



Prosper is a place where everyone matters.

PLANNING

To: Mayor and Town Council

From: David Soto, Planning Manager

Through: Ron K. Patterson, Interim Town Manager
Hulon T. Webb, Jr., Interim Executive Director of Development and Infrastructure Services

Re: Zoning MQ Prosper North

Town Council Meeting – October 11, 2022

Agenda Item:

Conduct a public hearing and act upon a request to rezone 13.3± acres from Single Family-15 (SF-15) to Planned Development-Retail (PD-R), generally to allow for an office/retail development, located on the east side of Preston Road, north of St. Peter Lane. (Z21-0003).

Description of Agenda Item:

The zoning and land use of the surrounding properties are as follows:

	Zoning	Current Land Use	Future Land Use Plan
Subject Property	Single Family-15	Undeveloped	Low Density Residential
North	Planned Development-15-Single Family	Town of Prosper Park	Low Density Residential
East	Single Family-15	Single Family Residence & Prosper Lake Subdivision	Low Density Residential
South	Single Family-15	Montclair Subdivision	Low Density Residential
West	Single Family-12.5	Cambridge Park Estates, Phase 1	Medium Density Residential

Requested Zoning – The purpose of this request is to rezone 13.3± acres from Single Family-15 (SF-15) to Planned Development-Retail (PD-R), generally to allow for an office/retail development. The applicant is proposing to introduce a new Planned Development that includes but not limited to permitted uses, development regulations, and design guidelines. Outline below is a few of the development standards, please refer to the Exhibit D for all the regulations.

It's important to note that the applicant has created its own allowable uses and the list of uses are shown below.

List of Uses allowed:

1. Administrative, Medical or Professional Office
2. Antique Shop
3. Artisan's Workshop
4. Bank, Savings and Loan, or Credit Union, Lots 1-6 only
5. Bed and Breakfast Inn
6. Beauty Salon, Barber Shop, Lots 1, 2 and 3 only
7. Building Materials and Hardware Sales, Minor, Lots 1-3 only
8. Business Service, Lots 1 - 4only
9. Child Care Center, Licensed, only one permitted in PD, Lots 3 and 4by SUP only
10. Convenience Store without Gas Pumps, Lots 1-3 by SUP only
11. Day Care Center, Adult, only one permitted in PD, Lots 1, 3 and 4 by SUP only
12. Dry Cleaning, Minor
13. Commercial Amusement, Indoor, Lots 1, 2, 5 and 6
14. Farmer's Market, Lots 1-4
15. Furniture, Home Furnishings and Appliance Store, Lot 3
16. Health/Fitness Center, Lots 1-6
17. Insurance Office, Lots 1-6
18. Message Therapy, Licensed, Lots 1-6
19. Print Shop, Minor, Lots 1-4
20. Restaurant, Lots 1, 2, 5 and 6 only (May include outdoor entertainment in Lots 1, 5 and 6 provided speakers face west away from the single family residential to the east.)
21. Retail Stores and Shops, Lots 1-6
22. Retail Service, Indoor, Lots 1-6 only
23. Retail/Service Incidental Use, Lots 1-6
24. School, Private
25. Theatre, Neighborhood, Lots 2 and 3 by SUP only

Exhibit D

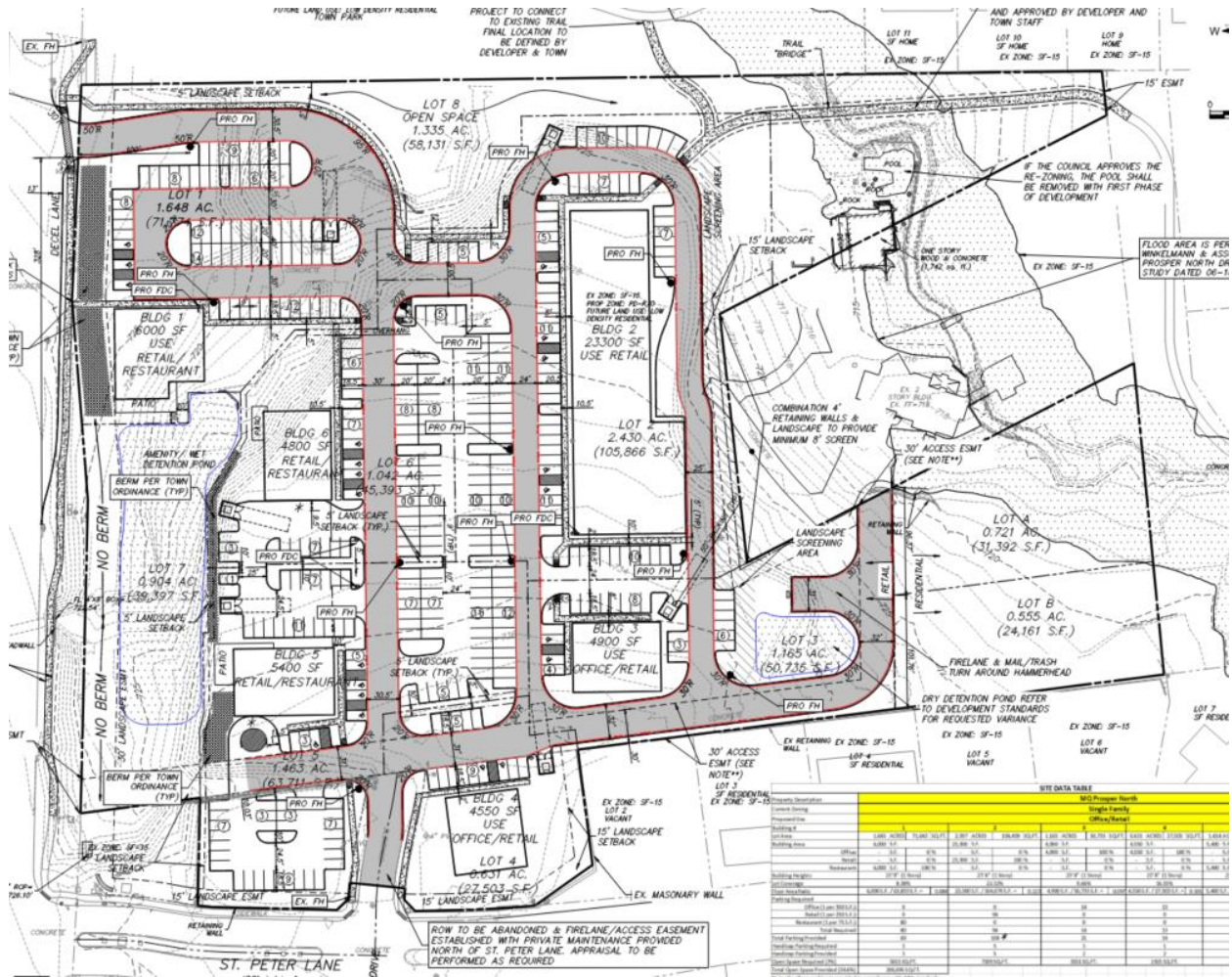


Exhibit D is proposing six (6) buildings that includes office/retail/restaurant totally approximately 48,950. The applicant is also providing two (2) residential lots with a based zoning of SF-22 toward the rear of the property.

Access Easement

A note was added on Exhibit D, regarding the judicial proceeding in Collin County district court, entitled MQ Prosper North, LLC v. Lisa Coulter and Summit Paving, LLC, Cause No. 366-03077-2018. The note regarding the existing 30-foot access easement will be included on any plans (site plans, concept plans, plats) submitted to the Town or any zoning ordinance for the MQ tract, to clarify that no portions of that access easement should be blocked in any way unless authorization to do so has been provided by the court or by the owner, and provided to the Town for verification.

Parking

Parking Requirements. For parking purposes in satisfying off-street parking requirements in Subdistrict A, Lots 1-6 are considered one lot.

The applicant has requested to utilize lots 1-6 to act as one lot to meet the minimum standards. The applicant is required 337 parking spaces based on the uses on lots 1-6 and is providing 384 parking spaces. Although lot 2 does not meet the minimum standards, the overall parking does meet the minimum parking requirements.

ROW Abandonment

Staff has concerns on the abandonment of Emerald Trace. The applicant is proposing to abandon and, in discussions, would compensation (purchase) similar to procedures of TxDOT and some other municipalities. Town's Subdivision Ordinance has procedures for straight abandonment but does not address any additionally methods or steps. Additionally, abandoning the right-of-way decreases ability of right-of-way to eventually be extended to land locked property as originally intended when platted.

Residential Lots

Staff has concerns with residential lots not fronting standard public right-of-way or more specially just on a private access easement will have issues with common day-to-day occurrences such as postal (and on-line) deliveries, garbage pick-up, and guest parking. Applicant has provided some measures to address these issues, but staff feels there may be situations where the accommodations provided would not be sufficient.

Exhibit F-1, F-2 and F-3 shows a conceptual rendering of the architectural look and style of the building.

Below is a comparison table of the request by the applicant regarding masonry

	Retail District	New Planned Development
Building Materials	<ul style="list-style-type: none">• 90%-100 % masonry (which includes clay fired brick, natural and manufactured stone, granite, marble, and stucco)• The use of stucco and EIFS are only permitted as secondary or accent materials (0%-10% maximum allowance).	<ul style="list-style-type: none">• 90%-100% (Which includes Architectural Structural Block, under the trade name "Quik Brick" (a 4" manufactured concrete masonry unit) and cultured stone (manufactured) individually stacked.• Split-faced block, architectural concrete block, and painted/textured concrete tilt wall shall be limited to a maximum of ten percent (0%-10%) of any single elevation on any pad site.

The applicant has agreed to enter into a development agreement regarding the building materials. Below are exhibits of renderings of the building.



Future Land Use Plan – The Future Land Use Plan recommends Low Density Residential for the subject property. The proposed zoning request does not conform to the Comprehensive Plan. The companion item is a Future Land Use Plan Amendment to revise the FLUP to reflect Retail and Neighborhood Services uses.

Thoroughfare Plan – The property has direct access to Preston Road and Emerald Tract Drive.

Parks Master Plan – The Parks Master Plan does not indicate a park is needed on the subject property due to an existing park (Cedar Grove) toward the north. The applicant is proposing a 8' hike and bike trail on the northeast corner (Lot 8). This trail has been planned since 2007 on the Parks Trail Master Plan.

Legal Obligations and Review:

Notification was provided to neighboring property owners as required by the Zoning Ordinance and state law. To date, staff has received 9 Public Hearing Notice Reply Forms/ Letter in response to this request.

Per the zoning ordinance, if a written protest against a proposed amendment, supplement or change to a zoning regulation or boundary has been filed with the Planning Department, duly signed and acknowledged by the owners of 20 percent or more within 200 feet, requires affirmative vote of three quarters of all members of the Town Council. At the time of this report, staff have received more than 20 percent of opposition.

Attachments:

1. Aerial and Zoning Maps
2. Proposed Exhibits
3. Public Hearing Notice Reply Forms and Letters
4. Protest Map

Planning & Zoning Recommendation:

At their September 20, 2022, meeting, the Planning & Zoning Commission recommended the Town Council denied the request, by a vote of 3-2.

Town Staff Recommendation:

Town staff still has concerns with the request due to the commercial uses proximity of the residence and staff would recommend less intense uses such as office and increased landscape buffers between the existing residence and proposed buildings. Staff recommends denial of the zoning request. Should the applicant revise the request addressing the concerns, staff would be willing to revise the recommendation upon further review.

Proposed Motion:

I move to approve/deny a request to rezone 13.3± acres from Single Family-15 (SF-15) to Planned Development-Retail (PD-R), generally to allow for an office/retail development, located on the east side of Preston Road, north of St. Peter Lane. (Z21-0003).