



EXHIBIT B – STATEMENT OF INTENT AND PURPOSE

March 18, 2022

Planning Dept. Town of Prosper 250 W. First Street Prosper, Texas 75078

Re: Zoning Request – DSF Capital (Metten Tract)

Letter of Intent

To whom it may concern,

Please let this letter serve as the Letter of Intent for the PD Zoning amendment associated with the proposed development located at the SE corner of Frontier Parkway and Dallas Parkway. The subject tract is currently zoned PD-69-Retail. The purpose of the planned development amendment is to request a specific use permit for a proposed retail development and modification to a few landscape requirements associated with the project. It is intended to utilize the Town's base standards and incorporate some additional uses and criteria which will better position the proposed development due to proximity to the future Tollway.

Should you have any questions, please feel free to contact me.

Sincerely, Matt Moore, P.E.

Claymoore Engineering, Inc. 301 S. Coleman, Suite 40

Prosper, TX 75078

817-281-0572



Case Z22-0007

Exhibit C - Planned Development Standards

The proposed development will conform to the development standards of the Retail District of the Town of Prosper's Zoning Ordinance, as it exists or may be amended, and Subdivision Ordinance, as it exists or may be amended, except as otherwise set forth in these Development Standards.

1. Except as noted below, the Tract shall develop in accordance with the Retail District requirements of the Town of Prosper's Zoning Ordinance, as it exists or may be amended.

2. Development Plans

- a) Concept Plan: Tract 1 shall be developed in general accordance with the attached concept plan, set forth in Exhibits D.
- b) Landscape Plan: Tract 1 shall be developed in general accordance with the attached landscape plan, set forth in Exhibit F.

Tract 1 & Tract 2 Retail

- A. General Description: The areas identified as Retail will provide the ability to encourage and to accommodate the development of office and retail service centers within growth corridors located along the North Dallas Tollway extension. The property within these areas shall develop under the standards for the Retail District as contained within the Town of Prosper Zoning Ordinance, as it exists or may be amended, subject to the specific provisions contained herein below.
- B.A. Permitted Uses: In addition to those permitted uses as allowed per the Retail District of the Town of Prosper Zoning Ordinance, the following use shall be permitted in the retail areas indicated on Exhibit "D". Uses followed by an S are only permitted by Specific Use Permit. Uses followed by a C are permitted subject to the conditional standards in the Town's Zoning Ordinance:

Tract 1

- a) Big Box on Lot 5 as shown on Exhibit D.
- b) Restaurant with drive-through to be incorporated with the big box on Lot 5 as shown on Exhibit D.
- c) Convenience Store with Gas Pumps and or Gas Pumps In addition to conditional standards, shall only be allowed on Lot 5 as shown on Exhibit D.
- d) Car Wash (Accessory Use to Convenience Store with Gas Pumps and or Gas Pumps) on Lot 5 as shown on Exhibit D.
- e) Outdoor Merchandise Display, Incidental on Lot 5 as shown on Exhibit D.

Tract 2

- a. Hotels C
- b. Theater, Regional
- c. Research & Development Center S
- d. Automobile Repair, Minor —In addition to conditional standards, shall not be located within 230 feet of residentially zoned property
- e. Automobile Parts Sales Shall not be located within 230 feet of residentially zoned property
- f. Restaurant In addition to conditional standards, shall not be located

- within 230 feet of residentially zoned property.
- g. Retail Shops and Stores In addition to conditional standards, shall not be located within 230 feet of residentially zoned property.
- h. Convenience Store with Gas Pumps Shall be prohibited within Tract 2.

 Tract 1 shall be governed by the Conditional Standards of the Zoning
 Ordinance as they exist or may be amended.
- C Max. FAR: Max. FAR for buildings taller than two (2) stories shall be 1.5:1. Max. FAR for all other buildings shall be 0.4:1.
- D. <u>Building Heights:</u> The permitted height of all buildings within the retail areas of the Planned Development District shall be as follows:
 - a. The allowed height for Hotels, Office buildings, and Hospitals located within the retail tract shall be eight (8) stories, not greater than one hundred (100) feet. All other uses shall be limited to two (2) stories, not greater than forty (40) feet.
 - b. Non-residential buildings located within one hundred fifty feet (150') of a single- family zoned area shall be limited to a maximum height of two (2) stories.
 - c. Non-residential buildings, which exceed two (2) stories in height, shall be required to have additional setbacks from single-family zoned areas. These additional setbacks will require one foot (1') of setback, beyond the aforementioned one hundred fifty feet (150'), for each additional foot of building height above two (2) stories.
 - d. Only one-story structures are allowed within 84 feet of the south property line of Tract 2.
- E. <u>Lot Area:</u> The minimum area of any lot shall be then thousand (10,000) square feet.
- F. Lot Width: The minimum width of any lot shall be one hundred feet (100').
- G Lot Depth: The minimum depth of any lot shall be one hundred (100').
- H. <u>Lot Coverage:</u> In no case shall more than sixty percent (60%) of the total lot area be covered by the combined area of the main buildings exceeding 2-stories. Parking structures and surface parking facilities shall be excluded from the coverage computations. Lot coverage is limited to forty percent (40%) excluding parking and parking structures for all structures 2-stories and less.
- I. All required detention areas shall be developed as an amenity with upgrades such as landscaping, trees, trails, benches, etc., and constructed as a wet detention pond (constant water level) with a fountain and/ or bubblers. The wet pond requirement may be waived if in conflict with TCEQ regulations, other applicable City/Town downstream water rights and/ or other applicable regulatory requirements. Underground detention may be utilized within nonresidential components of the Planned Development.

J. <u>Landscaping:</u>

- 25' of the required 30' Landscape Buffer to be allowed within the 100'
 Drainage Easement Along Frontier Parkway. Landscaping Proposed will comply with the Town of Prosper's Zoning Ordinance.
- b. Required Foundation Plantings trees to be placed elsewhere on the site on Lot 5 as shown on Exhibit D.
- c. No Trees to be located within 150' of the front doors of the proposed big

- box building on Lot 5. The required trees within 150' of the front door to be place somewhere else on the site.
- d. The required trees may be planted in groups with appropriate spacing for species both Tract 1 & 2.
- Earthen berms are not required along Frontier Parkway for both Tract 1
 & 2.
- a.f. In Tract 2, a 30-foot landscape buffer shall be provided adjacent to residentially zoned property.
- b.g. In Tract 2. Perimeter landscaping adjacent to residentially zoned property shall consist of a double row of Nellie R Stevens Holly or Eastern Red Cedar trees, or similar as approved by the Parks Department, planted on 15-foot- centers, minimum of eight feet (8') in height at the time of planting, in addition to canopy tees as require by the Zoning Ordinance.
 - i. The landscape buffer and associated planting shall be provided in conjunction with the first development that occurs within Tract 2.

K. <u>Screening:</u>

- a. Dumpster enclosures shall not be permitted within 100 feet of a residentially zoned property for retail/restaurant uses.
- b. An eight-foot (8') ornamental metal fence shall be required along the east property line for a minimum distance of 200 feet and commencing at the southeast corner of the subject property.
 - i. The ornamental metal fence shall be provided in conjunction with the first development that occurs within Tract 2.
- c. In Tract 1 Loading docks, truck parking, trash collection, dumpsters, and other service functions shall be incorporated into the overall design of the building or placed behind or on the side of a building and screened to not be seen from the rights-of-way. On corner lots, these areas shall be located behind the buildings.
- e.d. In Tract 1 Roofs shall be designed and constructed in such a way that they acknowledge their visibility from other buildings and from the street.

 Rooftop mechanical equipment shall be adequately screened with durable material that is architecturally compatible with the building design. Screening shall insure mechanical equipment cannot be seen from the public right of way

_. Access:

 a. Cross-access from Tract 2 shall not be required to the southern adjacent property.

Additional Regulations:

1. Restaurant, Drive-Thru Service

Where site conditions permit, drive-thru queuing lanes shall be designed so that the queuing wraps behind the building instead of in front of the building. If the queue lane wraps in the front of the building, the site shall provide for an ample amount of landscaping that will provide a buffer from the public rights-of-way.

In additional to the condition standards, there shall be a maximum of two drivethru restaurants permitted for every 5 acres on a PD development plan. Drive throughs associated with an anchor tenant (50,000 gross square feet or larger) are excluded provided the drive through is supporting an accessory use such as pharmacy, or restaurant.

- 2. Big Box with Gas Pumps
 - a. The design of pump islands and canopy should be architecturally integrated with other structures on-site using similar colors, materials, and architectural detailing. All signage should be architecturally integrated with their surroundings in terms of size, shape and lighting so that they do not visually compete with architecture of the building and design of the sight.
- 3. Include Public Art in Gateway Areas to promote vitality and provide a unique sense of identity.

Art can be an expression of a collective community identity. It can celebrate what is unique about a community and honor the past and present heritage.

Art can include references to the Town's geography, history, landmarks, ethnic and cultural diversity which can increase a sense of belonging when people can associate themselves with a place.

- a. Art should be integrated into the community fabric of the Tollway and should be used to mark significant intersections of the Tollway.
- b. Developers should incorporate artist into the design team from the inception of planning to integrate works of art into their projects.
- c. Stand-alone public art can also be used and does not necessarily have to be tied to a project. Local artists should be used whenever possible.
- d. Art may be incorporated into existing structures such as retaining walls or integrated into utility systems to enhance or screen the use of those systems.
- 4. Site Plan and Elevations for Lot 5 set forth in Exhibit D shall be submitted and approved by the Planning & Zoning Commission and City Council.

Exhibit D

Conceptual Development Plan

Conceptual Development Plan: Prior to application for a Preliminary Site Plan or a Preliminary Plat, a Conceptual Development Plan shall be submitted, receive a recommendation from the Planning & Zoning Commission and be approved by the Town Council. This Conceptual Development Plan shall only be required for the general area within which development is to occur. This general area shall be bounded by thoroughfares, ownership lines, creek ways or other physical barriers that define a geographic boundary that separates the area of interest from other parcels.

Site Plans and and/or Plats submitted for the development within the PD District shall conform to the data presented and approved on the Conceptual Development Plan. Changes of detail on these final development plan(s) that differ from the Conceptual Development Plan may be authorized by the Planning & Zoning Commission, with their approval of the final development plan(s) and without public hearing, if the proposed changes do not:

- 1) alter the basic relationship of the proposed development to adjacent property,
- 2) alter the uses permitted,
- 3) increase the density,
- 4) increase the building height,
- 5) increase the coverage of the site,
- 6) reduce the off-street parking ratio,
- 7) reduce the building lines provided at the boundary of the site, or
- 8) significantly alter any open space plans

If the Planning & Zoning Commission determines that the proposed change(s) violates one (1) or more of the above eight (8) criteria, then a public hearing must be held to adequately amend the PD District's granting ordinance prior to the Planning & Zoning Commission's approval of the final development plan(s



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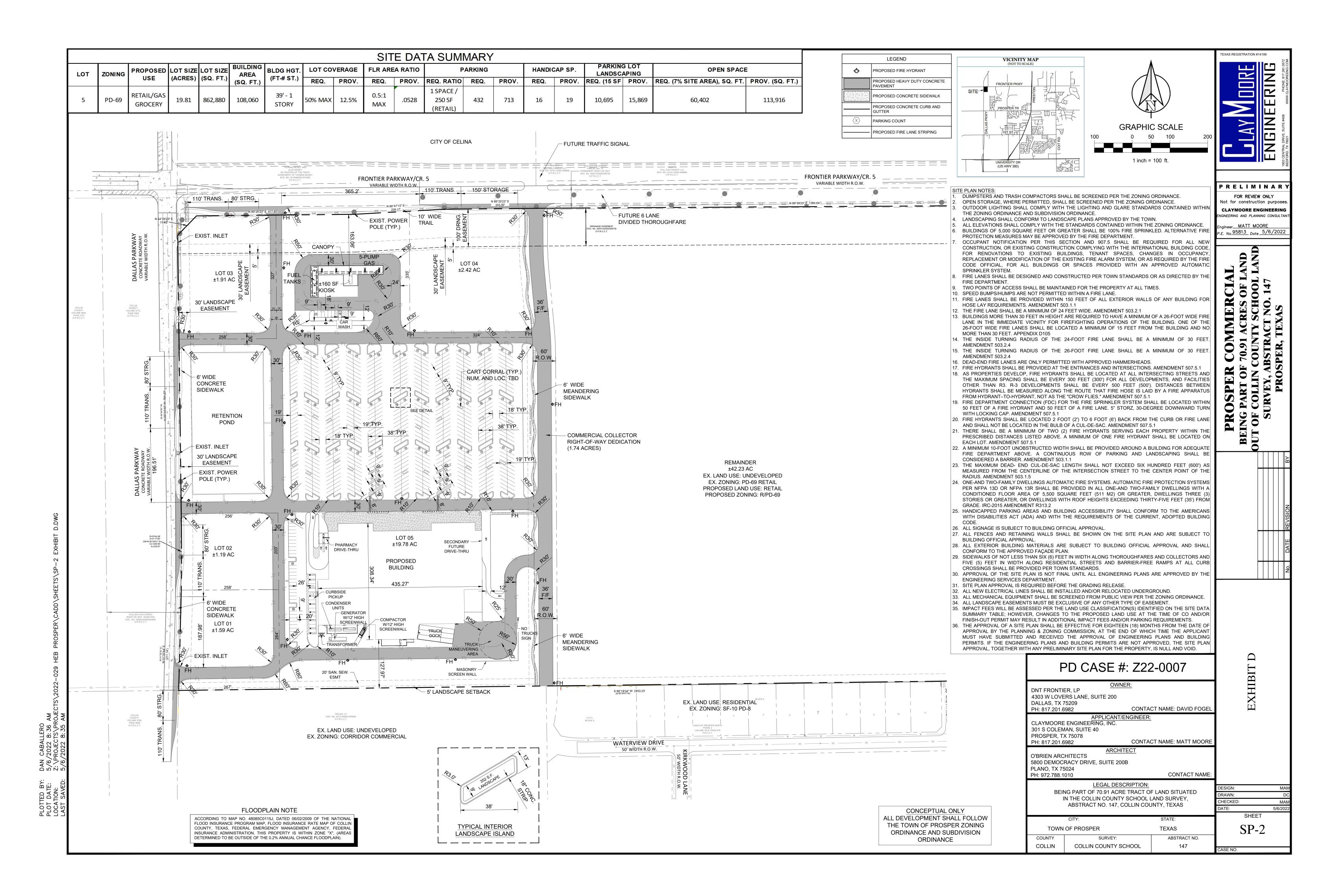




Exhibit E – DSF Retail Development Schedule

It is anticipated that the sanitary sewer line needed to serve this property will be installed by March 2024. Currently, it is anticipated that design of the retail building will occur in 2023 and construction will commence in 2024.

