



## PLANNING

**To:** Mayor and Town Council

**From:** David Soto, Planning Manager

**Through:** Mario Canizares, Town Manager  
Chuck Ewings, Executive Director of Development and Infrastructure Services

**Re:** Zoning MQ Prosper North  
Town Council Meeting – April 25, 2023

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**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). This is a companion case to CA21-0001.

**History:**

The zoning request has been tabled since its October 11<sup>th</sup> meeting. Since then, the applicant has met with the adjacent neighbors and has submitted a revised conceptual plan and development standards.

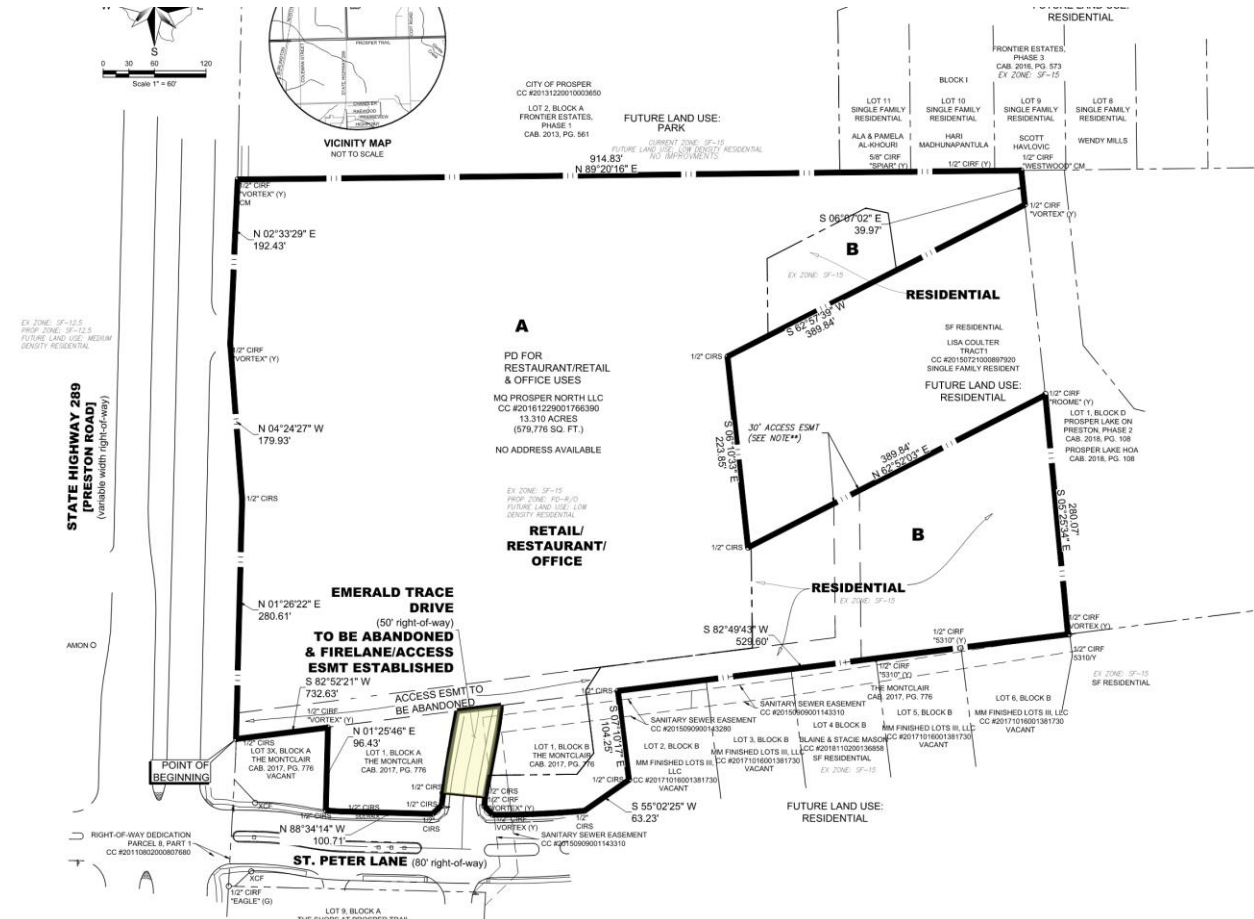
**Description of Agenda Item:**

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

	<b>Zoning</b>	<b>Current Land Use</b>	<b>Future Land Use Plan</b>
<b>Subject Property</b>	Single Family-15	Undeveloped	Low Density Residential
<b>North</b>	Planned Development-15-Single Family	Town of Prosper Park	Low Density Residential
<b>East</b>	Single Family-15	Single Family Residence & Prosper Lake Subdivision	Low Density Residential
<b>South</b>	Single Family-15	Montclair Subdivision	Low Density Residential
<b>West</b>	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.

Due to its unique configuration, the applicant has created two tracts of land. Tract A (Retail/Restaurant/office) and Tract B (Residential).



For Tract B: Uses allowed in the SF-15 District, Section 5.3 of the Zoning Ordinance, Town of Prosper. However, these lots will be incorporated into the existing residential tract. No new lots will be created.

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

**List of Permitted Uses:**

1. Administrative, Medical or Professional Office
2. Alcoholic Beverage Sales, Lots 1 and 5 only
3. Antique Shop
4. Artisan's Workshop
5. Bank, Savings and Loan, or Credit Union, Lots 1-7 only
6. Beauty Salon, Barber Shop, Lots 1-5 only
7. Business Service, Lots 1 – 5 only



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 1-7 are considered one lot.

The applicant has requested to utilize lots 1-7 to act as one lot to meet the minimum standards. The applicant is required 343 parking spaces based on the uses on lots 1-7 and is providing 380 parking spaces. Although lots 3 and 6 does not meet the minimum standards, the overall parking does meet the minimum parking requirements.

## **Landscaping**

The applicant has proposed its own standards to mitigate the proposed development.

## **Architecture**

Exhibit F-1, F-2 and F-3 shows a conceptual rendering of the architectural look and style of the building. The applicant will enter a development agreement regarding the building materials.

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"><li>• 90%-100 % masonry (which includes clay fired brick, natural and manufactured stone, granite, marble, and stucco)</li><li>• The use of stucco and EIFS are only permitted as secondary or accent materials (0%-10% maximum allowance).</li></ul>	<ul style="list-style-type: none"><li>• 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.</li><li>• 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.</li></ul>

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 10.9% in 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 understands that the zoning request currently does not align with the Comprehensive Plan request, however the Comprehensive Plan allows flexibility due to market demands and criteria for amendments. Staff recommends approval of the zoning request.

There are two options for a recommendation, subject to the action taken on the companion case for the amendment to the Future Land Use Plan (CA21-0001).

1. If the Town Council recommends approval of the amendment to the Future Land Use Plan, the Town Council would then consider approval of the rezoning request.
2. If the Town Council recommends denial of the amendment to the Future Land Use Plan, the Town Council would then consider denial of the rezoning request.

**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).