



Agenda
Prosper Town Council Meeting
Prosper Town Hall, Council Chambers
250 W. First Street, Prosper, Texas
Tuesday, July 11, 2023
6:15 PM

Welcome to the Prosper Town Council Meeting.

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

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

Addressing the Town Council:

Those wishing to address the Town Council 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 Town Council 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 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. Disruption of a public meeting could constitute a violation of Section 42.05 of the Texas Penal Code.

Call to Order/ Roll Call.

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

Announcements of recent and upcoming events.

Presentations.

1. Presentation of a Proclamation declaring the month of July Parks and Recreation Month. (DB)

CONSENT AGENDA:

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

- [2.](#) Consider and act upon the minutes from the June 27, 2023, Town Council Work Session meeting. (MLS)
- [3.](#) Consider and act upon the minutes from the June 27, 2023, Town Council Regular minutes. (MLS)
- [4.](#) Consider and act upon a resolution making written and evidentiary findings relative to the denial of a request from Anthemnet for a Specific Use Permit (SUP) for a commercial antenna on the south side of Prosper Trail west of Preston Country Lane. (TW)
- [5.](#) Consider and act upon approving the purchase and installation of Mixing Tank Systems from Axis Construction, L.P., through the BuyBoard Purchasing Cooperative; and authorizing the Town Manager to execute documents for the same. (FJ)
- [6.](#) Consider and act upon authorizing the Town Manager to execute a Professional Engineering Services Agreement between Freese and Nichols, Inc., and the Town of Prosper, Texas, related to the design of the Dallas North Tollway Water Line Relocation project. (HW)
- [7.](#) Consider and act upon authorizing the Town Manager to execute a Professional Engineering Services Agreement between Spiars Engineering & Surveying, Inc., and the Town of Prosper, Texas, related to the design of the Preston Road (SH 289) and First Street Dual Left Turn Lanes project. (HW)
- [8.](#) Consider and act upon approving Change Order Number 02 for CSP 2022-48-B to Mario Sinacola & Sons Excavating, Inc., related to construction services for the First Street (Coit-Custer) 4 Lane project; and authorizing the Town Manager to execute Change Order Number 02 for same. (HW)
- [9.](#) Conduct a public hearing and consider and act upon a request by St. Martin de Porres Catholic Church for a Specific Use Permit (SUP) for Temporary Buildings on 8.2± acres, located north of US-380, west of South Teel Parkway. (ZONE-23-0009) (DS)

CITIZEN COMMENTS

The public is invited to address the Council on any topic. However, the Council 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 the Town Secretary prior to the meeting. Please limit your comments to three minutes. If multiple individuals wish to speak on a topic, they may yield their three minutes to one individual appointed to speak on their behalf. All individuals yielding their time must be present at the meeting, and the appointed individual will be limited to a total of 15 minutes.

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. [If you wish to address the Council, please fill out a "Public Comment Request Form" and present it to the Town Secretary, preferably before the meeting begins.

Items for Individual Consideration:

- [10.](#) Conduct a public hearing and consider and act upon a request to rezone 34.7± acres from Commercial District (C) to a new Planned Development for Mixed Use, located northside of Prosper Trail and west of Dallas Parkway. (Z22-0019) (DS)

11. Discuss and consider Town Council Subcommittee reports. (DBF)

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

EXECUTIVE SESSION:

Recess into Closed Session in compliance with Section 551.001 et seq. Texas Government Code, as authorized by the Texas Open Meetings Act, to deliberate regarding:

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.

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

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, July 7, 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.

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.



MINUTES

Item 2.

Prosper Town Council Work Session
Prosper Town Hall – Council Chambers
250 W. First Street, Prosper, Texas
Tuesday, June 27, 2023

Call to Order/ Roll Call.

The meeting was called to order at 5:00 p.m.

Council Members Present:

Mayor David F. Bristol
Mayor Pro-Tem Craig Andres *arrived at 5:08 p.m.*
Deputy Mayor Pro-Tem Marcus E. Ray
Councilmember Amy Bartley
Councilmember Chris Kern
Councilmember Jeff Hodges
Councilmember Charles Cotten

Staff Members Present:

Mario Canizares, Town Manager
Michelle Lewis Sirianni, Town Secretary
Terry Welch, Town Attorney
Bob Scott, Deputy Town Manager
Robyn Battle, Executive Director
Chuck Ewings, Assistant Town Manager
Hulon Webb, Engineering Director
Chris Landrum, Finance Director
Ryan Patterson, Assistant Director of Finance
James Edwards, Director of Human Resources
Dan Baker, Parks and Recreation Director
David Hoover, Development Services Director
Whitney Rehm, Grants Administrator
Lindy Higginbotham, Senior Engineer
Stuart Blasingame, Fire Chief
Scott Brewer, Assistant Police Chief

Items for Individual Consideration

1. Discuss the preliminary 2023-2024 fiscal year Budget. (RBS)

Mr. Landrum introduced the item indicating topics of discussion.

Mr. Edwards provided a preliminary overview of salary benchmarks for Police, Fire, and general employees based on comparison cities along with cost projections.

The Town Council discussed if the steps were calculated for Police and Fire, whether to consider looking at each individual position versus an across-the-board approach for adjustments, if performance evaluations are conducted, and the impact of any changes. The Town Council requested for the Finance Subcommittee to meet to evaluate the impacts based on looking at each individual position and reducing the steps within Police and Fire.

Mr. Landrum presented considerations for Public Arts funding including potential funding sources, typical categories of each, and administration of such funds. Town Council consensus was not to pursue a public art program at this time due to the priority on road and infrastructure projects. The Council agreed to consider appointing a Public Art Committee to study the issue at some point in the future. Councilmembers were generally not in favor of using bond funds for public art projects, but there was support for using cell tower lease and/or hotel occupancy tax revenue if a program were to be implemented.

Mr. Landrum also presented considerations for Not-for-profit funding. He highlighted organizations currently within the Town of Prosper, and examples of what to include when managing these types of funds.

The Town Council discussed organizations currently within the Town that are supported by various events and how to determine participation within each one, as well as having an event in the spring where all organization are brought together. The Town Council requested staff to gather inventory/information of how the Town currently participates with each organization in order to provide back to the Town Council.

Adjourn.

The meeting was adjourned at 5:56 p.m.

These minutes were approved on the 11th day of July 2023.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary



MINUTES
Prosper Town Council Meeting
Prosper Town Hall, Council Chambers
250 W. First Street, Prosper, Texas
Tuesday, June 27, 2023

Call to Order/ Roll Call.

The meeting was called to order at 6:15 p.m.

Council Members Present:

- Mayor David F. Bristol
- Mayor Pro-Tem Craig Andres
- Deputy Mayor Pro-Tem Marcus E. Ray
- Councilmember Amy Bartley
- Councilmember Chris Kern
- Councilmember Jeff Hodges
- Councilmember Charles Cotten

Staff Members Present:

- Mario Canizares, Town Manager
- Michelle Lewis Sirianni, Town Secretary
- Terry Welch, Town Attorney
- Bob Scott, Deputy Town Manager
- Robyn Battle, Executive Director
- Chuck Ewings, Assistant Town Manager
- Mary Ann Moon, Economic Development Director
- David Hoover, Development Services Director
- Hulon Webb, Director of Engineering
- Pete Anaya, Assistant Director of Engineering
- Frank Jaromin, Public Works Director
- Lindy Higginbotham, Senior Engineer
- Chris Landrum, Finance Director
- Jay Carter, Purchasing Manager
- Dan Baker, Parks & Recreation Director
- Leslie Scott, Library Services Director
- Todd Rice, Communications Manager
- David Soto, Planning Manager
- Jessika Hotchkin, Help Desk Technician
- Kellen Land, Help Desk Technician
- Eric Men, Help Desk Technician
- Doug Kowalski, Police Chief
- Scott Brewer, Assistant Police Chief
- Stuart Blasingame, Fire Chief

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

Matt Lankenau with Gateway Church led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

Announcements of recent and upcoming events.

Councilmember Kern made the following announcements:

The annual Pride in the Sky Independence Day Celebration held by Cedarbrook Media will take place on Saturday, July 1 at Frontier Park. Festivities begin at 5:00 p.m. and will include live

music, Kid Zones, food, games, and fireworks set to music. Come out for a night of celebration and fun.

A reminder that Town Hall Offices will be closed on Tuesday, July 4 for the Independence Day Holiday. Due to the holiday, residents whose trash service falls on Tuesday will be delayed by one day.

The Discover Downtown series continues Saturday, July 22 with Coffee & Chrome, a car show which will be hosted in the Prosper Town Hall parking lot from 7:30 a.m. to 10:30 a.m. This event will showcase vehicles and exhibits with car-related products and services. All vehicles are welcome and there is no charge to participate. Applications are being accepted for those interested in being part of the event. Visit the Town's website for more information.

Residents can now register for summer camps offered through the Parks and Recreation Department. Visit the Town's website for more information.

The summer season of the Mayor's Fitness Challenge is underway and lasts through August 31. Stay engaged in your commitment to fitness by receiving emails about fun giveaways and promotions from our summer fitness partners. Register now to be included in the first giveaway, a Nutrition Workshop led by Lynne Lenhart. Visit the Parks and Recreation website page to register along with additional information regarding this year's challenge.

Lastly, our Prosper Community Library staff, Sharon Alderton and Leslie Scott presented a poster session at the American Library Association Annual Conference on June 25th. Their poster titled "You can do it! Planning, marketing, and presenting opportunities for children and families with special needs" had over 300 attendees where staff received feedback and had conversations regarding their programs designed specifically for these children and families.

Deputy Mayor Pro-Tem Ray announced the library parade on Thursday.

Mayor Bristol expressed appreciation to the Fire Department for allowing him to spend the day with them and experience being on the ladder truck.

Presentations.

1. Receive an update regarding the road construction project located at First Street and Coit Road. (HW)

Mr. Webb introduced Brad Missler, Vice President of Operations with Sinacola. Mr. Missler presented an update including an aerial overview of the status of the road project. Mr. Missler ensured the Town Council the accelerated project would be completed by August 8.

Mr. Todd Shirley, Chief of Construction and Design for Prosper ISD stated they were pleased with the work thus far and the appreciation of accelerating this project. The ISD will take ownership of the school on August 1 with school beginning on August 9.

2. Receive an update on Parks and Recreation projects. (DB)

Mr. Baker provide an update on the following Parks and Recreation projects including Raymond Community Park, the Lakewood Preserve development, Pecan Grove Park, and the Parks and Recreation Department accreditation.

CONSENT AGENDA:

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3. **Consider and act upon the minutes from the June 13, 2023, Town Council Work Session meeting. (MLS)**
4. **Consider and act upon the minutes from the June 13, 2023, Town Council Regular meeting. (MLS)**
5. **Consider acceptance of the October, November, and December 2022 monthly financial reports and quarterly financial summary. (CL)**
6. **Consider adoption of Resolution 2023-43 directing publication of notice of intention to issue certificates of obligation for the purpose of funding costs associated with the construction of water and wastewater improvements. (CL)**
7. **Consider and act upon approving the purchase of miscellaneous water and wastewater materials from Fortiline Waterworks, utilizing NCPA Contract Number 02-76; and authorizing the Town Manager to execute documents for the same. (FJ)**
8. **Consider and act upon authorizing the Town Manager to execute a Relocation Agreement between Atmos Energy Corporation, and the Town of Prosper, Texas, related to the relocation of approximately 650-feet of 6-inch Steel Gas Pipeline Crossing Gee Road to serve the Gee Road (Fishtrap – Windsong Retail) project. (HW)**
9. **Consider and act upon authorizing the Town Manager to execute a Professional Engineering Services Agreement between Kimley-Horn and Associates, Inc., and the Town of Prosper, Texas, related to the design of the Gee Road (US 380 – FM 1385) project. (HW)**
10. **Consider and act upon authorizing the Town Manager to execute an Interlocal Cooperation Agreement between Denton County, Texas, and the Town of Prosper, Texas, related to the engineering, right-of-way acquisition, utility relocations, inspections, and construction of Gee Road (FM 1385) as a six-lane divided urban roadway between US 380 and FM 1385. (HW)**
11. **Conduct a public hearing and consider and act upon a request for a Specific Use Permit (SUP) for a new Wireless Communications and Support Structure, on .1± acre, located on the south side of Frontier Parkway, west of Talon Lane. (ZONE-23-0008) (DS)**
12. **Conduct a public hearing and consider and act upon a request to rezone 0.3± acres from Single Family-15 (SF-15) to Downtown Retail (DTR), on Lots 3-5, located south of Fifth Street and East of Main Street. (ZONE-23-0001) (DS)**
13. **Consider and act upon Ordinance 2023-39 to rezone 5.7± acres from Office (O) to Planned Development-Office (PD-O), located on the west side of Mahard Parkway, south of Prairie Drive, specifically to allow for a limited-service hotel. (Z22-0002) (DS)**

14. Consider and act upon authorizing the Town Manager to execute a Development Agreement between Prosper Premier Hotel LLC and the Town of Prosper, related to the Prosper Center Development, located on the west side of Mahard Parkway, south of Prairie Drive, specifically to allow for a limited-service hotel. (DEVAGRE-23-0010) (DS)
15. 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 any Preliminary Site Plans and Site Plans including Ladera Phase 2, Richland Parkway Retail Development, Frontier Retail, Toyota Expansion, PISD High School, and One Community Church. (DS)

Staff requested to pull items 13 and 14.

Mayor Bristol requested to pull item 6.

Deputy Mayor Pro-Tem Ray made a motion to approve consent agenda items 3 thru 5, 7 thru 12, and 15. Mayor Pro-Tem Hodges seconded that motion. Motion carried unanimously.

Mayor Pro-Tem Andres left the dais.

Councilmember Cotten made a motion to approve consent agenda items 13 and 14. Councilmember Bartley seconded that motion. Motion carried with a 6-0 vote.

Mayor Pro-Tem Andres returned to the dais.

Mayor Bristol stated for item 6, he requested to pull the item for transparency since the Town was issuing debt for water and wastewater projects.

Mayor Bristol made a motion to approve consent agenda item 6. Councilmember Hodges seconded that motion. Motion carried unanimously.

CITIZEN COMMENTS

No comments were made.

Items for Individual Consideration:

16. Consider authorizing the Town Manager to enter into a contract with Republic Services including purchase and distribution of carts for the period February 1, 2024 ending January 31, 2031 with an option of three, one-year renewals, declaring an exclusive franchise in the Town for all solid waste services which include residential, commercial, industrial and construction disposal as allowed by state law and to provide for transition services by either its current provider, Republic or both in the intervening period until February 1, 2024. (RBS)

Mr. Scott provided a background of the Town's current contract and the request for proposals that was released. The Town received six proposals with two determined to be non-responsive. A consultant evaluated all proposals with the remaining four proposals being evaluated by a selection committee. Site visits were done with the two finalists. While price to both residential and commercial customers was an

important consideration, other factors including resources pledged and the ability to negotiate a contract were also important. Following the Best and Final Offer, total contract value/estimated cost to both residential and commercial customers was less than 1% different between the two proposers making other factors more important. Republic pledged eight Automated Side Loaders (ASL) to the contract and substantially agreed to liquidated damage provisions (penalties for non-performance) as proposed in the RFP. CWD proposed their current five ASLs and requested substantial changes that weakened the liquidated damage provisions. The additional resources proposed by Republic position them to respond to both rapid growth and unforeseen circumstances such as weather delays or equipment failures. For these reasons, staff recommends award to Republic Services.

Mr. Roemer, President of CWD spoke to the Town Council regarding the partnership and community involvement they have had with the Town, the cost differentials presented, their current equipment and adjustments made on the growth in the Town, and liquidated damages. Mr. Roemer requested the Town Council take these items into account when making their decision.

Cheryl Brock, Municipal Manager with Republic Services, spoke to the liquidated damages, where their current facilities are located, and the quality of service(s) they are able to provide.

The Town Council discussed the purchasing of the carts and what that means for the residents, along with the transition services. The Town Council expressed their appreciation to the current provider for their community involvement.

Councilmember Cotten made a motion to approve authorizing the Town Manager to enter into a contract with Republic Services including purchase and distribution of carts for the period February 1, 2024 ending January 31, 2031 with an option of three, one-year renewals, declaring an exclusive franchise in the Town for all solid waste services which include residential, commercial, industrial and construction disposal as allowed by state law and to provide for transition services by either its current provider, Republic or both in the intervening period until February 1, 2024. Councilmember Bartely seconded that motion. Motion carried unanimously.

17. Conduct a public hearing and consider and act upon a request to rezone 69.9± acres from Agriculture (A), a portion of Planned Development-40 (PD-40), and a portion of Single Family-12.5 (SF-12.5) to Planned Development-Single Family (PD-SF), generally to allow for a residential development and retirement housing development, located on the southeast corner of Prosper Trail and Teel Parkway. (Z21-0010) (DS)

Mr. Soto introduced the item noting the modifications of the request that now reflects one tract versus two and is to include 170 single family detached lots. The request does conform with the Town's Comprehensive Plan. The Planning and Zoning Commission recommended denial with a vote of 3-2 due to the density, lot size average, the amenities, floodplain, and concerns of street access points. Mr. Soto noted that staff received five notices of opposition. Of those, one was withdrawn and the remaining four are from citizens in Artesia. Due to the concerns from the Planning and Zoning Commission, staff has requested the applicant to address all the concerns. The concerns were not addressed at the time of the packet, therefore, staff requested denial. However, a new conceptual plan was submitted day of the meeting. Therefore, staff has not been able to review prior to the meeting.

Bill Aderson, Senior Vice President, representing the applicant presented the revised changes of the plan.

Mayor Bristol opened the public hearing.

Mr. Garza, 2313 Commons Way, stated that he lives in Artesia and is requesting to be kept informed on the project due to the location and proximity to their neighborhood.

Vijay Borra stated he was hired to develop the property and assured the Town Council of the quality of the homes that would be built.

Mayor Bristol closed the public hearing.

The Town Council discussed the density in comparison to neighboring subdivisions, proposed amenities, access points (ingress/egress), concerns of open fencing along trails and major roadway(s), including enhanced landscaping and berming, and setbacks. The Town Council also preferred to have the Planning and Zoning Commission review since they have not seen the revised plan.

Mayor Pro-Tem Andres made a motion to table a request to rezone 69.9± acres from Agriculture (A), a portion of Planned Development-40 (PD-40), and a portion of Single Family-12.5 (SF-12.5) to Planned Development-Single Family (PD-SF), generally to allow for a residential development and retirement housing development, located on the southeast corner of Prosper Trail and Teel Parkway to July 25, 2023. Deputy Mayor Pro-Tem Ray seconded the motion. Motion carried unanimously.

18. Conduct a public hearing and consider and act upon a request for a Specific Use Permit (SUP) for a new Wireless Communications and Support Structure, on .1± acre, located on the south side of Prosper Trail, west of Preston Country Lane. (ZONE-22-0001) (DS)

Mr. Soto introduced the item stated the SUP shows four (4) Wireless Communication antennas that would be placed on the structure and their associated lease area. The antennas would be screened and not visible to the surrounding area. The Planning and Zoning Commission approved the request by a vote of 4-0. However, staff did receive one reply form in opposition due to the proximity of the tower. Staff recommends approval.

Bill Bowman, applicant, noted the location of the tower and a comparison of current coverage versus the coverage once the wireless communications are installed.

Mayor Bristol opened the public hearing.

No comments were made.

Mayor Bristol closed the public hearing.

The Town Council discussed the proposed location and questioned if other locations were considered, the type of structure, and any possible alternatives.

Deputy Mayor Pro-Tem Ray made a motion to deny a request for a Specific Use Permit (SUP) for a new Wireless Communications and Support Structure, on .1± acre, located on the south side of Prosper Trail, west of Preston Country Lane. (ZONE-22-0001). Mayor Pro-Tem Andres seconded that motion. Motion carried with a 6-1 vote. Councilmember Hodges voting in opposition.

The Town Council recessed for a five-minute break.

19. Consider and act upon Ordinance 2023-41 establishing a Homestead Tax Exemption. (CL)

Mr. Landrum introduced the item and provided a timeline of when the Town Council increased their exemption. The current rate of twelve and a half percent (12.5%) was raised for the fiscal year 2022-2023. The Finance staff presented multiple homestead exemption rate options to the Finance Subcommittee with a recommendation of raising the exemption rate to fifteen percent (15%).

Councilmember Cotten made a motion to approve 2023-41 establishing a Homestead Tax Exemption of fifteen percent (15%). Councilmember Hodges seconded the motion. Motion carried unanimously.

20. Consider all matters incident and related to the issuance and sale of "Town of Prosper, Texas, General Obligation Refunding and Improvement Bonds, Series 2023", including the adoption of an ordinance authorizing the issuance of such bonds and establishing procedures and delegating authority for the sale and delivery of such bonds. (CL)

Mayor Bristol stated this item is being tabled to a future meeting.

21. Consider and act upon Resolution 2023-42 of the Town Council of the Town of Prosper, Texas, declaring the public necessity to acquire certain properties for right-of-way, temporary construction easements, drainage easements, and water easement for the construction of the Legacy (Prairie – Fishtrap) – 4 lanes project; determining the public use and necessity for such acquisition; authorizing the acquisition of property rights necessary for said Project; appointing an appraiser and negotiator as necessary; authorizing the Town Manager to establish just compensation for the property rights to be acquired; authorizing the Town Manager to take all steps necessary to acquire the needed property rights in compliance with all applicable laws and resolutions; and authorizing the Town Attorney to institute condemnation proceedings to acquire the property if purchase negotiations are not successful. (HW)

Mr. Webb stated this item is to allow the Town to proceed if needed if negotiations fail. Mr. Webb reminded the Town Council the item requires a roll call vote.

Mayor Pro-Tem Andres made a motion to approve a Resolution 2023-42 of the Town Council of the Town of Prosper, Texas, declaring the public necessity to acquire certain properties for right-of-way, temporary construction easements, drainage easements, and water easement for the construction of the Legacy (Prairie – Fishtrap) – 4 lanes project; determining the public use and necessity for such acquisition; authorizing the acquisition of property rights necessary for said Project; appointing an appraiser and negotiator as necessary; authorizing the Town Manager to establish just compensation for the property rights to be acquired; authorizing the Town Manager to take all steps necessary to acquire the needed property rights in compliance with all applicable laws and resolutions; and authorizing the Town Attorney to institute condemnation proceedings to acquire the property if purchase negotiations are not successful. Councilmember Cotten seconded the motion.

Councilmember Cotton – In Favor
Councilmember Hodges – In Favor

Deputy Mayor Pro-Tem Ray – In Favor
 Councilmember Kern – In Favor
 Councilmember Bartley – In Favor
 Mayor Bristol – In Favor

Motion carried unanimously.

22. Discuss and consider Town Council Subcommittee reports. (DB)

Councilmember Bartley provided an update on the CPAC Committee. They have been reviewing and received changes of the draft, which is slated to go to the Planning and Zoning Commission in August and to the Town Council in August or September.

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

No comments were made.

EXECUTIVE SESSION:

Recess into Closed Session in compliance with Section 551.001 et seq. Texas Government Code, as authorized by the Texas Open Meetings Act, to deliberate regarding:

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.

The Town Council recessed into Executive Session at 9:40 p.m.

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

The Town Council reconvened into Regular Session at 10:12 p.m.

Mayor Pro-Tem Andres made a motion approve the LIV Development Agreement and to authorize the Town Manager to execute a Second Amended and Restated Development Agreement between the Town of Prosper, Texas and Prosper Residences. Councilmember Hodges seconded the motion. Motion carried unanimously.

Adjourn.

The meeting was adjourned at 10:13 p.m.

These minutes were approved on the 11th day of July 2023.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

DRAFT



TOWN ATTORNEY

To: Mayor and Town Council

From: Terrence S. Welch, Town Attorney

Re: Resolution - Anthemnet Cell Tower SUP Denial

Town Council Meeting – July 11, 2023

Agenda Item:

Consider and act upon a resolution making written and evidentiary findings relative to the denial of a request from Anthemnet for a Specific Use Permit (SUP) for a commercial antenna on the south side of Prosper Trail west of Preston Country Lane.

Description of Agenda Item:

At the June 27, 2023, Town Council meeting, the Town Council denied a request from Anthemnet for a specific use permit to construct a commercial antenna/cell tower on the south side of Prosper Trail west of Preston Country Lane. The federal Telecommunications Act of 1996 provides, in part, that a local government must base any denial of a wireless telecommunications facility based on substantial evidence in writing. The attached resolution provides such substantial evidence supporting the Town Council's denial of the SUP in question.

Budget Impact:

There is no budgetary impact affiliated with this item.

Legal Obligations and Review:

The Town Attorney has prepared the attached resolution.

Attached Documents:

1. Resolution.

Town Staff Recommendation:

The Town Attorney recommends the Town Council approve the attached resolution making written and evidentiary findings relative to the denial of a request from Anthemnet for a Specific Use Permit (SUP) for a commercial antenna on the south side of Prosper Trail west of Preston Country Lane.

Proposed Motion:

I move to approve a resolution making written and evidentiary findings relative to the denial of a request from Anthemnet for a Specific Use Permit (SUP) for a commercial antenna on the south side of Prosper Trail west of Preston Country Lane.

TOWN OF PROSPER, TEXAS

RESOLUTION NO. 2023-_____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, MAKING WRITTEN AND EVIDENTIARY FINDINGS RELATIVE TO THE DENIAL OF A REQUEST FROM ANTHEMNET FOR A SPECIFIC USE PERMIT FOR A COMMERCIAL ANTENNA ON THE SOUTH SIDE OF PROSPER TRAIL, WEST OF PRESTON COUNTRY LANE, IN THE TOWN, CASE NO. ZONE-22-0001; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Anthemnet (“Anthemnet”) has requested approval of a Specific Use Permit (“SUP”), Case No. ZONE-22-0001, to locate a commercial antenna and support structure, 105 feet (105’) in height, on an approximate 0.10 acre tract located on the south side of Prosper Trail, west of Preston Country Lane, and to establish equipment cabinets inside an approximate 50 feet (50’) by 50 feet (50’) lease area internal to the site; and

WHEREAS, the Anthemnet SUP application was noticed for Town Council consideration at a public hearing at the Town Council’s June 27, 2023, meeting; and

WHEREAS, at the Town Council meeting on June 27, 2023, Anthemnet’s representative presented additional comments related to its application for an SUP and the Town Council conducted a public hearing relative to said SUP application; and

WHEREAS, after the presentation of substantial evidence and testimony, on June 27, 2023, the Town Council voted to deny the SUP application request from Anthemnet; and

WHEREAS, it is the intent of the Town of Prosper to fully comply with all applicable provisions of the Telecommunications Act of 1996 (specifically 47 U.S.C. § 332 *et seq.*) relative to the siting of the proposed 105’ antenna and support structure; and

WHEREAS, federal law provides, in 47 U.S.C. § 332(c)(7)(B)(iii), that a local government that denies a request to place, construct or modify a cell tower must put the denial in writing, setting forth the basis for the denial, supported by substantial evidence; and

WHEREAS, the purpose of this Resolution is to provide the substantial evidence in writing for the reasons undergirding the Town Council’s denial of Anthemnet’s application for a specific use permit.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

All of the above premises are hereby found to be true and correct legislative and factual findings of the Town of Prosper and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

SECTION 2

The Town Council of the Town of Prosper, Texas, hereby makes the following legal and factual findings:

1. Under the Telecommunications Act of 1996, while preserving local authority over the siting and construction of wireless communications facilities, there are five limitations on local authorities when dealing with cell towers and telecommunications carriers. A local government:

- (1) shall not prohibit or have the effect of prohibiting the provision of service [47 U.S.C. § 332(c)(7)(B)(i)(II)];
- (2) may not unreasonably discriminate between providers of functionally equivalent services [47 U.S.C. § 332(c)(7)(B)(i)(I)];
- (3) must act within a reasonable time after a request is filed [47 U.S.C. § 332(c)(7)(B)(ii)];
- (4) any decision by the local government must be in writing and supported by substantial evidence [47 U.S.C. § 332(c)(7)(B)(iii)]; and
- (5) any decision is subject to judicial review [47 U.S.C. § 332(c)(7)(B)(v)].

2. For purposes of the Telecommunications Act of 1996, the Town considered the following substantial evidence in support of its denial of Anthemnet's application for an SUP for the 105 foot (105') antenna and support structure in question.

3. The property on which the antenna is proposed to be located is zoned for Agricultural (A) uses; however, the Town's Comprehensive Plan authorizes Low Density Residential development on the site as well as on adjoining tracts. According to the Comprehensive Plan, Low Density Residential is generally defined as "large-lot single-family homes, with lot sizes generally ranging between 15,000 square feet and 1+ acre in size." While a variety of lot sizes may be utilized, the total gross density of low density residential neighborhoods should not exceed 1.6 dwelling units per acre, according to the Town's Comprehensive Plan, thus providing a continuation of the rural atmosphere and feel that was intensely expressed by Town residents during the comprehensive planning process.

4. The proposed 105-foot antenna and support structure are located within twenty-five feet (25') of the existing right-of-way for Prosper Trail in the Town. While the Town Council is supportive of increasing cell coverage in the Town, and recognizes the need for such coverage, serious concerns were expressed about the proposed location of this telecommunication antenna.

5. The antenna is located within twenty-five feet (25') of the right-of-way of Prosper Trail, a heavily traveled thoroughfare in the Town. The close proximity of the antenna to a heavily traveled thoroughfare presents unique and serious safety concerns.

6. The scale of the proposed antenna immediately adjacent to Prosper Trail is large and imposing, creating visual blight. The stealth water tower design also is imposing and inappropriate for such close roadway proximity. Additionally, the antenna with a water tower design is proposed to be brown with the name of a nearby residential subdivision on it, giving the impression of advertisement for the subdivision. Moreover, also located near the proposed tower site is an equestrian farm with the same name, again creating the possible connection of the

antenna as a point of advertisement for the equestrian farm. Renderings of the site provided by the applicant at the public hearing (which renderings were not included in the Town Council's agenda packet), with the large brown water tower feature figuring prominently, heightened concern about the aesthetics of the antenna as well as the foregoing safety concerns.

7. There are additional nearby sites for the proposed antenna that should be considered—sites that are further off the roadway's right-of-way and still meet the applicant's objectives in providing adequate cell coverage. There are several Town-owned sites nearby and the Town would be open to considering a lease site with the applicant.

8. The currently proposed site for the antenna would impact residential development in the immediate vicinity due to the scale and location of the antenna. Low density residential development, in accordance with the Town's Comprehensive Plan, would not be enhanced by such a large structure immediately adjacent to Prosper Trail and near any entrance to such development.

9. The applicant was unable to provide verification or justification for not considering alternative, nearby locations for the proposed antenna other than general information that Anthemnet had presumably considered other sites and concluded this was the best alternative. The Town Council would consider other nearby sites for the location of the antenna, but the applicant did not address other specific sites and probable issues with such other sites.

10. In considering any SUP application, pursuant to Section 25.3 of the Zoning Ordinance, the Town Council "shall consider the following criteria in determining the validity of the SUP request:

1. Is the use harmonious and compatible with its surrounding existing uses or proposed uses?
2. Are the activities requested by the applicant normally associated with the requested use?
3. Is the nature of the use reasonable?
4. Has any impact on the surrounding area been mitigated?"

11. The Town Council determined, as reflected in the agenda materials and after the closing of the public hearing at the June 27, 2023, Town Council meeting: (1) the use is not harmonious and compatible with surrounding existing uses or proposed uses; (2) the activities and use requested by the applicant are not normally associated with low density residential development, particularly considering the proximity of the antenna to Prosper Trail and any potential entryways into such low density residential development; (3) for the reasons stated in this Resolution, the use is not reasonable for the character called for in the Town's Comprehensive Plan; and (4) the proposed antenna site has not been mitigated with regard to future low density development adjacent to the site and safety concerns have not been adequately addressed to date.

12. Anthemnet did not demonstrate that existing or proposed antennas within the proposed service area cannot accommodate the proposed antenna.

13. Anthemnet did not produce any evidence or testimony of efforts to co-locate with other carriers on existing antennas within the service area.

14. Anthemnet did not provide evidence of alternative locations within the proposed service area on which to locate an antenna.

15. The propagation maps provided by Anthemnet reflect certain “dead spots” in coverage within its service area, but those propagation maps did not reflect a significant gap in service.

16. While Anthemnet provided a propagation map relative to the location of an antenna at the proposed site, no other alternative or co-location sites were presented to the Town for consideration.

17. Anthemnet did not present evidence that “further reasonable efforts are so likely to be fruitless that it is a waste of time even to try” to comply with Town guidelines, zoning regulations, comprehensive plan and service-related concerns expressed by the Town in denying this application.

18. It is Anthemnet’s burden, not the Town’s burden, to show and verify that alternative sites do, or do not, exist to accommodate Anthemnet’s service requests.

19. In making these findings, the Town relied upon the SUP application and all related submittals to date by Anthemnet, the evidence adduced at all public hearings before the Planning and Zoning Commission and Town Council, as well as statements and related information from representatives of Anthemnet, included correspondence and documentation presented by Anthemnet, all of which are incorporated by reference.

SECTION 3

This Resolution is effective immediately upon its passage.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THIS 11TH DAY OF JULY, 2023.

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney



Public Works

To: Mayor and Town Council

From: Frank E. Jaromin, P.E., Director of Public Works

**Through: Chuck Ewings, Assistant Town Manager
Mario Canizares, Town Manager**

Re: Tank Mixing Systems Purchase and Installation

Town Council Meeting – July 11, 2023

Agenda Item:

Consider and act upon approving the purchase and installation of Mixing Tank Systems from Axis Construction, L.P., through the BuyBoard Purchasing Cooperative; and authorizing the Town Manager to execute documents for the same.

Description of Agenda Item:

In order to maintain excellent water quality in the Craig Street and Fishtrap elevate storage tanks, staff is requesting the purchase and installation of mixing tank systems. Mixing the water presents many benefits including improving water quality for the customer, eliminating chemical stratification, reducing chlorine residual loss, disinfection by-products, and risk of nitrification.

Local governments are authorized by the Interlocal Cooperation Act, V.T.C.A. Government Code, Chapter 791, to enter into joint contracts and agreements for the performance of governmental functions and services, including administrative functions normally associated with the operation of government (such as purchasing necessary materials and equipment).

The Town of Prosper entered into interlocal participation agreements with the Texas Local Government Purchasing Cooperative Buyboard. Participation in the cooperative purchasing programs allow local governments to purchase goods and services through the cooperative programs and satisfy all competitive bidding requirements.

Budget Impact:

The total purchase for the purchase and installation is \$56,040 and will be funded from Capital Expenditures, account 200-6110-50-02.

Legal Obligations and Review:

Utilizing a pre-approved standard form.

Attached Documents:

1. Craig Street Proposal
2. Fishtrap Proposal

Town Staff Recommendation:

Town Staff recommends approving the purchase and installation of Mixing Tank Systems from Axis Construction, L.P., through the Buyboard Purchasing Cooperative; and authorizing the Town Manager to execute documents for the same.

Proposed Motion:

I move to approve the purchase and installation of Mixing Tank Systems from Axis Construction, L.P., through the Buyboard Purchasing Cooperative; and authorizing the Town Manager to execute documents for the same.

Axis Construction, L.P.
 P.O. Box 77916
 Fort Worth, Texas 76177
 ACLP #23121

June 22, 2023

PROPOSAL

Town of Prosper
 250 W. First Street
 Prosper, Texas 75078

Attn: James Rodriguez – Water & Sewer Superintendent

Re: Furnish & Install One (1) 3/4 HP KASCO Tank Mixing System at 2.5 MG Composite EST

KASCO EQUIPMENT DETAILS


Axis Construction, LP in conjunction with Kasco Marine is pleased to present a Proposal for one (1) **Submersible mixer** on above mentioned project. Below you will find a brief description of your application, our recommended equipment and product sheets.

Tank Description: Existing 2.5 MG Fish Trap Composite EST

Recommendation

Kasco recommends **one (1) 3400C61 CertiSafe NSF 61/372 mixer** for this application. The Certisafe mixer has three (3) power cable options (50ft, 75ft and 200ft). Pricing includes the cable length of **75ft**. Kasco recommends the **Suspended Mount SM-100** in the Elevated Storage Tank.

Scope of Material furnished by Axis Construction, LP & KASCO

Qty	Description	
1	<p>Kasco Municipal mixer complete package #34C61075SM-CS15</p> <ul style="list-style-type: none"> • Kasco 3400C61 CertiSafe Tank Mixer (120V) with 75ft UL power cord. Order part #3400C61 • 1- Kasco Suspended Mount #SM100 • Kasco SCADA CS-150 is a 120Vac, 60hz, single phase UL listed control panel engineered to operate Kasco C61 CertiSafe™ tank mixers. Designed for easy installation and operation, H-O-A control switch, indicator LEDs, Low water inhibit, and SCADA I/O for remote operation and monitoring. Order part #176371 • Standard 3-year Manufacturer's warranty included. • Axis has included freight to site as noted above • Axis labor warranty is 1 year 	<p>EST 1 @ \$12,180.00 Freight @ \$300.00</p>  <p>\$12,480.00</p>
Total price includes equipment as stated & Freight to Jobsite.		

Installation

We are pleased to provide a Proposal to furnish labor, equipment and materials required to install and start-up mixer. Please note the following details:

1. We will install all conduit & wire from the top of the tank mixer connection junction box, down to mixer panel mounted at the base of the tank.
2. Conduit will be rigid aluminum and will be secured with galvanized right-angle clamps on the ladder.
3. We have not included final wiring of mixer or any SCADA wiring. We will start-up the mixer once the power is connected by your electrician.

Total Cost for Install & Start-up of Kasco Mixer = \$15,540.00

Total Cost for Equipment and Installation = \$28,020.00

Notes:

1. **BUY BOARD- We are approved/listed on Contract 662-22 for Tank Mixers.** If you use BuyBoard for the purchase, you will get 8% off of the price of labor and equipment as shown above.
2. Installation as detailed above is included in this Proposal. Install can be done by others if you prefer.
3. Proposal is firm for 30 days and subject to change unless a PO is received.
4. Terms are Net 30 upon invoice.
5. Mixer will take approx. 5 days for delivery from KASCO. Lead time for our install is approximately 7 days after receipt of PO for mixer.
6. We recommend installation of a lightning arrestor/surge protector be added to the electric panels to protect the mixer and other components.

If you have any questions on the above information, please contact me at (817) 439-0709 or via e-mail address joeswinnea@hotmail.com. I look forward to an opportunity to work for you on this project.

Respectfully Submitted,

Joe Swinnea

Axis Construction, L.P.
 P.O. Box 77916
 Fort Worth, Texas 76177
 ACLP #23120

June 22, 2023

PROPOSAL

Town of Prosper
 250 W. First Street
 Prosper, Texas 75078

Attn: James Rodriguez – Water & Sewer Superintendent

Re: Furnish & Install One (1) 3/4 HP KASCO Tank Mixing System at 2 MG Composite EST

KASCO EQUIPMENT DETAILS


Axis Construction, LP in conjunction with Kasco Marine is pleased to present a Proposal for one (1) **Submersible mixer** on above mentioned project. Below you will find a brief description of your application, our recommended equipment and product sheets.

Tank Description: Existing 2 MG Prosper Craig 2.0 EST

Recommendation

Kasco recommends **one (1) 3400C61 CertiSafe NSF 61/372 mixer** for this application. The Certisafe mixer has three (3) power cable options (50ft, 75ft and 200ft). Pricing includes the cable length of **75ft**. Kasco recommends the **Suspended Mount SM-100** in the Elevated Storage Tank.

Scope of Material furnished by Axis Construction, LP & KASCO

Qty	Description	
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Total Cost for Install & Start-up of Kasco Mixer = \$15,540.00

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1. **BUY BOARD- We are approved/listed on Contract 662-22 for Tank Mixers.** If you use BuyBoard for the purchase, you will get 8% off of the price of labor and equipment as shown above.
2. Installation as detailed above is included in this Proposal. Install can be done by others if you prefer.
3. Proposal is firm for 30 days and subject to change unless a PO is received.
4. Terms are Net 30 upon invoice.
5. Mixer will take approx. 5 days for delivery from KASCO. Lead time for our install is approximately 7 days after receipt of PO for mixer.
6. We recommend installation of a lightning arrestor/surge protector be added to the electric panels to protect the mixer and other components.

If you have any questions on the above information, please contact me at (817) 439-0709 or via e-mail address joeswinnea@hotmail.com. I look forward to an opportunity to work for you on this project.

Respectfully Submitted,

Joe Swinnea



ENGINEERING SERVICES

To: Mayor and Town Council

From: Hulon T. Webb, Jr., P.E., Director of Engineering Services

Through: Mario Canizares, Town Manager
Chuck Ewings, Assistant Town Manager

Re: Professional Engineering Services Agreement: DNT Water Line Relocation
Town Council Meeting – July 11, 2023

Agenda Item:

Consider and act upon authorizing the Town Manager to execute a Professional Engineering Services Agreement between Freese and Nichols, Inc., and the Town of Prosper, Texas, related to the design of the Dallas North Tollway Water Line Relocation project.

Description of Agenda Item:

The North Texas Tollway Authority (NTTA) is currently completing the design the expansion of the main lanes of the Dallas North Tollway from US 380 to FM 428 in the City of Celina, and recently notified the Town that the Town has an existing 12-inch water line along the western side of the Dallas North Tollway from First Street to approximately 3,500 feet south of First Street, that conflicts with the proposed construction of the main lanes. Since this water line is providing water service to the properties along the western side of the Dallas North Tollway, it will need to be relocated. This project includes the design of the relocation of the water line from First Street to Prairie Drive to avoid the conflicts with the main lanes.

At the April 9, 2019, Town Council meeting, the Town Council approved a list of qualified engineering firms, which included services for water design. Freese and Nichols, Inc., is included on the approved list and has successfully completed the design of multiple water improvement projects for the Town.

Budget Impact:

The cost for the design is \$146,650 and will be expensed from the water/sewer fund in Account No. 200-5410-10-00-2312-WA.

Legal Obligations and Review:

Terrence Welch of Brown & Hofmeister, L.L.P., has approved the standard Professional Engineering Services Agreement as to form and legality.

Attached Documents:

1. Professional Engineering Service Agreement
2. Location Map

Town Staff Recommendation:

Town staff recommends that the Town Council authorize the Town Manager to execute a Professional Engineering Services Agreement between Freese and Nichols, Inc., and the Town of Prosper, Texas, related to the design of the Dallas North Tollway Water Line Relocation project.

Proposed Motion:

I move to authorize the Town Manager to execute a Professional Engineering Services Agreement between Freese and Nichols, Inc., and the Town of Prosper, Texas, related to the design of the Dallas North Tollway Water Line Relocation project.

**PROFESSIONAL ENGINEERING SERVICES AGREEMENT
BETWEEN THE TOWN OF PROSPER, TEXAS, AND FREESE AND NICHOLS, INC.
FOR THE DALLAS NORTH TOLLWAY WATER LINE RELOCATION PROJECT (2312-WA)**

This Agreement for Professional Engineering Services, hereinafter called "Agreement," is entered into by the **Town of Prosper, Texas**, a municipal corporation, duly authorized to act by the Town Council of said Town, hereinafter called "Town," and **Freese and Nichols, Inc.**, a company authorized to do business in Texas, acting through a duly authorized officer, hereinafter called "Consultant," relative to Consultant providing professional engineering services to Town. Town and Consultant when mentioned collectively shall be referred to as the "Parties."

WITNESSETH:

WHEREAS, Town desires to obtain professional engineering services in connection with the Dallas North Tollway Water Line Relocation **Project (2312-WA)**, hereinafter called "Project";

For the mutual promises and benefits herein described, Town and Consultant agree as follows:

1. **Term of Agreement.** This Agreement shall become effective on the date of its execution by both Parties, and shall continue in effect thereafter until terminated as provided herein.

2. **Services to be Performed by Consultant.** The Parties agree that Consultant shall perform such services as are set forth and described in **Exhibit A - Scope of Services** and incorporated herein as if written word for word. All services provided by Consultant hereunder shall be performed in accordance with the degree of care and skill ordinarily exercised under similar circumstances by competent members of their profession. In case of conflict in the language of Exhibit A and this Agreement, this Agreement shall govern and control. Deviations from the Scope of Services or other provisions of this Agreement may only be made by written agreement signed by all Parties to this Agreement.

3. **Prompt Performance by Consultant.** Consultant shall perform all duties and services and make all decisions called for hereunder promptly and without unreasonable delay as is necessary to cause Consultant's services hereunder to be timely and properly performed. Notwithstanding the foregoing, Consultant agrees to use diligent efforts to perform the services described herein and further defined in any specific task orders, in a manner consistent with these task orders; however, the Town understands and agrees that Consultant is retained to perform a professional service and such services must be bound, first and foremost, by the principles of sound professional judgment and reasonable diligence.

4. **Compensation of Consultant.** Town agrees to pay to Consultant for satisfactory completion of all services included in this Agreement a total fee of One Hundred Forty Six Thousand Six Hundred Fifty Dollars (\$146,650) for the Project as set forth and described in **Exhibit B - Compensation Schedule** and incorporated herein as if written word for word. Lump sum fees shall be billed monthly based on the percentage of completion. Hourly not to exceed fees shall be billed monthly based on hours of work that have been completed. Direct Costs for expenses such as mileage, copies, scans, sub-consultants, and similar costs are included in fees and shall be billed as completed.

Consultant agrees to submit statements to Town for professional services no more than once per month. These statements will be based upon Consultant's actual services performed and reimbursable expenses incurred, if any, and Town shall endeavor to make prompt payments. Each statement submitted by Consultant to Town shall be reasonably itemized to show the amount of work performed during that period. If Town fails to pay Consultant

within sixty (60) calendar days of the receipt of Consultant's invoice, Consultant may, after giving ten (10) days written notice to Town, suspend professional services until paid.

Nothing contained in this Agreement shall require Town to pay for any work that is unsatisfactory as reasonably determined by Town or which is not submitted in compliance with the terms of this Agreement.

The Scope of Services shall be strictly limited. Town shall not be required to pay any amount in excess of the original proposed amount unless Town shall have approved in writing in advance (prior to the performance of additional work) the payment of additional amounts.

5. **Town's Obligations.** Town agrees that it will (i) designate a specific person as Town's representative, (ii) provide Consultant with any previous studies, reports, data, budget constraints, special Town requirements, or other pertinent information known to Town, when necessitated by a project, (iii) when needed, assist Consultant in obtaining access to properties necessary for performance of Consultant's work for Town, (iv) make prompt payments in response to Consultant's statements and (v) respond in a timely fashion to requests from Consultant. Consultant is entitled to rely upon and use, without independent verification and without liability, all information and services provided by Town or Town's representatives.

6. **Ownership and Reuse of Documents.** Upon completion of Consultant's services and receipt of payment in full therefore, Consultant agrees to provide Town with copies of all materials and documents prepared or assembled by Consultant under this Agreement and that Town may use them without Consultant's permission for any purpose relating to the Project. Any reuse of the documents not relating to the Project shall be at Town's risk. Consultant may retain in its files copies of all reports, drawings, specifications and all other pertinent information for the work it performs for Town.

7. **Town Objection to Personnel.** If at any time after entering into this Agreement, Town has any reasonable objection to any of Engineer's personnel, or any personnel, professionals and/or consultants retained by Engineer, Engineer shall promptly propose substitutes to whom Town has no reasonable objection, and Engineer's compensation shall be equitably adjusted to reflect any difference in Engineer's costs occasioned by such substitution.

8. **Insurance.** Consultant shall, at its own expense, purchase, maintain and keep in force throughout the duration of this Agreement applicable insurance policies as described in **Exhibit C - Insurance Requirements** and incorporated herein as if written word for word. Consultant shall submit to Town proof of such insurance prior to commencing any work for Town.

9. **Indemnification.** **CONSULTANT DOES HEREBY COVENANT AND AGREE TO RELEASE, INDEMNIFY AND HOLD HARMLESS TOWN AND ITS OFFICIALS, OFFICERS, AGENTS, REPRESENTATIVES, EMPLOYEES AND INVITEES FROM AND AGAINST LIABILITY, CLAIMS, SUITS, DEMANDS AND/OR CAUSES OF ACTION, (INCLUDING, BUT NOT LIMITED TO, REASONABLE ATTORNEY'S FEES AND COSTS OF LITIGATION), WHICH MAY ARISE BY REASON OF DEATH OR INJURY TO PROPERTY OR PERSONS BUT ONLY TO THE EXTENT OCCASIONED BY THE NEGLIGENT ACT, ERROR OR OMISSION OF CONSULTANT, ITS OFFICIALS, OFFICERS, AGENTS, EMPLOYEES, INVITEES OR OTHER PERSONS FOR WHOM CONSULTANT IS LEGALLY LIABLE WITH REGARD TO THE PERFORMANCE OF THIS AGREEMENT.**

IN THE EVENT THAT TOWN AND CONSULTANT ARE CONCURRENTLY NEGLIGENT, THE PARTIES AGREE THAT ALL LIABILITY SHALL BE CALCULATED ON A COMPARATIVE BASIS OF FAULT AND RESPONSIBILITY AND THAT NEITHER PARTY SHALL BE REQUIRED TO DEFEND OR INDEMNIFY THE OTHER PARTY FOR THAT PARTY'S NEGLIGENT OR INTENTIONAL ACTS, ERRORS OR OMISSIONS.

10. **Notices.** Any notices to be given hereunder by either Party to the other may be affected either by personal delivery, in writing, or by registered or certified mail to the following addresses:

Freese and Nichols, Inc.
Clayton Barnard, P.E., Principal
5805 Main Street, Suite B
Frisco, TX 75034
clayton.barnard@freese.com

Town of Prosper
Mario Canizares, Town Manager
PO Box 307
Prosper, TX 75078
Mcanizares@prospertx.gov

11. **Termination.** The obligation to provide further services under this Agreement may be terminated by either Party in writing upon thirty (30) calendar days notice. In the event of termination by Town, Consultant shall be entitled to payment for services rendered through receipt of the termination notice.

12. **Sole Parties and Entire Agreement.** This Agreement shall not create any rights or benefits to anyone except Town and Consultant, and contains the entire agreement between the Parties. Oral modifications to this Agreement shall have no force or effect.

13. **Assignment and Delegation.** Neither Town nor Consultant may assign its rights or delegate its duties without the written consent of the other Party. This Agreement is binding on Town and Consultant to the extent permitted by law. Nothing herein is to be construed as creating any personal liability on the part of any Town officer, employee or agent.

14. **Texas Law to Apply; Successors; Construction.** This Agreement shall be construed under and in accordance with the laws of the State of Texas. It shall be binding upon, and inure to the benefit of, the Parties hereto and their representatives, successors and assigns. Should any provisions in this Agreement later be held invalid, illegal or unenforceable, they shall be deemed void, and this Agreement shall be construed as if such provision had never been contained herein.

15. **Conflict of Interest.** Consultant agrees that it is aware of the prohibited interest requirement of the Town Charter, which is repeated in **Exhibit D - Conflict of Interest Affidavit** and incorporated herein as if written word for word, and will abide by the same. Further, a lawful representative of Consultant shall execute the Affidavit included in the exhibit. Consultant understands and agrees that the existence of a prohibited interest during the term of this Agreement will render the Agreement voidable.

Consultant agrees that it is further aware of the vendor disclosure requirements set forth in Chapter 176, Local Government Code, as amended, and will abide by the same. In this connection, a lawful representative of Consultant shall execute the Conflict of Interest Questionnaire, Form CIQ, attached hereto as **Exhibit E - Conflict of Interest Questionnaire** and incorporated herein as if written word for word.

16. **Venue.** The Parties herein agree that this Agreement shall be enforceable in Prosper, Texas, and if legal action is necessary to enforce it, exclusive venue shall lie in Collin County, Texas.

17. **Mediation.** In the event of any disagreement or conflict concerning the interpretation of this Agreement, and such disagreement cannot be resolved by the signatories hereto, the signatories agree to submit such disagreement to non-binding mediation.

18. **Prevailing Party.** In the event a Party initiates or defends any legal action or proceeding to enforce or interpret any of the terms of this Agreement, the prevailing party in any such action or proceeding shall be entitled

to recover its reasonable costs and attorney’s fees (including its reasonable costs and attorney’s fees on any appeal).

19. **“Anti-Israel Boycott” Provision.** In accordance with Chapter 2270, Texas Government Code, a Texas governmental entity may not enter into a contract with a company for the provision of goods or services unless the contract contains a written verification from the company that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract. Chapter 2270 does not apply to a (1) a company that is a sole proprietorship; (2) a company that has fewer than ten (10) full-time employees; or (3) a contract that has a value of less than One Hundred Thousand Dollars (\$100,000.00). Unless the company is not subject to Chapter 2270 for the reasons stated herein, the signatory executing this Agreement on behalf of the company verifies by its signature to this Agreement that the company does not boycott Israel and will not boycott Israel during the term of this Agreement.

20. **Signatories.** Town warrants and represents that the individual executing this Agreement on behalf of Town has full authority to execute this Agreement and bind Town to the same. Consultant warrants and represents that the individual executing this Agreement on its behalf has full authority to execute this Agreement and bind Consultant to same.

IN WITNESS WHEREOF, the Parties, having read and understood this Agreement, have executed such in duplicate copies, each of which shall have full dignity and force as an original, on the _____ day of _____, 20_____.

FREESE AND NICHOLS, INC.

TOWN OF PROSPER, TEXAS

By: Clayton C Barnard
Signature

By: _____
Signature

Clayton Barnard, PE
Printed Name

Mario Canizares
Printed Name

Principal/Vice President
Title

Town Manager
Title

June 30, 2023
Date

Date

**EXHIBIT A
SCOPE OF SERVICES**

**PROFESSIONAL ENGINEERING SERVICES AGREEMENT
BETWEEN THE TOWN OF PROSPER, TEXAS, AND FREESE AND NICHOLS, INC.
FOR THE DALLAS NORTH TOLLWAY WATER LINE RELOCATION PROJECT (2312-WA)**

I. PROJECT DESCRIPTION

The North Texas Tollway Authority (NTTA) is currently designing the expansion of the main lanes of the Dallas North Tollway from US 380 north through Frontier Parkway (FM 1461). The Town has an existing 12-inch water line in conflict with the proposed construction of the roadway from First Street south for approximately 3,500 feet. This line serves the properties along the western side of the Tollway. This project will relocate the water line within NTTA's western right-of-way from First Street to the proposed Prairie Drive. The size of the water line will be evaluated within the water model.

The project will require NTTA coordination, a preliminary design that determines the alignment and final design that will include both preliminary and final design submittals. The project will continue through bid and construction phase services. This scope of services is based upon the preparation of one set of construction contract documents (plans and specifications) for the project.

II. TASK SUMMARY
BASIC SERVICES

- A. GENERAL & PROJECT MANAGEMENT - Consultant shall provide project management services for the project. The following services shall be provided.
1. Manage and coordinate the efforts of all involved in the project, including internal design team, the sub-consultants, the Town Staff, and the franchise utilities. Provide oversight of the schedule during the survey, and engineering process, to attempt to maintain the Town's desired schedule.
 2. Prepare monthly reporting including status report, recent activities, upcoming activities, schedule updates and scope changes. Prepare monthly invoices.
 3. Coordination with the franchise utilities that are impacted by the proposed improvements.
- B. TASK 1 – PRELIMINARY DESIGN
1. Conduct one (1) meeting with Town to confirm the goals, schedule, and deliverables for the project.
 2. Obtain and review all available data for the proposed water line route and existing water line route and easements.
 3. Prepare letters of permission for access to private properties for surveying. These letters are to be put on the Town of Prosper letterhead and sent to the appropriate landowners.
 4. Develop an alignment for the proposed water line. Route will be selected to avoid or minimize impacts to areas that may cause schedule delays or higher costs due to environmental, permitting, easement

or engineering issues.

5. Conduct field review, with representatives of the Town, of the project corridor to ensure avoidance or minimization of environmental, permitting, and engineering issues and determine presence of any additional constraints.
 6. Attend Town's Utility coordination meeting to coordination with franchise utilities that are impacted by the proposed improvements. Incorporate any proposed utility relocations into the water line plans.
 7. Review the Town's water model to consider the size of the proposed water line to be relocated.
 8. Prepare a conceptual layout consisting of a horizontal roll plot illustrating the proposed alignment of the Water Line. A pdf file of the roll plot will be submitted to the Town for review. The roll plot will utilize information provided by NTTA, franchise utilities and topographical design survey. Survey to be completed in accordance with the Special Services.
 9. Submit the Engineer's probable cost opinion for the recommended water line alignment and recommendations.
 10. Meet with the Town of Prosper to review the recommended alignment. Update the roll plot water line alignment based on Town comments and incorporate a proposed profile for Town review.
- C. TASK 2 – FINAL DESIGN – Upon approval of the Preliminary Design, CONSULTANT will proceed toward Final Design as follows.
1. CONSULTANT will prepare a 90% design submittal using available NTTA, Franchise Utility, Survey, and SUE data. The submittal will include electronic set of half size (11"x17") construction drawings, updated schedules and updated opinion of probable construction cost. These items will be submitted to the Town at the 90% submittal date. In addition, the submittals will include electronic copies of the construction drawings in pdf format. Typical sheets used in the project will be:
 - a. Cover Sheet
 - b. General Notes
 - c. Project layout control
 - d. Summary of Quantities
 - e. Plan and Profile sheets
 - f. Details
 2. Update the opinion of probable construction costs developed during the Preliminary Design Phase based on new information obtained during the 90% Design Phase.
 3. Upon receipt of the Town's comments on the 90% submittals, one (1) review meeting will be held to discuss the review comments and recommendations based on the 90% plans.
 4. Once 90% comments have been received from the Town, CONSULTANT will prepare 100% documents. The submittals will include electronic set of half size (11"x17") construction drawings, technical specifications, bid proposal, updated schedule and updated opinion of probable construction

cost. In addition, the submittal will include electronic copies of the construction drawings in pdf format.

5. Upon receipt of the Town's comments on the 100% submittal, one (1) review meeting will be held to discuss the review comments and recommendations based on the 100% plans.
 6. Once the 100% comments have been received from the Town, CONSULTANT will prepare "final" documents. Provide "final" plans, specifications, and bid proposals for construction contracts to complete this project and in accordance with the Town's bidding procedures. Updated electronic set of half size (11"x17") construction drawings, technical specifications, bid proposal and opinion of probable construction costs will be provide to the OWNER during the bidding process. In addition, the submittal will include electronic copies of the construction drawings in pdf and dwg format.
- D. TASK 3 - BID PHASE - Upon completion of the design services and approval of "Final" drawings and specifications by Town, Consultant will proceed with the performance of services in this phase as follows:
1. Assist Town by responding to questions and interpreting bid documents. Assist in issuing addenda to the bid documents to plan holders if necessary.
 2. Attend a pre-bid conference for the construction project and coordinate responses with Town. Response to the pre-bid conference will be in the form of addenda issued after the conference, if necessary.
 3. Provide updated plan sheets or technical specifications as needed based on addendums.
- E. TASK 4 - CONSTRUCTION PHASE - Upon completion of the bid phase services, Consultant will proceed with the performance of construction phase services as described below. Consultant will endeavor to protect the Town in providing these services. However, it is understood that Consultant does not guarantee the Contractor's performance, nor is Consultant responsible for supervision of the Contractor's operation and employees. Consultant shall not be responsible for the means, methods, techniques, sequences or procedures of construction selected by the Contractor, or any safety precautions and programs relating in any way to the condition of the premises, the work of the Contractor or any Subcontractor. Consultant shall not be responsible for the acts or omissions of any person (except its own employees or agents) at the Project site or otherwise performing any of the work of the Project.
1. Assist Town in conducting pre-construction conference with the Contractor.
 2. Interpret the drawings and specifications for the Town and Contractor(s). Review Contractor's request for information and modification request. Investigations, analyses, and studies requested by the Contractor(s) and approved by the Town, for substitutions of equipment and/or materials or deviations from the drawings and specifications is an Additional Service.
 3. Revise the construction drawings in accordance with the information furnished by construction Contractor(s) reflecting changes in the Project made during construction. Consultant shall provide electronic files in PDF and a DWG copy of the Record Drawings to the Town in accordance with the Town's spatial submission requirements.

SPECIAL SERVICES

- A. TASK 5 - TOPOGRAPHICAL SURVEY - Upon written notice to proceed, Consultant shall retain (as a subconsultant) and monitor the services of a surveying firm to perform surveying services for the project. The following survey shall be provided.

1. Establish project control using Global Positioning System (GPS) methodology. Horizontal values will be based on the Texas State Plane Coordinate System, North American Datum of 1983, North Central Zone (4202) and scaled to surface using the Texas Department of Transportation grid to surface factor for Collin County (1.000152710). the vertical values will be based on GPS derived ellipsoid heights and adjusted to North American Vertical Datum of 1988 (NAVD88) elevations using Geoid 12B. Control Points will also be tied into the Town of Prosper Geodetic Control Network.
 2. Gather topographical survey from the edge of pavement of Dallas Parkway south bound service road to 15 feet past the right-of-way line, from First Street south approximately 3,500-linear feet, to include pavement edges, curb and gutter, buildings driveways, culverts, fences and gates, signs, mailboxes, tops and toes of slopes, spot elevations, trees six (6) inches and greater, surface locations of utilities and flowline elevations of sanitary and storm sewer manholes where accessible, and other surface features.
 3. Request Texas 811 Ticket and mark utilities as marked by others.
 4. Coordinate with the Town of Prosper to have Town utilities marked and survey the location of the Town utilities.
 5. Provide a digital design survey drawing in AutoCAD format showing visible surface features located, an ASCII point file and a copy of field notes and field sketches.
- B. TASK 6 - EASEMENT DOCUMENTS: – Upon written notice to proceed, Consultant shall retain (as a subconsultant) and monitor the services of a surveying firm to perform easement document services for the project. The following shall be provided.
- Prepare up to eight (8) parcel exhibits with legal descriptions for easements, signed and sealed by a Registered Professional Land Surveyor.
- C. TASK 7 - SUBSURFACE UTILITY ENGINEERING (SUE): - Consultant shall retain (as a subconsultant) and monitor subsurface utility engineering (SUE) services. SUE work required for this project in general accordance with the recommended practices and procedures described in ASCE Publication C1/ASCE 38-02 (Standard Guideline for the Collection and Depiction of Existing Subsurface Utility Data).
1. As described in the mentioned ASCE publication, four levels have been established to describe the quality of utility location and attribute information used on plans. The four quality levels are as follows:
 - a. Quality Level D (QL “D”) – Information derived from existing records.
 - b. Quality Level C (QL “C”) – QL “D” information supplemented with information obtained by surveying visible above-ground utility features (i.e. valves, hydrants, meters, manhole covers, etc.).
 - c. Quality Level B (QL “B”) – Two-dimensional (x, y) information obtained through the application and interpretation of non-destructive surface geophysical methods. Also known as “designating” this quality level provides the horizontal position of subsurface utilities within approximately one foot.

- d. Quality Level A (QL "A") – Also known as "locating", this quality level provides precise three-dimensional (x, y, z) information at critical locations by exposing specific utilities. Non-destructive vacuum excavation equipment is used to expose the utilities at specific points which are then tied down by survey.
1. For this project, QL's "B" and "A" SUE, as previously defined, will be provided. The QL "B" will be within the western right-of-way of the Dallas Parkway for approximately 3,500-linear feet.
 2. The QL "A" will consist of up to four (4) test holes, along the proposed water line alignment.
 3. Consultant and Sub-consultant will attempt to place the test holes outside the paved areas wherever possible. However, some test holes may need to be placed in paved areas that may require traffic control measures to be implemented. Sub-consultant will establish routine/ordinary traffic control (cones and free-standing signage, etc.) whenever required as part of this scope. If non-routine traffic control measures are required (barricades, flag person, changeable message board, etc.) these services will be additional to the contract.

ADDITIONAL SERVICES: Additional Services to be performed by Consultant, if authorized by the Town, which are not included in the above described scope of services, are described as follows:

- A. Field layouts or the furnishing of construction line and grade surveys.
- B. USACOE 404 documentation.
- C. Texas Historical Commission coordination.
- D. Mitigation planning required by the USACOE 404 permit.
- E. Providing consultation concerning the replacement of any Work damaged by fire or other cause during the construction and providing services as may be required in connection with the replacement of such Work.
- F. Investigations involving consideration of operation, maintenance and overhead expenses, and the preparation of rate schedules, earnings and expense statements, feasibility studies, appraisals, evaluations, assessment schedules, and material audits or inventories required for certification of force account construction performed by the Town.
- G. Preparing applications and supporting documents for government grants, loans, or planning advances and providing data for detailed applications.
- H. Providing shop, mill, field or laboratory inspection of materials and equipment. Observe factory tests of equipment at any site remote to the project or observing tests required as a result of equipment failing the initial test.
- I. Preparing Operation and Maintenance Manuals or conducting operator training.
- J. Assisting the Town in preparing for, or appearing at litigation, mediation, arbitration, dispute review boards, or other legal and/or administrative proceedings in the defense or prosecution of claims disputes with Contractor(s).

- K. Performing investigations, studies, and analysis of substitutions of equipment and/or materials or deviations from the drawings and specifications.
- L. Performing investigations, studies, and analysis of work proposed by construction contractors to correct defective work.
- M. Design, contract modifications, studies or analysis required to comply with local, State, Federal or other regulatory agencies that become effective after the date of this Agreement.
- N. Services required to resolve bid protests or to rebid the projects for any reason.
- O. Any services required as a result of default of the contractor(s) or the failure, for any reason, of the contractor(s) to complete the work within the contract time.
- P. Providing services made necessary because of unforeseen, concealed, or differing site conditions or due to the presence of hazardous substances in any form.
- Q. Providing services to review or evaluate construction contractor(s) claim(s), provided said claims are supported by causes not within the control of Consultant.
- R. Providing value engineering studies or reviews of cost savings proposed by construction contractors after bids have been submitted.
- S. Provide follow-up professional services during Contractor's warranty period.
- T. Furnishing the services of a Resident Project Representative to act as the Town's on-site representative during the Construction Phase.
- U. Detailed settlement studies or other engineering issues resulting from soft soil conditions or other unexpected site conditions.
- V. Cathodic control design and construction consisting of field evaluations, engineering analysis and construction services.
- W. Providing easement acquisition services.

III. DELIVERABLES

Task 1 & 2 – Preliminary & Final Design	Provide Preliminary and Final design plans and specifications for the water line relocations.
Task 3 – Bid Phase	Assist the Town in securing bids and issuing construction plans and specifications for the design of the project.
Task 4 – Construction Phase	Provide limited general construction representative services throughout the construction of the project. Provide PDF and DWG Record Drawings.
Task 5 – Topographical Survey	AutoCAD file with horizontal and vertical control points, property lines, existing easements, existing utilities and 1-foot contours.
Task 6 – Easement Documents	Exhibits and legal descriptions for the proposed permanent and temporary easements for the pipeline.
Task 7 – Subsurface Utility Engineering (SUE)	AutoCAD file with horizontal locations of Level B locations and vertical elevation of Level A locations.

**EXHIBIT B
COMPENSATION SCHEDULE**

**PROFESSIONAL ENGINEERING SERVICES AGREEMENT
BETWEEN THE TOWN OF PROSPER, TEXAS, AND FREESE AND NICHOLS, INC.
FOR THE DALLAS NORTH TOLLWAY WATER LINE RELOCATION PROJECT (2312-WA)**

I. COMPENSATION SCHEDULE

Task	Completion Schedule	Compensation Schedule
Notice-to-Proceed	July 2023	
Task 1 - Preliminary Design	October 2023	\$28,950
Task 2 - Final Design	January 2024	\$45,300
Task 3 - Bid Phase	March 2024	\$6,250
Task 4 - Construction Phase	November 2024	\$15,500
Task 5 - Topographical Survey	August 2023	\$22,900
Task 6 - Easement Documents	November 2023	\$10,950
Task 7 - Subsurface Utility Engineering (SUE)	November 2023	\$16,800
Total Compensation		\$146,650

II. COMPENSATION SUMMARY

Basic Services (Lump Sum)	Amount
Task 1 – Preliminary Design	\$28,950
Task 2 - Final Design	\$45,300
Task 3 - Bid Phase	\$6,250
Total Basic Services:	\$80,500

Special Services (Hourly Not-to-Exceed)	Amount
Task 4 - Construction Phase	\$15,500
Task 5 - Topographical Survey	\$22,900
Task 6 - Easement Documents	\$10,950
Task 7 - Subsurface Utility Engineering (SUE)	\$16,800
Total Special Services:	\$66,150

Direct Expenses	Amount
None	\$0
Total Direct Expenses:	\$0

EXHIBIT B COMPENSATION/PRICING SCHEDULE

Compensation to FNI for Basic Services in Attachment SC shall be the lump sum of Eighty Thousand Five Hundred Dollars (\$80,500).

Compensation to FNI for Special Services in Attachment SC shall be computed on the basis of the following Schedule of Charges, but shall not exceed Sixty Six Thousand One Hundred Fifty Dollars (\$66,150).

If FNI sees the Scope of Services changing so that Additional Services are needed, including but not limited to those services described as Additional Services in Attachment SC, FNI will notify OWNER for OWNER's approval before proceeding. Additional Services shall be computed based on the following Schedule of Charges.

<u>Position</u>	<u>Hourly Rate</u>	
	<u>Min</u>	<u>Max</u>
Professional 1	96	188
Professional 2	114	188
Professional 3	136	294
Professional 4	136	334
Professional 5	213	367
Professional 6	235	445
Construction Manager 1	103	122
Construction Manager 2	103	184
Construction Manager 3	147	184
Construction Manager 4	169	235
Construction Manager 5	195	279
Construction Manager 6	268	331
Construction Representative 1	85	103
Construction Representative 2	96	103
Construction Representative 3	118	173
Construction Representative 4	122	195
CAD Technician/Designer 1	74	144
CAD Technician/Designer 2	118	177
CAD Technician/Designer 3	162	235
Corporate Project Support 1	67	144
Corporate Project Support 2	81	206
Corporate Project Support 3	96	379
Intern / Coop	52	89

Rates for In-House Services and Equipment

<u>Mileage</u>	<u>Bulk Printing and Reproduction</u>		<u>Equipment</u>	
Standard IRS Rates		<u>B&W</u>	<u>Color</u>	
	Small Format (per copy)	\$0.10	\$0.25	Valve Crew Vehicle (hour) \$75
	Large Format (per sq. ft.)			Pressure Data Logger (each) \$200
<u>Technology Charge</u>	Bond	\$0.25	\$0.75	Water Quality Meter (per day) \$100
\$8.50 per hour	Glossy / Mylar	\$0.75	\$1.25	Microscope (each) \$150
	Vinyl / Adhesive	\$1.50	\$2.00	Pressure Recorder (per day) \$100
	Mounting (per sq. ft.)	\$2.00		Ultrasonic Thickness Gauge (per day) \$275
	Binding (per binding)	\$0.25		Coating Inspection Kit (per day) \$275
				Flushing / Cfactor (each) \$500
				Backpack Electrofisher (each) \$1,000
				<u>Survey Grade</u> <u>Standard</u>
				Drone (per day) \$200 \$100
				GPS (per day) \$150 \$50

OTHER DIRECT EXPENSES:

Other direct expenses are reimbursed at actual cost times a multiplier of 1.15. They include outside printing and reproduction expense, communication expense, travel, transportation and subsistence away from the FNI office. For other miscellaneous expenses directly related to the work, including costs of laboratory analysis, test, and other work required to be done by independent persons other than staff members, these services will be billed at a cost times a multiplier of 1.15. For Resident Representative services performed by non-FNI employees and CAD services performed in-house by non-FNI employees where FNI provides workspace and equipment to perform such services, these services will be billed at cost times a multiplier of 2.0. This markup approximates the cost to FNI if an FNI employee was performing the same or similar services.

These ranges and/or rates will be adjusted annually in February. Last updated 2023.

16/02/2023

EXHIBIT C INSURANCE REQUIREMENTS

Service provider shall procure and maintain for the duration of the contract, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the vendor, his agents, representatives, employees or subcontractors. The cost of such insurance shall be borne by the service provider. A certificate of insurance meeting all requirements and provisions outlined herein shall be provided to the Town prior to any services being performed or rendered. Renewal certificates shall also be supplied upon expiration.

A. MINIMUM SCOPE OF INSURANCE

Coverage shall be at least as broad as:

1. ISO Form Number GL 00 01 (or similar form) covering Commercial General Liability. "Occurrence" form only, "claims made" forms are unacceptable, except for professional liability.
2. Workers Compensation insurance as required by the Labor Code of the State of Texas, including Employers' Liability Insurance.
3. Automobile Liability as required by the State of Texas, covering all owned, hired, or non-owned vehicles. Automobile Liability is only required if vehicle(s) will be used under this contract.
4. Professional Liability, also known as Errors and Omissions coverage.

B. MINIMUM LIMITS OF INSURANCE

Service Provider shall maintain throughout contract limits not less than:

1. Commercial General Liability: \$500,000 per occurrence /\$1,000,000 in the aggregate for third party bodily injury, personal injury and property damage. Policy will include coverage for:
 - a. Premises / Operations
 - b. Broad Form Contractual Liability
 - c. Products and Completed Operations
 - d. Personal Injury
 - e. Broad Form Property Damage
2. Workers Compensation and Employer's Liability: Workers Compensation limits as required by the Labor Code of the State of Texas and Statutory Employer's Liability minimum limits of \$100,000 each accident, \$300,000 Disease- Policy Limit, and \$100,000 Disease- Each Employee.
3. Automobile Liability: \$500,000 Combined Single Limit. Limits can only be reduced if approved by the Town. Automobile liability shall apply to all owned, hired, and non-owned autos.
4. Professional Liability aka Errors and Omissions: \$500,000 per occurrence and in the aggregate.

C. DEDUCTIBLES AND SELF-INSURED RETENTIONS

Any deductible or self-insured retentions in excess of \$10,000 must be declared to and approved by the Town.

D. OTHER INSURANCE PROVISIONS

The policies are to contain, or be endorsed to contain the following provisions:

1. General Liability and Automobile Liability Coverages

- a. The Town, its officers, officials, employees, boards and commissions and volunteers are to be added as "Additional Insured's" relative to liability arising out of activities performed by or on behalf of the provider, products and completed operations of the provider, premises owned, occupied or used by the provider. The coverage shall contain no special limitations on the scope of protection afforded to the Town, its officers, officials, employees or volunteers.
- b. The provider's insurance coverage shall be primary insurance in respects to the Town, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the Town, its officers, officials, employees or volunteers shall be in excess of the provider's insurance and shall not contribute with it.
- c. Any failure to comply with reporting provisions of the policy shall not affect coverage provided to the Town, its officers, officials, employees, boards and commissions or volunteers.
- d. The provider's insurance shall apply separately to each insured against whom the claim is made or suit is brought, except to the insured's limits of liability.

2. Workers Compensation and Employer's Liability Coverage:

The insurer shall agree to waive all rights of subrogation against the Town, its officers, officials, employees and volunteers for losses arising from work performed by the provider for the Town.

3. All Coverages:

Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled or non-renewed by either party, reduced in coverage or in limits except after 30 days written notice to the Town for all occurrences, except 10 days written notice to the Town for non-payment.

4. Professional Liability and / or Errors and Omissions:

"Claims made" policy is acceptable coverage, which must be maintained during the course of the project, and up to two (2) years after completion and acceptance of the project by the Town.

E. ACCEPTABILITY OF INSURERS

The Town prefers that Insurance be placed with insurers with an A.M. Best's rating of no less than **A- VI**, or better.

F. VERIFICATION OF COVERAGE

Service Provider shall provide the Town with certificates of insurance indicating the coverages required. The certificates are to be signed by a person authorized by that insurer to bind coverage on its behalf. Certificates of insurance similar to the ACORD Form are acceptable. Town will not accept Memorandums of Insurance or Binders as proof of insurance. The Town reserves the right to require complete, certified copies of all required insurance policies at any time.

Certificate holder to be listed as follows:

Town of Prosper
P.O. Box 307
Prosper, TX 75078

EXHIBIT E CONFLICT OF INTEREST QUESTIONNAIRE

CONFLICT OF INTEREST QUESTIONNAIRE For vendor doing business with local governmental entity		FORM CIQ
<p>This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.</p> <p>This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).</p> <p>By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.</p> <p>A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.</p>	OFFICE USE ONLY	
<p>1 Name of vendor who has a business relationship with local governmental entity.</p>	Date Received	
<p>2 <input type="checkbox"/> Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)</p>		
<p>3 Name of local government officer about whom the information is being disclosed.</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">Name of Officer</p>		
<p>4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.</p> <p style="margin-left: 40px;">A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?</p> <p style="margin-left: 80px;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </p> <p style="margin-left: 40px;">B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?</p> <p style="margin-left: 80px;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </p>		
<p>5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.</p>		
<p>6 <input type="checkbox"/> Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).</p>		
<p>7</p> <p style="text-align: center;"> _____ Signature of vendor doing business with the governmental entity </p> <p style="text-align: right; margin-right: 100px;"> _____ Date </p>		

LOCATION MAP

Dallas North Tollway Waterline Relocation

US 380 to First Street



ENGINEERING SERVICES



To: Mayor and Town Council

From: Hulon T. Webb, Jr., P.E., Director of Engineering Services

**Through: Mario Canizares, Town Manager
Chuck Ewings, Assistant Town Manager**

**Re: Professional Engineering Services Agreement: Preston Road/First Street
Dual Left Turn Lanes**

Town Council Meeting – July 11, 2023

Agenda Item:

Consider and act upon authorizing the Town Manager to execute a Professional Engineering Services Agreement between Spiars Engineering & Surveying, Inc., and the Town of Prosper, Texas, related to the design of the Preston Road (SH 289) and First Street Dual Left Turn Lanes project.

Description of Agenda Item:

The services associated with this agreement are for the design of additional left-turn lanes in both directions (eastbound and westbound) of First Street at the intersection with Preston Road (SH 289). The project will include pavement, grading, modification to existing traffic signals, striping and signage.

At the April 9, 2019, Town Council meeting, the Town Council approved a list of qualified engineering firms, which included services for roadway engineering design. Spiars Engineering & Surveying, Inc., is included on the approved list and has successfully completed the design of multiple roadway improvement projects for the Town.

Budget Impact:

The cost for the design is \$93,000. The project budget for design, in the amount of \$100,000, was included in the 2021-2022 Capital Improvement Program in Account Number 750-5410-10-00-2118-ST.

Per the Advanced Funding Agreement between the Texas Department of Transportation (TxDOT) and the Town, which was approved by the Town Council at the March 28, 2023, Town Council meeting, TxDOT's participation amount towards the design will be \$74,400 (80%).

Legal Obligations and Review:

Terrence Welch of Brown & Hofmeister, L.L.P., has approved the standard Professional Engineering Services Agreement as to form and legality.

Attached Documents:

1. Professional Engineering Service Agreement
2. Location Map

Town Staff Recommendation:

Town staff recommends that the Town Council authorize the Town Manager to execute a Professional Engineering Services Agreement between Spiars Engineering & Surveying, Inc., and the Town of Prosper, Texas, related to the design of the Preston Road (SH 289) and First Street Dual Left Turn Lanes project.

Proposed Motion:

I move to authorize the Town Manager to execute a Professional Engineering Services Agreement between Spiars Engineering & Surveying, Inc., and the Town of Prosper, Texas, related to the design of the Preston Road (SH 289) and First Street Dual Left Turn Lanes project.

**PROFESSIONAL ENGINEERING SERVICES AGREEMENT
BETWEEN THE TOWN OF PROSPER, TEXAS, AND SPIARS ENGINEERING & SURVEYING, INC.
FOR THE PRESTON ROAD (SH 289) AND FIRST STREET DUAL LEFT TURN LANES PROJECT (2118-ST)**

This Agreement for Professional Engineering Services, hereinafter called "Agreement," is entered into by the **Town of Prosper, Texas**, a municipal corporation, duly authorized to act by the Town Council of said Town, hereinafter called "Town," and **Spiars Engineering & Surveying, Inc.**, a company authorized to do business in Texas, acting through a duly authorized officer, hereinafter called "Consultant," relative to Consultant providing professional engineering services to Town. Town and Consultant when mentioned collectively shall be referred to as the "Parties."

WITNESSETH:

WHEREAS, Town desires to obtain professional engineering services in connection with the **Preston Road (SH 289) and First Street Dual Left Turn Lanes Project (2118-ST)**, hereinafter called "Project";

For the mutual promises and benefits herein described, Town and Consultant agree as follows:

1. **Term of Agreement.** This Agreement shall become effective on the date of its execution by both Parties, and shall continue in effect thereafter until terminated as provided herein.

2. **Services to be Performed by Consultant.** The Parties agree that Consultant shall perform such services as are set forth and described in **Exhibit A - Scope of Services** and incorporated herein as if written word for word. All services provided by Consultant hereunder shall be performed in accordance with the degree of care and skill ordinarily exercised under similar circumstances by competent members of their profession. In case of conflict in the language of Exhibit A and this Agreement, this Agreement shall govern and control. Deviations from the Scope of Services or other provisions of this Agreement may only be made by written agreement signed by all Parties to this Agreement.

3. **Prompt Performance by Consultant.** Consultant shall perform all duties and services and make all decisions called for hereunder promptly and without unreasonable delay as is necessary to cause Consultant's services hereunder to be timely and properly performed. Notwithstanding the foregoing, Consultant agrees to use diligent efforts to perform the services described herein and further defined in any specific task orders, in a manner consistent with these task orders; however, the Town understands and agrees that Consultant is retained to perform a professional service and such services must be bound, first and foremost, by the principles of sound professional judgment and reasonable diligence.

4. **Compensation of Consultant.** Town agrees to pay to Consultant for satisfactory completion of all services included in this Agreement a total fee of Ninety Three Thousand Dollars and Zero Cents (\$93,000.00) for the Project as set forth and described in **Exhibit B - Compensation Schedule** and incorporated herein as if written word for word. Lump sum fees shall be billed monthly based on the percentage of completion. Hourly not to exceed fees shall be billed monthly based on hours of work that have been completed. Direct Costs for expenses such as mileage, copies, scans, sub-consultants, and similar costs are included in fees and shall be billed as completed.

Consultant agrees to submit statements to Town for professional services no more than once per month. These statements will be based upon Consultant's actual services performed and reimbursable expenses incurred, if any, and Town shall endeavor to make prompt payments. Each statement submitted by Consultant to Town shall be reasonably itemized to show the amount of work performed during that period. If Town fails to pay Consultant within sixty (60) calendar days of the receipt of Consultant's invoice, Consultant may, after giving ten (10) days written

notice to Town, suspend professional services until paid.

Nothing contained in this Agreement shall require Town to pay for any work that is unsatisfactory as reasonably determined by Town or which is not submitted in compliance with the terms of this Agreement.

The Scope of Services shall be strictly limited. Town shall not be required to pay any amount in excess of the original proposed amount unless Town shall have approved in writing in advance (prior to the performance of additional work) the payment of additional amounts.

5. **Town's Obligations.** Town agrees that it will (i) designate a specific person as Town's representative, (ii) provide Consultant with any previous studies, reports, data, budget constraints, special Town requirements, or other pertinent information known to Town, when necessitated by a project, (iii) when needed, assist Consultant in obtaining access to properties necessary for performance of Consultant's work for Town, (iv) make prompt payments in response to Consultant's statements and (v) respond in a timely fashion to requests from Consultant. Consultant is entitled to rely upon and use, without independent verification and without liability, all information and services provided by Town or Town's representatives.

6. **Ownership and Reuse of Documents.** Upon completion of Consultant's services and receipt of payment in full therefore, Consultant agrees to provide Town with copies of all materials and documents prepared or assembled by Consultant under this Agreement and that Town may use them without Consultant's permission for any purpose relating to the Project. Any reuse of the documents not relating to the Project shall be at Town's risk. Consultant may retain in its files copies of all reports, drawings, specifications and all other pertinent information for the work it performs for Town.

7. **Town Objection to Personnel.** If at any time after entering into this Agreement, Town has any reasonable objection to any of Engineer's personnel, or any personnel, professionals and/or consultants retained by Engineer, Engineer shall promptly propose substitutes to whom Town has no reasonable objection, and Engineer's compensation shall be equitably adjusted to reflect any difference in Engineer's costs occasioned by such substitution.

8. **Insurance.** Consultant shall, at its own expense, purchase, maintain and keep in force throughout the duration of this Agreement applicable insurance policies as described in Exhibit C - Insurance Requirements and incorporated herein as if written word for word. Consultant shall submit to Town proof of such insurance prior to commencing any work for Town.

9. **Indemnification.** CONSULTANT DOES HEREBY COVENANT AND AGREE TO RELEASE, INDEMNIFY AND HOLD HARMLESS TOWN AND ITS OFFICIALS, OFFICERS, AGENTS, REPRESENTATIVES, EMPLOYEES AND INVITEES FROM AND AGAINST LIABILITY, CLAIMS, SUITS, DEMANDS AND/OR CAUSES OF ACTION, (INCLUDING, BUT NOT LIMITED TO, REASONABLE ATTORNEY'S FEES AND COSTS OF LITIGATION), WHICH MAY ARISE BY REASON OF DEATH OR INJURY TO PROPERTY OR PERSONS BUT ONLY TO THE EXTENT OCCASIONED BY THE NEGLIGENT ACT, ERROR OR OMISSION OF CONSULTANT, ITS OFFICIALS, OFFICERS, AGENTS, EMPLOYEES, INVITEES OR OTHER PERSONS FOR WHOM CONSULTANT IS LEGALLY LIABLE WITH REGARD TO THE PERFORMANCE OF THIS AGREEMENT.

IN THE EVENT THAT TOWN AND CONSULTANT ARE CONCURRENTLY NEGLIGENT, THE PARTIES AGREE THAT ALL LIABILITY SHALL BE CALCULATED ON A COMPARATIVE BASIS OF FAULT AND RESPONSIBILITY AND THAT NEITHER PARTY SHALL BE REQUIRED TO DEFEND OR INDEMNIFY THE OTHER PARTY FOR THAT PARTY'S NEGLIGENT OR INTENTIONAL ACTS, ERRORS OR OMISSIONS.

10. **Notices.** Any notices to be given hereunder by either Party to the other may be affected either by personal delivery, in writing, or by registered or certified mail to the following addresses:

Spiars Engineering, Inc.
 Matt Dorsett, P.E.
 765 Custer Road, Suite 100
 Plano 75075
 Matt.dorsett@spiarsengineering.com

Town of Prosper
 Mario Canizares, Town Manager
 PO Box 307
 Prosper, TX 75078
mcanizares@prospertx.gov

11. **Termination.** The obligation to provide further services under this Agreement may be terminated by either Party in writing upon thirty (30) calendar days notice. In the event of termination by Town, Consultant shall be entitled to payment for services rendered through receipt of the termination notice.

12. **Sole Parties and Entire Agreement.** This Agreement shall not create any rights or benefits to anyone except Town and Consultant, and contains the entire agreement between the Parties. Oral modifications to this Agreement shall have no force or effect.

13. **Assignment and Delegation.** Neither Town nor Consultant may assign its rights or delegate its duties without the written consent of the other Party. This Agreement is binding on Town and Consultant to the extent permitted by law. Nothing herein is to be construed as creating any personal liability on the part of any Town officer, employee or agent.

14. **Texas Law to Apply; Successors; Construction.** This Agreement shall be construed under and in accordance with the laws of the State of Texas. It shall be binding upon, and inure to the benefit of, the Parties hereto and their representatives, successors and assigns. Should any provisions in this Agreement later be held invalid, illegal or unenforceable, they shall be deemed void, and this Agreement shall be construed as if such provision had never been contained herein.

15. **Conflict of Interest.** Consultant agrees that it is aware of the prohibited interest requirement of the Town Charter, which is repeated in Exhibit D - Conflict of Interest Affidavit and incorporated herein as if written word for word, and will abide by the same. Further, a lawful representative of Consultant shall execute the Affidavit included in the exhibit. Consultant understands and agrees that the existence of a prohibited interest during the term of this Agreement will render the Agreement voidable.

Consultant agrees that it is further aware of the vendor disclosure requirements set forth in Chapter 176, Local Government Code, as amended, and will abide by the same. In this connection, a lawful representative of Consultant shall execute the Conflict of Interest Questionnaire, Form CIQ, attached hereto as Exhibit E - Conflict of Interest Questionnaire and incorporated herein as if written word for word.

16. **Venue.** The Parties herein agree that this Agreement shall be enforceable in Prosper, Texas, and if legal action is necessary to enforce it, exclusive venue shall lie in Collin County, Texas.

17. **Mediation.** In the event of any disagreement or conflict concerning the interpretation of this Agreement, and such disagreement cannot be resolved by the signatories hereto, the signatories agree to submit such disagreement to non-binding mediation.

18. **Prevailing Party.** In the event a Party initiates or defends any legal action or proceeding to enforce or interpret any of the terms of this Agreement, the prevailing party in any such action or proceeding shall be entitled to recover its reasonable costs and attorney's fees (including its reasonable costs and attorney's fees on any appeal).

19. "Anti-Israel Boycott" Provision. In accordance with Chapter 2270, Texas Government Code, a Texas governmental entity may not enter into a contract with a company for the provision of goods or services unless the contract contains a written verification from the company that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract. Chapter 2270 does not apply to a (1) a company that is a sole proprietorship; (2) a company that has fewer than ten (10) full-time employees; or (3) a contract that has a value of less than One Hundred Thousand Dollars (\$100,000.00). Unless the company is not subject to Chapter 2270 for the reasons stated herein, the signatory executing this Agreement on behalf of the company verifies by its signature to this Agreement that the company does not boycott Israel and will not boycott Israel during the term of this Agreement.

20. Signatories. Town warrants and represents that the individual executing this Agreement on behalf of Town has full authority to execute this Agreement and bind Town to the same. Consultant warrants and represents that the individual executing this Agreement on its behalf has full authority to execute this Agreement and bind Consultant to same.

IN WITNESS WHEREOF, the Parties, having read and understood this Agreement, have executed such in duplicate copies, each of which shall have full dignity and force as an original, on the _____ day of _____, 20____.

SPIARS ENGINEERING & SURVEYING, INC.

TOWN OF PROSPER, TEXAS

By: [Signature]
Signature

By: _____
Signature

MATT DORSETT, P.E.
Printed Name

Mario Canizares
Printed Name

DIRECTOR
Title

Town Manager
Title

6/6/23
Date

Date

**EXHIBIT A
SCOPE OF SERVICES**

**PROFESSIONAL ENGINEERING SERVICES AGREEMENT
BETWEEN THE TOWN OF PROSPER, TEXAS, AND SPIARS ENGINEERING & SURVEYING, INC.
FOR THE PRESTON ROAD (SH 289) AND FIRST STREET DUAL LEFT TURN LANES PROJECT (2118-ST)**

I. PROJECT DESCRIPTION

Improve intersection of First Street and Preston Road to include dual left turn lanes on each approach of First Street.

II. TASK SUMMARY

Task 1 – Topographic Survey

Prepare topographic survey for proposed alignments including the following:

1. Contours at one foot intervals.
2. Spot elevations at streets and pavements adjacent to the site along each curb and edge of pavement.
3. Plotted locations of structures, paving and improvements above ground on or within approximately fifty feet of the site.
4. Location and size of visible utilities.
5. Call in utility locates and tie markings.
6. Verify boundary of surrounding properties.

Task 2 – Subsurface Utility Engineering

Expose existing utilities as needed for design. Vacuum excavation or other nondestructive excavation techniques will be used. This will be billed at 1.15 times Spiars cost with an estimated budget of \$5,000. If additional SUE is needed for design, Spiars will coordinate with the Town prior to proceeding.

Task 3 – Preliminary Design Engineering

Prepare preliminary engineering exhibits and/or plan sheets for the Town of Prosper to review and approve the geometric design of the intersection and associated infrastructure. Although it will be taken into account, all preliminary design engineering is to exclude vertical design and any items are subject to change based on final design engineering.

Task 4 – Final Design Engineering

1. Prepare Paving Plans for streets and turn lanes/median openings. Detailed planwork to include dimensional control.
2. Prepare Drainage Area Map (onsite and offsite). Planwork to include hydrologic information for each drainage area.
3. Prepare Storm Drainage Plans based on Town standards. Planwork to include detailed storm sewer plan/profile drawings with the appropriate hydraulic information.
4. Prepare Erosion Control Plans and Details. This excludes preparation of the Notice of Intent (N.O.I.) and Storm Water Pollution Prevention Plan (S.W.P.P.) booklets or submittal to the

EPA/TCEQ.

5. Prepare Street Signage Plan per Town standards. Planwork to include coordination with the contractor for installation of signs.
6. Prepare Construction Phasing Plan per Town standards.
7. Submit, process and coordinate all necessary applications, permits and plans necessary to obtain Town approval of the final engineering planwork for construction.
8. Plan packages will be submitted for Town review at 60% and 90% design completion. It is understood that the 60% submittal to the Town is to review constructability and the 90% submittal is to review prior to contract document preparation (bid drawings and associated bid documents)
9. This item excludes TXDOT submittals and coordination. It is assumed the Town will handle all TXDOT coordination.

Task 5 – Construction Coordination and Administration

1. Prepare bid quantities. Town staff to prepare bid book.
2. Site Inspection.
 - a) Review contractor submittals related to roadway construction.
 - b) Answer contractor requests for information during construction.
 - c) Visit the site periodically to review construction completed to date and advise Town if any work is not consistent with the applicable plans.
 - d) Meet with contractors at the site as needed to review progress and coordinate any issues that may arise.
 - e) Attend preliminary and final inspections with the contractors and Town officials.
3. Project Administration.
 - a) Meet with the Town as necessary to report on the project status.
 - b) Coordinate with the construction superintendent, contractors and Town officials to obtain a Final Letter of Acceptance.
 - c) Provide the appropriate letters and information to the Town to obtain project completion.

Task 6 – Survey Control

Control Staking. Set control stakes for horizontal control, local benchmarks and permanent vertical benchmarks. This will be billed as hourly not to exceed on an as needed basis.

Task 7 – Separate Instrument Preparation

Prepare separate instrument exhibits for easement and ROW dedication as follows:

1. ROW dedication document across Block A, lot 1, Prosper Bank Addition No. 1
2. ROW dedication document across 183 Land Corporation Tract

This is a budget item and will not be billed should separate instrument ROW dedication not be required.

Task 8 – Record Drawings

Prepare record drawings to reflect the as-built infrastructure marked up and provided by contractor. Provide PDF and CAD files to Town.

Task 9 – Non-Labor Reimbursable Expenditures

Reimbursable Expenditures (printing, deliveries, CAD plots, travel, etc...) shall be approved in advance by Client and will be invoiced at 1.15 times our cost. Invoices shall be submitted monthly for work completed to date or on a milestone basis and shall be due within 30 days of the date on the invoice.

III. DELIVERABLES

Task 1 – Topographic Survey	Topographic Survey CAD files for use in design
Task 2 – Subsurface Utility Engineering	Exhibit Showing Elevations of Utilities Tied in Field
Task 3 – Preliminary Engineering	Preliminary Engineering Exhibit
Task 4 – Final Design Engineering	60% Plans 90% Plans Final Plans
Task 5 – Construction Coordination and Admin.	Bid Quantities
Task 6 – Survey Control	Set Control in Field
Task 7 – Separate Instrument Preparation	Separate Instrument ROW Dedication Exhibits
Task 8 - Record Drawings	One (1) PDF copy of each sheet of the record drawings One (1) DWG of the record drawings base map

**EXHIBIT B
COMPENSATION SCHEDULE**

**PROFESSIONAL ENGINEERING SERVICES AGREEMENT
BETWEEN THE TOWN OF PROSPER, TEXAS, AND SPIARS ENGINEERING & SURVEYING, INC.
FOR THE PRESTON ROAD (SH 289) AND FIRST STREET DUAL LEFT TURN LANES PROJECT (2118-ST)**

I. COMPENSATION SCHEDULE

Task	Completion Schedule	Compensation Schedule
Notice-to-Proceed	July 2023	
Task 1 – Topographic Survey	July 2023	\$10,000
Task 2 – Subsurface Utility Engineering	As Needed	\$5,000
Task 3 – Preliminary Engineering	September 2023	\$7,500
Task 4 – Final Design Engineering	March 2024	\$50,000
Task 5 – Construction Coordination & Administration	TBD	\$7,500
Task 6 – Survey Control	TBD	\$1,000
Task 7 – Separate Instrument Preparation	March 2024	\$4,000
Task 8 – Record Drawings	TBD	\$5,000
Task 9 – Reimbursable Expenditures	As Needed	\$3,000
Total Compensation		\$93,000

II. COMPENSATION SUMMARY

Basic Services (Lump Sum)	Amount
Task 1 – Topographic Survey	\$10,000
Task 3 – Preliminary Engineering	\$7,500
Task 4 – Final Design Engineering	\$50,000
Task 5 – Construction Coordination and Admin.	\$7,500
Task 8 - Record Drawings	\$5,000
Total Basic Services:	\$80,000

Special Services (Hourly Not-to-Exceed)	Amount
Task 2 – Subsurface Utility Engineering	\$5,000
Task 6 – Survey Control	\$1,000
Task 7 – Separate Instrument Preparation	\$4,000
Total Special Services:	\$10,000

Direct Expenses	Amount
Task 9 – Reimbursable Expenditures (Budget)	\$3,000
Total Direct Expenses:	\$3,000

EXHIBIT C INSURANCE REQUIREMENTS

Service provider shall procure and maintain for the duration of the contract, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the vendor, his agents, representatives, employees or subcontractors. The cost of such insurance shall be borne by the service provider. A certificate of insurance meeting all requirements and provisions outlined herein shall be provided to the Town prior to any services being performed or rendered. Renewal certificates shall also be supplied upon expiration.

A. MINIMUM SCOPE OF INSURANCE

Coverage shall be at least as broad as:

1. ISO Form Number GL 00 01 (or similar form) covering Commercial General Liability. "Occurrence" form only, "claims made" forms are unacceptable, except for professional liability.
2. Workers Compensation insurance as required by the Labor Code of the State of Texas, including Employers' Liability Insurance.
3. Automobile Liability as required by the State of Texas, covering all owned, hired, or non-owned vehicles. Automobile Liability is only required if vehicle(s) will be used under this contract.
4. Professional Liability, also known as Errors and Omissions coverage.

B. MINIMUM LIMITS OF INSURANCE

Service Provider shall maintain throughout contract limits not less than:

1. Commercial General Liability: \$500,000 per occurrence /\$1,000,000 in the aggregate for third party bodily injury, personal injury and property damage. Policy will include coverage for:
 - a. Premises / Operations
 - b. Broad Form Contractual Liability
 - c. Products and Completed Operations
 - d. Personal Injury
 - e. Broad Form Property Damage
2. Workers Compensation and Employer's Liability: Workers Compensation limits as required by the Labor Code of the State of Texas and Statutory Employer's Liability minimum limits of \$100,000 each accident, \$300,000 Disease- Policy Limit, and \$100,000 Disease- Each Employee.
3. Automobile Liability: \$500,000 Combined Single Limit. Limits can only be reduced if approved by the Town. Automobile liability shall apply to all owned, hired, and non-owned autos.
4. Professional Liability aka Errors and Omissions: \$500,000 per occurrence and in the aggregate.

C. DEDUCTIBLES AND SELF-INSURED RETENTIONS

Any deductible or self-insured retentions in excess of \$10,000 must be declared to and approved by the Town.

D. OTHER INSURANCE PROVISIONS

The policies are to contain, or be endorsed to contain the following provisions:

1. General Liability and Automobile Liability Coverages

- a. The Town, its officers, officials, employees, boards and commissions and volunteers are to be added as "Additional Insured's" relative to liability arising out of activities performed by or on behalf of the provider, products and completed operations of the provider, premises owned, occupied or used by the provider. The coverage shall contain no special limitations on the scope of protection afforded to the Town, its officers, officials, employees or volunteers.
- b. The provider's insurance coverage shall be primary insurance in respects to the Town, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the Town, its officers, officials, employees or volunteers shall be in excess of the provider's insurance and shall not contribute with it.
- c. Any failure to comply with reporting provisions of the policy shall not affect coverage provided to the Town, its officers, officials, employees, boards and commissions or volunteers.
- d. The provider's insurance shall apply separately to each insured against whom the claim is made or suit is brought, except to the insured's limits of liability.

2. Workers Compensation and Employer's Liability Coverage:

The insurer shall agree to waive all rights of subrogation against the Town, its officers, officials, employees and volunteers for losses arising from work performed by the provider for the Town.

3. All Coverages:

Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled or non-renewed by either party, reduced in coverage or in limits except after 30 days written notice to the Town for all occurrences, except 10 days written notice to the Town for non-payment.

4. Professional Liability and / or Errors and Omissions:

"Claims made" policy is acceptable coverage, which must be maintained during the course of the project, and up to two (2) years after completion and acceptance of the project by the Town.

E. ACCEPTABILITY OF INSURERS

The Town prefers that Insurance be placed with insurers with an A.M. Best's rating of no less than A- VI, or better.

F. VERIFICATION OF COVERAGE

Service Provider shall provide the Town with certificates of insurance indicating the coverages required. The certificates are to be signed by a person authorized by that insurer to bind coverage on its behalf. Certificates of insurance similar to the ACORD Form are acceptable. Town will not accept Memorandums of Insurance or Binders as proof of insurance. The Town reserves the right to require complete, certified copies of all required insurance policies at any time.

Certificate holder to be listed as follows:

Town of Prosper
P.O. Box 307
Prosper, TX 75078


EXHIBIT E
CONFLICT OF INTEREST QUESTIONNAIRE

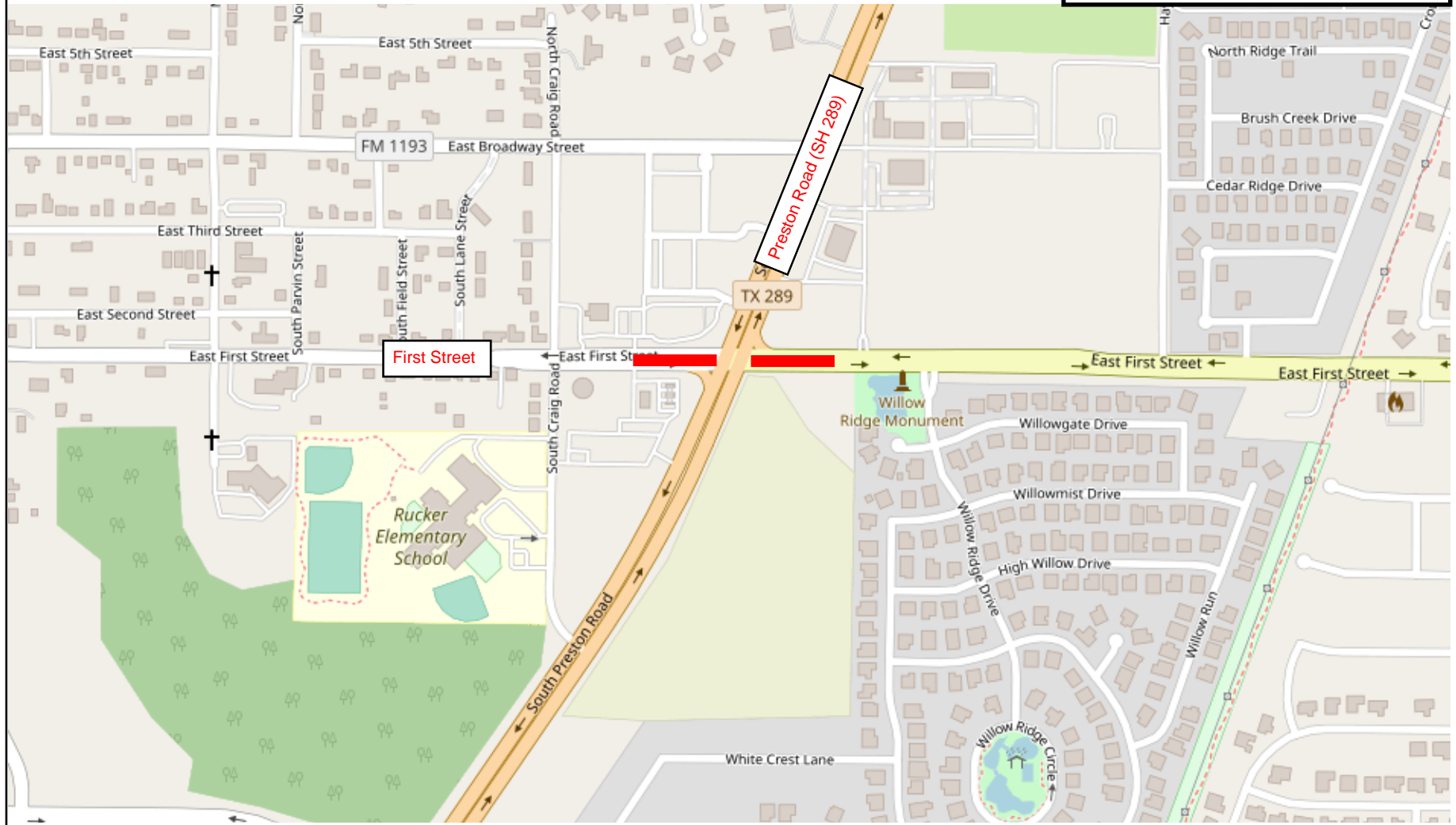
CONFLICT OF INTEREST QUESTIONNAIRE		FORM CIQ
For vendor doing business with local governmental entity		
<p>This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.</p> <p>This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).</p> <p>By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.</p> <p>A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.</p>	OFFICE USE ONLY	
<p>1 Name of vendor who has a business relationship with local governmental entity.</p> <p style="text-align: center; font-size: 1.2em; color: blue;">SPIARS ENGINEERING</p>	<p>Data Received</p>	
<p>2 <input type="checkbox"/> Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)</p>		
<p>3 Name of local government officer about whom the information is being disclosed</p> <p style="text-align: center; font-size: 1.2em; color: blue; margin-left: 100px;">PETE ANAYA</p> <p style="text-align: center; font-size: 0.8em;">Name of Officer</p>		
<p>4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.</p> <p style="margin-left: 40px;">A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?</p> <p style="margin-left: 80px;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </p> <p style="margin-left: 40px;">B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?</p> <p style="margin-left: 80px;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </p>		
<p>5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.</p> <p style="text-align: center; font-size: 1.2em; color: blue; margin-left: 40px;">NONE</p>		
<p>6 <input type="checkbox"/> Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).</p>		
<p>7 </p> <p style="font-size: 0.8em;">Signature of vendor doing business with the governmental entity</p>		<p style="font-size: 1.5em; color: blue; text-align: center;">6/6/23</p> <p style="font-size: 0.8em; text-align: center;">Date</p>

LOCATION MAP

Preston Road/First Street Dual Left Turns



 Location of proposed improvements





ENGINEERING SERVICES

To: Mayor and Town Council

From: Hulon T. Webb, Jr., P.E., Director of Engineering Services

**Through: Mario Canizares, Town Manager
Chuck Ewings, Assistant Town Manager**

Re: First Street (Coit-Custer): Change Order Number 02

Town Council Meeting – July 11, 2023

Agenda Item:

Consider and act upon approving Change Order Number 02 for CSP 2022-48-B to Mario Sinacola & Sons Excavating, Inc., related to construction services for the First Street (Coit-Custer) 4 Lane project; and authorizing the Town Manager to execute Change Order Number 02 for same.

Description of Agenda Item:

Town Council authorized a construction contract with Mario Sinacola & Sons Excavating, Inc., at the September 13, 2022, Town Council meeting for the First Street (Coit-Custer) 4 Lane (CIP No. 2014-ST) project in the amount of \$22,412,429.35. The project consists of all work needed for construction of four lanes of concrete roadway, underground storm drainage system, bridge construction, concrete trails, pedestrian trail tunnel, and related grading and utility improvements along First Street between Coit Road and Custer Road.

At the December 13, 2022, Town Council Meeting, Council awarded Change Order Number 01 in the amount of \$100,000 to accelerate the paving between Coit Road and Greenspoint to address the higher capacity of vehicles coming out onto Coit Road with the acceleration of the opening of High School No. 3 (Walnut Grove High School).

Change Order Number 02 accounts for the additional left turn movement from southbound Coit Road onto First Street as parents and students head to the high school while other traffic heads south on Coit Road to Rodgers Middle School and US 380. The additional asphalt paving being added to southbound Coit Road will allow through traffic to continue south, while vehicles are waiting to make the left turn onto First Street.

Additionally, Change Order Number 02 includes costs related to actual field conditions. First, an unknown sanitary sewer manhole was buried under the existing asphalt east of Greenspoint and was damaged during the work in preparation for the construction of the bridge. To keep the line in service, bypass pumping was utilized for roughly one month until the new sewer pipe and manhole were delivered, and the repairs completed. Lastly, the geotechnical report conducted prior to the start of construction reflected the need for 27 pounds per square yard of lime for the subgrade based on a sampling of locations throughout the two-mile project. Once the soil was excavated and material testing was conducted, it was determined that the soil varied more than anticipated, and additional lime would be needed to bring the soil to the levels required to meet Town and

geotechnical specifications. The testing of the soils prior to liming the subgrade is a required test on all public roadway projects and it is not uncommon to get results that deviate from initial design estimates.

Budget Impact:

The cost for Change Order Number 02 is \$402,872.69, of which \$249,520.35 is allocated to the additional left turn movement from southbound Coit Road onto First Street.

At the December 13, 2022, Town Council Meeting, Council approved \$375,000 in Capital Dedicated Funds towards this project, in Account No. 750-6610-10-00-2014-ST. Along with the \$100,000 from Change Order Number 01, the cumulative increase to the project is now 2.24%. The total cost for the construction of the First Street (Coit-Custer) 4 Lane project (CIP No. 2014-ST) including Change Order Number 02 is \$22,915,302.04. The current construction budget, including the approved \$375,000 in Capital Dedicated Funds, is \$23,775,000.

Legal Obligations and Review:

Terrence Welch of Brown & Hofmeister, L.L.P., has approved the standard change order document as to form and legality.

Attached Documents:

- 1. Change Order Number 02
- 2. Location Map

Town Staff Recommendation:

Town staff recommends that the Town Council approve Change Order Number 02 for CSP 2022-48-B to Mario Sinacola & Sons Excavating, Inc., related to construction services for the First Street (Coit-Custer) 4 Lane project; and authorizing the Town Manager to execute Change Order Number 02 for same.

Proposed Motion:

I move to approve Change Order Number 02 for CSP 2022-48-B to Mario Sinacola & Sons Excavating, Inc., related to construction services for the First Street (Coit-Custer) 4 Lane project; and authorize the Town Manager to execute Change Order Number 02 for same.



Change Order No. 2

Project Name: <u>First Street - Coit Road to Custer Road - 4-Lanes</u>	Grant No.: _____
Contractor: <u>Mario Sinacola & Sons Excavating, Inc.</u>	Prj. No.: <u>2014-ST</u>
Contract Start: <u>10/31/2022</u>	CSP No.: <u>2022-48-B</u>
	PO No.: <u>22398</u>

Description of Change: Expand southbound Coit Road to increase capacity for the new PISD High School prior to the start of the 2023-2024 school year. Repair manhole that was buried and unknown, and increase amount of lime based on actual soil conditions to meet geotechnical and Town specifications.

Mod/ New	Item No.	Description	Unit	Quantity			Unit Cost	Cost Change
				Prev	Chg	New		
Mod	38	Unclassified Street Excavation, Grading, and Haul Off	CY	27,319	500	27,819	35.00	17,500.00
Mod	40	6-inch Hydrated Lime Treated Subgrade	TON	1,086	382	1,468	300.00	114,600.00
Mod	44	Construct 4-inch Type B Asphalt Pavement	SY	808	925	1,733	37.80	34,965.00
Mod	55	Furnish and Install Bermuda Sod	SY	21,076	250	21,326	12.75	3,187.50
Mod	88	Connect to Existing Storm Drain Pipe	EA	2	1	3	1,500.00	1,500.00
Mod	124	Install 24-inch Solid White Thermoplastic Lane Markings	LF	279	50	329	10.00	500.00
Mod	125	Install 8-inch Solid White Thermoplastic Lane Markings	LF	4,056	1,200	5,256	3.00	3,600.00
Mod	126	Install 4-inch Skip White Thermoplastic Lane Markings	LF	5,173	1,200	6,373	1.50	1,800.00
Mod	127	Install II-C-R Lane Markings	EA	670	1,200	1,870	4.25	5,100.00
Mod	128	Furnish and Install Small Street Sign	EA	20	2	22	850.00	1,700.00
Mod	129	Furnish and Install Pre-formed Lane Marking Arrows and Symbols	EA	32	4	36	300.00	1,200.00
New	3.01	Re-mobilization of Subcontractors and Equipment	LS	0	1	1	19,500.00	19,500.00
New	3.02	Erosion Control Devices	LS	0	1	1	9,500.00	9,500.00
New	3.03	Traffic Control, Temporary Pavement Markings, Signing, Barricading, Message	LS	0	1	1	30,000.00	30,000.00
New	3.04	Right of Way Preparation	LS	0	1	1	20,000.00	20,000.00
New	3.05	Construct 2-inch Type D Asphalt Pavement	SY	0	925	925	25.00	23,125.00
New	3.06	Furnish and Install 36-inch Corrugated Metal Pipe (CMP) and 36-inch Corrugated Metal Pipe Safety End Treatment	LS	0	1	1	7,750.00	7,750.00
New	3.07	Furnish and Install 8-inch, Type A Flex Base	SY	0	1,043.05	1,043.05	37.00	38,592.85
New	3.08	Survey/Design/Layout	LS	0	1	1	30,000.00	30,000.00
New	3.09	Repair Manhole, Pipe, & Bypass Pumping	LS	0	1	1	38,752.34	38,752.34

Cost Adjustment this Change: 402,872.69
Time Adjustment this Change: 0.00



Change Order No. 2

Grant No.:

Project Name: First Street - Coit Road to Custer Road - 4-Lanes
 Contractor: Mario Sinacola & Sons Excavating, Inc.
 Contract Start: 10/31/2022

Prj. No.: 2014-ST
 CSP No.: 2022-48-B
 PO No.: 22398

The compensation agreed upon in this Change Order is full, complete and final payment for all costs the Contractor may incur as a result of or relating to this change, whether said costs are known, unknown, foreseen or unforeseen at this time, including without limitation, any cost for delay, extended overhead, ripple or impact cost, or any other effect on changed or unchanged work as a result of this Change.

Original Contract Amount:	<u>\$22,412,429.35</u>
Previous Change Orders:	<u>\$100,000.00</u>
Current Change Order:	<u>\$402,872.69</u>
Revised Contract Amount:	<u>\$22,915,302.04</u>

Issued by
TOWN OF PROSPER

By _____
 Signature Date

	Cal. Days
Original Contract Time:	479
Previous Change Orders:	0
Current Change Order:	0
Rev. Subst. Compl. Date: <u>2/22/2024</u>	479

Accepted by
Mario Sinacola & Sons Excavating, Inc.

By [Signature] 7/3/23
 Signature Date

Final Completion Date: 4/22/2024

Additional Asphalt along southbound Coit Road for increased capacity ahead of the Walnut Grove High School opening



New asphalt paving - 18' wide to allow for a full lane width and slight shoulder



PLANNING

To: Mayor and Town Council

From: David Soto, Planning Manager

**Through: Mario Canizares, Town Manager
Chuck Ewings, Assistant Town Manager
David Hoover, Director of Development Services.**

Re: SUP Temporary Buildings

Town Council Meeting – July 11, 2023

Agenda Item:

Conduct a public hearing and consider and act upon a request by St. Martin de Porres Catholic Church for a Specific Use Permit (SUP) for Temporary Buildings on 8.2± acres, located north of US-380, west of South Teel Parkway. (ZONE-23-0009) (DS)

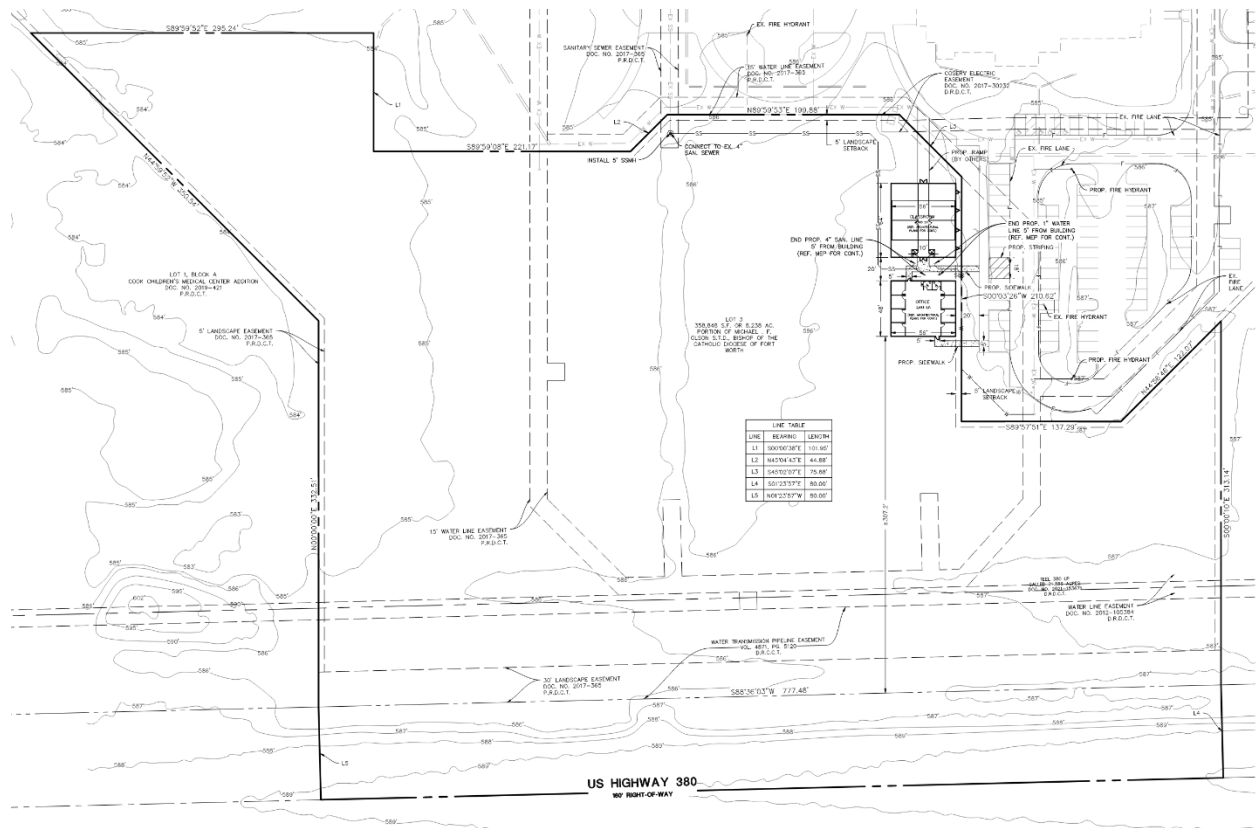
Description of Agenda Item:

The zoning and land use of the surrounding properties are as follows:

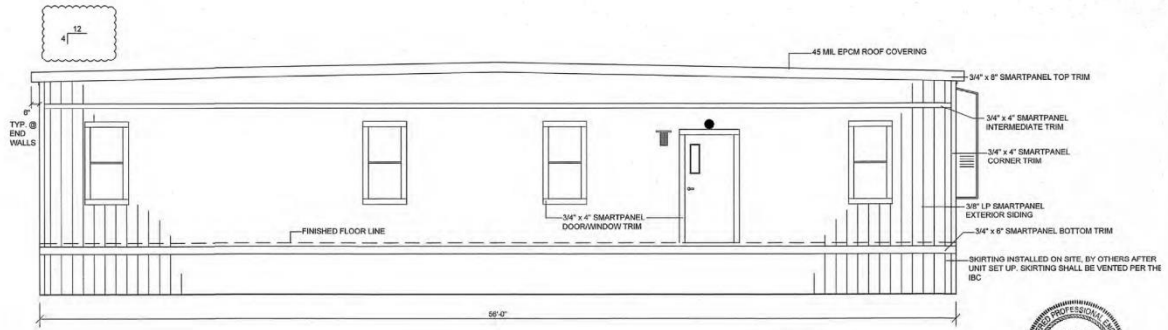
	Zoning	Current Land Use	Future Land Use Plan
Subject Property	Planned Development - 40 & Specific Use Permit 15	House of Worship (St. Martin de Porres Catholic Church) / Private Day Care	US-380 District
North	Planned Development - 40	Single Family Residential (Windsong Ranch)	Medium Density Residential
East	Planned Development - 40	Not Developed	US-380 District
South	Frisco	Frisco	Frisco
West	Planned Development - 91	Commercial (Cook Children’s Medical Center)	US-380 District

Requested Zoning – The purpose of this request is to allow construction of a new 3,584 square foot consist of 2 Temporary Buildings. St. Martin de Porres Catholic Church is requesting to have a temporary building for a private day care while they are in the process of planning for their future campus masterplan. A Specific Use Permit is required for temporary buildings utilized for private purposes. This request is to allow the use of temporary buildings on the subject property, the applicant will submit a site plan for consideration. A site plan for temporary buildings is active for three years with approval from Planning & Zoning Commission. Once the three years has expired, the applicant will have to submit another request for consideration from Planning & Zoning for a one-year extension.

(Below is a picture of the site plan.)

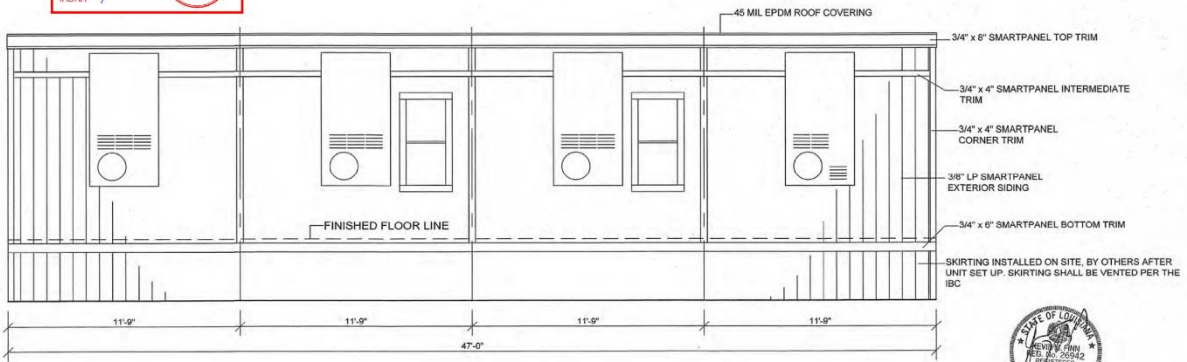


(Below are pictures of the building's façade.)

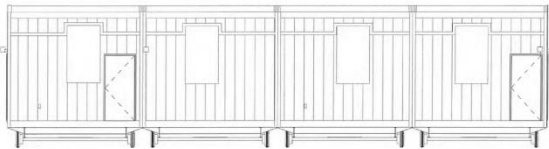


Texas Industrialized Building Code Council
 IBC IRC
 Approval Date: 8/1/17
APPROVED
 PFS CORPORATION
 IHDA- 7

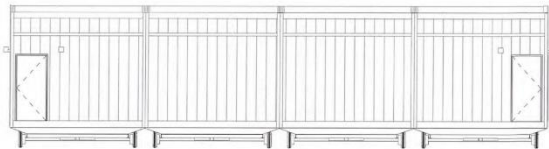
1 FRONT ELEVATION
 1/4" = 1'-0"



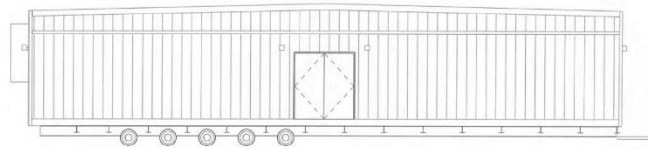
2 SIDE ELEVATION
 1/8" = 1'-0"



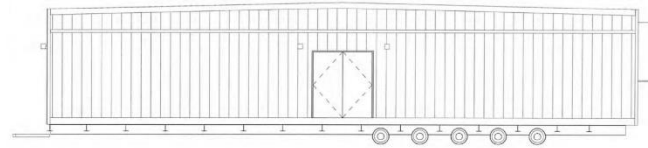
2 EAST ELEVATION
 1/8" = 1'-0"



1 WEST ELEVATION
 1/8" = 1'-0"



3 NORTH ELEVATION
 1/8" = 1'-0"



4 SOUTH ELEVATION
 1/8" = 1'-0"

Approved in compliance with the IBC
 Alternative Approval Date
 8/1/20
 IHDA- 7
 Texas Industrialized Building Code Council
 IBCA

The Zoning Ordinance contains the following four (4) criteria to be considered in determining the validity of a SUP request.

1. *Is the use harmonious and compatible with its surrounding existing uses or proposed uses?*
2. *Are the activities requested by the applicant normally associated with the requested use?*
3. *Is the nature of the use reasonable?*
4. *Has any impact on the surrounding area been mitigated?*

Staff believes the applicant has satisfied the criteria and recommends approval of the request.

Future Land Use Plan – The Future Land Use Plan recommends US-380 District.

Thoroughfare Plan – This property currently has direct access to South Teel Parkway.

Parks Master Plan – The Parks Master Plan does not indicate a park is needed on the subject property.

Legal Obligations and Review:

Notification was provided as required by the Zoning Ordinance and state law. To date, staff has not received a reply form in opposition.

Attached Documents:

1. Aerial and Zoning Maps
2. Proposed Exhibits
3. Letter of Intent

Planning & Zoning Recommendation:

At their June 20, 2023, meeting, the Planning & Zoning Commission recommended the Town Council approved the request, with a vote 7-0

Commissioners questioned the length of time the temporary building would be at the site, the timing of Site Plan versus the Specific Use Permit timing.

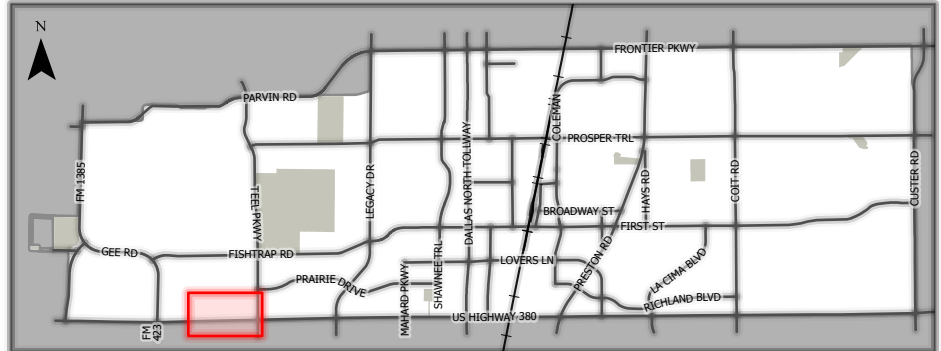
Town Staff Recommendation:

Town staff recommends approval of the Specific Use Permit (SUP) request by St. Martin de Porres Catholic Church for Temporary Buildings on 8.2± acres, located north of US-380, west of South Teel Parkway. (ZONE-23-0009)

Proposed Motion:

I move to approve/deny a request or a Specific Use Permit (SUP) by St. Martin de Porres Catholic Church for Temporary Buildings on 8.2± acres, located north of US-380, west of South Teel Parkway. (ZONE-23-0009)

Item 9.



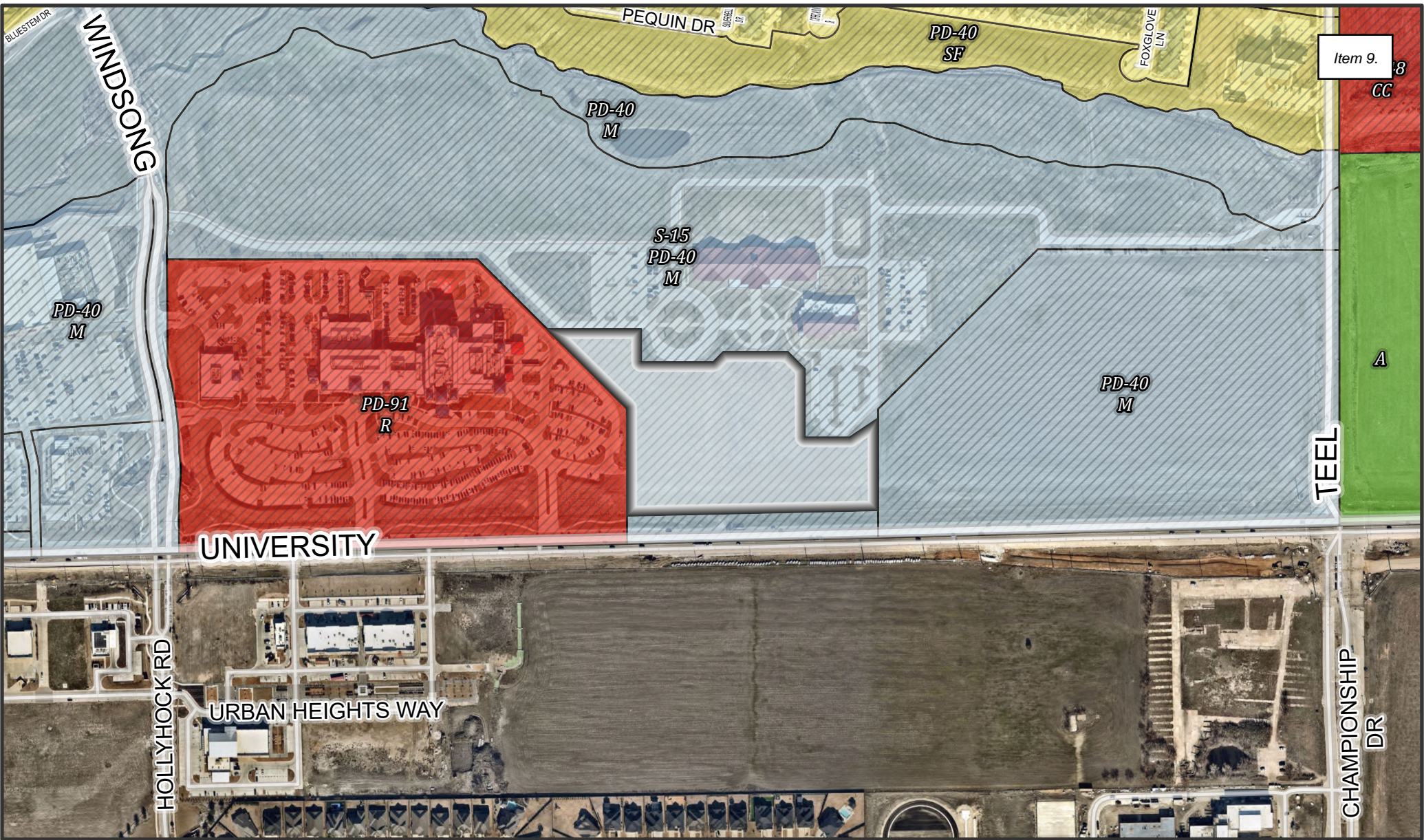
This map for illustration purposes only

ZONE-23-0009

St. Martin de Porres Catholic Church

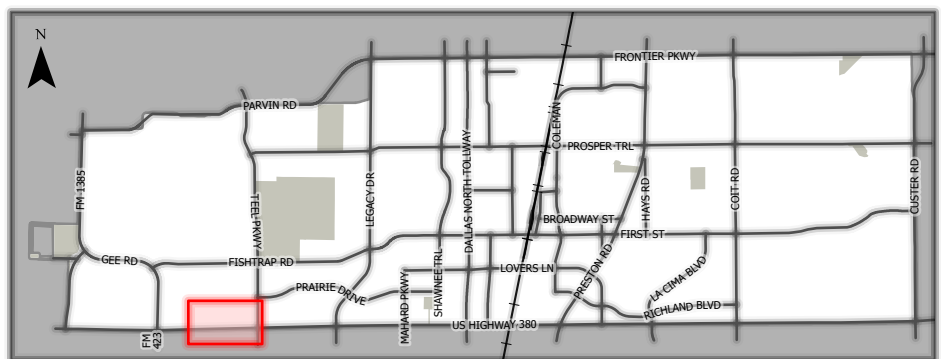
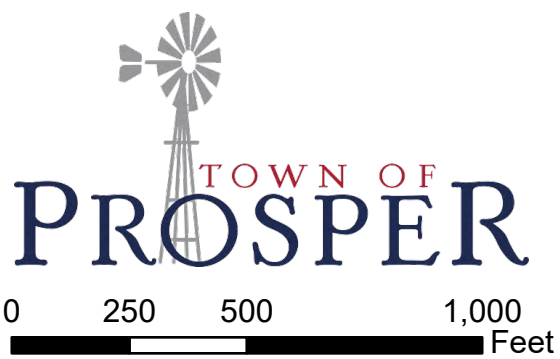
Page 72

Unassigned



Item 9. 8
CC

A



ZONE-23-0009

St. Martin de Porres
Catholic Church

Page 73

Unassigned

This map for illustration purposes only

ZONING EXHIBIT "A"

LEGAL DESCRIPTION

BEGINNING AT LOT 3, BLOCK A, ST. MARTIN DE PORRES, AN ADDITION TO THE CITY OF PROSPER, DENTON COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN DOCUMENT NUMBER 2017-365, PLAT RECORDS, DENTON COUNTY, TEXAS, AND ALSO BEING A PORTION OF US HIGHWAY 380, A PUBLIC 160' RIGHT-OF-WAY, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8" YELLOW CAPPED IRON ROD STAMPED "BHB INC" FOUND AT THE NORTHWEST CORNER OF SAID LOT 3 AND THE SOUTHWESTERLY MOST CORNER OF LOT 2, OF SAID BLOCK A, SAID IRON ROD ALSO BEING IN THE NORTHEASTERLY LINE OF LOT 1, BLOCK A, COOK CHILDREN'S MEDICAL CENTER ADDITION, AN ADDITION TO THE CITY OF PROSPER, DENTON COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN DOCUMENT NUMBER 2019-421, PLAT RECORDS, DENTON COUNTY, TEXAS;

THENCE ALONG THE NORTH LINE OF SAID LOT 3 AND THE SOUTH LINE OF SAID LOT 2, THE FOLLOWING CALLS:

SOUTH 89 DEGREES 59 MINUTES 52 SECONDS EAST, 295.24 FEET, TO A FOUND 5/8" YELLOW CAPPED IRON ROD STAMPED "BHB INC";

SOUTH 00 DEGREES 00 MINUTES 38 SECONDS EAST, 101.95 FEET, TO A FOUND 5/8" IRON ROD;

SOUTH 89 DEGREES 59 MINUTES 08 SECONDS EAST, 221.17 FEET, TO A FOUND 5/8" YELLOW CAPPED IRON ROD STAMPED "BHB INC";

NORTH 45 DEGREES 04 MINUTES 43 SECONDS EAST, 44.88 FEET, TO A FOUND 5/8" YELLOW CAPPED IRON ROD STAMPED "BHB INC";

NORTH 89 DEGREES 59 MINUTES 53 SECONDS EAST, 199.88 FEET, TO A FOUND 5/8" YELLOW CAPPED IRON ROD STAMPED "BHB INC";

SOUTH 45 DEGREES 02 MINUTES 07 SECONDS EAST, 75.88 FEET, TO A FOUND 5/8" YELLOW CAPPED IRON ROD STAMPED "BHB INC";

SOUTH 00 DEGREES 03 MINUTES 26 SECONDS WEST, 210.62 FEET, TO A FOUND 5/8" IRON ROD;

SOUTH 89 DEGREES 57 MINUTES 51 SECONDS EAST, 137.29 FEET, TO A FOUND 5/8" YELLOW CAPPED IRON ROD STAMPED "BHB INC";

NORTH 44 DEGREES 56 MINUTES 46 SECONDS EAST, 122.07, TO A FOUND 5/8" YELLOW CAPPED IRON ROD STAMPED "BHB INC", AT THE NORTHEAST CORNER OF SAID LOT 3, SAID IRON ROD ALSO BEING THE NORTHWESTERLY MOST CORNER OF A CALLED 21.886 ACRE TRACT OF LAND, DESCRIBED BY DEED TO TEEL 380 LP, RECORDED IN DOCUMENT NUMBER 2021-153671, DEED RECORDS, DENTON COUNTY, TEXAS;

THENCE SOUTH 00 DEGREES 00 MINUTES 10 SECONDS, 313.14 FEET, ALONG THE EAST LINE OF SAID LOT 3 AND THE WEST LINE OF SAID LOT 1, TO THE POINT OF BEGINNING, AND CONTAINING 9.666 ACRES OR 421,045 SQUARE FEET OF LAND, MORE OR LESS.

THENCE OVER AND ACROSS, SAID RIGHT-OF-WAY OF US HIGHWAY 380, THE FOLLOWING CALLS:

SOUTH 01 DEGREES 23 MINUTES 57 SECONDS EAST, 80.00 FEET;

SOUTH 88 DEGREES 36 MINUTES 03 SECONDS WEST, 777.48 FEET;

NORTH 01 DEGREES 23 MINUTES 57 SECONDS WEST, 80.00 FEET, TO THE SOUTHWEST CORNER OF SAID LOT 3, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID LOT 1;

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 332.51 FEET, ALONG THE WEST LINE OF SAID LOT 3 AND THE EAST LINE OF SAID LOT 1, TO A FOUND 5/8" YELLOW CAPPED IRON ROD STAMPED "DUNAWAY ASSOC LP";

THENCE NORTH 44 DEGREES 59 MINUTES 52 SECONDS WEST, 350.54 FEET, CONTINUING ALONG THE WEST LINE OF SAID LOT 3 AND THE EAST LINE OF SAID LOT 1, TO THE POINT OF BEGINNING, AND CONTAINING 9.666 ACRES OR 421,045 SQUARE FEET OF LAND, MORE OR LESS.

TEEL 380 LP
CALLED 21.886 ACRES
DOC. NO. 2021-153671
D.R.D.C.T.

US HIGHWAY 380
160' RIGHT-OF-WAY

LOT 2, BLOCK A
ST. MARTIN DE PORRES
DOC. NO. 2017-365
P.R.D.C.T.

LOT 3, BLOCK A
ST. MARTIN DE PORRES
DOC. NO. 2017-365
P.R.D.C.T.

LOT 1, BLOCK A
COOK CHILDREN'S MEDICAL CENTER ADDITION
DOC. NO. 2019-421
P.R.D.C.T.

LINE	BEARING	LENGTH
L1	S00°00'38"E	101.95'
L2	N45°04'43"E	44.88'
L3	S45°02'07"E	75.88'
L4	S01°23'57"W	80.00'
L5	N01°23'57"W	80.00'

OWNER

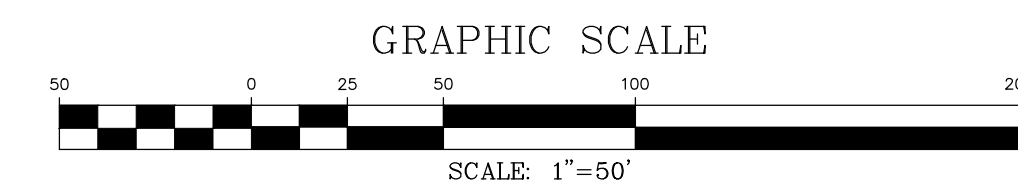
MICHAEL OLSAN, S.T.D., BISHOP FOR THE
CATHOLIC DIOCESE OF FORT WORTH
800 W. LOOP 820 S.
FORT WORTH, TX 76108

FLOOD HAZARD NOTE

ACCORDING TO COMMUNITY PANEL NUMBER 48121C0430G, DATED APRIL 18, 2011, OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM MAP, THIS PROPERTY LIES WITHIN ZONE "X" WHICH IS NOT A SPECIAL FLOOD HAZARD AREA. IF THIS SITE IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA, THIS STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN MADE OR NATURAL CAUSES. THIS STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

BASIS OF BEARINGS

COORDINATES AND BEARINGS ARE BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE (4202).



SURVEYOR'S NOTES

- THIS SURVEY IS SUBJECT TO MATTERS OF TITLE, WHICH MAY BE REVEALED BY A CURRENT TITLE REPORT, EASEMENTS, SETBACKS AND OTHER RESTRICTIONS WHICH MAY BE FOUND IN A CURRENT TITLE REPORT, LOCAL ORDINANCES, DEEDS OR OTHER INSTRUMENTS OF RECORD HAVE NOT BEEN SHOWN.
- THIS DOCUMENT WAS PREPARED UNDER 22 TEXAS ADMINISTRATIVE CODE §138.95, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.
- THE THOROUGHFARE ALIGNMENT(S) SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DOES NOT SET THE ALIGNMENT. THE ALIGNMENT IS DETERMINED AT TIME OF FINAL PLAT.
- ALL DISTANCES AND COORDINATES SHOWN ARE AT SURFACE. USING SCALE FACTOR 1.00015063
- THIS EXHIBIT IS NO TO BE CONSTRUED AS A BOUNDARY SURVEY AND IS NOT FOR THE CONVEYANCE OF REAL PROPERTY.

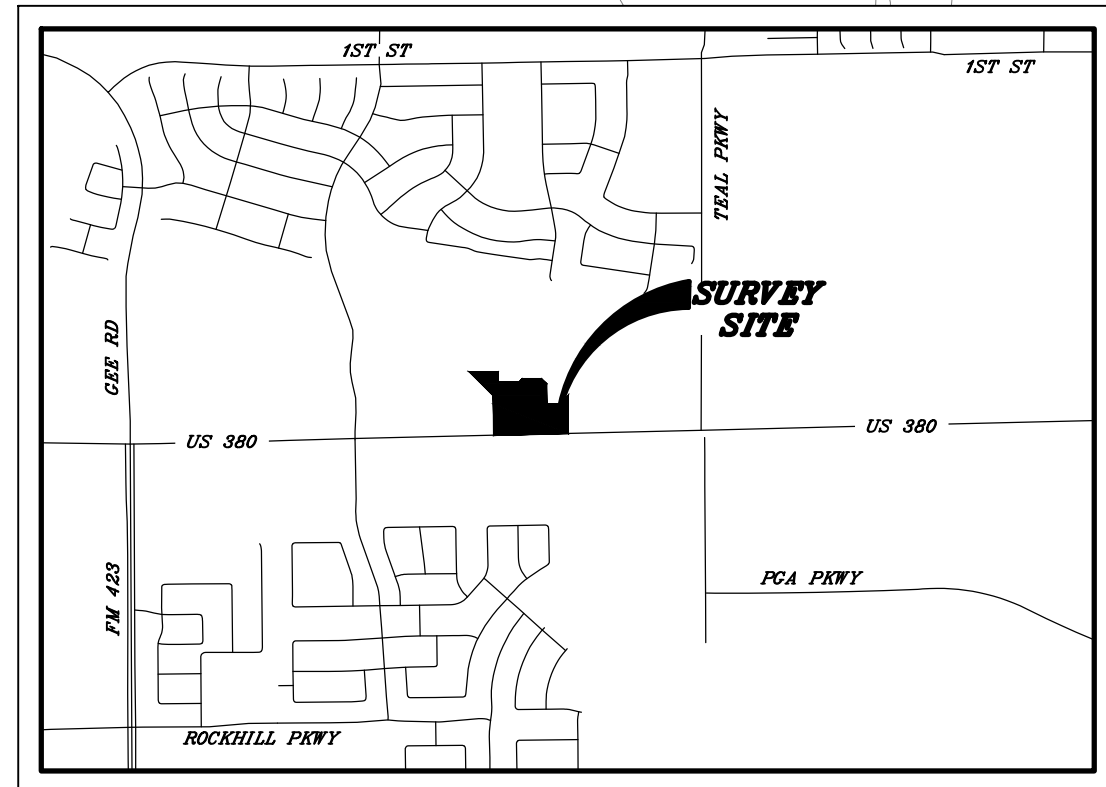
BULK REGULATIONS

THE SURVEYED PROPERTY IS LOCATED IN PLANNED DEVELOPMENT NO. XX "PD-XX" ZONING DISTRICT. THIS PLANNED DEVELOPMENT IS INTENDED TO PROVIDE FOR AND ENCOURAGE DEVELOPMENT THAT CONTAINS A COMPATIBLE MIX OF RESIDENTIAL, OFFICE, AND COMMERCIAL USES WITHIN CLOSE PROXIMITY TO EACH OTHER, RATHER THAN SEPARATING USES WITH THE FOLLOWING DEFINED RESTRICTIONS PROVIDED TO THE SURVEYOR.

- SIZE OF YARDS:
 - MINIMUM FRONT YARD: 30 FEET
 - MINIMUM SIDE YARD:
 - 15 FEET ADJACENT TO A NONRESIDENTIAL DISTRICT. THE MINIMUM SIDE YARD SETBACK MAY BE ELIMINATED FOR ATTACHED RETAIL BUILDINGS ON SEPARATE LOTS AS SHOWN ON AN APPROVED SITE PLAN.
 - 30 FEET FOR A 1 STORY BUILDING ADJACENT TO A RESIDENTIAL DISTRICT AND 60 FEET FOR A 2 STORY BUILDING ADJACENT TO A RESIDENTIAL DISTRICT.
 - 30 FEET ADJACENT TO A STREET.
 - MINIMUM REAR YARD:
 - 15 FEET ADJACENT TO A NONRESIDENTIAL DISTRICT. THE MINIMUM SIDE YARD SETBACK MAY BE ELIMINATED FOR ATTACHED RETAIL BUILDINGS ON SEPARATE LOTS AS SHOWN ON AN APPROVED SITE PLAN.
 - 30 FEET FOR A 1 STORY BUILDING ADJACENT TO A RESIDENTIAL DISTRICT AND 60 FEET FOR A 2 STORY BUILDING ADJACENT TO A RESIDENTIAL DISTRICT.
- SIZE OF LOTS:
 - MINIMUM SIZE OF LOT AREA: 10,000 SQUARE FEET.
 - MINIMUM LOT WIDTH 100 FEET.
 - MINIMUM LOT DEPTH 100 FEET.
- MAXIMUM HEIGHT: 2 STORIES, NO GREATER THAN 40 FEET IN HEIGHT, EXCLUDING UNOCCUPIED ARCHITECTURAL ELEMENTS, SUCH AS TOWERS, PARAPETS, AND CORNICES, THAT MAY BE ALLOWED UP TO 45 FEET IN HEIGHT FOR THE ANCHORS ONLY.
- LOT COVERAGE: 50%

LOCATION MAP

1" = 2000'



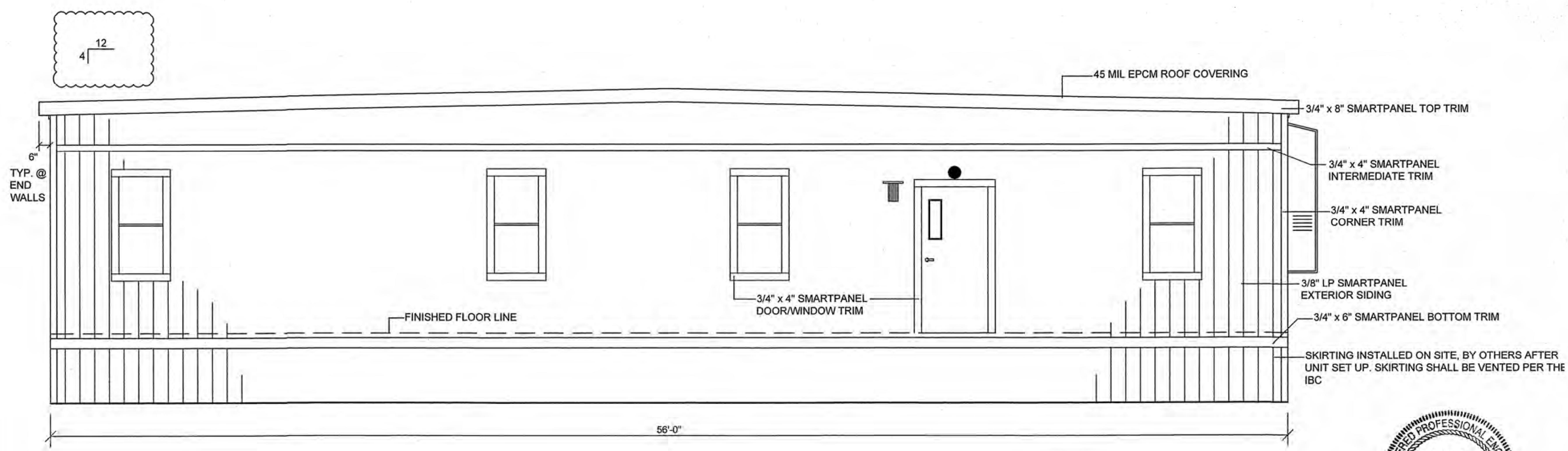
Manhard CONSULTING
505 Pecan Street, Suite 201, Fort Worth, TX 76102, ph:817.865.6344 manhard.com
Civil Engineers | Surveyors | Water Resource Engineers | Water & Waste Water Engineers
Consultants | Environmental Scientists | Land Use Planners | Professional Surveyors
Texas Board of Professional Engineers & Land Surveyors Reg. No. P-8178 (SW) 104764 (SW)

SMDPCC SCHOOL ZONING
J. BATES SURVEY, ABST. NO. 1620 & C.L. SMITH SURVEY, ABST. NO. 1681
CITY OF PROSPER, DENTON COUNTY, TEXAS

PROJ. MGR.: J.DEAL
PROJ. ASSOC.: N/A
DRAWN BY: M.LANGSTON
DATE: 05/01/2023

SHEET
1 OF 1
616.157001

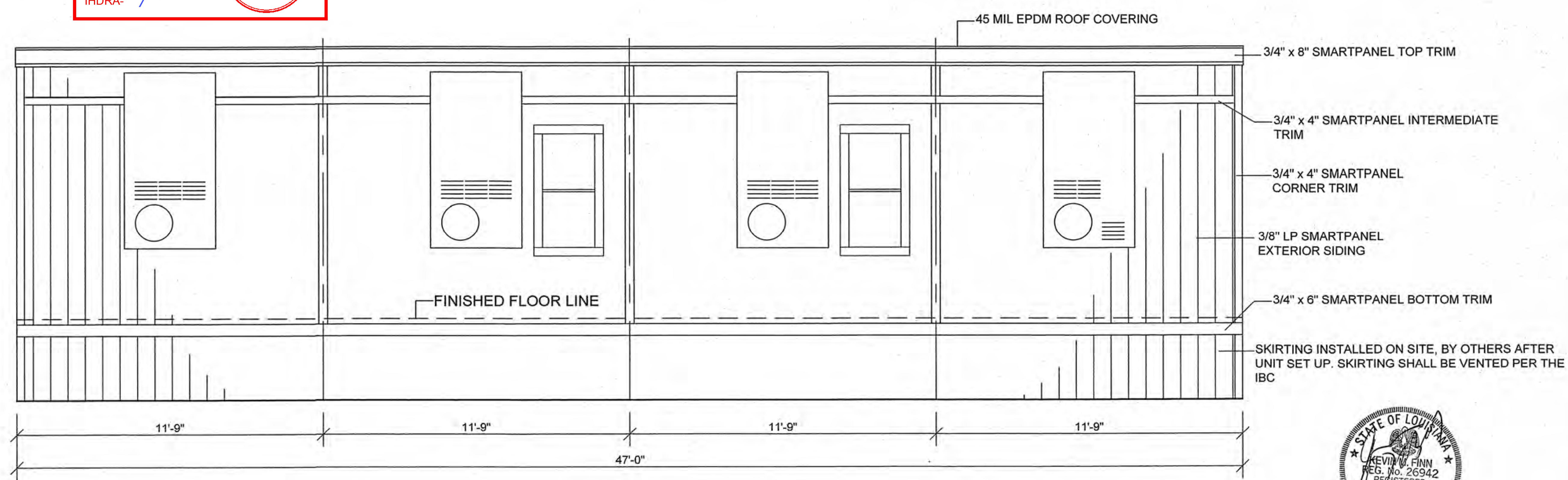
06/20/23 Des Name: P:\616.157_Mansfield_Architecture\001_SMDPCC_Town_School_Bldg\Manhard\Survey\Zoning Exhibit_A.dwg Updated By: jdeal



1 FRONT ELEVATION
1/4" = 1'-0"



Texas Industrialized Building Code Council
 IBC IRC
 Approval Date: 8/1/17
APPROVED
 PFS CORPORATION
 IHDR- 7



2 SIDE ELEVATION
1/4" = 1'-0"



NO.	DATE	REVISION DESCRIPTION	BY	PROJECT:	TITLE	SPEC.
				17380 - 17382 BOXX E-PLEX	17380 - 17382 BOXX E-PLEX	17382 BOXX E-PLEX
				DRAWN BY: JT	DATE: 6/20/17	SCALE: PER PLAN

- GENERAL NOTES:
- THIS CONCEPTUAL ELEVATION IS FOR CONCEPTUAL PURPOSES ONLY. ALL BUILDING PLANS REQUIRE REVIEW AND APPROVAL FROM THE BUILDING INSPECTION DIVISION.
 - 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 MEET THE SPECIFICATIONS OF THE ZONING ORDINANCE.
 - WHEN PERMITTED, EXPOSED UTILITY BOXES AND CONDUITS SHALL MEET THE SPECIFICATIONS OF THE ZONING ORDINANCE.
 - ALL SIGNAGE AREAS AND LOCATIONS ARE SUBJECT TO APPROVAL BY THE BUILDING INSPECTION DIVISION.
 - WINDOWS SHALL HAVE A MAXIMUM EXTERIOR VISIBLE REFLECTIVITY OF TEN (10) PERCENT.

BRITCO STRUCTURES, 2016
 BRITCO STRUCTURES, ANY PERSON HAVING POSSESSION OF THIS COPY OR REPRODUCE IT BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF BRITCO STRUCTURES, WITHOUT LIABILITY FOR DAMAGES OR PENALTIES.

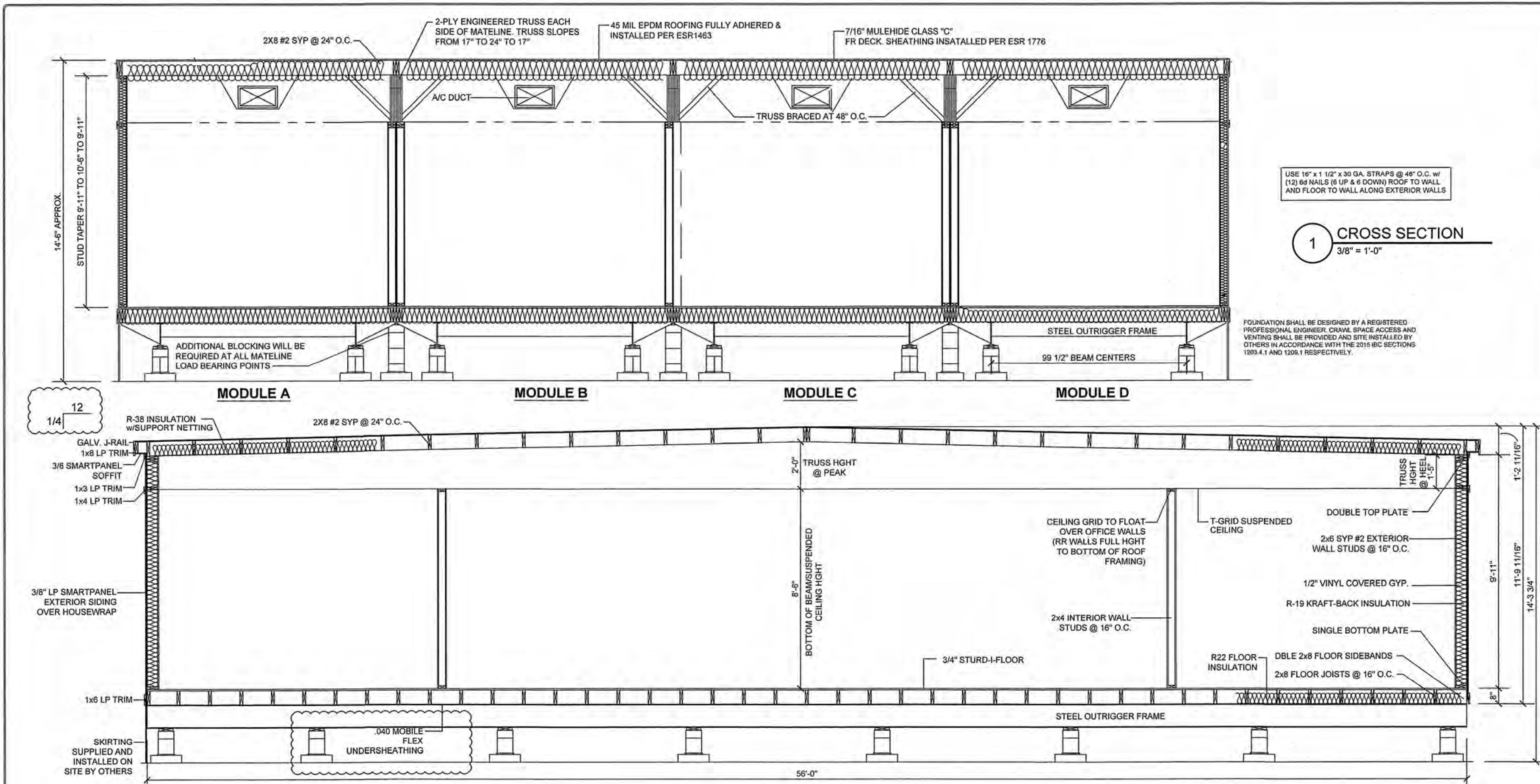
BRITCO
 BOXX MODULAR
 E-PLEX
 A VARIABLE UNIT COMPLEX

britco
 SHEET
 S1

Manhard CONSULTING
 505 Pecan Street, Suite 201, Fort Worth, TX 76102, Ph: 817.865.6344, manhard.com
 Civil Engineers | Surveyors | Water Resource Engineers | Water & Waste Water Engineers
 Construction Managers | Environmental Scientists | Landscape Architects | Planners
 Texas Board of Professional Engineers & Land Surveyors Reg. No. F-101947/54 (Surv), F-21732 (Eng)

ST. MARTIN DE PORRES CATHOLIC CHURCH
 PROSPER, TEXAS
 EXHIBIT D- FACADE PLAN

PROJ. MGR.: AC
 PROJ. ASSOC.: KH
 DRAWN BY: JO
 DATE: 5/8/23
 SHEET
EX D1-1
 616.157.001



USE 16\"/>

1 CROSS SECTION
3/8\"/>

FOUNDATION SHALL BE DESIGNED BY A REGISTERED PROFESSIONAL ENGINEER. CRAWL SPACE ACCESS AND VENTING SHALL BE PROVIDED AND SITE INSTALLED BY OTHERS IN ACCORDANCE WITH THE 2015 IRC SECTIONS 1203.4.1 AND 1206.1 RESPECTIVELY.

- GENERAL NOTES:**
1. THIS CONCEPTUAL ELEVATION IS FOR CONCEPTUAL PURPOSES ONLY. ALL BUILDING PLANS REQUIRE REVIEW AND APPROVAL FROM THE BUILDING INSPECTION DIVISION.
 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 MEET THE SPECIFICATIONS OF THE ZONING ORDINANCE.
 3. WHEN PERMITTED, EXPOSED UTILITY BOXES AND CONDUITS SHALL MEET THE SPECIFICATIONS OF THE ZONING ORDINANCE.
 4. ALL SIGNAGE AREAS AND LOCATIONS ARE SUBJECT TO APPROVAL BY THE BUILDING INSPECTION DIVISION.
 5. WINDOWS SHALL HAVE A MAXIMUM EXTERIOR VISIBLE REFLECTIVITY OF TEN (10) PERCENT.

NO.	DATE	REVISION DESCRIPTION	BY	PROJECT:	TITLE	SPEC.
				17380 - 17382 BOX E-FLEX	17380 - 17382 BOX E-FLEX	
				DATE: 6/20/17	SCALE: PER PLAN	

BRITCO STRUCTURES, 2016
THIS DRAWING IS SOLELY THE PROPERTY OF BRITCO. NO PARTS OF THIS DRAWING SHALL BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN CONSENT OF BRITCO STRUCTURES.

BOXX MODULAR E-FLEX
A VARIABLE UNIT COMPLEX

britco
SHEET S2

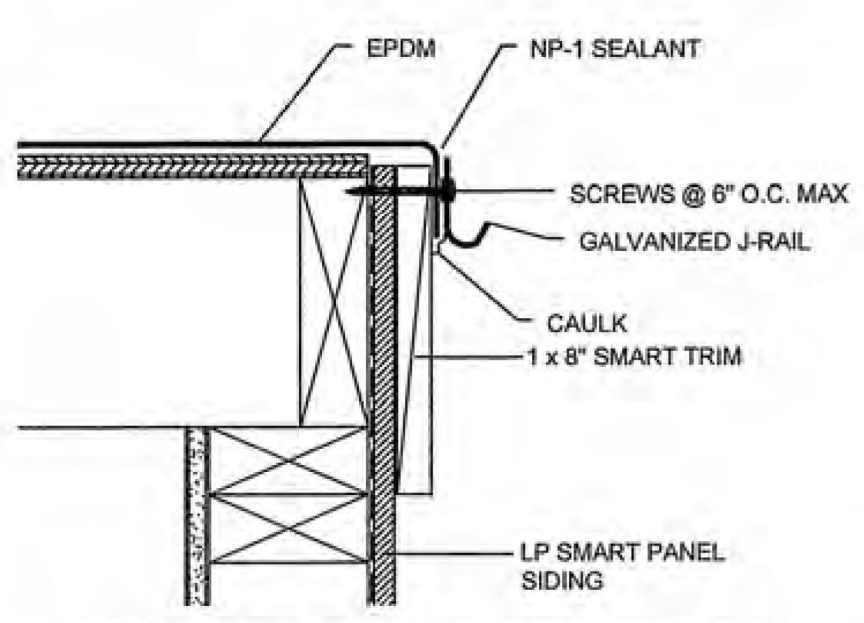


ST. MARTIN DE PORRES CATHOLIC CHURCH
PROSPER, TEXAS
EXHIBIT D- FACADE PLAN

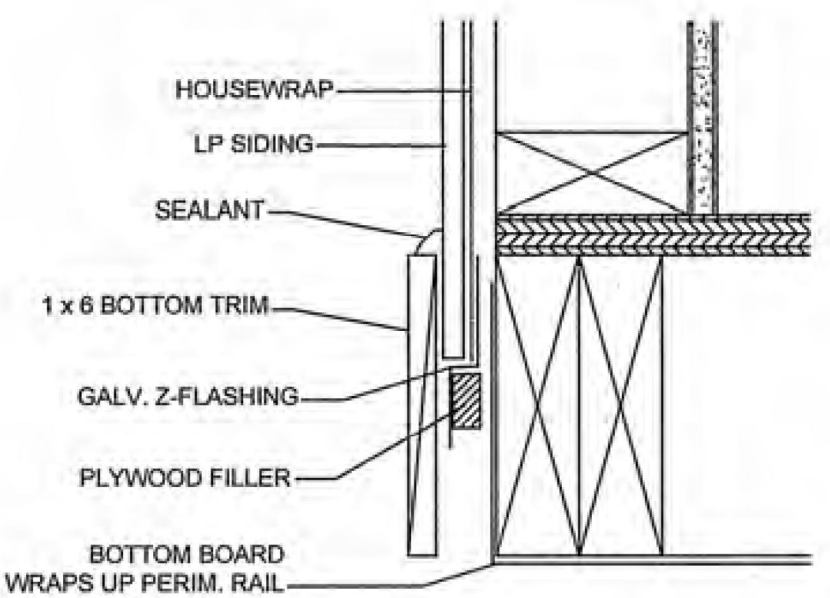
PROJ. MGR.: AC
PROJ. ASSOC.: KH
DRAWN BY: IO
DATE: 5/8/23

SHEET EX D1-2
616.157.001

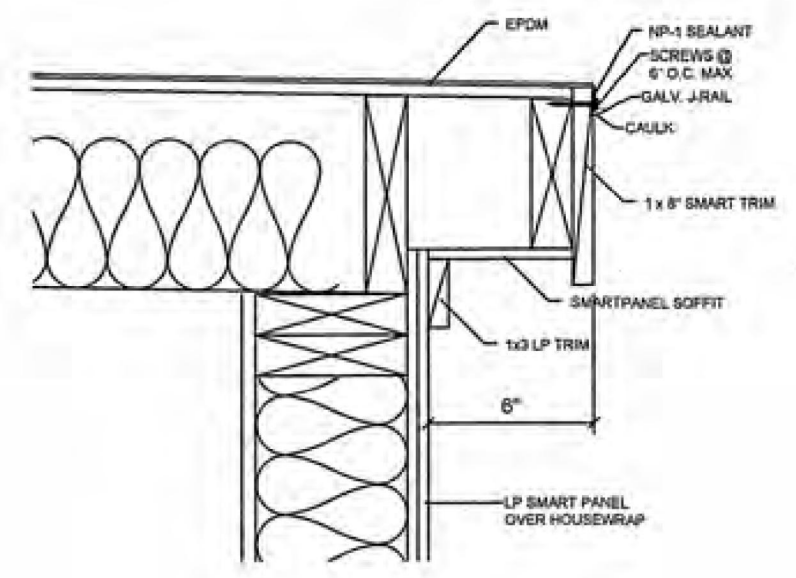
Texas Industrialized Building Code Council
IBC IRC
Approval Date: 8/1/17
APPROVED
PFS CORPORATION
IHDR- 7



2 SIDE WALL ROOF DETAIL
NTS



3 BOTTOM TRIM DETAIL
3\"/>



4 END WALL ROOF OVERHANG DETAIL
NTS



UNIT ENVELOPE HEAT LOSS/GAIN CALCULATIONS

MODEL: NORTEX MODULAR SPACE - N12664-1, HOUSTON, TX. PER ASHRAE 90.1-2004. BUILDING LENGTH: 60 FT, BUILDING WIDTH: 123 FT, EXT. WALL HEIGHT: 9.166666 FT. ROOF SLOPE: 0.25 IN / FT. WINDOW SIZE (A) through (D) and QTY OF H.M. DOORS=3, QTY OF GLASS DOORS=1.

DESIGN CONDITIONS

ANNUAL HEATING DEGREE DAYS = 1346. INSIDE WINTER DESIGN TEMPERATURE = 72. OUTSIDE WINTER DESIGN TEMPERATURE = 27. INSIDE SUMMER DESIGN TEMPERATURE = 75. OUTSIDE SUMMER DRY BULB TEMPERATURE = 94. OUTSIDE SUMMER WET BULB TEMPERATURE = 77.

ENERGY EFFICIENCY REQUIREMENTS

WALLS (Uo WALL) = 0.432. ROOF/CEILING (Uo ROOF/CEILING) = 0.070. FLOOR (Uo FLOOR) = 0.203.

U-FACTOR CALCULATIONS

ROOF/CEILING R @ CAVITY 0.17, R @ RAFTER 0.17. OUTSIDE AIRFILM 0.17. ROOFING: 0.45 EPDM 0.00. SHEATHING: 7/16" FR DECK 0.67. ROOF INSULATION 30.00. FRAMING: 2x8 #2 SYP. OR BTR. @ 24" O.C. 9.38. CEILING MATERIAL: 2x4 ACOUSTIC TILE 0.93. INSIDE AIRFILM 0.68. R TOTAL FOR ROOF/CLG AREAS = 32.45. NET R VALUE FOR CEILING = 31.1613. U VALUE = 1/R = 0.0321.

PAGE 1 OF 4

UNIT ENVELOPE HEAT LOSS/GAIN CALCULATIONS

MODEL: AMTEX NORTEX MODULAR SPACE - N12664-1, HOUSTON, TX. PER ASHRAE 90.1-2004

WALL R @ CAVITY R @ STUD. OUTSIDE AIRFILM 0.17, 0.17. SIDING: 25GA R-PANEL 0.00, 0.00. SHEATHING: 1/8" FELT OR EQUIV. OVER 7/16" OSB 0.67, 0.67. WALL INSULATION 13.00, 13.00. STUD: 2x4 WOOD 4.38, 4.38. COVERING: 5/8" GYPSUM 0.56, 0.56. INSIDE AIRFILM 0.68, 0.68. R TOTAL FOR WALLS = 15.08. NET R VALUE FOR WALLS = 14.27. U VALUE = 1/R = 0.0701.

FLOOR R @ CAVITY R @ JOIST. INSIDE AIRFILM 0.68, 0.68. COVERINGS: CARPET & 1/8" TILE 1.55, 1.55. DECKING: 3/4" T&G EDGE GOLD 0.93, 0.93. INSULATION BATT: 22.00, 22.00. FLOOR JOIST: 2x6 #2 SYP. OR BTR. @ 16" O.C. 9.38, 9.38. BOTTOM BOARD 0.12, 0.12. OUTSIDE AIRFILM 0.17, 0.17. R TOTAL FOR FLOOR = 25.45. NET R VALUE FOR FLOOR = 24.27. U VALUE = 1/R = 0.0412.

AREA SUMMARY

TOTAL WALL CAVITY AREA: 3096.06. TOTAL WALL FRAMING AREA: 314.53. TOTAL WINDOW AREA: 314.53. TOTAL METAL DOOR AREA: 0.00. TOTAL GLASS DOOR AREA: 60.00. TOTAL FLOOR CAVITY AREA: 6588.13. TOTAL FLOOR FRAMING AREA: 691.88. TOTAL CEILING CAVITY AREA: 6688.13. TOTAL CEILING FRAMING AREA: 691.88. THE PERCENT OF OPENINGS IS: 1.20%.

COMBINED GROSS WALL THERMAL TRANSMITTANCE VALUE CALCULATIONS

WALL COMPONENT AREA RESIST A/R. WINDOWS 0, 1.38, 0.00. HOLLOW METAL DOORS 60, 1.428, 42.02. GLASS DOORS 42, 0.91, 48.15. WALL CAVITY 3096.06248, 15.08, 205.31. WALL FRAMING 314.531, 6.46, 48.69. TOTALS: 3308.594, 0.4320, 342.169. U(WALL) = (A/R) / A = 0.10341822 BTU/IN/DE. * MEETS CODE.

PAGE 3 OF 4

UNIT ENVELOPE HEAT LOSS/GAIN CALCULATIONS. MODEL: AMTEX NORTEX MODULAR SPACE - N12664-1, HOUSTON, TX. PER ASHRAE 90.1-2004

TOTAL ENVELOPE HEAT LOSS CALCULATIONS

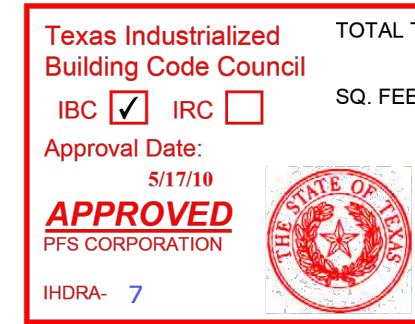
ITEM AREA U-VALUE DESIGN TEMP HEAT LOSS MBTUH. FLOOR 7380, 0.0412, 45, 13.69. WALLS 3308.59373, 0.0701, 45, 10.43. ROOF 7380, 0.0321, 45, 10.66. WINDOWS 0, 0.5400, 45, 0.00. METAL DOORS 60, 0.5000, 45, 1.35. GLASS DOORS 42, 1.0989, 45, 2.08. VENTILATION (CFM) 1480, 0.0180, 45, 71.93. INFILTRATION 366, 0.4320, 45, 14.23. TOTAL HEAT LOSS 124.36 MBTU.

THIS IS EQUIVALENT TO 36.1 KW OF ELECTRIC HEAT REQUIRED IF RESISTANCE HEAT ALONE IS PROVIDED. IF A HEAT PUMP UNIT IS DIVISION, THE TOTAL HEATING CAPACITY OF THE UNIT MUST BE CONSIDERED.

TOTAL ENVELOPE HEAT GAIN CALCULATIONS

ITEM AREA U-VALUE DESIGN TEMP HEAT GAIN MBTUH. FLOOR 7380, 0.0412, 19, 5.78. WALLS 3308.59373, 0.0701, 19, 4.40. ROOF 7380, 0.0321, 19, 4.50. WINDOWS 0, 0.54, 19, 0.00. METAL DOORS 60, 0.5000, 19, 0.57. GLASS DOORS 42, 1.0989, 19, 0.88. SUNLIGHT THRU GLASS 42, 2.02702, 19, 1.62. LIGHTING 7380, 1 W/SF, 25.18. OCCUPANCY 100sf/OCU 74, PEOPLE, 33.30. MISC OFFICE OR CLSRM EQUIP 7380, 1.5 W/SF, 37.77. DUCT LOSS 1480, 0.0180, 19, 30.37. VENTILATION (CFM) 366, 0.4320, 19, 6.01. TOTAL HEAT GAIN 150.38 MBTU.

TOTAL TONS OF COOLING REQUIRED = 12.53. SQ. FEET OF FLOOR AREA PER TON = 588.92.



- GENERAL NOTES: 1. THIS CONCEPTUAL ELEVATION IS FOR CONCEPTUAL PURPOSES ONLY. ALL BUILDING PLANS REQUIRE REVIEW AND APPROVAL FROM THE BUILDING INSPECTION DIVISION. 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 MEET THE SPECIFICATIONS OF THE ZONING ORDINANCE. 3. WHEN PERMITTED, EXPOSED UTILITY BOXES AND CONDUITS SHALL MEET THE SPECIFICATIONS OF THE ZONING ORDINANCE. 4. ALL SIGNAGE AREAS AND LOCATIONS ARE SUBJECT TO APPROVAL BY THE BUILDING INSPECTION DIVISION. 5. WINDOWS SHALL HAVE A MAXIMUM EXTERIOR VISIBLE REFLECTIVITY OF TEN (10) PERCENT.

PAGE 2 OF 4

UNIT ENVELOPE HEAT LOSS/GAIN CALCULATIONS. MODEL: AMTEX NORTEX MODULAR SPACE - N12664-1, HOUSTON, TX. PER ASHRAE 90.1-2004

COMBINED ROOF/CEILING THERMAL TRANSMITTANCE VALUE CALCULATIONS

ROOF/CLG COMPONENT AREA RESIST A/R. ROOF/CLG CAVITY 6588.125, 32.45, 206.11. ROOF/CLG FRAMING 691.875, 11.83, 58.48. TOTALS: 7380, 264.5903314. U(ROOF) = (A/R) / A = 0.03585235 BTU/IN/DE. * MEETS CODE.

COMBINED GROSS FLOOR THERMAL TRANSMITTANCE VALUE CALCULATIONS

FLOOR COMPONENT AREA RESIST A/R. FLOOR CAVITY 6588.125, 25.45, 262.79. FLOOR FRAMING 691.875, 12.83, 53.93. TOTALS: 7380, 316.72104. U(FLOOR) = (A/R) / A = 0.04291613 BTU/IN/DE. * MEETS CODE.

TOTAL ENVELOPE CONFORMANCE

GROSS AREA ACTUAL A/R Uo LIMIT A X Uo. WALL 3308.59373, 342.17, 0.432, 1429.31. ROOF/CEILING 7380, 264.59, 0.070, 516.60. FLOOR 7380, 316.72, 0.203, 1498.14. GRAND TOTAL = 18069, 923.48, 3444.052489. OVERALL ENVELOPE Uo 0.05110969. ** MEETS CODE **.

IF THE GRAND TOTAL (1) OF THE WALL, ROOF/CEILING AND FLOOR A/R VALUES IS EQUAL TO OR LESS THAN, THE TOTAL (2) OF THE A x Uo CODE LIMITS FOR THE WALL, ROOF/CEILING AND FLOOR, THE TOTAL ENVELOPE MEETS THE CODE, EVEN THOUGH INDIVIDUALLY THE WALL, ROOF/CEILING OR FLOOR MAY NOT.

IF THE TOTAL ENVELOPE CALCULATION INDICATES THAT THE DESIRED CONSTRUCTION DOES NOT MEET CODE REQUIREMENTS, MAKE CHANGES IN THE STRUCTURE TO ADD INSULATION, REDUCE GLASS AREAS OR USE INSULATING GLASS AS REQUIRED TO MEET THE CODE REQUIREMENTS.



REVISIONS table with columns for DATE, REVISIONS, and DRAWN BY.

Manhard CONSULTING logo and contact information: 505 Pecan Street, Suite 201, Fort Worth, TX 76102. Phone: 817.865.6344. Website: manhard.com. Services: Civil Engineers, Surveyors, Water Resource Engineers, Water & Waste Water Engineers, Construction Managers, Environmental Scientists, Landscape Architects, Planners, Texas Board of Professional Engineers & Land Surveyors Reg. No. F-10194754 (Surv), F-21732 (Eng).

ST. MARTIN DE PORRES CATHOLIC CHURCH. PROSPER, TEXAS. EXHIBIT D- FACADE PLAN.

Project information: PROJ. MGR.: AC, PROJ. ASSOC.: KH, DRAWN BY: IO, DATE: 5/8/23. SHEET: EX D2-2. 616.157.001. Page 79.



Letter of Intent and Purpose

Acreage of Subject Property

The applicant requests to amend the zoning of the subject property from PD-40 (Planned Development – Mixed use) for a Specific Use Permit (SUP).

The project is located on 8.238 acres and will house temporary school buildings on the St. Martin De Porres Catholic Church campus in Prosper, Texas. These temporary school buildings will allow members of the congregation as well as the community to attend private school while the school prepares and constructs an addition to the school campus.

Detailed Justification and / or supporting documentation as to why the applicant is requesting to rezone the subject property to a specific use permit.

The subject site is currently zoned Planned Development which is a district that accommodates planned associations of uses such as offices, commercial or service centers, shopping centers, residential development of multiple or mixed housing (including attached single-family dwellings), or any appropriate combination of uses that may be planned, developed, or operated as integral land use units either by a single owner or a combination of owners. A PD District may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this chapter. While greater flexibility is given to allow special conditions or restrictions that would not otherwise allow the development to occur, procedures are established herein to ensure against misuse of increased flexibility.

The Specific Use Permit is a zone that provides the town an opportunity to approve, conditionally approve, or deny identified specific uses that may be permitted in specified zoning districts. These uses generally have unusual nuisance characteristics or are of a public or semi-public character and are often essential or desirable for the general convenience and welfare of the community. However, because of the nature of the use, the importance of the use's relationship to the Comprehensive Plan, and possible adverse impacts on neighboring properties review, evaluation, and exercise of sound planning judgement relative to the location and site plan are required.

The Subject property will be temporary school buildings on the St. Martin De Porres Catholic Church Campus which will allow the community various options for education.

Describe any other special considerations or unique characteristics of subject property.

In accordance with Chapter 3 (Permitted uses and definitions), Section 1 (Use of Land and Buildings) Section 1.4 goes over conditional development standards. Number 7 of Section 1.4 addresses temporary buildings, which states that temporary buildings are permitted by right for houses of worship however, temporary buildings for private enterprises are permitted by SUP. Based on correspondence with the Town of Prosper officials a private school use would require SUP.



PLANNING

To: Mayor and Town Council

From: David Soto, Planning Manager

**Through: Mario Canizares, Town Manager
Chuck Ewings, Assistant Town Manager
David Hoover, Director of Development Services.**

Re: Rezoning Request: Pradera

Town Council Meeting – July 11, 2023

Agenda Item:

Conduct a public hearing and consider and act upon a request to rezone 34.7± acres from Commercial District (C) to a new Planned Development for Mixed Use, located northside of Prosper Trail and west of Dallas Parkway. (Z22-0019)

History:

The applicant has submitted a request for rezoning on November 7th, 2022. There have been multiple discussions with Town Council, Planning & Zoning Commissioners, and Town Staff. Since then, the applicant has revised the following (See Attachment 9):

1. The applicant has created a trigger that requires all the townhomes in the neighborhood sub-district to have certificate of occupancy prior to commencing any work with the highway sub-district. In addition, one retail building shall complete slab construction prior to commencing any other work in Highway Subdistrict. Further, Street Section D, as shown on Exhibit D.3, shall be built with Block D, Lots 1 and 2.
2. A property owner's association (POA) shall be approved by town staff.
3. Created separate definitions and requirements on apartments and condominiums.
4. Revised the non-residential on the first floor within the highway subdistrict and specifically requires retail uses to encourage vibrant uses within the mixed-use development.
5. Apartment buildings shall have a setback of 250 feet from the Dallas North Tollway.
6. Uses and standards in conformance with Dallas North Tollways Design Guidelines
7. The applicant reduces the density from 830 units to 730 units and specifically calls out allowance on apartments and condominiums (for sale product).
8. Minimum heights for certain uses
9. Provided architectural standards and design guidelines.
10. Minimum and maximum density for Townhomes

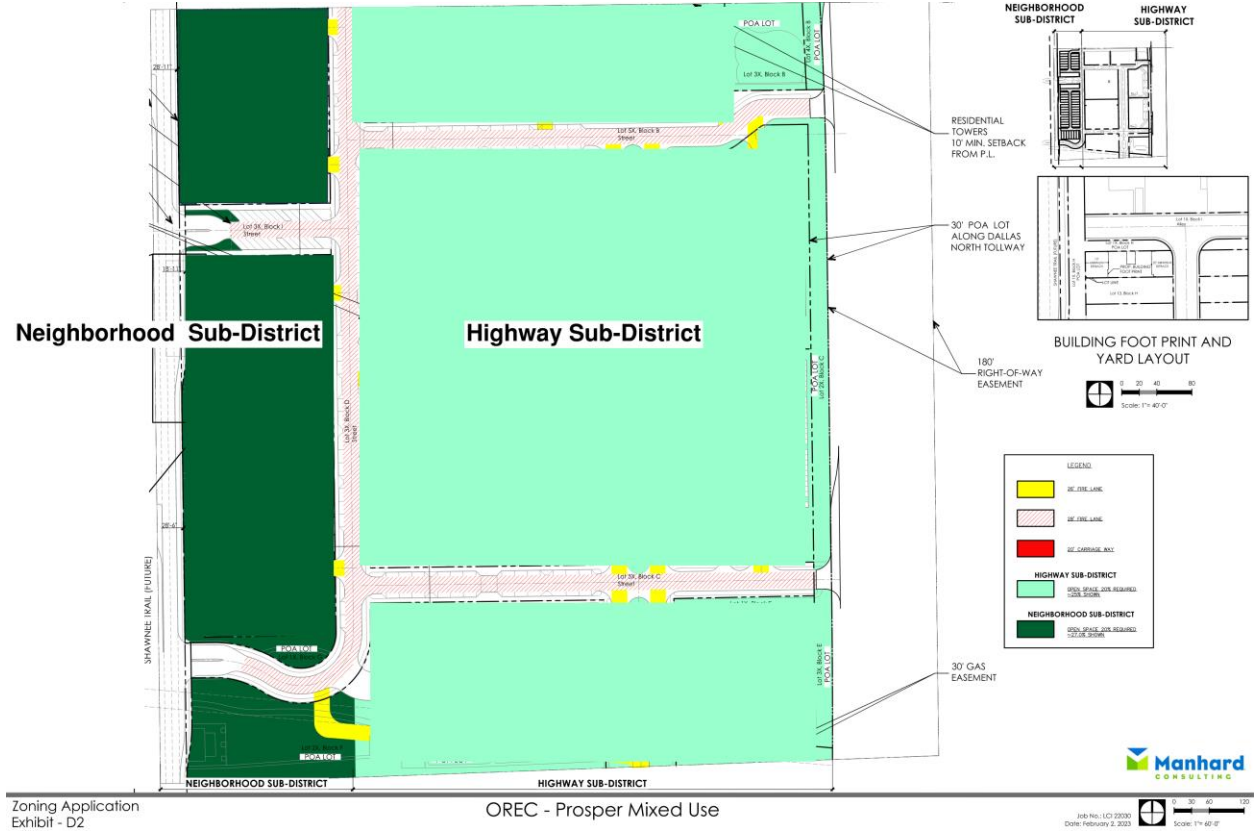
Description of Agenda Item:

The zoning and land use of the surrounding properties are as follows:

	Zoning	Current Land Use	Future Land Use Plan
Subject Property	Commercial District (C)	Undeveloped	Dallas North Tollway District
North	Commercial Corridor District (CC)	Undeveloped	Dallas North Tollway District
East	Commercial Corridor District (CC)	Undeveloped	Dallas North Tollway District
South	Commercial Corridor District (CC)	Undeveloped	Dallas North Tollway District
West	Planned Development-36 (PD36)	Single Family Residential (Legacy Garden)	Medium Density Residential

Requested Zoning

The purpose of this request is to rezone Commercial District (C) to a new Planned Development for Mixed Use. The applicant is proposing a mixed used development with 2 sub-districts as shown below. The proposed sub-districts are neighborhood and highway sub-districts.



Zoning Application Exhibit - D2

OREC - Prosper Mixed Use

Scale: 1" = 40' 0"

The neighborhood sub-district (9± acres) is to provide for a variety of developments in a suburban type setting which will provide residential units and supporting retail space. The subdistrict is

adjacent to Shawnee Trail is acting as a buffer and transition toward the residential across Shawnee with less intense uses, additional setbacks and reduced height.

The highway sub-district (25± acres) is to encourage the creation of a pedestrian-oriented, vertically integrated, mixed-use, urban environment, providing shopping, employment, housing, business, and personal services. This sub-district promotes an efficient, compact land use pattern; encouraging pedestrian activity; reducing the reliance on private automobiles within the district; promoting a functional and attractive community using urban design principles; and allowing developers flexibility in land use and site design.

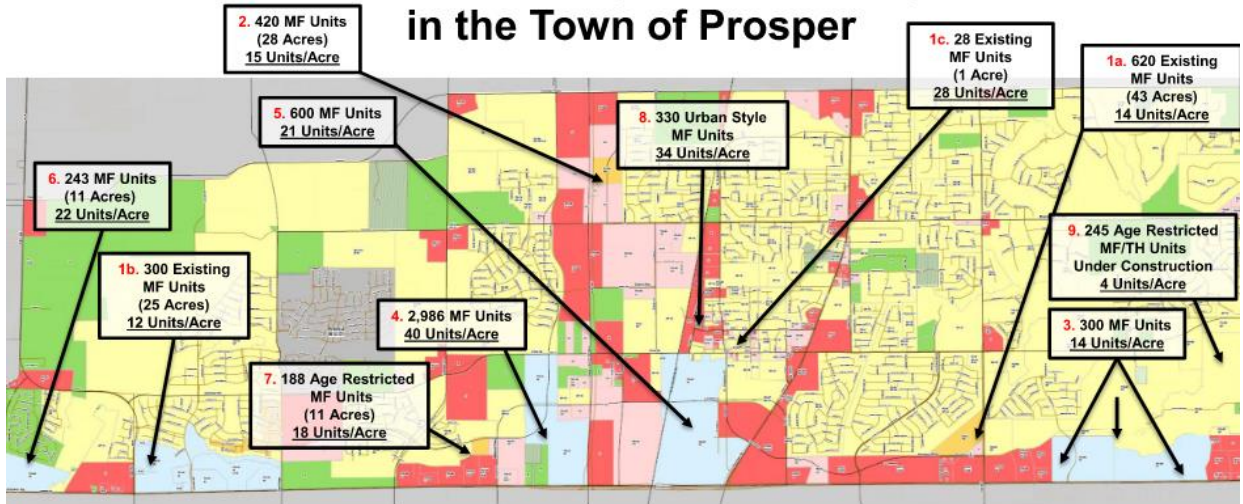
Many of the development standards, located in Exhibit C, conform to the Town's Zoning Ordinance. Due to the proposed development's unique design and the property being located along the Dallas North Tollway, the applicant is proposing detailed development and design standards, some of which deviate from the Zoning Ordinance. The applicant has made some recent modifications that include triggers, multifamily units/ condominiums specifications, mixed use details, a list of prohibited uses, and other minor modifications.

The proposed standards that are unique to the property are summarized below and does not contain all standards:

High Density Residential Development – The highway sub-district is proposing to have a maximum allowance of 730 units through the highway sub-district. Seventy-five percent (75%) (No more than 500 units) of allowed residential units shall be developed as apartments and the other twenty-five percent (25%) (No more than 230 units) of allowed residential units shall be developed as condominiums (for sale products). The first-floor square footage of the Highway Subdistrict shall be used for non-residential uses. A minimum of 50% of the first-floor square footage of all buildings containing residential units (Apartments) shall be used for retail uses. A minimum of 25% of the first floor of an office and hotel use building shall be used for retail uses.

Town-wide Multi-family Units - In addition, there are currently 6,260 multifamily units entitled through zoning approvals in the Town (please see map below). With this development, the total multifamily units would increase to 6,990 multifamily units. See map of entitled units below.

Current Zoning for Multifamily in the Town of Prosper



1. 948 existing garden-style multifamily units on 63.8 acres and 312 Townhome units on 65 acres
 - 1a. 620 units in the Orion Prosper and Orion Prosper Lakes complexes on Coit Road
 - 1b. 300 units in Cortland Windsong Ranch, west of Windsong Pkwy, north US 380
 - 1c. 28 units in the Downtown area
2. PD-35 permits a maximum of 15 units per acre on 28 acres, this density would allow for 420 multi-family units on the east side of DNT, north of Prosper Trail.
3. Brookhollow - permits a maximum of 300 multi-family at 14 units per acre within PD-86.
4. Planned Development-41 (Prosper West) permits a maximum of 2,986 urban-style units on the west side of DNT, north of US 380. Refer to PD-41 for special conditions.
5. Planned Development-67 (Gates of Prosper) permits a maximum of 600 urban-style units within 115 acres on the west side of Preston Road, north of US 380. The multifamily density is 21 units per acre.
6. Planned Development-94 (WestSide) permits a maximum of 480 urban-style units within 23 acres on the east side of FM 1385, north of US 380. The construction of multifamily units is dependent on the development of non-residential uses in this PD – refer to PD-94.
7. Planned Development-98 (Alders at Prosper) permits a maximum of 188 age-restricted units within 11 acres west of Mahard Parkway, north of US 380 and allows for 18 units per acre.
8. Planned Development-106 (Downtown Loft Apartments) permits a maximum of 330 urban-style units within 9 acres east of BNSF Railroad, north of Fifth Street this allows for 34 units per acre.
9. Planned Development -107 (Ladera) – Age restricted detached single-family dwellings on a single lot. The development is classified as multi-family.

Triggers – The applicant has proposed the following triggers:

- The development of the entire townhomes (at least 42 townhome units) in the Neighborhood Sub-District will have certificates of occupancy prior to commencing work within the Highway Sub-District.
- The development of one minimum retail building as identified on Exhibit D.2 as either Lot 4 or Lot 2, Block 1 shall have completed slab construction prior to commencing any other work in Highway Subdistrict.
- Street Section D, as shown on Exhibit D.3, shall be built with Block D, Lots 1 and 2.

Building Height – The maximum building height allowed by the Zoning Ordinance is two (2) stories in the Commercial District. However, the Dallas North Tollway Design Guidelines allows up to twelve (12) stories along the tollway. The applicant is proposing twelve (12) stories for the highway sub-district and the maximum height for the neighborhood subdistrict is three stories or thirty-five feet (35’) for townhomes and three stories or forty-five feet (45’) for commercial development. The applicant has proposed minimum building height by use type:

- a. Office: four (4) story.
- b. Multifamily
 - i. Apartments: four (4) story.
 - ii. Condominiums: four (4) story.
- c. Hotel: four (4) story
- d. Retail: one (1) story.

Building Materials – The approved primary exterior building materials for multifamily and non-residential development in the Zoning Ordinance are clay fired brick, natural and manufactured

stone, granite, marble, and stucco. The use of stucco and EIFS are only permitted as secondary or accent materials.

The applicant is proposing materials such as brick, natural and manufactured stone, curtain wall and window wall glazing, and cementitious panel system shall be considered primary materials. Primary materials shall comprise of at least seventy-five percent (75%) of each elevation, exclusive of doors and windows. Where cementitious panel is applied, it shall be limited to no more than 50% of a building's material. Non-primary, or secondary materials, may include stucco and metal panel systems.

Where Multifamily is concerned, primary materials shall be limited to brick, natural and manufactured stone, and cementitious panel system.

Below are conceptual renderings of the development. The applicant will enter into a development agreement.





Building Setbacks – Many of the building setbacks in the highway and neighborhood sub-districts have been reduced or removed in order to allow the proposed mixed-use development to conform to Exhibit D. The 25-foot and 30-foot landscape setbacks from the adjacent minor and major thoroughfares remain the same and conform to the Zoning Ordinance/Dallas North Tollway Design Guidelines. The building setbacks in the neighborhood sub-district reflect the typical “suburban” setting of the townhomes and commercial development. Any development with on-street parking, a build to line shall be required. All apartment buildings shall have a setback of 250’ from the Dallas North Tollway. The purpose of this provision is to screen the apartment buildings with office buildings from the Dallas North Tollway.

Design Guidelines – The applicant is proposing specific design guidelines to address the pedestrian-oriented mixed-use development in the highway and neighborhood sub-districts. The design guidelines add to the development standards and address design principles, site design, building design, public realm design, and streetscapes.

Parking Standards – Due to the urban/walkable setting, the applicant is proposing a mixed-use reduction of 20% shall be applied to the overall development except for townhomes. Staff understands that the applicant is proposing a live/work/play environment so has no issues with the parking reduction. The applicant has also requested a shared parking within the entire Planned Development excluding the townhomes.

Landscaping - The applicant is proposing specific design guidelines to address the pedestrian-oriented mixed-use development in the sub-districts. The applicant has also incorporated Dallas North Tollway Guidelines within the development standards. These standards include the following, but not limited to:

- One (1) large tree, four (4) inch caliper minimum (at the time of planting) per twenty-five (25) feet of linear roadway frontage shall be planted within the required landscaped area.
- The trees may be planted in groups with appropriate spacing for species.

- Shrub plantings shall be provided at a minimum rate of 22 shrub plantings per thirty (30) linear feet which shall be a minimum of five (5) gallon shrubs (at the time of planting).
- Parking abutting the landscaped area will be screened from the adjacent roadway. The required screening may be with shrubs or earthen berms.
- All landscaped areas shall be protected by a raised six (6) inch concrete curb. Pavement shall not be placed closer than four (4) feet from the trunk of a tree unless a Town approved root barrier is utilized.
- Landscaped islands shall be located at the terminus of all parking rows, except for on-street parking, and shall contain at least one (1) large tree, three (3) inch caliper minimum, with no more than fifteen (15) parking spaces permitted in a continuous row without being interrupted by a landscape island.
- Landscaped islands shall be a minimum of one hundred sixty (160) square feet, not less than nine (9) feet wide, measured from the inside face of curb, and a length equal to the abutting space.
- All above grade utilities and trash enclosures in landscape areas shall be screened with evergreen plant material.

Open Space - Per our zoning ordinance, 20% open space is required for Townhomes, 7% for non-residential, and 30% for multifamily use. Due to the unique design of the development, the applicant is proposing minimum 20% which includes landscape easements, setbacks, public plazas, and detention ponds.

Comparison Table regarding Major development standards.

Below is a comparison table outlining the proposed development standards that deviate from the minimum standard per the zoning ordinance.

	Town of Prosper	NEW PD
Maximum Permitted Density for Multi-Family:	MF District: 370 MF units allowed based on a standard MF zoning. (15 units per acre.)	Density shall not exceed 730 MF. (29 units per acre)
Maximum Permitted Density for Townhomes:	TH District: 90 TH units allowed based on a standard TH zoning. (10 units per acre.)	Maximum density shall not exceed 60 TH units. (6.6 units per acre)
Maximum Height:	Commercial District: Two stories, no greater than 40 feet. Dallas North Tollway Design Guidelines and Comprehensive Plan: Up to 12 Stories	Highway Subdistrict <ul style="list-style-type: none"> • 12 stories Neighborhood Subdistrict <ul style="list-style-type: none"> • Townhomes <ul style="list-style-type: none"> ○ Thirty-Five (35) feet, three (3) stories. • Commercial <ul style="list-style-type: none"> ○ Forty-five (45) Feet or three (3) stories
Building Material	100 percent masonry as defined in Chapter 3, Section 2. The use of stucco and EIFS are only permitted as secondary or accent materials.	<ul style="list-style-type: none"> • Materials such as brick, natural and manufactured stone, curtain wall and window wall glazing, and cementitious panel system shall be considered primary materials. Primary materials shall comprise of at least seventy-five percent (75%) of

		each elevation, exclusive of doors and windows. Where cementitious panel is applied, it shall be limited to no more than 50% of a building's material. Non-primary, or secondary materials, may include stucco and metal panel systems.
Parking requirements	3,861 minimum parking spaces required based on the use.	A mixed-use reduction of 20% shall applied to the overall development, except for townhomes. 3,204 are being proposed.

Future Land Use Plan – The Future Land Use Plan recommends Dallas North Tollway District.

Dallas North Tollway District

The Dallas North Tollway district will consist of the most intense land uses within Prosper. A diverse mixture of office, retail and residential will likely develop along the corridor. Mid-rise office (up to 12 stories) may be permitted throughout the corridor. Office buildings should be designed for a “campus feel”—they should be oriented towards common public space with significant landscaping and should be linked by a pedestrian network. A common architectural theme should also be established for a consistent visual appearance. Mixed-use development should be encouraged and should contain a mixture of office, retail and residential uses. Mixed-use lofts/apartments would be the most appropriate residential use within this district. Structured parking should be encouraged in more intense areas to limit the presence and visibility of large parking lots. Structured parking should be oriented in a way that minimizes visibility from the Tollway.



2022 Dallas North Tollway Design Guidelines –

- The Dallas North Tollway is a primary thoroughfare within the Town of Prosper and one of the most heavily traveled roadways in North Texas. It is recognized that the Dallas North Tollway will serve as a significant opportunity for economic development and a sustainable tax base for the Town. The Comprehensive Plan identified the Dallas North Tollway as a future location for the Town's most intense land uses. The purpose of these design guidelines is to provide direction on land use and design for future development that the Town of Prosper envisions on the Dallas North Tollway. Design guidelines define the qualities of building and site design that make successful projects and are tools for guiding projects to positive development outcomes.

- Per the guideline, “Multi-family Developments - The Town Council may permit a multi-family housing as part of a wholistic development that includes a combination of businesses designed to create a live, work and play environment. These businesses can be, but are not limited, retail, office, recreational, family-friend entertainment and/or restaurant establishments. If multi-family housing is part of a development proposal that includes businesses and/or amenities described in Section F. “Business Establishments Pursuant to the Town’s Vision” increased density may be permitted. It is highly recommended that multi-family units be designed with structure parking as opposed to surface parking.”
- The applicant has proposed development standards that are consistent with the Dallas North Tollway Design Guidelines.

Thoroughfare Plan – The property is bounded to the east by the Tollway and west by Shawnee Trail.

Parks Master Plan – The Parks Master Plan does not identify a park on the subject property, at this time.

Legal Obligations and Review:

Zoning is discretionary. Therefore, the Planning & Zoning Commission is not obligated to approve the request. Notification was provided to neighboring property owners as required by state law. To date, staff has received one letter in response to the proposed zoning request.

Attached Documents:

1. Aerial and Zoning Maps
2. Proposed Exhibits
3. Reply Form
4. MF Exhibits
5. Comprehensive Plan MF Design Guidelines
6. Comprehensive Plan Future Land Use Types
7. Dallas North Tollway Design Guidelines
8. Dallas North Tollway Design Guidelines Comparison Chart
9. Original vs Redlines Comparison Chart

Planning & Zoning Recommendation:

At their June 20, 2023, meeting, the Planning & Zoning Commission recommended the Town Council approved the request, with a vote 7-0

Commissioners question amount of parking spaces per condominium, parking pertaining to the office, parking for each area of the plan, amount of greenspace available, lighting, ratio of multifamily units, amenities, triggers for the townhouses and the public comments available.

Commissioners overall like the changes from last time and appreciate the work that was put in, would have wanted to have more support from the community, more greenspace, and pedestrian amenities.

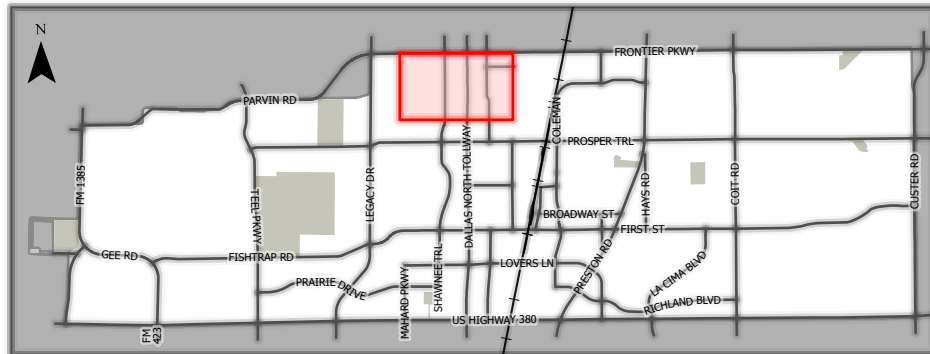
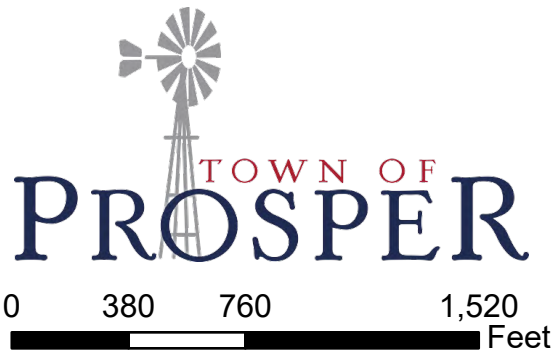
Town Staff Recommendation:

The request to rezone 34.7 ± acres is located north of Prosper Trail and west of the Dallas North Tollway, a major corridor into the Town of Prosper, and aims to create a unique mixed-use development that includes detailed design and development standards. The zoning request allows for the development of a mixed-use development that includes vertical integration of office, retail, and/or high-density residential uses in the same building, an office park, and a neighborhood retail center. There are concerns with the additional multifamily units as per the comprehensive plan. The Dallas North Tollway Design Guidelines expected additional multifamily

units along the Dallas North Tollway. Staff is recommending approval because this request follows the design guidelines and will provide innovative opportunities that the Town envisions along the Dallas North Tollway.

Proposed Motion:

I move to approve/deny a request to rezone 34.7± acres from Commercial District (C) to a new Planned Development for Mixed Use, located northside of Prosper Trail and west of Dallas Parkway. (Z22-0019)



This map for illustration purposes only

Z22-0019

Pradera PD

FLOOD HAZARD NOTE:

THE FEDERAL EMERGENCY MANAGEMENT AGENCY FIRM COMMUNITY PANEL NUMBER 4808500151 WITH AN EFFECTIVE DATE OF JUNE 02, 2009 INDICATES THAT THE ABOVE DESCRIBED PROPERTY LIES WITHIN AREAS DESIGNATED AS ZONE "X". ZONE "X" IS DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN PER THE FLOOD INSURANCE RATE MAPS. THIS MAP DOES NOT NECESSARILY SHOW ALL AREAS SUBJECT TO FLOODING IN THE COMMUNITY OR ALL PLANIMETRIC FEATURES OUTSIDE SPECIAL FLOOD HAZARD AREAS. THIS DOES NOT GUARANTEE THAT THE SURVEYED PROPERTY WILL OR WILL NOT FLOOD. APPROXIMATE LOCATIONS OF FLOOD ZONES HAVE BEEN SHOWN HEREON BASED ON THE CURRENT FLOOD INSURANCE RATE MAPS.

ZONING EXHIBIT A

BASIS OF BEARINGS

COORDINATES AND BEARINGS ARE BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (2011), TEXAS NORTH CENTRAL ZONE (4202).

LEGAL DESCRIPTION

BEING A 40.065 ACRE TRACT OF LAND SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NUMBER 147, COLLIN COUNTY, TEXAS AND BEING ALL OF THAT CALLED 34.709 ACRE TRACT OF LAND DESCRIBED BY DEED TO AABVC-DNT-WEST-FRT, LP, RECORDED IN COUNTY CLERK'S FILE NUMBER 2021082001693210, DEED RECORDS, COLLIN COUNTY, TEXAS AND ALL OF THAT CALLED 5.386 ACRE TRACT OF LAND DESCRIBED BY DEED TO COLLIN COUNTY, RECORDED IN VOLUME 5949, PAGE 2222, DEED RECORDS, COLLIN COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD WITH CAP STAMPED "PRESTON TRAIL" FOUND AT THE SOUTHWEST CORNER SAID CALLED 34.709 ACRE TRACT, SAID IRON ROD ALSO BEING THE SOUTHWEST CORNER OF SAID CALLED 5.386 ACRE TRACT AND BEING IN THE NORTH LINE OF THAT CALLED 40.066 ACRE TRACT OF LAND DESCRIBED BY DEED TO COTHMAN MALIBU, LP, RECORDED IN COUNTY CLERK'S FILE NUMBER 2015010500009000, DEED RECORDS, COLLIN COUNTY, TEXAS;

THENCE SOUTH 87 DEGREES 52 MINUTES 23 SECONDS WEST, 1108.44 FEET ALONG THE SOUTH LINE OF SAID CALLED 34.709 ACRE TRACT AND SAID NORTH LINE OF THE CALLED 40.066 ACRE TRACT TO A 5/8 INCH IRON ROD WITH CAP STAMPED "MANHARD" SET AT THE NORTHWEST CORNER OF SAID CALLED 40.066 ACRE TRACT;

THENCE NORTH 89 DEGREES 57 MINUTES 32 SECONDS WEST, 43.17 FEET, CONTINUING ALONG SAID SOUTH LINE OF THE CALLED 34.709 ACRE TRACT TO A 5/8 INCH IRON ROD WITH CAP STAMPED "MANHARD" SET AT THE SOUTHWEST CORNER OF SAID CALLED 34.709 ACRE TRACT;

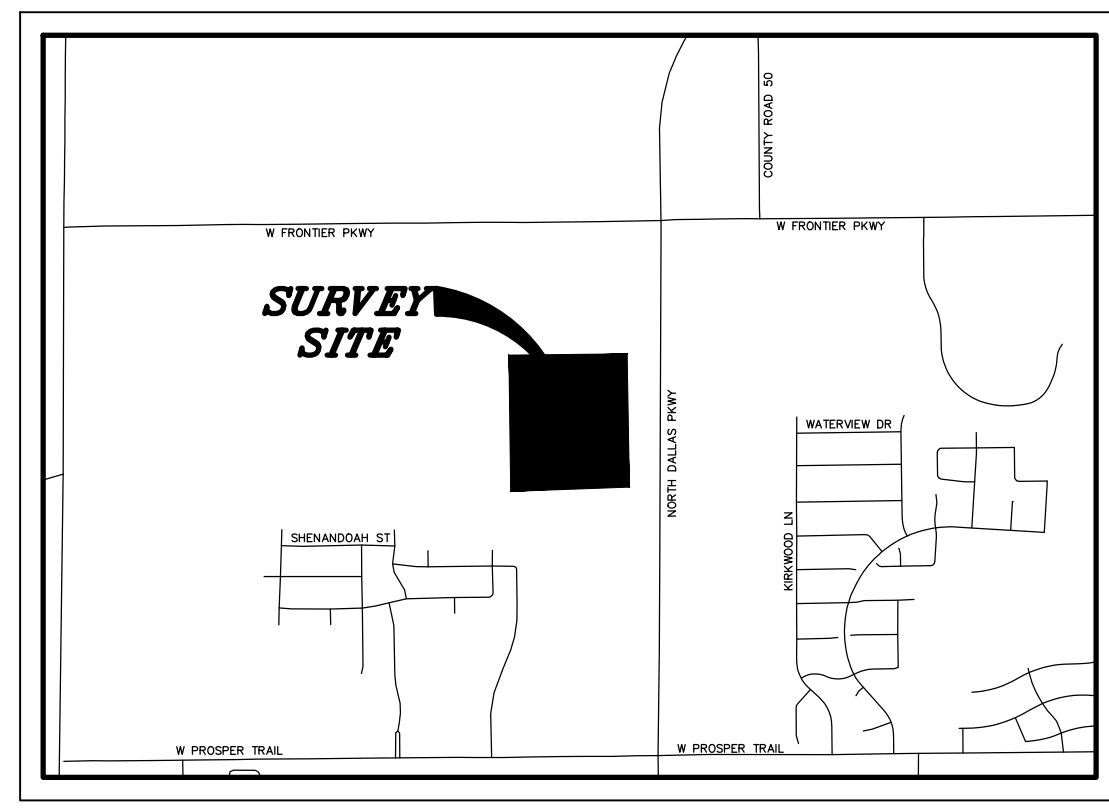
THENCE NORTH 00 DEGREES 45 MINUTES 11 SECONDS WEST, 1324.66 FEET ALONG THE WEST LINE OF SAID CALLED 34.709 ACRE TRACT TO A 1/2 INCH IRON ROD WITH CAP STAMPED "PRESTON TRAIL" FOUND AT THE NORTHWEST CORNER OF SAID CALLED 34.709 ACRE TRACT, SAID IRON ROD ALSO BEING THE SOUTHWEST CORNER OF THAT CALLED 34.557 ACRE TRACT OF LAND DESCRIBED BY DEED TO URBAN HEIGHTS AT FRONTIER LLC, RECORDED IN COUNTY CLERK'S FILE NUMBER 2022000131196, DEED RECORDS, COLLIN COUNTY, TEXAS;

THENCE NORTH 89 DEGREES 22 MINUTES 58 SECONDS EAST, 1146.49 FEET ALONG THE NORTH LINE OF SAID CALLED 34.709 ACRE TRACT AND THE SOUTH LINE OF SAID CALLED 34.557 ACRE TRACT TO A 1/2 INCH IRON ROD WITH CAP STAMPED "PRESTON TRAIL" FOUND AT THE NORTHEAST CORNER OF SAID CALLED 34.709 ACRE TRACT, SAID IRON ROD ALSO BEING THE SOUTHWEST CORNER OF SAID CALLED 5.386 ACRE TRACT AND THE NORTHWEST CORNER OF THE AFOREMENTIONED CALLED 5.386 ACRE TRACT;

THENCE NORTH 89 DEGREES 26 MINUTES 22 SECONDS EAST, 187.36 FEET ALONG THE NORTH LINE OF SAID CALLED 5.386 ACRE TRACT TO A 1/2 INCH IRON ROD FOUND AT THE NORTHEAST CORNER OF SAID CALLED 5.386 ACRE TRACT;

THENCE SOUTH 00 DEGREES 43 MINUTES 44 SECONDS EAST, 1290.88 FEET ALONG THE EAST LINE OF SAID CALLED 5.386 ACRE TRACT TO A 1/2 INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF SAID CALLED 5.386 ACRE TRACT, SAID IRON ROD ALSO BEING IN THE NORTH LINE OF THE AFOREMENTIONED CALLED 40.066 ACRE TRACT;

THENCE SOUTH 87 DEGREES 50 MINUTES 46 SECONDS WEST, 182.07 FEET ALONG THE SOUTH LINE OF SAID CALLED 5.386 ACRE TRACT AND SAID NORTH LINE OF THE CALLED 40.066 ACRE TRACT TO THE POINT OF BEGINNING AND CONTAINING 1,745,218 SQUARE FEET OR 40.065 ACRES OF LAND, MORE OR LESS.



LOCATION MAP
NOT TO SCALE

BULK REGULATIONS

THE SURVEYED PROPERTY IS LOCATED IN PLANNED DEVELOPMENT NO. XX "PD-XX" ZONING DISTRICT. THIS PLANNED DEVELOPMENT IS INTENDED TO PROVIDE FOR AND ENCOURAGE DEVELOPMENT THAT CONTAINS A COMPATIBLE MIX OF RESIDENTIAL, OFFICE, AND COMMERCIAL USES WITHIN CLOSE PROXIMITY TO EACH OTHER, RATHER THAN SEPARATING USES WITH THE FOLLOWING DEFINED RESTRICTIONS PROVIDED TO THE SURVEYOR.

A. SIZE OF YARDS:

- MINIMUM FRONT YARD
 - ON DALLAS NORTH TOLLWAY: 30 FEET.
 - ON ALL OTHER STREETS: 10 FEET.
- MINIMUM SIDE YARD: 0 FEET.
- MINIMUM REAR YARD: 0 FEET.

B. BUILD-TO-LINE

- BUILDINGS WITH NON-RESIDENTIAL USES ON THE FIRST FLOOR: A BUILD-TO-LINE SHALL BE ESTABLISHED AT THE MINIMUM FRONT YARD SETBACK.
- BUILDINGS WITH RESIDENTIAL USES ON THE FIRST FLOOR: THE PRIMARY FACADE OF A RESIDENTIAL DWELLING SHALL BE BUILT 10-15 FEET FROM THE PROPERTY LINE.

C. SIZE OF LOTS:

- MINIMUM SIZE OF LOT AREA: 3,000 SQUARE FEET.
- MINIMUM LOT WIDTH: 30 FEET.
- MINIMUM LOT DEPTH: 60 FEET.

D. MAXIMUM LOT COVERAGE: 100 PERCENT.

E. FLOOR AREA RATIO: MAXIMUM 10.0:1.

F. HOUSING: MAXIMUM NUMBER OF DWELLINGS ALLOWED.

- MAXIMUM DENSITY: 20 UNITS/ACRE
- A MINIMUM OF 15% OF THE FIRST-FLOOR SQUARE FOOTAGE OF ALL BUILDINGS CONTAINING RESIDENTIAL UNITS SHALL BE USED FOR NON-RESIDENTIAL PURPOSES.

BOY PROSPER 221 LLC
CALLED 22.817 ACRES (BIRANAKO)
C/F 2015010500009000
D.R.C.C.T.

OWNER

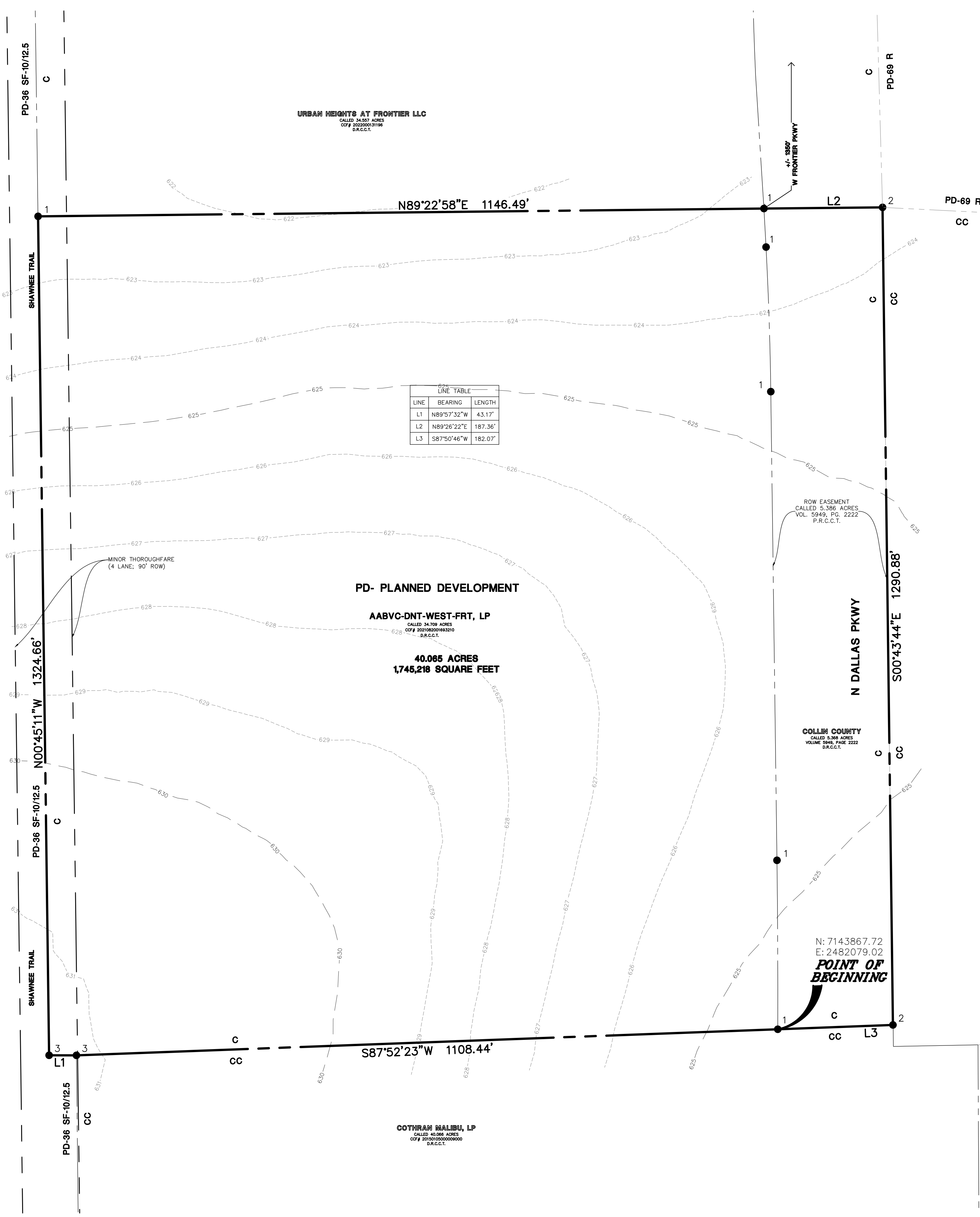
AABVC-DNT-WEST-FRT, LP
6673 JAMESTOWN ROAD
FRISCO, TEXAS 75035

LEGEND

- = EX. PROPERTY LINE
 - = EX. EASEMENT LINE
 - = EX. 1 FOOT CONTOURS
 - = EX. ZONING LINE
 - = FOUND CAPPED 1/2" IRON ROD STAMPED "PRESTON TRAIL"
 - = FOUND 1/2" IRON ROD
 - = SET YELLOW CAPPED 5/8" IRON ROD STAMPED "MAHARD CONSULTING"
- D.R.C.C.T. = DEED RECORDS OF COLLIN COUNTY, TEXAS

SURVEYOR'S NOTES

- THIS SURVEY IS SUBJECT TO MATTERS OF TITLE, WHICH MAY BE REVEALED BY A CURRENT TITLE REPORT, EASEMENTS, SETBACKS AND OTHER RESTRICTIONS WHICH MAY BE FOUND IN A CURRENT TITLE REPORT, LOCAL ORDINANCES, DEEDS OR OTHER INSTRUMENTS OF RECORD **HAVE NOT BEEN** SHOWN.
- THIS DOCUMENT WAS PREPARED UNDER 22 TEXAS ADMINISTRATIVE CODE §138.05, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.
- THE THOROUGHFARE ALIGNMENT(S) SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DOES NOT SET THE ALIGNMENT. THE ALIGNMENT IS DETERMINED AT TIME OF FINAL PLAN.
- THIS EXHIBIT IS NO TO BE CONSTRUED AS A BOUNDARY SURVEY AND IS NOT FOR THE CONVEYANCE OF REAL PROPERTY.



LINE TABLE

LINE	BEARING	LENGTH
L1	N89°57'32\"W	43.17'
L2	N89°26'22\"E	187.36'
L3	S87°50'46\"W	182.07'

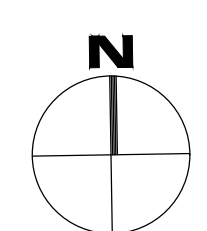
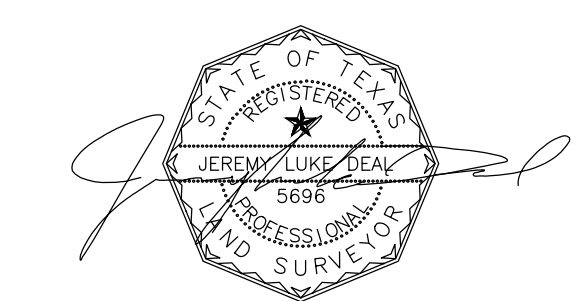


EXHIBIT A

40.065 ACRES OF LAND IN THE COLLIN C.S.L. SURVEY,
ABSTRACT NUMBER 147, COLLIN COUNTY, TEXAS
NOVEMBER 01, 2022

TOWN OF PROSPER PROJECT NO: _____

Prosper Mixed-Use Master Plan 11/7/2022

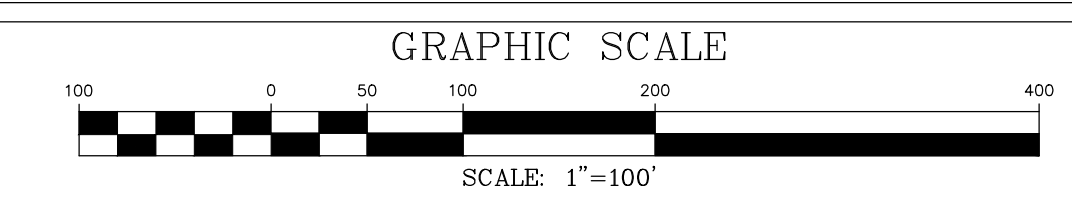


Exhibit "A"

BEING a 40.065 acre tract of land situated in the Collin County School Land Survey, Abstract number 147, Collin County, Texas and being all of that called 34.709 acre tract of land described by deed to AABVC-DNT-West-FRT, LP, recorded in County Clerk's File Number 2021082001693210, Deed Records, Collin County, Texas and all of that called 5.368 acre tract of land described by deed to Collin County, recorded in Volume 5949, Page 2222, Deed Records, Collin County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod with cap stamped "PRESTON TRAIL" found at the southeast corner said called 34.709 acre tract, said iron rod also being the southwest corner of said called 5.386 acre tract and being in the north line of that called 40.066 acre tract of land described by deed to Cothran Malibu, LP, recorded in County Clerk's File Number 20150105000009000, Deed Records, Collin County, Texas;

THENCE South 87 degrees 52 minutes 23 seconds West, 1108.44 feet along the south line of said called 34.709 acre tract and said north line of the called 40.066 acre tract to a 5/8 inch iron rod with cap stamped "MANHARD" set at the northwest corner of said called 40.066 acre tract;

THENCE North 89 degrees 57 minutes 32 seconds West, 43.17 feet, continuing along said south line of the called 34.709 acre tract to a 5/8 inch iron rod with cap stamped "MANHARD" set at the southwest corner of said called 34.709 acre tract;


THENCE North 00 degrees 45 minutes 11 seconds West, 1324.66 feet along the west line of said called 34.709 acre tract to a 1/2 inch iron rod with cap stamped "PRESTON TRAIL" found at the northwest corner of said called 34.709 acre tract, said iron rod also being the southwest corner of that called 34.557 acre tract of land described by deed to Urban Heights at Frontier LLC, recorded in County Clerk's File Number 2022000131196, Deed Records, Collin County, Texas;

THENCE North 89 degrees 22 minutes 58 seconds East, 1146.49 feet along the north line of said called 34.709 acre tract and the south line of said called 34.557 acre tract to a 1/2 inch iron rod with cap stamped "PRESTON TRAIL" found at the northeast corner of said called 34.709 acre tract, said iron rod also being the southeast corner of said called 34.557 acre tract and the northwest corner of the aforementioned called 5.386 acre tract;

THENCE North 89 degrees 26 minutes 22 seconds East, 187.36 feet along the north line of said called 5.386 acre tract to a 1/2 inch iron rod found at the northeast corner of said called 5.386 acre tract;

THENCE South 00 degrees 43 minutes 44 seconds East, 1290.88 feet along the east line of said called 5.386 acre tract to a 1/2 inch iron rod found at the southeast corner of said called 5.386 acre tract, said iron rod also being in the north line of the aforementioned called 40.066 acre tract;

THENCE South 87 degrees 50 minutes 46 seconds West, 182.07 feet along the south line of said called 5.386 acre tract and said north line oof the called 40.066 acre tract to the POINT OF BEGINNING and containing 1,745,218 square feet or 40.065 acres of land, more or less.



Jeremy Luke Deal
Registered Professional Land Surveyor
Texas Registration Number 5696



PLANNED DEVELOPMENT NO. 119**EXHIBIT B—Planned Development Purpose and Intent:**

This planned development is intended to provide for and encourage development that contains a compatible mix of residential, office, and commercial uses within close proximity to each other, rather than separating uses.

The use provisions define land uses and the siting and character of the improvements and structures allowed on the land in a manner that encourages a balanced and sustainable mix of uses. These uses may be combined either vertically in the same building, or horizontally in multiple buildings, or through a combination of the two.

Additionally, the standards are intended to promote an efficient pedestrian-access network that connects the nonresidential and residential uses. The planned development generally addresses the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment. This is accomplished by the following;

- Ensuring buildings relate appropriately to surrounding developments and streets which create cohesive visual identity and attractive street scenes.
- Ensuring site design promotes efficient pedestrian and vehicle circulation patterns.
- Ensuring the creation of high-quality street and sidewalk environments that are supportive of pedestrian mobility and that are appropriate to the roadway context.
- Ensuring large sites are developed in a manner that supports and encourages connectivity and creates a cohesive visual identity and attractive street scene.

In order to implement this vision, the standards affecting development are intended to be consistent with the overall goal. To accomplish this goal, the area has been subdivided into a series of sub-districts with development restrictions that will be necessary to achieve their collective individuality.

The purpose of sub-district requirements is to define the character of new development within each sub-district. They have been carefully designed to allow enough flexibility for creative building solutions, while being prescriptive in areas necessary to preserve consistency throughout the development.

EXHIBIT C—Sub-District Regulations:

Development Plans

Concept Plan:

- A. The tract shall be developed in general accordance with the attached concept plan, set forth in Exhibits D2, D3, and D4.
- B. Triggers
 - a. Neighborhood Sub-District:
 - i. Development shall be phased such that all of the townhomes will have certificates of occupancy prior to commencing work within the Highway Sub-District.
 - ii. Development shall be phased such that at minimum one (1) retail building, as identified on Exhibit D.2 as either Lot 4 or Lot 2 Block 1, shall have completed slab construction prior to commencing work within the Highway Sub-District.
 - b. Highway Sub-District:
 - i. Street Section D, as shown on Exhibit D.3, shall be built with Block D, Lots 1 and 2.
- C. Where conflicts may arise between Exhibit C and Exhibit D, Exhibit C shall govern.

Elevations:

- A. The tract shall be developed in general accordance with the attached elevations, set forth in Exhibits F.

Administrative:

- A. The property owner's association (POA) shall be approved by town staff.

HIGHWAY SUB-DISTRICT

HIGHWAY SUB-DISTRICT

Purpose & Intent

The purpose of the Highway Sub-District is to encourage the creation of a pedestrian-oriented, vertically integrated, mixed-use, urban environment, providing shopping, employment, housing, business, and personal services. This sub-district promotes an efficient, compact land use pattern; encouraging pedestrian activity; reducing the reliance on private automobiles within the district; promoting a functional and attractive community using urban design principles; and allowing developers flexibility in land use and site design.

The Highway Sub-District is to be an area with a mixture of intense uses. Buildings are close to and oriented toward the street. There is a connected street pattern, shared parking, and pedestrian amenities.

Site Criteria

A. Size of Yards:

1. Minimum Front Yard
 - a. On Dallas North Tollway: Fifty (50) feet.
 - b. On all other streets: Ten (10) feet.
2. Minimum Side Yard: Zero (0) feet.
3. Minimum Rear Yard: Zero (0) feet.

B. Build-to-Line: On streets with on-street parking, a build-to-line shall be required. A -build-to-line- is a line parallel to a public or private street where the primary facade of the building must be built to.

1. Buildings with non-residential uses on the first floor: A build- to-line shall be established at the minimum front yard setback. The primary facade shall be continuous along a block face and at least 70% shall be located within 5' of the build-to-line.
2. Buildings with residential uses on the first floor: The primary facade of a residential dwelling shall be built 10' to 15' from the property line. Stairs, stoops, and elevated patios shall be allowed within the front setback. Any land remaining in the setback shall be landscaped with plant materials other than grass and shall be irrigated per the requirements established.

C. Size of Lots:

1. Minimum Size of Lot Area: Twenty Thousand (20,000) square feet
2. Minimum Lot Width: Fifty (50) feet.
3. Minimum Lot Depth: Sixty (60) feet.

D. Maximum Lot Coverage: One hundred (100) percent, subject to Detention and Open Space.

E. Floor Area Ratio: Maximum 10.0:1.

F. Housing: The following performance standards shall apply to residential development.

1. For the purposes of this Sub-District, Apartment and Condominiums are considered Multifamily and shall be defined as follows:

- a. Apartments- a predominantly residential building in which each unit is leased by the owner to an individual entity.
- b. Condominiums- a predominantly residential building in which each unit is owned by an individual entity.

2. The maximum density allowed shall be no more than seven hundred and thirty (730) units within the Highway Sub-District. Studio, One, Two, and Three Bedroom units shall be a minimum of 650 square feet.

- a. Apartments shall be no more than five hundred (500) units.
 - i. There shall be at least 65% Studios and One-Bedroom units.
 - ii. There shall be no more than 35% Two and Three-Bedroom units.
- b. Condominiums shall be no more than two hundred thirty (230) units.
 - i. There shall be at least 60% Studios and One-Bedroom units.
 - ii. There shall be no more than 40% Two and Three-Bedroom units.

3. Where first-floor square footage of the Highway Subdistrict shall be used for non-residential uses, the following provisions for retail use shall apply.

Retail, for the sake of this subsection shall include beauty salon/barber shop, commercial amusement (indoor), furniture/ home furnishings store, gymnastics/dance studio, health/fitness center, museum/art gallery, restaurant (without drive-thru/drive-in service), retail store and shops, retail service/incidental use, and theatre.

- a. Office: minimum 25% retail use.
- b. Residential
 - i. Apartments: minimum 50% retail use.
 - ii. Condominiums: minimum 0% retail use.
- c. Hotel: minimum 25% retail use.

4. Apartment buildings shall have a setback of Two Hundred Fifty (250) feet from the Dallas North Tollway (DNT).

G. Parking:

- 1. The number of parking spaces provided for uses shall be in accordance with the breakdown established in the GENERAL REQUIREMENTS section of these standards.
- 2. Required parking shall be located and maintained anywhere within the PD No. 119, including all sub-districts.
 - a. Where Townhome uses are concerned, parking may not be shared.

3. On-street parking and shared parking anywhere within the PD No. 119, including all sub-districts, except for Townhome uses, may be counted towards meeting the off-street parking requirement for any use within the sub-district.
4. Where on-street parking is provided, angled, as well as parallel parking shall be permitted as depicted in exhibit D street sections.
5. Where on-street parking is provided, vehicle maneuvering shall be allowed within the Public & Emergency Access Easement.
6. When structured garages are provided, adequate access from public rights-of-way via private drives and/or access easements shall be made readily available.
7. Parking spaces that face and are adjacent to a building shall utilize curbs, wheel stops, and/or bollards.
8. Speed bumps/humps are not permitted within a fire lane nor public roads.
11. Dead-end parking aisles are not permitted in surface parking lots.
12. In the case of mixed uses, parking spaces may be shared.
13. For all residential uses, a minimum of eighty percent (80%) of parking shall be contained in a structured parking garage.

H. Service Equipment and Areas:

1. Loading docks, truck parking, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building or placed behind or on the side of a building. On corner lots, these areas should be located behind the buildings. All solid waste trash collection structures shall be designed to accommodate the Town's current trash service provider. This includes, but not limited to, minimum dumpster enclosure requirements, approach geometry and other features for operational needs.
2. Transformers, HVAC equipment (if located at the ground level), private utility meters, and other machinery, where practical, should be located at the rear of the property.
 - a. Public water meters shall be located within easements, outside of pavement, and adjacent (within 2-5 feet) to Public & Emergency Access Easement or dedicated fire lanes that include utility easements.

I. Screening:

1. Service equipment and areas shall be screened so the visual impacts of these functions are fully contained and out of view from adjacent properties and public streets to the extent that screening is allowed by utility providers.
2. Solid waste collection and loading areas shall be located to minimize visibility. These areas shall be screened, at minimum, by a eight (8) foot high wall built with the same materials as used for the principal building, or an otherwise approved solid masonry material. Trash dumpsters shall have a metal gate or door equal in height or the height of the wall, which shall generally always remain closed. Waste collection and loading area walls shall include shrubbery as to screen walls from the public realm.

3. Where rooftop-mounted mechanical equipment is not screened from view at a point twenty feet above ground level at the property line, alternative forms of screening are required, and may be constructed of metal, acrylic, or a similar material, subject to approval by the Director of Development Services.

J. Fencing: Fencing is allowed between the primary facade of the building and the property line. In the above instances the fence shall be no greater than forty-two (42) inches in height. Fencing is restricted to wrought iron, tubular steel or similar material, or masonry. The masonry portion of any fence in front of a building shall be no higher than three (3) feet. The masonry portion of the fence must be at least 30% open in construction for each residential unit or retail/restaurant/office/service lease space. Each residential unit or retail/restaurant/office/service lease space must have an operable gate that opens to the street.

K. Streets and Sight Triangles:

1. For plantings within ten (10) feet of any public street intersection, shrubs and groundcover shall not exceed two (2) feet in height and tree branching shall provide seven (7) feet of clearance measured from the top of the ground surface to the first branch along the tree trunk.
2. Root barriers shall be installed where street trees are planted within 5 feet of pavement within Public & Emergency Access Easement.

Nothing contained herein shall vary or supersede public safety requirements of the Town of Prosper as set forth in the Uniform Fire Code and other applicable laws, rules, and regulations of the Town of Prosper.

L. Landscaping: The standards and criteria contained in this Section are the minimum standards for all new development. Where the regulations of this Section conflict with the Town of Prosper Zoning Ordinance or the Dallas North Tollway (DNT) Guidelines, the regulations of this Section shall apply. Unless specifically identified in this Section, new developments shall comply with the landscape standards established in the Town of Prosper Zoning Ordinance and the Dallas North Tollway (DNT) Guidelines as of the date of adoption of this ordinance or as amended.

1. Any non-structured, off-street, surface parking that contains twenty (20) or more spaces shall provide interior landscaping as follows:
 - a. All landscaped areas shall be protected by a raised six (6) inch concrete curb. Pavement shall not be placed closer than four (4) feet from the trunk of a tree unless a Town approved root barrier is utilized.
 - b. Landscaped islands shall be located at the terminus of all parking rows, except for on-street parking, and shall contain at least one (1) large tree, three (3) inch caliper minimum, with no more than fifteen (15) parking spaces permitted in a continuous row without being interrupted by a landscape island.
 - c. Landscaped islands shall be a minimum of one hundred sixty (160) square feet, not less than nine (9) feet wide, measured from the inside face of curb, and a length equal to the abutting space.
 - d. All above grade utilities and trash enclosures in landscape areas shall be screened with evergreen plant material.

- e. For streets with on-street parking, trees shall be installed against the curb, within the sidewalk, in four (4) foot by four (4) foot areas with metal grates consistent with the development.
2. Permanent irrigation shall be provided for all required landscaping as follows:
 - a. Irrigation lines for perimeter landscaping shall be placed a minimum of two and one-half (2'-6") feet from a town sidewalk or alley. Reduction of this requirement is subject to review and approval by the Assistant Town manager or their designee.
 - b. Trees shall be irrigated with bubbler irrigation. Shrubs and groundcover shall be irrigated with in ground drip irrigation. Turf lawn shall be irrigated with spray irrigation.
 - c. Rain/Freeze sensors shall be installed on all irrigation systems.
 3. Drought tolerant and/or native plants from the Town's approved plant list are required for compliance. Other species may be utilized with approval from the Town as part of the Final Site Plan process.
 - a. Trees in sidewalks adjacent to on-street parking will be specifically selected with approval from the Town.
 4. All Landscape areas to be kept free of weeds, invasive plant species, and trash.
 5. Synthetic turf may be permitted so long as it is not visible from the public rights-of-way.

Building Criteria

The standards and criteria contained in this Section are the minimum standards for all new development. The regulations of this Section shall govern where the regulations of this Section conflict with the Town of Prosper Zoning Ordinance.

A. Tri-partite Architecture: All multi-story, mixed use buildings shall be designed and constructed in tri-partite architecture (having a distinct base, middle, and top) or an alternative, scale appropriate architectural treatment.

B. Building Height

1. Maximum Building Height: Twelve (12) stories.
 - a. Architectural embellishments not intended for human occupancy that are integral to the architectural style of the buildings, including spires, belfries, towers, cupolas, domes, and roof forms whose area in plan is no greater than 23% of the first-floor footprint may exceed the height limits by up to twenty (20) feet.
 - b. Mechanical equipment, including mechanical/elevator equipment penthouse enclosures, ventilation equipment, antennas, chimneys, exhaust stacks and flues, fire sprinkler tanks, and other similar constructions may extend up to twenty (20) feet above the actual building height, provided that: 1) they are setback from all exterior walls a

distance at least equal to the vertical dimension that such item(s) extend(s) above the actual building height, or 2) the exterior wall and roof surfaces of such items that are set back less than the vertical dimension above the actual building are to be constructed as architecturally integral parts of the building facade(s) or as architectural embellishments as described above. Mechanical equipment shall not be visible from the public right-of-way, measured at six (6) feet above finish grade at the Public & Emergency Access Easement line.

2. Minimum Building Height by use type:

- a. Office: four (4) story.
- b. Multifamily
 - i. Apartments: four (4) story.
 - ii. Condominiums: four (4) story.
- c. Hotel: four (4) story
- d. Retail: one (1) story.

C. Building Materials:

1. Materials such as brick, natural and manufactured stone, curtain wall and window wall glazing, and cementitious panel system shall be considered primary materials. Primary materials shall comprise of at least seventy-five percent (75%) of each elevation, exclusive of doors and windows. Where cementitious panel is applied, it shall be limited to no more than 50% of a building's material. Non-primary, or secondary materials, may include stucco and metal panel systems.

- a. Where Multifamily is concerned, primary materials shall be limited to brick, natural and manufactured stone, and cementitious panel system.

2. Only primary building materials are allowed on the first floor with the exception of cementitious panels. For purposes of this section, the first floor shall be at least nine (9) feet high and, at minimum, 90% shall be constructed of masonry cladding.

3. All buildings shall be architecturally finished on all sides with articulation, detailing, and features. Architectural articulation, detailing, and features are not required for facades adjacent to a building or parking garage.

D. Window Areas:

1. For buildings which front on streets with on-street parking and contain non-residential uses on the ground floor, a minimum of thirty (30) percent of the ground floor facade shall be windows.

- a. Clear glass is required in all non-residential storefronts. Smoked, reflective, or black glass that blocks two-way visibility is only permitted above the first story.

- b. pink or gold glass shall be prohibited.

E. Building Entries:

1. Main building entries shall be highlighted using such techniques as building articulation and/or entry canopies so they are obvious to pedestrians and motorists.
2. Each building and separate lease space at grade along the street edge shall have a functioning Primary Entry from the sidewalk. Corner entries may count as a Primary Entry for both intersecting street fronts.

F. Awnings, canopies, Arcades, & Overhangs:

1. Structural awnings are encouraged at the ground level to enhance articulation of the building volumes.
2. The material of awnings and canopies shall be architectural materials that complement the building.
3. Awnings shall not be internally illuminated.
4. Canopies should not exceed one hundred (100) linear feet without a break of at least five (5) feet.
5. Canopies and awnings shall respect the placement of street trees and lighting.

G. Building Articulation:

1. That portion of the building where retail or service uses take place on the first floor shall be accentuated by including awnings or canopies, different building materials, or architectural building features.
2. Building facades fronting both streets and driveways should have massing changes and architectural articulation to provide visual interest and texture and reduce large areas of undifferentiated building facade. Design articulation should employ changes in volume and plane. Architectural elements including projecting volumes, windows, balconies, loggias, canopies, pediments, and moldings that break up the mass of the building are encouraged.

H. Above Grade Structured Parking:

1. Where parking garages are within views of public streets, openings in parking garages shall not exceed 55% of the facade area. The portion of the parking garage that is visible from the street shall have an architecturally finished facade compatible with the surrounding buildings.
2. It is the intent of this provision that the facades of surrounding buildings and the facades of any parking structures within view of public streets shall be visually similar, with construction materials being compatible.
3. Entries and exits to and from parking structures shall be clearly marked for both vehicles and pedestrians by materials, lighting, signage, etc., to ensure pedestrian safety on sidewalks.

I. Projections into Setbacks and/or Rights-of-Way:

The following projections shall be permitted into a building setback or Public & Emergency Access Easement as allowed below, provided that 1) no projection shall be permitted into a building setback or right-of-way of Dallas North Tollway; 2) such projections do not extend over the traveled portion of a roadway; 3) the property owner has assumed liability related to such projections; 4) the property owner shall maintain such projection in a safe and non-injurious manner; 5) no projections allowed over franchise utility corridors unless the projection is thirteen and one half (13.5) feet above finish grade; and 6) no projections allowed over public utility where located within a fire lane or public utility easement.

1. Ordinary building projections, including, but not limited to water tables, sills, belt courses, pilasters, and cornices may project up to twenty-four (24) inches beyond a building face or architectural projection into the setback, but not the Public & Emergency Access Easement.
2. Business signs and roof eaves may project up to ten (10) feet beyond the building face or architectural projection into the setback, but not the Public & Emergency Access Easement.
3. Architectural projections, including balconies, bays, towers, and oriels; show windows (1st floor only); below grade vaults and areaways; and elements of a nature similar to those listed; may project up to ten (10) feet beyond the building face into the setback, but not the Public & Emergency Access Easement.
4. Canopies and/or awnings may project from the building face over the entire setback. Additionally, they may be extended into the Public & Emergency Access Easement to be within eight (8) inches of the back of curb if used to provide a covered walkway to a building entrance and as long as any canopy/awning support is no closer than twenty-four (24) inches from the back of curb and does not extend over any fire lane or public utility easement.
5. Below-grade footings approved in conjunction with building permits.

Permitted Uses

Schedule of Permitted Business Establishments for the Dallas North Tollway District: Uses followed by an -S- are permitted by Specific Use Permit. Uses followed by a -C- are permitted subject to conditional development standards located in the Town's Zoning Ordinance as it exists or may be amended.

Administrative, Medical, Insurance or Professional Office

Antique Shop

Automobile Paid Parking Lot/Garage

Automobile Parking Lot/Garage

Bank, Savings and Loan, or Credit Union

Beauty Salon/Barber Shop as an Incidental Use

Big Box (S)

Building Material and Hardware Sales, Major (S)
Business Service
Catering Business
Child Care Center, Incidental (Care of Children of Employees in the Building)
Civic/Convention Center
College, University, Trade, or Private Boarding School
Commercial Amusement, Indoor (S)
Farm, Ranch, Stable, Garden, or Orchard
Food Truck Park (C)
Furniture, Home Furnishings and Appliance Store
Governmental Office
Gymnastics/Dance Studio (S)
Health/Fitness Center (S)
Helistop (S)
Hospital
Hotel, Full Service (C)
House of Worship
Massage Therapy, Licensed as an Incidental Use
Meeting/Banquet/Reception Facility (S)
Mobile Food Vendor (S)
Multifamily
Municipal Uses Operated by the Town of Prosper
Museum/Art Gallery
Outdoor Merchandise Display, Temporary
Park or Playground
Print Shop, Minor
Private Club (C)
Private Utility, Other Than Listed
Research and Development Center (S)

Restaurant without Drive-thru or Drive-in Service (C)

Retail Stores and Shops

Retail/Service Incidental Use

School, Private or Parochial

School, Public

Telephone Exchange

Temporary Buildings for Churches, Public Schools and Governmental Agencies (S)

Theater, Neighborhood

Theater, Regional

Winery (enclosed operations)

Wireless Communications and Support Structures (Cell Tower) (S)

NEIGHBORHOOD SUB-DISTRICT

NEIGHBORHOOD SUB-DISTRICT

Purpose & Intent

The purpose of the Neighborhood Sub-District is to provide for a variety of developments in a suburban type setting which will provide residential units and supporting retail space.

Site Criteria

A. Size of Yards:

1. Townhomes (lots shall be fee-simple)

- i. Minimum Front Yard: Ten (10) feet.
- ii. Minimum Side Yard: Zero (0) feet.
- iii. Minimum Rear Yard: Twenty (20) feet.
- iv. Maximum Building Height: Thirty-Five (35) feet (as measured from the finish floor to the top plate), or three (3) stories.
- v. Minimum Dwelling Area: One Thousand (1,000) square feet.
- vi. Minimum Building Separation: Twenty (20) feet.
- vii. Maximum Units Per Building: six (6) units

2. Commercial

- i. Minimum Front Yard: Ten (10) feet.
- ii. Minimum Side Yard: Five (5) feet.
- iii. Minimum Rear Yard: Five (5) feet.
- iv. Maximum Building Height: Forty-five (45) Feet (as measured from the finish floor to the top plate), or three (3) stories

B. Build-to-Line: On streets with on-street parking, a build-to-line shall be required. A -build-to-line- is a line parallel to a public or private street where the primary facade of the building must be built to.

- 1. Buildings with non-residential uses on the first floor: A build- to-line shall be established at the minimum front yard setback. The primary facade shall be continuous along a block face and at least 70% shall be located within 5' of the build-to-line.
- 2. Buildings with residential uses on the first floor: The primary facade of a residential dwelling shall be built 10' to 15' from the property line. Stairs, stoops, and elevated patios shall be allowed within the front setback. Any land remaining in the setback shall be landscaped with plant materials other than grass and shall be irrigated per the requirements established.
- 3. Residential lots may front on public or private open space or a property owner's association lot.

C. Size of Lots:

- 1. Minimum Size of Lot Area: Three thousand (3,000) square feet
- 2. Minimum Lot Width: Twenty (20) feet.

3. Minimum Lot Depth: Sixty (60) feet.

D. Maximum Lot Coverage: One Hundred (100) percent. Parking structures and surface parking facilities shall be excluded from lot coverage computations.

E. Floor Area Ratio: Maximum 5.0:1.

F. Housing: The following performance standards shall apply to residential development.

1. The maximum density allowed shall be sixty (60) units within the Neighborhood Sub-District.

2. The minimum number of townhome units shall be forty-two (42) units.

G. Maximum Floor Area Per Building: Twenty thousand (20,000) square feet.

H. Parking:

1. The number of parking spaces provided for uses shall be in accordance with the breakdown established in the GENERAL REQUIREMENTS section of these standards.

2. Required parking shall be located and maintained anywhere within the PD No. 119, including all sub-districts.

a. Where Townhome uses are concerned, parking may not be shared.

3. On-street parking and shared parking anywhere within the PD No. 119, including all sub-districts, except for Townhome uses, may be counted towards meeting the off-street parking requirement for any use within the sub-district.

4. Where on-street parking is provided, angled, as well as parallel parking shall be permitted.

5. Where on-street parking is provided, vehicle maneuvering shall be allowed within the Public & Emergency Access Easement.

6. When structured garages are provided, adequate access from public rights-of-way via private drives and/or access easements shall be made readily available.

7. Parking spaces that face and are adjacent to a building shall utilize curbs, wheel stops, and/or bollards.

8. Speed bumps/humps are not permitted within a fire lane.

9. Dead-end parking aisles are not permitted in surface parking lots.

10. In the case of mixed uses, uses may share parking spaces.

I. Service Equipment and Areas:

1. Loading docks, truck parking, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building or placed behind or on the side of a building. On corner lots, these areas should be located behind the buildings. All solid waste trash collection structures shall be designed to accommodate the Town's current trash service provider. This includes, but not limited to, minimum dumpster enclosure requirements, approach geometry and other features for operational needs.

2. Transformers, HVAC equipment (if located at the ground level), private utility meters, and other machinery, where practical, should be located at the rear of the property.

- a. Public water meters shall be located within easements, outside of pavement, and adjacent (within 2-5 feet) to Public & Emergency Access Easement or dedicated fire lanes that include utility easements.

J. Screening:

1. Service equipment and areas shall be screened so the visual impacts of these functions are fully contained and out of view from adjacent properties and public streets, provided public utility providers allow for screening.
2. Solid waste collection and loading areas shall be located to minimize visibility. These areas shall be screened by a eight (8) foot high wall built with the same materials as used for the principal building, or an otherwise approved solid masonry material. Trash dumpsters shall have a metal gate or door equal in height or the height of the wall, which shall generally remain closed at all times. Waste collection and loading area walls shall include shrubbery as to screen walls from the public realm.
3. Where rooftop-mounted mechanical equipment is not screened from view at a point twenty feet above ground level at the property line, alternative forms of screening are required, and may be constructed of metal, acrylic, or a similar material, subject to approval by the Director of Development Services.

K. Fencing: Fencing is allowed between the primary facade of the building and the property line. In the above instances the fence shall be no greater than forty-two (42) inches in height. Fencing is restricted to wrought iron, tubular steel or similar material, or masonry. The masonry portion of any fence in front of a building shall be no higher than three (3) feet. The masonry portion of the fence must be at least 30% open in construction for each residential unit or retail/restaurant/office/service lease space. Each residential unit or retail/restaurant/office/service lease space must have an operable gate that opens to the street.

L. Streets and Sight Triangles: Within the Neighborhood Sub-District the following street design standards shall apply. Except as provided herein, no sight triangle shall be required. Adequate sight distance will be provided at all intersections through the use of appropriate traffic control devices. Sight triangles, per the Town of Prosper's requirements, for vehicles exiting the development for both public streets and private driveways shall be provided at intersections with Shawnee Trail.

1. For plantings within ten (10) feet of any public street intersection, shrubs and groundcover shall not exceed two (2) feet in height and tree branching shall provide seven (7) feet of clearance measured from the top of the ground surface to the first branch along the tree trunk.

Nothing contained herein shall vary or supersede the public safety requirements of the Town of Prosper as set forth in the Uniform Fire Code and other applicable laws, rules, and regulations of the Town of Prosper.

M. Landscaping: The standards and criteria contained in this Section are the minimum standards for all new development. Where the regulations of this Section conflict with the Town of Prosper Zoning Ordinance or the Dallas North Tollway (DNT) Guidelines, the regulations of this Section shall apply. Unless specifically identified in this Section, new developments shall comply with the landscape

standards established in the Town of Prosper Zoning Ordinance and the Dallas North Tollway (DNT Guidelines as of the date of adoption of this ordinance or as amended.

1. Any non-structured, off-street, surface parking that contains twenty (20) or more spaces shall provide interior landscaping as follows:
 - a. All landscaped areas shall be protected by a raised six (6) inch concrete curb. Pavement shall not be placed closer than four (4) feet from the trunk of a tree unless a Town approved root barrier is utilized.
 - b. Landscaped islands shall be located at the terminus of all parking rows, except for on-street parking, and shall contain at least one (1) large tree, three (3) inch caliper minimum, with no more than fifteen (15) parking spaces permitted in a continuous row without being interrupted by a landscape island.
 - c. Landscaped islands shall be a minimum of one hundred sixty (160) square feet, not less than nine (9) feet wide, measured from the inside face of curb, and a length equal to the abutting space.
 - d. All above grade utilities and trash enclosures in landscape areas shall be screened with evergreen plant material.
 - e. For streets with on-street parking, trees shall be installed against the curb, within the sidewalk, in four (4) foot by four (4) foot areas with metal grates consistent with the development.
2. Except for the landscape easement adjacent to the deceleration lane on Shawnee Trail, the landscape easement within the POA Lot adjacent to Shawnee Trail will be a minimum of twenty-five (25) feet.
3. Permanent irrigation shall be provided for all required landscaping as follows:
 - a. Irrigation lines for perimeter landscaping identified in (1) above, shall be placed a minimum of two and one-half (2'-6") feet from a town sidewalk or alley. Reduction of this requirement is subject to review and approval by Executive Director of Development and Community Services.
 - b. Trees shall be irrigated with bubbler irrigation. Shrubs and groundcover shall be irrigated with in ground drip irrigation. Turf lawn shall be irrigated with spray irrigation.
 - c. Rain/Freeze sensors shall be installed on all irrigation systems.
4. Drought tolerant and/or native plants from the Town's approved plant list are required for compliance. Other species may be utilized with approval from the Town as part of the Final Site Plan process.
 - a. Trees in sidewalks adjacent to on-street parking will be specifically selected with approval from the Town.
4. All Landscape areas to be kept free of weeds, invasive plant species, and trash.
5. Synthetic turf may be permitted so long as it is not visible from the public rights-of-way.

Building Criteria

The standards and criteria contained in this Section are the minimum standards for all new development. The regulations of this Section shall govern where the regulations of this Section conflict with the Town of Prosper Zoning Ordinance.

A. Maximum Building Height:

1. Three (3) stories.
2. Architectural embellishments not intended for human occupancy that are integral to the architectural style of the buildings, including spires, belfries, towers, cupolas, domes, and roof forms whose area in plan is no greater than 25% of the first-floor footprint may exceed the height limits by up to ten (10) feet.
3. Mechanical equipment, including mechanical/elevator equipment penthouse enclosures, ventilation equipment, antennas, chimneys, exhaust stacks and flues, fire sprinkler tanks, and other similar constructions may extend up to ten (10) feet above the actual building height, provided that: 1) they are setback from all exterior walls a distance at least equal to the vertical dimension that such item(s) extend(s) above the actual building height, or 2) the exterior wall and roof surfaces of such items that are set back less than the vertical dimension above the actual building are to be constructed as architecturally integral parts of the building facade(s) or as architectural embellishments as described above. Mechanical equipment shall not be visible from the Public & Emergency Access Easement, measured at six (6) feet above finished grade at the Public & Emergency Access Easement line.

B. Building Materials:

1. Materials such as brick, natural and manufactured stone, curtain wall and window wall glazing, and cementitious panel system shall be considered primary materials. Primary materials shall comprise at least seventy-five (75) percent of each elevation, exclusive of doors and windows.
 - a. Townhomes shall be constructed of no less than 75% brick masonry, calculated from the aggregate of the front, rear and side elevations.
2. Only primary building materials are allowed on the first floor excluding cementitious panel systems, exclusive of doors, windows, and their accompanying frames. For purposes of this section, the first floor shall be at least nine (9) feet high.
3. All buildings shall be architecturally finished on all sides with articulation, detailing, and features. Architectural articulation, detailing, and features are not required for facades adjacent to a building or parking garage.

C. Windows:

1. For buildings which front on streets with on-street parking and contain non-residential uses on the ground floor, a minimum of thirty (30) percent of the ground floor facade shall be windows.

a. Clear glass is required in all non-residential storefronts. Smoked, reflective, or black glass that blocks two-way visibility is only permitted above the first story.

b. pink or gold glass shall be prohibited.

2. For buildings which front on streets, and contain residential uses, a minimum of thirty (30) percent of the facade shall be windows.

D. Horizontal articulation: No building wall shall extend for a distance equal to four (4) times the wall's height without having an off-set equal to 25% of the wall's height. The new plane shall then extend for a distance equal to at least 25% of the maximum length of the first plane.

E. Building Entries: Main building entries shall be highlighted using such techniques as building articulation and/or entry canopies so they are obvious to pedestrians and motorists.

F. Above Grade Structured Parking:

1. Where parking garages are within views of streets, openings in parking garages shall not exceed 53% of the facade area. The portion of the parking garage that is visible from the street shall have an architecturally finished facade compatible with the surrounding buildings.

2. Entries and exits to and from parking structures shall be clearly marked for both vehicles and pedestrians by materials, lighting, signage, etc., to ensure pedestrian safety on sidewalks.

G. Projections into Setbacks and/or Rights-of-Way:

The following projections shall be permitted into a building setback or Public & Emergency Access Easement as allowed below, provided that 1) no projection shall be permitted into a building setback or right-of-way of Shawnee Trail; 2) such projections do not extend over the traveled portion of a roadway; 3) the property owner has assumed liability related to such projections; and 4) the property owner shall maintain such projection in a safe and non-injurious manner; and 5) no projections allowed over franchise utility corridors unless the projection is thirteen and one half (13.5) feet above finish grade; and 6) no projections allowed over public utility where located within a fire lane or public utility easement..

1. Ordinary building projections, including, but not limited to water tables, sills, belt courses, pilasters, and cornices may project up to twelve (12) inches beyond a building face or architectural projection into the setback, but not the Public & Emergency Access Easement.

2. Business signs and roof eaves may project up to ten (10) feet beyond the building face or architectural projection into the setback, but not the Public & Emergency Access Easement.

3. Architectural projections, including balconies, bays, towers, and oriels; show windows (1st floor only); below grade vaults and areaways; and elements of a nature similar to those listed;

may project up to ten (10) feet beyond the building face into the setback, but not the Public & Emergency Access Easement.

4. Canopies and/or awnings may project from the building face over the entire setback. Additionally, they may be extended into the Public & Emergency Access Easement to be within eight (8) inches of the back of curb if used to provide a covered walkway to a building entrance and as long as any canopy/awning support is no closer than twenty-four (24) inches from the back of curb and does not extend over any fire lane or public utility easement.

5. Below-grade footings approved in conjunction with building permits.

Permitted Uses

Schedule of Permitted Business Establishments for the Dallas North Tollway District: Uses followed by an -S- are permitted by Specific Use Permit. Uses followed by a -C- are permitted subject to conditional development standards located in the Town's Zoning Ordinance as it exists or may be amended.

Administrative, Medical, Insurance or Professional Office

Antique Shop

Automobile Paid Parking Lot/Garage

Automobile Parking Lot/Garage

Bank, Savings and Loan, or Credit Union

Beauty Salon/Barber Shop as an Incidental Use

Big Box (S)

Building Material and Hardware Sales, Major (S)

Business Service

Catering Business

Child Care Center, Incidental (Care of Children of Employees in the Building)

Civic/Convention Center

College, University, Trade, or Private Boarding School

Commercial Amusement, Indoor (S)

Farm, Ranch, Stable, Garden, or Orchard

Food Truck Park (C)

Furniture, Home Furnishings and Appliance Store

Governmental Office

Gymnastics/Dance Studio (S)

Health/Fitness Center (S)
Helistop (S)
Hospital
House of Worship
Massage Therapy, Licensed as an Incidental Use
Meeting/Banquet/Reception Facility (S)
Mobile Food Vendor (S)
Municipal Uses Operated by the Town of Prosper
Museum/Art Gallery
Outdoor Merchandise Display, Temporary
Park or Playground
Print Shop, Minor
Private Club (C)
Private Utility, Other Than Listed
Research and Development Center (S)
Restaurant without Drive-thru or Drive-in Service (C)
Retail Stores and Shops
Retail/Service Incidental Use
School, Private or Parochial
School, Public
Telephone Exchange
Temporary Buildings for Churches, Public Schools and Governmental Agencies (S)
Theater, Neighborhood
Theater, Regional
Townhome
Veterinarian Clinic and/or Kennel, Indoor (S)
Winery (enclosed operations)
Wireless Communications and Support Structures (Cell Tower) (S)

GENERAL REQUIREMENTS

GENERAL REQUIREMENTS

A. Development shall generally take place in accordance with the attached Concept Plan (Exhibit D).

Plats and/or site plans submitted for the development shall conform to the data presented and approved on the conceptual development plan. Changes of detail on these final development plan(s) that differ from the conceptual development plan may be authorized by the Town staff, with their approval of the final development plan(s) and without public hearing, if the proposed changes do not:

1. alter the basic relationship of the proposed development to adjacent property,
2. alter the uses permitted,
3. increase the density,
4. increase the building height,
5. increase the coverage of the site,
6. reduce the off-street parking ratio,
7. reduce the building lines provided at the boundary of the site, or
8. significantly alter any open space plans.

If the Town staff determines that the proposed change(s) violates one (1) or more of the above eight (8) criteria, then a public hearing must be held by the Planning and Zoning Commission and the Town Council to adequately amend the granting ordinance prior to the Planning & Zoning Commission's approval of the final development plan(s).

B. A minimum twenty (20) percent of the total area in this planned development shall be provided as open space.

Open spaces may include areas used for facilities such as plazas, courts, recreational amenities, water features and other similar uses not specifically used for vehicular access and parking.

Additionally, detention areas shall contain a constant water level and are landscaped or otherwise treated as an amenity for the development, they may be used to meet the open space requirement.

The open space may not consist of any of the following elements:

1. Vehicular parking.
2. Required parking lot tree islands.
3. Building footprints.
4. Utility yards.

The open space may consist of any of the following elements:

5. Landscape easements, setbacks, or any other landscaping as listed in Chapter 2, Section 4 of the zoning ordinance.
6. Public plazas.
7. Detention/ Retention ponds, when activated with pedestrian access.

C. Design Guidelines: Design Guidelines will be created, and approved by Staff, to govern the following details.

1. Street sections, including sidewalks
2. Public realm standards, including sidewalks, benches, signage, planters, outdoor seating areas, landscape, parking, and lighting.
3. Multifamily characteristics are generally set forth below, and may be applied to other uses as appropriate.
 - a. Special Provisions: typical floor height ten-twelve feet, air condition corridors, Hospitality-style amenity centers, Resort-style pool, State-of-the-art fitness centers, and hidden trash collection.

b. Architectural Provisions

Facade Composition

For multi-story buildings, the overall composition of the façade should incorporate a three-part hierarchy of base, body, and cap to emphasize verticality and to maintain a balanced façade composition. In addition, the cap of the building should be architecturally distinguished to provide a visual termination to the facade and interest at the skyline.

All buildings must be composed of:

Building Base: The “base” of the building clearly defines the realm of the public space and provides the necessary spatial enclosure. The base of the building is also the device that effectively engages the pedestrian, defining the character and quality of a street or public space. It also houses the uses with the most intensity. The height of the base varies depending on the overall building height. The “base” shall consist of the area of wall immediately along the ground floor level to the “body” of the building. The transition from “base” to “body” may be expressed either horizontally, through a shift in the vertical plane or, vertically through a change in building materials along a level line. The base shall be between 16’ minimum and, in buildings of at least four stories, may include up to the floor line of the third floor.

Building Body: The “body” of the building comprises the majority of the building, mainly defined by its structural composition. It houses the main use and engages all fronts. The “body” shall consist of the area of wall from the “base” to the “cap.” The transition from “body” to “cap” may be expressed either horizontally, through a shift in the vertical plane or vertically through a change in building materials along a level line.

Building Cap: The “cap” of the building could either encompass the last floor of a building and roof, or be the area above the eave or before the parapet line depending upon the height or number of stories of the building. The “cap” clearly terminates the “body” of the building. The building top is determined by the height of the building and

is not subject to elements of style. The “cap” shall consist of the area of wall from the top floor level to the parapet or the area of wall from the roof line to the top of the parapet wall. Optional Body Setback: The optional body setback is a change in the depth of the vertical plane of the primary facade along the full width of the building at the transition point between the “base” and the “body” of the building. This setback clearly divides the base from the rest of the building and provides the opportunity for an interim cornice line at the top of the base. The depth of the setback varies, but should be noticeable, in order to perceive the change between the two parts.

Building Composition

By subdividing the building mass into a series of well-scaled volumes, and then articulating those volumes with window systems, different materials, and special elements, a rich architectural form can be created. True to its classical roots, this approach to design provides a rational method of creating a wide variety of buildings with individual character, that still create a unified ensemble. The concept of “bay spacing” is critical in helping to maintain an appropriate human scale by breaking up the massing of large buildings as well as in creating a lively and interesting streetscape rhythm.

Traditional downtown streetscapes were often comprised of individual buildings divided into 25 ft. wide parcels facing the primary street. Many buildings were one-lot wide (25'), although later buildings spanned more than one lot. Wider building facades were typically divided into repeated sections, or “bays”, ranging from 15 ft. to 30 ft. in width on the ground floor. This pattern of bay spacing echoed, rather than over-whelmed, adjacent buildings that might only be one lot wide. Upper stories often were consistent across two, three or five bays, unifying the building as a whole. Buildings in the Mixed-Use area should reflect these traditional building facades, and should express a façade composition ranging from one bay width to no more than 5 bay widths in length.

Special Conditions

All elevations of buildings that can be seen from either the street or public spaces shall be considered “primary facades” and shall be designed as “fronts.” Buildings occupying lots with two frontages, such as on corner lots, shall treat both building walls as “primary facades” with each being equally considered as “fronts.” Additional detailing and attention can be applied to these two-fronted scenarios in order to better landmark the corner to enhance the architectural character as well as to improve pedestrian and vehicular way finding.

Scale & Massing

The overall scale and mass of the buildings that make up a neighborhood play a key role in attracting patrons, pedestrians, and activities to a particular area. Buildings provide the perimeter walls for streets and public spaces and should be designed in a manner that is consistent with the nature of the spaces that they define. Buildings should share with their neighbors a sense of harmony that reveals focus on defining high quality,

vibrant public spaces. In the mixed-use area, the focus of building design should concentrate on the creation of collective expression - on clearly defined public and outdoor spaces and streetscapes as a cohesive and legible whole - rather than on individual buildings with a strong individual expression.

New construction should give consideration to appropriate form and proportion as reflected in the tradition of vernacular, mixed-use buildings. Buildings should be rectangular, facing the street with the facade aligned with the front property line. Angled or non-rectilinear buildings, unless relating to the street alignment, are inappropriate. The bulky form of the overall mass should be articulated into a series of forms which provide a variety of scale and proportion. The “Base” of a building should maintain a consistent building plane along the building frontage except to provide recessed storefront entrances, a special corner feature, usable open space for out-door dining, or to form a mid-block pedestrian passageway.

Commercial construction on a primarily residential block should be designed to reflect a residential character. A front yard setback for commercial uses at some interface locations is desirable. Creating a height transition by locating taller building portions toward areas with larger scaled buildings and lower portions toward residential areas is preferable. Long, rectangular buildings should be articulated into two or three distinct facade elements, separated either by recesses, changes in materials, structural elements, or sub-divided into individual facades separated by panels. Special architectural treatment and detailing should be located at the corners of the building and at the mid-point of the main building mass.

Doors, Windows, & Openings

The different elements defined by the massing, are further articulated by different door, window and wall systems. These systems will vary by use, but may include the following: a curtainwall, generally used in the recessed elements; a storefront system for commercial applications; a primary wall with square punched openings; a secondary wall system with rectangular punched openings; and a system of columns and lintels placed in front of curtain walls or storefronts for special portions of the buildings. The combination of this articulated massing and the reinforcement of forms with different materials and window patterns result in a lively composition with the capacity to define dynamic urban space.

Doorways are celebrated and made monumental by a series of special elements added to the frame around the wall. All window and door openings shall be square or vertical in proportion, and any other divisions of openings shall happen as a system of squares or vertically proportioned rectangles. Grouped or “ganged” windows shall be treated as a single opening, unless they are separated by a minimum 4 inch divider. Windows and doors may meet at building corners, or shall be a minimum of twenty-four inches from the building corner. Shading devices over doors and windows are permitted to be cantilevered and made of any architectural grade material, but shall be fully functional rather than simply decorative. All arcade openings (or “voids”) shall be vertical in proportion.

Transparency

Design distinction between upper and lower floors shall be maintained by developing the ground level facade as primarily transparent and inviting to the public. For commercial uses, the use of storefront windows, typically consisting of glass set in wood, clad wood, or metal frames creates a highly inviting and transparent street level facade. Retail ground floors shall have between 60% and 80% glazing, as measured from grade to the underside of the slab above. Colored or mirrored glazing and glass block are inappropriate.

Upper floors generally employ a different ratio of solid area versus opening area and are differentiated from the more transparent ground floor by having more solid area than void area and through the use of smaller, vertically oriented windows in a regular pattern. Ground levels use can also be differentiated through a change in transparency. Commercial uses, such as retail, shall be more transparent than smaller office or residential uses. This change in the pattern of doors, windows, and openings helps to clarify the various uses for the pedestrian by highlighting the nature of public, semi-public, and private tenants.

Rhythm

Building facades are comprised of a series of patterns, from the number and spacing of bays, the number and spacing of floor levels, the disposition of openings and architectural details, and the arrangement and palette of materials, which create an inherent rhythm. Symmetry, repeated bays with expressed structural elements, and the repetition of windows and doors create the essential rhythm of the facade. This rhythm can be further reinforced by changing materials, patterns, reveals, building setbacks, façade portions or by using design elements such as column or pilasters, which establish a legible vertical and horizontal arrangement of the various building elements comprising the facade.

Vertical Alignment

In vernacular buildings, the expression of the structural system follows traditional construction patterns. As a result, openings are generally stacked above other openings and solid areas in the facade are stacked above structural elements. This vertical alignment, determined primarily by structural requirements, reinforces the “bay” system and helps to clarify the overall building composition. Setbacks, reveals, and projections in the vertical plane of the building facade can also serve to enhance the legibility of this composition.

Horizontal Alignment

As well as following a clear vertical alignment, traditional facades were equally organized horizontally. As previously described, buildings should be divided into three distinct components: the Base, the Body, and the Cap. The height of these various elements should be carefully designed so that there is a general consistency along the entire streetscape. Dramatic changes in building heights will not be allowed. Within

each building composition, care should be made to align horizontal elements, including building cornices, sill heights, floor levels, decorative moldings and windows.

Walls

All elevations of buildings that can be seen from public spaces shall be designed as “fronts.” Street facades should include elements to maintain pedestrian scale and interest. Architectural details and facade articulation including recesses for outdoor dining areas, display cases, public art integrated with the building design, and additional architectural elements and details help create visual interest. Avoid large featureless facade surfaces by incorporating traditionally sized building components, standard window sizes, standard brick and siding sizes, trim and details. Blank walls and blind facades visible from public streets are prohibited.

Columns & Lintels

The columns and lintels in Clearfork derive from the vocabulary of traditional architecture, but can be abstracted and reinterpreted to incorporate contemporary building techniques. Although they may be purely ornamental, columns and lintels should be designed and detailed in character with the traditional construction patterns of the load bearing buildings of the vernacular architectural styles of central Texas.

Awnings & Canopies

Canopies and awnings shall not be used above the “base” and they shall coordinate with a horizontal element of the storefront. They shall project at least six feet, so as to provide shade and shelter to pedestrians. Canopies and awnings of commercial establishments shall be permitted to encroach over the setback. Canopies and awnings shall extend horizontally from the building and shall be supported by rods, cables or brackets. The bottom of the canopy and the awning shall be a minimum of eight feet above the sidewalk.

Canopies of commercial establishments shall be made of wood, metal or glass. Lettering may be applied to the edges of canopies.

Awnings of commercial establishments shall be made of canvas or synthetic material having the appearance of canvas. Awnings shall be triangular in section. Awnings may have side panels, but shall not have a panel enclosing the underside of the awning. Internal structure of awnings shall be galvanized pipe or extruded aluminum framework. Awnings shall not be translucent or internally illuminated. Awnings may have lettering on the valance only.

4. Hotel characteristics are generally set forth below.

Hotel, Full Service. Full Service Hotel developments shall be subject to the following development standards:

a. External balconies and walkways shall be set back 200 feet from any residential zoning district.

b. Shall provide management staff on-site 24 hours a day.

c. Shall provide at least four amenities from the list below:

- Indoor/Outdoor Pool
- Spa/Sauna
- Weight Room/Fitness Center
- Playground
- Sports Court
- Game Room
- Jogging Trail

d. Shall provide a full-service restaurant offering three meals a day.

e. Shall provide a minimum total of 20,000 square feet of meeting/event space.

f. No more than five percent of the total number of guest rooms shall have cooking facilities.

g. All room units must be accessed through an internal hallway, lobby, or courtyard.

h. All rooms shall be a minimum of two hundred (200) square feet.

D. All utility lines shall be underground from the building to the property line. Utility lines within the Public & Emergency Access Easement shall be placed underground and relocated to the rear of the site to the maximum extent practicable.

E. Conditional Development Standards, shall be in accordance with the Zoning Ordinance, as it exists, or may be amended, except as follows:

1. Mobile Food Vendors - Mobile food vendors are permitted in this planned development, in accordance with the Conditional Development Standards of the Zoning Ordinance, as is exists or may be amended, except as follows:

a. Mobile food vendors are not required to be located on property where an existing, permanent business operates in a building with a Certificate of Occupancy.

b. Mobile food vendors are not required to be located within fifty feet (50') of an entrance of a primary building that holds the Certificate of Occupancy, however, they shall have access to a public restroom.

c. Mobile food vendors may be located on public property other than public street travel lanes. Order windows shall face outward towards public sidewalk. At no time shall any part of food truck operations use main lanes without a special use permit issued by the Town;

- d. Mobile food vendors may be located on private property with the written consent of the owner;
- e. Mobile food vendors shall not operate in driveways or fire lanes;
- f. Mobile Food vendors cannot remain more than 24 hours and shall return to the approved commissary.
- g. Prior to issuance of a permit, an application shall be submitted to the Development Services Department and containing any information required by staff to evaluate the impacts including but limited to location, parking and accessibility.

F. Parking Requirements Based on Use.

In all Sub- Districts, at the time any building or structure is erected or structurally altered, parking spaces shall be provided in accordance with the following requirements. A mixed-use discount of 20% shall be applied to the overall development, except for Townhomes, where shared parking is concerned.

Bank, Savings and Loan, or similar Establishments: One (1) space per three hundred fifty (350) square feet of gross floor area.

Bed and breakfast facility: One (1) space per guest room in addition to the requirements for normal residential use.

Business or professional office (general): One (1) space per three hundred fifty (350) square feet of gross floor area.

College or University: One (1) space per each day student.

Community Center, Library, Museum, or Art Gallery: Ten (10) parking spaces plus one additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one (1) space for each four (4) seats that it contains.

Commercial Amusement: One (1) space per three (3) guests at maximum designed capacity.

Dance Hall, Assembly or Exhibition Hall Without Fixed Seats: One (1) parking space for each two hundred (200) square feet of floor area thereof.

Dwellings, Multifamily: One (1) space for each bedroom in one (1) and two (2) bedroom units, plus one half (1/2) additional space for each additional bedroom.

Farmer's Market, Flea Market: One (1) space for each five hundred (500) square feet of site area.

Fraternity, Sorority, or Dormitory: One (1) parking space for each two (2) beds on campus, and one and one-half (1 'A) spaces for each two beds in off campus projects.

Furniture or Appliance Store, Wholesale Establishments, Machinery or Equipment

Sales and Service, Clothing or Shoe Repair or Service: Two (2) parking spaces plus one (1) additional parking space for each four hundred (400) square feet of floor area over one thousand (1,000).

Health Studio or Club: One (1) parking space per two hundred (200) square feet of exercise area.

Hospital: One (1) space per employee on the largest shift, plus one and one-half (1.5) spaces per each bed or examination room, whichever is applicable.

Hotel: One (1) parking space for each sleeping room or suite plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein.

Kindergartens, day schools, and similar child training and care establishments: shall provide one (1) paved off-street loading and unloading space for an automobile on a through -circular-drive for each ten (10) students, or one (1) space per ten (10) students, plus one (1) space per teacher.

Library or Museum: Ten (10) spaces plus one (1) space for every three hundred (300) square feet, over one thousand (1,000) square feet.

Lodge or Fraternal Organization: One (1) space per two hundred (200) square feet.

Medical or Dental Office: One (1) space per three hundred fifty (350) square feet of floor area.

Nursing Home: One (1) space per five (5) beds and one (1) parking space for each one thousand (1,000) square feet of lot area for outdoor uses.

Private Club: One (1) parking space for each seventy-five (75) square feet of gross floor area.

Retail Store or Personal Service Establishment, Except as Otherwise Specified Herein: One (1) space per two hundred and fifty (250) square feet of gross floor area.

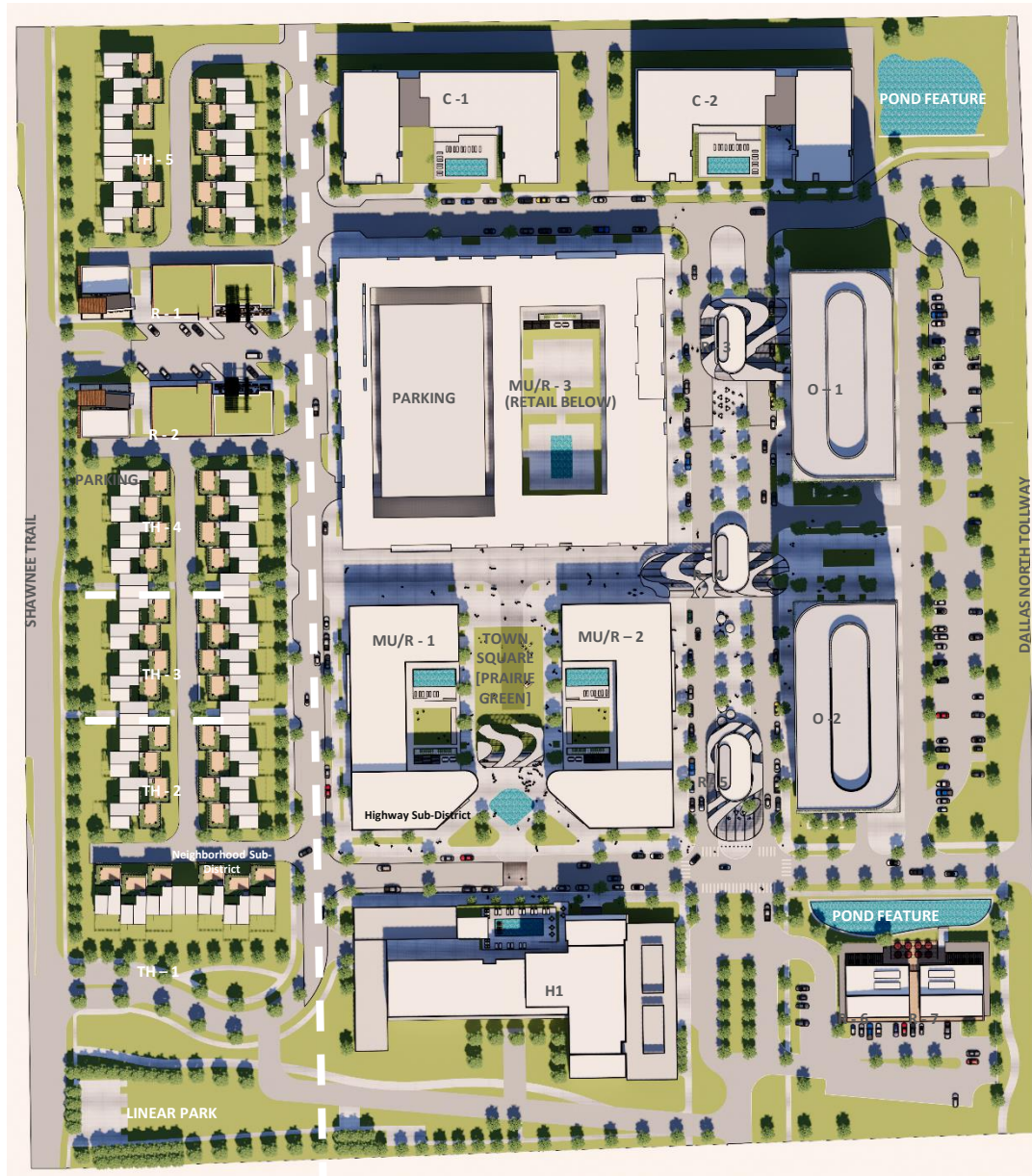
Restaurant, Restaurant with a Private Club, Cafe or Similar Dining Establishment: One (1) parking space for each one seventy-five (75) square feet of gross floor area for stand-alone buildings without a drive-through, and one (1) parking space for each one hundred (100) square feet of gross floor area for restaurants located within a multi-tenant buildings, and one (1) parking space for each one hundred (100) square feet for stand-alone buildings with a drive-through.

School, Elementary, Secondary, or Middle: One and one half (1.5) parking spaces per classroom, or the requirements for public assembly areas contained herein, whichever is greater.

School, High School: One and one half (1.5) parking spaces per classroom plus one (1) space per five (5) students the school is designed to accommodate, or the requirements for public assembly areas contained herein, whichever is greater.

Theater, Sports Arena, Stadium, Gymnasium or Auditorium (except school): One (1) parking space for each four (4) seats or bench seating spaces.

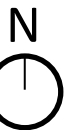
Townhomes: Minimum of two (2) parking spaces located behind the front building line and two (2) parking spaces enclosed in the main or an accessory building.



01 - PRELIMINARY SITE PLAN



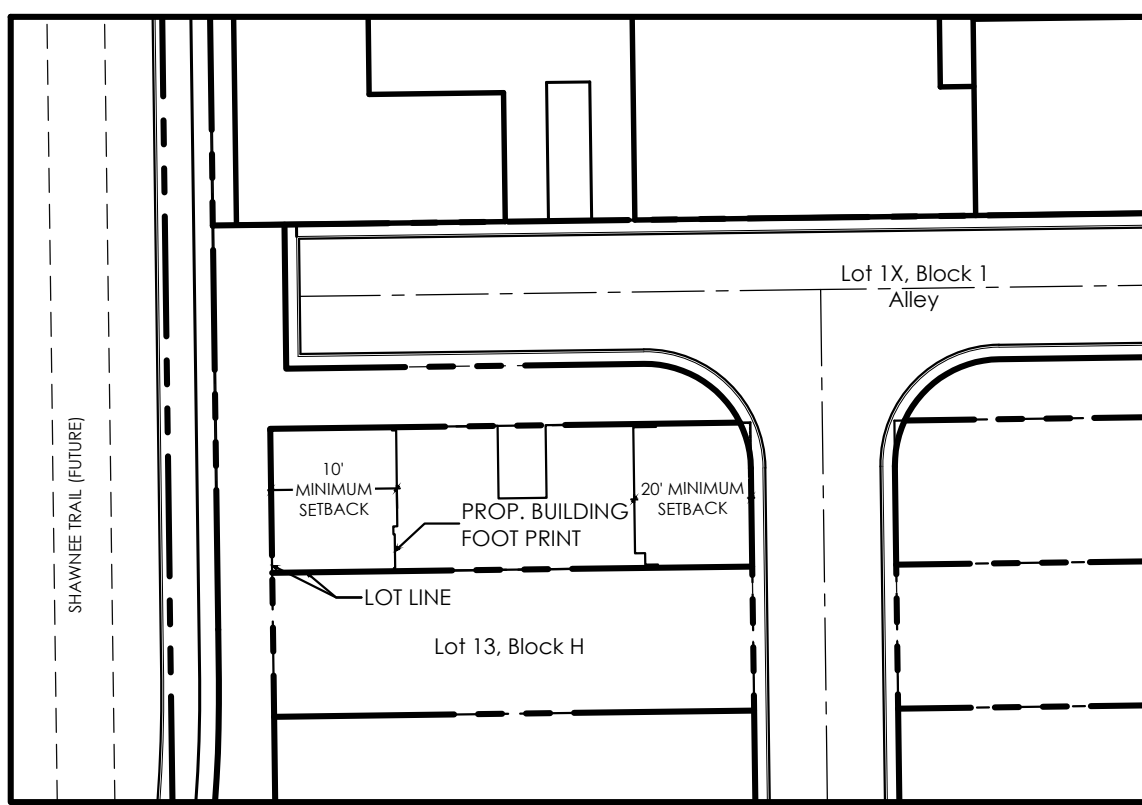
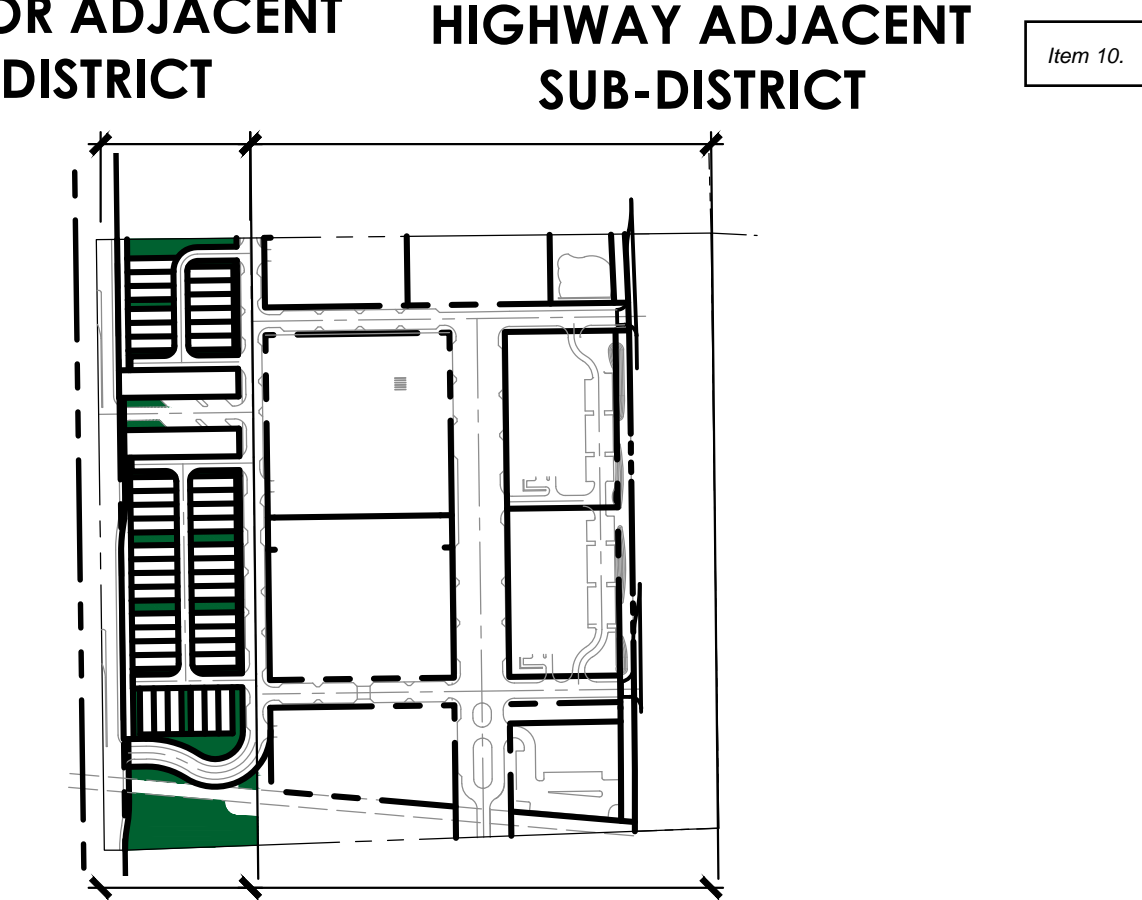
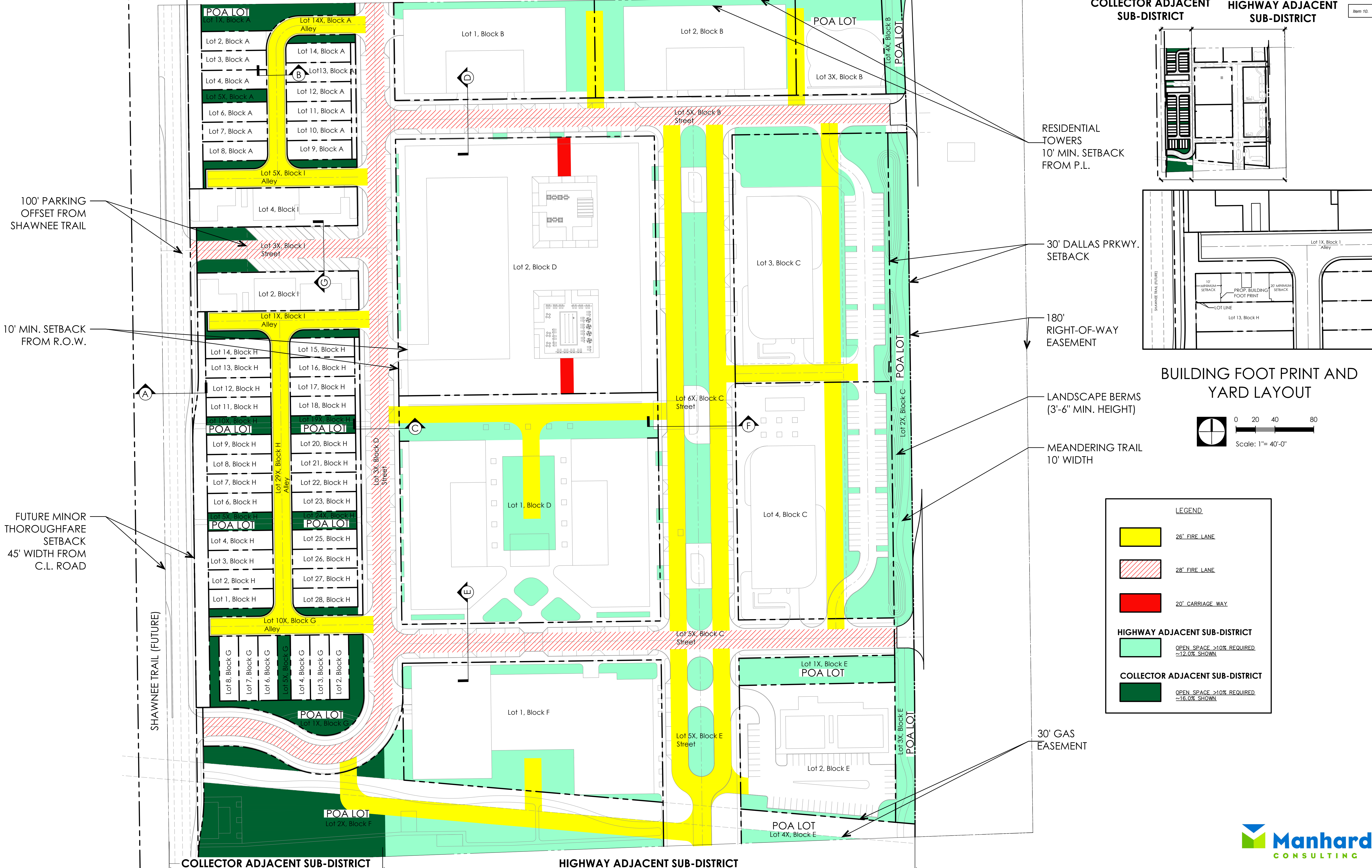
02 - PRELIMINARY GROUND PLANE



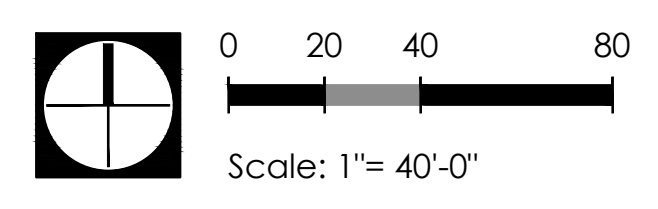
1" = 100'

EXHIBIT D

Town of Prosper Project No: Z22-0019



BUILDING FOOT PRINT AND YARD LAYOUT



LEGEND

	26' FIRE LANE
	28' FIRE LANE
	20' CARRIAGE WAY
	HIGHWAY ADJACENT SUB-DISTRICT OPEN SPACE >10% REQUIRED ~12.0% SHOWN
	COLLECTOR ADJACENT SUB-DISTRICT OPEN SPACE >10% REQUIRED ~16.0% SHOWN

100' PARKING OFFSET FROM SHAWNEE TRAIL

10' MIN. SETBACK FROM R.O.W.

FUTURE MINOR THOROUGHFARE SETBACK 45' WIDTH FROM C.L. ROAD

RESIDENTIAL TOWERS 10' MIN. SETBACK FROM P.L.




30' DALLAS PRKWAY. SETBACK

180' RIGHT-OF-WAY EASEMENT

LANDSCAPE BERMS (3'-6" MIN. HEIGHT)

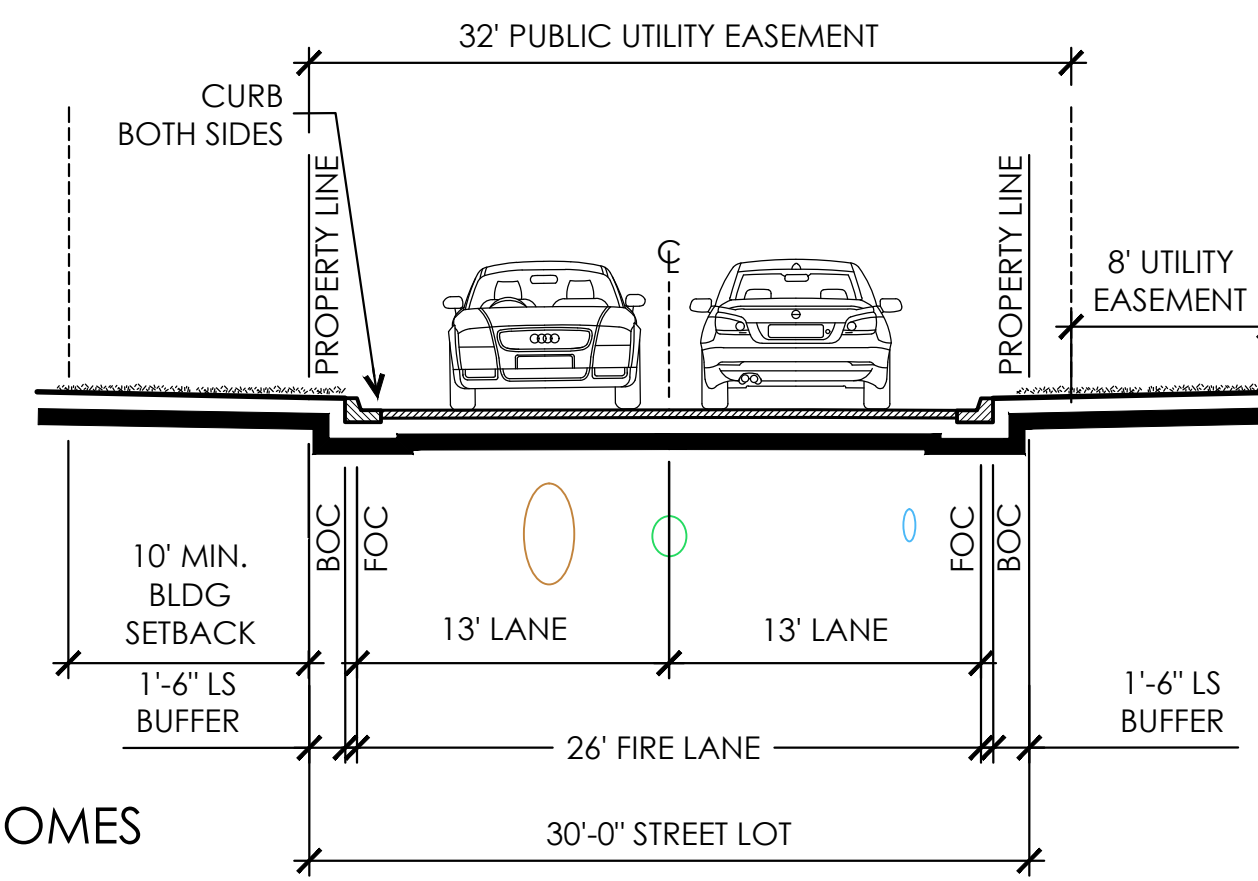
MEANDERING TRAIL 10' WIDTH

30' GAS EASEMENT

LEGEND	
	STORM SEWER LINE
	SANITARY SEWER LINE
	WATER LINE

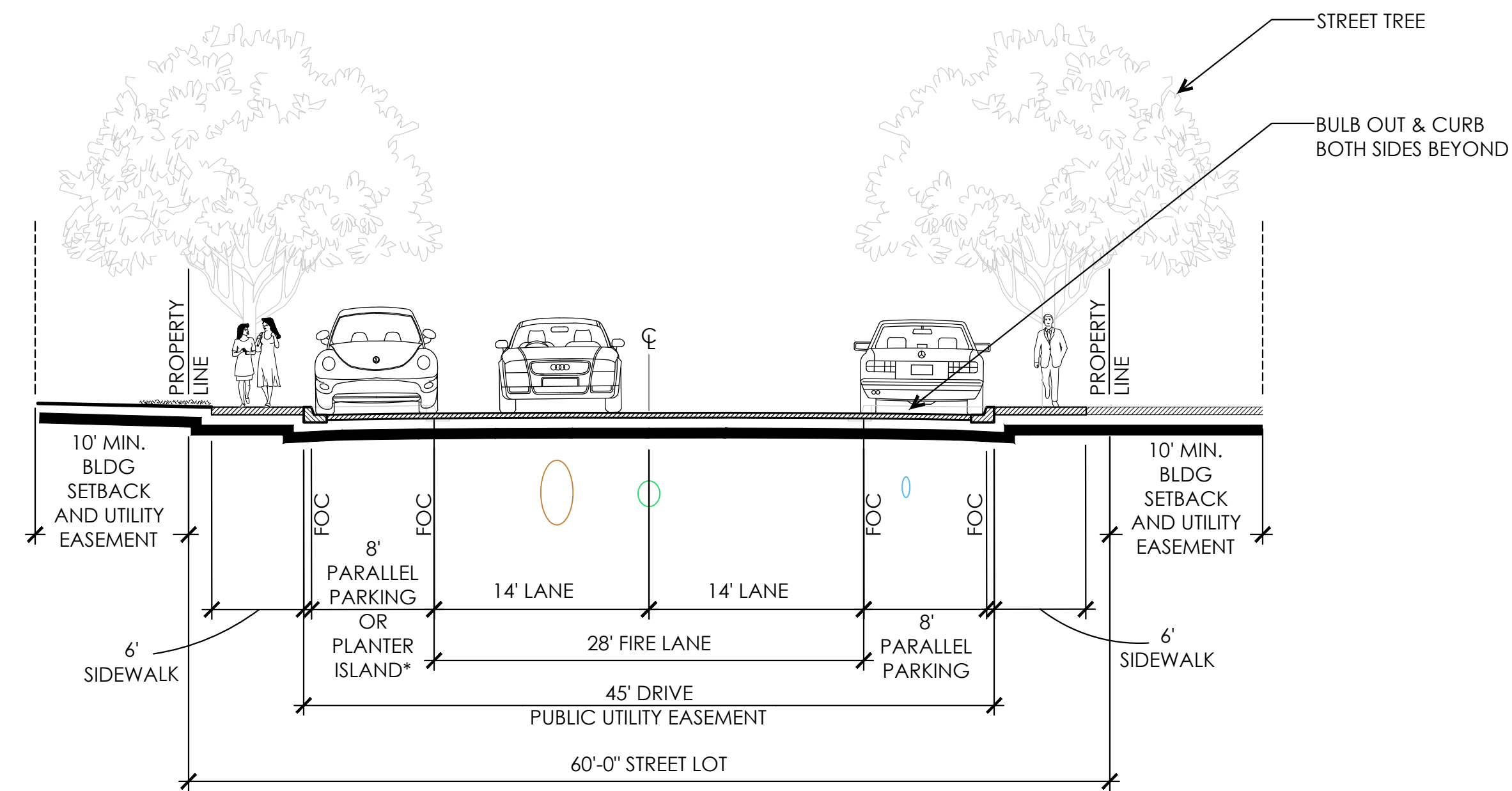
B

STREET LOT ALLEY SECTION AT TOWNHOMES



C

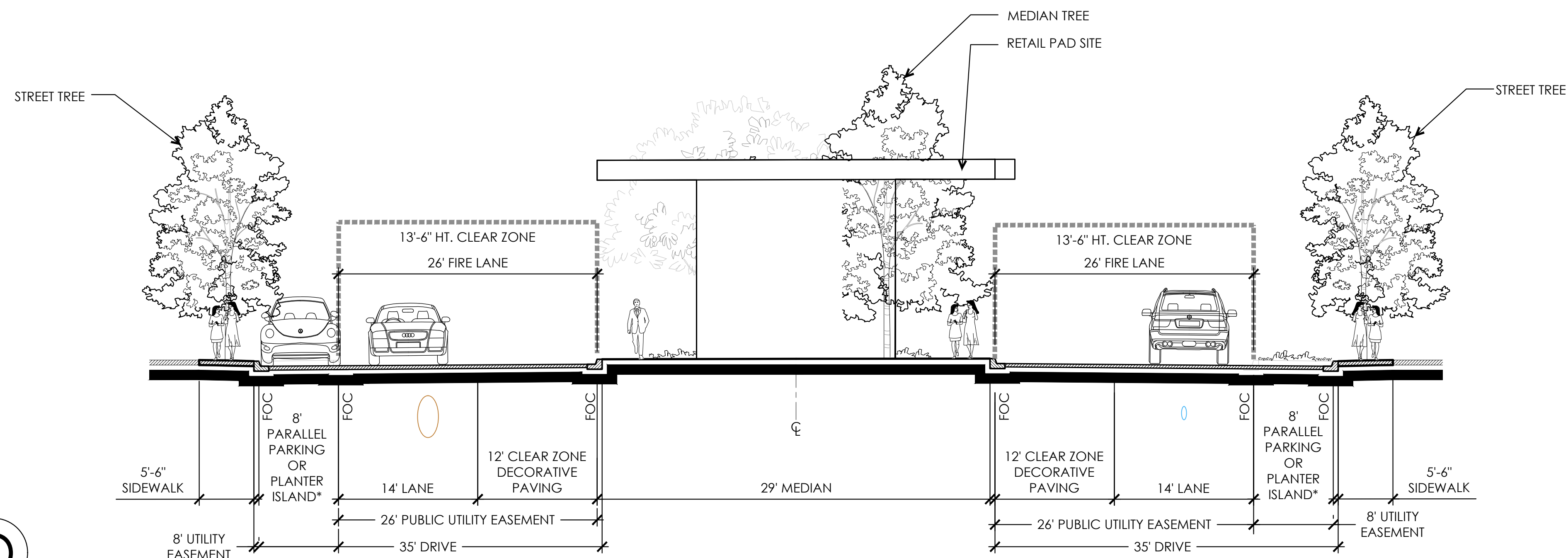
60' STREET LOT SECTION w/ PARALLEL PRKG BOTH SIDES



*NO TREES IN ISLAND; TREES WITHIN SIDEWALK SUBJECT TO TOWN OF PROSPER APPROVAL

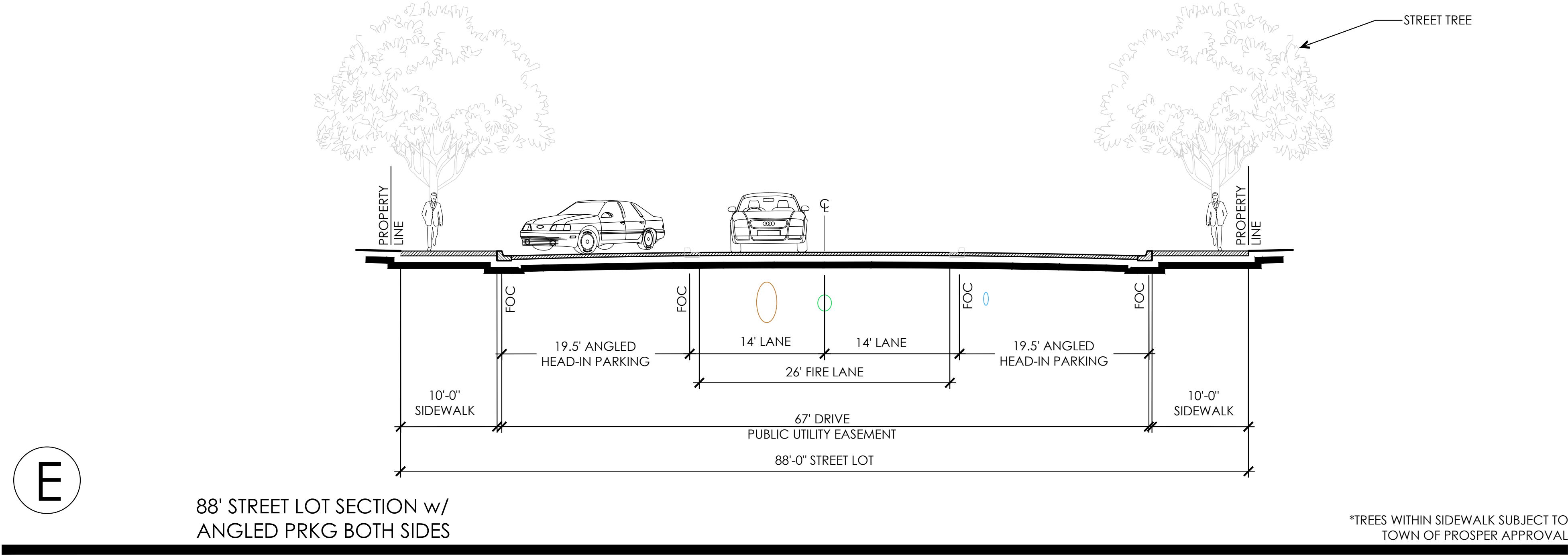
D

BOULEVARD SECTION 120' STREET LOT



*NO TREES IN ISLAND; TREES WITHIN SIDEWALK SUBJECT TO TOWN OF PROSPER APPROVAL





E



Exhibit E – Development Schedule

Below is the anticipated project schedule for the proposed Pradera development in accordance with the submittal checklist. This schedule is conceptual and subject to change based on permitting, entitlements, and market conditions.

Zoning Award- July 2023

Civil design (on and off site) – 2024

Civil construction – 2025-2026

Building design – 2024-2026

Building construction – 2026-2030



01 AERIAL – LOOKING SOUTHEAST



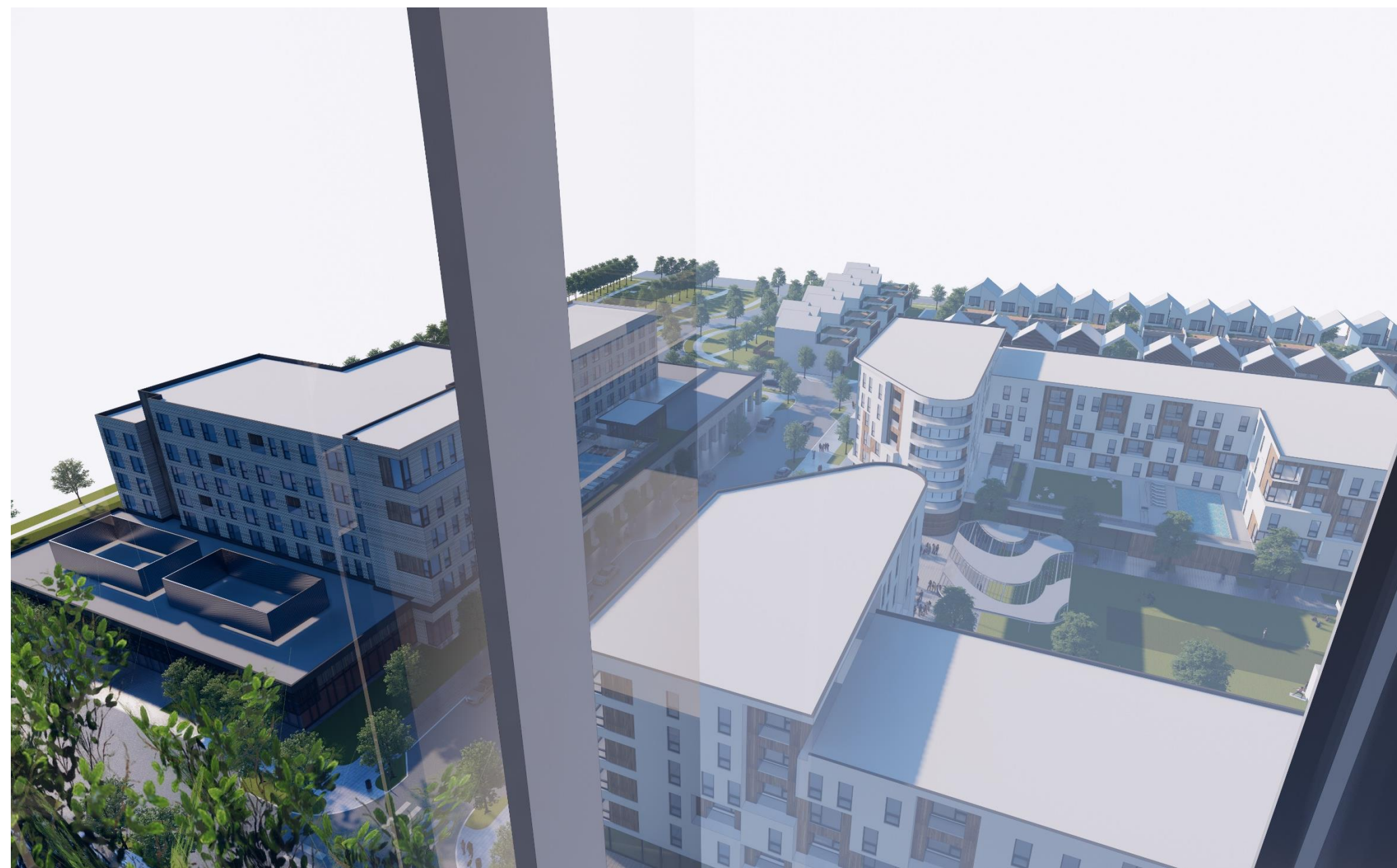
02 AERIAL – LOOKING NORTHWEST



03 PERSPECTIVE – TOWN SQUARE



04 PERSPECTIVE – OVERALL



05 PERSPECTIVE – VIEW FROM OFFICE



06 PERSPECTIVE – MAIN INTERSECTION

EXHIBIT F



01 – TOWNHOMES



02 – HOTEL



03 – RETAIL SPACE



04 – MIXED – USE RESIDENTIAL



05 – MIXED – USE RESIDENTIAL / TOWN SQUARE



06 – TOWN SQUARE LOOKING SOUTH

EXHIBIT F



01 – CONDOS



02 – NW RETAIL LOOKING SOUTH



03 – OFFICE



04 – NW RETAIL SPACE



05 – SE RESTAURANTS



06 – OFFICE TOLLWAY VIEW

EXHIBIT F



PUBLIC MEETING APPEARANCE CARD

Date: 2/5/23

Name: Mary A White

Address: 1810 Milton Dr.

City: Prosper ZIP: 75078 Phone: 832-326-6925

 Citizens' Comments: The public is invited to address the Town Council on any topic; however, the Council is unable to take action on any topic not listed on the agenda. When addressing the Town Council, please step up to the podium and state your name and address before beginning your presentation. Please limit your comments to three minutes.

Agenda Item #: 5

 I wish to speak IN FAVOR of this item.

I wish to speak IN OPPOSITION to this item.

I do not wish to speak. Please record my SUPPORT OPPOSITION

Comments: see attached comments. I am unable to attend the meeting and wish for my comments to be read and recorded.

Email form to: mkt27@prosperTX.gov

Fax to: 972-346-2009

I stand opposed to agenda item #5 for reasons mentioned by the P&Z staff in the packet provided.

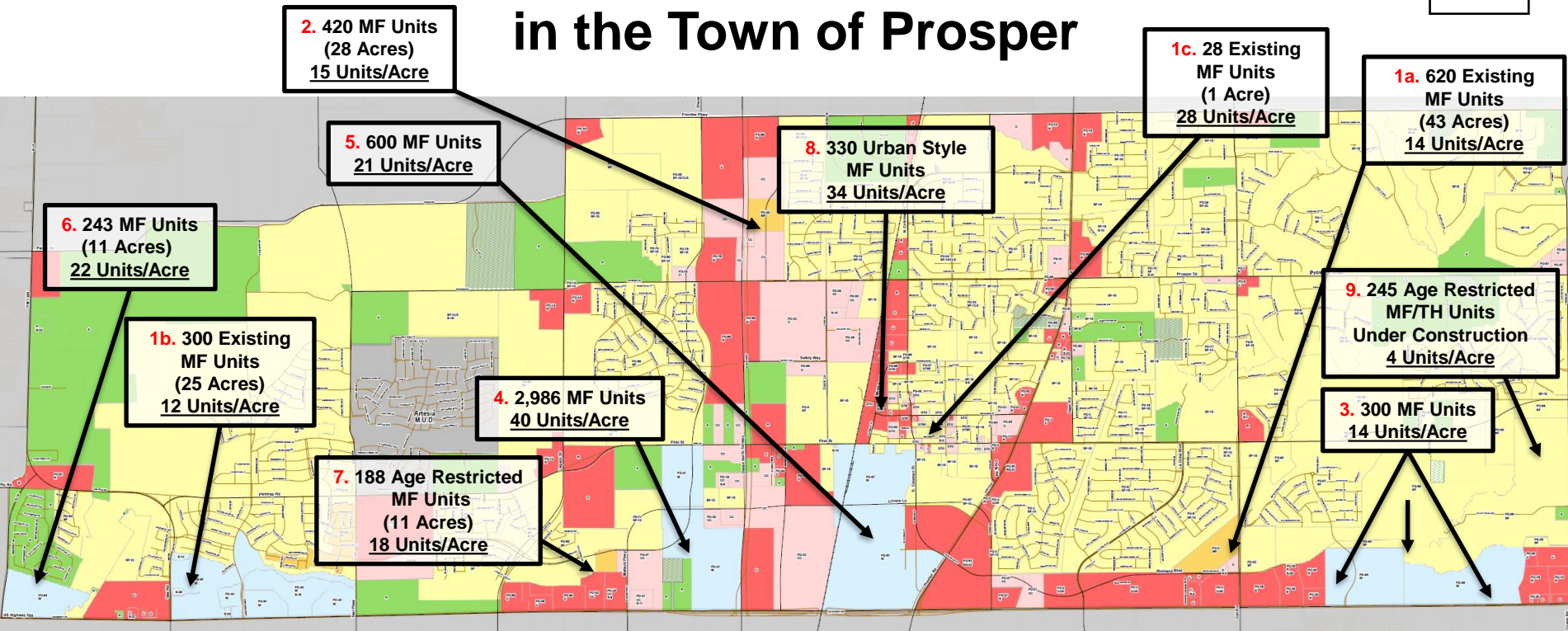
At some point, the town of Prosper will have to decide how many multi-family units is too many, and I feel the current 6,000+ is at a level that is unsustainable, especially at this time. How many more schools will Prosper be able to build and maintain, and at what cost? The proposed 36 units per acre is more than double the current requirement.

I feel there is a need for hotels in Prosper, but the proposed 12-story building is a 50% increase over what is currently allowed by ordinance.

As a community, Prosper must ask what cost/benefit there will be to the town when considering zoning changes like these. If we continue to deviate from the current development and design standards, without considering our vision of a small town feeling, we do so at our own peril.

Current Zoning for Multifamily in the Town of Prosper

Item 10.



1. 948 existing garden-style multifamily units on 63.8 acres and 312 Townhome units on 65 acres
 - 1a. 620 units in the Orion Prosper and Orion Prosper Lakes complexes on Coit Road
 - 1b. 300 units in Cortland Windsong Ranch, west of Windsong Pkwy, north US 380
 - 1c. 28 units in the Downtown area
2. PD-35 permits a maximum of 15 units per acre on 28 acres, this density would allow for 420 multi-family units on the east side of DNT, north of Prosper Trail.
3. Brookhollow - permits a maximum of 300 multi-family at 14 units per acre within PD-86.
4. Planned Development-41 (Prosper West) permits a maximum of 2,986 urban-style units on the west side of DNT, north of US 380. Refer to PD-41 for special conditions.
5. Planned Development-67 (Gates of Prosper) permits a maximum of 600 urban-style units within 115 acres on the west side of Preston Road, north of US 380. The multifamily density is 21 units per acre.
6. Planned Development-94 (WestSide) permits a maximum of 480 urban-style units within 23 acres on the east side of FM 1385, north of US 380. The construction of multifamily units is dependent on the development of non-residential uses in this PD – refer to PD-94.
7. Planned Development-98 (Alders at Prosper) permits a maximum of 188 age-restricted units within 11 acres west of Mahard Parkway, north of US 380 and allows for 18 units per acre.
8. Planned Development-106 (Downtown Loft Apartments) permits a maximum of 330 urban-style units within 9 acres east of BNSF Railroad, north of Fifth Street this allows for 34 units per acre.
9. Planned Development -107 (Ladera) – Age restricted detached single-family dwellings on a single lot. The development is classified as multi-family.

Project Number	Status	Number of Units
1. Orion, WSR, Downtown	Existing	948 Units
2. (PD-35)	Entitled	420 Units
3. (Brookhollow)	Under Construction	300 Units
4. (Prosper West)	Entitled	2,986 Units
5. (Gates of Prosper)	Under Construction	600 Units
6. (Westside)	Entitled	243 Units
7. (Alders at Prosper)	Under Construction (Senior Living)	188 Units
8. (Downtown Lofts Apt)	Under Construction	330 Units
9. (Ladera)	Under Construction (Senior Living)	245 Units

Item 10.

	Total Number of Units	Senior Living Under Construction	Existing MF	Entitled MF	Under Construction MF
Number of Units	6,260 Units	433 Units	948 Units	3,649 Units	1,230 Units

	Tollway District	Downtown	US 380 District	Other Districts
Number of Units	3,406 Units	358 Units	2,251 Units	245 Units

COMMUNITY CHARACTER

Land Use Concepts

Mixed-Use

Mixed-use refers to a development style that combines a mix of land uses within one defined zoning district. For example, residential, retail, restaurants, office and public uses may be allowed in the same building, same lot, same tract, block or zoning district. Benefits of mixed-use development include:

- Flexibility of building spaces over time;
- Long term viability of commercial districts;
- Providing higher quality high density residences;
- Inclusion of public facilities;
- Reduction in the frequency of vehicular trips; and
- Minimizing land consumption.

Mixed-use developments are defined by their design—building orientation, roadway configuration and amenities such as shade trees, benches and lighting create a safe environment that is conducive for walking. Intentional integration of diverse land uses within one localized area creates a lifestyle option where a person can perform many of their daily needs and recreational desires within a short distance of home. Such environments are particularly attractive to young professionals, young couples and empty nesters.

Mixed-uses are typically either horizontal or vertical in nature. Horizontal mixed-uses involve retail, office and residential all located within one defined area, but within separate buildings. Vertical mixed-use developments would include any combination of retail, office and residential within the same building. A common example of vertical mixed-use is residential lofts and apartments above street-level retail and office space.



General Guidelines

- **Reduced Setbacks:** bring building facades closer to the street.
- **Central Gathering Space or Focal Point:** Create an identity through public space.
- **Pedestrian Orientation:** Facilitate the pedestrian experience through quality urban design. Ensure access and connectivity to adjacent neighborhoods.
- **Architecture:** moldings, spires, canopies, balconies and building locations all create a sense of identity and contribute to the experience.
- **Strategic Parking:** utilize shared parking, on-street parking, parking behind buildings and structured parking.
- **Connectivity:** mixed use areas should be tied in to adjacent residential development.

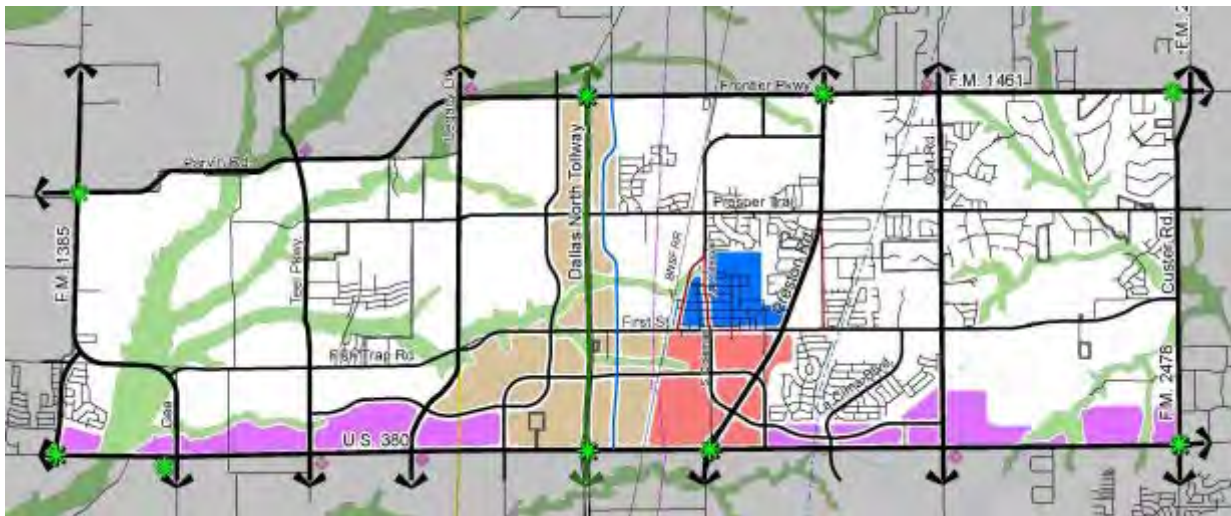
COMMUNITY CHARACTER

What does mixed-use development look like in Prosper? We asked the community in a public Visual Character Survey. The highest rated mixed-use pictures are shown below.



Past planning efforts, including the Town’s previous comprehensive plan, have indicated that the most opportunistic location for a Town Center, a large mixed-use district, would be the area roughly bounded by First Street to the north, Highway 380 to the south, BNSF Railroad to the west and Preston Road to the east. This area is currently identified as a planned development by the Town’s zoning ordinance.

Within Prosper, mixed-use areas may be appropriate along the Dallas North Tollway, Highway 380, Town Center and Old Town districts, as shown below.



COMMUNITY CHARACTER

Horizontal and Vertical Mixed-Use Development

Mixed-use developments that include a range of land uses incorporated within the same building, but typically at different levels, are referred to as vertical mixed-use developments. Common examples of vertical integration include apartments and lofts over ground level retail and office uses. Examples of vertical mixed-use developments are Shops at Legacy in Plano, Watters Creek in Allen and the West Village/State-Thomas areas of Dallas. Vertical mixed-use development was preferred by Prosper residents.

Horizontal mixed-use development is representative of a mixture of uses within close proximity to each other, but not necessarily within the same building. Horizontal mixed-use developments typically include residential uses along the periphery of the larger development area, separate from a more intense retail and office core. An example of horizontal mixed-use development is Southlake Town Center. The central area of the Town Center includes retail and office uses with residential townhomes located on the periphery of the development, primarily on the east side.

Two factors considered when determining whether vertical or horizontal integration should be utilized are land availability and land value. In more intense areas of development, land values are typically higher and land availability may be significantly less. In such locations, vertical integration, and higher densities (up to 5 stories), would be most appropriate. In Prosper, vertical integration of mixed uses will likely occur within the Dallas North Tollway and Town Center districts. Horizontal mixed-use integration typically occurs where land availability and value can accommodate an overall lower density. Here, 1-3 story retail and office may be surrounded by townhomes, patio homes, multi-unit homes and other less intense uses. In Prosper, horizontal mixed uses will likely occur within the Highway 380 and Town Center districts.

Vertical Mixed-Use

- **Characteristics**
 - Multiple uses within the same building
 - Live-above lofts and apartments
 - More urban in nature
 - 4-5 story height for buildings with residential uses located above the first floor
 - Structured Parking
- **Considerations**
 - Consume less land
 - Land value (density to maximize value)
 - Higher density (typically more urban)

Vertical Mixed-Use

Horizontal Mixed-Use

- **Characteristics**
 - Multiple uses within a planned areas, but not necessarily within the same building
 - 1-3 story heights/lower density nature
 - Areas of apartments, townhomes, brown stones, patio homes and multi-unit homes around the periphery, buffering low-density neighborhoods.
 - Structured parking or rear parking/rear entry garages
- **Considerations**
 - Consume more land
 - With buffering, may be located near residential areas along HWY 380

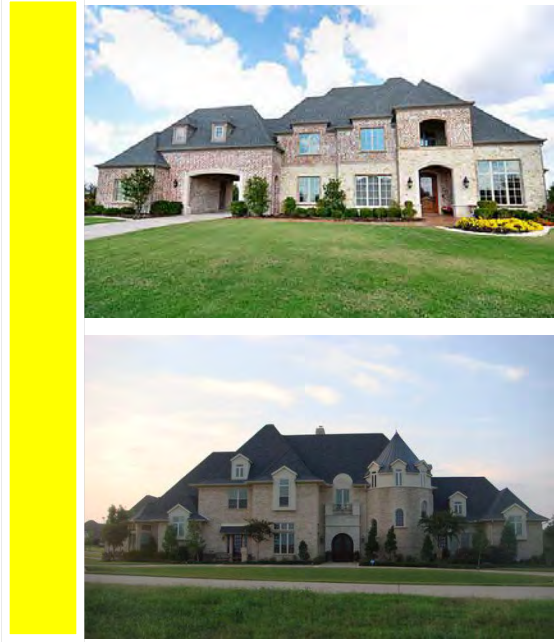
Horizontal Mixed-Use

COMMUNITY CHARACTER

Land Use Types

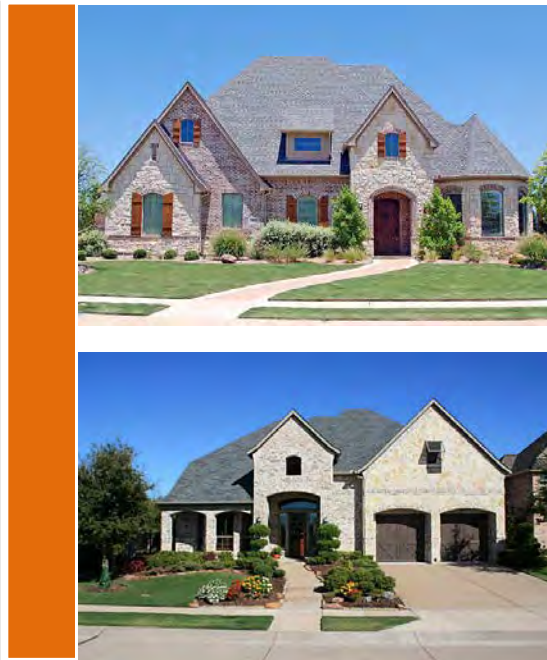
Residential Low Density

This land use is indicative of large-lot single-family homes. Typically speaking, lot sizes within any low density development will range between 15,000 square feet and 1+ acre in size. While a variety of lot sizes may be used, the total gross density of low density residential neighborhoods should not exceed 1.6 dwelling units per acre. Large-lot homes will provide a continuation of the rural atmosphere and feel that was intensely expressed by Prosper’s residents. Most low density residential areas will be located in Northwest and Northeast Prosper.



Residential Medium Density

Medium density residential is also representative of single family detached dwelling units. Lot sizes in medium density residential neighborhoods could range between 12,500 and 20,000 square feet in size. A variation in lot sizes may be permitted to achieve a goal range in density. While a variety of lot sizes may be used within medium density residential neighborhoods, the gross density of such developments will typically not be less than 1.6 dwelling units per acre or greater than 2.5 dwelling units per acre.



COMMUNITY CHARACTER

Residential High Density

High density residential represents the most intense residential land uses permitted in Prosper. High density single family uses will consist of developments greater than 2.5 dwelling units per acre and lot sizes smaller than 10,000 square feet. Within Prosper, the high-density residential district is reflective of the Artesia development, where single family residential lot sizes and dwelling units per acre will be substantially higher than the rest of the community. High density residential may be located within the Dallas North Tollway, Highway 380, Town Center and Old Town Districts. In such areas, high density residential may take the form of multifamily or single family attached dwelling units and may include mixed-use lofts/apartments, patio homes, snout houses, brownstones and townhomes.



Retail and Neighborhood Services

Neighborhood services typically include retail establishments that provide merchandise for retail sale, banks, neighborhood office and small medical offices. Retail uses are particularly important because they contribute to Prosper's tax base through both property and sales taxes, making their inclusion attractive and often times competitive. Within Prosper, neighborhood service uses will likely occur at major intersections along the Dallas North Tollway, Highway 380 and Preston Road corridors. Neighborhood service uses should also be strategically placed along the Town's perimeter in order to attract patrons from neighboring communities, enhancing sales tax revenue opportunities. The majority of neighborhood service activity within Prosper will likely be included within the Dallas North Tollway, Highway 380, Town Center and Old Town districts.



COMMUNITY CHARACTER

Dallas North Tollway District

The Dallas North Tollway district will consist of the most intense land uses within Prosper. A diverse mixture of office, retail and residential will likely develop along the corridor. Mid-rise office (up to 12 stories) may be permitted throughout the corridor. Office buildings should be designed for a “campus feel”—they should be oriented towards common public space with significant landscaping and should be linked by a pedestrian network. A common architectural theme should also be established for a consistent visual appearance. Mixed-use development should be encouraged and should contain a mixture of office, retail and residential uses. Mixed-use lofts/apartments would be the most appropriate residential use within this district. Structured parking should be encouraged in more intense areas to limit the presence and visibility of large parking lots. Structured parking should be oriented in a way that minimizes visibility from the Tollway.



Highway 380 District

Much like the Dallas North Tollway district, the Highway 380 district will contain a variety of different uses. The major contrast between Highway 380 and other districts will be the inclusion of a big box development and commercial service uses. Types of appropriate commercial include hotels, banks, vehicle refilling stations with a convenience store, home service centers with outside storage, garden center with outside storage and other similar uses which serve the community but are not necessarily desired on Preston Road or within the Dallas North Tollway corridor. Residential land uses may be appropriate within certain areas, particularly away from major intersections where retail and commercial will be the highest and best land use. Residential land uses may include patio homes, snout houses, townhomes and brownstones. These residential areas may serve as a buffer between more intense activity along Highway 380 and low density residential areas to the north.



COMMUNITY CHARACTER

Town Center District

The Town Center district is a continuation of the area defined by previous planning efforts as a future location for a large scale mixed-use development. The Town Center would include a mixture of land uses but development will be less intense than that located along Highway 380 and the Dallas North Tollway. Retail, small scale office, and residential uses would be included within this district, but the primary intent should be focused on dining and shopping. Public space should be a major component of this area, creating space for families and residents of Prosper to meet and socialize. Open space located within the Town Center could be used for community events, festivals and school events. Urban design should accommodate the pedestrian while providing automobile access and discreet parking. Residential uses may include mixed-use lofts/apartments, patio homes, townhomes and brownstones. Areas of single family residential may also be permitted, particularly on the northern side where the development abuts the Old Town district.



Old Town District

The Old Town district is the heart of Prosper. This historic area of the community is intended to include a variety of boutique type land uses, ranging from unique and local retail establishments, restaurants and offices. Many of the historic homes within the Old Town district, particularly areas along First Street and Broadway, may gradually convert to boutique office and retail establishments. The most opportunistic possibility for a transit stop, if desired by future residents, would be within the Old Town district, which could facilitate redevelopment of the downtown area. If this occurs, high density residential options, such as live-above lofts/apartments, may be considered. The historic past of the community should be preserved. The community's beginnings as a farm community in rural Collin County are part of what defines Prosper, and these attributes should be preserved as new infill development occurs.



COMMUNITY CHARACTER

Business Park

A Business Park district, located to the west of the BNSF Railroad between Prosper Trail and First Street, will include a variety of potential land uses including light industrial, commercial warehousing, office storage and commercial uses with outside storage. While outside storage will likely occur and be necessary within this district, significant effort should be placed on the visual integrity of the district, particularly when located in higher visibility areas. When such uses abut roadways, larger landscape setbacks, such as 40 feet setbacks, that include berms and evergreen shrubs/trees should be used to protect the visual integrity of roadways and the public view. All outside storage should also be screened from public view and from adjacent properties. The location of the BNSF railroad and close proximity to the Dallas North Tollway provide the Business Park with significant accessibility. Uses located along First Street, Prosper Trail and other perimeter areas should incorporate a higher degree of landscaping and architectural design in order to protect the visual integrity of Prosper's roadways.



Dallas North Tollway Design Guidelines.		New Planned Development
Dallas North Tollway Design Guidelines		
Subdistrict Location		
	Frontier Parkway Gateway, Neighborhood Services and Retail, U.S 380 Gateway	Frontier Parkway Gateway
Business Establishments		
Permitted Business Establishments		
	All the uses being proposed conform to the DNTDG recommendations. 51 total uses	The Planned Development allows all of the permitted business establishments with the exception of Hotel Limited Service, Hotel Extended Stay, Restaurant with Drive Through, and Vet Clinic.
Business Establishments Pursuant to the Town's Vision		
	Does the rezoning include the business establishments as envision by Town Council? 7 total uses <ul style="list-style-type: none"> • Museum/Art gallery • Theatre • Commercial amusement-Indoor • Civic/Convention Center • Hotel-Full Service • Restaurants -Dine In with or without outdoor patio • Developments are also strongly encouraged to include public open space, public gathering places and public art, where feasible. 	The Planned Development allows majority of the uses.
Discouraged Business Establishments		
	Does the rezoning include the discourage business establishments that are not consistent with the Town Vision? 71 total uses	The Planned Development prohibits all discourage business establishments
Grocery Stores with Gas Pumps		Not Applicable
	There shall be a minimum of a 15 ft landscape buffer to screen the pumps from the street edge	Not Applicable
	The site design for projects located at street corners should provide special landscape treatment at street intersection to emphasize the corner.	Not Applicable
	The use of mature trees is encouraged to provide an immediate impact especially when used in buffering adjacent uses.	Not Applicable
	All display items for sale should occur within the main building or within designated areas that are screened from public streets.	Not Applicable
	The design of pump islands and canopy should be architecturally integrated with other structures on-site using similar colors, materials and architectural detailing. All signage should be architecturally integrated with their surroundings in terms of size, shape and lighting so that they do not visually compete with architecture of the building and design of the sight.	Not Applicable
Restaurant, Drive-Thru Service		Not Applicable
	Where site conditions permit, drive-thru queuing lanes shall be designed so that the queuing wraps behind the building instead of in front of the building. If the queue lane wraps in the front of the building, the site shall provide for an ample amount of landscaping that will provide a buffer from the public rights-of-way. There shall be a maximum of two drive-thru restaurants permitted for every 5 acres on a Planned Development development plan. If a development plan is under 5 acres, one drive-thru shall be permitted.	Not Applicable
Multi-family Developments		
	The Town Council may permit a multi-family housing as part of a holistic development that includes These businesses can be, but are not limited, retail, office, recreational, family-friendly entertainment and/or restaurant establishments. If multi-family housing is part of a development proposal that includes businesses and/or amenities described in Section F. "Business Establishments Pursuant to the Town's Vision" increased density may be permitted. It is highly recommended that multi-family units be designed with structure parking as opposed to surface parking.	The Planned Development is creating an enviroment with a combination of businesses designed to create a live, work and play environment.
Tollway Subdistrict Requirements		
US. 380 Gateway		Not Applicable
	On the Dallas North Tollway and U.S. 380, the minimum front yard is fifty (50) feet and shall include a thirty (30) foot landscape buffer.	Not Applicable
	No parking or drive aisles may occur in the landscape buffer.	Not Applicable
	A maximum of two rows of parking in the front of the building.	Not Applicable
	Minimum building height shall be two (2) stories or forty (40) feet. If the building contains a use(s) as described in Section E, Permitted Uses, the building height can be a one (1) story building with a minimum of twenty (20) feet in height.	Not Applicable
Recommendations		Not Applicable
	Does the recommendations conform the DNTDG for Gateway?	Not Applicable
	The gateways should be clearly identifiable to vehicular and pedestrian travelers.	Not Applicable
	Include Public Art in Gateway Areas to promote vitality and provide a unique sense of identity	Not Applicable
Frontier Parkway Gateway		
	On the Dallas North Tollway and Frontier Parkway, the minimum front yard is fifty (50) feet and shall include a thirty (30) foot landscape buffer.	The Planned Development conformswith DNTDG
	No parking or drive aisles may occur in the landscape buffer.	The Planned Development conformswith DNTDG

	A maximum of two rows of parking in the front of the building.	The Planned Development conforms with DNTDG
	Minimum building height shall be two (2) stories or forty (40) feet. If the building contains a use(s) as described in Section E, Permitted Uses, the building height can be a one (1) story building with a minimum of twenty (20) ft in height.	The Planned Development requires a minimum of four stories for office, multifamily, and hotel uses. The Planned Development allows retail use to be one story, however the height is allowed due to it being a use described in Section E, Permitted Use.
Neighborhood Services and Retail		Not Applicable
	On the Dallas North Tollway, the minimum front yard setback shall be thirty (30) feet. Landscape buffer requirements shall be in accordance with Section M-Landscaping of these guidelines.	Not Applicable
	No parking or drive aisles may occur in the landscape buffer.	Not Applicable
	A maximum of one row of parking in the front of the building	Not Applicable
	Minimum building height shall be one (1) story.	Not Applicable
	On the east side of the sub-district (east side of the Tollway), the maximum building height shall be two (2) stories from the southerly boundary of Planned Development 69 in the north down to Prosper Trail in the south. From Prosper Trail to W. First Street, the maximum building height shall be three (3) stories with a maximum of eight (8) stories permitted within the first five-hundred (500) feet of the Tollway for Business Establishments as identified in Section F, "Business Establishments Pursuant to the Town's Vision."	Not Applicable
	On the west side of the sub-district (west side of the Tollway from Prosper Trail to W. First Street), the maximum building height shall be two (2) stories with a maximum of eight (8) stories permitted within the first five-hundred (500) feet of the Tollway for Business Establishments as identified in Section F, "Business Establishments Pursuant to the Town's Vision."	Not Applicable
Site Design and Building Placement		
	Does the zoning conform to the DNTDG site design and building placement for Gateway?	Planned Development conforms to Site Design and Building Placement.
Parking Design Standards		
	Does the zoning conform to the the parking design standards within the DNTDG for the Gateway?	Planned Development conforms to Parking Design Standards.
Residential Neighborhoods		
	Does the zoning consider compatibility standards from the DNTDG?	The Planned Development is providing a less intense Sub-district to act as a buffer adjacent to Shawnee Trail. The Planned Development does conform with majority of the Residential Neighborhood standards, except the Planned Development has requested the maximum height of 45' feet compared to the suggested 40' feet. The Planned Development does provide additional setback to mitigate the height difference.
Building Design		
	Does the zoning encourage building design from the DNTDG?	Planned Development conforms to majority of the building design standards with the exception that the Planned Development shall have windows of a minimum of 30% of the facade compared to the suggested 60%.
Service Equipment Areas		
	Does the zoning incorporate standards regarding service equipment areas from the DNTDG?	Planned Development conforms to the Service Equipment Areas.
Pedestrian Connectivity and Amenities		
	Does the zoning incorporate standards regarding pedestrian connectivity and amenities from the DNTDG?	Planned Development conforms to the Pedestrian Connectivity and Amenities
Public Parks and Open Spaces		
	Does the zoning incorporate standards regarding public parks and open space from the DNTDG?	Planned Development conforms to Public Parks and Open Spaces
Signage		
	Does the zoning conform to the signage requirements?	Signage will be a separate process and will incorporate sign requirements.
Landscaping Standards		
Properties along Dallas North Tollway, F.M. 1461, and US Hwy 380.		

	A landscaped area consisting of living trees, turf, or other living ground cover and being at least thirty (30) feet in width measured from the property line interior to the property shall be provided adjacent to and outside of the right-of-way on all properties	Planned Development conforms
	One (1) large tree, four (4) inch caliper minimum (at the time of planting) per twenty-five (25) feet of linear roadway frontage shall be planted within the required landscaped area.	Planned Development conforms
	The trees may be planted in groups with appropriate spacing for species.	Planned Development conforms
	Shrub plantings shall be provided at a minimum rate of 22 shrub plantings per thirty (30) linear feet which shall be a minimum of five (5) gallon shrubs (at the time of planting).	Planned Development conforms
	Parking abutting the landscaped area will be screened from the adjacent roadway. The required screening may be with shrubs or earthen berms.	Planned Development conforms
Properties adjacent to a minor thoroughfare as defined by the Town of Prosper Thoroughfare and Circulation Design Standard		
	A landscaped area consisting of living trees, turf, or other living ground cover and being at least twenty-five (25) feet in width measured from the property line interior to the property shall be provided adjacent to and outside of the right-of-way on all properties	Planned Development conforms along Shawnee
	One (1) large tree, four (4) inch caliper minimum (at the time of planting) per thirty (30) feet of linear roadway frontage shall be planted within the required landscaped area.	Planned Development conforms
	The trees may be planted in groups with appropriate spacing for species.	Planned Development conforms
	Shrub plantings shall be provided at a minimum rate of 20 ten (10) gallon shrubs per thirty (30) linear feet.	Planned Development conforms
	Parking abutting the landscaped area will be screened from the adjacent roadway. The required screening may be with shrubs or earthen berms.	Planned Development conforms
Additional Requirements:		
	For big box retail and grocery stores, one (1) additional tree planted for each one-hundred (100) linear feet of lot frontage. The trees shall be a minimum of 4" caliper and may be placed in planters.	Not Applicable

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Dallas North Tollway Design Guidelines		
Subdistrict Location	Frontier Parkway Gateway, Neighborhood Services and Retail, U.S 380 Gateway	Frontier Parkway Gateway
Business Establishments		
Permitted Business Establishments	All the uses being proposed conform to the DNTDG recommendations. 51 total uses	The Planned Development allows all of the permitted business establishments with the exception of Hotel Limited Service, Hotel Extended Stay, Restaurant with Drive Through, and Vet Clinic.
Business Establishments Pursuant to the Town's Vision	Does the rezoning include the business establishments as envision by Town Council? 7 total uses <ul style="list-style-type: none"> • Museum/Art gallery • Theatre • Commercial amusement-Indoor • Civic/Convention Center • Hotel-Full Service • Restaurants -Dine In with or without outdoor patio • Developments are also strongly encouraged to include public open space, public gathering places and public art, where feasible. 	The Planned Development allows majority of the uses.
Discouraged Business Establishments	Does the rezoning include the discourage business establishments that are not consistent with the Town Vision? 71 total uses	The Planned Development prohibits all discourage business establishments
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Signage		
	Does the zoning conform to the signage requirements?	Signage will be a separate process and will incorporate sign requirements.
Landscaping Standards		
Properties along Dallas North Tollway, F.M. 1461, and US Hwy 380.		

	A landscaped area consisting of living trees, turf, or other living ground cover and being at least thirty (30) feet in width measured from the property line interior to the property shall be provided adjacent to and outside of the right-of-way on all properties	Planned Development conforms
	One (1) large tree, four (4) inch caliper minimum (at the time of planting) per twenty-five (25) feet of linear roadway frontage shall be planted within the required landscaped area.	Planned Development conforms
	The trees may be planted in groups with appropriate spacing for species.	Planned Development conforms
	Shrub plantings shall be provided at a minimum rate of 22 shrub plantings per thirty (30) linear feet which shall be a minimum of five (5) gallon shrubs (at the time of planting).	Planned Development conforms
	Parking abutting the landscaped area will be screened from the adjacent roadway. The required screening may be with shrubs or earthen berms.	Planned Development conforms
Properties adjacent to a minor thoroughfare as defined by the Town of Prosper Thoroughfare and Circulation Design Standard		
	A landscaped area consisting of living trees, turf, or other living ground cover and being at least twenty-five (25) feet in width measured from the property line interior to the property shall be provided adjacent to and outside of the right-of-way on all properties	Planned Development conforms along Shawnee
	One (1) large tree, four (4) inch caliper minimum (at the time of planting) per thirty (30) feet of linear roadway frontage shall be planted within the required landscaped area.	Planned Development conforms
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	Parking abutting the landscaped area will be screened from the adjacent roadway. The required screening may be with shrubs or earthen berms.	Planned Development conforms
Additional Requirements:		
	For big box retail and grocery stores, one (1) additional tree planted for each one-hundred (100) linear feet of lot frontage. The trees shall be a minimum of 4" caliper and may be placed in planters.	Not Applicable

PLANNED DEVELOPMENT NO. 119**EXHIBIT B—Planned Development Purpose and Intent:**

This planned development is intended to provide for and encourage development that contains a compatible mix of residential, office, and commercial uses within close proximity to each other, rather than separating uses.

The use provisions define land uses and the siting and character of the improvements and structures allowed on the land in a manner that encourages a balanced and sustainable mix of uses. These uses may be combined either vertically in the same building, or horizontally in multiple buildings, or through a combination of the two.

Additionally, the standards are intended to promote an efficient pedestrian-access network that connects the nonresidential and residential uses. The planned development generally addresses the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment. This is accomplished by the following;

- Ensuring buildings relate appropriately to surrounding developments and streets which create cohesive visual identity and attractive street scenes.
- Ensuring site design promotes efficient pedestrian and vehicle circulation patterns.
- Ensuring the creation of high-quality street and sidewalk environments that are supportive of pedestrian mobility and that are appropriate to the roadway context.
- Ensuring large sites are developed in a manner that supports and encourages connectivity and creates a cohesive visual identity and attractive street scene.

In order to implement this vision, the standards affecting development are intended to be consistent with the overall goal. To accomplish this goal, the area has been subdivided into a series of sub-districts with development restrictions that will be necessary to achieve their collective individuality.

The purpose of sub-district requirements is to define the character of new development within each sub-district. They have been carefully designed to allow enough flexibility for creative building solutions, while being prescriptive in areas necessary to preserve consistency throughout the development.

EXHIBIT C—Sub-District Regulations:

Development Plans

Concept Plan:

- A. The tract shall be developed in general accordance with the attached concept plan, set forth in Exhibits D2, D3, and D4.
- B. Triggers
 - a. Neighborhood Sub-District:
 - i. Development shall be phased such that all of the townhomes will have certificates of occupancy prior to commencing work within the Highway Sub-District.
 - ii. Development shall be phased such that at minimum one (1) retail building, as identified on Exhibit D.2 as either Lot 4 or Lot 2 Block 1, shall have completed slab construction prior to commencing work within the Highway Sub-District.
 - b. Highway Sub-District:
 - i. Street Section D, as shown on Exhibit D.3, shall be built with Block D, Lots 1 and 2.
- C. Where conflicts may arise between Exhibit C and Exhibit D, Exhibit C shall govern.

Elevations:

- A. The tract shall be developed in general accordance with the attached elevations, set forth in Exhibits F.

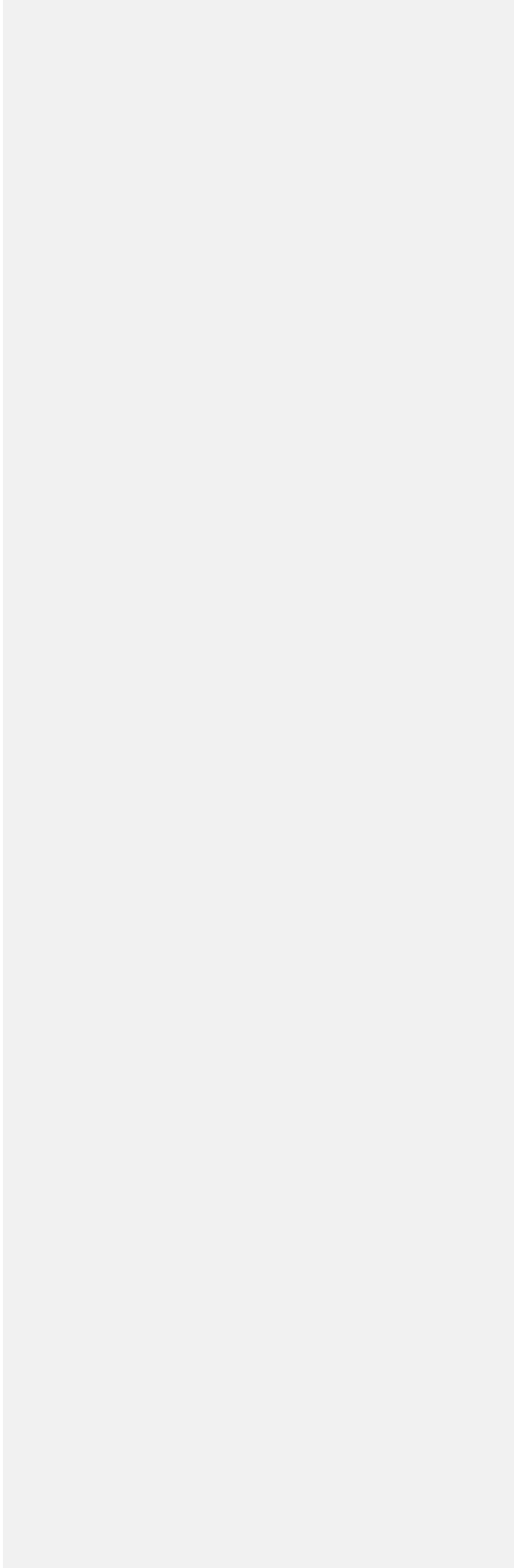
Administrative:

- A. The property owner's association (POA) shall be approved by town staff.

HIGHWAY SUB-DISTRICT

EXHIBIT C—Sub-district Regulations:

HIGHWAY SUB-DISTRICT



Purpose & Intent

The purpose of the Highway Sub-District is to encourage the creation of a pedestrian-oriented, vertically integrated, mixed-use, urban environment, providing shopping, employment, housing, business, and personal services. This sub-district promotes an efficient, compact land use pattern; encouraging pedestrian activity; reducing the reliance on private automobiles within the district; promoting a functional and attractive community using urban design principles; and allowing developers flexibility in land use and site design.

The Highway Sub-District is to be an area with a mixture of intense uses. Buildings are close to and oriented toward the street. There is a connected street pattern, shared parking, and pedestrian amenities.

Site Criteria

A. Size of Yards:

1. Minimum Front Yard
 - a. On Dallas North Tollway: ~~Thirty (30)~~[Fifty \(50\)](#) feet.
 - b. On all other streets: Ten (10) feet.
2. Minimum Side Yard: Zero (0) feet.
3. Minimum Rear Yard: Zero (0) feet.

B. Build-to-Line: On streets with on-street parking, a build-to-line shall be required. A -build-to-line- is a line parallel to a public or private street where the primary facade of the building must be built to.

1. Buildings with non-residential uses on the first floor: A build- to-line shall be established at the minimum front yard setback. The primary facade shall be continuous along a block face and at least 70% shall be located within 5' of the build-to-line.
2. Buildings with residential uses on the first floor: The primary facade of a residential dwelling shall be built 10' to 15' from the property line. Stairs, stoops, and elevated patios shall be allowed within the front setback. Any land remaining in the setback shall be landscaped with plant materials other than grass and shall be irrigated per the requirements established.

C. Size of Lots:

1. Minimum Size of Lot Area: Twenty Thousand (20,000) square feet
2. Minimum Lot Width: Fifty (~~30~~[50](#)) feet.
3. Minimum Lot Depth: Sixty (60) feet.

D. Maximum Lot Coverage: One hundred (100) percent, [subject to Detention and Open Space](#).

E. Floor Area Ratio: Maximum 10.0:1.

F. Housing: The following performance standards shall apply to residential development.

1. The maximum density allowed shall be 33 units/net acre, as calculated based on For the acreage purposes of the Highway this Sub-District, Apartment and Condominiums are considered Multifamily and shall be defined as follows:

- a. Apartments- a predominantly residential building in which each unit is leased by the owner to an individual entity.
- b. Condominiums- a predominantly residential building in which each unit is owned by an individual entity.

2. The maximum density allowed shall be no more than seven hundred and thirty (730) units within the Highway Sub-District. Studio, One, Two, and Three Bedroom units shall be a minimum of 15% of the 650 square feet.

a. Apartments shall be no more than five hundred (500) units.

i. There shall be at least 65% Studios and One-Bedroom units.

ii. There shall be no more than 35% Two and Three-Bedroom units.

b. Condominiums shall be no more than two hundred thirty (230) units.

i. There shall be at least 60% Studios and One-Bedroom units.

ii. There shall be no more than 40% Two and Three-Bedroom units.

3. Where first-floor square footage of all buildings containing residential units the Highway Subdistrict shall be used for non-residential uses, the following provisions for retail use shall apply.

Retail, for the sake of this subsection shall include beauty salon/barber shop, commercial amusement (indoor), furniture/ home furnishings store, gymnastics/dance studio, health/fitness center, museum/art gallery, restaurant (without drive-thru/drive-in service), retail store and shops, retail service/incidental use, and theatre.

a. Office: minimum 25% retail use.

b. Residential

i. Apartments: minimum 50% retail use.

ii. Condominiums: minimum 0% retail use.

c. Hotel: minimum 25% retail use.

4. Apartment buildings shall have a setback of Two Hundred Fifty (250) feet from the Dallas North Tollway (DNT).

G. Parking:

1. The number of parking spaces provided for uses shall be in accordance with the breakdown established in the GENERAL REQUIREMENTS section of these standards.

2. Required parking shall be located and maintained anywhere within the PD No. 119, including all sub-districts.

a. Where Townhome uses are concerned, parking may not be shared.

3. On-street parking and shared parking anywhere within the PD No. 119, including all sub-districts, except for Townhome uses, may be counted towards meeting the off-street parking requirement for any use within the sub-district.

4. Where on-street parking is provided, angled, as well as parallel parking shall be permitted as depicted in exhibit D street sections.

5. Where on-street parking is provided, vehicle maneuvering shall be allowed within the Public & Emergency Access Easement.

6. When structured garages are provided, adequate access from public rights-of-way via private drives and/or access easements shall be made readily available.

7. Parking spaces that face and are adjacent to a building shall utilize curbs, wheel stops, and/or bollards.

8. Speed bumps/humps are not permitted within a fire lane nor public roads.

11. Dead-end parking aisles are not permitted in surface parking lots.

12. In the case of mixed uses, parking spaces may be shared.

13. For all residential uses, a minimum of eighty percent (80%) of parking shall be contained in a structured parking garage.

H. Service Equipment and Areas:

1. Loading docks, truck parking, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building or placed behind or on the side of a building. On corner lots, these areas should be located behind the buildings. All solid waste trash collection structures shall be designed to accommodate the Town's current trash service provider. This includes, but not limited to, minimum dumpster enclosure requirements, approach geometry and other features for operational needs.

2. Transformers, HVAC equipment (if located at the ground level), private utility meters, and other machinery, where practical, should be located at the rear of the property.

- a. Public water meters shall be located within easements, outside of pavement, and adjacent (within 2-5 feet) to Public & Emergency Access Easement or dedicated fire lanes that include utility easements.

I. Screening:

1. Service equipment and areas shall be screened so the visual impacts of these functions are fully contained and out of view from adjacent properties and public streets to the extent that screening is allowed by utility providers.

2. Solid waste collection and loading areas shall be located to minimize visibility. These areas shall be screened, at minimum, by a ~~six (6)~~six (8) foot high wall built with the same materials as used for the principal building, or an otherwise approved solid masonry material. Trash dumpsters shall have a metal gate or door equal in height or the height of the wall, which shall generally always remain closed. Waste collection and loading area walls shall include shrubbery as to screen walls from the public realm.

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3. Where rooftop-mounted mechanical equipment is not screened from view at a point twenty feet above ground level at the property line, alternative forms of screening are required, and may be constructed of metal, acrylic, or a similar material, subject to approval by the Director of Development Services.

J. Fencing: Fencing is allowed between the primary facade of the building and the property line. In the above instances the fence shall be no greater than forty-two (42) inches in height. Fencing is restricted to wrought iron, tubular steel or similar material, or masonry. The masonry portion of any fence in front of a building shall be no higher than three (3) feet. The masonry portion of the fence must be at least 30% open in construction for each residential unit or retail/restaurant/office/service lease space. Each residential unit or retail/restaurant/office/service lease space must have an operable gate that opens to the street.

K. Streets and Sight Triangles:

~~1.~~ 1. For plantings within ten (10) feet of any public street intersection, shrubs and groundcover shall not exceed two (2) feet in height and tree branching shall provide seven (7) feet of clearance measured from the top of the ground surface to the first branch along the tree trunk.

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~~2.~~ 2. Root barriers shall be installed where street trees are planted within 5 feet of pavement within Public & Emergency Access Easement.

Nothing contained herein shall vary or supersede public safety requirements of the Town of Prosper as set forth in the Uniform Fire Code and other applicable laws, rules, and regulations of the Town of Prosper.

L. Landscaping: The standards and criteria contained in this Section are the minimum standards for all new development. Where the regulations of this Section conflict with the Town of Prosper Zoning Ordinance or the Dallas North Tollway (DNT) Guidelines, the regulations of this Section shall apply. Unless specifically identified in this Section, new developments shall comply with the landscape standards established in the Town of Prosper Zoning Ordinance and the Dallas North Tollway (DNT) Guidelines as of the date of adoption of this ordinance or as amended.

1. Any non-structured, off-street, surface parking that contains twenty (20) or more spaces shall provide interior landscaping as follows:

- a. All landscaped areas shall be protected by a raised six (6) inch concrete curb. Pavement shall not be placed closer than four (4) feet from the trunk of a tree unless a Town approved root barrier is utilized.
- b. Landscaped islands shall be located at the terminus of all parking rows, except for on-street parking, and shall contain at least one (1) large tree, three (3) inch caliper minimum, with no more than fifteen (15) parking spaces permitted in a continuous row without being interrupted by a landscape island.

c. Landscaped islands shall be a minimum of one hundred sixty (160) square feet, not less than nine (9) feet wide, measured from the inside face of curb, and a length equal to the abutting space.

d. All above grade utilities and trash enclosures in landscape areas shall be screened with evergreen plant material.

e. For streets with on-street parking, trees shall be installed against the curb, within the sidewalk, in four (4) foot by four (4) foot areas with metal grates consistent with the development.

2. Permanent irrigation shall be provided for all required landscaping as follows:

a. Irrigation lines for perimeter landscaping, shall be placed a minimum of two and one-half (2'-6") feet from a town sidewalk or alley. Reduction of this requirement is subject to review and approval by the [Executive Director of Development and Community Services Assistant Town manager or their designee.](#)

b. Trees shall be irrigated with bubbler irrigation. Shrubs and groundcover shall be irrigated with in ground drip irrigation. Turf lawn shall be irrigated with spray irrigation.

c. Rain/Freeze sensors shall be installed on all irrigation systems.

3. Drought tolerant and/or native plants from the Town's approved plant list are required for compliance. Other species may be utilized with approval from the Town as part of the Final Site Plan process.

a. Trees in sidewalks adjacent to on-street parking will be specifically selected with approval from the Town.

[4. All Landscape areas to be kept free of weeds, invasive plant species, and trash.](#)

[5. Synthetic turf may be permitted so long as it is not visible from the public rights-of-way.](#)

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Building Criteria

The standards and criteria contained in this Section are the minimum standards for all new development. The regulations of this Section shall govern where the regulations of this Section conflict with the Town of Prosper Zoning Ordinance.

A. Tri-partite Architecture: All multi-story, mixed use buildings shall be designed and constructed in tri-partite architecture (having a distinct base, middle, and top) or an alternative, scale appropriate architectural treatment.

B. ~~Maximum Building Height: Twelve (12) stories.~~

[1. Maximum Building Height: Twelve \(12\) stories.](#)

a. Architectural embellishments not intended for human occupancy that are integral to the architectural style of the buildings, including spires, belfries, towers, cupolas, domes, and roof forms whose area in plan is no greater than 23% of the first-floor footprint may exceed the height limits by up to twenty (20) feet.

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2b. Mechanical equipment, including mechanical/elevator equipment penthouse enclosures, ventilation equipment, antennas, chimneys, exhaust stacks and flues, fire sprinkler tanks, and other similar constructions may extend up to twenty (20) feet above the actual building height, provided that: 1) they are setback from all exterior walls a distance at least equal to the vertical dimension that such item(s) extend(s) above the actual building height, or 2) the exterior wall and roof surfaces of such items that are set back less than the vertical dimension above the actual building are to be constructed as architecturally integral parts of the building facade(s) or as architectural embellishments as described above. Mechanical equipment shall not be visible from the public right-of-way, measured at six (6) feet above finish grade at the Public & Emergency Access Easement line.

2. Minimum Building Height by use type:

a. Office: four (4) story.

b. Multifamily

i. Apartments: four (4) story.

ii. Condominiums: four (4) story.

c. Hotel: four (4) story

d. Retail: one (1) story.

C. Building Materials:

1. Materials such as brick, natural and manufactured stone, ~~stucco, metal panel system~~, curtain wall and window wall glazing, and cementitious panel system shall be considered primary materials. Primary materials shall comprise of at least seventy-five percent (75%) of each ~~floor,~~ elevation, exclusive of doors and windows. Where cementitious panel is applied, it shall be limited to no more than 50% of a building's material. Non-primary, or secondary materials, may include stucco and metal panel systems.

a. Where Multifamily is concerned, primary materials shall be limited to brick, natural and manufactured stone, and cementitious panel system.

2. Only primary building materials are allowed on the first floor with the exception of cementitious panels. For purposes of this section, the first floor shall be at least nine (9) feet high and, at minimum, 90% shall be constructed of masonry cladding.

3. All buildings shall be architecturally finished on all sides with articulation, detailing, and features. Architectural articulation, detailing, and features are not required for facades adjacent to a building or parking garage.

D. Window Areas:

1. For buildings which front on streets with on-street parking and contain non-residential uses on the ground floor, a minimum of thirty (30) percent of the ground floor facade shall be windows.

- a. Clear glass is required in all non-residential storefronts. Smoked, reflective, or black glass that blocks two-way visibility is only permitted above the first story.
- b. pink or gold glass shall be prohibited.

E. Building Entries:

1. Main building entries shall be highlighted using such techniques as building articulation and/or entry canopies so they are obvious to pedestrians and motorists.
2. Each building and separate lease space at grade along the street edge shall have a functioning Primary Entry from the sidewalk. Corner entries may count as a Primary Entry for both intersecting street fronts.

F. Awnings, canopies, Arcades, & Overhangs:

1. Structural awnings are encouraged at the ground level to enhance articulation of the building volumes.
2. The material of awnings and canopies shall be architectural materials that complement the building.
3. Awnings shall not be internally illuminated.
4. Canopies should not exceed one hundred (100) linear feet without a break of at least five (5) feet.
5. Canopies and awnings shall respect the placement of street trees and lighting.

G. Building Articulation:

1. That portion of the building where retail or service uses take place on the first floor shall be accentuated by including awnings or canopies, different building materials, or architectural building features.
2. Building facades fronting both streets and driveways should have massing changes and architectural articulation to provide visual interest and texture and reduce large areas of undifferentiated building facade. Design articulation should employ changes in volume and plane. Architectural elements including projecting volumes, windows, balconies, loggias, canopies, pediments, and moldings that break up the mass of the building are encouraged.

H. Above Grade Structured Parking:

1. Where parking garages are within views of public streets, openings in parking garages shall not exceed 55% of the facade area. The portion of the parking garage that is visible from the street shall have an architecturally finished facade compatible with the surrounding buildings.
2. It is the intent of this provision that the facades of surrounding buildings and the facades of any parking structures within view of public streets shall be visually similar, with construction materials being compatible.
3. Entries and exits to and from parking structures shall be clearly marked for both vehicles and pedestrians by materials, lighting, signage, etc., to ensure pedestrian safety on sidewalks.

I. Projections into Setbacks and/or Rights-of-Way:

The following projections shall be permitted into a building setback or Public & Emergency Access Easement as allowed below, provided that 1) no projection shall be permitted into a building setback or right-of-way of Dallas North Tollway; 2) such projections do not extend over the traveled portion of a roadway; 3) the property owner has assumed liability related to such projections; 4) the property owner shall maintain such projection in a safe and non-injurious manner; 5) no projections allowed over franchise utility corridors unless the projection is thirteen and one half (13.5) feet above finish grade; and 6) no projections allowed over public utility where located within a fire lane or public utility easement.

1. Ordinary building projections, including, but not limited to water tables, sills, belt courses, pilasters, and cornices may project up to twenty-four (24) inches beyond a building face or architectural projection into the setback, but not the Public & Emergency Access Easement.
2. Business signs and roof eaves may project up to ten (10) feet beyond the building face or architectural projection into the setback, but not the Public & Emergency Access Easement.
3. Architectural projections, including balconies, bays, towers, and oriels; show windows (1st floor only); below grade vaults and areaways; and elements of a nature similar to those listed; may project up to ten (10) feet beyond the building face into the setback, but not the Public & Emergency Access Easement.
4. Canopies and/or awnings may project from the building face over the entire setback. Additionally, they may be extended into the Public & Emergency Access Easement to be within eight (8) inches of the back of curb if used to provide a covered walkway to a building entrance and as long as any canopy/awning support is no closer than twenty-four (24) inches from the back of curb and does not extend over any fire lane or public utility easement.
5. Below-grade footings approved in conjunction with building permits.

Permitted Uses

[List Schedule of Permitted Uses Business Establishments for the Dallas North Tollway District](#): Uses followed by an -S- are permitted by Specific Use Permit. Uses followed by a -C- are permitted subject to conditional development standards located in the Town's Zoning Ordinance as it exists or may be amended.

• ~~Accessory Building~~

- Administrative, Medical, Insurance or Professional Office
 - ~~Antenna and/or Antenna Support Structure, Commercial~~
 - ~~Antenna and/or Antenna Support Structure, Non-Commercial~~
- Antique Shop ~~and Used Furniture~~
 - ~~Artisan's Workshop~~
 - ~~Assisted Care or Living Facility~~
 - ~~Auto Parts Sales, Inside~~
- Automobile Paid Parking Lot/Garage
- Automobile Parking Lot/Garage
- Bank, Savings and Loan, or Credit Union ~~(with or without drive through)~~
- Beauty Salon/Barber Shop as an Incidental Use
 - ~~Bed and Breakfast Inn~~
 - ~~Beer & Wine Package Sales~~

Big Box (S)

- Building Material and Hardware Sales, ~~Minor~~Major (S)
- Business Service
 - ~~Caretaker's/Guard's Residence~~

Catering Business

Child Care Center, Incidental (Care of Children of Employees in the Building)

- Civic/Convention Center
- College, University, Trade, or Private Boarding School
- Commercial Amusement, Indoor (S)
 - ~~Community Center~~
 - ~~Convenience Store with or without Gas Pumps~~
 - ~~Dance Hall~~
 - ~~Day Care Center, Child~~
 - ~~Day Care Center~~
 - ~~Dry Cleaning~~
 - ~~Farmer's Market~~
 - ~~Fraternal Organization, Lodge, Civic Club, Fraternity, or Sorority~~

Farm, Ranch, Stable, Garden, or Orchard

Food Truck Park (C)

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- Furniture, Home Furnishings and Appliance Store
- Governmental Office
- Gymnastics/Dance Studio [\(S\)](#)
- Health/Fitness Center [\(S\)](#)
 - ~~Home Occupation~~

Helistop (S)

- Hospital
- Hotel ~~C~~, [Full Service \(C\)](#)
- House of Worship
 - ~~Household Appliance Service and Repair~~
 - ~~Insurance Office~~
 - ~~Laundromat~~
 - ~~Locksmith/Security System Company~~
- Massage Therapy, Licensed [as an Incidental Use](#)
- ~~Mini-Storage~~ [Meeting/Banquet/Reception Facility \(S\)](#)
- Mobile Food Vendor [\(S\)](#)
- Multifamily [Dwelling](#)
 - ~~Multi-Tenant Office Building~~
- Municipal Uses Operated by the Town of Prosper
- Museum/Art Gallery
 - ~~Nursery~~

Outdoor Merchandise Display, Temporary

- Park or Playground
 - ~~Pet Day Care~~
- Print Shop, [Minor](#)
- Private Club [\(C\)](#)
 - ~~Private Recreation Center~~
- Private Utility, Other ~~than~~ [Than](#) Listed
 - ~~Real Estate Sales/Leasing Office~~
 - ~~Recycling Collection Point~~

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• ~~Rehabilitation Care Institution~~

Research and Development Center (S)

• ~~Restaurant or Cafeteria~~

• ~~Restaurant, without Drive-In~~

• ~~Restaurant, thru or Drive-Through S-in Service (C)~~

• Retail Stores and Shops

• Retail/Service Incidental Use

• School, Private or Parochial

• School, Public

• ~~Stealth Antenna, Commercial~~

• ~~Studio Dwelling~~

• Telephone Exchange

• ~~Temporary Building~~

Temporary Buildings for Churches, Public Schools and Governmental Agencies (S)

Theater, Neighborhood

• Theater, Regional

• ~~Townhome~~

• ~~Utility Distribution/Transmission Facility~~

• ~~Veterinarian Clinic and/or Kennel, Indoor~~

• ~~Work/Live Units (Property that has been specifically designed for use both as a~~

~~residential unit and an employment space. While the segregation of uses may take place vertically, they will be located in the same leasable area, be accessed by the same doorway and may or may not share plumbing.)~~Winery (enclosed operations)

Wireless Communications and Support Structures (Cell Tower) (S)

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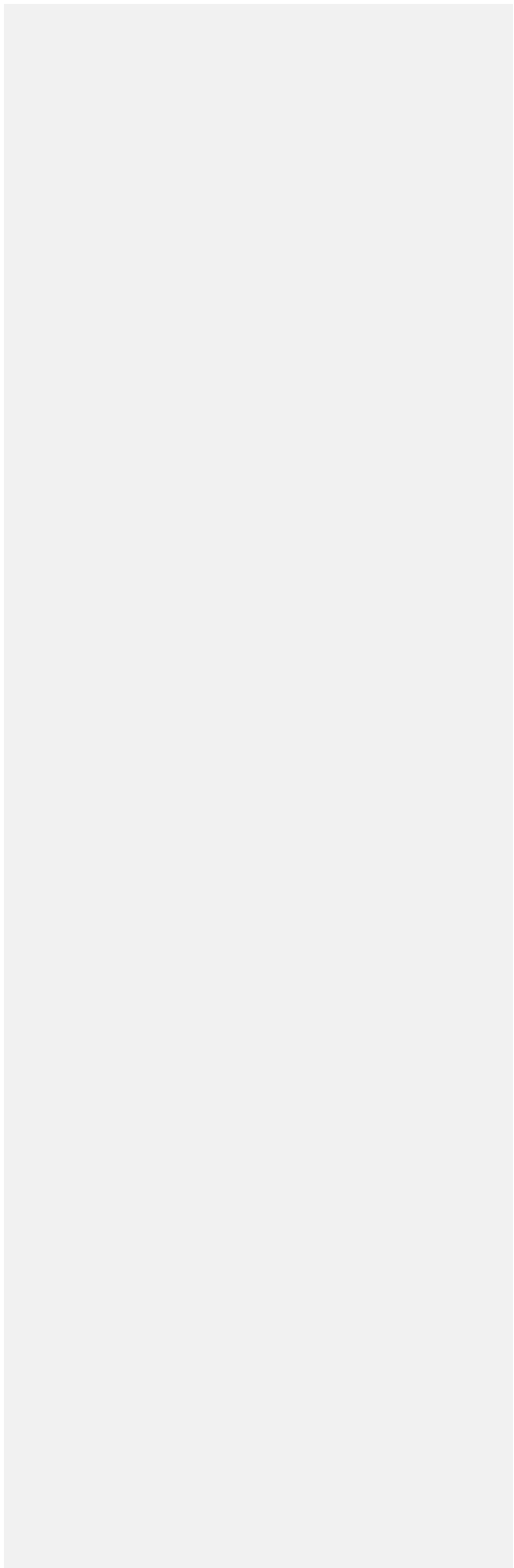
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NEIGHBORHOOD SUB-DISTRICT



NEIGHBORHOOD SUB-DISTRICT

Purpose & Intent

The purpose of the Neighborhood Sub-District is to provide for a variety of developments in a suburban type setting which will provide residential units and supporting retail space.

Site Criteria

A. Size of Yards:

1. Townhomes ([lots shall be fee-simple](#))

- i. Minimum Front Yard: Ten (10) feet.
- ii. Minimum Side Yard: Zero (0) feet.
- iii. Minimum Rear Yard: Twenty (20) feet.
- iv. Maximum Building Height: Thirty-Five (35) feet (as measured from the finish floor to the top plate), or three (3) stories.
- v. Minimum Dwelling Area: One Thousand (1,000) square feet.
- [vi. Minimum Building Separation: Twenty \(20\) feet.](#)
- [vii. Maximum Units Per Building: six \(6\) units](#)

2. Commercial

- i. Minimum Front Yard: Ten (10) feet.
- ii. Minimum Side Yard: Five (5) feet.
- iii. Minimum Rear Yard: Five (5) feet.
- iv. Maximum Building Height: Forty-five (45) Feet (as measured from the finish floor to the top plate), or three (3) stories

B. Build-to-Line: On streets with on-street parking, a build-to-line shall be required. A -build-to-line- is a line parallel to a public or private street where the primary facade of the building must be built to.

- 1. Buildings with non-residential uses on the first floor: A build- to-line shall be established at the minimum front yard setback. The primary facade shall be continuous along a block face and at least 70% shall be located within 5' of the build-to-line.
- 2. Buildings with residential uses on the first floor: The primary facade of a residential dwelling shall be built 10' to 15' from the property line. Stairs, stoops, and elevated patios shall be allowed within the front setback. Any land remaining in the setback shall be landscaped with plant materials other than grass and shall be irrigated per the requirements established.
- 3. Residential lots may front on public or private open space or a property owner's association lot.

C. Size of Lots:

- 1. Minimum Size of Lot Area: Three thousand (3,000) square feet
- 2. Minimum Lot Width: Twenty (20) feet.

3. Minimum Lot Depth: Sixty (60) feet.

D. Maximum Lot Coverage: One Hundred (100) percent. Parking structures and surface parking facilities shall be excluded from lot coverage computations.

E. Floor Area Ratio: Maximum 5.0:1.

F. Housing: The following performance standards shall apply to residential development.

1. The maximum density allowed shall be ~~40~~sixty (60) units/~~net acre, as calculated based on the acreage of within~~ the Neighborhood Sub-District.

2. The minimum number of townhome units shall be forty-two (42) units.

G. Maximum Floor Area Per Building: Twenty thousand (20,000) square feet.

H. Parking:

1. The number of parking spaces provided for uses shall be in accordance with the breakdown established in the GENERAL REQUIREMENTS section of these standards.

2. Required parking shall be located and maintained anywhere within the PD No. 119, including all sub-districts.

a. Where Townhome uses are concerned, parking may not be shared.

3. On-street parking and shared parking anywhere within the PD No. 119, including all sub-districts, except for Townhome uses, may be counted towards meeting the off-street parking requirement for any use within the sub-district.

4. Where on-street parking is provided, angled, as well as parallel parking shall be permitted.

5. Where on-street parking is provided, vehicle maneuvering shall be allowed within the Public & Emergency Access Easement.

6. When structured garages are provided, adequate access from public rights-of-way via private drives and/or access easements shall be made readily available.

7. Parking spaces that face and are adjacent to a building shall utilize curbs, wheel stops, and/or bollards.

8. Speed bumps/humps are not permitted within a fire lane.

~~119~~. Dead-end parking aisles are not permitted in surface parking lots.

~~1210~~. In the case of mixed uses, uses may share parking spaces.

I. Service Equipment and Areas:

1. Loading docks, truck parking, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building or placed behind or on the side of a building. On corner lots, these areas should be located behind the buildings. All solid waste trash collection structures shall be designed to accommodate the Town's current trash service provider. This includes, but not limited to, minimum dumpster enclosure requirements, approach geometry and other features for operational needs.

2. Transformers, HVAC equipment (if located at the ground level), private utility meters, and other machinery, where practical, should be located at the rear of the property.

- a. Public water meters shall be located within easements, outside of pavement, and adjacent (within 2-5 feet) to Public & Emergency Access Easement or dedicated fire lanes that include utility easements.

J. Screening:

1. Service equipment and areas shall be screened so the visual impacts of these functions are fully contained and out of view from adjacent properties and public streets, provided public utility providers allow for screening.

2. Solid waste collection and loading areas shall be located to minimize visibility. These areas shall be screened by a ~~six (6)~~eight (8) foot high wall built with the same materials as used for the principal building, or an otherwise approved solid masonry material. Trash dumpsters shall have a metal gate or door equal in height or the height of the wall, which shall generally remain closed at all times. Waste collection and loading area walls shall include shrubbery as to screen walls from the public realm.

3. Where rooftop-mounted mechanical equipment is not screened from view at a point twenty feet above ground level at the property line, alternative forms of screening are required, and may be constructed of metal, acrylic, or a similar material, subject to approval by the Director of Development Services.

K. Fencing: Fencing is allowed between the primary facade of the building and the property line. In the above instances the fence shall be no greater than forty-two (42) inches in height. Fencing is restricted to wrought iron, tubular steel or similar material, or masonry. The masonry portion of any fence in front of a building shall be no higher than three (3) feet. The masonry portion of the fence must be at least 30% open in construction for each residential unit or retail/restaurant/office/service lease space. Each residential unit or retail/restaurant/office/service lease space must have an operable gate that opens to the street.

L. Streets and Sight Triangles: Within the Neighborhood Sub-District the following street design standards shall apply. Except as provided herein, no sight triangle shall be required. Adequate sight distance will be provided at all intersections through the use of appropriate traffic control devices. Sight triangles, per the Town of Prosper’s requirements, for vehicles exiting the development for both public streets and private driveways shall be provided at intersections with Shawnee Trail.

- ~~±~~ 1. For plantings within ten (10) feet of any public street intersection, shrubs and groundcover shall not exceed two (2) feet in height and tree branching shall provide seven (7) feet of clearance measured from the top of the ground surface to the first branch along the tree trunk.

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Nothing contained herein shall vary or supersede the public safety requirements of the Town of Prosper as set forth in the Uniform Fire Code and other applicable laws, rules, and regulations of the Town of Prosper.

M. Landscaping: The standards and criteria contained in this Section are the minimum standards for all new development. Where the regulations of this Section conflict with the Town of Prosper Zoning

[Ordinance or the Dallas North Tollway \(DNT\) Guidelines, the regulations of this Section shall apply.](#) Unless specifically identified in this Section, new developments shall comply with the landscape standards established in the Town of Prosper Zoning Ordinance- [and the Dallas North Tollway \(DNT\) Guidelines as of the date of adoption of this ordinance or as amended.](#)

1. Any non-structured, off-street, surface parking that contains twenty (20) or more spaces shall provide interior landscaping as follows:

- a. All landscaped areas shall be protected by a raised six (6) inch concrete curb. Pavement shall not be placed closer than four (4) feet from the trunk of a tree unless a Town approved root barrier is utilized.
- b. Landscaped islands shall be located at the terminus of all parking rows, except for on-street parking, and shall contain at least one (1) large tree, three (3) inch caliper minimum, with no more than fifteen (15) parking spaces permitted in a continuous row without being interrupted by a landscape island.
- c. Landscaped islands shall be a minimum of one hundred sixty (160) square feet, not less than nine (9) feet wide, measured from the inside face of curb, and a length equal to the abutting space.
- d. All above grade utilities and trash enclosures in landscape areas shall be screened with evergreen plant material.
- e. For streets with on-street parking, trees shall be installed against the curb, within the sidewalk, in four (4) foot by four (4) foot areas with metal grates consistent with the development.

2. Except for the landscape easement adjacent to the deceleration lane on Shawnee Trail, the landscape easement within the POA Lot adjacent to Shawnee Trail will be a minimum of twenty-five (25) feet.

~~23~~ 23. Permanent irrigation shall be provided for all required landscaping as follows:

- a. Irrigation lines for perimeter landscaping identified in (1) above, shall be placed a minimum of two and one-half (2'-6") feet from a town sidewalk or alley. Reduction of this requirement is subject to review and approval by Executive Director of Development and Community Services.
- b. Trees shall be irrigated with bubbler irrigation. Shrubs and groundcover shall be irrigated with in ground drip irrigation. Turf lawn shall be irrigated with spray irrigation.
- c. Rain/Freeze sensors shall be installed on all irrigation systems.

~~34~~ 34. Drought tolerant and/or native plants from the Town's approved plant list are required for compliance. Other species may be utilized with approval from the Town as part of the Final Site Plan process.

- a. Trees in sidewalks adjacent to on-street parking will be specifically selected with approval from the Town.

[4. All Landscape areas to be kept free of weeds, invasive plant species, and trash.](#)

[5. Synthetic turf may be permitted so long as it is not visible from the public rights-of-way.](#)

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Building Criteria

The standards and criteria contained in this Section are the minimum standards for all new development. The regulations of this Section shall govern where the regulations of this Section conflict with the Town of Prosper Zoning Ordinance.

A. Maximum Building Height:

1. Three (3) stories.
2. Architectural embellishments not intended for human occupancy that are integral to the architectural style of the buildings, including spires, belfries, towers, cupolas, domes, and roof forms whose area in plan is no greater than 25% of the first-floor footprint may exceed the height limits by up to ten (10) feet.
3. Mechanical equipment, including mechanical/elevator equipment penthouse enclosures, ventilation equipment, antennas, chimneys, exhaust stacks and flues, fire sprinkler tanks, and other similar constructions may extend up to ten (10) feet above the actual building height, provided that: 1) they are setback from all exterior walls a distance at least equal to the vertical dimension that such item(s) extend(s) above the actual building height, or 2) the exterior wall and roof surfaces of such items that are set back less than the vertical dimension above the actual building are to be constructed as architecturally integral parts of the building facade(s) or as architectural embellishments as described above. Mechanical equipment shall not be visible from the Public & Emergency Access Easement, measured at six (6) feet above finished grade at the Public & Emergency Access Easement line.

B. Building Materials:

1. Materials such as brick, natural and manufactured stone, ~~stucco, metal panel system,~~ curtain wall and window wall glazing, and cementitious panel system shall be considered primary materials. Primary materials shall comprise ~~at~~ least seventy-five (75) percent of each ~~floor elevation,~~ exclusive of doors and windows.
 - a. Townhomes shall be constructed of no less than ~~60~~75% brick masonry, calculated from the aggregate of the front, rear and side elevations.
2. Only primary building materials are allowed on the first floor excluding cementitious panel systems, exclusive of doors, windows, and their accompanying frames. For purposes of this section, the first floor shall be at least nine (9) feet high.

3. All buildings shall be architecturally finished on all sides with articulation, detailing, and features. Architectural articulation, detailing, and features are not required for facades adjacent to a building or parking garage.

C. Windows:

1. For buildings which front on streets with on-street parking and contain non-residential uses on the ground floor, a minimum of thirty (30) percent of the ground floor facade shall be windows.

a. Clear glass is required in all non-residential storefronts. Smoked, reflective, or black glass that blocks two-way visibility is only permitted above the first story.

b. pink or gold glass shall be prohibited.

2. For buildings which front on streets, and contain residential uses, a minimum of thirty (30) percent of the facade shall be windows.

D. Horizontal articulation: No building wall shall extend for a distance equal to four (4) times the wall's height without having an off-set equal to 25% of the wall's height. The new plane shall then extend for a distance equal to at least 25% of the maximum length of the first plane.

E. Building Entries: Main building entries shall be highlighted using such techniques as building articulation and/or entry canopies so they are obvious to pedestrians and motorists.

F. Above Grade Structured Parking:

1. Where parking garages are within views of streets, openings in parking garages shall not exceed 53% of the facade area. The portion of the parking garage that is visible from the street shall have an architecturally finished facade compatible with the surrounding buildings.

2. Entries and exits to and from parking structures shall be clearly marked for both vehicles and pedestrians by materials, lighting, signage, etc., to ensure pedestrian safety on sidewalks.

G. Projections into Setbacks and/or Rights-of-Way:

The following projections shall be permitted into a building setback or Public & Emergency Access Easement as allowed below, provided that 1) no projection shall be permitted into a building setback or right-of-way of Shawnee Trail; 2) such projections do not extend over the traveled portion of a roadway; 3) the property owner has assumed liability related to such projections; and 4) the property owner shall maintain such projection in a safe and non-injurious manner; and 5) no projections allowed over franchise utility corridors unless the projection is thirteen and one half (13.5) feet above finish grade; and 6) no projections allowed over public utility where located within a fire lane or public utility easement..

1. Ordinary building projections, including, but not limited to water tables, sills, belt courses, pilasters, and cornices may project up to twelve (12) inches beyond a building face or architectural projection into the setback, but not the Public & Emergency Access Easement.

2. Business signs and roof eaves I may project up to ten (10) feet beyond the building face or architectural projection into the setback, but not the Public & Emergency Access Easement.

3. Architectural projections, including balconies, bays, towers, and oriels; show windows (1st floor only); below grade vaults and areaways; and elements of a nature similar to those listed; may project up to ten (10) feet beyond the building face into the setback, but not the Public & Emergency Access Easement.

4. Canopies and/or awnings may project from the building face over the entire setback. Additionally, they may be extended into the Public & Emergency Access Easement to be within eight (8) inches of the back of curb if used to provide a covered walkway to a building entrance and as long as any canopy/awning support is no closer than twenty-four (24) inches from the back of curb and does not extend over any fire lane or public utility easement.

5. Below-grade footings approved in conjunction with building permits.

Permitted Uses

List Schedule of Permitted Uses Business Establishments for the Dallas North Tollway District: Uses followed by an -S- are permitted by Specific Use Permit. Uses followed by a -C- are permitted subject to conditional development standards located in the Town's Zoning Ordinance as it exists or may be amended.

- ~~Accessory Building~~
- Administrative, Medical, Insurance or Professional Office
- ~~Antenna and/or Antenna Support Structure, Commercial~~
- ~~Antenna and/or Antenna Support Structure, Non-Commercial~~
- ~~Assisted Care or Living Facility~~

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Antique Shop

- Automobile Paid Parking Lot/Garage
- Automobile Parking Lot/Garage
- Bank, Savings and Loan, or Credit Union

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Beauty Salon/Barber Shop as an Incidental Use

Big Box (S)

Building Material and Hardware Sales, Major (S)

- Business Service
- ~~Caretaker's/Guard's Residence~~

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Catering Business

Child Care Center, Incidental (Care of Children of Employees in the Building)

- Civic/Convention Center
- College, University, Trade, or Private Boarding School

- ~~Community Center~~

~~Convenience~~Commercial Amusement, Indoor (S)

Farm, Ranch, Stable, Garden, or Orchard

Food Truck Park (C)

- Furniture, Home Furnishings and Appliance Store with or without Gas Pumps

- ~~Corporate Campus~~

- ~~Day Care Center, Child~~

- ~~Day Care Center~~

- ~~Dry Cleaning~~

- ~~Fraternal Organization, Lodge, Civic Club, Fraternity, or Sorority~~

- Governmental Office

Gymnastics/Dance Studio (S)

- Health/Fitness Center (S)

- ~~Home Occupation~~

Helistop (S)

- Hospital

- House of Worship

- ~~Insurance Office~~

- Massage Therapy, Licensed as an Incidental Use

Meeting/Banquet/Reception Facility (S)

- Mobile Food Vendor (S)

- ~~Multi Tenant Office Building~~

- Municipal Uses Operated by the Town of Prosper

- Museum/Art Gallery

- ~~Office/Show Room~~

Outdoor Merchandise Display, Temporary

- Park or Playground

- Print Shop, Minor

- Private Club (C)

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~~• Private Recreation Center~~

• Private Utility, Other than Than Listed

~~• Real Estate Sales/Leasing Office~~

~~• Rehabilitation Care Institution~~

Research and Development Center (S)

~~• Restaurant or Cafeteria~~

~~• Restaurant, without Drive In~~

~~• Restaurant, thru or Drive Through S-~~

• Retail/ in Service Use(C)

Retail Stores and Shops

Retail/Service Incidental Use

• School, Private or Parochial

• School, Public

~~• Stealth Antenna, Commercial~~

~~• Studio Dwelling~~

• Telephone Exchange

~~• Temporary Building~~

Temporary Buildings for Churches, Public Schools and Governmental Agencies (S)

Theater, Neighborhood

Theater, Regional

• Townhome

~~• Utility Distribution/Transmission Facility~~

~~• Work/Live Units (Property that has been specifically designed for use both as a residential unit and an employment space. While the segregation of uses may take place vertically, they will be located in the same leasable area, be accessed by the same doorway and may or may not share plumbing.)~~

Veterinarian Clinic and/or Kennel, Indoor (S)

Winery (enclosed operations)

Wireless Communications and Support Structures (Cell Tower) (S)

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GENERAL REQUIREMENTS

GENERAL REQUIREMENTS

A. Development shall generally take place in accordance with [the](#) attached Concept Plan (Exhibit D).

Plats and/or site plans submitted for the development shall conform to the data presented and approved on the conceptual development plan. Changes of detail on these final development plan(s) that differ from the conceptual development plan may be authorized by the Town staff, with their approval of the final development plan(s) and without public hearing, if the proposed changes do not:

1. alter the basic relationship of the proposed development to adjacent property,
2. alter the uses permitted,
3. increase the density,
4. increase the building height,
5. increase the coverage of the site,
6. reduce the off-street parking ratio,
7. reduce the building lines provided at the boundary of the site, or
8. significantly alter any open space plans.

If the Town staff determines that the proposed change(s) violates one (1) or more of the above eight (8) criteria, then a public hearing must be held by the Planning and Zoning Commission and the Town Council to adequately amend the granting ordinance prior to the Planning & Zoning Commission's approval of the final development plan(s).

B. A minimum twenty (20) percent of the total area in this planned development shall be provided as open space.

Open spaces may include areas used for facilities such as plazas, courts, recreational amenities, water features and other similar uses not specifically used for vehicular access and parking.

Additionally, [if](#) detention areas [shall](#) contain a constant water level and are landscaped or otherwise treated as an amenity for the development, they may be used to meet the open space requirement.

The open space may not consist of any of the following elements:

1. Vehicular parking.
2. Required parking lot tree islands.
3. Building footprints.
4. Utility yards.

The open space may consist of any of the following elements:

5. Landscape easements, setbacks, or any other landscaping as listed in Chapter 2, Section 4 of the zoning ordinance.
6. Public ~~sidewalks and~~ plazas.
7. Detention/ [Retention](#) ponds, [when activated with pedestrian access](#).

C. Design Guidelines: Design Guidelines will be created, and approved by Staff, to govern the following details.

1. Street sections, including sidewalks
2. Public realm standards, including sidewalks, benches, signage, planters, outdoor seating areas, [trees/landscape](#), parking, and lighting.

3. Multifamily characteristics are generally set forth below, and may be applied to other uses as appropriate.

a. Special Provisions: typical floor height ten-twelve feet, air condition corridors, Hospitality-style amenity centers, Resort-style pool, State-of-the-art fitness centers, and hidden trash collection.

b. Architectural Provisions

Facade Composition

For multi-story buildings, the overall composition of the façade should incorporate a three-part hierarchy of base, body, and cap to emphasize verticality and to maintain a balanced façade composition. In addition, the cap of the building should be architecturally distinguished to provide a visual termination to the facade and interest at the skyline.

All buildings must be composed of:

Building Base: The “base” of the building clearly defines the realm of the public space and provides the necessary spatial enclosure. The base of the building is also the device that effectively engages the pedestrian, defining the character and quality of a street or public space. It also houses the uses with the most intensity. The height of the base varies depending on the overall building height. The “base” shall consist of the area of wall immediately along the ground floor level to the “body” of the building. The transition from “base” to “body” may be expressed either horizontally, through a shift in the vertical plane or, vertically through a change in building materials along a level line. The base shall be between 16’ minimum and, in buildings of at least four stories, may include up to the floor line of the third floor.

Building Body: The “body” of the building comprises the majority of the building, mainly defined by its structural composition. It houses the main use and engages all fronts. The “body” shall consist of the area of wall from the “base” to the “cap.” The transition from “body” to “cap” may be expressed either horizontally, through a shift in the vertical plane or vertically through a change in building materials along a level line.

Building Cap: The “cap” of the building could either encompass the last floor of a building and roof, or be the area above the eave or before the parapet line depending upon the height or number of stories of the building. The “cap” clearly terminates the “body” of the building. The building top is determined by the height of the building and

is not subject to elements of style. The “cap” shall consist of the area of wall from the top floor level to the parapet or the area of wall from the roof line to the top of the parapet wall. Optional Body Setback: The optional body setback is a change in the depth of the vertical plane of the primary facade along the full width of the building at the transition point between the “base” and the “body” of the building. This setback clearly divides the base from the rest of the building and provides the opportunity for an interim cornice line at the top of the base. The depth of the setback varies, but should be noticeable, in order to perceive the change between the two parts.

Building Composition

By subdividing the building mass into a series of well-scaled volumes, and then articulating those volumes with window systems, different materials, and special elements, a rich architectural form can be created. True to its classical roots, this approach to design provides a rational method of creating a wide variety of buildings with individual character, that still create a unified ensemble. The concept of “bay spacing” is critical in helping to maintain an appropriate human scale by breaking up the massing of large buildings as well as in creating a lively and interesting streetscape rhythm.

Traditional downtown streetscapes were often comprised of individual buildings divided into 25 ft. wide parcels facing the primary street. Many buildings were one-lot wide (25’), although later buildings spanned more than one lot. Wider building facades were typically divided into repeated sections, or “bays”, ranging from 15 ft. to 30 ft. in width on the ground floor. This pattern of bay spacing echoed, rather than over-whelmed, adjacent buildings that might only be one lot wide. Upper stories often were consistent across two, three or five bays, unifying the building as a whole. Buildings in the Mixed-Use area should reflect these traditional building facades, and should express a facade composition ranging from one bay width to no more than 5 bay widths in length.

Special Conditions

All elevations of buildings that can be seen from either the street or public spaces shall be considered “primary facades” and shall be designed as “fronts.” Buildings occupying lots with two frontages, such as on corner lots, shall treat both building walls as “primary facades” with each being equally considered as “fronts.” Additional detailing and attention can be applied to these two-fronted scenarios in order to better landmark the corner to enhance the architectural character as well as to improve pedestrian and vehicular way finding.

Scale & Massing

The overall scale and mass of the buildings that make up a neighborhood play a key role in attracting patrons, pedestrians, and activities to a particular area. Buildings provide the perimeter walls for streets and public spaces and should be designed in a manner that is consistent with the nature of the spaces that they define. Buildings should share with their neighbors a sense of harmony that reveals focus on defining high quality.

vibrant public spaces. In the mixed-use area, the focus of building design should concentrate on the creation of collective expression - on clearly defined public and outdoor spaces and streetscapes as a cohesive and legible whole - rather than on individual buildings with a strong individual expression.

New construction should give consideration to appropriate form and proportion as reflected in the tradition of vernacular, mixed-use buildings. Buildings should be rectangular, facing the street with the facade aligned with the front property line. Angled or non-rectilinear buildings, unless relating to the street alignment, are inappropriate. The bulky form of the overall mass should be articulated into a series of forms which provide a variety of scale and proportion. The "Base" of a building should maintain a consistent building plane along the building frontage except to provide recessed storefront entrances, a special corner feature, usable open space for out-door dining, or to form a mid-block pedestrian passageway.

Commercial construction on a primarily residential block should be designed to reflect a residential character. A front yard setback for commercial uses at some interface locations is desirable. Creating a height transition by locating taller building portions toward areas with larger scaled buildings and lower portions toward residential areas is preferable. Long, rectangular buildings should be articulated into two or three distinct facade elements, separated either by recesses, changes in materials, structural elements, or sub-divided into individual facades separated by panels. Special architectural treatment and detailing should be located at the corners of the building and at the mid-point of the main building mass.

Doors, Windows, & Openings

The different elements defined by the massing, are further articulated by different door, window and wall systems. These systems will vary by use, but may include the following: a curtainwall, generally used in the recessed elements; a storefront system for commercial applications; a primary wall with square punched openings; a secondary wall system with rectangular punched openings; and a system of columns and lintels placed in front of curtain walls or storefronts for special portions of the buildings. The combination of this articulated massing and the reinforcement of forms with different materials and window patterns result in a lively composition with the capacity to define dynamic urban space.

Doorways are celebrated and made monumental by a series of special elements added to the frame around the wall. All window and door openings shall be square or vertical in proportion, and any other divisions of openings shall happen as a system of squares or vertically proportioned rectangles. Grouped or "ganged" windows shall be treated as a single opening, unless they are separated by a minimum 4 inch divider. Windows and doors may meet at building corners, or shall be a mini-mum of twenty-four inches from the building corner. Shading devices over doors and windows are permitted to be cantilevered and made of any architectural grade material, but shall be fully functional rather than simply decorative. All arcade openings (or "voids") shall be vertical in proportion.

Transparency

Design distinction between upper and lower floors shall be maintained by developing the ground level facade as primarily transparent and inviting to the public. For commercial uses, the use of storefront windows, typically consisting of glass set in wood, clad wood, or metal frames creates a highly inviting and transparent street level facade. Retail ground floors shall have between 60% and 80% glazing, as measured from grade to the underside of the slab above. Colored or mirrored glazing and glass block are inappropriate.

Upper floors generally employ a different ratio of solid area versus opening area and are differentiated from the more transparent ground floor by having more solid area than void area and through the use of smaller, vertically oriented windows in a regular pattern. Ground levels use can also be differentiated through a change in transparency. Commercial uses, such as retail, shall be more transparent than smaller office or residential uses. This change in the pattern of doors, windows, and openings helps to clarify the various uses for the pedestrian by highlighting the nature of public, semi-public, and private tenants.

Rhythm

Building facades are comprised of a series of patterns, from the number and spacing of bays, the number and spacing of floor levels, the disposition of openings and architectural details, and the arrangement and palette of materials, which create an inherent rhythm. Symmetry, repeated bays with expressed structural elements, and the repetition of windows and doors create the essential rhythm of the facade. This rhythm can be further reinforced by changing materials, patterns, reveals, building setbacks, facade portions or by using design elements such as column or pilasters, which establish a legible vertical and horizontal arrangement of the various building elements comprising the facade.

Vertical Alignment

In vernacular buildings, the expression of the structural system follows traditional construction patterns. As a result, openings are generally stacked above other openings and solid areas in the facade are stacked above structural elements. This vertical alignment, determined primarily by structural requirements, reinforces the "bay" system and helps to clarify the overall building composition. Setbacks, reveals, and projections in the vertical plane of the building facade can also serve to enhance the legibility of this composition.

Horizontal Alignment

As well as following a clear vertical alignment, traditional facades were equally organized horizontally. As previously described, buildings should be divided into three distinct components: the Base, the Body, and the Cap. The height of these various elements should be carefully designed so that there is a general consistency along the entire streetscape. Dramatic changes in building heights will not be allowed. Within

each building composition, care should be made to align horizontal elements, including building cornices, sill heights, floor levels, decorative moldings and windows.

Walls

All elevations of buildings that can be seen from public spaces shall be designed as "fronts." Street facades should include elements to maintain pedestrian scale and interest. Architectural details and facade articulation including recesses for outdoor dining areas, display cases, public art integrated with the building design, and additional architectural elements and details help create visual interest. Avoid large featureless facade surfaces by incorporating traditionally sized building components, standard window sizes, standard brick and siding sizes, trim and details. Blank walls and blind facades visible from public streets are prohibited.

Columns & Lintels

The columns and lintels in Clearfork derive from the vocabulary of traditional architecture, but can be abstracted and reinterpreted to incorporate contemporary building techniques. Although they may be purely ornamental, columns and lintels should be designed and detailed in character with the traditional construction patterns of the load bearing buildings of the vernacular architectural styles of central Texas.

Awnings & Canopies

Canopies and awnings shall not be used above the "base" and they shall coordinate with a horizontal element of the storefront. They shall project at least six feet, so as to provide shade and shelter to pedestrians. Canopies and awnings of commercial establishments shall be permitted to encroach over the setback. Canopies and awnings shall extend horizon-tally from the building and shall be supported by rods, cables or brackets. The bottom of the canopy and the awning shall be a minimum of eight feet above the sidewalk.

Canopies of commercial establishments shall be made of wood, metal or glass. Lettering may be applied to the edges of canopies.

Awnings of commercial establishments shall be made of canvas or synthetic material having the appearance of canvas. Awnings shall be triangular in section. Awnings may have side panels, but shall not have a panel enclosing the underside of the awning. Internal structure of awnings shall be galvanized pipe or extruded aluminum framework. Awnings shall not be translucent or internally illuminated. Awnings may have lettering on the valance only.

4. Hotel characteristics are generally set forth below.

Hotel, Full Service. Full Service Hotel developments shall be subject to the following development standards:

[a. External balconies and walkways shall be set back 200 feet from any residential zoning district.](#)

[b. Shall provide management staff on-site 24 hours a day.](#)

[c. Shall provide at least four amenities from the list below:](#)

- [Indoor/Outdoor Pool](#)
- [Spa/Sauna](#)
- [Weight Room/Fitness Center](#)
- [Playground](#)
- [Sports Court](#)
- [Game Room](#)
- [Jogging Trail](#)

[d. Shall provide a full-service restaurant offering three meals a day.](#)

[e. Shall provide a minimum total of 20,000 square feet of meeting/event space.](#)

[f. No more than five percent of the total number of guest rooms shall have cooking facilities.](#)

[g. All room units must be accessed through an internal hallway, lobby, or courtyard.](#)

[h. All rooms shall be a minimum of two hundred \(200\) square feet.](#)

D. All utility lines shall be underground from the building to the property line. Utility lines within the Public & Emergency Access Easement shall be placed underground and relocated to the rear of the site to the maximum extent practicable.

E. Conditional Development Standards, shall be in accordance with the Zoning Ordinance, as it exists, or may be amended, except as follows:

1. Mobile Food Vendors - Mobile food vendors are permitted in this planned development, in accordance with the Conditional Development Standards of the Zoning Ordinance, as is exists or may be amended, except as follows:

a. Mobile food vendors are not required to be located on property where an existing, permanent business operates in a building with a Certificate of Occupancy.

b. Mobile food vendors are not required to be located within fifty feet (50') of an entrance of a primary building that holds the Certificate of Occupancy-, [however, they shall have access to a public restroom.](#)

c. Mobile food vendors may be located on public property other than public street travel lanes. Order windows shall face outward towards public sidewalk. At no time shall any part of food truck operations use main lanes without a special use permit issued by the Town;

d. Mobile food vendors may be located on private property with the written consent of the owner;

e. Mobile food vendors shall not operate in driveways or fire lanes;

f. Mobile ~~food~~Food vendors ~~cannot remain more than 24 hours and shall be considered as a Minor Amendment~~return to the PD, subject to approval by the Director of Development Services~~approved commissary~~.

g. Prior to issuance of a permit, an application shall be submitted to the Development Services Department and containing any information required by staff to evaluate the impacts including but limited to location, parking and accessibility.

F. Parking Requirements Based on Use.

In all Sub- Districts, at the time any building or structure is erected or structurally altered, parking spaces shall be provided in accordance with the following requirements. A mixed-use discount of 20% shall be applied to the overall development, except for Townhomes, where shared parking is concerned.

~~Automobile Oil change and Similar Establishments: One (1) parking space per service bay plus one (1) parking space per maximum number of employees on a shift.~~

Bank, Savings and Loan, or similar Establishments: One (1) space per three hundred fifty (350) square feet of gross floor area.

Bed and breakfast facility: One (1) space per guest room in addition to the requirements for normal residential use.

Business or professional office (general): One (1) space per three hundred fifty (350) square feet of gross floor area.

~~Church, rectory, or other place of worship: One (1) parking space for each three (3) Seats in the main auditorium.~~

College or University: One (1) space per each day student.

Community Center, Library, Museum, or Art Gallery: Ten (10) parking spaces plus one additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one (1) space for each four (4) seats that it contains.

Commercial Amusement: One (1) space per three (3) guests at maximum designed capacity.

Dance Hall, Assembly or Exhibition Hall Without Fixed Seats: One (1) parking space for each two hundred (200) square feet of floor area thereof.

Dwellings, Multifamily: One (1) space for each bedroom in one (1) and two (2) bedroom units, plus one half (1/2) additional space for each additional bedroom.

Farmer's Market, Flea Market: One (1) space for each five hundred (500) square feet of site area.

Fraternity, Sorority, or Dormitory: One (1) parking space for each two (2) beds on campus, and one and one-half (1.5) spaces for each two beds in off campus projects.

Furniture or Appliance Store, Wholesale Establishments, Machinery or Equipment

Sales and Service, Clothing or Shoe Repair or Service: Two (2) parking spaces plus one (1) additional parking space for each four hundred (400) square feet of floor area over one thousand (1,000).

~~Gasoline Station: Minimum of three (3) spaces for employees. Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling.~~

Health Studio or Club: One (1) parking space per two hundred (200) square feet of exercise area.

Hospital: One (1) space per employee on the largest shift, plus one and one-half (1.5) spaces per each bed or examination room, whichever is applicable.

Hotel: One (1) parking space for each sleeping room or suite plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein.

Kindergartens, day schools, and similar child training and care establishments: shall provide one (1) paved off-street loading and unloading space for an automobile on a through -circular-drive for each ten (10) students, or one (1) space per ten (10) students, plus one (1) space per teacher.

Library or Museum: Ten (10) spaces plus one (1) space for every three hundred (300) square feet, over one thousand (1,000) square feet.

Lodge or Fraternal Organization: One (1) space per two hundred (200) square feet.

Medical or Dental Office: One (1) space per three hundred fifty (350) square feet of floor area.

~~Mini Warehouse: Four (4) spaces per complex plus one (1) additional space per three hundred (300) square feet of rental office.~~

~~Motor Vehicle Repair and Service: Three (3) parking spaces per service bay plus one (1) parking space per maximum number of employees on a shift.~~

Nursing Home: One (1) space per five (5) beds and one (1) parking space for each one thousand (1,000) square feet of lot area for outdoor uses.

Private Club: One (1) parking space for each seventy-five (75) square feet of gross floor area.

Retail Store or Personal Service Establishment, Except as Otherwise Specified Herein: One (1) space per two hundred and fifty (250) square feet of gross floor area.

Restaurant, Restaurant with a Private Club, Cafe or Similar Dining Establishment: One (1) parking space for each one seventy-five (75) square feet of gross floor area for stand-alone buildings without a drive-through, and one (1) parking space for each one hundred (100) square feet of gross floor area for restaurants located within a multi-tenant buildings, and one (1)

parking space for each one hundred (100) square feet for stand-alone buildings with a drive-through.

Sanitarium, Convalescent Home, Home for the Aged or Similar Institution: One (1) parking space for each five (5) beds.

School, Elementary, Secondary, or Middle: One and one half (1½) parking spaces per classroom, or the requirements for public assembly areas contained herein, whichever is greater.

School, High School: One and one half (1½) parking spaces per classroom plus one (1) space per five (5) students the school is designed to accommodate, or the requirements for public assembly areas contained herein, whichever is greater.

Theater, Sports Arena, Stadium, Gymnasium or Auditorium (except school): One (1) parking space for each four (4) seats or bench seating spaces.

Townhomes: Minimum of two (2) parking spaces located behind the front building line and two (2) parking spaces enclosed in the main or an accessory building.