

## AGENDA CITY OF ALLEN PLANNING AND ZONING COMMISSION REGULAR MEETING TUESDAY, MARCH 19, 2013 – 7:00 P.M. COUNCIL CHAMBERS ALLEN CITY HALL 305 CENTURY PARKWAY ALLEN, TEXAS 75013

# Call to Order and Announce a Quorum is Present

#### **Pledge of Allegiance**

# **Director's Report**

1. Action taken on the Planning & Zoning Commission items by City Council at the March 12, 2013 regular meeting.

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

2. Approve minutes from the March 5, 2013 regular meeting.

#### Regular Agenda

- 3. Combination Plat Consider a request for a Combination Plat for Avondale Commercial Addition, Lots 1 and 2, Block A, being 2.152± acres located at the southwest corner of Alma Drive and Ridgeview Drive. (FP-2/22-13-14) [Avondale Commercial Addition]
- 4. Tabled Item/Public Hearing Conduct a Public Hearing and consider a request to amend Tracts "B" and "C" of Planned Development No. 76 to allow the property to be developed for Multi-Family MF-18 use and to adopt a Concept Plan, Development Regulations and Building Elevations for the property. The property is 29.001± acres of land located in the Thomas G. Kennedy Survey, Abstract No. 500, City of Allen, Collin County, Texas; located south of Bethany Drive and west of Central Expressway/U.S. Highway 75. (Z-11/19/12-87) [Watters Branch at Montgomery Farm]

#### 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, March 15, 2013, 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 3/12/13 City Council Meeting

There was one item taken to the March 12, 2013 City Council meeting for consideration:

• A request to amend the Development Regulations for Planned Development No. 99 to increase the number of special events allowed and adopt a Temporary Use and Special Event Location Map for Watters Creek at Montgomery Farm; located at the southwest corner of Central Expressway and Bethany Drive was approved.



PLANNING AND ZONING COMMISSION Regular Meeting March 5, 2013

# **ATTENDANCE**:

# **Commissioners Present:**

Robert Wendland, Chairman Jeff Cocking, 1<sup>st</sup> Vice Chair Shirley Mangrum, 2<sup>nd</sup> Vice Chair Barbara McNutt John Ogrizovich Steven Platt, Jr. Ben Trahan

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

Ogden "Bo" Bass, AICP, Director of Community Development Lee Battle, AICP, Assistant Director of Community Development Shawn Poe, PE, Assistant Director of Engineering Tiffany McLeod, Senior Planner Shelby Griffin, Planner Kevin Laughlin, City Attorney

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

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

#### **Director's Report**

1. Action taken on the Planning & Zoning Commission items by City Council at the February 26, 2013 regular meeting.

#### **Consent Agenda**

- 2. Approve minutes from the February 19, 2013 regular meeting.
- 3. Receive the Capital Improvement Program (CIP) Status Report.
- 4. Final Plat Consider a request for a Final Plat for Creekside at Ridgeview Addition, Phase 2, being 14.091± acres of land located approximately 600 feet northwest of Ridgeview Drive and east of West Rowlett Creek. (FP-1/21/13-7) [Creekside at Ridgeview, Phase 2]
- Final Plat Consider a request for a Final Plat for Bossy Boots Addition Lot 2, Block D, being 0.536± acres of land located approximately 315 feet north of Exchange Parkway and approximately 580 feet east of Bossy Boots Drive. (FP-2/12/13-13) [Jimmy John's]

# Motion: Upon a motion by Commissioner Trahan, and a second by Commissioner Platt, the Commission voted 7 IN FAVOR, and 0 OPPOSED to approve the Consent Agenda.

The motion carried.

### Regular Agenda

Agenda Item #6 Public Hearing – Conduct a Public Hearing and consider a request to change the zoning from Agricultural-Open Space AO, to a Planned Development for Single Family Residential R-5 use and adopt a Concept Plan, Building Elevations, and Development Regulations for the property. The property is 79.60± acres of land located in the J. Gough Survey, Abstract No. 347, City of Allen, Collin County, Texas; located approximately 930 feet north of McDermott Drive in between Custer Road and Shallowater Drive. (Z-11/21/12-88) [McDermott Farms]

Ms. Tiffany McLeod, Senior Planner, presented to the Commission. The property is located north of McDermott Drive in between Custer Road and Shallowater Drive.

Ms. McLeod explained that the applicant is requesting to change the zoning of a  $79.60\pm$  acre tract of land from Agriculture-Open Space (AO) zoning to a Planned Development for single family residential use. The proposed base zoning for the property is R-5. The Concept Plan shows two hundred and eighty one (281) residential front entry lots and eight (8) open space lots. Approximately 2.5 acres (located at the northeastern end of the property) will be dedicated to the City of Allen as open space that will tie into Twin Creeks Park.

There are three (3) access points for the subdivision. One access point is located on Custer Road. Another access point is located at the eastern boundary of the site on Shallowater Drive. The third access point is located at the southern end of the site on "Street V". One half of the street will be built with this subdivision. The other half will be built when the property to the south develops.

Ms. McLeod explained the development regulations to the Commission. The applicant is proposing a minimum lot width of 62.5' and a minimum lot depth of 120'. This equates to a lot area of 7,500 square feet; which meets the R-5 standard. The applicant is proposing a twenty foot (20') front and rear yard setbacks. The proposed setbacks essentially shift both the front and rear building lines closer to the front property line by five feet (5').

Ms. McLeod showed the Commission product types and building elevations proposed for the development. The homes are two-story with the average home size being approximately 3,800 square feet. The building materials are primarily brick and stone with a composition shingle roof.

The Future Land Use Plan designates the subject property for single family residential use. The proposed development is compatible with the surrounding area. The Concept Plan, Development Regulations and Elevations have been reviewed by the Technical Review Committee.

Chairman Wendland opened the Public Hearing.

Mike Fontenot, 2029 Burnside Drive, Allen, TX, inquired about the tree line on the north end of the site.

Jennifer Prestridge, 2010 Burnside Drive, Allen, TX, inquired about who the developer and builder for the property would be. She asked for the average square footage, price point, and expected construction date of the homes. She also inquired about a right turn lane built at the intersection of Shallowater Drive and McDermott Drive and what the property to the south is planned for.

Stan Newding, 812 Shallowater Drive, Allen, TX, inquired about the ability to make changes to the Concept Plan in the future.

Todd Cansler, 415 Bastrop Drive, Allen, TX, asked why there was a change from a 4-lane divided roadway to a 2-lane roadway on Shallowater Drive.

Marie Chow, 802 Shallowater Drive, Allen, TX, stated her concern for additional traffic on Shallowater Drive and the need for pedestrian crosswalks.

Kim Richmond, 511 Spur Drive, Allen, TX, asked for confirmation that there would be no median on Shallowater Drive, across from Spur Drive.

Chairman Wendland closed the Public Hearing. He announced that Ireneo Cabahug, 403 Bastrop Drive, Allen, TX, submitted a written letter of opposition.

Ms. McLeod explained that the 7 ½ foot tree preservation easement for McDermott Farms is measured from the property line. An existing 7 ½ foot tree preservation easement exists to the north of the subject property, within the Custer Meadows subdivision. She also explained that the Concept Plan is part of the Planned Development Ordinance and if there is a proposed change for the development, it would require the applicant to apply for a PD amendment and go through the same public hearing process at Planning and Zoning Commission and City Council.

Chairman Wendland clarified that all of the individuals that received notifications for this case would receive a notification if the Planned Development is proposed to be amended.

Jed Dolson, Applicant, 3131 Harvard, Suite 103, Dallas, TX, addressed the Commission. He identified JBGL Chateaux as the developer and that the builder would be American Legend Homes and Normandy Homes with a price point of \$475,000 and above. The average square footage of the homes would be 4,000 square feet. He stated that it is forecasted to have lots on the ground by the end of 2013 or early 2014. He explained that the property to the south was a different seller and was not aware of their development plans.

Mr. Shawn Poe, Assistant Director of Engineering addressed the Commission. He explained that Shallowater Drive is identified as a collector on the Master Thoroughfare Plan, which means it would be a 2-lane roadway and expands to a four lane divided at McDermott to lessen the delay of motorists at the intersection. He explained that developer has shown to widen Shallowater Drive from 25 foot to a 37 foot wide, non-divided roadway. Mr. Poe explained that the Master Thoroughfare Plan also shows a collector running east and west between Custer Road and Shallowater Drive which will be partially constructed with this development. The property to the south will build the rest of the collector at the time of development.

Chairman Wendland inquired about the possibility to provide cross walks on Shallowater Drive. Mr. Poe stated that the Engineering Department can look at the pedestrian counts and determine if Shallowater Drive warrants a cross walk. He added that many of the design details will be worked out at the construction design phase, which is after the zoning phase.

Chairman Wendland inquired about the possibility of a right turn lane being constructed on Shallowater Drive, at the McDermott Intersection. Mr. Poe stated that when the property to the south develops they would be required to build the right turn lane.

Ms. McLeod informed the Commission that the property to the South is currently zoned Agricultural-Open Space (AO) and that there have been no plans submitted for that property to develop. She added that the Future Land Use Plan shows that property as developing into single family residential use and shopping center along McDermott Drive.

Commissioner Ogrizovich asked for clarification about the sharp change in width of Shallowater Drive, near the fire station. Mr. Poe stated that when the roadway is widened from a 25 foot roadway to a 37 foot roadway, the sharp change in width will become less severe and more gradual.

Commissioner Ogrizovich stated he is in support of the request.

2<sup>nd</sup> Vice Chair Mangrum stated she could support the request.

1<sup>st</sup> Vice Chair Cocking stated he supported the request.

Commissioner McNutt stated she was in support of the request and is pleased to see that the developer was utilizing the existing trees on site.

Commissioner Trahan stated he supported of the request.

Chairman Wendland stated he is in support of the request.

Motion: Upon a motion by Commissioner Platt, and a second by Commissioner McNutt, the Commission voted 7 IN FAVOR, and 0 OPPOSED to recommend approval of the request to change the zoning of 79.60± acres of land from Agricultural-Open Space A-O to a Planned Development for Single Family Residential R-5 use and adopt a Concept Plan, Building Elevations, and Development Regulations for McDermott Farms.

The motion carried.

# <u>Adjournment</u>

Upon acclamation, the meeting adjourned at 7:43 p.m.

These minutes approved this \_\_\_\_\_day of \_\_\_\_\_2013.

Robert Wendland, Chairman

Shelby Griffin, Planner

#### Director's Report from 2/26/13 City Council Meeting

There were three items taken to the February 26, 2013 City Council meeting for consideration:

- A request to Amend Planned Development No. 54 for Industrial Technology IT to allow a Day Care use and Adopt a Concept Plan, Building Elevations, and Development Regulations for Lot 2R-2E, Block G, Bray Central One Addition; Located South of Exchange Parkway and East of Watters Road for Children's Lighthouse was denied.
- A request to Adopt an Ordinance for a Specific Use Permit # 133 for a Gymnastic and Sports Training Facility use for Crossfit Ammo at 1201 E. Main Street, Suite 220 was approved.
- A request to Adopt an Ordinance for a Specific Use Permit # 134 for a Gymnastic and Sports Training Facility use for Envy Cheer at 21 Prestige Circle was approved.

#### PLANNING & ZONING COMMISSION AGENDA COMMUNICATION

SUBJECT:

March 19, 2013

Consider a request for a Combination Plat for Avondale Commercial Addition, Lots 1 and 2, Block A, being  $2.152\pm$  acres located at the southwest corner of Alma Drive and Ridgeview Drive. (FP-2/22-13-14) [Avondale Commercial Addition]

**STAFF RESOURCE:** 

# **PREVIOUS COMMISSION/COUNCIL** ACTION:

Shelby Griffin Planner

Zoning approved – 2/24/04 Preliminary Plat approved – 5/4/04 Final Plat approved – 7/20/04 General Development Plat approved – 12/4/12

#### BACKGROUND

The property is located south of Ridgeview Drive and west of Alma Drive. The property to the north (across Ridgeview Drive) is zoned Planned Development (PD) No. 72 for Corridor Commercial (CC). The property to the east (across Alma Drive) is zoned Planned Development (PD) No. 72 for Single Family Residential (R-5). The property to the south is zoned Planned Development (PD) No. 67 for Single Family Residential (R-5). The property to the west is zoned Planned Development (PD) No. 67 for Single Family Residential (R-5). The property to the west is zoned Planned Development (PD) No. 67 for Townhomes (TH). The subject property is zoned Planned Development (PD) No. 67 for Local Retail (LR).

The Combination Plat is for  $2.152\pm$  acres and shows 2 commercial lots. Lot 1 is  $1.196\pm$  acres Lot 2 is  $0.781\pm$  acres.

There are two access points into the site; one being off of Ridgeview Drive and one access point being off of Alma Drive. Right-of-Way will be dedicated to the City of Allen for a right turn lane on Ridgeview Drive, represented by the hatching on the Plat.

The Combination Plat is the last stage in the development process.

The Combination Plat has been reviewed by the Technical Review Committee and meets the requirements of the *Allen Land Development Code* and Planned Development (PD) No. 67.

#### **STAFF RECOMMENDATION**

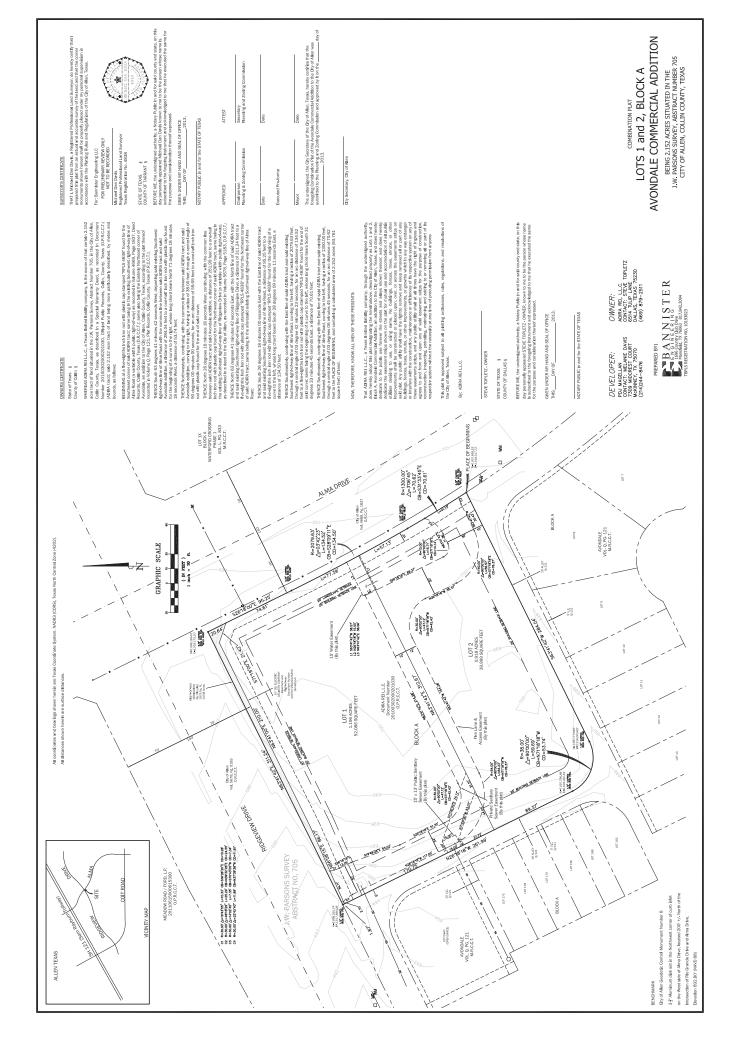
Approval

#### **RECOMMENDED MOTION**

I make a motion to approve the Combination Plat for Avondale Commercial Addition.

#### ATTACHMENTS

**Combination Plat** 



# Submission of Postponement Request

On March 8, 2013 the applicant submitted a letter to staff requesting the postponement of P&Z consideration until the April 2, 2013 meeting. It is the Commission's prerogative to postpone the consideration of a zoning request. Staff does not have any issues with the request to postpone this item.



William S. Dahlstrom (214) 632-5932 (direct dial) (214) 661-6616 (direct fax) wdahlstrom@jw.com

March 8, 2013

<u>VIA ELECTRONIC MAIL</u> bbass@cityofallen.org

Mr. Ogden Bass City of Allen 305 Century Parkway Allen, TX 75013-8042

> RE: Zoning File Number Z-11/19/12-87; Watters Branch at Montgomery Farm PD Amendment.

Dear Bo:

Over the last month Tonti Properties, the Applicant in the matter referenced above, has been working with surrounding neighborhoods to address several issues with regard to the proposed development. As a result of those meetings, the Applicant has redesigned portions of the project to respond to residents' comments. However, additional time is necessary to complete the design modifications and to reconnect with the neighborhoods. Therefore, we respectfully request that the hearing before the Planning and Zoning Commission scheduled for Tuesday, March 19, 2013 be rescheduled for April 2, 2013, in order to continue our efforts with the surrounding neighborhoods.

Thank you for your assistance with this matter and please do not hesitate to contact me if you have any questions regarding this request.

Sincerely liam S. Jahlstrom /gov

CC: Rick Perdue Philip Williams

901 Main Street, Suite 6000 • Dallas, Texas 75202 • (214) 953-6000 • fax (214) 953-5822 9047016v.1

#### PLANNING & ZONING COMMISSION AGENDA COMMUNICATION

AGENDA DATE:	March 19, 2013
SUBJECT:	Tabled Item - Conduct a Public Hearing and consider a request to amend Tracts "B" and "C" of Planned Development No. 76 to allow the property to be developed for Multi-Family MF-18 use and to adopt a Concept Plan, Development Regulations, and Building Elevations for the property. The property is 29.001± acres of land located in the Thomas G. Kennedy Survey, Abstract No. 500, City of Allen, Collin County, Texas; located south of Bethany Drive and west of Central Expressway/U.S. Highway 75. (Z-11/19/12-87) [Watters Branch at Montgomery Farm]
STAFF RESOURCE:	Ogden "Bo" Bass, AICP Director of Community Development
PREVIOUS COMMISSION/ COUNCIL ACTION:	October, 1998 – Planned Development District PD No. 76 approved by City Council. July, 2004 – Planned Development District PD No. 76 amended by City Council. September, 2006 – Planned Development District PD No. 76 amended by City Council. February, 2013 – Tabled the request to Amend Planned Development PD No. 76 for Multi-Family (MF-18) use to March 19, 2013 meeting.
LEGAL NOTICES:	Public Hearing Sign Installed – February 8, 2013 Public Hearing Letters Mailed – February 8, 2013

#### BACKGROUND

Upon the applicants request, the Planning and Zoning Commission tabled the Watters Branch at Montgomery Farm zoning case at the February 19, 2013 meeting to the March 19, 2013 Planning and Zoning Commission Meeting.

The property is located south of Bethany Drive and west of Central Expressway (east of Montgomery Boulevard). The property to the north (across Bethany Drive) is zoned Planned Development (PD) No. 26 Single Family Residential (SF) and Planned Development (PD) No. 55 Community Facilities (CF). The property to the west (across Montgomery Drive/Boulevard) is zoned Planned Development (PD) No. 105 Single Family Residential (R-5). The property to the south is zoned Planned Development (PD) No. 74 Office (O). The property to the east is zoned Planned Development (PD) No. 99 Mixed Use (MIX).

The Planned Development (PD) for the property was established in 1998. It was amended in 2004 and again in 2006. The northern portion of the property (approximately 18 acres) which fronts Bethany Drive is base zoned Local Retail (LR). The southern portion of the property (approximately 11 acres) is base zoned Townhome Residential (TH). The applicant's request is to change the base zoning of the entire property to Multi-family Residential (MF-18) and adopt a Concept Plan, development regulations and building elevations for a multi-family development project. City staff does not support the change in zoning from Local Retail and Townhome Residential uses to Multi-family Residential use. Neither the original PD nor the two

Planning & Zoning Commission March 19, 2013 Agenda Watters Branch at Montgomery Farm Page 2

amendments ever contemplated Multi-family Residential use for this property. The Future Land Use Plan reflects uses as initially considered and amended in the PD.

### **STAFF RECOMMENDATION**

Staff recommends denial of the request. A conversion of this site to Multi-family Residential zoning is not in keeping with the original PD and its amendments nor is it compatible with the surrounding development pattern.

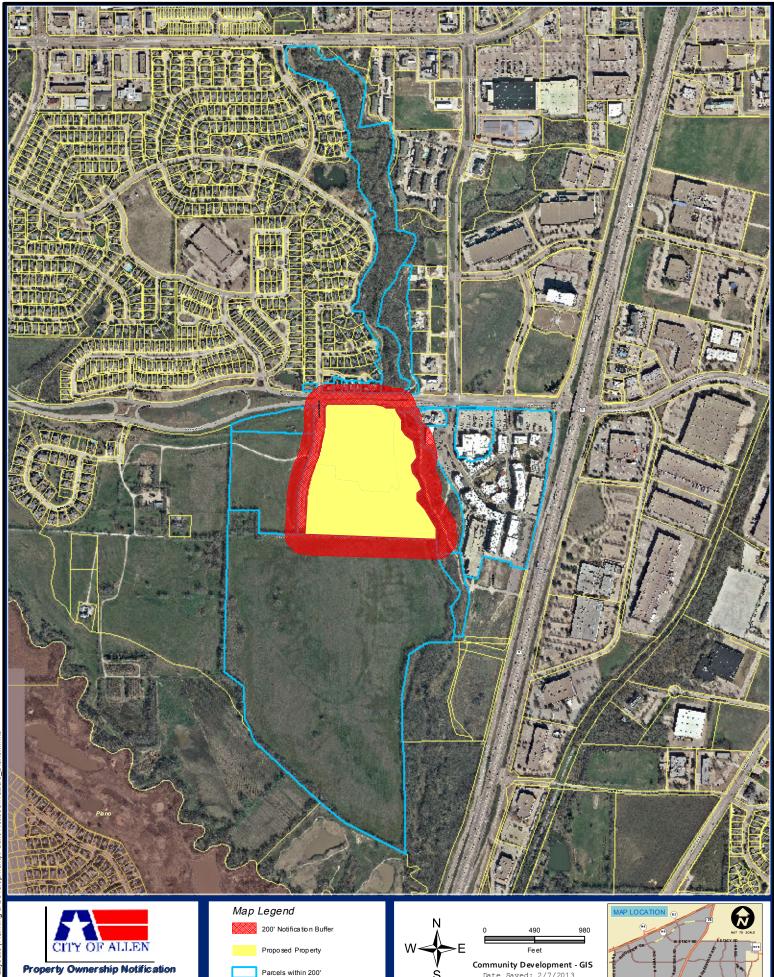
The surface parking proposed by the applicant includes tandem parking spaces. The <u>Allen Land Development</u> <u>Code</u> (ALDC) states that tandem parking shall not count towards required parking. Therefore, with the tandem spaces removed the proposed parking ratio is actually 1.58 spaces per unit. This ratio is not in compliance with the ALDC standard of 2.25 spaces per unit.

# **MOTION**

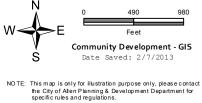
I make a motion to deny the request to amend Tracts "B" and "C" of Planned Development No. 76 to allow the property to be developed for Multi-Family MF-18 use and to adopt a Concept Plan, Development Regulations, and Building Elevations; for Watters Branch at Montgomery Farm.

# **ATTACHMENTS**

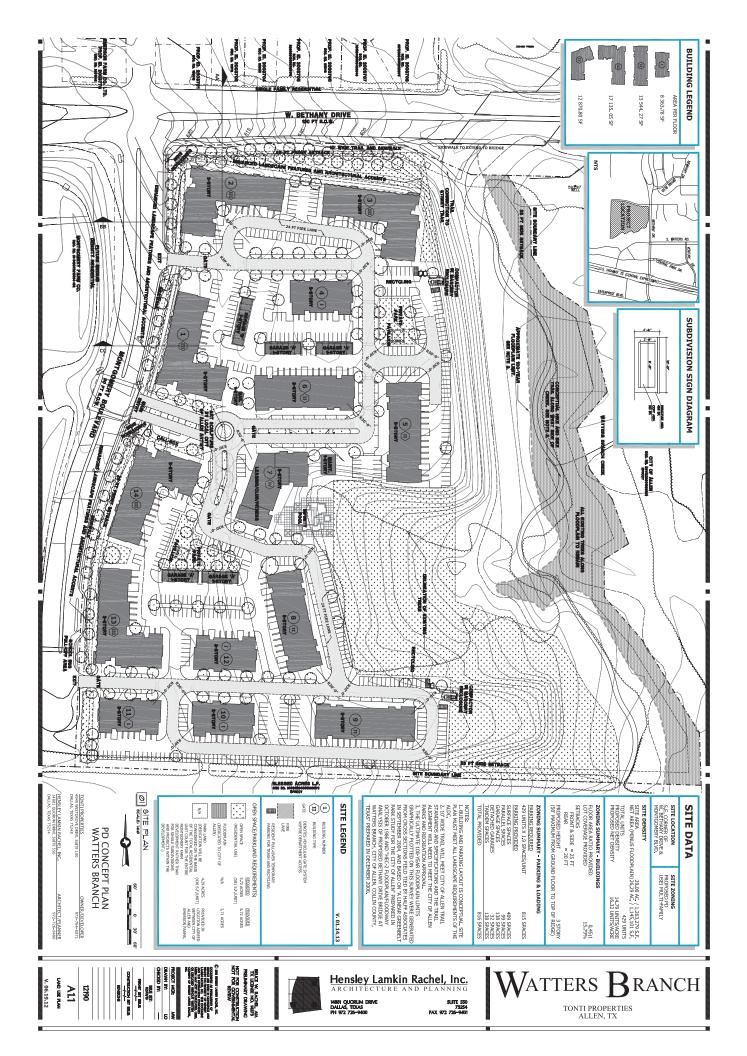
Property Owner Notification Map Concept Plan Development Regulations Building Elevations



Watters Branch **PD** Amendment CollinCAD Parcels City Lim it







# DEVELOPMENT REGULATIONS, AS PROPOSED BY APPLICANT, FOR WATTERS BRANCH AT MONTGOMERY FARM

- 1. BASE ZONING DISTRICT: The property shall be developed and used only in accordance with the Multi-family MF-18 zoning district regulations of the zoning regulations of the <u>Allen Land Development</u> <u>Code</u>, except as otherwise provided herein.
- 2. CONCEPT PLAN: The property shall be developed in general conformance with the enclosed Concept Plan. Minor modifications to streets that do not alter the general alignment shown on the Concept Plan may be made at the time of Site Plan approval.
- **3**. BUILDING ELEVATIONS: The property shall be developed in general conformance with the enclosed building elevations.
- 4. LOT SETBACK: The minimum front yard setback shall be twenty five feet (25').
- 5. BUILDING HEIGHT: The maximum building height shall be three (3) stories and fifty feet (50').
- 6. PARKING: The parking ratio for the development shall be 1.9 spaces per unit.



WATTERS BRANCH AT MONTGOMERY FARMS TYPICAL ELEVATION

> Hensley Lamkin Rachel, Inc. Architécture and planning

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WATTERS BRANCH AT MONTGOMERY FARMS TYPICAL ELEVATION

