



MINUTES
Regular Meeting of the
Prosper Planning & Zoning Commission
Prosper Town Hall
Council Chambers
250 W. First Street, Prosper, Texas
Tuesday November 7, 2023, 6:00 p.m.

1. Call to Order / Roll Call

The meeting was called to order at 6:02 p.m.

Commissioners Present: Chair Brandon Daniel, Vice-Chair Damon Jackson, Secretary Cameron Reeves, Sekou Harris, Josh Carson, Glen Blanscet, John Hamilton.

Staff Present: David Hoover, Director of Development Services; Reynaldo Merlos, Planning Technician; Talia Stevenson, Administrative Assistant.

2. Recitation of the Pledge of Allegiance.

3. CONSENT AGENDA

- 3a. Consider and act upon the minutes from the October 17, 2023, Planning & Zoning Commission meeting.
- 3b. Consider and act upon a request for a Site Plan for Frontier Retail South 1, Block X, Lot 2, on 1.4± acres, located south of West Frontier Parkway and west of North Preston Road. The property is zoned Planned Development-116 (PD-116) Victory at Frontier South. (DEVAPP-23-0091)
- 3c. Consider and act upon a request for a Final Plat for Frontier Retail South 1, Block X, Lot 2, on 1.4± acres, located south of West Frontier Parkway and west of North Preston Road. The property is zoned Planned Development-116 (PD-116) Victory at Frontier South. (DEVAPP-23-0095)
- 3d. Consider and act upon a Site Plan for a City Park, on 10.1± acres, located south of Lovers Lane and west of South Coleman Street. The property is zoned Planned Development-67 (PD-67) Gates of Prosper. (DEVAPP-23-0123)
- 3e. Consider and act upon a request for a Site Plan for St. Martin De Porres Catholic Church Addition, Block A, Lot 2, on 22.6± acres, located north of US-380 and east of Windsong Parkway. The property is zoned Planned Development-40 (PD-40) Windsong Ranch and Specific Use Permit-15 (S-15) St. Martin de Porres. (DEVAPP-23-0170)
- 3f. Consider and act upon a request for a Revised Conveyance Plat for Frontier Retail Center, Block A, Lots 1-7, on 26.9± acres, located on the southeast corner of North Dallas Parkway and West Frontier Parkway. The property is zoned Planned Development-69 (PD-69) Metten Tract. (DEVAPP-23-0172)
- 3g. Consider and act upon a request for a Preliminary Site Plan for Lighthouse Church Addition, Block A, Lot 1, on 9.26± acres, located on the southwest corner

of East First Street and Whitley Place Drive. The property is zoned Planned Development-90 (PD-90) Brookhollow North. (DEVAPP-23-0173)

- 3h. Consider and act upon a request for a Revised Conveyance Plat for Westfork Crossing Addition, Block A, Lots 9, 10 and 11, on 17.63± acres, located on the north of US-380 and west of Gee Road. The property is zoned Commercial and Single Family-10. (DEVAPP-23-0174)**

Chair Daniel requested to pull Item 3a. Commissioner Blanscet requested to pull Item 3d.

Motion by Commissioner Hamilton to approve items 3b, 3c, 3e-3h. Second by Commissioner Reeves. Motion carried unanimously.

Chair Daniel noted that item 3a has been revised and requested the Commissioners to review for any additional changes.

Vice Chair Jackson asked if the individual vote count should be listed in the minutes as well as listing which commissioner voted for or against an item.

Mr. Hoover replied that the vote count can be listed as individual votes but, in the past, has been listed as a total vote count.

Commissioner Harris made a motion to approve item 3a. Second by Commissioner Blanscet. Motion carried unanimously.

Commissioner Blanscet asked, regarding item 3d, if there will be any parking planned for this park and the location of the parking.

Mr. Hoover stated that there will be parking for the overall development, but at this time, does not have a total count and the park will be 10 acres, plus or minus. Mr. Hoover added there will be a trail and amenities that will share parking with this park. It will be on the other side of Gateway Drive and the development to the west will provide additional parking as well as street parking will be available. Two of the multifamily buildings in this phase have opened and will ease the parking as the park will be a primary use for the multi-family.

Commissioner Carson made a motion to approve item 3d. Second by Vice-Chair Jackson. Motion carried unanimously.

CITIZEN COMMENTS

No comments were made.

REGULAR AGENDA

Chair Daniel requested a motion to re-order the agenda items to move Items 8 and 9 after Item 4 to allow applicants to discuss their items before the ordinance amendments. Commissioner Reeves made a motion to move Items 8 and 9 after Item 4. Second by Commissioner Harris. Motion carried unanimously.

- 4. Conduct a Public Hearing to consider a request for a Specific Use Permit for a Wireless Communications and Support Structure, on Lakewood Preserve, Block A, Lot 1, on 0.1± acre, located south of East First Street and east of South Coit Road. (ZONE-23-0021)**

Chair Daniel asked if the applicants of any cell towers are told of potential locations by Town Staff.

Commissioner Hamilton asked if the park is the overall location selected and not the southernmost location being presented and what is the distance that residents get notified from the location.

Mr. Hoover stated that the Town has a map for potential locations for cell towers to maximize coverage for the Town. Not every location will have a cell tower, but the farther the towers are from each other, the network gets stretched and cannot provide quality service. The southernmost location was the spot selected by the Town as it is unlikely to be utilized for anything else. This is close to the electrical easement and does not interfere with the overall park. The residents within 200 feet of the cell tower's request are notified.

The Commissioners further discussed possible relocation further into the park, sign posting for a future cell tower, construction timeline, other antenna design options for future discussions.

Mr. Hoover stated that there is a zoning change sign that is part of the requirement for Zoning cases. The public can call in with the information from the sign to learn about the proposed zoning. The Parks Department is adamant that they do not want roads to go through the park due to the construction trucks or service trucks that will be needed for construction and maintenance. The final plans are expected to be completed in 45-60 days. The cell providers stated that the light poles are not tall enough to truly amplify the service. Town Staff has looked into unifying the uses to reduce the amount of service structures in the Town. The towers are about 150 to 200 feet, and the wires are about 140 to 160 feet tall. The Power company will not allow the cell towers to be moved further into the utility easement or allow them to be underneath the transmission lines. Some companies do allow the cell antennas to be on their towers, but they cannot be placed more than one at a time and would cause more issues.

Commissioners asked for clarification on why an incorrect description of the proposed use, showing this was a stealth antenna, was sent to the homeowners and what are the residents' concerns.

Mr. Hoover stated that the information came from the Letter of Intent which was incorrect, and the correct letter is being presented at this meeting. There have been opinions on the effects of EMF radiation, but nothing has been presented here in the Town of Prosper or other cities where there has been support of the theory.

Chair Daniel opened the public hearing.

The Commissioners ask the applicant about the possibility of relocating further in the park, the change from a stealth antenna to commercial tower, and adding additional screening.

Bill Bauman stated that the floodplain territory affects the finished floor elevation and could cause a situation where the equipment would be caused to be raised higher. Concerns for flash flooding would cause a change in design to the base where it would make the cell towers more noticeable. They prefer close mount antennas as shown instead of flagpole mounts due to technology changing from competing firms. It is possible to add additional screening to the cell tower.

Chair Daniel closed the public hearing.

Commissioner Blanscet made a motion to approve Item 4 with the condition that the applicant provide additional landscape and irrigation. Second By Commissioner Harris. Motion denied with a vote of 3 to 4, Commissioner's Hamilton, Carson, Daniel, and Reeves were opposed.

8. Conduct a Public Hearing and consider and act upon a request for a Planned Development for an Office/Retail Building on 0.4± acres, for Bryant's First Addition, Block 11, Lots 1, 11 and 12, located on the northeast corner of South Coleman Street and East Third Street. The property is zoned Single Family-15. (ZONE-23-0027)

Mr. Hoover stated that due to Town Council denying a previous straight zoning case, the Town Council would like any retail and commercial rezoning to be presented as Planned Developments to limit the allowable uses in those districts. Town Staff will provide a list of uses that the Town Council does not want and will be providing a US 380, Dallas North Tollway, and a Downtown overlay that will be discussed in future work sessions.

Commissioner Blanscet asked why there is a 25 percent parking reduction requirement and about the amount of parking pavement that will be on the street.

Mr. Hoover stated that Town Council approved the reduction as part of the Downtown Master Plan to allow for grants and options of leniency. It has to be requested and then be reviewed for approval. The portion of pavement presented is to finish out the paving for the radii and the Engineering Department will probably require paving to the edge of the applicant's parking.

Chair Daniel opened the public hearing.

Michael Bryant, the applicant, introduced himself and discussed the proposed zoning.

Chair Daniel closed the public hearing.

Commissioner Hamilton made a motion to approve Item 8. Seconded by Commissioner Carson. Motion carried unanimously.

9. Conduct a Public Hearing and consider and act upon a request for a Planned Development for an Office Building on 0.5± acres, for Bryant's First Addition, Block 22, Lots 7-9, located on the northwest corner of South Parvin Street and East Second Street. The property is zoned Single Family-15. (ZONE-23-0028)

Commissioner Blanscet and Reeves questioned parallel parking location and main entrance of the office building.

Mr. Hoover stated that the majority of the parking is on the street with a small portion on East Second Street. The main entrance will also be located on East Second Street.

Chair Daniel opened the public hearing.

Kevin Pittman, the applicant, presented the site plan and discussed the plans for the first and second floors of the building.

Bob Jameson, the contractor, provided general support for the item to preserve a historical building in the Town of Prosper.

Chair Daniel closed the public hearing.

Commissioner Carson made a motion to approve Item 9. Seconded by Vice-Chair Jackson. Motion carried unanimously.

The Commissioners took a 15-minute recess.

5. Conduct a Public Hearing to consider an ordinance amending Chapter 2, Section 13 – Multifamily District; Chapter 4, Section 4.3 – Non-residential and multifamily parking provisions; and Chapter 4, Section 8 – Non-Residential & Multifamily Design and Development of the Town of Prosper Zoning Ordinance to modify Multifamily development standards. (ZONE-23-0024)

Mr. Hoover presented proposed amendments which included setbacks, façade language, height, and density.

The commissioners discussed density requirements, open space percentage requirements, maximum building height requirements and types of housing uses that fall under the category of multifamily.

Mr. Hoover stated that the zoning map does not change with the amendment and that Town Council is in support of the density change. He addressed the building height requirements and noted the Planned Developments allow for changes in the open space or any other changes that the Planning & Zoning Commission or Town Council would want listed within the Planned Developments. Certain multifamily units, such as garden style apartments, would not be allowed because it would not meet the new requirements.

Chair Daniel opened the public hearing.

No comments were made.

Chair Daniel closed the public hearing.

Commissioner Carson made a motion to approve Item 5. Seconded by Commissioner Harris. Motion carried unanimously.

6. Conduct a Public Hearing to consider an ordinance amending Chapter 4, Section 5.2 – Location of Required Screening, of the Town of Prosper Zoning Ordinance to modify the screening requirements for trash and recycling collection areas. (ZONE-23-0025)

The Commissioners asked about the height of the dumpster enclosures, past developments who already have their enclosures built, the irrigation and screening, and the closing of the dumpster enclosure doors.

Mr. Hoover stated that if the enclosures meet the code, then they are good. But if they do not, Town staff is working with Code Compliance staff to address those that need to be brought up to code. Different developments use different size dumpsters. Staff is combining the landscape, façade, and height requirements so all enclosures are similar to the surrounding developments. It is in the contract for the new trash service provider that the doors have to be closed after pick up. The dimensions of the gate heights is the same as the wall are included in the specs of Republic Services.

Chair Daniel asked for clarification about section 5.2e. paragraph 7, which states putting the dumpster/trash recycling between the street and the building unless approved by the Director of Development Services or his/her designee.

Mr. Hoover stated that there are a few items in the ordinance that allow certain Town Staff, such as the Director of Engineering or Parks, to make a determination. These are mostly for isolated occurrences that only need staff approval.

Commissioners discuss how to word the motion and take into consideration the different sizes for height requirements and ability to enforce the closure of the gates.

Chair Daniel opened the public hearing.

No comments were made.

Chair Daniel closed the public hearing.

Commissioner Harris made a motion to approve Item 6, with the following conditions: All dumpster enclosures must be 8 feet tall, have additional landscape screening and irrigation, and gates for dumpster enclosures must be the same height as the walls. Seconded by Commissioner Hamilton. Motion carried unanimously.

7. Conduct a Public Hearing to consider an ordinance amending Chapter 3, Section 1.4, Subpart 38 – Automobile Sales/Leasing, Used, of the Town of Prosper Zoning Ordinance to provide additional criteria for this use. (ZONE-23-0026)

The Commissioners discussed the distinction between a new and used car dealership.

Mr. Hoover commented that he has not seen a ratio but if you sell 5 or more cars, then you are classified as a dealership.

Chair Daniel opened the public hearing.

No comments were made.

Chair Daniel closed the public hearing.

Commissioner Carson made a motion to approve Item 7. Seconded by Commissioner Blanscet Motion carried unanimously.

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

Mr. Hoover presented information regarding Approval of 209 E Fifth St Rezoning and McDonalds SUP, McDonalds Development Agreement and SUP Batch Plant Extension, SUP Lakewood Park Cell Tower, 105 S Coleman St PD, 202 S Parvin St PD, Gates of Prosper Phase 3 Site Plan and Final Plat and the Training Session with the Town Attorney and that additional amendments will be at the November 21st P&Z meeting.

Vice-Chair Jackson requested that Town Council denials be in the Announcements.

11. Adjourn.

The meeting was adjourned at 9:17 p.m.