



*Prosper is a place where everyone matters.*

**AGENDA**  
**Prosper Planning and Zoning Commission**  
Council Chambers  
Prosper Town Hall  
250 W. First Street, Prosper, Texas  
Tuesday, January 03, 2023  
**6:00 PM**

Welcome to the Prosper Planning & Zoning Commission Meeting.

Citizens may watch the meeting live by using the following link:

<https://prospertx.new.swagit.com/views/378/>

**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 Town Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the Town Council or while attending the Town Council 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 Town Council during that session of the Town Council. 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 and Pledge to the Texas Flag.

## **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 December 6, 2022, Planning & Zoning Commission Regular meeting.
- [3b.](#) Consider and act upon a Final Plat for Lot 1, Block A, Fire Station Number 4 Addition, on 2.7± acres, located south of Prosper Trail and west of Custer Road. The property is zoned A, (Agricultural). (D22-0102).

## **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 rezone 14.2± acres from Commercial Corridor District (CC) and Agricultural District (A) to a new Planned Development for Multifamily Use, located northside of First Street and west of Dallas Parkway. (Z22-0022)(Request to be tabled.)
- 5. Planning and Zoning Commissioner Training.
- 6. Review actions taken by the Town Council and possibly direct Town Staff to schedule topic(s) for discussion at a future meeting.
- 7. 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, December 30, 2022, 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.

**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.



**1. Call to Order / Roll Call**

The meeting was called to order at 6:00 p.m.

Commissioners Present: Chair Brandon Daniel, Vice-Chair Sarah Peterson, Doug Charles, Sekou Harris, Damon Jackson and Tommy Van Wolfe

Staff Present: David Soto, Planning Manager; Doug Braches, Planning Technician

**2. Recitation of the Pledge of Allegiance.**

**3. CONSENT AGENDA**

- 3a. Consider and act upon minutes from the November 15, 2022, Planning & Zoning Commission Regular meeting.**
- 3b. Consider and act upon a Final Plat for Legacy Garden Phase 2, for 100 single family residential lots and six (6) HOA/open space lots, 45.8± acres, located on the north side of Prosper Trail, West of Shawnee Trail. This property is zoned Planned Development-115 (PD-115) (D22-0027).**
- 3c. Consider and act upon a Replat of Silo Park Addition, Block A, Lots 2R & 3, on 1.2± acres, located on the northeast corner of Broadway Street and McKinley Street. The property is zoned Downtown Retail (DTR) (D22-0047).**
- 3d. Consider and act upon a Site Plan for a retail/restaurant building, on 1.2± acres, located on the northwest corner of Broadway Street and McKinley Street. The property is zoned Downtown Retail (DTR). (D21-0069).**
- 3e. Consider and act upon a Site Plan and Façade Plan for a Restaurant and a Retail Uses on Westside Block A, Lot 15 and a hotel on Lot 16, 4.0± acres, located on the north side of U.S Highway 380, east of FM 1385. This property is zoned Planned Development-94 (PD-94). (D22-0086)**
- 3f. Consider and act upon a Final Plat for Westside, Block A, Lots 15 and 16, 4.0± acres, located on the north side of U.S Highway 380, east of FM 1385. This property is zoned Planned Development-94 (PD-94). (D22-0087)**
- 3g. Consider and act upon a Site Plan for a Restaurant and a Retail Use on Block A, Lot 7, 1.63± acres, located on the south side of Frontier Parkway, west of Preston Road. This property is zoned Planned Development-10 (PD-10). (D22-0093).**
- 3h. Consider and act upon a Final Plat for Victory at Frontier, Block A, Lot 7, on 1.6± acres, located on the south side of Frontier Parkway. and west of Preston Road. The property is zoned Planned Development-10 (PD-10). (D22-0094).**

- 3i. **Consider and act upon a Site Plan for a Medical Office on Block A, Lot 6, 1.3± acres, located on the south side of Frontier Parkway, west of Preston Road. This property is zoned Planned Development-10 (PD-10). (D22-0096).**
- 3j. **Consider and act upon a Final Plat for Victory at Frontier, Block A, Lot 6, on 1.2± acres, located on the south side of Frontier Pkwy. and west of Preston Rd. The property is zoned Planned Development-10 (PD-10). (D22-0097).**
- 3k. **Consider and act upon a Site Plan for a House of Worship, on 26.2± acres, located on the north side of West First Street, east of Harper Road. The property is zoned A, (Agricultural). (D22-0100)**
- 3l. **Consider and act upon a Site Plan for a new Town of Prosper municipal use building on Block A, Lot 1, 2.8± acres, located on the south side of Prosper Trails, west of Custer Road. The property is zoned A, (Agricultural). (D22-0101).**

Motioned by Charles, seconded by Jackson, to approve the Consent Agenda, subject to staff recommendations. Motion approved 6-0.

Secretary Mike Pettis arrived at 6:03pm.

#### **REGULAR AGENDA**

- 4. **Conduct a Public Hearing and consider and act upon a request to amend a Specific Use Permit-19 (S-19) for a Child Care Center, Licensed on 2.3± acres, located on the north side of Prairie Drive, west of Legacy Drive. (S22-0010)**

*David Soto (Staff):* Presented exhibit information.

*Kevin Patel (Applicant):* Gave presentation and anticipated development schedule.

Chair Daniel opened the Public Hearing.

There being no additional speakers, Chair Daniel closed the Public Hearing.

Motion by VanWolfe, seconded by Charles to approve Item 4, subject to staff recommendations. Motion approved 7-0.

- 5. **Conduct a Public Hearing and consider and act upon a request to amend a Specific Use Permit for a new Wireless Communications and Support Structure, on .1± acre, located on the north side of Prosper Trail, west of Legacy Drive. (S22-0011)**

*David Soto (Staff):* Presented exhibit information.

Commissioners generally expressed concerns regarding screen, anticipated new locations of similar builds and façade designs.

*Bill Bauman (Applicant):* Gave presentation and additional exhibit information.

Commissioners expressed concerns of matching facades with existing water tower design standards.

Commissioners asked questions regarding Specific Use Permit process and timetables for development.

Chair Daniel opened the Public Hearing.

There being no additional speakers, Chair Daniel closed the Public Hearing.

Commissioners expressed general support for item 5 with façade design matching the Town's water tower design standards.

Commissioner Charles suggested a future code amendment to specify façade designs for future similar items.

Motion by Charles, seconded by Peterson to approve Item 4, subject to staff recommendations and for the façade of the Wireless Communications and Support Structure to conform to town standards to include the Town logo and Town color scheme. Motion approved 7-0.

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

*David Soto (Staff):* Presented Town Council results on previous items. Announced Planning and Zoning Commission training with the Town Attorney on January 3<sup>rd</sup>.

## 7. **Adjourn.**

Motioned by Jackson, seconded by Pettis to adjourn. Motion approved 7-0 at 7:10 p.m.

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Doug Braches, Planning Technician

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Michael Pettis, Secretary



## Development Services Department

*Prosper is a place where everyone matters.*

**To:** Planning & Zoning Commission **Item No. 3b**  
**From:** Doug Braches, Planning Technician  
**Through:** David Soto, Planning Manager  
**Re:** Planning & Zoning Commission Meeting – January 3, 2023

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**Agenda Item:**

Consider and act upon a Final Plat for Lot 1, Block A, Fire Station Number 4 Addition, on 2.7± acres, located south of Prosper Trail and west of Custer Road. The property is zoned A, (Agricultural). (D22-0102).

**Description of Agenda Item:**

The purpose of the Final Plat is to create a lot and dedicate easements necessary for development. The plat conforms to Agricultural (A) development standards.

The Site Plan (D22-0101) for the new Town of Prosper municipal use building was previously approved at the December 6, 2022 Planning & Zoning Commission meeting.

**Attachments:**

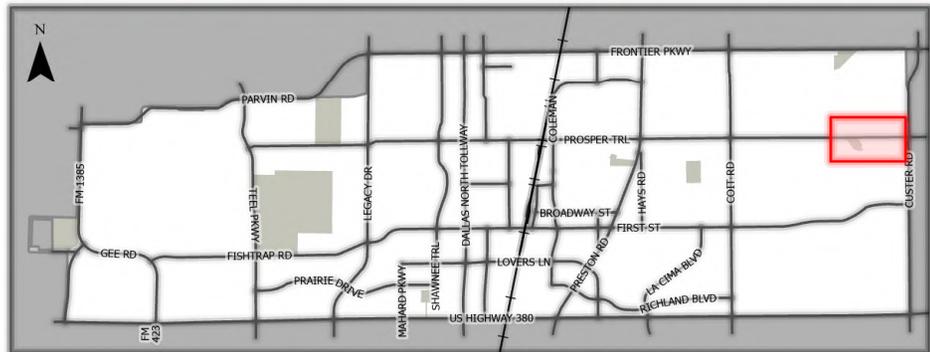
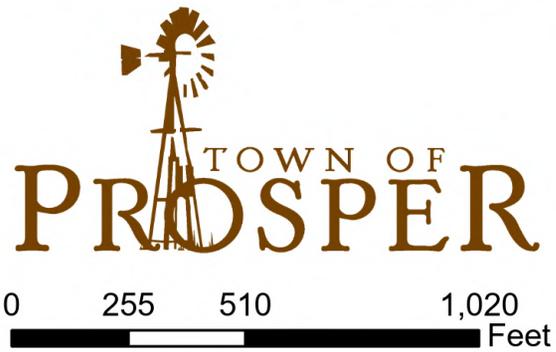
1. Location Map
2. Final Plat

**Town Staff Recommendation:**

Town Staff recommends approval of the Final Plat, subject to:

1. Town staff approval of all additions and/or alterations to the easements and dedications on the Final Plat.

Item 2.

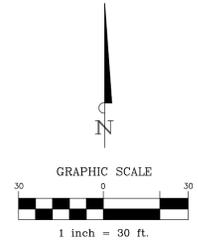


**D22-0102**  
 Prosper Fire Station #4 FP

This map for illustration purposes only

Double H Horse and Cattle, LLC Document No. 2009010800022820 O.P.R.C.C.T.

Prosperous Realty, LLC Document No. 2021010800055130, O.P.R.C.C.T.



Prosper Trail

(called 100' public right-of-way)

POINT OF BEGINNING N=7,141,320.38' E=2,506,205.30'

Approximately S88°57'E 2738' to the Northwest Corner of the Larkin McCarty Survey

Remainder of Tract 1 Town of Prosper, Texas Document No. 20150115000048760, O.P.R.C.C.T.

BLOCK A, LOT 1 116,738 SQ. FT. / 2.680 ACRES

Tract 2 Town of Prosper, Texas Document No. 20150115000048760, O.P.R.C.C.T.

Part of Tract 1 Town of Prosper, Texas Document No. 20150115000048760, O.P.R.C.C.T.

Block B, Lot 5X WHITLEY PLACE, PHASE 3 Vol. 2012, Pg. 217, O.P.R.C.C.T.

15' Coserv Electric Easement Vol. 4377, Pg. 662, D.R.C.C.T.

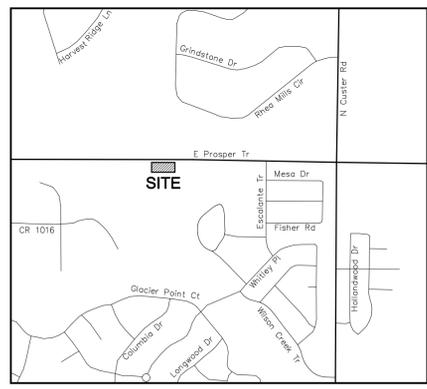
Remainder of Tract 1 Town of Prosper, Texas Document No. 20150115000048760, O.P.R.C.C.T.

ABBREVIATIONS

- I.R.F. = Iron Rod Found
(R.M.) = Reference Monument
C.I.R.F. = Capped Iron Rod Found
C.I.R.S. = 1/2" iron rod with yellow plastic cap stamped "RPLS 5686" set
M.R.C.C.T. = Map Records, Collin County, Texas
D.R.C.C.T. = Deed Records, Collin County, Texas
O.P.R.C.C.T. = Official Public Records, Collin County, Texas

Table with 6 columns: CURVE NO., RADIUS, ARC LENGTH, DELTA, CHR.D. BRNG., CHORD. Rows C1 through C6.

- General Notes:
1. According to the Flood Insurance Rate Map of Collin County, Texas, Map No. 48085C0255J, Map Revised June 02, 2009, the herein described property is located in Zone "X", described by said map to be, "areas determined to be outside the 0.2% annual chance floodplain".
2. The surveyor has relied on the herein described subject deed with regard to any easements, restrictions, or rights-of-way affecting the above described Property.
3. Bearings are based on the Town of Prosper GPS Monument No(s). 4, 5 and 6. Surface values shown can be converted to grid by dividing by the combined scaled factor of 0.999846711.
4. NOTICE: Selling a portion of this addition by metes and bounds is a violation of Town subdivision ordinance and state platting statutes and is subject to fines and withholding of utilities and building permits.
5. The purpose of this plat is to create a platted lot and dedicate easements.



Case No.: D22-0102
FINAL PLAT
FIRE STATION
NUMBER 4 ADDITION
BLOCK A, LOT 1
116,738 Sq. Ft. / 2.680 Acres
in the
Larkin McCarty Survey,
Abstract No. 600
Town of Prosper,
Collin County, Texas
Prepared: November 07, 2022
Scale: 1" = 30'

Owner:
Town of Prosper
400 East First Street
P.O. Box 307
Prosper, Texas
Phone: (972) 346-3502
Surveyor:
North Texas Surveying, LLC
1010 West University
McKinney, Texas 75069
(469) 424-2074
www.northtexasurveying.com
Firm Registration No. 10074200
Contact: Chad Holcomb

**OWNER'S CERTIFICATE**

**STATE OF TEXAS §  
COUNTY OF COLLIN §**

WHEREAS, the Town of Prosper, Texas is th owner of a tract of land, situated in the Larkin McCarty Survey, Abstract No. 600, in the Town of Prosper, Collin County, Texas, and being all of a part of Tract 1 and all of Tract 2, as described in General Warranty Deed to the Town of Prosper, Texas, as recorded under Document No. 20150115000048760, of the Official Public Records, Collin County, Texas (O.P.R.C.C.T.), and being more particularly described, as follows:

**BEGINNING** at a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5686" found for the northwesterly corner of said Tract 1, same being an "ell" corner of Tract 1, of said deed to the Town of Prosper, Texas, same being in the southerly monumented line of Prosper Trail;

**THENCE** South 89°59'16" East, along the northerly line of said Tract 2, same being the southerly monumented line of Prosper Trail, passing a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5686" found for the northeasterly corner of said Tract 2, same being an "ell" corner of said Tract 1, at a distance of 375.01' and continuing along the most easterly north line of said Tract 1, a total distance of 405.03' to a point for corner, being the most easterly northeast corner of said Tract 1, same being the northwesterly corner of Block B, Lot 5X, of **WHITLEY PLACE, PHASE 3**, an addition to the Town of Prosper, as recorded in Volume 2012, Page 217, O.P.R.C.C.T., from which a 1/2" capped iron rod found bears, South 14°32'15" East, a distance of 0.38';

**THENCE** South 00°37'30" East, along the common line between said Tract 1 and Lot 5X, a distance of 285.99' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5686" set for the southeasterly corner of the herein described tract;

**THENCE** over and across said Tract 1, the following (2) two courses and distances:

1. North 89°22'30" East, a distance of 405.01' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5686" set for the southwesterly corner of the herein described tract;
2. North 00°37'30" West, a distance of 290.49' to the **POINT OF BEGINNING** and containing 116,738 square feet or 2.680 acres of land, more or less.

**NOW, THEREFORE, KNOWN ALL MEN BY THESE PRESENTS:**

THAT, the Town of Prosper, Texas acting herein by and through its duly authorized officers, does hereby certify and adopt this plat designating the herein above described property as **FIRE STATION NUMBER 4 ADDITION, BLOCK A, LOT 1**, an addition to the Town of Prosper, and does hereby dedicate to the public use forever, the streets and alleys shown thereon. The Town of Prosper, Texas does hereby certify the following:

1. The streets and alleys are dedicated for street and alley purposes.
2. All public improvements and dedications shall be free and clear of all debt, liens, and/or encumbrances.
3. The easements and public use areas, as shown are dedicated for the public use forever for the purposes indicated on this plat.
4. No building, fences, trees, shrubs, or other improvements or growth shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements if approved by the Town of Prosper.
5. The Town of Prosper is not responsible for replacing any improvements in, under, or over any easements caused by maintenance or repair.
6. Utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the limits easement limits the us limits e to particular utilities, said use by the public utilities being subordinate to the public's and Town of Prosper's use thereof.
7. The Town of Prosper and public utilities shall have the right to remove and keep removed all or part of any building, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in the easements.
8. The Town of Prosper and public utilities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.
9. All modifications to this document shall be by means of plat and approved by the Town of Prosper.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the Town of Prosper, Texas.

WITNESS, my hand, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**TOWN OF PROSPER, TEXAS**

By: \_\_\_\_\_  
Authorized Agent

Printed Name \_\_\_\_\_

Title \_\_\_\_\_

**STATE OF TEXAS §  
COUNTY OF COLLIN §**

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared \_\_\_\_\_ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that the same is his act and deed in the capacity therein stated and for the purposes therein expressed.

WITNESS MY HAND AND SEAL OF OFFICE on this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC in and for the State of Texas.

**SURVEYOR'S CERTIFICATE**

**KNOW ALL MEN BY THESE PRESENTS:**

THAT I, MICHAEL B. ARTHUR, do hereby certify that I prepared this plat from an actual on-the-ground survey of the above described property, and that the corner monuments shown hereon were found or were properly placed under my personal supervision in accordance with the Subdivision Regulations of the Town of Prosper, Collin County, Texas.

**PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT**

\_\_\_\_\_  
Michael B. Arthur  
Registered Professional Land Surveyor  
Texas Registration No. 5686

Date: \_\_\_\_\_

**STATE OF TEXAS §  
COUNTY OF COLLIN §**

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared MICHAEL B. ARTHUR, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

WITNESS MY HAND AND SEAL OF OFFICE on this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC in and for the State of Texas

**CERTIFICATE OF APPROVAL**

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by the Director of Development Services of the Town of Prosper, Texas.

\_\_\_\_\_  
Development Services Department

\_\_\_\_\_  
Engineering Department

\_\_\_\_\_  
Town Secretary

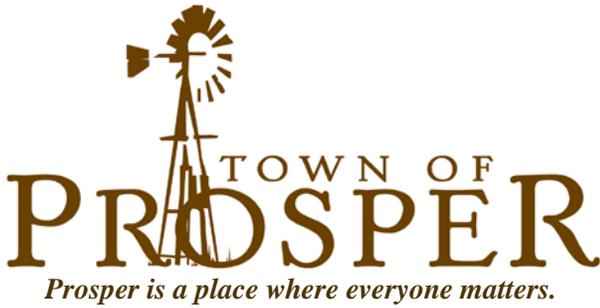
Case No.: D22-0102  
**FINAL PLAT  
FIRE STATION  
NUMBER 4 ADDITION  
BLOCK A, LOT 1**  
116,738 Sq. Ft. / 2.680 Acres  
in the  
Larkin McCarty Survey,  
Abstract No. 600  
Town of Prosper,  
Collin County, Texas  
Prepared: November 07, 2022  
Scale: 1" = 30'

**Owner:**  
Town of Prosper  
400 East First Street  
P.O. Box 307  
Prosper, Texas  
Phone: (972) 346-3502

**Surveyor:**  
North Texas Surveying, LLC  
1010 West University  
McKinney, Texas 75069  
(469) 424-2074  
www.northtexasurveying.com  
Firm Registration No. 10074200  
Contact: Chad Holcomb

2 / 2

DATE: 12/08/2021	SCALE: 1" = 30'	DRAWN BY: C.S.H.	CHK'D. BY: M.B.A.	JOB NO.: 2021-0143
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## PLANNING

To: Planning & Zoning Commission

Item No. 4

From: David Soto, Planning Manager

Re: Planning & Zoning Commission Meeting – January 3, 2023

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**Agenda Item:**

Conduct a Public Hearing, and consider and act upon a request to rezone 14.2± acres from Commercial Corridor District (CC) and Agricultural District (A) to a new Planned Development for Multifamily Use, located northside of First Street and west of Dallas Parkway. (Z22-0022)(Request to be tabled)

**Description of Agenda Item:**

The application was submitted on November 7, 2022 and has been requested to be tabled to the January 17, 2023 meeting to allow additional time to finalize the request.

**Staff Recommendation:**

Staff recommends the Planning & Zoning Commission table this item and continue the Public Hearing January 17, 2023, meeting.