



MINUTES
Regular Meeting of the
Prosper Planning & Zoning Commission
Prosper Town Hall
Council Chambers
250 W. First Street, Prosper, Texas
Tuesday, September 20, 2022, 6:00 p.m.

1. Call to Order / Roll Call

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

Commissioners Present: Chair Brandon Daniel, Secretary Mike Pettis, Doug Charles, Damon Jackson and Tommy Van Wolfe

Staff Present: David Soto, Planning Manager; Paul Rodriguez, Senior Planner; Doug Braches, Planning Technician

2. Recitation of the Pledge of Allegiance

3. CONSENT AGENDA

3a. Consider and act upon minutes from the September 6, 2022, Planning & Zoning Commission Regular meeting.

3b. Consider and act upon a Conveyance Plat for Ladera Prosper Phase 1 Block A, Lots 1 and 1X on 63.3± acres, located on the west side of Custer Road, south of First Street. The property is zoned Planned Development-107 (PD-107) (D22-0076).

Motioned by Van Wolfe, seconded by Charles, to approve the Consent Agenda, subject to staff recommendations. Motion approved 5-0.

REGULAR AGENDA

4. Conduct a Public Hearing, and consider and act upon a request to rezone 13.3± acres from Single Family-15 (SF-15) to Planned Development-Retail (PD-R), generally to allow for an office/retail development, located on the east side of Preston Road, north of St. Peter Lane. (Z21-0003). This is a companion case to CA21-001. (Z21-0003).

David Soto (Staff): Summarized the request and presented exhibits.

Maxwell Fisher (Applicant): Presented the request and exhibits regarding the proposed request.

Commissioners expressed general concerns and questions regarding rear building height reductions, physical distance to residences from retail property lines, tree height living screen at time of planting and green space.

Maxwell Fisher (Applicant): Provided responses and answers to the commissioner's questions and concerns.

Chair Daniel opened the Public Hearing.

Jayson Maslowski (Citizen): Addressed the commission by speaking in opposition to the request due to concerns about proposed walking path near his property line and potential of lowered property value for his property.

Brady Cox & Lena Smith (Citizens): Addressed the commission and presented information on the request. Spoke in opposition to the request due to concerns regarding entry, exit, visibility, public access, improper use of private property by general public, master plan disparity and detracts from luxury homes appeal of the current development.

Maxwell Fisher (Applicant): Responded to Citizens comments regarding proposed trail, surrounding properties and traffic access.

Don Silverman (Owner): Gave public comments addressing concerns of citizens and history of the development.

Commissioners questioned Silverman regarding landscape replacement and maintenance responsibilities.

Don Silverman (Owner): Addressed landscaping questions.

Lena Smith (Citizen): Addressed the commission generally expressing concerns and speaking in opposition to the request.

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

Commissioners asked questions regarding easement rights.

Dan Heischman & David Soto (Staff): Responded to questions regarding easement access, uses, and legal concerns of related cases.

Commissioners asked questions regarding on current lighting plan and timeline of development.

David Soto (Staff): Answered questions regarding lighting plans.

Commissioners asked for clarification regarding staff's recommendation of the proposed request.

David Soto (Staff): Answered and responded with clarification of staff's recommendation of the proposed request.

Commissioners generally restated concerns regarding the proposed request.

Motion by Charles, no second to approve Item 4, motion fails.

Second Motion by Charles, seconded by Pettis to Table Item 4 for the October 3rd Planning and Zoning Commission meeting.

Motion denied 3-2, with Commissioners Charles and Pettis voting for approval of the motion to Table Item 4 and Commissioners Van Wolfe, Jackson and Daniel voting for denial of the motion to Table Item 4.

Third Motion by Chair Daniel, seconded by Jackson to deny Item 4.

Motion approved 3-2, with Commissioners Van Wolfe, Jackson and Daniel voting for approval of the motion to deny Item 4 and Commissioners Charles and Pettis voting for denial of the motion to deny Item 4.

- 5. Conduct a Public Hearing, and consider and act upon a request to amend the Future Land Use Plan from Residential Low Density to Retail and Neighborhood Services, generally located, located on the east side of Preston Road, north of St. Peter Lane. This is a companion case to Z21-0003. (CA22-0001).**

Soto: Summarized the request and presented exhibits.

Commissioners questioned if Item 5 can pass with the denial of Item 4.

Soto: Answered questions regarding companion cases.

Chair Daniel opened the Public Hearing

Lena Smith (Citizen): Gave public comments regarding changes to the Master Plan and general zoning processes.

Maxwell Fisher (Applicant): Gave comments on easement, ownership questions and concerns.

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

Motion by Charles, seconded by Pettis to approve Item 5.

Motion denied 3-2, with Commissioners Charles and Pettis voting for approval of the motion to approve Item 5 and Commissioners Van Wolfe, Jackson and Daniel voting for denial of the motion to approve Item 5.

Motion by Jackson, seconded by Van Wolfe to deny Item 5.

Motion approved 3-2, with Commissioners Van Wolfe, Jackson and Daniel voting for approval of the motion to deny Item 5 and Commissioners Charles and Pettis voting for denial of the motion to deny Item 5.

6. Adjourn.

Motioned by Jackson, seconded by Charles to adjourn. Motion approved 5-0 at 7:44 p.m.



Doug Braches, Planning Technician



Michael Pettis, Secretary