



**AGENDA  
CITY OF ALLEN  
PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
TUESDAY, MAY 20, 2014 – 7:00 P.M.  
CITY COUNCIL CHAMBERS  
ALLEN CITY HALL  
305 CENTURY PARKWAY  
ALLEN, TEXAS 75013**

**Call to Order and Announce a Quorum is Present**

**Pledge of Allegiance**

**Directors Report**

1. Action taken on the Planning & Zoning Commission items by City Council at the May 13, 2014 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 May 6, 2014 regular meeting.
3. Capital Improvement Program (CIP) Status Report.

**Regular Agenda**

4. Public Hearing/Replat – Conduct a Public Hearing and consider a request for a Replat for Lot 1R, Block 1, Cottonwood Creek Village Shopping Center No. 3, being a Replat of Lot 1, Block 1, Cottonwood Creek Village Shopping Center No. 3, being 0.574± acres, City of Allen, Collin County, Texas; located north of Main Street and west of Greenville Avenue (and commonly known as 123 N. Greenville Avenue). (FP-4/17/14-22) [Cottonwood Creek Village Shopping Center No. 3]
5. Combination Plat – Consider a Combination Plat for Lot 2B, Block 7, Whisenant J. M. Addition, being 0.349± acres in the W.M. Perrin Survey, Abstract No. 708, City of Allen, Texas; located at the southwest corner of Main Street and Anna Drive. (FP-5/6/14-29) [Whisenant J.M. Addition]
6. Tabled Item/Alternative Screening Request – Consider a request to approve an alternative screening for McDermott Business Park, Lots 2, 4 and 5, Block A, for McDermott Business Park pursuant to ALDC §7.07.4. The property is located south of McDermott Drive and east of Butler Drive. [McDermott Business Park]

**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, May 16, 2014 at 5:00 p.m.

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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 5/13/2014 City Council Meeting**

- There were no items taken to the May 13, 2014 City Council Meeting.



**PLANNING AND ZONING  
COMMISSION**

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**Regular Meeting  
May 6, 2014**

**ATTENDANCE:**

**Commissioners Present:**

Jeff Cocking, Chair  
Shirley Mangrum, 1<sup>st</sup> Vice Chair  
Ben Trahan, 2<sup>nd</sup> Vice Chair  
Barbara McNutt  
John Ogrizovich  
Michael Orr  
Stephen Platt, Jr.

**Absent:**

None

**City Staff Present:**

Ogden "Bo" Bass, AICP, Director of Community Development  
Shawn Poe, PE, Assistant Director of Engineering  
Tiffany McLeod, Senior Planner  
Patrick Blaydes, Planner  
Madhuri Kulkarni, Planner  
Kevin Laughlin, City Attorney

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

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

**Director's Report**

1. Action taken on the Planning & Zoning Commission items by City Council at the April 22, 2014 regular meeting attached.

**Consent Agenda**

2. Approve minutes from the April 15, 2014 regular meeting.
3. Final Plat – Consider a Final Plat for Morgan Crossing Phase 4, being 24.653± acres, out of the D.B. Hearne Survey, Abstract No. 427; City of Allen, Collin County, Texas; located west of Angel Parkway between Shelley Drive and Chaparral Drive. (FP-3/19/14-18) [Morgan Crossing, Phase 4]

**Motion:** Upon a motion by Commissioner Platt, and a second by 1<sup>st</sup> Vice-Chair Mangrum, the Commission voted 7 IN FAVOR, and 0 OPPOSED to approve the Consent Agenda.

**The motion carried.**

### **Regular Agenda**

4. Public Hearing – Conduct a Public Hearing and consider a request for a Specific Use Permit SUP for a Restaurant (Drive-in or through) use. The property is Lot 5, Block A, Wal-Mart Supercenter, City of Allen, Collin County, Texas; located west of US75/Central Expressway and north of Exchange Parkway (and commonly known as 790 W. Exchange Parkway) (SUP 4/8/14-21) [Allen Exchange]

Ms. Tiffany McLeod, Senior Planner, presented to the Commission. The subject property is located on the west side of US75/Central Expressway and north of Exchange Parkway. The approximately 1.6-acre property is currently zoned PD No. 108 for Mixed Use. Surrounding zoning includes PD No. 108 to the west, PD-54, IT zoning to the north, to the east PD No. 54, Corridor Commercial, and to the south across Exchange Parkway, PD-54 Corridor Commercial.

She stated that the applicant has submitted a request for a Specific Use Permit for a restaurant with a drive through use. The Specific Use Permit site plan shows a one-story, 11,000 square foot building for proposed medical-office, retail, and restaurant tenants. One of the restaurants will have a drive through, and the PD requires a Specific Use Permit for the drive-through use. There is one access point to the site off the Wal-Mart private drive to the west. A second point of access, if needed for emergency, will be provided to the east – this is acceptable by the TRC. The site is designed for the building to front Exchange and the private drive, and is intentionally designed to keep with PD No. 108 streetscape standards (street and buildings to be built close together). Parking is provided to the rear, and meets standards of the ALDC. The SUP landscape plan also complies with the ALDC. The SUP elevations show that the building materials will primarily be composed of stucco, stone, and brick, and the north/south elevations have been designed to provide a look of building fronts on both ends. Both ends also have access. This is a similar design to the Jimmy John's nearby.

The Specific Use Permit request has been reviewed by the Technical Review Committee, meets the standards of PD No. 108, and meets the standards of the Allen Land Development Code (ALDC). Staff recommends approval.

1<sup>st</sup> Vice-Chair Mangrum asked if staff was comfortable with one access point. Ms. McLeod answered that TRC (Fire and Engineering Departments) looked over the traffic circulation and the ability to access the building, and staff is comfortable with the one point of access.

Commissioner Orr asked if the four-foot walkway along the drive through goes all the way up to the northern end of the property. Ms. McLeod answered that it runs along the drive-through aisle, and that it starts at the dumpster location and ends at the ADA ramp. Commissioner Orr asked what the purpose was. The applicant, Matt Moore, 1105 Check Sparger Road, Colleyville, Texas, stated that the purpose of the sidewalk is essentially service – to provide the tenants a safe route to the dumpster location. Commissioner Orr asked if there was a door at the back, and Mr. Moore answered yes. Commissioner Orr asked if the southern five foot walk would also be on the western side, to which Mr. Moore stated he did

not see the benefit of the sidewalk on that side. Commissioner Orr stated the patios on the elevations are different than on the site. Ms. McLeod stated that would be changed prior to Council.

Commissioner McNutt asked if the rear of the building is considered on Exchange. Ms. McLeod stated that the elevations show that the desire is to have building fronts on the northern and southern ends. Mr. Moore clarified that the building would be entered through the north side, while the south side is dressed up architecturally. Commissioner McNutt expressed her concern to maintain the back-of-house functions (garbage cans, boxes). Mr. Bo Bass, Director of Community Development, answered that PD No. 108 intended to push the buildings closer to the streets, but would not have effective fronts because of lack of space for parking. The concern raised would be a code enforcement issue.

2<sup>nd</sup> Vice-Chair Trahan asked about the queuing line, and to consider adding a turning lane on Exchange Parkway. Shawn Poe, Assistant Director of Engineering, stated the median has been removed, and there will be additional turn lanes. Another lane to the north will be built for Exchange Parkway – totaling four lanes. Commissioner Platt had similar concerns, but was satisfied with four lanes.

Chairman Cocking opened the Public Hearing. With no one wishing to speak, the Public Hearing was closed.

A written notification from Charles Yelverton, 801 Baumgartener Way, was received in support of the item.

The Commissioners had no further discussion.

**Motion:**           **Upon a motion by 2<sup>nd</sup> Vice-Chair Trahan, and a second by Commissioner Orr, the Commission voted 7 IN FAVOR, and 0 OPPOSED to approve the Specific Use Permit for the Restaurant (Drive-in or through) use, for Allen Exchange.**

**The motion carried.**

5. Alternative Screening Request – Consider a request to approve an alternative screening for McDermott Business Park, Lots 2, 4 and 5, Block A, for McDermott Business Park pursuant to ALDC §7.07.4. The property is located south of McDermott Drive and east of Butler Drive. [McDermott Business Park]

Mr. Patrick Blaydes, Planner, presented to the Commission. The subject property (McDermott Business Park) is located south of McDermott Drive; between Greenville Avenue and Central Expressway.

Mr. Blaydes stated that this is not a usual request for the Commission. The authority of this request comes from the ALDC, Section 7.7.2 that either a masonry screening wall is required or an alternative design approved by the Planning and Zoning Commission.

Mr. Blaydes described the property as being zoned for Central Business District. The areas to the west, north, and east are also zoned CBD. To the south is an R-3, Single Family, District. The aerial shows this is not a new development. It was started in 2004. In 2005, it was final platted and construction began on the four buildings that house professional office suites. At the time, the ALDC stated that any non-single family property be screened by an 8-foot masonry wall from single-family property, which would have occurred along the eastern and south property line abutting the single family residential. Staff has done

exhaustive research and have been unable to find documentation that provides an alternative material to the applicant. Staff could not find permission granted by either the Planning and Zoning Commission or City Council, so requirement is still in place of the masonry wall. The applicant is aware of the requirement, but is proposing an alternative screening material. The applicant proposes that the screening be the existing tree line along the property line (about 35 trees), and to add hedge shrubs. Physical difficulties exist because of easements, particularly sanitary sewer. Engineering has stated that there is no possibility that an 8-foot masonry wall can be built in the easement. If it was required, it would have to be pushed back to the property line, and to do so, the tree row would have to be removed. Staff considered several items while looking at site, including a unique history of the site – that it was built 10 years ago and existing screening has received no complaints or issues from Code. The applicant has committed to planting additional shrubs, and there are constraints on building the 8-foot screening wall as it cannot be built on the easement. Staff recommends approval of the request.

Chairman Cocking invited the applicant to speak. Mike Villalobos, 7621 Hope Court, Plano, Texas, and property owner at 1680 E. McDermott, spoke. He said that ten years ago, the same constraints existed, and the City Forester fought to keep the trees. This was effective at the time. The trees provided neighbors with shade. Ten years later, the trees have gaps between them. This area was always left as natural screening.

2<sup>nd</sup> Vice-Chair Trahan clarified that normally there would be a masonry wall between the commercial and residential area, but that there cannot be one because of trees and because of the sanitary easement. Mr. Villalobos also added the constraint due to the power line.

Commissioner McNutt asked if there were any complaints from neighbors, and Mr. Blaydes stated there were none.

Commissioner Ogrizovich asked what is triggering this request. Mr. Blaydes stated that staff was made aware that the development was not in compliance, and when notified, Staff researched how to rectify the situation. Commissioner Ogrizovich wondered if it was due to the sale of the surrounding property. Mr. Blaydes stated if the property were to develop later, an 8-foot masonry wall would be a requirement. Commissioner Ogrizovich asked if the masonry wall issue would be revisited again for the surrounding property. Mr. Villalobos said his vacant property is independent, and that Lot 10 is for sale. Mr. Bass stated that if the alternate request is granted, and a building is built on a vacant lot, it is subject to the decision made. The southern area will be held to the 8-foot masonry wall when they develop. If this alternative request is granted, then the property to the south may also want an alternate screening.

Chairman Cocking and Mr. Villalobos discussed that the property line is at an angle rather than what was depicted in the drawing presented. Commissioner Ogrizovich stated that there are two undeveloped pieces in the area. He also mentioned a 6-foot chain link fence is embedded in the trees with homeowner wooden fences in some cases. Mr. Villalobos stated that was the homeowner's fence on the east side of the screen line. Mr. Ogrizovich also said there were some stones stored, to which Mr. Villalobos responded that those will be removed.

Commissioner Ogrizovich asked about the plant material. Mr. Villalobos stated a different, native type of plant material was chosen that would not grow into a tree. The Nellie Stevens was used and will be continued, and drip irrigation will be provided.

2<sup>nd</sup> Vice-Chair Trahan asked if the southern area would have the tree line continued. Mr. Villalobos stated that five neighbors were contacted, and with the exception of one, heard back from all to keep the existing tree line.

Chairman Cocking stated this is not a public hearing, but invited a resident to speak. Linda Newman, 4 Ellis Circle, Allen, Texas, stated she was the affected residential neighbor. She understands the issue to protect the trees, but many of the trees are on her property. She said it is untrue that there have not been any complains. She did not complain about code violations because the area was initially quiet. She said she trusted the City to monitor code complains, and it never occurred to her that the City had allowed a non-compliant building. However, there were conflicts between her and the business neighbors. She reported the noncompliance to the City, and she insisted the buildings be brought into compliance. She said what she is supposed to have is an 8-foot screening wall. She said she never met Mr. Villalobos. She is opposed to the bushes because it is not what she is supposed to have, and it does not address the problems. There are pass-through issues and issues with sound barrier. The masonry screening wall should have provided her protection. She does not approve of this solution because she feels it is inadequate.

2<sup>nd</sup> Vice-Chair Trahan asked if the trees are on her [Ms. Newman's] property. Mr. Blaydes stated the trees are on both the resident's and business's properties. 2<sup>nd</sup> Vice-Chair Trahan said if the trees are hers, she can tear them down.

Commissioner McNutt said there is an easement for the sewer, and asked if there needs to be a specific distance between the trees and the easement. Mr. Blaydes stated that the trees would have to be built beyond the easement.

Chairman Cocking reminded the Commission that there is flexibility in the decision and that there is a lot of leeway.

Mr. Villalobos stated there are two easements abutting each other – the electrical and sewer easements. The treeline is outside the power poles, which marks the center of the electrical easement.

Commissioner Ogrizovich asked if this property has been like this for ten years without any issues. Mr. Bass stated there were no complaints with Code, but probably with Animal Control. Commissioner Ogrizovich didn't think the applicant can build a masonry wall there. He also mentioned that the applicant didn't work with all of the neighbors. He suggested that the applicant and Ms. Newman spend time to consider alternatives. Mr. Villalobos clarified that he found out in October that the screen wall was out of compliance, which is when he wrote the neighbors a letter and heard back from four, who were in favor of the vegetation.

Commissioner Ogrizovich believed that there should be an adequate amount of time to work together (applicant, neighbor, and staff). A compromise has to be made.

Commissioner Orr asked if this was a functional visual or sound barrier. Mr. Blaydes stated that an 8-foot masonry wall is the best barrier. Commissioner Orr asked if there were other options that would be acceptable. Mr. Blaydes said it is up to the Commissioners discretion.

Commissioner Platt said that more coverage would be provided, and [this] is a good solution to the situation.

1<sup>st</sup> Vice-Chair Mangrum agreed, and said she could support what is being presented tonight.

Chairman Cocking stated that alternative screening has always historically been an upgrade in Allen. He looks at alternative screens in three ways. The first is cut-through traffic. This screening does not reduce walk-through traffic, because this property has paths where people have walked through. This plan does not solve that issue. The second is light – of vehicular traffic to not invade other people's

property; two houses get flooded from Ash. The third is noise. Light and cut-through traffic are the biggest concerns. The usual solution would be a solid masonry wall, and this is what he would recommend if this was a new property. But the challenge is that there is no room for a masonry wall, but also to not pull out 120 trees.

2<sup>nd</sup> Vice-Chair Trahan suggested a living wall – to have a metal fence along with the vines as a good median.

Commissioner McNutt stated the access is the biggest concern, and to maybe adding wrought-iron as it's fairly thin and does not have to be solid or a straight line. She would like to consider a wrought-iron fence to integrate with landscaping.

1<sup>st</sup> Vice-Chair Mangrum stated the bushes would grow side by side, and it would be harder for access, to which Commissioner McNutt responded that there would still be access as the bushes would be as permanent as a rod-iron fence, which would ensure separation.

Commissioner Ogrizovich also agreed that the recommendation ought to include a barrier.

Chairman Cocking stated there are several options on the table: to let the applicant have a two-week time period and come up with a viable solution, to deny, approve, or approve with modification.

2<sup>nd</sup> Vice-Chair Trahan stated each side should have their own protection and areas of enjoyment. He would be in favor of a motion to put in a wrought-iron fence for a good, symbiotic conclusion, without the 8-foot wall and cutting trees.

Commissioner Platt and Chairman Cocking discussed the gap between the chain-link fence and wood fence. Commissioner Platt stated that the gap would have to be covered in the residential property. Chairman Cocking stated it is the business's responsibility to provide the fence and there is no ability to control the surrounding residential property.

Chairman Cocking wanted to discuss the alternative of the living screen with the inclusion of a physical barrier.

Commissioner Ogrizovich liked the idea, but also wanted to give the applicant a few weeks to come up with a proposal as there is no urgency to make a decision tonight. Chairman Cocking stated that is up to the applicant.

Kevin Laughlin, City Attorney, interjected and stated the case cannot be left open-ended. He recommended that the item be deferred to provide that opportunity to get a clear motion. There is no urgency of this compliant as that is in discretion with staff and the city attorney's office – and these parties are willing to defer.

Chairman Cocking asked if City staff had enough information from the Commissioners' discussion. Mr. Bass stated he received very clear direction and can find a reasonable solution.

Mr. Villalobos stated that there is a third party, and that perhaps they need to bring them in to fix the problem.

Chairman Cocking stated that the date would be May 20<sup>th</sup> for the next Planning and Zoning Commission meeting to table the item.

2<sup>nd</sup> Vice-Chair Trahan asked if whatever is decided would be projected to the next development. Mr. Laughlin stated it would be premature to do so.

**Motion:**           **Upon a motion by 1<sup>st</sup> Vice-Chair Mangrum, and a second by Commissioner McNutt, the Commission voted 7 IN FAVOR, and 0 OPPOSED to table the Alternative Screening Request for McDermott Business Park to the May 20, 2014, Planning and Zoning Commission Meeting.**

**The motion carried.**

### **Adjournment**

Chairman Cocking introduced and welcomed new Planner, Ms. Madhuri Kulkarni.  
The meeting adjourned at 8:15p.m.

These minutes approved this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

\_\_\_\_\_  
Jeff Cocking, Chairman

\_\_\_\_\_  
Madhuri Kulkarni, Planner

**Director's Report from 4/22/2014 City Council Meeting**

- There were no items taken to the April 22, 2014 City Council Meeting.

<b>PLANNING &amp; ZONING COMMISSION AGENDA COMMUNICATION</b>
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**AGENDA DATE:** May 20, 2014

**SUBJECT:** Capital Improvement Program (CIP) Status Report

**STAFF RESOURCE:** Chris Flanigan, PE  
Director of Engineering

**PREVIOUS COMMISSION/COUNCIL ACTION:** None

**PUBLIC NOTICE:** None

**BACKGROUND**

Every month the Engineering Department will provide a status update of the City's Capital Improvement projects.

**STAFF RECOMMENDATION**

N/A

**MOTION**

N/A

**ATTACHMENTS**

CIP Progress Report through April 2014  
CIP Map through April 2014

# ENGINEERING CIP PROGRESS REPORT - THROUGH APRIL 2014

		PROJECT		STATUS / COMMENTS	
FACILITIES	1	Fire Station 2 Reconstruction	PS1303	In design. Construction anticipated to occur in 2015.	
	2	Fire Station 4 Kitchen Remodel	PS1407	Construction anticipated to be complete end of June 2014.	
	3	MCPAR Lighting Upgrades	PS1405	Bids are being evaluated. Construction anticipated to begin and be completed in June 2014.	
ROADS	CITY	4	2013 Street and Alley Rehabilitation Project	ST1305	Street, alley, accessibility, and sidewalk improvements. Project completion anticipated Spring 2014.
		5	Bray Central Widening	ST1309	Partnership with developer and AISD to widen Bray Central and construct roundabout at Bossy Boots. Construction anticipated to be complete October 2014.
		6	Exchange Parkway (Alma - Allen Heights)	ST1302	Addition of 2 lanes. Construction anticipated to be complete October 2014. Watters Road closure will last through June.
		7	Ridgeview Drive (Watters - US75)	ST1202	No formal construction schedule. Awaiting development trends in this area.
		8	Ridgeview Drive (Alma through Stacy) Ph 1	ST1308	Roadway connection through the Bush/Elkin and Johnson properties. Design for 4-lane roadway and 6-lane bridge underway. Construction anticipated in Fall 2014.
	OTHERS	9	Stacy Road, Ph 2 (Greenville - FM 1378)	ST0704 NTMWD	TxDOT roadway project under design. ROW acquisition underway. NTMWD waterline relocation has begun. Anticipate TxDOT letting December 2014 with construction starting Spring 2015.
		10	US 75 Widening	TXDOT	Addition of 2 general purpose lanes and selected ramp improvements. Construction began in April. Estimated 30 month duration.
UTILITIES	11	755 Heritage Pkwy San Sew Extension	WA1401	Installation of an 8" Sanitary Sewer main to serve the property of 755 Heritage Parkway. Construction anticipated to be complete June 2014.	
	12	Fountain Park Water/SS Rehabilitation	WA1403	Water, sanitary sewer, and paving improvements for Sections 1 & 2. Design is anticipated to begin July 2014. Construction anticipated to begin in 2015.	
	13	Millwood Lane Waterline Relocation	WA1404	Design is complete. Anticipated construction to begin in June 2014.	
	14	Whis-Lynge Water/SS Replacement	WA1209	For Whis-Lynge and Rolling Hills Estates. Utility installation almost complete. Paving phase has begun with an anticipated completion January 2015.	
OTHER	15	Allen Old Stone Dam Gabion Repair	DR1301	Repair of existing gabion walls. Design is complete. Project bids in May. Construction anticipated Summer 2014.	
	16	Signal - Watters / Bossy Boots	ST1314	Will be constructed with the AISD Service Center Project with completion required prior to facility opening. City has reviewed 30% design plans and the engineer is addressing comments.	
	17	Signal - Watters / Bray Central	ST1304	Underground facilities are installed. Poles and mast arms installed. The project is scheduled to be complete by the end of June 2014.	

# STATUS

CONSTRUCTION

DESIGN

DESIGN  
(BY OTHERS)

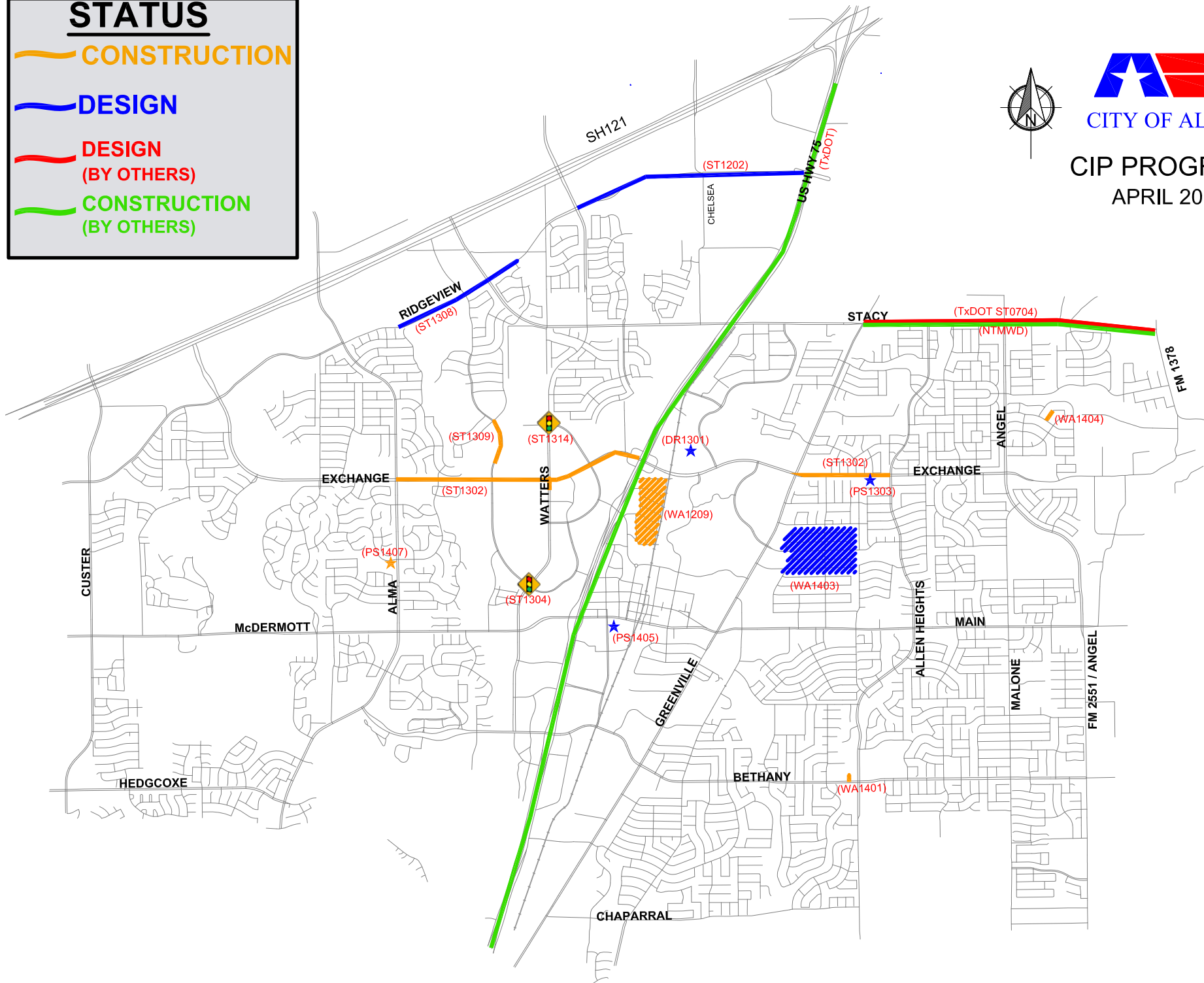
CONSTRUCTION  
(BY OTHERS)



CITY OF ALLEN

## CIP PROGRESS

APRIL 2014



## PLANNING & ZONING COMMISSION AGENDA COMMUNICATION

**AGENDA DATE:** May 20, 2014

**SUBJECT:** Conduct a Public Hearing and consider a request for a Replat for Lot 1R, Block 1, Cottonwood Creek Village Shopping Center No. 3, being a Replat of Lot 1, Block 1, Cottonwood Creek Village Shopping Center No. 3, being 0.574± acres, City of Allen, Collin County, Texas; located north of Main Street and west of Greenville Avenue (and commonly known as 123 N. Greenville Avenue). (FP-4/17/14-22) [Cottonwood Creek Village Shopping Center No. 3]

**STAFF RESOURCE:** Tiffany McLeod  
Senior Planner

**PREVIOUS COMMISSION/COUNCIL ACTION:** Final Plat Approved – April, 1984  
Specific Use Permit Approved – November, 2013

### **BACKGROUND**

The property is generally located north of Main Street and west of Greenville Avenue; and is zoned Shopping Center (SC). The surrounding properties to the north, west, south, and east (across Greenville Avenue) are also zoned Shopping Center (SC).

A Specific Use Permit and Site Plan have been approved for a minor automotive repair use at this location. The final step in the development process is to replat the property.

The gross acreage of the subject property is 0.574 acres. There are three (3) access points into the site; one access point on Greenville Avenue and access points on both the northeastern and southeastern ends of the site. Various easements required for the development and Rights of Way dedication along Greenville Avenue are also shown on the plat.

The Replat has gone through the Technical Review Committee, is consistent with the approved Site Plan and meets the standards of the Allen Land Development Code (ALDC).

### **STAFF RECOMMENDATION**

Staff recommends approval of the request.

### **MOTION**

*I make a motion to approve the Replat for Lot 1R, Block 1, Cottonwood Creek Village Shopping Center No. 3.*

### **ATTACHMENTS**

Replat



<b>PLANNING &amp; ZONING COMMISSION</b> <b>AGENDA COMMUNICATION</b>
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**AGENDA DATE:** May 20, 2014

**SUBJECT:** Consider a Combination Plat for Lot 2B, Block 7, Whisenant J. M. Addition, being 0.349± acres in the W.M. Perrin Survey, Abstract No. 708, City of Allen, Texas; located at the southwest corner of Main Street and Anna Drive. (FP-5/6/14-29) [Whisenant J.M. Addition]

**STAFF RESOURCE:** Tiffany McLeod  
Senior Planner

**PREVIOUS COMMISSION/COUNCIL ACTION:** None.

**BACKGROUND**

The property is located on the southwest corner of Main Street and Alma Drive; and is zoned Central Business District (CBD). The surrounding properties to the north, south, east and west are also zoned Central Business District (CBD).

A Site Plan has been approved for a medical office use at this location. The final step in the development process is to plat the property.

A Combination Plat may be submitted if a tract of land is subdivided into less than three lots, there is no change in street locations, and the requirements for both the preliminary plat and final plat are met.

The subject Combination Plat is for a 0.349 acre lot. There is one (1) access point for the site on Anna Drive. This plat also shows various easements required for development and Rights of Way dedication along Main Street.

The Combination Plat has been reviewed by the Technical Review Committee, is consistent with the approved Site Plan and meets the standards of the Allen Land Development Code (ALDC).

**STAFF RECOMMENDATION**

Staff recommends approval of the request.

**MOTION**

*I make a motion to approve the Combination Plat for Lot 2B, Block 7, Whisenant J. M. Addition.*

**ATTACHMENTS**

Combination Plat



# MEMO

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**TO:** Planning and Zoning Commissioners

**FROM:** Patrick Blaydes, Planner, Community Development

RUTS

**DATE:** May 16<sup>th</sup>, 2014

**SUBJECT:** *Tabled Item/Alternative Screening Request*

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Commissioners,

Agenda item 6 was tabled at the previous Planning and Zoning Commission meeting on May 6th, 2014. The applicant has met with the homeowners and is ready to make a presentation on the request.

## PLANNING & ZONING COMMISSION AGENDA COMMUNICATION

**AGENDA DATE:**

May 6, 2014

**SUBJECT:**

Consider a request to approve an alternative screening for McDermott Business Park, Lots 2, 4 and 5, Block A, for McDermott Business Park pursuant to ALDC §7.07.4. The property is located south of McDermott Drive and east of Butler Drive. [McDermott Business Park]

**STAFF RESOURCE:**

Patrick Blaydes  
Planner

**PREVIOUS BOARD/COUNCIL ACTION:**

Final Plat approved - February, 2005  
Replat approved – April, 2010

**BACKGROUND**

Section 7.07.4.e (ix), of the *Allen Land Development Code* ALDC allows an applicant to request an alternative screening. The authority to excise and take action is in the powers of the Planning and Zoning Commission. The City utilizes these powers of the Planning and Zoning Commission on a limited basis and reserves them for unique or unusual circumstances. The Commission is not limited in the factors it can consider when making their determination.

This property is located south of McDermott Drive and east of Butler Drive. The property to the south is zoned R-3 Residential. The property located to the north, east and west is zoned CBD Central Business District.

The property was developed in 2005 for professional office suites. At the time of the initial development, the ALDC required an eight foot (8') masonry screening wall between any nonresidential use and any single family residential use. No such wall was built in the initial phase of development or any subsequent phases. That requirement is still in effect today. Exhaustive research by city staff and the applicant has yielded no evidence that permission was granted by the appropriate authorities for alternative screening. Without the appropriate permission granted either by City Council through a Planned Development, or by the Planning and Zoning Commission through an alternative screening request, the requirement for an eight foot (8') masonry screening wall remains.

The applicant is requesting an alternative screening consisting of a living vegetative screen as a buffer between the subject property and the residential property to the south. The screening will be along the southern property line of Lot 2 and eastern property line of Lots 4 and 5. The screen will be comprised of approximately 35 existing trees and approximately 60 additional shrubs that the applicant is committing to plant with this request.

The applicant cites several factors in their request for the alternative screening. They include:

- **The unique development history of the site.** The site was developed ten years ago without a masonry screening wall.
- **The positive performance of the current screening.** For most of the past ten years there have been no complaints from residents about the quality of the screening.
- **The health of the existing trees.** Construction of the screening wall would harm the existing trees.
- **The constraints of building a masonry wall among the various the easements.** The physical reality of constructing an eight foot (8') masonry wall among the electrical, sanity sewer and the gas easements presents numerous engineering and construction issues.

In addition the applicant commits to planting 280 linear feet of shrubs to improve the existing screening.

### **STAFF RECOMMENDATION**

Staff recommends approval of the request. The Planning and Zoning Commission's power to grant alternative screening is intended to be utilized on a limited basis and reserved for unusual or unique circumstances. Given the development's history, the positive performance of the existing screen, the health of the trees, the physical constraints of building a masonry wall among the various existing easements, and the additional landscaping materials the applicant has committed to; staff believes the applicant's request for an alternative screening is appropriate in this particular case.

### **MOTION**

***I make a motion to approve the alternative screening for McDermott Business Park, Lots 2, 4 and 5, Block A, for McDermott Business Park.***

### **ATTACHMENTS**

Alternative Screening Request Letter  
Alternative Screening Location Map  
Renderings of proposed screening  
Residential Screening Plan

# McDermott Business Park

April 29, 2014

Planning & Zoning Commission  
City of Allen, TX 75013

Re: McDermott Business Park  
Screen at E. Property Line

Dear Commissioners:

It is almost hard to believe that Our Business Park is now a decade old. If we may state that we have enjoyed our ongoing relationship with the City of Allen, as well as with our surrounding neighbors.

We understand our present screening on the East side of our property is inadequate. We have looked in to various ways of repairing the situation and have come up with the following: In the early development of our property a vegetation screen wall was approved due to the existence of an established tree line and the many construction complications that exist with adjoining easements. The tree line is a tight pack of Japanese Lugustrums that we found to be a very effective screen, mainly because the lower limbs were close to the ground. Today, 10 years later, the trees are healthy and have grown considerably. So much, the neighbors are visible through the tree trunks. The lower limbs are now about 4' off the ground.

In keeping with the original development concept, we are proposing to plant a hedge line across the 280 LF of property line to restore the screen. The new plants will be placed between the tree line and the sanitary sewer line, at a safe distance from both. A 2-zone irrigation system will be installed as well to ensure the life of the new hedge.

Based on the above, we therefore request an alternate screening be considered. Elements and materials as shown in the exhibits.

Respectfully submitted,

Mike Villalobos, P.E.  
Member, McDermott Business Park BOA



Proposed Screening Rendering—Looking South



Proposed Screening Rendering—Looking East



