



**AGENDA
PLANNING AND ZONING
COMMISSION**

**REGULAR MEETING – 7:00 P.M.
TUESDAY, JULY 7, 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 June 9, 2009 and June 23, 2009 City Council meetings.

Consent Agenda

2. Approve minutes of the June 2, 2009 meeting.
3. Final Plat – Consider a Final Plat for Morgan Crossing, Phase 3, Lots 1-22 Block A and Lots 1-35 Block B, being 14.864± acres located at the southwest corner of Angel Parkway and Chaparral Drive. (Z-6/30/08-74)

Regular Agenda

4. Public Hearing – Conduct a Public Hearing and consider amendments to the Allen Land Development Code by amending the Allen Land Development Code Section 7.03.5, Utility Services, Section 8.10 Extensions of Water and Wastewater Mains, Subsection 4, Underground Utilities, to exclude the burial of existing overhead electrical, television, and telephone/telecommunications 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 Thursday, July 2, 2009, at 5:00 p.m.

Shelley B. George, City Secretary

Director's Report from 6/09/09 City Council Meeting

There was one item taken to the June 9, 2009 City Council meeting for consideration. The ALDC amendment clarifying the requirement to relocate overhead utility lines was presented to the Council and tabled until the July 14, 2009 meeting.

Director's Report from 6/23/09 City Council Meeting

There was one item taken to the June 23, 2009 City Council meeting for consideration. The City Council conducted a Public Hearing and adopted an ordinance amending PD Planned Development 54, Tract 11, by changing the zoning from IT Industrial Technology to MF-18 Multi-family to allow for The Aspens at Twin Creeks adult senior community.



**PLANNING AND ZONING
COMMISSION**

**Regular Meeting
June 2, 2009**

ATTENDANCE:

Commissioners Present:

Jeff Cocking
Douglas Dreggors
Alan Grimes
Marcelle Jones
Shirley Mangrum
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, P.E., Assistant Director of Engineering
Helen-Eve Liebman, Senior Planner
Kevin Laughlin, Attorney
Tiffany McLeod, Planner

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 5/26/09 City Council meeting.

Consent Agenda

2. Approve minutes of the May 19, 2009 meeting.
5. Final Plat – Consider a Final Plat for Lot 3A, Block A, McCoy and Roth Addition (Goodyear), being .9256± acres located at the southwest corner of Stacy Road and Goodman Drive.

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

Regular Agenda

Agenda Item #4: Preliminary Plat – Consider a Preliminary Plat for Lot 1, Block 1, TX DC2, being 34.0± acres located north of Stacy Road and east of Chelsea Blvd. (PP-3/10/09-19 – McCoy and Roth Addn.)

Helen-Eve Liebman, Senior Planner, presented the item to the Commission. A Planned Development amendment for this project was recommended for approval by the Planning and Zoning Commission on May 5, 2009 and adopted by the City Council on May 12, 2009. The Preliminary Plat meets all of the requirements of the *Allen Land Development Code* and it is consistent with the Concept Plan for the PD. Staff recommends approval.

Motion: Upon a motion by Commissioner Grimes, and a second by Commissioner Rushing, the Commission voted 7 IN FAVOR, 0 OPPOSED, to approve Item 4. The motion carried.

Agenda Item #5: Public Hearing – Conduct a Public Hearing and consider a request to amend 22.036± 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 22.036± 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)

Ogden “Bo” Bass, Director of Planning and Development, presented the item to the Commission. The applicant has submitted a zoning amendment for 22.036± acres from PD IT zoning to PD MF-18 Multi-Family to allow for an active adult senior community. The overall Concept Plan for the property includes two gated communities in two phases totaling 378 units. Phase I consists of 180 units and Phase II consists of 198 units.

The MF-18 Multi-Family zoning is being used as the base zoning district with the provision the community will be limited to persons over the age of 55. The City has been made party to deed restrictions to this age limitation.

The proposed amendment includes modifications to the base MF-18 district to provide for active senior adults. One of these modifications to the MF-18 district is a proposed height of three-stories not to exceed 55 feet. Both phases propose a three-story main structure comprised of one and two bedroom units. Surrounding the three-story structures are ten one-story units. Attached garages are provided for a portion of the one story units.

A clubhouse, a pool/courtyard element, and numerous amenities are being proposed with this active senior community.

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. Details related to locations of City owned trail, private trail and required connections will be addressed at the time of Site Plan.

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, as well as the ordinance requirements of other cities for like projects, and we are recommending a minimum of 1.5 parking spaces per unit.

Staff recommends approval.

David Hicks, applicant representative, 401 Woodlake Avenue, Allen, presented to the Commission. There is a long development history between the applicant and the City of Allen. There is also a growing need to address the comprehensive housing needs of the senior community. The goal is to establish a centralized continuing care retirement community in Allen.

Barry Metcalf, Cadence Capital Partners, 580 Decker Drive, Suite 280, Irving, presented to the Commission. Cadence Capital was selected by the applicant to develop the proposed senior community.

Dean Eldridge, Cadence Capital Partners, 580 Decker Drive, Suite 280, Irving, presented to the Commission. Cadence Capital has experience working with the City on other development projects. The company's current focus is senior housing. The demographics of the City show a need for a senior community.

Chairman Wendland opened the Public Hearing.

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

Commissioner Grimes stated the project was a good fit with the medical trend. He requested rear elevations for the buildings along Bray Central Drive and Watters Road to be included in the PD.

Commissioner Rushing had concerns about changing just a portion of the PD. He stated he would like to see documentation of the plans for the property to the north. He was also concerned about the reduction of commercial land for a residential development.

Commissioner Jones stated the development is compatible with the area.

Commissioner Cocking questioned the safeguards in place to enable the City to enforce the age restriction for this development. In addition, he was concerned about the parking ratio and proximity of parking around the 3-story building. He stated that this type of facility is needed in Allen.

Kevin Laughlin, Attorney, explained the age restrictive covenant to the Commission.

Bryan Rumsey, 1505 Terralinga Court, Allen, spoke to the Commission. He stated the parking ratio and proximity had been considered. The design team felt that seniors living in the 3-story building will have fewer cars.

Commissioner Mangrum stated she supported this item.

Commissioner Dreggors questioned the amount of handicap parking provided. He requested that more than the minimum requirement for handicap spaces be provided and made a part of the PD. He also inquired about the other outdoor activities being provided with the development.

Chairman Wendland stated there is a need for this type of development. He requested the roof material be consistent with surrounding properties.

Motion: Upon a motion by Commissioner Cocking, and a second by Commissioner Mangrum, the Commission voted 5 IN FAVOR, 2 OPPOSED, to approve Item 5 with the following stipulations:

- Staff and the applicant review alternative roofing materials prior to the time the item is submitted to City Council for review.
- Handicap parking exceeds minimum standards for the base zoning unit.
- The two deed covenant restrictions are made part of the City Council submission.
- Staff is furnished with street facing elevations prior to the time the item is submitted to the City Council for review.

The motion carried.

Adjournment

Motion: Upon a motion by Commissioner Dreggors and a second by Commissioner Jones the Commission voted 7 IN FAVOR and 0 OPPOSED to adjourn the Planning and Zoning Commission meeting at 8:55 p.m.

These minutes approved this _____ day of _____ 2009.

Robert Wendland, Chairman

Tiffany McLeod, Planner

Director's Report from City Council Meeting

Ogden "Bo" Bass, Director of Planning & Development, reported to the Commission.

There were no items taken to the May 26, 2009 City Council meeting for consideration.

PLANNING & ZONING COMMISSION AGENDA COMMUNICATION
--

AGENDA DATE: July 7, 2009

SUBJECT: Consider a Final Plat for Morgan Crossing, Phase 3, Lots 1-22 Block A and Lots 1-35 Block B, being 14.864± acres located at the southwest corner of Angel Parkway and Chaparral Drive. (Z-6/30/09-74)

STAFF RESOURCE: Helen-Eve Liebman
Senior Planner

PREVIOUS COMMISSION/COUNCIL ACTION: PD Planned Development No. 65, Tract A, was amended by changing the zoning from TH Townhome to R-7 Residential in April, 2007. A Preliminary Plat was approved in May, 2007.

BACKGROUND

The property is located at the southwest corner of Angel Parkway and Chaparral Drive. The property to the north is zoned PD Planned Development No. 65 SC Shopping Center. The property to the east, across Angel Parkway, is the City of Lucas. The property to the west is zoned PD Planned Development No. 65 CF Community Facilities. The property to the south is the City of Parker.

This plat meets all the standards of the Allen Land Development Code and is consistent with the Preliminary Plat and Concept Plan for the PD.

STAFF RECOMMENDATION

Approval

ATTACHMENT

Final Plat

PLANNING & ZONING COMMISSION AGENDA COMMUNICATION

AGENDA DATE: July 7, 2009

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

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

**PREVIOUS BOARD/
COUNCIL ACTION:** P&Z Commission May 15, 2009 No Action
City Council June 19, 2009 Tabled
Joint Council/P&Z Workshop June 16, 2009

PUBLIC NOTICE: Newspaper notice published – June 25, 2009

BACKGROUND

Staff has recently presented information on several previous occasions and received input from the Planning and Zoning Commission and the City Council regarding the City’s policy to require new development to place existing overhead utilities underground. The purpose of these amendments is to clarify the intent of the Allen Land Development Code to not require the relocation of overhead utilities underground.

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. Existing overhead electrical, television, and/or telephone/telecommunication utilities located on the developing property or adjacent right-of-way shall be excluded from the requirement to be placed underground.

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. Existing overhead electrical, television, and/or telephone/telecommunication utilities located on the developing property or adjacent right-of-way shall be excluded from the requirement to be placed underground.

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.

Star Community Newspapers

06/17/09

Serving in Allen, Carrollton, Celina, Coppell, Flower Mound, Frisco, Lewisville, Little Elm, McKinney, Mesquite, Plano, Rowlett, Southlake, and The Colony

www.scripx.com
 624 Krona Drive
 Suite 170
 Plano, TX 75074

Classified (972) 422-SELL
 Recruitment: (972) 578-WORK
 Legals: 972-398-4233

Name:	SHELLEY GEORGE	Run dates:	06/18/09 to 06/18/09
Company:	CITY OF ALLEN CITY MANAGERS	Class:	1710
Address:	305 CENTURY PARKWAY	Ad ID:	669088
	ALLEN, TX 75013	Ad Taken:	SLAKE
Account ID:	45169	Sales Person:	922
Account #:	6004694	Inserts:	1
Telephone:	(214) 509-4107	W cuts:	157
Fax:	(214) 509-4118	Lines:	24
E-mail:	sgeorge@cityofallen.org	Columns:	3
SIC code:		Depth (Inches):	2.75

Packages:

Payments	method	card	name	last 4	expiry	check	amount
		type	on card	digits	date	number	paid

Total: \$57.75

Paid Amount: - \$0.00

Amount Due: \$57.75

Receipt