



**AGENDA
CITY OF ALLEN
PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY, MARCH 17, 2015 – 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 February 24, 2015, and March 10, 2015, regular meetings.

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. Capital Improvement Plan CIP Status Report.
3. Approve minutes from the February 17, 2015, regular meeting.
4. Final Plat – Consider a request for a Final Plat for Assured Self Storage, Lot 1, Block A, being 5.3620± acres of land situated in the Catherine Parsons Survey, Abstract No. 711, City of Allen, Collin County, Texas; located southeast of Exchange Parkway and Alma Drive. (FP-9/2/14-62) [Assured Self Storage]

Regular Agenda

5. Tabled Item/Public Hearing (**WITHDRAWN**) – Conduct a Public Hearing and consider a request to amend the development regulations and adopt a Concept Plan and Building Elevations for a 10.04± acre portion of Planned Development PD No. 105 located in the David H. Nix Survey, Abstract No. 668, the T.G. Kennedy Survey, Abstract No. 500, and the James H. Wilcox Survey, Abstract No. 1017, City of Allen, Collin County, Texas; and generally located southeast of the intersection of Alma Drive and Bethany Drive. (Z-10/7/14-73) [Montgomery Urban Tree Farm Headquarters]
6. Public Hearing – Conduct a Public Hearing and consider a request to amend the development regulations of Planned Development No. 54 and adopt a Concept Plan and Building Elevations relating to the Property. The Property is a 5.37± acre portion of Planned Development PD No. 54 located in the Catherine Parsons Survey, Abstract No. 711, City of Allen, Collin County, Texas; and generally located southeast of the intersection of Alma Drive and Exchange Parkway. (Z-3/3/15-11) [Twin Creeks Marketplace – Streetlevel]

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 13, 2015 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 2/24/2015 City Council Meeting

- There were no items taken to the February 24, 2015 City Council Meeting.

Director's Report from 3/10/2015 City Council Meeting

- There were no items taken to the March 10, 2015 City Council Meeting.

PLANNING & ZONING COMMISSION AGENDA COMMUNICATION
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AGENDA DATE: March 17, 2015

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 February 2015
CIP Map through February 2015

ENGINEERING CIP REPORT - THROUGH FEBRUARY 2015

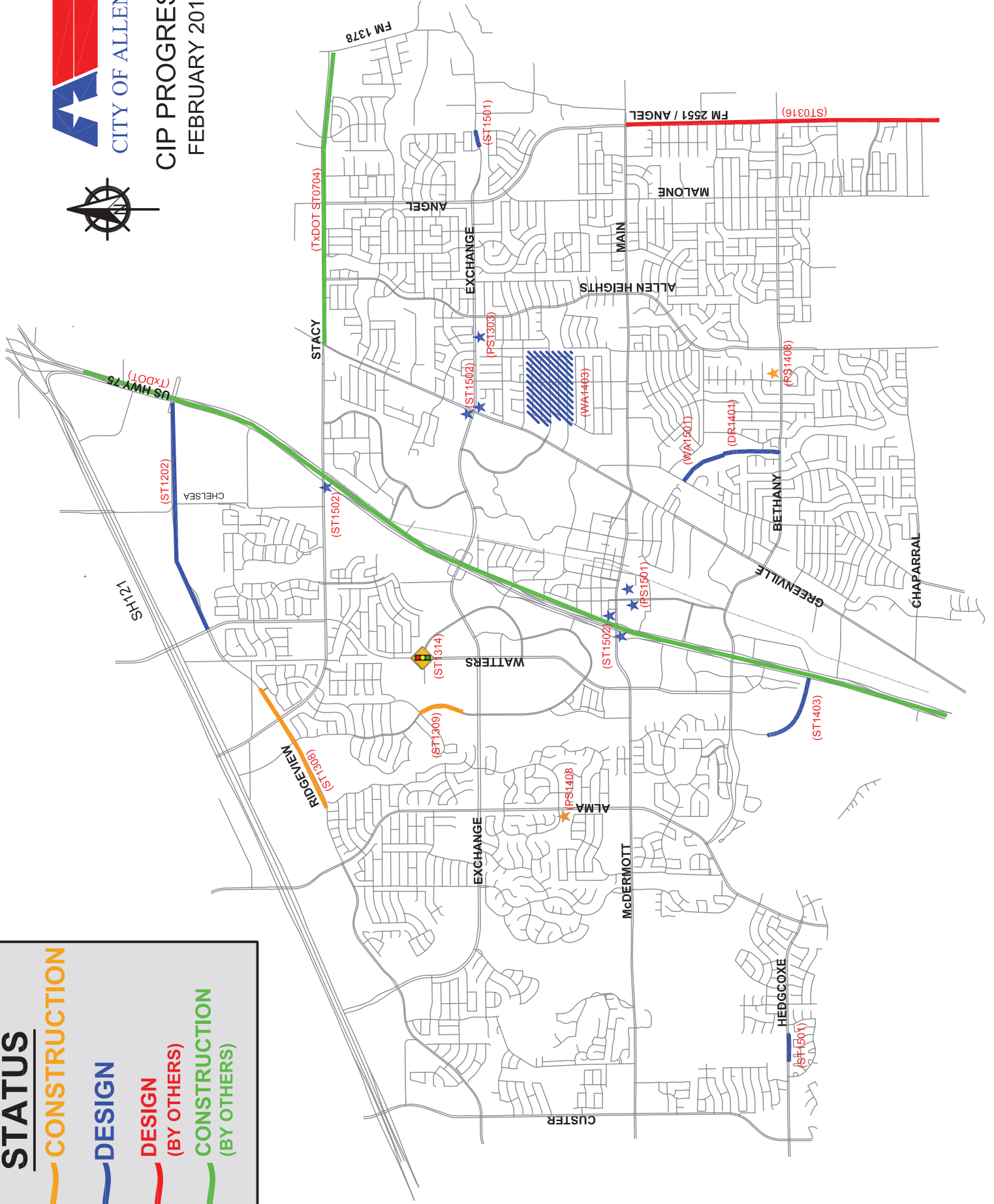
		PROJECT	STATUS / COMMENTS		CONST. DATES
FACILITIES	1	Fire Station 2 Reconstruction	PS1303	Construction drawings at 95%. Agreement executed w/Church to use their property for temp housing; Finalizing specs and details by March 19th; bidding begins April 2nd; receive bids April 30, 2015.	Complete Spring 2016
	2	Fire Station 3 & 4 Lighting	PS1408	We have an approved permit for FSG Elec to begin work; Oncor paperwork for rebates has been submitted.	Complete March 2015
	3	City Hall Basement Remodel	PS1501	Initial space plans have been approved; meeting with Quorum Architects week of March 2nd to add in appropriate elements for setting up a small EOC.	Begin August 2015
	4	Central Station HVAC	PS1501	Replace a 20 and a 25 ton HVAC units. Anticipated Council item for March 10th meeting. Project equipment expected to take 6-8 weeks to arrive.	Complete May 2015
	5	City Hall Flooring Work	PS1501	New carpet for City Hall reception, Council Conference Room, Council Kitchen, Flag Room, & 3rd Floor Administrative offices. Carpet shampoo for City Hall 1st and 2nd floors.	Complete April 2015
ROADS	6	2015 Intersection Improvements	ST1502	Right turn lanes - McDermott @ US75, Stacy @ US75, Greenville @ Exchange. Design starting March 2015.	TBD
	7	2014 Street and Alley Repair	ST1401	Includes several accessibility improvements. Awarded to Jim Bowman Construction.	Complete Fall 2015
	8	Bray Central Widening	ST1309	Roadway is open to traffic. Waiting on power source for street lights.	Complete March 2015
	9	Ridgeview Drive (Watters - US75)	ST1202	No formal construction schedule. Awaiting development trends in this area.	TBD
	10	Ridgeview Drive (Alma through Stacy) Ph 1	ST1308	Storm sewer across Stacy is 95% complete. Junction box being installed. Traffic will be impacted on Stacy through March.	Complete Fall 2015
	11	Montgomery Boulevard Extension	ST1403	Construction Award will occur in April 2015.	Complete March 2016
	12	FM 2551	ST0316	Design is being managed by Collin County to widen FM 2551 to six lanes.	TBD
	13	Stacy Road, Ph 2 (Greenville - FM 1378)	ST0704 NTMWD	Utility relocations underway. TxDOT project.	Begin Summer 2015
	14	US 75 Widening	TXDOT	Addition of 2 general purpose lanes and selected ramp improvements.	Complete Oct. 2016
	15	Cottonwood Creek Wastewater Rehab	WA1501	City will bid the job using traditional means. Project is scheduled to begin advertising in February and award Spring 2015. Community Services may opt to hold bids for 90 days.	Begin Spring 2015
UTILITIES	16	Fountain Park Water/SS Rehabilitation	WA1403	Water, sanitary sewer, and paving improvements for Sections 1 & 2. Design is 100% complete.	Begin Ph. 1 Spring 2015
	17	SCADA System Upgrade	WA1402	Design is in progress.	Complete Dec. 2015
OTHER	18	Cottonwood Creek Bank Stabilization	DR1401	Addresses erosion along Cottonwood Creek Tributary No. 1, north of Bethany. Design contract award planned in March.	Begin Summer 2015
	19	Olson & Beverly Elementary Sidewalk Improvements	ST1501	Project scheduled to go before STTC and RTC early 2015. Federal approval to follow in spring of 2015. TxDOT to issue contract spring 2015.	Summer 2015
	20	Signal - Watters / Bossy Boots	ST1314	Signal completion required prior to AISD Service Center Project opening. Signal layout in field is complete. Boring for conduit has been started.	Complete May 1, 2015

STATUS

- CONSTRUCTION
- DESIGN
- DESIGN (BY OTHERS)
- CONSTRUCTION (BY OTHERS)



CIP PROGRESS FEBRUARY 2015





**PLANNING AND ZONING
COMMISSION**

**Regular Meeting
February 17, 2015**

ATTENDANCE:

Commissioners Present:

Jeff Cocking, Chair
Ben Trahan, 2nd Vice-Chair
Luke Hollingsworth
Stephen Platt, Jr.
Michael Orr
John Ogrizovich

Absent:

Shirley Mangrum, 1st Vice-Chair

City Staff Present:

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

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 February 10, 2015, regular meeting attached.

Consent Agenda

2. Capital Improvement Program (CIP) Status Report.
3. Approve minutes from the January 20, 2015, regular meeting.

Motion: **Upon a motion by 2nd Vice-Chair Trahan, and a second by Commissioner Hollingsworth, the Commission voted 6 IN FAVOR, and 0 OPPOSED to approve the Consent Agenda.**

The motion carried.

Regular Agenda

4. Tabled Item/Public Hearing – Conduct a Public Hearing and consider a request to amend the development regulations and adopt a Concept Plan and Building Elevations for a 10.04± acre portion of Planned Development PD No. 105 located in the David H. Nix Survey, Abstract No. 668, the T.G. Kennedy Survey, Abstract No. 500, and the James H. Wilcox Survey, Abstract No. 1017, City of Allen, Collin County, Texas; and generally located southeast of the intersection of Alma Drive and Bethany Drive. (Z-10/7/14-73) [Montgomery Urban Tree Farm Headquarters]

Chairman Cocking rearranged the agenda. He stated this item had been tabled at the last meeting. An additional request was received from the applicant, Mr. Williams, to table the item again. Chairman Cocking asked Mr. Williams to give a status update and the reason for additional time requested for the tabling.

Phillip Williams, 1204 Old Bethany Road, Allen, Texas, applicant, addressed the Commission. He stated that several public meetings were conducted. He also said that several neighbors are still concerned. He requests a 30-day postponement to continue having informational meetings with the neighbors.

Chairman Cocking asked if everything would be resolved by the March 17th timeframe. Mr. Williams stated that he would hope so.

2nd Vice-Chair Trahan asked if the conversations between Mr. Williams and the neighbors have been leading towards a resolution and in a positive direction.

Mr. Williams stated that there was a lot of misinformation, which is being cleared up. He said there are some people that are set against the project and there is nothing he can do to change their minds.

2nd Vice-Chair Trahan said that he was getting a lot of phone calls and that he was glad there were public meetings to address the misinformation.

Chairman Cocking stated that the Commission does not want to just table items so the applicant can buy more time so citizens lose interest, but if there's progress and meetings have been scheduled, then tabling the item seems reasonable.

Motion: **Upon a motion Commissioner Platt, and a second by Commissioner Orr, the Commission voted 6 IN FAVOR, and 0 OPPOSED to table the public hearing until March 17, 2015, for the request to amend the development regulations and adopt a Concept Plan and Building Elevations for a 10.04± acre portion of Planned Development PD No. 105 generally located southeast of the intersection of Alma Drive and Bethany Drive for Montgomery Urban Tree Farm Headquarters.**

The motion carried.

5. Preliminary Plat – Consider a request for a Preliminary Plat for Ansley Meadow, being 44.684± acres located in the John Fyke Survey, Abstract No. 325, L.K. Pegues Survey, Abstract No. 702 and the F.C. Wilmeth Survey, Abstract No. 999, City of Allen, Collin County, Texas; and generally located southwest of Stockton Drive and Curtis Lane. (PP- 10/7/14-74) [Ansley Meadow]

Ms. Madhuri Kulkarni, Planner, presented to the Commission. She stated this item is a Preliminary Plat for Ansley Meadow.

She stated that the property is generally located southwest of Stockton Drive and Curtis Lane. The properties to the north and west are zoned Planned Development PD No. 93 for Single Family Residential R-7 and Single Family Residential R-6, respectively. The properties to the south are zoned Planned Development PD No. 108 for Mixed Use MIX, Planned Development No. 54 for Industrial Technology IT and Corridor Commercial CC. The property to the east is zoned Planned Development PD No. 45 for Corridor Commercial CC.

A Concept Plan for a 35-acre single-family residential subdivision (called Keystone Park) was approved in September 2014. Preliminary platting is the next step in the development process. The subject Preliminary Plat shows 44.68± acres of the property subdivided into 178 single-family residential lots, 14 common areas, and also includes two (2) commercial lots (Lot 1, Block I, and Lot 1, Block J). There are five (5) proposed access points into the development. There is one (1) access point on Stockton Drive, three (3) access points on Curtis Lane, and one access point on US Highway 75.

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

Motion: **Upon a motion by Commissioner Platt, and a second by Commissioner Trahan, the Commission voted 6 IN FAVOR, and 0 OPPOSED to approve the Preliminary Plat for Ansley Meadow, being 44.684± acres located in the John Fyke Survey, Abstract No. 325, L.K. Pegues Survey, Abstract No. 702 and the F.C. Wilmeth Survey, Abstract No. 999, City of Allen, Collin County, Texas; and generally located southwest of Stockton Drive and Curtis Lane.**

The motion carried.

Adjournment

The meeting adjourned at 7:09 p.m.

These minutes approved this _____ day of _____ 2015.

Jeff Cocking, Chairman

Madhuri Kulkarni, Planner

Director's Report from 2/10/2015 City Council Meeting

- The request to adopt an ordinance to create Planned Development No. 119, for Single Family Residential R-5 Uses, and approve a Concept Plan, Building Elevations and Development Regulations for Lot 1, Block A, Fellowship Christian Center Church Addition, generally located northeast of Malone Road and Lake Travis Drive for Malone Meadows, was approved.

PLANNING & ZONING COMMISSION	AGENDA COMMUNICATION
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AGENDA DATE: March 17, 2015

SUBJECT: Consider a request for a Final Plat for Assured Self Storage, Lot 1, Block A, being 5.3620± acres of land situated in the Catherine Parsons Survey, Abstract No. 711, City of Allen, Collin County, Texas; located southeast of Exchange Parkway and Alma Drive. (FP-9/2/14-62) [Assured Self Storage]

STAFF RESOURCE: Madhuri Kulkarni
Planner

PREVIOUS COMMISSION/COUNCIL ACTION: PD 54 Adopted – May, 1993
Amended Planned Development PD No. 54 – May 2013

BACKGROUND

The property is located southeast of Exchange Parkway and Alma Drive. The properties to the south and east are zoned Planned Development PD No. 54 for Single Family Residential SF. The property to the west is zoned Planned Development PD No. 54 for Shopping Center SC. The property to the north is zoned Planned Development PD No. 54 Shopping Center SC, and further to the north across Exchange Parkway, zoned Planned Development PD No. 54 for Single Family Residential SF.

A PD Concept Plan for the property was approved in May 2013 and a Preliminary Plat was approved in August 2014. The Final Plat is the last step in the development process.

The Final Plat shows one lot comprising approximately 5.36 ± acres. There are three access points into the development. The primary access point is on Exchange Parkway. The remaining two access points are through common access easements located on the adjacent lot to the west. The plat also shows various easements and ROW dedication required for development of the site.

The Final Plat has been reviewed by the Technical Review Committee, is consistent with the approved PD Concept Plan and Preliminary Plat, and meets the standards of the Allen Land Development Code.

STAFF RECOMMENDATION

Staff recommends approval.

MOTION

I make a motion to approve the Final Plat for Assured Self Storage, Lot 1, Block A, being 5.3620± acres of land situated in the Catherine Parsons Survey, Abstract No. 711, City of Allen, Collin County, Texas; located southeast of Exchange Parkway and Alma Drive.

ATTACHMENTS

Final Plat

PLANNING & ZONING COMMISSION AGENDA COMMUNICATION
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AGENDA DATE: March 17, 2015

SUBJECT: Tabled Item - Conduct a Public Hearing and consider a request to amend the development regulations and adopt a Concept Plan and Building Elevations for a 10.04± acre portion of Planned Development PD No. 105 located in the David H. Nix Survey, Abstract No. 668, the T.G. Kennedy Survey, Abstract No. 500, and the James H. Wilcox Survey, Abstract No. 1017, City of Allen, Collin County, Texas; and generally located southeast of the intersection of Alma Drive and Bethany Drive. (Z 10/7/14-73) [Montgomery Urban Tree Farm Headquarters]

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

**PREVIOUS COMMISSION/
COUNCIL ACTION:** Planned Development No. 96 Adopted – December, 2004
Planned Development No. 96 Amended - September, 2006
Planned Development No. 105 Adopted - September, 2007

LEGAL NOTICES: Public Hearing Sign installed – January 9, 2015
Property Owner Notices mailed – January 9, 2015

BACKGROUND

The applicant withdrew the request on March, 11, 2015.

ATTACHMENTS

Withdrawal letter

Dear Mr. Bass:

On behalf of the Montgomery Urban Tree Farm, I am formally withdrawing our zoning request. Please acknowledge at your earliest convenience.

Thank you and your staff for your attention and cooperation in this process.

Sincerely yours,

Philip L. Williams

Philip L. Williams

EMERSON PARTNERS
I N C O R P O R A T E D

1204 Old Bethany Rd.

Allen, TX 75013

214.902.7101 (direct)

214.904.9930 (fax)

pwilliams@emersonpartners.com

PLANNING & ZONING COMMISSION	AGENDA COMMUNICATION
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AGENDA DATE: March 17, 2015

SUBJECT: Conduct a Public Hearing and consider a request to amend the development regulations of Planned Development No. 54 and adopt a Concept Plan and Building Elevations relating to the Property. The Property is a 5.37± acre portion of Planned Development PD No. 54 located in the Catherine Parsons Survey, Abstract No. 711, City of Allen, Collin County, Texas; and generally located southeast of the intersection of Alma Drive and Exchange Parkway. (Z-3/3/15-11) [Twin Creeks Marketplace – Streetlevel]

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

PREVIOUS COMMISSION/COUNCIL ACTION: Adopted PD 54 – May, 1993

LEGAL NOTICES: Public Hearing Sign – March 6, 2015
Public Hearing Notices – March 6, 2015

ANTICIPATED COUNCIL DATE: April 14, 2015

BACKGROUND

The property is generally located southeast of the intersection of Exchange Parkway and Alma Drive. The properties to the south and west (across Alma Drive) are zoned Planned Development No. 54 Single Family Residential SF. The properties to the north (across Exchange Parkway) are zoned Shopping Center SC and Planned Development No. 54 Single Family Residential SF. The property to the east is zoned Planned Development No. 54 Shopping Center SC.

The property is currently zoned Planned Development No. 54 Shopping Center SC. The applicant is requesting to amend the existing development regulations, and adopt a Concept Plan and Building Elevations for a shopping center development that contains a grocery store, restaurant and retail space. Each of these general uses is permitted by right within both PD No. 54 and the Shopping Center zoning district classifications. The applicant will further limit the types of restaurant and retail uses through a Declaration of Restrictive Covenants; which is attached.

The proposed development is on approximately 5.37 ± acres of land. The site will be subdivided into four (4) lots. The attached Concept Plan shows a 30,000 square foot grocery store building, a 3,400 square foot restaurant building, a 5,100 square foot retail building and 5,100 square foot building for retail and restaurant uses.

There are a total of four (4) access points for the property. There are two (2) access points on Exchange Parkway and two (2) access points on Alma Drive. A northbound dual left turn lane and southbound hooded left turn will be constructed on Alma Drive to manage the traffic flow entering and exiting the site.

The attached development regulations include provisions to accommodate the design of the site (to include building setbacks, driveway spacing, perimeter screening and loading area location) as well as operational standards for the grocery store.

The primary exterior materials for all of the buildings are brick and stucco.

The request has been reviewed by the Technical Review Committee.

STAFF RECOMMENDATION

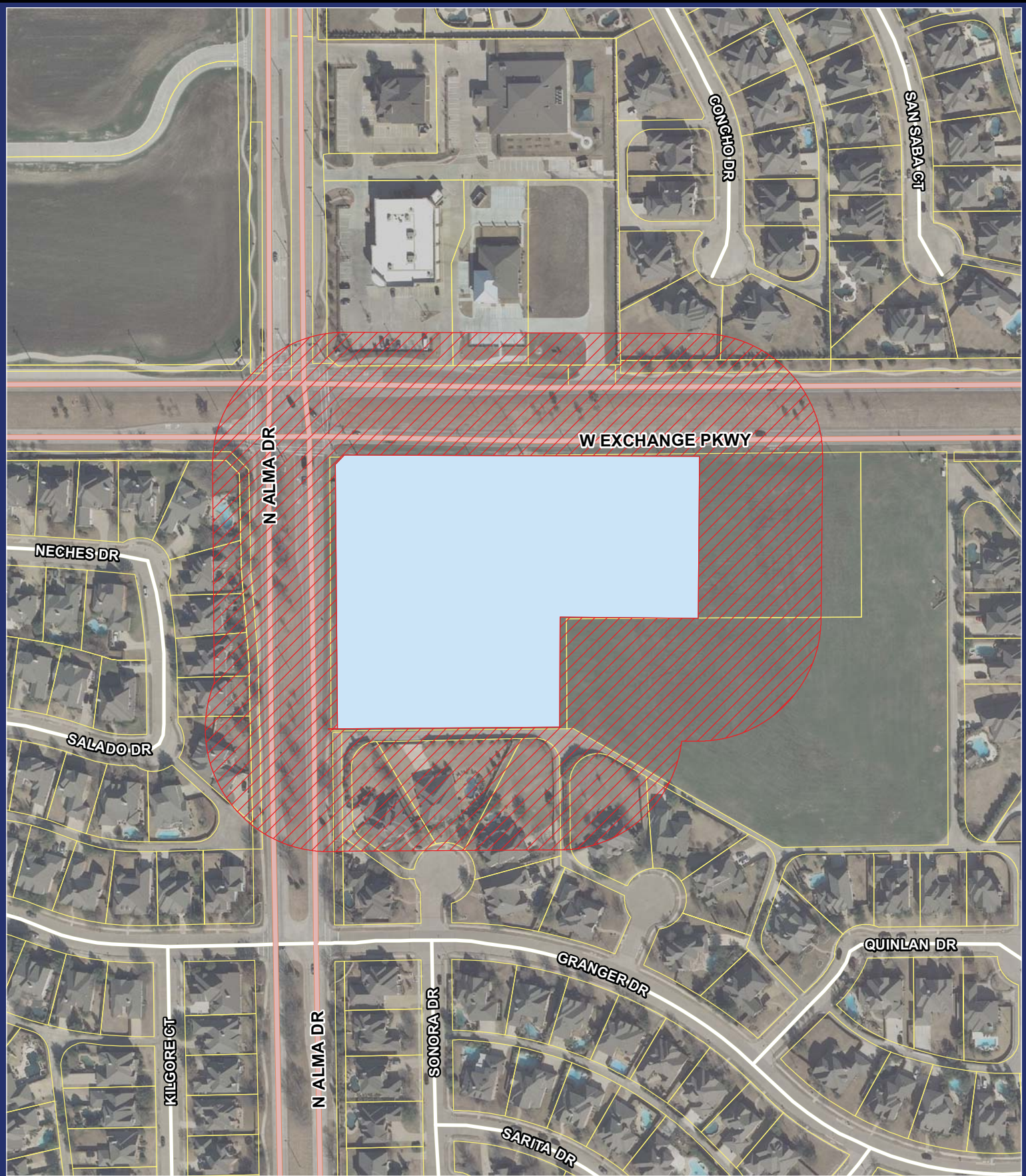
Staff recommends approval.

MOTION

I make a motion to recommend approval of the request to amend the development regulations of Planned Development No. 54, and adopt a Concept Plan and Building Elevations for a 5.37± acre property, generally located southeast of the intersection of Alma Drive and Exchange Parkway, for Twin Creeks Marketplace – Streetlevel.

ATTACHMENTS





Property Notification Map
Development Regulations
Declaration of Restrictive Covenants
Truck Turning Route Exhibit
Color Building Elevations
Concept Plan
Landscape Plan
Black and White Building Elevations

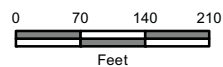


Property Ownership Notification

**Twin Creeks Marketplace
(Streetlevel)**

Map Legend

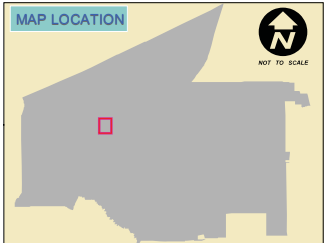
-  200' Notification Buffer
-  Railroad
-  CollinCAD Parcels
-  Public Rezone



Community Development - GIS

Date Saved: 3/4/2015

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



DRAFT OF PROPOSED DEVELOPMENT REGULATIONS FOR
STREETLEVEL CENTER

The Property shall be developed and used in accordance with the applicable provisions of the Allen Land Development Code, as amended, and the development regulations applicable to Tract 15 as identified in Planned Development No. 54, except to the extent modified by the Development Regulations set forth below:

- A. CONCEPT PLAN:** The Property shall be developed in general conformance with the Concept Plan attached hereto as Exhibit “B” and incorporated herein by reference. Minor modifications to streets/driveways that do not alter the general alignment shown on the Concept Plan may be made at the time of site planning.
- B. LANDSCAPE PLAN:** The Property shall be developed in general conformance with the Landscape Plan attached hereto as Exhibit “C” and incorporated herein by reference.
- C. BUILDING ELEVATIONS:** The Property shall be developed in general conformance with the Building Elevations attached hereto as Exhibit “D”, and incorporated herein by reference.
- D. BUILDING SETBACKS:** The building setbacks for the Property shall comply with the provisions set forth in Planned Development No. 54 with the exception of the following:

Lot 1: Rear Yard Setback – 34 feet

E. OFF-STREET LOADING:

- (1) The truck loading area on Lot 1 shall be located as shown on the Concept Plan. Enhanced landscaping shall be placed within the parking lot islands immediately north of the truck loading area, as identified on the Landscape Plan.
- (2) The doors within the truck loading area on Lot 1 shall be painted the same color as the principal color of the main building, as shown on the Building Elevations.
- (3) The screening wall for the truck loading area on Lot 1 shall be of sufficient height to adequately screen from view of the property to the east and south of Lot 1 a vehicle and/or trailer with a height of 14 feet or less when parked in the loading area. The actual height of the screening wall for the truck loading area shall be determined at the time of approval of the detailed site plan for the portion of the Property which includes Lot 1.

F. STREET STANDARDS:

- (1) The driveway spacing shall be permitted at the distances shown on the Concept Plan.
- (2) The fire lane to be constructed along the southern end of the Property as shown on the Concept Plan must be completed prior to the issuance of a building permit for any building on Lot 1 or Lot 4.

G. STREET IMPROVEMENTS: Prior to issuance of a certificate of occupancy for any building constructed on the Property, construction of the following improvements on the streets adjacent to the Property as shown on the Concept Plan shall be completed and accepted by the City:

- (1) A double left turn lane constructed on northbound Alma Drive at its intersection with Exchange Parkway; and

- (2) A hooded left turn lane constructed on southbound Alma Drive and aligned with the southernmost driveway on Lot 4 of the Property.

H. SCREENING:

- (1) The screening for the Property shall consist of an eight foot (8') masonry wall along the southern property boundary as shown on the Concept Plan and the landscaping to be installed along the southern property boundary as shown on the Landscape Plan. No building permit shall be issued for any building to be constructed on the Property prior to the issuance of a fence permit for the construction of the masonry wall. No Certificate of Occupancy shall be issued for any building constructed on the Property until (1) the City's Building Official and Director of Community Development have determined the masonry wall is substantially complete in conformance with the fence permit issued by the City's Community Development Department, applicable provisions of the Allen Land Development Code and this Ordinance and (2) the landscaping to be planted along the southern boundary of the Property as shown on the Landscape Plan has been planted.
- (2) The eight foot (8') masonry wall along the southern property boundary, as shown on the Concept Plan, shall be constructed in substantial conformance with the attached Building Elevations (Exhibit C) and Screening Plan (Exhibit D) within Ordinance #3151-5-13.

I. OPERATIONS: At no time shall the following occur in the area of Lot 1, south of the rear wall of the building located on Lot 1 to the south property line of Lot 1, or anywhere on Lot 1 in view of the residential property located to the south of and adjacent to Lot 1:

- (1) The shipping or receiving of goods, materials, inventory, equipment, and/or any other personal property into or out of the building(s);
- (2) The location, placement or storage of trash, debris, refuse and/or recyclables and/or any containers in which such trash, debris, refuse and/or recyclables might otherwise be contained, regardless of whether such containers are in actual use; or
- (3) The temporary or permanent location, placement, or storage of goods, materials, inventory, equipment, motorized or non-motorized vehicles and/or any other personal property, whether or not placed in a storage container.

J. FIRE CODE REQUIREMENTS: The wall hydrant located on Lot 1, as shown on the Concept Plan, shall be provided to meet hose pull requirements. Additional provisions may be required by the Fire Marshal to meet hose pull requirements.

1 NORTH ELEVATION
NOT TO SCALE

2 SOUTH ELEVATION
NOT TO SCALE

3 EAST ELEVATION
NOT TO SCALE

4 WEST ELEVATION
NOT TO SCALE

KEY SITE PLAN
NOT TO SCALE

NOTE: DISTANCE TO THE PROPERTY LINE
DISTANCE = 100'

NOTE: DISTANCE TO THE PROPERTY LINE
DISTANCE = 100'

NOTE: DISTANCE TO THE PROPERTY LINE
DISTANCE = 100'

NOTE: DISTANCE TO THE PROPERTY LINE
DISTANCE = 100'

[illegible]

CONCEPTUAL RENDERINGS

PD AMENDMENT CONCEPT PLAN

EXCHANGE PARKWAY & ALMA DRIVE
CATHERINE PARSONS SURVEY, ABSTRACT NO. 11
CITY OF ALBUQUERQUE, NEW MEXICO

ISSUING AGENCY	CHARGE	REVENUE	AMOUNT DED. BY
CITY OF ALLEN COUNTY, TEXAS			

FILE NO.	JL	JL	143 BLUE BIRD AVE.
FILE NO.	JL	JL	DALLAS, TX 75231
PROJECT	CONTACT, GUARAN VALVE		
	(469) 222-2417		

DATE	08-0-2009	0-00000000
DATE		
DATE		

Source, I.R.B.	Ad NG-EP	Ad NG-EP
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After recording, return to:
Andrews & Barth, PC
8235 Douglas Avenue, Suite 1120
Dallas, Texas 75225
Attn: Stan Barth

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS (this "Declaration") is made as of the _____ day of _____, 2015, by _____, a Texas limited partnership ("Declarant").

Preliminary Statements

WHEREAS, Declarant is the owner of the following described real property situated in the City of Allen, Collin County, Texas (the "Project");

A. That certain real property described on Exhibit A attached hereto and made a part hereof ("Lot 1").

B. That certain real property described on Exhibit B attached hereto and made a part hereof ("Lot 2").

C. That certain real property described on Exhibit C attached hereto and made a part hereof ("Lot 3").

D. That certain real property described on Exhibit D attached hereto and made a part hereof ("Lot 4").

E. Lot 1, Lot 2, Lot 3 and Lot 4 are shown on that certain site plan set forth on Exhibit E attached to this Declaration (the "Site Plan").

F. As used in this Declaration, "Parcel" shall mean each of Lot 1, Lot 2, Lot 3 and Lot 4, and any legally subdivided portion thereof.

G. As used in this Declaration, "Owner" shall mean the parties holding title to any Parcel from time-to-time as evidenced by an instrument of conveyance recorded in the Real Property Records of Collin County, Texas.

WHEREAS, Declarant desires to impress certain covenants, restrictions and agreements, and to grant certain easements, in, to, over, across and respecting the Project.

Agreements

NOW, THEREFORE, Declarant adopts, establishes and imposes the following restrictions upon the Project and declares that the Project and all portions thereof is and shall be held, transferred, sold, conveyed and occupied subject to such restrictions:

1. Prohibited Uses. Without the prior, written consent of Declarant and the City of Allen, Texas (the "City"), no Parcel shall be used for any of the uses set forth on Exhibit F attached hereto and made a part hereof ("Prohibited Uses").

2. Declarant's Rights. All rights of Declarant under this Declaration shall be appurtenant to Lot 1 and shall be exercisable solely by the Owner of Lot 1 and not by any other Owner unless and until the Owner of Lot 1 shall assign such rights to another Owner by written assignment recorded in the Real Property Records of Collin County, Texas.

DECLARATION OF RESTRICTIVE COVENANTS

3. Running with the Land; Successors and Assigns. The terms and provisions of this Declaration shall run with the land, shall benefit and burden each of Parcel, and shall be binding upon and inure to the benefit of each Owner, and their respective successors and assigns.

4. Mortgages Subordinate to Declaration. Any mortgage or deed of trust lien affecting the Project or any portion thereof, shall at all times be subject and subordinate to the terms and provisions of this Declaration and any party foreclosing any such mortgage or deed of trust lien or acquiring title by reason of a deed in lieu of foreclosure shall acquire title to the premises affected thereby subject to all of the terms and provisions of this Declaration.

5. Choice of Law. This Declaration shall be construed in accordance with the laws of the State of Texas.

6. Multiple Counterparts. This Declaration may be executed and delivered in multiple counterparts, all of which taken together shall be one and the same instrument binding against all parties when all have so executed and delivered.

7. Captions. The captions or paragraph headings are for convenience and ease of reference only and shall not be construed to limit, modify or alter the terms or provisions of this Declaration.

8. Amendment. This Declaration and the rights, privileges and benefits arising hereunder or pursuant hereto may be released, terminated, modified, amended or waived only with the written consent of Declarant and the City as required by Section 12 below.

9. Transfer. This Declaration and the easements, covenants, benefits and obligations created hereby shall inure to the benefit and be binding upon each Owner of a Parcel and its successors and assigns; provided that, if any Owner of a Parcel conveys any portion or all of its interest in any Parcel owned by it, such Owner shall thereupon be released and discharged from any and all further obligations under this Declaration as it had in connection with the property conveyed by it; provided that no such sale shall release such Owner from any liabilities, actual or contingent, existing as of the time of such conveyance.

10. No Merger. The ownership of the Project or two (2) or more Parcels by a single Owner shall not cause a merger or termination of this Declaration.

11. Separability. If any clause or provision of this Declaration is illegal, invalid or unenforceable under present or future laws, then the remainder of this Declaration shall not be affected thereby, and in lieu of such clause or provision, there shall be added to this Declaration a clause or provision as similar in terms to such illegal, invalid or unenforceable clause or provision as may be possible and be legal, valid and enforceable.

12. City of Allen Requirements. The provisions of this Declaration may be amended or terminated only after a public hearing before City Council and having the prior written consent and approval of the City evidenced by a resolution of the City Council duly executed by the then mayor. Notice of the public hearing must be given as would be required by law for a zoning change within the Project. The amending or terminating instrument must be approved as to form by the attorney of the City. If the City Council approves an amendment or termination of provisions of this Declaration, then Owner of the affected Parcel(s) must file the amending or termination instrument in the Real Property Records of Collin County at such Owner's sole cost and expense before the amendment or termination becomes effective. The City shall have the right to enforce the provisions of this Declaration, including filing and action in a court of competent jurisdiction, at law or in equity, against the person violating or attempting to violate the restrictions, either to prevent the violation or to require its correction. For further remedy, but only as to the Parcel not in compliance with this Declaration, the City may withhold any

building permit or other permit for development, certificate of occupancy or final inspection necessary for the lawful use of such Parcel until these restrictions are satisfied.

IN WITNESS WHEREOF, Declarant has caused this Declaration to be executed effective as of the Effective Date.



By: _____

Name: _____

Title: _____

STATE OF _____ §

COUNTY OF _____ §

This instrument was acknowledged before me this _____ day of _____, 2015, by _____, _____ of _____, a _____, on behalf of such _____.

Notary Public, State of _____

My Commission Expires:

CONSENT TO DECLARATION

The undersigned, [REDACTED] ("Lender"), made a loan to [REDACTED] (the "Loan"), which Loan is secured by a deed of trust dated [REDACTED] and recorded on [REDACTED] at Volume [REDACTED], Page [REDACTED] in the Real Property Records of Collin County, Texas (the "Deed of Trust"). The Deed of Trust encumbers Lot [REDACTED]. For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Lender hereby consents and agrees as follows:

Consent and Subordination. Lender hereby consents to the execution and recording of this Declaration and the terms and provisions of this Declaration and agrees that such execution shall not constitute a default or event of default under the Loan. Lender further agrees that the Loan (including the Deed of Trust) shall be subject, subordinate and junior to this Declaration.

LENDER:

By: _____
Name: _____
Title: _____

STATE OF _____ §
COUNTY OF _____ §

This instrument was acknowledged before me this _____ day of _____, 2015_, by _____, _____ of _____, a _____, on behalf of such _____.

Notary Public, State of _____

My Commission Expires:

EXHIBIT A
LEGAL DESCRIPTION OF LOT 1

EXHIBIT B
LEGAL DESCRIPTION OF LOT 2

EXHIBIT C
LEGAL DESCRIPTION OF LOT 3

EXHIBIT D
LEGAL DESCRIPTION OF LOT 4

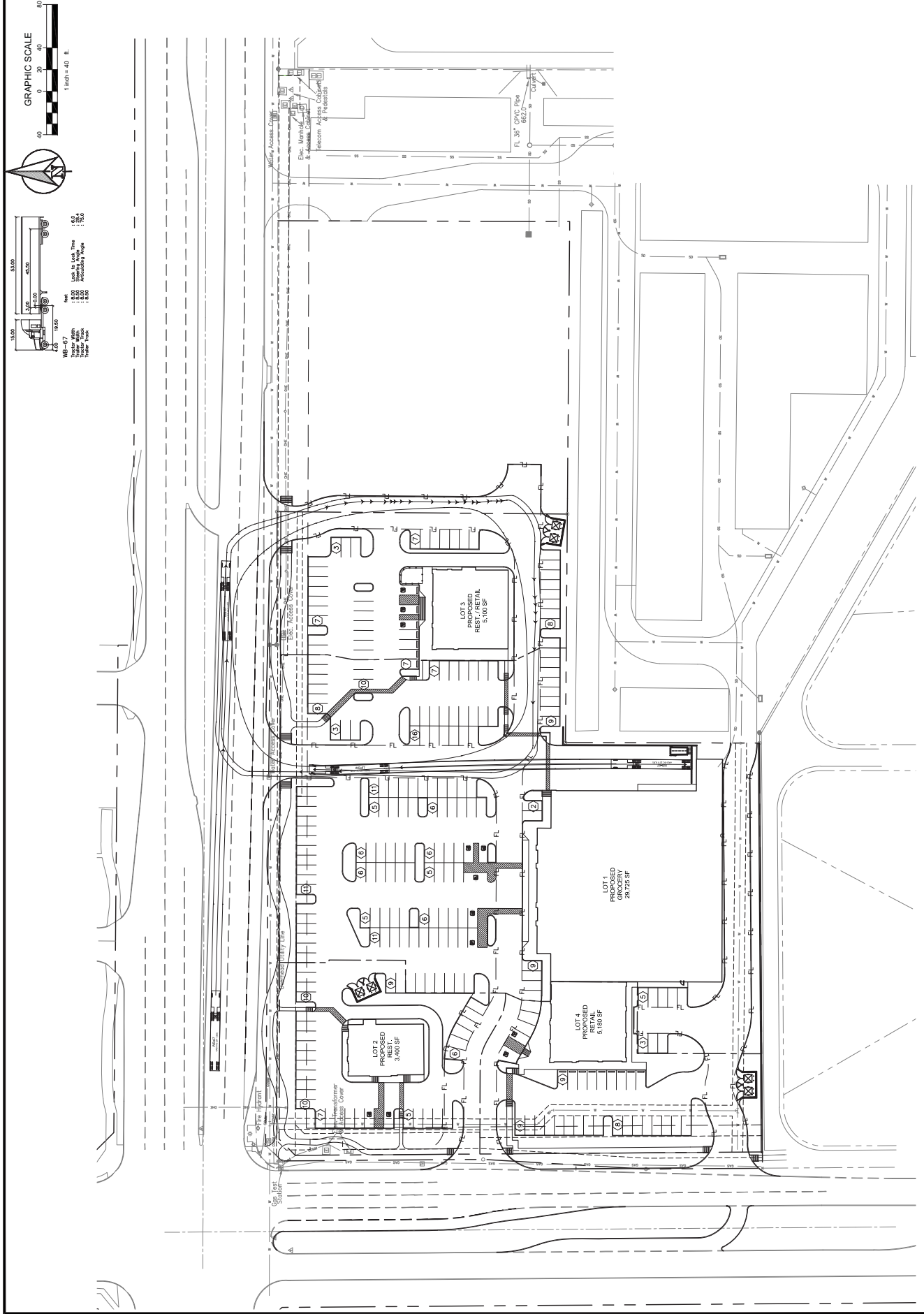
EXHIBIT E
SITE PLAN

EXHIBIT F

PROHIBITED USES

- a. any use causing unreasonably loud noises;
- b. manufacturing facility;
- c. dry cleaner (excluding, either [i] 1 dry cleaner which does not use perchloroethylene or any other Hazardous Substances, or [ii] 1 facility for drop off and pick up of clothing cleaned at another location);
- d. any facility for the sale, lease or rental of automobiles, trucks, motorcycles, recreational vehicles, boats or other vehicles;
- e. car wash, tire store, automobile repair shop or service station or any facility storing or selling gasoline or diesel fuel in or from tanks;
- f. used clothing or thrift store, a "Salvation Army" or "Goodwill" type store or similar business, or a "second hand" store where principle business is selling used merchandise;
- g. a donation drop-off facility;
- h. any facility whose primary business is a smoke shop (including cigars, cigarettes, vapor cigarettes and e-cigarettes);
- i. a "surplus" store selling under stock or overstock merchandise or liquidation outlet;
- j. amusement center, carnival, virtual reality, laser tag, jump/trampoline facility, game arcade, or a children's recreational facility or play center of any kind, including, but not limited to, concepts such as "Boomerang's," "Funtastic," "Chuck E. Cheese," "Jump Zone" and "Peter Piper Pizza", or other stores operating under similar business plans and operations;
- k. spa or massage parlor (excluding (i) 1 "Massage Envy" or similar therapeutic massage retailer operating in a first-class manner, and (ii) 1 nail salon occupying no more than 2,500 square feet of Gross Floor Area);
- l. adult book shop or adult movie house;
- m. mortuary or funeral parlor;
- n. coin operated laundry;
- o. cocktail lounge, bar or tavern or sale of alcoholic beverages, whether or not packaged (excluding the sale of alcoholic beverages in conjunction with the operation of a restaurant);
- p. night club;
- q. bowling alley, pool hall, or skating rink;
- r. animal raising or storage facility (except incidental to a full-line retail pet supply store);
- s. pawn shop, auction house, flea market, swap meet, or junk yard;
- t. the drilling for and/or removal of subsurface substances, dumping, disposal, incineration or reduction of garbage or refuse, other than in enclosed receptacles intended for such purposes;

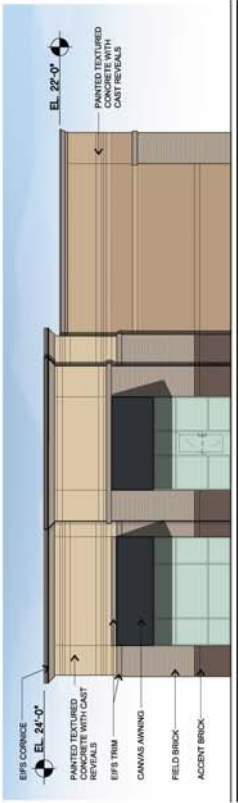
- u. hotels or lodging facilities intended for human use;
- v. gun range or shooting club;
- w. any facility related to the occult sciences, such as palm readers, astrologers, fortune tellers, tea leaf readers or prophets;
- x. frozen food locker or sales facility, or milk distribution center; and
- y. nursing home, old age center, or governmental facility (other than a post office), recruiting center or employment center.



PLOTTED BY: CHARLES OSTROVICH
PLOT DATE: 3/10/2015 5:34 PM
LOCATION: Z:\PROJECTS\PROJECTS\2014-050 STREETLEVEL, ALLEN\CM00\BAS\XSITE TRUCK PATH 29.DWG
LAST SAVE: 3/10/2015 5:34 PM



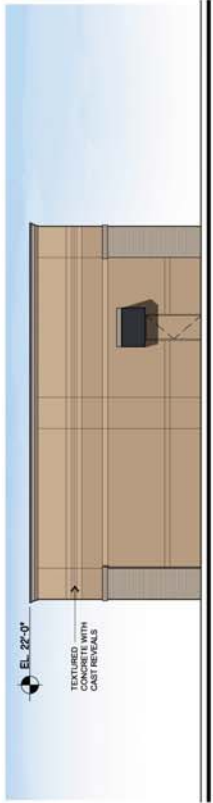
01 NORTH ELEVATION (LOT 2)



02 WEST ELEVATION (LOT 2)



03 EAST ELEVATION (LOT 2)



04 SOUTH ELEVATION (LOT 2)



5310 HARVEST HILL RD
SUITE 146
DALLAS, TEXAS 75230
972.385.9651



ALL MECHANICAL EQUIPMENT TO BE SCREENED

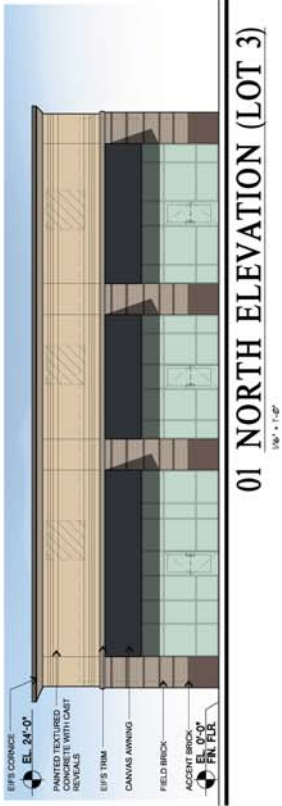
PD AMENDMENT - BUILDING ELEVATIONS
LOT 2

EXCHANGE AND ALMA
ALLEN, TEXAS

LOT 2

ELEV08

JOB# 13-100
ISSUE DATE: 01/21/15
SCALE: AS NOTED
APPROVED BY: _____



01 NORTH ELEVATION (LOT 3)

100' x 1'-0"



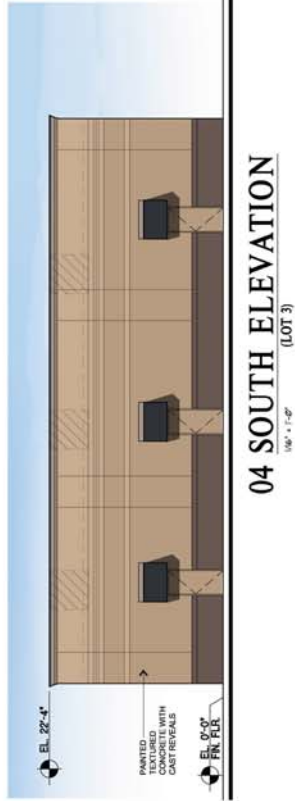
02 WEST ELEVATION

100' x 1'-0"



03 EAST ELEVATION

100' x 1'-0"



04 SOUTH ELEVATION

100' x 1'-0"



5310 HARVEST HILL RD
SUITE 146
DALLAS, TEXAS 75230
972.385.9651

STREET
LEVEL
INVESTMENTS

ALL MECHANICAL EQUIPMENT TO BE SCREENED

PD AMENDMENT - BUILDING ELEVATIONS
LOT 3

EXCHANGE AND ALMA
ALLEN, TEXAS

LOT 3

ELEV08

JOB# 13-100
ISSUE DATE: 01/21/15
SCALE: AS NOTED
APPROVED BY:

SITE DATA SUMMARY									
LOT	ZONING	PROPOSED USE	LOT SIZE (ACRES)	LOT SIZE (SQ. FT.)	BLK. AREA (SQ. FT.)	BLOCK LOT COVERAGE		FLOOR AREA RATIO	
						REQ.	PROV.	REQ.	PROV.
1	PD-54	GROCERY	2.86	124,400	29,725	35'	50% MAX	25.9%	0.5:1 MAX
2	PD-54	RESTAURANT	0.72	31,711	3,400	35'	50% MAX	10.7%	0.5:1 MAX
3	PD-54	RETAIL / RESTAURANT	0.82	35,596	5,100	35'	50% MAX	14.3%	0.5:1 MAX
4	PD-54	RETAIL	0.74	32,004	5,180	35'	50% MAX	16.2%	0.5:1 MAX

ALLEN BARRELL LLC, LOT 2
ALMA EXCH. PKWY. & ALLEN DR. LOT 2
170.0 ACRES
ZONING: PD-54 SF

THE JOHN BOSCO GROUP, LTD.
1250 W. WILSON PARKWAY, SUITE 100
DALLAS, TX 75203
ZONING: PD-54 SF

EXCHANGE PROFESSIONAL CENTRE, LLC
ALMA EXCH. PKWY. & ALLEN DR. LOT 5
120.0 ACRES
ZONING: PD-54 SF

TWIN CREEKS #402
BUDOK LOT 7
120.0 ACRES
ZONING: PD-54 SF

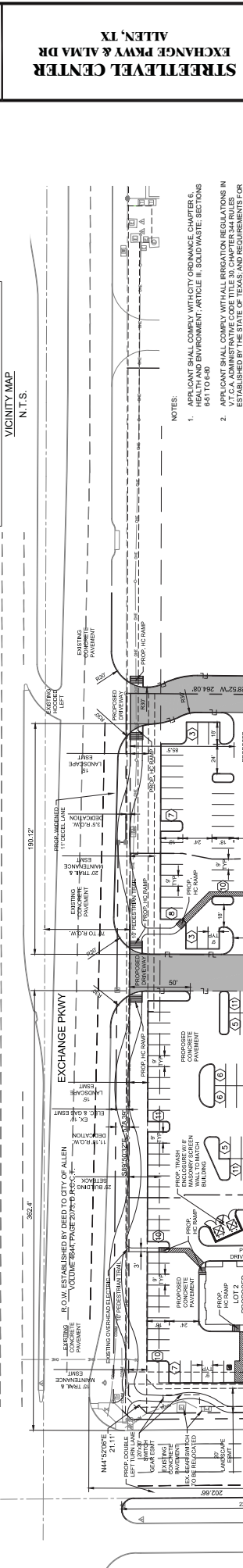
CLAYMOORE ENGINEERING

PRELIMINARY
FOR REVIEW ONLY
Not for construction purposes
Engineering and Planning Consultants
Engineer: MATT MOORE
P.E. No. 59813, Date: 3/1/2015

GRAPHIC SCALE
1 inch = 40 ft.
0 20 40

LEGEND
PROPERTY LINE
PROPOSED CURB & GUTTER
PROPOSED FIRE LANE, ACCESS, DRAINAGE AND UTILITY EASEMENT

VICINITY MAP
N.T.S.
SITE
WEXCHANGE PKWY
ALMA DR
WAGNER DR
BRAV CENTRAL DR
CENTRAL JUNCTION DR
N WATERS RD



- NOTES:
- APPLICANT SHALL COMPLY WITH CITY ORDINANCE, CHAPTER 6, HEALTH AND ENVIRONMENT, ARTICLE III, SOLID WASTE SECTIONS 641 TO 648.
 - APPLICANT SHALL COMPLY WITH IRRIGATION REGULATIONS IN THE STATE OF TEXAS, AND REQUIREMENTS FOR IRRIGATION DESIGN AND WATER CONSERVATION SET IN THE ALLEN WATER CONSERVATION AND DROUGHT CONTINGENCY AND EMERGENCY RESPONSE PLAN.
 - ALL ROOFTOP MECHANICAL EQUIPMENT SHALL BE SCREENED FROM ALL ELEVATIONS.
 - APPLICANT SHALL COMPLY WITH CITY ORDINANCE, CHAPTER 6, HEALTH AND ENVIRONMENT, ARTICLE III, SOLID WASTE SECTIONS 641 TO 648.
 - APPLICANT SHALL COMPLY WITH IRRIGATION REGULATIONS IN THE STATE OF TEXAS, AND REQUIREMENTS FOR IRRIGATION DESIGN AND WATER CONSERVATION SET IN THE ALLEN WATER CONSERVATION AND DROUGHT CONTINGENCY AND EMERGENCY RESPONSE PLAN.
 - AT NO TIME SHALL THE FOLLOWING OCCUR IN THE AREA OF LOT 1, SOUTH OF THE REAR WALL OF THE BUILDING LOCATED ON LOT 1 TO THE SOUTH PROPERTY LINE OF LOT 1, OR ANYWHERE ON LOT 1 AND ADJACENT TO LOT 1: (1) THE SHIPING OR RECEIVING OF GOODS, MATERIALS, OR OTHER PERSONAL PROPERTY, WHETHER OR NOT PLACED IN A STORAGE CONTAINER.
 - THE NOISE LEVELS SHALL COMPLY WITH THE PERFORMANCE STANDARD FOR COMMERCIAL AND INDUSTRIAL VIL SECTION 7.8.4(A) OF THE ALLEN LAND DEVELOPMENT CODE.

CONCEPT PLAN
CATHARINE PARSONS SURVEY, ABSTRACT # 711
5.3723 AC. (234,059 SF)
FEBRUARY 11, 2015

DEVELOPER
STREET LEVEL INVESTMENTS
1000 WEST 10TH STREET, SUITE #200
DALLAS, TX 75203
TEL: 214.555.5555
FAX: 214.555.5555
EMAIL: AKUTAS@STREETLEVELINVESTMENTS.COM

ARCHITECT
GSD ARCHITECTS
1000 WEST 10TH STREET, SUITE #200
DALLAS, TX 75203
TEL: 214.555.5555
FAX: 214.555.5555
EMAIL: AKUTAS@STREETLEVELINVESTMENTS.COM

APPLICANT
CLAYMOORE ENGINEERING, INC.
1000 WEST 10TH STREET, SUITE #200
DALLAS, TX 75203
TEL: 214.555.5555
FAX: 214.555.5555
EMAIL: AKUTAS@STREETLEVELINVESTMENTS.COM

OWNER
BOSST ROOTS HOLDINGS, LTD
5910 N. CENTRAL EXPRESSWAY
DALLAS, TX 75206-5127
CONTACT: CHARLES NEE
MAT@CLAYMOOREENGINEERING.COM

STREET LEVEL INVESTMENTS

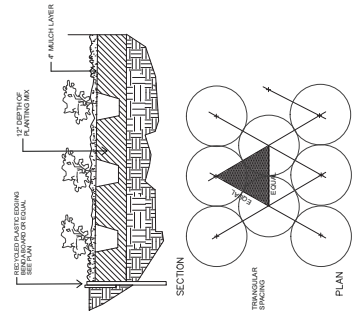
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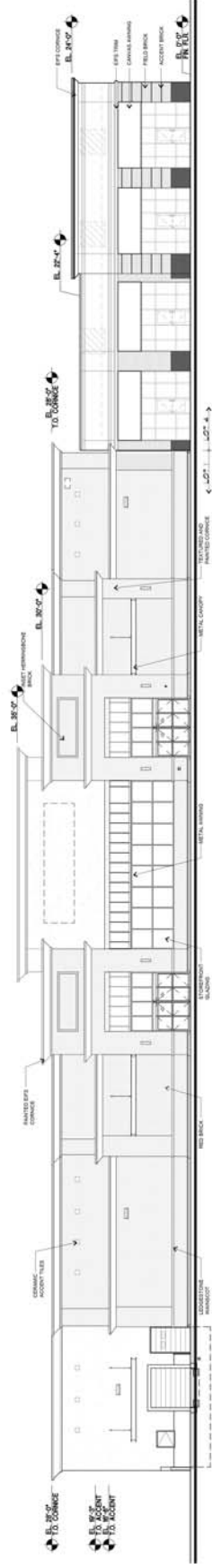
SCALE: NONE

— NONE

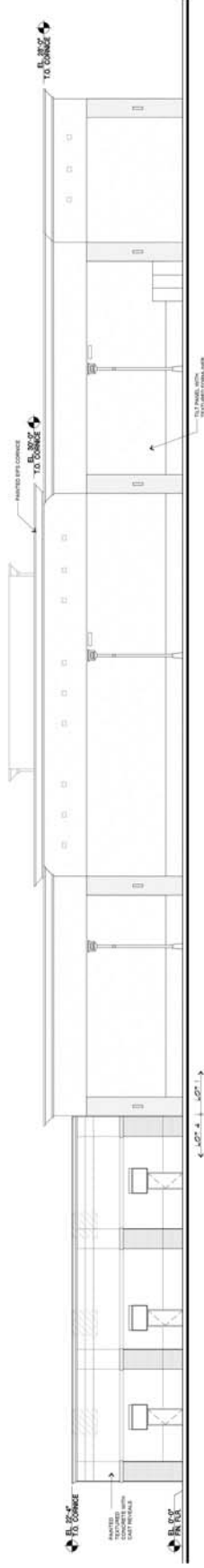
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FILE: NONE

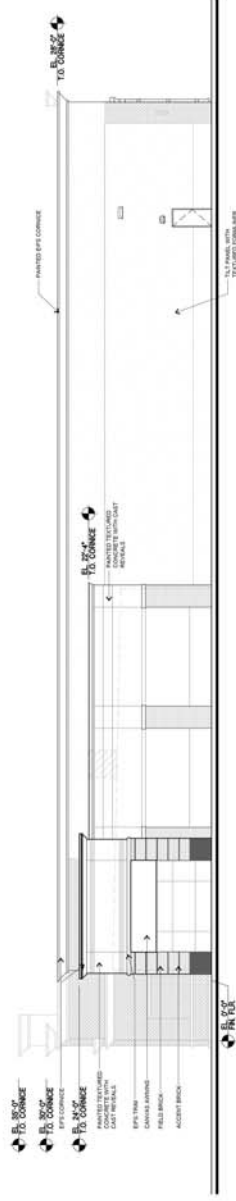




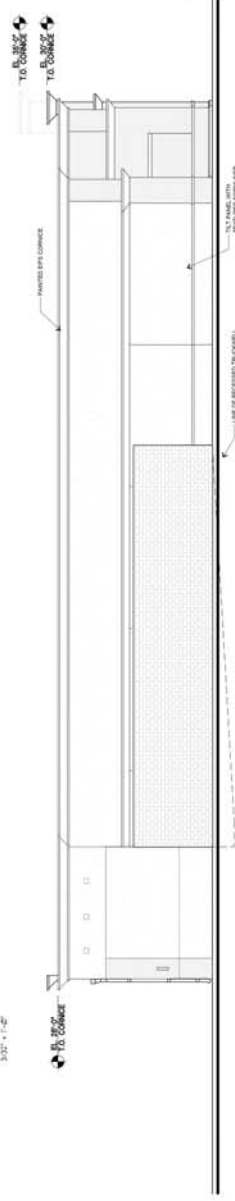
01 NORTH ELEVATION (LOT 1&3)



02 SOUTH ELEVATION



03 WEST ELEVATION



04 EAST ELEVATION

ALL MECHANICAL EQUIPMENT TO BE SCREENED

LOT 1 & 4

ELEV09

JOB# 19-000
SCALE AS NOTED
APPROVED BY:

PD AMENDMENT - BUILDING ELEVATIONS
LOT 1 & 4

EXCHANGE AND ALMA
ALLEN, TEXAS



5310 HARVEST HILL RD
SUITE 146
DALLAS, TEXAS 75230
972 385 9651



16435 N SCOTTS DALE RD
SUITE 195
SCOTTS DALE, AZ 85254
480 998 4200

