

**AGENDA  
CITY OF ALLEN  
PLANNING AND ZONING COMMISSION  
REGULAR MEETING – 7:00 P.M.  
TUESDAY, APRIL 6, 2010  
COUNCIL CHAMBERS  
ALLEN CITY HALL  
305 CENTURY PARKWAY  
ALLEN, TEXAS 75013**

**Call to Order and Announce a Quorum is Present**

**Pledge of Allegiance**

**Director's Report**

1. Action taken on the Planning & Zoning items by City Council at the March 23, 2010, City Council meeting.

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

2. Approve minutes of the March 16, 2010 regular meeting.

**Regular Agenda**

3. Public Hearing - Conduct a Public Hearing and consider a request for an amendment to Tract 8 of PD Planned Development No. 55, to add Church, Temple or Rectory to the list of allowed uses. The property is 5.6± acres situated in the Michael See Survey, Abstract No. 543; located southeast of Watters Road and Allen Central Drive. (Z-2/9/10-10)
4. Public Hearing - Conduct a Public Hearing and consider a request for an SUP Specific Use Permit for Allen Dance for a Dance Studio, on property currently zoned SC Shopping Center. The property is a part of 1.0± acres situated in the David Wetsel Survey, Abstract No. 977; located in the Eagle Plaza Shopping Center at 602 E. Main Street, Suite #E. (SUP-3/8/10-14)

**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, April 2, 2010, at 5:00 p.m.

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Shelley B. George, City Secretary

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

## **Director's Report from 3/23/10 City Council Meeting**

There was one item taken to the March 23, 2010 City Council meeting for consideration.

A Public Hearing was held and a request to amend the *Allen Land Development Code*, Section 2.03.2 regarding procedures following the Allen Sign Control Board's recommendation for approval or denial of an application for a variance from the City's sign regulations; Section 4.02.7 regarding procedures for determining new and unlisted uses; Section 4.10 regarding minimum side yards for garages and carports entered from rear alleys or side streets; Section 6.03.10 regarding firearms and explosives sales and service uses Section 6.04 by adding temporary food vendors to those required to obtain temporary use permits and procedures related thereto; Section 4.20.2 "Schedule of Principal Uses" by deleting the use categories "convalescent center" and "nursing home", adding the use categories "long-term care facility" and "senior independent living," and amending the uses allowed as a matter of right or by specific use permit in the "CC" Corridor Commercial zoning; Section 4.20.3 "Schedule of Accessory Uses" by amending the uses allowed as a matter of right or by specific use permit in the "CC" Corridor Commercial zoning; Section 7.04.1 regarding off-street parking and loading regulations by adding minimum parking requirements for assisted living centers, senior independent living centers, and long-term care facilities and adding regulations regarding stacking and queuing of vehicles; Section 7.05.6 regarding the plans for the design and installation of irrigation systems; Section 7.07 by deleting regulations relating to utility locations and adding a minimum height for ornamental fences located adjacent to greenbelts, open spaces, and parks; Section 7.09.2 by adding a new definition for "changeable electronic variable media message sign" and amending the definition of "electronic message board"; Section 7.09.4 to prohibit changeable electronic variable media message signs, animated signs, and message centers except in certain circumstances; Section 8.03 with respect to general development plans; Section 8.06 with respect to the design of corner lots; Appendix A "Definitions" by adding new definitions for "assisted living facility," "long-term care facility," "senior independent living," amending the definitions for "firearms sales and service repair" and "structure," and deleting the definitions for "convalescent home" and "nursing home"; Appendix B "Filing Fees and Charges" by increasing the fees related to pro-rata collection charges relating to construction of water and sanitary sewer lines; and Appendix I "Trail Design Standards" by amending certain design and construction standards related to pedestrian trails was approved.



**PLANNING AND ZONING  
COMMISSION**

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**Regular Meeting  
March 16, 2010**

**ATTENDANCE:**

**Commissioners Present:**

Jeff Cocking  
Douglas Dreggors  
John Kelley  
James Rushing  
Robert Wendland

**Commissioners Absent:**

Shirley Mangrum  
Steven Platt, Jr.

**City Staff Present:**

Ogden "Bo" Bass, AICP, Director of Planning & Development  
Lee Battle, AICP, Assistant Director of Planning & Development  
Helen-Eve Liebman, AICP, Senior Planner  
Tiffany McLeod, Planner  
M. Nelda Thomas, Community Development Planner  
Kevin Laughlin, Attorney

**Call to Order and Announce a Quorum is Present:**

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

**Director's Report**

1. Director's Report is attached for action taken on the Planning & Zoning items by City Council at the March 9, 2010 City Council meeting.

**Consent Agenda**

2. Approve minutes of the March 2, 2010 meeting.

**Motion:**       **Upon a motion by Commissioner Rushing, and a second by Commissioner Dreggors, the Commission voted 5 IN FAVOR, and 0 OPPOSED, to approve the Consent Agenda. The motion carried.**

**Regular Agenda**

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

Lee Battle, Assistant Director of Planning and Development presented to the Commission. On March 2, 2010 staff presented a set of proposed ALDC amendments to the Commission. Included in these amendments were changes to Section 7.05.6 Irrigation Plan Requirements. The Commission tabled consideration of these amendments to the March 16, 2010 meeting in order to receive additional information.

Mr. Battle introduced Gail Donaldson, Water Conservation Manager, to the Commission. Ms. Donaldson gave a brief presentation regarding irrigation systems and requirements.

Commissioner Cocking inquired as to where the City has implemented drip irrigation. Ms. Donaldson stated that everything installed since January 2009 is drip irrigated.

Commissioner Cocking stated that the ALDC standards exceed TCEQ standards for irrigation. Ms. Donaldson stated that the ALDC standards provide a water conservation measure.

Commissioner Cocking stated he is concerned with the cost of long term repairs for drip systems. Ms. Donaldson stated there would be just as much maintenance with spray or rotary systems.

**Motion:** Upon a motion by Commissioner Cocking, and a second by Commissioner Kelley, the Commission voted 5 IN FAVOR, and 0 OPPOSED, to approve the amendment to Section 7.05.6 of the *Allen Land Development Code* regarding the plans for the design and installation of irrigation systems with the following corrections:

- The last sentence in paragraph 3d will be moved from paragraph 3d to paragraph 3e.
- Paragraph 5 will be reworded to read “All new irrigation systems for single-family homes shall have separate zones for drip irrigation and/or pressure compensating tubing (no above ground spray) around the foundation.”

**The motion carried.**

### **ITEMS OF INTEREST**

None

### **Adjournment**

**Motion:**        **Upon a motion by Commissioner Dreggors and a second by acclamation the Commission voted 5 IN FAVOR, and 0 OPPOSED to adjourn the Planning and Zoning Commission meeting at 7:30 p.m.**

These minutes approved this \_\_\_\_\_ day of \_\_\_\_\_ 2010.

\_\_\_\_\_  
Robert Wendland, Chairman

\_\_\_\_\_  
Tiffany McLeod, Planner

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

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

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

<b>PLANNING &amp; ZONING COMMISSION AGENDA COMMUNICATION</b>
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**AGENDA DATE:** April 6, 2010

**SUBJECT:** Conduct a Public Hearing and consider a request for an amendment to PD Planned Development No. 55 to add church, temple or rectory to the list of allowed uses on Tract 8. The property is 5.6± acres located in the Michael See Survey, Abstract No. 543, City of Allen, Collin County, Texas; located southeast of Watters Road and Allen Central Drive.

**STAFF RESOURCE:** Helen-Eve Liebman, AICP  
Senior Planner

**PREVIOUS COMMISSION/  
COUNCIL ACTION:** PD 55 was adopted in 1994

**LEGAL NOTICES:** Public Hearing Sign Installed – March 26, 2010  
Public Hearing Letters Mailed – March 26, 2010

**BACKGROUND**

The property is located southeast of Watters Road and Allen Central Drive. The property to the north, across Allen Central Drive, and to the east, is zoned PD Planned Development No. 55 for C/O Commercial/Office and O Office. The property to the south is zoned PD Planned Development No. 55 for LI Light Industrial. The property to the west, across Watters Road, is zoned PD Planned Development No. 55 for O/MF Office and Multifamily.

The property is currently zoned PD Planned Development No. 55 for C/O Commercial/Office uses and is identified as Tract 8 within the Planned Development. The applicant has submitted a request for the addition of a church, temple or rectory to the list of allowed uses in the Planned Development.

The Concept Plan for the property proposes a 23,400± square foot structure for worship with vehicular access from Allen Central Drive. Allen Central Drive is not planned to cross the creek and connect to US 75 Central Expressway. Parking requirements have been illustrated on the Concept Plan and are in compliance with the provisions outlined in the Allen Land Development Code. A 10 foot hike and bike trail has also been illustrated on the Concept Plan and is in accordance with the original Planned Development requirements and the City of Allen Trails Plan.

There are no other proposed modifications to Tract 8 of Planned Development No. 55. A copy of the original Planned Development ordinance is included in the communication for reference.

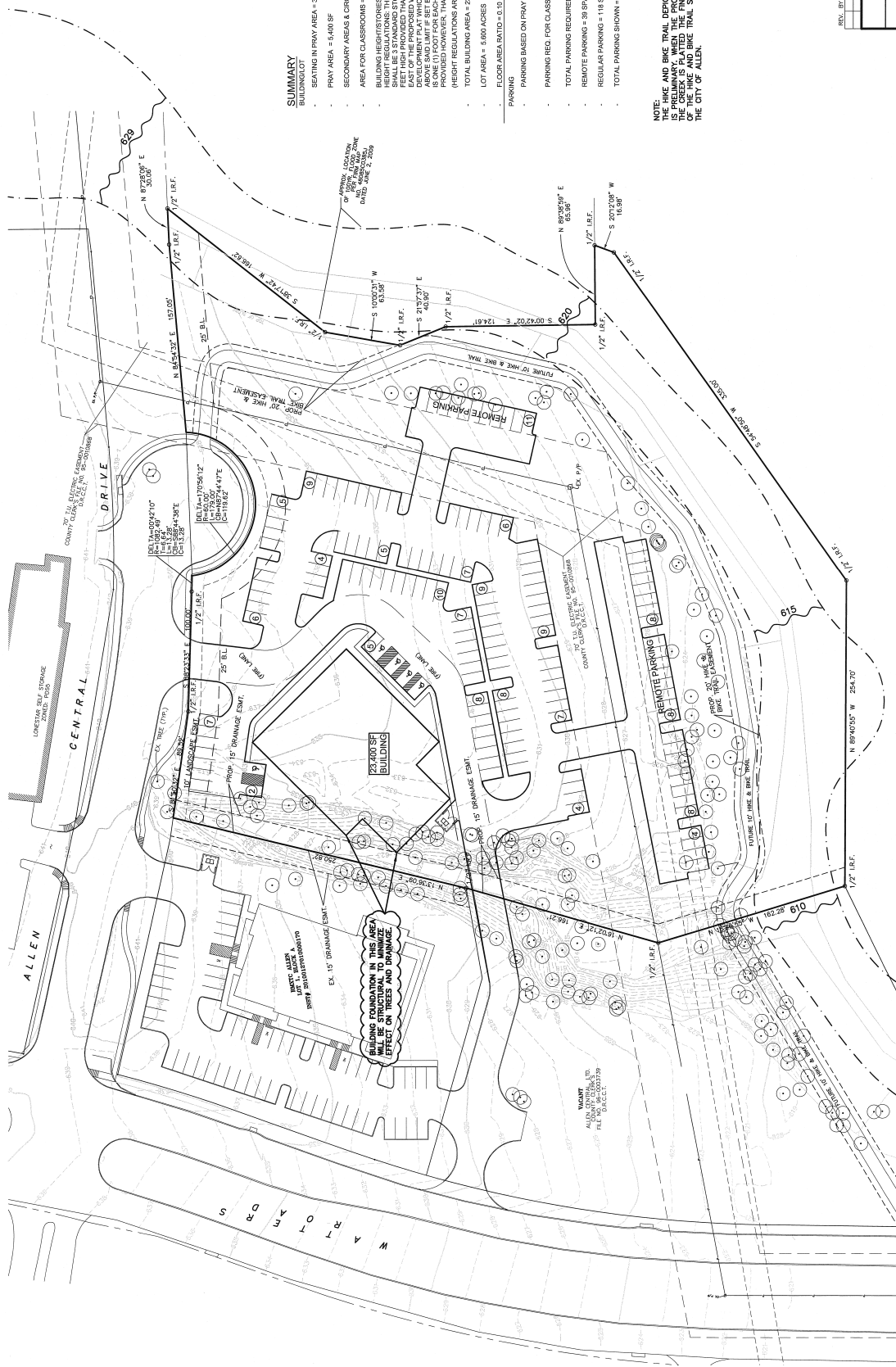
**STAFF RECOMMENDATION**

Approval



## **ATTACHMENTS**

Concept Plan  
Property Owner Notification Map  
Ordinance 1226-3-94 for Planned Development No. 55

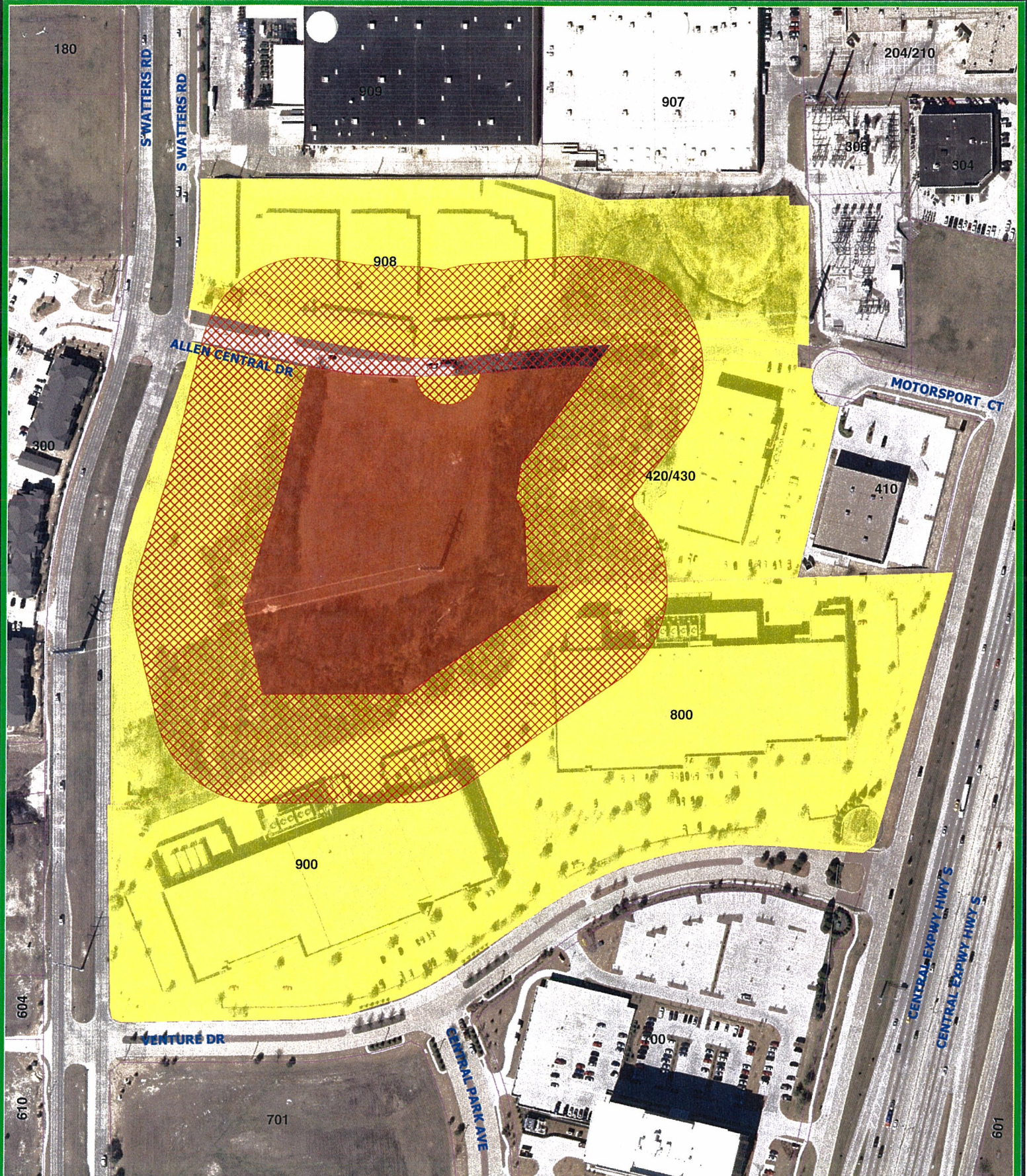


NOTE: THE HIKE AND BIKE TRAIL DEPICTED ON THIS PLAN IS PRELIMINARY. WHEN THE PROPERTY ADJACENT TO THE CREEK IS PLATTED THE FINAL LOCATION AND DESIGN OF THE HIKE AND BIKE TRAIL SHALL BE DETERMINED BY THE CITY OF ALLEN.

SHELF DEVELOPMENT, LLC  
 CONTACT: DON BLACKWOOD  
 SUMMIT CENTRE  
 5200 PAIGE ROAD  
 THE COLONY, TEXAS 75056  
 TEL (972) 625-1837  
 FAX (972) 625-1437

DESIGNED	DRAWN	DATE 01/22/10	DWG FILE	PROJECT #	SHEET NO. 1 OF 1
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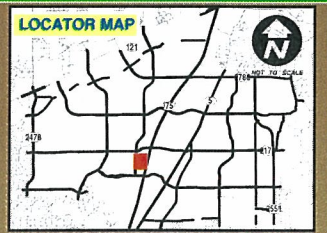
**WATTERS BUSINESS PARK**  
**Lots 13R-18R from 2-6 Block C**  
**Property Ownership Notification**

### Map Legend

- Affected Property of Rezone Notice
- Rezoned Property
- Railroad
- Property Boundary



Planning & Development - GIS  
 Revision Date: 03/2010





**AN ORDINANCE OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING COMPREHENSIVE ZONING ORDINANCE NO. 829-11-87, AS PREVIOUSLY AMENDED, SO AS TO ESTABLISH PLANNED DEVELOPMENT NO. 55 (PD NO. 55) BY AMENDING ORDINANCE NO. 546-9-84, PLANNED DEVELOPMENT NO. 26, AND AMENDING ORDINANCE NO. 373-10-81, PLANNED DEVELOPMENT NO. 8, ON THE FOLLOWING-DESCRIBED TRACTS OF LAND: APPROXIMATELY 135 ACRES OF LAND IN TRACTS 5 AND 12-9, ABSTRACT NO. 543 OF THE MICHAEL SEE SURVEY, CITY OF ALLEN, COLLIN COUNTY, TEXAS; PROVIDING FOR A LAND USE PLAN (EXHIBIT "A"); PROVIDING FOR AREA AND USE REGULATIONS (EXHIBIT "B"); PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF SAID ORDINANCE.**

**WHEREAS**, the Planning and Zoning Commission of the City of Allen, and the governing body of the City of Allen, in compliance with the laws of the State of Texas and the ordinances of the City of Allen, have given the requisite notices by publication and otherwise, and after holding due hearings and affording full and fair hearing to all the property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion, have concluded that Comprehensive Zoning Ordinance No. 829-11-87, as previously amended, should be amended;

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

**SECTION 1:** Comprehensive Zoning Ordinance No. 829-11-87 of the City of Allen, Texas, as previously amended, Ordinance No. 546-9-84, Planned Development No. 26, and Ordinance No. 373-10-81, Planned Development No. 8, be and the same are hereby amended by changing the Zoning Map of the City of Allen to establish Planned Development No. 55 (PD No. 55) on approximately 135 acres of land in Tracts 5 and 12-9, Abstract No. 543 of the Michael See Survey, City of Allen, Collin County, Texas.

**SECTION 2:** The Land Use Plan attached hereto as Exhibit "A" and the Area and Use Regulations attached hereto as Exhibit "B" are made a part hereof for all purposes and shall be adhered to in their entirety.

**SECTION 3:** All ordinances of the City of Allen in conflict with the provisions of this ordinance shall be, and the same are hereby, repealed; provided, however, that all other provisions of said ordinances not in conflict herewith shall remain in full force and effect.

**SECTION 4:** The property more fully described in Exhibit "A" attached hereto shall be used in the manner and for the purposes provided for as approved herein.

**SECTION 5:** Any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in Comprehensive Zoning Ordinance No. 829-11-87 of the City of Allen, as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

**SECTION 6:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable; and if any phrase, clause,

sentence or section of this ordinance shall be declared unconstitutional or invalid by any judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this ordinance; and the City Council hereby declares it would have passed the remaining portions even though it had known the affected parts would be held unconstitutional.

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

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, TEXAS,  
ON THE 3RD DAY OF MARCH, 1994.**

**APPROVED:**

  
\_\_\_\_\_  
Joe Farmer, MAYOR

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
A. Don Crowder, CITY ATTORNEY

**ATTEST:**

  
\_\_\_\_\_  
Judy Morrison, CMC, CITY SECRETARY

**LARGE  
DRAWINGS  
FOR THIS  
ORDINANCE/  
RESOLUTION  
NO. 1226-3-94  
CAN BE  
FOUND ON  
CITY OF ALLEN  
35MM ROLL  
NUMBERED 5.**

**Ordinance No. 1226-3-94**  
**Exhibit "B"**

**ALLEN CENTRAL**  
**A 135 ACRE PLANNED DEVELOPMENT**  
**AMENDMENTS TO PD 8 AND PD 26**

**ALLEN, TEXAS**

**NOVEMBER 18, 1993**

**REVISED MARCH 9, 1994**

**THE STRATFORD GROUP**  
**8100 LOMO ALTO**  
**SUITE 208**  
**DALLAS, TEXAS 75225**  
**(214) 696-3663**

**DEVELOPMENT STANDARDS**  
**FOR**  
**ALLEN CENTRAL**  
**A 135 ACRE PLANNED DEVELOPMENT**  
**AMENDMENTS TO PD 8 AND PD 26**  
**ALLEN, TEXAS**

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The following zoning standards and the attached zoning plan comprise the development standards for this Planned Development District. The total District consists of approximately 135 gross acres of land located west of Central Expressway and bounded by Central, McDermott Road, Bethany Road and Watters Branch. The following lists those tracts identified on the plan.

TRACT 1 - Office or High Density Residential

TRACT 2 - Retirement Center

TRACT 3 - Linear Park

TRACT 4 - Commercial/Office

TRACT 5 - Linear Park

TRACT 6 - Commercial/Office

TRACT 7 - Commercial/Office

TRACT 8 - Office

TRACT 9 - Linear Park

TRACT 10 - Hospital/Commercial/Office



## TRACTS 1 - OFFICE OR HIGH DENSITY RESIDENTIAL

1. Purpose. This district allows for either high quality office development or a higher density dwelling classification in the form of attached dwelling units not on separate lots and therefore intending no conveyance of separate ownership of dwelling units. This district provides for 18 dwelling units per acre.
2. Use Regulation.  
The following are uses permitted in Tract 1:
  - a. Office Building
  - b. Clinic, Doctor, or Dentist office
  - c. Multi-family dwelling (apartment)
  - d. Accessory building or use as defined in the Comprehensive Zoning Ordinance
  - e. Fitness center
  - f. Swimming pool (private)
  - g. Park or playground (public)

Offices and apartments shall not be allowed simultaneously on the tract.

The following uses may be permitted in Tract 1 by Specific Use Permit only:

- a. Church or Rectory
- b. Day Care for children
- c. Fraternity or Sorority
- d. School, Public, Proprietary or denominational
- e. Recreation area (private)
- f. Swim or Tennis Club
- g. Utility sub or regulation station

The following uses may be permitted in Tract 1 for temporary use only:

- a. Construction building (temporary)
- b. Field office (temporary)
- c. Real Estate sales office (temporary)

3. Height Regulations. No building shall exceed thirty (30') feet or two (2) stories in height.
4. Area Regulations. Area regulations for Tract 1 if developed for high density residential shall be as listed for the MF3 District in the zoning ordinance except for lot coverage. In Tract 1, in no case shall more than thirty-five (35%) percent of the total area be covered by the combined area of the main buildings and the accessory buildings. Area regulation for Tract 1 if developed for office uses shall be as listed for the Office District in the Zoning Ordinance.
5. Landscape Buffer. Along Watters Road and Bethany Drive provide a fifteen (15') foot landscape buffer. Within this buffer zone provide a 3'-0" high berm, screen wall or continuous hedge. To further enhance the landscape treatments, provide 100' setback from the center line of Watters Branch to apply only where the 100 year flood plain extends less than 100 feet from the centerline of Watters Branch; provided, however, that in no case shall the setback from the 100 year flood plain be less than is required in the Comprehensive Zoning Ordinance for the appropriate use in this tract.
6. Building Regulations. Types of materials for all main buildings shall have an exterior construction of a minimum of 75% brick, tiles, cement, concrete, stone, or similar materials.

## TRACT 2 - RETIREMENT CENTER

1. Purpose: This district allows for development of retirement center uses. The type of retirement center intended is that which features a central services facility linked to attached dwelling units and which may or may not include facilities for independent living, personal care, and on-site skilled nursing care.

2. Use Regulation:

The following are uses permitted in Tract 2:

- a. Retirement Housing-- shall be defined as a planned community which offers independent living, congregate care and/or assisted living with a central services facility on site which can provide food service, personal grooming care, arts and crafts and recreational activities. The community shall be designed to meet the need of residents 55 years of age and above.
- b. Personal Care Center
- c. Rest home or Nursing home
- d. Accessory building or use as defined in the Comprehensive Zoning Ordinance
- e. Swimming pool (private)
- f. Park or playground (public)
- g. Day care for disabled and/or elderly

The following uses may be permitted in Tract 2 by Specific Use Permit only:

- a. Church or Rectory
- b. Recreation area (private)
- c. Swim or Tennis Club

The following uses may be permitted in Tract 2 for temporary use only:

- a. Construction building (temporary)
- b. Field office (temporary)
- c. Real Estate sales office (temporary)

3. Height Regulations. No building shall exceed thirty (30') feet or two (2) stories in height.
4. Area Regulations. Area regulations for Tract 2 shall be as listed for the MF3 District in the zoning ordinance except for lot coverage. In Tract 2, in no case shall more than thirty-five (35%) percent of the total area be covered by the combined area of the main buildings and the accessory buildings.
5. Landscape Buffer. Along Watters Road and Bethany Drive provide a fifteen (15') foot landscape buffer. Within this buffer zone provide a 3'-0" high berm, screen wall or continuous hedge. To further enhance the landscape treatments, provide 100' setback from the center line of Watters Branch to apply only where the 100 year flood plain extends less than 100 feet from the centerline of Watters Branch; provided, however, that in no case shall the setback from the 100 year flood plain be less than is required in the Comprehensive Zoning Ordinance for the appropriate use in this tract.
6. Building Regulations. Types of materials for all main buildings shall have an exterior construction of a minimum of 75% brick, tiles, cement, concrete, stone, or similar materials.

### TRACT 3, 5, AND 9 LINEAR PARK

Watters Branch and Tributary

#### FLOOD PLAIN.

This purpose of this tract is to place land into public use for a park. The tracts will be dedicated to the City of Allen at the time adjacent land is platted and developed, or at an earlier time if requested by the City of Allen. Developer of adjacent tracts will be required to construct an 8 foot hike and bike trail to City standards.

### TRACT 4, 6, AND 7 - COMMERCIAL/OFFICE

1. Purpose. This district is characterized by development of major office and commercial activity. The regulations in this district are intended to preserve a high quality business park and employment center with regard to architecture, aesthetics, noise, access and circulation.

2. Use Regulations.

The following uses are permitted in Tracts 4, 6, and 7.

- a. Office Buildings
- b. Office Show-Room
- c. Business School or Commercial Trade School
- d. Health or Sports Clubs
- e. Restaurant with no drive-in (drive-thru allowed)
- f. Veterinarian Clinic with no outside runs
- g. Pet Store
- h. Bakeries
- i. Theaters (indoor only)
- j. Building materials sales (inside)
- k. Banks and financial institutions
- l. Commercial amusement (indoor)
- m. Studios, photo, music, art, health, etc.
- n. Furniture sales
- o. Auto parts sales (indoor)
- p. Department or discount stores
- q. Antique shops with no outdoor display or storage
- r. Cleaner or laundry
- s. Hardware store
- t. Barber or beauty shops
- u. Florist or garden shops (indoor)
- v. Household appliance sales
- w. Pharmacy
- x. Groceries and supermarkets
- y. Uses similar to the above mentioned permitted uses as determined by the City provided activities conducted observe the requirements of all City Ordinances.
- z. Accessory Buildings and uses incident to any of the above uses as defined in the Comprehensive Zoning Ordinance.
- aa. In tracts 6 and 7 only, such uses as may be permitted under Section 2.06 of the Zoning Ordinance for Specific Uses in the General Business District shall be allowed by Specific Permit.

The following additional uses in Tracts 6 and 7 only, are allowed by Specific Permit only:

1. Electronics Products Manufacturers
2. Distribution Centers with no outside storage allowed
3. Auto laundry (car wash)
4. New boat sales or repairs and used boat sales and repairs
5. New automobile sales and repairs
6. Used automobile sales with new car dealership only
7. Motorcycle sales and services
8. Hotel and Motel
9. Service station

On Tract 4 only the following is allowed as a temporary use:

- a. Concrete or asphalt batch plant
3. Height Regulations. The maximum height for the main building shall be 3 standard stories but shall not exceed forty-five (45) feet in height provided that any building or portion thereof constructed east of the proposed Watters Road as shown on the Planned Development Plat which is a part of this Ordinance, may be erected above said limit if set back from all street lines and required yard lines is one (1) foot for each one (1) foot of its height above said limit, provided however, that no building shall exceed fifteen (15) stories in height.
4. Area Regulations. Except as listed below, all area regulations for Tracts 4, 6, and 7 shall be as listed for the General Business District in the Zoning Ordinance.
- a. Size of Yards:
    1. Front yard - there shall be front yard having a minimum depth of twenty-five (25) feet and no building may be located closer than 100 feet to U.S. Highway 75 (Central Expressway) or FM2170 (McDermott Road).
    2. Side Yards - a side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street or alley.
    3. Rear yard - no rear yard is required except that a rear yard of not less than twenty-five (25) feet in depth shall be provided on that portion of the lot abutting or across a rear street or alley from an "R" district.
    4. Buffer along U.S. Highway 75 (Central Expressway) and FM 2170 - consistent with City Zoning policy, there shall be maintained a twenty-five (25) feet landscape buffer immediately adjacent to F.M. 2170 in which no building structure or parking shall be permitted. Special provision may be considered where insufficient depth may create a hardship.
    5. Buffer along Watters Road - consistent with City Zoning policy, there shall be maintained a fifteen (15) feet landscape buffer immediately adjacent to Watters Road in which no building structure or parking shall be permitted. Special provision may be considered where insufficient depth may create a hardship. Along Watters Road this buffer shall contain high beam, screen wall or continuous hedge.
  - b. Lot Coverage. No requirement except that required by establishment of yards or landscaping requirements.
  - c. Floor Area Ratio. The ratio of total floor area of all buildings to total land area shall be a maximum of 1:1 provided however that the City Council may, upon site plan review, approve a maximum of 2:1.
5. Building Regulations
- Types of Materials. All main building exteriors shall be constructed of stone, brick, cement, concrete, glazing or similar materials.

## TRACT 8 - OFFICE

1. Purpose. This district is characterized by development of major office and commercial activity. The regulations in this district are intended to preserve a high quality business park and employment center with regard to architecture, aesthetics, noise, access and circulation.

2. Use Regulations.

The following uses are permitted in Tract 8

- a. Office buildings
- b. Office show room
- c. Banks and financial institutions
- d. Studios, photo, music, art, health, etc
- e. Medical-related uses, such as clinic, professional office, etc.
- f. Pharmacy
- g. Uses similar as determined by the City to the above mentioned permitted uses provided activities conducted observe the requirements of all City Ordinances
- h. Accessory buildings and uses incident to any of the above uses as defined in the Comprehensive Zoning Ordinance

The following is permitted as a temporary use only:

- a. Concrete or asphalt batch plant

3. Height Regulations. The maximum height for the main building shall be 3 standard stories but shall not exceed forty-five (45) feet high provided that any building or portion thereof constructed east of the proposed Watters Road as shown on the Planned Development Plat which is a part of this Ordinance, may be erected above said limit if set back from all street lines and required yard lines is one (1) foot for each one (1) foot of its height above said limit, provided however, that no building shall exceed eight (8) stories in height.

4. Area Regulation. Except as listed below, all area regulations for Tract 8 shall be as listed for the General Business District in the Zoning Ordinance.

- a. Lot Coverage: No requirement except that required by establishment of yards or landscaping requirements.
- b. Floor Area Ratio: The ratio of total floor area of all buildings to total land area shall be a maximum of 1:1 provided however that the City Council may, upon site plan review, approve a maximum of 2:1.

5. Building Regulations

Types of Materials. All main building exteriors shall be constructed of stone, brick, tiles, cement, concrete, glazing or similar materials.

## TRACT 10 - HOSPITAL AND COMMERCIAL/OFFICE

1. Purpose. This district is characterized by development of major hospital, office, and commercial activity. The regulations in this district are intended to preserve a high quality employment center with regard to architecture, aesthetics, noise, access, and circulation.
2. Use Regulations.

The following uses are permitted in Tract 10:

- a. Clinic, Doctor or Dentist Office
- b. Convalescent home
- c. Day care for children, disabled or elderly
- d. Health service
- e. Hospital
- f. Office buildings (including without limitation, medical office buildings)
- g. Office/Showroom
- h. Business School or Commercial Trade School
- i. Health or Sports Club
- j. Restaurant with no drive-in (drive-thru allowed)
- k. Veterinarian Clinic with no outside runs
- l. Pet Store
- m. Hotel or Motel
- n. Bakeries
- o. Theaters (indoor only)
- p. Building Materials Sales (inside)
- q. Banks and Financial Institution
- r. Commercial Amusement (indoor)
- s. Studios, Photo, Music, Art, Health, etc.
- t. Furniture Sales
- u. Auto Parts Sales (indoor)
- v. Department or Discount Stores
- w. Antique Shops with no outdoor display or storage
- x. Cleaner or Laundry
- y. Hardware Store
- z. Barber or Beauty Shops
- aa. Florist or Gardner Shops (indoor)
- bb. Household Appliance Sales
- cc. Pharmacy
- dd. Groceries and Supermarkets
- ee. Rest Home or Nursing Home
- ff. Uses similar as determined by the City to the above-mentioned permitted uses provided activities conducted, observe the requirements of all City Ordinances.
- gg. Accessory Buildings and uses incident to any of the above uses as defined in the Comprehensive Zoning Ordinance.

The following uses are permitted in Tract 10 by Specific Use Permit only:

- a. New Boat Sales or Repairs and Used Boat Sales and Repairs with New Boat Dealership only.
- b. New Automobile Sales with Repairs
- c. Used Automobile Sales with New Car Dealership only.
- d. Motorcycle Sales and Service

- e. Heliport
- f. Service station

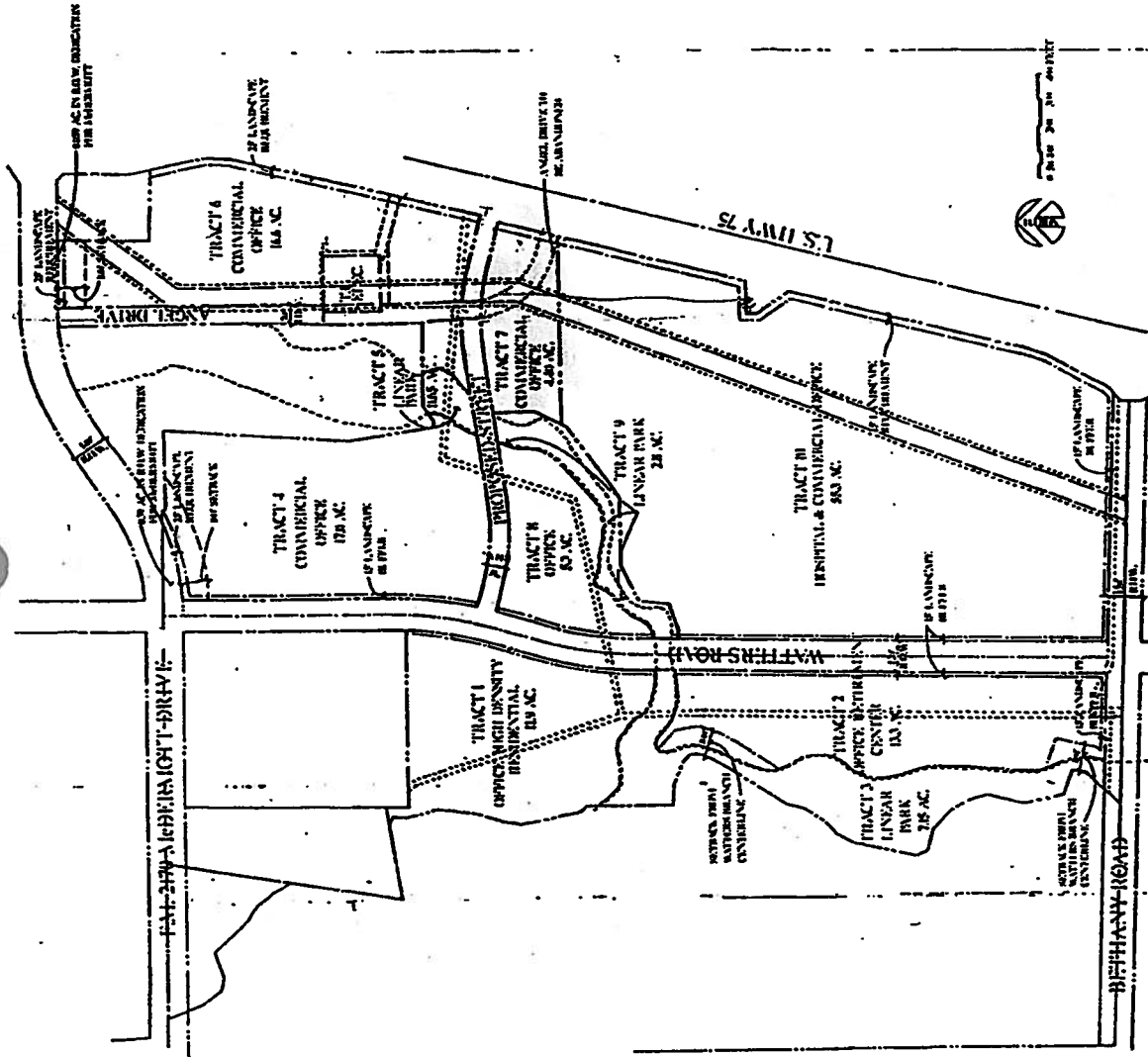
The following use is permitted as a temporary use only:

- a. Concrete or asphalt batch plant
3. Height Regulations. The maximum height for the main building shall be 3 standard stories but shall not exceed forty-five (45) feet in height provided that any building or portion thereof constructed east of the proposed Watters Road as shown on the Planned Development Plat which is a part of this Ordinance, may be erected above said limit if set back from all street lines and required yard lines is one (1) foot for each one (1) foot of its height above said limit, provided however, that no building shall exceed fifteen (15) stories in height.
4. Area Regulations. Except as listed below, all area regulations for Tract 10 shall be as listed for the General Business District in the Zoning Ordinance.
- a. Size of Yards:
    - 1. Front Yard - there shall be a front yard having a minimum depth of twenty-five (25) feet and no building may be located closer than 100 feet to U.S. Highway 75 (Central Expressway).
    - 2. Side Yards - A side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street or alley.
    - 3. Rear yard - no rear yard is required except that a rear yard of not less than twenty-five (25) feet in depth shall be provided on that portion of the lot abutting or across a rear street or alley from an "R" District.
    - 4. Buffer along U.S. Highway 75 (Central Expressway) - consistent with City Zoning policy, there shall be maintained a twenty-five (25) feet landscape buffer immediately adjacent to U.S. Highway 75 (Central Expressway) in which no building structure or parking shall be permitted. Special provision may be considered where insufficient depth may create a hardship.
    - 5. Buffer along Bethany Road and Watters Road. Consistent with City Zoning policy, there shall be maintained a fifteen (15') foot landscape buffer immediately adjacent to Watters Road and Bethany Road in which no building structure or parking shall be permitted. Special provision may be considered where insufficient depth may create a hardship.
  - b. Lot Coverage. No requirement except that required by establishment of yards or landscaping requirements.
  - c. Floor Area Ratio. The ratio of total floor area of all buildings to total land area shall be a maximum of 1:25:1 provided however that the City Council may, upon site plan review, approve a maximum of 2:1.
  - d. Landscape Buffer. Provide additional building and parking setback of 100' from the centerline of the Linear Park.
5. Building Regulations.  
Type of Materials. All main building exteriors shall be constructed of stone, brick, tiles, cement, concrete, glazing and masonry products such as EIFS or similar materials.

In addition to the foregoing regulations and standards, the following shall apply to all tracts:

1. The City of Allen is not committing to the abandonment of a portion of Angel Drive. That issue will be considered at the time the proposed east-west road is constructed as alternate access to Angel Drive as approved by the City.
2. In addition to recommendations in applicant's traffic study, additional lane requirements at four intersection locations, as proposed by Hunter & Associates in a January 26, 1994, letter to Tom Keener, Development Coordinator of the City of Allen, are agreed to, along with landowner portion of the construction costs.
3. In all tracts, the proposed landscape buffers will require landscape plan approval with automatic irrigation system, 3-foot minimum screening at the time of planting and to be installed with the issuance of a Certificate of Occupancy with staff discretion for seasonal requirements.
4. The 25 feet and 15 feet landscape buffers along U.S. Highway 75, F.M. 2170, Watters Road and Bethany Road will consist of combinations of sod grasses, ground covers, trees, shrubs, decorative walls, earthen berms and other commonly used and accepted landscape treatments. Specific plans for these landscape buffers must be submitted with the site plans for development of the various tracts. Native trees of minimum 2 inch caliper will be spaced informally at all street frontages. The number of trees required will be equal to one for each 50 feet of frontage. Three feet high walls, berms or decorative fences and shrubs will be used to screen parking areas from adjacent street where appropriate. Shrubs shall be varieties commonly used and adaptable to the area. Irrigation shall be provided to the landscaped areas and all landscaping shall continue through the development for a unified concept design.
5. Prior to approval of final plat in any section a facilities agreement for purposes of escrowing funds for construction of the 8' hike and bike trail will be executed.





<b>PLANNING &amp; ZONING COMMISSION AGENDA COMMUNICATION</b>
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**AGENDA DATE:** April 6, 2010

**SUBJECT:** Conduct a Public Hearing Public Hearing and consider a request for an SUP Specific Use Permit for Allen Dance for a Dance Studio, on property currently zoned SC Shopping Center. The property is a part of 1.0± acres situated in the David Wetsel Survey, Abstract No. 977; located in the Eagle Plaza Shopping Center at 602 E. Main Street, Suite #E.

**STAFF RESOURCE:** Tiffany McLeod  
Planner

**PREVIOUS COMMISSION/  
COUNCIL ACTION:** Preliminary Plat – 1983  
Replat - 1998

**LEGAL NOTICES:** Public Hearing Sign Installed – March 26, 2010  
Public Hearing Letters Mailed – March 26, 2010

**BACKGROUND**

The property is located east of Jupiter Road and south of McDermott Drive at 602 E. Main Street, Suite #E. The property to the north, across McDermott Drive, is zoned SC Shopping Center and CF for Community Facilities. The property to the east is zoned PD Planned Development No. 89 for SC Shopping Center. The property to the south is zoned PD Planned Development No. 19 for MF Multi-family. The property to the west, across Jupiter Road, is zoned SC Shopping Center.

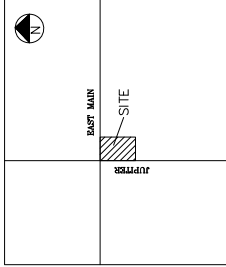
The property is zoned SC Shopping Center. The proposed use for the lease space is a dance studio. In January 2010 the *Allen Land Development Code* was amended to require a Specific Use Permit (SUP) for assembly uses in various zoning districts; including the SC Shopping Center district. Under the amended code a gymnastics/dance studio use requires an SUP within the SC Shopping Center zoning district. There are no proposed changes to the site.

**STAFF RECOMMENDATION**

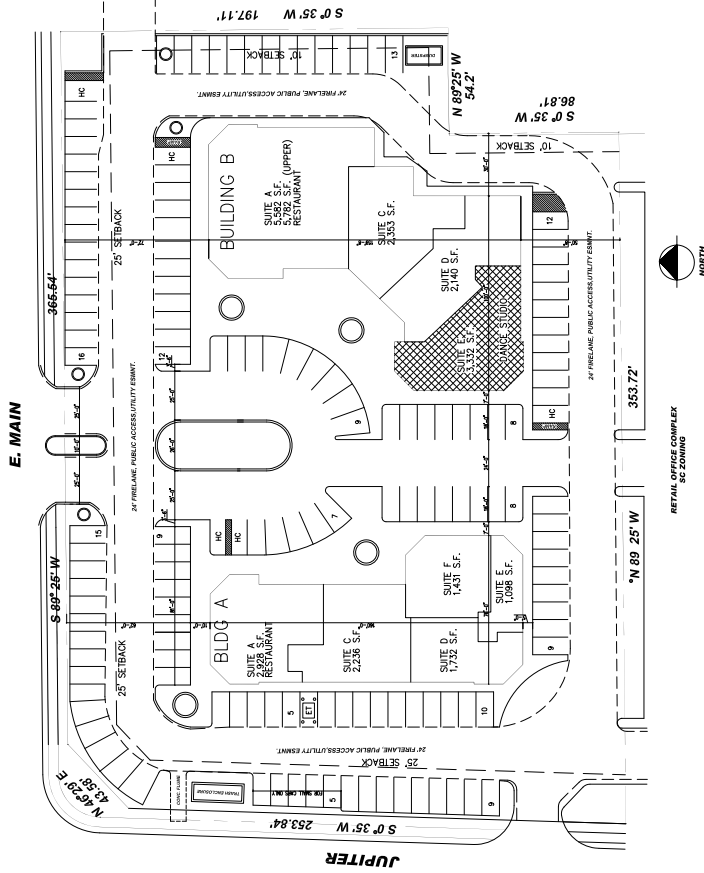
Approval

**ATTACHMENTS**

Site Plan  
Property Owner Notification Map



LOCATION MAP  
(NOT TO SCALE)



**SITE DATA:**

**LOT AREA:**  
2.5 Acres, 108,900 sq. ft.

**LOT COVERAGE:**  
21.1%

**FLOOR TO AREA RATIO:**  
4.73:1

**BUILDING AREA:**  
Building A 9425 sq.ft.  
Building B 13575 sq.ft.

**BUILDING HEIGHT:**  
(One Story) 16'

**BUILDING SETBACKS:**  
Front: 25'  
Side: 10'  
Rear: 0'

**PROPOSED USE:**  
Dance Studio

**ZONING:**  
SC

**PARKING:**  
Parking Required = 115  
(1/200sf=23000=115)  
Handicapped Provided = 5  
Total Provided = 147

Resubmittal #1 Date: 03-18-10  
SUP SITE PLAN

ALLEN DANCE STUDIO

EAGLE PLAZA SHOPPING CENTER  
LOT 1A & 1B  
City of Jupiter, Florida  
www.jupitor.com

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