



PLANNING

To: Planning & Zoning Commission **Item No. 7**

From: Suzanne Porter, Planning Manager

Through: David Hoover, Director of Development Services

Re: Planning & Zoning Commission Meeting – November 7, 2023

Agenda Item:

Conduct a Public Hearing to consider an ordinance amending Chapter 3, Section 1.4, Subpart 38 – Automobile Sales/Leasing, Used, of the Town of Prosper Zoning Ordinance to provide additional criteria for this use. (ZONE-23-0026)

Description of Agenda Item:

The Town's Zoning Ordinance regulates what types of uses are allowed in each zoning district. Uses can be permitted by right, permitted with conditions or require a Specific Use Permit. The use "Automobile Sales/Leasing, Used" is permitted with conditions in the Commercial, Commercial Corridor, and Industrial zoning districts. The two conditions that apply to this use are as follows:

- a) A Specific Use Permit is required in the Commercial and Commercial Corridor Districts.
- b) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.

In accordance with direction from the Town Council, Staff recommends an amendment to add the following criteria that will only allow a used car dealership to operate in conjunction with a new car dealership.

Used vehicle sales are only permitted as an accessory use to new vehicle sales.
(Prohibition includes car rental agencies.)

Comprehensive Plan:

Staff finds that the proposed modification is compliant with the following guiding principle and goals of the Comprehensive Plan:

Guiding Principle: Quality Development - Maintain the community's small-town feel by ensuring quality development occurs in a cohesive manner, compatible with neighboring developments.

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.*

One of the takeaways from the Comprehensive Plan Advisory Committee exercises in preparation for creating the Comprehensive Plan was to “restrict uses like auto dealerships where little tax value is generated.”

Goal 4: *Require high-quality and visually attractive characteristics in both residential and nonresidential developments.*

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.

Attached Documents:

1. A red lined version of the current Zoning Ordinance sections that are proposed to be amended with additions shown in blue and underlined.
2. A final version of the proposed text amendments.

Town Staff Recommendation:

Town Staff recommends approval of the amendments to the Automobile Sales/Leasing, Used use criteria within the Zoning Ordinance.

Town Council Public Hearing:

Upon a recommendation by the Planning & Zoning Commission, a Public Hearing for this item will be scheduled for the Town Council at their Regular meeting on November 14, 2023.

Attachment No. 1

A red lined version of the current Zoning Ordinance sections that are proposed to be amended with additions shown in blue and underlined.

CHAPTER 3 - PERMITTED USES AND DEFINITIONS

SECTION 1. - USE OF LAND AND BUILDINGS

* * *

1.4 - Conditional development standards.

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- 38. Automobile Sales/Leasing, Used.
 - a) A Specific Use Permit is required in the Commercial and Commercial Corridor Districts.
 - b) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.
 - c) Used vehicle sales are only permitted as an accessory use to new vehicle sales. (Prohibition includes car rental agencies.)

Attachment No. 2

A final version of the proposed text amendments.

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1.4 Conditional development standards.

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