



PLANNING

To: Mayor and Town Council

From: David Hoover, AICP, Director of Development Services

**Through: Mario Canizares, Town Manager
Chuck Ewings, Assistant Town Manager**

Re: Multifamily Zoning Ordinance Amendments

Town Council Meeting – August 27, 2024

Strategic Visioning Priority: 4. Provide Excellent Municipal Services

Agenda Item:

Conduct a Public Hearing to consider and act upon an ordinance amending Article 2, Division 13 – Multifamily District; Article 4, Division 4, Section 4.4.3 – Non-Residential and Multifamily Parking Provisions; and Article 4, Division 8 - Non-Residential & Multifamily Design and Development of the Town of Prosper Zoning Ordinance to modify Multifamily development standards. (ZONE-24-0019)

Background:

On November 7, 2023, the Planning & Zoning Commission held a public hearing to discuss modifications to multifamily standards (Case No. ZONE-23-0024). The Commission voted unanimously to recommend approval of the proposal.

Town Council considered the item on November 14, 2023, and tabled the case to December 12, 2023. At this December meeting, the Council again tabled the item to January 9, 2024. It was then that the item was tabled indefinitely. At a subsequent workshop, the Council requested that a revised version of the ordinance be brought forward for consideration.

The primary modifications to the proposed ordinance were:

1. Removal of a specific density requirement; and
2. The addition of a statement that for any Planned Development District approved by the Town prior to the adoption of this Ordinance, and for which there is no number of multifamily units stated therein, then the permitted number of multifamily units is the number of multifamily units authorized by the Town's Zoning Ordinance on the date of adoption of said Planned Development District.

On August 20, 2024, the Planning & Zoning Commission voted unanimously to recommend approval of the ordinance with a modification of Article 2, Division 13, Section 2.13.2(H) to allow cladding the garage to match the façade of the attached multifamily when the garage is not fully

wrapped by residential units and a similar modification to the language in Article 4, Division 4, Section 4.4.3(U).

The proposed ordinance had stated that, "Multifamily structures shall have a wrap-around configuration that consists of central garage surrounded by the residential units on the exterior of the building." However, in some cases not all sides of the building may be wrapped by residential units. Additionally, taller buildings may be constructed in a podium style where all of the residential units are above the garage. In these instances, it would be appropriate to have cladding on the exterior of the garage that will give it the appearance of the attached residential units. The red-line and final ordinance has been updated accordingly, as follows:

Article 2, Division 13, Section 2.13.2(H)

Original: Building Configuration: Multifamily structures shall have a wrap-around configuration that consists of central garage surrounded by the residential units on the exterior of the building.

Updated: Building Configuration: Multifamily structures shall have a wrap-around configuration that consists of central garage surrounded by the residential units on the exterior of the building. In cases where the residential units do not fully wrap the exterior or are constructed above the garage, the garage shall be cladded to match the appearance of the residential structure.

Article 4, Division 4, Section 4.4.3(U)

Original: Multifamily parking shall be in a structured garage that is wrapped by the residential units, as described in Chapter 2, Section 13.2.H. Any surface parking associated with a Multifamily development for leasing area, guest parking, retail uses, etc. is only allowed between the building and a public street when located at or beyond the required landscape setback and screened with a headlight screen of earthen berms and/or a row of shrubs.

Updated: Multifamily parking shall be in a structured garage that is wrapped by the residential units or cladded to match the exterior of the attached residential units, as described in Article 2, Division 13, Section 13.2.H. Any surface parking associated with a Multifamily development for leasing area, guest parking, retail uses, etc. is only allowed between the building and a public street when located at or beyond the required landscape setback and screened with a headlight screen of earthen berms and/or a row of shrubs.

Description of Agenda Item:

The regulations for Multifamily development are addressed within the Town's Zoning Ordinance. The purpose of this amendment is to modify the regulations and standards for Multifamily development to align with the Comprehensive Plans' guiding principle of Quality Development, which is to maintain the community's small-town feel by ensuring quality development occurs in a cohesive manner, compatible with neighboring developments.

A summary of the modifications is as follows:

1. Limits Multifamily developments to the areas designated for this use in the Comprehensive Plan and as identified on the Future Land Use Plan.
2. Requires that Multifamily development can only be approved within a Planned Development.

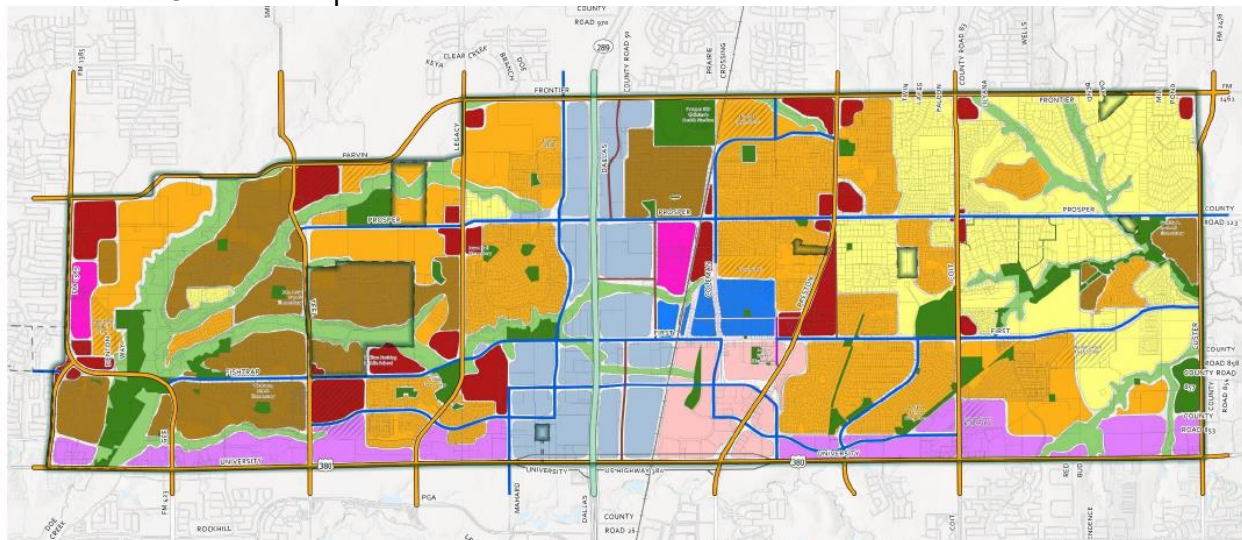
3. Removes a density requirement, as this can be determined on a case-by-case basis.
4. Removes setbacks and lot area requirements, as these can be determined on a case-by-case basis.
5. Requires compliance with the Dallas North Tollway Design Guidelines.
6. Increases the maximum height allowance from three stories and 50 feet to eight stories and 110 feet.
7. Establishes a building configuration for Multifamily structures, requiring a wrap-around configuration with a central garage surrounded by the residential units.
8. Creates a mixed-use opportunity by allowing the first floor of the building to be used for residential or retail uses. A minimum fourteen feet ceiling height for the first floor will accommodate retail uses.
9. Limits the height of the interior garage so that it will not exceed the height of the exterior building, and all associated appurtenances, such as an elevator shaft or mechanical equipment, shall be completely screened.
10. Modifies parking stall dimensions for structured parking garages from 18 feet by 8.5 feet to 20 feet by 9 feet.
11. Modifies Multifamily parking standards to reflect the updated parking garage requirement from individual unit parking garages.
12. Removes Multifamily design and development standards. These criteria will be addressed in Planned Development standards.

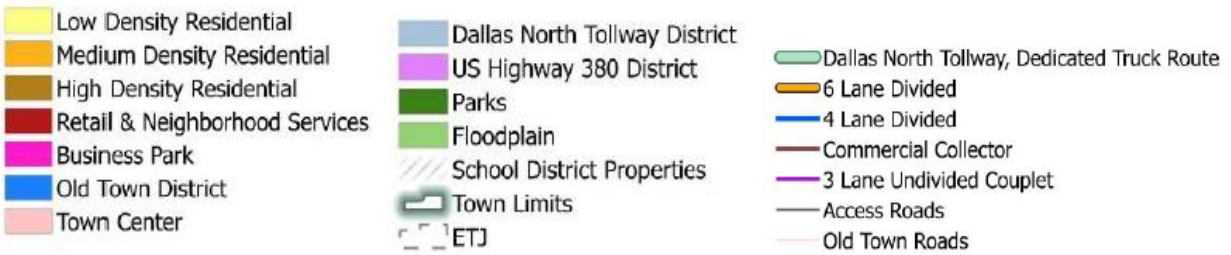
Comprehensive Plan:

The Comprehensive Plan identifies Multifamily in the following Districts, which are identified on the Future Land Use Plan:

- High Density Residential - Apartments are to be a conditional primary use.
- Dallas North Tollway District - Apartments are to be a conditional primary use.
- Town Center District - Apartments are to be secondary in nature to a primary use.
- Old Town District - Apartments are to be a conditional primary use.

Future Land Use Plan Map:





In the Town Center District and Old Town District, there is zoning for Multifamily and construction underway on apartments developments. High Density Residential is recommended for development of higher density single family, townhomes, duplexes and senior housing, in addition to apartments. The Dallas North Tollway District is identified for apartments as a primary use with conditional standards. As such, Staff recommends that all future Multifamily zoning be limited to the areas designated in the Comprehensive Plan, as identified on the Future Land Use Plan, and within Planned Developments. This recommendation is in conformance with the following goals from the Comprehensive Plan.

Goal 1. Provide a variety of desirable land uses that diversify the tax base and enable all types of people to live, work, shop, eat, and relax in Prosper.

Objective 1.11: Utilize the Dallas North Tollway (DNT) District to accommodate all new multi-family developments in a mixed-use setting with structured garage parking.

Goal 3. Protect the quality and integrity of Prosper’s neighborhoods.

Objective 3.1: Encourage the development of quality housing throughout Prosper that meets the needs of a diversity of housing needs, taking into consideration, among other things, data relating to age and income, for the full life-cycle of citizens to include, but not limited to:

- Promote housing types and affordability for families with children, single parents with children, young adults just leaving home, young professionals, empty-nesters, retirees, and the elderly.
- Promote an adequate supply of workforce housing throughout Prosper for those who work in the service industry in Prosper.
- Promote neighborhood desirability, value, and reinvestment.

The following section is from the Comprehensive Plan and describes the Dallas North Tollway District. Staff responses are included to indicate how the proposed amendments to the Zoning Ordinance fulfill the directives and vision for this District.

Dallas North Tollway District

The Dallas North Tollway District will consist of the most intense land uses within Prosper. A diverse mixture of office, retail, and residential will likely develop along the corridor. Mid-rise office (up to 12 stories) may be permitted throughout the corridor. Office buildings should be designed for a “campus feel”—they should be oriented towards common public space with significant landscaping and should be linked by a pedestrian network. A common architectural theme should also be established for a consistent visual appearance. Mixed-use development should be encouraged and should contain a mixture of office, retail and residential uses. Mixed-use lofts/apartments would be the most appropriate residential use within this District. Structured parking should be encouraged in more intense areas to limit the presence and visibility of large parking lots. Structured parking should be oriented to minimize visibility from the Tollway. The

Town may explore an overlay zoning district to better accommodate the preferred development outcomes in the Dallas North Tollway District.

Multi-family development must be well-planned and accounted for within Town limits. With more multi-family development requests, locations and standards for such development must be carefully considered to meet the Town's expectations.

Proposed Amendments:

- Limit Multifamily developments to the areas designated in the Comprehensive Plan, as identified on the Future Land Use Plan.
- Multifamily development can only be approved within a Planned Development.

While North Texas multi-family development has historically been associated with sprawling, garden-style apartments from the 20th century, multi-family developments have greatly improved since the start of the 21st century. For instance, many multi-family developers are not constructing garden-style apartment complexes, but modern, higher density, multi-family developments that are attractive to young professionals and empty nesters.

Proposed Amendments:

- Multifamily structures will have a wrap-around configuration with a central garage surrounded by the residential units.
- The height of the garage shall not exceed the height of the exterior building and all associated appurtenances, such as an elevator shaft or mechanical equipment, shall be completely screened.
- Modification of parking stall dimensions for structured parking garages from 18 feet by 8.5 feet to 20 feet by 9 feet.
- Modification of Multifamily parking standards to reflect the updated parking garage requirement from individual unit parking garages.

These developments are typically of a high-quality appearance and provide luxury amenities like dog parks and pet cleaning stations, saltwater pools, structured or covered parking, saunas, and innovative clubhouses.

Proposed Amendments:

- Multifamily development can only be approved within a Planned Development, and amenity standards can be determined with the zoning criteria for the development.
- Compliance with the Dallas North Tollway Design Guidelines.

Additionally, some multi-family developments incorporate other uses on the ground floor like office spaces, retail shops, and restaurants to create a vibrant, inclusive, and cohesive development.

Proposed Amendment:

- The first floor of the building may be used for residential or retail uses. A minimum fourteen-foot ceiling height for the first floor will accommodate retail uses.

In Prosper's instance, multi-family development should occur at strategic locations and have strict development standards and offer a high level of amenities to residents. This will create attractive multi-family developments that serve a critical housing need for a rapidly growing community like Prosper.

Any new multi-family development product should:

- 1) *Meet the Town's vision of providing housing excellence,*

- 2) *Provide quality-of-life amenities to foster the development and the Town as a desirable and unique community,*
- 3) *Be compatible with neighboring developments,*
- 4) *Be at a high density (more than 40 dwelling units per acre), and*
- 5) *Be located in the DNT District.*

The community prefers to see modern apartments with some retail services located in the DNT District. The Town should consider increasing density requirements to at least a minimum of 40 dwelling units per acre to achieve such an apartment style.

Proposed Amendments:

- Density will be determined in the Planned Development standards.
- Removes setbacks and lot area requirements, as these can be determined on a case-by-case basis within the Planned Development standards.
- Increases the maximum height allowance from three stories and 50 feet to eight stories and 110 feet.

Amenities, structured parking, range of unit densities, types, and size, integration into the street and trails network, public art and industry leading building designs and materials should guide the Town's preferences for multi-family development.

Proposed Amendment:

- Removes Multifamily design and development standards. These criteria will be addressed in Planned Development standards.

In Prosper's instance, multi-family may be preferable near intersections in the Dallas North Tollway District. Additionally, multi-family development may be suitable in other locations behind commercial nodes where a transition from commercial to single-family residential development may be necessary.

Proposed Amendments:

- Limit Multifamily developments to areas designated in the Comprehensive Plan, as identified on the Future Land Use Plan.
- Multifamily development can only be approved within a Planned Development.

Staff finds that the proposed amendments uphold the Town's Comprehensive Plan.

Legal Obligations and Review:

Notification was provided as required by the Zoning Ordinance and State law. Staff has not received any response to the proposed zoning text amendment to date.

Terrence Welch of Brown & Hofmeister, L.L.P., has approved the attached document as to form and legality.

Attached Documents:

1. Redlined Ordinance
2. Ordinance

Town Staff Recommendation:

Town Staff recommends approval of the amendments to the Multifamily development standards within the Town of Prosper Zoning Ordinance.

Planning & Zoning Commission Recommendation:

On August 20, 2024, the Planning & Zoning Commission voted unanimously, by a vote of 6-0, to recommend approval of this item with a modification of Article 2, Division 13, Section 2.13.2(H) to allow cladding the garage to match the façade of the attached multifamily when the garage is not fully wrapped by residential units and a similar modification to the language in Article 4, Division 4, Section 4.4.3(U).

Proposed Motion:

I move to approve/deny an ordinance amending Article 2, Division 13 – Multifamily District; Article 4, Division 4, Section 4.4.3 – Non-Residential and Multifamily Parking Provisions; and Article 4, Division 8 - Non-Residential & Multifamily Design and Development of the Town of Prosper Zoning Ordinance to modify Multifamily development standards.