

**AGENDA
CITY OF ALLEN
PLANNING AND ZONING COMMISSION
REGULAR MEETING – 7:00 P.M.
TUESDAY, NOVEMBER 3, 2009
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 October 27, 2009 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 October 20, 2009 meeting.
3. Request for Extension – Consider a 6 month extension of expiration date for a General Development Plan approved for Connemara Crossing, being 20.602± acres located at the northeast corner of Bethany Drive and Alma Drive.
4. Request for Extension – Consider a 60-day extension to time for recording the Final Plat approved for Twin Creeks Phase 7C-1, being 7.850± acres located southwest of San Jacinto Drive on Walnut Springs Drive.
5. Request for Extension – Consider a 60-day extension to time for recording the Final Plat approved for Twin Creeks Phase 7D-2, being 9.372± acres located southeast of San Jacinto Drive on Walnut Springs Drive.

Regular Agenda

6. Public Hearing – Conduct a Public Hearing and consider a request to amend PD Planned Development No. 99 by amending the Sign Plan for the development. The property is 63.24± acres in the T.G. Kennedy Survey, Abstract No. 500, Michael See Survey, Abstract No. 543, and the Rufus Sewell Survey, Abstract No. 875, Watters Creek at Montgomery Farm; located southwest of Bethany Drive and US75. (Z 10/12/09-82)

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, October 30, 2009, 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 10/27/09 City Council Meeting

There were no items taken to the October 27, 2009 City Council meeting for consideration.



**PLANNING AND ZONING
COMMISSION**

**Regular Meeting
October 20, 2009**

ATTENDANCE:

Commissioners Present:

Jeff Cocking
Douglas Dreggors
John Kelley
Shirley Mangrum
Steven Platt, Jr.
James Rushing
Robert Wendland

Commissioners Absent:

None

City Staff Present:

Ogden "Bo" Bass, AICP, Director of Planning & Development
Lee Battle, AICP, Assistant Director of Planning & Development
Chris Flanigan, P.E., Assistant Director of Engineering
Kevin Laughlin, Attorney
Helen-Eve Liebman, Senior Planner
Tiffany McLeod, Planner

Call to Order and Announce a Quorum is Present:

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

Director's Report

1. Director's Report is attached for action taken on the Planning & Zoning items by City Council at the October 5, 2009 City Council meeting.
2. Director's Report is attached for action taken on the Planning & Zoning items by City Council at the October 13, 2009 City Council meeting.

Election of Officers

3. Elect Chair, Vice Chair and Second Vice Chair.

Motion: Upon a nomination by Commissioner Dreggors, the Commission voted 6 IN FAVOR, 0 OPPOSED, and 1 abstention (by Chairman Wendland) to re-elect Robert Wendland as Chairman. The motion carried.

Motion: Upon a nomination by Commissioner Dreggors, the Commission voted 6 IN FAVOR, 0 OPPOSED, and 1 abstention (by Commissioner Rushing) to re-elect James Rushing as Vice Chairman. The motion carried.

Motion: Upon a nomination by Commissioner Dreggors, the Commission voted 7 IN FAVOR, and 0 OPPOSED, to elect Jeff Cocking as Second Vice Chairman. The motion carried.

Consent Agenda

4. Approve minutes of the October 5, 2009, Special Called meeting.
5. Approve minutes of the October 6, 2009, Regular meeting.
6. Final Plat – Consider a Final Plat for Greenville Center Addition, Lot 8, Block A for Jack in the Box, being .9293± acres located southwest of Stacy Road and Greenville Avenue. (FP-9/21/09-74)
7. Combination Plat – Consider a request for a Combination Plat for Greenville Montessori Addition, Lots 1 & 2, Block A, being 2.749± acres located at the southwest corner of Trinity Drive and Greenville Avenue. (FP-9/21/09-76)

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

Regular Agenda

Agenda Item #8: General Development Plan – Consider a request for a General Development Plan for McCoy and Roth Addition, being 13.794± acres located southeast of Stacy Road and Angel Parkway. (GDP-8/31/09-70)

Tiffany McLeod, Planner, presented to the Commission. The property is located at the southeast corner of Stacy Road and Angel Parkway and is zoned PD Planned Development No. 61 for SC Shopping Center.

A General Development Plan for the property was approved in June of 2004. Since that time the development vision for the tract has changed. The revised General Development Plan illustrates three lots for the property and is submitted for review to facilitate the development of the lot west of the anticipated Goodyear site as a dry cleaner.

The General Development Plan has been reviewed by staff and meets all of the requirements of the *Allen Land Development Code*.

Staff recommends approval.

Motion: **Upon a motion by Commissioner Cocking, and a second by Commissioner Rushing, the Commission voted 7 IN FAVOR, and 0 OPPOSED, to approve the General Development Plan for McCoy and Roth Addition. The motion carried.**

Agenda Item #9: Public Hearing/Replat – Conduct a Public Hearing and consider a Replat for Bray Central One, Lots 1R, 2, 3X & 4X, Block C for The Aspens at Twin Creeks, being a Replat of part of Bray Central One, Lot 1, Block C; being 22.283± acres located north of the intersection of Bray Central Drive and Watters Road. (FP-9/25/09-77)

Helen-Eve Liebman, Senior Planner, presented to the Commission. The property is located north and west of the Watters Road and Bray Central Drive intersection and is zoned PD Planned Development No. 54 MF-12 Multifamily Residential for an active adult senior community.

The zoning for the tract was recently amended to allow for an active adult senior residential community. The Site Plan has completed the review process and the Replat is the next step in the development approval process.

The Replat has been reviewed by staff and meets all of the requirements of the *Allen Land Development Code*.

Staff recommends approval.

Chairman Wendland opened the Public Hearing.

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

Commissioner Kelley questioned why the property was getting replatted. Helen-Eve Liebman stated the property is currently platted as one lot. The developer has planned to develop the western portion of the property first and has clearly established firelanes, easements, etc. The eastern portion of the property is for a future phase. It is necessary to replat the entire property, at this time, in order to address the items shown on the Site Plan, Development Plan and Engineering Plans for the western portion.

Commissioner Cocking questioned the reason for separating out Lot 3X and Lot 4X.

Jack Evans, 8350 N. Central Expressway, Dallas, applicant, spoke to the Commission. He stated

the X lots are within the limits of City of Allen floodplain. Due to financing the developer purchased to the centerline of the creek, which is the division between 3X and 4X. Therefore, the two lots is a reflection of the two different property ownerships.

Motion: **Upon a motion by Commissioner Mangrum, and a second by Commissioner Rushing, the Commission voted 7 IN FAVOR, and 0 OPPOSED, to approve the Replat for Bray Central One, Lots 1R, 2, 3X & 4X, Block C. The motion carried.**

Other Business

None.

Adjournment

Motion: **Upon a motion by Commissioner Kelley and adopted by acclamation the Planning and Zoning Commission meeting adjourned at 7:16 p.m.**

These minutes approved this _____ day of _____ 2009.

Robert Wendland, Chairman

Tiffany McLeod, Planner

Director's Report from 10/05/09 Special Called City Council Meeting

There was one item taken to the October 5, 2009 Special Called City Council meeting for consideration. A public hearing was held and the first reading of the ordinance to adopt and impose a 90 day moratorium for new assembly uses and expansion of existing assembly uses on commercial property was approved.

Director's Report from 10/13/09 City Council Meeting

There was one item taken to the October 13, 2009 City Council meeting for consideration. The second reading was approved and an ordinance was adopted to impose a 90 day moratorium for new assembly uses and expansion of existing assembly uses on commercial property.

PLANNING & ZONING COMMISSION AGENDA COMMUNICATION
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AGENDA DATE:

November 3, 2009

SUBJECT:

Consider a 6 month extension of expiration date for a General Development Plan approved for Connemara Crossing, being 20.602± acres located at the northeast corner of Bethany Drive and Alma Drive.

STAFF RESOURCE:

Tiffany McLeod
Planner

PREVIOUS COMMISSION/COUNCIL

The General Development Plan was approved on July 1, 2008.

BACKGROUND

The General Development Plan for Connemara Crossing was approved on July 1, 2008 and is set to expire on January 1, 2010. The applicant has submitted a request for a 6 month extension of approval to allow more time for design consideration and because of current market conditions. With this extension the GDP would expire on July 1, 2010.

The *Allen Land Development Code*, Section 8.03.2, states that a General Development Plan shall automatically expire unless such phase or phases have been submitted and approved by the commission as a preliminary plat within 18 months; however, the Planning & Zoning Commission, at its discretion, may grant an extension of time not to exceed six months.

STAFF RECOMMENDATION

Staff recommends approval of the 6 month extension of the General Development Plan to July 1, 2010.

ATTACHMENTS

Request for Extension Letter



Sustainable Structures OF TEXAS

October 27, 2009

Mr. Ogden "Bo" Bass
Director of Planning and Development
City of Allen
305 Century Parkway
Allen, TX 75013

**RE: Connemara Crossing
General Development Plan – Extension Request**

Dear Mr. Bass;

Please allow this letter to serve as request for a six (6) month extension from the expiration day of the current approved General Development Plan. This plan was approved on July 1st, 2008 and expires on January 1st, 2010.

According to my understanding - if this request is approved at the discretion of the Planning & Zoning Commission the new expiration will be June 30th, 2010 at the close of the work day.

Sincerely;
SUSTAINABLE STRUCTURES OF TEXAS

Lee Hall; P.E., LEED® AP
President

Cc: Philip Williams – Emerson Partners
Bill Dahlstrom - Jackson Walker
Matt Dorsett – Spiars Engineering

PLANNING & ZONING COMMISSION AGENDA COMMUNICATION
--

AGENDA DATE: November 3, 2009

SUBJECT: Consider a 60-day extension to time for recording the Final Plat approved for Twin Creeks Phase 7C-1, being 7.850± acres located southwest of San Jacinto Drive on Walnut Springs Drive.

STAFF RESOURCE: Tiffany McLeod
Planner

PREVIOUS COMMISSION/COUNCIL The Final Plat was approved by the Commission on August 18, 2009

BACKGROUND

The Final Plat for Twin Creeks Phase 7C-1 was approved on August 18, 2009 and is set to expire on November 18, 2009. The applicant has submitted a request for a 60-day extension of approval to allow time for finalizing lender financing. With this extension the Final Plat would expire on January 18, 2010.

The *Allen Land Development Code*, Section 8.03.4, paragraph 5 states that a final plat shall expire if not filed of record within 90 days of approval; however, the Planning & Zoning Commission, at its discretion, may grant an extension of time not to exceed sixty (60) days.

STAFF RECOMMENDATION

Staff recommends approval of the 60-day extension of the Final Plat to January 18, 2010.

ATTACHMENTS

Request for Extension Letter



October 26, 2009

Ms. Tiffany McLeod
City of Allen
Planning Department
Allen Civic Plaza
305 Century Parkway
Allen, Texas 75013

RE: Extension of Final Plat Approval
Twin Creeks Section 7C-1 and Section 7D-2

Dear Ms. McLeod:

It is our understanding that the current expiration date of the approval of our Twin Creeks Section 7C-1 and Section 7D-2 final plats is November 18, 2009. Therefore, please accept this letter as our request for a sixty (60) day extension with regard to the time for the filing of the Final Plats for these two sections within our Twin Creeks development.

We would appreciate the approval of this extension by the City of Allen Planning and Zoning Commission. The delay in finalizing lender financing has been a slower than expected process for our development projects. However, the builders at Twin Creeks have nearly exhausted their lot inventory for this product and the construction of the sections 7C-1 and 7D-2 is targeted to start in November.

Thank you in advance for your consideration. Should you have any questions, please contact either our development engineer, Ms. Gena Terrell of Jacobs Engineering Group (817/735-6180) or me.

Sincerely yours,

Mark R. Edgren, PE
Development Manager
Hillwood Residential
a Perot Company
(972) 201-2956 - office
(214) 926-0698 - mobile
mark.edgren@hillwood.com

cc: Gena Terrell, Jacobs Engineering
Charles Nies, Dal-Briar Development
Angie Mastrocola, Hillwood Residential

PLANNING & ZONING COMMISSION AGENDA COMMUNICATION
--

AGENDA DATE: November 3, 2009

SUBJECT: Consider a 60-day extension to time for recording the Final Plat approved for Twin Creeks Phase 7D-2, being 9.372± acres located southeast of San Jacinto Drive on Walnut Springs Drive.

STAFF RESOURCE: Tiffany McLeod
Planner

PREVIOUS COMMISSION/COUNCIL The Final Plat was approved by the Commission on August 18, 2009

BACKGROUND

The Final Plat for Twin Creeks Phase 7D-2 was approved on August 18, 2009 and is set to expire on November 18, 2009. The applicant has submitted a request for a 60-day extension of approval to allow time for finalizing lender financing. With this extension the Final Plat would expire on January 18, 2010.

The *Allen Land Development Code*, Section 8.03.4, paragraph 5 states that a Final Plat shall expire if not filed of record within 90 days of approval; however, the Planning & Zoning Commission, at its discretion, may grant an extension of time not to exceed sixty (60) days.

STAFF RECOMMENDATION

Staff recommends approval of the 60-day extension of the Final Plat to January 18, 2010.

ATTACHMENTS

Request for Extension Letter



October 26, 2009

Ms. Tiffany McLeod
City of Allen
Planning Department
Allen Civic Plaza
305 Century Parkway
Allen, Texas 75013

RE: Extension of Final Plat Approval
Twin Creeks Section 7C-1 and Section 7D-2

Dear Ms. McLeod:

It is our understanding that the current expiration date of the approval of our Twin Creeks Section 7C-1 and Section 7D-2 final plats is November 18, 2009. Therefore, please accept this letter as our request for a sixty (60) day extension with regard to the time for the filing of the Final Plats for these two sections within our Twin Creeks development.

We would appreciate the approval of this extension by the City of Allen Planning and Zoning Commission. The delay in finalizing lender financing has been a slower than expected process for our development projects. However, the builders at Twin Creeks have nearly exhausted their lot inventory for this product and the construction of the sections 7C-1 and 7D-2 is targeted to start in November.

Thank you in advance for your consideration. Should you have any questions, please contact either our development engineer, Ms. Gena Terrell of Jacobs Engineering Group (817/735-6180) or me.

Sincerely yours,

Mark R. Edgren, PE
Development Manager
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cc: Gena Terrell, Jacobs Engineering
Charles Nies, Dal-Briar Development
Angie Mastrocola, Hillwood Residential

PLANNING & ZONING COMMISSION AGENDA COMMUNICATION

AGENDA DATE: November 3, 2009

SUBJECT: Conduct a Public Hearing and consider a request to amend PD Planned Development No. 99 by amending the Sign Plan for the development. The property is 63.24± acres in the T.G. Kennedy Survey, Abstract No. 500, Michael See Survey, Abstract No. 543, and the Rufus Sewell Survey, Abstract No. 875, Watters Creek at Montgomery Farm; located southwest of Bethany Drive and US75.

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

**PREVIOUS COMMISSION/
COUNCIL ACTION:** February, 2006 – Planned Development District PD No. 99 for Mixed Uses Zoning approved by City Council

LEGAL NOTICES: Property Owner Notices mailed - 10/23/09
Public Hearing Sign Installed – 10/23/09

BACKGROUND

The property is located at the southwest corner of US75 and Bethany Drive and is zoned Planned Development District PD No. 99 for Mixed uses. The property to the north, across Bethany Drive, is zoned PD Planned Development No. 55 for C/O Commercial/Office uses. The property to the west is zoned PD Planned Development No. 76 for LR Local Retail and TH Town Home uses; PD Planned Development No. 74 for O Office uses; and PD Planned Development No. 66 for C Commercial uses. The property to the south is zoned FP-O Flood Plain- Office. The property to the east, across US75, is zoned LI-C Light Industrial-Conditional.

The original PD Planned Development District for this development, Watters Creek, identified a variety of signage components for the development. At this time the developers are interested in amending the PD Planned Development to provide for three (3) additional signage elements. These include garage tenant fins, an LED pylon, and parking area banners. The amendment includes details and dimensions for the additional signage elements.

STAFF RECOMMENDATION

Approval

ATTACHMENTS

Existing PD Planned Development District No. 99

Proposed Sign Standards & Sign Renderings
Property Ownership List
Property Owner Notification Map

ORDINANCE NO. 2486-2-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE ZONING REGULATIONS AND ZONING MAP, AS PREVIOUSLY AMENDED, BY GRANTING A CHANGE IN ZONING FROM "CC" CORRIDOR COMMERCIAL DISTRICT AND "PD" PLANNED DEVELOPMENT DISTRICT TO "PD" PLANNED DEVELOPMENT FOR MIXED USES BY ESTABLISHING PLANNED DEVELOPMENT NO. 99 ON 63.24± ACRES IN THE T.G. KENNEDY SURVEY, ABSTRACT NO. 500, MICHAEL SEE SURVEY, ABSTRACT NO. 543, AND THE RUFUS SEWELL SURVEY, ABSTRACT NO. 875, CITY OF ALLEN, COLLIN COUNTY, TEXAS, AND BEING FURTHER DESCRIBED IN EXHIBIT "A" ATTACHED HERETO (THE "PROPERTY"); PROVIDING FOR A CONCEPT PLAN ATTACHED AS EXHIBIT "B"; PROVIDING FOR DEVELOPMENT REGULATIONS ATTACHED AS EXHIBIT "C"; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission 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 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 the Allen Land Development Code Zoning Regulations and Zoning Map of the City of Allen, 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 Zoning District Map of the City of Allen, Collin County, Texas, as amended, be and the same is hereby, amended by granting a change in zoning from "CC" – Corridor Commercial and "PD" Planned Development District to "PD" Planned Development No. 99 for mixed uses for 63.24± acres in the T.G. Kennedy Survey, Abstract No. 500, Michael See Survey, Abstract No. 543, and the Rufus Sewell Survey, Abstract No. 875 in the City of Allen, Collin County, Texas, and being further described in Exhibit "A" attached hereto and made a part hereof for all purposes.

SECTION 2. The property shall be developed and used only in accordance with the following development regulations:

Base Zoning District: The base zoning district for the Property shall be "CC" Corridor Commercial. The Property shall be developed and used in accordance with the "CC" Corridor Commercial zoning district regulations, except as otherwise provided herein. This Planned Development District shall be considered a "mixed use development."

Concept Plans: The Property shall be developed and used in accordance with the Concept Plan attached hereto as Exhibit "B," which is hereby approved.

Development Standards: The Property shall be developed and used in accordance with the Development Standards attached hereto as Exhibit "C."

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. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, or of the Allen Land Development Code, 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, 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 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 of the caption 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 14th DAY OF FEBRUARY, 2006.

APPROVED:

/s/ Stephen Terrell, MAYOR

APPROVED AS TO FORM:

ATTEST:

/s/ Peter G. Smith, CITY ATTORNEY

/s/ Shelley B. George, TRMC, CITY SECRETARY

EXHIBIT "A"
LEGAL DESCRIPTION

TRACT 1

BEING a tract of land situated in the T.G. Kennedy Survey, Abstract No. 500, the Michael See Survey, Abstract No. 543, and the Rufus Sewell Survey, Abstract No. 875, being located in the City of Allen, Collin County, Texas, and being all of that tract described in deed to Bethany Corner, Ltd. as recorded in Volume 5565, Page 004511, County Clerk's File Number 2003-024133, Deed Records, Collin County, Texas (D.R.C.C.T.), and all of that tract of land known as Surplus TxDOT Property and being more particularly described as follows:

BEGINNING at a point for the intersection of the south right-of-way line of Bethany Drive (a variable width right-of-way) as recorded in Volume 3918, Page 01167, D.R.C.C.T., with the westerly right-of-way line of U.S. Highway. 75 – Central Expressway (a variable width right-of-way), said point also being the most northerly northeast corner of said Bethany Corner;

THENCE South 22 degrees 25 minutes 37 seconds East, along said westerly right-of-way line, a distance of 19.73 feet to a point for corner;

THENCE South 00 degrees 44 minutes 48 seconds West, continuing along said westerly right-of-way line, a distance of 193.24 feet to a point for corner;

THENCE South 06 degrees 48 minutes 27 seconds West, continuing along said westerly right-of-way line, a distance of 99.22 feet to a point for corner;

THENCE South 13 degrees 05 minutes 02 seconds West, continuing along said westerly right-of-way line, a distance of 223.84 feet to a point for corner;

THENCE South 07 degrees 10 minutes 22 seconds West, continuing along said westerly right-of-way line, a distance of 237.76 feet to a point for corner;

THENCE South 13 degrees 14 minutes 11 seconds West, continuing along said westerly right-of-way line, a distance of 1,520.76 feet to a point for corner;

THENCE North 88 degrees 51 minutes 08 seconds West, departing said westerly right-of-way line and along the southerly line of said Bethany Corner, a distance of 591.69 feet to a point in Watters Branch, also known as Little Rowlett Creek, for the southwest corner of said Bethany Corner;

THENCE North 22 degrees 35 minutes 11 seconds East, departing said southerly line and along the west line of said Bethany Corner tract, a distance of 112.42 feet to a point for corner;

THENCE North 26 degrees 00 minute 37 seconds West, along said west line of the Bethany Corner tract, a distance of 90.60 feet to a point for corner;

THENCE North 13 degrees 50 minutes 24 seconds East, along said west line of the Bethany Corner tract, a distance of 63.08 feet to a point for corner;

THENCE North 38 degrees 05 minutes 46 seconds East, along said west line of the Bethany Corner tract, a distance of 76.80 feet to a point for corner;

THENCE North 07 degrees 54 minutes 51 seconds East, along said west line of the Bethany Corner tract, a distance of 66.45 feet to a point for corner;

THENCE North 09 degrees 31 minutes 21 seconds West, along said west line of the Bethany Corner tract, a distance of 95.41 feet to a point for corner;

THENCE North 35 degrees 11 minutes 40 seconds West, along said west line of the Bethany Corner tract, a distance of 148.76 feet to a point for corner;

THENCE North 23 degrees 31 minutes 00 seconds West, along said west line of the Bethany Corner tract, a distance of 264.82 feet to a point for corner;

THENCE North 01 degree 55 minutes 19 seconds West, along said west line of the Bethany Corner tract, a distance of 126.78 feet passing a point for the common southeast corner of that tract of land known as Angel Field East described in special Warranty Deed to Emerson Farm Company, LTD., as recorded in Volume 5034, Page 00158, County Clerk's File Number 2001-0136720, D.R.C.C.T., and northeast corner of that tract of land described in deed to Southwest Guaranty Trust Company, Accepting Trustee of the William S. Montgomery Family Trust 1994 as recorded in County Clerk's File Number 1996-0105327, D.R.C.C.T., and continuing along said west line of The Bethany Corner tract, for a total distance of 232.76 feet to a point for corner;

THENCE North 31 degrees 34 minutes 38 seconds West, along said west line of the Bethany Corner tract, a distance of 221.83 feet to a point for corner;

THENCE North 41 degrees 03 minutes 02 seconds West, along said west line of the Bethany Corner tract, a distance of 119.12 feet to a point for corner;

THENCE North 00 degrees 15 minutes 24 seconds West, along said west line of the Bethany Corner tract, a distance of 76.57 feet to a point for corner;

THENCE North 57 degrees 36 minutes 18 seconds East, along said west line of the Bethany Corner tract, a distance of 59.10 feet to a point for corner;

THENCE North 20 degrees 16 minutes 18 seconds West, along said west line of the Bethany Corner tract, a distance of 98.35 feet to a point for corner;

THENCE North 37 degrees 11 minutes 26 seconds West, along said west line of the Bethany Corner tract, a distance of 74.57 feet to a point for corner;

THENCE North 17 degrees 50 minutes 06 seconds West, along said west line of the Bethany Corner tract, a distance of 87.75 feet to a point for corner;

THENCE North 39 degrees 45 minutes 32 seconds East, along said west line of the Bethany Corner tract, a distance of 97.75 feet to a point for corner;

THENCE North 14 degrees 04 minutes 38 seconds West, along said west line of the Bethany Corner tract, a distance of 170.25 feet to a point for corner;

THENCE North 55 degrees 07 minutes 42 seconds West, along said west line of the Bethany Corner tract, a distance of 89.26 feet to a point for corner;

THENCE North 32 degrees 30 minutes 52 seconds West, along said west line of the Bethany Corner tract, a distance of 75.76 feet to a point for corner;

THENCE North 00 degrees 51 minutes 12 seconds West, along said west line of the Bethany Corner tract, a distance of 92.75 feet to a point for corner;

THENCE North 33 degrees 59 minutes 13 seconds West, along said west line of the Bethany Corner tract, a distance of 86.10 feet to a point for corner, said point being the common most easterly northeast corner of said Angel Field East tract and the most westerly northwest corner of said Bethany Corner tract;

THENCE South 88 degrees 45 minutes 46 seconds East, along said south right-of-way line of Bethany Drive, a distance of 126.42 feet to a point for corner;

THENCE North 54 degrees 01 minute 27 seconds East, continuing along said south right-of-way line, a distance of 101.03 feet to a point for corner;

THENCE South 88 degrees 44 minutes 42 seconds East, continuing along said south right-of-way line, a distance of 1352.21 feet to the POINT OF BEGINNING AND CONTAINING 2,348,208 square feet or 53.91 acres of land, more or less.

This description is not part of a signed and sealed survey. This description does not represent a survey performed on the ground and is not intended to be used as a recorded document for conveyance.

TRACT 2

BEING a tract of land situated in the T.G. Kennedy Survey, Abstract No. 500, in the City of Allen, Collin County, Texas, and being all of that tract of land described as Green Property, Tract A and Tract B in Special Warranty Deed to Emerson Farm Company, LTD., as recorded in Volume 5034, Page 00158, County Clerk's File Number 2001-0136720, of the Deed Records of Collin County, Texas (D.R.C.C.T), and being more particularly described as follows:

BEGINNING at a point for the northeast common corner of said Tract A and southeasterly corner of that tract of land described in deed to Marian M. Montgomery by Special Warranty Deed as recorded in County Clerk's File Number 1997-0065172, D.R.C.C.T., said point also being on the west right-of-way line of U.S. Highway 75 – Central Expressway (a variable width right-of-way);

THENCE South 13 degrees 12 minutes 08 seconds West, along the east line of said Tract A and said west right-of-way line, a distance of 975.14 feet to a point for the common southeast corner of said Tract A and northeasterly corner of that tract of land described in deed to Marian M. Montgomery as recorded in County Clerk's File Number 1997-0051411, D.R.C.C.T.;

THENCE South 88 degrees 17 minutes 43 seconds West, departing said west right-of-way line and along the south line of said Tract A, a distance of 123.54 feet to a point for corner;

THENCE North 15 degrees 53 minutes 44 seconds West, departing said Marian M. Montgomery Tract and along the west line of said Tract A, a distance of 40.00 feet to a point for a common southwesterly corner of said Tract A and the southernmost corner of said Tract B;

THENCE North 81 degrees 17 minutes 22 seconds West, along the south line of said Tract B, a distance of 153.12 feet to a point for corner;

THENCE North 24 degrees 31 minutes 07 seconds West, a distance of 98.09 feet to a point for corner;

THENCE North 13 degrees 23 minutes 27 seconds West, a distance of 242.79 feet to a point for corner;

THENCE North 15 degrees 38 minutes 37 seconds East, a distance of 377.51 feet to a point for corner;

THENCE North 02 degrees 21 minutes 05 seconds East, a distance of 214.03 feet to a point for the northwest corner of said Tract B;

THENCE North 89 degrees 18 minutes 57 seconds East, along the north line of said Tract B, a distance of 75.77 feet to a point for the common corner of said Tract B and Tract A;

THENCE South 88 degrees 18 minutes 53 seconds East, along said the north line of said tract A, a distance of 419.28 feet to the POINT OF BEGINNING AND CONTAINING 406,544 square feet or 9.33 acres of land, more or less.

This description is not part of a signed and sealed survey. This description does not represent a survey performed on the ground and is not intended to be used as a recorded document for conveyance.

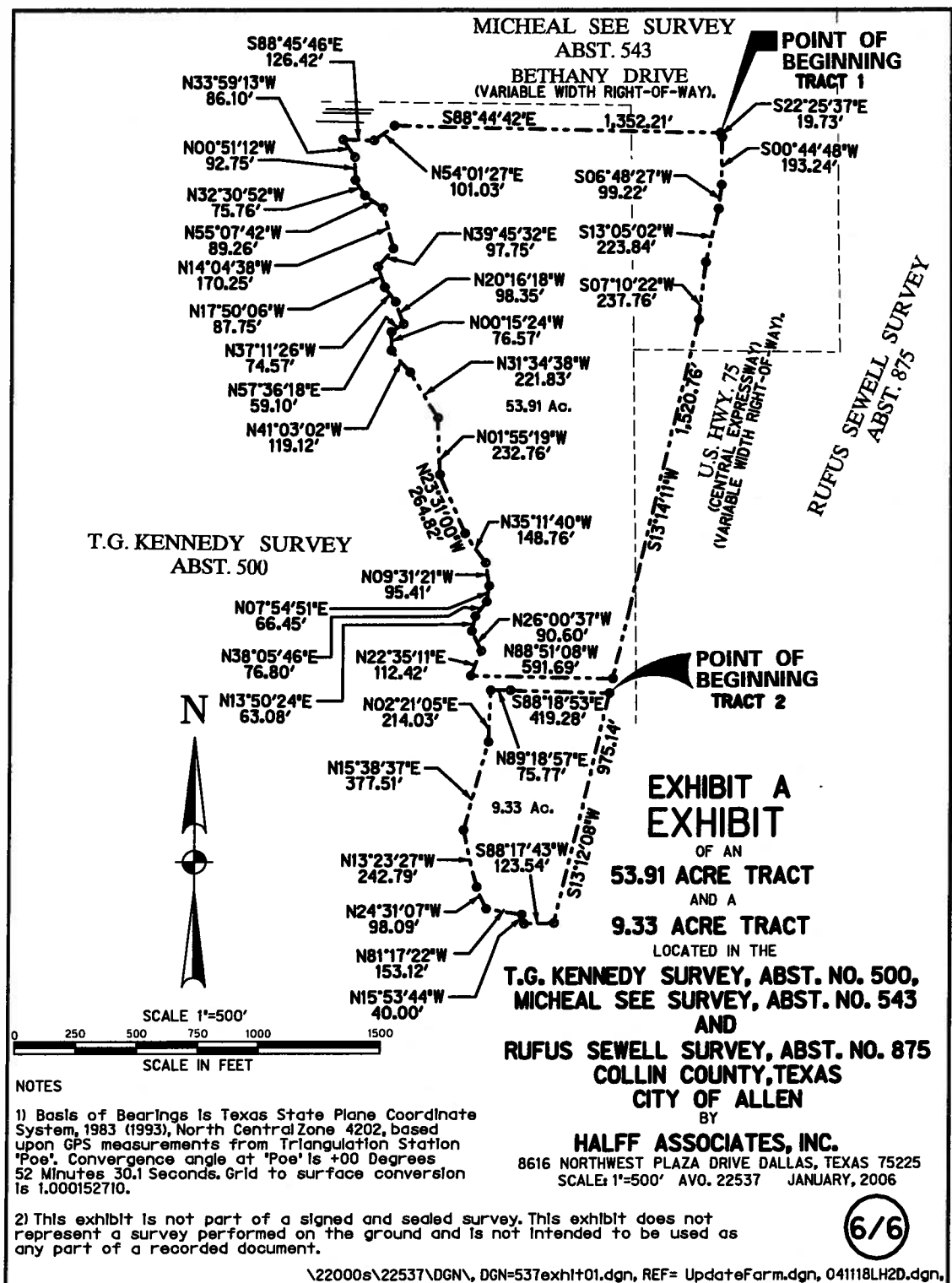


EXHIBIT "B" CONCEPT PLAN



Garden District East - PD Ordinance Concept Plan



6 February 2006



Montgomery Farm

EXHIBIT "C" **DEVELOPMENT STANDARDS**

The Property shall be used and developed in accordance with the following development standards:

A. Concept Plan: The Property shall be developed and used in accordance with the Concept Plan. Minor amendments to the Concept Plan, as deemed by the Director of Planning, may be approved by the Director of Planning. Any decision of the Director of Planning to disapprove an amendment to the Concept Plan may be appealed to the Planning and Zoning Commission, which shall approve, deny or modify any such amendment to the Concept Plan.

B. Zoning Development Standards:

1. Uses: The only uses permitted on the Property are as follows:

- X Use permitted in district indicated
- Use prohibited in district indicated.
S Use may be permitted upon approval of Specific Use Permit
C Use may be permitted upon approval of Specific Use Permit (Conditional)
T Use may be permitted as temporary use.

Type of Use	Proposed GDE
ACID MANUFACTURE	
ADULT BOOKSTORE	
ADULT DAY CARE	
AGRICULTURAL USE	
AIRPORT	
AMUSEMENT, COMMERCIAL (INDOOR)	X
AMUSEMENT, COMMERCIAL (OUTDOOR)	S
ANTIQUE SHOP	X
APPAREL & RELATED MANUFACTURE	
ASSISTED LIVING	X
ARTISANS AND ARTIST STUDIO	X
AUTO PAINTING OR BODY SHOP	
AUTO PARTS SALES	
AUTOMOTIVE REPAIRS, MAJOR	
AUTOMOTIVE REPAIRS, MINOR	
AUTOMOTIVE SALES & SERVICE	
BAKERY (WHOLESALE)	X
BAKERY OR CONFECTIONERY	X
BANKS AND FINANCIAL INSTITUTIONS	X
BED & BREAKFAST	X
BEER & WINE PACKAGE SALES	X
BEER & WINE PACKAGE SALES WITH GREATER THAN 50% OF REVENUE FROM BEER & WINE	X
BICYCLE SHOP/REPAIR SER	X
BIRTHING CENTER	
BOAT DISPLAY SALES AND REPAIR	
BOAT STORAGE	
BOOK, CARD OR NOVELTY SHOPS	X
BOTTLING WORKS & DISTRIBUTION	
BUILDING MATERIALS SALES (Outdoor)	
BUILDING MATERIALS SALES (Indoor)	
BULK HANDLING FACILITY	
BUS STATIONS/TERMINALS	
CAR WASH	
CARNIVAL OR CIRCUS	T
CARPENTRY, PAINTING SHOP	X
CATERING	
CEMENT, LIME, GYPSUM MANUFACTURE	
CEMETERY	
CHEMICALS & ALLIED PRODUCTS	

Type of Use	Proposed GDE
CHURCH, TEMPLE OR RECTORY	S
CLINIC, MEDICAL	X
COAL, COKE OR WOOD YARD	
COLLEGE OR UNIVERSITY	
COMMUNITY CENTER	S
CONCRETE BATCH PLANT (NON-TEMP)	
CONCRETE BATCH PLANT (TEMPORARY) (Must be located a minimum of 500 feet from any existing residential structure)	T
CONGREGATE RESIDENCE	
CONSTRUCTION OFFICE (Temporary)	T
CONTRACTOR'S YARD	T
CONVALESCENT CENTER	S
CONVALESCENT CENTER OR NURSING HOME	S
CONVENIENCE STORE	X
COUNTRY CLUB	
DAY CARE FACILITY	X
DEPARTMENT OR DISCOUNT STORES	X
DRUG STORE OR PHARMACY	X
DRUGS, PHARMACEUTICAL MFG.	
DWELLING, CONDOMINIUM	X
DWELLING, MULTI-FAMILY (APARTMENT)	X
DWELLING, SINGLE-FAMILY (ATTACHED)	X
DWELLING, SINGLE-FAMILY (DETACHED)	
DWELLING, TWO-FAMILY	X
ELECTRICAL GENERATING PLANT, PUBLIC	
ELECTRONIC ASSEMBLY	
EQUIPMENT RENTAL	
FABRICS OR NEEDLEWORK SHOP	X
FAIRGROUNDS OR RODEO	T
FAMILY HOME	
FARM IMPLEMENT SALES AND SERVICE	
FARMS AND NURSERIES	
FAT RENDERING, ANIMAL REDUCTION	
FIREARMS SALE AND SERVICE	S
FITNESS AND HEALTH CENTER	X
FLEA MARKET	T
FLORIST	X
FOOD PROCESSING (HEAVY)	
FOOD SERVICE	
FORESTRY	

Type of Use	Proposed GDE
FORGE PLANT	
FRATERNAL ORG., LODGE, CMIC CLUBS	X
FUELING STATION	
FUNERAL HOMES AND MORTUARIES	
FURNITURE/APPLIANCE SALES	X
GARAGE, PUBLIC PARKING	X
GOLF COURSE	X
GOLF COURSE (PUBLIC)	X
GROCERY	X
GYMNASTIC / ATHLETICS	X
HARDWARE STORE	X
HATCHERY, POULTRY, EGG FARM	
HEAVY MACHINERY SALES/STORAGE	
HELIPORT	
HELISTOP	S
HELISTOP (TEMPORARY)	T
HOSPICE	S
HOSPITAL	X
HOTEL	X
KEY SHOP, LOCKSMITH	X
LABORATORIES: BIO SAFETY LEVEL 2	
LABORATORIES: BIO SAFETY LEVEL 3	
LABORATORIES: BIO SAFETY LEVEL 4	
LABORATORIES: DENTAL	X
LAUNDRY, SELF-SERVICE	
LAUNDRY/CLEANING PLANT, COMMERCIAL	
LAUNDRY/CLEANING PLANT, RETAIL w/PK/UP	
LAUNDRY/DRY CLEANING, PICK-UP ONLY	X
LAWN EQUIPMENT SALES & REPAIR	
LIVESTOCK AUCTION	
MACHINE SHOP OR WELDING	
MAINTENANCE & STORAGE FACILITIES	
MANUFACTURED HOUSING UNIT	
MANUFACTURED OR MOBILE HOME PARK	
MANUFACTURING, HEAVY	
MANUFACTURING, LIGHT	
MASS TRANSIT COMMUTER PICK-UP	S
MASSAGE PARLOR	X
MICRO BREWERY	X
MINING	

Type of Use	Proposed GDE
MINI-WAREHOUSES	
IMPLEMENT DISPLAY & SALES	
MONUMENT SALES	
MOTOR CYCLE SALES & SERVICE	X
MOTOR FREIGHT TERMINAL	
MUSEUM, LIBRARY, ART GALLERY (PUBLIC)	X
NURSERY, RETAIL PLANT	X
NURSING HOME	S
OFFICE SHOWROOM/WAREHOUSE	
OFFICE USE	X
OUTDOOR PRODUCE MARKET	T
PARK OR PLAYGROUND (PUBLIC)	X
PAWN SHOPS	
PEST CONTROL SERVICE	
PETROLEUM PRODUCTS REFINING/STORAGE	
PLAYFIELD OR STADIUM	S
PRINTING OR NEWSPAPER ESTABLISHMENT	
PRIVATE CLUB	X
PUBLIC SERVICE FACILITY	X
RADIO OR TV BROADCAST STUDIO	X
RAILROAD FREIGHT STATION	
REAL ESTATE SALES OFFICE (TEMP.)	T
RECREATION CAMP	
RECREATION CENTER (PUBLIC)	
RENTAL, AUTO, TRAILER, TRUCK	
RESTAURANT (DRIVE-IN OR THROUGH)	
RESTAURANT (NO DRIVE-IN OR THROUGH)	X
RESTAURANT/PRIVATE CLUB	X
RETAIL BIG BOX (≥ 75,000 s.f.)	
RETAIL STORE	X
SAND OR GRAVEL MINING OR STORAGE	
SANITARY LANDFILL	
SCHOOL, BUSINESS AND TRADE	S
SCHOOL, PROPRIETARY OR DENOMINATIONAL	S
SCHOOL, PUBLIC	S
SEXUALLY-ORIENTED BUSINESS	
SIGN SHOP	
SPECIALTY/HEALTH FOODS ≤ 5,000 s.f.	X
SPECIALTY/HEALTH FOODS > 5,000 s.f.	X

Type of Use	Proposed GDE
SMELTING OF ORES OR METALS	
STABLE	
STOCKYARDS OR SLAUGHTERHOUSE	
SWIM OR TENNIS CLUB	S
SWIM POOL (PUBLIC)	
TARGET RANGE	
TATTOO STUDIO (Res. #1512.7-97(R))	
TEEN CLUB	
THEATER	X
TIRE RECAPING	
TRUCK SALES AND REPAIR - NEW	
TRUCK STORAGE	
TRUCK TERMINAL	
UPHOLSTERY SHOP	
VETERINARY HOSPITAL OR CLINIC	X
VIDEO REDEMPTION MACHINES (3-LINER MACHINES) - 3 or more	
WAREHOUSE/DISTRIBUTION CENTER	
WRECKING, JUNK OR AUTO SALVAGE YARD	

2. Area and Height Regulations:

Garden District East – Area and Height Regulations			Proposed		Comments
			Minimum	Maximum	
Area Regulations	Lot	Lot Area (sq. feet)	None		
		Lot Depth (in feet)	None		
		Lot Width (in feet)	None		
		Lot Area / Dwelling Unit	None		
		Dwelling Units per Acre	4	32	
		Lot Coverage (percent)		95%	
		Minimum Dwelling Unit Size (sq. ft.)	600		
	FAR	Floor Area Ratio			
		See footnote 5.			
	Park & Open Space	Park, Open Space Land / du (sq. feet)	see footnote 6		
	Front Yard ^{1, 2, 3, 4}	Front Yard Setback	None		
	Side Yard ^{2, 4}	Side Yard Setback (in feet)	None		
	Rear Yard ^{2, 4}	Rear Yard Setback (in feet)	None		
Height Regulations		Height (in feet)		270	
		Height (in stories)		16	
Sidewalk	Buildings Fronting on major street (in feet)		9		
	Building Front on minor street (in feet)		9		
	Building Side Street (in feet)		5		
Design Standards		Building design shall be pedestrian scaled and be consistent with pedestrian friendly principles of design subject to the following: a Building setback / Site design – The Site design should minimize the visual impact of surface parking lots. If geographical, physical, or architectural constraints prevent building placement			

	<p>close to the street, greater setbacks may be used.</p> <p>b Buildings shall include pedestrian-oriented uses in the first floor. Effort should be made to provide multi-family or office uses above commercial uses.</p> <p>c Building mass shall be broken up in order to liven up the experience of pedestrians and visitors, and to avoid the construction of monotonous spaces on this public thoroughfare.</p> <p>d Building facades shall provide ample fenestration in order to bring the life of the interiors outdoors, and to invite transit riders, drivers, and pedestrians into the establishments. Ground-floor commercial uses shall have glazed areas appropriate to the interior functions of the space, the building façade, and the streetscape. Building facades shall provide a consistent architectural theme similar to the manner set forth on the images contained in <u>Exhibit "D" which has been attached hereto for illustrative purposes. Strict compliance with Exhibit "D" is not intended.</u></p> <p>e Exterior construction materials and finishes should be durable, weather and moisture resistant, and require low maintenance. Brick, stone, concrete, metal, glass and synthetic materials are acceptable exterior materials. Use of wood and non-rustproof metals is permitted but not as primary building material.</p> <p>f The primary entry for all non-residential buildings and ground floor tenant spaces shall be oriented towards the street. Secondary entrances are encouraged for access to parking facilities and pedestrian walkways.</p> <p>Parking structures:</p> <p>a All exposed facades shall be a minimum of fifty percent (50%) masonry (with the remaining fifty percent (50%) masonry, air or glass) without exposed cables and metal traffic barriers, unless otherwise approved by the City Council.</p> <p>b To the extent possible, parking structures shall be designed or configured in such a way as to prevent sloping ramps or elevations to be significantly exposed to the public</p>
Landscaping	<p>On internal drives, the provisions of Section 7.05, Landscape Requirements of the City of Allen Land Development Code shall apply, except that any one, or a combination of the following landscaping alternatives may be used to provide for adequate pedestrian circulation and streetscape features (such as planter boxes, benches, or public art). Street trees will be utilized as much as possible to enhance the streetscape character.</p> <p>a A 5-foot landscaping buffer between the sidewalk and curb.</p> <p>b A sidewalk / parkway combination with a minimum 5-foot landscaping buffer located adjacent to a building.</p> <p>c Additional sidewalk width may be used to extend to the curb when sufficient street trees are provided and located at least one foot back of curb.</p> <p>d Requirements for public streets shall be as stated in the Allen Land Development Code for CC Corridor Commercial uses.</p>

Footnotes:

- 1 Residential Accessory Use Regulations, Sections 4.10.1 through 4.10.4 will not apply. In addition, the first sentence of Section 4.10.5 will not apply.
- 2 General Provisions, Section 4.15.1.2. Front Yards; 4.15.1.3. Side Yards; and 4.15.1.3 Rear Yards will not apply.
3. No structure is permitted within 30' of US75 and Bethany Drive or within 15' of Bel Air Drive.
4. More than 1.4 million square foot developed will require updated Utility Service Plan and Traffic Impact Analysis prior to approval.
5. Park and Open Space requirements will be determined by a Facilities Agreement approved by the City Council.

3. Parking Requirements

- a. For purposes of determining parking for uses in this Planned Development District the entire Property is considered one lot.
- b. A twenty-five (25%) percent reduction in parking is allowed for uses on the Property.

4. Stacking and Queuing Requirements.

- a. A traffic study shall not be required to determine the stacking and queuing requirements for uses on the Property, except as otherwise provided herein.
- b. Driveway stacking length is the distance between the street and the near side of the first intersecting interior aisle or parking stall. The minimum length of stacking shall be as follows:

Minimum Stacking at the intersection of private drives, exclusive of drive aisles within parking fields, shall be a minimum of 18 feet in length unless otherwise approved in writing by the Director of Engineering.

Driveway stacking from public streets shall be a minimum of 78 feet unless mitigation approved in writing by the Director of Engineering is provided.

5. Parking Lot Construction Standards. All parking lots and all required fire lanes shall be constructed of concrete in accordance with the City of Allen Design Standards. Alternative materials such as brick, paverstone, permeable concrete, asphalt or similar materials may be allowed upon written approval by the Director of Engineering.

6. Off-Street Loading.

- a. Within this Planned Development District, loading facilities located on the side of a building but not facing a street are not required to be set back from the front property line a minimum distance of sixty (60) feet.
- b. All parking, loading and maneuvering of trucks shall be conducted off-street on private property or within private drives.
- c. For structures with mixed uses, the number of loading spaces required shall be the number of loading spaces required for the most intensive use and shall not be an aggregate number of loading spaces for each use.
- d. Section 7.04.2.2c. of the Allen Land Development Code shall not apply to this Planned Development District, except for loading facilities that can be seen from a public street.

7. Multi-family District & Non-residential Landscaping Requirements.

- a. Surface parking shall be setback from the current property line/right-of-way line of US 75, as shown on Exhibit "A," a minimum of 15' and structured parking shall be setback from the current property/right-of-way line of US 75, as shown on Exhibit "A," a minimum of 30'. The Property shall be considered conforming in the event additional property is provided for U.S. 75 and such conveyance of land results in a setback of less than 30'.

8. Fences & Walls.

In any residential district or along the common boundary between any residential or non-residential district where a wall separation is erected, or where a screening wall or fence is required as provided herein, the following standards shall be observed:

- a. Height of Fence or Wall:

- i. Any living plant screen erected or placed in the front yard shall not exceed ten (10) feet in height above grade, or as otherwise set forth on a Site Plan approved by the Planning Director. No fence or walls above 96 inches, structures or buildings shall be allowed in the front yard, or as otherwise set forth on a Site Plan approved by the Planning Director.
- ii. Any fence, wall, or living plant screen erected or placed behind the minimum required front yard line may be erected or maintained to a maximum height of twelve (12) feet above the adjacent grade, or as otherwise set forth on a Site Plan approved by the Planning Director.
- iii. No fence, screen, wall or other visual barrier shall be placed in such a manner as to obstruct the vision of motor vehicle drivers approaching any street intersection. At all intersections, clear vision shall be maintained across the corner for a distance of 45 feet back from a projected curb line corner along both intersecting streets.
- iv. No fence, screen, wall or other visual barrier shall be placed in such a manner as to obstruct the vision of motor vehicle drivers approaching any alley intersection. At all intersections of an alley with a street, clear vision shall be maintained across the corner for a distance of 20 feet back from a projected curb line corner along the intersection of the alley and street or, as otherwise set forth on a Site Plan and as approved by the Director of Engineering.
- v. Sight distance shall be based on the design speed. A minimum sight distance of 600 feet shall be maintained at all public street intersections unless otherwise approved in writing by the Director of Engineering.

9. Construction of Screening Walls or Visual Barriers.

- a. When screening walls are required by this Code, an approved eight (8) foot masonry wall, or alternate design approved by the Planning Director, shall be required.
- b. Subdivision or Development Entry walls shall be located within a dedicated private easement of not less than five feet (5'-0") in width at a location approved by the city. No structure shall be permitted which obstructs visibility within the public rights-of-way.
- c. Traffic barriers shall be a minimum of three and one-half feet (42") in height and approved in writing by the City Traffic Engineer where:
 - two streets are in close proximity to each other; or
 - an alley is adjacent to City of Allen park land or open space; or
 - an alley is adjacent to a street.
- d. All required screening shall meet clearances required by affected utility companies. Wall-mounted equipment, including meters (such as banks of electric meters on the rear or side wall of multi-tenant buildings), shall be screened from public streets by one of the following methods if such equipment is visible from a public street, or as otherwise set forth on a Site Plan approved by the Planning Director:
 - i. Landscaping, including trees or evergreen shrubbery.

- ii. Masonry walls in conjunction with landscaping.
- iii. Wall-mounted screening devices, such as cabinets or partitions that are architecturally compatible with the facade.

10. Utilities

- a. All new residential utility installations, including, but not limited to, electrical, gas, television, and telephone/telecommunication, but excluding wireless, "wi-fi," and satellite facilities, shall be placed underground.
- b. All new non-residential utility installations, including but not limited to electrical, gas, television, and telephone/telecommunication, but excluding wireless, "wi-fi", and satellite facilities, shall be placed underground. Primary and secondary service routed on the site shall be placed underground.
- c. All new construction within the public street rights-of-way shall be located underground. Where a street is scheduled for reconstruction, new development may be required to provide an escrow of the difference between overhead and underground service.
- d. Nothing herein shall prevent temporary service during construction from being located overhead.
- e. New development shall assume responsibility for all expense related to the underground placement of utilities unless otherwise such responsibility is assumed by the service provider or provided in a cost-sharing agreement.
- f. Utility new meters and other utility apparatus, including, but not limited to transformers and switch boxes, shall be located to the rear of the structure unless adequately screened from view from public streets and adjoining properties and suitable for access required for service and maintenance. Adequately screened from view shall include screening walls as well as the utilization of landscaping and other site elements.
- g. Electrical transmission 59 Kilovolts or more may be located overhead

11. Screening Walls or Visual Barriers Required.

A screening wall shall be erected or placed in all locations and in accordance with the following provisions:

- a. A screening wall must be eight (8) feet in height and composed of masonry.
- b. All openings in the wall shall be equipped with gates equal in height and equivalent screening characteristics.
- c. All approved screening walls required for an individual building or use must be erected prior to the issuance of a Certificate of Occupancy for such building or use.
- d. All screening walls shall be maintained in a neat and orderly manner as a condition of use. Failure to adequately maintain such screening wall is cause for revocation of the Certificate of Occupancy for the building or use which is not maintained in a neat and

orderly manner.

- e. Screening walls or visual barriers are required adjacent to existing residential uses and shall be placed and maintained by the property owner at the following locations:
 - i. Along any property line or district boundary between any single-family detached or attached or any two-family use and any multi-family, mobile home park, commercial, or industrial use, but not across a dividing street between such uses.
 - ii. Along any property line or district boundary between any multi-family use and any commercial or industrial use, but not across a dividing street between such uses.
 - iii. Along any arterial or collector adjacent to the rear property line of residential lots or adjacent to a rear alley serving residential lots.
 - iv. Along the side yard of any residential lot adjacent to any arterial.
 - v. All allowed open storage or materials, equipment, or commodities shall be screened from view from all streets. Materials, equipment, or commodities shall be stacked no higher than one (1) foot below the top of the screening wall or visual barrier.
 - vi. Garbage, trash, or refuse containers shall not be located in front of the main building, and shall be screened from view of the public.
 - vii. All loading facilities facing any street shall be screened from view from the street.
 - viii. An alternative to these provisions may be allowed by the Planning Director, but would be limited to wrought iron (or aluminum) with masonry columns, board on board fencing with masonry columns at a maximum of 100-foot spacing, with a mow strip and allowing no ground contact for non-masonry materials, landscaping and berming, or a combination thereof. Requests for alternates must be accompanied by supporting elevations and diagrams. Requests for alternates not listed herein will require City Council approval, after a positive recommendation by the Planning & Zoning Commission.

12. Signage.

All signage shall comply with the Signage Details attached as Exhibit "E" and meet the regulations of the Allen Land Development Code except as provided below.

Freestanding signs oriented to exterior of the development:

- a. Along Bethany Drive the development shall be allowed one primary and one secondary multi-tenant free-standing detached monument sign.
- b. Along Central Expressway the development shall be allowed one primary multi-tenant free-standing detached monument sign and two secondary multi-tenant free-standing monument signs. No poles signs shall be allowed.

- c. Each out-parcel oriented to a public street shall be treated as a separate lot for purposes of signage and will be allowed its own single tenant monument sign.

Building signs oriented to interior of the development:

- a. One (1) Primary Storefront Identification Sign mounted to the tenants building face and one (1) Secondary Sign such as a Projecting Tenant Sign or Canopy Mounted Sign or other graphics treatment is allowed at each Tenant storefront elevation, which excludes facets of bay windows and the second story of a two-level Tenant. When a storefront has two or more elevations, a second major storefront identification sign and secondary sign, such as a canopy mounted sign and a projecting tenant sign, shall be allowed.
- b. Each parking garage elevation shall be allowed one development identification sign that meets the Attached Sign requirements of the Allen Land Development Code.
- c. No Tenant Sign in a linear format shall exceed 75% of the width of the Tenants lease space for the facade on which it is to be installed.
- d. No tenant sign shall obstruct or infringe upon any adjacent tenant space, loft space or public walkway area.
- e. The following types of sign components and devices shall **not** be permitted:
 - i. Flashing, oscillating and moving signs (except as provided below).
 - ii. Decals and lettering on Tenant show window glass, door glass or any other part of the storefront with the exception of store names, store hours, address and emergency phone numbers.
 - iii. Temporary signs, posters, notices, announcements or advertisements.
 - iv. Portable advertising signs.
- f. There may be sign designs where animated components or flashing lights are integral to the character of the design. In those instances the sign may be permitted with written approval of the management company / landlord. Such signs shall not be visible from public streets adjacent to the development.
- g. All illuminated signs may have the light source contained within the lettering thereof or from an adjacent light source such as spot lighting. All signage and graphic lighting shall be controlled by a 7 day, 24 hour time clock.
- h. Service doors to tenant areas throughout the development shall have standard identification only (i.e. tenant name and address).
- i. The application for sign permit shall include two (2) sets of Shop Drawings (of which one must be in color), prepared by its Sign Fabricator. Shop Drawings must include full dimensions, letter style and type, face (color, material and thickness), returns, type of lighting, brightness, electrical engineering, mounting hardware, transformer location and access, and placement of sign drawn to scale on the fascia. All applications must depict the mounting method and hardware required for the sign.

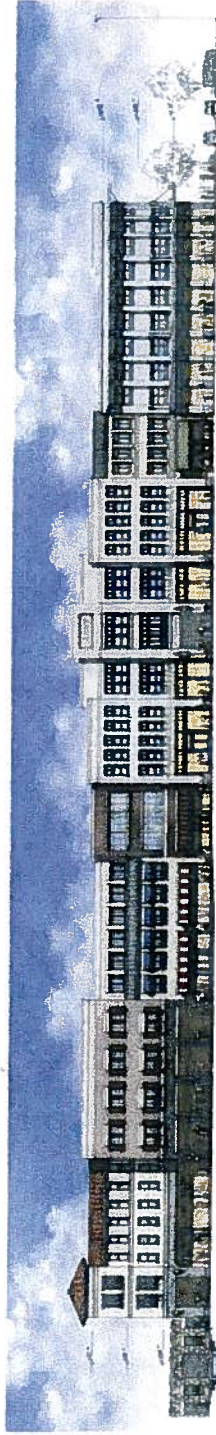
13. Subdivision Regulations

- a. Development of the Property may include “private drives” which are defined, for purposes of this Planned Development District, as privately-owned driveways with publicly dedicated access easements which are constructed in accordance with the standards set forth in this ordinance and accepted by the City. A private drive is not a public or private street. The private drives and other access ways shall be generally provided in accordance with the Concept Plan.
- b. Permits: No construction activity shall take place within the 100 year floodplain except open space amenities including, but not limited to, trails, fountains, pond; wetland mitigation; and other improvements approved in writing by the Director of Parks and Director of Engineering. Any floodplain reconfiguration shall be approved by the Planning and Zoning Commission.
- c. Design Standards. The City Engineer may approve traffic calming devices on the Property.
- d. Thoroughfare Design Standards Checklist

Thoroughfare Design Standards	
STREETS*	
Number of Through Lanes	
Through Lane Width (ft)	
Number of Left Turn Lanes ¹	
Left Turn Lane Width (ft)	

GDE PD Ordinance - Proposed	
Fire Lane	All Other Private Internal Streets & Roads
2	Varies
11 Min	11 Min
Varies	Varies
11 where occurs	11 where occurs

EXHIBIT "D"
IMAGES OF BUILDING FACADES





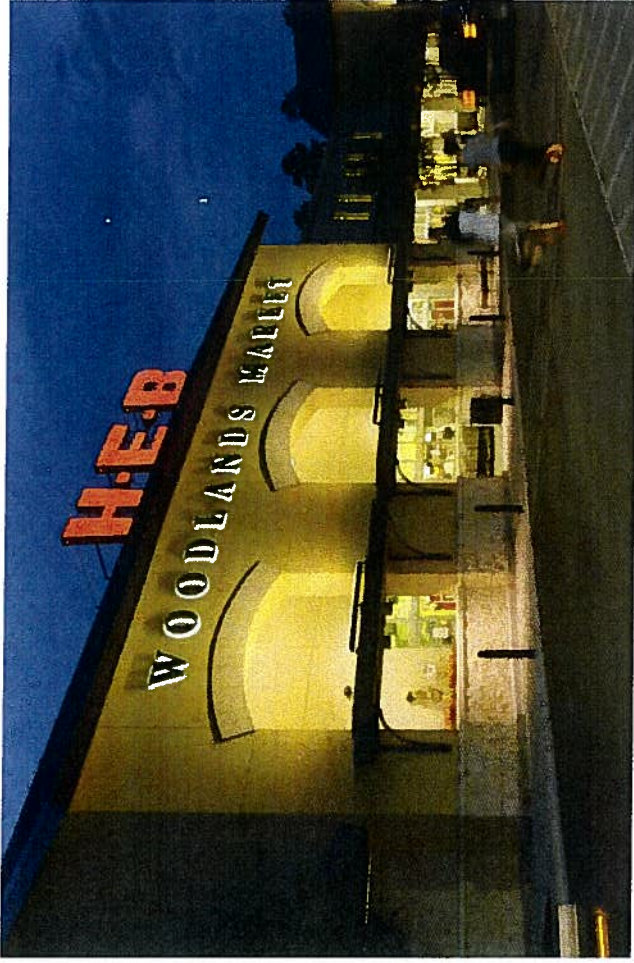
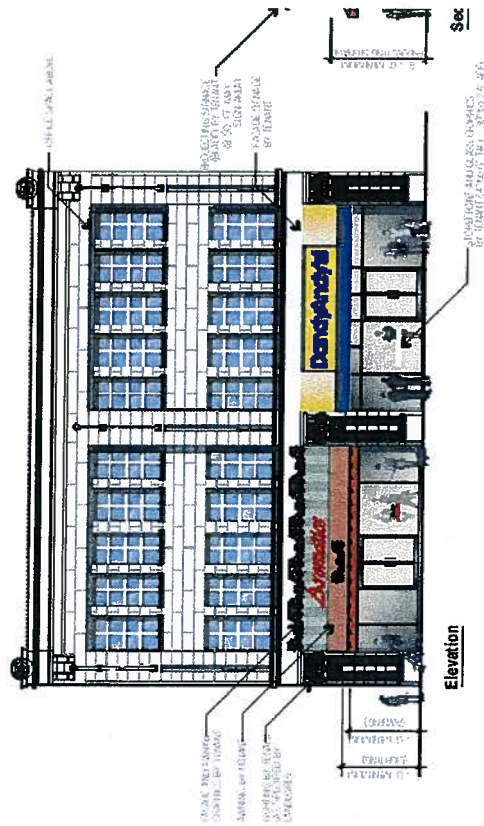


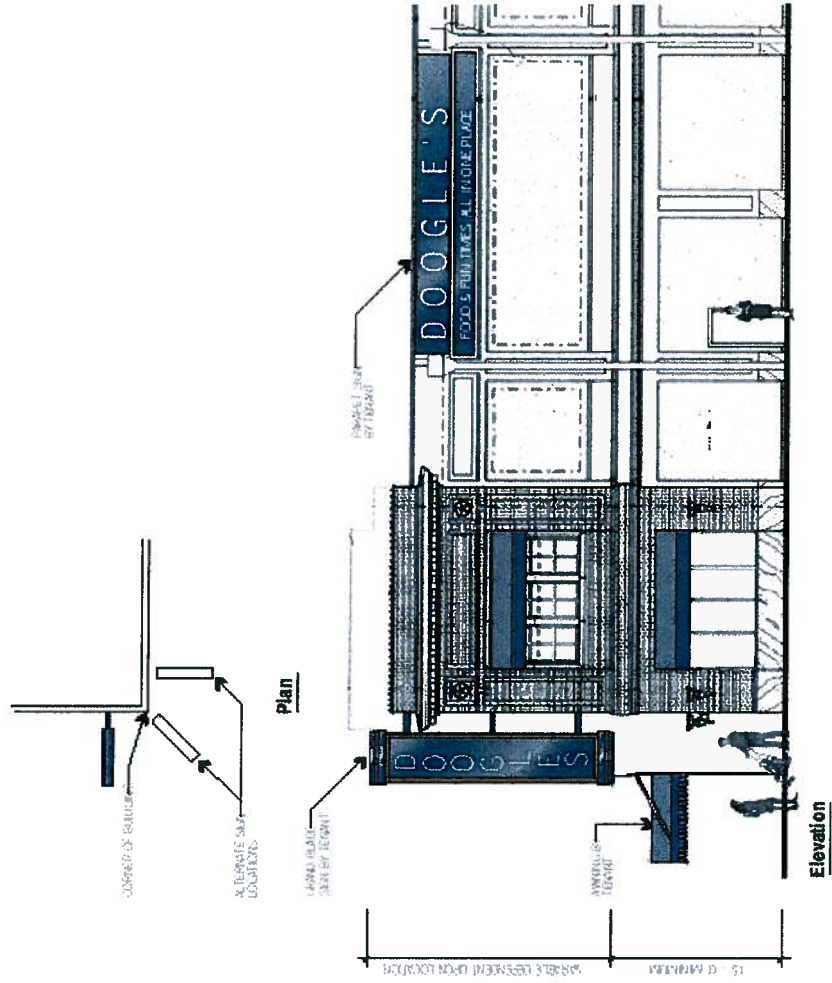
EXHIBIT "E"

SIGNAGE DETAILS

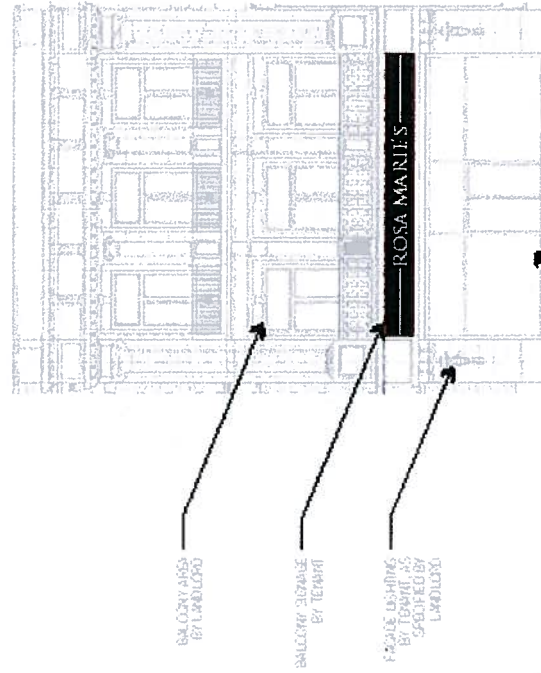
FACADE/STOREFRONT SIGNAGE ILLUSTRATIONS



GRAND BLADE/PARAPET SIGNAGE ILLUSTRATIONS

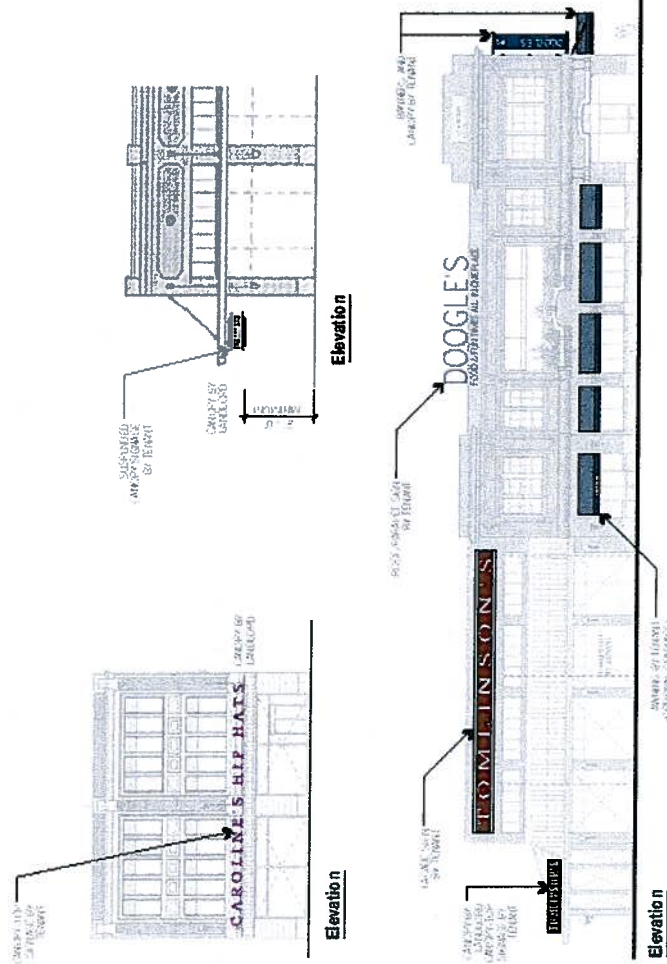


BALCONY SIGNAGE ILLUSTRATION



Elevation n

ROOF/CANOPY SIGNAGE ILLUSTRATIONS





WATTERS CREEK

CITY PACKAGE
October 26, 2009





SIGN SCHEDULE

SIGN TYPE	ELECTRICAL	MAX. HEIGHT	MAX. WIDTH	MAX. COPY AREA (Square Feet Per Side)	MAX. STRUCTURE (Includes Copy Area)	MAX. QUANTITY	COMMENTS	
AA Garage Tenant Fins	YES, INTERNAL	6 ft.	13 ft.	-	-	4	HEIGHT NOT TO EXCEED THE HEIGHT OF STRUCTURE IT IS ATTACHED TO	
BB LED Pylon (Drawings provided by YESCO)	YES, INTERNAL	50 ft.	40 ft.	700 sq ft.	1800 sq ft.	1	LED AREA NOT TO EXCEED 472 SQ. FT. PER SIDE	
CC Parking Area Banners	NO, AMBIENT	9 ft. (min. 3 ft.)	3 ft. (min. 18 in.)	-	-	20*		

Note: All final locations and as built dimensions to be verified prior to final fabrication.

* Estimated quantities TBD on site with owner.



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Sign Schedule



WATTERS CREEK



Redmond Schwartz Mark
Design

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San Clemente
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949.492.9479
Fax 492.2230

4130 Commerce
Suite 201 Dallas
TX 75226
214.828.9278
Fax 887.0897
rsmdesign.net

Date Revised

09.25.09

10.26.09

SHEET NO.

2



Note:

- All final locations and as built dimensions to be verified prior to final fabrication with owner on site.
- Sign Type "CC" is for typical placement only all banner locations are to be determined on site with owner prior to final fabrication and quantities.

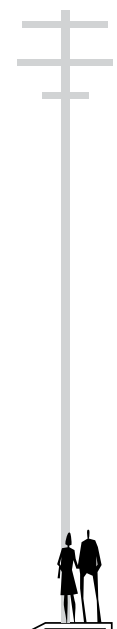
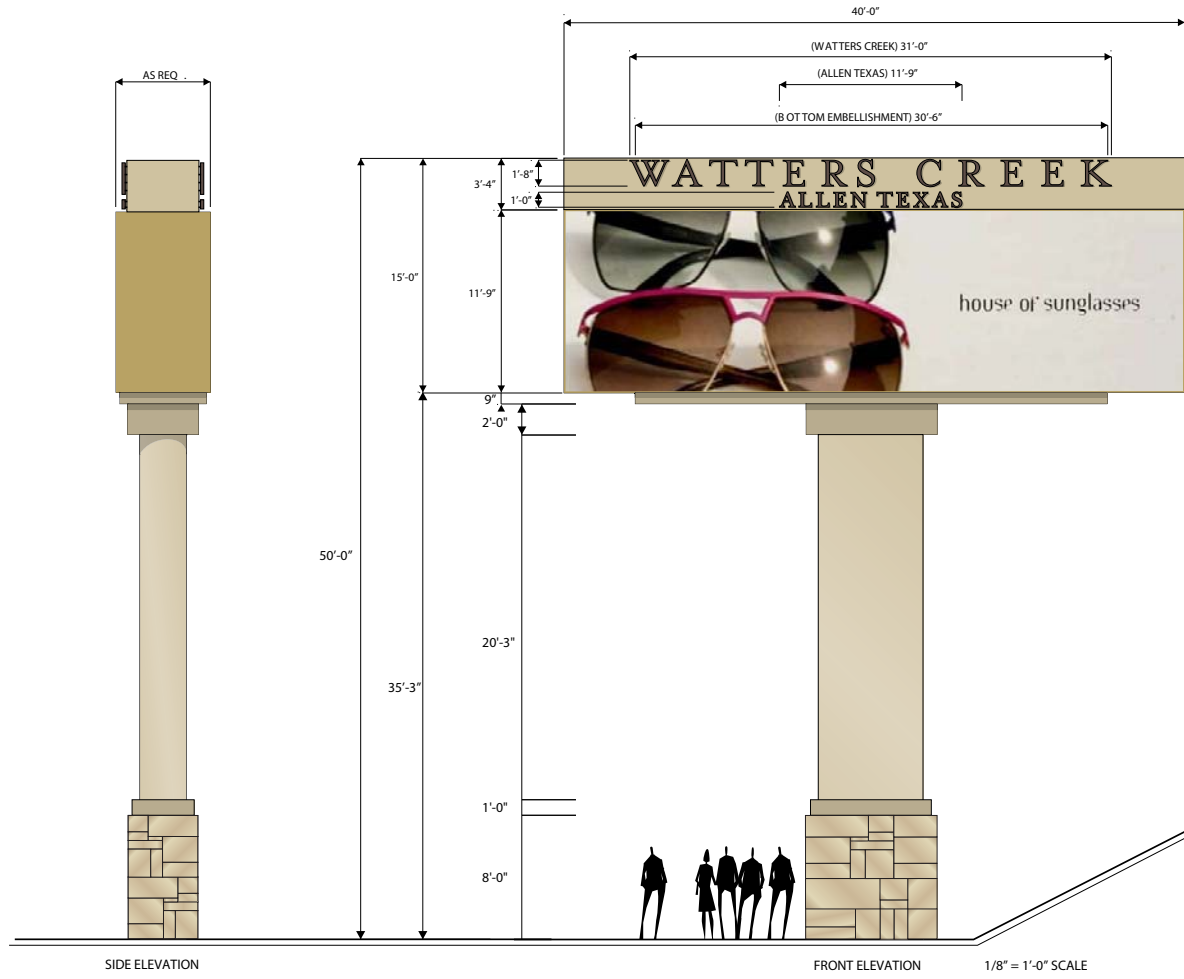


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Programming Plan



SCOPE OF WORK

MFG. & INSTALL ONE (1) D/F STRUCTURE WITH TWO (2) S/F 11'-9" X 40'-0" LED MESSAGE UNITS

TOP CABINET
TO BE TEX-COTED & PAINTED TO MATCH EXISTING BUILDING COLOR

WATERS CREEK & AT MONTGOMERY FARM LETTERS
TO BE REVERSE PAN CHANNEL LETTERS PAINTED BRONZE WHITE LED HALO UMINATION (STEADY BURN)

MAIN CABINET & MESSAGE UNIT CABINETS
TO BE PAINTED TO MATCH EXISTING BUILDING COLOR

MESSAGE UNITS
TO BE 20mm FULL COLOR SAGE UNITS

9" ADD ON EMBELLISHMENT (BOTTOM OF SAGE UNIT CABINET)
TO BE TEX-COTED & PAINTED TO MATCH EXISTING BUILDING COLOR

3'-0" ROUND POLE TO BE CLAD WITH PAINTED ALUMINUM

NOTE: COST FOR PROVIDING NECESSARY ELECTRICAL WIRING TO SIGN AREA IS NOT INCLUDED IN SIGN PROPOSAL

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YESCO
CONTRACTOR LICENSE #789

Client Name & Address:
WATERS CREEK
970 GARDEN P
ALLEN, TEXAS

Project Number:
405897

Project Name:
WATERS CREEK

Account Executive:
VICKY MOON

Designer:
RICHARD BALDWIN

Design Approvals:
Checked by:
Creative Director:
Estimating:
Account Executive:
Client:

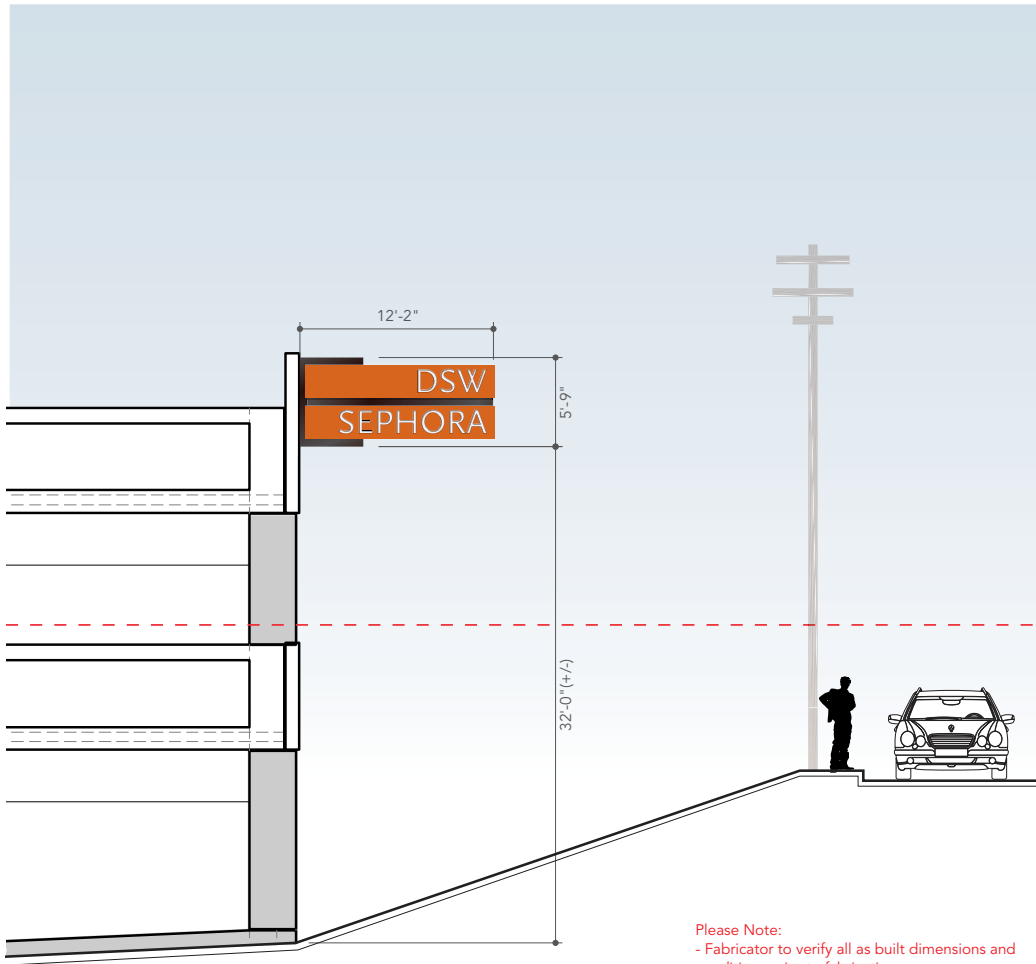
Rev. / Date / Designer:
08/14/09 - R.B./ARG.
08/21/09 - R. B.
09/09/09 - R. B.

Description:
14'-0" X 48'-0"
BILLBOARD WITH
LED MESSAGE UNITS

Classification:
BB-1

3

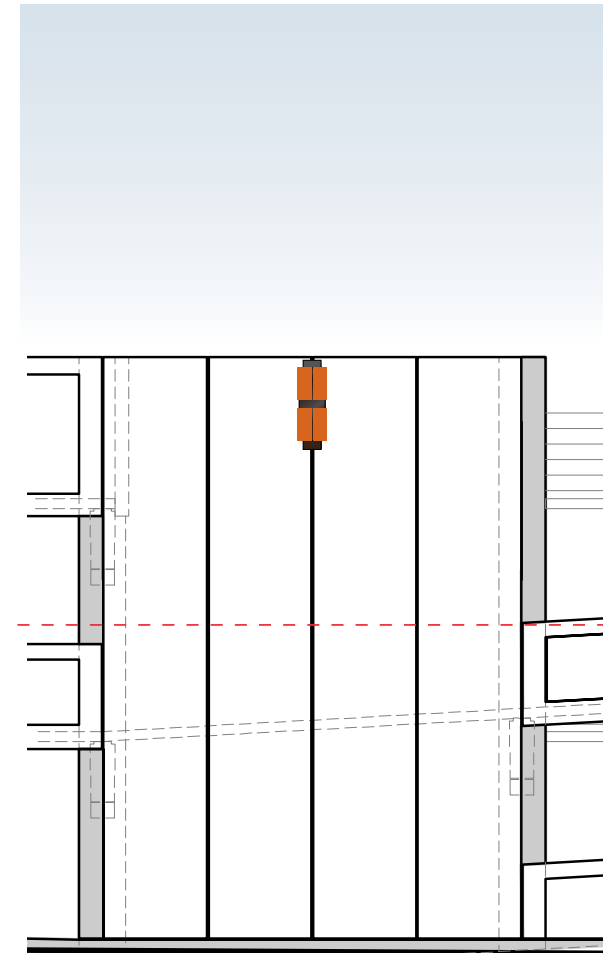
08/21/09 - R. BALDWIN - CHANGE COPY AT THE TOP OF STRUCTURE



1 Garage Tenant Fin
Front View; Scale: 1/8" = 1'-0"

Please Note:
- Fabricator to verify all as built dimensions and conditions prior to fabrication.

- RSM does not recommend this sign to be even with the top of the parking garage due to visibility from the freeway and constructability.



2 Garage Tenant Fin
Side View; Scale: 1/8" = 1'-0"



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AA . Garage Tenant Fin Elevation



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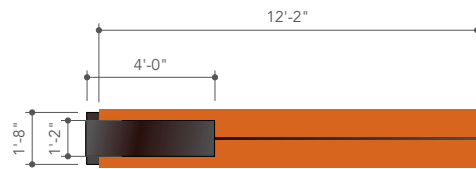
Date Revised

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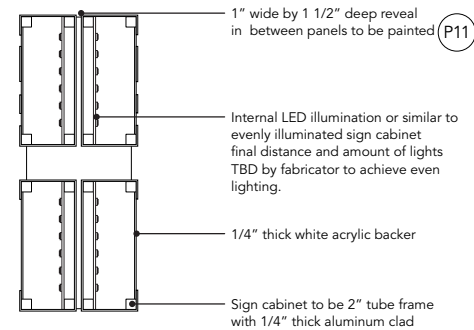
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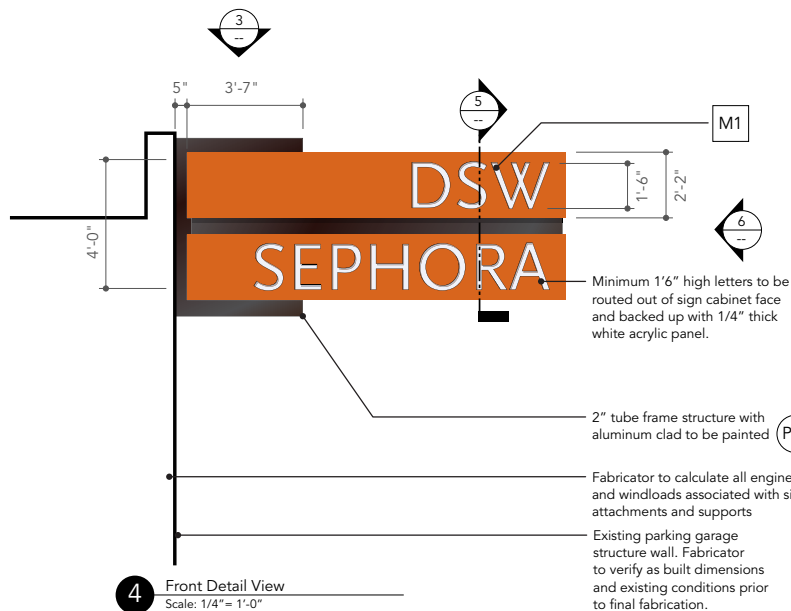
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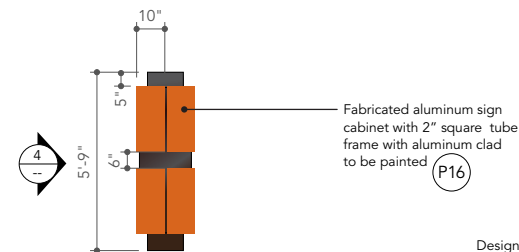
3 Front Detail View
Scale: 1/4" = 1'-0"



5 Sign Cabinet Panel Detail
Scale: 1" = 1'-0"



4 Front Detail View
Scale: 1/4" = 1'-0"



6 Side Detail View
Scale: 1/4" = 1'-0"

Design specifications:

- All electrical connections shall be made by installer on-site. Electrical power and J-Box locations provided by owner. Fabricator shall verify optimum light source and power requirements for internal illumination of cabinet prior to final fabrication.
- All fabricated surfaces are to be flat and free of visible fasteners, distortions, and blemishes. Grind all welds and finish smooth.
- All access panels to be located in non-visible locations with all hinges, locks, etc to be painted same as cabinet it is located.
- All final copy to be determined by owner prior to final fabrication.
- Mock up of panel to include letter to be done prior to final fabrication and placed on site for review by owner to ensure visibility and contrast. See marked area to mock-up.
- All final colors TBD after sprayouts are provided of all colors to client and RSM for review and approval.



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**AA . Garage Tenant Fin - Detail
with White Acrylic Option**



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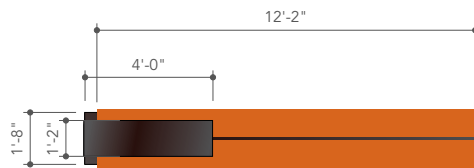
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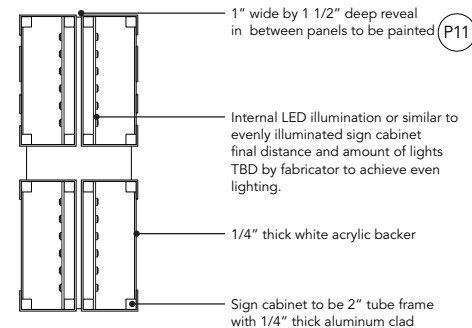
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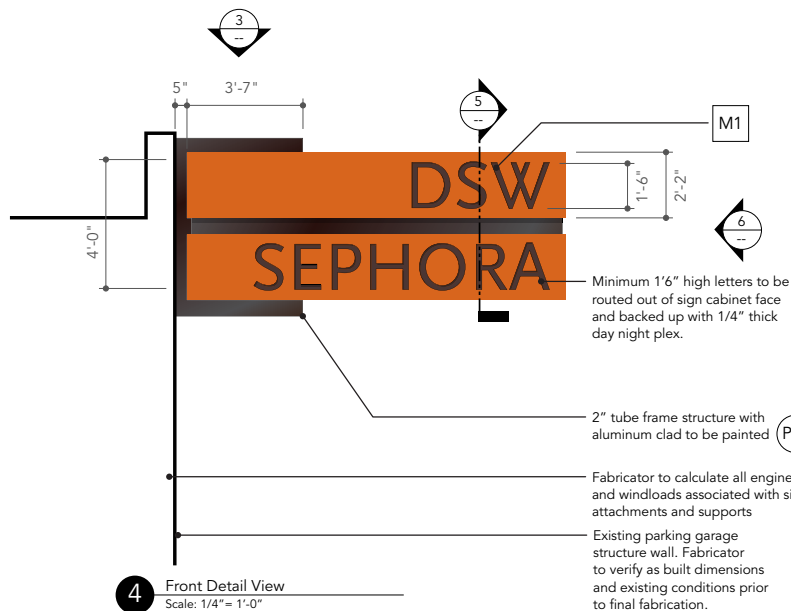
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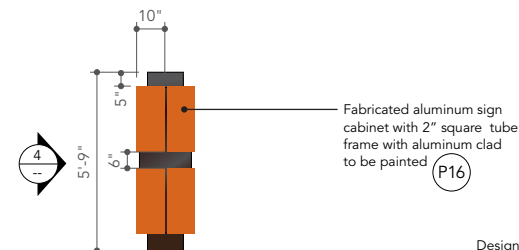
3 Front Detail View
Scale: 1/4" = 1'-0"



5 Sign Cabinet Panel Detail
Scale: 1" = 1'-0"



4 Front Detail View
Scale: 1/4" = 1'-0"



6 Side Detail View
Scale: 1/4" = 1'-0"

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**AA . Garage Tenant Fin - Detail
with Day Night Plex Option**



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AA . Garage Tenant Fin Photo Studies



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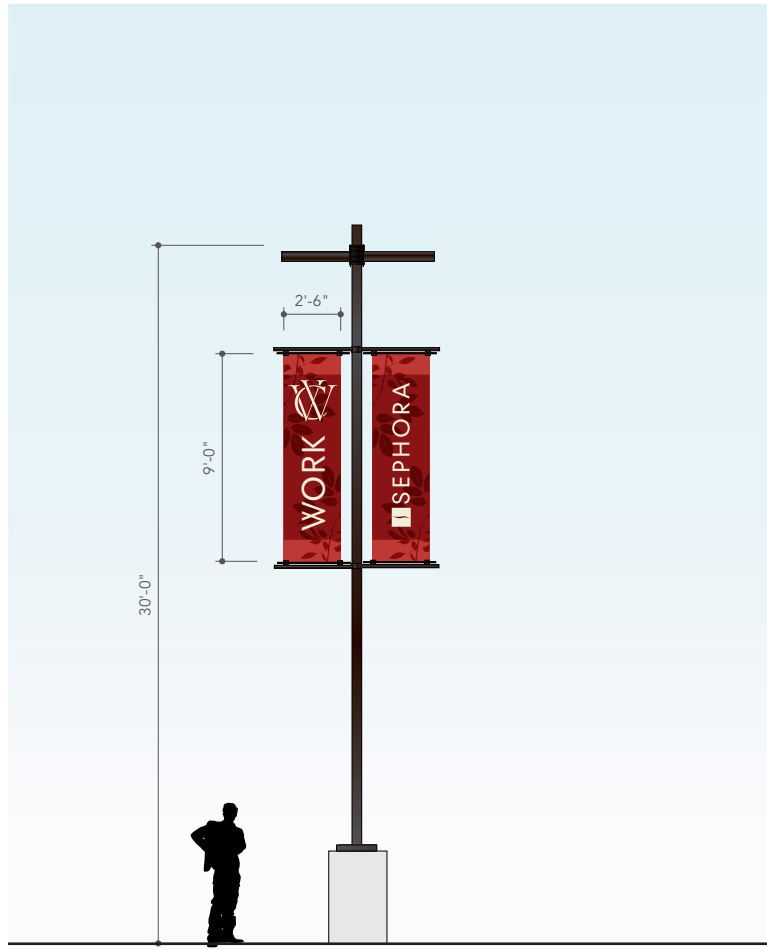
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SHEET NO.

7



1 Parking Tenant Banners
Front View, Scale: 3/16" = 1'-0"



2 Parking Tenant Banners
Detail View, Scale: 3/8" = 1'-0"

Notes:
- Final banner placement to be determined in coordination with lighting consultant prior to fabrication.
- Final locations to be coordinated on site with owner.



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CC . Parking Area Banners



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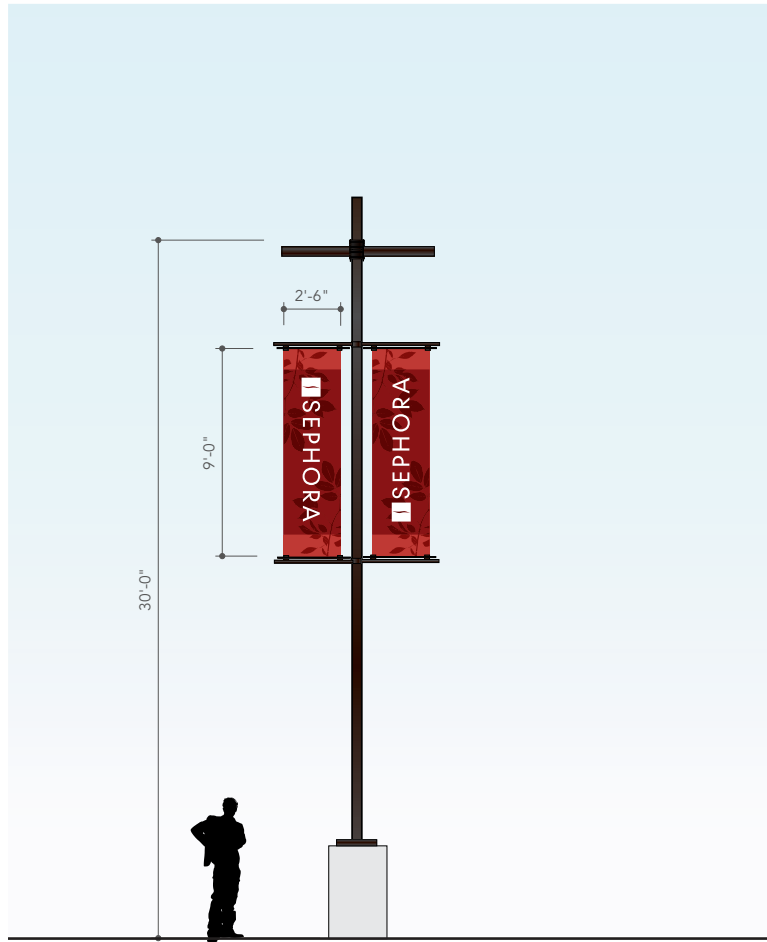
Date Revised

09.25.09

10.26.09

SHEET NO.

8



1 Parking Tenant Banners
Front View; Scale: 3/16" = 1'-0"



2 Parking Tenant Banners
Detail View; Scale: 3/8" = 1'-0"



Notes:
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- Final locations to be coordinated on site with owner.



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CC . Parking Area Banners



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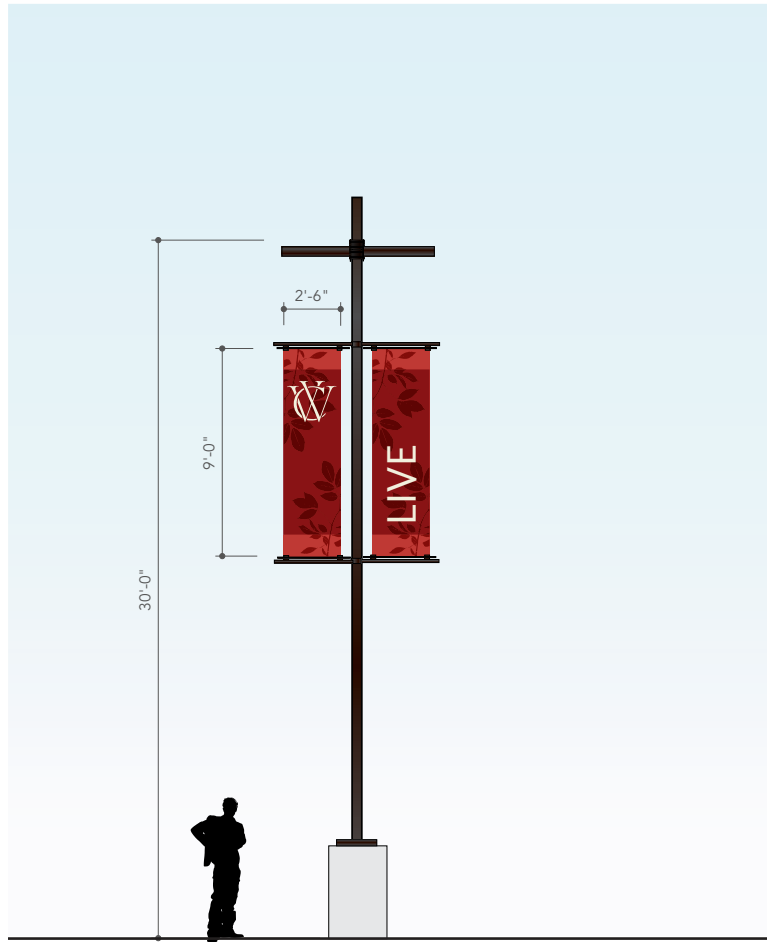
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09.25.09

10.26.09

SHEET NO.

9



1 Parking Tenant Banners
Front View; Scale: 3/16" = 1'-0"



2 Parking Tenant Banners
Detail View; Scale: 3/8" = 1'-0"



Notes:
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- Final locations to be coordinated on site with owner.



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CC . Parking Area Banners



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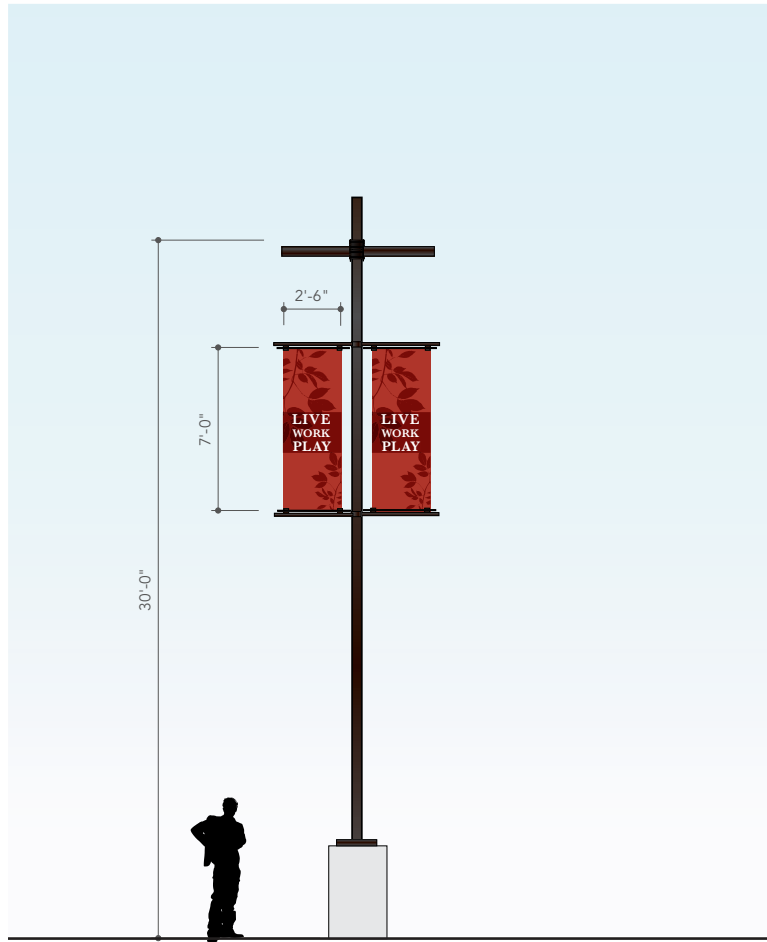
Date Revised

09.25.09

10.26.09

SHEET NO.

10



1 Parking Tenant Banners
Front View; Scale: 3/16" = 1'-0"



2 Parking Tenant Banners
Detail View; Scale: 3/8" = 1'-0"



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CC . Parking Area Banners



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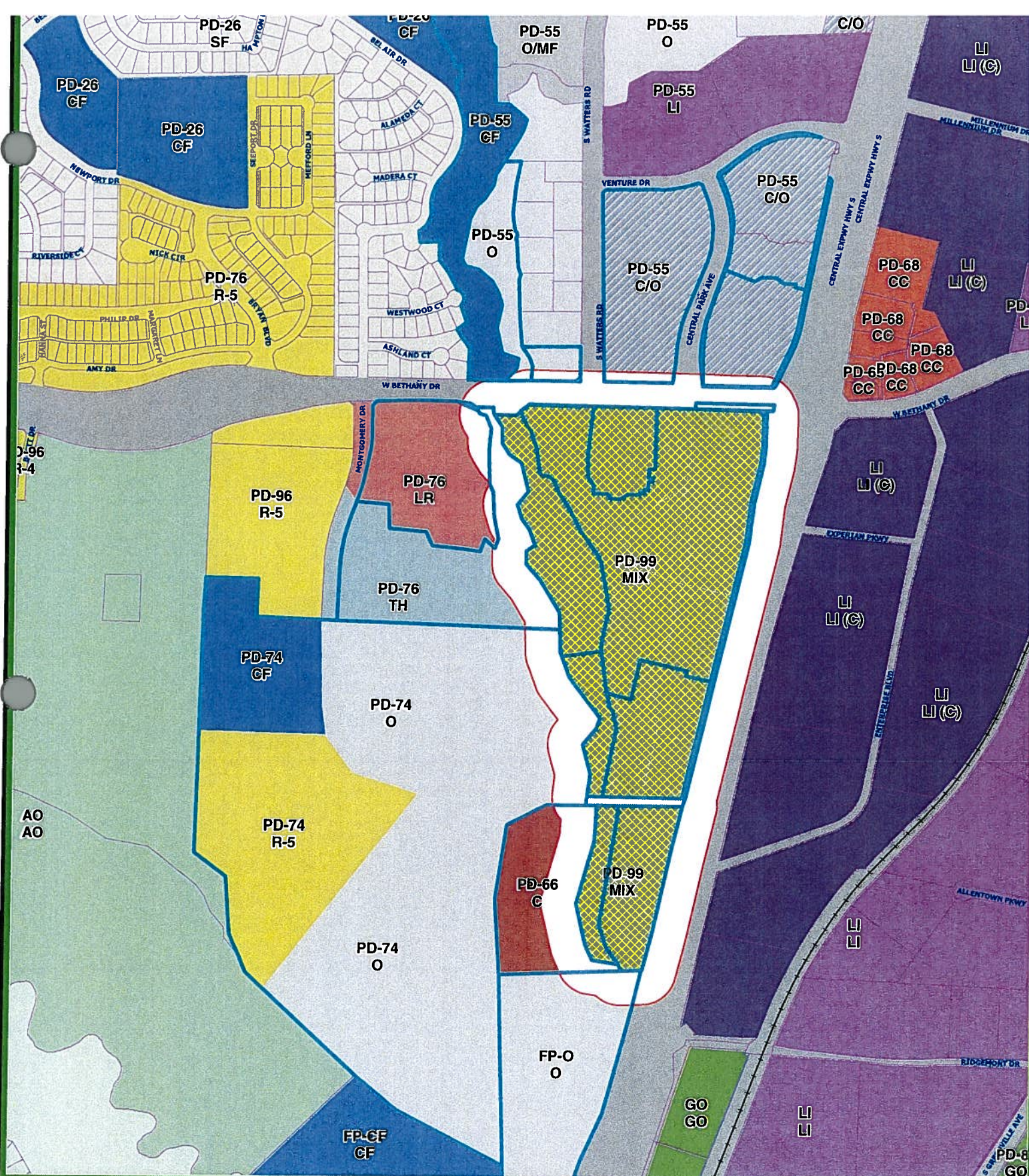
09.25.09

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11

file as na	addr_line1	addr_line2	addr_city	addr_state	addr
ALLEN CIT		ONE ALLEN CIVIC PLAZA	ALLEN	TX	7501
ALLEN CIT		305 CENTURY PKWY	ALLEN	TX	7501
BANK OF T		PO BOX 8811	LITTLE ROCK	AR	7223
ALLEN EC		700 CENTRAL EXPY S STE 210	ALLEN	TX	7501
ALLEN CIT		ONE ALLEN CIVIC PLAZA	ALLEN	TX	7501
ALLEN CIT		1 BUTLER CIR	ALLEN	TX	7501
ALLEN CIT		305 CENTURY PKWY	ALLEN	TX	7501
COVENTRY C/O DDR PROPERTY TAX		3300 ENTERPRISE PKWY	BEACHWOOD	OH	4412
ALLEN CIT		305 CENTURY PKWY	ALLEN	TX	7501
ALLEN CIT		305 CENTURY PKWY	ALLEN	TX	7501
COVENTRY C/O DDR PROPERTY TAX		3300 ENTERPRISE PKWY	BEACHWOOD	OH	4412
ALLEN CIT		1 BUTLER CIR	ALLEN	TX	7501
COVENTRY C/O DDR PROPERTY TAX		3300 ENTERPRISE PKWY	BEACHWOOD	OH	4412
COVENTRY C/O DDR PROPERTY TAX		3300 ENTERPRISE PKWY	BEACHWOOD	OH	4412
ANGEL FIE		1215 OLD BETHANY RD	ALLEN	TX	7501
ALLEN EC		700 CENTRAL EXPY S STE 210	ALLEN	TX	7501
COVENTRY C/O DDR PROPERTY TAX		3300 ENTERPRISE PKWY	BEACHWOOD	OH	4412
ALLEN CIT		305 CENTURY PKWY	ALLEN	TX	7501
ALLEN CIT		ONE ALLEN CIVIC PLAZA	ALLEN	TX	7501
MONTGO		1215 OLD BETHANY RD	ALLEN	TX	7501
MONTGO		4445 EDMONDSON AVE	DALLAS	TX	7520
WRETCH		4445 EDMONDSON AVE	DALLAS	TX	7520
COVENTRY % PROPERTY TAX		3300 ENTERPRISE PKWY	BEACHWOOD	OH	4412
ALLEN CIT		305 CENTURY PKWY	ALLEN	TX	7501
COVENTRY % PROPERTY TAX		3300 ENTERPRISE PKWY	BEACHWOOD	OH	4412



PD-99
Watters Creek at Montgomery Farm
Property Ownership Notification

Map Legend

<ul style="list-style-type: none"> Public Road Private Road Property Boundary Existing Land Use (AO) Agriculture Open (C) Commercial (CC) Community Office (CF) Community Facility (GB) General Business (GO) Garden Office (IT) Industrial Technology (LC) Light Commercial (LI) Light Industrial (LIR) Local Retail (MDSF) Medium Density-Single Family (MDR) Medium Density Residential (MF) Multi-Family (MF-2) Multi-Family - 2+ (MF-12) Multi-Family - 12+ (MF-18) Multi-Family - 18+ (MF-24) Multi-Family - 24+ Mixed (O) Office (OIL) Office/Light Industrial (OIMF) Office/Multi-Family (OS) Open Space (OT) Office Technology (SF) Single Family Residential (R-1) Residential - 1+ (R-1.5) Residential - 1.5+ (R-2) Residential - 2+ (R-3) Residential - 3+ (R-4) Residential - 4+ (R-5) Residential - 5+ (R-6) Residential - 6+ (R-7) Residential - 7+ (SC) Shopping Center (TH) Town House City Limit 	<ul style="list-style-type: none"> (GO) Garden Office (IT) Industrial Technology (LC) Light Commercial (LI) Light Industrial (LIR) Local Retail (MDSF) Medium Density-Single Family (MDR) Medium Density Residential (MF) Multi-Family (MF-2) Multi-Family - 2+ (MF-12) Multi-Family - 12+ (MF-18) Multi-Family - 18+ (MF-24) Multi-Family - 24+ Mixed (O) Office (OIL) Office/Light Industrial (OIMF) Office/Multi-Family (OS) Open Space (OT) Office Technology (SF) Single Family Residential (R-1) Residential - 1+ (R-1.5) Residential - 1.5+ (R-2) Residential - 2+ (R-3) Residential - 3+ (R-4) Residential - 4+ (R-5) Residential - 5+ (R-6) Residential - 6+ (R-7) Residential - 7+ (SC) Shopping Center (TH) Town House City Limit
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Planning & Development - 023
 Revision Date: 1/9/2007

