Section 551.071 – Consultation with the Town Attorney regarding possible litigation regarding bond issues, and all matters incident and related thereto.

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

10. Possibly direct Town staff to schedule topic(s) for discussion at a future meeting.
    • Speed Limits on Town Roadways. (HW)
    • Town Hall Brick and Mortar Selection. (HW)
    • Residential Design Standards. (JW)

11. Adjourn.

**CERTIFICATION**

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted at Prosper Town Hall, located at 121 W. Broadway Street, Prosper, Texas 75078, a place convenient and readily accessible to the general public at all times, and said Notice was posted by 5:00 p.m., on March 24, 2017, and remained so posted at least 72 hours before said meeting was convened.

Robyn Battle, Town Secretary                      Date Notice 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 Town Council.

**NOTICE OF ASSISTANCE AT PUBLIC MEETINGS:** The Prosper Town Council 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.