

Welcome to the January 9, 2024, Prosper Town Council Meeting

Call to Order/Roll Call

Invocation, Pledge of Allegiance, and Pledge to the Texas Flag

Pledge to the Texas Flag

Honor the Texas flag; I pledge allegiance to thee,
Texas, one state under God, one and indivisible.

Announcements



Deputy Mayor Pro-Tem Ray

Presentations

Agenda Item 1.

Presentation to the Town of Prosper for receiving the Commission for Accreditation of Parks and Recreation Agencies (CAPRA) award. (DB)

Parks and Recreation Department Accreditation

Criteria

- Based on compliance with 151 standards
 - Must comply with all 37 Fundamental Standards
 - Must comply with 106 of 118 Non-Fundamental Standards
 - Per CRT, Town complies with all 37 fundamental and 117 non-fundamental standards (150 out of the 151 standards)
- Standards Categories include Agency Authority, Planning, Organization and Administration, Human Resources, Financial Management, Programs and Service Management, Facility and Land Use Management, Public Safety, Law Enforcement and Security, Risk Management, Evaluation, Assessment, and Research

Parks and Recreation Department Accreditation

- The Town received recognition at the National Recreation and Park Association (NRPA) 'Best of the Best' Ceremony held on October 11 in Dallas.
- Existing Accredited Agencies
 - Nationally (206)
 - Texas (27)
 - Metroplex (15)



Agenda Item 2.

Presentation regarding the 2023 Mayor's Fitness Challenge. (DB)

2023 Mayor's Fitness Challenge Overview

- 2023 was first year for program to run year-round
 - Participants
 - Spring (77), Summer (65), and Fall (25)
 - 15 participants completed all three sessions
 - 266,299 minutes / 4,438 hours tracked
- Mayor's Challenge Coin – Mike Gregory
- 2024 Program to begin in March

Consent Agenda

Agenda Item 3.

Consider and act upon the minutes from the December 12, 2023, Town Council Work Session meeting. (MLS)

Agenda Item 4.

Consider and act upon the minutes from the December 12, 2023, Town Council Regular meeting. (MLS)

Agenda Item 5.

Consider acceptance of the November 2023 monthly financial report. (CL)

Agenda Item 6.

Consider and act upon an ordinance amending Ordinance No. 2022-54 (FY 2022-2023 Annual Budget). (CL)

Agenda Item 7.

Consider and act upon an ordinance amending Ordinance No. 2023-60 (FY 2023-2024 Annual Budget). (CL)

Agenda Item 8.

Consider and act upon approving an agreement between Aclara Technologies LLC and the Town of Prosper for maintenance and support from Aclara, a sole source provider, and consider and act upon approving an amendment to the existing Aclara Maintenance Agreement between Aclara Technologies LLC and the Town of Prosper to add Aclara Network Freedom to the existing Maintenance Agreement; and authorizing the Town Manager to execute the same. (CL)

Agenda Item 9.

Consider and act upon approval of the purchase and installation of a shade structure for the Cynthia A. Cockrell Elementary School Playground. (DB)

- 4 Post Shade System
- \$75,000 Budgeted
- \$95,228 Actual Cost
- Cockrell Elementary PTO contributing \$30,000



- Cockrell Park Playground was purchased and installed by the Town of Prosper
- PISD is responsible for all playground maintenance
- Cockrell Elementary PTO contacted PARD in Spring 2023 asking to partner in a project to add shade to the playground
- The late request did not allow for an accurate estimate to be put together
- PISD was included in all communications between the PTO and Town

Agenda Item 10.

Consider and act upon approving a new lease agreement for Dylan Drive property housing Park Operations and authorizing the Town Manager to execute documents for same. (DB)

Rental Agreement based on 3,600 sq. ft.

2023

- \$7.00 / sq. ft. Base Rent
- \$3.32 / sq. ft. NNN
- Total - \$3,096 / mo.

2024

- \$7.50 / sq. ft. Base Rent (\$2,250 / mo.)
- \$2.80 / sq. ft. NNN (\$840 / mo.)
- Total - \$3,090 / mo.

Actual 2024

- \$2,250 / mo. (Base Rent)
- \$708.64 / mo. (adjusted NNN due to \$1,363 total overpayment in 2023)
- Decreased NNN rate due reduction in maintenance costs for septic system

Adjusted Monthly Payment Calculation

Town of Prosper		
NNN paid 2023	\$11,515.00	
NNN actual 2023	(\$10,152.00)	
Overpayment 2023	\$1,363.00	
Estimated 2024 NNN	\$10,152.00	
Overpayment 2023	(\$1,363.00)	
1/24 NNN payment	(\$994.00)	
Balance NNN 2024	\$7,795.00	
Monthly NNN 2/24-12/24	\$708.64	
2024 rent calculation		
Monthly base rent	\$2,250.00	
Monthly NNN	\$708.64	
Total monthly rent	\$2,958.64	

Agenda Item 11.

Consider and act upon approving the annual purchase of ammunition and range supplies from GT Distributors, Inc. and authorizing the Town Manager to execute documents for the same. (DK)

Agenda Item 12.

Consider and act upon a resolution approving a Service Agreement with Flock Group, Inc. for the lease of flock safety automatic license plate recognition (ALPR) cameras and authorizing the Town Manager to execute documents for the same. (DK)

Agenda Item 13.

Consider and act upon a Multiple Use Agreement (MUA) between the Town of Prosper, Texas and the Texas Department of Transportation for the construction, maintenance, and operation of a public Fixed License Plate Reader System; and to authorize the Town Manager to execute documents for the same. (DK)

Agenda Item 14.

Consider and act upon approving a Service Agreement between Honeywell International, Inc., dba US Digital Designs by Honeywell, and the Town of Prosper regarding fire station alerting equipment and authorizing the Town Manager to execute documents for the same.
(SB)

Agenda Item 15.

Consider and act upon authorizing the Town Manager to execute the First Amendment to the Interlocal Agreement between the City of Celina, Texas, and the Town of Prosper, Texas, related to cost participation in construction of interim asphalt improvements on Legacy Drive from Frontier Parkway to Parvin Road. (HW)

**Existing Gravel to be
improved with Asphalt
Pavement (Cost):**

\$412,712.50

**Town of Prosper
Participation (50%):**

\$206,306.25

Funding Source:

FY2024 Street Maintenance
Budget has \$1.25M available

Maintenance:

Town currently maintains
gravel; Celina to maintain
asphalt when complete



Agenda Item 16.

Consider and act upon an ordinance repealing the Town's Juvenile Curfew Ordinance, found in Article 8.04 of Chapter 8 of the Code of Ordinances. (TW)

Agenda Item 17.

Consider and act upon an ordinance amending Section 1.09.017 of the Code of Ordinances relative to the carrying of firearms in Town parks, and Sections 8.03.001 and 8.01.002 of the Code of Ordinances relative to the carrying and discharge of firearms in Town buildings or in the Town limits. (TW)

Agenda Item 18.

Consider and act upon an ordinance amending the Code of Ordinances by adding a new Article 8.09 to Chapter 8 Prohibiting the Dumping of Trash on Public or Private Property. (TW)

Agenda Item 19.

Consider and act upon an ordinance amending Chapter 4, Section 5.2 – Location of Required Screening, of the Town of Prosper Zoning Ordinance to modify the screening requirements for trash and recycling collection areas. (ZONE-23-0025) (DH)

Agenda Item 20.

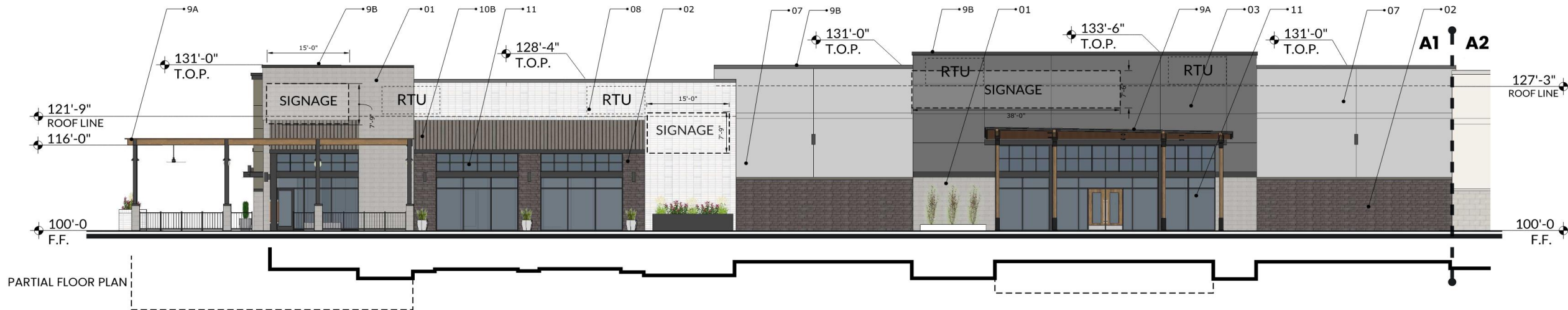
Consider and act upon an ordinance amending the Town of Prosper Zoning Ordinance by amending conditional development standards for restaurants contained in Subsection 1.4 of Section 1 of Chapter 3; amending non-residential landscaped area requirements contained in Subsection 2.6(C) of Section 2 of Chapter 4; repealing existing Subsection 4.9 of Section 4 of Chapter 4 related to loading space requirements and replacing it with a new Subsection 4.9; adding a new Subsection 4.10 of Section 4 of Chapter 4 related to stacking requirements; amending the location of required screening contained in Subsection 5.2 of Section 5 of Chapter 4; and amending provisions related to adjacency of certain uses to residential zoning contained in Subsection 9.11 of Section 9 of Chapter 4. (ZONE-23-0033) (DH)

Agenda Item 21.

Consider and act upon on 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) (DH)

Agenda Item 22.

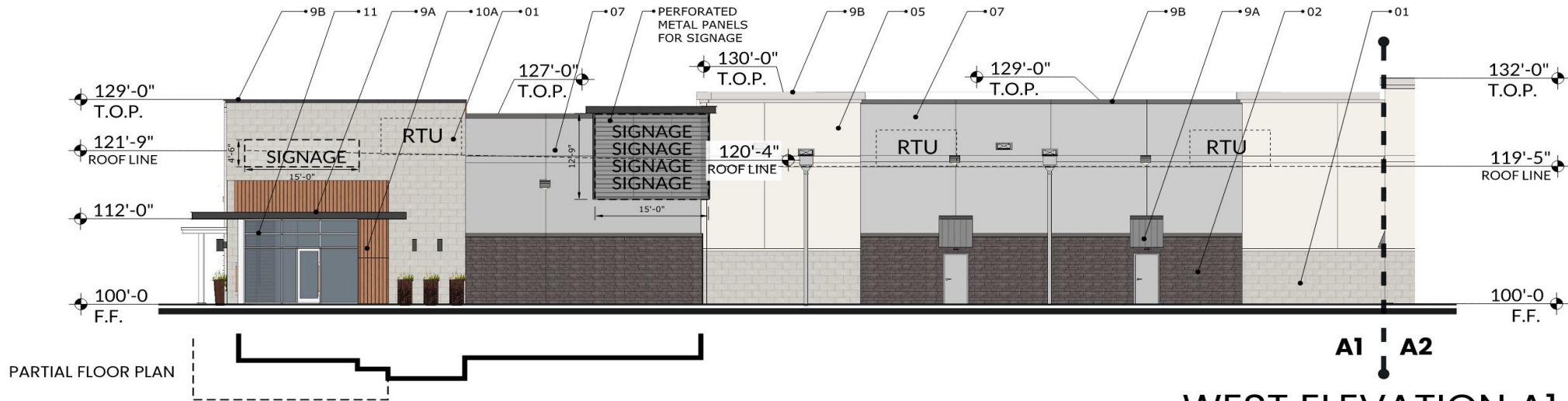
Consider and act upon a request for a Façade Plan for Gates of Prosper, Phase 3, Block B, Lot 2, on 15.8± acres, located north of US 380 and west of Preston Road. The property is zoned Planned Development-67 (PD-67) Gates of Prosper. (DEVAPP-23-0165)
(DH)



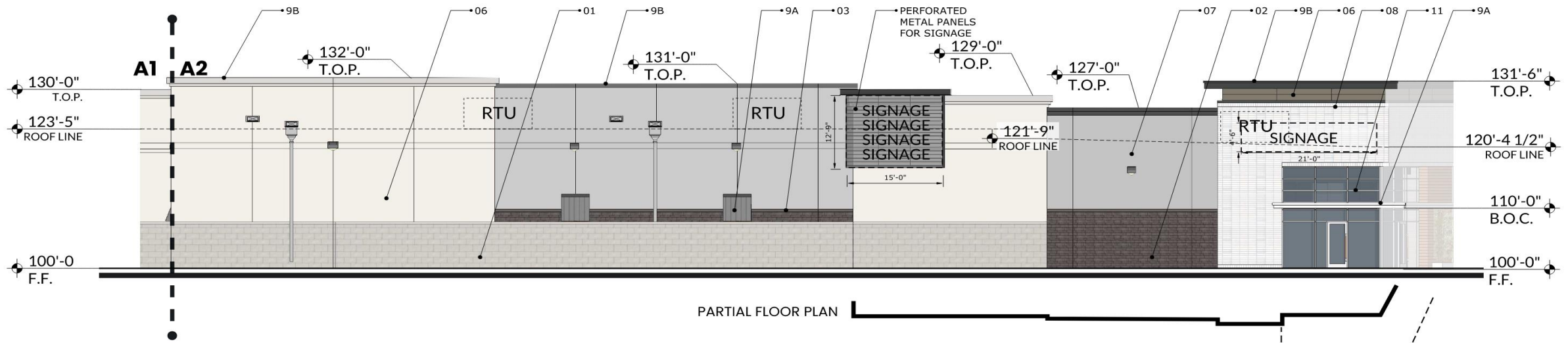
MATERIAL CALCULATIONS	
NET SURFACE AREA SQ. FT.	7,686

MATERIAL LIST	
STONE	

EAST ELEVATION A2



WEST ELEVATION A1

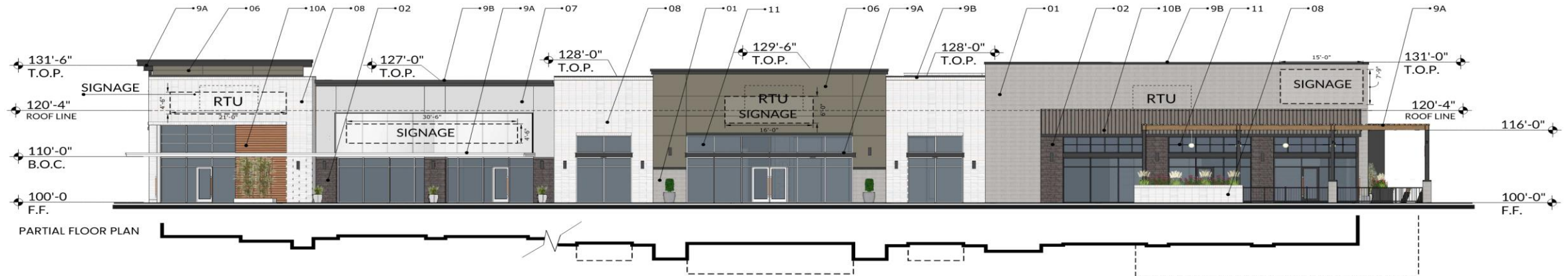


PARTIAL FLOOR PLAN

MATERIAL CALCULATIONS	
NET SURFACE AREA SQ.FT.	9,185

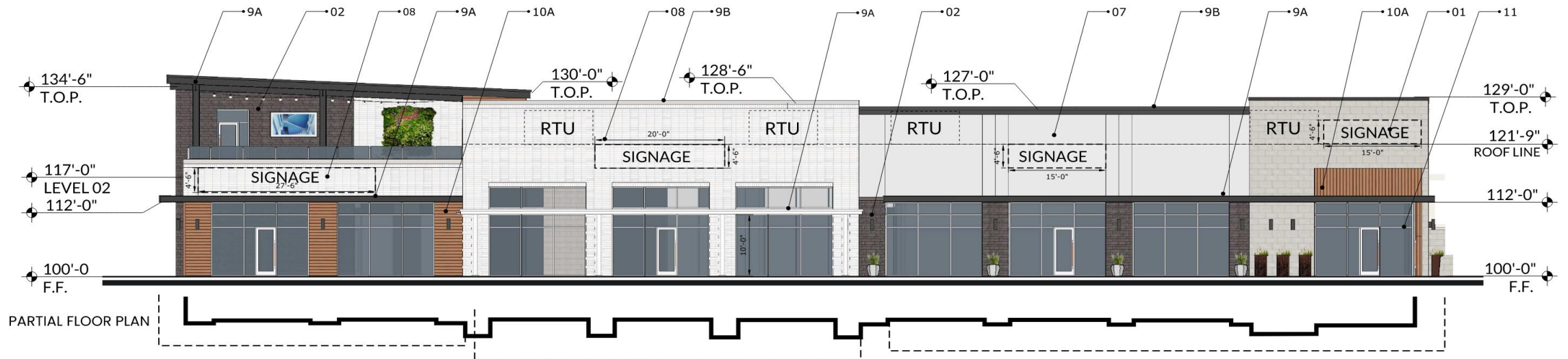
MATERIAL LIST	
STONE	

WEST ELEVATION A2

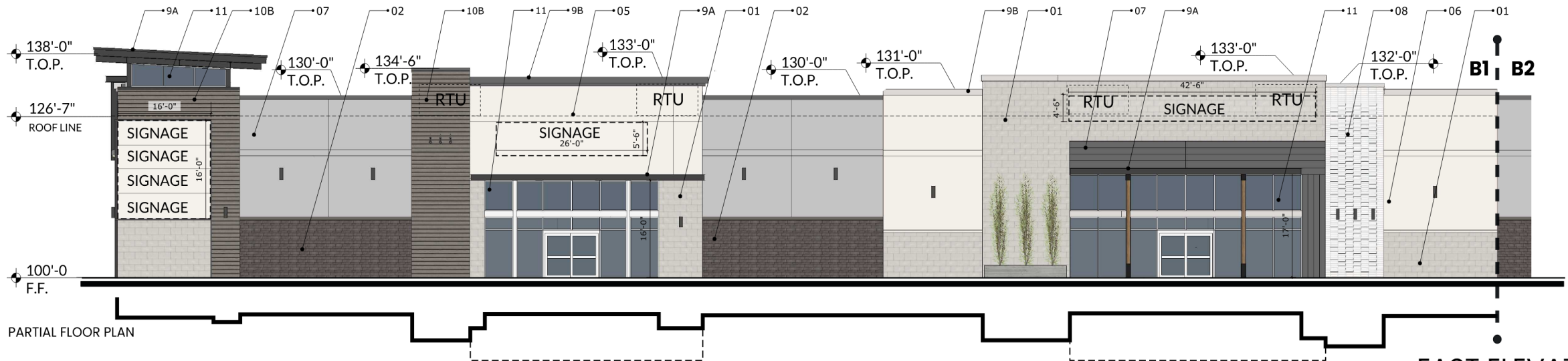


01 SOUTH ELEVATION

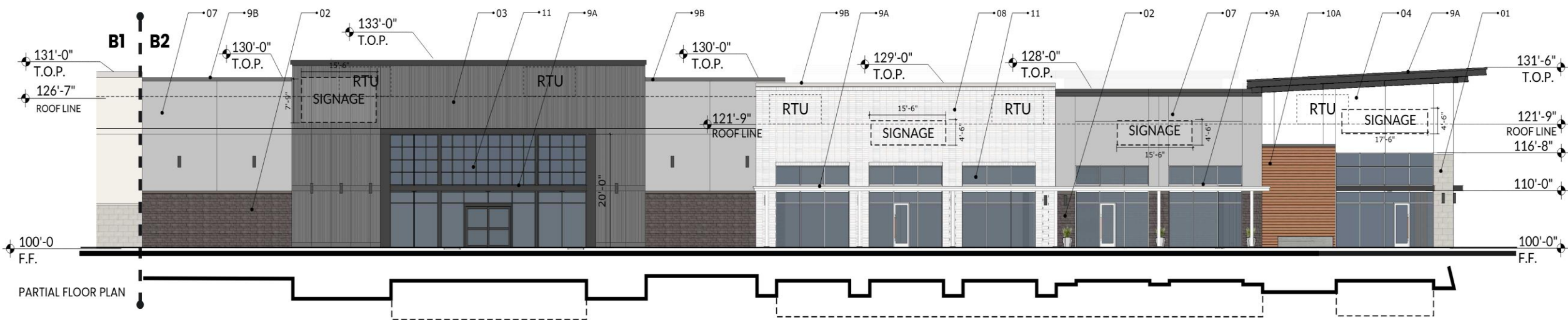
MATERIAL CALCULATIONS



02 NORTH ELEVATION

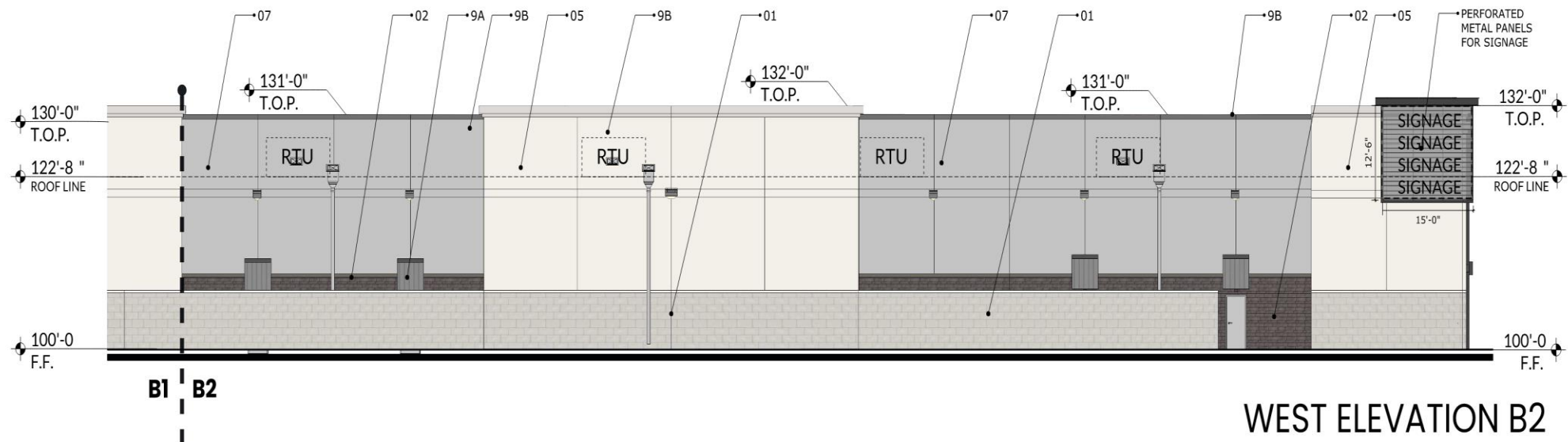
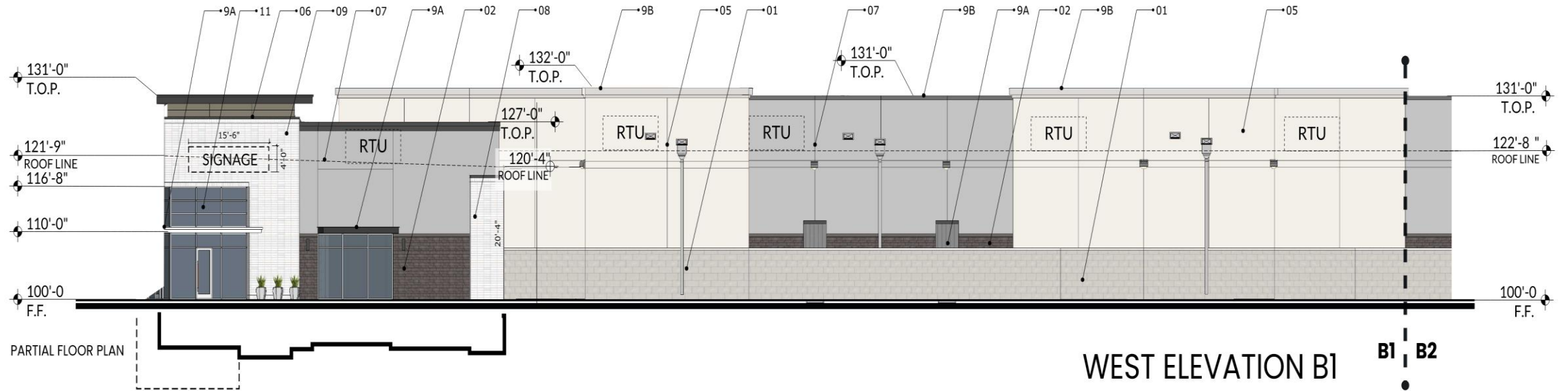


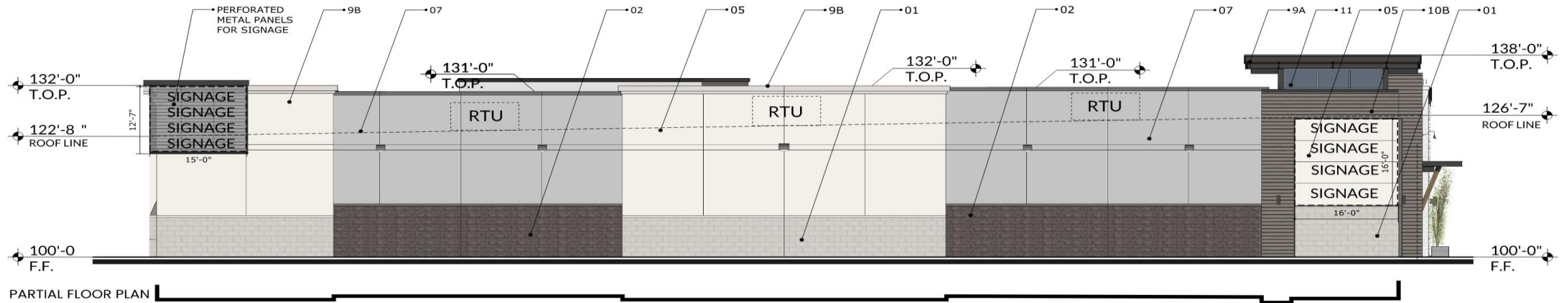
EAST ELEVATION B1



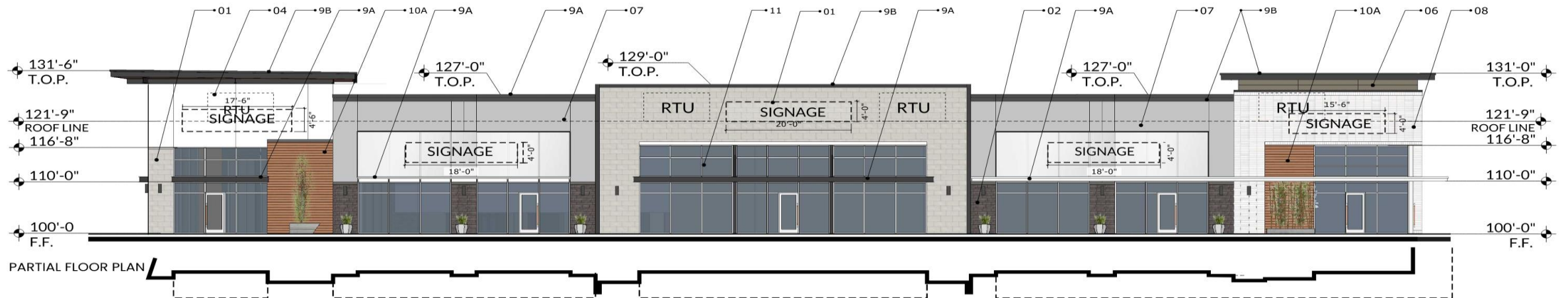
EAST ELEVATION B2

MATERIAL CALCULATIONS	MATERIAL LIST





01 SOUTH ELEVATION



02 NORTH ELEVATION

Agenda Item 23.

Consider and act upon an ordinance to rezone for a Specific Use Permit (SUP) for a Concrete Batching Plant, on 5.0± acres, located south of West First Street and west of South Dallas Parkway. (S20-0002) (DH)

Agenda Item 24.

Consider and act upon an ordinance to rezone 0.4± acres from Single Family-15 (SF-15) to Planned Development-124 (PD-124), for Bryant's Addition, Block 11, Lots 1, 11, and 12, located on the northeast corner of South Coleman Street and East Third Street. (ZONE-23-0027) (DH)

Agenda Item 25.

Consider and act upon authorizing the Town Manager to execute a Development Agreement between Michael Bryant & Curtis Klieger and the Town of Prosper relative to 105 South Coleman Street. (DH)

Agenda Item 26.

Consider and act upon an ordinance to rezone 0.5± acres from Single Family-15 (SF-15) to Planned Development-125 (PD-125), for Bryant's Addition, Block 22, Lots 7, 8, and 9, located on the northwest corner of South Parvin Street and East Second Street. (ZONE-23-0028) (DH)

Agenda Item 27.

Consider and act upon authorizing the Town Manager to execute a Development Agreement between Kevin & Jennifer Pittman and the Town of Prosper relative to 202 South Parvin Street. (DH)

Agenda Item 28.

Consider and act upon whether to direct staff to submit a written notice of appeals on behalf of the Town Council to the Development Services Department, pursuant to Chapter 4, Section 1.5(C)(7) and 1.6(B)(7) of the Town's Zoning Ordinance, regarding action taken by the Planning & Zoning Commission on Preliminary Site Plans and Site Plans. (DH)

Citizen Comments

Regular Agenda

Pursuant to Section 551.007 of the Texas Government Code, individuals wishing to address the Council for items listed as public hearings will be recognized when the public hearing is opened.

Agenda Item 29.

Conduct a public hearing and consider and act upon a request for a Planned Development for a House of Worship on 26.1± acres, on Prosper School Church Addition, Block A, Lot 2, located north of West First Street and west of South Legacy Drive. The property is zoned Agricultural. (ZONE-23-0030) (DH)



ZONE-23-0030

Rock Creek Church

Planned Development

Proposal

Purpose of Request

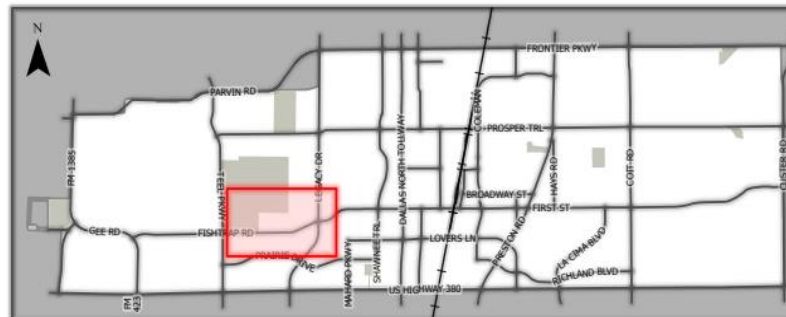
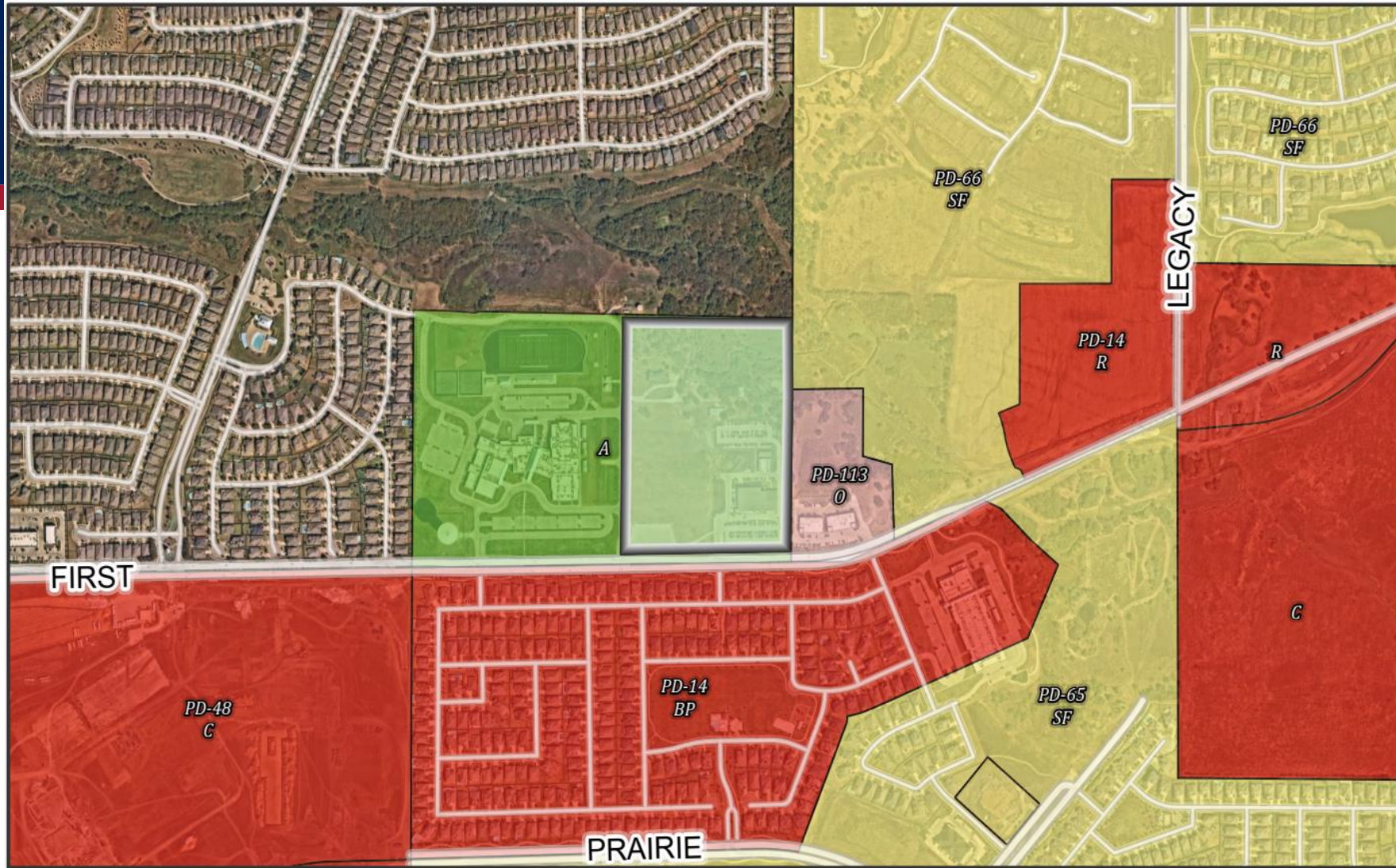
- Construct a 1,000-seat worship building and associated parking.

Rezoning Need

- Agricultural District only provides a lot coverage allowance of 20%.
- Development will require a lot coverage of 32%.

Planned Development Need

- Office District viewed as most compatible commercial zoning.
- Office District only provides a lot coverage allowance of 30%.



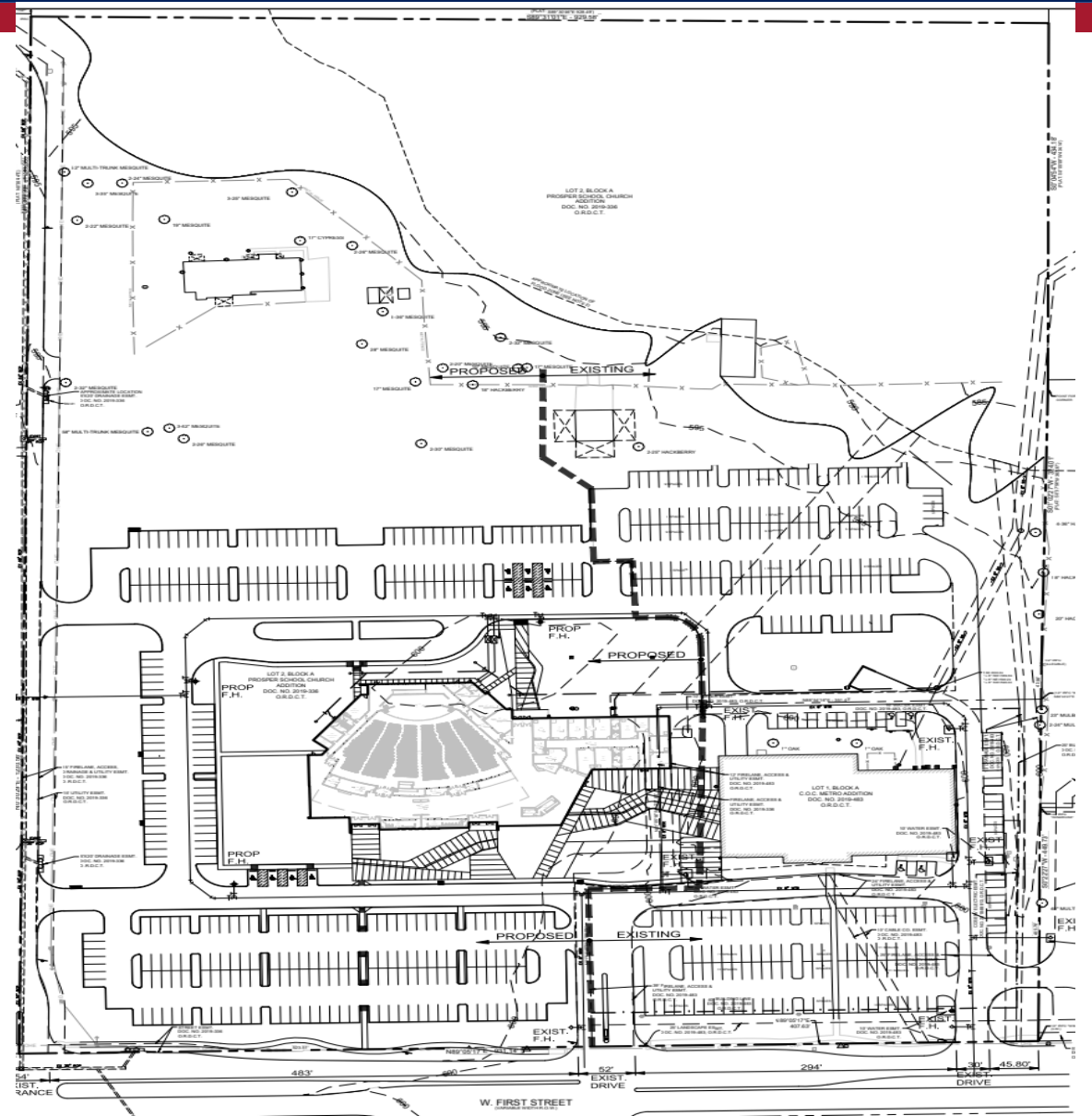
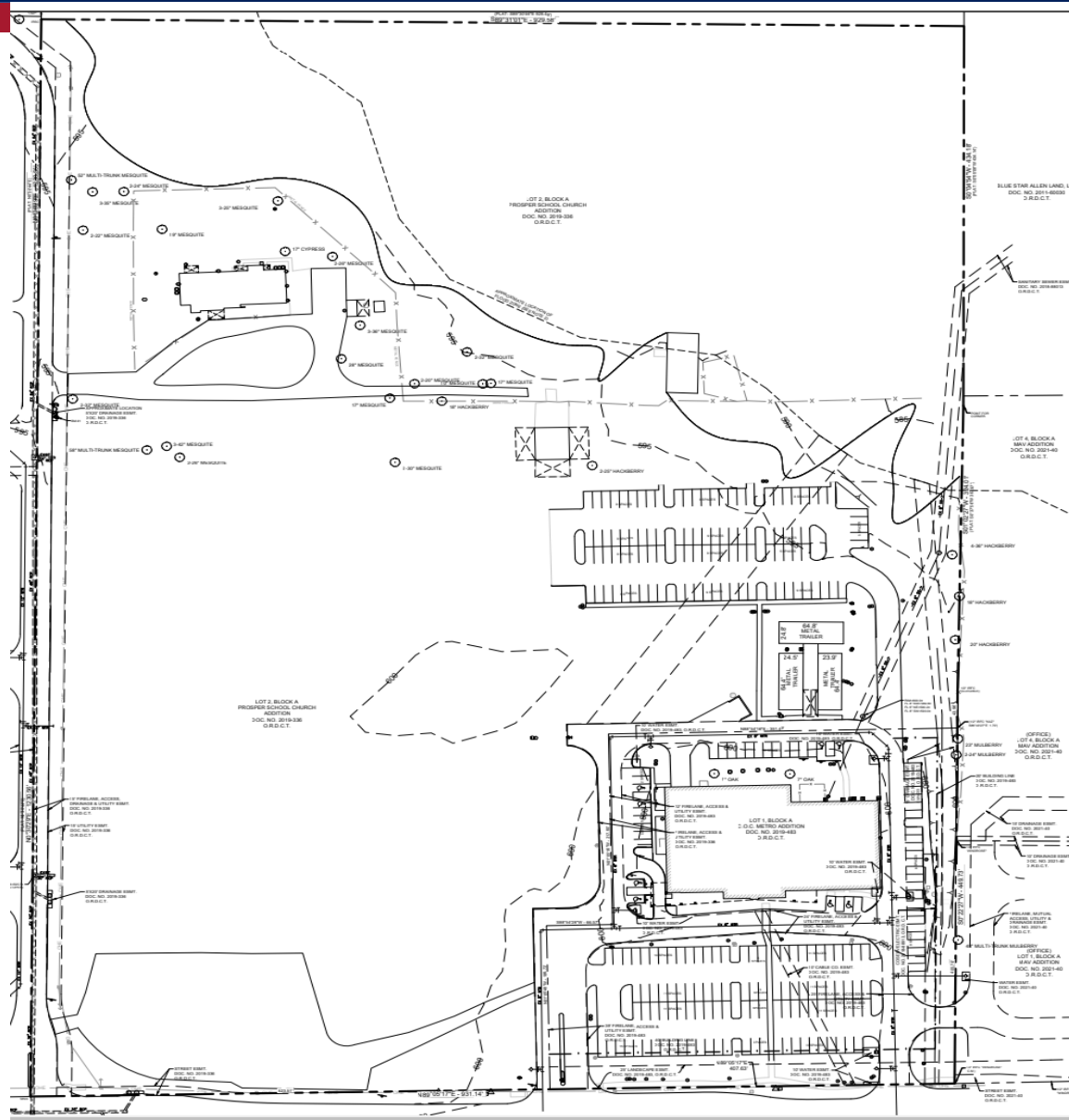
ZONE-23-0030

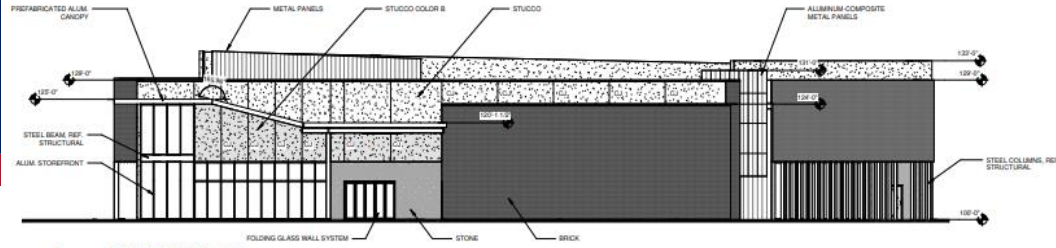
Rock Creek Church

Planned Development

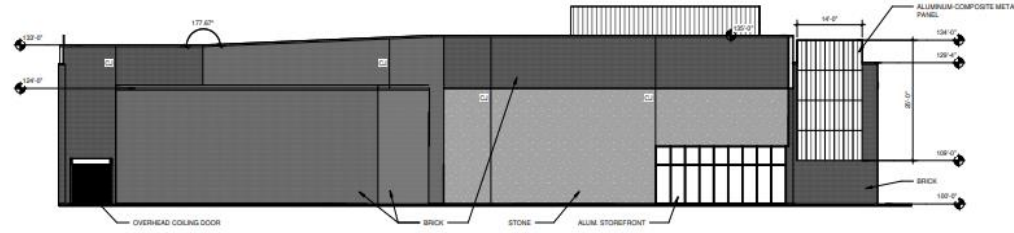
Surrounding Area

	Zoning	Current Land Use
Subject Property	Agricultural	House of Worship
North	ETJ	Residential
East	Planned Development-113	Medical Office
South	Planned Development-14	Residential
West	Agricultural	School, Public

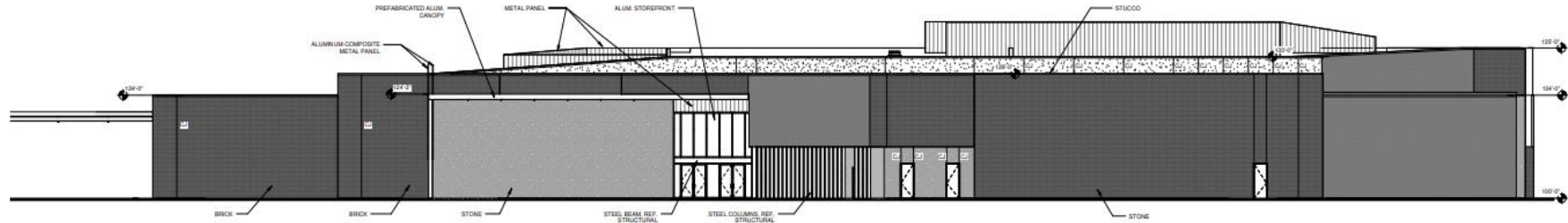




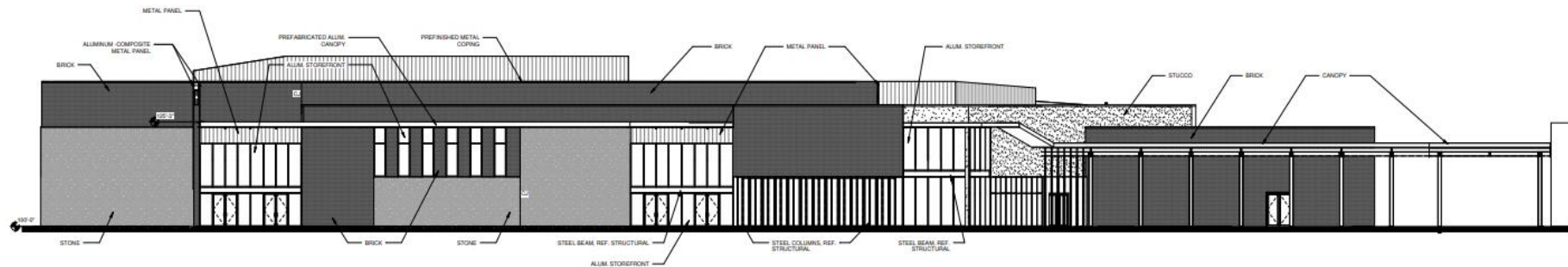
4 EXTERIOR ELEVATION - EAST
A310 3/32" = 1'-0"



3 EXTERIOR ELEVATION - WEST
A310 3/32" = 1'-0"



2 EXTERIOR ELEVATION - NORTH
A310 3/32" = 1'-0"



1 EXTERIOR ELEVATION - SOUTH

EXTERIOR MATERIAL CALCULATIONS			
SOUTH ELEVATION:	NORTH ELEVATION:	WEST ELEVATION:	EAST ELEVATION:
STUCCO 88 SF (1%)	STUCCO 640 SF (7%)	STUCCO 1,440 SF (26%)	STUCCO 1,200 SF (31%)
STONE 2,850 SF (38%)	STONE 3,480 SF (37%)	STONE 1,440 SF (26%)	STONE 300 SF (8%)
BRICK 4,610 SF (62%)	BRICK 5,080 SF (55%)	BRICK 3,800 SF (68%)	BRICK 2,220 SF (57%)
METAL PANEL 571 SF (8%)	METAL PANEL 55 SF (1%)	METAL PANEL 300 SF (5%)	METAL PANEL 140 SF (3%)
TOTAL = 7,309 SF	TOTAL = 9,240 SF	TOTAL = 5,760 SF	TOTAL = 4,810 SF

Agricultural District v. Office District

	Agricultural	Office
Min. Lot Area (Ft. ²)	87,120 (2 Acres)	7,000
Min. Lot Width (Ft.)	200	70
Min. Lot Depth (Ft.)	200	100
Min. Front Setback (Ft.)	40	30
Min. Side Setback (Ft.)	20, 25 (KL)	10 (NR), 25 (1R), 40 (2R)
Min. Rear Setback (Ft.)	20	10 (NR), 25 (1R), 40 (2R)
Max. Lot Coverage (%)	20	30*

Key

- KL = Key or Corner Lot
- NR = Adjacent to Non-Residential
- 1R = 1-Story Adjacent to Residential
- 2R = 2-Story Adjacent to Residential

Development Standards

Permitted Uses

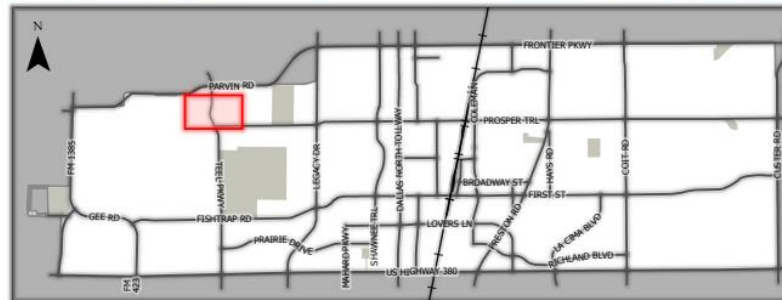
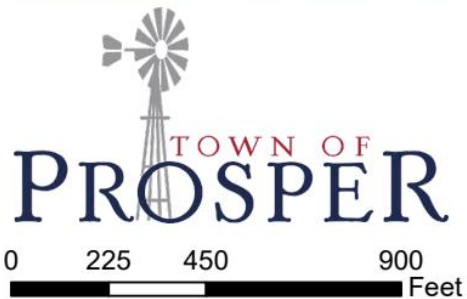
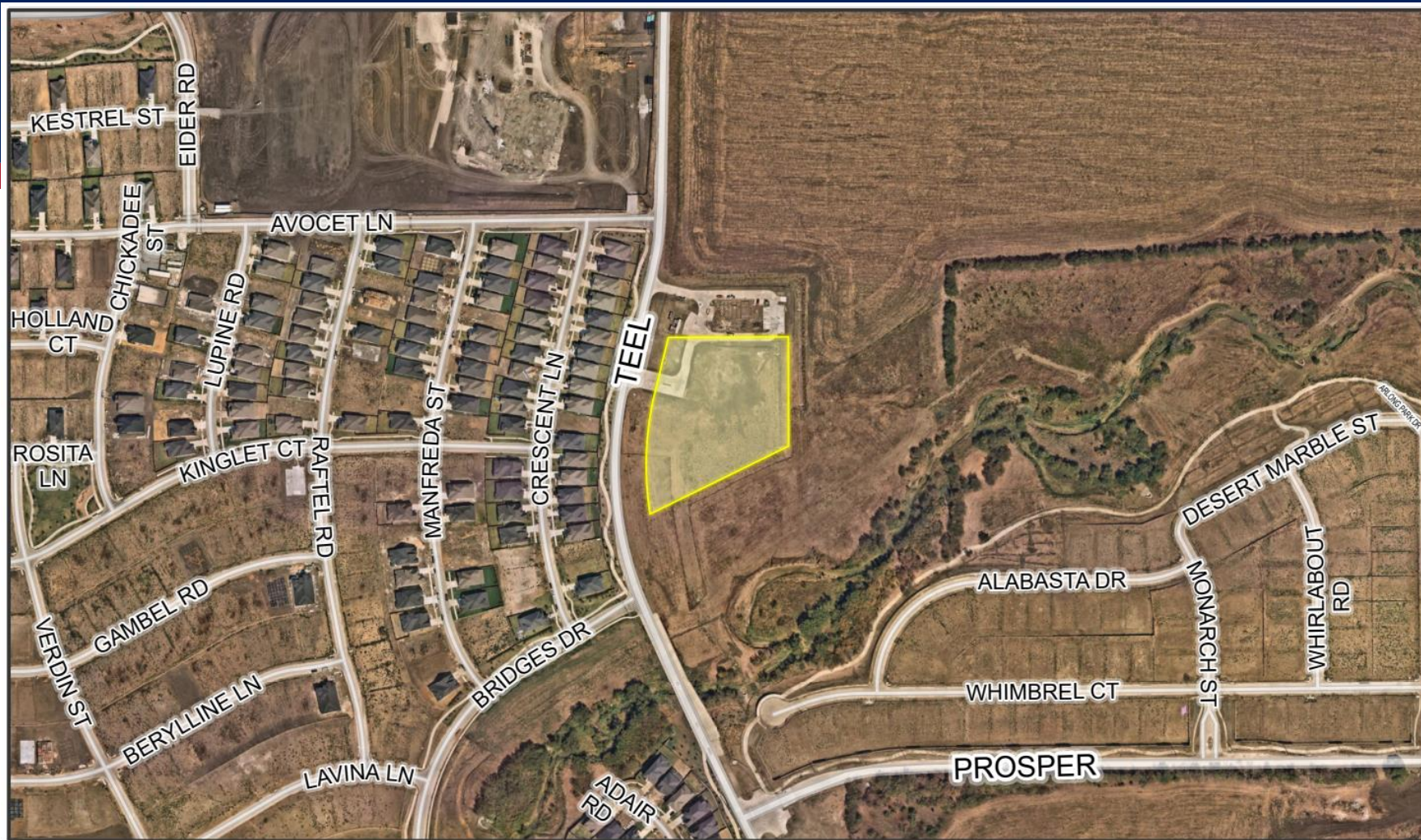
- Childcare Center – S
- House of Worship
- Rectory
- School, Private or Parochial

Lot Coverage

- Maximum Allowance of 50%

Agenda Item 30.

Conduct a public hearing to consider and act upon a request for a Specific Use Permit (SUP) to allow Retail Stores and Shops, a Convenience Store (without Gas Pumps), Dry Cleaning, Minor, and Gymnastics/Dance Studio uses on 3.6± acres on Windsong Ranch Office Addition, Block A, Lot 2, located south of Parvin Road and east of North Teel Parkway. The property is zoned Planned Development-103 (PD-103) Windsong Ranch Office. (ZONE-23-0023) (DH)



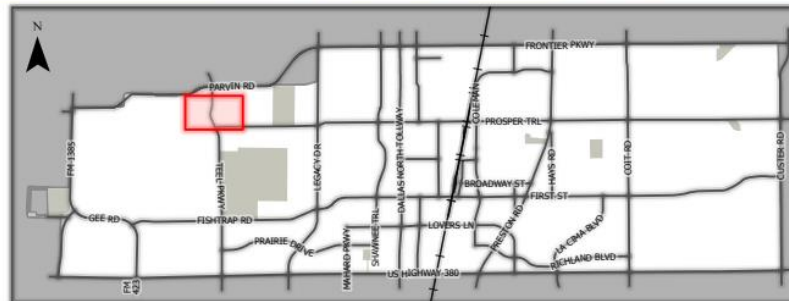
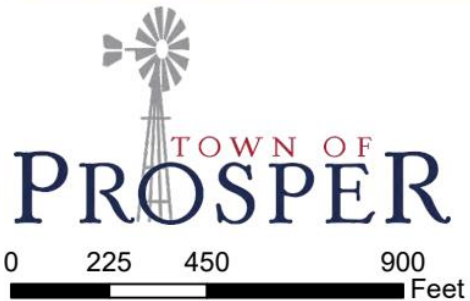
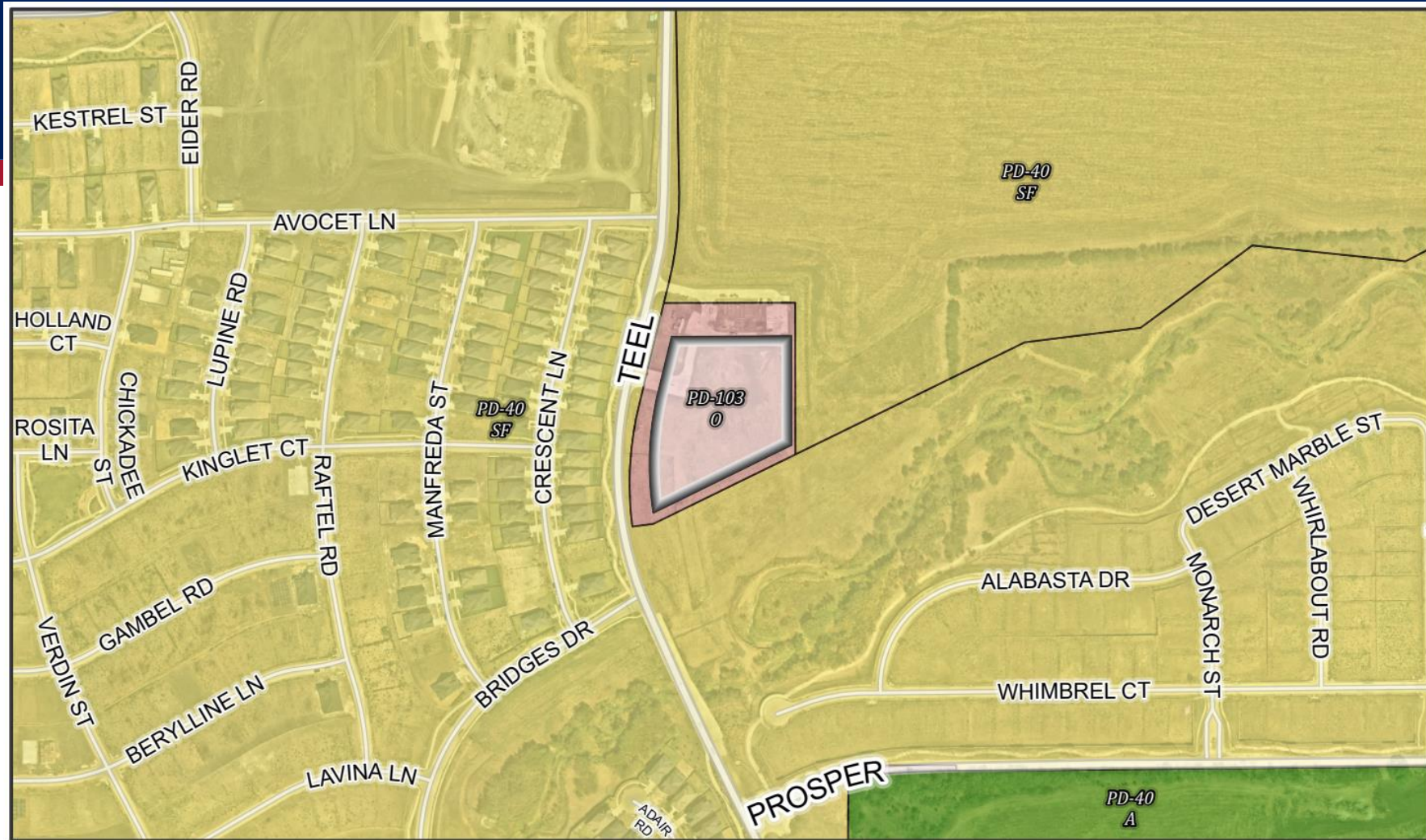
This map for illustration purposes only

ZONE-23-0023

SUP Teel Pkwy Retail

Specific Use Permit

61



ZONE-23-0023

SUP Teel Pkwy Retail

Specific Use Permit

Planned Development-103 permits all uses allowed in the Office zoning district. In addition to these uses, Restaurant is allowed as a permitted use. The applicant anticipates restaurant tenants within the development.

The following uses, requested by the applicant, are allowed only by Specific Use Permit.

- Convenience Store without Gas Pumps
- Dry Cleaning, Minor
- Gymnastics/Dance Studio
- Retail Stores and Shops

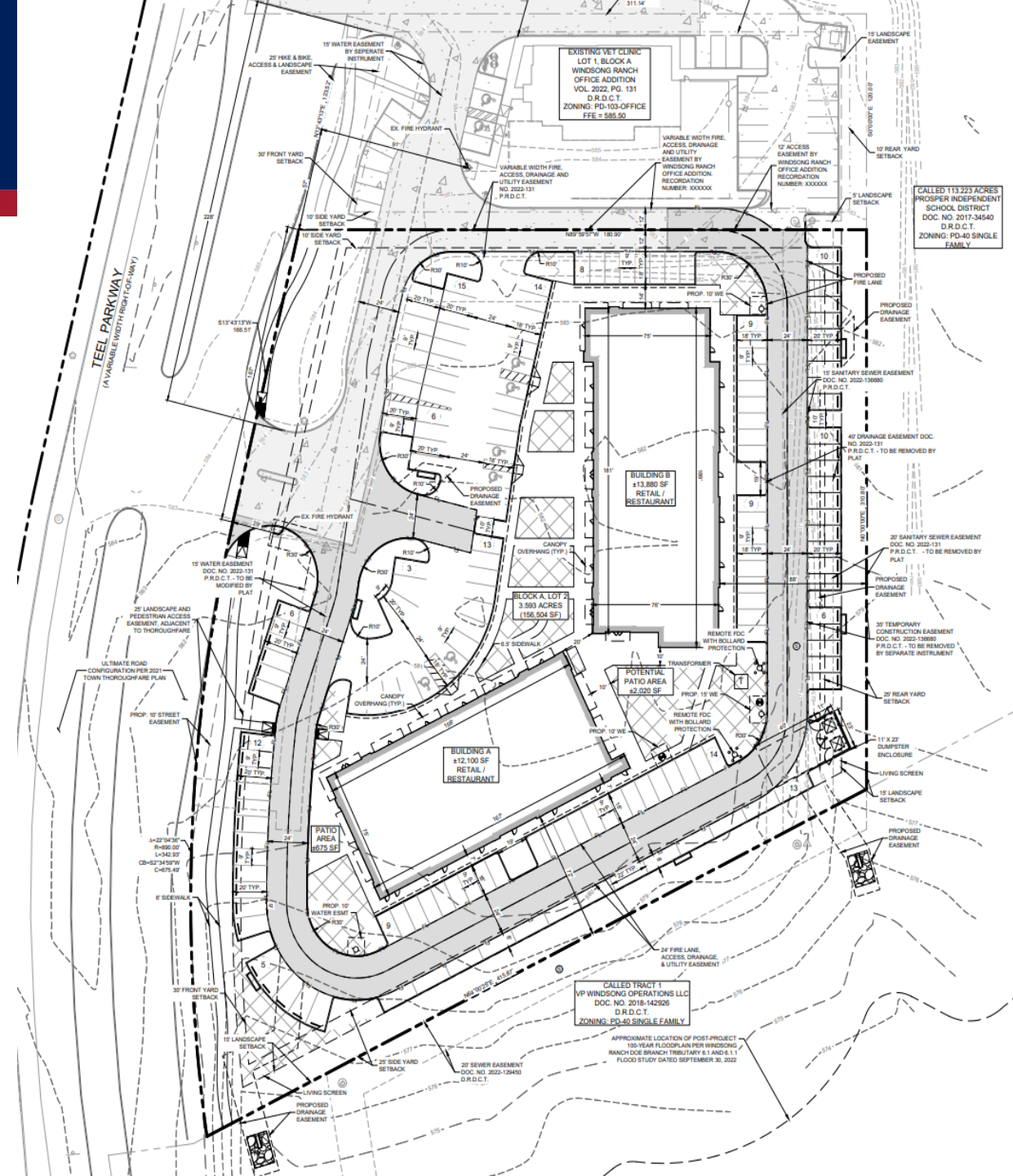
Building Size and Location

Building A (southern building) – 12,100 square feet
 Building B (northern building) – 13,880 square feet
 Total Building Area – 25,980 square feet

Retail Use: 20,380 square feet
 Restaurant Use: 5,600 square feet
 Two outdoor patios – 2,695 square feet.

In the Office zoning district, buildings greater than 10,000 square feet must be 200 feet or more from adjacent residential zoning or uses. This Specific Use Permit would allow for less than 200 feet, as follows:

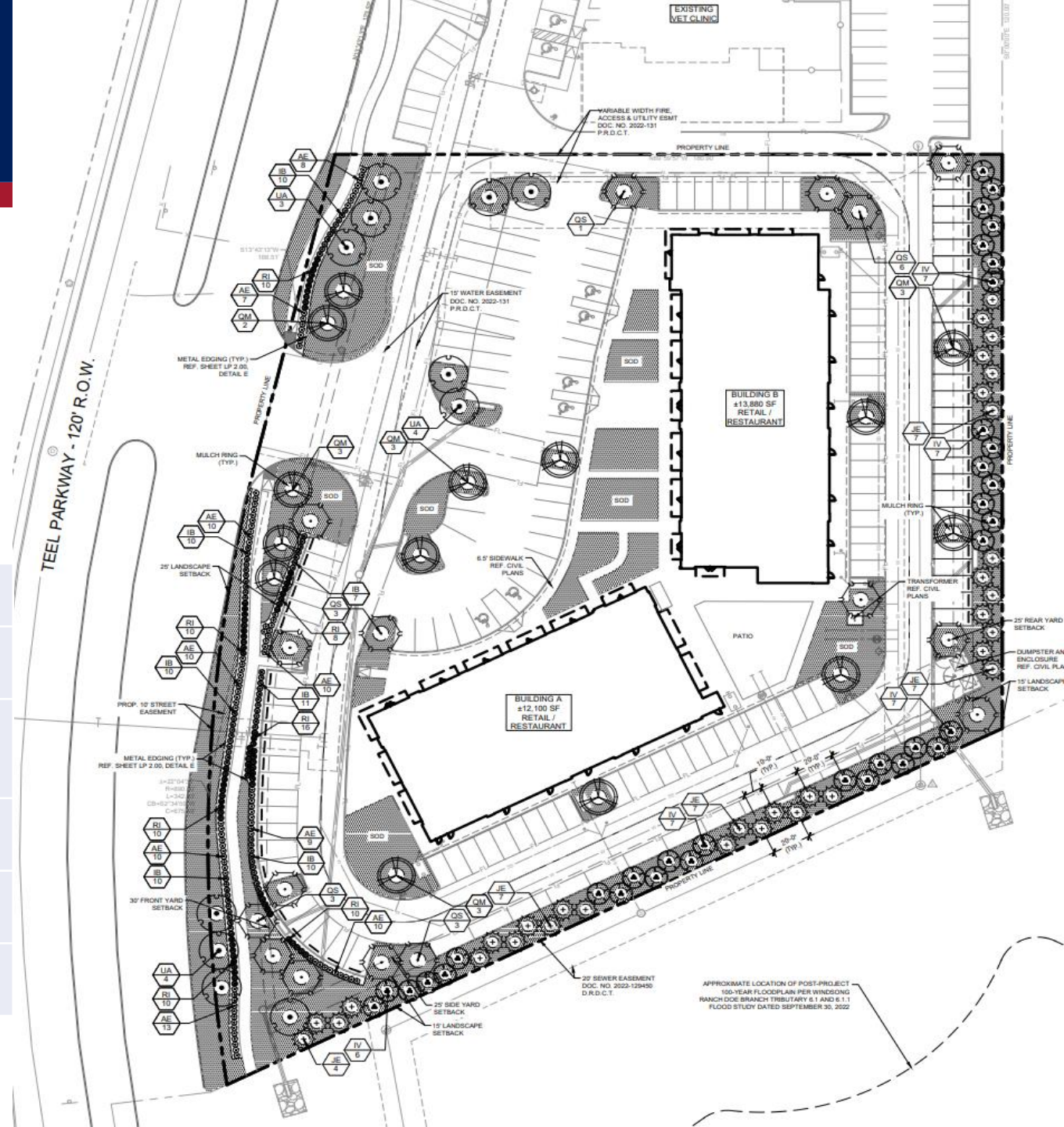
Building A (southern building) – 72 feet
 Building B (northern building) – 88 feet





In lieu of a screening wall, the applicant requests approval of a living screen along the south and east property lines. The applicant is proposing Yaupon Hollies and Eastern Red Cedars at 3-inch caliper in size and 8 feet minimum in height.

	Zoning	Current Land Use	Future Land Use Plan
Subject Property	Planned Development-103 (Office)	Undeveloped	Retail & Neighborhood Services
North	Planned Development-103 (Office)	Under construction (Veterinary Clinic)	Retail & Neighborhood Services
East	Planned Development-40 (Single Family)	Undeveloped	Retail & Neighborhood Services
South	Planned Development-40 (Single Family)	Floodplain	Floodplain
West	Planned Development-40 (Single Family)	Residential (Developed)	High Density Residential





06 SOUTH ELEVATION
3/32" = 1'-0"



05 EAST ELEVATION
3/32" = 1'-0"

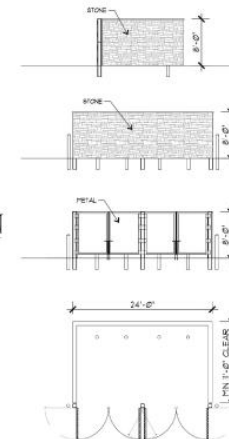
	BRICK	STONE	METAL CANOPY	SCREEN	TOTAL
AREA	4239	1235	4747	1955	
VOLUME	172	544	1368	431	
TOTAL LOS (MINIMUM)	3886.0	1281	2799	1375	
MIN	2571	53.38	966	44.15	773
MAX	1280	32.87	385	32.81	724
MINIMUM (STANDARD)	615	15.85	321	23.49	1219
MINIMUM (STANDARD)	3087	103.0	1262	98.4	2710
TOTAL	0.0	0.0	20.0	1.6	44.0
TOTAL	3887.0	130	1282.0	190	2759.0
TOTAL	100	1374.0	100		



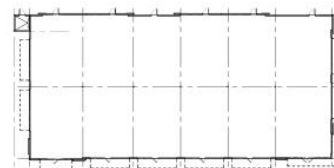
04 WEST ELEVATION
3/32" = 1'-0"



03 NORTH ELEVATION
3/32" = 1'-0"



01 DUMPSTER
3/32" = 1'-0"



02 BUILDING OUTLINE
1/32" = 1'-0"



KEY PLAN
1" = 200'

- CITY OF PROSPER FACADE PLAN (STANDARD) LANGUAGE AND/OR NOTATIONS:
1. THE FACADE PLAN IS FOR CONCEPTUAL PURPOSES ONLY. ALL BUILDING PLANS REQUIRE REVIEW AND APPROVAL FROM THE BUILDING INSPECTIONS DIVISIONS.
 2. ALL MECHANICAL EQUIPMENT SHALL BE SCREENED FROM PUBLIC VIEW. ROOFTOP MOUNTED EQUIPMENT SHALL BE SCREENED BY A PARAPET WALL OR SCREENING WALL. SCREENING WALLS SHALL BE THE SPECIFICATIONS OF THE ZONING ORDINANCE.
 3. WHEN PERMITTED, EXPOSED UTILITY BOXES AND CONDUITS SHALL BE PAINTED TO MATCH THE BUILDING.
 4. ALL STORAGE AREAS AND LOCATIONS ARE SUBJECT TO APPROVAL BY THE BUILDING INSPECTIONS DIVISION.
 5. WINDOWS SHALL HAVE A MAXIMUM EXTERIOR VISIBLE REFLECTIVITY OF TEN (10) PERCENT.
 6. ANY DEVIATION FROM THE APPROVED FACADE PLAN WILL REQUIRE RE-APPROVAL BY THE TOWN OF PROSPER.

OWNER:
SAS PROSPER TELEPHONY RETAIL LLC

APPLICANT (ONLINE ENGINEER):
KIMLEY HORN

ARCHITECT:
GSD ARCHITECTS





MANUFACTURED STONE:
PROVIA 'NATURAL CUT' FERNWOOD



TEXTURED TILT PANEL OR STUCCO
COLOR 1



TEXTURED TILT PANEL OR STUCCO
COLOR 2



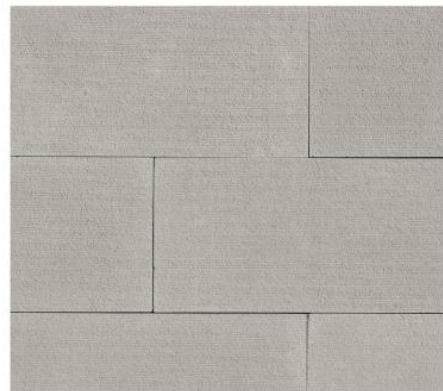
CAST STONE
CUSTOM COLOR MATCH ACCENT TRIM/BRICK



METAL TRIM
CANOPY / COPING



STONE COLOR 1:
SMOOTH STONE:
ELDORADO STONE MARQUEE24 DOVETAIL



STONE COLOR 2:
SMOOTH STONE:
ELDORADO STONE ZEN24 NICKEL



ACCENT BRICK:
ROBEN - BLACK NUANCED SMOOTH



FIELD BRICK:
ROBEN - MANCHESTER

Agenda Item 31.

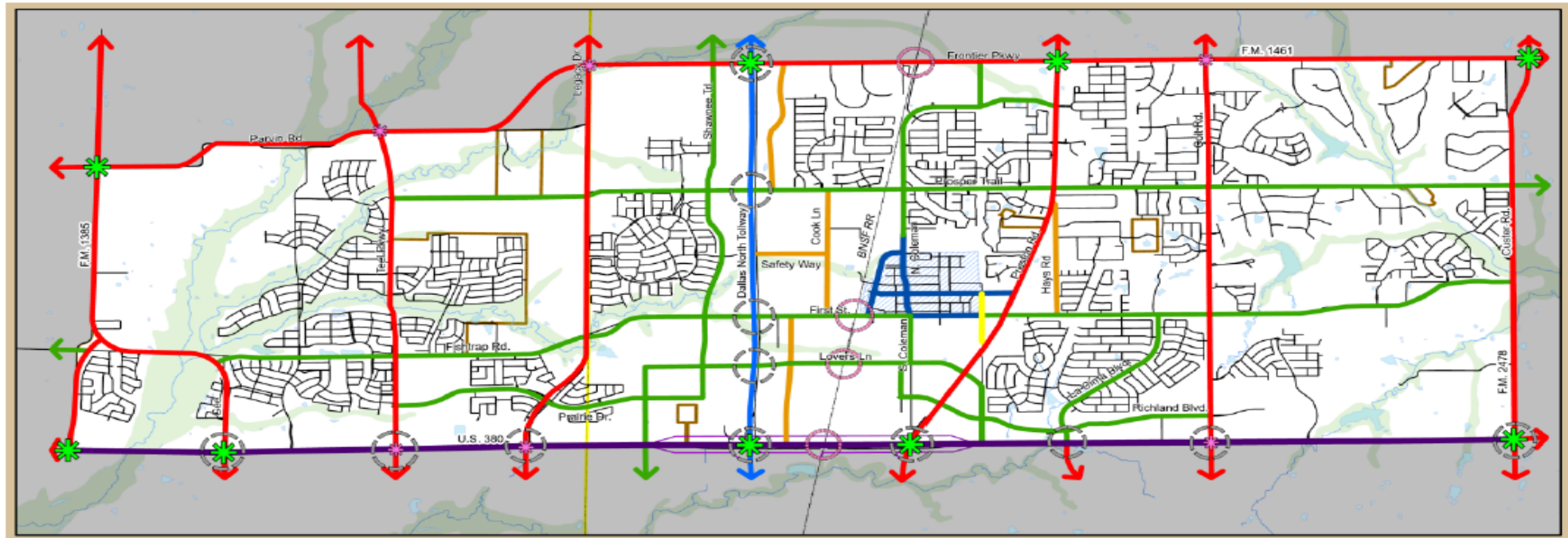
Conduct a public hearing to consider and act upon an amendment to Chapter 3, Section 1.4 – Conditional Development Standards of the Town of Prosper Zoning Ordinance to modify requirements related to gas pumps. (ZONE-23-0039) (DH)

Gas Pumps – Proposed Amendments









Amend the Zoning Ordinance standards for Gas Pumps and Convenience Stores with Gas Pumps to allow the pumps and associated canopy to be further than 200 feet from an intersection of major thoroughfares, provided that the pumps are associated with a grocery store that is a minimum 50,000 square feet or a Big Box. (A Big Box means a retail building over 80,000 square feet where the primary tenant occupies at least 80 percent of the building.)


- The gas pumps can be on the same lot or a separate lot from the associated grocery store or Big Box.
- There is no modification to the maximum number of fueling stations at an intersection.
- The separation requirement of 200 feet is still applicable between property zoned or designated on the Future Land Use Plan for residential uses and buildings, gasoline pump islands, vacuums, outdoor speakers, gasoline or fuel storage tanks, air and water dispensers, and other structures in conjunction with any automotive use.




Thoroughfare Plan



Thoroughfare Description

-  Limited Access Roadway/Freeway (330' ROW)
-  Dallas North Tollway
-  Major Thoroughfare (6 lane; 120' ROW)
-  Minor Thoroughfare (4 lane; 90' ROW)
-  Commercial Couplet (3 lane; 65' ROW)
-  Commercial Collector (2 lane; 60' ROW)
-  Old Town District (Section Varies)
-  Access Roads

-  Major Gateway
-  Minor Gateway
-  Grade Separation
-  RR Grade Separation

-  Town of Prosper
-  ETJ
-  100 Year Floodplain

The Thoroughfare Plan is for informational purposes and has not been prepared for and is not intended for legal, real estate, engineering, or surveying purposes. It is provided as a conceptual guide for transportation decisions within the Town related to general roadway alignments and classifications. The Town of Prosper does not assume any responsibility or liability for omissions, inaccuracies, or misinterpretations of the Thoroughfare Plan.

3. **Gas Pumps.** Gas pumps shall be subject to the following development standards:

- a) Gas Pumps are permitted only within 200 feet of the right-of-way lines of intersecting major thoroughfares. When Gas Pumps are associated with a minimum 50,000 square foot grocery store or Big Box, the gas pumps may be a distance greater than 200 feet from the right-of-way lines of intersecting major thoroughfares;
- b) Gas Pumps are permitted at a maximum of two corners at an intersection of two major thoroughfares;
- c) Canopies shall have pitched roofs;
- d) Canopy support columns shall be entirely masonry encased;
- e) A raised landscape planter of the same material as the masonry columns shall be provided at both ends of all pump islands. Raised landscape planters shall be between 18 inches and 24 inches tall and a minimum of four feet wide and four feet long;
- f) Raised planters shall be landscaped with a combination of shrubs and ground cover as approved by the Director of Planning, or his/her Designee.
- g) Landscape island(s) totaling a length equal to 50 percent of the canopy perimeter and a minimum of six ~~feetwide~~ feet wide shall be provided for screening and traffic flow purposes. These areas shall have a minimum of one ornamental tree per 12 linear feet or portion thereof and one five-gallon shrub per one linear foot arranged as approved by the Director of Planning, or his/her Designee.
- h) Use shall be removed if closed for more than six months; and
- i) The canopy band face shall be of a color consistent with the main structure or an accent color and may not be backlit.

17. **Convenience Store With Gas Pumps.** Convenience Stores with Gas Pumps shall be subject to the following development standards:
- a) Permitted in the designated districts only within 200 feet of the right-of-way lines of intersecting major thoroughfares. When the Convenience Store with Gas Pumps is associated with a minimum 50,000 square foot grocery store or Big Box, the gas pumps may be a distance greater than 200 feet from the right-of-way lines of intersecting major thoroughfares;
 - b) Gas Pumps are permitted at a maximum of two corners at an intersection of two major thoroughfares;
 - c) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 shall apply.
 - d) Canopies shall have pitched roofs;
 - e) Canopy support columns shall be entirely masonry encased;
 - f) The canopy band face shall be a color consistent with the main structure or an accent color and may not be backlit; and
 - g) Use shall be removed if closed for more than six months.

Agenda Item 32.

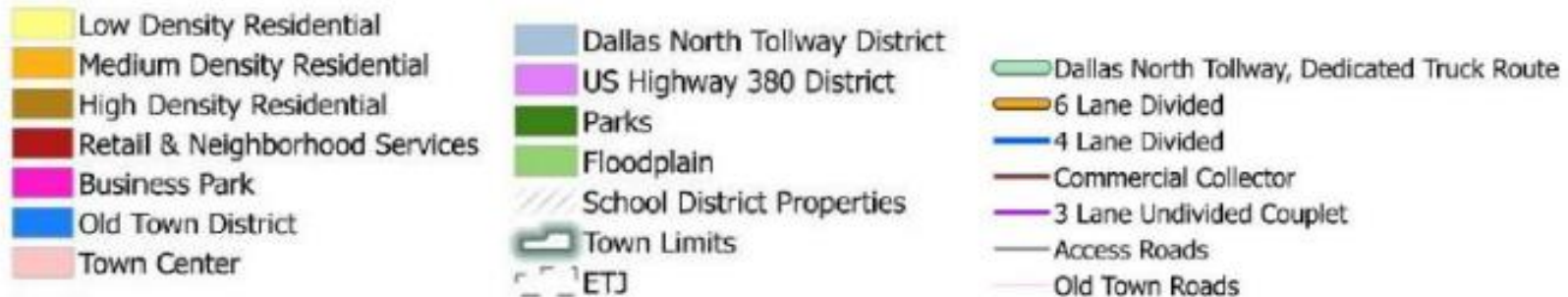
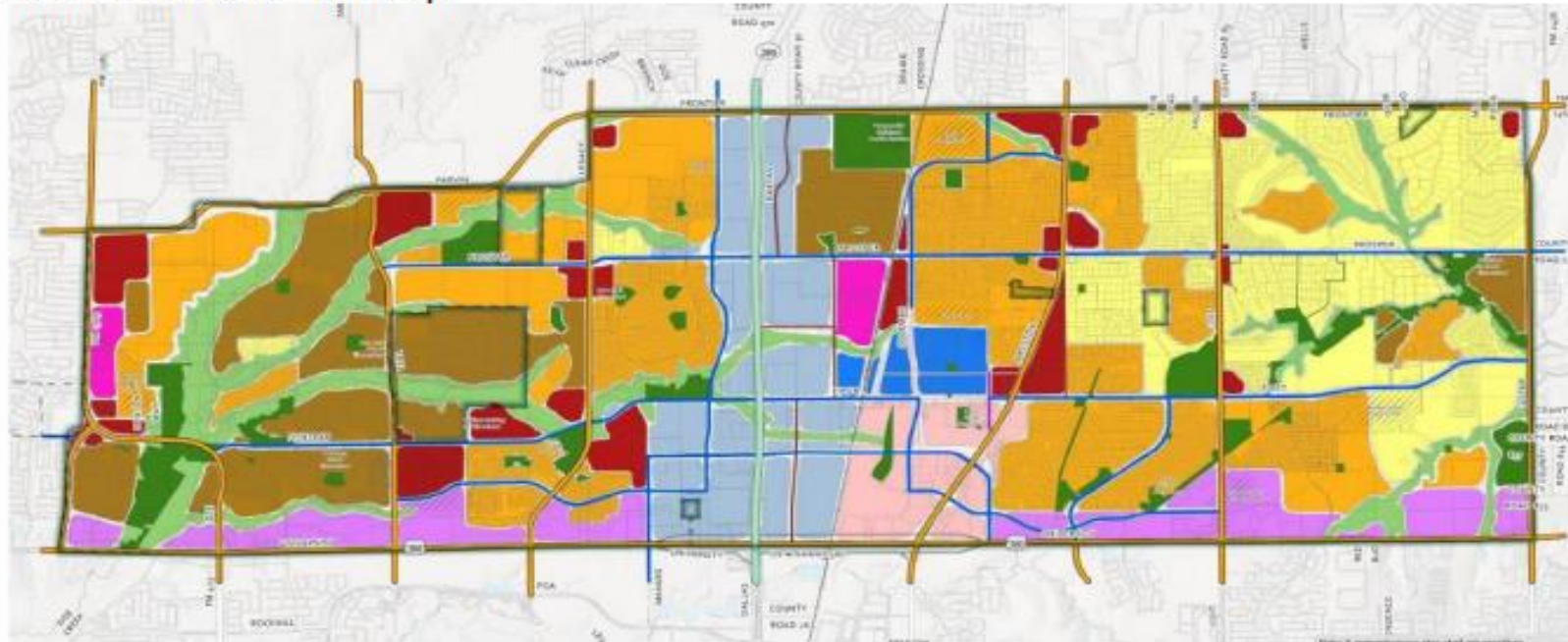
Conduct a public hearing to consider and act upon amending Chapter 2, Section 13 – Multifamily District; Chapter 4, Section 4.3 – Non-residential and multifamily parking provisions; and Chapter 4, Section 8 – Non-Residential & Multifamily Design and Development of the Town of Prosper Zoning Ordinance to modify Multifamily development standards. (ZONE-23-0024) (DH)

Comprehensive Plan:

The Comprehensive Plan identifies Multifamily in the following Districts, which are identified on the Future Land Use Plan:

- High Density Residential - Apartments are to be a conditional primary use.
- Dallas North Tollway District - Apartments are to be a conditional primary use.
- Town Center District - Apartments are to be secondary in nature to a primary use.
- Old Town District - Apartments are to be a conditional primary use.

Future Land Use Plan Map:



Multi-Family – Proposed Amendments

1. Limits Multifamily developments to the areas designated for this use in the Comprehensive Plan and as identified on the Future Land Use Plan.
2. Requires that Multifamily development can only be approved within a Planned Development.
3. Establishes a minimum density of 40 units per acre.
4. Removes setbacks and lot area requirements, as these can be determined on a case-by-case basis within the Planned Development standards.

Multi-Family – Proposed Amendments

5. Requires compliance with the Dallas North Tollway Design Guidelines.
6. Increases the maximum height allowance from three stories and 50 feet to eight stories and 110 feet.
7. Establishes a building configuration for Multifamily structures, requiring a wrap-around configuration with a central garage surrounded by the residential units.

Multi-Family – Proposed Amendments

8. Creates a mixed-use opportunity by allowing the first floor of the building to be used for residential or retail uses. A minimum fourteen feet ceiling height for the first floor will accommodate retail uses.
9. Limits the height of the interior garage so that it will not exceed the height of the exterior building, and all associated appurtenances, such as an elevator shaft or mechanical equipment, shall be completely screened.
10. Modifies parking stall dimensions for structured parking garages from 18 feet by 8.5 feet to 20 feet by 9 feet.

Multi-Family – Proposed Amendments

11. Modifies Multifamily parking standards to reflect the updated parking garage requirement from individual unit parking garages.
12. Removes Multifamily design and development standards. These criteria will be addressed in Planned Development standards.

These standards will apply to all future and currently entitled multi-family developments.

Agenda Item 33.

Consider and act upon approving a Professional Services Agreement between Dunaway Associates, L.P. and the Town of Prosper, Texas, for the preparation of a Parks, Recreation & Open Space Master Plan, and authorizing the Town Manager to execute documents for the same. (DB)

Parks and Recreation Open Space Master Plan

- Customary to update master plan every 5 years (current adopted in 2015)
- Dunaway Associates, L.P. completed the 2015 master plan
- Current proposal - \$129,340 (\$140,000 was budgeted).
- Serve as a guide to prioritize future capital improvement and bond projects
- Estimated completion December 2024
- Plan Components
 - data collection
 - system inventory
 - population analysis
 - service standards analysis
 - benchmarking study (using comparison cities
 - recreation program analysis
 - needs assessment (surveys, focus groups)
 - priority rankings of identified needs
 - action and implementation plans

Parks and Recreation Open Space Master Plan

Public Input

- Advisory Board (proposed stakeholder groups)
 - Active Adults
 - CEC
 - PYSC
 - PISD
 - Chamber of Commerce
 - HOAs
 - Faith Community
 - Downtown Business Alliance
 - Development Community
- Two Focus Group Meetings (targeted groups)
- Online Survey (communitywide)

Agenda Item 34.

Consider and act upon awarding CSP No. 2024-09-B to McMahon Contracting LP, related to construction services for the Teel Parkway (US 380 – First Street) project; and authorizing the Town Manager to execute a construction agreement for same. (HW)

Bids Received:

Eight (8) – December 7, 2023

Updated CSP Percentages:

- Cost Proposal = 65%
- Project Timeline = 25%
- Qualifications/Exp = 10%

Range of Proposals (Cost):

\$5,367,467.25 –
\$6,222,085.33

Range of Proposals (Time)

120 days – 390 days

Recommendation:

McMahon Contracting LP
\$5,399,999.00
120 days

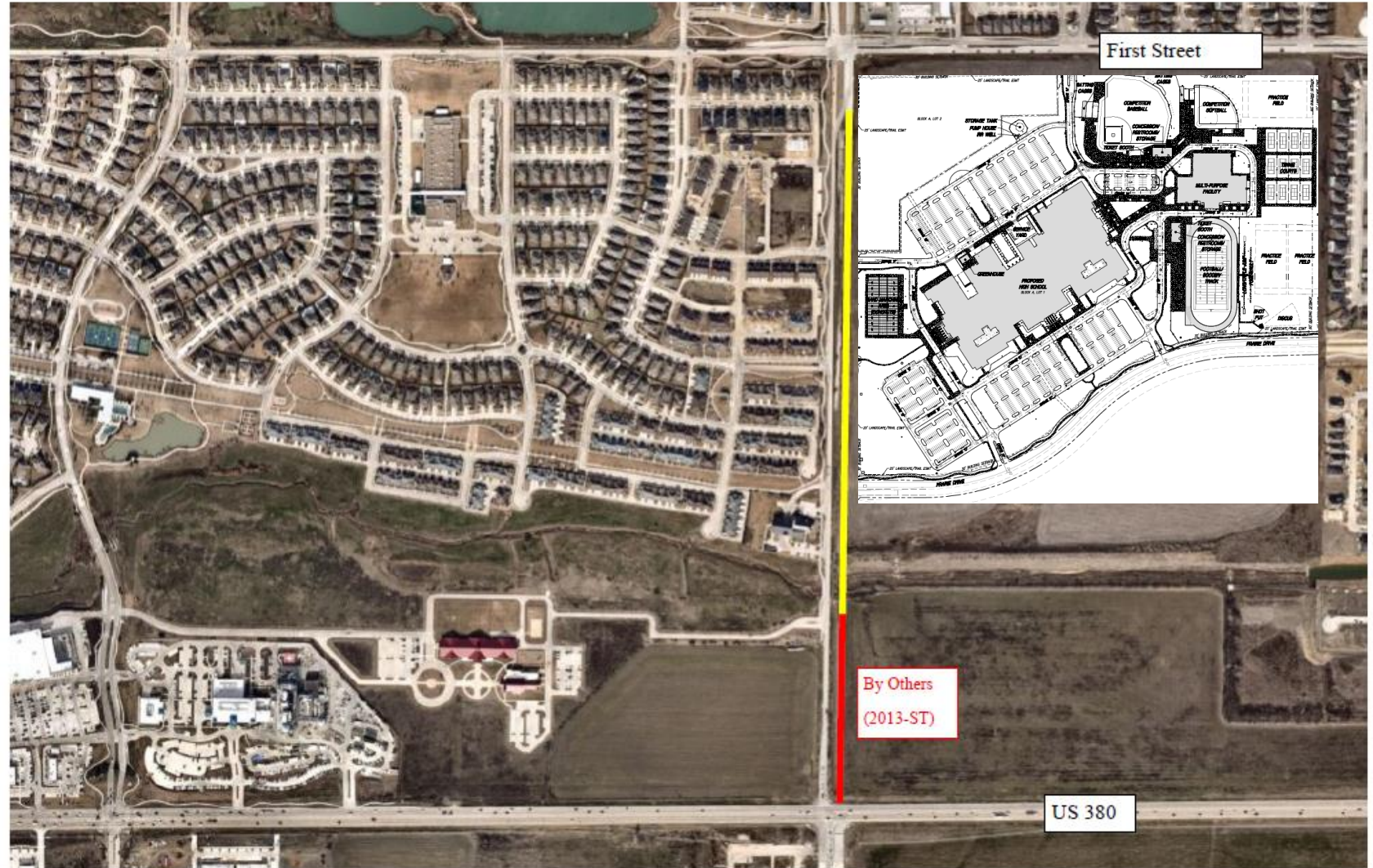
PISD Participation Estimate:

\$2.1M



LOCATION MAP

Teel Parkway
US 380 to First Street



Agenda Item 35.

Consider and act upon an ordinance amending Article 13.08, “Right-of-Way Management,” of Chapter 13 “Utilities,” of the Town’s Code of Ordinances. (HW)

Topics for Discussion

1. What is Article 13.08 “ROW Management” of the Town’s Code of Ordinances?
2. Why does it need to be updated?
3. What research was done in preparation for updating?
4. What are the intended results of the updates?

What is Article 13.08 “ROW Management”?

- Utility companies are allowed to install their utilities in the Town’s ROW and public utility easements (gas, electric, phone, internet, etc.)
- Limited state regulations, Town allowed to provide regulations to manage how the utility companies place their utilities in the ROW and public utility easements:
 - Registration
 - Permitting
 - Public Notification
 - Construction Requirements

Why does it need to be updated? **Town Is Growing**

- Adopted in 2007
- More contractors and construction
- More residents affected by the work in the ROW
- More miles of paved roadways installed and being installed that have to be managed



Why does it need to be updated?

Technology Advances in Construction Methods

Older technology used stacked, sectional piping; stored on flat-bed trucks requiring little or no governing controls.



New technology uses rolled, transportable, fusion piping on reusable reels. Often these reels are left unprotected in roadways.



Why does it need to be updated?

Larger Machines

New technology has created larger, heavier machines which results in more area to manage restoration.



Why does it need to be updated?

Temporary Lines

Contractors laying temporary lines (phone, internet) across sidewalks and roadways and leaving for months until finally buried.



Why does it need to be updated?

More Contractors = More Leftover Mystery Materials

Empty reels and leftover materials get left at job sites or discarded across Town and become a nuisance and eye sore for our residents.



What research was done?

- ROW staff:
 - Reviewed neighboring cities ROW Management Ordinances (Frisco, McKinney, Little Elm, and Celina)
 - “Ride-along” with City of Frisco ROW Staff
 - Attended first CoServ hosted “Franchise Roundtable”
 - Evaluated complaints from resident with intent to incorporate a “we can do better” attitude into the process

What are the intended results of the updates?

Improve Customer Service

- New language for “online” applications and addition of 30 days expiration period if no construction commenced – Section 13.08.015
 - Extension may be allowed – Section 13.08.057
 - Emergency jobs, permit allowed within 2 days after work – Section 13.08.062
- Better communication with public:
 - Informational signs posted on projects – Section 13.08.019
 - Door hangers and vehicle/equipment identification – Section 13.08.058
- Modification to hours for nonemergency work – Section 13.08.022
 - 7:00am – 4:00pm, changing to 7:00am – 3:00pm
 - Cease excavation and boring by noon on day before a holiday or holiday weekend

What are the intended results of the updates?

Improve Customer Service - continued

- Requiring streets to be restored to existing conditions or better within 21 days – Section 13.08.075
- Coating or painting of antennas and/or conduits attached to poles – Section 13.08.072
- Temporary lines shall be remedied within 5 days of written notice. Town has the ability to complete the work and bill the contractor if not in compliance – Section 13.08.081
- Larger projects in neighborhoods to be divided into manageable areas so work can be completed/cleaned in phases – Section 13.08.007

What are the intended results of the updates?

Provide Better Project Management

- Implementation of improved field coordination with “Daily Work Location” forms – Section 13.08.007
- Town review and verification of traffic control plan – Section 13.08.011
- Storm water pollution plan to be submitted – Section 13.08.015
- Requiring potholing of water mains 16” and greater – Section 13.08.020
 - Notifying Town ROW Inspector when traffic control is required
 - Contractor to contact Town ROW Inspector when the job has been completed
- Clarification for overhead pole placement – Section 13.08.069

What are the intended results of the updates?

Hold Contractors Accountable

- Attend Town Utility Coordination Meetings – Section 13.08.006
- Attend pre-construction meeting for major projects – Section 13.08.017
- Written verification of no conflict w/Town projects – Section 13.08.014
- Daily Work Location Form due each day – Section 13.07.007
- Town billing for failure to remove tree trimmings – Section 13.08.054
- Details on what could suspend/hold up a permit – Section 13.08.023
- Further details on penalties and violations – Section 13.08.003
- Required to notify Town immediately if existing utility is damaged and have professional make repairs – Section 13.08.007

What are the intended results of the updates?

Final Verification

- Camera recording of existing storm and sanitary sewer upon completion of boring activity – Section 13.08.076
- Completing a final-walk through with the contractor – Section 13.08.087
- Requiring “as-builts” of work – Section 13.08.008
- Maintenance Bond may be required – Section 13.08.080

What are the intended results of the updates?

Overall Goal of Updates

- Improve Customer Service
- Provide Better Project Management
- Hold Contractors Accountable
- Final Verification



Agenda Item 36.

Discussion regarding nonprofit support options. (RB)



Nonprofit Support

Financial and In-Kind Support provided by the Town of Prosper to
Local Nonprofit Organizations

January 9, 2024

Local Non-profit Organizations

- Cornerstone Assistance Network of North Central Texas
- Prosper Ladies Association (PLA)
- Lovepacs Prosper
- Neighbors Nourishing Neighbors (N3)
- Rotary Club of Prosper
- Grand Love
- 3FTL
- Main Gait
- Visual Arts of Prosper



Direct Financial Support

Organization	Event	Cost (2023)	Comments
Prosper Ladies Association	Boots & Bling	\$1,500	Annual event
Rotary Club	Rotary Flag Program	\$1,200	Annual cost; flags displayed on Town property during patriotic holidays
Prosper Chamber of Commerce	State of the Community Luncheon	\$600	New Chamber Luncheon Format in 2023
Cornerstone NCT	Cornerstone Gala	\$1,600	Last held in 2021; New Comedy Night Event in September 2023
Sons of the Flag	Country for Country	\$1,000	Annual event
Total Annual Support		\$5,900	

In April 2020, the Town Council pledged up to \$25,000 in utility bill relief for eligible residents who were financially impacted by COVID-19. The program provided over \$10,000 in relief to 46 Prosper utility customers.

In-Kind Support

Organization	Event/Activity	Town Participation
All Prosper Nonprofit Organizations	Fee waiver for Special Events	Town waives the \$100 permit fee and \$1,000 deposit for nonprofit Special Events
	Promotion on Town website	Town promotes Prosper nonprofits on the Town website in accordance with the Community Links policy
	Inclusion in Citizens Academy	Annual event; Prosper nonprofits are invited to give a presentation
	Inclusion at Celebrate Prosper event	Annual event; Prosper nonprofits are invited to have a booth
	Inclusion at New Resident Mixer	Bi-annual event; Prosper nonprofits are invited to have a booth
	Inclusion in Balcony Receptions	Annual event; Prosper nonprofits are invited to attend

In-Kind Support, Continued

Organization	Event/Activity	Town Participation
Cornerstone NCT	Hoodie/Toy Drive	Annual event; collection bins in Town Hall lobby
Muscular Dystrophy Association (MDA)	Fill the Boot	Annual event; firefighters collect funds at Town intersections
National Fallen Firefighters Foundation	9/11 Memorial Stair Climb	Annual event; Firefighters climb the equivalent of the 110 stories of the World Trade Center
Neighbors Nourishing Neighbors/NTFB	NTFB Annual Peanut Butter Drive	Annual event to collect peanut butter and raise awareness for NTFB & N3
Prosper Ladies Association	Christmas Angel Tree	Annual event; tree displayed in Town Hall lobby, Fire Department assists with delivery
Prosper Rotary Club	Prosper Veterans Memorial	Town committed land and ongoing maintenance for Prosper Veterans Memorial to be located at Frontier Park
Visual Arts of Prosper	Art & Found; Proclamation	Promotion of local art at Town-wide locations; Proclamation for International Artists Day

Feedback & Direction

Agenda Item 37.

Discuss and consider Town Council Subcommittee reports. (DFB)

Possibly direct Town Staff to schedule topic(s) for discussion at a future meeting.

Executive Session

Section 551.087 – To discuss and consider economic development incentives and all matters incident and related thereto.

Section 551.072 – To discuss and consider purchase, exchange, lease or value of real property for municipal purposes and all matters incident and related thereto.

Section 551.074 – To discuss and consider personnel matters and all matters incident and related thereto.

Section 551.071 – To receive legal advice regarding land use and development issues.

Section 551.074 - To discuss appointments to the Board of Adjustment/Construction Board of Appeals, Parks & Recreation Board, Library Board, Prosper Economic Development Corporation Board, Planning & Zoning Commission, and the Community Engagement Committee, and all matters incident and related thereto.

The Town Council will reconvene after Executive Session.

Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

Adjourn