



PLANNING

To: Mayor and Town Council

From: David Soto, Planning Manager

Through: Harlan Jefferson, Town Manager

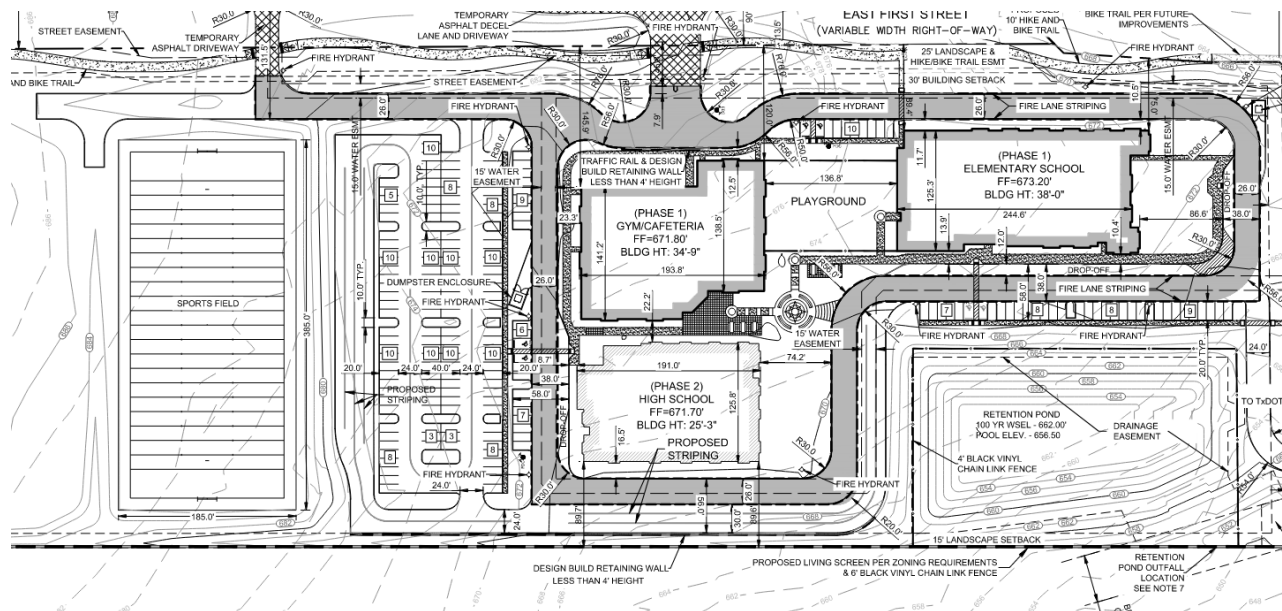
Re: Town Council Meeting – June 14, 2022

Agenda Item:

Consider and act upon authorizing the Town Manager to execute a First Amendment to the Development Agreement between Founders Classical Academy of Prosper, and the Town of Prosper, Texas, related to the Founders development.

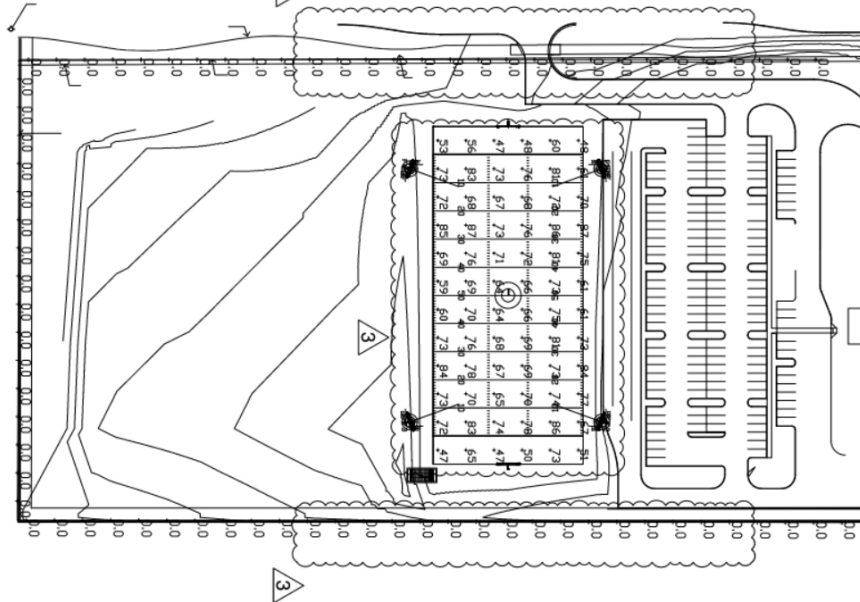
Description of Agenda Item:

On June 2, 2020, a site plan for a charter school (Founders Academy of Prosper) was approved. The Site Plan shows a charter school with a 2-story, 30,541 square-foot elementary school, a 1-story, 26,424 square-foot gym and cafeteria, and a sports field.



On March 23, 2021, the Town Council approved a development agreement including, but not limited to, building material, outdoor lighting standards, and portable temporary buildings. More specifically per the agreement, all outdoor lighting standards shall comply with a 0.0-foot candle reading as shown on Exhibit C photometric plan.

Exhibit C photometric plan per Development Agreement



Upon initial inspection which took place on September 10, 2021, photometric measurements were not in conformance with the approved development agreement. The highest measurements were ranging around 0.40-0.50. Two more inspections took place on September 20, 2021 and October 29, 2021. Although improvements have been made by the applicant such as altering the angles of the lights and providing shields to reduce the light pollution, it was still not meeting the requirement of 0.0 reading per the development agreement.

The applicant has requested a revised Development Agreement to modify the outdoor lighting standards to follow the Town requirements. Per the ordinance, all nonresidential shall follow a 0.25 measurement toward any residential use and a 0.50 measurement toward any right-of-way. Staff and the applicant met on February 26, 2022 and confirmed that the measurement do meet the Town requirements. Highest measurements were ranging from 0.10-0.15 measurements.

The purpose of the requirement in the Zoning Ordinance is to minimize and contain light pollution on a subject property.

Legal Obligations and Review:

Town Attorney, Terrence Welch of Brown & Hofmeister, L.L.P., has reviewed the agreement as to form and legality.

Attached Documents:

1. Amended Development Agreement

Staff Recommendation:

Staff recommends the Town Council authorize the Town Manager to execute a First Amendment to the Development Agreement between Founders Classical Academy of Prosper, and the Town of Prosper, Texas, related to the Founders development.

Proposed Motion:

I move to authorize the Town Manager to execute a First Amendment to the Development Agreement between Founders Classical Academy of Prosper, and the Town of Prosper, Texas, related to the Founders development.