

January 3, 2017, Planning and Zoning Commission Meeting Minutes

Tabled Item/Public Hearing – Conduct a Public Hearing and consider a request to change the zoning of 10.839± acres located in the Jas T. Roberts Survey, Abstract No. 777 and the Henry Wetsel Survey, Abstract No. 1026; generally located south of Stacy Road and east of Greenville Avenue, from Shopping Center SC to a Planned Development for Townhome Residential TH, and adopt Development Regulations, a Concept Plan, Hardscape Plan, and Building Elevations. (Z-9/16-16-87) [Stacy Villas]

Ms. Meredith Nurge, Planner, presented the item to the Commission. She stated that the item is a request to change the zoning from Shopping Center “SC” to a Planned Development for Townhome Residential “TH”. She said that the property is generally located south of Stacy Road and east of Greenville Avenue. The property to the north is zoned Shopping Center SC, and further north (across Stacy Road), is the Town of Fairview. The properties to the east are zoned Community Facilities CF and Single-Family Residential R-7. To the south, the property is zoned Single-Family Residential R-7. The properties to the west are zoned Shopping Center SC, and further west (across Greenville Avenue), zoned Shopping Center SC and Single-Family Residential R-5.

Ms. Nurge said that the property is currently zoned Shopping Center SC. The applicant is requesting to change the zoning by creating a Planned Development for a townhome development, and adopting Development Regulations, a Concept Plan, Hardscape Plan, and Building Elevations for the property.

Ms. Nurge said that staff received several letters of opposition; most of the letters were received before the item was tabled, at the previous Planning and Zoning Commission meeting. Ms. Nurge said that between the time that the item was tabled (on December 6, 2016) and the January 3, 2017, Planning and Zoning Commission Meeting, the applicant has reached out to the surrounding homeowners to address the concerns. Ms. Nurge said that the main concerns were as follows:

1. Additional traffic in the area
2. Increased school population
3. Privacy concerns
4. Decreased property values in the Silhouette subdivision.

Ms. Nurge said the Engineering Department is available to address any concerns regarding traffic. Ms. Nurge read from a letter that the City received from the Silhouette subdivision:

“The Board of Directors has determined that there are no foreseeable issues with the development of a townhome community nearby and this will not negatively effect property values for the Silhouette owners. We have been informed that all upstairs windows of the townhomes would be frosted glass to protect the privacy of Silhouette owners as well as new buyers in the developing community.”

Ms. Nurge said that Allen ISD had no concerns regarding school capacity from the Townhome Development.

Ms. Nurge presented the Concept Plan. The proposed residential development is approximately 10.839± acres. The Concept Plan shows a total of eighty-eight residential lots and six HOA lots. All lots have a minimum lot size of 25’X90’ (2,250 square feet) and will be front-entry with a minimum dwelling unit area of 1,300 square feet. The gross lot density equates to 8.11 units/acre.

Of the six HOA lots, four are open space lots. Open Space provided exceeds *ALDC* standards. Pedestrian walkways with seating areas are provided throughout the open space areas. Two 3” caliper shade trees are

required for each dwelling unit. A minimum of one tree will be planted on each dwelling unit, and the remaining shade tree will be planted either on the lot with the dwelling unit or within the open space areas of the property.

Ms. Nurge said that there are two primary access points into the development; one on Greenville Avenue, and one on Stacy Road through an Access, Utility, and Fire Lane Easement. Parking within the development will be provided through parking in the garage, driveway, and designated head-in parking areas. Parking along internal roadways is prohibited, and will be marked by curb striping indicating “No Parking.”

Ms. Nurge presented the Hardscape Plan which showed the screening for the property. Perimeter screening consists of an existing eight foot masonry (brick) screening wall on the southern and eastern portions of the property adjacent to the single-family development. An eight foot masonry (brick) screening wall will also be constructed along the northern and western portions of the property adjacent to the commercial lots. Screening on the western side of the development (and a small portion on the northern side of the development) will include an eight foot masonry (stone) wall. Interior screening will consist of six foot ornamental metal fencing.

Ms. Nurge said that staff is very pleased with the building elevations. She said that the primary building materials, shown on the three types of building elevations, are brick and stone with composition shingle roofing. Each of the three elevation types will be used on at least four (out of the 18) buildings in the development. Garage doors and driveways will be enhanced and treated. The maximum building height will be 2 ½ stories or 39’. Any windows on the second floor of the rear elevations of Lots 24-29, Block A, will be opaque glass/privacy windows.

Ms. Nurge then summarized the Development Regulations as follows:

- Base Zoning District: TH
- Concept Plan: The Property shall be developed in general conformance with the Concept Plan.
- Lot Design Criteria:
 - Minimum Lot Width: 25’
 - Minimum Lot Area: 2,250 sq. ft.
 - Minimum Dwelling Unit Size: 1,300 sq. ft. (air conditioned space)
- Garage Setback: 20’ (to face of structure)
- Building Elevations:
 - The Property shall be developed in general conformance to the Building Elevations.
 - Each of the three elevation types shall be used on at least four (out of the 18) buildings in the development.
 - Garage doors shall be patterned with a wood-like texture.
 - The driveways shall be treated with a decorative concrete aggregate, with one of the following finishes:
 1. Exposed Aggregate
 2. Stained Concrete
 3. Salt Finished Concrete
- Any windows on a second floor of the rear elevation of Lots 24 through 29, Block A, must be opaque glass/privacy window.
- Maximum Building Height: 39’
- Screening: Screening on the Property shall be developed in general conformance with the Hardscape Plan.

- No building permit will be issued until the fence permit has been issued and construction begun. No final inspections will be conducted until the screening has been completed.
- No Parking: No on-street parking is allowed on the Property except where designated head-in parking is provided or anywhere that on-street parking is otherwise authorized by the Fire Marshall. "No Parking" will be indicated by curb striping.

Ms. Nurge described how the parking is strategically placed around the development to allow for the parking to be evenly distributed.

- Tree Planting: A minimum of 2 shade trees shall be planted for each dwelling unit. At least one of the required shade trees must be planted on the lot. The remaining shade tree can either be planted on the lot or within the open space areas of the Property. The Director of Community Development can withhold final inspections until the required number of shade trees has been planted.

Steve Lenart, 520 E. Central Parkway Suite 104, Plano, Texas, Applicant, presented to the Commission. Mr. Lenart said he met with the adjacent homeowners to discuss their concerns. Mr. Lenart said he is working with the surrounding property owners on relocating the fire lane so that it connects to Lisa Court. He also said that he is willing to construct an 8' screening wall along MJ Brown Street. Mr. Lenart summarized the citizen's concerns, which were as follows:

1. Proximity to the Townhomes
2. School Capacity Issues
3. Traffic Concerns
4. Building Height and Street Lighting
5. Home Values/Rental Concerns

Mr. Lenart said that he has revised the PD Concept Plan to allow for more space between the proposed development and the Silhouette subdivision. He described how several of the lots have been shifted to allow for more open space. He also described how Lots 12, 13, and 14, Block A, may be rotated due to a potential change in the fire lane configuration. Mr. Lenart explained that the detention pond will be irrigated and landscaped, but will not have any active amenities. A sidewalk will be built along the right-of-way near the detention pond. Mr. Lenart showed a graphic explaining the distance from the Townhomes to the homes in the Silhouette subdivision. He also stated that opaque windows will be used to provide privacy to the Silhouette subdivision.

Mr. Lenart presented a report provided by Allen ISD to address the school capacity concerns. Mr. Lenart reviewed the estimated number of students that would be attending the surrounding schools. He said that the majority of the residents living in Stacy Villas would be empty nesters or young professionals. He reviewed the Allen ISD capacity report and said that he did not anticipate the schools being impacted.

Traffic concerns were discussed next. Mr. Lenart said the trips generated for the current Shopping Center zoning would be 4,150 trips per day and 4,875 trips per Saturday, if the subject property were to become a retail development. He explained that the trips generated by the townhome development, both for weekdays and Saturdays, were only 516 trips per day.

The maximum building height of the proposed development is 32'-9" in contrast to the maximum height of a commercial building that could be 45'.

The residential lighting is proposed to be 16' in height and would be LED full-cut off lights in which all of the light shines down.

The townhomes are estimated to be priced between \$290,000-mid \$300,000. Mr. Lenart stated that he does not feel comfortable with deed restrictions against rentals because of the legal concerns around enforcing the deed restrictions. He feels that the price of the townhomes will assist with the development in not becoming rental properties.

2nd Vice-Chair Platt asked for clarification regarding Lots 12, 13, and 14 being rotated.

Mr. Lenart said he is seeking staff level approval on the lots being rotated if the masonry screening wall along MJ Brown is not attainable.

Chairman Cocking said that this is a situation in which a fire lane is being shared by the residential property and the adjacent commercial property.

Mr. Lenart stated that they would need to adjust the lot lines.

Chairman Cocking reiterated that the request is to allow for staff to work with the applicant to adjust Lots 12, 13, and 14, Block A, to support the changing of the fire lane.

Chairman Cocking opened the Public Hearing.

Doug Galletti, 439 Deer Brooke Dr., Allen, Texas, spoke in favor of the request. He voiced concerns regarding traffic and traffic lights in the area.

Wendy Wilson, 1001 Shelborn Dr., Allen, Texas, spoke in opposition of the request. She voiced concerns regarding school capacity issues at Marrion Elementary and the ability for the school nurses to continue to treat students. She also voiced concerns regarding the increase in traffic both in Allen and in Fairview.

Sari Eljarrah, 1025 Shelborn Dr., Allen, Texas, spoke in opposition of the request. He voiced concerns regarding traffic in the area as well as density.

Christopher Carrigan, 1007 S. Shelborn Dr., Allen Texas, spoke in opposition of the request. He voiced concerns regarding parking in the area and the increase in noise and headlights. He also asked about adding more landscaping to assist with the lights and noise.

Hossam Hmimy, 1000 Shelborn Dr., Allen, Texas, spoke in opposition of the request. He voiced concerns regarding the capacity issues at the schools as well as an increase in traffic in the area.

Steve Bartels, 1711 White Rock Ct. Allen, Texas, spoke in opposition of the request. He commended the developer for reaching out to the citizens. He voiced school capacity concerns at Marrion Elementary and overall traffic concerns. He also voiced concerns regarding the potential for the townhomes becoming rental properties.

Chairman Cocking closed the Public Hearing.

Commissioner Ogrizovich asked if staff had communicated with Allen ISD and if the school district had any concerns regarding capacity issues.

Ms. Nurge said that she spoke with a representative of Allen ISD who said the school district is not concerned about the development.

Commissioner Orr asked about the traffic and ingress and egress.

Joseph Cotton, Assistant Director of Engineering, said that the development does not generate enough traffic to warrant a Traffic Impact Analysis (TIA). He said that a TIA was initially conducted when the General Development Plan (GDP) was approved. During the GDP process, the TIA revealed that the subject property would generate over 4,000 trips per day as a commercial property. Mr. Cotton stated that an inner local agreement was made between the City of Allen and the Town of Fairview for the expansion of Greenville Avenue at Stacy Road. He said that as of now, there are no plans to put in a traffic light at either of the entrances of the proposed development because of the close proximity to the Greenville Avenue and Stacy Road intersection. Mr. Cotton said that the completion of construction on US Highway 75 should assist with the traffic congestion in the area. Mr. Cotton said that ongoing discussions are occurring between the City of Allen and the Town of Fairview regarding traffic needs.

Chairman Cocking asked about the process for citizens to seek information regarding traffic lights to see if traffic lights could be added at intersections.

Mr. Cotton said that citizens could discuss traffic light concerns with him. He further explained that the initial TIA that was conducted during the GDP did not determine if any additional lights needed to be added; however, two deceleration lanes are being built, one of which will assist with turning into the proposed development. He said that there was never a plan install a light at MJ Brown Street at Greenville Avenue or Stacy Road.

Commissioner Mangrum voiced concerns regarding the unknowns about the 8' screening wall on Greenville Avenue and MJ Brown Street. She also said she was concerned with Lots 12, 13, and 14 being rotated to face Greenville Avenue. She asked about the parking spaces that are currently shown in the area.

Mr. Lenart said that an 8' masonry screening wall would be built adjacent to Greenville Avenue with the fire lane connecting to Lisa Court, if able. Mr. Lenart said that Lots 12, 13, and 14 would be rotated to avoid headlight visibility at night. He said that the parking spaces would be relocated.

Chairman Cocking summarized that the first option is to adjust the two fire lane drive aisles to a single fire lane drive aisle lining up with Lisa Court. However, if the developer is unable to get agreements from the other land owners to adjust the fire lane, then Lots 12, 13, and 14 would be shifted and an 8' masonry screening wall would be built.

1st Vice-Chair Trahan said that the proposed development is the best use of the property for the surrounding homeowners. He said that he would be in support of the proposed development providing that Lots 8, 9, 18-23, Block A, have the same opaque windows on the second floor facing the homeowners to the south as Lots 24-29.

Chairman Cocking said the distance between Lots 18-23 and the Silhouette neighborhood would be 90'-200'.

Mr. Lenart confirmed the location of Lots 8, 9, 18-23, Block A. He said that he was willing to change the windows to opaque on Lots 8 and 9, Block A, but asked for the windows on Lots 18-23 to remain because the units overlook open space and an 8' screening wall.

Commissioner Hollingsworth said that he appreciated the applicant reaching out to the surrounding homeowners.

2nd Vice-Chair Platt said that he agreed with 1st Vice-Chair Trahan regarding adding opaque windows on the second floor to Lots 8 and 9, Block A. He said there was enough distance between Lots 18-23, Block A, and the Silhouette subdivision to not add the opaque windows. He voiced concerns regarding the unknowns about the 8' screening wall on Greenville Avenue and MJ Brown Street. He believed that the proposed development was a better fit for the area than a retail center.

Chairman Cocking read the other citizen concern letters who did not speak during the public hearing.

The following residents submitted citizen responses:

- Wael El-Jarro, 1025 Shelborn Dr., Allen, Texas – Opposed
- Craig Healey, 1002 Shelborn Dr., Allen, Texas – Opposed
- Thuy Ngugen, 1004 Shelborn Dr., Allen, Texas – Opposed
- Jerry E. Hawkins, 1719 Zavala Dr., Allen, Texas – Opposed
- Steve Bartels, 1711 White Rock Ct., Allen, Texas – Opposed
- Hossam Hmimy, 1000 Shelborn Dr., Allen, Texas – Opposed
- Najwa El-Jarrah, 1000 Shelborn Dr., Allen, Texas – Opposed
- Wendy Wilson, 1001 Shelborn Dr., Allen, Texas – Opposed
- Christopher Crue, 1108 Burnett Dr., Allen, Texas – Opposed
- Irma Luna, 1718 Zavala Dr., Allen, Texas – Opposed
- Derek Barr, 1716 Zavala Dr., Allen, Texas – Opposed
- Dhnilo Dimafeux, 1712 White Rock Ct., Allen, Texas – Opposed
- Jerry Hawkins, 1712 White Rock Ct., Allen, Texas – Opposed
- Michelle Parsons, 1702 Terrell Dr., Allen, Texas – Opposed
- Chris Lawrence, 1730 Honey Creek Ln., Allen, Texas – Opposed
- Yijun Xiong, 1313 Rusk Dr., Allen, Texas – Opposed
- Mei Wang Yijun Xiong, 1324 Lamar Ln., Allen, Texas – Opposed
- Cory Schneider, 1707 Zavala Dr., Allen, Texas – Opposed
- Priscilla Ignaclo, 1701 White Rock Ct., Allen, Texas – Opposed
- Damion Foy, 1714 White Rock Ct., Allen, Texas – Opposed
- John Spencer, 1012 Burnet Dr., Allen, Texas – Opposed
- Jose S. Rohas, 1012 Shelborn Dr., Allen, Texas – Opposed

Chairman Cocking asked about the price per square foot of the proposed development.

Mr. Lenart said the price range is \$290,000-\$340,000 which equates to \$200 per square foot.

Chairman Cocking said that most of the homes in the Silhouette neighborhood are selling for \$95-\$100 per square foot.

Chairman Cocking said that another question that came up was regarding the townhomes becoming rental properties. He said that the only way in which deed restrictions can be enforced is if the neighbors sue the other neighbors. He said that deed restrictions are not managed by the City or the State, but by the Courts.

Chairman Cocking said that another question was regarding trees along Lots 24-29 to be used as screening.

Mr. Lenart said that there are a total 88 proposed lots with the requirement of 2 trees per lot. However, the townhomes will be front entry causing space constraints to accommodate the 2 trees per lot. Mr. Lenart said that there will be one tree per lot with the remainder of the trees planted throughout the open space areas and along Greenville Avenue. He said that lots 24-29 will have trees in the backyards to provide

screening. He said that there will be potentially more trees in the backyards than the front because of the space constraints in the front.

Chairman Cocking said that he understood that most of the concerns regarding the potential development are traffic, but that the proposed development will have significantly less traffic than a retail development. Chairman Cocking further stated that Allen ISD does not have any concerns regarding capacity issues. Chairman Cocking said that his concerns were alleviated. He asked about the timing regarding whether or if the fire lane will connect to Lisa Court or if an 8' screening wall would be built.

Mr. Lenart said that he was unsure regarding timing. He said he will construct an 8' masonry screening wall on the north side of Lisa Ct. and rotate Lots 12, 13, and 14. He said he was unsure if this issue would be resolved by the tentatively scheduled City Council date of January 24, 2017.

Chairman Cocking said that the decision would need to be made before a Preliminary Plat. Chairman Cocking asked staff regarding timing.

Bo Bass, Director of Community Development, said that the zoning must be approved to make a determination on timing. Mr. Bass said that staff is comfortable with including two potential options. He said that the first option is for the developer to construct an 8' screening wall on MJ Brown Street. He explained that there is not a way to add another access point into the proposed development because it would be too close to the intersection and median break. Mr. Bass said that staff has the authority, according to the ALDC, to rotate units in order to improve the quality of life of the residents as long as the number of units do not increase or decrease and primary access points do not change or substantially alter the circulation. Mr. Bass said that the rotation of the units would only occur if the two fire lanes are not able to be consolidated into one. Mr. Bass said that the applicant is being required to purchase the tract of land to the north as well as the vacant tract of land between Firestone and Walgreens. Mr. Bass said that he was comfortable with the Planning and Zoning Commission recommending that staff have the authority to make the decisions.

Kevin Laughlin, City Attorney, said that the ordinance would have optional language to allow for the fire lane issue to be resolved.

Mr. Bass said that the graphics for City Council will have both potential situations; the masonry screening walls between the fire lanes with the units rotated or the fire lanes connecting to Lisa Court.

Chairman Cocking said that he heard three potential addendums to the motion: the revised Concept Plan used in the applicant's presentation to be used as part of the recommendation; that Lots 8 and 9, Block A, have opaque windows on the second floor windows; and that staff would have the option of working through the resolution of the fire lane reconfiguration.

Mr. Laughlin recommended that the ordinance include those revisions.

Motion: **Upon a motion by 1st Vice-Chair Trahan, and a second by Commissioner Mangrum, the Commission voted 7 IN FAVOR, and 0 OPPOSED to approve the request to change the zoning of 10.839± acres generally located south of Stacy Road and east of Greenville Avenue, from Shopping Center "SC" to a Planned Development for Townhome Residential "TH", and adopt Development Regulations, a Concept Plan, Hardscape Plan, and Building Elevations for Stacy Villas, along with the three items of revision; that Lots 8 and 9, Block A, have opaque windows on the second floor of the**

south facing side; to use the revised Concept Plan that was provided by the applicant; and for staff to work with the developer regarding the potential fire lane reconfiguration.

The motion carried.

DRAFT