



**AGENDA
PLANNING AND ZONING
COMMISSION**

**REGULAR MEETING – 7:00 P.M.
TUESDAY, JUNE 2, 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 26, 2009 City Council meeting.

Consent Agenda

2. Approve minutes of the May 19, 2009 meeting.
3. 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.

Regular Agenda

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.
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)

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 29, 2009, at 5:00 p.m.

Shelley B. George, City Secretary

Director's Report from 5/26/09

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



**PLANNING AND ZONING
COMMISSION**

**Regular Meeting
May 19, 2009**

ATTENDANCE:

Commissioners Present:

Robert Wendland
Douglas Dreggors
Alan Grimes
Shirley Mangrum
James Rushing
Marcelle Jones

Commissioners Absent:

Jeff Cocking

City Staff Present:

Bo Bass, Director of Planning & Development
Lee Battle, Assistant Director of Planning & Development
John Baumgartner, 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 5/12/09 City Council meeting.

Consent Agenda

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

Motion: Upon a motion by Commissioner Grimes, and a second by Commissioner Rushing, the Commission voted 6 IN FAVOR, and 0 OPPOSED, to approve the Consent Agenda with the following correction:

- **Correction to Agenda Item #3 – motion by Commissioner Grimes and a second by Commissioner Rushing**
-

The motion carried.

Regular Agenda

Agenda Item #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)

Due to a miscommunication regarding the amount of acreage this PD zoning was for, the request was withdrawn by the applicant. The item will be re-advertised and presented to the Commission at the June 2, 2009 meeting.

Agenda Item #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)

Lee Battle, Assistant Director of Planning and Development, presented the item to the Commission. The purpose of this agenda item is to have a discussion and receive comments from the Planning and Zoning Commission, and through the public hearing, regarding the City's requirement to bury overhead utilities. This item will be taken to a Council workshop in June for discussion and feedback.

The Commission stated aesthetically it is better to have all overhead utilities buried, however it is understood that this requirement causes a financial burden on developers. Suggestions were as follows:

- Incentivize public/private partnership.
- Require burial of overhead utilities for new development only.

Adjournment

Motion: Upon a motion by Commissioner Dreggors and a second by Commissioner Jones the Commission voted 6 IN FAVOR and 0 OPPOSED to adjourn the Planning and Zoning Commission meeting at 7:37 p.m.

These minutes approved this _____ day of _____ 2009.

Robert Wendland, Chairman

Tiffany McLeod, Planner

Director's Report from 5/12/09 City Council Meeting

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

There was one item taken to the May 12, 2009 City Council meeting for consideration. The Planned Development (PD) for the TxDC2 data center presented to the City Council and approved.

PLANNING & ZONING COMMISSION AGENDA COMMUNICATION
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AGENDA DATE:

June 2, 2009

SUBJECT:

Consider a Final Plat for Lot 3A, Block A, McCoy and Roth Addition (Goodyear), being .9256± acres located at the northwest corner of Stacy Road and Goodman Drive.

STAFF RESOURCE:

Helen-Eve Liebman
Senior Planner, Planning and Development

**PREVIOUS COMMISSION/
COUNCIL ACTION:**

May 6, 2008 - Public Hearing held and SUP approved.
May 5, 2009 – Preliminary Plat approved.

BACKGROUND

The property is located at the south of Stacy Road and between Angel Parkway and Goodman Drive. The property to the north is the Town of Fairview, the property to the east, across Goodman Drive, is zoned R-3 Residential, the property to the south is zoned PD Planned Development No. 61 for single family, and the property to the west is zoned PD Planned Development No. 69 for SC Shopping Center.

The Final Plat meets all of the requirements of the *Allen Land Development Code* and is consistent with the SUP, Concept Plan, General Development Plan, and Preliminary Plat.

STAFF RECOMMENDATION

Approval

ATTACHMENTS

Final Plat

PLANNING & ZONING COMMISSION AGENDA COMMUNICATION
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AGENDA DATE:	June 2, 2009
SUBJECT:	Consider a request for a Preliminary Plat for Lot 1, Block 1, TX DC2, being 34.0± acres located north of Stacy Road and east of Chelsea Blvd.
STAFF RESOURCE:	Helen-Eve Liebman Senior Planner
PREVIOUS COMMISSION/ COUNCIL ACTION:	Zoning amendment adopted by City Council May 12, 2009

BACKGROUND

The property is located north of Stacy Road and east of Chelsea Boulevard. The property to the north is zoned AO Agriculture Open Space, the property to the east is zoned CC Corridor Commercial; the property to the south is zoned PD Planned Development No. 78 for CC Corridor Commercial; the property to the west, across Chelsea Blvd., is zoned PD Planned Development No. 92 for R7 Residential and SC Shopping Center; the property northwest of the subject property is zoned PD Planned Development No. 36 for IT Industrial Technology.

A Planned Development amendment was recently recommended for approval by the Planning and Zoning Commission on May 5, 2009 and City Council adopted the zoning amendment 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 RECOMMENDATION

Approval

ATTACHMENTS

Preliminary Plat

S:\JONES
05/27/2009 - 10:42AM
M: DWG-23,2961--09--039\DWG\SURVEY\2961--09--039P1.DWG

OWNER'S CERTIFICATE

STATE OF TEXAS §
COUNTY OF COLLIN §

WHEREAS Allen Commerce Center, L.P. is the owner of a 34,000 acre tract of land situated in the Joseph Dixon Survey, Abstract No. 276, Collin County, Texas; said tract being part of that tract of land described in General Warranty Deed to Allen Commerce Center, L.P. recorded in Instrument No. 20061127001670390 of the Deed Records of Collin County, Texas; said 34,000 acre tract being more particularly described as follows:

COMMENCING, at a point for corner in Chelsea Boulevard (County Road No. 196) (a variable width right-of-way); said point being the southwest corner of said Allen Commerce Center tract;

THENCE, North 89 degrees, 32 minutes, 34 seconds East, along the south line of said Allen Commerce Center tract, passing at a distance of 55.00 feet a 1/2--inch iron rod with "WAI" cap found at the northwest corner of Lot 1--R, Block 1, Allen Premium Outlets, an addition to the City of Allen, Texas according to the plat recorded in Instrument No. 20061213010005400 of the Plat Records of Collin County, Texas; continuing in all a total distance of 60.00 feet to a 1/2--inch iron rod with "PACHECO KOCH" cap found for corner at the POINT OF BEGINNING;

THENCE, along the proposed east right-of-way line of said Chelsea Boulevard, the following four (4) calls:

North 00 degrees, 28 minutes, 22 seconds West, departing the said south line of the Allen Commerce Center tract and the north line of said Lot 1--R, a distance of 605.50 feet to 1/2--inch iron rod with "PACHECO KOCH" cap found for an angle point;

North 03 degrees, 20 minutes, 29 seconds East, a distance of 150.33 feet to a 1/2--inch iron rod with "PACHECO KOCH" cap found at the beginning of a non-tangent curve to the right;

In a northeasterly direction, along said curve to the right, having a central angle of 06 degrees, 20 minutes, 30 seconds, a radius of 1,130.00 feet, a chord bearing and distance of North 02 degrees, 41 minutes, 53 seconds East, 125.01 feet, an arc distance of 125.07 feet to a 1/2--inch iron rod with "PACHECO KOCH" cap found at the end of said curve;

North 50 degrees, 56 minutes, 59 seconds East, a distance of 35.69 feet to a 1/2--inch iron rod with "PACHECO KOCH" cap found at the beginning of a non-tangent curve to the left;

THENCE, in an easterly direction along the south line of a proposed right-of-way dedication, the following four (4) calls:

Along said curve to the left, having a central angle of 09 degrees, 10 minutes, 16 seconds, a radius of 1,070.00 feet, a chord bearing and distance of South 89 degrees, 45 minutes, 07 seconds East, 171.09 feet, an arc distance of 171.27 feet to a 1/2--inch iron rod with "PACHECO KOCH" cap found at the end of said curve;

North 85 degrees, 39 minutes, 46 seconds East, a distance of 125.00 feet to a 1/2--inch iron rod with "PACHECO KOCH" cap found at the beginning of a tangent curve to the right;

Along said curve to the right, having a central angle of 04 degrees, 01 minutes, 01 seconds, a radius of 965.00 feet, a chord bearing and distance of North 87 degrees, 40 minutes, 17 seconds East, 67.64 feet, an arc distance of 67.66 feet to a 1/2--inch iron rod with "PACHECO KOCH" cap found at the end of said curve;

North 89 degrees, 40 minutes, 47 seconds East, a distance of 1228.69 feet to a 1/2--inch iron rod with "PACHECO KOCH" cap found for corner;

THENCE, Due South, departing the said south line of the proposed right-of-way dedication, a distance of 658.95 feet to a 1/2--inch iron rod with "PACHECO KOCH" cap found for corner;

THENCE, South 36 degrees, 53 minutes, 08 seconds West, a distance of 488.74 feet to a 1/2--inch iron rod with "PACHECO KOCH" cap found for corner in the said north line of Lot 1--R and the said south line of the Allen Commerce Center tract;

THENCE, in a northwesterly direction along the said north line of Lot 1--R and the said south line of the Allen Commerce Center tract, the following three (3) calls:

North 53 degrees, 27 minutes, 28 seconds West, a distance of 30.69 feet to a 1/2--inch iron rod found at the beginning of a tangent curve to the left;

In a northwesterly direction, along said curve to the left, having a central angle of 36 degrees, 59 minutes, 59 seconds, a radius of 600.00 feet, a chord bearing and distance of North 71 degrees, 57 minutes, 28 seconds West, 380.76 feet, an arc distance of 387.46 feet to a 3/4--inch iron rod found at the end of said curve;

South 89 degrees, 32 minutes, 34 seconds West, a distance of 949.33 feet to the POINT OF BEGINNING;

CONTAINING; 1,481,039 square feet or 34,000 acres of land, more or less.

KNOW ALL MEN BY THESE PRESENTS:

That **ALLEN COMMERCE CENTER, L.P.**, through the undersigned authority, does hereby adopt this plat designating the described property as **TX DC2**; 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, maintain 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 _____, 2009

By: _____

Printed Name: _____

Title: _____

STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Eric A. Kreiner, 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.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____, 2009.

Notary Public in and for the State of Texas

SURVEYOR'S CERTIFICATE

STATE OF TEXAS §
COUNTY OF DALLAS §

THAT I, Eric A. Kreiner, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon shall be properly placed, under my personal supervision, in accordance with the subdivision regulations of the City of Allen, Texas.

PRELIMINARY

RELEASED 05/26/09 FOR REVIEW PURPOSES ONLY. THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE.

Eric A. Kreiner
Registered Professional Land Surveyor,
No. 5320

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 Eric A. Kreiner, 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.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____, 2009.

Notary Public in and for the State of Texas


LINE TABLE		
LINE	BEARING	LENGTH
L1	N 03°20'29" E	150.33'
L2	N 50°56'59" E	35.69'
L3	N 85°39'46" E	125.00'
L4	S 51°20'03" E	43.12'
L5	S 38°39'57" W	30.00'
L6	N 51°20'03" W	26.50'
L7	S 38°39'57" W	82.61'
L8	DUE WEST	65.36'
L9	DUE WEST	23.23'
L10	DUE NORTH	27.60'
L11	N 38°39'57" E	104.80'
L12	DUE WEST	43.13'
L13	N 38°39'57" E	56.00'
L14	S 38°39'57" W	56.00'
L15	DUE NORTH	121.41'
L16	DUE SOUTH	148.56'
L17	DUE EAST	12.50'
L18	DUE SOUTH	10.00'
L19	DUE WEST	12.50'
L20	DUE EAST	12.50'
L21	DUE SOUTH	10.00'
L22	DUE WEST	12.50'
L23	DUE SOUTH	20.00'
L24	DUE WEST	10.00'
L25	DUE NORTH	20.00'
L26	DUE NORTH	12.50'
L27	DUE EAST	10.00'
L28	DUE SOUTH	12.50'
L29	DUE NORTH	119.50'
L30	DUE EAST	31.00'
L31	DUE SOUTH	119.50'
L32	DUE NORTH	10.00'
L33	DUE EAST	65.00'
L34	DUE SOUTH	10.00'
L35	DUE SOUTH	12.50'
L36	DUE WEST	10.00'
L37	DUE NORTH	12.50'
L38	DUE NORTH	7.58'
L39	DUE EAST	10.00'
L40	DUE SOUTH	17.58'
L41	DUE SOUTH	95.82'
L42	DUE WEST	358.81'
L43	DUE EAST	349.89'
L44	DUE NORTH	95.29'
L45	DUE WEST	32.99'
L46	N 22°49'42" W	109.59'
L47	DUE WEST	110.74'
L48	DUE EAST	117.93'
L49	DUE WEST	117.85'
L50	DUE EAST	147.55'
L51	N 22°49'42" E	56.88'
L52	S 22°49'42" W	19.88'
L53	S 22°49'42" E	67.55'
L54	S 89°59'59" E	10.63'
L55	DUE EAST	15.00'
L56	DUE SOUTH	10.00'
L57	DUE WEST	15.00'
L58	DUE NORTH	29.19'
L59	DUE EAST	10.00'
L60	DUE SOUTH	29.19'
L61	DUE EAST	19.19'
L62	DUE WEST	19.19'
L63	S 45°00'00" E	95.37'
L64	DUE NORTH	56.63'
L65	DUE EAST	10.00'
L66	DUE SOUTH	66.63'
L67	DUE EAST	265.00'
L68	DUE NORTH	10.00'
L69	DUE EAST	265.00'
L70	S 19°41'38" W	37.26'

CURVE TABLE				
CURVE	DELTA	RADIUS	LENGTH	TANGENT
C1	6°20'30"	1130.00'	125.07'	62.60'
C2	6°10'16"	1070.00'	171.27'	85.82'
C3	4°01'01"	965.00'	67.66'	33.84'
C4	104°32'52"	30.50'	55.65'	39.43'
C5	90°00'00"	30.50'	47.91'	30.50'
C6	51°20'03"	29.50'	26.43'	14.18'
C7	27°30'45"	30.50'	14.65'	7.47'
C8	92°31'12"	30.50'	49.23'	31.87'
C9	180°00'00"	1.50'	4.71'	INFINITE
C10	180°00'00"	1.50'	4.71'	INFINITE
C11	18°27'42"	30.50'	10.36'	5.23'
C12	4°21'36"	30.50'	2.32'	1.16'
C13	90°00'00"	30.50'	47.91'	30.50'
C14	90°00'00"	55.50'	87.18'	55.50'
C15	90°00'00"	55.50'	87.18'	55.50'
C16	90°06'07"	30.50'	47.96'	30.55'
C17	90°02'42"	30.50'	47.93'	30.52'
C18	90°00'00"	55.50'	87.18'	55.50'
C19	90°00'00"	30.50'	47.91'	30.50'
C20	90°00'00"	30.50'	47.91'	30.50'
C21	90°00'00"	30.50'	47.91'	30.50'
C22	90°00'00"	30.50'	47.91'	30.50'
C23	36°17'58"	55.50'	35.16'	18.19'
C24	14°15'04"	55.50'	13.80'	6.94'
C25	39°26'58"	55.50'	38.21'	19.90'
C26	0°04'35"	950.00'	1.27'	0.63'
C27	0°36'11"	950.00'	10.00'	5.00'
C28	90°00'00"	30.50'	47.91'	30.50'
C29	67°10'18"	74.50'	87.34'	49.47'
C30	67°10'18"	30.50'	35.76'	20.25'
C31	41°27'20"	30.50'	22.07'	11.54'
C32	180°08'37"	13.00'	40.87'	INFINITE
C33	89°40'15"	13.00'	20.35'	12.93'
C34	90°28'22"	13.00'	20.53'	13.11'
C35	27°49'42"	30.50'	14.81'	7.56'
C36	57°03'09"	30.50'	30.34'	16.56'
C37	172°09'29"	50.00'	150.24'	728.49'
C38	137°59'02"	30.50'	73.45'	79.42'
C39	137°59'02"	30.50'	73.45'	79.42'
C40	38°13'48"	50.00'	34.23'	17.82'
C41	58°25'04"	30.50'	31.10'	17.05'
C42	45°39'23"	200.00'	159.37'	DUE SOUTH
C43	67°10'18"	50.50'	59.20'	33.53'
C44	90°00'00"	30.50'	47.91'	30.50'
C45	180°00'00"	2.50'	7.85'	INFINITE
C46	180°00'00"	2.50'	7.85'	INFINITE
C47	7°19'29"	1070.00'	136.79'	68.49'
C48	1°50'47"	1070.00'	34.48'	17.24'
C49	67°10'18"	30.50'	35.76'	20.25'
C50	5°31'06"	1070.00'	103.05'	51.57'

SHEET 2 OF 2
PRELIMINARY PLAT
LOT 1, BLOCK 1
TX DC2
1 LOT, 1 BLOCK,
CONTAINING 34.000 ACRES
LOCATED IN THE CITY OF ALLEN, TEXAS
AND BEING OUT OF THE
JOSEPH DIXON SURVEY, ABSTRACT NO. 276,
COLLIN COUNTY, TEXAS

OWNER: ALLEN COMMERCE CENTER, LP
1226 CHEROKEE DR
RICHARDSON, TX 75080

ENGINEER/
SURVEYOR: PACHECO KOCH CONSULTING ENGINEERS
8350 N. CENTRAL EXPRESSWAY, SUITE 1000
DALLAS, TX 75206
TEL (972) 235--3031
FAX (972) 235--9544



Pacheco Koch Consulting Engineers
8350 N. CENTRAL EXPWY, SUITE 1000
DALLAS, TX 75206

TX REG. ENGINEERING FIRM F-469
972.235.3031

TX REG. SURVEYING FIRM LS-100080-00

DRAWN BY JRM	CHECKED BY EAK	SCALE NONE	DATE MAY, 2009	JOB NUMBER 2961--09.039
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LOT 1, BLOCK 1, TX DC2 - PRELIMINARY PLAT

PLANNING & ZONING COMMISSION AGENDA COMMUNICATION
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AGENDA DATE:	June 2, 2009
SUBJECT:	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.
STAFF RESOURCE:	Ogden “Bo” Bass, AICP Director, Planning and Development
PREVIOUS COMMISSION/ COUNCIL ACTION:	None
PUBLIC NOTICE:	Property Owner Notices (5) - 5/22/09 Public Hearing Sign – Installed 5/8/09

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 southwest 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 Multi-Family, and the property to the south is zoned PD Planned Development No. 54 for CC Corridor Commercial.

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 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 with 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 overall Concept Plan for the property includes two gated communities in two phases totaling 378 units. Both phases propose a three-story main structure comprised of one and two bedroom units, a clubhouse, a pool/courtyard element, and numerous amenities associated with the operations of an active senior community. Surrounding the three-story structures are ten one-story units. Attached garages are provided for a portion of the one story units. Phase I consists of 180 units and Phase II consists of 198 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 and Watters Road is proposed as 25 feet. The side and rear yard setbacks are proposed as 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, 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. The parking ratio research is included in this communication.

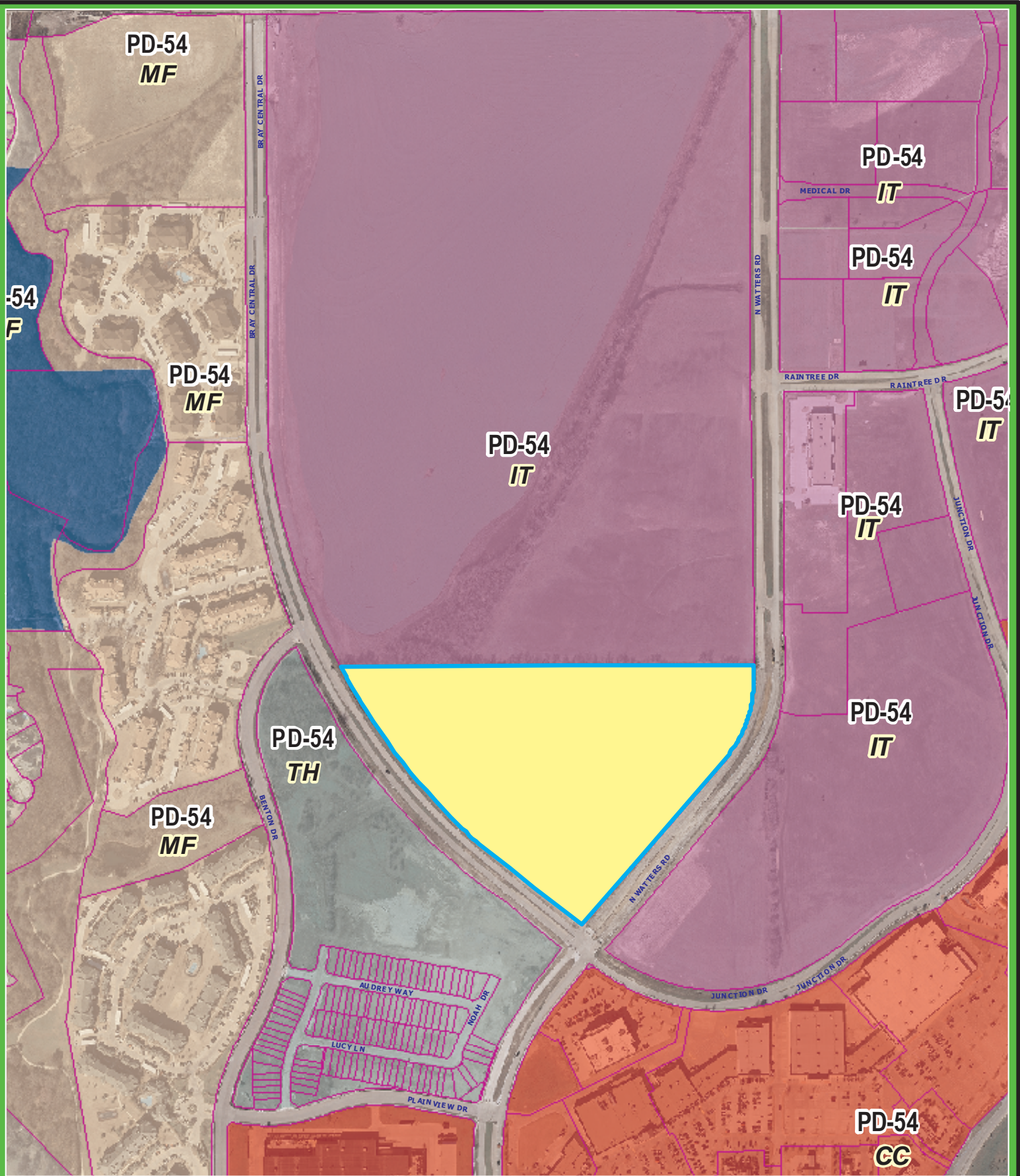
The rear yard along the northern property boundary has been reduced to ten feet with the requirement of retaining the existing off-site tree line as a buffer and setback for future development. The current owner of the subject property is also the owner for the adjacent property and they have offered 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
Concept Plan
Parking Comparisons
Master Trail Plan
Perimeter Screening Plan
Building Elevations
PD Development Regulations
Tree Preservation Restrictive Covenant and Exhibit
Age Requirement Deed Restrictions
Property Owner List

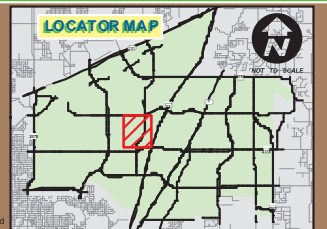


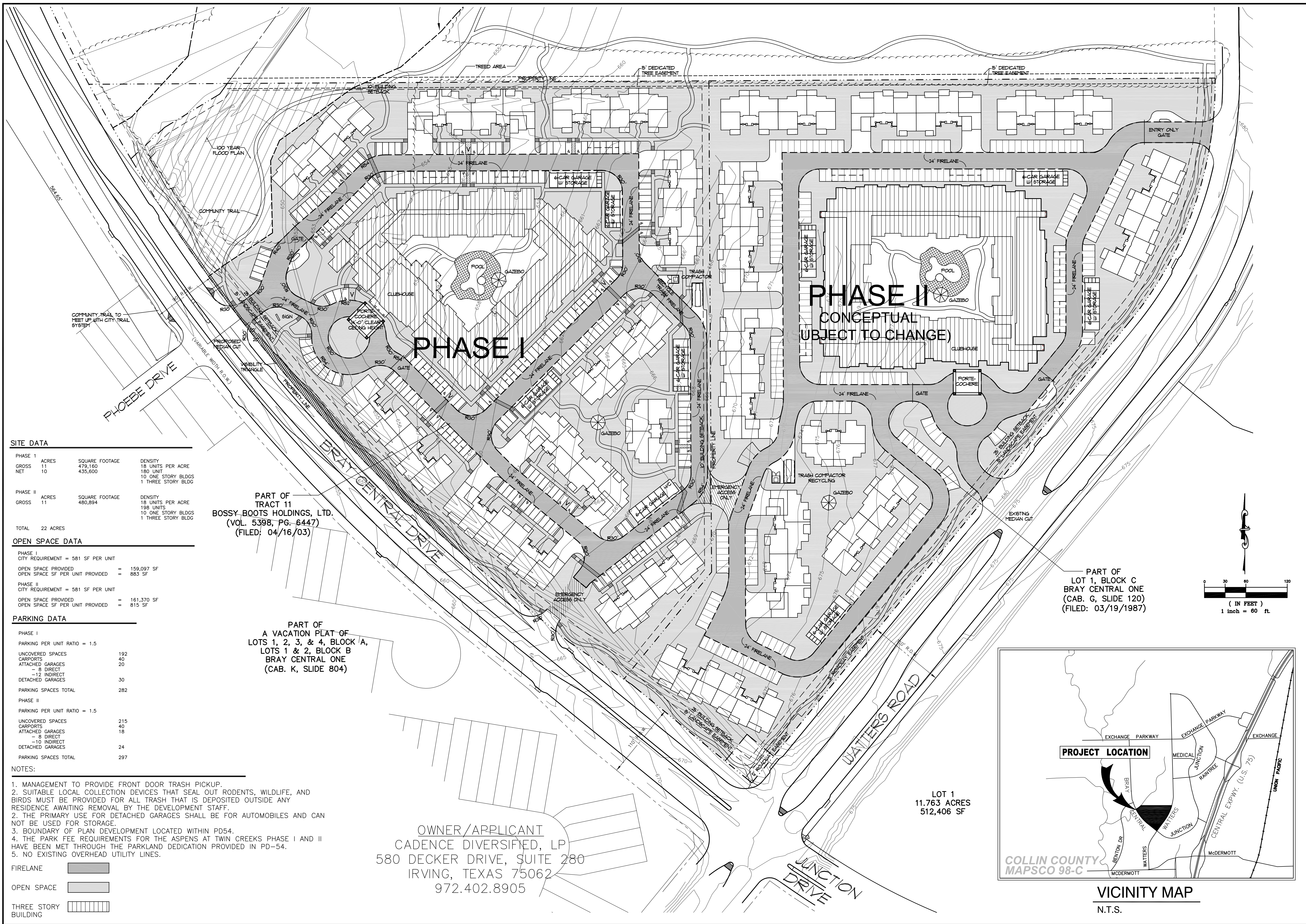
**East of Bray Central Dr./
north of Watters Rd.,
— directly across from Phoebe Drive**

Planning & Development GIS
Revision Date: 05/2019

Map Legend

Property Boundary Selection	(CF) Community Facilities	(MDR) Medium Density Residential	(OMF) Office/Multi-family	(R-6) Residential <5>
Railroad	(GB) General Business	(MF) Multi-family	(OS) Open Space	(R-8) Residential <6>
City Limit	(GO) Garden Office	(MF-2) Multi-family <2>	(OT) Office Technology	(R-7) Residential <7>
Property Boundary	(IT) Industrial Technology	(MF-12) Multi-family <12>	(SF) Single Family Residential	(SQ) Shopping Center
(AO) Agriculture/Open	(LC) Light Commercial	(MF-18) Multi-family <18>	(R-1) Residential <1>	(TH) Town Homes
(C) Commercial	(LI) Light Industrial	(MF-24) Multi-family <24>	(R-15) Residential <1.5>	
(CO) Commercial/Office	(L) Light Industrial Conditional	(M) Mixed	(R-2) Residential <2>	
(CC) Corridor Commercial	(LR) Local Retail	(O) Office	(R-3) Residential <3>	
	(MDSF) Medium Density Single Family	(OL) Office Light Industrial	(R-4) Residential <4>	





SITE DATA

PHASE I			
GROSS	ACRES	SQUARE FOOTAGE	DENSITY
11	10	479,160	18 UNITS PER ACRE
NET		435,600	180 UNIT
			10 ONE STORY BLDGS
			1 THREE STORY BLDG
PHASE II			
GROSS	ACRES	SQUARE FOOTAGE	DENSITY
11		480,894	18 UNITS PER ACRE
			198 UNITS
			10 ONE STORY BLDGS
			1 THREE STORY BLDG
TOTAL 22 ACRES			

OPEN SPACE DATA

PHASE I			
CITY REQUIREMENT = 581 SF PER UNIT			
OPEN SPACE PROVIDED	=	159,097 SF	
OPEN SPACE SF PER UNIT PROVIDED	=	883 SF	
PHASE II			
CITY REQUIREMENT = 581 SF PER UNIT			
OPEN SPACE PROVIDED	=	161,370 SF	
OPEN SPACE SF PER UNIT PROVIDED	=	815 SF	

PARKING DATA

PHASE I			
PARKING PER UNIT RATIO = 1.5			
UNCOVERED SPACES		192	
CARPPOITS		40	
ATTACHED GARAGES		20	
- 8 DIRECT			
- 12 INDIRECT			
DETACHED GARAGES		30	
PARKING SPACES TOTAL		282	
PHASE II			
PARKING PER UNIT RATIO = 1.5			
UNCOVERED SPACES		215	
CARPPOITS		40	
ATTACHED GARAGES		18	
- 8 DIRECT			
- 10 INDIRECT			
DETACHED GARAGES		24	
PARKING SPACES TOTAL		297	

NOTES:

1. MANAGEMENT TO PROVIDE FRONT DOOR TRASH PICKUP.
2. SUITABLE LOCAL COLLECTION DEVICES THAT SEAL OUT RODENTS, WILDLIFE, AND BIRDS MUST BE PROVIDED FOR ALL TRASH THAT IS DEPOSITED OUTSIDE ANY RESIDENCE AWAITING REMOVAL BY THE DEVELOPMENT STAFF.
2. THE PRIMARY USE FOR DETACHED GARAGES SHALL BE FOR AUTOMOBILES AND CAN NOT BE USED FOR STORAGE.
3. BOUNDARY OF PLAN DEVELOPMENT LOCATED WITHIN PD54.
4. THE PARK FEE REQUIREMENTS FOR THE ASPENS AT TWIN CREEKS PHASE I AND II HAVE BEEN MET THROUGH THE PARKLAND DEDICATION PROVIDED IN PD-54.
5. NO EXISTING OVERHEAD UTILITY LINES.

FIRELANE	
OPEN SPACE	
THREE STORY BUILDING	

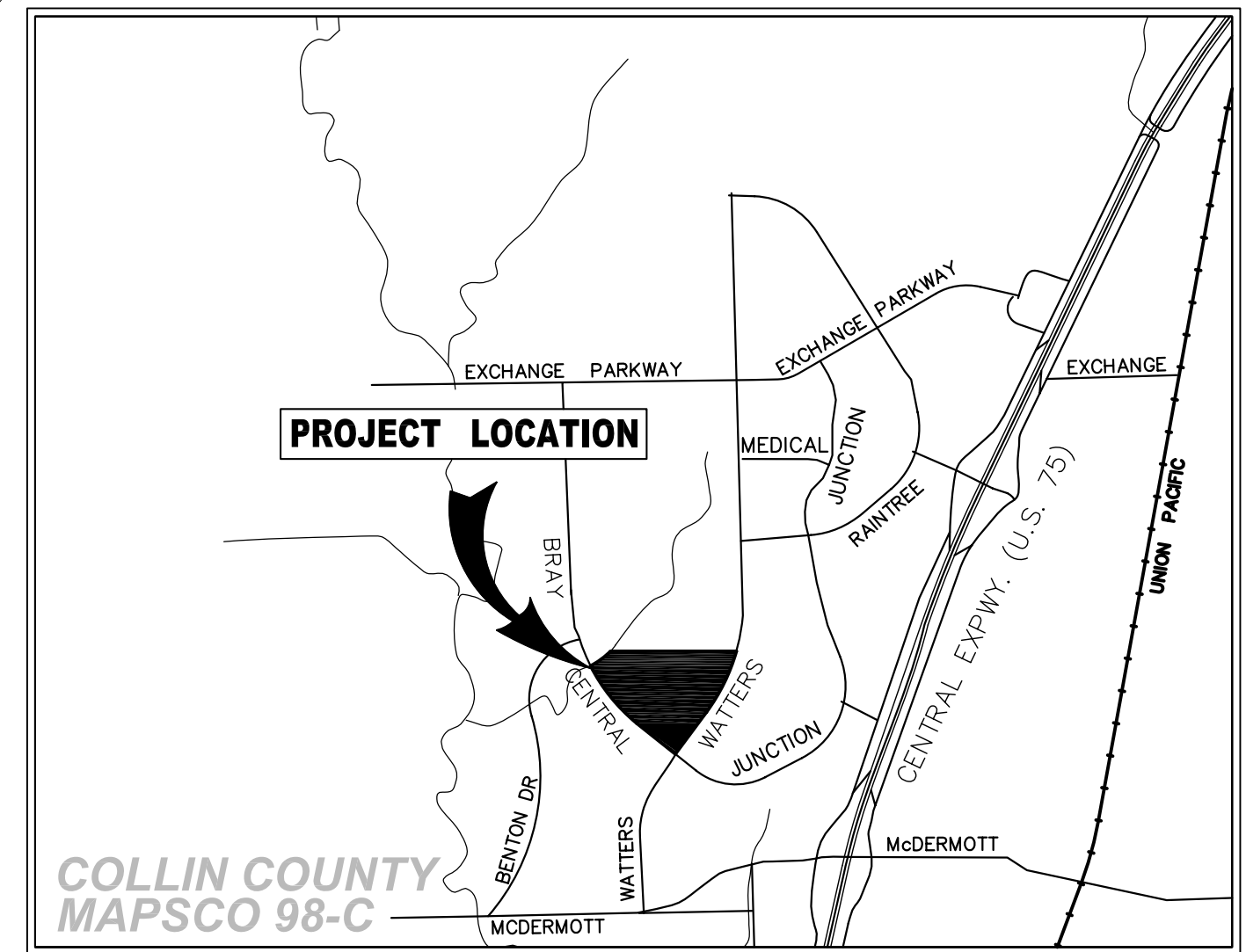
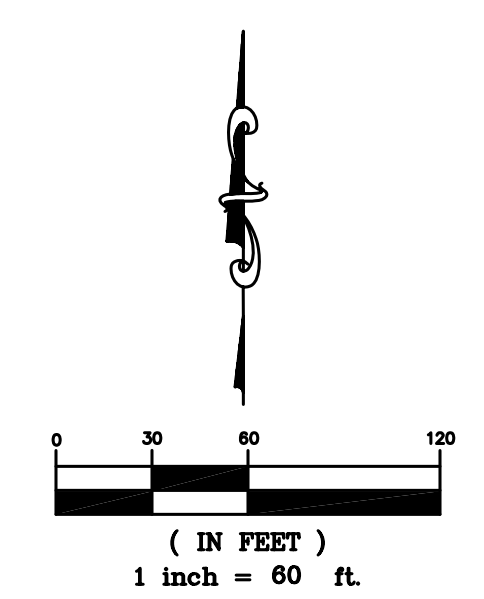
PART OF
TRACT 11
BOSSY BOOTS HOLDINGS, LTD.
(VOL. 5398, PG. 6447)
(FILED: 04/16/03)

PART OF
A VACATION PLAT OF
LOTS 1, 2, 3, & 4, BLOCK A,
LOTS 1 & 2, BLOCK B
BRAY CENTRAL ONE
(CAB. K, SLIDE 804)

OWNER/APPLICANT
CADENCE DIVERSIFIED, LP
580 DECKER DRIVE, SUITE 280
IRVING, TEXAS 75062
972.402.8905

PHASE II
CONCEPTUAL
(SUBJECT TO CHANGE)

PART OF
LOT 1, BLOCK C
BRAY CENTRAL ONE
(CAB. G, SLIDE 120)
(FILED: 03/19/1987)



VICINITY MAP
N.T.S.

ARCHITECT / PREPARER:

CROSS ARCHITECTS
1255 W. 15TH. ST. SUITE 125
PLANO, TEXAS 75075
PH: 972.398.6644
FAX: 972.312.8666
brumsey@crossarchitects.com



Project location

The Aspens at Twin Creeks
Allen, Texas

REVISIONS

NO	DATE
1	4/10/09
2	4/24/09
3	5/08/09
4	5/14/09
5	5/22/09

DRAWINGS ISSUED FOR:
ZONING AMENDMENT

DATE:
4/10/09

PROJ. NO.:
8149

SHEET NUMBER
CONCEPT PLAN

Active Adult Parking Comparisons

The Aspens Active Senior Community

1.5 Spaces per Unit

Proposal of 270 Parking Spaces

180 Units

City	Ratio
Plano	1 space/unit
The Colony	1.3 spaces/unit
Fort Worth	1 space/bedroom
McKinney	1 space/unit
Frisco	2 spaces per unit

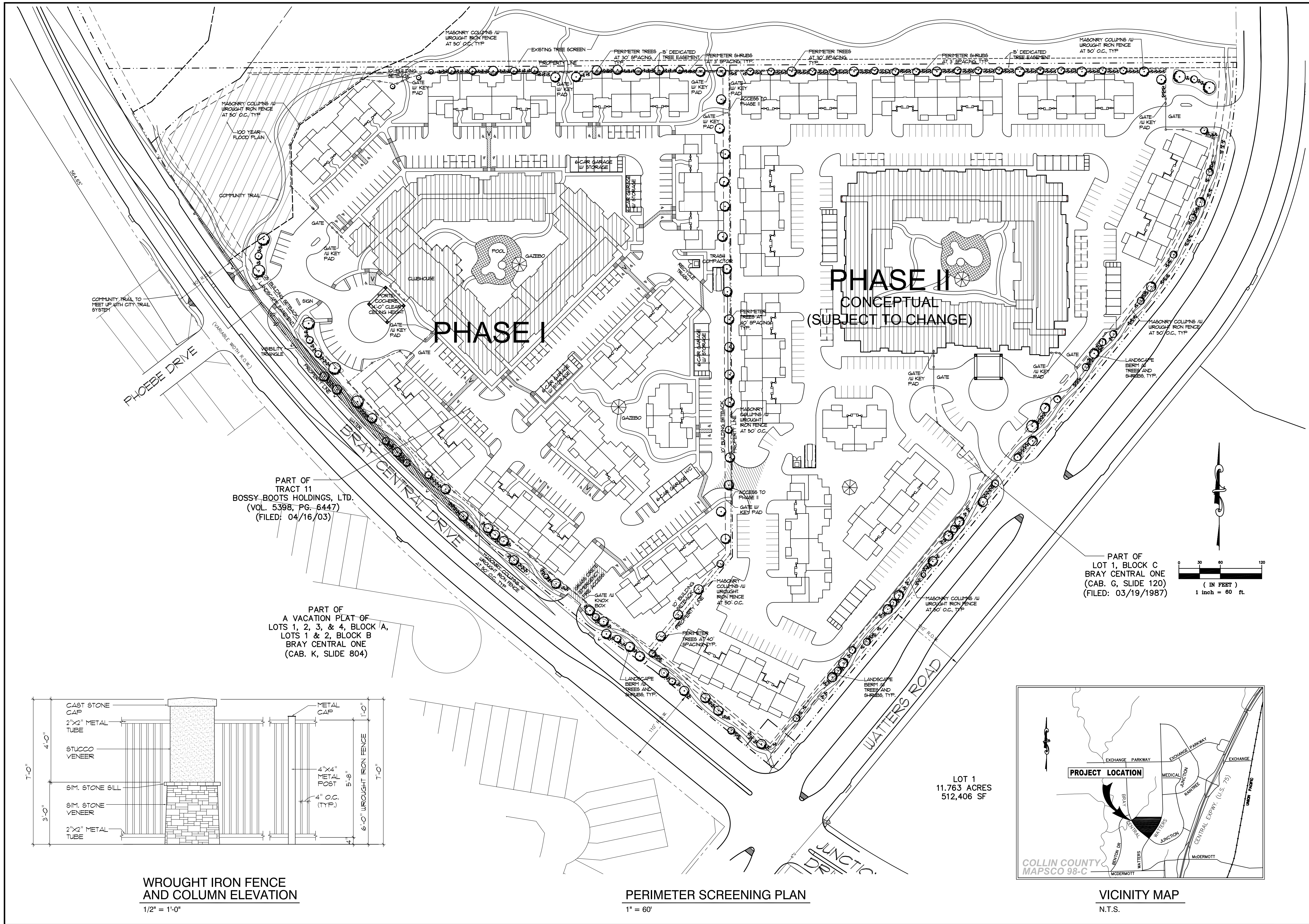


CONCEPTUAL MASTER TRAIL PLAN SYSTEM

(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



WROUGHT IRON FENCE
AND COLUMN ELEVATION

1/2" = 1'-0"

PERIMETER SCREENING PLAN

1" = 60'

VICINITY MAP

N.T.S.

ARCHITECT / PREPARER:

CROSS ARCHITECTS
1255 W. 15TH ST., SUITE 125
PLANO, TEXAS 75075
PH: 972.398.6644
FAX: 972.312.8666
brumsey@crossarchitects.com



Project location

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REVISIONS

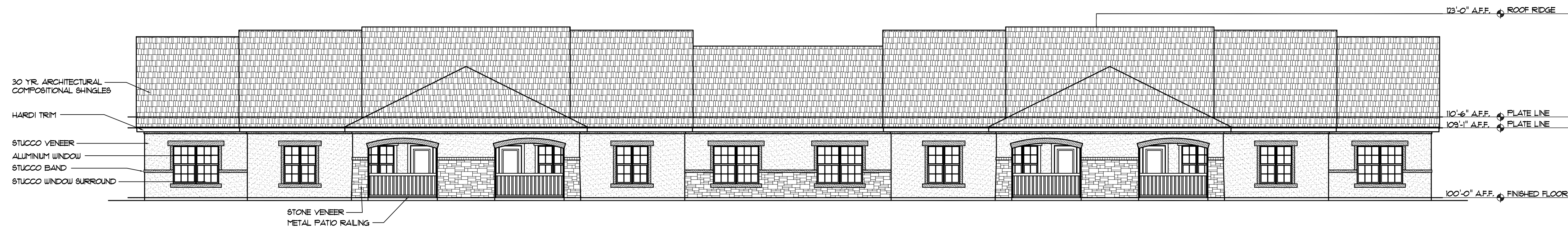
NO	DATE
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2	4/24/09
3	5/08/09
4	5/14/09
5	5/22/09

DRAWINGS ISSUED FOR:
ZONING AMENDMENT

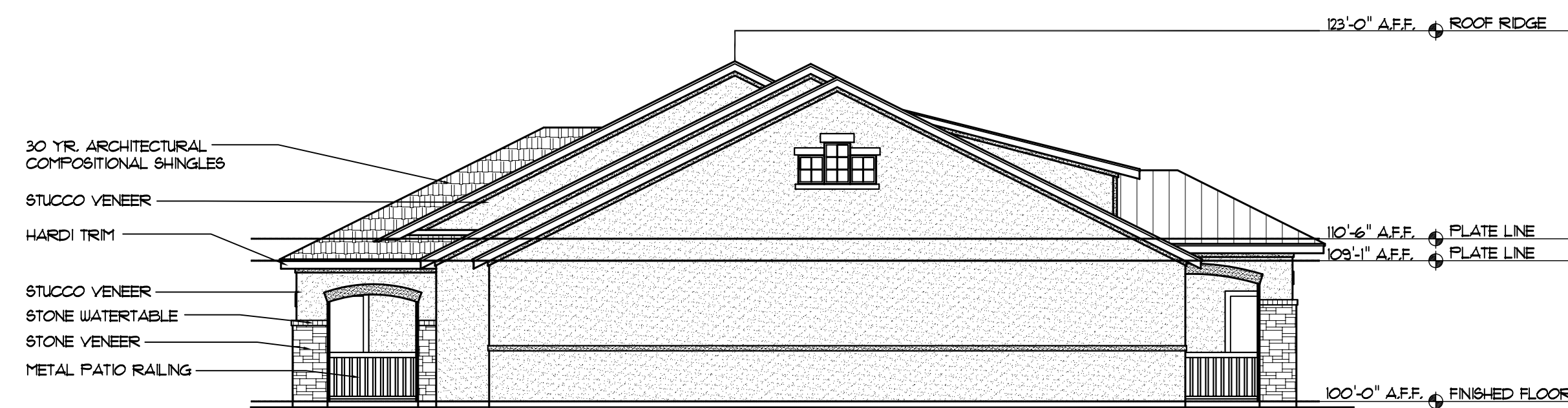
DATE:
4/10/09

PROJ. NO.:
8149

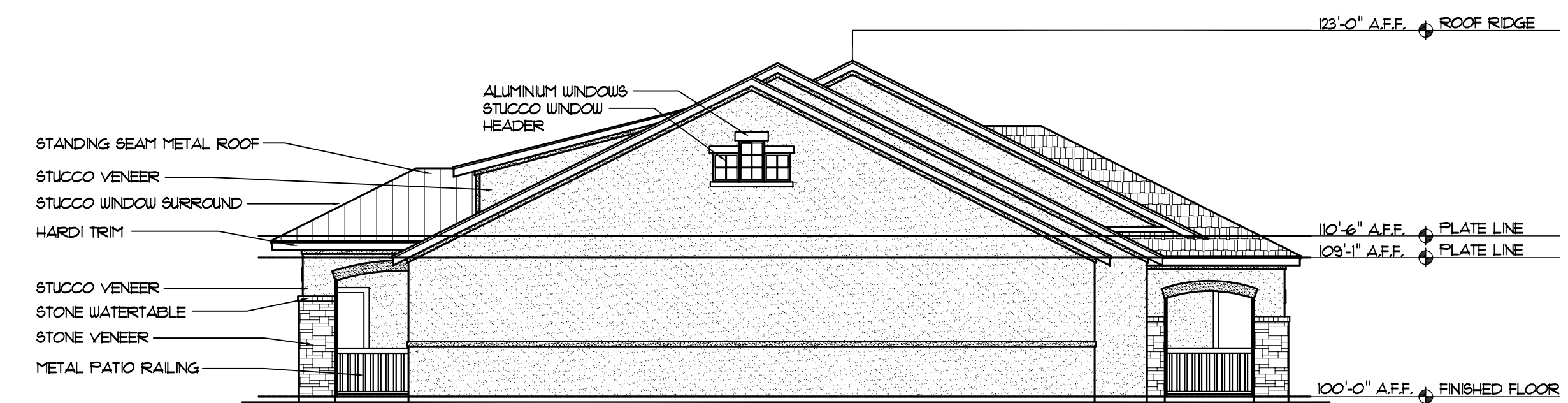
SHEET NUMBER
**PERIMETER
SCREENING
PLAN**



04 SOUTH ELEVATION (REAR)
1/8" = 1'-0"



03 EAST ELEVATION (SIDE)
1/8" = 1'-0"



02 WEST ELEVATION (SIDE)
1/8" = 1'-0"



01 NORTH ELEVATION (FRONT)
1/8" = 1'-0"

ARCHITECT:
CROSS ARCHITECTS
1255 W. 15TH. ST. SUITE 125
PLANO, TEXAS 75075
PH: 972.398.6644
FAX: 972.312.8666
brumsey@crossarchitects.com

Cross
ARCHITECTS

Project location
The Aspens at Twin Creeks
Allen, Texas

REVISIONS

NO DATE

DRAWINGS ISSUED FOR:
ZONING APPROVAL

PROJ. NO.:
8149

DATE:

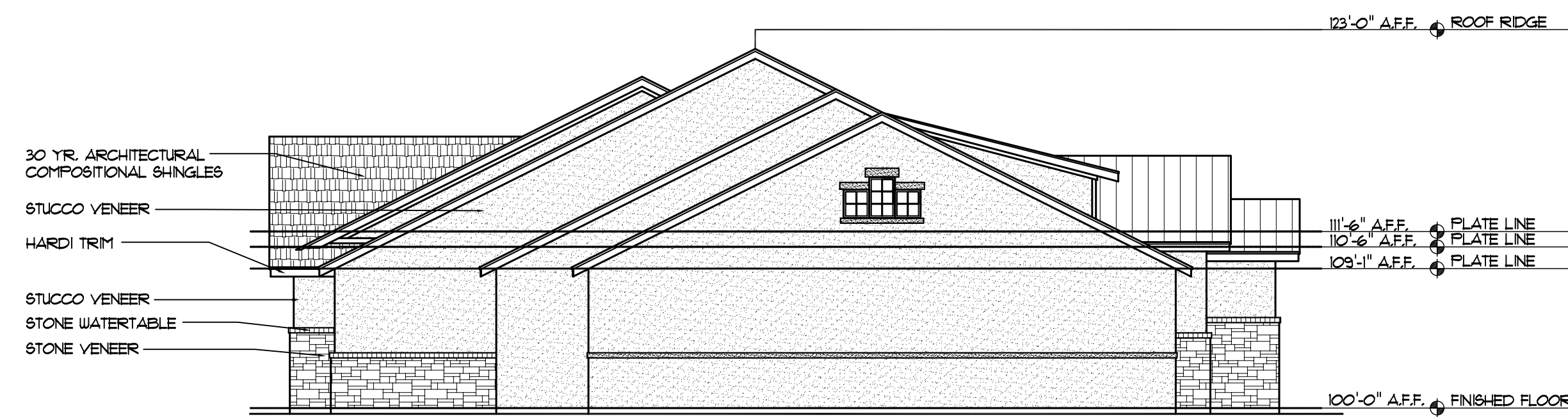
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SHEET NUMBER

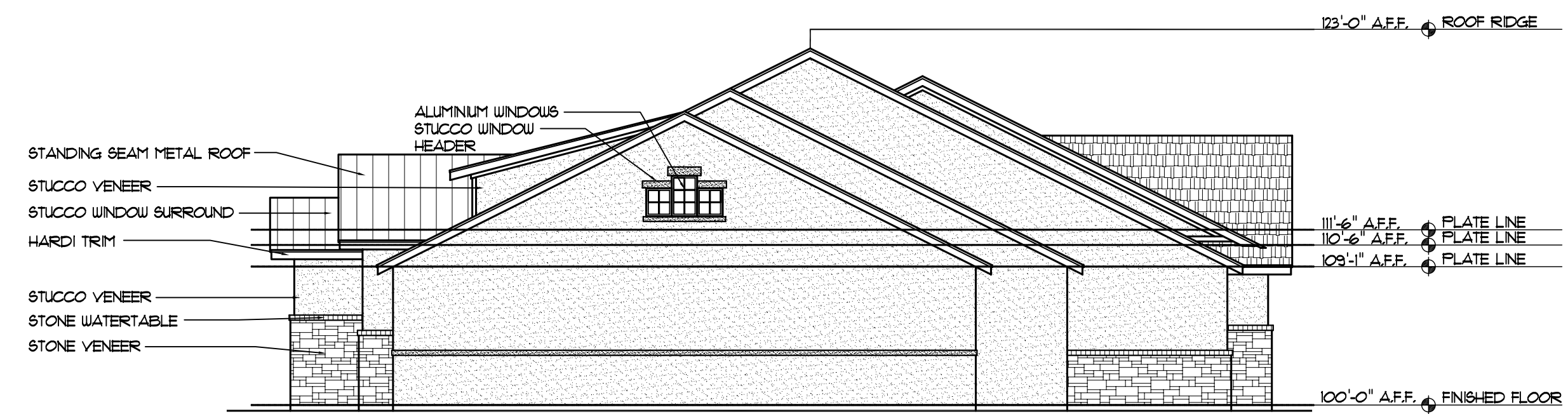
E 3



04 SOUTH ELEVATION (REAR)
1/8" = 1'-0"



03 EAST ELEVATION (SIDE)
1/8" = 1'-0"



02 WEST ELEVATION (SIDE)
1/8" = 1'-0"



01 NORTH ELEVATION (FRONT)
1/8" = 1'-0"

ARCHITECT:
CROSS ARCHITECTS
1255 W. 15TH. ST. SUITE 125
PLANO, TEXAS 75075
PH: 972.398.6644
FAX: 972.312.8666
brumsey@crossarchitects.com

Cross
ARCHITECTS

Project location
The Aspens at Twin Creeks
Allen, Texas

REVISIONS	
NO	DATE

DRAWINGS ISSUED FOR:
ZONING APPROVAL

PROJ. NO.:
8149

DATE:
3/27/09

SHEET NUMBER

E 2



02 SOUTHEAST ELEVATION (SIDE)
3/32" = 1'-0"



01 SOUTHWEST ELEVATION (FRONT)
3/32" = 1'-0"

ARCHITECT:
CROSS ARCHITECTS
1255 W. 15TH. ST. SUITE 125
PLANO, TEXAS 75075
PH: 972.398.6644
FAX: 972.312.8666
brumsey@crossarchitects.com

Cross
ARCHITECTS

Project location
The Aspens at Twin Creeks
Allen, Texas

REVISIONS

NO DATE

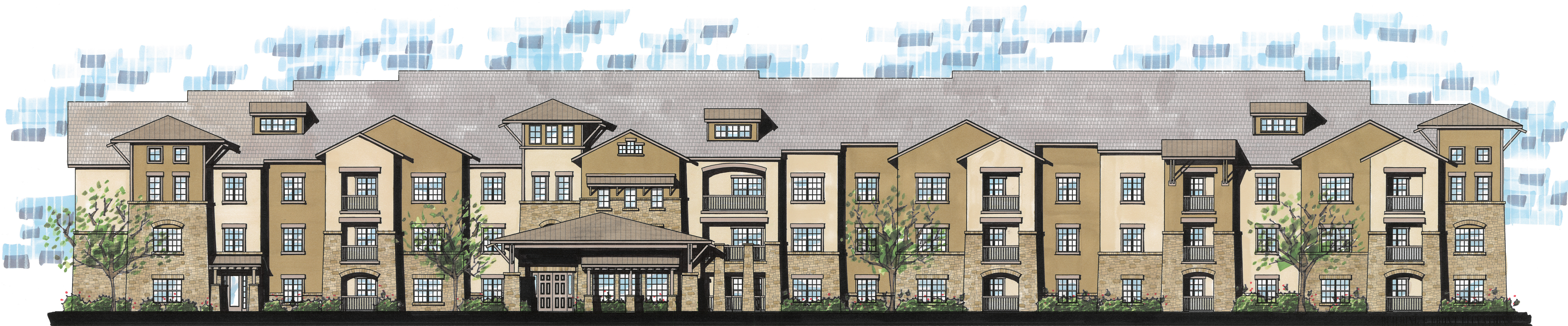
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ZONING APPROVAL

PROJ. NO.:
8149

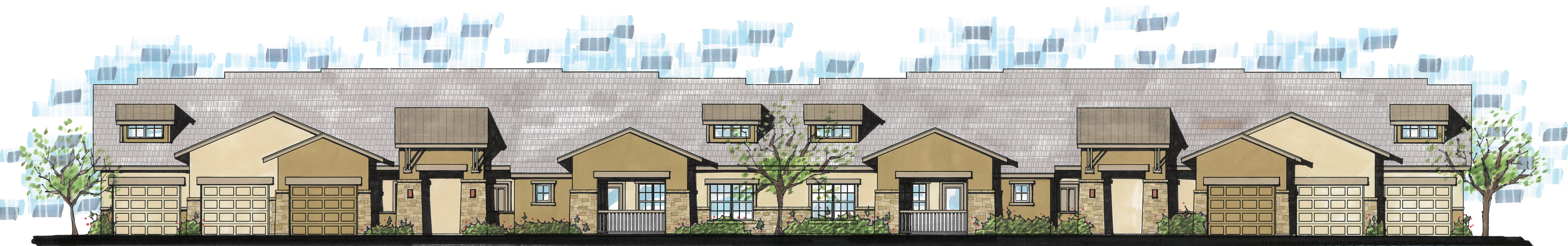
DATE:
3/27/09

SHEET NUMBER

E 1



THE ASPENS AT TWIN CREEKS



THE ASPENS AT TWIN CREEKS



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.

15' TREE PRESERVATION EASEMENT

Part of Lot 1, Block C,
Bray Central One
Catherine Parsons Survey, Abstract No. 711
City of Allen, Collin County, Texas

DESCRIPTION, of an 18,488 square foot (0.424 acre) tract of land situated in the Catherine Parsons Survey, Abstract No. 711, Collin County, Texas; said tract being part of Lot 1, Block C, Bray Central One, an addition to the City of Allen, Texas according to the plat recorded in Cabinet G, Slide 120 of the Plat Records of Collin County, Texas and part of that certain tract of land described as Tract 11 in Special Warranty Deed to Bossy Boots Holdings, Ltd. recorded in Volume 5398, Page 6447 of the Deed Records of Collin County, Texas; said 18,488 square foot tract being more particularly described as follows (bearing system for this survey based on a bearing of North 39 degrees, 18 minutes, 43 seconds East for the northwest right-of-way line of Watters Road according to the said plat of Bray Central One):

COMMENCING, at a point (nothing found or set) at the intersection of the said northwest line of Watters Road (a 110-foot wide right-of-way) and the northeast right-of-way line of Bray Central Drive (a variable width right-of-way, 110 feet wide at this point); said point being the southernmost corner of said Tract 11;

THENCE, along the said northwest line of Watters Road, the west right-of-way line of said Watters Road, the east line of said Lot 1 and the southeast and east lines of said Tract 11, the following two (2) calls:

North 39 degrees, 18 minutes, 43 seconds East, a distance of 865.18 feet to a 1/2-inch iron rod found at the beginning of a tangent curve to the left;

In a northwesterly direction, along said curve to the left, having a central angle of 39 degrees, 14 minutes, 58 seconds, a radius of 545.00 feet, a chord bearing and distance of North 19 degrees, 41 minutes, 14 seconds East, 366.08 feet, an arc distance of 373.34 feet to the POINT OF BEGINNING (nothing found or set);

THENCE, South 89 degrees, 41 minutes, 04 seconds West, departing the said west line of Watters Road, the said east line of Lot 1 and the said east line of Tract 11, a distance of 1250.02 feet to a point for corner (nothing found or set);

THENCE, North 66 degrees, 29 minutes, 59 seconds East, at a distance of 19.05 feet passing the north line of said Lot 1, continuing in all a total distance of 38.10 feet to a point for corner (nothing found or set);

THENCE, North 89 degrees, 41 minutes, 04 seconds East, a distance of 1214.95 feet to a point for corner (nothing found or set) in the said west line of Watters Road and the said east line of Tract 11;

THENCE, South 00 degrees, 41 minutes, 17 seconds East, at a distance 7.50 feet passing the said north line of Lot 1, continuing in all a total distance of 7.86 feet to a 1/2-inch iron rod with "NELSON CORP" cap found at the beginning of a tangent curve to the right;

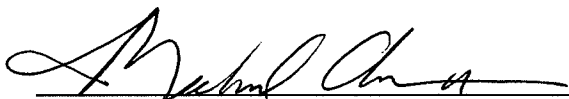
15' TREE PRESERVATION
EASEMENT
(Continued)

THENCE, in a southwesterly direction, along said curve to the right, having a central angle of 00 degrees, 45 minutes, 02 seconds, a radius of 545.00 feet, a chord bearing and distance of South 00 degrees, 18 minutes, 47 seconds East, 7.14 feet, an arc distance of 7.14 feet to the POINT OF BEGINNING;

CONTAINING, 18,488 square feet or 0.424 acres of land, more or less.

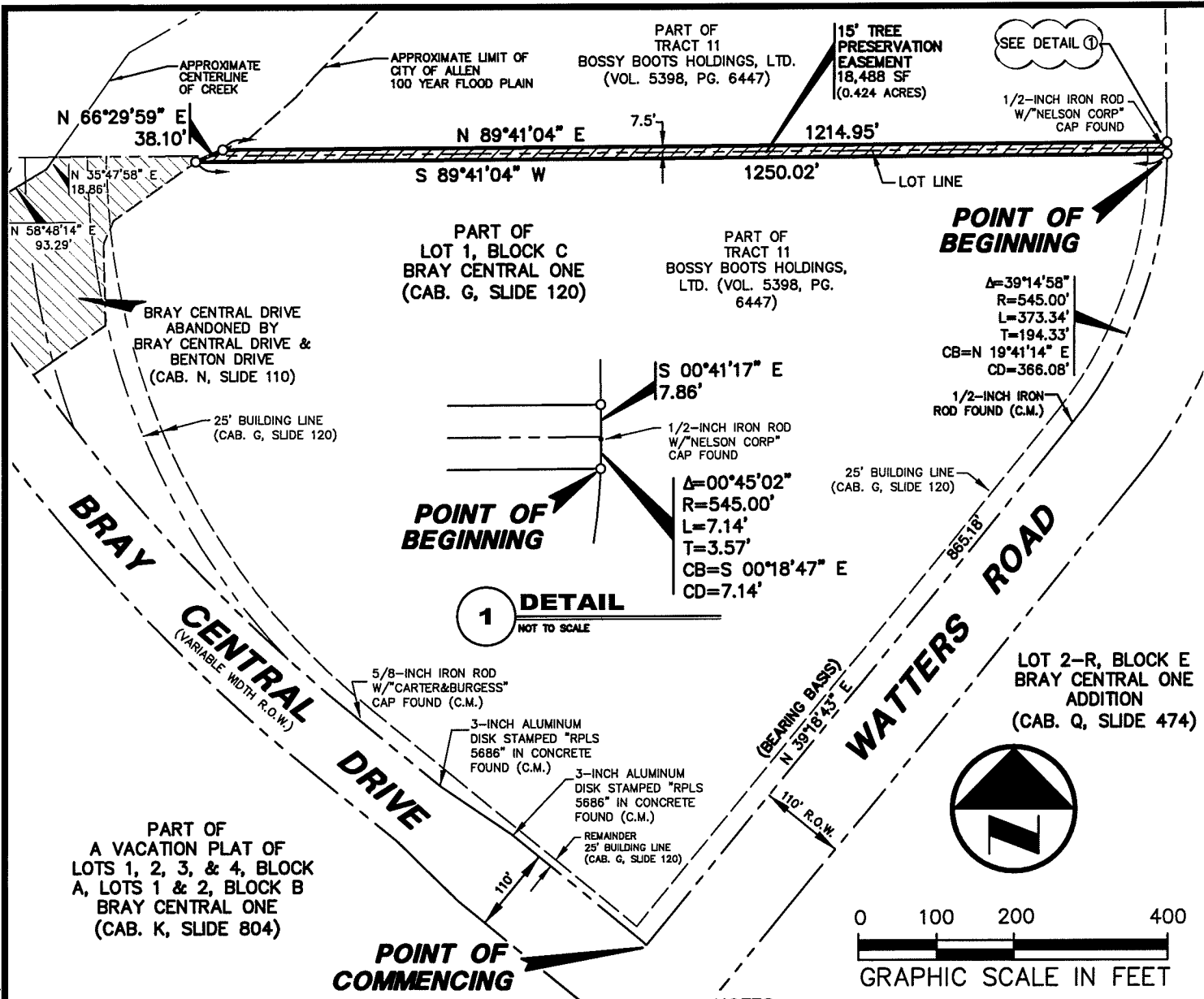
(A survey plat of even survey date herewith accompanies this description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the easement tract described.

 05/26/09
Michael C. Clover Date
Registered Professional Land Surveyor No. 5225
Pacheco Koch Consulting Engineers, Inc.
8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031
TX Reg. Surveying Firm LS-100080-00



TREE PRESERV ESMT.doc
2357-08.245

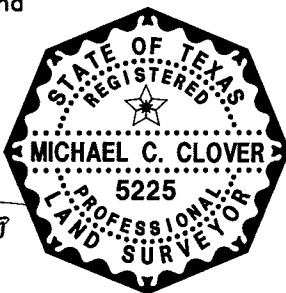


1 **DETAIL**
NOT TO SCALE

LEGEND	
	PROPERTY LINE
	EASEMENT LINE
	POINT FOR CORNER (UNLESS OTHERWISE NOTED)
(C.M.) - CONTROLLING MONUMENT	

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the easement tract described.

Michael C. Clover Date 05/26/09
Registered Professional
Land Surveyor No. 5225



NOTES:

1. A legal description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on a bearing of North 39 degrees, 18 minutes, 43 seconds East for the northwest right-of-way line of Watters Road according to the plat of Bray Central One, an addition to the City of Allen, Texas recorded in Cabinet G, Slide 120 of the Plat Records of Collin County, Texas.

15' TREE PRESERVATION EASEMENT

PART OF LOT 1, BLOCK C,
BRAY CENTRAL ONE
CATHERINE PARSONS SURVEY,
ABSTRACT NO. 711
CITY OF ALLEN, COLLIN COUNTY, TEXAS
SHEET 3 OF 3

Pacheco Koch Consulting Engineers
8350 N. CENTRAL EXPWY. SUITE 1000 TX REG. ENGINEERING FIRM F-469
DALLAS, TX 75206 972.235.3031 TX REG. SURVEYING FIRM LS-100080-00

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
MWW	MCC	1"=200'	MAY 2009	2357-08.245

ARTICLE _____
AGE RESTRICTIONS

All of the Units in the Project shall be subject to the following restrictions:

Section ____ Age Restrictions. The Project is intended to provide housing primarily for persons 55 years of age or older. The Project shall be operated as an age-restricted residential community in compliance with all applicable Texas and federal laws. Each Unit, if occupied, must be occupied by at least one person 55 years of age or older. No person under 19 years of age shall occupy or stay overnight in a Unit for more than ninety (90) days during any twelve (12) consecutive months. The restrictions set forth in this Section ____ are referred to herein as the "Age Restrictions."

Section ____ Amendments to Age Restrictions. If at any time Declarant desires to amend or terminate the Age Restrictions, Declarant shall so notify the City of Allen, Texas (the "City") in writing and submit a proposed form of such amendment or termination for the City's review and comment. The City may approve or disapprove any proposed amendment or termination in its sole discretion. No amendment or termination of the Age Restrictions shall be effective unless and until a written consent thereto properly approved and executed by the City is filed of record with the County Clerk of Collin County, Texas. Declarant shall establish policies and procedures from time to time as necessary to maintain the Project's status as an age-restricted community under Texas and federal laws; provided, however, such policies and procedures shall in no event amend or terminate the Age Restrictions without the City's prior written consent as required by this Section ____.

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 §

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF COLLIN §

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

**Property Ownership
The Aspens At Twin Creeks**

Bossy Boots Holdings LTD
5910 N. Central Expressway
Suite 1445
Dallas, Texas 75206-5127

Creek Villa LTD
8222 Douglas Avenue
Suite 250
Dallas, Texas 75225-5933

Cadence Capital Partners, L.P.
580 Decker Drive
Suite 280
Irving, Texas 75062

Bruce Heller
Watters Corporate Center Two L.P.
1333 W. McDermott Drive
Suite 150
Allen, Texas 75013

Allen Fitness L.P.
1748 W. Katella Avenue
Suite 206
Orange, California 92867