

Welcome to the March 12, 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

Presentations

Agenda Item 1.

Presentation of a Proclamation declaring the week of March 17-24, 2024, as National Surveyor's Week. (MLS)

Consent Agenda

Agenda Item 2.

Consider and act upon the minutes from the February 27, 2024, Town Council Work Session meeting. (MLS)

Agenda Item 3.

Consider and act upon the minutes from the February 27, 2024,
Town Council Regular meeting. (MLS)

Agenda Item 4.

Consider and act upon a resolution accepting the Independent Audit Report and Annual Comprehensive Financial Report for the Fiscal Year Ended September 30, 2023, as audited by Weaver and Tidwell LLP, Certified Public Accountants. (CL)

Agenda Item 5.

Consider and act upon approving the purchase of a multi-factor authentication (MFA) software platform for staff user accounts.
(LJ)

Agenda Item 6.

Consider and act upon authorizing the Town Manager to execute a Contract for Services between the Town of Prosper and V&A Landscape and Lawn to provide median maintenance services on Custer Road from US Highway 380 to frontier Parkway. (DB)

Agenda Item 7.

Consider and authorize final payment to Coach Specialists of Texas, Inc., for the repair of a 2020 Ford Transit Cargo Van. (CE)

Agenda Item 8.

Consider and act upon authorizing the Town Manager to execute a Professional Services Agreement between Teague Nall and Perkins, Inc., and the Town of Prosper, Texas, related to the design of alley and parking improvements in downtown Prosper.
(CE)

Agenda Item 9.

Consider and act upon authorizing the Town Manager to execute Contract Amendment No. 3 to the Professional Engineering Services Agreement, between TranSystems Corporation dba TranSystems Corporation Consultants, and the Town of Prosper, Texas, related to the design of the US 380 Deceleration Lane Modifications project. (HW)

Agenda Item 10.

Consider and act upon authorizing the Town Manager to execute a Professional Services Agreement between O'Brien Realty Advisors, LLC, and the Town of Prosper, Texas, related to appraisal services for the Craig Road (Preston Road-Fifth Street) project. (HW)

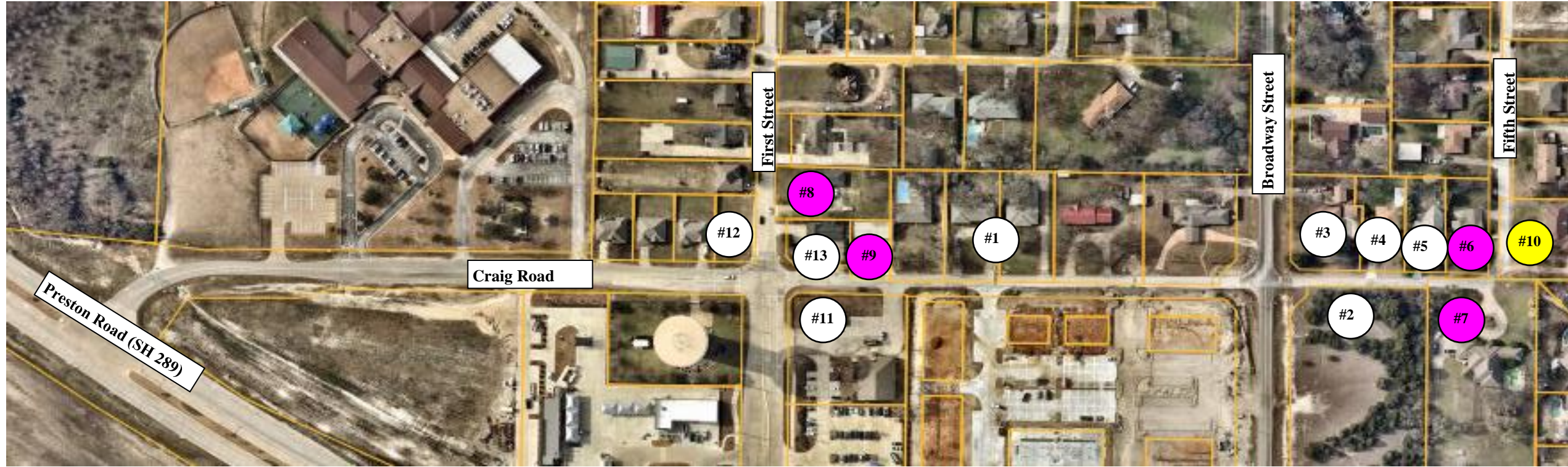
**Professional Services Agreement for
Appraisal Services**

\$45,500.00

Recommendation:

O'Brien Realty Advisors, LLC

- # Right-of-way
- # Right-of-way & Easement
- # Easement



Agenda Item 11.

Consider and act upon authorizing the Town Manager to execute a Professional Services Agreement between Matrix Consulting Group, Ltd., and the Town of Prosper, Texas, related to the Updated Assessment of the Development Review Process project. (CE)

Agenda Item 12.

Consider and act upon authorizing the Town Manager to execute a Contract for Personal Services between Universal Field Services, and the Town of Prosper, Texas, related to easement acquisition services for the FM 1461 12-inch Water Line Relocation project. (HW)



FM 1461 Water Line Easement Acquisition

Overall Location Map

TxDOT PROPOSED ROW LINE

PROPOSED WATERLINE ALIGNMENT

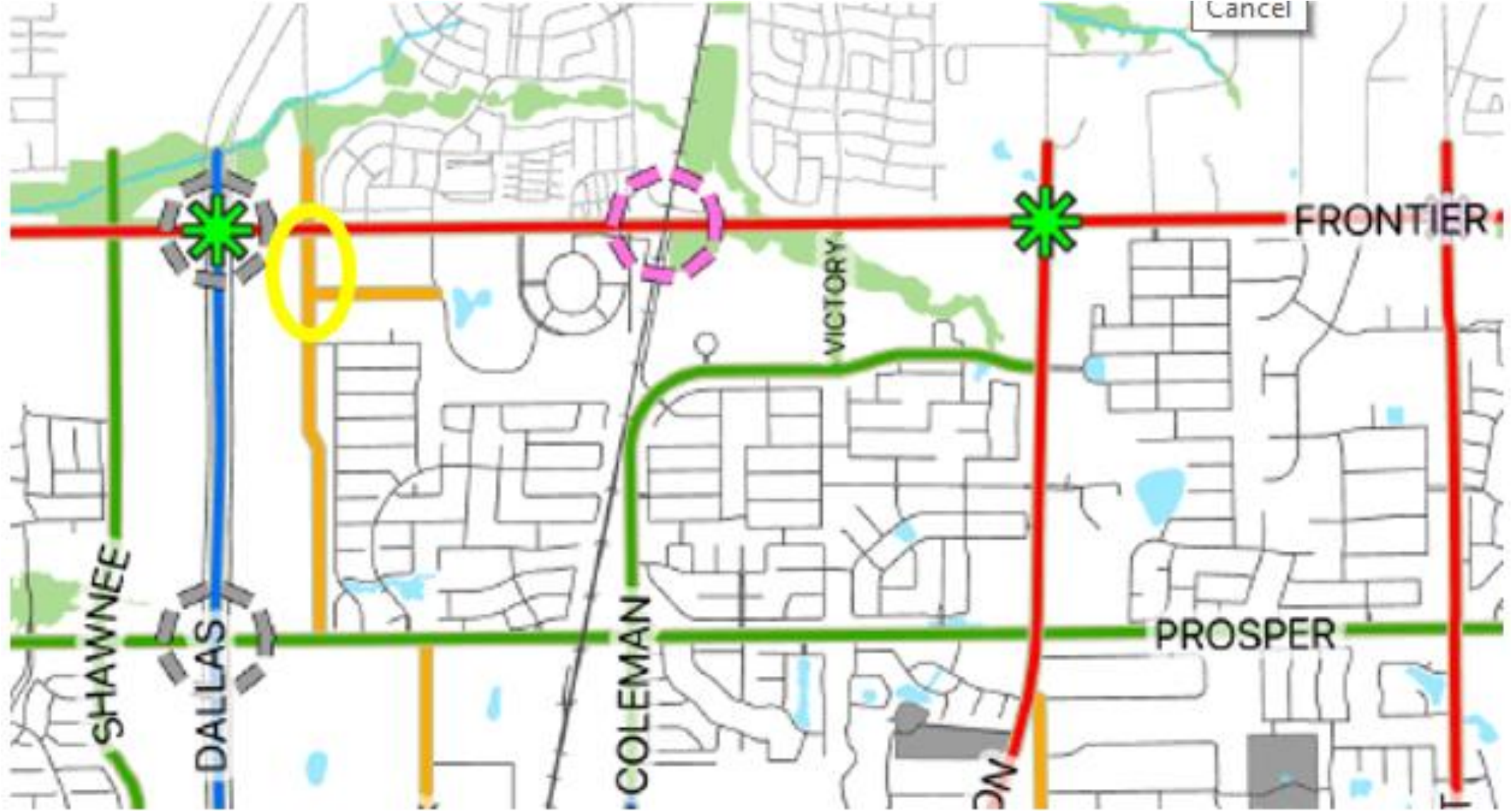
* TEMPORARY CONSTRUCTION EASEMENT ONLY



PARCEL #	OWNER	PARCEL #	OWNER	PARCEL #	OWNER
1	REMINGTON PRESTON LLC	7*	ZUEHL SCOTT M & CHRISTY JO ZUEHL	15*	KAMBOJI ABHIMANYU
2a	MERITAGE HOMES OF TEXAS LLC/ FRONTIER ESTATES PHASE 2	8	TWIN CREELS PROSPER LLC	16*	QSI PARTNERS LLC
2b	MERITAGE HOMES OF TEXAS LLC/ FRONTIER ESTATES PHASE 2	9	NIAZ ARSHAD	17*	CASHON NANCY
3a	CHRISTIAN CHAPEL ASSEMBLY OF GOD	10	OM FRONTIER ESTATES LLC	18*	PROPSEER STORAGE LP
3b	CHRISTIAN CHAPEL ASSEMBLY OF GOD	11*	AMBERWOOD FARMS HOMEOWNERS ASSN INC		
4*	WHITE R L LIVING TRUST	12	DUNN RODNEY W & CHARLA		
5*	HE JIANMING	13	NAVA LUIS C & CLAUDIA		
6*	DA HOOD TRUST	14	JOHNSON PHILLIP		

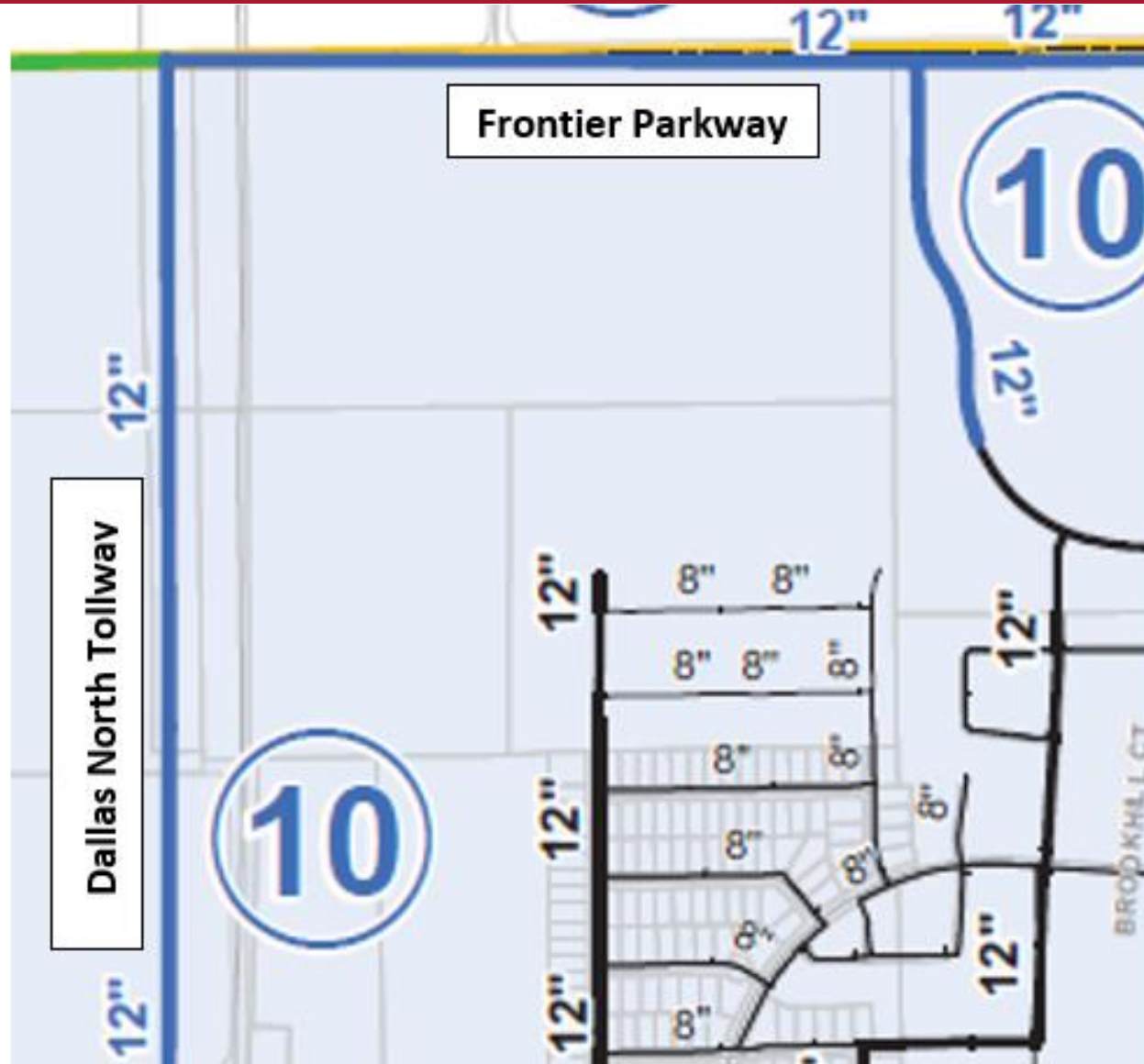
Agenda Item 13.

Consider and act upon authorizing the Town Manager to execute the First Amendment to the Roadway Impact Fee Agreement between DNT Frontier, LP, and the Town of Prosper, Texas, related to the construction of the DNT Backer Road to serve the DNT Frontier Retail Center development. (HW)



Agenda Item 14.

Consider and act upon authorizing the Town Manager to execute the First Amendment to the Water Impact Fee Agreement between DNT Frontier, LP, and the Town of Prosper, Texas, related to the construction of a water line to serve the DNT Frontier Retail Center development. (HW)



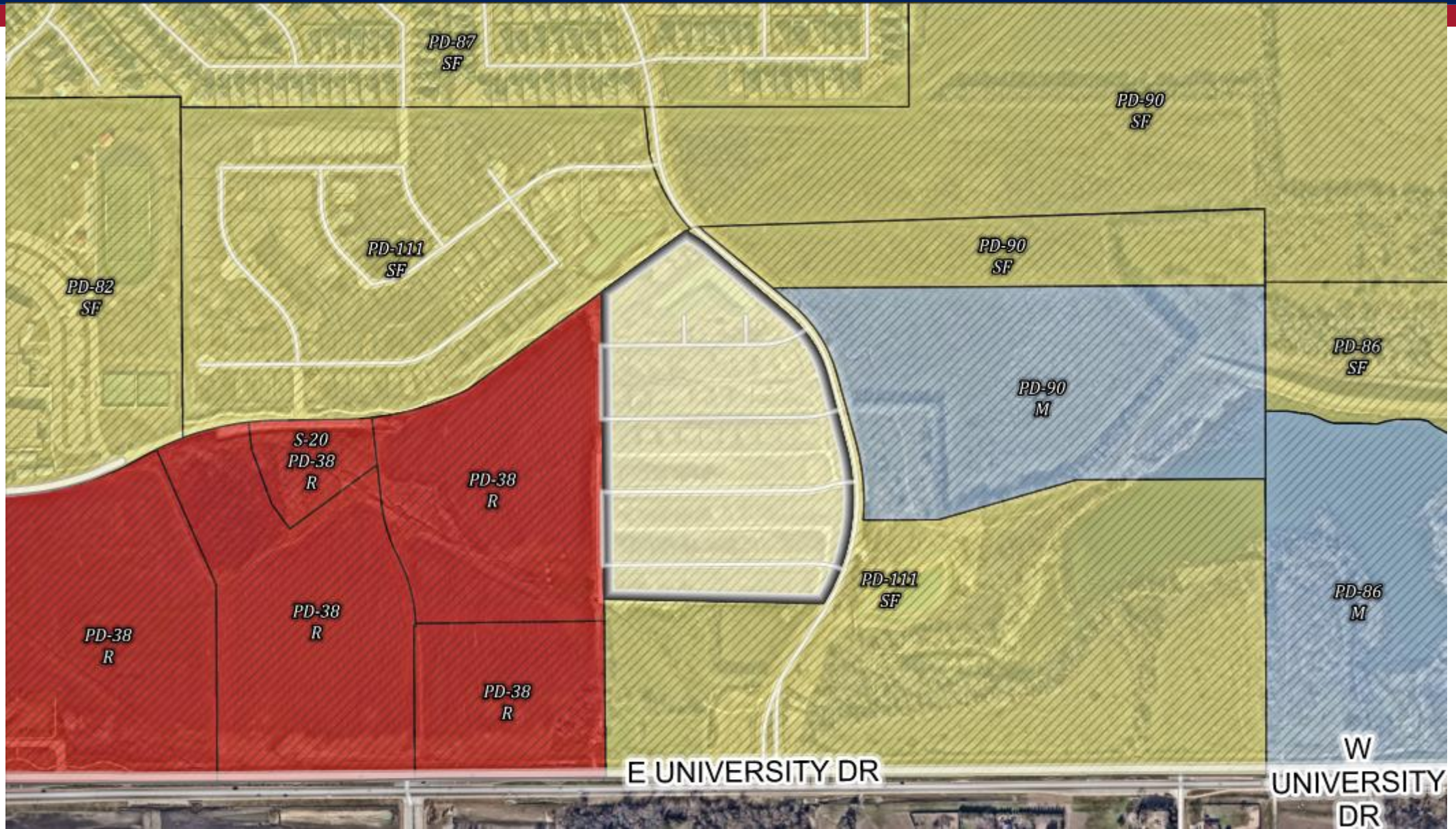
Agenda Item 15.

Consider and act upon the appointment of members to the Capital Improvements Advisory Committee, relative to the update of the Town's Impact Fee Ordinance, as required by Chapter 395 of the Texas Local Government Code. (HW)

Agenda Item 16.

Conduct a public hearing and consider and act upon a request to amend the number of contiguous units that constitute a row of Townhomes in Planned Development-111 (PD-111), Ordinance No. 2021-52, located north of US 380 (University Drive) and west of Lakewood Drive. (ZONE-24-0003) (DH)





Proposal

Planned Development-111 Amendment:

- Current PD Regulations
 - Maximum number of Townhome units in a row is seven (7) and is silent regarding the minimum number of attached units.
 - When a Planned Development is silent regarding a standard, the Zoning Ordinance takes precedent.
- Zoning Ordinance
 - Townhome is defined as “a structure located on a lot with fee simple ownership and containing three to eight dwelling units with each unit designed for occupancy by one family and each unit attached to another by a common wall”.

History

Planning & Zoning Meeting:

- Project
 - Preliminary Plat (D22-0003) approved by the Planning & Zoning Commission on March 1, 2022 by a vote of 6-0.
 - 154-Lot Townhome Subdivision
- Staff Report
 - “Townhome units in this development consist of two (2) attached units per building.”

History

Planning & Zoning Meeting:

- Vote (Approved 6-0)
 - Brandon Daniel, Chair
 - Sarah Peterson, Vice-Chair
 - Mike Pettis, Secretary
 - Doug Charles
 - Damon Jackson
 - Chris Kern

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, Secretary Mike Pettis, Doug Charles, Sekou Harris (arrived at 6:04 p.m.), Damon Jackson, and Chris Kern.

Staff present: Alex Glushko, Planning Manager; David Soto, Senior Planner; and Evelyn Mendez, Planning Technician.

2. Recitation of the Pledge of Allegiance.

3. CONSENT AGENDA

3a. Consider and act upon minutes from the February 15, 2022, Planning & Zoning Commission Regular meeting.

3b. Consider and act upon a Preliminary Plat for Dominion at Brookhollow, for 154 townhome lots, and seven (7) HOA/open space lots, on 27.7± acres, located on the west side of Lakewood Drive, north of US 380. The property is zoned Planned Development-111 (PD-111). (D22-0003).

3c. Consider and act upon a Site Plan for a multitenant retail/medical office building (Preston Commons), on 1.6± acres, located on the northwest corner of Preston Road and Broadway Street. The property is zoned Retail (R). (D22-0007).

3d. Consider and act upon a Final Plat for Preston Commons, Block A, Lot 1, on 1.6± acres, located on the northwest corner of Preston Road and Broadway Street. The property is zoned Retail (R). (D22-0008).

3e. Consider and act upon a Site Plan for a Golf Bay at Prosper High School, on 103.0± acres, located on the southwest corner of Frontier Parkway and Victory Way. The property is zoned Planned Development-22 (PD-22). (D22-0012).

Commissioner Kern requested Items 3c. and 3d. be pulled from the Consent Agenda.

Motion by Peterson, second by Charles, to approve Items 3a., 3b., and 3e., subject to staff recommendations. Motion approved 6-0.

Soto: Provided details regarding the Items 3c. and 3d.

Motion by Kern, second by Pettis, to approve the Consent Agenda Items 3c. and 3d., subject to staff recommendations. Motion approved 7-0.

Revision

Planned Development-111 Language:

- Current Text
 - “Maximum Adjoined Units: Buildings shall be a maximum of seven (7) connected residential units with a minimum of fourteen feet (14’) of separation between buildings.”
- Proposed Amendment
 - “Minimum and Maximum Adjoined Units: Buildings shall be two (2) to seven (7) connected residential units with a minimum of fourteen feet (14’) of separation between buildings.”

Planning & Zoning Commission

Recommendation:

- Approval (7-0)

Conclusion

Notices:

- Friday, February 23rd

Citizen Response:

- The Planning Division received one phone call from a citizen with questions about the rezoning.

Recommendation:

- Approval

Agenda Item 17.

Consider and act upon an ordinance granting a Specific Use Permit (SUP) for Retail Stores and Shops, Dry Cleaning, Minor, and Gymnastics/Dance Studio uses, with building size and placement as shown on the Site Plan, Exhibit "B," and a living screen as shown on the Landscape Plan, Exhibit "C," 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)

Agenda Item 18.

Consider and act upon authorizing the Town Manager to execute a Development Agreement between SKS Prosper Teelpkwy Retail Holdings, LLC, and the Town of Prosper relative to Windsong Ranch Office Addition, Block A, Lot 2. (DH)

Agenda Item 19.

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

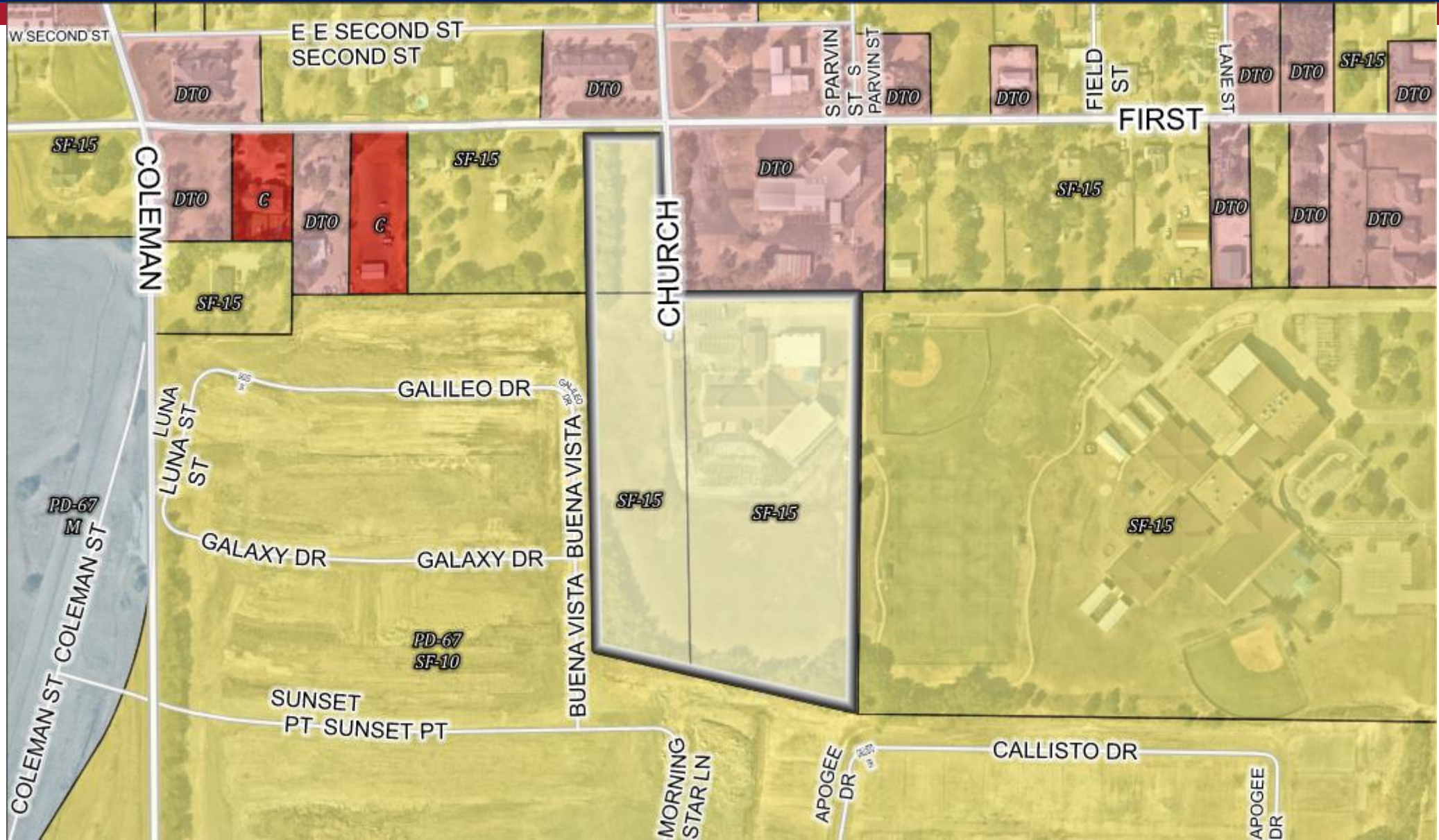
Regular Agenda

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 20.

Conduct a public hearing and consider and act upon a request for a Specific Use Permit (SUP) for a Child Care Center, Licensed use on 9.7± acres, on Collin County School Land Survey, Abstract 147, Tracts 145, 168, and 172, located 305± south of First Street and the east side of Church Street. (ZONE-23-0035) (DH)





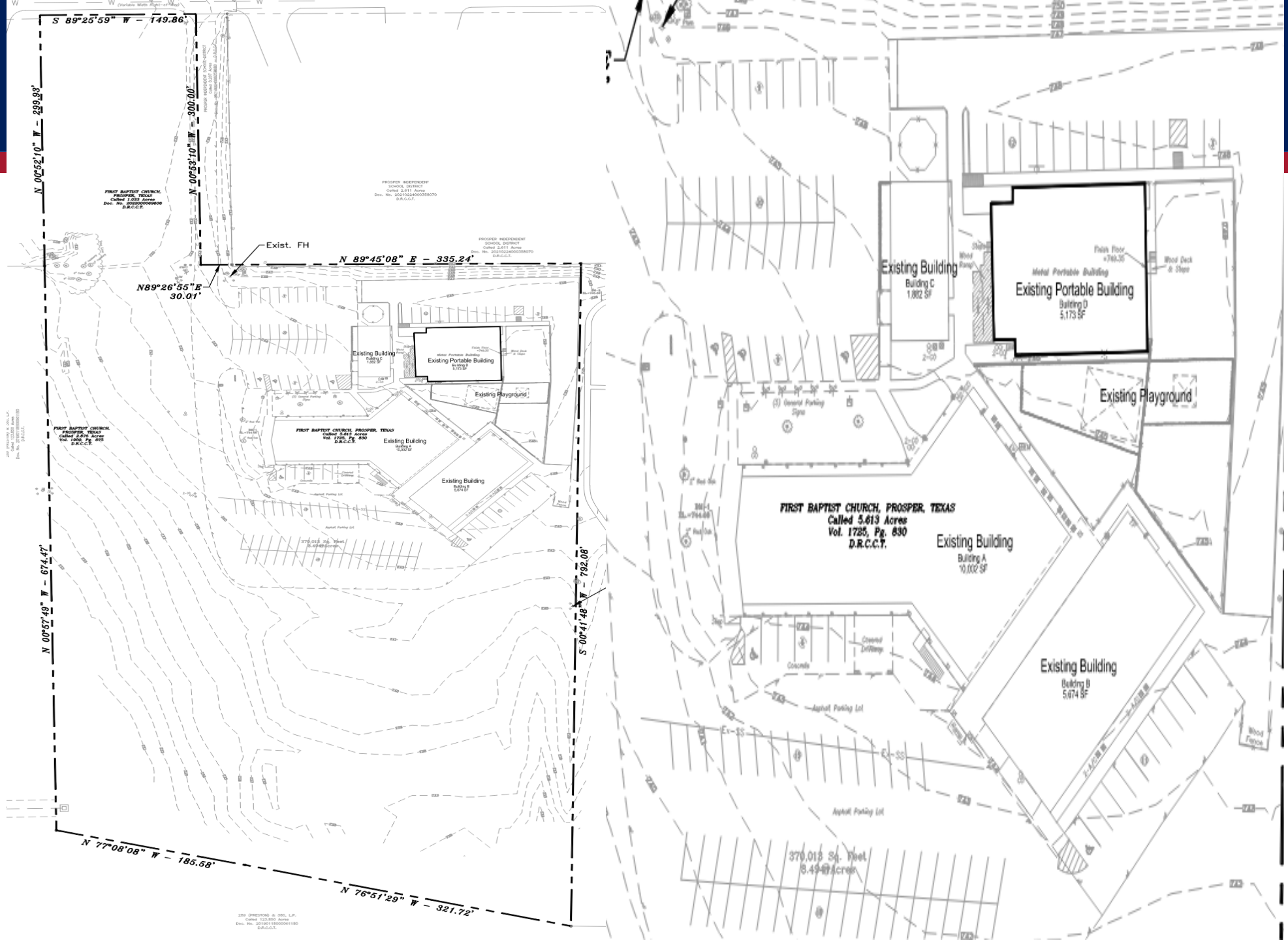
Surrounding Area

	Zoning	Current Land Use
Subject Property	Single Family-15	House of Worship (First Baptist Church)
North	Downtown Office	Family Resource Center (Prosper ISD)
East	Single Family-15	Elementary School (Rucker Elementary)
South	Planned Development-67 (Single Family-10)	Vacant (Starview Phase 1)
West	Planned Development-67 (Single Family-10)	Vacant (Starview Phase 2)

Proposal

Specific Use Permit:

- Licensed Child-Care Center
 - Conducted out of both the main building and the portable building.
- Temporary Building
 - The portable building is also used for church purposes.



Zoning Ordinance

Child Care Center, Licensed:

- Specific Use Permit required for licensed childcare center not operated by an independent school district.

Temporary Buildings:

- Temporary buildings are permitted by right for houses of worship. They require a Specific Use Permit for a private use.
 - Permits for house of worship temporary buildings last for three years.
 - A one-year extension can be granted at the end of the three-year term.

History

Child Care Center, Licensed:

- First Friends Preschool in operation since 2016.

Temporary Building:

- First permitted in 2016 and then again in 2019.
- One-year extension granted in 2022.

Determination:

- In 2023, Staff determined a Specific Use Permit would be required for the licensed child-care center.

Specific Use Permit Criteria

Evaluation:

- ***1. Is the use harmonious and compatible with its surrounding existing uses or proposed uses?***
 - Yes, adjacent educational uses show consistency with surrounding uses.
- ***2. Are the activities requested by the applicant normally associated with the requested use?***
 - Yes, other churches (United Methodist, St. Paul's, St. Martin, etc.) have a SUP for similar uses.
- ***3. Is the nature of the use reasonable?***
 - Yes, this is shown by consistency with surrounding uses and common association with churches.
- ***4. Has any impact on the surrounding area been mitigated?***
 - Yes, the expiration date should cause the permanent structure to be constructed within that time.

Conditions

Staff Recommendations to Planning & Zoning:

- **Condition 1**
 - The Specific Use Permit will expire two years after Town Council approval.
- **Condition 2**
 - The temporary building will be removed once the Specific Use Permit expires.
- **Condition 3**
 - Upon expiration of the Specific Use Permit, a one-year extension may be granted by the Planning & Zoning Commission if progress has been made.

Planning & Zoning Commission

Recommendation:

- Approval (7-0) subject to the following condition(s)
 - The Specific Use Permit will expire two years after Town Council approval.

Conclusion

Notices:

- Friday, February 9th

Citizen Response:

- None

Recommendation:

- Approval

Agenda Item 21.

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 consult with the Town Attorney regarding Chapter 42 of the Texas Local Government Code and Extraterritorial Jurisdiction land use and development issues, and all matters incident and related thereto.

Section 551.074 - To discuss and consider personnel matters, including the annual evaluation of the Town Manager, Town Attorney and the Municipal Judge, 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