

# AGENDA CITY OF ALLEN PLANNING AND ZONING COMMISSION REGULAR MEETING TUESDAY, JULY 5, 2022 – 7:00 PM CITY COUNCIL CHAMBERS ALLEN CITY HALL 305 CENTURY PARKWAY ALLEN, TEXAS 75013

- 1. Call to Order and Announce a Quorum is Present.
- 2. Pledge of Allegiance.

#### 3. 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.)

- 3.1 Receive the Director's Report on Action Taken on the Planning and Zoning Commission Items by City Council at the June 28, 2022, Regular Meeting.
- 3.2 Approve Minutes from the June 21, 2022, Planning and Zoning Commission Workshop Meeting.
- 3.3 Approve Minutes from the June 21, 2022, Planning and Zoning Commission Regular Meeting.
- 3.4 Consider a request for a Preliminary Plat for Sloan Corners West, being 260.333 acres in the Jonathan Phillips Survey, Abstract No. 719, generally located at the northeastern corner of the intersection of Ridgeview Drive and Chelsea Boulevard. (PL-Pre-061022-0004) [Sloan Corners West]

### 4. Regular Agenda.

4.1 Conduct a Public Hearing and consider a request to amend the Development Regulations of Tract 13 of Planned Development No. 54 with a Base Zoning of Shopping Center and to adopt a Concept Plan and Elevations for a property generally located north of McDermott Drive and approximately 864 feet east of Alma Drive (and commonly known as 1210 W. McDermott Drive). (ZN-052022-0008) [T-Mobile Monopole Conversion]

#### 5. 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.

#### 6. Adjournment.

This	notice	was	posted	at	Allen	City	Hall,	305	Century	y Park	kway,	Allen,	Texas,	at	a p	olace
conv	enient (	and re	eadily a	cces	sible to	o the	public	at al	l times. I	Said n	otice <sup>1</sup>	was pos	sted on	Fric	day,	July
1, 20	22, at.	5:00 p	o.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.

**AGENDA DATE:** July 5, 2022

**AGENDA CAPTION:** Receive the Director's Report on Action Taken on

the Planning and Zoning Commission Items by City

Council at the June 28, 2022, Regular Meeting.

**STAFF RESOURCE:** Marc Kurbansade, Director of Community

Development

Vibrant Community with Lively Destinations and STRATEGIC PLANNING GOAL:

Successful Commercial Centers.

#### **BACKGROUND**

The City Council Meeting was canceled for June 28, 2022; therefore, there were no action items to report.

AGENDA DATE: July 5, 2022

**AGENDA CAPTION:** Approve Minutes from the June 21, 2022, Planning

and Zoning Commission Workshop Meeting.

STRATEGIC PLANNING GOAL: Financially Sound and Transparent City

Government.

**ATTACHMENT(S)** 

062122 P&Z Workshop Minutes

#### PLANNING AND ZONING COMMISSION

#### WORKSHOP MEETING JUNE 21, 2022

#### **ATTENDANCE**:

#### **Commissioners Present:**

Dan Metevier, Chair Michael Smiddy, 1<sup>st</sup> Vice-Chair Kenneth Cook, 2<sup>nd</sup> Vice-Chair Elias Shaikh Brent Berg Gary Stocker

#### **Commissioners Absent:**

Jason Wright

#### **City Staff Present:**

Marc Kurbansade, AICP, Director of Community Development Hayley Angel, AICP, Planning Manager Kim Yockey, AICP, Senior Planner Jessica Johnsen, Planner Jordan Caudle, Planner

#### 1. Call to Order and Announce a Quorum is Present:

With a quorum of the Commissioners present, Chair Metevier called the meeting to order at 6:32 p.m. in the City Hall Council Chambers Room at Allen City Hall, 305 Century Parkway, Allen, Texas, 75013.

#### 2. Items of Interest

2.1 Discuss and Seek Clarification Regarding Items to be Considered on the June 21, 2022, Regular Meeting of the Commission.

#### 3. Adjournment

The meeting adjourned at 7:05 p.m.

These minutes approved this 5 <sup>th</sup> day of July, 2022.		
Dan Metevier, Chair	Jessica Johnsen, Planner	

AGENDA DATE: July 5, 2022

**AGENDA CAPTION:** Approve Minutes from the June 21, 2022, Planning

and Zoning Commission Regular Meeting.

STRATEGIC PLANNING GOAL: Financially Sound and Transparent City

Government.

**ATTACHMENT(S)** 

062122 P&Z Regular Meeting Minutes

#### PLANNING AND ZONING COMMISSION

#### REGULAR MEETING JUNE 21, 2022

#### **ATTENDANCE:**

#### **Commissioners Present:**

Dan Metevier, Chair Michael Smiddy, 1<sup>st</sup> Vice-Chair Kenneth Cook, 2<sup>nd</sup> Vice-Chair Elias Shaikh Brent Berg Gary Stocker

#### **Commissioners Absent:**

Jason Wright

#### **City Staff Present:**

Marc Kurbansade, AICP, Director of Community Development Joseph Cotton, P.E., Assistant Director of Engineering Hayley Angel, AICP, Planning Manager Kim Yockey, AICP, Senior Planner Jessica Johnsen, Planner Jordan Caudle, Planner Kaleb Smith, City Attorney

#### 1. Call to Order and Announce a Quorum is Present.

With a quorum of the Commissioners present, Chair Metevier called the meeting to order at 7:09 p.m. in the City Hall Council Chambers Room at Allen City Hall, 305 Century Parkway, Allen, Texas, 75013.

#### 2. Pledge of Allegiance.

#### 3. <u>Directors Report.</u>

3.1 The Director of Community Development discussed the action taken on the Planning Commission items by City Council at the June 14, 2022, Regular Meeting.

#### 4. 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.)

- 4.1 Approve Minutes from June 7, 2022, Planning and Zoning Commission Regular Meeting.
- 4.2 Consider a Request for a Final Plat for Lot 1, Block A, and Lot 1, Block X, Allen Gateway Addition, Being 12.513 Acres in the S. Jackson Survey, Abstract No. 489, Generally Located at the Northwestern Corner of the Intersection of Ridgeview Drive and Exchange Parkway. (PL-051322-0008) [Allen Gateway Addition]

- 4.3 Consider a Request for a Replat of Lot 3R1, Block A, Stacy Green Addition; Generally Located East of U.S. Highway 75 and Approximately 300± Feet South of W. Stacy Road. (PL-052722-0011) [Outback]
- 4.4 Consider a Request for a Replat of Lot 1, Block A, Exxon Addition; Generally Located West of N. Greenville Avenue and South of E. Stacy Road. (PL-052722-0011) [Frost Bank]

**Motion:** 

Upon a motion by Commissioner Berg, and a second by Commissioner Stocker, the Commission voted 6 IN FAVOR and 0 OPPOSED to approve the Consent Agenda items as presented.

The motion carried.

#### 5. Regular Agenda.

5.1 Conduct a Public Hearing and Consider a Request to Amend the Development Regulations of a Portion of Area 1 of Planned Development No. 3 Light Industrial to Allow a Microbrewery Use and Adopt a Related Concept Plan and Building Elevations for Lot 2, Allen Business Center, Generally Located North of Bethany Drive and West of Prestige Circle. (ZN-042222-0007) [Armor Brewing]

Ms. Angel presented the item to the Commission and stated that staff recommends approval of the item.

Wes Hoblit, applicant, 2595 Dallas Parkway, Frisco TX gave a detailed summary of the item.

Chair Metevier opened the public hearing.

Chair Metevier closed the public hearing.

Commissioners discussed parking capacity.

#### **Motion:**

Upon a motion by Commissioner Cook, and a second by Commissioner Berg, the Commission voted 6 IN FAVOR and 0 OPPOSED to recommend approval of an ordinance to amend Planned Development No. 3 with a base zoning of Light Industrial, subject to the Development Regulations, Concept Plan, and Building Elevations, as presented.

The motion carried.

5.2 Conduct a Public Hearing and Consider a Request to Amend the Development Regulations of Planned Development No. 127 Corridor Commercial and Multifamily Residential for Approximately 59.629 Acres of Land in the S. Jackson Survey, Abstract No. 489, Generally Located at the Southeastern Corner of State Highway 121 and Custer Road. (ZN-010722-0001) [TCC Custer & SH121]

Mr. Kurbansade presented the item to the Commission and stated that staff recommends approval of the item.

Joel Behrens, applicant, 2100 McKinney Avenue, Dallas, TX gave a detailed summary of the item.

Chair Metevier opened the public hearing.

The following individuals spoke in favor of the project:

- Garrett Trietsch, 2113 Old Country Drive, Allen, TX.
- Eric Martin, 1421 Field Drive, Allen, TX.

Chair Metevier closed the public hearing.

The Commissioners discussed the following:

- density of urban residential;
- street size throughout the development;
- retention pond and open space requirements; and
- phasing requirements.

Motion:

Upon a motion by Commissioner Shaikh, and a second by Commissioner Berg, the Commission voted 6 IN FAVOR and 0 OPPOSED to recommend approval of an ordinance to amend the Development Regulations of Planned Development No. 127, as presented with the following amendments:

- 1. Convenience Store, Car Wash, Fueling Station Uses listed in Sec. 2.A. of Exhibit 'A' only be permitted as Accessory uses associated with a Grocery Store use located on Tract 1.
- 2. The maximum building height shall be four (4) stories, except that no building located within 100 feet of the existing fences located on the residential lots on the northern boundary of the adjacent single family residential district shall exceed the lesser of two (2) stories or thirty (30) feet in height.
- 3. Section III.B.1.b should be modified to read, "After building permits are granted for 850 units (i.e., being the initial 450 units authorized above plus an additional 400 units), no additional building permits for Urban Residential shall be granted until:
  - i. A Certificate of Occupancy has been granted for a retail grocery store or office building shell (but not finish out) with a minimum cumulative floor area of 100,000 square feet within the PD; and
  - ii. A building permit has been issued for construction of an office building in Tract 4 with a minimum floor area of 100,000 square feet. In the event that this Section III.B.1.b.i is satisfied by occupancy of 100,000 square feet of office, then this Section III.B.1.b shall be deemed satisfied and Section III.B.1.b.ii shall not be required.

#### The motion carried.

5.3 Discuss the Status of Impact Fee Study, Procedures Relating to the Update of the City's Impact Fee Ordinance, and Related Matters.

Mr. Cotton presented the item to the Commission and asked for a returned response after review before the next P&Z meeting.

Planning June 21, Page 4	g and Zoning Commission 2022
	The Commission discussed previous impact fee updates.
6.	Executive Session. (As needed)
	The Executive Session was not held.
7.	Adjournment.
	The meeting adjourned at 8:25 p.m.
	These minutes were approved this 5 <sup>th</sup> day of July 2022.

Jessica Johnsen, PLANNER

Dan Metevier, CHAIR

AGENDA DATE: July 5, 2022

**AGENDA CAPTION:** Consider a request for a Preliminary Plat for Sloan

Corners West, being 260.333 acres in the Jonathan Phillips Survey, Abstract No. 719, generally located at the northeastern corner of the intersection of Ridgeview Drive and Chelsea Boulevard. (PL-Pre-

061022-0004) [Sloan Corners West]

STAFF RESOURCE: Hayley Angel, Planning Manager

**PREVIOUS COUNCIL ACTION:** Planned Development No. 139 - Approved June,

2019

STRATEGIC PLANNING GOAL: Vibrant Community with Lively Destinations and

Successful Commercial Centers.

#### **BACKGROUND**

The subject property is generally located at the northeast corner of Chelsea Boulevard and Ridgeview Drive. The zoning designations of the surrounding properties are as follows:

- North Agricultural-Open Space (AO); Planned Development No. 95 with a base zoning district of Mixed Use (MIX); and City of McKinney
- South (across Ridgeview Drive) Planned Development No. 144 with a base zoning district of Community Facilities (CF); Planned Development No. 128 with a base zoning district of Corridor Commercial (CC); CF; and AO
- East (across U.S. Highway 75) Town of Fairview
- West (across Chelsea Boulevard) Planned Development No. 147A with base zoning districts of CC and Townhome

In June 2019, City Council adopted a Planned Development for a mixed-use development that permitted a wide range of uses with four character areas. The subject Preliminary Plat is the first step towards building the initial infrastructure to allow development on the site. The initial phases of development are proposed at the corner of Chelsea Boulevard and Ridgeview Drive.

The Preliminary Plat shows 260.333± acres of land subdivided into 16 lots, including two open space lots and five lots for private streets. There are ten major points of access into the site--three from Chelsea Boulevard, three from Ridgeview Drive, two from U.S. Highway 75 frontage lane, and two from the State Highway 121 frontage lane. It should be noted that additional streets are permitted in the Planned Development as additional portions of the property develop.

The Preliminary Plat has been reviewed by the Technical Review Committee, is generally consistent with the Regulating Plan, and meets the requirements of the Allen Land Development Code.

#### STAFF RECOMMENDATION

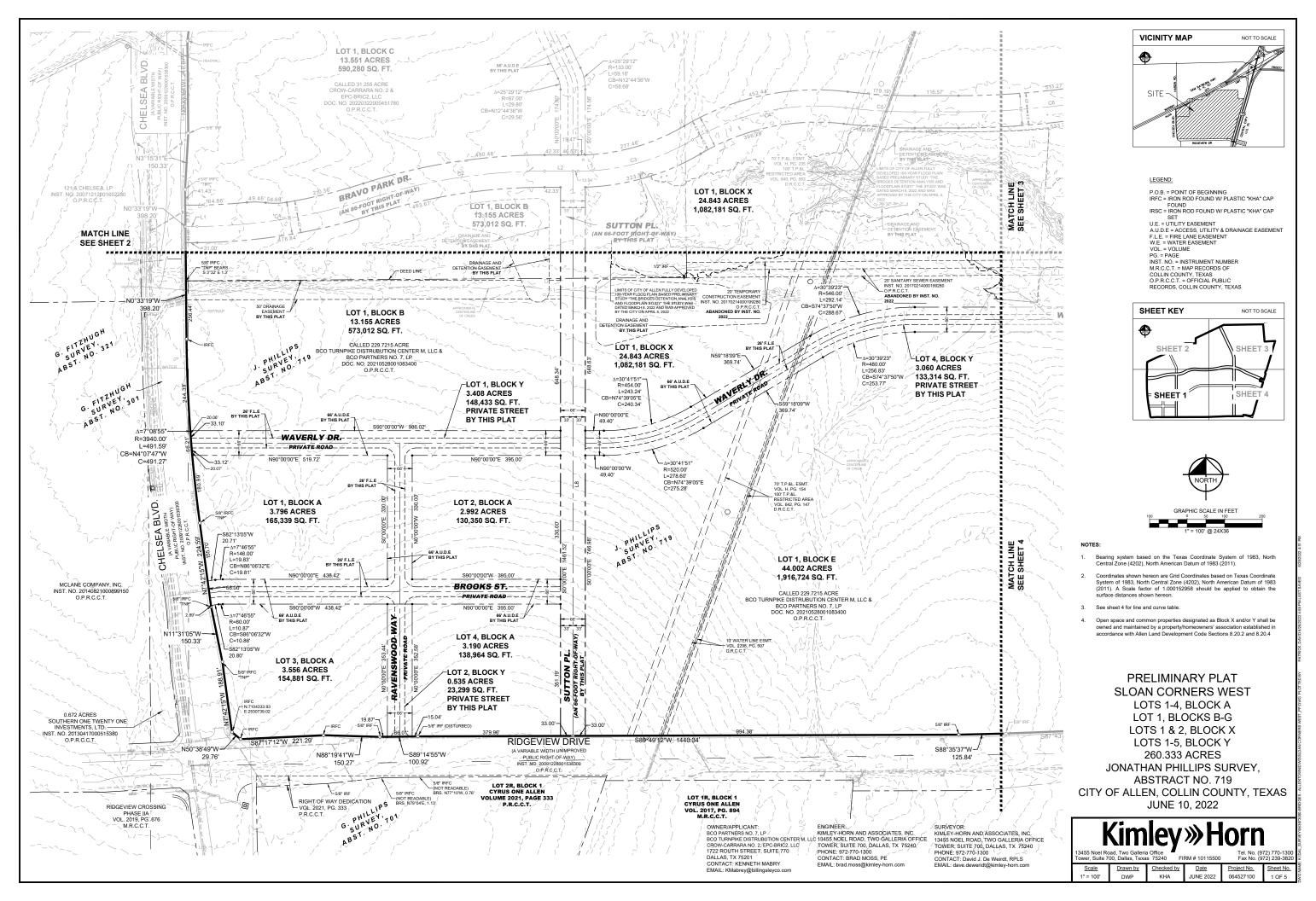
Staff recommends approval.

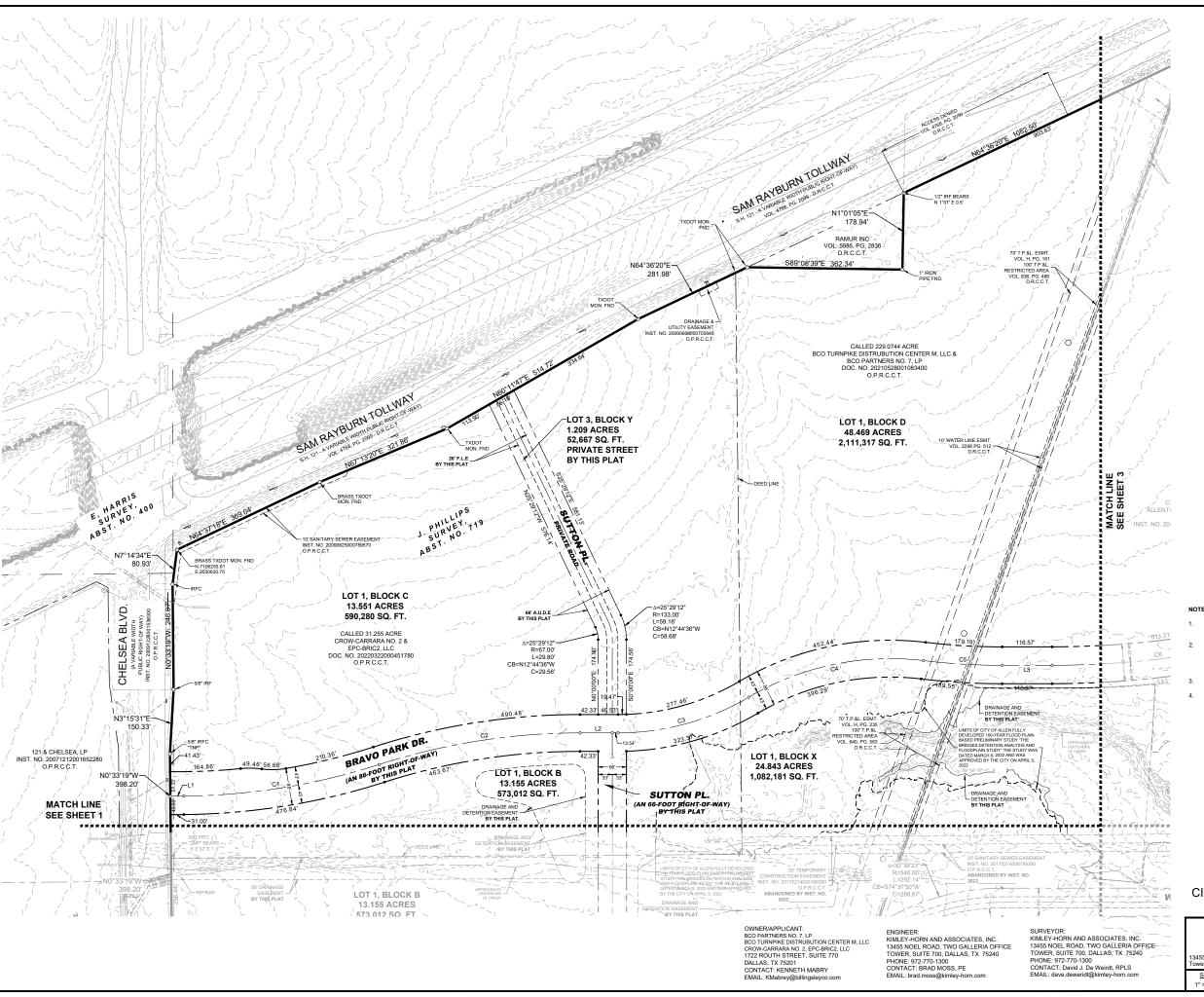
## **MOTION**

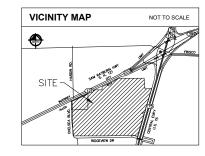
I make a motion to approve the Preliminary Plat for Sloan Corners West, as presented.

## ATTACHMENT(S)

**Preliminary Plat** 







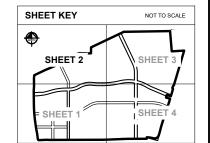
#### LEGEND:

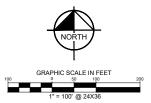
P.O.B. = POINT OF BEGINNING IRFC = IRON ROD FOUND W/ PLASTIC "KHA" CAP FOUND

FOUND

IRSC = IRON ROD FOUND W/ PLASTIC "KHA" CAP SET

U.E. = UTILITY EASEMENT
A.U.D. = ACCESS, UTILITY & DRAINAGE EASEMENT
F.L.E. = FIRE LANE EASEMENT
V.E. = WATER EASEMENT
VOL. = VOLUME
P.G. = PAGE
INST. NO. = INSTRUMENT NUMBER
M.R.C.C.T. = MAP RECORDS OF
COLLIN COUNTY, TEXAS
O.P.R.C.C.T. = OFFICIAL PUBLIC
RECORDS, COLLIN COUNTY, TEXAS

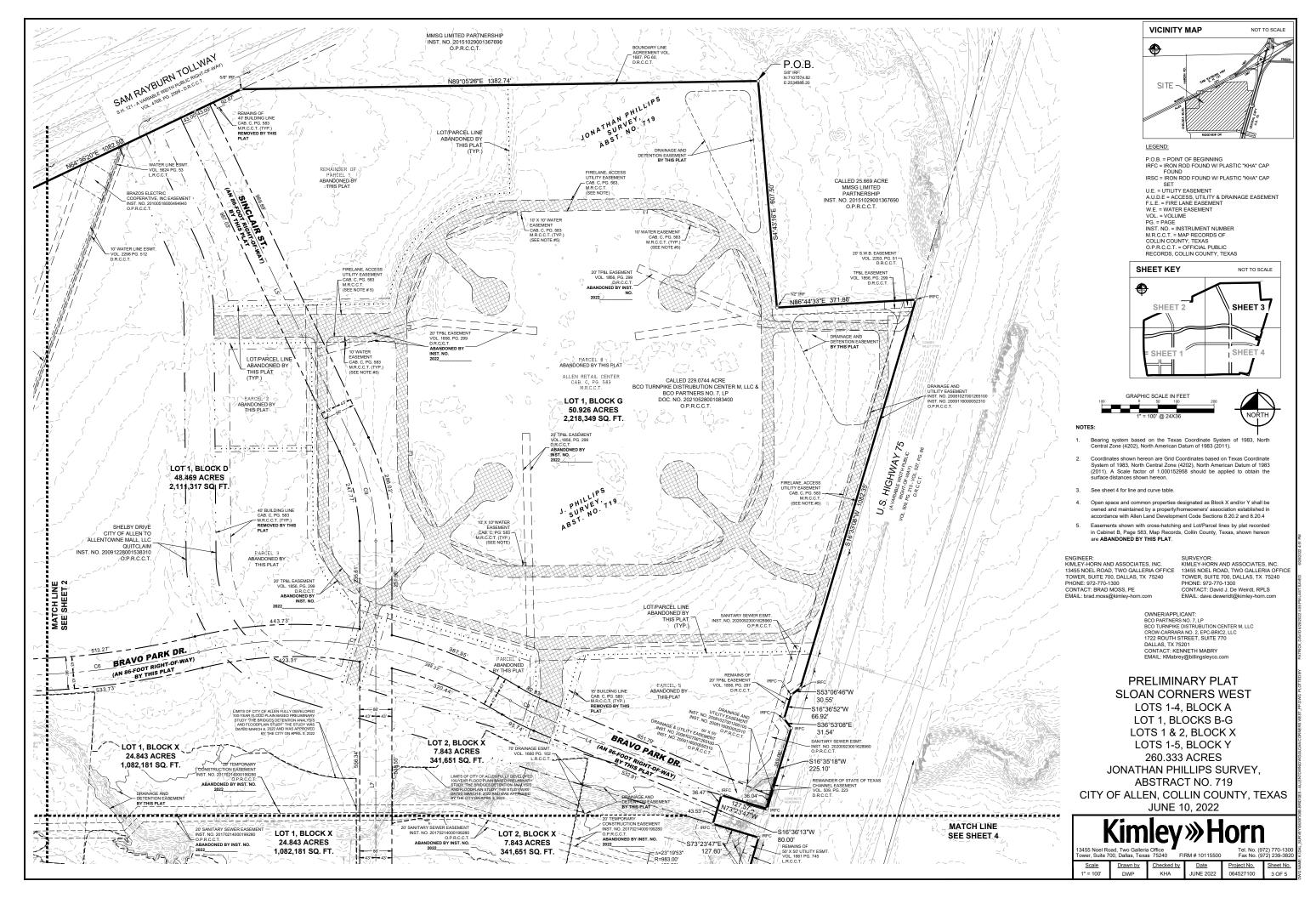


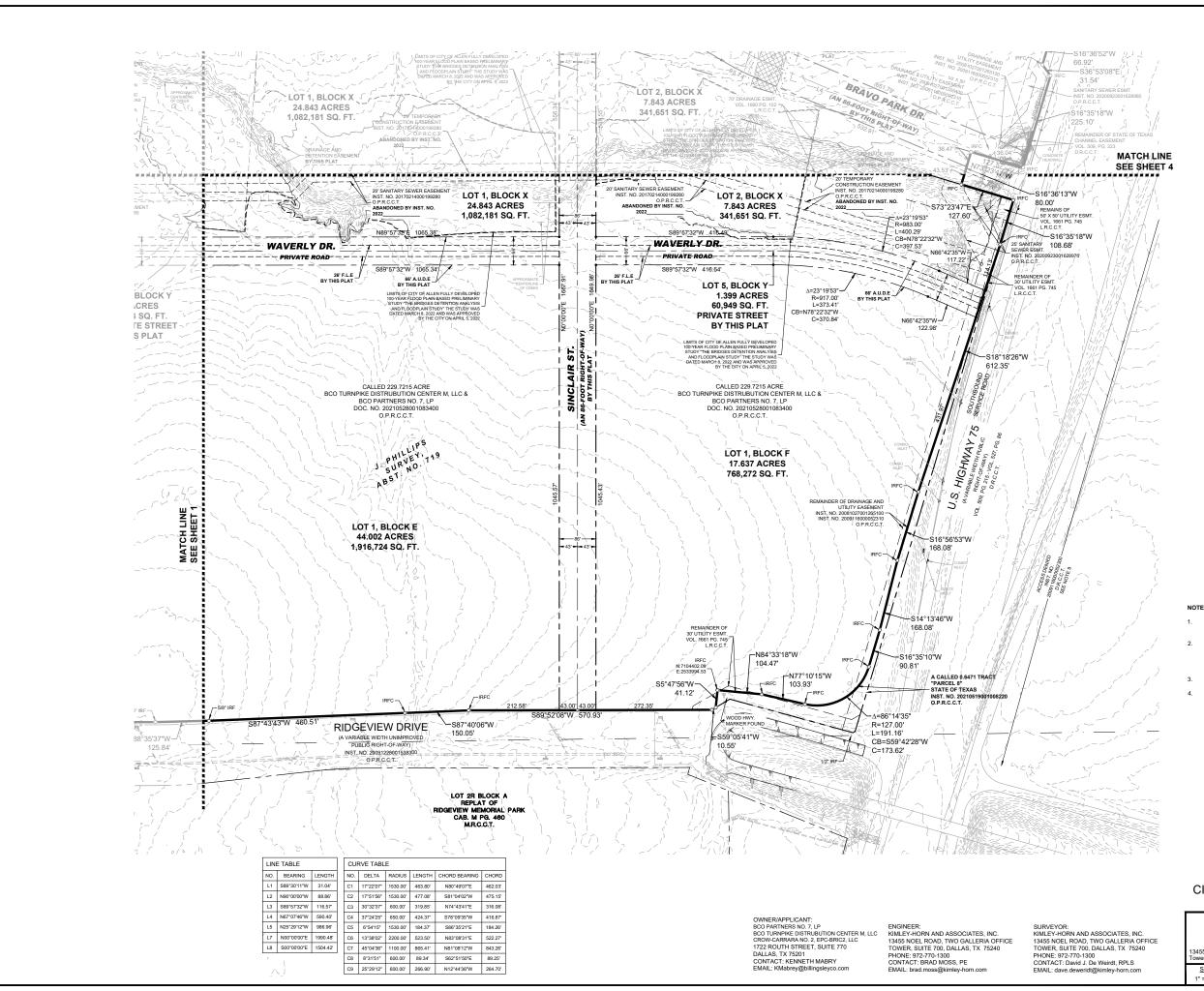


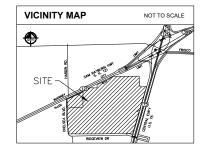
- Coordinates shown hereon are Grid Coordinates based on Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983 (2011). A Scale factor of 1000152958 should be applied to obtain the surface distances shown hereon.
- See sheet 4 for line and curve table
- Open space and common properties designated as Block X and/or Y shall be owned and maintained by a property/homeowners' association established in accordance with Allen Land Development Code Sections 8.20.2 and 8.20.4

PRELIMINARY PLAT SLOAN CORNERS WEST LOTS 1-4, BLOCK A LOT 1, BLOCKS B-G LOTS 1 & 2, BLOCK X LOTS 1-5, BLOCK Y 260.333 ACRES JONATHAN PHILLIPS SURVEY, ABSTRACT NO. 719 CITY OF ALLEN, COLLIN COUNTY, TEXAS
JUNE 10, 2022

Sheet No.





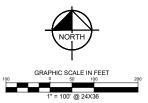


#### LEGEND:

P.O.B. = POINT OF BEGINNING IRFC = IRON ROD FOUND W/ PLASTIC "KHA" CAP

IRFC = IRON ROD FOUND W PLASTIC "KHA" CAP FOUND
IRSC = IRON ROD FOUND W PLASTIC "KHA" CAP SET
U.E. = UTILITY EASEMENT
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VO.L = VOLUME
PG. = PAGE
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COLLIN COUNTY, TEXAS
O,P.R.C.C.T. = OFFICIAL PUBLIC
RECORDS, COLLIN COUNTY, TEXAS

SHEET KEY NOT TO SCALE SHEET 2 SHEET 3 SHEET 4 SHEET



- Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983 (2011).
- Coordinates shown hereon are Grid Coordinates based on Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983 (2011). A Scale factor of 1.000152958 should be applied to obtain the
- Open space and common properties designated as Block X and/or Y shall be owned and maintained by a property/homeowners' association es accordance with Allen Land Development Code Sections 8.20.2 and 8.20.4

PRELIMINARY PLAT SLOAN CORNERS WEST LOTS 1-4, BLOCK A LOT 1, BLOCKS B-G LOTS 1 & 2, BLOCK X LOTS 1-5, BLOCK Y 260.333 ACRES JONATHAN PHILLIPS SURVEY, ABSTRACT NO. 719 CITY OF ALLEN, COLLIN COUNTY, TEXAS JUNE 10, 2022



Sheet No.

WHEREAS, BCO TURNPIKE DISTRIBUTION CENTER M, LLC, BCO PARTNERS NO. 7, LP, Crow-Carrara No. 2, and EPC-BRIC2, LLC, are the owners of a tract of land situated in the Johnsham Philips Survey, Abstract No. 719, City of Allen, Collin County, Texas and being part of Parcels 1, 5, and 6 and all of Parcels 2, 3 and 4 of Allen Retail Center, an addition to the City of Allen, Texas, according to the plat thereof recorded in Cabinet C, Page 583, Map Records, Collin County, and being all of that 229.0744 acre tract of land described in Special Warranty Deed to BCO TURNPIKE DISTRIBUTION CENTER M, LLC, and BCO PARTNERS NO. 7, LP, recorded in Instrument No. 2010/58001038400, Official Public Records, Collin County, Texas, and that 31.255 acre that of land described in Special Warranty Deed to Crow-Carrara No. 2, and EPC-BRIC2, LLC, recorded in Instrument No. 2020322000451780, Official Public Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod found at the most northerly northeast corner of said Parcel 6, and being an angle point in the south line of a called 25.669 acre tract described in the Corrected Special Warranty Deed to MMSG Limited Partnership, recorded in Instrument No. 20151029001367690, Official Public Record

THENCE with the common line of said Parcel 6 and said 25.669 acre tract, the following courses and distances

North 86°44'33" East, a distance of 371.88 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" found (hereinafter referred to as "5/8-inch capped iron found") in the west right-of-way line of U.S. Highway 75 (a variable width right-of-way);

THENCE with said west right-of-way line, the following courses and distances

South 16°33'08" West, a distance of 1082.35 feet to a 5/8-inch capped iron found for corner.

South 53°06'46" West, a distance of 30.55 feet to a 5/8-inch capped iron found for corner

South 16°36'52" West, a distance of 66.92 feet to a 5/8-inch capped iron found for corne

South 36°53'08" East, a distance of 31.54 feet to a 5/8-inch capped iron found for corner

South 16°35'18" West, a distance of 225.10 feet to a 5/8-inch capped iron found for corner

North 73°23'47" West, a distance of 127.57 feet to a 5/8-inch capped iron found for corner

South 16°36'13" West, a distance of 80.00 feet to a 5/8-inch capped iron found for corner;

South 73°23'47" East, a distance of 127.60 feet to a 5/8-inch capped iron found for corner

South 16°35'18" West, a distance of 108.68 feet to a 5/8-inch capped iron found for the north corner of that 0.6417 acre tract of land described in deed to the orded in Instrument No. 20210519001008220. Official Public Records. Collin County. Te

THENCE with the west line of said 0.6471 acre tract, the following courses and distance

South 18°18'26" West, a distance of 612.35 feet to a 5/8-inch capped iron found for corne

South 16°56'53" West, a distance of 168.08 feet to a 5/8-inch capped iron found for corner

South 16"35"10" West, a distance of 90.81 feet to a point for corner at the beginning of a tangent curve to the right having a central angle of 86"14"35", a radius of 127.00 feet, a chord bearing and distance of South 59"42'28" West, 173.62 feet;

In a southwesterly direction, with said tangent curve to the right, an arc distance of 191.16 feet to a point for corner:

North 77°10'15" West, a distance of 103.93 feet to a 5/8-inch capped iron found for corner

North 84°33'18" West, a distance of 104.47 feet to a 5/8-inch capped iron found for corner

South 05°47'56" West, a distance of 41.12 feet to a 5/8-inch capped iron found for corner;

South 59°05'41" West, a distance of 10.55 feet to a point for corner in the north right-of-way line of Ridgeview Drive (an unimproved variable width

THENCE with said north right-of-way line of Ridgeview Drive, the following courses and distances;

South 89°52'08" West, a distance of 570.93 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner;

South 87°40'06" West, a distance of 150.05 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corn

South 88°35'37" West, a distance of 125.84 feet to a 5/8-inch iron rod found for corner;

South 89°49'12" West, a distance of 1440.34 feet to a 5/8-inch iron rod found (disturbed) for corner

South 89°14'55" West, a distance of 100.92 feet to a 5/8-inch iron rod found for corner;

North 88°19'41" West, a distance of 150 27 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner

South 87\*17\*12\* West, a distance of 221.29 feet to a 5/8-inch capped iron found at the south end of a right-of-way corner clip at the intersection of said north right-of-way with the east right-of-way line of Chelsea Boulevard (a variable width right-of-way);

THENCE North 50°38'49" West, with said corner clip, a distance of 29.76 feet to a 5/8-inch capped iron found at the north end of said corner clip

THENCE with said east right-of-way line of Chelsea Boulevard, the following courses and distances:

North 7°42'15" West, a distance of 188.91 feet to a 5/8-inch iron rod with plastic cap stamped "TNP" found for corner

North 11°31'05" West, a distance of 150.33 feet to a 5/8-inch iron rod with plastic cap stamped "TNP" found for corner.

North 7"42"15" West, a distance of 224.59 feet to a 5/8-inch iron rod with plastic cap stamped "TNP" found at the beginning of a tangent curve to the right having a central angle of 7"08"55", a radius of 3940.00 feet, a chord bearing and distance of North 4"07"47" West, 491.27 feet;

In a northwesterly direction, with said curve to the right, an arc distance of 491.59 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" found for corner;

North 0"33"19" West, passing at a distance of 155.00 feet a 5/8-inch iron rod with plastic cap stamped "KHA" found for the southwest corner said 31.255 acretract and continuing in all a total distance of 398.20 feet to a 5/8-inch iron rod with yellow plastic cap stamped "TNP" found for corner;

North 03°15'31" East, a distance of 150.33 feet to a 5/8-inch iron rod found for corner

North 00°33'19" West, a distance of 246.07 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" found for corner;

North 07°14'34" East, a distance of 80.93 a 3-inch brass disk stamped "TXDOT MONUMENT" found at the intersection of the east right-of-way line of said Chelsea Boulevard with the south right-of-way line of State Highway 121 (Sam Rayburn Tollway, a variable width right-of-way)

THENCE along the common line of said 31.272 acre tract and said south right-of-way line, the following courses and distances:

North 64°37'18" Fast, a distance of 369.04 feet to a 3-inch brass disk stamped "TXDOT MONUMENT" found for corner:

North 67°13'20" East, a distance of 321.86 feet to a 3-inch brass disk stamped "TXDOT MONUMENT" found for corner:

North 60°11'47" East, a distance of 514.72 feet to a 3-inch brass disk stamped "TXDOT MONUMENT" found for corner;

North 64°36′20° East, passing at a distance of 252.00 feet to a 3-inch brass disk stamped "TXDOT" found for the northeast corner of said 31.255 acre tract and being the most northerly northwest corner of said 229.0744 acre tract, continuing in all a total distance of 281.98 feet to a 3-inch brass disk stamped TXDOT monument found for the west corner of a called 0.747 acre tract of land described in the Special Warranty Deed with Vendor's Lien to RAMUR, Inc., recorded in Volume 5985, Page 2836, Deed Records, Collin County, Texas;

THENCE South 89"08'39" East, with the south line of said 0.747 acre tract, a distance of 362.34 feet to a 1-inch iron pipe found at the southeast corner of said 0.747 acre tract;

THENCE North 1\*01\*05\* East, with the east line of said 0.747 acre tract, a distance of 178.94 feet to the northeast corner of said 0.747 acre tract and being in said southeast right-of-way line of Sam Rayburn Tollway, from which a 1/2-inch iron rod found bears North 01\*01\* East, a distance of 0.5 feet;

THENCE North 64°36'20" East, with said southeast right-of-way line of Sam Rayburn Tollway, a distance of 1082.50 feet to a 5/8-inch capped iron found for

THENCE North 89°05'26" East, with the common line of said 25.669 acre tract and said Parcel 1, passing at a distance of 713.68 feet the northwest corner of said Parcel 6 and continuing in all a total distance of 1382.74 feet to the POINT OF BEGINNING and containing a computed area of 11,340,102 square feet or 260.333 acres of land.

#### KNOW ALL MEN BY THESE PRESENTS:

Notary Public in and for the State of

That BCO TURNPIKE DISTRIBUTION CENTER M, LLC, BCO PARTNERS NO. 7, LP, CROW-CARRARA NO. 2, and, EPC-BRIC2, LLC, through the undersigned authority, does hereby adopt this minor replat designating the described property as SLOAN CORNERS WEST, an addition to the City of Allen, Texas, and does nereby dedicate to the public use forever the streets and alleys thereon; and does hereby dedicate the seament 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 moved all or part of any buildings, fences, trees, shrubs, or other improvements, or growth which in any way endanger or interfere with the construction, maintenance or efficiency of its respective system on any of these excents the conditions that the construction and fence 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, maintaining and adding to or removing all or part of its respective system without the necessity at any time of procuring the permission of anyone.

Witness my hand this	
STATE OF	
STATE OF	
STATE OF	
SEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared on the better person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the principle on the present whose name is subscribed to the foregoing certificate are true.  SIVEN UNDER MY HAND AND SEAL OF OFFICE the	
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Notary Public in and for the State of  Witness my hand this	
Witness my hand this	
Owner  STATE OF § COUNTY OF § BEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared 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 p and under oath stated that the statements in the foregoing certificate are true.	
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GIVEN UNDER MY HAND AND SEAL OF OFFICE the day of, 2022.	, known purpose therein expressed
Notary Public in and for the State of	
Witness my hand this day of, 2022.	
CROW-CARRARA NO. 2	
Owner	
STATE OF § COUNTY OF §	
SEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared 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 pand under oath stated that the statements in the foregoing certificate are true.	, known urpose therein expressed
GIVEN UNDER MY HAND AND SEAL OF OFFICE the day of, 2022.	

STATE OF \_\_\_\_ BEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared \_\_\_\_\_\_, 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 therein expressed and under oath stated that the statements in the foregoing certificate are true. GIVEN UNDER MY HAND AND SEAL OF OFFICE the \_\_\_\_\_\_ day of \_\_\_ Notary Public in and for the State of I, David J. De Weirdt, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that I prepared this minor replat from an actual on the ground survey of the land and that the monuments shown thereon were found and/or placed under my personal supervision in accordance with Platting Rules and regulations of the City of Allen, Texas. PRELIMINARY THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT David J. De Weirdt Registered Professional Land Surveyor No. 5066 Kimley-Horn and Associates, Inc. 13455 Noel Road Two Galleria Office Tower, Suite 700 Dallas, Texas 75240 Ph. 972-770-1300 STATE OF TEXAS COUNTY OF DALLAS BEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared David J. De Weirdt, 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 therein expressed and under oath stated that the statements in the foregoing certificate are true. GIVEN UNDER MY HAND AND SEAL OF OFFICE the day of

> PRELIMINARY PLAT SLOAN CORNERS WEST LOTS 1-4, BLOCK A LOT 1, BLOCKS B-G LOTS 1 & 2, BLOCK X LOTS 1-5, BLOCK Y 260.333 ACRES JONATHAN PHILLIPS SURVEY, ABSTRACT NO. 719 CITY OF ALLEN, COLLIN COUNTY, TEXAS

JUNE 10, 2022

OWNER/APPLICANT: BCO PARTNERS NO. 7, LP BCO TURNPIKE DISTRUBUTION CENTER M, LLC CROW-CARRARA NO. 2, EPC-BRICZ, LLC 1722 ROUTH STREET, SUITE 770 DALLAS, TX 75201 CONTACT: KENNETH MABRY EMAIL: KMabrey@billingsleyco.com

ENGINEER: KIMI EY-HORN AND ASSOCIATES INC. NIMLEY-HURN AND ASSOCIATES, INC.
13455 NOEL ROAD, TWO GALLERIA OFFICE
TOWER, SUITE 700, DALLAS, TX 75240
PHONE: 972-770-1300
CONTACT: BRAD MOSS, PE EMAIL: brad.moss@ki

Witness my hand this

Notary Public in and for the State of Texas

EPC-BRIC2, LLC

day of

SURVEYOR: KIMLEY-HORN AND ASSOCIATES, INC. 13455 NOEL ROAD, TWO GALLERIA OFFICE TOWER, SUITE 700, DALLAS, TX 75240 PHONE: 972-770-1300 CONTACT: David J. De Weirdt, RPLS EMAIL: dave.deweridt@kimley-horn.com

AGENDA DATE: July 5, 2022

**AGENDA CAPTION:** Conduct a Public Hearing and consider a request to

amend the Development Regulations of Tract 13 of Planned Development No. 54 with a Base Zoning of Shopping Center and to adopt a Concept Plan and Elevations for a property generally located north of McDermott Drive and approximately 864 feet east of Alma Drive (and commonly known as 1210 W. McDermott Drive). (ZN-052022-0008)

[T-Mobile Monopole Conversion]

STAFF RESOURCE: Hayley Angel, Planning Manager

**PREVIOUS COUNCIL ACTION:** Planned Development No. 54 - Approved May,

1993

Planned Development No. 54 - Approved October,

2002

STRATEGIC PLANNING GOAL: Vibrant Community with Lively Destinations and

Successful Commercial Centers.

#### **BACKGROUND**

The subject property is located north and west of Prestige Circle and is commonly known as 9 Prestige Circle. The zoning designations of surrounding properties are as follows:

- North: Planned Development No. 54 (PD-54) with a base zoning of Single-Family
- South: PD-54 with a base zoning of Shopping Center (SC) and Planned Development No. 26 with a base zoning of SC
- West: PD-54 with a base zoning of SC
- East: PD-54 with a base zoning of Townhome

The subject property is currently zoned PD-54 with a base zoning of SC. There is an existing stealth monopole tower on the site, and the applicant is requesting to convert the monopole from a stealth to a standard monopole. As the existing monopole is a nonconforming use, any substantial change to the structure or use must be in accordance with Allen Land Development Code and PD-54 requirements. The existing monopole exceeds the maximum height permitted in this zoning district, and the applicant is requesting an increase in the maximum height to match the current monopole height.

The Concept Plan shows the location of the existing 74-foot-tall stealth monopole near the eastern property line. The Elevations show the proposed monopole tower with the removed canister, which covers the existing equipment. Additional antennas are proposed to be mounted on the monopole and will be visible.

The development regulations address the height of the monopole and regulations to maintain compliance with federal law regarding telecommunications uses.

The request has been reviewed by the Technical Review Committee.

## **STAFF RECOMMENDATION**

Staff recommends approval.

#### **MOTION**

I make a motion to recommend approval of an ordinance to amend Planned Development No. 54 with a base zoning of Shopping Center, subject to the Development Regulations, Concept Plan, and Elevations, as presented.

## **ATTACHMENT(S)**

Draft Ordinance Property Notification Map

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE AND ZONING MAP, AS PREVIOUSLY AMENDED, BY AMENDING THE REGULATIONS FOR TRACT 13 OF PLANNED DEVELOPMENT PD NO. 54 WITH A BASE ZONING OF SHOPPING CENTER "SC" RELATING TO THE USE AND DEVELOPMENT OF LOT 2R, BLOCK A, ALLEN MCDERMOTT SQUARE FOR A TELECOMMUNICATIONS (MONOPOLE TOWER); PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Allen, Texas, in compliance with the laws of the State of Texas and the ordinances of the City of Allen, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a 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 Allen Land Development Code Zoning Regulations and Zoning Map of the City of Allen, Texas, as previously amended, should be amended.

## NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:

**SECTION 1.** The Allen Land Development Code Zoning Regulations and the Zoning Map of the City of Allen, Collin County, Texas, as previously amended, be further amended by amending as set forth in Section 2, below, the regulations applicable to Tract 13 of Planned Development "PD" No. 54 relating to the development and use of property described as Lot 2R, Block A, Allen McDermott Square, an addition to the City of Allen, Collin County, Texas, according to the plat thereof recorded in Volume 5393, Page 685, Plat Records, Collin County, Texas ("the Property").

**SECTION 2.** The Property shall be developed and used in accordance with the applicable provisions of the Allen Land Development Code, as amended, ("ALDC") and the development and use regulations applicable to Tract 13 of Planned Development "PD" No. 54 as set forth in Ordinance No. 1172-5-93 and Ordinance No. 2107-10-02 ("the PD-54 Regulations"), as such regulations have been amended; provided, however, the Property may be developed with one (1) telecommunications (monopole tower) located on the Property subject to the following:

- A. The height of the telecommunications (monopole tower) shall not exceed 74 feet;
- B. The telecommunications (monopole tower) shall be located as shown on the Concept Plan attached hereto as Exhibit "A" and incorporated herein by reference (the "Concept Plan");
- C. The telecommunications (monopole tower) shall be developed in general conformance with the Elevations attached hereto as Exhibit "B" and incorporated herein by reference; and
- D. Notwithstanding anything to the contrary in this Section 2, the City Manager or designee is authorized to approve changes to the height and elevations of the telecommunications (monopole tower) located on the Property without the necessity of amending the regulations set forth in this Section 2 provided

such changes constitute minor changes that do not constitute a "substantial change" to the existing tower as defined in 47 C.F.R. §1.6100 (vii).

**SECTION 3.** To the extent of any irreconcilable conflict with the provisions of this Ordinance and other ordinances of the City of Allen governing the use and development of the Property and which are not expressly amended by this Ordinance, the provisions of this Ordinance shall be controlling.

**SECTION 4.** Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance, or of the Allen Land Development Code Zoning Regulations, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance or the Allen Land Development Code Zoning Regulations, as amended hereby, which shall remain in full force and effect.

**SECTION 5.** An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Allen Land Development Code Zoning Regulations, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

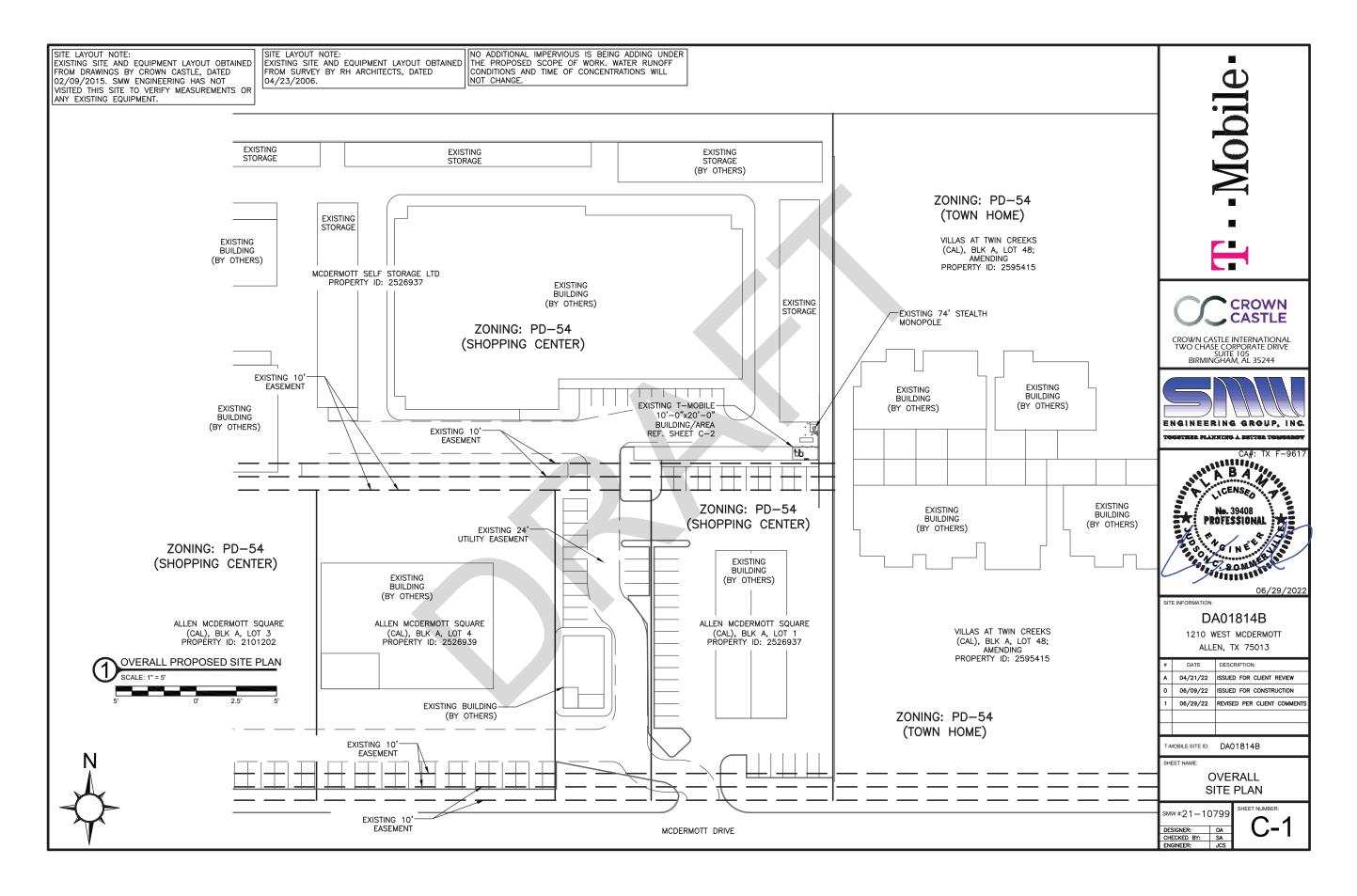
**SECTION 6.** Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in Allen Land Development Code Zoning Regulations of the City of Allen, as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense.

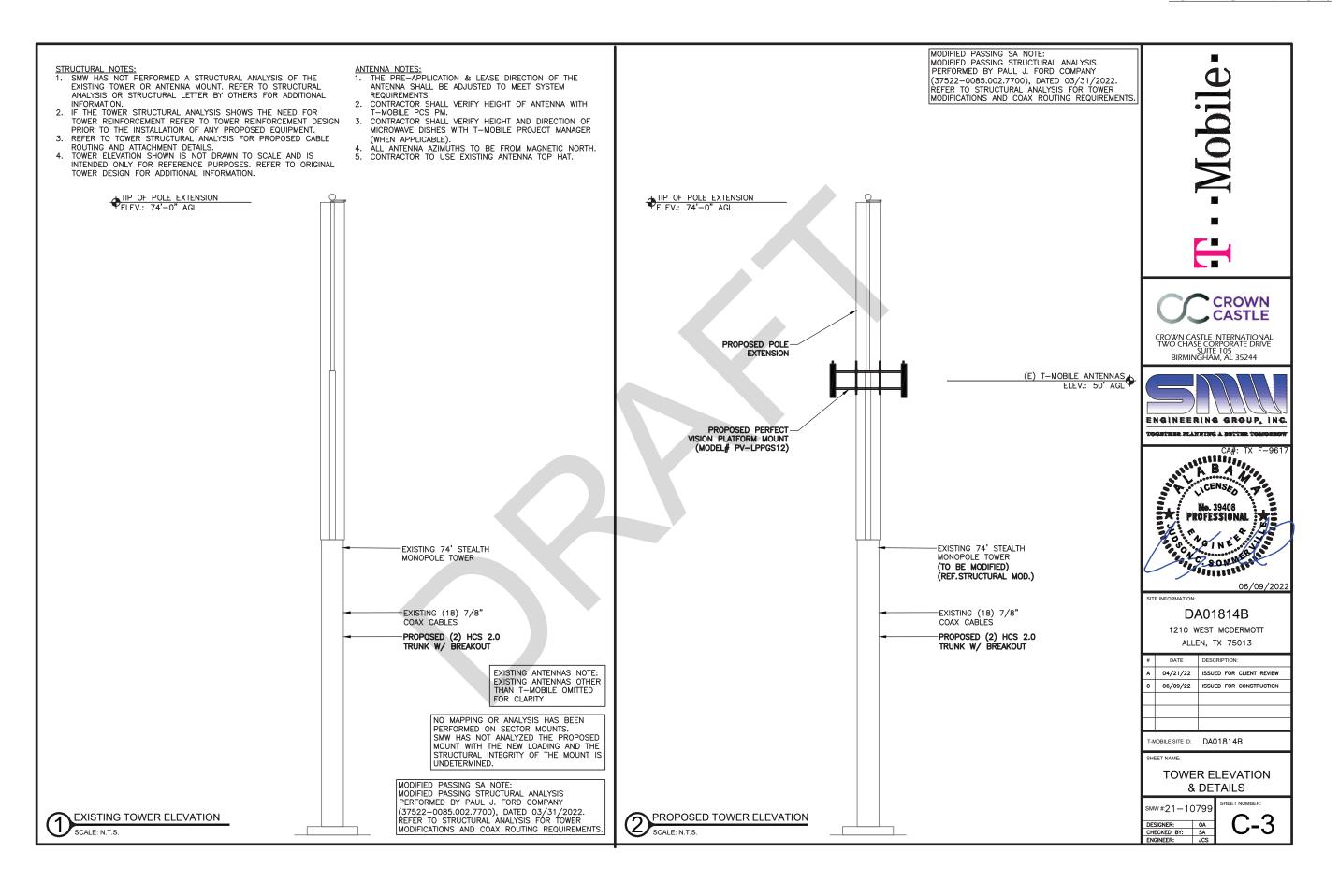
**SECTION 7.** This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Allen, and it is accordingly so ordained.

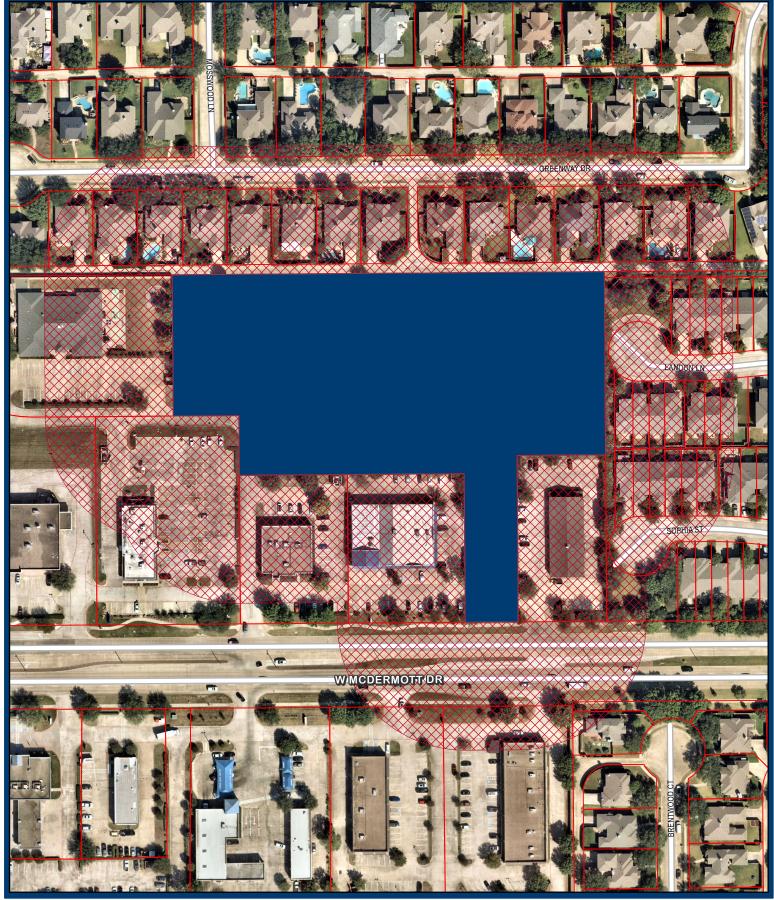
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 26<sup>TH</sup> DAY OF JULY 2022.

	APPROVED:
	Kenneth M. Fulk, MAYOR
APPROVED AS TO FORM:	ATTEST:
Peter G. Smith, CITY ATTORNEY (kbl:6/28/2022:130361)	Shelley B. George, TRMC, CITY SECRETARY

Ordinance No. \_\_\_\_\_, Page 2







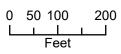


T-Mobile Monopole Conversion 1210 W. McDermott Dr.

## Legend

200' Buffer

Collin CAD Parcels





Note:This map is for illustrative purposes only please contact Community Development for more details. 214-509-4160 **24**