



**AGENDA
CITY OF ALLEN
PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY, MARCH 1, 2016 – 7:00 P.M.
CITY 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 Commission items by City Council at the February 23, 2016, regular 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 from the February 16, 2016, regular meeting.
3. Final Plat – Consider a request for a Final Plat for Allen Center North Addition, Lot 6, Block A, being 1.948± acres situated in the James T. Roberts Survey, Abstract No. 777, City of Allen, Collin County, Texas; located at the southeast corner of Stacy Road and Greenville Avenue. (FP-2/23/16-18) [Aldi]
4. Final Plat – Consider a request for a Final Plat for Lots 1 and 2, Block A, Rock Ridge Estates, being 2.489± acres situated in the Gabriel Fitzhugh Survey, Abstract No. 318, City of Allen, Collin County, Texas; located south of Forest Grove and west of Rock Ridge Road, at 2355 Rock Ridge Road. (FP-11/23/15-86) [Rock Ridge Estates]

Regular Agenda

5. Combination Plat – Consider a request for a Combination Plat for RCCG Christ Throne Addition, Lots 1 and 2, Block A, being 2.587± acres situated in the D.B. Hearne Survey, Abstract No. 427, City of Allen, Collin County, Texas; located on the southwest corner of Bethany Drive and Maxwell Creek Drive. (FP-10/20/15-77) [RCCG Christ Throne Addition]

6. Conduct a Public Hearing and consider proposed amendments to the Allen Land Development Code relating to: Section 6.03.5 “Restaurants with food and beverage certificates – Geographic locations”; and Appendix A “Definitions” by amending the definition of “Restaurant or cafeteria (no drive-in service)”.

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, February 26, 2016 at 5:00 p.m.

Shelley B. George, City Secretary

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

Director's Report from 2/23/2016 City Council Meeting

- The request to adopt an Ordinance to change the base zoning of a 4.247± acre portion of Tract C of Planned Development PD No. 98 (generally located south of Ridgeview Drive and west of Twin Creeks Drive) from Townhome Residential TH to Single-Family Residential R-7, and adopt a Concept Plan, Development Regulations, and Building Elevations for Ridgeview Villas was approved.
- The request to adopt an Ordinance to change the base zoning of a 74.601± acre portion of Planned Development PD No. 105 (generally located south of Bethany Drive and east of Brett Drive) from Agriculture Open Space AO to Single-Family Residential District R-7, and adopt a Concept Plan, Development Regulations, and Building Elevations for Montgomery Farm Estates was tabled to the March 22, 2016, City Council meeting.



**PLANNING AND ZONING
COMMISSION**

**Regular Meeting
February 16, 2016**

ATTENDANCE:

Commissioners Present:

Jeff Cocking, Chair
Ben Trahan, 1st Vice-Chair
Luke Hollingsworth
Michael Orr
John Ogrizovich

Absent:

Stephen Platt, Jr., 2nd Vice-Chair
Shirley Mangrum

City Staff Present:

Lee Battle, AICP, Assistant Director of Community Development
Shawn Poe, PE, Assistant Director of Engineering
Tiffany McLeod, AICP, Senior Planner
Julie Doshier, City Attorney

Call to Order and Announce a Quorum is Present:

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

Director's Report

1. Action taken on the Planning & Zoning Commission items by City Council at the February 9, 2016, regular meeting, attached.

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. Capital Improvement Program (CIP) Status Report.
3. Approve minutes from the February 2, 2016, regular meeting.

Motion: **Upon a motion by 1st Vice-Chair Trahan, and a second by Commissioner Hollingsworth, the Commission voted 5 IN FAVOR, and 0 OPPOSED to approve the Consent Agenda.**

The motion carried.

Regular Agenda

4. Replat/Public Hearing – Conduct a Public Hearing and consider a request for a Replat for Lot 1R & 4, Block 1, Bethany Park Place, being a Replat of Lot 1, Block 1, Bethany Park Place, being 10.672± acres in the John Snider Survey, Abstract No. 848, City of Allen, Collin County, Texas; generally located south of Bethany Drive and east of Allen Heights Drive. (RP-5/18/15-29) [Bethany Park Place]

Ms. Tiffany McLeod, Senior Planner, presented the item to the Commission.

The property is generally located south of Bethany Drive and east of Allen Heights Drive. The properties to the east are zoned Single Family Residential R-7. The properties to the north are zoned Shopping Center SC and Community Facilities CF. The property to the west (across Allen Heights Drive) is zoned Planned Development PD No. 22 for Shopping Center SC. The property to the south is the City of Parker.

The property is currently platted as one (1) lot for the existing Kroger grocery store and retail/commercial building. A revised Site Plan, to subdivide the lot into two (2) separate lots, was approved in September, 2015. Replatting the property to actually subdivide the lot is the last step in the process. On October 6, 2015 the Replat was approved by the Planning and Zoning Commission. However, the plat expired because it was not filed of record within ninety days of approval. There have been no changes made to the Replat since the October, 2015 approval.

The Replat is for 10.872± acres of land. Lot 1R is the lot for the Kroger grocery store and Lot 4 is the lot for the retail/commercial building. There are three (3) access points on Allen Heights Drive. The remaining access points for both lots are through existing Firelane, Access, and Utility Easements. The plat also adds and adjusts easements to reflect the site's actual layout. The Replat has been reviewed by the Technical Review Committee, is consistent with the revised Site Plan, and meets the standards of the Allen Land Development Code.

Commissioner Ogrizovich asked if there will be additional development on Lot 4. Ms. McLeod answered no. The intent of the plat is just to divide the property into two separate parcels.

Chairman Cocking opened the public hearing.

With no one wishing to speak, Chairman Cocking closed the public hearing.

Motion: **Upon a motion by Commissioner Orr and a second by 1st Vice-Chair Trahan, the Commission voted 5 IN FAVOR, and 0 OPPOSED to approve the Replat for Lot 1R & 4, Block 1, Bethany Park Place, generally located south of Bethany Drive and east of Allen Heights Drive, for Bethany Park Place.**

The motion carried.

5. Replat/Public Hearing – Conduct a Public Hearing and consider a request for a Replat for Lot 8, Block F, Bray Central One, being a Replat of a portion of Lot1-R-1, Block F, Bray Central One Addition, being 8.142± acres situated in the W.J. Jackson Survey, Abstract No. 484, City of Allen, Collin County, Texas; located at the southeast corner of Raintree Circle and Junction Drive. (R-1/5/16-2) [Alders at Twin Creeks]

Ms. Tiffany McLeod, Senior Planner, presented the item to the Commission.

The property is located at the southeast corner of the intersection of Raintree Circle and Junction Drive. The properties to the north (across Raintree Circle) and south are zoned Planned Development PD No. 54 Industrial Technology (IT). The properties to the west (across Junction Drive) and east are zoned Planned Development PD No. 54 Industrial Technology (IT) and Planned Development PD No. 108 Mixed-Use (MIX). The property is currently zoned Planned Development PD No. 108 Mixed-Use (MIX).

A PD Amendment for a Senior Independent Living development, known as Alders at Twin Creeks, was approved in August, 2015. A Site Plan for the development was approved in January, 2016. Platting is the last step in the development process. The Replat shows an 8.142± acre lot. There are three (3) access points for the property. There is one (1) on Junction Drive and two (2) through Firelane, Access, and Utility Easements. The plat also shows easements and ROW dedication required for development.

The Replat has been reviewed by the Technical Review Committee, is consistent with the PD Amendment Concept Plan and Site Plan, and meets the standards of the Allen Land Development Code.

Chairman Cocking asked if the drainage area issues had been resolved and finalized. Ms. McLeod answered yes and stated that a maintenance agreement for the civic space area has been filed and reconciled.

Chairman Cocking opened the public hearing.

With no one wishing to speak, Chairman Cocking closed the public hearing.

Motion: **Upon a motion by Commissioner Hollingsworth and a second by 1st Vice-Chair Trahan, the Commission voted 5 IN FAVOR, and 0 OPPOSED to approve the Replat for Lot 8, Block F, Bray Central One Addition, generally located at the southeast corner of Raintree Circle and Junction Drive, for the Alders at Twin Creeks.**

The motion carried.

6. Replat/Public Hearing – Conduct a Public Hearing and consider a request for a Replat for Greenway-Allen Retail Addition, Lot 7R, being a Replat of Greenway-Allen Retail Addition – Lot 7, being 2.2196± Acres situated in the William Perrin Survey, Abstract No. 708, City of Allen, Collin County, Texas; generally located south of McDermott Drive and west of Century Parkway.(RP-1/13/16-6) [Greenway-Allen Retail]

Ms. Tiffany McLeod, Senior Planner, presented the item to the Commission.

The property is located south of McDermott Drive and west of Century Parkway. The properties to the north and west are zoned Shopping Center SC. The property to the east (across Century Parkway) is zoned Central Business District CBD. The property to the south is zoned Light Industrial LI.

The property is currently zoned Shopping Center (SC). A revised Site Plan for a retail building was approved in February, 2016. Platting is the last step in the development process.

The Replat shows a 2.22± acre lot. There are three (3) access points for the property. There is one (1) on Century Parkway and two (2) through Firelane, Access, and Utility Easements. The plat also shows easements required for development.

The Replat has been reviewed by the Technical Review Committee, is consistent with the revised Site Plan, and meets the standards of the Allen Land Development Code.

Commissioner Ogrizovich asked if the retail building will be built next to Mexigo. Ms. McLeod answered correct. He continued by asking if the existing parking lot will remain a parking lot. Ms. McLeod answered yes.

Chairman Cocking opened the public hearing.

With no one wishing to speak, Chairman Cocking closed the public hearing.

Motion: **Upon a motion by Commissioner Ogrizovich and a second by Commissioner Orr, the Commission voted 5 IN FAVOR, and 0 OPPOSED to approve the Replat for Lot 7R, Greenway-Allen Retail Addition, generally located south of McDermott Drive and west of Century Parkway, for Greenway-Allen Retail.**

The motion carried.

Chairman Cocking made two announcements:

Madhuri Kulkarni, Planner, is not in attendance because she is getting married.

Tiffany McLeod, Senior Planner, received the City of Allen P.R.I.D.E. award for "Integrity".

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

The meeting adjourned at 7:13 p.m.

These minutes approved this _____ day of _____ 2016.

Jeff Cocking, Chairman

Madhuri Kulkarni, AICP, Planner

Director's Report from 2/9/2016 City Council Meeting

- The request to adopt an Ordinance to amend the development regulations and adopt a Zoning Exhibit for portions of Planned Development PD No. 92, generally located north of Ridgeview Drive and on the west and east sides of Watters Road, for Starcreek Commercial was approved.

PLANNING & ZONING COMMISSION AGENDA COMMUNICATION
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AGENDA DATE: March 1, 2016

SUBJECT: Consider a request for a Final Plat for Allen Center North Addition, Lot 6, Block A, being 1.948± acres situated in the James T. Roberts Survey, Abstract No. 777, City of Allen, Collin County, Texas; located at the southeast corner of Stacy Road and Greenville Avenue. (FP-2/23/16-18) [Aldi]

STAFF RESOURCE: Tiffany McLeod, AICP
Senior Planner

PREVIOUS COMMISSION/COUNCIL ACTION: General Development Plan – Approved October, 2003
Preliminary Plat – Approved with Conditions November, 2003
Revised Preliminary Plat – Approved August, 2008
Revised Preliminary Plat – Approved July, 2011
Revised General Development Plan – Approved December, 2014
Final Plat – Approved May, 2015 (Expired)

LEGAL NOTICES: None.

ANTICIPATED COUNCIL DATE: None.

BACKGROUND

The property is located south of Stacy Road and east of Greenville Avenue, and is zoned Shopping Center SC. The properties to the north, east, south, and west (across Greenville Avenue) are all zoned Shopping Center SC.

A Preliminary Plat for the overall property was approved in November 2003, and a Revised General Development Plan showing six (6) lots was approved in December 2014. A Site Plan for a grocery store on Lot 6 was approved in April, 2015. The Final Plat is the last step in the development process. On May 19, 2015 the Final Plat was approved by the Planning and Zoning Commission. However, the plat expired because it was not filed of record within ninety days of approval. There have been no changes made to the plat since the May, 2015 approval.

The Final Plat shows an approximately 1.95± acre lot. There are three (3) access points into the lot; all through Access Easements. The plat also shows various easements required for development of the site.

The Final Plat has been reviewed by the Technical Review Committee, is consistent with the Revised General Development Plan, and meets the requirements of the *Allen Land Development Code*.

STAFF RECOMMENDATION

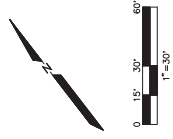
Staff recommends approval.

RECOMMENDED MOTION

I make a motion to approve the Final Plat for Allen Center North Addition, Lot 6, Block A; being 1.948± acres generally located south of Stacy Road and east of Greenville Avenue.

ATTACHMENTS

Final Plat



LEGEND

L.R.F. — IRON ROD FOUND
L.R.S. — IRON ROD SET
X FND. — X FOUND IN CONCRETE
CM — CONTROLLING MONUMENT
M.R.C.C.T. — MAP RECORDS OF COLLIN COUNTY, TEXAS
D.R.C.C.T. — MAP RECORDS OF COLLIN COUNTY, TEXAS

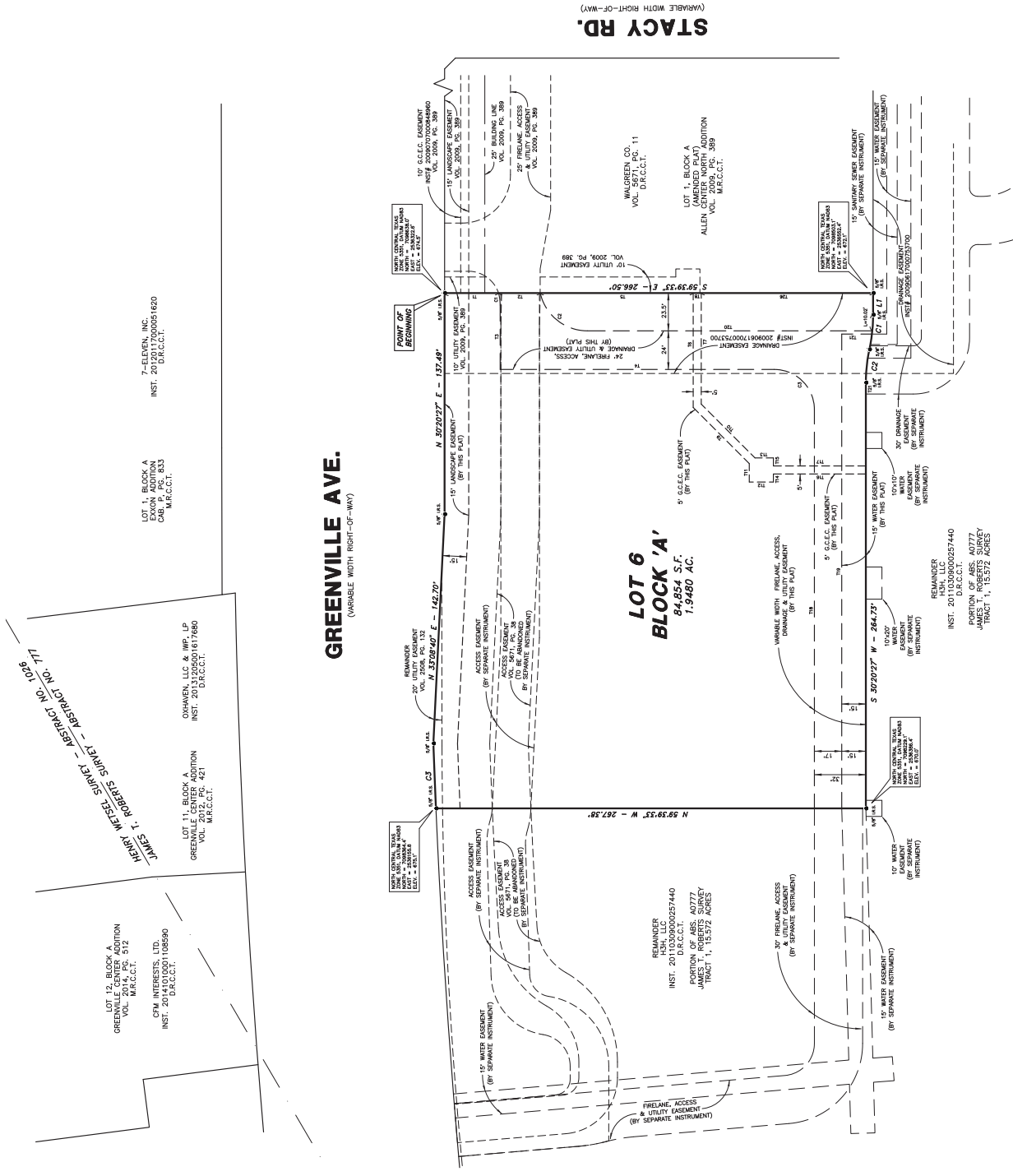
[illegible]

ENGINEER:
BURGER ENGINEERING, LLC
TBPE F-12997
17103 PRESTON ROAD, SUITE 180N
DALLAS, TEXAS 75248
(972) 630-3360
CONTACT: BRYAN M. BURGER, P.E.

~ BOUNDARY CURVE DATA TABLE ~					
NO.	RADIUS	DELTA	ARC	CH. BEARING	CHORD
C1	102.00'	12°10'37"	21.68'	S 36°25'46" W	21.64'
C2	98.00'	12°10'37"	20.83'	S 36°25'46" W	20.79'
C3	5037.99'	00°27'35"	40.43'	N 28°04'22" E	40.43'

NO.	BEARING	DISTANCE
11	S 30°20'27" W	13.50'

BEING 1.9480 ACRES OUT OF THE
THE JAMES T. ROBERTS SURVEY, ABSTRACT NO. 777
CITY OF ALLEN, COLLIN COUNTY, TEXAS



STATE OF TEXAS
COUNTY OF COLLIN

BEGINNING AT A 5/8" IRON ROD SET FOR CORNER IN THE NORTHEAST RIGHT-OF-WAY, LINE OF GREENVILLE WALK (STATE HIGHWAY NO. 5) (VARIABLE WIDTH RIGHT-OF-WAY), RIGHT-OF-WAY WIDENED BY AMENDED PLAT OF ALLEN CENTER NORTH ADDITION AS RECORDED IN VOLUME 2009, PAGE 389 OF THE MAP RECORDS OF COLLIN COUNTY, TEXAS, S/D POINT BEING THE SOUTHWEST CORNER OF LOT 1, BLOCK A — ALLEN CENTER NORTH ADDITION, IN ADDITION TO THE CITY OF ALLEN, COLLIN COUNTY, TEXAS ACCORDING TO THE AMENDED PLAT THEREOF RECORDED IN VOLUME 2009, PAGE 389 OF THE MAP RECORDS OF COLLIN COUNTY, TEXAS;

THENCE SOUTH 59° 39' 33" EAST, DEPARTING THE SAID NORTHEAST RIGHT-OF-WAY LINE OF GREENVILLE AVENUE (STATE HIGHWAY NO. 5) AND FOLLOWING ALONG THE SOUTH LINE OF SAID LOT 1, BLOCK A - ALLEN CENTER NORTH ADDITION FOR A DISTANCE OF 266.50 FEET TO A 5/8" IRON ROD SET FOR CORNER, SAID POINT BEING THE SOUTHEAST CORNER OF SAID LOT 1, BLOCK A - ALLEN CENTER NORTH ADDITION;

THENCE SOUTH 30° 20' 27" WEST, DEPARTING THE SOUTH LINE OF SAID LOT 1, BLOCK 1, ALLEN CENTER NORTH ADDITION FOR A DISTANCE OF 13.50 FEET TO A 5/8" IRON ROD SET FOR CORNER, SAID POINT BEING THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 102.00 FEET WITH A CENTRAL ANGLE OF 12° 10' 37" AND A CHORD BEARING SOUTH 36° 25' 46" WEST AT A DISTANCE OF 21.64 FEET.

THENCE SOUTHWESTERLY, FOLLOWING ALONG SAID CURVE TO THE RIGHT FOR AN ARC DISTANCE OF 21.68 FEET TO A POINT FOR CORNER, SAID POINT BEING THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 98.00 FEET WITH A CENTRAL ANGLE OF 12° 10' 37" AND A CHORD BEARING SOUTH 36° 25' 46" WEST AT A DISTANCE OF 20.79 FEET;

THENCE SOUTHWESTERLY AND FOLLOWING ALONG SAID CURVE TO THE LEFT FOR AN ARC DISTANCE OF 20.79 FEET TO A 5/8" IRON ROD SET FOR CORNER;

THENCE SOUTH 30° 20' 27" WEST, FOR A DISTANCE OF 264.73 FEET TO A 5/8" IRON ROD SET FOR CORNER;

THENCE NORTH 59° 39' 33" WEST, FOR A DISTANCE OF 267.38 FEET TO A 5/8" IRON ROD SET FOR CORNER IN THE NORTHEAST RIGHT-OF-WAY LINE OF AFORESAID

GREENWELL AVENUE (STATE HIGHWAY NO. 57), RIGHT-OF-WAY INDICATED BY PLAT RECORDED IN VOLUME 2009, PAGE 389 OF THE MAP RECORDS OF COLLIN COUNTY, TEXAS; SAID POINT BEING IN THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5037.99 FEET WITH A CENTRAL ANGLE OF 00° 27' 35" AND A CHORD BEARING NORTH 28° 04' 22" EAST AT A DISTANCE OF 40.43 FEET;

THE NORTHEAST RIGHT-OF-WAY LINE OF AFORESAID GREENVILLE AVENUE (STATE HIGHWAY NO. 5), RIGHT-OF-WAY WIDENED BY PLAT RECORDED IN VOLUME 2009, PAGE 389 OF THE MAP RECORDS OF COLLIN COUNTY, TEXAS FOR AN ARC DISTANCE OF 40.43 FEET TO A 5/8" IRON ROD SET FOR CORNER:

THENCE NORTH 33° 08' 40" EAST, FOLLOWING ALONG THE NORTHEAST RIGHT-OF-WAY LINE OF AFORESAID GREENVILLE AVENUE (STATE HIGHWAY NO. 5), RIGHT-OF-WAY WIDENED BY PLAT RECORDED IN VOLUME 2009, PAGE 389 OF THE MAP RECORDS OF COLLIN COUNTY, TEXAS FOR A DISTANCE OF 142.70 FEET TO A 5/8" IRON ROD SET FOR CORNER;

THENCE NORTH 30° 20' 27" EAST AND FOLLOWING ALONG THE NORTHEAST
RIGHT-OF-WAY LINE OF AFORESAID GREENVILLE AVENUE (STATE HIGHWAY NO. 5),
RIGHT-OF-WAY WIDENED BY PLAT RECORDED IN VOLUME 2009, PAGE 389 OF THE MAP
RECORDS OF COLLIN COUNTY, TEXAS FOR A DISTANCE OF 137.49 FEET TO THE POINT
OF BEGINNING AND CONTAINING 1.9480 ACRES (84,854 SQUARE FEET) OF LAND, MORE
OR LESS.

KNOW ALL MEN BY THESE PRESENTS:

THAT E3M, LLC, THROUGH THE UNDERSIGNED ARCHITECT, DOES HEREBY ADOPT THIS PLAT DESIGNING THE DESCRIBED PROPERTY AS LOT 6, BLOCK A - ALLEN CENTER THIS PROJECT, AND HEREBY REQUESTS THE CITY OF CHICAGO TO APPROVE THE PLAT AND DEDICATE TO THE PUBLIC USE FOREVER THE STREETS AND ALLEYS, THERETO, AND DOES HEREBY DEDICATE THE EASEMENT STRIPS SHOWN ON THE PLAT FOR MUTUAL USE AND ENJOYMENT OF THE ADJACENT LOTS AND TRACTS OF LAND, AND THE ADJACENT BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENT STRIPS ON SAID PLAT, ANY PART OF WHICH BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR STRIPS OF WHICH IN ANY MANNER INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEM ON ANY OF THESE EASEMENT STRIPS, AND ON FREEDOM OF ANY OF SAID EASEMENT STRIPS FOR THE PURPOSE OF ACCESS TO AND FROM UPON ANY OF SAID EASEMENT STRIPS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTING, PATROLLING, MAINTAINING AND ADDING TO ANY OF THE ABOVE DESCRIBED SYSTEMS, WITHOUT THE NECESSITY AT ANY TIME OF OBTAINING 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 _____, 2015.

BY: H3H, LLC,
A TEXAS LIMITED LIABILITY COMPANY

BY: _____

TITLE: _____

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2015 BY H3H, LLC, A TEXAS LIMITED LIABILITY COMPANY, ON SUCH BEHALF OF SUCH LIMITED LIABILITY COMPANY, AND AS THE ACT AND DEED OF SUCH LIMITED LIABILITY COMPANY, FOR THE CONSIDERATION THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN STATED.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES

THAT I, DAVID R. PETREE, DO HEREBY CERTIFY THAT I PREPARED THIS PLAN 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.

DAVID R. PETREE, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1890

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED DAVID R. PETREE, 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 PURPOSE AND CONSIDERATION THEREIN STATED.

GIVEN UPON MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2015.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES

NO.	S EASING	TANGENT	DISTANCE
T1	S 59°39'33" E	33.60'	
T2	S 59°39'33" E	25.90'	
T3	S 30°20'27" W	39.98'	
T4	S 59°39'33" E	170.44'	
T5	S 59°39'33" E	95.11'	
T6	S 30°20'27" W	71.15'	
T7	N 30°20'27" E	69.07'	
T8	S 30°20'27" W	5.00'	
T9	N 14°39'33" W	49.34'	
T10	S 14°39'33" E	47.27'	
T11	S 30°20'27" W	11.46'	
T12	S 59°39'33" E	5.00'	

T13	N 59°39'33"	W	11.46'
T14	N 30°20'27"	E	5.00'
T15	S 30°20'27"	W	5.00'
T16	N 59°39'33"	W	57.50'
T17	S 59°39'33"	E	57.50'
T18	S 30°20'27"	W	247.92'
T19	N 30°20'27"	E	294.92'
T20	S 59°39'33"	E	177.22'
T21	S 59°39'33"	E	18.79'

~ EASEMENT CURVE TABLE ~

NO.	RADIUS	DELTA	ARC	CH. BEARING	CHORD
C1	30.00'	14°30'56"	7.60'	N 23°04'59" E	7.58'
C2	30.00'	77°29'14"	40.57'	N 20°54'56" W	37.55'
C3	25.00'	90°00'00"	39.27'	S 73°14'54" W	35.36'

OWNER:

47 HIGHLAND PARK VILLAGE, SUITE 200
RSH, LLC
DALLAS, TEXAS 75205
(214) 922-1133
CONTACT: JASON CLARO

ENGINEER:

BURGER ENGINEERING, LLC
TYPE F-12997
17103 PRESTON ROAD, SUITE 180N
DALLAS, TEXAS 75248
(972) 630-3360
CONTACT: BRYAN M. BURGER, P.E.

SURVEYOR

BLUE SKY SURVEYING & MAPPING CORPORATION
TBPLS REG. #10105700
11015 MIDWAY ROAD
DALLAS, TEXAS 75229
(214) 358-4500
CONTACT: DAVID R. PETREE, R.P.L.S.

FINAL PLAT

OF

**ALLEN CENTER NORTH ADDITION
LOT 6, BLOCK A**

BEING 1.9480 ACRES OUT OF THE
THE JAMES T. ROBERTS SURVEY, ABSTRACT NO. 777
CITY OF ALLEN, COLLIN COUNTY, TEXAS

Page 2 of 2
April, 2015

PLANNING & ZONING COMMISSION AGENDA COMMUNICATION

AGENDA DATE: March 1, 2016

SUBJECT: Consider a request for a Final Plat for Lots 1 and 2, Block A, Rock Ridge Estates, being 2.489± acres situated in the Gabriel Fitzhugh Survey, Abstract No. 318, City of Allen, Collin County, Texas; located south of Forest Grove and west of Rock Ridge Road, at 2355 Rock Ridge Road. (FP-11/23/15-86) [Rock Ridge Estates]

STAFF RESOURCE: Tiffany McLeod, AICP
Senior Planner

PREVIOUS COMMISSION/COUNCIL ACTION: None.

LEGAL NOTICES: None.

ANTICIPATED COUNCIL DATE: None.

BACKGROUND

The property is located south of Forest Grove Estates Road and west of Rock Ridge Road. The properties to the north, west and south are located in the City of Allen's extraterritorial jurisdiction (ETJ). The City of Lucas is to the east.

The property is located in the City of Allen's extraterritorial jurisdiction (ETJ). In 2002, a City-County Plat Approval Agreement was executed; requiring the City of Allen to regulate subdivision plats within the ETJ. The City of Allen is processing the Final Plat request as required by this agreement.

The Final Plat shows a 2.489± acre property subdivided into two (2) lots. The plat also shows rights-of-way dedication and a utility easement along the frontage of both lots.

The request has been reviewed by the Technical Review Committee and meets the standards of Article VIII, Subdivision Regulations, of the *Allen Land Development Code*.

STAFF RECOMMENDATION

Staff recommends approval.

MOTION

I make a motion to approve the Final Plat for Lots 1 and 2, Block A, Rock Ridge Estates; being 2.489± acres located at 2355 Rock Ridge Road.

ATTACHMENTS

City-County Plat Approval Agreement
Final Plat

STATE OF TEXAS

COUNTY OF COLLIN

§
§
§

KNOW ALL MEN BY THESE PRESENTS:

CITY-COUNTY PLAT APPROVAL AGREEMENT

That this Agreement is entered into by and between the County of Collin, Texas ("County") and the City of Allen, Texas ("City"), in accordance with the provisions of House Bill 1445 ("H.B.1445"), enacted by the 77th Legislature of the State of Texas, and is to witness the following:

WHEREAS, County is a County operating under Sections 232.001-232.005 of the Local Government Code; and

WHEREAS, County does not contain extraterritorial jurisdiction of a municipality with a population of 1.9 million or more and is not within fifty miles of an international border and is not subject to Subchapter C, Chapter 232; and

WHEREAS, City is a home rule City of Collin County, Texas, which has extraterritorial jurisdiction ("ETJ") under the provisions of Chapter 42, Local Government Code; and

WHEREAS, House Bill 1445, effective September 1, 2001, Chapter 242, Local Government Code, was amended to require City and County to enter into an agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the ETJ of the City;

NOW, THEREFORE, for and in consideration of the mutual promises and considerations herein expressed, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties hereto agree as follows:

1. *City Granted Exclusive Jurisdiction.* The parties agree that City shall be granted exclusive jurisdiction to regulate all subdivision plats and approve all related permits in its ETJ in accordance with Chapter 212 of the Local Government Code, its adopted Land Development Code or other applicable codes or ordinances, and County shall no longer exercise any of these functions in the City's ETJ.
2. *One Office for Plat Applications, Fee Payments and Responses.* Pursuant to this Agreement, the Director of Planning and Development of the City is authorized to accept plat applications for tracts of land located in the ETJ of the City, to collect plat application fees established by law, and provide applicants one response indicating approval or denial of the plat application by the appropriate approving authority.

3. *Consolidated Regulations.* That the Land Development Code of the City is hereby established as a consolidated and consistent set of regulations related to plats and subdivisions of land as authorized by Chapters 212 and 232 of the Local Government Code, and will be enforced in the ETJ of the City.
4. *Areas Outside ETJ.* In an unincorporated area outside the ETJ of the City, the City may not regulate subdivisions or approve the filing of plats, and the County retains jurisdiction to do so. Should the City expand or reduce its ETJ, City shall promptly notify County of such expansion or reduction. City and County agree that such an expansion or reduction shall not require amendment of this Agreement, and the City shall continue to be granted exclusive jurisdiction to regulate subdivision plats and approve related permits in its ETJ, and the County shall continue to have jurisdiction of areas outside the City's ETJ.
5. *Costs.* All costs involved with the approval of subdivision plats under this Agreement shall be borne by the City and payable out of current revenues available to it.
6. *Periodic Review.* This Agreement may be reviewed periodically and revised to address changed circumstances. This Agreement may only be modified or amended by a subsequent Agreement in writing between the same parties.

Miscellaneous Provisions.

7. This Agreement shall not constitute an Agreement for the provision of governmental functions or services by either party for the other, except for the specific subject matter hereof.
8. All notices required to be given by virtue of this Agreement shall be addressed as follows and delivered by certified mail, postage prepaid, or by hand delivery:

County of Collin
ATTN: County Judge

City of Allen
ATTN: City Manager
One Allen Civic Plaza
Allen, Texas 75013

9. In the event any section, subsection, paragraph, sentence, phrase or word of this Agreement shall be held invalid, illegal or unconstitutional, the balance of the Agreement shall be severable, and shall be enforced as if the parties intended to delete the invalid portion.
10. This Agreement shall be construed under the laws of the State of Texas. Venue for any action under this Agreement shall be the State District of Collin County, Texas. This Agreement is performable in Collin County, Texas.
11. This Agreement may be executed in identical counterparts, each of which shall be deemed an original and constitute one and the same instrument.
12. This Agreement embodies the complete agreement of the parties hereto, superceding all prior or contemporaneous, oral or written agreements between the parties relating to the subject matter hereof.
13. All Recitals contained in this Agreement are incorporated herein by reference for all purposes and specifically found to be true and correct by the parties hereto.
14. The undersigned officers of the parties hereto have been duly authorized by appropriate legislative action of their respective governing bodies to execute this Agreement and bind the represented party to the terms hereof.
15. This Agreement is not intended to and does not extend the liability of the parties beyond that provided by law. Neither the City or the County waives any immunity or defense that would otherwise be available to it against claims by third parties.
16. All rights, orders, approvals, permits, and legal or administrative proceedings, with regard to a subdivision plat of property in the ETJ of the City in existence at the effective date of this Agreement shall continue until consummation

This Agreement shall become effective on the 25th day of March, 2002.

City of Allen, Texas

By: 

Peter Vargas, City Manager

County of Collin, Texas

By: 

County Judge

Attest:

Judy Morrison
City Secretary

Date: June 25, 2002

Attest:

Kimberly M. Shelden
Secretary

Date: May 10, 2002

PLANNING & ZONING COMMISSION AGENDA COMMUNICATION

AGENDA DATE: March 1, 2016

SUBJECT: Consider a request for a Combination Plat for RCCG Christ Throne Addition, Lots 1 and 2, Block A, being 2.587± acres situated in the D.B. Hearne Survey, Abstract No. 427, City of Allen, Collin County, Texas; located on the southwest corner of Bethany Drive and Maxwell Creek Drive. (FP-10/20/15-77) [RCCG Christ Throne Addition]

STAFF RESOURCE: Madhuri Kulkarni, AICP
Planner

PREVIOUS COMMISSION/COUNCIL ACTION: None.

LEGAL NOTICES: None.

ANTICIPATED COUNCIL DATE: None.

BACKGROUND

The property is located at the southwest corner of Bethany Drive and Maxwell Creek Drive. The properties to the south and east are zoned Planned Development PD No. 65 for Single Family Residential R-7. The properties to the north (across Bethany Drive) and west are zoned Local Retail LR.

A Site Plan for a church was approved in August, 2015. Platting the site is the last step in the development process. A Combination Plat may be submitted if a tract of land is subdivided into less than three lots, there is no change in street locations and the requirements for both the preliminary plat and final plat are met.

The Combination Plat shows approximately 2.6± acres subdivided into two (2) lots. Lot 1 will develop into the church site. Lot 2 contains an existing cell tower facility. There is one (1) access point for both lots on Bethany Drive. The plat also shows rights-of-way dedication and various easements required for development of Lot 1.

The Combination Plat has been reviewed by the Technical Review Committee and meets the requirements of the *Allen Land Development Code*.

STAFF RECOMMENDATION

Staff recommends approval.

MOTION

I make a motion to approve the Combination Plat for RCCG Christ Throne Addition, Lots 1 and 2, Block A; being 2.587± acres of land generally located at the southwest corner of Bethany Drive and Maxwell Creek Drive.

ATTACHMENTS

Combination Plat

PLANNING & ZONING COMMISSION AGENDA COMMUNICATION
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AGENDA DATE: March 1, 2016

SUBJECT: Conduct a Public Hearing and consider proposed amendments to the Allen Land Development Code relating to: Section 6.03.5 “Restaurants with food and beverage certificates – Geographic locations”; and Appendix A “Definitions” by amending the definition of “Restaurant or cafeteria (no drive-in service)”.

STAFF RESOURCE: Ogden “Bo” Bass, AICP
Director of Community Services

**PREVIOUS BOARD/
COUNCIL ACTION** N/A

PUBLIC NOTICE: Newspaper Notice: Published February 11, 2016

ANTICIPATED CITY COUNCIL DATE: March 8, 2016

BACKGROUND

The Allen Land Development Code (ALDC) is periodically amended to improve the effectiveness and efficiency of the code, address changing development trends and new technologies, and make changes necessary for compliance with state and federal laws.

Attached is a “red-lined” version of the proposed amendments. Existing language is in black text, changes are shown in red.

The proposed amendments have gone through a review and refinement process with participation from City attorneys.

STAFF RECOMMENDATION

Staff recommends approval.

MOTION

I make a motion to recommend approval of the proposed amendments to the Allen Land Development Code.

ATTACHMENTS

Red-lined version of proposed ALDC amendments
Newspaper Notice

ALDC Amendments Red-Lined Version

- Amendment to Appendix A definition of *Restaurant or cafeteria (no drive-in service)*:

Restaurant ~~or cafeteria (no drive-in service)~~ (no drive-in or through) means an establishment serving food to the general public in specific, designated dining areas ~~but which has no pass through window to deliver food to patrons who remain in their vehicles or parking areas designated for patrons to remain on-premises to consume the food purchased.~~ A “Restaurant (no drive-in or through)” can be an establishment that sells alcoholic beverages, but only if (i) the establishment holds a valid, current and applicable license or permit issued by the Texas Alcoholic Beverage Commission and (ii) the establishment’s gross receipts from the sale of alcoholic beverages do not exceed fifty (50) percent of establishment’s total gross receipts.

- Amendment to Section 6.03.5 “Restaurants with food and beverage certificates – Geographic locations”:

5. The distance separation criteria set forth in Section 6.03.5.4 shall not apply to a restaurant located on property within the prohibited areas described in Section 6.03.5.4 if:

- a. The restaurant is classified as a “Restaurant (no drive-in or through)” or “Restaurant (with drive-through)” as defined in Appendix A;
- b. The applicant for a permit or license from the Texas Alcoholic Beverage Commission to serve alcoholic beverages on such property obtains and delivers to the City a letter signed by an officer of the school (whether public or private), church, or hospital located within the prohibited distance consenting to the location of a restaurant serving alcoholic beverages with a food and beverage certificate on the property identified, said letter including identifying the property to which the exception is to apply and containing a representation that the officer signing the letter is fully authorized to act on behalf of the school, church, or hospital and its governing body when signing and delivering said letter of consent to the City; and
- c. The applicant who obtained the letter required by paragraph b., of this Section 6.03.5.5 obtains a license or permit to sell alcoholic beverages on the property on or before the 180th day after the date said letter was signed.

Subject to the provisions of Texas Alcoholic Beverage Code §109.59, as amended, the exception granted in accordance with this Section 6.03.5.5 shall terminate if the license or permit from the Texas Alcoholic Beverage Commission to serve alcoholic beverages in the establishment on the property to which the exception applied expires or is terminated. Nothing in this Section 6.03.5.5 shall be construed as prohibiting the City Council from exercising its discretion to grant a variance to the provisions of Section 6.03.5.4 as authorized by Texas Alcoholic Beverage Code §109.33(e).

**CITY OF ALLEN
NOTICE OF PUBLIC HEARINGS**

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

Planning & Zoning Commission
Allen City Council

March 1, 2016
March 8, 2016

7:00 p.m.
7:00 p.m.

The purpose of the hearing is to receive comment from interested members of the public regarding proposed amendments to the Allen Land Development Code relating to: Section 6.03.5 “Restaurants with food and beverage certificates – Geographic locations”; and Appendix A “Definitions” by amending the definition of “Restaurant or cafeteria (no drive-in service)”.

The public is invited to attend and participate or submit written comments. For further information, contact the Department of Community Development, City of Allen, 305 Century Parkway, Allen, Texas, 214-509-4162, or e-mail Ogden “Bo” Bass at bbass@cityofallen.org.

TO BE PUBLISHED IN THE ALLEN AMERICAN ON **February 11, 2016.**

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

CHARGE TO: 45169 (City Secretary)