

AGENDA
CITY OF ALLEN
PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY, MAY 2, 2017 – 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 April 25, 2017, regular meeting.

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

- 2. Approve minutes from the April 18, 2017, regular meeting.
- 3. Request for Extension Consider a request for a 60-day extension on a Preliminary Plat for Ridgeview Villas, being 4.247± acres situated in the J.W. Parsons Survey, Abstract No. 705; generally located south of Ridgeview Drive and west of Twin Creeks Drive. (PP-3/28/16-25) [Ridgeview Villas]

Regular Agenda

- 4. Public Hearing/Replat Conduct a Public Hearing and consider a request for a Replat for Lots 59R & 60, Block 11, Walden Park Estates, being a Replat of Lot 59, Block 11, Walden Park Estates; generally located at the southeast corner of Greenville Avenue and High Meadow Drive. (FP-3/13/17-26) [Avalon Memory Care Addition]
- 5. Public Hearing/Zoning Conduct a Public Hearing and consider a request to change the zoning of a 65.578± acre portion of land situated in the George Phillips Survey, Abstract No. 701; generally located north of Allen Commerce Parkway and east of Chelsea Boulevard from "AO" Agriculture Open Space to "PD" Planned Development No. 128 for a Data Center use, and adopt a Concept Plan, Building Elevations, and Development Regulations. (ZN-041817-003) [Cyrus One Data Center]

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 28, 2017, at 5:00 pm.

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 4/25/2017 City Council Meeting

•	There were no	items taken	to the April	25, 2017,	City Council Meeting.
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PLANNING AND ZONING COMMISSION

Regular Meeting April 18, 2017

ATTENDANCE:

Commissioners Present:

Jeff Cocking, Chair Ben Trahan, 1st Vice-Chair Stephen Platt, Jr., 2nd Vice-Chair Luke Hollingsworth

Absent:

John Ogrizovich Michael Orr

City Staff Present:

Joseph Cotton, PE, Assistant Director of Engineering Madhuri Mohan, AICP, Senior Planner Victoria Thomas, 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.

Directors Report

1. Action taken on the Planning & Zoning Commission items by City Council at the April 11, 2017, regular meeting, attached.

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

- 2. Approve minutes from the April 4, 2017, regular meeting.
- 3. Capital Improvement Program (CIP) Status Report.

Motion: Upon a motion by 2nd Vice-Chair Platt, and a second by Commissioner Trahan, the Commission voted 4 IN FAVOR, and 0 OPPOSED

to approve the Consent Agenda.

The motion carried.

Regular Agenda

4. Combination Plat – Consider a request for a Combination Plat for Lot 1, Block A, Allen ISD STEAM Center, being 26.527± acres in the Chadrick Jackson Survey, Abstract No. 489 and the J.W. Parsons Survey, Abstract No. 705; generally located north of Ridgeview Drive and east of Exchange Parkway. (PL-040717-0002) [Allen ISD STEAM Center]

Ms. Madhuri Mohan, Senior Planner, presented the item to the Commission. She stated that the item is a Combination Plat for the Allen ISD STEAM Center. The property is generally located north of Ridgeview Drive and east of Exchange Parkway. The property to the north is zoned Planned Development PD No. 101 Corridor Commercial CC. The property to the west is zoned Planned Development PD No. 101 Corridor Commercial CC. To the south (across Ridgeview Drive), the properties are zoned Planned Development PD No. 54 Community Facilities CF and Planned Development PD No. 111 Single-Family Residential R-5. The property to the east is zoned Corridor Commercial CC.

The Site Plan for the Allen ISD STEAM Center is under review and included in the Commissioners' packets for reference.

Ms. Mohan stated that platting is the last step in the development process. A Combination Plat was submitted since the tract of land is subdivided into three lots or less (in this case just one lot), since there are no changes in street locations, and the requirements of both a Preliminary Plat and Final Plat are met.

This plat shows the STEAM center lot at approximately $26.5\pm$ acres. A portion of a commercial collector street, Bending Branch Way, is also proposed on the southeastern side of this lot.

Ms. Mohan explained that two access points are provided; one on Bending Branch Way and one on Ridgeview Drive. The plat also shows right-of-way dedication and various easements required for development.

The Combination Plat has been reviewed by the Technical Review Committee and is generally consistent with the Site Plan. The plat also meets <u>ALDC</u> requirements.

Motion:

Upon a motion by Commissioner Hollingsworth, and a second by $1^{\rm st}$ Vice-Chair Trahan, the Commission voted 4 IN FAVOR, and 0 OPPOSED to approve the request for a Combination Plat for Allen ISD STEAM Center, being $26.527\pm$ acres; generally located north of Ridgeview Drive and east of Exchange Parkway.

The motion carried.

5. Preliminary Plat – Consider a request for a Preliminary Plat for Lots 4R & 5R, Block A, McCoy and Roth Addition, being 2.950± acres; generally located south of Stacy Road and east of Angel Parkway. (PP-3/28/17-38) [McCoy & Roth Addition]

Ms. Madhuri Mohan, Senior Planner, presented the item to the Commission. She stated that the item is a Preliminary Plat for the McCoy and Roth Addition. The property is generally located south of Stacy Road and east of Angel Parkway. The property to the north (across Stacy Road) is in the Town of Fairview. The properties to the west and east are zoned Planned Development PD No. 61 Shopping Center SC. The property to the south is zoned Planned Development PD No. 61 Single-Family Residential R-6.

Ms. Mohan stated that a site plan for a medical office building is being reviewed on Lot 5R, Block A, and that preliminary platting is the next step in the development process.

Ms. Mohan explained that the plat shows two lots, totaling approximately 2.950± acres. There is one primary access point on Stacy Road and five total internal access points through Firelane, Access, Drainage, and Utility Easements. The plat also shows various easements required for development of the site.

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

Motion:

Upon a motion by 1st Vice-Chair Trahan, and a second by Commissioner Hollingsworth, the Commission voted 4 IN FAVOR, and 0 OPPOSED to approve the Preliminary Plat for Lots 4R & 5R, Block A, McCoy and Roth Addition, being 2.950± acres; generally located south of Stacy Road and east of Angel Parkway.

The motion carried.

6. Public Hearing/Zoning – Conduct a Public Hearing and consider a request to establish a Planned Development for Corridor Commercial CC for a Data Center use and adopt a Concept Plan, Building Elevations, Screening Plan, and Development Regulations for a 12.614± acre portion of Lot 2R, Block A, Allen Commerce Center Addition; generally located north of Allen Commerce Parkway and west of US Highway 75. (Z-2/27/17-21) [DFW II Data Center]

Ms. Madhuri Mohan, Senior Planner, presented the item to the Commission. She stated that the item is a Public Hearing and a Planned Development Zoning for DFW II Data Center. The property is generally located north of Allen Commerce Parkway and west of US Highway 75. The property to the north is zoned Community Facilities CF. To the west, the property is zoned Planned Development PD No. 124 Corridor Commercial CC. The property to the south (across Allen Commerce Parkway) is zoned Planned Development PD No. 78 Corridor Commercial CC. The property to the east is zoned Corridor Commercial CC.

Ms. Mohan stated that the proposal is for a data center, which are unique and have specific regulations. The PD request is to adopt a Concept Plan, Screening Plan, Building Elevations, and Development Regulations.

The Concept Plan, which outlines the 12.614± acre property, is the first component. This data center, similar to the previous data centers, will store, manage, and process data and information. Per staff's understanding, this data center is similar to the existing Cisco Data Center, and very similar to the recently approved Compass Data Center.

Ms. Mohan explained that the proposed data center building is approximately 87,000 square feet and the proposal is to construct the data center in three phases. There are two points of access into the development; both on Allen Commerce Parkway. Both entrances will be gated. The entrance on the western side is the main entrance for employees. The entrance on the eastern side is provided as a secondary, emergency access point. There are no minimum requirements for parking since data centers do not typically have many people on site, but in this case, 48 parking spaces are being provided.

Open Space provided also exceeds the <u>ALDC</u> standards.

Ms. Mohan described the screening plan and said that it shows a combination of screening for the property. Perimeter fencing will consist of an eight-foot wrought iron fence. An eight-foot precast screening wall is proposed on the southern section of the equipment yards facing Allen Commerce Parkway. The remaining screening will consist of an eight-foot black chain link fence enclosing the equipment yards.

Ms. Mohan then presented the next component of the PD request, the Building Elevations. She stated that these elevations are very similar to the elevations approved for the Compass Data Center. The buildings will be one story with a general height of 27'. Building materials include precast concrete.

The last component is the development regulations, summarized as follows:

- Base Zoning District: CC
- Concept Plan: The Property shall be developed and used only in accordance with the Concept Plan.
- Building Elevations: The buildings constructed on the Property shall be designed, developed and used only in accordance with the Building Elevations.
- Screening Plan, Screening, and Fences: Screening walls and/or fences shall be constructed on the Property in accordance with the Screening Plan. Construction of screening walls must be completed prior to issuance of CO.
- Permitted Uses: The Property may be developed with uses permitted in the CC zoning district, for a Data center, and accessory uses to Data Centers.
- Minimum Yard Depth and Width: There is no minimum setback for fencing or guardhouses.
- Off-Street Parking and Loading: Off street parking and loading shall be provided as shown on the Concept Plan.
- Access: Access shall be provided as generally shown on the Concept Plan.
- Landscaping: The property shall be developed in accordance with landscaping requirements applicable to the "CC" zoning district. Modifications may be made in order to achieve LEED certification.
- Project Phasing and Scheduling: The property may be developed in at least 3 phases.
- Miscellaneous:
 - o Lighting: Lighting shall meet the lighting standards in the ALDC, with flexibility for LEED requirements, security for the Data Center, or typical operations of the Data Center.
 - o Generators: The operation of generators and emergency equipment is allowed.
- Detention Pond Maintenance: Owner shall provide the City a copy of a fully executed agreement that provides for routine maintenance and establishes costs related to the detention pond prior to acquiring a building permit.

Chairman Cocking asked what type of landscaping is required along the eastern side of the property.

Ms. Mohan responded that she believed the landscaping was just grass, as there is no regulation in the <u>ALDC</u> regarding landscaping on that side.

Chairman Cocking asked if there would be any shrubs, trees, or anything else along the entire eastern side.

Ms. Sara Beth White, Kimley-Horn Engineer, 12750 Merit Drive Suite 1000, stated that the landscaping on the eastern side will generally be grass landscaping. She added that all of the landscaping on the site will be in conformance with the *Allen Land Development Code*.

Chairman Cocking acknowledged that there will be landscaping along Allen Commerce Parkway. However, he had concerns for the eastern (vacant) piece of property (between this property and US Highway 75) which will eventually be developed. Chairman Cocking asked if there should be some kind

of landscape requirement along the eastern side of the Data Center property to create a visual barrier between the equipment yard and this eastern piece.

Ms. Mohan responded that there is no requirement per the Code. The landscaping can be requested in a motion by the Commissioners, but is not required.

Chairman Cocking stated that equipment yards are not a pretty site and was concerned that a better visual screen was not provided.

1st Vice-Chair Trahan asked about the zoning classification of the site to the east.

Ms. Mohan responded that the zoning is Corridor Commercial.

Chairman Cocking stated that the vacant property could be developed with, for example, hotel or retail uses. If the property is developed with the back of retail facing the equipment yard, then this would not be a big issue. However, if the property is developed with restaurants with more people driving around the area, then he wondered how the site would appear.

1st Vice-Chair Trahan stated that he did not remember seeing any berms on the west side of the western development (Compass Data Center).

Chairman Cocking stated the facility on the western side is actually lower, and therefore cannot easily be seen due to the topography. The elevation lines on the plans indicate a fairly large elevation drop on the property to the west. He said that the property to the west has berms along the front on Allen Commerce Parkway. This facility does not have those berms - only landscaping and the wrought iron fence.

2nd Vice-Chair Platt stated that from what he hears, landscaping is not required.

Chairman Cocking answered yes, landscaping is not required, but added that they (the Commissioners), can add requirements such as landscaping or fencing.

Chairman Cocking said the applicant did not submit a Landscape Plan.

Ms. Mohan stated that that was correct.

Chairman Cocking asked if it is normal to not see a Landscape Plan at this time.

Ms. Mohan responded that a Landscape Plan is typically submitted with the Site Plan.

1st Vice-Chair Trahan stated his initial thought was that if the property developer to the east of this property does not want to see the equipment yard, it would be their prerogative to put something up [landscaping or screening]. If there were homes proposed where people could see the equipment yard, it would be a different predicament.

Commissioner Hollingsworth stated that the Commissioners have not approved anything yet on the east side, and that the property is still vacant. There has been so much work done on the other side of U.S. Highway 75 with the decorative walls. There is no telling how long it will be until something develops on this vacant piece.

1st Vice-Chair Trahan asked if the parking lot to the east is just shadowed in and not existing.

Ms. Mohan said the parking on the plan is just conceptual.

Chairman Cocking acknowledged that there are no plans on the eastern property at this time. He expressed his concern over no buffer or visual barrier.

1st Vice-Chair Trahan replied that the applicant is complying with landscape standards. Whomever ends up developing on the eastern side and does not want to see the equipment yard can install screening on their property.

Chairman Cocking opened the public hearing.

Chairman Cocking closed the public hearing.

Chairman Cocking said no letters or correspondence were received.

Motion:

Upon a motion by 2nd Vice-Chair Platt, and a second by Commissioner Hollingsworth, the Commission voted 4 IN FAVOR, and 0 OPPOSED to recommend approval of the request to establish a Planned Development for Corridor Commercial CC for a Data Center use and adopt a Concept Plan, Building Elevations, Screening Plan, and Development Regulations for a 12.614± acre portion of Lot 2R, Block A, Allen Commerce Center Addition; generally located north of Allen Commerce Parkway and west of US Highway 75.

The motion carried.

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

The meeting adjourned at 7:19 p.m.			
These minutes approved thisday of	2017.		
Jeff Cocking, Chairman	Madhuri Mohan, AICP, Senior Planner		

Director's Report from 4/11/2017 City Council Meeting

• The request to conduct a Public Hearing and adopt an ordinance establishing Planned Development No. 127 for Corridor Commercial and adopt Development Regulations, a Concept Plan, Building Elevations, and a Sign Plan for a 60± acres of land generally located at the southeast corner of Custer Road and Sam Rayburn Tollway, for Cornerstone Village at Allen, was approved.

PLANNING & ZONING COMMISSION AGENDA COMMUNICATION

AGENDA DATE: May 2, 2017

SUBJECT: Consider a request for a 60-day extension on a Preliminary

Plat for Ridgeview Villas, being 4.247± acres situated in the J.W. Parsons Survey, Abstract No. 705; generally located south of Ridgeview Drive and west of Twin Creeks Drive.

(PP-3/28/16-25) [Ridgeview Villas]

STAFF RESOURCE: Madhuri Mohan, AICP

Senior Planner

PREVIOUS COMMISSION/ PD No. 98 Adopted – January, 2006 COUNCIL ACTION: PD No. 98 Amended – February, 2016

Preliminary Plat Approved - July, 2016 Floodplain Re-Configuration - July, 2016

BACKGROUND

The <u>Allen Land Development Code</u>, Section 8.03.3, Paragraph 6, states that a Preliminary Plat shall expire "12 months from the date of commission action unless a Final Plat is submitted and approved for the property ... within such period... The developer may request and the Planning and Zoning Commission, at its discretion, may grant an extension of time not to exceed 60 days, provided that an application for extension is filed not less than 15 days prior to the expiration of the Preliminary Plat."

The Preliminary Plat for Ridgeview Villas was approved on July 5, 2016. The applicant has submitted a request for a 60-day extension of approval to allow more time to submit the Final Plat. With this extension, the Preliminary Plat would expire on September 3, 2017.

STAFF RECOMMENDATION

Staff recommends approval of the 60-day extension of the Preliminary Plat to September 3, 2017.

RECOMMENDED MOTION

I make a motion to approve the 60-day extension on a Preliminary Plat for Ridgeview Villas; generally located south of Ridgeview Drive west of Twin Creeks Drive.

ATTACHMENTS

Letter from Applicant Requesting Extension



April 18, 2017

Dear Madhuri Mohan,

Per our phone conversation today, I'd like to apply for a 60-day extension on my Preliminary Plat Approval. I understand that I have 12 months from the approval granted on July 5th, 2016 giving me only 2 more months to submit for Final Plat. This extension will give me the time necessary to thoughtfully proceed with the necessary steps for development.

I appreciate your help regarding this matter. If you have any questions, please feel free to contact me.

Regards,

Arash Moradi President Urban Corp

(650) 444-1933

PLANNING & ZONING COMMISSIONAGENDA COMMUNICATION

AGENDA DATE: May 2, 2017

SUBJECT: Conduct a Public Hearing and consider a request for a Replat

for Lots 59R & 60, Block 11, Walden Park Estates, being a Replat of Lot 59, Block 11, Walden Park Estates; generally located at the southeast corner of Greenville Avenue and High Meadow Drive. (FP-3/13/17-26) [Avalon Memory Care]

STAFF RESOURCE: Madhuri Mohan, AICP

Senior Planner

PREVIOUS COMMISSION/COUNCIL Final Plat Approved – October, 1972

ACTION: Planned Development Approved – January, 2014

LEGAL NOTICES: None.

ANTICIPATED COUNCIL DATE: None.

BACKGROUND

The property is generally located at the southeast corner of Greenville Avenue and High Meadow Drive. The property to the north (across High Meadow Drive) is zoned Single-Family Residential R-5. The properties to the east and south are zoned Single-Family Residential R-4. To the west (across Greenville Avenue), the properties are zoned Planned Development PD No. 14 Office O and Planned Development PD No. 58 Community Facilities CF.

The property is currently zoned Planned Development PD No. 115 Community Facilities CF. A PD Amendment for Avalon Memory Care was approved in January 2014. A Site Plan for the development was approved in February 2017. Platting is the last step in the development process.

The Replat shows two lots at approximately $3.755\pm$ acres. There are four (4) points of access into the development; one (1) on High Meadow Drive, one (1) on Greenville Avenue, and two (2) gated access emergency access points on the east. The plat also shows various easements required for development.

The Replat has been reviewed by the Technical Review Committee, is consistent with the PD Amendment Concept Plan and Site Plan, and meets the standards of the <u>Allen Land Development Code</u>.

STAFF RECOMMENDATION

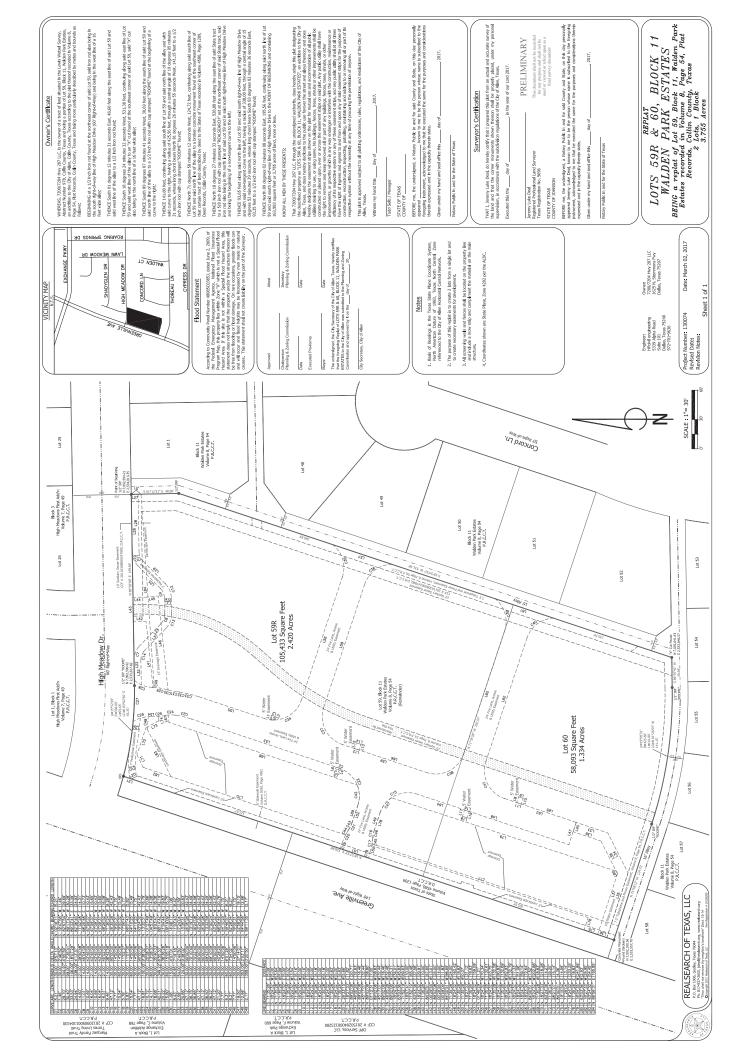
Staff recommends approval.

MOTION

I make a motion to approve the Replat for Lots 59R & 60, Block 11, Walden Park Estates, generally located at the southeast corner of Greenville Avenue and High Meadow Drive.

ATTACHMENTS

Replat



PLANNING & ZONING COMMISSIONAGENDA COMMUNICATION

AGENDA DATE: May 2, 2017

SUBJECT: Conduct a Public Hearing and consider a request to change

the zoning of a 65.578± acre portion of land situated in the George Phillips Survey, Abstract No. 701; generally located north of Allen Commerce Parkway and east of Chelsea Boulevard from "AO" Agriculture Open Space to "PD" Planned Development No. 128 for a Data Center use, and adopt a Concept Plan, Building Elevations, and Development Regulations. (ZN-041817-003) [Cyrus One Data Center]

STAFF RESOURCE: Madhuri Mohan, AICP

Senior Planner

PREVIOUS COMMISSION/COUNCIL

ACTION:

None.

LEGAL NOTICES: Public Hearing Sign – Installed April 21, 2017

Public Hearing Notices – Mailed April 21, 2017 Newspaper Notices - Published April 20, 2017

ANTICIPATED CITY COUNCIL DATE: May 9, 2017

BACKGROUND

The property is generally located north of Allen Commerce Parkway and east of Chelsea Boulevard. The properties to the north (across Ridgeview Drive) are zoned Agriculture Open Space AO and Planned Development PD No. 24 Office O and Light Industrial LI. To the west, the property is zoned Agriculture Open Space AO, and further west (across Chelsea Boulevard), zoned Agriculture Open Space AO, Planned Development PD No. 92 Single-Family Residential R-7, and Planned Development PD No. 36 Industrial Technology IT. The property to the south (across Allen Commerce Parkway) is zoned Planned Development PD No. 102 Corridor Commercial CC. The properties to the east are zoned Community Facilities CF and Planned Development PD No. 124 Corridor Commercial CC.

The applicant is proposing to construct a Data Center on the approximately 65.578± acre site which is currently zoned Agriculture Open Space AO. The Data Center will store, manage, and process data and information. Due to the individuality of the applicant's use, a Planned Development has been prepared to outline the uses and design for the property. The applicant is proposing to adopt a Concept Plan, Building Elevations, and Development Regulations for the property.

The Concept Plan shows three separate data center buildings to be constructed in three phases. The building on Phase I will be 350,950 square feet; the building on Phase II will be 619,100 square feet; and the building on Phase III will be 412,800 square feet, for a total of 1,382,850± square feet.

There are two points of access into the development. One point of access is on Chelsea Boulevard, which is the main employee/guest entrance only. The second point of access is on Allen Commerce Parkway, which is an exit only. Both entrances will be gated.

There is no minimum parking requirement for Data Centers. Data Centers typically have low on-site personal. Total parking provided for this development will be approximately 492 parking spaces.

Planning & Zoning Commission May 2, 2017 Cyrus One Data Center Page 2

Tree Mitigation will be required and will be in accordance with the development regulations and the Parks Department.

The applicant is proposing to secure and screen the Data Center with a combination of screening, as shown on the Concept Plan. Perimeter fencing will consist of an eight foot (8') wrought-iron security fence. Twelve foot (12') precast concrete screening walls will screen all loading docks and twenty foot (20') precast concrete screening walls are proposed to screen the equipment yards. An 8' black vinyl chainlink fence will also enclose the equipment yards.

The proposed buildings will be two (2) stories with a maximum height of 56 feet. The building will be constructed of concrete panel, metal panel, and glass, as shown in the attached building elevations.

The attached draft ordinance includes the development regulations which are specifically tailored to the Data Center use, such as permitted uses related to the Data Center and miscellaneous items

The PD Amendment 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 establish a Planned Development for a Data Center use and adopt a Concept Plan, Building Elevations, and Development Regulations for an approximately 65.578± acre portion of land; generally located north of Allen Commerce Parkway and east of Chelsea Boulevard, for Cyrus One Data Center.

ATTACHMENTS

Property Notification Map Draft Ordinance Concept Plan Color Elevations





Property Ownership Notification

Cyrus One Tract 1

Map Legend



Railroad

Public Rezone

CollinCAD Parcels



Date Saved: 3/8/2017

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



ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE ZONING REGULATIONS, AND ZONING MAP, AS PREVIOUSLY AMENDED, BY GRANTING A CHANGE IN ZONING FROM AGRICULTURE OPEN SPACE "AO" TO PD PLANNED DEVELOPMENT "PD" NO. 128 FOR DATA CENTER RELATED USES ON 65.578± ACRES OUT OF THE GEORGE PHILLIPS SURVEY, ABSTRACT NO. 701, AND ADOPTING DEVELOPMENT REGULATIONS, A CONCEPT PLAN, AND BUILDING ELEVATIONS; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING 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 the property owners generally and to all persons interested and situated in the affected area, and in the vicinity thereof, and in the exercise of its legislative discretion, have concluded that Allen Land Development Code Zoning Regulations and Zoning Map of the City of Allen, Texas, as previously amended, should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:

SECTION 1. The Allen Land Development Code Zoning Regulations and Zoning Map of the City of Allen, Texas, as heretofore amended be amended by granting a change in zoning from Agriculture Open Space "AO" to "PD" Planned Development No. 128 for Data Center Related Uses on 65.578± acres of land out of the George Phillips Survey, Abstract No. 701 ("the Property") described in "Exhibit A," attached hereto and incorporated herein by reference, by changing the zoning to create "PD" Planned Development No. 128 to be used and developed in accordance with the use and development regulations set forth in Section 2 of this Ordinance.

SECTION 2. The Property shall be developed and used in accordance with the applicable provisions of the Allen Land Development Code, as amended, ("ALDC") except to the extent modified by the Development Regulations set forth below:

- **A. BASE ZONING DISTRICT:** The Property shall be developed and used only in accordance with "CC" Corridor Commercial Zoning District regulations except as otherwise provided herein.
- **B. 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 that do not alter the general alignment shown on the Concept Plan may be made at the time of Site Plan approval.

C. BUILDING ELEVATIONS:

- (1) The buildings constructed on the Property shall be developed in general conformance with the Building Elevations (style and materials) attached hereto as Exhibit "C", and incorporated herein by reference.
- Building elevations may include metal wall louvers, tilt-up concrete panels, precast concrete panels or metal panels, which may be significant components of the building facades.
- (3) Buildings are not required to have a minimum glazing percentage.

D. SCREENING:

- (1) Screening walls, fences, and/or landscaping shall be constructed and/or installed on the Property in substantial conformance with the Concept Plan attached hereto as Exhibit "B" and incorporated herein by reference.
- (2) Service yards viewable from public streets shall be screened as shown on the Concept Plan.
- (3) Screening of loading docks and equipment yard shall be as shown on the Concept Plan.
- **E. PERMITTED USES:** The Property may be developed and used for any purpose allowed in the "CC" Corridor Commercial Zoning District as well as the following additional uses:
 - (1) Data Center, which for purposes of this ordinance means a centralized repository for the storage, management, processing, conversion, and dissemination of data and information which may also house equipment that supports communications network infrastructure without being part of the physical network. A data center:
 - (a) may house equipment that includes, but is not limited to, computers, servers, data storage devices, and related equipment;
 - (b) may include, but shall not be limited to, accessory uses that include offices and accessory structures that include water storage tanks, cooling towers, network systems, fuel storage tanks, guardhouses and security offices, storage, chillers, electrical transformers, and engine generators. For purposes of this ordinance, the term "load bank" means a device that develops an electrical load, applies the load to an electrical power source, and converts or dissipates the resultant power output of the source for placing electrical systems under load for periodic maintenance testing.
 - (2) On-site electricity generation in accordance with the City of Allen noise ordinance, except as otherwise provided herein for emergencies. Any other on-site wind or solar generation must be clearly depicted on the Concept Plan or Site Plan.
 - (3) On-site water wells for irrigation and emergency use only.
 - (4) Utility substation allowed by Specific Use permit.
- **F. MINIMUM YARD DEPTH AND WIDTH:** Fencing and guardhouses shall not be subject to minimum setback regulations. Notwithstanding the preceding sentence to the contrary, the location of walls, fences, landscaping, and guardhouses must comply with all traffic safety and site distance

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requirements set forth in the ALDC and the Code of Ordinances, if any. Guard houses and gates shall provide for a turnaround of a WB-65 vehicle without the vehicle being required to reenter the street.

- **G. OFF-STREET PARKING AND LOADING:** Off-street parking and loading areas shall be constructed as shown on the Concept Plan, or as subsequently approved on a Site Plan.
- **H. ACCESS:** Access shall be provided as generally shown on the Concept Plan. Divided entry drives are permitted.
- I. LANDSCAPING: Landscaping shall comply with the Corridor Commercial "CC" Zoning District standards, except as otherwise shown on the Concept Plan, an approved Site Plan or where modified as authorized by the Director of Community Development or the City Council to accommodate necessary security requirements for operation of a data center. Without limiting the generality of the foregoing, low water planting material selections and yard maintenance procedures may be approved as part of an approved Site Plan

J. FENCING:

- (1) Fences are permitted at any location on the Property, including within 20 feet of intersections except where the fence location would violate ALDC Section 7.07.1.c., d. or. e.
- (2) Perimeter fencing shall be not less than eight (8) feet nor greater than ten (10) feet in height, excluding the height of the pickets, unless otherwise approved on a Concept Plan or Site Plan.
- (3) Security fences may be topped with outward turned pickets which may extend an additional two (2) feet above the maximum height permitted by this Subsection J.
- (4) Perimeter fencing may be constructed of impact resistant steel, wrought iron or any other material identified on the Concept Plan or an approved Site Plan.
- (5) In addition to fences, perimeter security bollards, vehicle barriers, boulders, knee-walls, and retaining walls shall be allowed as part of a continuous perimeter security system.

K. TREE MITIGATION:

In accordance with development plans made part of the request for the rezoning of the Property, it has been determined that a net of 1,373 caliper inches of protected trees will be removed from the Property during development of the Property that require mitigation pursuant to ALDC Section 7.06. Notwithstanding anything to the contrary in ALDC Sections 7.06.3 and 7.06.4, trees removed from the Property during development in accordance with the applicable tree removal permit shall be mitigated subject as follows:

- (1) The owner or developer of the Property shall cause trees with a total of not less than 686 caliper inches ("the Replacement Trees") to be delivered to the City's tree farm in accordance with a schedule established by the City's Urban Forester, but in any case not prior to issuance of the certificate of occupancy for the first building constructed on the Property, along with a bill of sale or such document(s) in form approved by the City Attorney conveying title of the Replacement Trees to the City of Allen;
- (2) The owner or developer shall pay to the City the amount of \$137,200.00 (686 caliper inches X \$200/caliper inch) in lieu of planting or conveying to the City additional replacement trees (the

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"Tree Funds") prior to the issuance of any development permits for the Property; provided, however, the payment of the Tree Funds may be made in two equal installments subject to the following:

- (a) The first installment of \$68,600.00 must be paid to the City prior to the issuance of any development or building permit for the Property; and
- (b) Subject to Paragraph (3), below, the second installment of \$68,000 must be paid on or before the fifth (5th) anniversary of the issuance by the City of the issuance of the first building permit for the first building constructed on the Property.
- (3) The amount of the second installment of the Tree Funds described in Paragraph (2)(b), above, may be reduced if on or before the date second installment of the Tree Funds is due in accordance with Paragraph (2)(b), above:
 - (i) CyrusOne, LLC or an Affiliate purchases the 24.362± acre tract of land shown on Exhibit "D," attached hereto and incorporated herein by reference ("the Adjacent Tract"); and
 - (ii) Replacement Trees have been planted on the Adjacent Tract the cumulative caliper inches of which exceeds the number of caliper inches that must be planted on the Adjacent Tract to mitigate the removal of trees as part of the development of the Adjacent Tract.

The amount of the reduction of the second installment of Tree Funds pursuant to this Paragraph (3) shall be equal to \$200 times the number of caliper inches of Replacement Trees planted on the Adjacent Tract in excess of the caliper inches of Replacement Trees that must be planted with respect to removal of trees from the Adjacent Tract resulting from development of the Adjacent Tract;

- (4) Prior to the due date of either installment of the Tree, the City Manager shall have the authority, but not the obligation, to accept from the owner of the Property additional Replacement Trees to be planted at the City tree farm or on other City-owned or controlled land in lieu of payment of the Tree Funds required to be paid in accordance with paragraph (2), above, and provide a credit toward the installment due of \$200 per caliper inch of Replacement Trees delivered and accepted;
- (5) In no case shall the City be required to refund Tree Funds that are paid pursuant to this Subsection K;
- (6) All Replacement Trees shall be not less three (3) caliper inches in diameter at a height of four (4) feet above the base of the main trunk of the Replacement Tree, shall consists of one or more species determined by the City's Urban Forrester; and shall otherwise comply with the standards for replacement trees set forth in ALDC Section 7.06; and
- (7) For purposes of this Subsection K, the term "Affiliate" means an entity in which CyrusOne, LLC owns a controlling interestor which owns a controlling interest in CyrusOne, LLC.

L. MISCELLANEOUS:

(1) Outdoor storage is permitted within the equipment yards identified on the Concept Plan.

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- (2) The Concept Plan satisfies the requirements of a General Development Plan required by the Subdivision Regulations.
- (3) Lighting that does not comply with the technical requirements of ALDC Section 7.03.4 may be approved through the Site Plan approval process to the extent the modifications to lighting are found to be necessary for (1) security in connection with a data center use; or (2) for the typical operations of a data center use.
- (4) The operation of generators and other emergency equipment is allowed during and to the extent of any emergency as needed to maintain operations of the data center.
- (5) Except as otherwise set forth herein, there are no restrictions on the hours of operation of a data center or its accessory uses, including, but not limited to, the hours of operation for generators, water storage tanks, or other uses or structures. There are no restrictions on staging and use of emergency vehicles and structures on the Property, including, but not limited to, mobile water trucks, mobile generators, mobile load banks, and mobile chillers. In addition, noise levels associated with the use of emergency equipment, including, but not limited to, generators, are permitted to exceed the maximum noise levels authorized by the City of Allen Code of Ordinances for a period not to exceed 120 days. The City Manager may approve an extension of said 120-day period following receipt and review of a written request for such extension setting forth the nature of the emergency and the reasons for the extension. The City Manager shall act on a request for an extension within five business days after receipt of a request for an extension. If the City Manager denies a request for an extension, the applicant may appeal that decision to the City Council, and the appeal shall be placed on the next available City Council meeting agenda. In the event of a conflict between other City ordinances and the ordinance creating this PD, the ordinance creating this PD controls.
- (6) Maximum noise levels from normal testing of generators, or operation of any other equipment shall, comply with maximum noise levels authorized by the City of Allen Code of Ordinances.
- (7) Mechanical equipment, exhaust stacks, and water storage tanks may be visible above screen walls or parapet conditions, assuming the majority is screened from grade level view at the property line.
- (8) Fuel storage and water storage shall be allowed on site in either above or below ground tanks, assuming tank construction and installation comply with applicable State law. There shall be no volume limits on fuel or water storage, assuming use is restricted to providing power or water supply to the data center or its related operations. Storage facilities shall be located in the equipment yard and screened from public street view.
- (9) Gas well drilling is prohibited on the Property.
- (10) The Director of Community Development may approve changes to the Concept Plan without an amendment to this Ordinance provided such changes are limited to minor changes in:
 - (a) the location of (i) buildings, (ii) parking areas, (iii) internal circulation, (iv) screening walls, fences, and/or landscaping, (iv) site access points, and
 - (b) the orientation of buildings.

SECTION 3. To the extent of any irreconcilable conflict with the provisions of this Ordinance and other ordinances of the City of Allen governing the use and development of the Property and which are not expressly amended by this Ordinance, the provisions of this Ordinance shall be controlling.

SECTION 4. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance, or of the Allen Land Development Code, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance or the Allen Land Development Code, as amended hereby, which shall remain in full force and effect.

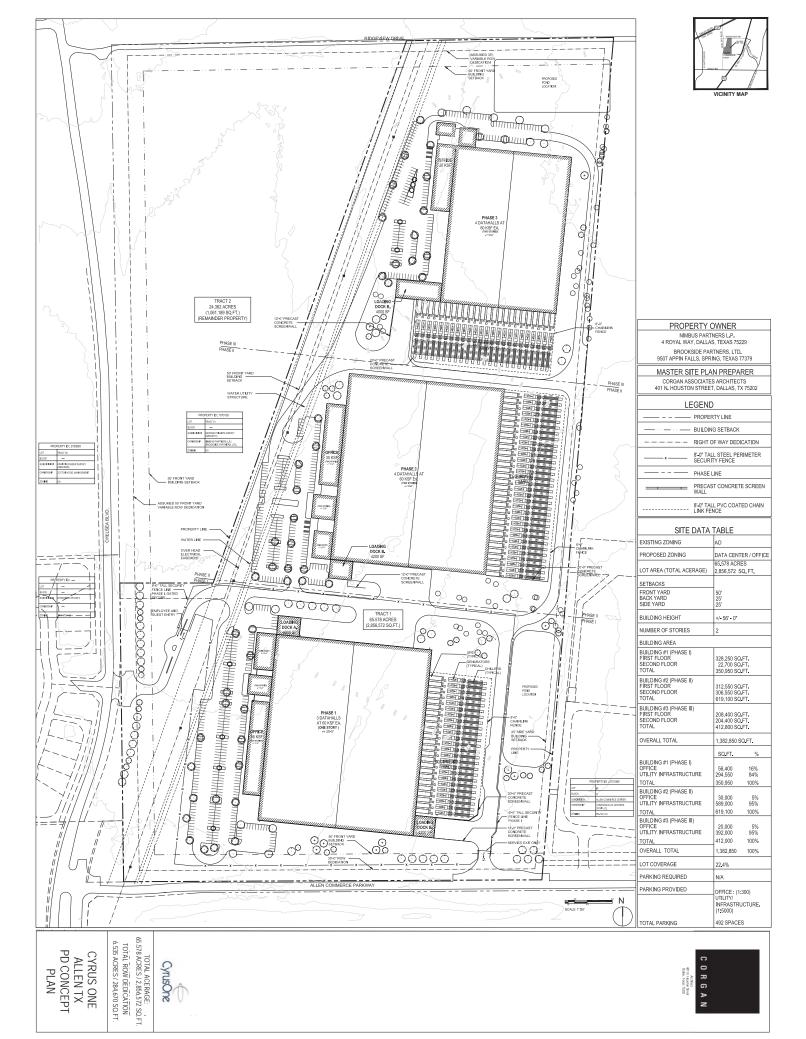
SECTION 5. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Allen Land Development Code Zoning Regulations, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

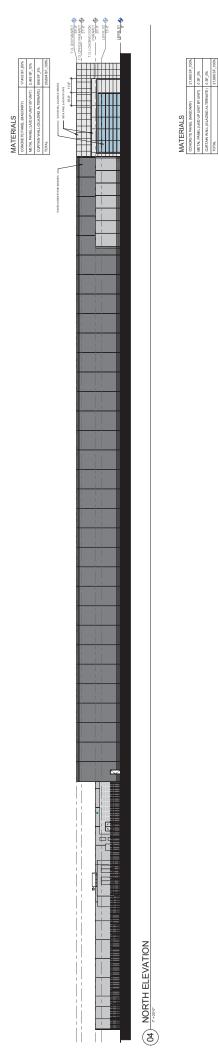
SECTION 6. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in Allen Land Development Code Zoning Regulations as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense.

SECTION 7. This Ordinance shall take effect on the later of (a) the date of its passage and publication of the caption in accordance with the provisions of the Charter of the City of Allen, and (b) the date that a deed conveying the Property to CyrusOne, LLC is recorded in the Real Property Records of Collin County, Texas, and it is accordingly so ordained; provided, however, if this Ordinance fails to become effective on or before October 11, 2017, this Ordinance shall be deemed to be repealed without further action of the City Council.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 9TH DAY OF MAY, 2017.

	APPROVED:
	Stephen Terrell, Mayor
APPROVED AS TO FORM:	ATTEST:
Peter G. Smith, City Attorney (kbl:4/265/17:84547)	Shelley B. George, City Secretary





(03) EAST ELEVATION.

UEVBL 01 MATERIALS

WEST ELEVATION



MATERIALS

SOUTH ELEVATION



CYRUSONE - ALLEN DESIGN ELEVATIONS 1" = 20:0" | 03.15.2017