



**AGENDA
PLANNING AND ZONING
COMMISSION**

**REGULAR MEETING – 7:00 P.M.
TUESDAY, MAY 19, 2009
ALLEN CITY HALL – COUNCIL CHAMBERS
305 CENTURY PARKWAY
ALLEN, TEXAS**

Call to Order and Announce a Quorum is Present

1. **Directors Report:** Action taken on the Planning & Zoning items by City Council at the May 12, 2009 City Council meeting.

Consent Agenda

2. Approve minutes of the May 5, 2009 meeting.

Regular Agenda

3. Public Hearing – Conduct a Public Hearing and consider a request to amend 11.036± acres of PD Planned Development No. 54, Tract 11, from IT Industrial Technology to MF-18 Multi-Family to allow for an active adult senior community. The property is 11.036± acres situated in the Catherine Parsons Survey, Abstract No. 711, Collin County, Texas; being part of Lot 1, Block C, Bray Central One Addition; located north of Watters Road and east of Bray Central Drive. (Z-3/30/09-27 – The Aspens at Twin Creeks)
4. Public Hearing – Conduct a Public Hearing and consider amendments to the Allen Land Development Code by amending the Allen Land Development Code Article VII, Section 7.03.5, Utility Services, and Article VIII, Section 8.10 Extensions of Water and Wastewater Mains, Subsection 4. Underground Utilities. (Z-4/27/09-37)

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, May 15, 2009, at 5:00 p.m.

Shelley B. George, City Secretary

305 Century Parkway • Allen, Texas 75013
214-509-4100 • FAX 214-509-4590
EMAIL: coa@cityofallen.org WEBSITE: www.cityofallen.org

PLANNING & ZONING COMMISSION AGENDA COMMUNICATION

AGENDA DATE: May 19, 2009

SUBJECT: Conduct a Public Hearing and consider a request to amend 11.036± acres of PD Planned Development No. 54, Tract 11, from IT Industrial Technology to MF-18 Multi-Family to allow for an active adult senior community. The property is 11.036± acres situated in the Catherine Parsons Survey, Abstract No. 711, Collin County, Texas; being part of Lot 1, Block C, Bray Central One Addition; located north of Watters Road and east of Bray Central Drive.

STAFF RESOURCE: Ogden “Bo” Bass, AICP
Director, Planning and Development

**PREVIOUS COMMISSION/
COUNCIL ACTION:** None

PUBLIC NOTICE: Property Owner Notices (3) - Mailed 5/8/09
Public Hearing Sign – Installed 5/8/09

BACKGROUND

The property is located north of Watters Road and east of Bray Central Drive. The property to the north and east is PD Planned Development No. 54 for IT Industrial Technology. The property to the south is zoned PD Planned Development No. 54 for TH Townhome, the property to the west and northwest is zoned PD Planned Development No. 54 for MF Multifamily, and the property to the southeast is zoned PD Planned Development No. 54 for CC Corridor Commercial.

The applicant has submitted a zoning amendment for 11.036± acres from PD IT zoning to PD MF-18 to allow for an active adult senior community. The Allen Land Development Code does not list “Adult Senior Community” as a use, therefore MF-18 Multi-Family is being used as the base zoning district the provision the community will be limited to persons over the age of 55. The applicant has provided a deed restriction related to the minimum age requirement and it is included in this communication. The developer will begin with this first phase of an overall ‘Senior Village’ which is intended to provide additional senior living components for the larger tract of land bounded by Watters Drive, Bray Central Drive and Exchange Parkway. The next phase is anticipated to be directly east and included in this communication on the General Development Plan.

The 180 unit gated community will include a three-story main structure that will contain 108 one and two bedroom units, a clubhouse, a pool and courtyard element, and numerous amenities associated with the operations of an active senior community. Surrounding the three-story structure are ten one-story units providing a mix of one and two bedroom dwellings for a total of 72 units. Attached garages are provided for a portion of the one story units.

The proposed amendment includes modifications to the base MF-18 district to provide for active senior adults. The modifications to the MF-18 district are as follows:

The proposed height is three-stories not to exceed 55 feet. The front yard setback along Bray Central Drive is proposed as 25 feet. The side and rear yard setbacks are proposed a ten feet. The roof slope is planned as a minimum of 5:12.

Screening and fencing details are included in this communication.

Parking for the active senior adult community is outlined as 1.5 spaces per unit. The Allen Land Development Code requires 2.25 garage parking spaces per unit in the MF-18 district. Staff has researched developments similar to the proposed project and we are recommending a minimum of 1.5 parking spaces per unit. The parking ratio research is included in this communication.

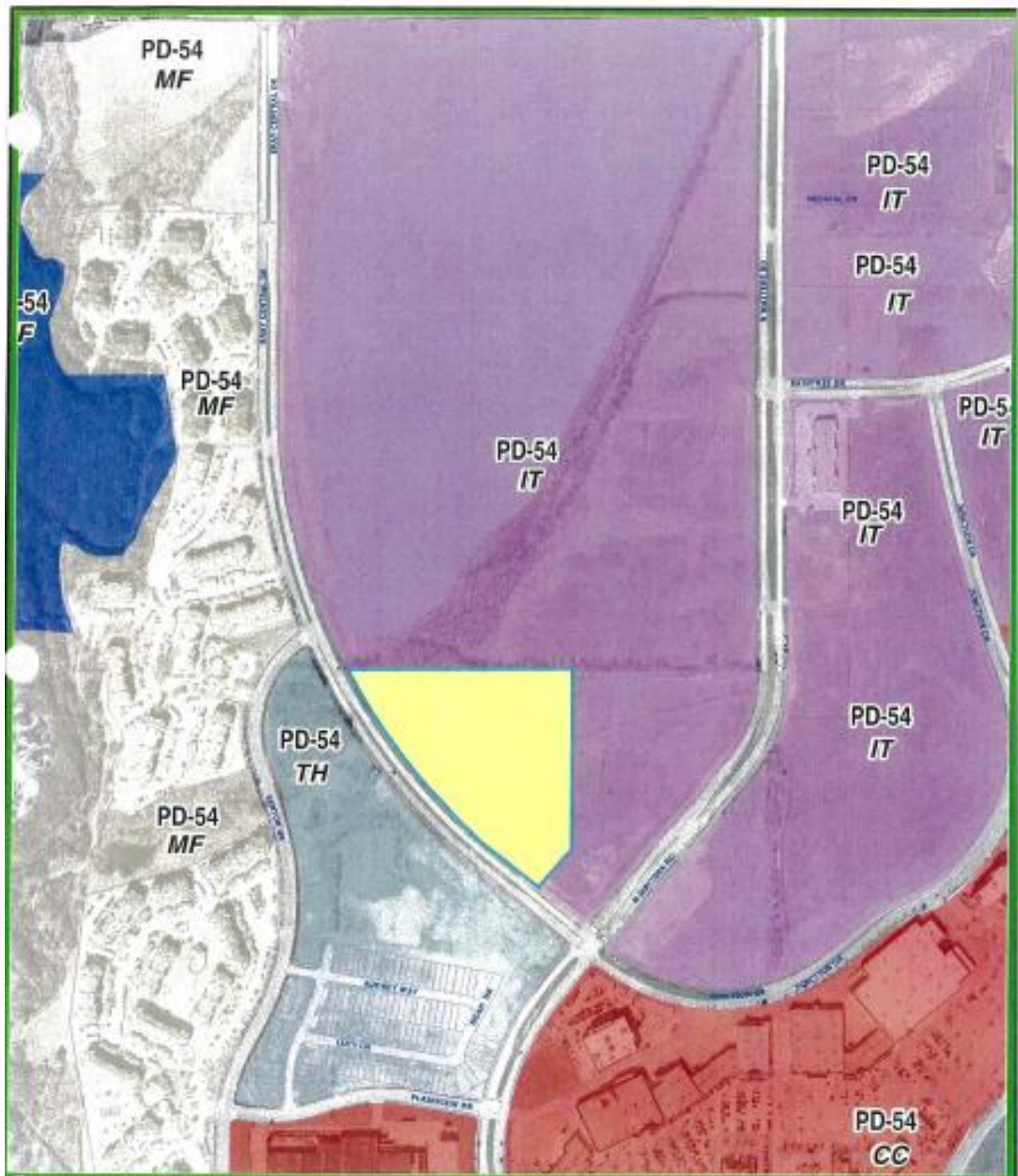
The rear yard along the northern property boundary has been reduced to ten feet with the requirement of retaining the existing off-site tree line as a buffer and setback for future development. The current owner of the subject property is also the owner for the adjacent property and they have offered a Tree Preservation Dedication Restrictive Covenant to guarantee the preservation of the tree line. Also included in this communication is a Concept Master Trail Plan. Details related to locations of City owned trail, private trail and required connections will be addressed at the time of Site Plan.

STAFF RECOMMENDATION

Approval

ATTACHMENTS

Location Map
General Development Plan
Concept Plan
Parking Comparisons
Master Trail Plan
Perimeter Screening Plan
Building Elevations
Development Regulations
Tree Preservation Restrictive Covenant and Exhibit
Age Requirement Deed Restrictions
Property Owner List



CITY OF ALLEN

Plan of City Center District
 City of Allen, TX
 Streets Accessed from Project Drive

Map Legend

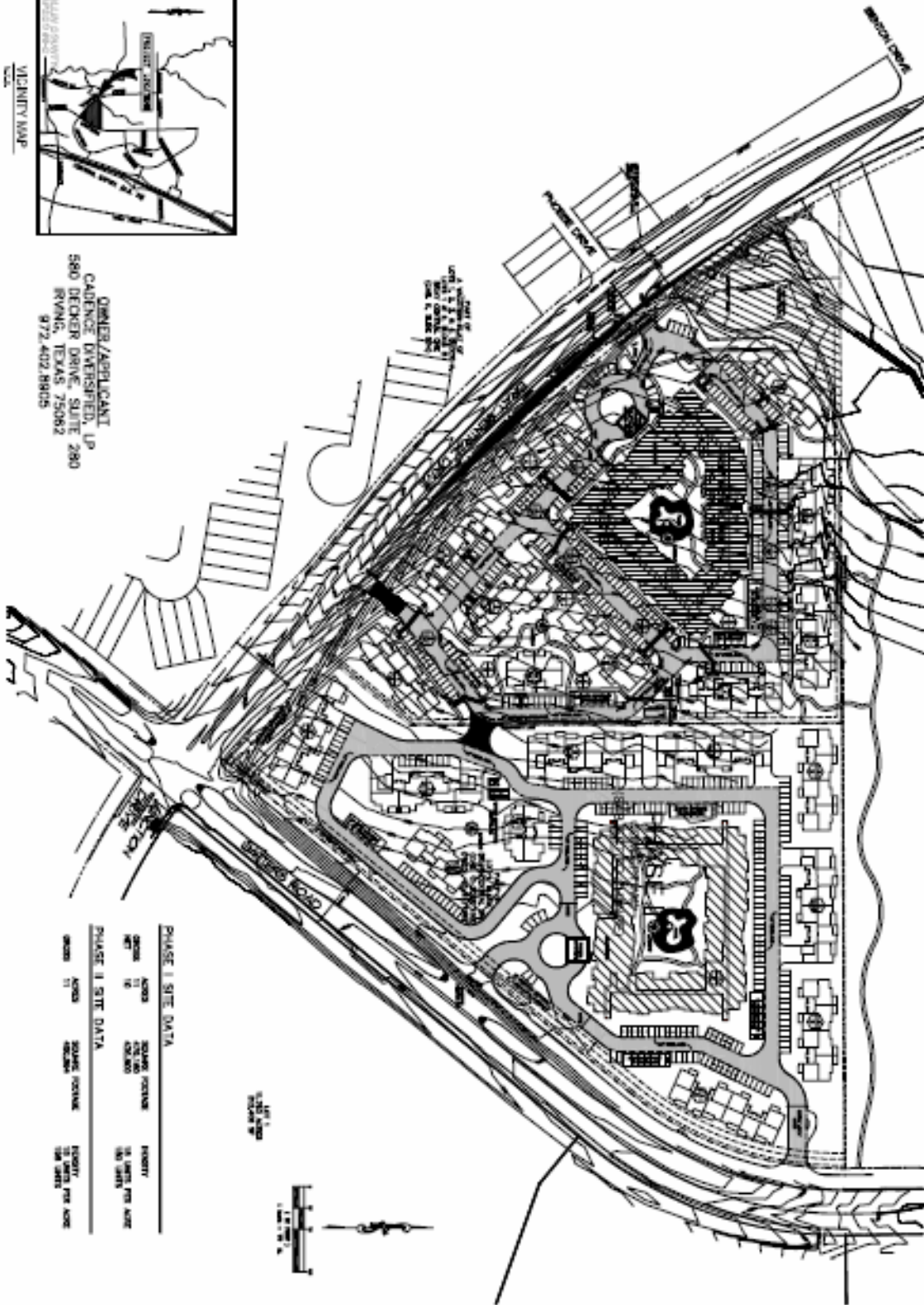
<ul style="list-style-type: none"> Planned/Developed Area Water Open Space Forest Wetlands Wetlands PD-54 MF PD-54 IT PD-54 TH PD-54 CC 	<ul style="list-style-type: none"> PD-54 MF PD-54 IT PD-54 TH PD-54 CC PD-54 CC PD-54 CC PD-54 CC PD-54 CC PD-54 CC PD-54 CC PD-54 CC PD-54 CC PD-54 CC PD-54 CC PD-54 CC PD-54 CC PD-54 CC PD-54 CC PD-54 CC PD-54 CC PD-54 CC 	<ul style="list-style-type: none"> PD-54 CC PD-54 CC PD-54 CC PD-54 CC PD-54 CC PD-54 CC PD-54 CC PD-54 CC PD-54 CC PD-54 CC PD-54 CC PD-54 CC PD-54 CC PD-54 CC PD-54 CC PD-54 CC
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LOCATOR MAP

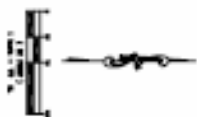
North arrow pointing up.



OWNER/APPLICANT
 CAROLINE OVERSHEED, LP
 580 DECKER DRIVE, SUITE 280
 IRVING, TEXAS 75062
 972.402.8805

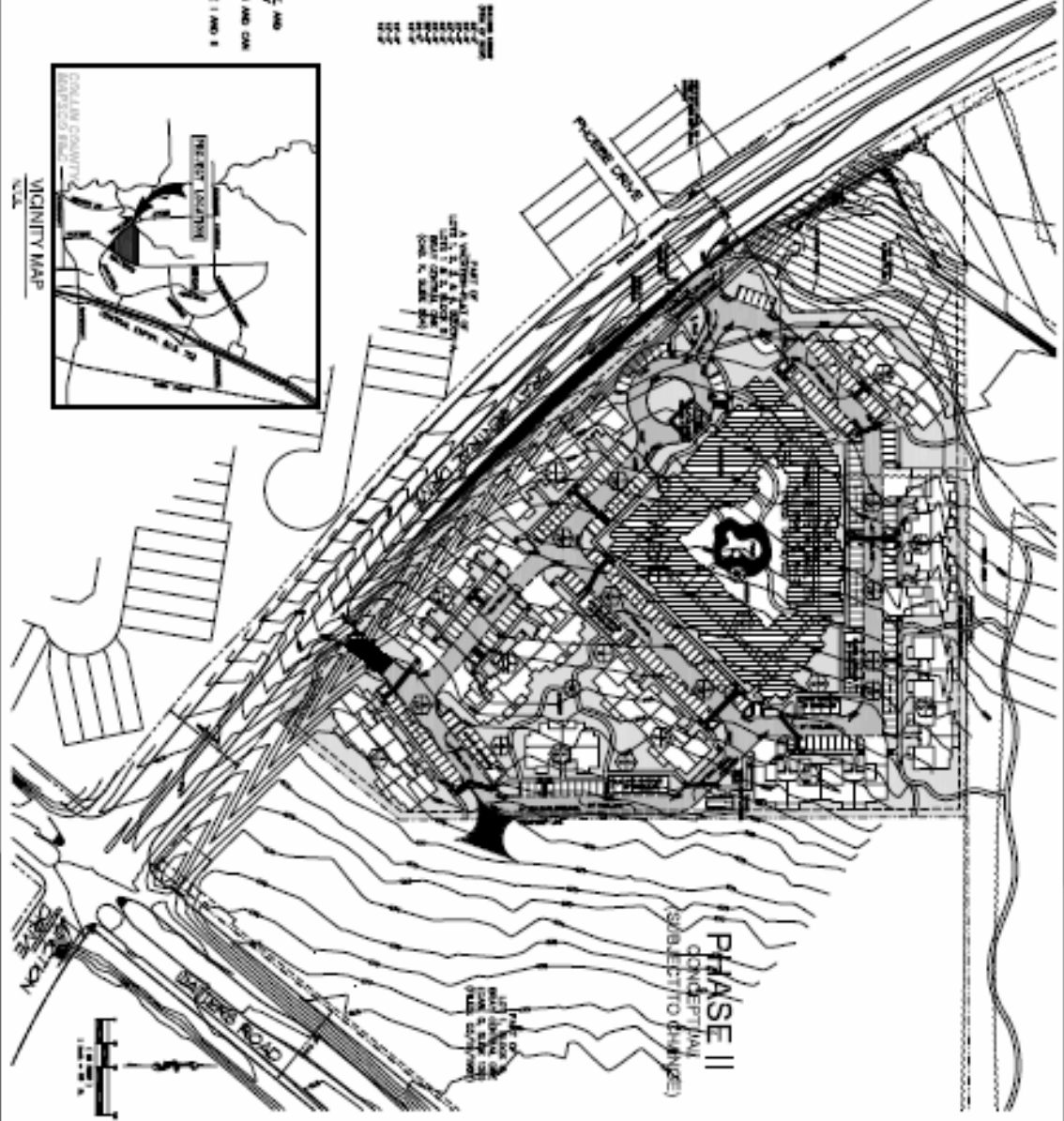


PHASE I SITE DATA		PHASE II SITE DATA	
AREA	16	AREA	17
PERCENT	100%	PERCENT	100%
PER ACRE	100%	PER ACRE	100%
PER ACRE	100%	PER ACRE	100%



<p>ARCHITECT / PREPARED: CROSS ARCHITECTS 1295 W. 15TH ST., SUITE 125 PLANO, TEXAS 75075 PH: 972.398.6544 FAX: 972.312.8666 brumsey@crossarchitects.com</p>	<p>PROFESSIONAL SEAL</p>	<p>REVISIONS</p> <table border="1"> <tr><th>NO.</th><th>DATE</th><th>DESCRIPTION</th></tr> <tr><td>1</td><td></td><td></td></tr> <tr><td>2</td><td></td><td></td></tr> <tr><td>3</td><td></td><td></td></tr> <tr><td>4</td><td></td><td></td></tr> <tr><td>5</td><td></td><td></td></tr> <tr><td>6</td><td></td><td></td></tr> <tr><td>7</td><td></td><td></td></tr> <tr><td>8</td><td></td><td></td></tr> <tr><td>9</td><td></td><td></td></tr> <tr><td>10</td><td></td><td></td></tr> </table>	NO.	DATE	DESCRIPTION	1			2			3			4			5			6			7			8			9			10			<p>DATE: 11/10/05 DRAWN BY: [Name] CHECKED BY: [Name] APPROVED BY: [Name]</p>
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PHASE II SITE DATA		SECTION DRIVE	
DATE: 11/11/09	SCALE: AS SHOWN	DATE: 11/11/09	SCALE: AS SHOWN
OPEN SPACE DATA		PHASE II DATA	
PHASE II OPEN SPACE: 100,000 SQ. FT.	PHASE II TOTAL AREA: 100,000 SQ. FT.	PHASE II TOTAL AREA: 100,000 SQ. FT.	PHASE II TOTAL AREA: 100,000 SQ. FT.
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PHASE II CONCEPTUAL (SUBJECT TO CHANGE)

ARCHITECT / PREPARED:
CROSS ARCHITECTS
 1255 W. 15TH ST. SUITE 125
 PLANO, TEXAS 75075
 PH: 972.393.6644
 FAX: 972.312.8666
 bruce@crossarchitects.com

FOSS CONSULTANTS

REVISIONS

NO.	DATE	DESCRIPTION
1	11/11/09	CONCEPT PLAN

OWNER / APPLICANT:
CADENCE DEVELOPMENT, LP
 580 DICKEY DRIVE, SUITE 280
 IRVING, TEXAS 75062
 972.402.8905



NOTES:

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF IRVING, TEXAS, AND ALL APPLICABLE REGULATIONS.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF IRVING, TEXAS, AND ALL APPLICABLE AGENCIES.
3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF IRVING, TEXAS, AND ALL APPLICABLE AGENCIES.
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5. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF IRVING, TEXAS, AND ALL APPLICABLE AGENCIES.





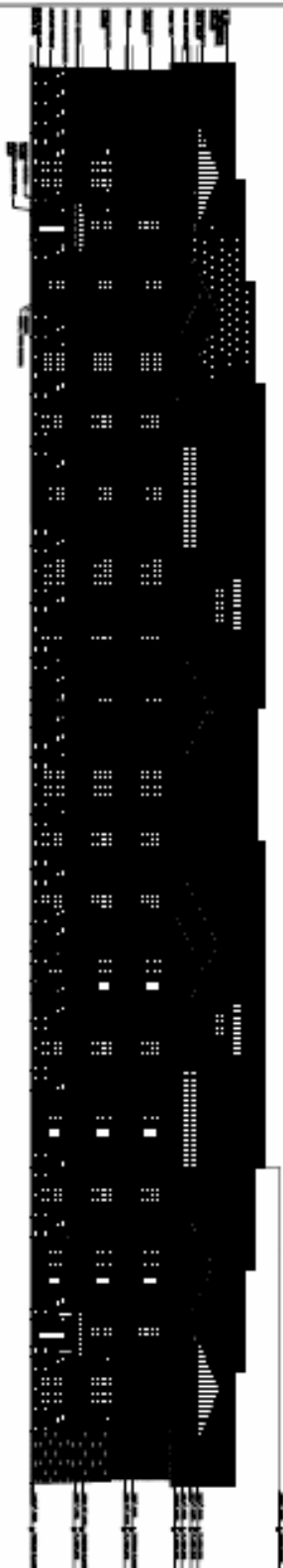
CONCEPTUAL MASTER TRAIL PLAN SYSTEM

(SUBJECT TO REFINEMENT AND APPROVAL BY CITY OF ALLEN PARKS AND RECREATION AND RESPECTIVE PROPERTY OWNERS)

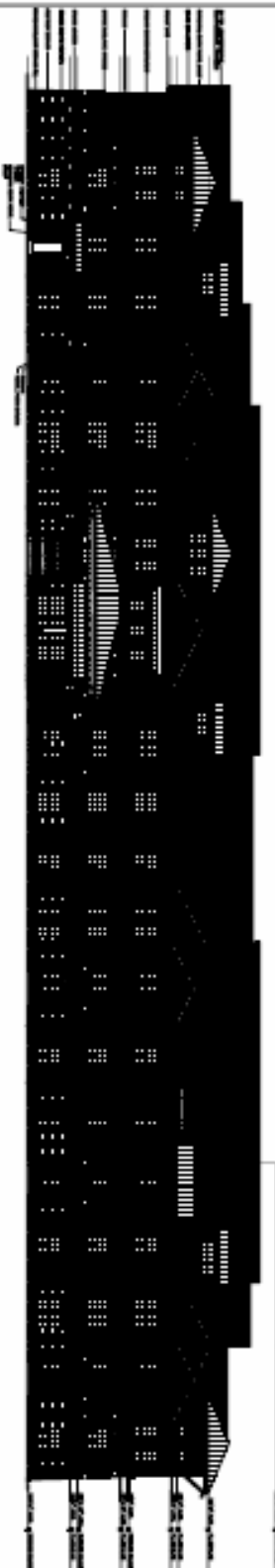
SITE LEGEND

THE ASPENS AT TWIN CREEKS

-  PROPOSED TRAIL SYSTEM
-  EXISTING TRAILS



02 SOUTHEAST ELEVATION (SOUTH)



01 SOUTHWEST ELEVATION (FRONT)

ARCHITECT
CROSS
 ARCHITECTS
 CROSS ARCHITECTS
 1255 W. 15TH ST., SUITE 125
 PLANO, TEXAS 75075
 PH: 972.308.8844
 FAX: 972.312.8668
 bruce@crossexarchitects.com

Project Number	
Project Name	
Client Name	
Project Location	
Project Start	
Project End	
Project Status	
Project Manager	
Project Designer	
Project Architect	
Project Engineer	
Project Contractor	
Project Consultant	
Project Specialist	
Project Coordinator	
Project Assistant	
Project Secretary	
Project Receptionist	
Project Mailroom	
Project Storage	
Project Office	
Project Warehouse	
Project Shop	
Project Studio	
Project Gallery	
Project Theater	
Project Restaurant	
Project Bar	
Project Club	
Project Hotel	
Project Office Building	
Project Retail Building	
Project Industrial Building	
Project Residential Building	
Project Institutional Building	
Project Government Building	
Project Religious Building	
Project Educational Building	
Project Healthcare Building	
Project Transportation Building	
Project Utility Building	
Project Other Building	

PROJECT # 11-018
 DATE 10/27/10
 SHEET NUMBER
E 1

**Amendment to PD 54
For a Portion of Tract 11
Planned Development Regulations**

PURPOSE: The purpose of this district is to permit an age restricted (55+) active senior residential community designed to be leased to its residents. Each residence, if occupied, must be occupied by at least one (1) person fifty-five years of age or older. No guest under the age of nineteen (19) shall occupy any residence for longer than ninety (90) days in any consecutive (12) month period. No building, structure, land or premises will be used and no building or structure shall hereafter be erected, constructed, reconstructed or altered unless regulated as follows:

Development Regulations:

Base Zoning District: The portion of Tract 11 included in this PD Amendment shall be developed and used only in accordance with the MF-18 Multi-family District zoning regulations of the Allen Land Development Code contained within Planned Development 54, except as otherwise provided herein.

Concept Plan: The property shall be developed and used only in accordance with the Concept Plan attached as exhibit “B” and which is hereby approved.

Deed Restriction: The property shall be deed restricted pursuant to an instrument approved by the City Attorney pursuant to which use of the property shall be limited to residential use by persons 55 years or older consistent with the Federal Fair Housing Act and other applicable law. Such deed restriction shall be recorded the earlier of prior to the approval of the first plat for the property or portion of the property and the issuance of the first building permit.

Maximum Height: Three stories not to exceed fifty-five (55) feet to the top of roof.

Front Yard Set-back: Minimum of twenty-five (25) feet from the property line adjacent to the front street. The front yard line is also referred to as the “building line”.

Side Yard Set-back: Minimum side set-back of ten (10) feet.

Rear Yard Set-back: Minimum rear yard set-back of ten (10) feet.

Residential parking: Minimum of 1.5 spaces per unit
Covered and Garage parking is included in the required parking calculations.

Garages: The primary use of all garages shall be for the storage of automobiles. Rules and regulations of the development will not permit the usage of garages for the primary storage of items or vehicles other than automobiles.

Covered parking: Covered parking spaces shall be available to all residents until a covered space is reserved by a resident. At the time a covered parking space is reserved, a

sign will be posted in front of the reserved covered parking space indicating that the space is reserved.

Roof Slope:

Minimum of 5:12 roof slope. Accent roofs may have a 2:12 roof slope.

Screening and Fencing Regulations:

Screening and fencing shall be in accordance with the Perimeter Screening Plan included in the Concept Plan.

The east-west tree line on the northern property boundary shall be protected by a separate restrictive covenant to be approved by the City Attorney. Such restrictive covenant shall be recorded prior to the approval of the first plat for the property or portion of the property and the issuance of the first building permit.

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER

**TREE PRESERVATION DEDICATION
AND RESTRICTIVE COVENANT**

**STATE OF TEXAS §
 §
COUNTY OF COLLIN §**

KNOW ALL MEN BY THESE PRESENTS:

That _____, a Texas _____ (“Declarant”), whose address is _____ being the owner in fee simple of certain real property located in the City of Allen, Collin County, Texas, said property being more fully described by metes and bounds as follows:

[insert legal description]

(“the Property”)

for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration in hand paid by the City of Allen, Texas (“City”), the receipt and sufficiency of which is hereby acknowledged, hereby executes this Tree Preservation Dedication and Restrictive Covenant (“Dedication”) and declares and dedicates the Property as an open area for the purpose of preserving existing trees and vegetation on the Property subject to the provisions of this Dedication. The Property shall be preserved and maintained by Declarant, its successor and assigns, as an open area. No use or development of the Property shall be allowed except as follows:

1. The installation, removal, repair, and/or maintenance of underground utilities, i.e. water sanitary sewer, storm sewer, drainage, etc., as may be authorized by City;
2. The dedication and construction of one public or private street or private drive that bi-sects the tree-line on the Property at a location approved by City; and
3. The construction of a public or private hike-and-bike trail or recreation improvement that bi-sects the tree-line on the Property at a location approved by City.

The Property shall be used in accordance with the following additional restrictions:

1. No living tree with a trunk with a caliper measure of two inches (2.0”) or greater may be removed from the Property.

2. Excess brush and dead or decaying plant material may be removed from the Property to the extent reasonably necessary to reduce the amount of fuel that might be supplied to a brush fire that may affect the Property or adjacent properties.
3. No construction materials, equipment, debris, fill materials, or personal property of any kind, including, but not limited to, vehicles of any kind, may be placed, stored, or otherwise located, either permanently or temporarily, on the Property.
4. No re-grading involving cut and fill shall occur within thirty feet (30.0') of either side of the tree-line on the Property except as may be approved by City.

Each and all of the covenants, restrictions, conditions and provisions contained in this Dedication (whether affirmative or negative in nature) are made for the direct, mutual and reciprocal benefit of the City and constitute covenants running with the land, binding Declarant and each and every subsequent owner and/or occupant of the Property having any fee, leasehold, or other interest in any portion of the Property, any time and from time to time. This Dedication shall be perpetual and may not be amended or terminated without the prior approval of a majority of the City Council of the City of Allen, Texas, voting in a duly called meeting pursuant to the Texas Open Meetings Act, as amended. Declarant hereby declares that City is an intended beneficiary of this Dedication with the right to enforce the provisions contained herein as City may, in its sole discretion, determine, including the right to seek injunctive or other equitable relief to prevent any non-compliance with the provisions contained in this Dedication.

In witness whereof, I have hereunto subscribed my name this _____ day of _____, 2009.

_____,
 A _____

 By: _____
 Name: _____
 Title: _____

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on the _____ day of _____,
2009, by _____, _____ of _____,
a _____, on behalf of said _____.

Notary Public, State of Texas

My Commission expires: _____

AFTER RECORDING RETURN TO:

Peter G. Smith
Nichols, Jackson, Dillard, Hager & Smith, L.L.P.
500 N. Akard Street
Suite 1800
Dallas, Texas 75201

The Aspens at Twin Creeks

file_as_na	addr_line1	addr_line2	addr_city	addr_state	addr
BOSSY BO		5910 N CENTRAL EXPY STE 1445	DALLAS	TX	7520
CREEK VIL		8222 DOUGLAS AVE STE 250	DALLAS	TX	7522
BOSSY BO		5910 N CENTRAL EXPY STE 1445	DALLAS	TX	7520
BOSSY BO		5910 N CENTRAL EXPY STE 1445	DALLAS	TX	7520



Applicant:
Cadence Capital Partners, L.P.
580 Decker Drive, Suite 280
Irving, TX 75062

PLANNING & ZONING COMMISSION AGENDA COMMUNICATION

AGENDA DATE: May 19, 2009

SUBJECT: Conduct a Public Hearing and consider a request for amendments to the Allen Land Development Code Article VII, Section 7.03.5, Utility Services, and Article VIII, Section 8.10 Extensions of Water and Wastewater Mains, Subsection 4. Underground Utilities. (Z-4/27/09-37)

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

**PREVIOUS BOARD/
COUNCIL ACTION:** None

PUBLIC NOTICE: Newspaper notice published – April 30, 2009

BACKGROUND

Currently it is the City's policy that new developments be required to bury all existing overhead utility lines. Staff has been evaluating the benefits and impacts of this requirement. Burying utility lines improves the aesthetics of the community and safety. However, it can be very expensive to complete depending on the specific property and the utility provider.

Two options have been developed for the Planning Commission and the City Council to consider:

- 1) Continue to require developers to bury existing utilities. This will require the adoption of the new language attached to clarify the ALDC.
- 2) Remove this requirement. New utilities would have to be placed underground, but existing lines would remain.

Staff is still gathering input and the City Council has scheduled an item at an upcoming Workshop to further discuss this issue. The purpose of this agenda time is to receive feedback from the Planning Commission and public through the public hearing. Staff is requesting that this item be tabled and final action and recommendation be made after the Council's Workshop.

STAFF RECOMMENDATION

Staff recommends approval

ATTACHMENTS

Proposed ALDC amendments
Newspaper Notice

Section 7.03.5. Utility Services

1. All new residential utility installations, including, but not limited to, electrical, gas, television and telephone/telecommunication shall be placed underground
2. All new non-residential utility installations, including but not limited to electrical, gas, television, and telephone/telecommunication shall be placed underground where service is provided adjacent to public street or right-of-way. Where electrical service is provided from an alley or rear easement not located adjacent to a public street, primary electrical service may be provided overhead along the property line. Primary and secondary service routed on the site shall be placed underground.
3. All new construction within the public street rights-of-way shall be located underground. Where a street is scheduled for reconstruction, new development may be required to provide an escrow of the difference between overhead and underground service.
4. Nothing herein shall prevent temporary service during construction from being located overhead.
5. New development shall assume responsibility for all expense related to the underground placement of utilities.
6. Utility meters and other utility apparatus, including, but not limited to transformers and switch boxes, shall be located to the rear of the structure unless adequately screened from view from public streets and adjoining properties and shall be suitable for access required for service and maintenance. Adequately screened from view shall include screening walls as well as the utilization of landscaping and other site elements.
7. All required screening shall meet clearances required by affected utility companies and shall be suitable for access required for service and maintenance. Wall-mounted equipment, including meters (such as banks of electric meters on the rear or side wall of multi-tenant buildings), shall be screened from public streets by one of the following methods.
 - a. Landscaping, including trees or evergreen shrubbery
 - b. Masonry walls in conjunction with landscaping.
 - c. Wall-mounted screening devices, such as cabinets or partitions which are architecturally compatible with the building facade.
8. Electrical transmission (59 or more Kilovolts) may be located overhead.
9. New development shall assume responsibility for placing all existing utilities located on the developing property or adjacent right-of-way (based on the current City thoroughfare plan standards) underground, including but not limited to electrical, television, and telephone/telecommunication, and all expense related to the underground placement of utilities. The City may allow the developer to provide an escrow payment in lieu of underground placement.”

Section 8.10. Extensions of Water & Wastewater Mains.

1. When oversized water and wastewater mains are required by the system, the City will participate in the cost of line extension on a prorata basis
2. Extensions of water and wastewater mains required to serve new subdivisions and other developments:
 - a. Required extensions - all development shall be required to extend across the full width of the subdivision in such an alignment that it can be extended to the next property in accordance with the master water and sewer plans for the City.
 - b. Properties already served by water and sewer shall not be required to install additional facilities unless:
 - i. the current lines are not of adequate capacity to serve the proposed development; in which case the developer will be required to install adequate facilities; or
 - ii. the current lines are not of adequate capacity to serve the zoning of a property that has been rezoned to a more intense use since the time of the original utility installation.
3. Utility Easement Requirements
 - a. The property owner shall be required to furnish all easements and rights-of-way designed to serve the development. Where reasonable, utilities shall be located within streets or alley rights-of-way, or other utility corridors identified by the City Engineer. All existing and proposed easements shall be shown on the preliminary plat.
 - b. Municipal easements for water, sanitary and storm sewer shall be a minimum of:
 - 10 feet in width for lines measuring eight inches (8") in diameter or less.
 - 15 feet in width for lines measuring more than eight inches (8") and less than or equal to twelve inches (12") in diameter.
 - 20 feet in width for lines exceeding twelve inches (12") in diameter.

Wider easements may be required by the Community Services Director, depending on the depth and size of mains, and the existence of other utilities within the same easement.
4. Underground Utilities –
 - a. All new residential utility installations, including but not limited to electrical, gas, television, and telephone/telecommunication shall be placed underground
 - b. All new non-residential utility installations, including but not limited to electrical, gas, television, and telephone/telecommunication shall be placed underground where service is provided adjacent to public street or right-of-way. Where electrical service is provided from an alley or rear easement not located adjacent to a public street, primary electrical service may be provided overhead along the property line. Primary and secondary electrical service routed on the site shall be placed underground.
 - c. All new construction within the public street rights-of-way shall be located underground. Where a street is scheduled for reconstruction, new development may be required to provide an escrow of the difference between overhead and underground service.
 - d. Nothing herein shall prevent temporary service during construction from being located overhead.
 - e. New development shall assume responsibility for all expense related to the underground placement of utilities.

- f. All communication and electrical support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installation shall be pedestal or pad mounted or placed underground.
- g. All service drops must be underground and equipment shall be pad mounted and properly screened.
- h. Electrical transmission lines 59 Kilovolts or more may be located overhead on galvanized steel and/or concrete structures
- i. A five (5) foot easement, in addition to the right-of-way (ROW) dedication, shall be provided in the front of all lots that are not served by alleys for the installation of dry utilities (electric, gas, phone, cable, etc.).
- j. New development shall assume responsibility for placing all existing utilities located on the developing property or adjacent right-of-way (based on the current City thoroughfare plan standards) underground, including but not limited to electrical, television, and telephone/telecommunication, and all expense related to the underground placement of utilities. The City may allow the developer to provide an escrow payment in lieu of underground placement.

5. Pro Rata Reimbursement

- a. Upon application and payment of applicable fees and charges, the water and sewer department will permit connection to existing water and sewer lines in the City. If a person, corporation, property owner, developer or other entity (collectively referred to in this section as the “developer”) has oversized or constructed an off-site water or sewer main or line to which the applicant desires to connect, a pro rata line charge, as set forth in the fee schedule of this Code, shall be made against each lot or tract of land that fronts or abuts such main or line in order to recover lot or tract fees to be placed in trust for the purpose of reimbursement of the developer.
- b. The City Manager, or designee, on behalf of the City may enter into a pro rata agreement with an individual, corporation, property owner, developer or other legal entity that has oversized and/or constructed an extension of an off-site water and/or sewer main or line to reimburse, such person or entity, the cost of such oversize or extension from pro rata charges collected by the City and placed in trust for such developer. The developer shall be reimbursed such costs solely from the collection of pro rata charges. The term or length of reimbursement of a developer under a pro rata agreement shall begin on the date of final acceptance of the facilities by the City, and shall continue for a period not to exceed ten (10) years. Any sums of money collected as a pro rata charge shall be credited to the Water and Sewer Fund of the City for reimbursement to the developer on the submission of an invoice to the City.

**CITY OF ALLEN
NOTICE OF PUBLIC HEARINGS**

Notice is hereby given that the Planning & Zoning Commission and the Allen City Council will conduct public hearings at their regular meetings as follows in the City Hall Council Chambers, 305 Century Parkway, Allen, Texas, to consider the following amendments:

Planning & Zoning Commission	May 19, 2009	7:00 p.m.
Allen City Council	June 9, 2009	7:00 p.m.

Conduct a Public Hearing and consider amendments to the Allen Land Development Code by amending the Allen Land Development Code Article VII, Section 7.03.5, Utility Services, and Article VIII, Section 8.10 Extensions of Water and Wastewater Mains, Subsection 4, Underground Utilities.

The public is invited to attend and participate or submit written comments. For further information, contact the Department of Planning and Development, City of Allen, 305 Century Parkway, Allen, Texas, 214-509-4160, or e-mail Lee Battle at lbattle@cityofallen.org

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E-MAIL TO slake@acpapers.com (PLEASE CONFIRM RECEIPT BY E-MAIL TO pcnsway@cityofallen.org)

CHARGE TO: 45169 (City Secretary)

Emailed 4/28/09

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