



**AGENDA
CITY OF ALLEN
PLANNING AND ZONING COMMISSION
REGULAR MEETING
OCTOBER 5, 2021 - 7:00 PM
CITY COUNCIL CHAMBERS
ALLEN CITY HALL
305 CENTURY PARKWAY
ALLEN, TEXAS 75013**

Call to Order and Announce a Quorum is Present

Pledge of Allegiance

Director's Report

1. Receive the Director's Report on Action Taken on the Planning and Zoning Commission Items by City Council at the September 28, 2021, Regular Meeting.

Election of Officers

2. Elect a Chair, First Vice-Chair, and Second Vice-Chair.

Consent Agenda

(Routine P&Z business. Consent Agenda is approved by a single majority vote. Items may be removed for open discussion by a request from a Commission member or member of staff.)

3. Approve Minutes from the September 21, 2021, Planning and Zoning Commission Regular Meeting.
4. Replat - Consider a Request for a Replat of Lot 1B, Cottonwood Creek Village Shopping Center, Being Approximately 0.421 Acres; Generally Located on the West Side of Greenville Avenue and Approximately 256 Feet North of Main Street. (PL-091021-0012) [HTeaO]

Regular Agenda

5. Public Hearing - Conduct a Public Hearing and Consider a Request to Amend the Development Regulations of Planned Development No. 4 with a Base Zoning of Shopping Center to a Allow Day Care Facility as a Permitted Use on Lot 1, Block A, Christ the Servant Lutheran Church Addition, Generally Located at the Northeast Corner of the Intersection of Greenville Avenue and Hightrail Drive (and Commonly Known as 821 S. Greenville Avenue). (ZN-090321-0017) [Christ the Servant Lutheran Church]

6. Public Hearing - Conduct a Public Hearing and Consider a Request to Establish a Planned Development Zoning District with a Base Zoning of Light Industrial and to Adopt Development Regulations, Concept Plan, and Building Elevations Relating to the Use and Development of Approximately 59.7157 Acres in the George Fitzhugh Survey, Abstract No. 321, and Francis Dosser Survey, Abstract No. 280; Generally Located on the North Side of Ridgeview Drive, Approximately 825 Feet West of the Intersection of Ridgeview Drive and Chelsea Drive. (ZN-061821-0006) [Chelsea 121 Warehouse]

Executive Session (As needed)

As authorized by Section 551.071(2) of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.

Adjournment

This notice was posted at Allen City Hall, 305 Century Parkway, Allen, Texas, at a place convenient and readily accessible to the public at all times. Said notice was posted on Friday, October 1, 2021 at 5:00 p.m.

Shelley B. George, City Secretary

Allen City Hall is wheelchair accessible. Access to the building and special parking are available at the entrance facing Century Parkway. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 214-509-4105.

PLANNING AND ZONING COMMISSION AGENDA COMMUNICATION

AGENDA DATE:

October 5, 2021

SUBJECT:

Receive the Director's Report on Action Taken on the Planning and Zoning Commission Items by City Council at the September 28, 2021, Regular Meeting.

STAFF RESOURCE:

Marc Kurbansade, AICP
Director of Community Development

BACKGROUND

The City Council approved the requests to amend Planned Development PD No. 134A for The Farm and to establish a Planned Development Zoning District for The Reserve at Watters.

PLANNING AND ZONING COMMISSION AGENDA COMMUNICATION

AGENDA DATE:	October 5, 2021
SUBJECT:	Elect a Chair, First Vice-Chair, and Second Vice-Chair.
STAFF RESOURCE:	Marc Kurbansade, AICP Director of Community Development
PREVIOUS COMMISSION/COUNCIL ACTION:	None

BACKGROUND

The Commission should elect a Chair, First Vice-Chair, and Second Vice-Chair.

PLANNING AND ZONING COMMISSION AGENDA COMMUNICATION

AGENDA DATE:

October 5, 2021

SUBJECT:

Approve Minutes from the September 21, 2021,
Planning and Zoning Commission Regular Meeting.

STAFF RESOURCE:

Rolandrea Russell
Planner

ATTACHMENTS:

Minutes from the September 21, 2021 Planning and Zoning Commission Meeting

PLANNING AND ZONING COMMISSION
REGULAR MEETING
September 21, 2021

ATTENDANCE:

Commissioners Present:

Ben Trahan, Chair
Stephen Platt, Jr., 1st Vice-Chair
Dan Metevier, 2nd Vice-Chair
Elias Shaikh
John Ogrizovich
Michael Smiddy

City Staff Present:

Marc Kurbansade, AICP, Director of Community Development
Joseph Cotton, P.E., Assistant Director of Engineering
Hayley Angel, AICP, Planning Manager
Rolandrea Russell, Planner
Jessica Johnsen, Planner
Shelby Percy, City Attorney

Call to Order and Announce a Quorum is Present:

With a quorum of the Commissioners present, Chair Trahan called the meeting to order at 7:00 p.m. in the City Hall Council Chambers Room at Allen City Hall, 305 Century Parkway, Allen, Texas, 75013.

Directors Report

1. The Director of Community Development discussed the action taken on the Planning & Zoning Commission items by City Council at the September 14, 2021, Regular Meeting.

Consent Agenda (*Routine P&Z business. Consent Agenda is approved by a single majority vote. Items may be removed for open discussion by a request from a Commission member or member of staff.*)

2. Approve Minutes from the September 7, 2021, Planning and Zoning Commission Regular Meeting.
3. Capital Improvement Plan (CIP) Status Report

Motion: **Upon a motion by 2nd Vice-Chair Metevier, and a second by Commissioner Shaikh, the Commission voted 6 IN FAVOR, and 0 OPPOSED to approve the Consent Agenda, as presented.**

The motion carried.

Regular Agenda

4. Public Hearing - Conduct a Public Hearing and Consider a Request to Amend the Development Regulations of District G of Planned Development No. 108 with a Base Zoning of Mixed Use and to Adopt a Zoning Exhibit, Concept Plan, Building Elevations, Open Space Plan, Commercial Area Civic Spaces Plan, Commercial Area Enhanced Paving Exhibit, and Commercial Area Street "G" Cross Section for Approximately 35.740± Acres in the John Fyke Survey, Abstract No. 325, Generally Located at the Northeastern Corner of the Intersection of Exchange Parkway and Watters Road. [ZN-020819-0044] (Twin Creeks Watters)

Mr. Kurbansade, Director of Community Development, presented the item to the Commission.

Mr. Kurbansade noted that staff is in support of the agenda item.

Chair Trahan opened the public hearing.

David Hicks, Applicant, 401 Woodlake Drive, Allen, TX gave a brief overview of the project.

Chair Trahan closed the public hearing.

The following letter was received in support of this item:

- Amir Odeh, 945 Stockton Drive, Allen, TX

The Commission discussed regulations of the provided civic spaces and parking.

Motion: **Upon a motion by 2nd Vice-Chair Metevier, and a second by Commissioner Ogrizovich, the Commission voted 6 IN FAVOR, and 0 OPPOSED to recommend approval of an ordinance to amend the Development Regulations of District G of Planned Development No. 108 with a base zoning of Mixed Use for approximately 35.740± acres of land, subject to the Zoning Exhibit, Concept Plan, Building Elevations, Open Space Plan, Commercial Area Civic Spaces Plan, Commercial Area Enhanced Paving Exhibit, and Commercial Area Street "G" Cross Section, as presented.**

The motion carried.

Executive Session (*As needed*)

The Executive Session was not held.

Adjournment

The meeting adjourned at 7:34 p.m.

These minutes approved this _____ day of _____ 2021.

Ben Trahan, Chair

Rolandrea Russell, Planner

PLANNING AND ZONING COMMISSION AGENDA COMMUNICATION

AGENDA DATE:	October 5, 2021
SUBJECT:	Consider a Request for a Replat of Lot 1B, Cottonwood Creek Village Shopping Center, Being Approximately 0.421 Acres; Generally Located on the West Side of Greenville Avenue and Approximately 256 Feet North of Main Street. (PL-091021-0012) [HTeaO]
STAFF RESOURCE:	Rolandrea Russell Planner
PREVIOUS COMMISSION/COUNCIL ACTION:	Final Plat - Approved August, 1980 Replat - Approved April, 1984
LEGAL NOTICES:	None.
ANTICIPATED COUNCIL DATE:	None.

BACKGROUND

The property is located on the west side of Greenville Avenue and north of Main Street. The properties to the north, east (across Greenville Avenue), south, and west are zoned Shopping Center (SC).

The property is zoned SC. A site plan for the proposed replat was approved in January 2021 for a restaurant (drive-in or through). Platting is the final step in the development process.

The Replat shows one lot at a total of 0.42± acres. The site is accessible by internal drives. The plat also shows various easements required for development of the property.

The Replat has been reviewed by the Technical Review Committee, is generally consistent with the Site Plan, and meets the requirements of the Allen Land Development Code.

STAFF RECOMMENDATION

Staff recommends approval.

MOTION

I move to approve the Replat of Lot 1, Block A, HTeaO Addition, as presented.

ATTACHMENTS:

Replat

Revised: 02/10/2021, 12:10:21, Lot 1B Cottonwood Creek Village Shopping Center Addition, Vol J, Pg 73 M.R.C.C.T. (M.R.C.C.T. Plat No. 20090115000041170)

NOTES:

"x" fnd = "x" cut in concrete found for corner

"x" set = "x" cut in concrete set for corner

Selling a portion of this Lot by metes and bounds is a violation of City Ordinance and State Law, and is subject to fines and withholding of utilities and building permits.

The purpose of this plat is to develop the lot and add easements.

No portion of the subject property lies within any area of 100-year flood according to FEMA's Flood Insurance Rate Map No. 48085C0385J, dated June 02, 2009. Property is in Zone X, unshaded.

Bearings and coordinates shown are based upon the Texas State Plane Coordinate System, North Central Texas, North American Datum of 1983 on Grid Coordinate Values, no scale and no projection.

Lot 2A, Block B
Brookshire's Addition
Vol J, Pg 73 M.R.C.C.T.
ALLENTX LP
Inst No. 20090115000041170

Firelane & Public Access Easement
Vol 2014, Pg 254

Lot 1R, Block 1
Cottonwood Creek Village
Shopping Center No. 3
Vol 2014, Pg 254 M.R.C.C.T.
TRIPLE STAR ENTERPRISES LLC
Inst No. 20130614000830110

Lot 1A
Replat of Cottonwood Creek
Village Shopping Center
Vol D, Pg 105 M.R.C.C.T.
COTTONWOOD CREEK S/C I LTD
Vol 5608, Pg 2606
Inst No. 0022816

Lot 1B
Replat of Cottonwood Creek
Village Shopping Center
Vol D, Pg 105 M.R.C.C.T.

Lot 1, Block A
HTeaO Addition
18,344 square feet
0.421 acres
COTTONWOOD CREEK S/C I LTD
Vol 5608, Pg 2606

Lot 1
Allen Towne Center
Cab E, Pg 139
THE SOUTHLAND CORPORATION
Vol 2078, Pg 953

EASEMENT LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 30°52'00" E	32.50'
L2	S 59°08'00" E	5.00'
L3	N 30°52'00" E	17.67'
L4	N 12°53'04" W	7.23'
L5	N 30°52'00" E	183.62'
L6	N 53°22'00" E	7.84'
L7	N 30°52'00" E	17.89'
L8	S 59°08'00" E	3.02'
L9	N 30°36'15" E	10.00'
L10	N 59°08'00" W	2.97'
L11	N 89°56'51" E	9.01'
L12	S 73°52'42" E	10.34'

OWNER'S DESCRIPTION

STATE OF TEXAS §
COUNTY OF COLLIN §

BEING a 0.421 acre (18,344 square foot) tract of land situated in the Peter Wetsel Survey, Abstract No. 990, City of Allen, Collin County, Texas, same being a portion of the land conveyed to Cottonwood Creek S/C I Ltd recorded in Volume 5608, Page 2606 Deed Records, Collin County, Texas, same also being all of Lot 1B of Replat of Cottonwood Creek Village Shopping Center, an addition to the City of Allen according to the plat recorded in Volume D, Page 105 Map Records, Collin County, Texas (M.R.C.C.T.) and being more particularly described as follows:

BEGINNING at an "x" cut in concrete found for corner in the northwest line of Greenville Avenue (a variable width right-of-way), said "x" being the northeast corner of said Lot 1B;

THENCE South 30°05'51" West, along said northwest line of Greenville Avenue for a distance of 266.87 feet to an "x" cut in concrete set for corner, said "x" being the easternmost northeast corner of Lot 1A of aforementioned Replat of Cottonwood Creek Village Shopping Center and the beginning of a non-tangent curve to the left with a radius of 94.37 feet and a chord which bears North 63°01'08" West for 14.41 feet;

THENCE departing said said northwest line of Greenville Avenue and along a northerly line of said Lot 1A and said non-tangent curve to the left, through a central angle of 08°45'16" and an arc length of 14.42 feet to an "x" cut in concrete set for corner;

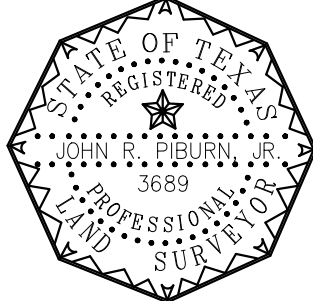
THENCE North 00°05'51" East, along an east line of said Lot 1A for a distance of 224.60 feet to a an "x" cut in concrete found for corner, said corner being the southwest corner of Lot 1R, Block 1 of Cottonwood Creek Village Shopping Center No. 3, an addition to the City of Allen according to the plat recorded in Volume 2014, Page 254 M.R.C.C.T.

THENCE South 89°54'09" East, along the south line of said Lot 1R for a distance of 146.28 feet to the POINT OF BEGINNING and containing 0.421 acres, or 18,344 square feet of land, more or less.

SURVEYOR'S CERTIFICATE

STATE OF TEXAS §
COUNTY OF DALLAS §

That I, John R. Piburn, Jr., do hereby certify that I prepared this plat from an actual survey of the land and that corner monuments shown hereon were properly placed under my personal supervision and in accordance with the Platting Rules and Regulations of the City of Allen, Collin County, Texas.



John R. Piburn, Jr.
Registered Professional Land Surveyor
No. 3689

STATE OF TEXAS §
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared John R. Piburn, Jr., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2021.

Notary Public in and for the State of Texas

My Commission Expires on _____

OWNER'S CERTIFICATE

STATE OF TEXAS §
COUNTY OF DALLAS §

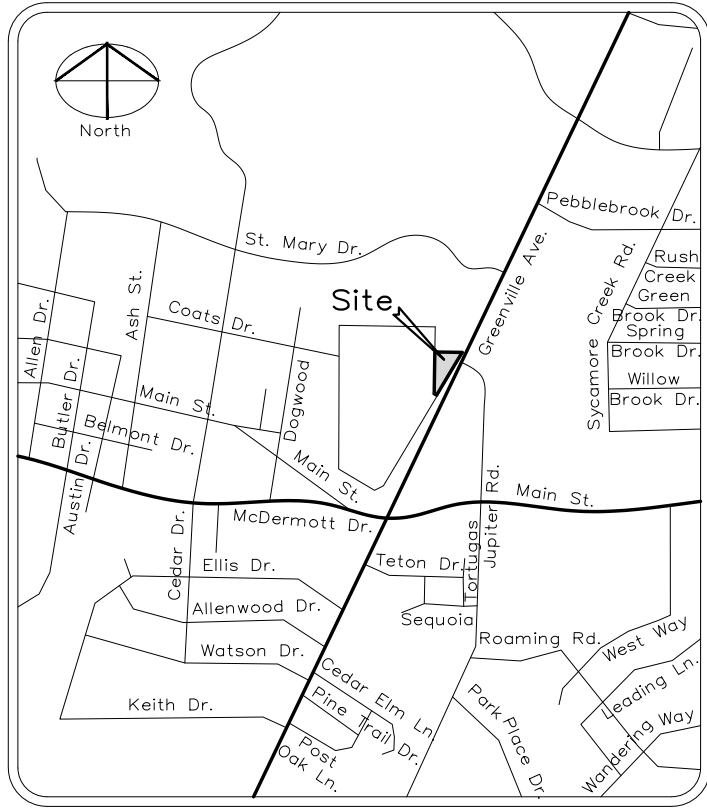
KNOW ALL MEN BY THESE PRESENTS: That COTTONWOOD CREEK S/C I LTD, through the undersigned authority, does hereby adopt this plat designating the described property as "Lot 1, Block A, HTeaO ADDITION", an addition to the City of Allen, Texas, and does hereby dedicate to the public use forever the streets and alleys thereon; and does hereby dedicate the easement strips shown on the plat for mutual use and accommodation of all public utilities desiring to use, or using same. No buildings, fences, trees, shrubs or other improvements shall be constructed or placed upon, over or across the easement strips on said plat. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements, or growths which in any way endanger or interfere with the construction, maintenance or efficiency of its respective system on any of these easement strips, and any public utility shall at all times have the right of ingress and egress to and from and upon any of said easement strips for the purpose of construction, reconstruction, inspecting, patrolling, maintaining and adding to or removing all or part of its respective system without the necessity at any time of procuring the permission of anyone.

This plat is approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Allen, Texas.

Witness my hand this _____ day of _____, 2021.

Owner

Notary



VICINITY MAP

REPLAT

HTeaO Addition
LOT 1, BLOCK A

BEING A REPLAT OF LOT 1B OF COTTONWOOD CREEK VILLAGE SHOPPING CENTER ADDITION, AN ADDITION TO THE CITY OF ALLEN, TEXAS AS RECORDED IN VOLUME D, PAGE 105 OF THE MAP RECORDS OF COLLIN COUNTY, TEXAS

0.421 ACRES OUT OF THE
PETER WETSEL SURVEY, ABSTRACT NO. 990
CITY OF ALLEN, COLLIN COUNTY, TEXAS

OWNER:
COTTONWOOD CREEK S/C I, LTD.
16475 DALLAS PARKWAY
ADDISON, TEXAS 75001
PHONE: 972.931.7400

SURVEYOR:
PIBURN & COMPANY, LLC
TEXAS LICENSED SURVEYING FIRM NO. 100871-00
801 EAST CAMPBELL ROAD, SUITE 575
RICHARDSON, TEXAS 75081
PHONE: 214.328.3500

SCALE: 1"=30'
Submission Date: September 10, 2021
Revision Dates: September 28, 2021; September 29, 2021;
September 30, 2021; October 1, 2021

PLANNING AND ZONING COMMISSION AGENDA COMMUNICATION

AGENDA DATE:	October 5, 2021
SUBJECT:	Conduct a Public Hearing and Consider a Request to Amend the Development Regulations of Planned Development No. 4 with a Base Zoning of Shopping Center to a Allow Day Care Facility as a Permitted Use on Lot 1, Block A, Christ the Servant Lutheran Church Addition, Generally Located at the Northeast Corner of the Intersection of Greenville Avenue and Hightrail Drive (and Commonly Known as 821 S. Greenville Avenue). (ZN-090321-0017) [Christ the Servant Lutheran Church]
STAFF RESOURCE:	Jessica Johnsen Planner
PREVIOUS COMMISSION/COUNCIL ACTION:	Planned Development No. 4 - Approved October, 1981 Specific Use Permit - Approved June, 1986
LEGAL NOTICES:	Public Hearing Sign - Installed September 24, 2021 Property Owner Notices - Mailed September 24, 2021
ANTICIPATED COUNCIL DATE:	October 26, 2021

BACKGROUND

The subject property is located at the northeastern corner of the intersection of Greenville Avenue and Hightrail Drive and is commonly known as 821 S. Greenville Avenue.

The properties to the north and south are zoned Planned Development PD No. 4 (PD-4) with a base zoning of Shopping Center (SC). The properties to the east are zoned Single-Family Residential (R-5). The properties to the west (across Greenville Avenue) are zoned Light Industrial.

The property is zoned PD-4 with a base zoning of SC. The applicant is requesting to amend the development regulations to allow for a "day care facility" use on site by right in addition to the uses already permitted by the existing Planned Development. The site is already developed and has an existing 18,936± square foot building which currently houses Christ the Servant Lutheran Church.

The applicant is wanting to lease 2,750± square feet of the existing building for a preschool which is classified as day care facility use.

There are no proposed changes to the exterior of the building.

STAFF RECOMMENDATION

Staff recommends approval.

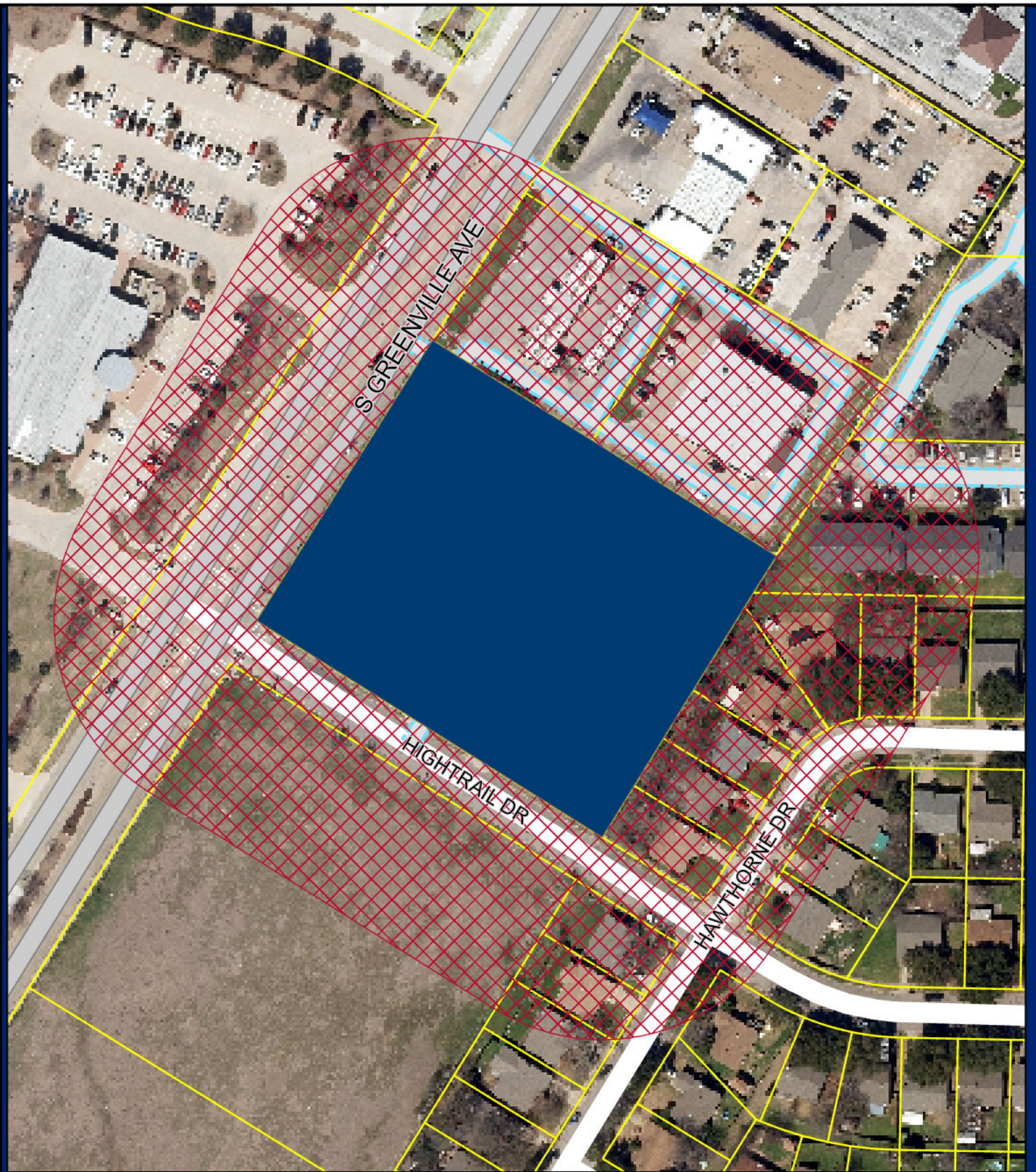
MOTION

I move to recommend approval of the request to amend the development regulations of PD-4 with a base zoning of SC for Lot 1, Block A, Christ the Servant Lutheran Church Addition, as presented.

ATTACHMENTS:

Property Notification Map




Draft Ordinance

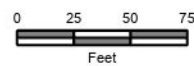


Public Notification Map

**Christ the Servant
Lutheran Church
821 S. Greenville Ave.**

Map Legend

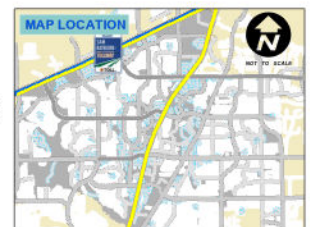
-  CollinCAD Parcels
-  200' Buffer
-  Railroad



Community Development - Planning

Date Saved: 9/23/2021

NOTE: This map is only for illustration purpose only, please contact the City of Allen Planning & Development Department for specific rules and regulations.



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE AND ZONING MAP, AS PREVIOUSLY AMENDED, BY AMENDING THE REGULATIONS RELATING TO THE USE AND DEVELOPMENT OF LOT 1, BLOCK A, CHRIST THE SERVANT LUTHERAN CHURCH ADDITION, LOCATED IN AND SUBJECT TO THE REGULATIONS OF PLANNED DEVELOPMENT “PD” NO. 4 TO ALLOW SAID PROPERTY TO BE DEVELOPED FOR DAY CARE FACILITY USE; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Allen, Texas, in compliance with the laws of the State of Texas and the ordinances of the City of Allen, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally and to all persons interested and situated in the affected area, and in the vicinity thereof, and in the exercise of its legislative discretion, have concluded that Allen Land Development Code Zoning Regulations and Zoning Map of the City of Allen, Texas, as previously amended, should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:

SECTION 1. The Allen Land Development Code Zoning Regulations and the Zoning Map of the City of Allen, Collin County, Texas, be amended by amending the regulations relating to the use and development of Lot 1, Block A, Christ the Servant Lutheran Church Addition, an addition to the City of Allen, according to the plat thereof recorded in Volume 977, Page 652, Plat Records, Collin County, Texas (“the Property”) which is located in and subject to the development and use of the regulations applicable of Planned Development “PD” No. 4 Shopping Center “SC” (the “PD-4 Regulations”), by providing that in addition to the uses for which the Property may be developed and used pursuant to the PD-4 Regulations, the Property may be developed and used for Day Care Facility purposes as such use is defined in the ALDC.

SECTION 2. To the extent of any irreconcilable conflict with the provisions of this Ordinance and other ordinances of the City of Allen governing the use and development of the Property and which are not expressly amended by this Ordinance, the provisions of this Ordinance shall be controlling.

SECTION 3. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance, or of the Allen Land Development Code Zoning Regulations, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Allen Land Development Code Zoning Regulations, as amended hereby, which shall remain in full force and effect.

SECTION 4. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Allen Land Development Code Zoning Regulations, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 5. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in Allen Land Development Code Zoning Regulations of the City of Allen, as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense.

SECTION 6. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Allen, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 26TH DAY OF OCTOBER 2021.

APPROVED:

Kenneth M. Fulk, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, City Attorney
(kbl:9/22/2021:124928)

Shelley B. George, TRMC, City Secretary

PLANNING AND ZONING COMMISSION AGENDA COMMUNICATION

AGENDA DATE:	October 5, 2021
SUBJECT:	Conduct a Public Hearing and Consider a Request to Establish a Planned Development Zoning District with a Base Zoning of Light Industrial and to Adopt Development Regulations, Concept Plan, and Building Elevations Relating to the Use and Development of Approximately 59.7157 Acres in the George Fitzhugh Survey, Abstract No. 321, and Francis Dosser Survey, Abstract No. 280; Generally Located on the North Side of Ridgeview Drive, Approximately 825 Feet West of the Intersection of Ridgeview Drive and Chelsea Drive. (ZN-061821-0006) [Chelsea 121 Warehouse]
STAFF RESOURCE:	Marc Kurbansade, AICP Director of Community Development
PREVIOUS COMMISSION/COUNCIL ACTION:	Planned Development No. 92 - Approved March, 2004 Planned Development No. 92 - Approved November, 2005
LEGAL NOTICES:	Public Hearing Signs - Installed September 24, 2021 Public Hearing Letters - Mailed September 24, 2021
ANTICIPATED COUNCIL DATE:	October 26, 2021

BACKGROUND

The property is generally located on the north side of Ridgeview Drive and is approximately 825 feet west of the intersection of Ridgeview Drive and Chelsea Drive. The properties to the east and west retain a zoning district of Planned Development No. 92 (PD-92) with a base zoning district of Commercial Corridor (CC). The property to the south retains a zoning district of Planned Development No. 130 (PD-130) with a base zoning district of Single-Family Residential (R-5). The property to the north (across State Highway 121) is within the municipal boundaries of McKinney.

The subject property is comprised of one unplatted tract with a land area of 59.7157± acres and retains a zoning district of PD-92 CC. The applicant is requesting to create a new Planned Development district with a base zoning district of Light Industrial (LI). Further, the applicant is requesting to adopt new development regulations, including a Zoning Exhibit, Concept Plan, and Building Elevations to allow for a warehouse/office/distribution use.

The proposed Concept Plan includes seven individual buildings ranging in size from 33,280 square feet to 147,420 square feet, with a gross floor area of all buildings totaling 736,735 square feet. Each individual

building provides for approximately 10% of the gross floor area to be allocated toward office uses. The four access points for the development include two access points along State Highway 121, one access point along Ridgeview Drive, and one access point via cross access connecting to Chelsea Drive. To further regulate the proposed development, the development regulations include the following:

- Designation of a base zoning district of LI;
- Building Elevations to provide a general range of architectural features incorporated into the final design of all buildings;
- Permitted uses to be consistent with those in the LI zoning district, except for the prohibition of Permanent Concrete Batch Plants and Pawn Shop uses;
- Restriction of maximum height of buildings to 35 feet where they are within 200 from a single-family zoning district or use;
- Restriction of maximum height of buildings to 45 feet where they are within 200 from a townhouse or multifamily zoning district or use;
- Restriction of maximum height of buildings to 50 feet where they are more than 200 feet from any residential zoning district;
- Screening standards along Ridgeview Drive to include canopy trees, ornamental trees, shrubs and a sodded berm along with a hike and bike trail;
- Additional screening interior to site where sides of loading areas are visible from internal private streets;
- Additional screening standards along SH 121 to limit visibility of loading areas;
- Hike & Bike Trail incorporated into Cottonwood Creek greenbelt connected to Ridgeview Drive and northern property limits along SH 121; and
- Tree Mitigation reductions for certain species of trees (e.g., hackberry, sugarberry, Chinaberry, or Siberian elm).

This request has been reviewed by the Technical Review Committee. The request is in general conformance with the future land use map in the adopted Comprehensive Plan and is compatible with the surrounding uses.

STAFF RECOMMENDATION

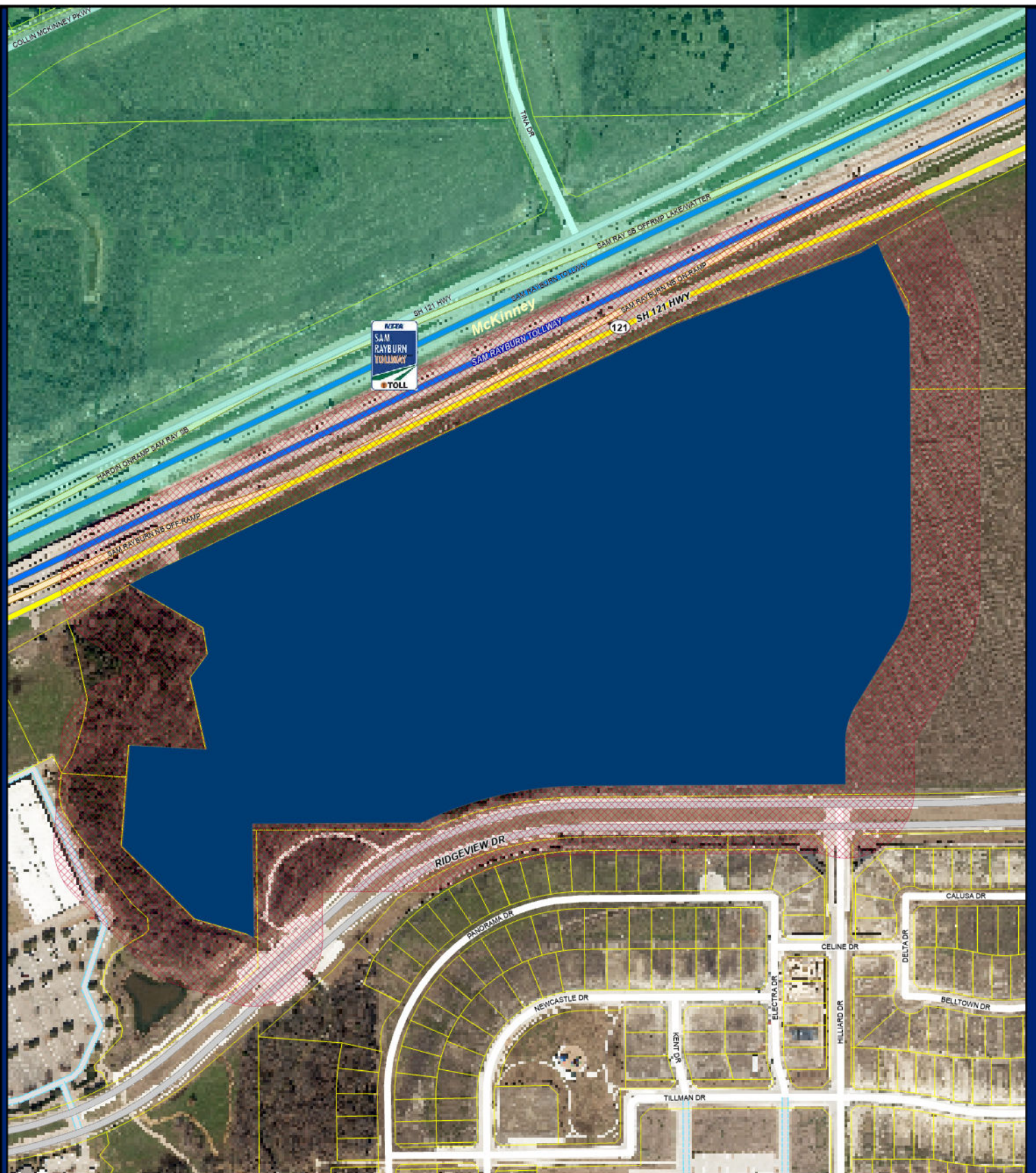
Staff recommends approval.

MOTION

I move to recommend approval of a request to Establish a Planned Development Zoning District with a Base Zoning of Light Industrial and to Adopt Development Regulations, Zoning Exhibit, Concept Plan, and Building Elevations Relating to the Use and Development of Approximately 59.7157 Acres in the George Fitzhugh Survey, Abstract No. 321, and Francis Dosser Survey, Abstract No. 280, as presented.

ATTACHMENTS:

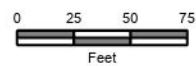
Property Notification Map
Draft Ordinance



Public Notification Map
S.H. 121 & Chelsea Blvd.
Mixed-Use Project

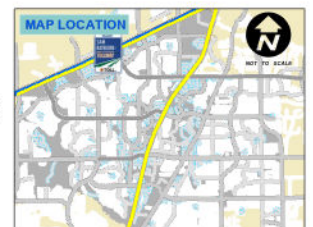
Map Legend

- CollinCAD Parcels
- 200' Buffer
- Railroad



Community Development - Planning
 Date Saved: 9/23/2021

NOTE: This map is only for illustration purpose only, please contact the City of Allen Planning & Development Department for specific rules and regulations.



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE AND ZONING MAP, AS PREVIOUSLY AMENDED, BY AMENDING THE REGULATIONS RELATING TO THE USE AND DEVELOPMENT OF A 59.7157+/- ACRE TRACT SITUATED IN THE GEORGE FITZHUGH SURVEY, ABSTRACT NO. 321, AND FRANCIS DOSSER SURVEY, ABSTRACT NO. 280; PRESENTLY LOCATED IN PLANNED DEVELOPMENT "PD" NO. 92 CORRIDOR COMMERCIAL, BY CHANGING THE ZONING AND CREATING PLANNED DEVELOPMENT "PD" NO. ____ FOR LIGHT INDUSTRIAL "LI" AND ADOPTING DEVELOPMENT REGULATIONS INCLUDING A ZONING EXHIBIT, CONCEPT PLAN, AND BUILDING ELEVATIONS; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Allen, Texas, in compliance with the laws of the State of Texas and the ordinances of the City of Allen, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally and to all persons interested and situated in the affected area, and in the vicinity thereof, and in the exercise of its legislative discretion, have concluded that Allen Land Development Code Zoning Regulations and Zoning Map of the City of Allen, Texas, as previously amended, should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:

SECTION 1. The Allen Land Development Code Zoning Regulations and the Zoning Map of the City of Allen, Collin County, Texas, as previously amended, are hereby further amended by changing the zoning regulations relating to the development and use of 59.7157+/- acres out of the George Fitzhugh Survey, Abstract No. 321, and Francis Dosser Survey, Abstract No. 280, City of Allen, Collin County, Texas, more fully described in Exhibit "A," attached hereto and incorporated herein by reference (the "Property"), which is presently zoned as Planned Development "PD" No. 92 Corridor Commercial by changing the zoning and creating Planned Development "PD" No. ____ for Light Industrial uses subject to the use and development regulations set forth in Section 2 of this ordinance.

SECTION 2. The Property shall be developed and used in accordance with the provisions of the Allen Land Development Code, as amended, ("ALDC") applicable to the use and development of property located within a Light Industrial "LI" zoning district except to the extent modified by the Development Regulations set forth below:

A. CONCEPT PLAN: The Property shall be developed in general conformance with the Concept Plan attached hereto as Exhibit "B" and incorporated herein by reference (the "Concept Plan") subject to the following:

- (1) Minor modifications to streets/driveways that do not alter the general alignment shown on the Concept Plan may be made at the time of Site Plan approval;

- (2) Improvements to thoroughfares required by a Traffic Impact Analysis shall be provided as shown on the Concept Plan; and
 - (3) Any amendment to the Concept Plan not determined to be a minor amendment shall be processed as a zoning amendment in accordance with the ALDC. An amendment to the Concept Plan that substantially alters the streets and circulation patterns within the Property, the base zoning district(s) of portions of the Property, and/or the designation of permitted uses shall not be considered a “minor amendment.”
- B. BUILDING ELEVATIONS:** Elevations of the light industrial buildings attached hereto as Exhibit “C” and incorporated herein by reference (“Building Elevations”), are intended to convey a general range of architectural features that would be incorporated into final design. Buildings shall in general conform with the façade rhythm, façade material changes, and fenestration illustrated on the Building Elevations.
- C. PROHIBITED USES:** The Property shall not be developed and used for the following purposes:
- (1) Concrete batch plant (permanent, non-temporary); and
 - (2) Pawn Shop
- D. HEIGHT, AREA, AND SETBACK REGULATIONS:** Buildings constructed on the Property shall comply with the height, area, and setback regulations of the Light Industrial (LI) District except as follows:
- (1) Maximum Height:
 - (a) 50 feet, if all portions of the building are located 200 feet or more from property located within any residential zoning district or otherwise developed for any residential purpose;
 - (b) 45 feet, if any portion of the building is located less than 200 feet from property located within a multifamily or townhome residential zoning district or otherwise developed for a multifamily or townhome residential purpose; and
 - (c) 35 feet, if any portion of the building is located less than 200 feet from property located within a single-family detached residential zoning district or otherwise developed for a single-family detached residential purpose.
 - (2) Properties adjacent to Highway 121 shall have a front yard setback of 50 feet.
 - (3) Landscape buffer along SH 121: 30 feet (minimum of 15 feet unencumbered).
 - (4) Landscape buffer along Ridgeview Drive: 50 feet (minimum of 15 feet unencumbered).
- E. SCREENING STANDARDS:** Screening shall be provided as follows:
- (1) Screening is required to be installed along Ridgeview Drive as shown on the Concept Plan, and shall consist of the following:
 - (a) A sodded berm shall be constructed with a trail or sidewalk within the Right-of-Way or within the trail or sidewalk easements, as necessary;

- (b) One (1) shade tree with a trunk diameter at the time of planting of not less than four (4) caliper inches measured at six (6) inches above the root ball must be planted within the berm for each thirty (30) feet or portion thereof of the lot's frontage along Ridgeview Drive with the distance between shade trees not to exceed forty (40) feet;
 - (c) One (1) ornamental tree must be planted for each shade tree required to be planted with the distance between ornamental trees not to exceed forty (40) feet;
 - (d) One (1) evergreen shrub with a height at the time of planting of not less than thirty-six (36) inches measured from the top of the root ball shall be planted for every four (4) feet or portion along Ridgeview Drive with the distance between evergreen shrubs not to exceed six (6) feet; and
 - (e) A metal fence with masonry columns shall be constructed at the locations shown on the Concept Plan subject to the following:
 - i. The fence shall be not less than six (6) feet nor greater than eight (8) feet in height; and
 - ii. The metal fence shall be constructed of an ornamental metal material with masonry support columns at not greater than one hundred (100) foot spacing except as approved by the Director of Engineering or designee as necessary to avoid conflicts with utilities, drainage features, or other public facilities.
- (2) Screening is required to be installed along Drive A in the areas shown on the Concept Plan for loading and tractor trailer parking areas for Buildings B and G and shall consist of the following:
- (a) A ten (10) foot masonry wall constructed in accordance with the minimum standards set forth in Section 7.07 of the ALDC; and
 - (b) One (1) evergreen shrub with a height at the time of planting of not less than 36-inches measured from the top of the root ball shall be planted for every four (4) feet along the side of the wall facing Drive A with the distance between shrubs not to exceed six (6) feet; and
 - (c) A sodded berm shall be constructed at the locations shown on the Concept Plan;
 - (d) One (1) shade tree with a trunk diameter at the time of planting of not less than four (4) caliper inches measured at six (6) inches above the root ball must be planted within the berm for every thirty (30) feet along the side of the wall facing Drive A with the distance between trees not to exceed forty (40) feet along the street frontage; and
 - (e) One (1) ornamental tree with a trunk diameter at the time of planting of not less than four (4) caliper inches measured at six (6) inches above the root ball must be planted within the berm for every thirty (feet) along the side of the wall facing Drive A with the distance between trees not to exceed forty (40) feet along the street frontage.
- (3) Loading and tractor trailer parking areas that are visible from the SH 121 Service Road and located less than 200 feet of the SH 121 right-of-way shall be screened as follows:
- (a) A six (6) foot masonry wall constructed in accordance with the minimum standards set forth in the ALDC;

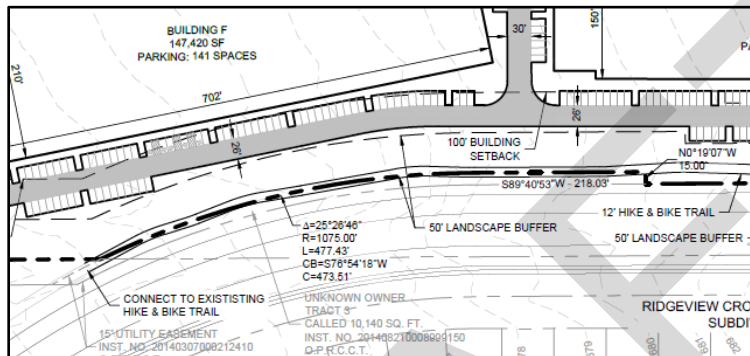
- (b) One (1) evergreen shrub with a height at the time of planting of not less than 36-inches measured from the top of the root ball shall be planted for every four (4) feet along the side of the wall facing SH 121; and
 - (c) A sodded berm shall be constructed with a trail or sidewalk within the Right of Way or within trail or sidewalk easements, as necessary, with at least one (1) shade tree with a trunk diameter at the time of planting of not less than three (3) caliper inches measured six (6) inches above the root ball and one (1) ornamental tree shall be planted along the street frontage on an average distance between trees of not less 30 feet.
- (4) Screening of dock doors shall not be required if they face internally and or do not directly face SH 121, Chelsea Boulevard, or Ridgeview Drive.
 - (5) Mechanical and Service Screening shall be required as follows:
 - (a) All buildings shall be designed such that no mechanical equipment (HVAC, etc.) is visible from the public right-of-way or open space, whether the equipment is located on the ground, exterior wall, or roof; and
 - (b) The screening material required by paragraph 1, above, shall be raised at least one foot above the top of the mechanical equipment.
 - (6) Sodded berms required to be constructed pursuant to this Section 2.E. shall:
 - (a) Have a maximum slope of 3:1;
 - (b) Have a minimum height of three (3) feet except at locations where a trail or sidewalk intersects with and/or crosses through the berm; and
 - (c) Have a minimum width of thirty (30) feet.

F. PARKING STANDARDS:

- (1) **Parking Reduction.** The Director of Community Development and Director of Engineering may jointly reduce the required number of off-street parking spaces if such reduction is supported by the findings of a parking study prepared by a professional engineer or transportation planner which demonstrates need, reviews industry standards, and proposes a modification that will not result in a parking deficiency for the proposed uses for the portion of the Property to be served by the related parking areas.
- (2) **Cross Access.** A perpetual cross-access easement for vehicle and pedestrian travel as well as cross-easements for parking, both at-grade and below-grade, shall be granted between and among all contiguous lots within the Property. The cross-access easement may be provided by plat or separate instrument.
- (3) **S.H. 121 Frontage.** Parking is permitted within the front yard setback adjacent to S.H. 121 as shown on the Concept Plan.

G. MANDATORY TRAILS AND TRAIL IMPROVEMENTS: The following public trails and public trail system improvements and related public trail easements shall be constructed and conveyed to the City for future maintenance:

- (1) **Ridgeview Drive Trail.** A hike and bike trail not less the twelve (12) feet wide shall be constructed meandering within the Ridgeview Drive right-of-way or trail easement as necessary, and a public trail easement not less than twenty (20) feet wide shall be dedicated spanning from Chelsea Boulevard to the existing Ridgeview Drive Trail near Cottonwood Creek (the “Ridgeview Trail”). The Director of Parks & Recreation may authorize the width of the trail easement to be reduced to a minimum of fifteen (15) feet for the segment depicted below that meanders between the Ridgeview Drive right-of-way and the Property. The Ridgeview Trail shall be completed prior to the issuance of the first certificate of occupancy for a building on the Property.



- (2) **Cottonwood Creek Trail.** A 12-foot-wide hike and bike trail meandering along Cottonwood Creek in the approximate location shown on the Concept Plan (the “Cottonwood Creek Trail”). The Cottonwood Creek Trail shall be completed prior to the issuance of the first certificate of occupancy for a building west of Drive B on the Property.
- (3) **Trail Easements.** In locations where a trail is not to be located within a public street right-of-way, a trail easement not less than 20-feet wide shall be conveyed to the City upon completion of construction of the trail either at the time of approval of the final plat of the portion of the Property where the trail segment is located or by separate instrument approved as to form by the City Attorney; provided, however, the width of the trail easement may be reduced in locations where a 20-foot easement cannot be conveyed because of existing topography, flood plain, or other site limitations.
- (4) **Final Trail Location.** The final location of required trails shall be determined at the time of final platting and approval in the construction plans for the trails as approved by the Director of Engineering, Director of Parks and Recreation, and Director of Community Development.

H. TREE MITIGATION: Development of the Property shall comply with Section 7.06 of the ALDC, except as follows:

- (1) Not including replacement trees, negative tree credits assessed for the removal of Hackberry trees and Sugarberry trees will be reduced by 25%;
- (2) Negative tree credits will not be assessed for a tree that is removed following the City arborist's determination the tree is at the end of its life, diseased, dead or dying per a tree condition survey;
- (3) Negative tree credits will not be assessed for the removal of Siberian Elm (*Ulmus pumila*) or hybridized elms of Siberian Elm following the City arborist' s determination, or Chinaberry trees (*Melia azedarach*); and

- (4) Tree credits will be provided for street trees in accordance with ALDC Section 7.06.3.3.

I. FLEXIBLE DESIGN STANDARED:

- (1) Exceptions to the development standards relating to building design or construction set forth in these Development Regulations may be granted by the Director of Community Development for the purpose of improving performance in energy and water use and consumption, carbon dioxide emissions reduction, and improved indoor environmental quality. The standards used for best practices in sustainable design and the measures used to describe a building's environmental performance shall follow those principles, practices, and standards set forth by any of the following organizations:
- (a) U.S. Green Building Council (USGBC) – Leadership in Energy and Environmental Design (LEED); or
 - (b) EPA and U.S. Department of Energy – Energy Star for Homes and Businesses; or
 - (c) The Sustainable Sites Initiatives (SITES); or
 - (d) Congress for the New Urbanism (CNU); or
 - (e) BRE Environmental Assessment Method (BREEAM).
- (2) A request for an exception to the building design standards of these Development Regulations shall be submitted and approved before implementation by the Director of Community Development, Director of Engineering, and Chief Building Official, who shall have the authority, but not the obligation, to approve the alternative design(s) without being processed as a zoning amendment in accordance with the ALDC provided such design alternatives are generally consistent with the intent of these Development Regulations and such exception does not:
- (a) result in the approval of a land use not otherwise authorized by these Development Regulations or the ALDC;
 - (b) increase the allowable intensity or density of any land use; and
 - (c) effectively result in an amendment to these Development Regulations or the ALDC.

J. SITE PLAN AND CONCEPT PLAN ADMINISTRATION:

- (1) **Site Plan Review Process.**
- (a) ***Site Plan Details.*** Site plan details to be provided on a site plan shall comply with Section 6.05.3 of the ALDC.
 - (b) ***Site Plan Review Standards.*** The Director of Community Development is authorized to approve a site plan if such site plan conforms to the standards set forth in these Development Regulations and the ALDC.
 - (c) ***Amendments to Approved Site Plans.*** The Director of Community Development is authorized to approve changes to approved site plans that comply with the provisions in these Development Regulations.

(2) **Amendments to the Concept Plan.**

- (a) **Minor Modifications.** Except as otherwise provided in these Development Regulations, the Director of Community Development shall have the authority to administratively approve minor changes to the Concept Plan, Site Plan or Elevations. "Minor modifications" include changes that:
1. Do not materially change the circulation on the Property;
 2. Do not move a street more than 100 feet from the location shown on the Concept Plan and the move does not result in a change in the general circulation plan set forth on the Concept Plan;
 3. Relocate required trails provided pedestrian and bike connectivity is provided as intended by the Concept Plan; and
 4. Reconfigure size and location of light industrial buildings shown on the Concept Plan provided compliance with the screening requirements of loading areas set forth in Section 2.E. is maintained.
- (b) **Major Modifications.** Changes to the Concept Plan or Site Plan that do not qualify as Minor Modifications shall be processed as an amendment to a zoning ordinance pursuant to the ALDC.
- (c) **Street Modifications.** The Director of Community Development and Director of Engineering may, but shall not be obligated to, authorize the Drive A and Drive B alignments as shown on the Concept Plan to shift in location up to 100 feet in either direction at the time of final platting of the Property without an amendment to the Concept Plan being required provided any minimum drive and/or intersection separation distances are maintained.
- (d) **Modifications Mandated by Law.** Any modification to a street location shown on the Concept Plan that is necessitated by a Federal, State, or Local action may be administratively approved by the Director of Engineering, including, but not limited to, the intersection of Drive A and/or Drive B with the S.H. 121 service road.

SECTION 3. To the extent of any irreconcilable conflict with the provisions of this Ordinance and other ordinances of the City of Allen governing the use and development of the Property and which are not expressly amended by this Ordinance, the provisions of this Ordinance shall be controlling.

SECTION 4. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance, or of the Allen Land Development Code Zoning Regulations, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Allen Land Development Code Zoning Regulations, as amended hereby, which shall remain in full force and effect.

SECTION 5. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Allen Land Development Code Zoning Regulations, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 6. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in Allen Land Development Code Zoning Regulations of

the City of Allen, as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense.

SECTION 7. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Allen, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE ____ DAY OF _____ 2021.

APPROVED:

Kenneth M. Fulk, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY
(kbl:9/30/2021:124986)

Shelley B. George, TRMC, CITY SECRETARY

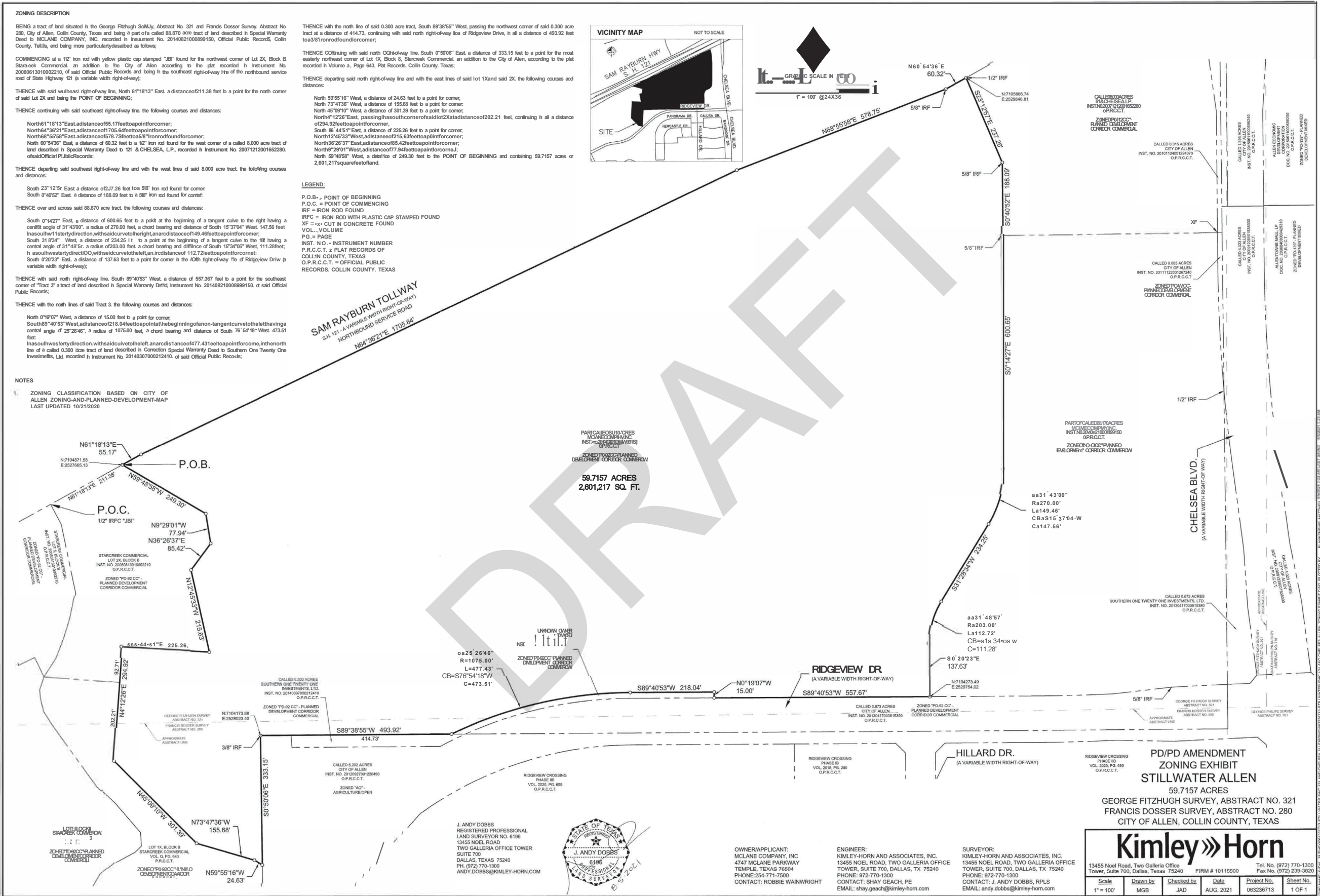
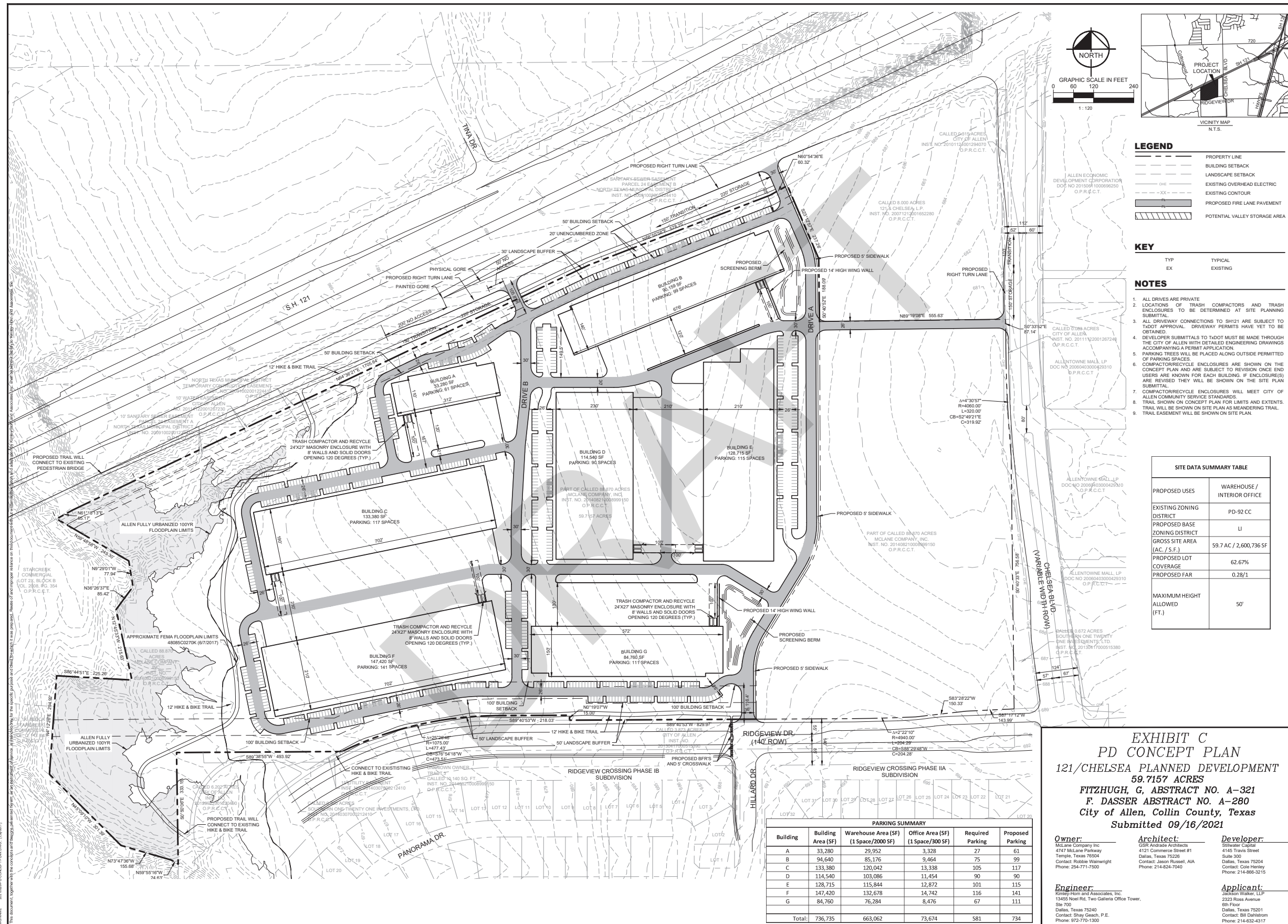


EXHIBIT "B"
CONCEPT PLAN

[illegible]

Kimley»»Horn
13455 NOEL ROAD, TWO GALLERIA OFFICE TOWER, SUITE 700
DALLAS, TX 75240
PHONE: 972-770-1300 FAX: 972-298-3820
TEXAS REGISTERED ENGINEERING FIRM #428

KHA PROJECT 063236713	DATE 09/16/2021	SCALE AS SHOWN	DESIGNED BY SEG	DRAWN BY SEG	CHECKED BY SEG
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SH 121 AND
CHELSEA BLVD
CITY OF ALLEN
COLLIN COUNTY, TEXAS

EXHIBIT C
PD CONCEPT PLAN

SHEET NUMBER
PD-1



