



AGENDA
Planning and Zoning Commission
Prosper Town Hall, Council Chambers
250 W. First Street, Prosper, Texas
Tuesday, December 05, 2023
6:00 PM

Welcome to the Prosper Planning & Zoning Commission Meeting.

Citizens may watch the meeting live by using the following link: www.prospertx.gov/livemeetings

Addressing the Planning & Zoning Commission:

Those wishing to address the Planning and Zoning Commission 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 Planning and Zoning Commission meetings shall observe the same rules of propriety, decorum, and good conduct applicable to members of the Commission. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the Commission 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 Commission during that session of the meeting. Disruption of a public meeting could constitute a violation of Section 42.05 of the Texas Penal Code.

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

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. Items may be removed from the Consent Agenda by the request of a Commission Member or staff.

- 3a. Consider and act upon the minutes from the November 7, 2023, Planning & Zoning Commission meeting.

CITIZEN COMMENTS

The public is invited to address the 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 a staff member prior to the meeting.

REGULAR AGENDA:

If you wish to address the Commission, please fill out a “Public Comment Request Form” 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 and 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 either address the Commission during the Citizen Comments portion of the meeting or when the item is considered by the Planning and Zoning Commission.

- 4. Conduct a Public Hearing and consider an act upon a request for a Planned Development for a House of Worship on 26.1± acres, for Prosper School Church Addition, Block A, Lot 2, located north of West First Street and west of South Legacy Drive. The property is zoned Agricultural. (ZONE-23-0030)
- 5. Conduct a Public Hearing to consider an ordinance amending Chapter 3, Section 1.4 – Conditional Development Standards and Chapter 4 – Development Requirements of the Town of Prosper Zoning Ordinance to modify requirements related to drive-throughs. (ZONE-23-0033)
- 6. Review actions taken by the Town Council and possibly direct Town Staff to schedule topic(s) for discussion at a future meeting.
- 7. 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, December 1, 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
Regular Meeting of the
Prosper Planning & Zoning Commission
Prosper Town Hall
Council Chambers
250 W. First Street, Prosper, Texas
Tuesday November 7, 2023, 6:00 p.m.

1. Call to Order / Roll Call

The meeting was called to order at 6:02 p.m.

Commissioners Present: Chair Brandon Daniel, Vice-Chair Damon Jackson, Secretary Cameron Reeves, Sekou Harris, Josh Carson, Glen Blanscet, John Hamilton.

Staff Present: David Hoover, Director of Development Services; Reynaldo Merlos, Planning Technician; Talia Stevenson, Administrative Assistant.

2. Recitation of the Pledge of Allegiance.

3. CONSENT AGENDA

- 3a. Consider and act upon the minutes from the October 17, 2023, Planning & Zoning Commission meeting.
- 3b. Consider and act upon a request for a Site Plan for Frontier Retail South 1, Block X, Lot 2, on 1.4± acres, located south of West Frontier Parkway and west of North Preston Road. The property is zoned Planned Development-116 (PD-116) Victory at Frontier South. (DEVAPP-23-0091)
- 3c. Consider and act upon a request for a Final Plat for Frontier Retail South 1, Block X, Lot 2, on 1.4± acres, located south of West Frontier Parkway and west of North Preston Road. The property is zoned Planned Development-116 (PD-116) Victory at Frontier South. (DEVAPP-23-0095)
- 3d. Consider and act upon a Site Plan for a City Park, on 10.1± acres, located south of Lovers Lane and west of South Coleman Street. The property is zoned Planned Development-67 (PD-67) Gates of Prosper. (DEVAPP-23-0123)
- 3e. Consider and act upon a request for a Site Plan for St. Martin De Porres Catholic Church Addition, Block A, Lot 2, on 22.6± acres, located north of US-380 and east of Windsong Parkway. The property is zoned Planned Development-40 (PD-40) Windsong Ranch and Specific Use Permit-15 (S-15) St. Martin de Porres. (DEVAPP-23-0170)
- 3f. Consider and act upon a request for a Revised Conveyance Plat for Frontier Retail Center, Block A, Lots 1-7, on 26.9± acres, located on the southeast corner of North Dallas Parkway and West Frontier Parkway. The property is zoned Planned Development-69 (PD-69) Metten Tract. (DEVAPP-23-0172)
- 3g. Consider and act upon a request for a Preliminary Site Plan for Lighthouse Church Addition, Block A, Lot 1, on 9.26± acres, located on the southwest corner

of East First Street and Whitley Place Drive. The property is zoned Planned Development-90 (PD-90) Brookhollow North. (DEVAPP-23-0173)

- 3h. Consider and act upon a request for a Revised Conveyance Plat for Westfork Crossing Addition, Block A, Lots 9, 10 and 11, on 17.63± acres, located on the north of US-380 and west of Gee Road. The property is zoned Commercial and Single Family-10. (DEVAPP-23-0174)**

Chair Daniel requested to pull Item 3a. Commissioner Blanscet requested to pull Item 3d.

Motion by Commissioner Hamilton to approve items 3b, 3c, 3e-3h. Second by Commissioner Reeves. Motion carried unanimously.

Chair Daniel noted that item 3a has been revised and requested the Commissioners to review for any additional changes.

Vice Chair Jackson asked if the individual vote count should be listed in the minutes as well as listing which commissioner voted for or against an item.

Mr. Hoover replied that the vote count can be listed as individual votes but, in the past, has been listed as a total vote count.

Commissioner Harris made a motion to approve item 3a. Second by Commissioner Blanscet. Motion carried unanimously.

Commissioner Blanscet asked, regarding item 3d, if there will be any parking planned for this park and the location of the parking.

Mr. Hoover stated that there will be parking for the overall development, but at this time, does not have a total count and the park will be 10 acres, plus or minus. Mr. Hoover added there will be a trail and amenities that will share parking with this park. It will be on the other side of Gateway Drive and the development to the west will provide additional parking as well as street parking will be available. Two of the multifamily buildings in this phase have opened and will ease the parking as the park will be a primary use for the multi-family.

Commissioner Carson made a motion to approve item 3d. Second by Vice-Chair Jackson. Motion carried unanimously.

CITIZEN COMMENTS

No comments were made.

REGULAR AGENDA

Chair Daniel requested a motion to re-order the agenda items to move Items 8 and 9 after Item 4 to allow applicants to discuss their items before the ordinance amendments. Commissioner Reeves made a motion to move Items 8 and 9 after Item 4. Second by Commissioner Harris. Motion carried unanimously.

- 4. Conduct a Public Hearing to consider a request for a Specific Use Permit for a Wireless Communications and Support Structure, on Lakewood Preserve, Block A, Lot 1, on 0.1± acre, located south of East First Street and east of South Coit Road. (ZONE-23-0021)**

Chair Daniel asked if the applicants of any cell towers are told of potential locations by Town Staff.

Commissioner Hamilton asked if the park is the overall location selected and not the southernmost location being presented and what is the distance that residents get notified from the location.

Mr. Hoover stated that the Town has a map for potential locations for cell towers to maximize coverage for the Town. Not every location will have a cell tower, but the farther the towers are from each other, the network gets stretched and cannot provide quality service. The southernmost location was the spot selected by the Town as it is unlikely to be utilized for anything else. This is close to the electrical easement and does not interfere with the overall park. The residents within 200 feet of the cell tower's request are notified.

The Commissioners further discussed possible relocation further into the park, sign posting for a future cell tower, construction timeline, other antenna design options for future discussions.

Mr. Hoover stated that there is a zoning change sign that is part of the requirement for Zoning cases. The public can call in with the information from the sign to learn about the proposed zoning. The Parks Department is adamant that they do not want roads to go through the park due to the construction trucks or service trucks that will be needed for construction and maintenance. The final plans are expected to be completed in 45-60 days. The cell providers stated that the light poles are not tall enough to truly amplify the service. Town Staff has looked into unifying the uses to reduce the amount of service structures in the Town. The towers are about 150 to 200 feet, and the wires are about 140 to 160 feet tall. The Power company will not allow the cell towers to be moved further into the utility easement or allow them to be underneath the transmission lines. Some companies do allow the cell antennas to be on their towers, but they cannot be placed more than one at a time and would cause more issues.

Commissioners asked for clarification on why an incorrect description of the proposed use, showing this was a stealth antenna, was sent to the homeowners and what are the residents' concerns.

Mr. Hoover stated that the information came from the Letter of Intent which was incorrect, and the correct letter is being presented at this meeting. There have been opinions on the effects of EMF radiation, but nothing has been presented here in the Town of Prosper or other cities where there has been support of the theory.

Chair Daniel opened the public hearing.

The Commissioners ask the applicant about the possibility of relocating further in the park, the change from a stealth antenna to commercial tower, and adding additional screening.

Bill Bauman stated that the floodplain territory affects the finished floor elevation and could cause a situation where the equipment would be caused to be raised higher. Concerns for flash flooding would cause a change in design to the base where it would make the cell towers more noticeable. They prefer close mount antennas as shown instead of flagpole mounts due to technology changing from competing firms. It is possible to add additional screening to the cell tower.

Chair Daniel closed the public hearing.

Commissioner Blanscet made a motion to approve Item 4 with the condition that the applicant provide additional landscape and irrigation. Second By Commissioner Harris. Motion denied with a vote of 3 to 4, Commissioner's Hamilton, Carson, Daniel, and Reeves were opposed.

8. Conduct a Public Hearing and consider and act upon a request for a Planned Development for an Office/Retail Building on 0.4± acres, for Bryant's First Addition, Block 11, Lots 1, 11 and 12, located on the northeast corner of South Coleman Street and East Third Street. The property is zoned Single Family-15. (ZONE-23-0027)

Mr. Hoover stated that due to Town Council denying a previous straight zoning case, the Town Council would like any retail and commercial rezoning to be presented as Planned Developments to limit the allowable uses in those districts. Town Staff will provide a list of uses that the Town Council does not want and will be providing a US 380, Dallas North Tollway, and a Downtown overlay that will be discussed in future work sessions.

Commissioner Blanscet asked why there is a 25 percent parking reduction requirement and about the amount of parking pavement that will be on the street.

Mr. Hoover stated that Town Council approved the reduction as part of the Downtown Master Plan to allow for grants and options of leniency. It has to be requested and then be reviewed for approval. The portion of pavement presented is to finish out the paving for the radii and the Engineering Department will probably require paving to the edge of the applicant's parking.

Chair Daniel opened the public hearing.

Michael Bryant, the applicant, introduced himself and discussed the proposed zoning.

Chair Daniel closed the public hearing.

Commissioner Hamilton made a motion to approve Item 8. Seconded by Commissioner Carson. Motion carried unanimously.

9. Conduct a Public Hearing and consider and act upon a request for a Planned Development for an Office Building on 0.5± acres, for Bryant's First Addition, Block 22, Lots 7-9, located on the northwest corner of South Parvin Street and East Second Street. The property is zoned Single Family-15. (ZONE-23-0028)

Commissioner Blanscet and Reeves questioned parallel parking location and main entrance of the office building.

Mr. Hoover stated that the majority of the parking is on the street with a small portion on East Second Street. The main entrance will also be located on East Second Street.

Chair Daniel opened the public hearing.

Kevin Pittman, the applicant, presented the site plan and discussed the plans for the first and second floors of the building.

Bob Jameson, the contractor, provided general support for the item to preserve a historical building in the Town of Prosper.

Chair Daniel closed the public hearing.

Commissioner Carson made a motion to approve Item 9. Seconded by Vice-Chair Jackson. Motion carried unanimously.

The Commissioners took a 15-minute recess.

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

Mr. Hoover presented proposed amendments which included setbacks, façade language, height, and density.

The commissioners discussed density requirements, open space percentage requirements, maximum building height requirements and types of housing uses that fall under the category of multifamily.

Mr. Hoover stated that the zoning map does not change with the amendment and that Town Council is in support of the density change. He addressed the building height requirements and noted the Planned Developments allow for changes in the open space or any other changes that the Planning & Zoning Commission or Town Council would want listed within the Planned Developments. Certain multifamily units, such as garden style apartments, would not be allowed because it would not meet the new requirements.

Chair Daniel opened the public hearing.

No comments were made.

Chair Daniel closed the public hearing.

Commissioner Carson made a motion to approve Item 5. Seconded by Commissioner Harris. Motion carried unanimously.

6. Conduct a Public Hearing to consider an ordinance amending Chapter 4, Section 5.2 – Location of Required Screening, of the Town of Prosper Zoning Ordinance to modify the screening requirements for trash and recycling collection areas. (ZONE-23-0025)

The Commissioners asked about the height of the dumpster enclosures, past developments who already have their enclosures built, the irrigation and screening, and the closing of the dumpster enclosure doors.

Mr. Hoover stated that if the enclosures meet the code, then they are good. But if they do not, Town staff is working with Code Compliance staff to address those that need to be brought up to code. Different developments use different size dumpsters. Staff is combining the landscape, façade, and height requirements so all enclosures are similar to the surrounding developments. It is in the contract for the new trash service provider that the doors have to be closed after pick up. The dimensions of the gate heights is the same as the wall are included in the specs of Republic Services.

Chair Daniel asked for clarification about section 5.2e. paragraph 7, which states putting the dumpster/trash recycling between the street and the building unless approved by the Director of Development Services or his/her designee.

Mr. Hoover stated that there are a few items in the ordinance that allow certain Town Staff, such as the Director of Engineering or Parks, to make a determination. These are mostly for isolated occurrences that only need staff approval.

Commissioners discuss how to word the motion and take into consideration the different sizes for height requirements and ability to enforce the closure of the gates.

Chair Daniel opened the public hearing.

No comments were made.

Chair Daniel closed the public hearing.

Commissioner Harris made a motion to approve Item 6, with the following conditions: All dumpster enclosures must be 8 feet tall, have additional landscape screening and irrigation, and gates for dumpster enclosures must be the same height as the walls. Seconded by Commissioner Hamilton. Motion carried unanimously.

7. Conduct a Public Hearing to consider an ordinance amending Chapter 3, Section 1.4, Subpart 38 – Automobile Sales/Leasing, Used, of the Town of Prosper Zoning Ordinance to provide additional criteria for this use. (ZONE-23-0026)

The Commissioners discussed the distinction between a new and used car dealership.

Mr. Hoover commented that he has not seen a ratio but if you sell 5 or more cars, then you are classified as a dealership.

Chair Daniel opened the public hearing.

No comments were made.

Chair Daniel closed the public hearing.

Commissioner Carson made a motion to approve Item 7. Seconded by Commissioner Blanscet Motion carried unanimously.

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

Mr. Hoover presented information regarding Approval of 209 E Fifth St Rezoning and McDonalds SUP, McDonalds Development Agreement and SUP Batch Plant Extension, SUP Lakewood Park Cell Tower, 105 S Coleman St PD, 202 S Parvin St PD, Gates of Prosper Phase 3 Site Plan and Final Plat and the Training Session with the Town Attorney and that additional amendments will be at the November 21st P&Z meeting.

Vice-Chair Jackson requested that Town Council denials be in the Announcements.

11. Adjourn.

The meeting was adjourned at 9:17 p.m.



PLANNING

To: Planning & Zoning Commission **Item No. 4**

From: Dakari Hill, Senior Planner

Through: David Hoover, Director of Development Services

Cc: Suzanne Porter, Planning Manager

Re: Planning & Zoning Commission Meeting – December 5, 2023

Agenda Item:

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

Description of Agenda Item:

The purpose of this request is to rezone the property from Agricultural to a Planned Development with a base zoning of Office with 50% lot coverage. The intent of the request is to construct a new worship building. This building, the existing structure, and all associated parking will result in 32% lot coverage. The current Agricultural District allows for a maximum lot coverage of 20%. The Office District allows for a maximum lot coverage of 30%. The increase in maximum lot coverage in the Planned Development will allow the house of worship to comply with the zoning regulations while having a base zoning compatible with the surrounding area.

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

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

Uses:

The list of allowed uses within this Planned Development are far less than what is permitted by the Office District. In the Office District, there are 32 uses permitted by right, 7 uses permitted with conditional standards, and 12 uses permitted with a Specific Use Permit. This Planned Development only allows for 3 uses permitted by right and 1 use permitted with a Specific Use Permit as shown below:

- By Right:
 - House of Worship
 - Rectory
 - School, Private or Parochial

- With a Specific Use Permit:
 - Childcare Center

Compatibility:

This zoning change would not be seen as out of character due to surrounding properties having similar zoning and uses that are compatible with the proposed use. The property to the east, a Planned Development with the Office District as the base zoning, demonstrates that the Office District is suitable for this area. Additionally, the intended use is compatible with the residential area to the south and the school to the west.

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

	Zoning	Current Land Use	Future Land Use Plan
Subject Property	Agricultural	House of Worship	Retail & Neighborhood Services
North	ETJ	Residential	ETJ
East	Planned Development-113	Medical Office	Retail & Neighborhood Services
South	Planned Development-14	Residential	Medium Density Residential
West	Agricultural	Public School	Retail & Neighborhood Services

Future Land Use Plan:

The Future Land Use Plan recommends Retail & Neighborhood Services. The proposed zoning request conforms to the Future Land Use Plan.

Thoroughfare Plan:

This property has direct access to West First Street.

Parks Master Plan:

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

Major Creek:

This property is south of Button Branch.

Legal Obligations and Review:

Notification was provided as required by the Zoning Ordinance and state law. Staff has not received any response to the proposed zoning request to date.

Attached Documents:

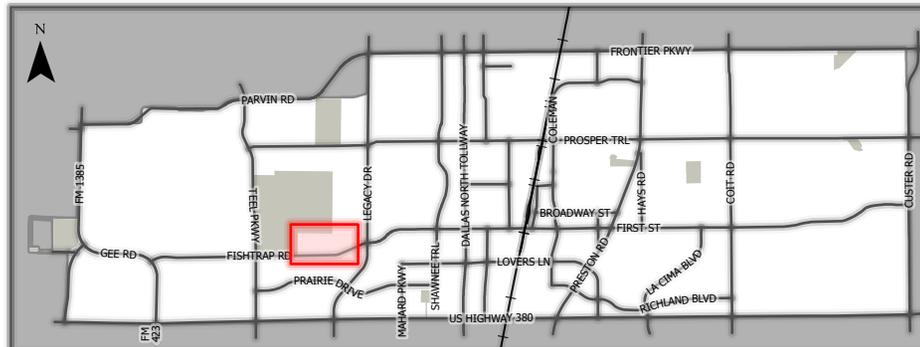
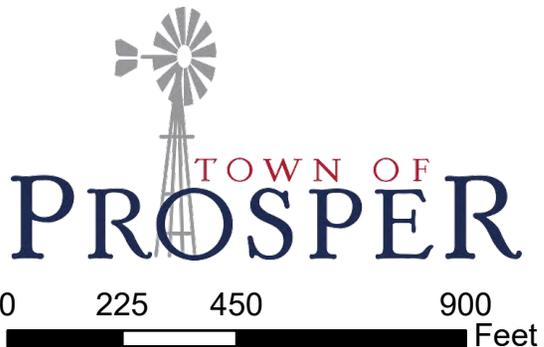
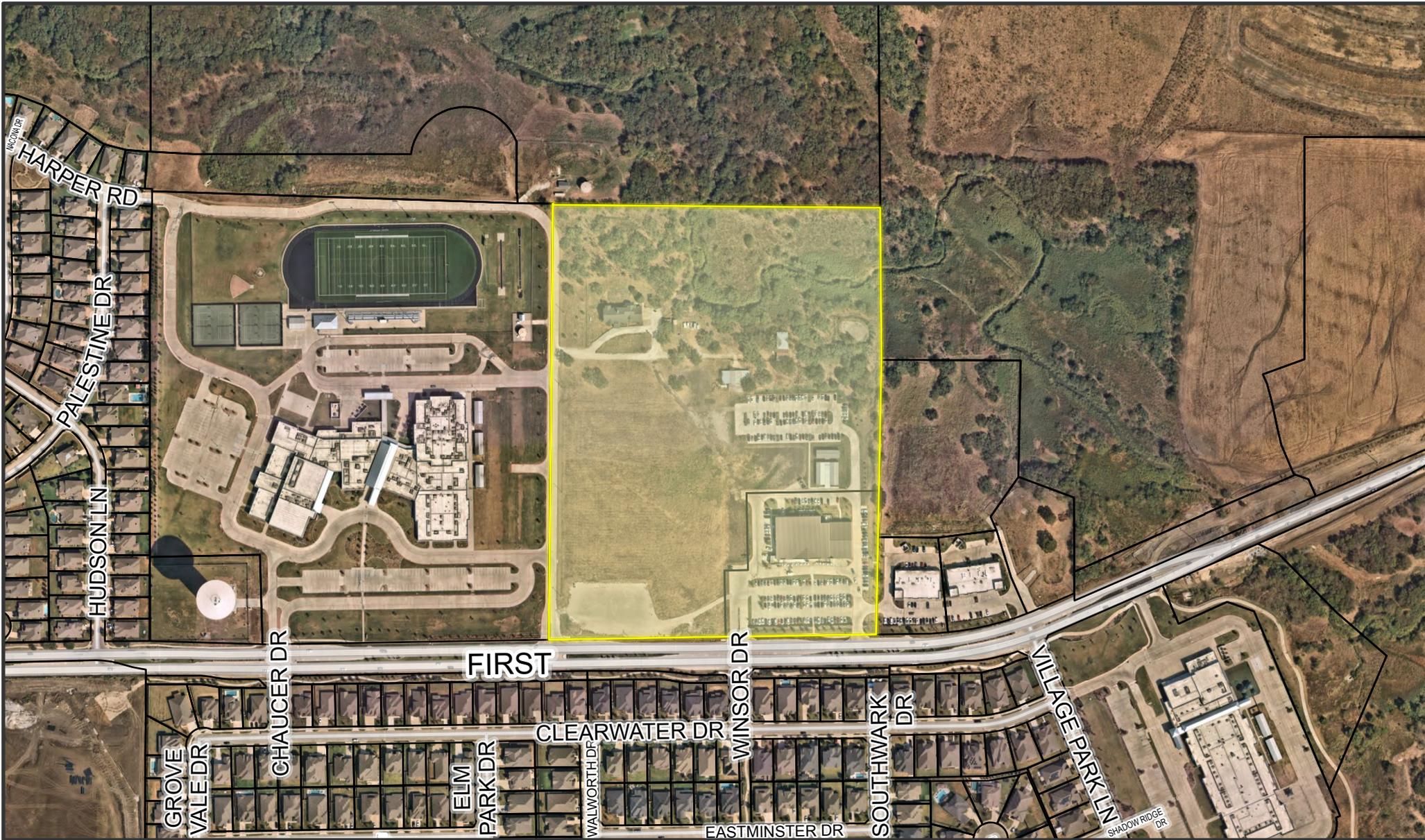
1. Aerial and Zoning Maps
2. Survey
3. Letter of Intent
4. Development Standards
5. Conceptual Plan
6. Development Schedule
7. Elevations

Town Staff Recommendation:

Town Staff recommends approval of the request for a Planned Development for a House of Worship on 26.1± acres, on Prosper School Church Addition, Block A, Lot 2, located north of West First Street and west of South Legacy Drive.

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 January 9, 2024.

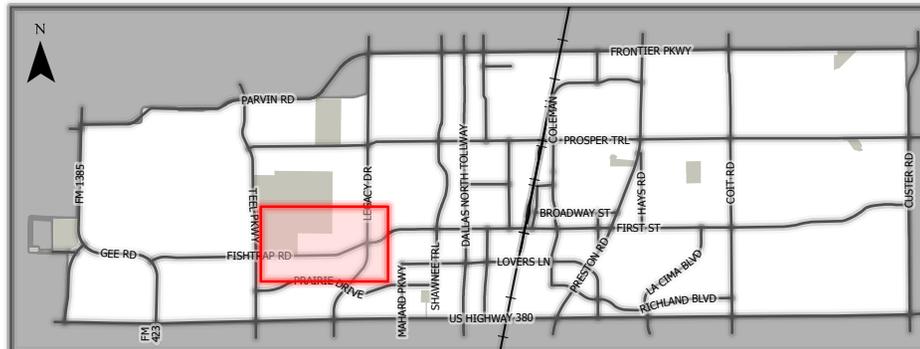
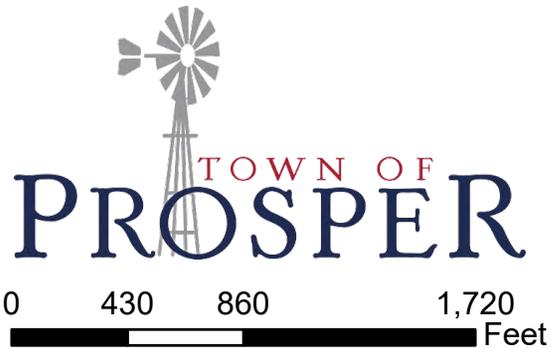
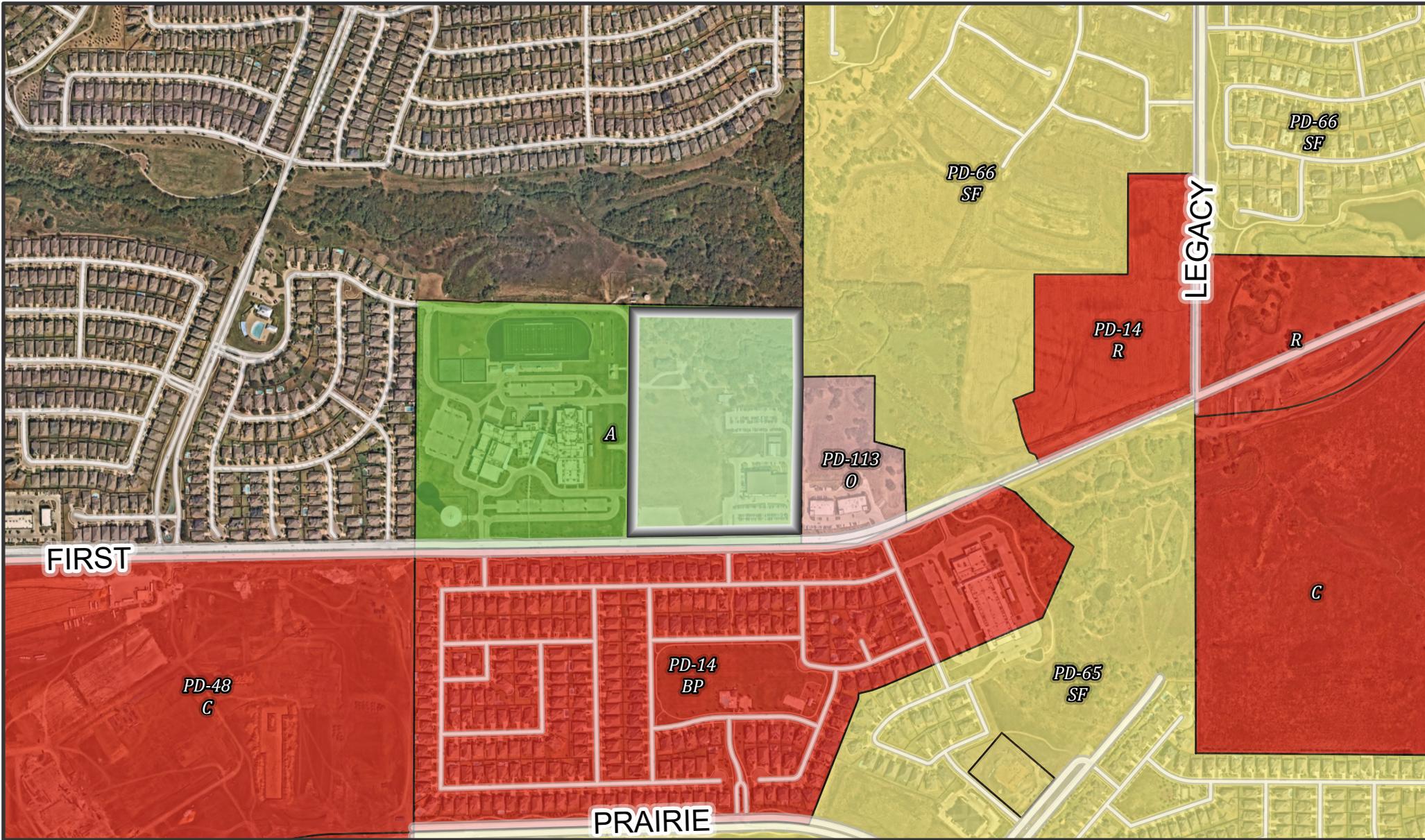


ZONE-23-0030

Rock Creek Church

Planned Development

This map for illustration purposes only

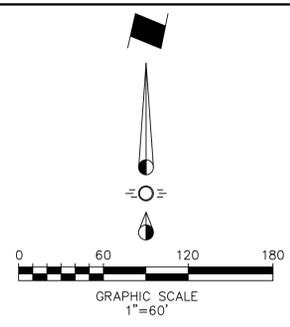


ZONE-23-0030

Rock Creek Church

Planned Development

PLAN: 889'30"E 100.49'
S89°31'01"E 929.58'



Location Map
NTS

Property Description

BEING a tract or parcel of land, situated in the Louisa Netherly Survey, Abstract No. 962, Denton County, Texas, and being all of Lot 2, Block A, Prosper School Church Addition, an addition to the Town of Prosper, Denton County, Texas, as recorded in Document No. 2019-336, Official Public Records, Denton County, Texas (O.R.D.C.T.);

BEGINNING at the southwest corner of said Lot 2, Block A also being the southeast corner of Lot 1, Block A of said Prosper School Church Addition, and being in the north line of Fishtrap Road (a variable width right-of-way);

THENCE N 00°30'29" E, along the common lot line between said Lot 1 and said Lot 2, a distance of 1,230.56 feet to a 5/8 inch iron rod with plastic cap stamped "TNP" found in the south line of Denton County Fresh Water Supply District 10 as recorded in Document No. 2006-144396 and Document No. 2014-7938, O.P.R.D.C.T.;

THENCE S 89°31'01" E, along the common line between said Lot 2 and said Denton County Fresh Water Supply District 10, a distance of 929.58 feet to a point for corner in the west line of Blue Star Allen Land, L.P., as recorded in Document 2011-60030, O.P.R.D.C.T.;

THENCE S 00°04'54" W, along the common line between said Lot 2 and said Blue Star Allen Land, L.P. Tract, a distance of 434.18 feet to a point for corner in the west line of Lot 4, Block A, MAV Addition, an addition to the Town of Prosper, Denton County, Texas, as recorded in Document No 2021-40, O.P.R.D.C.T.;

THENCE S 01°02'27" W, along the common line between said Lot 2 and said Lot 4, a distance of 324.01 to a southeasterly corner of said Lot 2, also being the northeast corner of Lot 1, Block A, C.O.C. Metro Addition, an addition to the Town of Prosper, Denton County, Texas

THENCE S 00°22'27" W, along the common line between said Lot 1, C.O.C. Addition and said Lot 4, also along the west line of Lot 1, Block A of said MAV Addition a distance of 449.73 feet to a point for corner, at the southeast corner of said Lot 1, C.O.C. Addition and the southwest corner of said Lot 1, MAV Addition said point being in the north line of said Fishtrap Road;

THENCE N 89°05'17" E, along the common line between said Lot 1, C.O.C. Addition and said Lot 2, Prosper School Church Addition and the north line of said Fishtrap Road, a distance of 931.14 feet to the POINT OF BEGINNING and containing 1,134,928 square feet or 26.056 acres of land more or less.

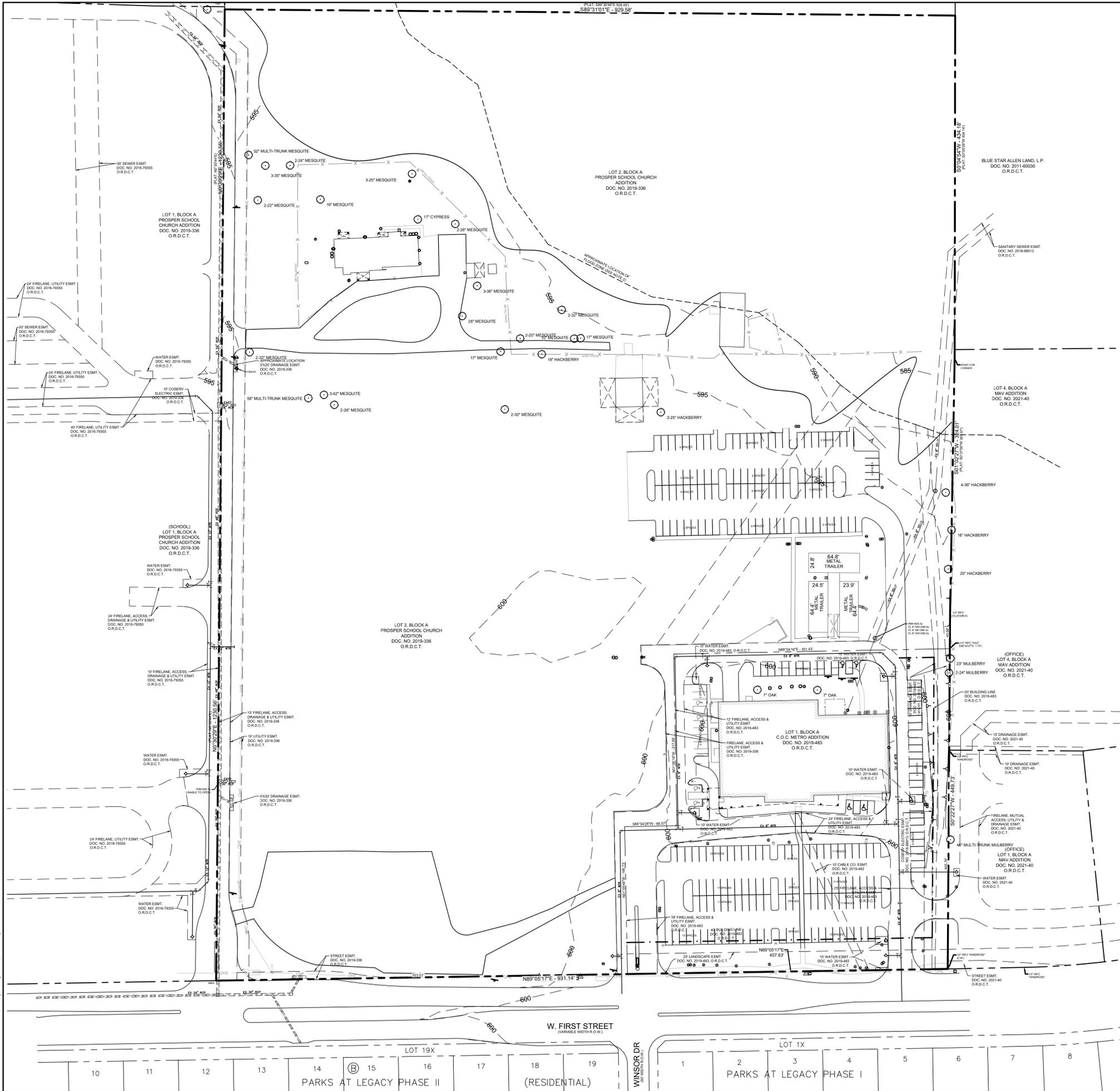
Candy Hone
Candy Hone, RPLS No. 5887
Votex Surveying Company
10440 N Central Expressway, Suite 800
Dallas, Texas 75231
(469) 333-8831
candy@votexsurveying.com
Firm No. 10013600



EXHIBIT "A"
PROSPER SCHOOL CHURCH ADDITION
LOT 2, BLOCK A
26.056 acres
1,134,928 square feet
situated in
TOWN OF PROSPER, DENTON COUNTY, TEXAS
L. HETHERLY SURVEY, ABSTRACT NO. 962

OWNER ROCK CREEK CHURCH 2860 FISHTRAP ROAD PROSPER, TEXAS 75078 (469)815-5253	OWNER'S REPRESENTATIVE GOFF COMPANIES 2221 LAKESIDE BOULEVARD SUITE 700 RICHARDSON, TEXAS 75082 DIRK DALHAUSSER ddalhausser@goffcompanies.com (214)716-5100	ARCHITECT OXLEY ARCHITECTS ANDREW OXLEY ao@oxleyarchitects.com (817)380-8366	ENGINEER BROCKETTE DAVIS DRAKE, INC 12377 MERIT DRIVE SUITE 1100 DALLAS, TEXAS 75251 JAMES RILEY, P.E. jriley@bdddeng.com	SURVEYOR VOTEX SURVEYING 10440 N. CENTRAL EXPRESSWAY SUITE 800 DALLAS, TEXAS 75231 (469)333-8831
--	---	---	--	--

Copyright 2023 Brockette/Davis/Drake, Inc. All Rights Reserved. No part of this drawing may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written authorization of Brockette/Davis/Drake, Inc. is prohibited.



\\Data\GWA\2023\CD\3015 - Rock Creek Church - Prosper\Exhibits\Final\11-21-23_Ac.dwg

ROCK CREEK CHURCH

2860 W First Street
Prosper, Texas. 75078

November 21, 2023

Re: Letter of Intent

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

To Whom It May Concern,

The Church of Celebration Metro, a.k.a. Rock Creek Church, owns 26 acres fronting W. First Street. Rock Creek Church uses its facility for religious worship with on-site parking and the wood framed structure towards the rear of the property solely as administrative offices.

The church conducts four worship services on the weekends. One on Saturday evening and three on Sunday mornings. During the week it serves as a place to meet for small group Bible study. The administration offices are open Monday through Friday during normal business hours.

Plans are underway to add a 1000-seat worship venue with additional parking. The current land parcels are zoned Agriculture and we are requesting a zoning change to a Planned Development using a base zoning of Office with the appropriate modifications.

If you have any questions regarding the Letter of Intent or the project you can contact Jim Riley with Brockette Davis Drake Inc. at (214) 535-4027.

Sincerely yours,



Jerry Brawner
Executive Director of Operations

jerry@rockcreektx.church
(469) 815-5253

Exhibit "C"

Development Standards

This tract shall develop under the regulation of the Office (O) District as outlined in the Town's Zoning Ordinance as it exists or may be amended with the following conditions:

1.0 Permitted Uses

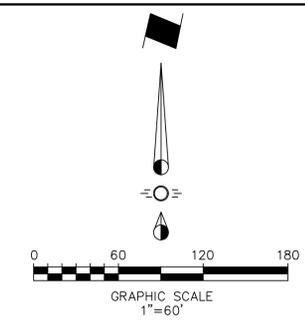
1.1 The permitted land uses within this Planned Development District are as follows:

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

2.0 Lot Coverage

2.1 The lot coverage requirements within this Planned Development District are as follows:

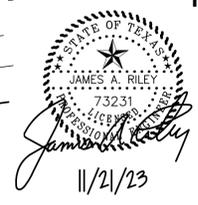
- Maximum of 50% lot coverage.



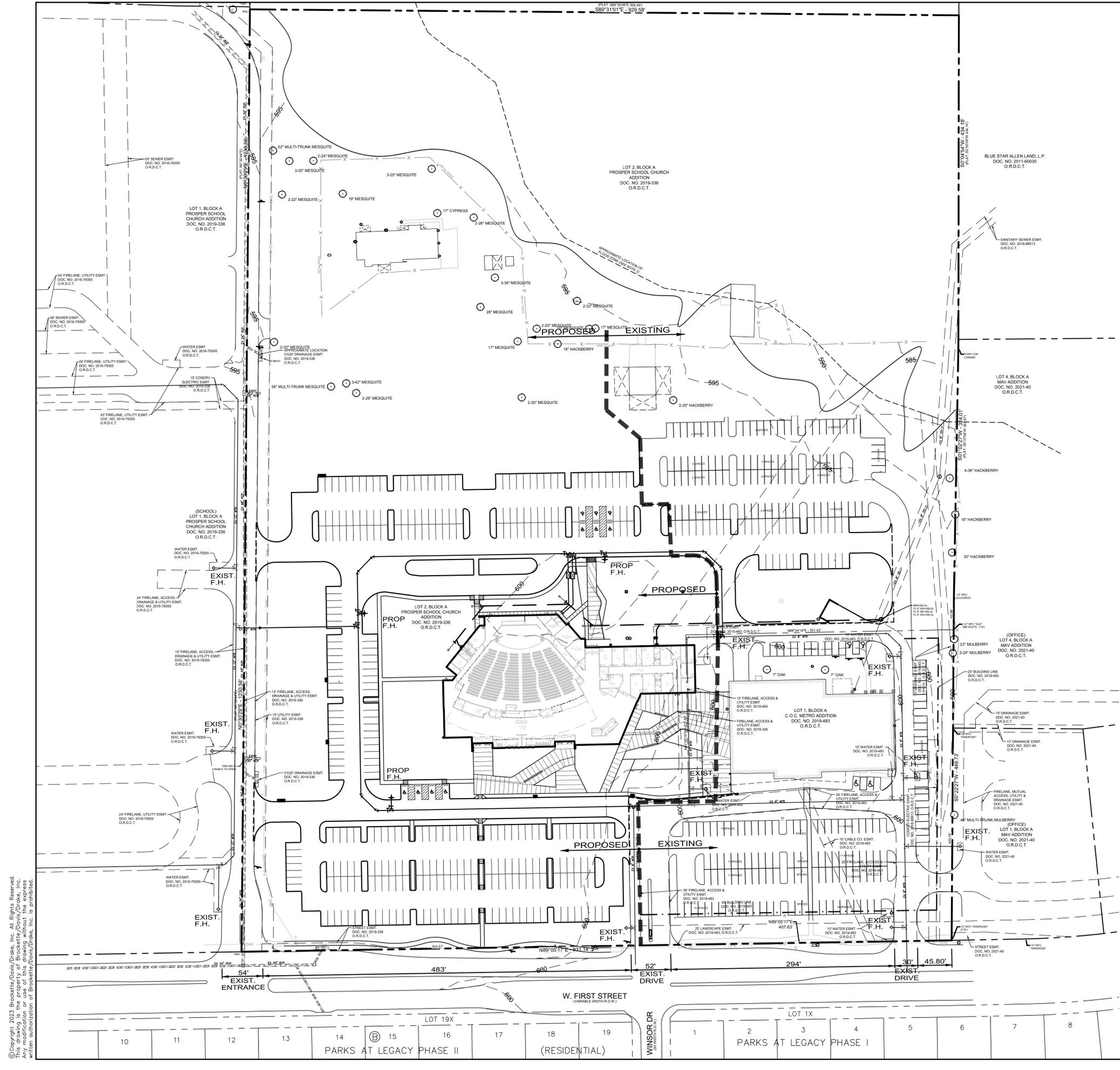
SITE DATA TABLE	
EXISTING ZONING	AG
PROPOSED ZONING	PD
LOT AREA	26.056 Acres / 1,134,999 S.F.
TOTAL LOT COVERAGE	32% (PROPOSED)
LAND USE	CHURCH

- LEGEND**
- - - - - 590 - - - - - EXISTING CONTOUR
 - ▨ EXISTING BUILDING
 - ▨ PROPOSED BUILDING
 - EXISTING FIRE HYDRANT
 - ⊕ PROPOSED FIRE HYDRANT
 - EXISTING CURB

EXHIBIT "D"
CONCEPTUAL PLAN
PROSPER SCHOOL CHURCH ADDITION
LOT 2, BLOCK A
 26.056 acres
 1,134,928 square feet
 situated in
TOWN OF PROSPER, DENTON COUNTY, TEXAS
L. HETHERLY SURVEY, ABSTRACT NO. 962



OWNER ROCK CREEK CHURCH 2860 FISHTRAP ROAD PROSPER, TEXAS 75078 (469)815-5253	OWNER'S REPRESENTATIVE GOFF COMPANIES 2221 LAKESIDE BOULEVARD SUITE 700 RICHARDSON, TEXAS 75082 DIRK DALHAUSSER ddalhausser@goffcompanies.com (214)716-5100	ARCHITECT OXLEY ARCHITECTS ANDREW OXLEY ao@oxleyarchitects.com (817)380-8366	ENGINEER BROCKETTE DAVIS DRAKE, INC 12377 MERIT DRIVE SUITE 1100 DALLAS, TEXAS 75251 (214)824-3647 JAMES RILEY, P.E. jriley@biddeng.com	SURVEYOR VOTEX SURVEYING 10440 N. CENTRAL EXPRESSWAY SUITE 800 DALLAS, TEXAS 75231 (469)333-8831
--	---	---	---	--



Copyright 2023 Brockett/Davis/Drake, Inc. All Rights Reserved.
 No part of this drawing may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written authorization of Brockett/Davis/Drake, Inc. is prohibited.

D:\Data\GWA\2023\CD\9625 - Rock Creek Church - Prosper\Exhibits\Final\Exhibit D.dwg

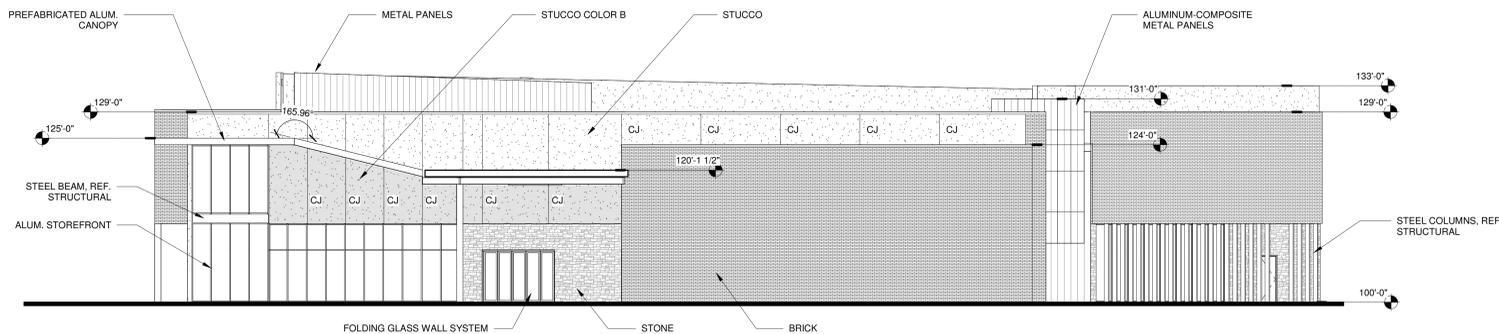
Z23-0030
EXHIBIT E
DEVELOPMENT STANDARDS
ROCK CREEK CHURCH
LOT 2, BLOCK A, PROSPER SCHOOL ADDITION

<u>Task</u>	<u>Date</u>
Start Construction	4/17/24
Site Work	4/17/24 – 8/12/24
Building	8/12/24 – 12/16/24
Finish Out	12/16/24 – 6/16/25
Certificate of Occupancy	6/16/25



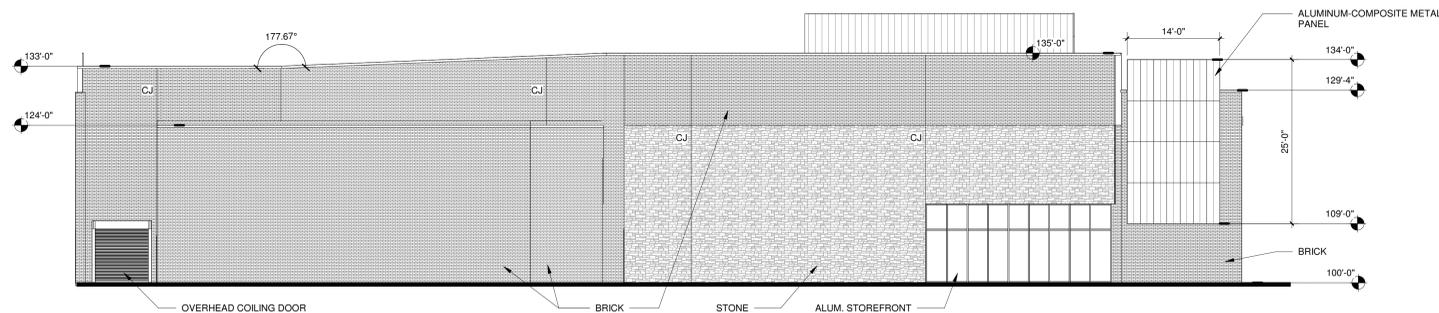
Revision Schedule		
Rev. #	Revision Description	Revision Date

EXTERIOR MATERIAL CALCULATIONS			
SOUTH ELEVATION:	NORTH ELEVATION:	WEST ELEVATION:	EAST ELEVATION:
STUCCO 85 SF (1%)	STUCCO 640 SF (7%)	STUCCO -	STUCCO 1,253 SF (31%)
STONE 2,050 SF (28%)	STONE 3,462 SF (37%)	STONE 1,440 SF (25%)	STONE 390 SF (9%)
BRICK 4,616 SF (63%)	BRICK 5,085 SF (55%)	BRICK 3,997 SF (69%)	BRICK 2,230 SF (57%)
METAL PANEL 571 SF (8%)	METAL PANEL 55 SF (1%)	METAL PANEL 350 SF (6%)	BRICK METAL PANEL 140 SF (3%)
TOTAL = 7,302 SF	TOTAL = 9,242 SF	TOTAL = 5,787 SF	TOTAL = 4,013 SF



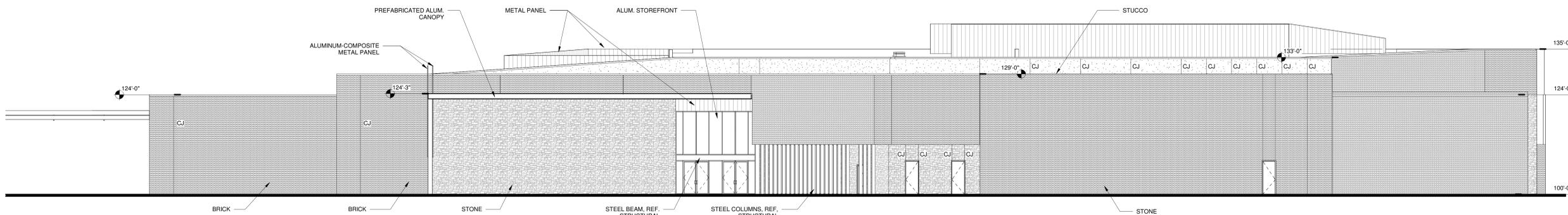
4 EXTERIOR ELEVATION - EAST

A310 3/32" = 1'-0"



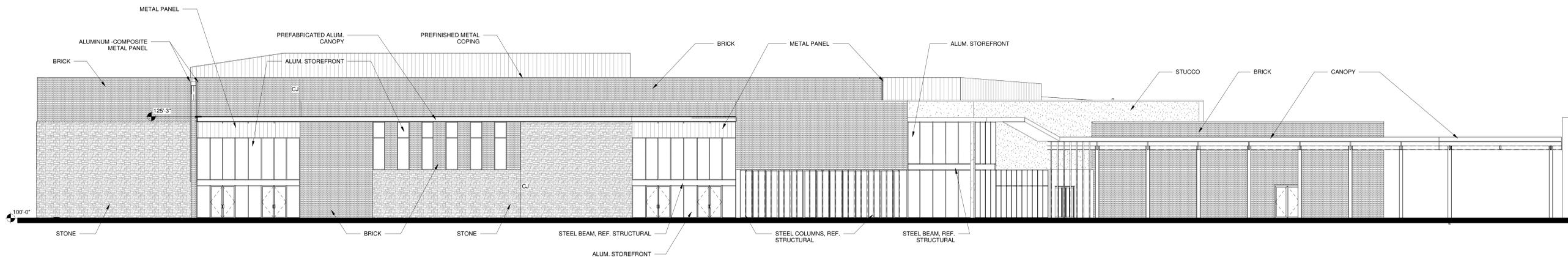
3 EXTERIOR ELEVATION - WEST

A310 3/32" = 1'-0"



2 EXTERIOR ELEVATION - NORTH

A310 3/32" = 1'-0"



1 EXTERIOR ELEVATION - SOUTH

A310 3/32" = 1'-0"

ZONE-23-0030

NOT TO BE USED FOR PERMITTING,
OR CONSTRUCTION

ANDREW OXLEY

THE ARCHITECT AND THE ARCHITECTS CONSULTANTS SHALL BE DEEMED THE AUTHOR AND OWNER OF THESE REPRESENTATIONS OF DESIGN, INCLUDING THE DRAWINGS AND SPECIFICATIONS, AND SHALL BE HELD LIABLE FOR ANY ERRORS, OMISSIONS, AND/OR INADEQUACIES THEREIN. THE ARCHITECTS CONSULTANTS SHALL NOT BE RESPONSIBLE FOR ANY ERRORS, OMISSIONS, AND/OR INADEQUACIES THEREIN. THE ARCHITECTS CONSULTANTS SHALL NOT BE RESPONSIBLE FOR ANY ERRORS, OMISSIONS, AND/OR INADEQUACIES THEREIN. THE ARCHITECTS CONSULTANTS SHALL NOT BE RESPONSIBLE FOR ANY ERRORS, OMISSIONS, AND/OR INADEQUACIES THEREIN.

ROCK CREEK CHURCH

2860 W. FIRST STREET
PROSPER, TEXAS 75078

2023.008
NOVEMBER 20, 2023

EXTERIOR ELEVATIONS



PLANNING

To: Planning & Zoning Commission **Item No. 5**
From: Suzanne Porter, Planning Manager
Through: David Hoover, Director of Development Services
Re: Planning & Zoning Commission Meeting – December 5, 2023

Agenda Item:

Conduct a Public Hearing to consider an ordinance amending Chapter 3, Section 1.4 – Conditional Development Standards and Chapter 4 – Development Requirements of the Town of Prosper Zoning Ordinance to modify requirements related to drive-throughs. (ZONE-23-0033)

Description of Agenda Item:

In accordance with the Comprehensive Plan's recommendations regarding establishments with drive-throughs, Staff is proposing several amendments to the Town's Zoning Ordinance regarding the location of drive-throughs, landscape screening, and stacking and escape lane standards.

Often, when thinking of drive-throughs, one may picture a restaurant where you can order and pick up food without exiting a vehicle. This is one type of drive-through and one type of business that requires stacking. There are several types of businesses that have drive-throughs and/or stacking, and the development standards for these establishments can vary based on use and proximity to residential zoning. These standards are found in several sections of the ordinance. Below is some information to assist in distinguishing the requirements of the Ordinance.

The Zoning Ordinance makes a distinction between Restaurants, which can be with or without a drive-through, and Restaurants with Drive-Ins. Examples of each would be:

- Restaurant: Olive Garden
- Restaurant with a drive-through: McDonald's
- Restaurant, Drive In: Sonic

Restaurants (without a drive-through) are permitted as follows:

- Permitted in the Office Zoning District only if the subject property is located along a roadway classified as a major or minor thoroughfare, as defined by the Thoroughfare Plan.
- Permitted by right in the Office, Downtown Retail, Retail, Downtown Commercial, Commercial, and Commercial Corridor Zoning Districts subject.

- Permitted by Specific Use Permit in the Neighborhood Services Zoning District.

Restaurants with a drive-through are permitted as follows:

- Permitted by Specific Use Permit in the Retail, Commercial, and Commercial Corridor Zoning Districts.
- A distance requirement from residential zoning is applied.

Restaurants, Drive-In are permitted as follows:

- Permitted by right in Retail, Downtown Commercial, Commercial, and Commercial Corridor
- A distance requirement from residential zoning is applied.

Restaurants are not the only type of establishment that can include a drive-through. A bank or pharmacy, for example, are uses that could have a drive-through. Unlike a restaurant, when these types of uses include drive-throughs, they do not trigger a requirement for a Specific Use Permit.

Every business that has a drive-through must have adequate stacking behind the order point, whether that be a service window, call box or service island. Businesses that do not have drive-throughs but would also require stacking include automobile oil change facilities and similar establishments.

Standards for the length of stacking, according to use, are established in the Zoning Ordinance. An escape lane must also be provided in conjunction with the stacking lane. There are specific screening requirements for drive-throughs, stacking lanes, and escape lanes.

Description of Amendments:

The proposed amendments will establish additional requirements when drive-throughs and stacking are proposed. The following is a summary of the proposed amendments:

Chapter 3, Section 1.4, Subpart 26

- Prohibit Restaurants with drive-throughs being on lots adjacent to each other.

Chapter 4, Section 2.6(C)

- Where a non-residential development is adjacent to the property line of residential zoned parcels or areas shown as residential on the future land use plan, a 15-foot landscape area is required along the perimeter of the non-residential use. There are different landscape requirements for uses that have truck docks or loading spaces and for any lot that contains a drive-through restaurant, drive-in restaurant and/or automotive use.
 - *Typical Requirement* – The current requirement is for one large tree, three inch caliper minimum, planted on 30 foot centers.
 - *Uses with truck docks or loading spaces* – The current requirement is for one evergreen tree, three-inch caliper minimum, planted on 20 foot centers where the truck docks or loading spaces are adjacent to single family property.

The amendment will clarify that the evergreen trees will need to reach a minimum height of 15 feet and that the landscaping is required where adjacent to all residentially zoned properties and areas shown as residential on the future land use plan. The height standard was added to match the current standard applied to lots containing a drive-through restaurant, drive-in restaurant and/or automotive use.

- *Drive-through restaurant, drive-in restaurant, and/or automotive use as defined in Chapter 4, Section 9.11(A)* – The current requirement is for one large tree, three-inch caliper minimum, planted on 20 foot centers adjacent to a residential zoning district. A minimum of 50 percent of the trees shall be of an evergreen variety that will reach a minimum of 15 feet in height. All landscape screening materials shall be maintained in a manner to provided the intended screening.

The amendment will change the tree type requirement so that all trees will be evergreen and will reach a minimum height of 15 feet so that the screening is consistent throughout all seasons. It will also clarify that these standards are to be applied not only when these uses are adjacent to property in a residential zoning district but also when identified as residential on the future land use plan.

- Where a non-residential development is adjacent to the property line of another non-residentially zoned property or property shown for non-residential on the future land use plan, a five-foot wide area is required along the property line with one small tree and one five-gallon shrub planted every 15 linear feet. These trees and shrubs may be clustered. There is an allowance for the 5-foot wide area to be shifted or eliminated when drive-aisles/fire lanes allow access to parking along the property line, per Staff's discretion. It may also be eliminated where buildings attach along a common property line.

The amendment adds a new section specifically for all uses containing a drive-in, drive-through, or that require stacking. For these lots, the landscape area along the property lines will be 10 feet, which is twice the current width. The landscaping will be enhanced with a minimum three-inch caliper evergreen tree planted every 15 linear feet, rather than small tree that could be deciduous. This will ensure a consistent screen throughout the year. There will be five-gallon shrubs every three feet rather than one every 15 feet. For these uses, there is no allowance to cluster the trees and shrubs in order to ensure a solid screen. The landscape area can be shifted to the edge of a fire lane/drive aisle, but there is no situation where it could be eliminated.

- The standards include a requirement for a 10-foot wide landscape island around the outer edge of the drive-through lane. As the standard is written, it may be misconstrued that the landscape island is only required for the stacking area, which is located behind the order point. The intent is that the island wrap around the entire drive-through facility from the point of entry into the stacking area to the exit of the drive-through lanes. Essentially, it would wrap the outer edge of the escape lane. If the landscape island is located on the perimeter of the property, perimeter landscaping requirements may be applied towards this requirement.

The language has been updated to clarify that the island is required for uses containing a drive-in, drive-through, or that require stacking. Clarity is provided regarding the location of the island and uses the escape lane as a reference. The landscape standards for the island have been modified to remove the use of deciduous trees and requires that all trees are evergreen. The current allowance for ornamental trees to be substituted for shrubs has been revised to allow a mixture of ornamental trees and shrubs. The reason for this is that shrubs can give year-round coverage.

Chapter 4, Sections 4.9 and 4.10

- Stacking and escape lane requirements for drive-throughs are currently within the section describing loading areas.

The amendment creates a new section (Section 4.10) for stacking requirements and breaks down the standards into individual subsections. It prohibits the placement of stacking and drive-through lanes between the building and the adjacent public right-of-way. Escape lanes are better defined and described as a nine-foot wide aisle that provides access around the entirety of the drive-through facility from the point of entry, around the stacking lane, and to the exit. Finally, the landscape standards are mentioned by referencing Chapter 4, Section 2.6(C).

Chapter 4, Section 5.2(A)

- The screening wall requirements for lots containing drive-through restaurant, drive-in restaurant, and/or automotive uses were moved from Chapter 4, Section 9.11(A) into this section. The amendment to this section will clarify that these standards apply when adjacent to residentially zoned property or areas shown as residential on the future land use plan rather than simply a “residential zoning district.”

Chapter 4, Section 9.11

- This section of the ordinance provides additional standards for when a drive-thru restaurant, drive-in restaurant, and/or an automotive use, as defined in this section, are adjacent to residential zoning.

Throughout this section, additional language was added to specify that the distance requirements apply not only when adjacent property is any residential zoning district but also when adjacent property is shown as residential on the future land use plan.

- The current ordinance states that all buildings, structures, and outdoor speakers used in conjunction with any drive-through or drive-in restaurant shall be located a minimum of 200 feet from any residential zoning district. Then, there is a stipulation that buildings and outdoor speakers may be located closer than 200 feet from a residential zoning district when the building is located between the speaker box and adjacent residentially zoned property.

The proposed amendment removes the stipulation that would allow the buildings, structures and outdoor speakers to be closer to the residential zoning district if the building is between the speaker and the residential property.

- This section currently contains landscape and screening wall requirements that are best located in Sections 2.6(C) and 5.2(A). These standards have been moved to the corresponding sections with this amendment proposal. All that is needed in Section 9.11 is a reference to the location of the landscape and screening standards.

Comprehensive Plan:

The Comprehensive Plan includes a section regarding drive-throughs. The following is an excerpt addressing this use:

Commercial development and traffic go hand in hand, and developments that provide drive-thru access exacerbate traffic concerns. Drive-thru proliferation in commercial areas

can cause unsightly development, excessive ingress and egress points, queuing complications, noise, and clunky internal circulation. Although this plan can suggest where drive-thru locations may be most desirable, the Town's development regulations control development design. In Prosper's instance, it may be beneficial for the Town to revisit its development regulations pertaining to drive-thrus and revise standards that create traffic issues.

Six possible regulations are proposed to reduce the adverse impact of large multi-use developments on the Town. These regulations are listed below with Staff's response regarding how each was considered with the proposed amendments:

- *Require increased standards that specify queuing and drive-thru lane requirements* – The escape lane and stacking lanes have been clarified. Landscape standards have been updated to include a 10 foot perimeter landscape width and evergreen plantings.
- *Restrict drive-thru allowances for buildings that front higher classified roadways* – This item was not addressed with the proposed amendments.
- *Apply a distance requirement from residential uses and zoning districts* – The allowance for a reduction of the 200 foot separation for drive-throughs restaurants, drive-in restaurants, and automotive uses, as defined in Chapter 4, Section 9.11, has been removed. This distance requirement does not apply to other establishments that would have a drive-through, such as a bank or pharmacy.
- *Require uses that incorporate drive-thrus to have an increased minimum setback to ensure vehicle queuing does not occur at the front of the property* – The minimum setback has not been increased; however, a requirement has been added that stacking/drive-through lanes are not permitted between a building and an adjacent public right-of-way.
- *Require drive-thru approval through the specific use permit process* – Restaurants with drive-throughs currently require a Specific Use Permit in certain zoning districts. The amendments do not impose a Specific Use Permit requirement for other uses that may include a drive-through.
- *Restrict drive-thrus by lot size* – The amendment does not restrict drive-throughs by lot size; however, the lot size will likely be increased to ensure compliance with the wider perimeter landscape area and the defined escape lane around which a 10 foot wide landscape island must wrap. The amended language also prohibits restaurants with drive-throughs from being on adjacent properties.

Staff finds that the proposed amendments uphold the Town's Comprehensive Plan.

Legal Obligations and Review:

Notification was provided as required by the Zoning Ordinance and State law. Staff has not received any response to the proposed zoning text amendment to date.

Attached Documents:

1. A red lined version of the current Zoning Ordinance sections that are proposed to be amended with additions shown in blue and underlined, and the deleted sections shown in red with ~~strike through~~.
2. A final version of the proposed text amendments.

Town Staff Recommendation:

Town Staff recommends approval of the development criteria amendments for drive-throughs within the Town of Prosper Zoning Ordinance.

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 December 12, 2023.

Attachment No. 1

A red lined version of the current Zoning Ordinance sections that are proposed to be amended with additions shown in **blue** and underlined, and the deleted sections shown in **red** with ~~strike~~ through.

CHAPTER 3 PERMITTED USES

Section 1. USE OF LAND AND BUILDINGS

1.4 Conditional development standards.

26. Restaurant.

- a) A Restaurant is permitted by Specific Use Permit in the NS Zoning District and is permitted by right in the O, DTR, R, DTC, C, and CC Zoning Districts subject.
- b) Restaurants with a drive-through are only permitted in the R, C, and CC Zoning Districts upon approval of a Specific Use Permit. Restaurants with drive-throughs shall not be developed on adjacent lots.
- c) Restaurants are only permitted in the O Zoning District, if the subject property is located along a roadway classified as a major or minor thoroughfare as defined by the Thoroughfare Plan.
- d) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 applies to restaurants with a drive-through.
- e) Restaurants that sell Alcoholic Beverages for on-premise consumption shall be subject to compliance with the Texas Alcoholic Beverage Code, as amended, and any applicable local option elections.
- f) A Restaurant that sells Alcoholic Beverages for on-premise consumption shall not be located within the following:
 1. Three hundred feet from a church, public hospital, public school and/or private school. However, Alcoholic Beverage Sales may be located within 300 feet of a private school if the holder of a license or permit holds a food and beverage certificate covering a premise that is located within 300 feet of a private school; or
 2. One thousand feet from a private school if the Town Council receives a request for this additional spacing requirement from the board of the private school, and the Town Council adopts such additional spacing requirements by resolution. Measurement for the distance between a Restaurant or Cafeteria where Alcoholic Beverages for on-premise consumption are sold and a church or public

hospital shall be along the property lines of the street fronts, from front door to front door, and in a direct line across intersections.

- g) Measurement for the distance between a Restaurant where Alcoholic Beverages for on-premise consumption are sold and a public and/or private school shall be:
 - 1. In a direct line from the Property Line of the public and/or private school to the Property Line of the place of business, and in a direct line across intersections; or
 - 2. If the Restaurant that sells Alcoholic Beverages for on-premise consumption is located on or above the fifth story of a multistory building, in a direct line from the Property Line of the public and/or private school to the Property Line of the place of business, in a direct line across intersections, and vertically up the building at the Property Line to the base of the floor on which the Restaurant or Cafeteria is located.
- h) If a Restaurant receives 75 percent or more of its gross revenue on a quarterly basis from the sale or service of Alcoholic Beverages for on-premise consumption, the use will no longer qualify as a Restaurant and will be classified and regulated by the Town as an Alcoholic Beverage Establishment under the Zoning Ordinance.
- i) There shall be no variances considered with regard to the regulations set forth herein.

CHAPTER 4 DEVELOPMENT REQUIREMENTS

SECTION 2. LANDSCAPING

* * *

2.6 Landscape area requirements.

* * *

C. Non-residential landscaped area requirements. These standards apply to all non-residential uses. Any area within a PD containing landscaping standards shall comply with the standards set forth in the PD district.

1. Perimeter requirements:

- a. A landscaped area consisting of living trees (as specified below), turf, or other living ground cover and being at least 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 located adjacent to a major or minor thoroughfare as defined by the Town of Prosper Thoroughfare and Circulation Designs Standards.
 - i. The landscaped area may be reduced to 15 feet for the portion of a property adjacent to a collector or equivalent street as defined by the Town of Prosper Thoroughfare and Circulation Designs Standards.
 - ii. The landscaped area shall be increased to 30 feet for properties adjacent to Preston Road, University Drive, and Dallas Parkway.
 - iii. One large tree, three-inch caliper minimum per 30 linear feet of roadway frontage shall be planted within the required landscape area. The trees may be planted in groups with appropriate spacing for species.
 - iv. In the DTO District, one large tree, three inch caliper minimum per 30 linear feet of roadway frontage, excluding the width of driveways at the property line, shall be planted within the required landscape area. Where the width of the roadway frontage is greater than 80 feet, excluding the width of driveways at the property line, the number of large trees may be planted at a rate of one, three-inch large tree per 40 feet of roadway frontage, in lieu of the required one tree per 30 linear feet. The trees may be planted in groups with appropriate spacing for species. In the DTO District, the substitution of three small, ornamental trees for one large tree shall not be permitted.
 - v. A minimum of 15 shrubs with a minimum size of five gallons each will be planted in the landscaped area for each 30 feet of linear frontage.
 - vi. Parking abutting the landscape area shall be screened from the adjacent roadway. The required screening may be accomplished with shrubs or earthen berms.
 - vii. Unless there is parking adjacent to the landscape area, shrubs are not required in the landscape area in the DTO District.

- viii. Required landscape areas adjacent to public streets shall be exclusive easements or other restrictions which could inhibit planting, growth, or permanence of landscaping.
 - ix. Berms ranging in height from three feet to six feet, and an overall minimum average of four and a half feet, shall be required along US 380, Frontier Parkway/FM 1461/Parvin Road, Custer Road/FM 2478, Preston Road, Dallas Parkway, and FM 1385.
- b. Where a non-residential development is adjacent to the property line of residential zoned parcels or areas shown as residential on the future land use plan, one large tree, three inch caliper minimum, will be planted on 30 foot centers in a 15 foot landscape area-, with the following exceptions:
- i. Evergreen trees, three-inch caliper minimum, that will reach a minimum of 15 feet in height, shall be planted on 20 foot centers within the 15 foot landscape area where truck docks or loading spaces are adjacent to ~~single family property~~ residentially zoned property or areas shown as residential on the future land use plan.
 - ii. Evergreen trees, three-inch caliper minimum, that will reach a minimum of 15 feet in height, shall be planted on 20 foot centers within the 15 foot landscape area on any lot containing a drive-through restaurant, drive-in restaurant, and/or automotive use as defined in Chapter 4, Section 9.11(A) that is adjacent to a residential zoning district or area shown as residential on the future land use plan. All landscape screening materials shall be maintained in a manner to provided the intended screening.
 - iii. In the DTO District, regardless of the adjacent use, zoning or future land use designation; the width of perimeter landscape area adjacent to the property line may be reduced to a minimum of five feet.
 - iiii. In the DTO District, in lieu of the required large trees, one small (ornamental) tree shall be planted 30 foot centers along the adjacent property lines."
- c. Where a non-residential development is adjacent to the property line of parcels zoned for uses other than residential or parcels not shown as residential on the future land use plan:
- i. A five foot wide landscape area is required.
 - ii. If the property line is the centerline of a fire lane or drive aisle, the five foot wide landscape area will begin at the edge of the lane/aisle. If the drive aisle or fire lane only allows access to parking spaces, the landscape area may be eliminated or moved at the discretion of the town.
 - iii. The five foot wide landscape area may be eliminated for a building where the building is attached to another building and the attached buildings are shown on an approved site plan.

iv. One small tree and one five-gallon shrub shall be planted every 15 linear feet. These trees and shrubs may be clustered in lieu of placing them every 15 feet.

v. All uses containing a drive-in, drive-through, or that require stacking shall provide a ten foot wide landscape area along the perimeter of the property. If the property line is the centerline of a fire lane or drive aisle, the ten foot wide landscape area will begin at the edge of the lane/aisle. The landscape area shall contain a minimum three-inch caliper evergreen trees planted 15 feet on-center with minimum five gallon shrubs planted three feet on center.

2. Interior parking requirements. Any non-residential parking area that contains 20 or more parking spaces shall provide interior landscaping, in addition to the required landscaped edge, as follows:
- a. Fifteen square feet of landscaping for each parking space shall be provided within the paved boundaries of the parking lot area.
 - b. Where an existing parking lot area is altered or expanded to increase the number of spaces to 20 or more, interior landscaping shall be provided on the new portion of the lot in accordance with this section.
 - c. All landscaped areas shall be protected by a raised six inch concrete curb. Pavement shall not be placed closer than four feet from the trunk of a tree unless a town approved root barrier is utilized.
 - d. Landscaped islands shall be located at the terminus of all parking rows, and shall contain at least one large tree, three inch caliper minimum, with no more than 15 parking spaces permitted in a continuous row without being interrupted by a landscaped island. Where there is a minimum eight foot wide landscaped median between two rows of head-in parking, landscaped islands are required every 20 spaces.
 - e. Landscaped islands shall be a minimum of 160 square feet, not less than nine feet wide and a length equal to the abutting space.
 - f. Subject to approval by the town, islands may be grouped to form one large island.
 - g. There shall be at least one large tree, three-inch caliper minimum, within 150 feet of every parking space. This minimum distance may be expanded with town approval in the event that required islands are grouped to form larger islands.
 - h. Required parking lot trees may be consolidated into groups under the following conditions:
 - i. The number of required trees is one per ten parking spaces.
 - ii. Consolidated tree islands require 180 square feet per tree.
 - iii. The maximum run of parking spaces is increased from 15 to 30.

- iv. This consolidation does not include the tree islands at the end of a row of parking or along perimeter parking rows that face a drive aisle or street.
- v. A consolidated tree island shall not be located closer than five parking spaces from an end of row tree island.
- i. All uses containing a drive-in, ~~or drive-thru~~ drive-through, or that require stacking shall be subject to the following standards:
 - i. A minimum ten foot wide landscape island shall be constructed around the outer edge of the ~~drive-thru lane for a minimum distance to equal the length of stacking required for the drive-thru facility.~~ drive-through lane(s) along the outer edge of the escape lane, extending from the point entry to the exit.
 - ii. The landscape island shall contain minimum three inch caliper evergreen ~~or deciduous~~ trees planted 15 feet on-center with minimum five gallon shrubs planted three feet on center. ~~Ornamental trees evenly interspersed between the evergreen or deciduous trees may be substituted for the shrubs.~~ Ornamental trees may be used in place of a portion of shrubs to create a mixture of species and types of vegetation. If the landscape island is located on the perimeter of the property, perimeter landscaping requirements may be applied towards this requirement.

* * *

CHAPTER 4 DEVELOPMENT REQUIREMENTS

SECTION 4. PARKING, CIRCULATION, AND ACCESS

* * *

4.9 Loading space requirements.

- A. A minimum of one loading space shall be required for big box uses. Loading spaces for other non-residential uses may be required as determined by the Director of Development Services, if it is determined the use or configuration of the site warrants such.
- B. All non-residential uses providing loading spaces shall provide such loading spaces in accordance with the following requirements:
 1. A loading space shall consist of an area of a minimum of 12 feet wide and 30 feet long.
 2. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks. Each site shall provide a designated maneuvering area for trucks. (See Chapter 5, Section 2.3, Illustration H)

4.10 Stacking Requirements.

1. Stacking Space Definition

Stacking spaces provide the ability for vehicles to queue on site prior to receiving a service.

2. Stacking Space Size and Location

- a. A stacking space shall be a minimum of nine feet wide and 20 feet long and shall not be located within or interfere with any other circulation driveway, parking space, or maneuvering aisle.
- b. Stacking spaces shall be provided behind the vehicle bay door, middle of the service window, or middle of the service island, whichever is applicable.
- c. The stacking/drive-through lanes shall not placed be between the building and the adjacent public right-of-way.

3. Number of Required Stacking Spaces (All Districts)

In all zoning districts, at the time any building or structure is erected or altered, stacking spaces shall be provided in the number and manner set forth in the following list of property uses:

- **Automated teller machine (ATM):** Three stacking spaces.
- **Automobile oil change and similar establishments:** Three stacking spaces per bay.

- **Car wash:** Three stacking spaces for drive-through, or one stacking space per bay.
- **Dry cleaning, pharmacy, or other retail establishments with a ~~drive-thru~~ drive-through:** Three stacking spaces for first service window.
- **Financial institution:** Five stacking spaces per window or service lane.
- **Kiosk (with food service):** Five stacking spaces for first window, order board, or other stopping point.
- **Kiosk (without food service):** Two stacking spaces for first window, order board, or other stopping point.
- **Restaurant with ~~drive-thru~~ drive-through:** Five stacking spaces for first window, order board, or other stopping point.

4. Single Stacking Space Required after the Final Window, Order Board, or Stopping Point

A single stacking space shall be provided after the final window, order board, or stopping point to allow vehicles to pull clear of the transaction area prior to entering an intersecting on-site driveway or maneuvering aisle.

5. Setback Requirement

Buildings and other structures shall be setback a minimum of ten feet from the back of the curb of the intersecting driveway or maneuvering aisle to provide adequate visibility and to allow vehicles to safely exit ~~drive-thru~~ drive-through lanes and escape lanes prior to merging into intersecting driveways or maneuvering aisles.

6. Escape Lane Requirement for Drive-Through Facilities

- An escape lane shall be provided for any use containing a drive-through facility.
- An escape lane shall be provided in proximity to the first stopping point for any use containing a ~~drive-thru~~ drive-through facility.
- An escape lane shall be nine (9) feet in width and shall provide access around the entirety of the drive-through facility from the point of entry, around the stacking lane, and to the exit.

7. Landscape Requirements

Landscaping shall comply with the requirements set forth in Chapter 4, Section 2.6(C).

CHAPTER 4 DEVELOPMENT REQUIREMENTS

SECTION 5. SCREENING FENCES AND WALLS

5.1 Purpose.

Standards set forth in this section are intended to encourage the appropriate use of land and conserve and protect the privacy and value of adjacent permitted uses. Regulations are prescribed for the location and type of various screening devices to be used when required in the various zoning districts or in this section in accordance with the following standards.

5.2 Location of required screening.

- A. When a boundary of a multifamily, institutional, or non-residential use sides or backs to a property that is zoned or designated on the future land use plan for residential (non-multifamily) uses, or when any institutional or non-residential use sides or backs to a MF District, a solid screening wall or fence of not less than six feet nor more than eight feet in height shall be erected on the property line separating these uses. The purpose of the screening wall or fence is to provide a visual barrier between the properties.

Any lot containing drive-through restaurant, drive-in restaurant, and/or automotive use, as defined in Chapter 4, Section 9.11(A), and that is adjacent to a residentially zoned property or areas shown as residential on the future land use plan, shall have a screening wall eight feet in height and shall be maintained in a manner to provide the intended screening.

The owner of such property of the lesser restrictive use shall be responsible for and shall build the required wall or fence on his property line dividing his property from the more restrictive zoning district. In cases where the Planning and Zoning Commission finds this requirement to be better met by an irrigated living screen, the same may be substituted for the screening wall after a landscape plan has been prepared to demonstrate equal visual screening.

A screening wall or fence required under the provisions of this section, under a specific use permit, a Planned Development District, or other requirement shall be constructed of clay-fired brick masonry units or other suitable permanent materials which do not contain openings constituting more than 40 square inches in each one square foot of wall or fence surface, and the surface of such wall or fence shall constitute a visual barrier. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence. Concrete masonry units, poured in place concrete, tilt-up concrete, or concrete panels may be used upon approval by the Planning and Zoning Commission.

Properties zoned for the DTC, DTR, or DTO District are only required to provide screening along property lines that are adjacent to properties shown as residential on the future land use plan. The screening shall consist of an eight foot cedar board-on-board wooden fence constructed in accordance with the fence ordinance as it exists or may be amended. In the DTO District, the height of the fence may be reduced to six feet.

* * *

CHAPTER 4 DEVELOPMENT REQUIREMENTS

SECTION 9. ADDITIONAL AND SUPPLEMENTAL

* * *

9.11 Adjacency of certain uses to residential zoning.

- A. All buildings, gasoline pump islands, vacuums, outdoor speakers, gasoline or fuel storage tanks, air and water dispensers, and other structures in conjunction with any automotive use shall be located a minimum of 200 feet from any residential zoning district or areas shown as residential on the future land use plan. No service bay shall face a residential zoning district or areas shown as residential on the future land use plan. An automotive use shall be defined as the sales, leasing, renting, servicing, repair, or washing of automobiles, boats, motorcycles, trucks, or any other motor vehicle.
- B. All buildings, structures, and outdoor speakers used in conjunction with any ~~drive-thru~~ drive-through restaurant or drive-in restaurant shall be located a minimum of 200 feet from any residential zoning district or areas shown as residential on the future land use plan. ~~Buildings and outdoor speakers may be located closer than 200 feet from a residential zoning district provided that the building is located between the speaker box and adjacent residentially-zoned property.~~
- C. Any lot containing a ~~drive-thru~~ drive-through restaurant, drive-in restaurant, and/or an automotive use as defined in Chapter 4, Section 9.11(A) and that is adjacent to a ~~residential zoning district~~ residentially zoned property or areas shown as residential on the future land use plan shall comply with the ~~following requirements:~~ landscape requirements set forth in Chapter 4, Section 2.6(C) and screening wall requirements set forth in Chapter 4, Section 5.2.
- ~~1. One large tree, three-inch caliper minimum shall be planted on 20-foot centers within the 15-foot landscape area, required by Chapter 4, Section 2.6(C). Of the trees required within the 15-foot landscape area, a minimum of 50 percent of the trees shall be of an evergreen variety that will reach a minimum of 15 feet in height.~~
 - ~~2. The screening wall, required by Chapter 4, Section 5.2, shall be eight feet in height.~~
 - ~~3. All screening materials, both wall and landscape materials, shall be maintained in a manner to provide the intended screening.~~
- D. The requirements listed in Chapter 4, Section 9.11(A) and 9.11(B) shall not apply to a ~~drive-thru~~ drive-through restaurant, drive-in restaurant, and/or an automotive use within 200 feet of a residential zoning district that is separated from the residential area by an existing or future major thoroughfare identified on the town's thoroughfare plan.

Attachment No. 2

A final version of the proposed text amendments.

CHAPTER 3 PERMITTED USES

Section 1. USE OF LAND AND BUILDINGS

1.4 Conditional development standards.

26. Restaurant.

- a) A Restaurant is permitted by Specific Use Permit in the NS Zoning District and is permitted by right in the O, DTR, R, DTC, C, and CC Zoning Districts subject.
- b) Restaurants with a drive-through are only permitted in the R, C, and CC Zoning Districts upon approval of a Specific Use Permit. Restaurants with drive-throughs shall not be developed on adjacent lots.
- c) Restaurants are only permitted in the O Zoning District, if the subject property is located along a roadway classified as a major or minor thoroughfare as defined by the Thoroughfare Plan.
- d) The distance requirement from any residential zoning district as established in Section 9.11 of Chapter 4 applies to restaurants with a drive-through.
- e) Restaurants that sell Alcoholic Beverages for on-premise consumption shall be subject to compliance with the Texas Alcoholic Beverage Code, as amended, and any applicable local option elections.
- f) A Restaurant that sells Alcoholic Beverages for on-premise consumption shall not be located within the following:
 1. Three hundred feet from a church, public hospital, public school and/or private school. However, Alcoholic Beverage Sales may be located within 300 feet of a private school if the holder of a license or permit holds a food and beverage certificate covering a premise that is located within 300 feet of a private school; or
 2. One thousand feet from a private school if the Town Council receives a request for this additional spacing requirement from the board of the private school, and the Town Council adopts such additional spacing requirements by resolution. Measurement for the distance between a Restaurant or Cafeteria where Alcoholic Beverages for on-premise consumption are sold and a church or public hospital shall be along the property lines of the street fronts, from front door to front door, and in a direct line across intersections.

- g) Measurement for the distance between a Restaurant where Alcoholic Beverages for on-premise consumption are sold and a public and/or private school shall be:
 - 1. In a direct line from the Property Line of the public and/or private school to the Property Line of the place of business, and in a direct line across intersections; or
 - 2. If the Restaurant that sells Alcoholic Beverages for on-premise consumption is located on or above the fifth story of a multistory building, in a direct line from the Property Line of the public and/or private school to the Property Line of the place of business, in a direct line across intersections, and vertically up the building at the Property Line to the base of the floor on which the Restaurant or Cafeteria is located.
- h) If a Restaurant receives 75 percent or more of its gross revenue on a quarterly basis from the sale or service of Alcoholic Beverages for on-premise consumption, the use will no longer qualify as a Restaurant and will be classified and regulated by the Town as an Alcoholic Beverage Establishment under the Zoning Ordinance.
- i) There shall be no variances considered with regard to the regulations set forth herein.

CHAPTER 4 DEVELOPMENT REQUIREMENTS

SECTION 2. LANDSCAPING

* * *

2.6 Landscape area requirements.

* * *

C. Non-residential landscaped area requirements. These standards apply to all non-residential uses. Any area within a PD containing landscaping standards shall comply with the standards set forth in the PD district.

1. Perimeter requirements:

- a. A landscaped area consisting of living trees (as specified below), turf, or other living ground cover and being at least 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 located adjacent to a major or minor thoroughfare as defined by the Town of Prosper Thoroughfare and Circulation Designs Standards.
 - i. The landscaped area may be reduced to 15 feet for the portion of a property adjacent to a collector or equivalent street as defined by the Town of Prosper Thoroughfare and Circulation Designs Standards.
 - ii. The landscaped area shall be increased to 30 feet for properties adjacent to Preston Road, University Drive, and Dallas Parkway.
 - iii. One large tree, three-inch caliper minimum per 30 linear feet of roadway frontage shall be planted within the required landscape area. The trees may be planted in groups with appropriate spacing for species.
 - iv. In the DTO District, one large tree, three inch caliper minimum per 30 linear feet of roadway frontage, excluding the width of driveways at the property line, shall be planted within the required landscape area. Where the width of the roadway frontage is greater than 80 feet, excluding the width of driveways at the property line, the number of large trees may be planted at a rate of one, three-inch large tree per 40 feet of roadway frontage, in lieu of the required one tree per 30 linear feet. The trees may be planted in groups with appropriate spacing for species. In the DTO District, the substitution of three small, ornamental trees for one large tree shall not be permitted.
 - v. A minimum of 15 shrubs with a minimum size of five gallons each will be planted in the landscaped area for each 30 feet of linear frontage.
 - vi. Parking abutting the landscape area shall be screened from the adjacent roadway. The required screening may be accomplished with shrubs or earthen berms.
 - vii. Unless there is parking adjacent to the landscape area, shrubs are not required in the landscape area in the DTO District.

- viii. Required landscape areas adjacent to public streets shall be exclusive easements or other restrictions which could inhibit planting, growth, or permanence of landscaping.
 - ix. Berms ranging in height from three feet to six feet, and an overall minimum average of four and a half feet, shall be required along US 380, Frontier Parkway/FM 1461/Parvin Road, Custer Road/FM 2478, Preston Road, Dallas Parkway, and FM 1385.
- b. Where a non-residential development is adjacent to the property line of residential zoned parcels or areas shown as residential on the future land use plan, one large tree, three inch caliper minimum, will be planted on 30 foot centers in a 15 foot landscape area, with the following exceptions:
- i. Evergreen trees, three-inch caliper minimum, that will reach a minimum of 15 feet in height, shall be planted on 20 foot centers within the 15 foot landscape area where truck docks or loading spaces are adjacent to residentially zoned property or areas shown as residential on the future land use plan.
 - ii. Evergreen trees, three-inch caliper minimum, that will reach a minimum of 15 feet in height, shall be planted on 20 foot centers within the 15 foot landscape area on any lot containing a drive-through restaurant, drive-in restaurant, and/or automotive use as defined in Chapter 4, Section 9.11(A) that is adjacent to a residential zoning district or area shown as residential on the future land use plan. All landscape screening materials shall be maintained in a manner to provided the intended screening.
 - iii. In the DTO District, regardless of the adjacent use, zoning or future land use designation; the width of perimeter landscape area adjacent to the property line may be reduced to a minimum of five feet.
 - iv. In the DTO District, in lieu of the required large trees, one small (ornamental) tree shall be planted 30 foot centers along the adjacent property lines."
- c. Where a non-residential development is adjacent to the property line of parcels zoned for uses other than residential or parcels not shown as residential on the future land use plan:
- i. A five foot wide landscape area is required.
 - ii. If the property line is the centerline of a fire lane or drive aisle, the five foot wide landscape area will begin at the edge of the lane/aisle. If the drive aisle or fire lane only allows access to parking spaces, the landscape area may be eliminated or moved at the discretion of the town.
 - iii. The five foot wide landscape area may be eliminated for a building where the building is attached to another building and the attached buildings are shown on an approved site plan.

- iv. One small tree and one five-gallon shrub shall be planted every 15 linear feet. These trees and shrubs may be clustered in lieu of placing them every 15 feet.
 - v. All uses containing a drive-in, drive-through, or that require stacking shall provide a ten foot wide landscape area along the perimeter of the property. If the property line is the centerline of a fire lane or drive aisle, the ten foot wide landscape area will begin at the edge of the lane/aisle. The landscape area shall contain a minimum three-inch caliper evergreen trees planted 15 feet on-center with minimum five gallon shrubs planted three feet on center.
2. Interior parking requirements. Any non-residential parking area that contains 20 or more parking spaces shall provide interior landscaping, in addition to the required landscaped edge, as follows:
- a. Fifteen square feet of landscaping for each parking space shall be provided within the paved boundaries of the parking lot area.
 - b. Where an existing parking lot area is altered or expanded to increase the number of spaces to 20 or more, interior landscaping shall be provided on the new portion of the lot in accordance with this section.
 - c. All landscaped areas shall be protected by a raised six inch concrete curb. Pavement shall not be placed closer than four feet from the trunk of a tree unless a town approved root barrier is utilized.
 - d. Landscaped islands shall be located at the terminus of all parking rows, and shall contain at least one large tree, three inch caliper minimum, with no more than 15 parking spaces permitted in a continuous row without being interrupted by a landscaped island. Where there is a minimum eight foot wide landscaped median between two rows of head-in parking, landscaped islands are required every 20 spaces.
 - e. Landscaped islands shall be a minimum of 160 square feet, not less than nine feet wide and a length equal to the abutting space.
 - f. Subject to approval by the town, islands may be grouped to form one large island.
 - g. There shall be at least one large tree, three-inch caliper minimum, within 150 feet of every parking space. This minimum distance may be expanded with town approval in the event that required islands are grouped to form larger islands.
 - h. Required parking lot trees may be consolidated into groups under the following conditions:
 - i. The number of required trees is one per ten parking spaces.
 - ii. Consolidated tree islands require 180 square feet per tree.
 - iii. The maximum run of parking spaces is increased from 15 to 30.

- iv. This consolidation does not include the tree islands at the end of a row of parking or along perimeter parking rows that face a drive aisle or street.
- v. A consolidated tree island shall not be located closer than five parking spaces from an end of row tree island.
- i. All uses containing a drive-in, drive-through, or that require stacking shall be subject to the following standards:
 - i. A minimum ten foot wide landscape island shall be constructed around the outer edge of the drive-through lane(s) along the outer edge of the escape lane, extending from the point entry to the exit.
 - ii. The landscape island shall contain minimum three inch caliper evergreen trees planted 15 feet on-center with minimum five gallon shrubs planted three feet on center. Ornamental trees may be used in place of a portion of shrubs to create a mixture of species and types of vegetation. If the landscape island is located on the perimeter of the property, perimeter landscaping requirements may be applied towards this requirement.

* * *

CHAPTER 4 DEVELOPMENT REQUIREMENTS

SECTION 4. PARKING, CIRCULATION, AND ACCESS

* * *

4.9 Loading space requirements.

- A. A minimum of one loading space shall be required for big box uses. Loading spaces for other non-residential uses may be required as determined by the Director of Development Services, if it is determined the use or configuration of the site warrants such.
- B. All non-residential uses providing loading spaces shall provide such loading spaces in accordance with the following requirements:
 1. A loading space shall consist of an area of a minimum of 12 feet wide and 30 feet long.
 2. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks. Each site shall provide a designated maneuvering area for trucks. (See Chapter 5, Section 2.3, Illustration H)

4.10 Stacking Requirements.

1. Stacking Space Definition

Stacking spaces provide the ability for vehicles to queue on site prior to receiving a service.

2. Stacking Space Size and Location

- a. A stacking space shall be a minimum of nine feet wide and 20 feet long and shall not be located within or interfere with any other circulation driveway, parking space, or maneuvering aisle.
- b. Stacking spaces shall be provided behind the vehicle bay door, middle of the service window, or middle of the service island, whichever is applicable.
- c. The stacking/drive-through lanes shall not be placed between the building and the adjacent public right-of-way.

3. Number of Required Stacking Spaces (All Districts)

In all zoning districts, at the time any building or structure is erected or altered, stacking spaces shall be provided in the number and manner set forth in the following list of property uses:

- **Automated teller machine (ATM):** Three stacking spaces.
- **Automobile oil change and similar establishments:** Three stacking spaces per bay.

- **Car wash:** Three stacking spaces for drive-through, or one stacking space per bay.
 - **Dry cleaning, pharmacy, or other retail establishments with a drive-through:** Three stacking spaces for first service window.
 - **Financial institution:** Five stacking spaces per window or service lane.
 - **Kiosk (with food service):** Five stacking spaces for first window, order board, or other stopping point.
 - **Kiosk (without food service):** Two stacking spaces for first window, order board, or other stopping point.
 - **Restaurant with drive-through:** Five stacking spaces for first window, order board, or other stopping point.
4. Single Stacking Space Required after the Final Window, Order Board, or Stopping Point

A single stacking space shall be provided after the final window, order board, or stopping point to allow vehicles to pull clear of the transaction area prior to entering an intersecting on-site driveway or maneuvering aisle.

5. Setback Requirement

Buildings and other structures shall be setback a minimum of ten feet from the back of the curb of the intersecting driveway or maneuvering aisle to provide adequate visibility and to allow vehicles to safely exit drive-through lanes and escape lanes prior to merging into intersecting driveways or maneuvering aisles.

6. Escape Lane Requirement for Drive-Through Facilities

- a. An escape lane shall be provided for any use containing a drive-through facility.
- b. An escape lane shall be provided in proximity to the first stopping point for any use containing a drive-through facility.
- c. An escape lane shall be nine (9) feet in width and shall provide access around the entirety of the drive-through facility from the point of entry, around the stacking lane, and to the exit.

7. Landscape Requirements

Landscaping shall comply with the requirements set forth in Chapter 4, Section 2.6(C).

CHAPTER 4 DEVELOPMENT REQUIREMENTS

SECTION 5. SCREENING FENCES AND WALLS

5.1 Purpose.

Standards set forth in this section are intended to encourage the appropriate use of land and conserve and protect the privacy and value of adjacent permitted uses. Regulations are prescribed for the location and type of various screening devices to be used when required in the various zoning districts or in this section in accordance with the following standards.

5.2 Location of required screening.

- A. When a boundary of a multifamily, institutional, or non-residential use sides or backs to a property that is zoned or designated on the future land use plan for residential (non-multifamily) uses, or when any institutional or non-residential use sides or backs to a MF District, a solid screening wall or fence of not less than six feet nor more than eight feet in height shall be erected on the property line separating these uses. The purpose of the screening wall or fence is to provide a visual barrier between the properties.

Any lot containing drive-through restaurant, drive-in restaurant, and/or automotive use, as defined in Chapter 4, Section 9.11(A), and that is adjacent to a residentially zoned property or areas shown as residential on the future land use plan, shall have a screening wall eight feet in height and shall be maintained in a manner to provide the intended screening.

The owner of such property of the lesser restrictive use shall be responsible for and shall build the required wall or fence on his property line dividing his property from the more restrictive zoning district. In cases where the Planning and Zoning Commission finds this requirement to be better met by an irrigated living screen, the same may be substituted for the screening wall after a landscape plan has been prepared to demonstrate equal visual screening.

A screening wall or fence required under the provisions of this section, under a specific use permit, a Planned Development District, or other requirement shall be constructed of clay-fired brick masonry units or other suitable permanent materials which do not contain openings constituting more than 40 square inches in each one square foot of wall or fence surface, and the surface of such wall or fence shall constitute a visual barrier. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence. Concrete masonry units, poured in place concrete, tilt-up concrete, or concrete panels may be used upon approval by the Planning and Zoning Commission.

Properties zoned for the DTC, DTR, or DTO District are only required to provide screening along property lines that are adjacent to properties shown as residential on the future land use plan. The screening shall consist of an eight foot cedar board-on-board wooden fence constructed in accordance with the fence ordinance as it exists or may be amended. In the DTO District, the height of the fence may be reduced to six feet.

* * *

CHAPTER 4 DEVELOPMENT REQUIREMENTS

SECTION 9. ADDITIONAL AND SUPPLEMENTAL

* * *

9.11 Adjacency of certain uses to residential zoning.

- A. All buildings, gasoline pump islands, vacuums, outdoor speakers, gasoline or fuel storage tanks, air and water dispensers, and other structures in conjunction with any automotive use shall be located a minimum of 200 feet from any residential zoning district or areas shown as residential on the future land use plan. No service bay shall face a residential zoning district or areas shown as residential on the future land use plan. An automotive use shall be defined as the sales, leasing, renting, servicing, repair, or washing of automobiles, boats, motorcycles, trucks, or any other motor vehicle.
- B. All buildings, structures, and outdoor speakers used in conjunction with any drive-through restaurant or drive-in restaurant shall be located a minimum of 200 feet from any residential zoning district or areas shown as residential on the future land use plan.
- C. Any lot containing a drive-through restaurant, drive-in restaurant, and/or an automotive use as defined in Chapter 4, Section 9.11(A) and that is adjacent to a residentially zoned property or areas shown as residential on the future land use plan shall comply with the landscape requirements set forth in Chapter 4, Section 2.6(C) and screening wall requirements set forth in Chapter 4, Section 5.2.
- D. The requirements listed in Chapter 4, Section 9.11(A) and 9.11(B) shall not apply to a drive-through restaurant, drive-in restaurant, and/or an automotive use within 200 feet of a residential zoning district that is separated from the residential area by an existing or future major thoroughfare identified on the town's thoroughfare plan.