



AGENDA
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.

Notice Regarding Public Participation

Welcome to the Planning & Zoning Commission meeting. Individuals may attend the meeting in person, or access the meeting via videoconference, or telephone conference call.

To access the videoconference online, follow these instructions:

Join the Zoom Meeting by clicking on the following link:

<https://us02web.zoom.us/j/86944373392>

Enter Meeting ID: 869 4437 3392

To request to speak, click on "Participants" at the bottom of the screen, and click "Raise Hand." The meeting moderator will acknowledge your request and allow you to speak.

To join the meeting by phone, dial any one of the following numbers: +1 346 248 7799

Enter Meeting ID: 869 4437 3392

To request to speak, enter *9. The meeting moderator will acknowledge your request and allow you to speak.

Addressing the Planning & Zoning Commission:

- Those wishing to address the Commission must complete the [Public Comment Request Form](#) located on the Town website or in Council Chambers.
- **If you are attending in person**, please submit this form to the Board Chair or a staff member prior to the meeting. When called upon, please come to the podium and state your name and address for the record.
- **If you are attending online/virtually**, please submit this form prior to 5:00 p.m. on the day of the meeting. Please ensure your full name appears on the screen and you are unmuted so the meeting moderator can recognize you and allow you to speak. The Chat feature is not monitored during the meeting. The Town assumes no responsibility for technical issues that are beyond our control.

If you encounter any problems joining or participating in the meeting, please call our help line at 972-569-1191 for assistance.

Pursuant to Section 551.007 of the Texas Government Code, individuals wishing to address the Commission for items listed as public hearings will be recognized when the public hearing is opened. For individuals wishing to speak on a non-public hearing item, they may address the Commission when the item is considered by the Planning & Zoning Commission.

1. Call to Order / Roll Call
2. Pledge of Allegiance

3. CONSENT AGENDA

(Items placed on the Consent Agenda are considered routine in nature and are considered non-controversial. The Consent Agenda can be acted upon in one motion. A Planning & Zoning Commissioner may remove any item for discussion and separate action. Planning & Zoning Commissioners may vote nay on any single item without comment and may submit written comments as part of the official record.)

- 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).

CITIZEN COMMENTS

The public is invited to address the Planning & Zoning Commission on any topic. However, the Commission is unable to discuss or take action on any topic not listed on this agenda. Please complete a "Public Comment Request Form" and present it to the Development Services Department prior to the meeting.

REGULAR AGENDA

If you wish to address the Planning & Zoning Commission, please fill out a "Public Meeting Appearance Card" and present it to the Chair, preferably before the meeting begins. Pursuant to Section 551.007 of the Texas Government Code, individuals wishing to address the Planning & Zoning Commission for items listed as public hearings will be recognized when the public hearing is opened. For individuals wishing to speak on a non-public hearing item, they may address the Commission when the item is considered by the Planning & Zoning Commission.

- 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).
- 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).
- 6.** Adjourn.

Note: The order in which items are heard on the agenda is subject to change.

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, September 16, 2022, and remained so posted at least 72 hours before said meeting was convened.

Michelle Lewis Sirianni, Town Secretary

Date Notice Removed

Pursuant to Section 551.071 of the Texas Government Code, the Town Council reserves the right to consult in closed session with its attorney and to receive legal advice regarding any item listed on this agenda.

NOTICE

Pursuant to Town of Prosper Ordinance No. 13-63, all speakers other than Town of Prosper staff are limited to three (3) minutes per person, per item, which may be extended for an additional two (2) minutes with approval of a majority vote of the Town Council.

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS: The Prosper Town Hall is 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
Regular Meeting of the
Prosper Planning & Zoning Commission
Prosper Town Hall
Council Chambers
250 W. First Street, Prosper, Texas
Tuesday, September 6, 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, Vice-Chair Sarah Peterson, Secretary Mike Pettis, Doug Charles, Sekou Harris, Damon Jackson and Tommy Van Wolfe

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

2. Recitation of the Pledge of Allegiance

3. CONSENT AGENDA

3a. Consider and act upon minutes from the July 19, 2022, Planning & Zoning Commission Regular meeting.

3b. Consider and act upon minutes from the August 16, 2022, Planning & Zoning Commission Regular meeting.

3c. Consider and act upon a Final Plat for Prosper Center, Lot 9, Block D, on 1.8± acres, located on the north side of University Drive and west of Mahard Parkway. The property is zoned Planned Development-101 (PD-101). (D22-0064).

3d. Consider and act upon a Revised Conveyance Plat for Crossland Phase 4 & 5 of the Prosper Business Park Addition, Block B, Lots 4, 5 and 9, on 15.67 acres, located on the south side of Industry Way, east of Cook Lane. The property is zoned Planned Development (PD-26). (D22-0072).

3e. Consider and act upon a Site Plan for a Star Trails West Amenity Center, on 1.85 acres, located on the north side of Starwood Drive, west of Savanna Ridge Trail. The property is zoned Planned Development-66 (PD-66). (D22-0075).

Motioned by Jackson, seconded by Harris, to approve the Consent Agenda, subject to staff recommendations. Motion approved 7-0.

REGULAR AGENDA

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

Soto: Provided a summary of recent action taken by Town Council.

5. Adjourn.

Motioned by Harris, seconded by Van Wolfe to adjourn. Motion approved 7-0 at 6:04 p.m..

Doug Braches, Planning Technician

Michael Pettis, Secretary



To: Planning & Zoning Commission

Item No. 3b

From: David Soto, Planning Manager

Re: Planning & Zoning Commission Meeting –September 20, 2022

Agenda Item:

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).

Description of Agenda Item:

The purpose of the Conveyance Plat for Ladera Prosper Phase 1, Block A, Lots 1 and 1X, is to create two lots. The plat conforms to Planned Development-107 (PD-107) development standards.

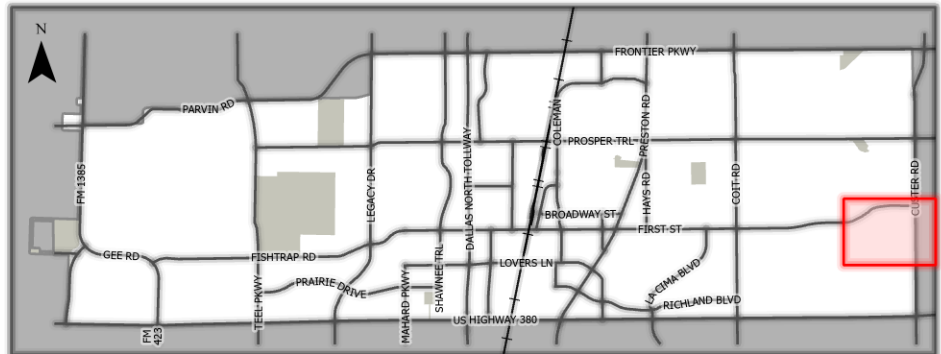
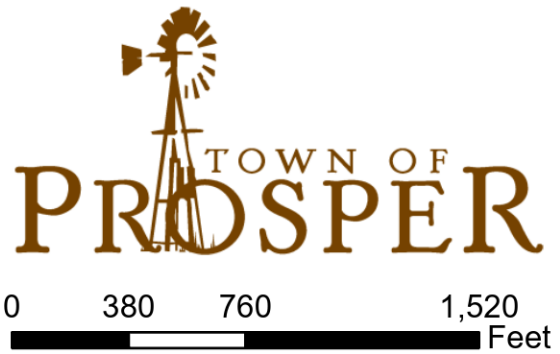
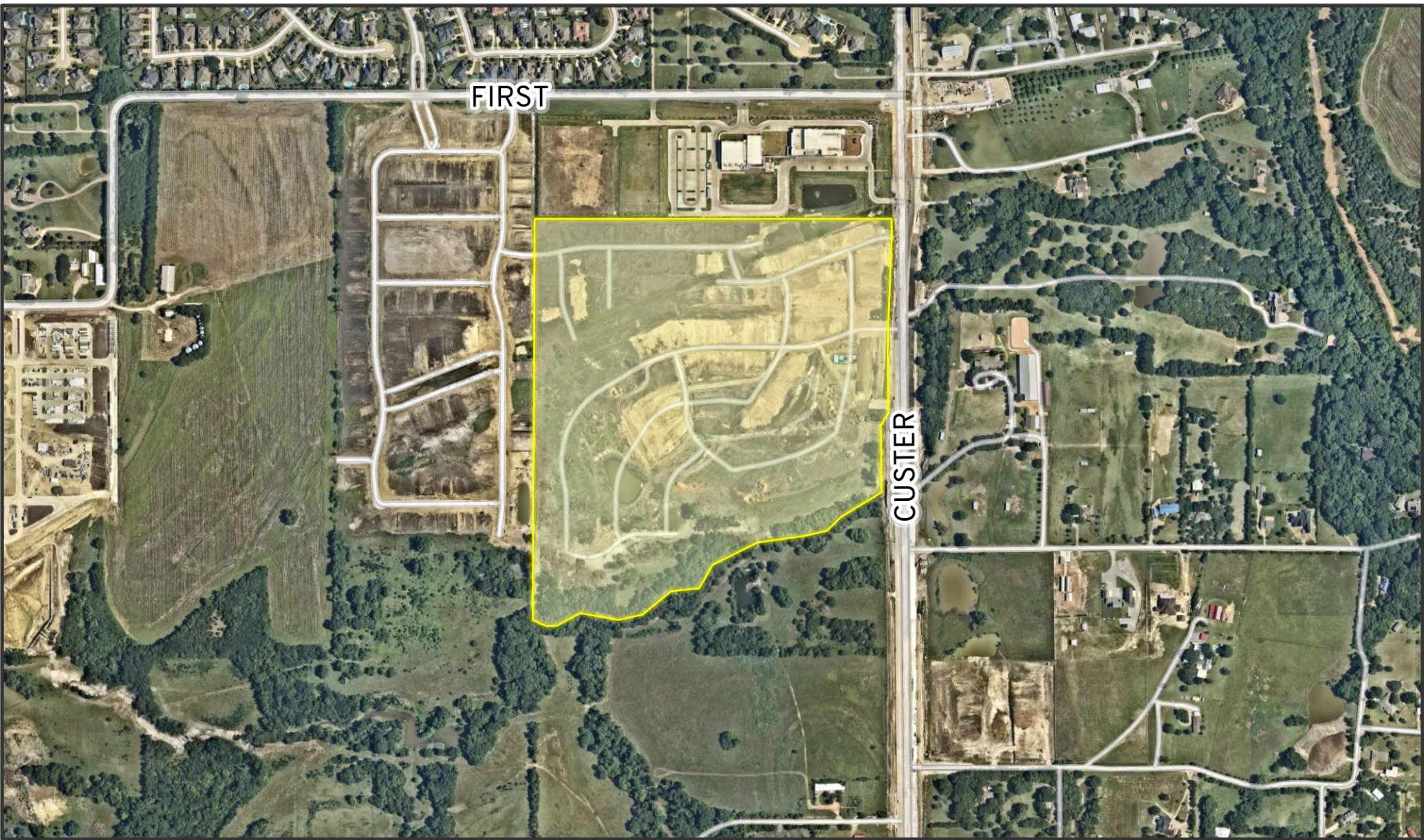
Attached Documents:

1. Location Map
2. Conveyance Plat

Staff Recommendation:

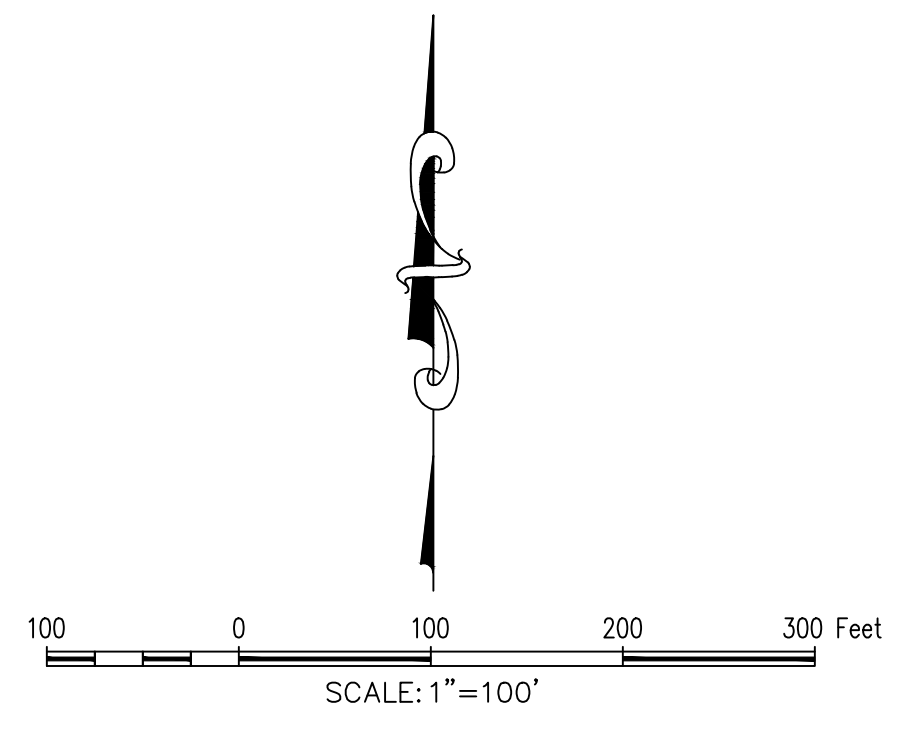
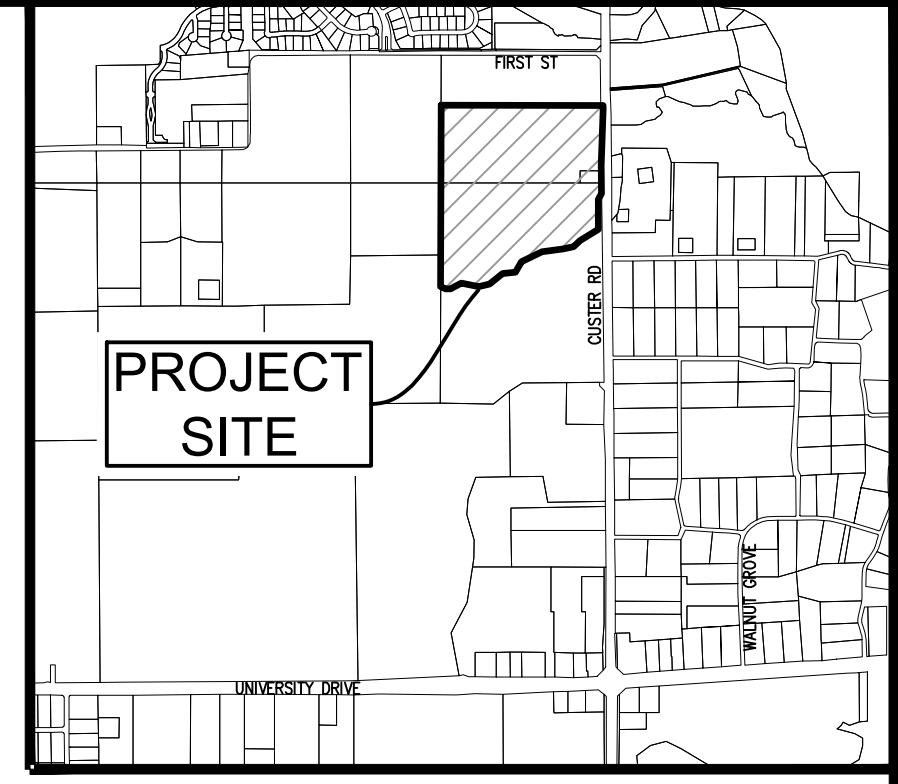
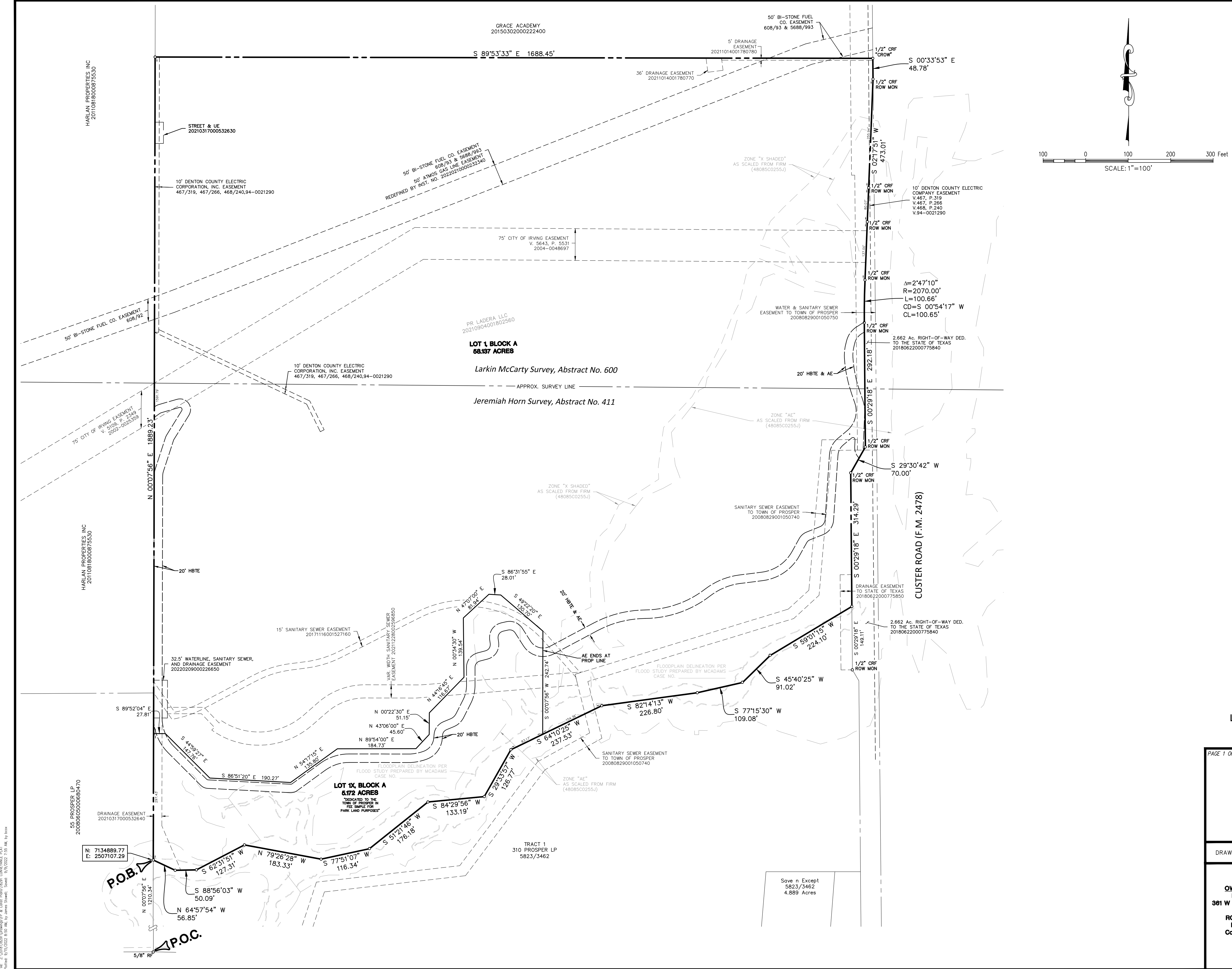
Staff recommends approval of Conveyance Plat, subject to:

1. Town staff approval of all additions and/or alterations to the easements and dedications on the Conveyance Plat.
2. Approved contingent access easement shall be annotated prior to recording at the county.



This map for illustration purposes only

D22-0076
Ladera Prosper Phase 1
Conveyance Plat



- LEGEND**
- RF = REBAR FOUND
 - CRF = CAPPED REBAR FOUND
 - UE = UTILITY EASEMENT
 - HBTE = HIKE, BIKE AND TRAIL EASEMENT
 - AE = ACCESS EASEMENT

CONVEYANCE PLAT
LOTS 1 & 1X, BLOCK A,
LADERA PROSPER, PHASE 1
63.307 Acres
Case Number D22-0076
 in the
J. HORN SURVEY, ABSTRACT NO. 411
LARKIN MCCARTY SURVEY, ABSTRACT NO. 600
TOWN OF PROSPER
COLLIN COUNTY, TEXAS

PAGE 1 OF 2

The John R. McAdams Company, Inc.
 111 Hillside Drive
 Lewisville, Texas 75057
 972.436.9712

201 Country View Drive
 Roanoke, Texas 75262
 940.240.1012

TBPE: 19762 TBPLS: 10194440
 www.gacon.com
 www.mcadamsco.com

DRAWN BY: BC DATE: 07/28/2022 SCALE: 1" = 60' JOB. No. 18291

OWNER/DEVELOPER
PR LADERA, LLC
381 W BYRON NELSON BLVD
STE. 104
ROANOKE, TX 75262
Ph. 817-430-3318
Contact: JOHN DELIN

Save n Except
 5823/3462
 4.889 Acres

File: 2_2024(1829)Drawing(P) & Easement Plat(1829) CONVEYANCE PLAT
 Project: 9/1/2022 8:59 AM, by: James Stewart, Saved: 9/1/2022 7:55 AM, by: bob

OWNER'S CERTIFICATE

STATE OF TEXAS §
COUNTY OF §

BEING all that certain lot, tract, or parcel of land, situated in the Larkin McCarty Survey, Abstract Number 600, and the Jeremiah Horn Survey, Abstract Number 411, Collin County, Texas, and being part of that certain called 138.702 acre tract of land, described as Tract 1, in deed to 310 Prosper, L.P., recorded in Volume 5823, Page 3462, Deed Records, Collin County, Texas, and being part of that certain tract of land, described in deed to FF 14th Fairway Limited Partnership, recorded in Volume 4212, Page 2103, Deed Records, Collin County, Texas, and being more particularly described as follows:

COMMENCING at a 5/8" rebar found, at the southwest corner of said Tract 1, and being the southeast corner of that certain called 55.855 acre tract of land, described in deed to 55 Prosper, L.P., recorded in Instrument Number 20080605000680470, Official Public Records, Collin County, Texas, and being on the north line of that certain called 84.983 acre tract of land, described in deed to 104 Prosper, L.P., recorded in Volume 5316, Page 5314, Deed Records, Collin County, Texas, from which a 5/8" rebar found at the northeast corner thereof, and being the southerly southeast corner of said Tract 1, bears S 88°51'51" E, a distance of 722.94 feet;

THENCE N 00°07'56" E, with the west line of said Tract 1, and the east line of said 55 Prosper, L.P. tract, a distance of 1210.34 feet to a 1/2" capped rebar set stamped "MCADAMS" at the POINT OF BEGINNING, and being the southwest corner of the herein described tract of land;

THENCE N 00°07'56" E, with the west line of said Tract 1, and the east line of said 55 Prosper, L.P. tract, passing the northeast corner thereof, and being the southeast corner of that certain tract of land, described in deed to Harlan Properties Inc., recorded in Instrument Number 20110818000875530, Official Public Records, Collin County, Texas, and continuing with the east line thereof, a total distance of 1889.23 feet to a 1/2" capped rebar set stamped "MCADAMS" at the southwest corner of that certain tract of land, described in deed to Grace Academy, recorded in Instrument Number 20150302000222400, Official Public Records, Collin County, Texas;

THENCE S 89°53'33" E, with the south line of said Grace Academy tract, a distance of 1688.45 feet to a 1/2" capped rebar found stamped "CROW" at the southeast corner thereof, being on the east line of said Tract 1, and the west line of Custer Road;

THENCE S 00°33'53" E, with the east line of said Tract 1, and the west line of said Custer Road, a distance of 48.78 feet to an Aluminum Texas Department of Transportation (TxDOT) monument found at the north end of certain called 2.662 acre Right-of-Way dedication to the State of Texas, described as Tract 15, recorded in Instrument Number 20180622000775840, Official Public Records, Collin County, Texas;

THENCE with the west line of said 2.662 acre Right-of-Way dedication, and the west line of said Custer Road, the following:
S 02°17'51" W, passing at 255.94 feet a TxDOT monument found, passing at 366.01 feet a TxDOT monument found, and continuing a total distance of 473.01 feet to a TxDOT monument found;

Southwesterly with the arc of a curve to the left, having a radius of 2070.00 feet, a central angle of 02°47'10", an arc length of 100.66 feet, and whose chord bears S 00°54'17" W, a distance of 100.65 feet to a TxDOT monument found;

S 00°29'18" E, a distance of 292.18 feet to a TxDOT monument found;

S 29°30'42" W, a distance of 70.00 feet to a TxDOT monument found;

S 00°29'18" E, a distance of 314.29 feet to a 1/2" capped rebar set stamped "MCADAMS" at the southeast corner of the herein described tract of land, from which a TxDOT monument found bears S 00°29'18" E, a distance of 149.11 feet;

THENCE over, across, and through said Tract 1, generally with the center of a creek, the following:

S 59°01'15" W, a distance of 224.10 feet;

S 45°40'25" W, a distance of 91.02 feet;

S 77°15'30" W, a distance of 109.08 feet;

S 82°14'13" W, a distance of 226.80 feet;

S 64°10'25" W, a distance of 237.53 feet;

S 29°33'57" W, a distance of 126.77 feet;

S 84°29'56" W, a distance of 133.19 feet;

S 51°21'46" W, a distance of 176.18 feet;

S 77°51'07" W, a distance of 116.34 feet;

N 79°26'28" W, a distance of 183.33 feet;

S 62°31'51" W, a distance of 127.31 feet;

S 88°56'03" W, a distance of 50.09 feet;

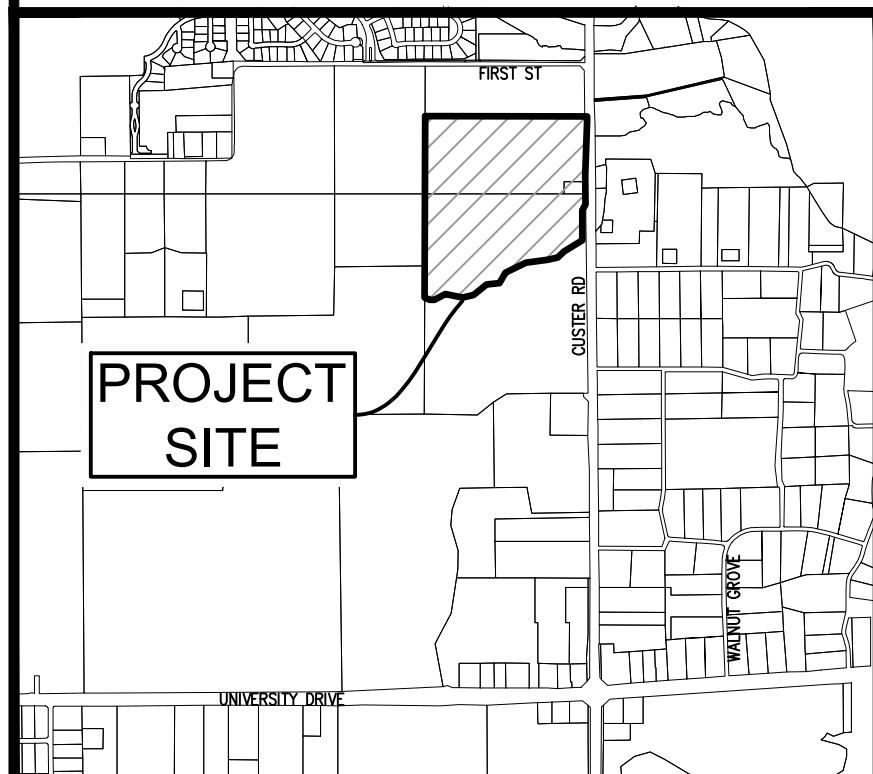
N 64°57'54" W, a distance of 56.85 feet to the POINT OF BEGINNING and containing approximately 63.307 acres of land.

NOW, THEREFORE, KNOWN ALL MEN BY THESE PRESENTS:

THAT, PR LADERA LLC, acting herein by and through its duly authorized officers, does hereby certify and adopt this plat designating the herein above described property as LADERA PROSPER, an addition to the Town of Prosper, and does hereby dedicate to the public use forever, the streets and alleys shown thereon. PR LADERA LLC does hereby certify the following:

- 1. The streets and alleys are dedicated for street and alley purposes.
2. All public improvements and dedications shall be free and clear of all debt, liens, and/or encumbrances.
3. The easements and public use areas, as shown are dedicated for the public use forever for the purposes indicated on this plat.
4. No building, fences, trees, shrubs, or other improvements or growth shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements if approved by the Town of Prosper.
5. The Town of Prosper is not responsible for replacing any improvements in, under, or over any easements caused by maintenance or repair.
6. Utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by the public utilities being subordinate to the public's and Town of Prosper's use thereof.
7. The Town of Prosper and public utilities shall have the right to remove and keep removed all or part of any building, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in the easements.

VICINITY MAP SCALE 1"=2000'



8. The Town of Prosper and public utilities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

9. All modifications to this document shall be by means of plat and approved by the Town of Prosper.

10. 100 Year Floodplain Easement Restriction: Construction within the floodplain may not occur until approved by the Town. (A request for construction within the floodplain easement must be accompanied with detailed engineering plans and studies indicating that no flooding will result, that no obstruction to the natural flow of water will result; and subject to all owners of the property affected by such construction becoming a party to the request.) Where construction is approved, all finished floor elevations shall be a minimum of one (1) foot above the 100-year flood elevation as determined by analyzing the ultimate build-out conditions of the entire drainage basin. Existing creeks, lakes, reservoirs, or drainage channels traversing along or across portions of this addition, will remain as an open channel at all times and will be maintained by the individual owners of the lot or lots that are traversed by the drainage courses along or across said lots. The Town will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion. Each property owner shall keep the natural drainage channels traversing his/her property clean and free of debris, silt, or any substance that would result in unsanitary conditions. The Town shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owner to alleviate any undesirable conditions, which may occur. The Town is not obligated to maintain or assistance with maintenance of the area. The natural drainage channel, as in the case of all natural drainage channels, are subject to storm water overflow and natural bank erosion. The Town shall not be liable for damages of any nature resulting from the occurrence of these natural phenomena, nor resulting from a failure of any structure(s) within the natural drainage channels. The natural drainage channel crossing each lot is shown by the Floodway easement line as shown on the plat. If a Subdivision alters the horizontal or vertical floodplain, a FEMA Floodway map revision may be required.

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

WITNESS, my hand, this the ___ day of ___, 2022.

BY: PR LADERA LLC

JOHN DELIN, AUTHORIZED REPRESENTATIVE
PR LADERA LLC

STATE OF TEXAS §
COUNTY OF §

BEFORE ME, the undersigned, a Notary Public in and for The State of Texas, on this day personally appeared JOHN DELIN, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ___ day of ___, 2022.

Notary Public, State of Texas

My commission expires the ___ day of ___, ____.

Approved this ___ day of ___, 2022
by the Planning & Zoning Commission of the Town of Prosper, Texas.

Development Services Department

Engineering Department

Town Secretary

NOTES:

- 1. Bearings based on Texas Coordinate System, North Central Zone (4202), NAD '83.
2. Original copies of survey maps and descriptions prepared by the surveyor and firm whose names appear hereon will contain an embossed surveyor's seal. Any map or description copy without that embossed seal is likely a copy not prepared in the office of the surveyor and may contain alterations or deletions made without the knowledge or oversight of the surveyor.
3. According to Community/Panel No. 48085C0255 J, effective June 2, 2009, of the FLOOD INSURANCE RATE MAP for Collin County, Texas & Incorporated Areas, by graphic plotting only, this property appears to be within Flood Zone "AE" (areas of 100-year flood where base flood elevations have been determined). This flood 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 flood statement shall not create liability on the part of the surveyor.
4. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate abstract of title may disclose.
5. Notice: Selling a portion of this addition by metes and bounds is a violation of Town Ordinance and state law and is subject to fines and withholding of utilities and building permits
6. All corners are 1/2" capped rebar set, stamped "MCADAMS" unless otherwise noted.

*** NOTICE: A conveyance plat is a record of property approved by the Town of Prosper, Texas, for the purpose of sale or conveyance in its entirety or interest therein defined. No building permit shall be issued nor permanent public utility service provided until a Final plat is approved and public improvements approved in accordance with the provisions of the Subdivision Ordinance of the Town of Prosper.

CONVEYANCE PLAT
LOTS 1 & 1X, BLOCK A,
LADERA PROSPER, PHASE 1
63.307 Acres
Case Number D22-0076
in the
J. HORN SURVEY, ABSTRACT NO. 411
LARKIN MCCARTY SURVEY, ABSTRACT NO. 600
TOWN OF PROSPER
COLLIN COUNTY, TEXAS

PAGE 2 OF 2



The John R. McAdams Company, Inc.
111 Hillside Drive
Lewisville, Texas 75057
972.436.9712
201 Country View Drive
Roanoke, Texas 76262
940.240.1012
www.gacon.com
www.mcadamsco.com

DRAWN BY: BC DATE: 07/28/2022 SCALE: NTS JOB. No. 18291

OWNER/DEVELOPER
PR LADERA LLC
381 W BYRON NELSON BLVD
STE. 104
ROANOKE, TX 76262
Ph. 817-430-3318
Contact: JOHN DELIN

SURVEYOR'S STATEMENT

I, James Stowell, a Registered Professional Land Surveyor in the State of Texas, have prepared this plat of the above property from an actual survey on the ground, and this plat represents that survey made by me or under my supervision.

PRELIMINARY DOCUMENT:
THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.
JAMES STOWELL, RPLS 6513 9/16/22

James Stowell, RPLS
Texas Registration No. 6513

STATE OF TEXAS §
COUNTY OF §

BEFORE ME, the undersigned, a Notary Public in and for The State of Texas, on this personally appeared JAMES STOWELL, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ___ day of ___, 2022.

Notary Public, State of Texas

My commission expires the ___ day of ___, ____.



PLANNING

To: Planning & Zoning Commission

Item No. 4

From: David Soto, Planning Manager

Re: Planning & Zoning Commission Meeting – September 20, 2022

Agenda Item:

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).

History:

The applicant has submitted this request on February 1, 2021. It was tabled indefinitely at its July 15, 2021 Planning & Zoning meeting.

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	Single Family-15	Undeveloped	Low Density Residential
North	Planned Development-15-Single Family	Town of Prosper Park	Low Density Residential
East	Single Family-15	Single Family Residence & Prosper Lake Subdivision	Low Density Residential
South	Single Family-15	Montclair Subdivision	Low Density Residential
West	Single Family-12.5	Cambridge Park Estates, Phase 1	Medium Density Residential

Requested Zoning – The purpose of this request is 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. The applicant is proposing to introduce a new Planned Development that includes but not limited to permitted uses, development regulations, and design guidelines. Outline below is a few of the development standards, please refer to the Exhibit D for all the regulations.

It's important to note that the applicant has created its own allowable uses and the list of uses are shown below.

List of Uses allowed:

1. Administrative, Medical or Professional Office
2. Antique Shop
3. Artisan's Workshop
4. Bank, Savings and Loan, or Credit Union, Lots 1-6 only
5. Bed and Breakfast Inn
6. Beauty Salon, Barber Shop, Lots 1, 2 and 3 only
7. Building Materials and Hardware Sales, Minor, Lots 1-3 only
8. Business Service, Lots 1 - 4only
9. Child Care Center, Licensed, only one permitted in PD, Lots 3 and 4by SUP only
10. Convenience Store without Gas Pumps, Lots 1-3 by SUP only
11. Day Care Center, Adult, only one permitted in PD, Lots 1, 3 and 4 by SUP only
12. Dry Cleaning, Minor
13. Commercial Amusement, Indoor, Lots 1, 2, 5 and 6
14. Farmer's Market, Lots 1-4
15. Furniture, Home Furnishings and Appliance Store, Lot 3
16. Health/Fitness Center, Lots 1-6
17. Insurance Office, Lots 1-6
18. Message Therapy, Licensed, Lots 1-6
19. Print Shop, Minor, Lots 1-4
20. Restaurant, Lots 1, 2, 5 and 6 only (May include outdoor entertainment in Lots 1, 5 and 6 provided speakers face west away from the single family residential to the east.)
21. Retail Stores and Shops, Lots 1-6
22. Retail Service, Indoor, Lots 1-6 only
23. Retail/Service Incidental Use, Lots 1-6
24. School, Private
25. Theatre, Neighborhood, Lots 2 and 3 by SUP only

way decreases ability of right-of-way to eventually be extended to land locked property as originally intended when platted.

Residential Lots

Staff has concerns with residential lots not fronting standard public right-of-way or more specially just on a private access easements will have issues with common day-to-day occurrences such as postal (and on-line) deliveries, garbage pick-up, and guest parking. Applicant has provided some measures to address these issues, but staff feels there may be situations where the accommodations provided would not be sufficient.

Exhibit F-1, F-2 and F-3 shows a conceptual rendering of the architectural look and style of the building.

Below is a comparison table of the request by the applicant regarding masonry

	Retail District	New Planned Development
Building Materials	<ul style="list-style-type: none"> • 90%-100 % masonry (which includes 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 (0%-10% maximum allowance). 	<ul style="list-style-type: none"> • 90%-100% (Which includes Architectural Structural Block, under the trade name "Quik Brick" (a 4" manufactured concrete masonry unit) and cultured stone (manufactured) individually stacked. • Split-faced block, architectural concrete block, and painted/textured concrete tilt wall shall be limited to a maximum of ten percent (0%-10%) of any single elevation on any pad site.

The applicant has agreed to enter into a development agreement regarding the building materials. Below are exhibits of renderings of the building.



Future Land Use Plan – The Future Land Use Plan recommends Low Density Residential for the subject property. The proposed zoning request does not conform to the comprehensive plan. The

companion item is a Future Land Use Plan Amendment to revise the FLUP to reflect Retail and Neighborhood Services uses.

Thoroughfare Plan – The property has direct access to the Preston Road and Emerald Tract Drive.

Parks Master Plan – The Parks Master Plan does not indicate a park is needed on the subject property due to an existing park (Cedar Grove) toward the north. The applicant is proposing a 8' hike and bike trail on the northeast corner (Lot 8). This trail has been planned since 2007 on the Parks Trail Master Plan.

Legal Obligations and Review:

Notification was provided to neighboring property owners as required by the Zoning Ordinance and state law. To date, staff has received 5 Public Hearing Notice Reply Forms/ Letter in response to this request.

Attached Documents:

1. Aerial and Zoning Maps
2. Proposed Exhibits
3. Public Hearing Notice Reply Forms/letters

Staff Recommendation:

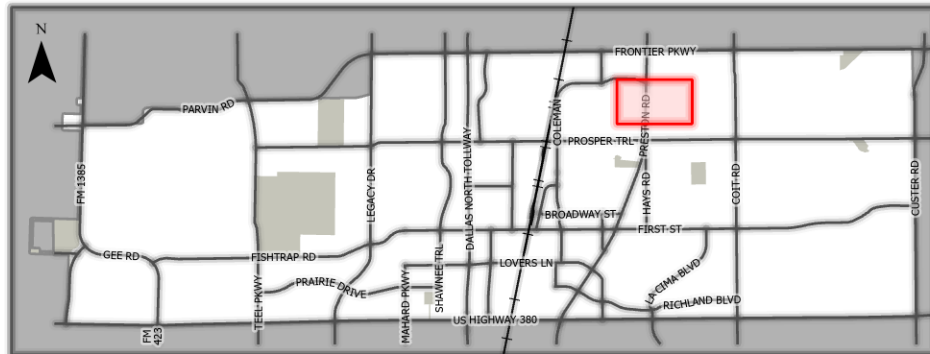
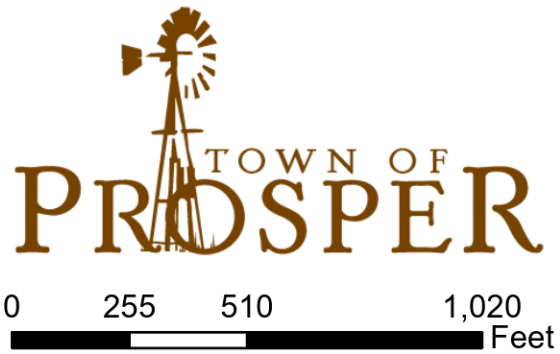
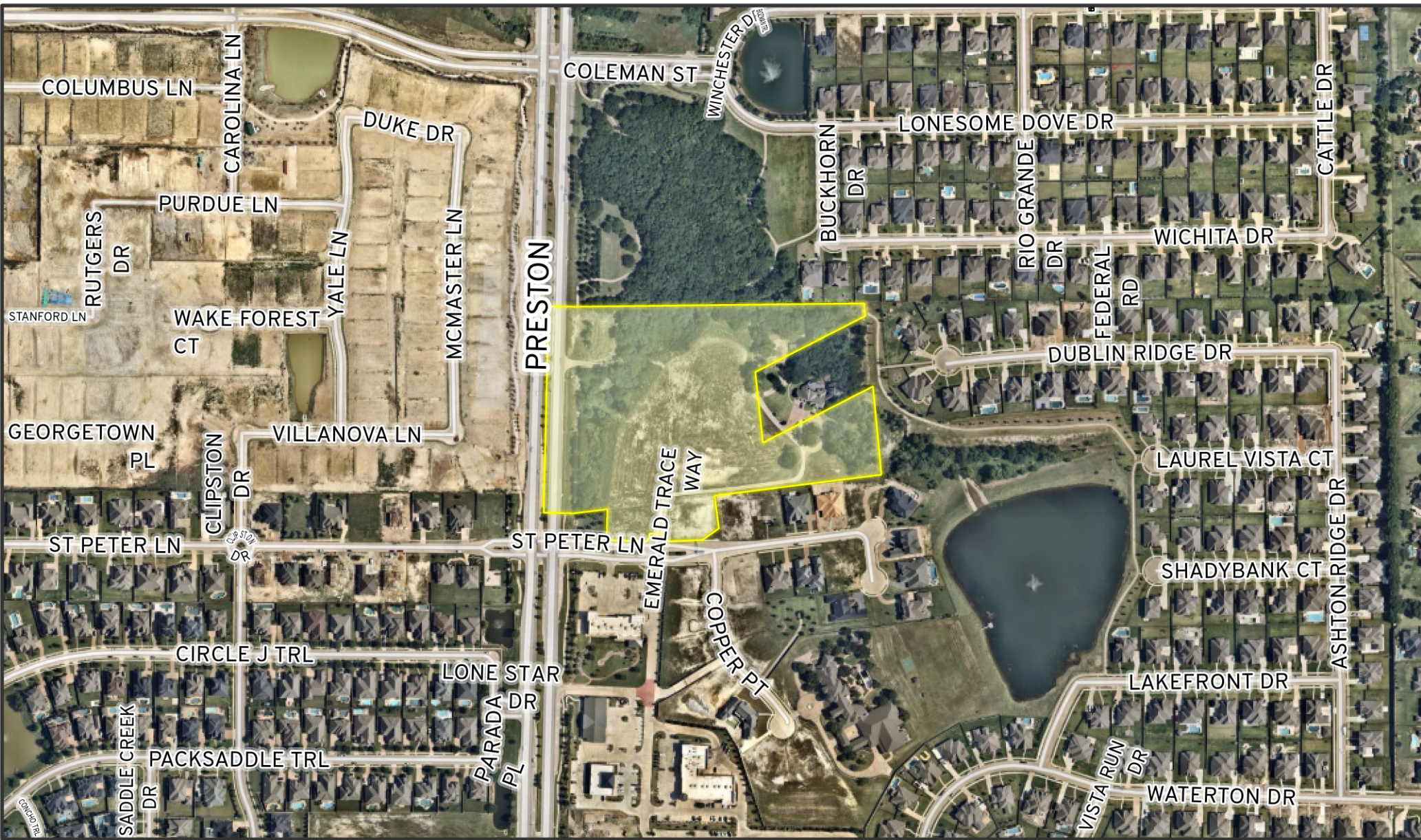
Town staff understands that the zoning request currently does not align with the comprehensive plan request, however the comprehensive plan allows flexible due to market demands and criteria for amendments. Staff still has concerns with the request due to the commercial uses proximity of the residence and Staff would recommend less intense uses such as office and increase landscape buffers between the existing residence and proposed buildings. Staff recommends denial of the zoning request. Should the applicant revise the request addressing the concerns, staff would be willing to revise the recommendation upon further review.

There are two options for a recommendation, subject to the action taken on the companion case for the amendment to the Future Land Use Plan (CA21-0001).

1. If the Planning & Zoning Commission recommends approval of the amendment to the Future Land Use Plan, the Commission should recommend approval of the rezoning request with the condition that the property owner enter into a Development Agreement with the Town of Prosper.
2. If the Planning & Zoning Commission recommends denial of the amendment to the Future Land Use Plan, the Commission should recommend denial of the rezoning request.

Town Council Public Hearing:

Upon a recommendation by the Planning & Zoning Commission, a Public Hearing on this item will be scheduled for the Town Council at their Regular meeting on October 11, 2022.

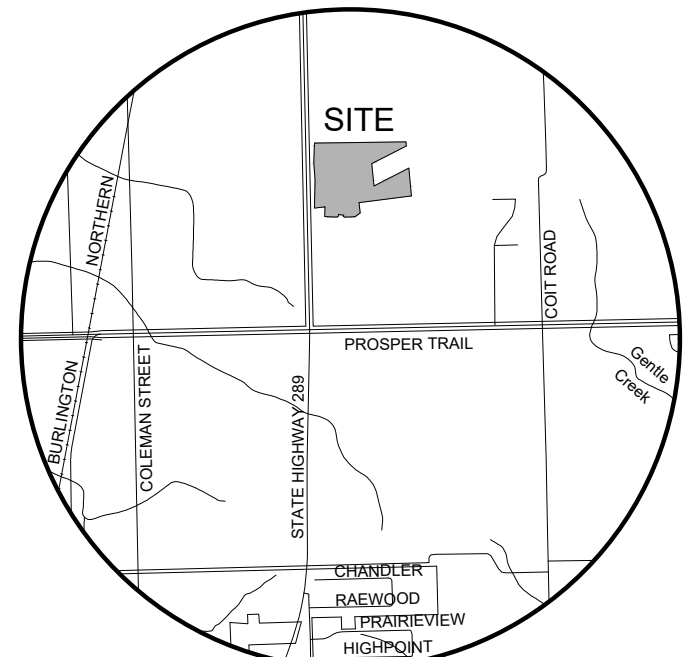
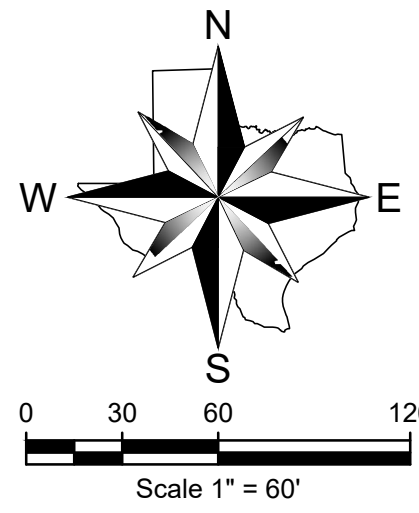


Z21-0003

Shops at Prosper Trail
North

Planned Development

This map for illustration purposes only



CURVE TABLE				
NO.	DELTA	RADIUS	LENGTH	CH. L. CH. B.

LINE TABLE		
LINE #	BEARING	DISTANCE

MC	RESUBMITTAL	DATE	APPROV.
3.	08/01/2022		
2.	05/18/2022		
1.	05/09/2022		



COLLIN COUNTY SCHOOL SURVEY, ABSTRACT NO. 172
 TOWN OF PROSPER
 COLLIN COUNTY, TEXAS
 MQ DEVELOPMENT COMPANY
 4622 MAPLE AVENUE SUITE 200
 DALLAS, TEXAS 75219

ZONING EXHIBIT
13.310 ACRES

Date: 08/01/2022
 Scale: 1" = 60'
 File: 34271-Zoning
 Project No.: 34271-00

SHEET
1
OF
1

ZC 21-003
EXHIBIT A

EX ZONE: SF-12.5
 PROP ZONE: SF-12.5
 FUTURE LAND USE: MEDIUM DENSITY RESIDENTIAL

STATE HIGHWAY 289 (PRESTON ROAD)
 (variable width right-of-way)

AMONO

POINT OF BEGINNING

RIGHT-OF-WAY DEDICATION
 PARCEL 8, PART 1
 CC #20110802000807680

ST. PETER LANE (80' right-of-way)

EMERALD TRACE DRIVE
 (50' right-of-way)
TO BE ABANDONED & FIRELANE/ACCESS ESMT ESTABLISHED

PD FOR RESTAURANT/RETAIL & OFFICE USES
 MQ PROSPER NORTH LLC
 CC #20161229001766390
 13.310 ACRES (579,776 SQ. FT.)
 NO ADDRESS AVAILABLE

EX ZONE: SF-15
 PROP ZONE: PD-R/O
 FUTURE LAND USE: LOW DENSITY RESIDENTIAL

CITY OF PROSPER
 CC #20131220010003650
 LOT 2, BLOCK A FRONTIER ESTATES, PHASE 1
 CAB. 2013, PG. 561
FUTURE LAND USE: PARK
 CURRENT ZONE: SF-15
 FUTURE LAND USE: LOW DENSITY RESIDENTIAL
 NO IMPROVEMENTS

FUTURE LAND USE: RESIDENTIAL

RETAIL/RESTAURANT/OFFICE

RESIDENTIAL

FUTURE LAND USE: RESIDENTIAL

SF RESIDENTIAL
 LISA COULTER TRACT 1
 CC #20150721000897920
 SINGLE FAMILY RESIDENT

FUTURE LAND USE: RESIDENTIAL

FRONTIER ESTATES, PHASE 3
 CAB. 2016, PG. 573
 EX ZONE: SF-15

LOT 11 SINGLE FAMILY RESIDENTIAL
 ALA & PAMELA AL-KHOURI
 5/8" CIRF "SPIAR" (Y)

BLOCK I
 LOT 10 SINGLE FAMILY RESIDENTIAL
 HARI MADHUNAPANTULA
 1/2" CIRF (Y)

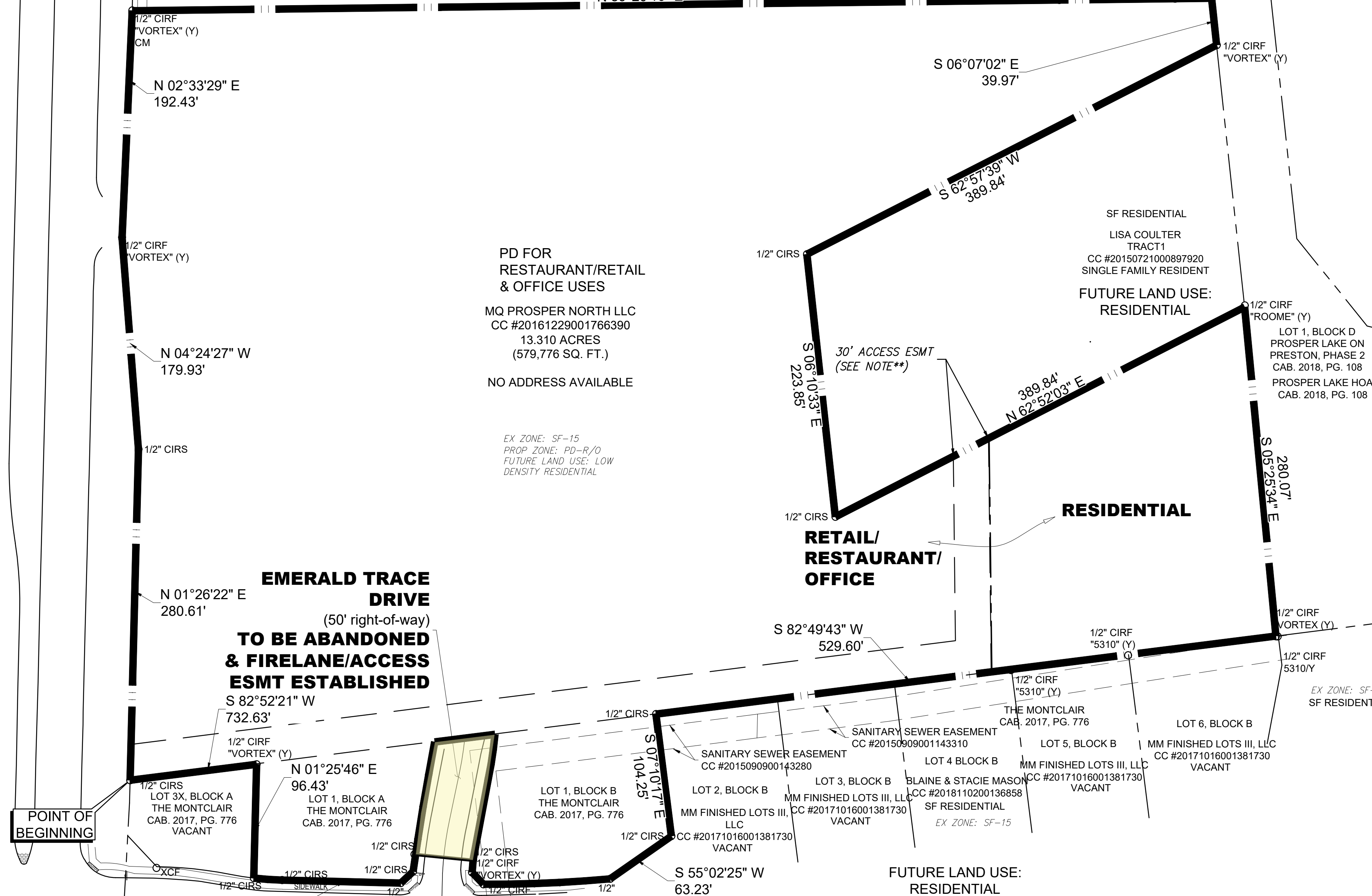
LOT 9 SINGLE FAMILY RESIDENTIAL
 SCOTT HAVLOVIC
 1/2" CIRF "WESTWOOD" CM

LOT 8 SINGLE FAMILY RESIDENTIAL
 WENDY MILLS

LOT 1, BLOCK D PROSPER LAKE ON PRESTON, PHASE 2
 CAB. 2018, PG. 108
 PROSPER LAKE HOA
 CAB. 2018, PG. 108

EX ZONE: SF-15
 SF RESIDENTIAL

"IN A RECENT PROCEEDING IN COLLIN COUNTY DISTRICT COURT, ENTITLED MQ PROSPER NORTH, LLC v. LISA COULTER AND SUMMIT PAVING, LLC CAUSE NO. 366-03077-2018, A FINAL JUDGMENT WAS ENTERED ON OR ABOUT JUNE 18, 2020, AGAINST MQ PROSPER NORTH, LLC ("MQ"), IN PART, THE FINAL JUDGMENT REFERENCED MS. COULTER'S EXISTING 30-FOOT ACCESS EASEMENT FROM PRESTON ROAD TO HER RESIDENTIAL TRACT. THE FINAL JUDGMENT INCLUDED A PERMANENT INJUNCTION AGAINST MQ, PROHIBITING IT FROM (1) RESTRICTING MS. COULTER'S ACCESS TO HER 30-FOOT ACCESS EASEMENT; (2) BLOCKING PORTIONS OF THE EASEMENT, INCLUDING BY INSTALLING AND MAINTAINING ITEMS IN THE EASEMENT SUCH AS FENCES OF FENCE POSTS, PILES OF ROCKS, PORTABLE TOILETS, AND SILT FENCES; OR (3) CUTTING THE COSEV ELECTRIC LINE THAT SERVES THE COULTER RESIDENTIAL TRACT.



Z21-0003

Statement of Purpose and Intent

MQ Development Prosper North Exhibit B

MQ Development proposes a Planned Development District to accommodate neighborhood services development on Lots 1-8, and single family residential on Lots A and B on the 12.011-acre site located on the east side of Preston Road, north of St. Peter Lane. The proposed planned development district would be tailored to allow a range of restaurant and retail uses, as well as office and personal service uses. Lots A and B would be developed with a single family residence on each lot with lot area greater than 25,000+ square feet. Lot 8 and the eastern portion of Lot 3 would provide a transition buffer to the existing and planned single family to the east.

The proposal would be anchored by upscale restaurant development with outdoor patios that take advantage of a planned amenity pond. The programming of restaurants on Preston Road takes advantage of visibility while office or other neighborhood services are planned on east side to ensure a compatible transition to conventional single family development to the east and southeast. Moreover, appropriate vegetative screening would provide additional separation and ensure compatibility between properties. A north-south solid vegetative hedge along the eastern perimeter of Lot 2 and extending through Lot 3 will screen and provide greater separation from residential to the east. Lot 2 has been programmed with the flexibility to accommodate a boutique high end grocer, or other appropriate retail use.

As an extension of established development on Preston Road, the proposal would carry forward high quality building design and aesthetics of the Shops at Prosper Trail development, anchored by Kroger to the south. Please find the enclosed building elevations exhibit for illustrations of the proposed development. MQ Development is amenable to volunteering deed restrictions to impose a requirement of exterior building materials at the expense of the developer. Lastly, per the Town's request, MQ Development has agreed to dedicate an easement and build a walking trail on Lot 8 to allow for connection between the park to the north and trail to the east.

Z21-0003
EXHIBIT C
PLANNED DEVELOPMENT CONDITIONS
MQ PROSPER NORTH

- A1. Statement of Effect: Lots 1-8, Subdistrict A, shall develop under the regulations of the Retail (R) District of the Town's Zoning Ordinance as it exists or may be amended except as otherwise set forth herein. Lots A and B, Subdistrict B, shall develop under the regulations of the Single Family-22 (SF-22) District of the Town's Zoning Ordinance as it exists or may be amended except as otherwise set forth herein.
- A2. Development Plans (Retail and SF-22 Districts); Exhibit – D Concept Plan, Exhibit – E Landscape Plan; Exhibit F-1-F3 Building Elevations; Exhibit - H Screening Plan

Permitted Uses. Subdistrict A, for Lots 1-6, conditional development standards **(C)** must be met per the Zoning Ordinance, No. 05-20, as it exists, or may be amended. Uses shall be permitted as a Specific Use with the approval of a specific use permit **(SUP)**. Building and parking lot development is prohibited on Lots 7 and 8.

List of Permitted Uses:

1. Administrative, Medical or Professional Office
2. Antique Shop
3. Artisan's Workshop
4. Bank, Savings and Loan, or Credit Union, Lots 1-6 only
5. Bed and Breakfast Inn
6. Beauty Salon, Barber Shop, Lots 1, 2 and 3 only
7. Building Materials and Hardware Sales, Minor, Lots 1-3 only
8. Business Service, Lots 1 - 4only
9. Child Care Center, Licensed, only one permitted in PD, Lots 3 and 4by SUP only
10. Convenience Store without Gas Pumps, Lots 1-3 by SUP only
11. Day Care Center, Adult, only one permitted in PD, Lots 1, 3 and 4 by SUP only
12. Dry Cleaning, Minor
13. Commercial Amusement, Indoor, Lots 1, 2, 5 and 6
14. Farmer's Market, Lots 1-4
15. Furniture, Home Furnishings and Appliance Store, Lot 3
16. Health/Fitness Center, Lots 1-6
17. Insurance Office, Lots 1-6
18. Message Therapy, Licensed, Lots 1-6
19. Print Shop, Minor, Lots 1-4
20. Restaurant, Lots 1, 2, 5 and 6 only (May include outdoor entertainment in Lots 1, 5 and 6 provided speakers face west away from the single family residential to the east.)
21. Retail Stores and Shops, Lots 1-6
22. Retail Service, Indoor, Lots 1-6 only
23. Retail/Service Incidental Use, Lots 1-6
24. School, Private
25. Theatre, Neighborhood, Lots 2 and 3 by SUP only

Permitted Uses, Subdistrict B: For Lots A and B, permitted uses are those uses allowed in the SF-22 District, Section 5.3 of the Zoning Ordinance, Town of Prosper.

- A3. Regulations. For Lots 1-8, development is subject to the Retail District except for the following regulations:
1. Maximum Height
 - a. Buildings on Lots 1-6 are limited to one story and a maximum of 30 feet in height.
 2. Building Setbacks
 - a. For Lots 1-6, the minimum building setback from an interior property line is 5 feet, except that patios may encroach into interior lot line setbacks on Lots 1, 5 and 6. Patios may not encroach into required landscape setbacks.
 3. Maximum Floor Area: Amendment to the Concept Plan is not required for modifications to the building floor area shown at permit application provided the following criteria is met:
 - a. Compliance with off-street parking regulations is maintained for the PD District as a whole.
 - b. The proposed building floor area does not cause a substandard condition or violate any other applicable development standard
 - c. The proposed building floor area does not exceed the following parameters for each lot: Lot 1: 8,500 square feet; Lot 2: 26,000 square feet; Lot 3: 5,500 square feet; Lot 4: 5,000 square feet; Lot 5: 7,500 square feet; Lot 6: 6,600 square feet
- A4. Regulations. For Lots A and B, development shall adhere to the regulations of the SF-22 District, Section 5 of the Zoning Ordinance, Town of Prosper, except as provided herein.
1. Lots A and B are not required to front on a public street right-of-way provided each lot has access to a dedicated public access, fire lane and utility easement.
 2. The minimum lot width for Lot A is 85 feet and the minimum Lot width for B is 100 feet.
 3. Standard street dimensions and curb and gutter standards do not apply to the mutual access easement provided the fire lane/driveway width is a minimum of 31 feet. Sidewalk, curb and gutter etc.
 4. The mutual access easement serving Lots A and B shall be maintained and the responsibility of a property or homeowner's association.
- A5. Design Guidelines. For Lots 1-6, the development shall adhere to the following design guidelines if an agreement is made between the Town and the property owner:
1. Elevation Review and Approval
 - a. Building Elevations shall substantially conform to the Concept Elevations provided in Exhibits F-1, F-2 and F-3.
 - b. Building Materials in addition to the building materials permitted in Chapter 4, Section 8 of the Zoning Ordinance, as exists or may be amended, such materials shall also include Architectural Structural Block, under the trade name "Quik Brick" (a 4" manufactured concrete masonry unit) and cultured stone (manufactured) individually stacked, as provided in the building elevations Exhibits F-1 – F-3 which is a part herein. The clay-fired brick colors used in Exhibits F-1 – F-3 shall be consistent throughout the Planned Development District. Split-faced block, architectural concrete block, and painted/textured concrete tilt wall shall be limited to a maximum of ten percent (10%) of any single elevation on any pad site.

A 6. Additional Standards

1. Open Space
 - a. Lots 7 and 8, as depicted on the Exhibit D, shall be maintained as open spaces. Lot 7 shall contain an amenity pond
 - b. The amenity pond in Lot 7 shall contain an operable fountain.
 - c. Lots 7 and 8 improvements shall be developed at the time of construction of phase 1.
 - d. Lots 7 and 8 improvements shall be constructed at the developer's cost.
 - e. Lots 7 and 8 shall be maintained by the property owner, or property management association.

2. Hike and Bike Trail
 - a. An 8-foot wide hike and bike trail is required as noted in Lot 8.
 - b. The hike and bike trail shall be constructed at the time of construction of phase 1.
 - c. The section of hike and bike trail located on Lot 8 shall be constructed at the developer's cost.

3. Landscape and Screening, perimeter
 - a. A minimum 30-foot landscape easement is required along Preston Road in Lot 1. The perimeter trees and shrub requirement may be satisfied through a combination of existing and proposed trees per Landscape Plan, Exhibit G-1 and G-2.
 - b. A berm is required in the landscape easement along Preston Road in Lot 1. A conventional berm is not required in the landscape easement along Preston Road in Lot 7. Alternative berming is required in the two areas generally identified on the east side of Lot 7 on the Concept Plan and Landscape Plan.
 - c. A minimum 15-foot landscape easement is required along Saint Peter Lane in Lots 4 and 5.
 - d. Perimeter landscaping shall generally comply with the Landscape Plan, Exhibit G-1 and G-2.

4. Landscape, parking lots. Parking lot landscaping shall comply with Section 2 of Prosper Development Requirements.

5. Landscape Requirements for Certificate of Occupancy. All perimeter landscaping along Preston Road and Saint Peter Lane shall be installed prior to issuance of a certificate of occupancy (CO).

6. Lot Frontage
 - a. Lots are not required to front on a public right-of-way provided each lot has access to a dedicated public access, fire lane and utility easement.

7. Perimeter Screening/Fencing. Perimeter screening and fencing shall be provided as shown on the Perimeter Screening Plan, Exhibit H.
 - a. Man-made perimeter screening or fencing is not required along the following perimeters:
 - i. northern perimeter of Lot 1
 - ii. eastern northern, and southern perimeters of Lot 8
 - iii. the northern perimeter of Lot 3
 - iv. northern (a portion of) and eastern perimeter, and southern perimeter where the mutual access easement exists of Lot 3
 - v. between Lots 3 and Lots A and B
 - vi. southern perimeter of Lot 2
 - b. Perimeter screening is required as follows:
 - i. a 4-foot tall masonry wall is required for a portion of the eastern perimeter of Lot 2

 - ii. a 6-foot tall masonry wall along the eastern and southern perimeters of Lot 4

and the southern and western perimeter of Lot 5.

iii. a 6-foot tall wall along a portion of the southern perimeter of Lot 7.

8. Screening buffer requirements

a. A continuous vegetative hedge is required generally along the eastern perimeter of Lot 2 and extending through Lot 3 as shown on the Concept Plan. The vegetative hedge shall be made of a row of shrubs that grow to a minimum height of 8 feet at maturity. A row of trees is also required in the 15' Landscape Setback as noted in Lots 2 and 3 on the Concept Plan and Landscape Plan.

b. A perimeter screening buffer is not required along the southern perimeter of Lot 3 due to an established mutual access easement provided the following conditions are met:

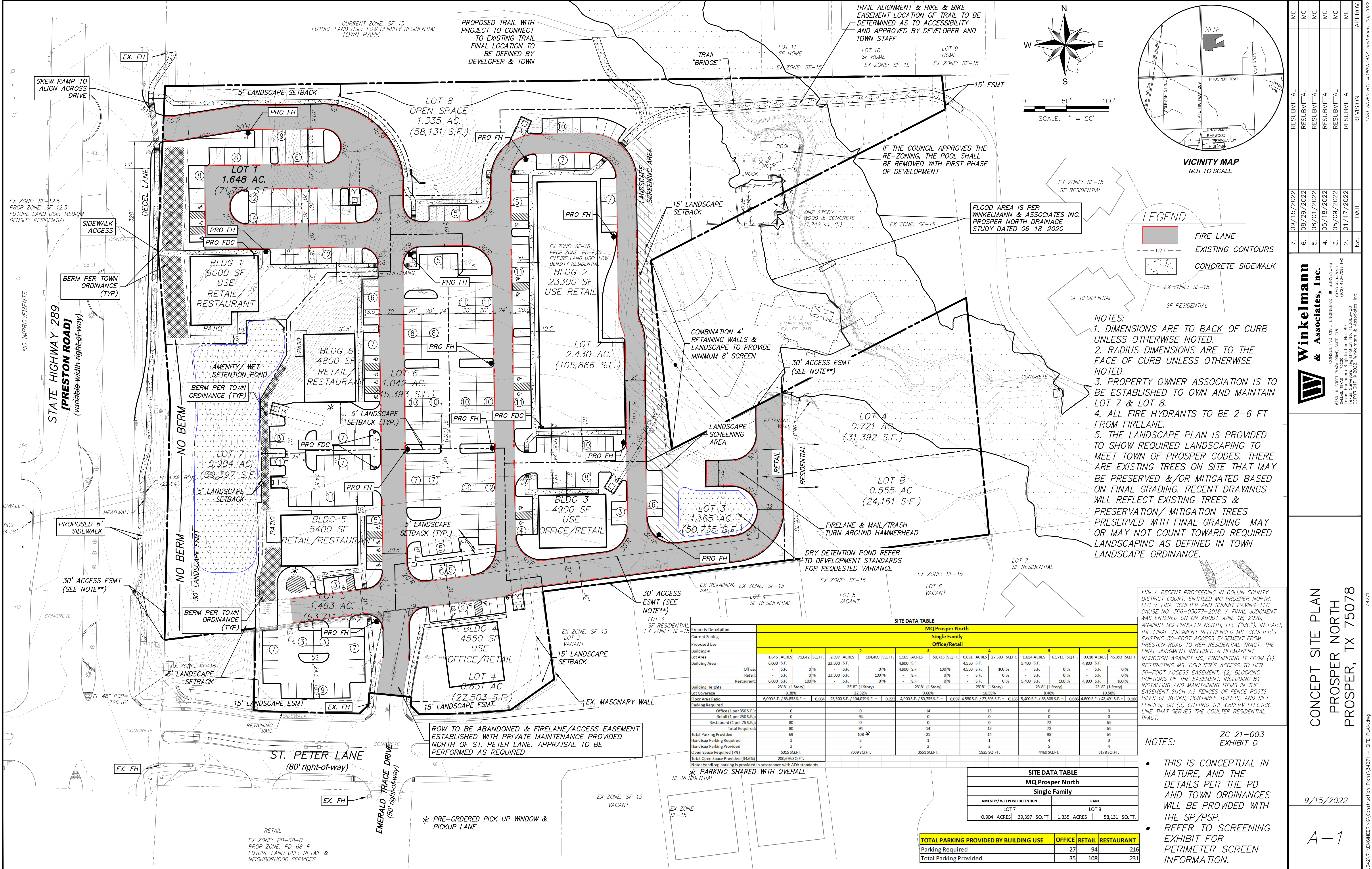
- i. Parking spaces or loading areas are located a minimum of 30 feet from the southern property line
- ii. Buildings are located a minimum of 30 feet from the southern property line
- iii. Three canopy trees are provided along the southern elevation of Building 3

9. Parking Requirements. For parking purposes in satisfying off-street parking requirements in Subdistrict A, Lots 1-6 are considered one lot.

A 7. Additional Provisions:

Restaurants located on Lots 1, 5 and 6 may have outdoor dining patios oriented toward the open space (Lot 7).

Detention facilities are permitted to be dry ponds, subject to compliance with Town of Prosper Stormwater Regulations, and review and approval by Town Engineering.



SITE DATA TABLE

Property Description	MQ Prosper North					
	1		2		3	
Current Zoning	Single Family Office/Retail					
Proposed Use	Office/Retail		Office/Retail		Office/Retail	
Building #	1,645 ACRES / 71,642 SQ.FT.	2,397 ACRES / 104,409 SQ.FT.	1,165 ACRES / 50,735 SQ.FT.	0,631 ACRES / 27,503 SQ.FT.	1,614 ACRES / 63,711 SQ.FT.	0,618 ACRES / 45,393 SQ.FT.
Lot Area	6,000 S.F.	23,300 S.F.	4,900 S.F.	4,550 S.F.	5,400 S.F.	4,800 S.F.
Office	- S.F.	0%	0%	100%	- S.F.	0%
Retail	6,000 S.F.	100%	0%	- S.F.	0%	0%
Restaurant	- S.F.	0%	0%	0%	5,400 S.F.	100%
Building Heights	23' 8" (1 Story)	23' 8" (1 Story)	23' 8" (1 Story)	23' 8" (1 Story)	23' 8" (1 Story)	23' 8" (1 Story)
Lot Coverage	8.38%	22.32%	9.66%	16.55%	8.48%	10.58%
Floor Area Ratio	6,000 S.F. / 63,833 S.F. = 0.094	23,300 S.F. / 104,079 S.F. = 0.223	4,900 S.F. / 50,735 S.F. = 0.097	4,550 S.F. / 27,503 S.F. = 0.165	5,400 S.F. / 63,708 S.F. = 0.085	4,800 S.F. / 45,391 S.F. = 0.106
Parking Required	0	0	14	13	0	0
Office (1 per 350 S.F.)	0	0	14	13	0	0
Retail (1 per 250 S.F.)	0	94	0	0	72	64
Restaurant (1 per 75 S.F.)	0	0	0	0	72	64
Total Required	0	94	14	13	72	64
Total Parking Provided	69	108	21	14	98	64
Handicap Parking Provided	3	5	1	1	4	3
Open Space Required (7%)	5015 SQ.FT.	7899 SQ.FT.	3551 SQ.FT.	1925 SQ.FT.	4460 SQ.FT.	3178 SQ.FT.
Total Open Space Provided (34.6%)	200,695 SQ.FT.					

Note: Handicap parking is provided in accordance with ADA standards.
* PARKING SHARED WITH OVERALL SF RESIDENTIAL

SITE DATA TABLE

MQ Prosper North	
Single Family	
AMENITY / WET POND DETENTION	PARK
LOT 7	LOT 8
0.904 ACRES / 39,397 SQ.FT.	1.335 ACRES / 58,131 SQ.FT.

TOTAL PARKING PROVIDED BY BUILDING USE

	OFFICE	RETAIL	RESTAURANT
Parking Required	27	94	216
Total Parking Provided	35	108	231

Winkelman & Associates, Inc.

CONSULTING CIVIL ENGINEERS SURVEYORS
6726 HILLCREST PLAZA DRIVE, SUITE 215 (972) 498-7999
Texas Engineers Registration No. 89 89 State St. (972) 498-7999 FAX
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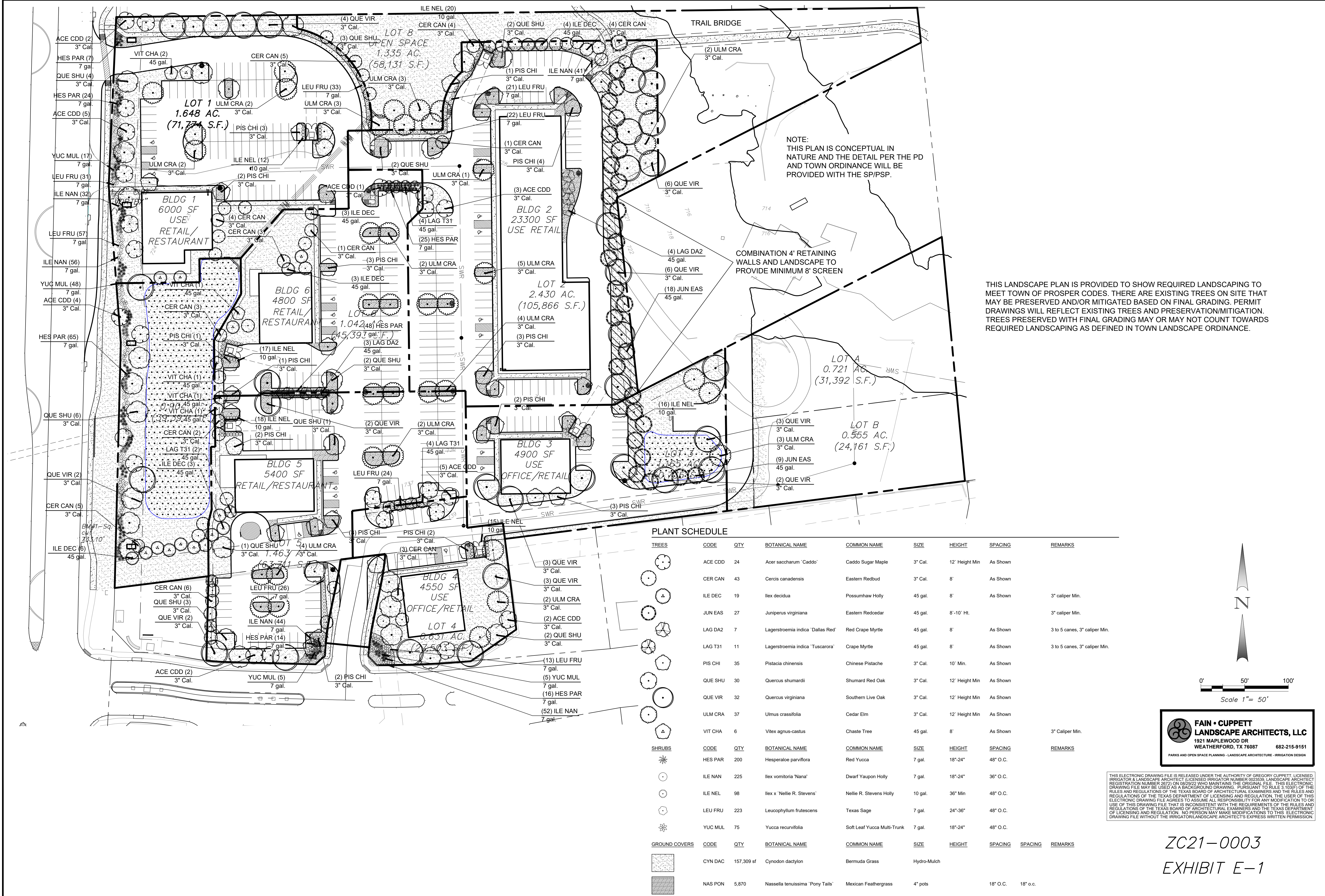
RESUBMITTAL MC 09/15/2022
RESUBMITTAL MC 08/29/2022
RESUBMITTAL MC 08/01/2022
RESUBMITTAL MC 05/18/2022
RESUBMITTAL MC 05/09/2022
RESUBMITTAL MC 01/17/2022
REVISION No. DATE

CONCEPT SITE PLAN
PROSPER NORTH
PROSPER, TX 75078

9/15/2022

A-1

G:\342\7\ENGINEERING\Construction Plans\34271 - SITE PLAN.dwg 3/4/21



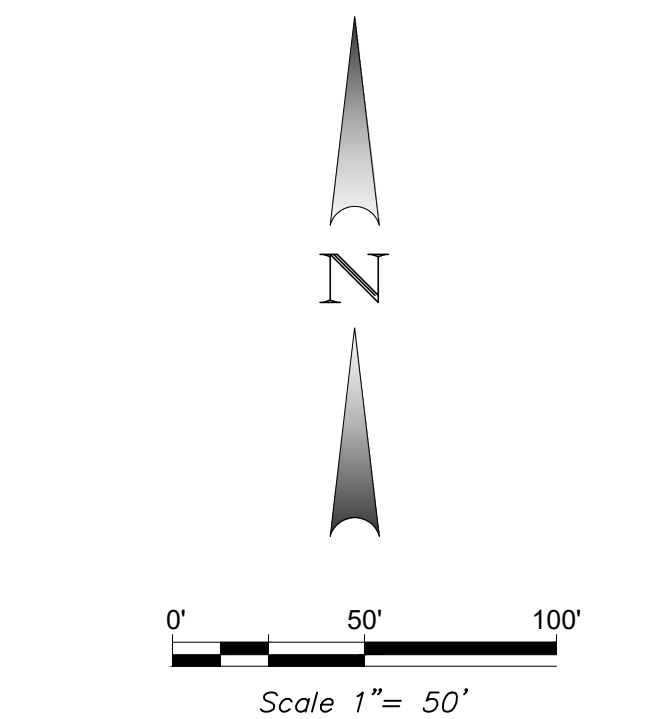
NOTE:
THIS PLAN IS CONCEPTUAL IN NATURE AND THE DETAIL PER THE PD AND TOWN ORDINANCE WILL BE PROVIDED WITH THE SP/PSP.

COMBINATION 4' RETAINING WALLS AND LANDSCAPE TO PROVIDE MINIMUM 8' SCREEN

THIS LANDSCAPE PLAN IS PROVIDED TO SHOW REQUIRED LANDSCAPING TO MEET TOWN OF PROSPER CODES. THERE ARE EXISTING TREES ON SITE THAT MAY BE PRESERVED AND/OR MITIGATED BASED ON FINAL GRADING. PERMIT DRAWINGS WILL REFLECT EXISTING TREES AND PRESERVATION/MITIGATION. TREES PRESERVED WITH FINAL GRADING MAY OR MAY NOT COUNT TOWARDS REQUIRED LANDSCAPING AS DEFINED IN TOWN LANDSCAPE ORDINANCE.

PLANT SCHEDULE

TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT	SPACING	REMARKS
	ACE CDD	24	Acer saccharum 'Caddo'	Caddo Sugar Maple	3" Cal.	12' Height Min	As Shown	
	CER CAN	43	Cercis canadensis	Eastern Redbud	3" Cal.	8'	As Shown	
	ILE DEC	19	Ilex decidua	Possumhaw Holly	45 gal.	8'	As Shown	3" caliper Min.
	JUN EAS	27	Juniperus virginiana	Eastern Redcedar	45 gal.	8'-10' Ht.	As Shown	3" caliper Min.
	LAG DA2	7	Lagerstroemia indica 'Dallas Red'	Red Crape Myrtle	45 gal.	8'	As Shown	3 to 5 canes, 3" caliper Min.
	LAG T31	11	Lagerstroemia indica 'Tuscarora'	Crape Myrtle	45 gal.	8'	As Shown	3 to 5 canes, 3" caliper Min.
	PIS CHI	35	Pistacia chinensis	Chinese Pistache	3" Cal.	10' Min.	As Shown	
	QUE SHU	30	Quercus shumardi	Shumard Red Oak	3" Cal.	12' Height Min	As Shown	
	QUE VIR	32	Quercus virginiana	Southern Live Oak	3" Cal.	12' Height Min	As Shown	
	ULM CRA	37	Ulmus crassifolia	Cedar Elm	3" Cal.	12' Height Min	As Shown	
	VIT CHA	6	Vitex agnus-castus	Chaste Tree	45 gal.	8'	As Shown	3" Caliper Min.
	ILE NAN	225	Ilex vomitoria 'Nana'	Dwarf Yaupon Holly	7 gal.	18"-24"	36" O.C.	
	ILE NEL	98	Ilex x 'Nellie R. Stevens'	Nellie R. Stevens Holly	10 gal.	36" Min	48" O.C.	
	LEU FRU	223	Leucophyllum frutescens	Texas Sage	7 gal.	24"-36"	48" O.C.	
	YUC MUL	75	Yucca recurvifolia	Soft Leaf Yucca Multi-Trunk	7 gal.	18"-24"	48" O.C.	
	CYN DAC	157,309 sf	Cynodon dactylon	Bermuda Grass	Hydro-Mulch			
	NAS PON	5,870	Nassella tenuissima 'Pony Tails'	Mexican Feathergrass	4" pots		18" O.C. 18" o.c.	



FAIN • CUPPETT LANDSCAPE ARCHITECTS, LLC
 1921 MAPLEWOOD DR
 WEATHERFORD, TX 76087 682-215-9151
PARKS AND OPEN SPACE PLANNING - LANDSCAPE ARCHITECTURE - IRRIGATION DESIGN

THIS ELECTRONIC DRAWING FILE IS RELEASED UNDER THE AUTHORITY OF GREGORY CUPPETT, LICENSED IRRIGATOR & LANDSCAPE ARCHITECT (LICENSED IRRIGATOR NUMBER 0023339, LANDSCAPE ARCHITECT REGISTRATION NUMBER 2070) ON 09/26/22 WHO MAINTAINS THE ORIGINAL FILE. THIS ELECTRONIC DRAWING FILE MAY BE USED AS A BACKGROUND DRAWING. PURSUANT TO RULE 3.103(F) OF THE RULES AND REGULATIONS OF THE TEXAS BOARD OF ARCHITECTURAL EXAMINERS AND THE RULES AND REGULATIONS OF THE TEXAS DEPARTMENT OF LICENSING AND REGULATION, THE USER OF THIS ELECTRONIC DRAWING FILE AGREES TO ASSUME ALL RESPONSIBILITY FOR ANY MODIFICATION TO OR USE OF THIS DRAWING FILE THAT IS INCONSISTENT WITH THE REQUIREMENTS OF THE RULES AND REGULATIONS OF THE TEXAS BOARD OF ARCHITECTURAL EXAMINERS AND THE TEXAS DEPARTMENT OF LICENSING AND REGULATION. NO PERSON MAY MAKE MODIFICATIONS TO THIS ELECTRONIC DRAWING FILE WITHOUT THE IRRIGATOR/LANDSCAPE ARCHITECT'S EXPRESS WRITTEN PERMISSION.

ZC21-0003
 EXHIBIT E-1

LANDSCAPE PLAN
 PROSPER NORTH
 PROSPER, TX 75078

Winkelmann & Associates, Inc.
 CONSULTING CIVIL ENGINEERS ■ SURVEYORS
 6720 HILDBERT PLAZA DRIVE, SUITE 215 (972) 492-7999 FAX (972) 492-7999 FAX
 Texas Engineers Registration No. 89,342, 93 Copyright © 2022, Winkelmann & Associates, Inc.

09/15/22

No.	DATE	REVISION	APPROV.
6.			
5.			
4.			
3.			
2.			
1.			

L-1



STANDING SEAM
OR ASPHALT
PITCHED ROOF

METAL AWNING

STONE

BRICK

CAST STONE

CONCEPTUAL RENDERING OF OFFICE BUILDING
Z21-0003
EXHIBIT F-1



CAST STONE

STONE

BRICK

CAST STONE

STONE

CONCEPTUAL RENDERING OF RETAIL BUILDING
Z21-003
EXHIBIT F-2

PICTURE OF REAR OF 9 & 10 KROGER SITE



CONCEPTUAL RENDERING OF RETAIL BUILDING
Z21-003
EXHIBIT F-3

Pamela Clark

From: Colleen Berlinger
Sent: Wednesday, September 14, 2022 9:43 PM
To:
Subject: [*EXTERNAL*] - Don Silverman-MQ Development/Re-Zoning Preston Rd.
Follow Up Flag: Follow up
Flag Status: Flagged

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Good Morning,

I wanted to share my opposition and concern about the proposed rezoning of the land north of the Prosper Kroger on Preston Rd, which is set to be discussed at the September 10, 2022 meeting. Unfortunately I am unable to attend in person.

This property is adjacent to a street in our neighborhood, where homeowners spent significant sums of money for their 'premium lots' due to the location, privacy and the greenspace area behind them. They are now facing having their home values plummet by having a commercial complex built behind their homes. This is completely unacceptable and in my opinion would be irresponsible for the town to approve. What is next, The Montclair, the old Deion Sanders property? You should not be approving communities and then changing the aesthetic of them once something else comes along.

I am also concerned about what effects the building and regrading are going to have on the area where the current retention pond in Prosper Lake on Preston overflows to. If the area is disturbed and not handled appropriately it could very well cause the retention pond to overflow and flood homes in the adjacent area.

Our home is at the opposite end of the overflow/outlet but this is a very real concern for us. Previously we lived in a home that flooded for a similar issue. Our former town redirected water into a retention pond next to our home, we had a heavy rain and our entire neighborhood flooded causing massive damage, service interruptions, and health issues. I do not want to experience that again.

Finally, all I can ask is that each of you come walk the area and think about what your reaction would be to the proposed changes if you owned a home on Dublin Ridge or any property in Prosper Lake on Preston?

Thank you for your thoughtful consideration.

Respectfully,
Colleen Berlinger
1711 Lakefront Dr.



**DEVELOPMENT SERVICES
DEPARTMENT**
250 W. First Street
Prosper, TX 75078
Phone: 972-346-3502

REPLY FORM

SUBJECT:

Zoning Case Z21-0003: The Town of Prosper has received 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.

LOCATION OF SUBJECT PROPERTY:

The property is located on the east side of Preston Road, north of St. Peter Lane.

- I **OPPOSE** the request as described in the notice of Public Hearing. If in opposition, please provide a reason for opposition.
 I **DO NOT OPPOSE** the request as described in the notice of Public Hearing.

COMMENTS (ATTACH ADDITIONAL SHEETS IF NECESSARY):

This development would destroy my home's property value. There is already too much commercial property on Preston. I also do not want to enter and exist my house through a commercial parking lot.

Brady K Cox
Name (please print)

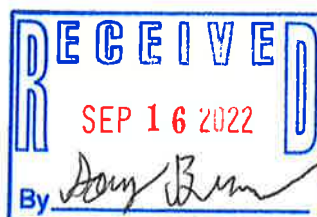
Brady K Cox
Signature

1570 N. Preston Rd
Address

9/16/2022
Date

Prosper TX 75078
City, State and Zip Code

brady.cox@assuredpartners.com
E-mail Address



Pamela Clark

From: David Soto
Sent: Friday, September 16, 2022 4:09 PM
To: Douglas Braches
Subject: FW: [*EXTERNAL*] - Objection to Zoning change

David I. Soto
Planning Manager
972.569.1095
250 W. First Street
Town of Prosper
www.prospertx.gov

-----Original Message-----

From: Don Larrenaga <dllarrenaga@gmail.com>
Sent: Friday, September 16, 2022 4:04 PM
To: David Soto <dsoto@prospertx.gov>
Subject: [*EXTERNAL*] - Objection to Zoning change

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Dear Mr Soto,

I live at 1521 Saint Peter Ln, Prosper, Tx.

I want to formally object to a zoning change to the property directly behind my house. I bought my home know the property behind my house was not zoned commercial. A zoning change will drastically reduce the value of my property as well as my neighbors. I am out of town for business until 9-26-22. I will file a file a written objection to any zoning changes upon my return. Once again I want to express my adamant objections to any zoning changes to the property behind my home.

Thank you,
Don Larrenaga

Sent from my iPhone



**DEVELOPMENT SERVICES
DEPARTMENT**
250 W. First Street
Prosper, TX 75078
Phone: 972-346-3502

REPLY FORM

SUBJECT:

Zoning Case Z21-0003: The Town of Prosper has received 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.

LOCATION OF SUBJECT PROPERTY:

The property is located on the east side of Preston Road, north of St. Peter Lane.

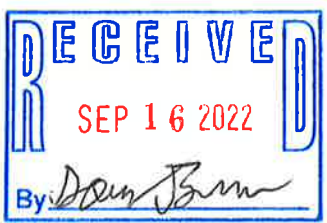
I **OPPOSE** the request as described in the notice of Public Hearing. If in opposition, please provide a reason for opposition.
 I **DO NOT OPPOSE** the request as described in the notice of Public Hearing.

COMMENTS (ATTACH ADDITIONAL SHEETS IF NECESSARY):

Noise and lighting

Scott Havlovic
Name (please print)
Wichita Dr
1540 ~~Wichita Dr~~
Address
Prosper TX 75078
City, State, and Zip Code

Scott Havlovic
Signature
9-16-22
Date
skh3328@gmail.com
E-mail Address



Pamela Clark

From: Jayson Maslowski
Sent: Tuesday, September 13, 2022 4:03 PM
To: Douglas Braches
Subject: [*EXTERNAL*] - RE: Public Hearing Notice Z21-0003 MQ Prosper North

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Doug,

Thank for sending the forms over. For the record, my wife and I strongly oppose zoning case: Z21-0003. We oppose to the residential property because it is too close to our walking path, it would cause the destruction of mature trees, we oppose the extension of the walking path that would look into our backyard, retail spaces too close to our property and would have a view into our back yard and finally we don't want to hear the additional traffic that this would generate.

Please save our response in the case file.

I will be sending in my written response and plan on attending the formal meeting.

Thank you,

Jayson Maslowski
1601 Dublin Ridge Dr
Prosper TX 75078

Ph: 603-501-9158

----- Original message -----

From: Douglas Braches <DBraches@prospertx.gov>
Date: 9/13/22 3:50 PM (GMT-06:00)
To: jayson.maslowski@gmail.com
Subject: Public Hearing Notice Z21-0003 MQ Prosper North

Hello,

See attached for the public hearing notice for zoning case Z21-0003.

Feel free to email me back any comments or reply that you have and I will save it to our case file.

Thank you and if you have any questions please let me know,

Doug Braches

Planning Technician

Town of Prosper

250 W. First Street

Prosper, TX 75078

972-569-1097

DBraches@prospertx.gov

www.prospertx.gov

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PLANNING

To: Planning & Zoning Commission

Item No. 5

From: David Soto, Planning Manager

Re: Planning & Zoning Commission Meeting – September 20, 2022

Agenda Item:

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).

Description of Agenda Item:

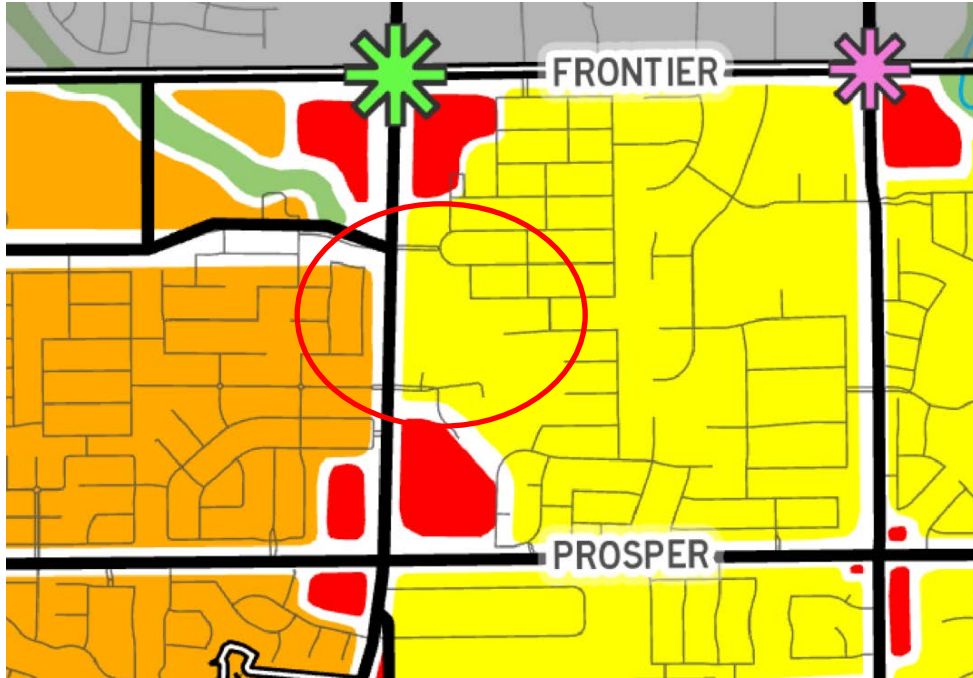
Town staff has received a request to rezone 13.3± acres from Single Family-15 (SF-15) to Planned Development-Retail (PD-R), generally to allow for an office/retail development. The applicant is proposing to introduce a new Planned Development that includes but not limited to permitted uses, development regulations, and design guidelines, located on the east side of Preston Road, north of St. Peter Lane. Zoning Case Z21-0003. The applicant is also providing 2 residential lots with a based zoning of SF-22 toward the rear of the property.

Rezoning requests, which do not conform, to the Future Land Use Plan shall be accompanied by a request to amend the Future Land Use Plan. The Comprehensive Plan document anticipates the Town will encounter “development proposals that do not directly reflect the purpose and intent of the land use pattern as shown on the Future Land Use Plan map.”

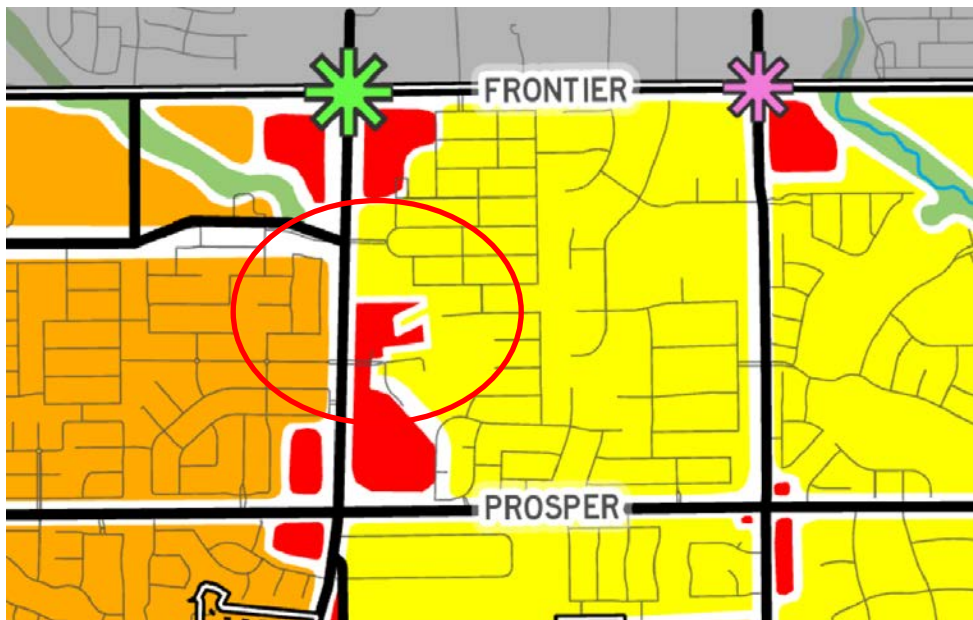
Land use districts designated on the Future Land Use Plan are intended to depict general areas where land uses are considered appropriate for an area, and such districts are not intended to be parcel specific. If the Planning & Zoning Commission and Town Council believe the property located on the east side of Preston Road, north of St. Peter Lane is more appropriately classified as Retail and Neighborhood Services on the Future Land Use Plan, then it would be appropriate to reclassify the property.

See below for proposed plan amendment. Images of the existing and proposed amendment are shown below.

Existing



Proposed



Legend

 Low Density Residential	 Old Town District	 Major Gateway
 Medium Density Residential	 Town Center	 Minor Gateway
 High Density Residential	 Tollway District	 Town of Prosper
 Retail & Neighborhood Services	 US 380 District	 ETJ
 Business Park	 100 Year Floodplain	

At the time of the 2012, the expected build out capacity population was approximately 60,485 population excluding Artesia. As mentioned below with that capacity, 757.9 acres would be the maximum supported. The latest 2022 expected buildout capacity population is approximately 71,000. Approximately 300 acres was added since the 2012 comprehensive plan, however, 11,000 residences were also added to the expected build out capacity.

Retail Assumptions	Comp. Plan Total Acres	Retail Acres per Category
Neighborhood Services*	331	231.7
Town Center**	575	258.8
Tollway District***	1,426	142.6
US 380****	1,248	124.8
Total	3,580	757.9
* Assumed 70% retail component		
**Assumed 45% retail component		
***Assumed 10% retail component		
****Assumed 10 % retail component		

Retail Assumptions	Comp. Plan Total Acres	Retail Acres per Category
Neighborhood Services *	938	656.6
Town Center **	340	153
Tollway District ***	1236	123.6
US 380 ****	949	94.9
Total	3463	1028.1
*Assumed 70% retail component		
**Assumed 45% retail component		
***Assumed 10% retail component		
****Assumed 10% retail component		

Comprehensive Factors

Per the comprehensive plan, additional neighborhood services retail zoning should be avoided. Nodal retail activity should be concentrated at primary intersections, and the “four corner” principle should be avoided to reduce the possibility of an oversupply of retail acreage. Strip center development along major roadways should also be avoided, as the plan recommends.

The consequences of an oversupply of retail may include:

- Vacant, underutilized land;
- Lower rental rates leading to undesirable uses;
- Pressures for additional multifamily to fill vacant parcels; and
- Blighted corridors.

The Plan states, “it should be incumbent upon the applicant making such a proposal to provide evidence that the proposal meets the aforementioned considerations, supports community goals and objectives as set forth within this Plan, and represents long term economic and/or social benefits for the community as a whole, not just a short-term financial gain for whoever is developing the project.”

The applicant provided the attached letter (attachment 3), in response.

The document recommends that “development proposals that are inconsistent with the Future Land Use Plan map (or that do not meet its general intent)” should be reviewed based on the following questions and should be reviewed on their own merit. Please see the response to each criteria listed below.

- **Will the proposed change enhance the site and the surrounding area?**
 - The proposed use will enhance the surrounding area by providing additional neighborhood services for established residential neighborhoods. The developer has interested restaurants in demand of this location and unique natural features of the property.
- **Is the proposed change a better use than that originally envisioned and depicted on the Future Land Use Plan map?**
 - The proposed change in use is optimal to single family residential given the aforementioned physical and financial challenges. Neighborhood services will support existing and prospective residential neighborhoods while avoiding a sub-optimal single family development on the subject property that could negatively impact prevailing residential property values.
- **Will the proposed use impact adjacent residential areas in a negative manner?**
 - The limited single family development of Lots A and B with large lots will allow for high priced residences that preserve or enhance the prevailing housing stock of Prosper. The proposal will not impact residential areas in a negative way. Negative impacts will be avoided by the implementation of careful site planning, use restrictions, and development parameters.
- **Will the proposed use be compatible with and/or enhance adjacent residential uses?**

- The proposal for a Planned Development will set forth appropriate safeguards to ensure compatibility with adjacent residential uses. Measures and parameters such as use limitation, building height and setbacks, and landscaping and buffering will allow a harmonious juxtaposition of uses while providing conveniently located neighborhood services. Moreover, the planned north-to-south solid vegetative hedge and the natural tree line along the eastern perimeter will remain and act as a buffer for the residences to the east.
- **Are uses adjacent to the proposed use similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility?**
 - Adjacent uses are residential and a planned city park to the north. The proposed architectural building scale of one-story, and residential design aligns with the general look and feel of the adjacent residential housing stock. Prospective businesses will have reasonable operating hours. Any restaurants would be located on lots closer to Preston Road, more than 400 feet from residential properties outside of the PD. Operations will be managed so as to not cause any detrimental impacts to residential properties. Measures will be taken to avoid noise nuisance and light pollution spilling into adjacent residential neighborhoods.
- **Does the proposed use present a significant benefit to the public health, safety, welfare and/or social well-being of the community?**
 - The proposed use presents significant benefit to the public health safety, welfare and/or social well-being of the community by encouraging destination sit down restaurants fronting a beautiful amenity pond near a city park. Additional neighborhood services will provide convenient goods and services for the community.
- **Would it contribute to the Town's long-term economic stability?**
 - See attachment #3

The Plan also recommends that “it is important to recognize that proposals not directly consistent with the Plan could reflect higher and better long-term uses than those originally envisioned and shown on the Future Land Use Plan map for a particular area. This may be due to changing markets, demographics and/or economic trends that occur at some point in the future after the Plan is adopted. If such changes occur, and especially if there are demonstrated significant social and/or economic benefits to the Town of Prosper, then these proposals should be approved and the Future Land Use Plan map should be amended accordingly.”

Legal Obligations and Review:

The Planning & Zoning Commission is required to hold a Public Hearing prior to acting on an amendment to the Future Land Use Plan.

Attached Documents:

1. Existing Future Land Use Plan
2. Proposed Future Land Use Plan
3. Request Letter

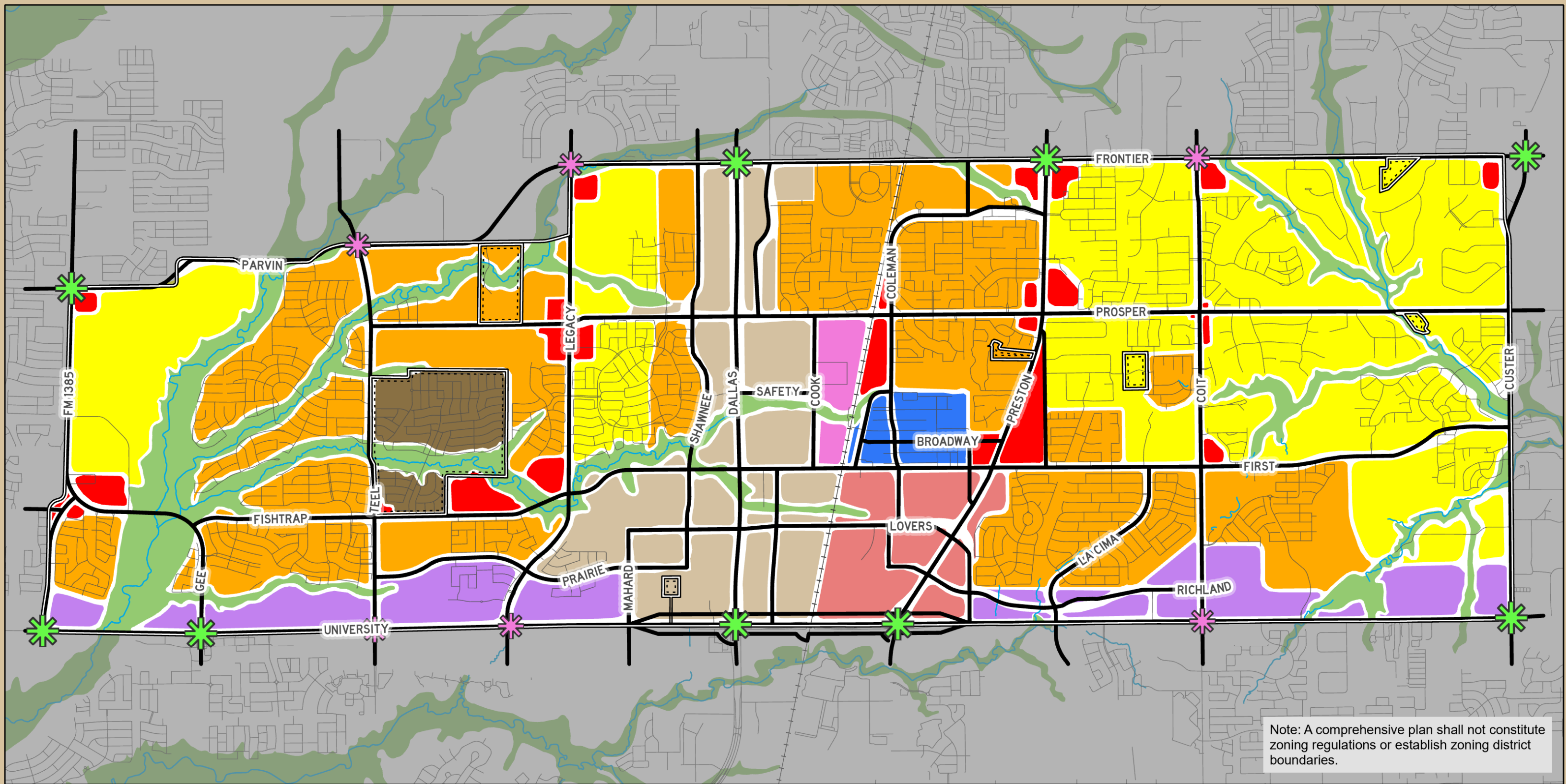
Staff Recommendation:

There are two options for a recommendation, subject to the action taken on the companion case for the amendment to the Future Land Use Plan (CA21-0001).

1. If the Planning & Zoning Commission recommends approval of the amendment to the Future Land Use Plan, the Commission should recommend approval of the rezoning request with the condition that the property owner enter into a Development Agreement with the Town of Prosper.
2. If the Planning & Zoning Commission recommends denial of the amendment to the Future Land Use Plan, the Commission should recommend denial of the rezoning request.

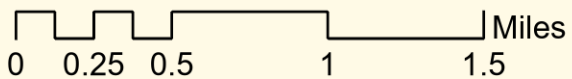
Town Council Public Hearing:

Upon a recommendation by the Planning & Zoning Commission, a Public Hearing for this item will be scheduled for the Town Council at their Regular meeting on October 11, 2022.



Note: A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.

July 2012



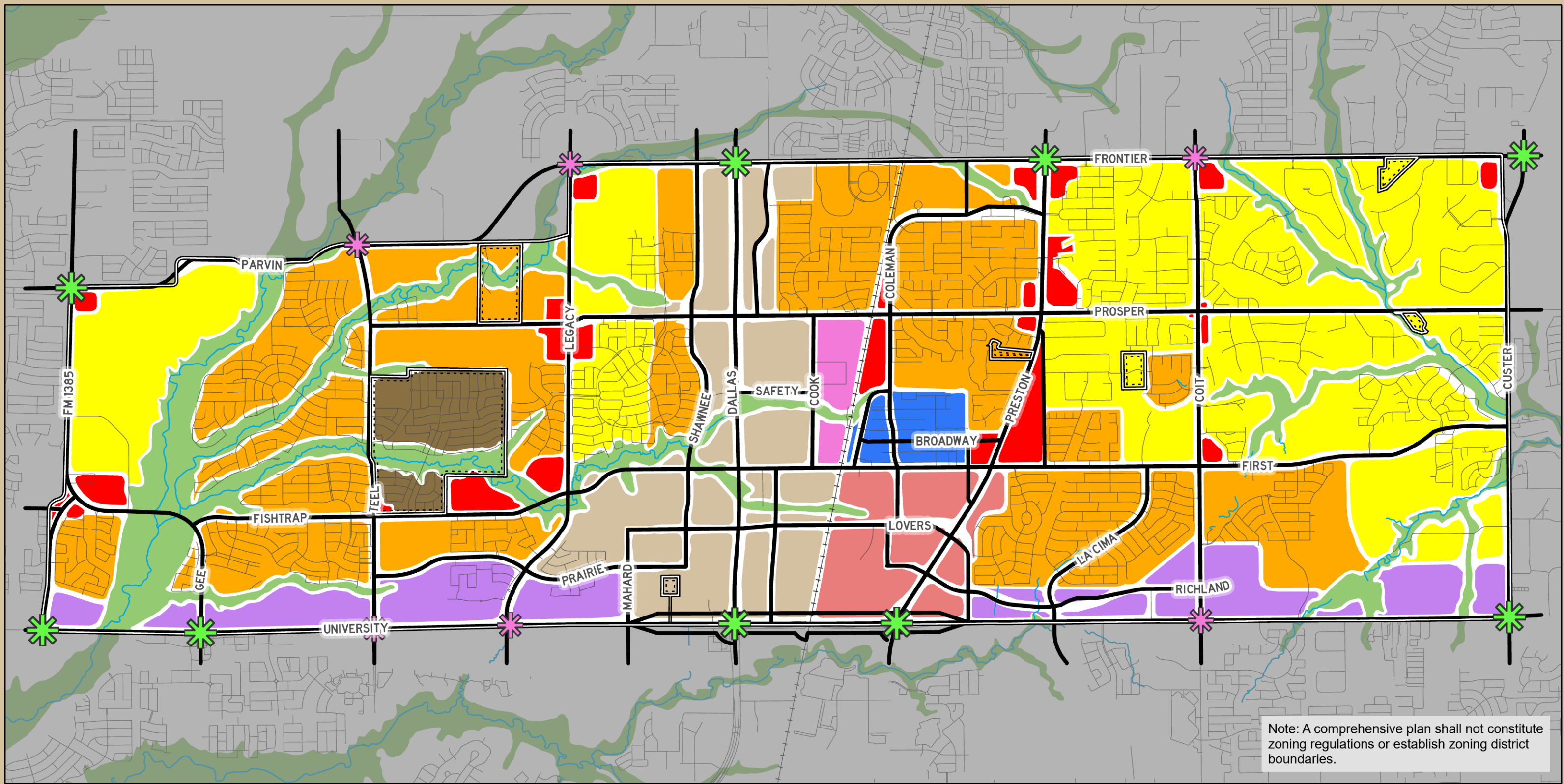
Legend

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Retail & Neighborhood Services
- Business Park
- Old Town District
- Town Center
- Tollway District
- US 380 District
- 100 Year Floodplain
- Major Gateway
- Minor Gateway
- Town of Prosper
- ETJ

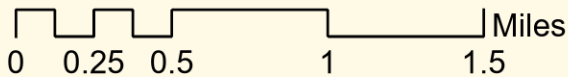
Future Land Use Plan



Plate 2



CA21-0001 Proposed



Legend

- | | | |
|--------------------------------|---------------------|-----------------|
| Low Density Residential | Old Town District | Major Gateway |
| Medium Density Residential | Town Center | Minor Gateway |
| High Density Residential | Tollway District | Town of Prosper |
| Retail & Neighborhood Services | US 380 District | ETJ |
| Business Park | 100 Year Floodplain | |

Future Land Use Plan



Plate 2

FUTURE LAND USE MAP AMENDMENT

MQ Prosper North

MQ Development Company requests amendment to the Future Land Use Map (FLUM) of the Town of Prosper Comprehensive Plan. The FLUM calls for single family. Through extensive due diligence and site planning exercises, it was determined that physical characteristics of the site make conventional single-family development for most of the site impractical from standpoints of both prospective homeowner desirability and economic viability.

The irregular shape, topography and flood plain play a role in optimal use type for the property. There is a creek and low areas that traverse the western perimeter, the north central, and eastern sections of the property. To generate the necessary lot yield, residential lots would be planned along the northern perimeter, requiring additional grading and tree removal. The creek makes residential pad site layout a challenge and compromises necessary yields to build out necessary public infrastructure including a public street.

The costs associated with the significant grading required would far outweigh economic benefits of a limited residential lot yield. Financial feasibility notwithstanding, the lot layout necessary to make the project work, would be a compact and efficient cookie cutter rectangular pattern, creating and uninspiring and underwhelming development that could fall short of the high standard of aesthetics and quality expected in Prosper. Moreover, it would place residential back yards up against the existing residential homes along the southern perimeter, unnecessarily crowding existing neighbors.

In contrast, the property with its adjacency to Preston Road and topography, is better suited for non-residential uses that serve residential development. The proposal would preserve a certain degree of trees and grade along the northern perimeter. Lot 8 is planned as open space, preserving the natural treed areas. Commercial development also allows greater building setbacks and larger perimeter buffers from the adjacent properties, instead of smaller residential yards with back to back lots.

The PD would ensure that the appropriate type of uses are allowed and at the right scale given these residential adjacencies. A carefully planned, limited scaled neighborhood service development can be site planned to take advantage of the natural topography, maintain vistas that take advantage of a planned amenity pond, and integrates with the physical features of the property. Moreover, creating Lot 8 and Lots A and B for residential provide an excellent transition buffer to established single family subdivisions to the northeast, east and southeast.

Please consider the following considerations from the Comprehensive Plan in evaluating amendment to the FLUM to accommodate the proposal:

- The proposed use will enhance the surrounding area by providing additional neighborhood services for established residential neighborhoods. The developer has interested restaurants in demand of this location and unique natural features of the property.
- The proposed change in use is optimal to single family residential given the aforementioned physical and financial challenges. Neighborhood services will support

existing and prospective residential neighborhoods while avoiding a sub-optimal single family development on the subject property that could negatively impact prevailing residential property values.

- The limited single family development of Lots A and B with large lots will allow for high priced residences that preserve or enhance the prevailing housing stock of Prosper.
- The proposal for a Planned Development will set forth appropriate safeguards to ensure compatibility with adjacent residential uses. Measures and parameters such as use limitation, building height and setbacks, and landscaping and buffering will allow a harmonious juxtaposition of uses while providing conveniently located neighborhood services. Moreover, the planned north-to-south solid vegetative hedge and the natural tree line along the eastern perimeter will remain and act as a buffer for the residences to the east.
- The proposal will not impact residential areas in a negative way. Negative impacts will be avoided by the implementation of careful site planning, use restrictions, and development parameters.
- Adjacent uses are residential and a planned city park to the north. The proposed architectural building scale of one-story, and residential design aligns with the general look and feel of the adjacent residential housing stock. Prospective businesses will have reasonable operating hours. Any restaurants would be located on lots closer to Preston Road, more than 400 feet from residential properties outside of the PD. Operations will be managed so as to not cause any detrimental impacts to residential properties. Measures will be taken to avoid noise nuisance and light pollution spilling into adjacent residential neighborhoods.
- The proposed use presents significant benefit to the public health safety, welfare and/or social well-being of the community by encouraging destination sit down restaurants fronting a beautiful amenity pond near a city park. Additional neighborhood services will provide convenient goods and services for the community.