

**AGENDA
CITY OF ALLEN
PLANNING AND ZONING COMMISSION
REGULAR MEETING – 7:00 P.M.
TUESDAY, MARCH 16, 2010
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. Action taken on the Planning & Zoning items by City Council at the March 9, 2010, City Council 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 of the March 2, 2010 regular meeting.

Regular Agenda

3. Tabled Item – Consider amendment to Section 7.05.6 of the *Allen Land Development Code* regarding the plans for the design and installation of irrigation systems. (Z-2/22/10-11)

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, March 12, 2010, 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.

Director's Report from 3/9/10 City Council Meeting

There was one item taken to the March 9, 2010 City Council meeting for consideration.

A Public Hearing was held and a request for an SUP Specific Use Permit for a Fueling Station for RaceTrac was approved; with the provision that fuel truck access shall only be provided from US Hwy 75.



**PLANNING AND ZONING
COMMISSION**

**Regular Meeting
March 2, 2010**

ATTENDANCE:

Commissioners Present:

Jeff Cocking
Douglas Dreggors
John Kelley
Shirley Mangrum
Steven Platt, Jr.
James Rushing
Robert Wendland

Commissioners Absent:

None

City Staff Present:

Ogden "Bo" Bass, AICP, Director of Planning & Development
Lee Battle, AICP, Assistant Director of Planning & Development
Chris Flanigan, PE, Assistant Director of Engineering
Helen-Eve Liebman, AICP, Senior Planner
Tiffany McLeod, Planner
Amber Slayton, Attorney

Call to Order and Announce a Quorum is Present:

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

Director's Report

1. Director's Report is attached for action taken on the Planning & Zoning items by City Council at the February 23, 2010 City Council meeting.

Consent Agenda

2. Approve minutes of the February 16, 2010 meeting.

Motion: Upon a motion by Commissioner Rushing, and a second by Commissioner Platt, the Commission voted 7 IN FAVOR, and 0 OPPOSED, to approve the Consent Agenda. The motion carried.

Regular Agenda

Agenda Item #3: General Development Plan – Consider a General Development Plan for Watters Village, being 8.8314± acres located south of Stacy Road between Watters Road and Curtis Lane. (GDP-2/1/10-7)

Tiffany McLeod, Planner, presented to the Commission. The property is located south of Stacy Road between Watters Road and Curtis Lane. In January 2010 PD86 was amended to revise the Concept Plan for the shopping center tract in preparation for development. With the approval of the revised Concept Plan, the General Development Plan is the next step in the development process. The General Development Plan has been reviewed by staff, is consistent with the revised Concept Plan and meets the requirements of the *Allen Land Development Code*.

Staff recommends approval.

Motion: Upon a motion by Commissioner Mangrum, and a second by Commissioner Rushing, the Commission voted 7 IN FAVOR, and 0 OPPOSED, to approve the General Development Plan for Watters Village. The motion carried.

Agenda Item #4: Consider a Preliminary Plat for Stacy-Chelsea Commercial being 17.627± acres located northwest of Stacy Road and Chelsea Boulevard. (PP-2/1/10-8)

Helen-Eve Liebman, Senior Planner, presented to the Commission. The property is located at the northwest corner of Stacy Road and Chelsea Boulevard. The Preliminary Plat has been reviewed by staff, is consistent with the General Development Plan and meets the requirements of the *Allen Land Development Code*.

Staff recommends approval.

Motion: Upon a motion by Commissioner Platt, and a second by Commissioner Rushing, the Commission voted 7 IN FAVOR, and 0 OPPOSED, to approve the Preliminary Plat for Stacy-Chelsea Commercial. The motion carried.

Agenda Item #5: Conduct a Public Hearing and consider amending Section 2.03.2 of the *Allen Land Development Code* regarding procedures following the Allen Sign Control Board's recommendation for approval or denial of an application for a variance from the City's sign regulations; amending Section 4.03.7 regarding procedures for determining new and unlisted uses; amending Section 4.10 regarding minimum side yards for garages and carports entered from rear alleys or side streets; making technical amendments to Section 6.03.10 regarding firearms and explosives sales and service uses to correct possible conflicts with Section 4.20.2 "Schedule of Principal Uses"; amending Section 6.04 by adding temporary

food vendors to those required to obtain temporary use permits and procedures related thereto; amending Section 4.20.2 “Schedule of Principal Uses” by deleting the use categories “convalescent center” and “nursing home”, adding the use categories “long-term care facility” and “senior independent living,” and amending the uses allowed as a matter of right or by specific use permit in the “CC” Corridor Commercial zoning; amending Section 4.20.3 “Schedule of Accessory Uses” by amending the uses allowed as a matter of right or by specific use permit in the “CC” Corridor Commercial zoning; amending Section 7.04.1 regarding off-street parking and loading regulations by adding minimum parking requirements for assisted living centers, senior independent living centers, and long-term care facilities and adding regulations regarding stacking and queuing of vehicles; amending Section 7.05.6 regarding the plans for the design and installation of irrigation systems; amending Section 7.07 by deleting regulations relating to utility locations and adding a minimum height for ornamental fences located adjacent to greenbelts, open spaces, and parks; amending Section 7.09.2 by adding a new definition for “changeable electronic variable media message sign” and amending the definition of “electronic message board”; amending Section 7.09.4 to prohibit changeable electronic variable media message signs, animated signs, and message centers except in certain circumstances; amending Section 8.03 with respect to general development plans; amending Section 8.06 with respect to the design of corner lots; amending Appendix A “Definitions” by adding new definitions for “assisted living facility,” “long-term care facility,” “senior independent living,” amending the definitions for “firearms sales and service repair” and “structure,” and deleting the definitions for “convalescent home” and “nursing home”; amending Appendix B “Filing Fees and Charges” by increasing the fees related to pro-rata collection charges relating to construction of water and sanitary sewer lines; and amending Appendix I “Trail Design Standards” by amending certain design and construction standards related to pedestrian trails. (Z-2/22/10-11)

Lee Battle, Assistant Director of Planning and Development, presented to the Commission. The Allen Land Development Code is periodically amended to improve the effectiveness and efficiency of the code, address changing development trends and new technologies, and make changes necessary for compliance with state and federal laws. Historically staff has presented a compiled set of amendments to the Planning Commission and Council approximately every eighteen months. The proposed amendments are as follows:

- Section 2.03.2 Powers and Duties – Grants sign board final authority on sign variances. Establishes a 10 day appeal to City Council.
- Section 4.02.7 New and Unlisted Uses – Clarifies that unlisted uses are not permitted. The Planning Director interprets uses. Any appeal to staff interpretation of uses goes to the BOA.

- Section 4.10 Residential Accessory Use Regulations – Front entry garage setback is 20 ft. Maximum carport width is 27 ft.
- Section 6.03.10 Firearms and Explosives Sales and Service – Allowed per use chart. Allowed as home occupation. Defines required distance from schools. Prohibits the manufacturing/assembly of ammunition. Updates definition.
- Section 6.04 Temporary Use Permits – Defines temporary food vendors. Allows temporary food vendors with a Temporary Use Permit.
- Section 7.04 Off-street Parking and Loading – Clarifies that on-site stacking is required for drive-thrus. Dimensions stacking spaces. Requires a space after pick-up.
- Section 7.04.1 Parking Requirements – Establishes parking requirements for senior independent, assisted living and long term care facilities.
- Section 7.05.6 Irrigation Plan Requirements – Updated to match state requirements.
- Section 7.09 Sign Regulations – Defines and prohibits Changeable Electronic Variable Message Signs. Allows Electronic Message Boards to change once an hour.
- Section 8.03 Plat Requirements – Clarifies that a GDP is not a plat.
- Section 8.06 Lot Design – Allows “right-angle” lots with additional setback.
- Appendix A Definitions – Removes front yard requirement from Definitions.
- Appendix B Filing Fees and Charges – Updates pro-rata collection charges.
- Appendix I Trail Design Standards – Updates trail design standards.

Staff recommends approval.

Chairman Wendland opened the **Public Hearing**.

Clarence Elmer, 1432 McKenzie Court, Allen, spoke in support of the amendments to Section 7.05.6.

With no one else wishing to speak, Chairman Wendland closed the **Public Hearing**.

Commissioner Dreggors stated/asked the following:

1. Light level intensity should be included in Section 2.03.2. Mr. Battle answered that the only sign that would emit light is a prohibited sign. It is not necessary to include intensity levels.
2. The director’s title should be established as a part of Section 4.02.7. Mr. Battle stated it is written this way because director is defined in the Appendix.
3. In relation to the added uses in Section 7.04.1, will the City require senior independent, assisted living and long term care facilities to place the use on their site sign? Mr. Battle answered the City would not require particular signage identifying use.
4. Do the facility titles in Section 7.04.1 line up with state definitions? Mr. Battle stated they do not completely line up with state definitions. What category would illnesses such as Alzheimer’s or Dementia fall under? Mr. Battle answered these conditions would most likely fall under long term care facilities.

5. Do existing inspections addressed in Section 7.05.6(6b) refer to the current date? Mr. Battle answered the inspections are for all existing commercial systems.

Commissioner Kelley stated/asked the following:

1. The agenda caption lists Section 4.03.7. However, the proposed amendment is to Section 4.02.7. Amber Slayton, Attorney, stated the error does not void the public hearing.

Commissioner Cocking stated/asked the following:

1. Do the uses prohibiting all circumstances of firearms sales and service, as specified in Section 6.03.2, include home occupations? Mr. Battle answered yes.
2. How do the amendments to Section 6.04 affect mobile caterers? Mr. Battle answered it does not affect them. Separate provisions in the City's health code address caterers. What is the limitation of number of temporary use permits? Mr. Battle answered two permits are allowed in one year. How do these amendments impact charitable events? Mr. Battle answered they would be considered as special events. A separate permit can be acquired for special events.
3. As it relates to the amendments to Section 7.05.6, has staff found studies of drip irrigation within a turf environment? Mr. Battle responded by saying the irrigation amendments were submitted by the City's Water Conservation Manager. Staff is relying on her expertise and experience. Commissioner Cocking added he has concerns about moving forward without further research on drip irrigation.
4. The wording in Appendix A is easy to misread.

Chairman Wendland stated/asked the following:

1. Do the temporary use permit requirements, as specified in Section 6.04, apply to farmer's markets? Mr. Battle answered yes. The provision already exists for farmer's markets to acquire this type of permit.
2. It is recommended that staff give consideration to TCEQ guidelines as it relates to the irrigation amendments in Section 7.05.6.

Motion: Upon a motion by Commissioner Cocking, and a second by Commissioner Rushing, the Commission voted 7 IN FAVOR, and 0 OPPOSED, to approve the proposed amendments to the Allen Land Development Code with the following corrections:

- The amendment listed under Section 4.03.7, regarding procedures for determining new and unlisted uses, be changed to Section 4.02.7.
- The period in the middle of the seventh sentence in Appendix I A.1.a be changed to a comma.
- Consideration of amendments to Section 7.05.6 regarding irrigation systems is tabled to the March 16, 2010 P&Z meeting.

The motion carried.

ITEMS OF INTEREST

None

Adjournment

Motion: Upon a motion by Commissioner Dreggors and a second by acclamation the Commission voted 7 IN FAVOR, and 0 OPPOSED to adjourn the Planning and Zoning Commission meeting at 8:13 p.m.

These minutes approved this _____ day of _____ 2010.

Robert Wendland, Chairman

Tiffany McLeod, Planner

Director's Report from 2/23/10 City Council Meetings

There were no items taken to the February 23, 2010 City Council meeting for consideration.

PLANNING & ZONING COMMISSION AGENDA COMMUNICATION
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AGENDA DATE: March 16, 2010

SUBJECT: Tabled item - consider amendment to Section 7.05.6 of the *Allen Land Development Code* regarding the plans for the design and installation of irrigation systems. (Z-2/22/10-11)

STAFF RESOURCE: Lee Battle, AICP
Assistant Director of Planning & Development

**PREVIOUS COMMISSION/
COUNCIL ACTION:** On March 2, 2010 the Commission held a Public Hearing on ALDC amendments and tabled the amendment to Section 7.05.6.

LEGAL NOTICES: Newspaper Notice – 2/11/10

BACKGROUND

On March 2, 2010 staff presented a set of proposed ALDC amendments to the Commission. Included in these amendments were changes to Section 7.05.6 Irrigation Plan Requirements. The Commission tabled consideration of these amendments to the March 16, 2010 meeting in order to receive additional information. Gail Donaldson, Water Conservation Manager, will give a brief presentation and answer questions regarding irrigation systems and requirements.

STAFF RECOMMENDATION

Approval

ATTACHMENTS

Proposed amendments to ALDC Section 7.05.6

Section 7.05.6. Irrigation Plan Requirements.

1. **No person shall install an irrigation system in the City without first having obtained a permit authorizing such installation from the office of the City's Department of Building and Code Compliance. In addition to the permit fee established by the City and such other information as may be required by the chief building official, an application installation of an irrigation system must be accompanied by a full set of plans setting forth the design and operation parameters of the irrigation system to be installed, which plans must comply with this Section 7.05. ~~The applicant shall submit full irrigation plans with all applications for installation of irrigation systems to the Office of the Chief Building Official.~~**
2. The City shall provide the applicant with an irrigation **system plan** review checklist ~~and,~~ shall evaluate the appropriateness of the irrigation **system plan**, and ~~may shall~~ **approve it the plans**, or approve **the plans** subject to stipulations, ~~or reject it until revised.~~ Irrigation plans must comply with all State of Texas design and installation requirements **including, but not limited to, applicable provisions of Title 30, Chapter 344 of the Texas Administrative Code.** ~~to minimize water waste and promote water conservation.~~ In addition, the installation and operation of all irrigation systems ~~shall also meet~~ **must comply with** the requirements of the City's water conservation ordinance, **as amended, as described in Code of Ordinances sec. 14-14.1.**
3. **In addition to the provisions of Title 30, Chapter 344 of the Texas Administrative Code, as amended,** all new irrigation systems shall meet the following requirements:
 - a. The irrigation plan shall be sealed by a Licensed Irrigator or Texas registered Landscape Architect.
 - b. The system must include an automatic controller and sensors that prevent the operation of irrigation during rainfall or in freezing weather.
 - c. All non-turf landscape areas shall be designed with drip irrigation and/or pressure compensating tubing (no above-ground spray).
 - d. All landscaped areas (**including areas of turfgrass**), **regardless of size**, located between the sidewalk and curb/pavement edge for any development shall be designed with drip irrigation and/or pressure compensating tubing (no above-ground spray). **For subsurface installation, application rate shall not exceed .21 inches per hour.**
 - e. **All drip irrigation and/or pressure compensating tubing shall be designed and installed according to manufacturer's specifications.**
 - f. Turf**grass** areas utilizing ~~spray~~ irrigation **rotors** are to be designed **and installed** using low-angle ~~spray heads~~ **nozzles**.
 - g. Irrigation heads shall be ~~spaced for~~ **installed to provide** maximum distribution ~~and~~ uniformity. The system shall be designed **and installed** to provide a distribution uniformity of ~~seventy five percent (75%)~~ **sixty-three percent (63%) DU_{LQ}** or better.
 - h. The irrigation shall be designed to prevent overspray on impervious surfaces and excessive runoff.
 - i. Irrigation systems that vary from the standards of this Code and are designed to minimize water usage may be reviewed and approved by the ~~Parks and Recreation Department~~ **City, provided, however, the design and installation requirements must at all times comply with Title 30, Chapter 344 of the Texas Administrative Code, as amended.**

4. All new irrigation systems for non-single family developments ~~shall meet the following requirements:~~**All installed in landscaped areas (including turfgrass)** that are less than ten (10) feet in width and adjacent to impervious surfaces, and landscape islands with an area of 200 square feet or less shall be designed with drip irrigation and/or pressure compensating tubing (no above ground spray).
5. All new irrigation systems for single-family homes shall have separate zones for a drip system around the foundation.
6. A ~~Licensed Irrigator or~~ Certified **Landscape** Irrigation Auditor shall conduct the following required irrigation **audits and** inspections:
 - a. Installation **audit and** inspection: **Immediately following installation**, an irrigation system **audit and** inspection shall be required for all new irrigation systems. For new developments, documentation of the **audit and** inspection shall be submitted to the City prior to issuing a Certificate of Occupancy. The **audit and** inspection must include an evaluation of the system distribution uniformity **and actual zone precipitation rate. The audit shall be performed according to the Recommended Audit Guidelines, published by the Irrigation Association, 6540 Arlington Boulevard, Falls Church, Virginia 22042-6638. Distribution Uniformity shall be measured on the largest turfgrass area zone of the irrigation system. and meet the design and installation requirements of this Code. An irrigation inspection requirement checklist shall be made available by the City. Forms for submission and documentation of inspection information shall be made available by the City.**
 - b. Recurring inspections: An irrigation **system audit and** inspection shall be required for all irrigation systems, new and existing, in non-single-family developments and shall be submitted to the City once every three (3) years, **and shall be conducted in the same manner as set forth in subparagraph a., above, regarding the installation audit and inspection.** The City shall establish a timeline and procedures for all developments to submit irrigation system **audit and** inspection documentation to the City for review. **Forms for submission and documentation of inspection information shall be made available by the City.**
7. When existing irrigation systems are expanded by more than twenty-five percent (25% of the land area covered by the system); or more than twenty-five percent (25% of the land area covered by the system) of the irrigation system is replaced, the portion being expanded or replaced shall meet the requirements of this Code.

[Changes needed to maintain compliance with TCEQ regulations, and clarifications intended to improve requirements after one year of implementing new irrigation regulations.]
