



**AGENDA
CITY OF ALLEN
PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY, APRIL 16, 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 April 9, 2013 regular meeting.

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

2. Approve minutes from the April 2, 2013 regular meeting.

Regular Agenda

3. Public Hearing – Conduct a Public Hearing and consider a request for a Specific Use Permit SUP for a Minor Automotive Repairs use. The property is Lot 1 and 3, Mark VII Equipment of Texas, Inc.; and commonly known as 811 and 813 S Greenville Ave., Allen, Texas. (SUP 3/18/13-17) [Waterfalls Carwash & Lube]
4. Public Hearing – Conduct a Public Hearing and consider a request for a Specific Use Permit SUP for a fitness and health center use. The property is Lot 1, East Main Place; and commonly known as 803 E Main Street, Suite C, Allen, Texas. (SUP 3/22/13-19) [Retrain Fitness]
5. Public Hearing – Conduct a Public Hearing for proposed amendments to the *Allen Land Development Code*, Section 4.20.1, Schedule of Principal Uses, to limit uses classified as Adult Bookstores, Massage Parlors, and Sexually-Oriented Businesses to property located within a Heavy Industrial (HI) District.

Executive Session *(As needed)*

As authorized by Section 551.071(2) of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.

Adjournment

This notice was posted at Allen City Hall, 305 Century Parkway, Allen, Texas, at a place convenient and readily accessible to the public at all times. Said notice was posted on Friday, April 12, 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 4/9/13 City Council Meeting

Chairman Wendland presented the 2012 Annual Planning and Zoning Commission Report at the April 9, 2013 City Council meeting.



**PLANNING AND ZONING
COMMISSION**

**Regular Meeting
April 2, 2013**

ATTENDANCE:

Commissioners Present:

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

City Staff Present:

Ogden "Bo" Bass, AICP, Director of Community Development
Shawn Poe, PE, Assistant Director of Engineering
Tiffany McLeod, Senior Planner
Shelby Griffin, Planner
David Dodd, 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 March 26, 2013 regular meeting.

Consent Agenda

2. Approve minutes from the March 19, 2013 regular meeting.
3. Receive the Capital Improvement Program (CIP) Status Report.
4. Final Plat – Consider a request for a Final Plat for Ablon at Twin Creeks, Phase One, Lots 1, 2X & 3X, Block A, being 15.5677± acres of land located north of Exchange Parkway and west of Bray Central Drive. (FP-3/1-13-15) [Ablon at Twin Creeks, Phase One]

Motion: **Upon a motion by 2nd Vice Chair Mangrum, and a second by Commissioner Trahan, the Commission voted 7 IN FAVOR, and 0 OPPOSED to approve the Consent Agenda.**

The motion carried.

Regular Agenda

Agenda Item #5 Alternate Screening - Consider a request to approve an alternate screening for Allen Community Baptist Church Addition, Lot 2, Block A, for True Jesus Church pursuant to ALDC §7.07.4; the property being located approximately 300 ft. north of Chaparral Road and east of Jupiter Road. [True Jesus Church]

Ms. Tiffany McLeod, Senior Planner, presented to the Commission. The property is located north of Chaparral Road and east of Jupiter Road.

Ms. McLeod explained that Article VII, Section 7.07.4 of the *Allen Land Development Code (ALDC)* requires an eight foot (8') masonry wall along the property line or district boundary between any nonresidential use and multifamily use. The True Jesus Church has recently submitted a Site Plan application to develop Lot 2 of the Allen Community Baptist Church Addition. This property abuts an existing multi-family development on its northern and northeastern property boundaries. Therefore, the church is required to construct an eight foot (8') masonry wall along these two boundaries in conjunction with the development of the site.

Per Section 7.07.4.e (ix), the applicant may submit a request for alternative screening to be approved by the Planning and Zoning Commission. The applicant's request consists of an eight foot (8') cedar wood fence with brick columns placed every 75 feet O.C. The front side of the proposed fence will face the church; as shown on the attached fence detail. The metal posts, on the rear side of the fence, will be sheathed with cedar wood.

Ms. McLeod recommended denial of the request.

Chairman Wendland opened the floor for discussion amongst the Commission.

Commissioner Trahan stated that an eight (8) foot masonry wall is appropriate at this location.

Commissioner McNutt expressed her concern for the proposed fence's durability over time.

1st Vice Chair Cocking explained that he was not in support of the request because of the proposed fence being less durable than a masonry wall.

Chairman Wendland stated that the ALDC has a purpose and that he could not support the alternate screening request.

Motion: **Upon a motion by Commissioner Platt, and a second by Commissioner McNutt, the Commission voted 7 IN FAVOR, and 0 OPPOSED deny the request for an alternate screening material for Allen Community Baptist Church Addition, Lot 2, Block A for True Jesus Church.**

The motion carried.

Adjournment

Upon acclamation, the meeting adjourned at 7:12 p.m.

These minutes approved this _____ day of _____ 2013.

Robert Wendland, Chairman

Shelby Griffin, Planner

Director's Report from 3/26/13 City Council Meeting

There was one item taken to the March 26, 2013 City Council meeting for consideration:

- 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, Development Regulations, Building Elevations, Product Photos, and Lot Details for McDermott Farms (located north of McDermott Drive and east of Custer Road) was approved.

PLANNING & ZONING COMMISSION AGENDA COMMUNICATION
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AGENDA DATE: April 16, 2013

SUBJECT: Conduct a Public Hearing and consider a request for a Specific Use Permit SUP for a Minor Automotive Repairs use. The property is Lot 1 and 3, Mark VII Equipment of Texas, Inc.; and commonly known as 811 and 813 S Greenville Ave., Allen, Texas. (SUP 3/18/13-17) [Waterfalls Carwash & Lube]

STAFF RESOURCE: Shelby Griffin
Planner

PREVIOUS COMMISSION/COUNCIL ACTION: Final Plat Approved - September, 1996

LEGAL NOTICES: Public Hearing Sign – Installed 4/5/13
Property Owner Notices – Mailed 4/5/13

BACKGROUND

The property is located south of Bethany Drive and east of Greenville Avenue. The property to the north and south is zoned Planned Development No. 4 for Shopping Center (SC). The property to the east is zoned Single Family Residential (R-5). The property to the west, across Greenville Avenue, is zoned for Light Industrial (LI).

The property was developed between 1997 and 1999 for Waterfalls Carwash and Lube. During this time, the *Allen Land Development Code (ALDC)* did not require a Specific Use Permit (SUP) within a Shopping Center (SC) zoning district for auto glass, muffler, brakes, oil, lube, tires, batteries, and auto laundry services to operate. The Minor Automotive Repairs use was not an established or defined use in the ALDC at that time.

The applicant for Waterfalls Carwash & Lube is requesting a SUP for a minor automotive repairs use to include all services under the current *ALDC*. The *ALDC* defines a minor automotive repairs use as:

The minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tuneups; emergency road service; replacement of starters, alternators, hoses, brake parts, automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air conditioning systems; and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under "Automotive repair, major" or any similar use.

This request has gone through the Technical Review Committee.

STAFF RECOMMENDATION

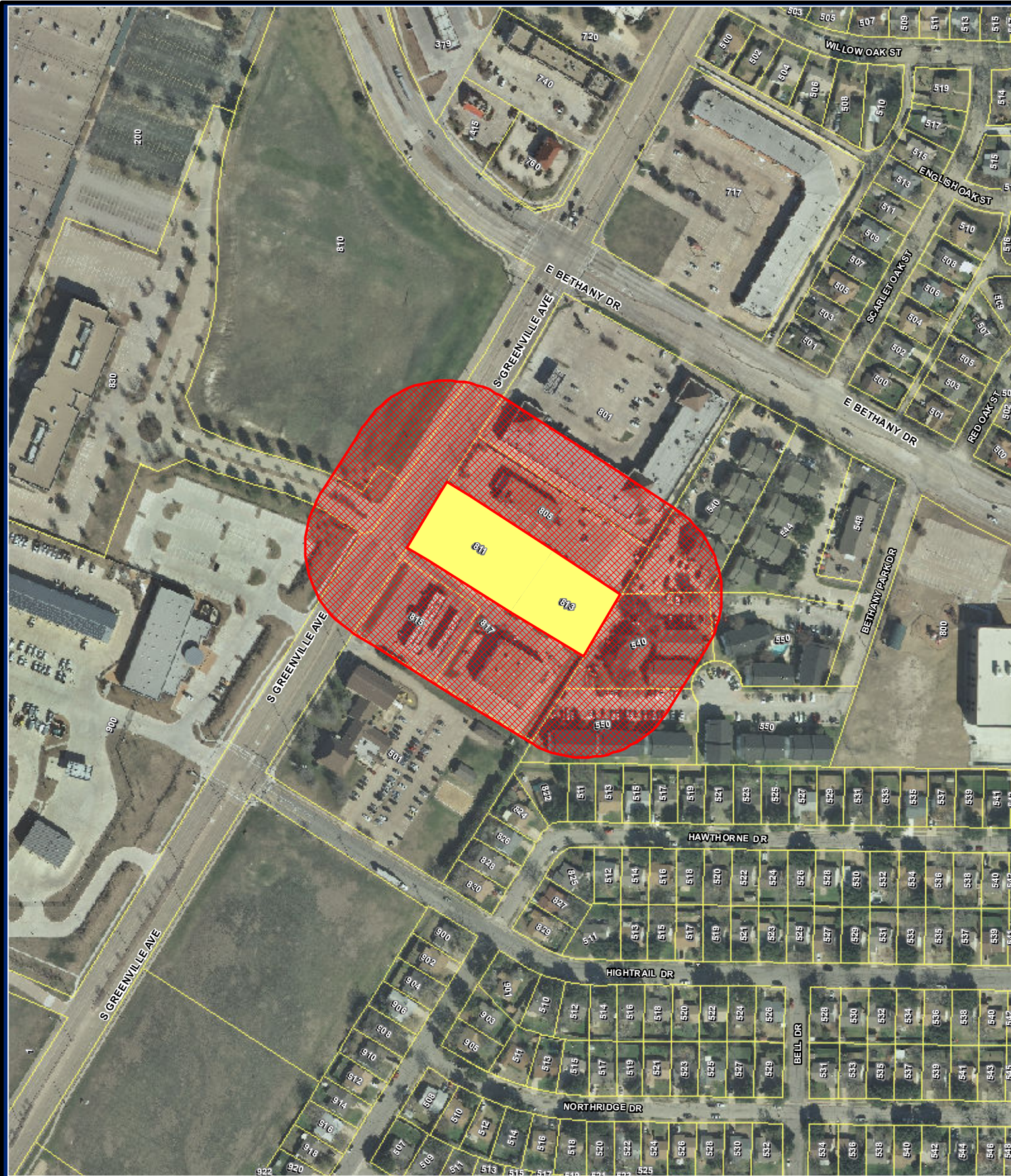
Approval

RECOMMENDED MOTION

I make a motion to recommend approval of the Specific Use Permit request for a Minor Automotive Repairs use for the property located at 811 and 813 S. Greenville Avenue, Allen, Texas, for Waterfalls Carwash & Lube.





ATTACHMENTS

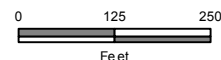
Property Notification Map
SUP Location Map



Property Ownership Notification
Waterfalls Carwash
and Lube
Specific Use Permit

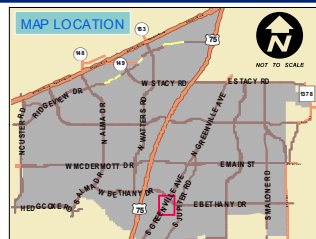
Map Legend

-  200' Notification Buffer
-  Proposed Property
-  CollinCAD Parcels
-  City Limit



Community Development - GIS
Date Saved: 4/1/2013

NOTE: This map is only for illustration purpose only, please contact the City of Allen Planning & Development Department for specific rules and regulations.



**Waterfalls Carwash and Lube
811 and 813 South Greenville**



PLANNING & ZONING COMMISSION AGENDA COMMUNICATION
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AGENDA DATE: April 16, 2013

SUBJECT: Conduct a Public Hearing and consider a request for a Specific Use Permit SUP for a fitness and health center use. The property is Lot 1, East Main Place; and commonly known as 803 E Main Street, Suite C, Allen, Texas. (SUP 3/22/13-19) [Retrain Fitness]

STAFF RESOURCE: Shelby Griffin
Planner

PREVIOUS COMMISSION/COUNCIL ACTION: Final Plat - Approved 1986

LEGAL NOTICES: Public Hearing Sign – Installed 4/5/13
Property Owner Notices – Mailed 4/5/13

BACKGROUND

The property is located east of Fountain Park Drive and north of East Main Street. The property located to the east and west, is zoned Planned Development No. 5 for Shopping Center (SC). The property to the north is zoned Single Family Residential (R-5). The property to the south, across Main Street, is zoned Community Facilities (CF).

The zoning for this property is Planned Development No. 5 for Shopping Center (SC) use. The *Allen Land Development Code* (ALDC) requires a Specific Use Permit (SUP) for a fitness and health center use within the Shopping Center zoning district.

The applicant is proposing to tenant a 1,375 square foot suite space in an existing building for a fitness and health center use. This facility specializes in one-on-one personal training and does not provide group classes.

There are no proposed changes to the exterior of the building and only minor changes to the building interior. The required parking for this use is already provided for on the site.

The SUP has been reviewed by the Technical Review Committee and it does meet the standards of the ALDC.

STAFF RECOMMENDATION

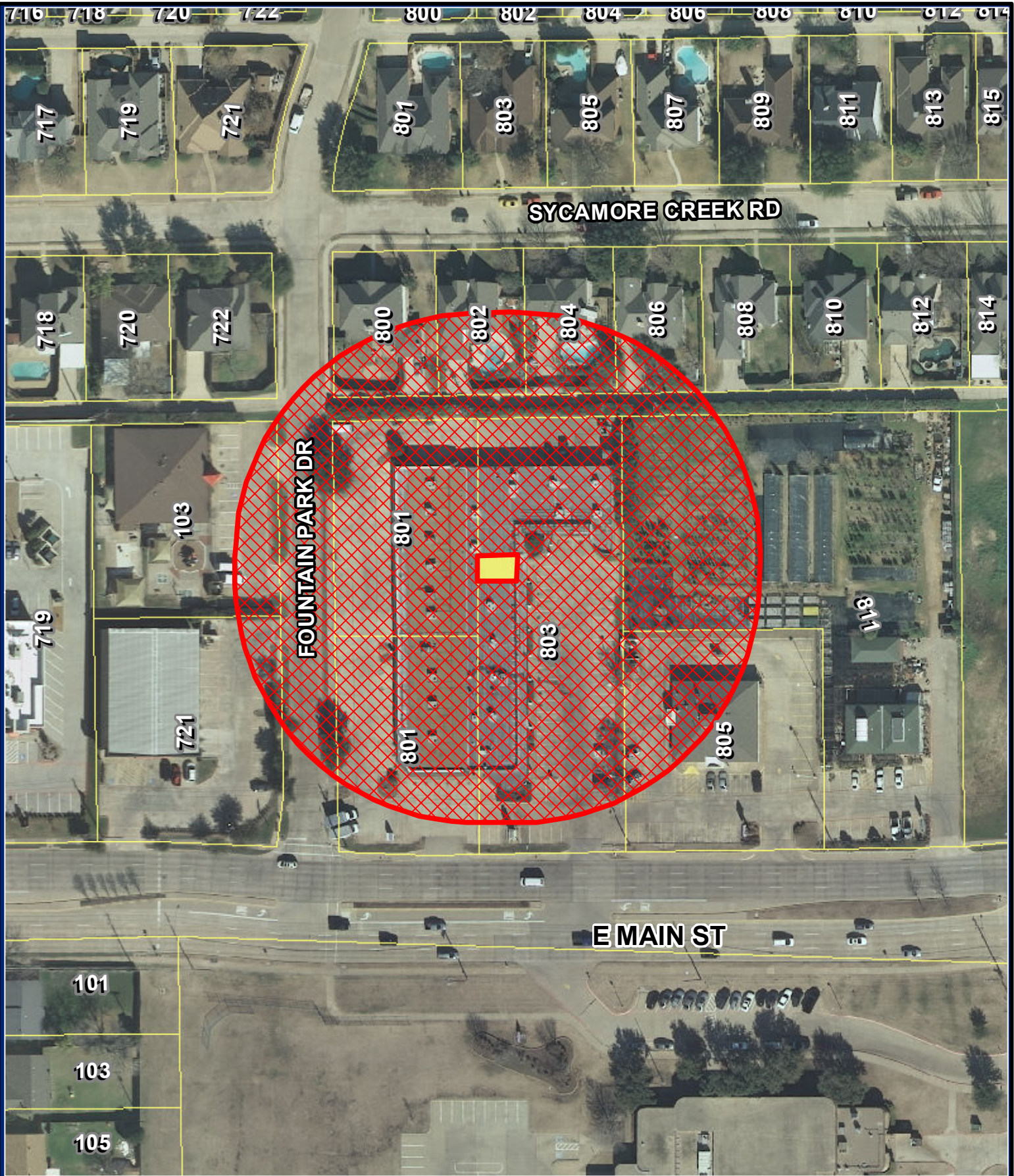
Approval

RECOMMENDED MOTION

I make a motion to recommend approval of the Specific Use Permit request for a fitness and health center use for the property located at 803 East Main Street, Suite C, Allen, Texas, for Retrain Fitness.

ATTACHMENTS





Property Notification Map
SUP Location Map



Property Ownership Notification

**Retrain Fitness
SUP**

Map Legend

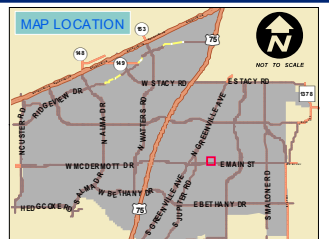
-  200' Notification Buffer
-  Proposed Property
-  CollinCAD Parcels
-  City Limit



0 50 100
Feet

Community Development - GIS
Date Saved: 4/3/2013

NOTE: This map is only for illustration purpose only, please contact the City of Allen Planning & Development Department for specific rules and regulations.



Retrain Fitness
803 E. Main Street



PLANNING & ZONING COMMISSION AGENDA COMMUNICATION
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AGENDA DATE: April 16, 2013

SUBJECT: Public Hearing – Conduct a Public Hearing for proposed amendments to the *Allen Land Development Code*, Section 4.20.1, Schedule of Principal Uses, to limit uses classified as Adult Bookstores, Massage Parlors, and Sexually-Oriented Businesses to property located within a Heavy Industrial (HI) District.

STAFF RESOURCE: Bo Bass, AICP
Director of Community Development

PREVIOUS COMMISSION/COUNCIL N/A

PUBLIC NOTICES: Newspaper Notice: 3/28/2013

BACKGROUND

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

Attached are proposed amendments in a ‘red-line’ format with explanation as well as a copy showing the proposed changes incorporated into the *ALDC*. The proposed amendments have gone through a review and refinement process involving City Staff and City Attorneys.

STAFF RECOMMENDATION

Approval

RECOMMENDED MOTION

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

ATTACHMENTS

Newspaper Notice
Redline copy of proposed *ALDC* amendments
Proposed amendments incorporated into the *ALDC*

**CITY OF ALLEN
NOTICE OF PUBLIC HEARINGS**

Notice is hereby given that the Planning & Zoning Commission and the Allen City Council will conduct public hearings in the City Hall Council Chambers, 305 Century Parkway, Allen, Texas at the following dates and times:

Planning & Zoning Commission	April 16, 2013	7:00 p.m.
Allen City Council	April 23, 2013	7:00 p.m.

The purpose of the hearings are to receive public comment on proposed amendments to the Allen Land Development Code, Section 4.20.2, Schedule of Principal Uses, to delete the ability to use property in a “GB” General Business District, “CC” Corridor Commercial District, or “HI” Heavy Industrial District pursuant to a Specific Use Permit for uses classified as Adult Bookstores, Massage Parlors, and Sexually-Oriented Businesses District, and add such uses as a use by right on property within an “HI” Heavy Industrial District.

The public is invited to attend and participate or submit written comments. For further information, contact the Department of Community Development, City of Allen, 305 Century Parkway, Allen, Texas, 214-509-4160, or e-mail Ogden “Bo” Bass at bbass@cityofallen.org.

TO BE PUBLISHED IN THE ALLEN AMERICAN ON **THURSDAY, MARCH 28, 2013**

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

CHARGE TO: 45169 (City Secretary)

ORDINANCE NO. ____ - __-13

AN ORDINANCE AMENDING THE ALLEN LAND DEVELOPMENT CODE, AS AMENDED, BY AMENDING SECTION 4.20.2 “SCHEDULE OF PRINCIPLE USES” REGARDING THE LOCATION OF ADULT BOOKSTORES, MASSAGE PARLORS, AND SEXUALLY-ORIENTED BUSINESSES; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Allen, Texas, in compliance with the laws of the State of Texas and the Ordinances of the City of Allen, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all persons interested and in the exercise of its legislative discretion, the City Council has concluded that the Allen Land Development Code Zoning Regulations of the City of Allen, Texas, as previously amended, should be further amended as follows:

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, Section 4.20.2 “Schedule of Principal Uses,” shall be amended with respect to the uses defined as “Adult Bookstore,” “Massage Parlor” or “Sexually-Oriented Business” as follows:

RESIDENTIAL USES												TYPE OF USE	NON-RESIDENTIAL DISTRICTS													
R1	R1.5	R-2	R-3	R-4	R-5	R-6	R-7	2F	TH	MF12	MF18		MH	AO	GO	O	LR	SC	LC	GB	CC	IT	LI	HI	CF	
																				\$					X	
																					\$				X	
																			\$	\$				SX		

SECTION 2. In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Allen and the provisions of this Ordinance, the provisions of this Ordinance shall be controlling

SECTION 3. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, 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 4. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Allen Land Development Code, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 5. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Allen Land Development Code, as amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 6. This ordinance shall take effect immediately from and after its passage and publication in accordance with its 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 _____ DAY OF _____, 2013.

APPROVED:

Stephen Terrell, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY
(kbl:3/4/13:59685)

Shelley B. George, TRMC, CITY SECRETARY

ORDINANCE NO. ____ - __-13

AN ORDINANCE AMENDING THE ALLEN LAND DEVELOPMENT CODE, AS AMENDED, BY AMENDING SECTION 4.20.2 “SCHEDULE OF PRINCIPLE USES” REGARDING THE LOCATION OF ADULT BOOKSTORES, MASSAGE PARLORS, AND SEXUALLY-ORIENTED BUSINESSES; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Allen, Texas, in compliance with the laws of the State of Texas and the Ordinances of the City of Allen, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all persons interested and in the exercise of its legislative discretion, the City Council has concluded that the Allen Land Development Code Zoning Regulations of the City of Allen, Texas, as previously amended, should be further amended as follows:

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, Section 4.20.2 “Schedule of Principal Uses,” shall be amended with respect to the uses defined as “Adult Bookstore,” “Massage Parlor” or “Sexually-Oriented Business” as follows:

RESIDENTIAL USES													TYPE OF USE	NON-RESIDENTIAL DISTRICTS											
R1	R1.5	R-2	R-3	R-4	R-5	R-6	R-7	2F	TH	MF12	MF18	MH		AO	GO	O	LR	SC	LC	GB	CC	IT	LI	HI	CF
													ADULT BOOKSTORE											X	
													MASSAGE PARLOR											X	
													SEXUALLY-ORIENTED BUSINESS											X	

SECTION 2. In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Allen and the provisions of this Ordinance, the provisions of this Ordinance shall be controlling

SECTION 3. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, 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 4. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Allen Land Development Code, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 5. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Allen Land Development Code, as amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 6. This ordinance shall take effect immediately from and after its passage and publication in accordance with its 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 _____ DAY OF _____, 2013.

APPROVED:

Stephen Terrell, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY
(kbl:3/4/13:59685)

Shelley B. George, TRMC, CITY SECRETARY