



AGENDA
Planning and Zoning Commission
Prosper Town Hall, Council Chambers
250 W. First Street, Prosper, Texas
Tuesday, September 19, 2023
6:00 PM

Welcome to the Prosper Planning & Zoning Commission Meeting.

Citizens may watch the meeting live by using the following link: www.prospertx.gov/livemeetings

Addressing the Planning & Zoning Commission:

Those wishing to address the Planning and Zoning Commission must complete the Public Comment Request Form located on the Town's website or in the Council Chambers.

If you are attending in person, please submit this form to the Town Secretary or the person recording the minutes for the Board/Commission prior to the meeting. When called upon, please come to the podium, and state your name and address for the record.

If you are watching online, please submit this form to the Town Secretary prior to 4:00 p.m. on the day of the meeting in order for your comments to be read into the record. The Town assumes no responsibility for technical issues beyond our control.

In compliance with the Texas Open Meetings Act, the Town Council/Board/ Commission may not deliberate or vote on any matter that does not appear on the agenda. The Council/Board/Commission, however, may provide statements of fact regarding the topic, request the topic be included as part of a future meeting, and/or refer the topic to Town staff for further assistance.

Citizens and other visitors attending Planning and Zoning Commission meetings shall observe the same rules of propriety, decorum, and good conduct applicable to members of the Commission. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the Commission or while attending the meeting shall be removed from the room, if so directed by the Mayor or presiding officer, and the person shall be barred from further audience before the Commission during that session of the meeting. Disruption of a public meeting could constitute a violation of Section 42.05 of the Texas Penal Code.

Pursuant to Section 551.007 of the Texas Government Code, individuals wishing to address the Commission for items listed as public hearings will be recognized when the public hearing is opened. For individuals wishing to speak on a non-public hearing item, they may address the Commission when the item is considered by the Planning & Zoning Commission.

1. Call to Order / Roll Call.
2. Pledge of Allegiance.

CONSENT AGENDA:

Items placed on the Consent Agenda are considered routine in nature and are considered non-controversial. The Consent Agenda can be acted upon in one motion. Items may be removed from the Consent Agenda by the request of a Commission Member or staff.

- 3a. Consider and act upon the minutes from the September 5, 2023, Planning & Zoning Commission meeting.
- 3b. Consider and act upon a Final Plat for Starview, Phase 2, Block A, Lots 1-12, 1X, & 2X, Block B, Lots 1-20, Block C, Lots 1-24, Block D, Lots 1-32, Block E, Lots 1-13 & 17-20, and Block F, Lots 1-13 & 1X, on 38.4± acres, located on the northeast corner of Lovers Lane and South Coleman Street. The property is zoned Planned Development-67 (PD-67) Gates of Prosper. (D22-0006)
- 3c. Consider and act upon a request for a Façade Plan for Gas Pumps in accessory to a Big Box, on 20.8± acres, located on the northeast corner of US-380 and FM-1385. The property is zoned Planned Development-94 (PD-94) Westside. (DEVAPP-23-0034)

CITIZEN COMMENTS

The public is invited to address the Commission on any topic. However, the Commission is unable to discuss or take action on any topic not listed on this agenda. Please complete a "Public Comment Request Form" and present it to a staff member prior to the meeting.

REGULAR AGENDA:

If you wish to address the Commission, please fill out a "Public Comment Request Form" and present it to the Chair, preferably before the meeting begins. Pursuant to Section 551.007 of the Texas Government Code, individuals wishing to address the Planning and Zoning Commission for items listed as public hearings will be recognized when the public hearing is opened. For individuals wishing to speak on a non-public hearing item, they may either address the Commission during the Citizen Comments portion of the meeting or when the item is considered by the Planning and Zoning Commission.

4. Conduct a Public Hearing and consider and act upon a request to amend the Future Land Use Plan from Downtown Office (DTO) to Downtown Retail (DTR), generally located on the southwest corner of West Seventh Street and North Coleman Road. This is a companion case to ZONE-23-0016. (COMP-23-0003).
5. Conduct a Public Hearing and consider and act upon a request for a Specific Use Permit for a new Drive-Through Restaurant, on 1.5± acres, located south of West Frontier Parkway and east of North Dallas Parkway. (ZONE-23-0013)
6. Conduct a Public Hearing to Consider an Ordinance Amending Chapter 1, "General Provisions, Administration and Procedures," of the Town's Zoning Ordinance, by Amending Subpart (E) of Subsection 7.11, "Amortization of Nonconforming Uses or Structures," of Section 7, "Nonconforming Uses and Structures," by Providing for Amortization Procedures consistent with Senate Bill 929, and Subpart (A), "Zoning Changes," of Subsection 8.2, "Public Hearing and Notice," of Section 8, "Changes and Amendments to all Zoning Ordinances and Districts and Administrative Procedures," by Providing for Notices relative to a Change in a Zoning Regulation that Could Result in a Nonconforming Use, Consistent with Senate Bill 929.
7. Conduct a Public Hearing to Discuss and Consider an Ordinance amending the Town's Subdivision Ordinance by amending Subpart (1) of Section (D), "Plat Required," of Section 10.03.004, "Applicability," to Comply with Revised Language contained in House Bill No. 3699; amending Subsection (B) of Section 10.03.034, "Director of Development Services," relative to Authorizing the Director of Development Services to Approve or Deny Plats; amending Section 10.03.063, "30-day Time Frame for Plat Approvals," to Reflect that the Right to 30-day Action for Plat

Applications Begins on the Filing Date and One or More 30-day Extensions shall be authorized; adding a Definition of "Filing Date," amending the Definitions of "Approval" and "Plat," and repealing the definitions of "Administratively Complete" and "Official Submission Date," contained in Section 10.03.192, "Words and Terms Defined"; providing that the phrase "Official Submission Date" shall be replaced with the phrase "Filing Date" in Sections 10.03.084(f)(2) and 10.03.085(h)(2).

8. Review actions taken by the Town Council and possibly direct Town Staff to schedule topic(s) for discussion at a future meeting.
9. Adjourn.

CERTIFICATION

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted at Prosper Town Hall, located at 250 W. First Street, Prosper, Texas 75078, a place convenient and readily accessible to the general public at all times, and said Notice was posted by 5:00 p.m., on Friday, September 15, 2023, and remained so posted at least 72 hours before said meeting was convened.

Michelle Lewis Sirianni, Town Secretary

Date Notice Removed

Pursuant to Section 551.071 of the Texas Government Code, the Town Council reserves the right to consult in closed session with its attorney and to receive legal advice regarding any item listed on this agenda.

NOTICE

Pursuant to Town of Prosper Ordinance No. 13-63, all speakers other than Town of Prosper staff are limited to three (3) minutes per person, per item, which may be extended for an additional two (2) minutes with approval of a majority vote of the Town Council.

<p>NOTICE OF ASSISTANCE AT PUBLIC MEETINGS: The Prosper Town Council meetings are wheelchair accessible. For special services or assistance, please contact the Town Secretary's Office at (972) 569-1011 at least 48 hours prior to the meeting time.</p>
