



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 Comprehensive Land Use Amendment

Town Council Meeting – April 25, 2023

Agenda Item:

Conduct a public hearing and act upon a request to amend the Future Land Use Plan from Residential Low Density to Retail and Neighborhood Services, generally located, located on the east side of Preston Road, north of St. Peter Lane. This is a companion case to Z21-0003. (CA21-0001).

Description of Agenda Item:

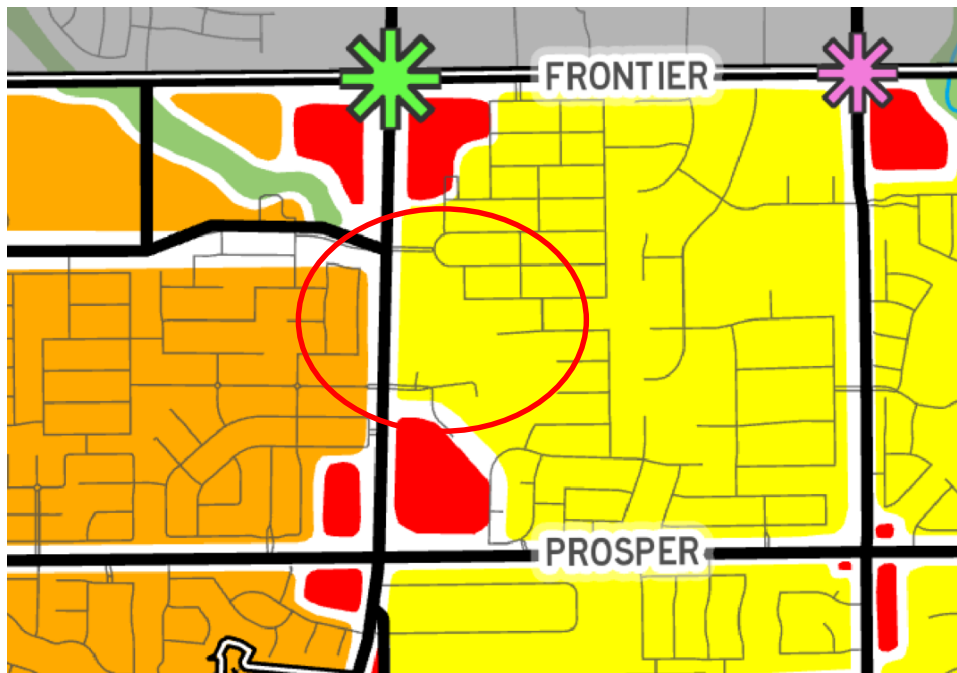
Town staff has received a request to rezone 13.3± acres from Single Family-15 (SF-15) to Planned Development-Retail (PD-R), generally to allow for an office/retail development. The applicant is proposing to introduce a new Planned Development that includes but not limited to permitted uses, development regulations, and design guidelines, located on the east side of Preston Road, north of St. Peter Lane. Zoning Case Z21-0003. The applicant is also providing 2 residential lots with a based zoning of SF-22 toward the rear of the property.

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. The Comprehensive Plan document anticipates the Town will encounter “development proposals that do not directly reflect the purpose and intent of the land use pattern as shown on the Future Land Use Plan map.”

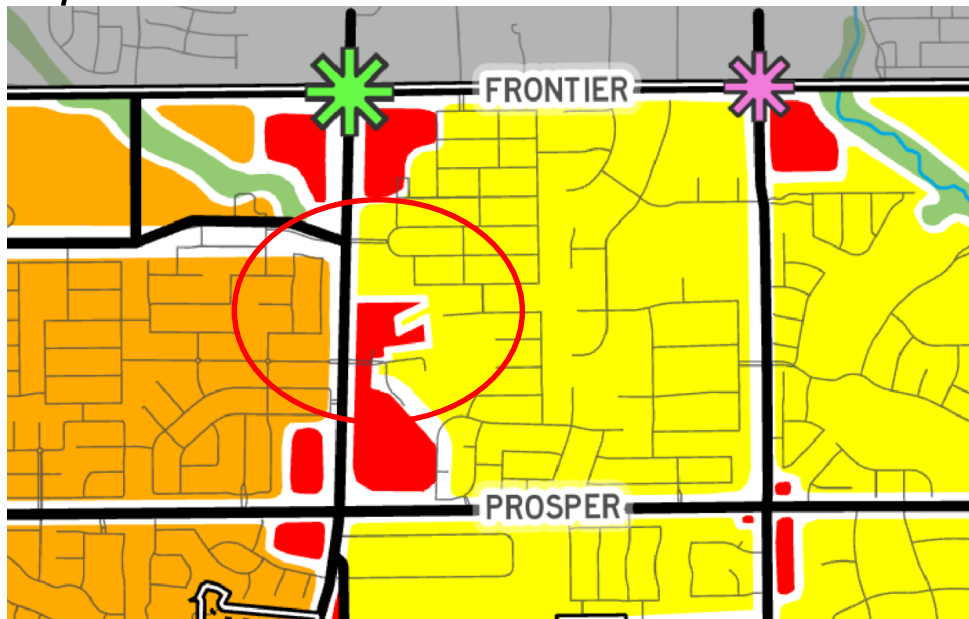
Land use districts designated on the Future Land Use Plan are intended to depict general areas where land uses are considered appropriate for an area, and such districts are not intended to be parcel specific. If the Planning & Zoning Commission and Town Council believe the property located on the east side of Preston Road, north of St. Peter Lane is more appropriately classified as Retail and Neighborhood Services on the Future Land Use Plan, then it would be appropriate to reclassify the property.

See below for proposed plan amendment. Images of the existing and proposed amendment are shown below.















Existing



Proposed



Legend

 Low Density Residential	 Old Town District	 Major Gateway
 Medium Density Residential	 Town Center	 Minor Gateway
 High Density Residential	 Tollway District	 Town of Prosper
 Retail & Neighborhood Services	 US 380 District	 ETJ
 Business Park	 100 Year Floodplain	

At the time of the 2012, the expected build out capacity population was approximately 60,485 population excluding Artesia. As mentioned below with that capacity, 757.9 acres would be the maximum supported. The latest 2022 expected buildout capacity population is approximately 71,000. Approximately 300 acres was added since the 2012 comprehensive plan, however, 11,000 residences were also added to the expected build out capacity.

2012 Retail

Retail Assumptions	Comp. Plan Total Acres	Retail Acres per Category
Neighborhood Services*	331	231.7
Town Center**	575	258.8
Tollway District***	1,426	142.6
US 380****	1,248	124.8
Total	3,580	757.9
* Assumed 70% retail component		
** Assumed 45% retail component		
*** Assumed 10% retail component		
**** Assumed 10 % retail component		

2023 Retail

Retail Assumptions	Comp. Plan Total Acres	Retail Acres per Category
Neighborhood Services *	938	656.6
Town Center **	340	153
Tollway District ***	1236	123.6
US 380 ****	949	94.9
Total	3463	1028.1
* Assumed 70% retail component		
** Assumed 45% retail component		
*** Assumed 10% retail component		
**** Assumed 10% retail component		

Comprehensive Factors

Per the comprehensive plan, additional neighborhood services retail zoning should be avoided. Nodal retail activity should be concentrated at primary intersections, and the “four corner” principle

should be avoided to reduce the possibility of an oversupply of retail acreage. Strip center development along major roadways should also be avoided, as the plan recommends.

The consequences of an oversupply of retail may include:

- Vacant, underutilized land;
- Lower rental rates leading to undesirable uses;
- Pressures for additional multifamily to fill vacant parcels; and
- Blighted corridors.

The Plan states, “it should be incumbent upon the applicant making such a proposal to provide evidence that the proposal meets the aforementioned considerations, supports community goals and objectives as set forth within this Plan, and represents long term economic and/or social benefits for the community as a whole, not just a short-term financial gain for whoever is developing the project.”

The applicant provided the attached letter (attachment 3), in response.

The document recommends that “development proposals that are inconsistent with the Future Land Use Plan map (or that do not meet its general intent)” should be reviewed based on the following questions and should be reviewed on their own merit. Please see the response to each criteria listed below.

- **Will the proposed change enhance the site and the surrounding area?**
 - The proposed use will enhance the surrounding area by providing additional neighborhood services for established residential neighborhoods. The developer has interested restaurants in demand of this location and unique natural features of the property.
- **Is the proposed change a better use than that originally envisioned and depicted on the Future Land Use Plan map?**
 - The proposed change in use is optimal to single family residential given the aforementioned physical and financial challenges. Neighborhood services will support existing and prospective residential neighborhoods while avoiding a sub-optimal single family development on the subject property that could negatively impact prevailing residential property values.
- **Will the proposed use impact adjacent residential areas in a negative manner?**
 - The limited single family development of Lots A and B with large lots will allow for high priced residences that preserve or enhance the prevailing housing stock of Prosper. The proposal will not impact residential areas in a negative way. Negative impacts will be avoided by the implementation of careful site planning, use restrictions, and development parameters.
- **Will the proposed use be compatible with and/or enhance adjacent residential uses?**
 - The proposal for a Planned Development will set forth appropriate safeguards to ensure compatibility with adjacent residential uses. Measures and parameters such as use limitation, building height and setbacks, and landscaping and buffering will allow a harmonious juxtaposition of uses while providing conveniently located neighborhood services. Moreover, the planned north-to-south solid vegetative hedge and the natural tree line along the eastern perimeter will remain and act as a buffer for the residences to the east.
- **Are uses adjacent to the proposed use similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility?**
 - Adjacent uses are residential and a planned city park to the north. The proposed

architectural building scale of one-story, and residential design aligns with the general look and feel of the adjacent residential housing stock. Prospective businesses will have reasonable operating hours. Any restaurants would be located on lots closer to Preston Road, more than 400 feet from residential properties outside of the PD. Operations will be managed so as to not cause any detrimental impacts to residential properties. Measures will be taken to avoid noise nuisance and light pollution spilling into adjacent residential neighborhoods.

- **Does the proposed use present a significant benefit to the public health, safety, welfare and/or social well-being of the community?**
 - The proposed use presents significant benefit to the public health safety, welfare and/or social well-being of the community by encouraging destination sit down restaurants fronting a beautiful amenity pond near a city park. Additional neighborhood services will provide convenient goods and services for the community.
- **Would it contribute to the Town's long-term economic stability?**
 - See attachment #3

The Plan also recommends that “it is important to recognize that proposals not directly consistent with the Plan could reflect higher and better long-term uses than those originally envisioned and shown on the Future Land Use Plan map for a particular area. This may be due to changing markets, demographics and/or economic trends that occur at some point in the future after the Plan is adopted. If such changes occur, and especially if there are demonstrated significant social and/or economic benefits to the Town of Prosper, then these proposals should be approved and the Future Land Use Plan map should be amended accordingly.”

Legal Obligations and Review:

The Town Council is required to hold a Public Hearing prior to acting on an amendment to the Future Land Use Plan.

Attachments:

1. Existing Future Land Use Plan
2. Proposed Future Land Use Plan
3. Request Letter

Planning & Zoning Recommendation:

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

Town Staff Recommendation:

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 should recommend approval of the rezoning request.
2. If the Town Council recommends denial of the amendment to the Future Land Use Plan, the Town Council should recommend denial of the rezoning request.