



**AGENDA  
CITY OF ALLEN  
CITY COUNCIL REGULAR MEETING  
TUESDAY, MAY 24, 2022 – 7:00 PM  
CITY COUNCIL CHAMBERS  
ALLEN CITY HALL  
305 CENTURY PARKWAY  
ALLEN, TX 75013**

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

**2. Pledge of Allegiance.**

2.1 Posting of the Colors by the VFW Post 2195 Color Guard.

**3. Oaths and Certificates for Elected Officials.**

3.1 Recognition of outgoing Mayor Pro Tem Baine Brooks.

3.2 Administration of the Oath-of-Office and presentation of the Certificate-of-Election to elected councilmembers for Place Nos. 4 and 6.

**4. Public Recognition.**

4.1 Presentation of Proclamations by the Office of the Mayor.

- Present a Proclamation to the Municipal Court proclaiming May 24, 2022, as "Teen Court Day."
- Present a Proclamation to VFW Post 2195 proclaiming May 30, 2022, as "Memorial Day."

4.2 Citizens' Comments. *[The City Council invites citizens to speak to the Council on any topic not on the agenda or not already scheduled for Public Hearing. Prior to the meeting, please complete a "Public Meeting Appearance Card" and present it to the City Secretary. The time limit is three minutes per speaker, not to exceed a total of fifteen minutes for all speakers.]*

**5. Consent Agenda.**

*[Routine Council business. Consent Agenda is approved by a single majority vote. Items may be removed for open discussion by a request from a Councilmember or member of staff.]*

5.1 Approve Minutes of the May 10, 2022, Regular City Council Meeting.

5.2 Approve Minutes of the May 16, 2022, Special Called City Council Meeting to Canvass the Election Results.

5.3 Adopt a Resolution authorizing the City Manager to execute contract amendments associated

with the Interlocal Agreement executed on February 24, 2021, with Collin County regarding funding and implementation of the Emergency Rental Assistance Program funded by Collin County and the U.S. Treasury through the conclusion of the program on September 30, 2022.

- 5.4 Award bid and authorize the City Manager to execute an agreement with HQS Construction, LLC, for the 2022 Streets and Alley Rehabilitation Project for \$1,932,009.
- 5.5 Award bid and authorize the City Manager to execute an agreement with Flow-Line Construction, Inc., for the Sloan Creek Waterline Project for \$4,648,570.
- 5.6 Accept the resignation of Sharon Lakes and declare a vacancy in Place No. 2 on the Convention and Visitors Bureau Advisory Committee.

**6. Regular Agenda.**

- 6.1 Adopt a Resolution establishing rates and fees for commercial and residential solid waste, recycling and household hazardous waste services.
- 6.2 Conduct a public hearing and adopt an Ordinance for a Specific Use Permit for Single-Family Attached use for property generally located at the northeast corner of Boyd Drive and Butler Drive.
- 6.3 Conduct a public hearing and adopt an Ordinance to establish a Planned Development Zoning District with a Base Zoning of Light Industrial, Corridor Commercial, and Townhome and to adopt Development Regulations, Zoning Exhibit, Concept Plan, and Building Elevations for approximately 84.3632 acres in the George Fitzhugh survey generally located at the northwest corner of Chelsea Boulevard and Ridgeview Drive.

**7. Other Business.**

*[Council announcements regarding local civic and charitable events, meetings, fundraisers, and awards.]*

7.1 Calendar.

- May 30 - City Facilities Closed in Observance of Memorial Day

7.2 Items of Interest.

**8. Executive Session (As needed).**

*Legal, Section 551.071.*

*As authorized by Section 551.071(2) of the Texas Government Code, the Workshop Meeting and/or the Regular Agenda 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. (Closed to Public as Provided in the Texas Government Code.)*

8.1 Reconvene and Consider Action on Items Resulting from Executive Session.

**9. 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 20, 2022, 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.*

<b>CITY COUNCIL REGULAR MEETING AGENDA COMMUNICATION</b>
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<b>AGENDA DATE:</b>	May 24, 2022
<b>AGENDA CAPTION:</b>	Approve Minutes of the May 10, 2022, Regular City Council Meeting.
<b>STAFF RESOURCE:</b>	Shelley B. George, City Secretary
<b>STRATEGIC PLANNING GOAL:</b>	Financially Sound and Transparent City Government.

**ATTACHMENT(S)**

[051022reg.docx](#)

## **ALLEN CITY COUNCIL**

### **REGULAR MEETING**

**MAY 10, 2022**

#### **Present:**

Kenneth M. Fulk, Mayor

#### **Councilmembers:**

Baine Brooks, Mayor Pro Tem

Daren Meis

Carl Clemencich

Dave Cornette

Chris Schulmeister (left at 9:05 p.m.)

Dave Shafer

#### **City Staff:**

Eric Ellwanger, City Manager

Eric Strong, Deputy City Manager

Tim Dentler, Assistant City Manager

Rebecca Vice, Assistant City Manager

Shelley B. George, City Secretary

Teresa Warren, Director, Public and Media Relations

Rocio Gonzalez, Deputy City Secretary

Pete Smith, City Attorney

#### **Workshop Session**

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##### **1. Call to Order and Announce a Quorum is Present**

With a quorum of the Allen City Council present, the Workshop Session of the Allen City Council was called to order by Mayor Fulk at 6:00 p.m. on Tuesday, May 10, 2022, in the Basement Meeting Rooms of Allen City Hall, 305 Century Parkway, Allen, Texas.

##### **2. Items of Interest**

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**2.1 Introduction of Convention and Visitor's Bureau Chair Karen Musa.**

**2.2 Update Regarding the Downtown Steering Committee's Progress.**

Mayor Fulk recessed the Workshop Session at 6:55 p.m. and announced the Council would reconvene into the Workshop Session after the Regular Meeting.

Mayor Fulk reconvened the Workshop at 9:05 p.m. in the Council Conference Room of Allen City Hall. Councilmember Schulmeister was absent.

**2.3 Presentation Regarding the Annual CWD Rate Adjustments based on the Consumer Price Index.**

**2.4 Committee Updates from City Council Liaisons.**

**2.5 Questions on Current Agenda.**

**3. Adjourn to Regular Meeting**

With no further discussion, Mayor Fulk adjourned the Workshop Session of the Allen City Council at 9:43 p.m. on Tuesday, May 10, 2022, in the Council Conference Room of Allen City Hall, 305 Century Parkway, Allen, Texas.

**Regular Meeting**

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

With a quorum of the Allen City Council present, the Regular Meeting of the Allen City Council was called to order by Mayor Fulk at 7:00 p.m. on Tuesday, May 10, 2022, in the City Council Chambers of Allen City Hall, 305 Century Parkway, Allen, Texas.

**2. Pledge of Allegiance**

**3. Public Recognition**

**3.1 Citizen's Comments.**

Rachel Westor, 3617 Stagecoach Trail, Plano, Texas, spoke in opposition to Agenda Item 4.2.

Brandon Kimball, 1845 Chelsea Blvd., Allen, Texas, spoke regarding the need for superchargers for electric vehicles on the east side of Allen.

Nathan Polsky, 1108 Timberline Lane, Allen, Texas, spoke in opposition to the Agenda Item 4.2 and requested Council table the item to allow for a public hearing.

**3.2 Presentation of Proclamations by the Office of the Mayor.**

- Presentation of a Proclamation to the City of Allen Community Services Department Proclaiming May 15-22, 2022, as "Public Works Week."
- Presentation of a Proclamation to the City of Allen Convention and Visitor's Bureau Recognizing May 2022 as "Travel and Tourism in Allen."

**3.3 Presentation of the Allen Convention and Visitor's Bureau Annual Report by Chair Karen Musa.**

**3.4 Presentation of the Community Waste Disposal's Annual Report by CWD Municipal Coordinator Robert Medigovich.**

**4. Consent Agenda**

**MOTION:** Upon a motion made by Councilmember Clemencich and a second by Councilmember Shafer the Council voted seven (7) for and none (0) opposed to adopting the Consent Agenda as follows:

- 4.1 Approve Minutes of the April 26, 2022, Regular City Council Meeting.
- 4.2 Adopt an Ordinance Amending the Code of Ordinances by Amending Chapter 4 “Buildings and Building Regulations by Adding “Article III Short-Term Rentals” Establishing Regulations for Short-Term Rental of Residential Property.

**ORDINANCE NO. 3908-5-22:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING SECTION 2-6 “HOTEL OCCUPANCY TAX” AMENDING SECTION 2-6(B)(1) BY AMENDING DEFINITION OF “HOTEL”; AMENDING CHAPTER 4 “BUILDINGS AND BUILDING REGULATIONS” BY ADDING “ARTICLE III SHORT-TERM RENTALS” ESTABLISHING REGULATIONS FOR THE SHORT-TERM RENTAL OF RESIDENTIAL PROPERTY; DEFINING TERMS; PROVIDING A REPEALING CLAUSE, PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000); AND PROVIDING FOR AN EFFECTIVE DATE.

- 4.3 Adopt a Resolution Authorizing the City Manager to Execute a Reimbursement Agreement with the State of Texas Acting by and through the Texas Department of Transportation for the Purchase of Traffic Signal Equipment along FM2551.

**RESOLUTION NO. 3909-5-22(R):** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT FOR THE FURNISHING OF TRAFFIC SIGNAL EQUIPMENT BY A MUNICIPALITY, BY AND BETWEEN THE CITY OF ALLEN, TEXAS, AND THE STATE OF TEXAS, ACTING THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER; AND PROVIDING AN EFFECTIVE DATE.

- 4.4 Award Bid and Authorize the City Manager to Execute a Contract with Reynolds Asphalt and Construction Company for the Buckingham Land and Highpoint Drive Asphalt Rehabilitation Project in the Amount of \$386,565.
- 4.5 Authorize the City Manager to Execute a Contract with Improbable, LLC, for Fire Training Simulation Software in the Amount of \$464,149.
- 4.6 Authorize the City Manager to Execute a Purchase and Installation of Cardio Fitness Equipment from Team Marathon Fitness for City of Allen Recreation Facilities in the Amount of \$259,116
- 4.7 Award Bid and Authorize the City Manager to Execute a Contract with Arch Staffing Group, Inc., and Qwick, Inc., for Temporary Personnel for Food and Beverage Service at Credit Union of Texas Event Center and The Courses at Watters Creek for an Annual Amount of \$418,653 with the Option of Two (2) One-Year Renewals.
- 4.8 Authorize the City Manager to Execute a Contract with Superior Cabling Services for the Stephen G. Terrel Recreation Center in the Amount of \$357,849.
- 4.9 Authorize the City Manager to Execute a Purchase of Video Surveillance and Access Control Equipment from Allied Universal Technology Services for the Stephen G. Terrell Recreation Center in the Amount of \$440,218.

- 4.10 Authorize the City Manager to Execute a Contract with PlayTime, LLC, PlayTime Texas for the Design, Fabrication and Installation of the Indoor Playground in the Stephen G. Terrell Recreation Center Construction Project.
- 4.11 Ratify, Confirm and Approve Change Orders to the Construction Contract with Adolfson & Peterson for the Stephen G. Terrell Recreation Center Construction Project.
- 4.12 Receive the Quarterly Financial Report for Period Ending March 31, 2022.
- 4.13 Receive the Quarterly Investment Report for Period Ending March 31, 2022.

The motion carried.

5. Regular Agenda

- 5.1 Award Bid and Authorize the City Manager to Execute a Contract with Byrne Construction Services for the Construction of Fire Station No. 6 in the Amount of \$11,247,190 and Not to Exceed a Total Project Budget of \$14,974,976.

**MOTION:** Upon a motion made by Councilmember Schulmeister and a second by Councilmember Shafer, the Council voted seven (7) for and none (0) opposed to award the bid and authorize the City Manager to execute a contract with Byrne Construction Services for the construction of Fire Station No. 6 in the amount of \$11,247,190 and not to exceed a total project budget of \$14,974,976. The motion carried.

- 5.2 Authorize the City Manager to Execute a Contract with Cole Construction, Inc., for the Renovation of Rolling Hills Park in the Amount of \$1,766,267.

Although this was not a public hearing item, Mayor Fulk asked anyone wishing to speak to do so at this time.

Bob Acker, 216 Glenwick Place, Allen, Texas, spoke in support of this item and the closing of a portion of Glenwick Place in Rolling Hills Estates for Rolling Hills Park.

**MOTION:** Upon a motion made by Councilmember Shafer and a second by Councilmember Clemencich, the Council voted seven (7) for and none (0) opposed to authorize the City Manager to execute a contract with Cole Construction, Inc., for the renovation of Rolling Hills Park in the amount of \$1,766,267. The motion carried.

- 5.3 Adopt an Ordinance Abandoning a Portion of Glenwick Place Located Within Rolling Hills Estates.

**ORDINANCE NO. 3910-5-22:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ABANDONING A PORTION OF GLENWICK PLACE LOCATED WITHIN ROLLING HILLS ESTATES ADDITION, AN ADDITION TO THE CITY OF ALLEN, TEXAS, AS DESCRIBED IN EXHIBIT "A" HERETO; RESERVING ALL EXISTING EASEMENT RIGHTS OF OTHERS, IF ANY, WHETHER APPARENT OR NON-APPARENT, AERIAL, SURFACE, UNDERGROUND OR OTHERWISE; PROVIDING FOR THE FURNISHING OF A CERTIFIED COPY OF THIS ORDINANCE FOR

RECORDING IN THE OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS, AS A QUITCLAIM DEED; AND PROVIDING AN EFFECTIVE DATE.

**MOTION:** Upon a motion made by Councilmember Cornette and a second by Councilmember Shafer, the Council voted seven (7) for and none (0) opposed to approve Ordinance No. 3910-5-22, as previously captioned, abandoning a portion of Glenwick Place located within Rolling Hills Estates. The motion carried.

**5.4 Conduct a Public Hearing and Adopt an Ordinance to Amend the Development Regulations of Planned Development No. 100 Office and to Adopt a Base Zoning, Concept Plan, Open Space Plan, and Building Elevations for Approximately 0.900± Acres Located at 1100 W. McDermott.**

Mayor Fulk opened the public hearing for this agenda item and asked anyone wishing to speak for or against this item to do so at this time.

With no one speaking, Mayor Fulk closed the public hearing.

**ORDINANCE NO. 3911-5-22:** 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 AMENDING THE REGULATIONS RELATING TO THE USE AND DEVELOPMENT OF 0.900± ACRES IN THE CATHERINE PARSONS SURVEY, ABSTRACT NO. 711, LOCATED IN PLANNED DEVELOPMENT “PD” NO. 100 OFFICE “O” BY CHANGING THE BASE ZONING TO SHOPPING CENTER “SC” AND ADOPTING A ZONING EXHIBIT, CONCEPT PLAN, LANDSCAPE PLAN, AND BUILDING ELEVATIONS; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION:** Upon a motion made by Councilmember Meis and a second by Councilmember Cornette, the Council voted seven (7) for and none (0) opposed to approve Ordinance No. 3911-5-22, as previously captioned, to amend the Development Regulations of Planned Development No. 100, with a base zoning of Shopping Center, located at 1100 W. McDermott. The motion carried.

**5.5 Conduct a Public Hearing and Adopt an Ordinance to Amend the Allen Land Development Code Amending in its Entirety Section 4.10, “Residential Accessory Use Regulations,” by Adopting Standards Relating to Accessory Uses and Structures Within Residential Districts.**

Mayor Fulk opened the public hearing for this agenda item and asked anyone wishing to speak for or against this item to do so at this time.

With no one speaking, Mayor Fulk closed the public hearing.

**ORDINANCE NO. 3912-5-22:** AN ORDINANCE OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING ARTICLE IV “ZONING REGULATIONS” OF THE ALLEN LAND DEVELOPMENT CODE, AS AMENDED, BY AMENDING IN ITS ENTIRETY SECTION 4.10 “RESIDENTIAL ACCESSORY USE REGULATIONS” REGARDING THE

REGULATION OF ACCESSORY STRUCTURES IN RESIDENTIAL ZONING DISTRICTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000) DOLLARS FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION:** Upon a motion made by Councilmember Clemencich and a second by Councilmember Meis, the Council voted seven (7) for and none (0) opposed to approve Ordinance No. 3912-5-22, as previously captioned, to amend in its entirety Section 4.10 of the Allen Land Development Code adopting standards relating to accessory uses and structures within residential districts. The motion carried.

**6. Other Business**

**6.1 Calendar**

- May 16 – Canvass of the Election, 5:30 p.m.

**6.2 Items of Interest**

- Mayor Pro Tem Brooks announced the Dallas Card Show will return to the Marriott at Watters Creek on May 19-22.
- Councilmember Schulmeister expressed appreciation to Tritech for inviting Council to attend the National Day of Prayer event at their office.
- Mayor Pro Tem Brooks encouraged residents to sign up for the Stop the Bleed program offered through the Allen Fire Department this June.
- Mayor Pro Tem Brooks recognized the Keep Allen Beautiful Board and the City's waste services staff for participating in two events during Earth Day recently. They provided recycling and litter prevention information to over 300 people at events at AISD Steam Center and Allen Premium Outlets.
- Councilmember Cornette announced the All Community Outreach (ACO) is recruiting volunteers for this summer.
- Mayor Pro Tem Brooks shared a reminder about the ACO's Kids Summer Food Program that helps provide children in need with bags of healthy and easy-to-make breakfast and lunch foods during the summer months.

**7. Executive Session**

The Executive Session was not held.

**7.1 Reconvene and Consider Action on Items Resulting from Executive Session.**

**8. Adjournment**

Mayor Fulk adjourned the Regular Meeting of the Allen City Council at 8:57 p.m. on Tuesday, May 10, 2022.



These minutes were approved on the 24<sup>th</sup> day of May 2022.

**APPROVED:**

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**Kenneth M. Fulk, MAYOR**

**ATTEST:**

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**Shelley B. George, TRMC, CITY SECRETARY**

<b>CITY COUNCIL REGULAR MEETING AGENDA COMMUNICATION</b>
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<b>AGENDA DATE:</b>	May 24, 2022
<b>AGENDA CAPTION:</b>	Approve Minutes of the May 16, 2022, Special Called City Council Meeting to Canvass the Election Results.
<b>STAFF RESOURCE:</b>	Shelley B. George, City Secretary
<b>STRATEGIC PLANNING GOAL:</b>	Financially Sound and Transparent City Government.

**ATTACHMENT(S)**

[051622\\_canvass.docx](#)

**ALLEN CITY COUNCIL  
SPECIAL CALLED MEETING  
CANVASS OF THE ELECTION  
MAY 16, 2022**

**Present:**

Kenneth M. Fulk, Mayor

**Councilmembers:**

Baine Brooks, Mayor Pro Tem (absent)  
Daren Meis (arrived 5:31 p.m.)  
Carl Clemencich (absent)  
Dave Cornette  
Chris Schulmeister (absent)  
Dave Shafer (absent)

**City Staff:**

Eric Ellwanger, City Manager (absent)  
Eric Strong, Deputy City Manager (absent)  
Tim Dentler, Assistant City Manager  
Rebecca Vice, Assistant City Manager  
Shelley B. George, City Secretary  
Rocio Gonzalez, Deputy City Secretary  
Teresa Warren, Director of Public and Media Relations (absent)  
Peter G. Smith, City Attorney (absent)

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

With a quorum of the Councilmembers present, the Special Called Meeting of the Allen City Council was called to order by Mayor Fulk at 5:30 p.m. on Monday, May 16, 2022, in the Council Chambers of the Allen City Hall, 305 Century Parkway, Allen, Texas. In accordance with Section 67.004.a. of the Texas Election Code, two members of the authority constitute a quorum for purposes of canvassing an election.

**Consider All Matters Incident  
and Related to the General Election Held on May 7, 2022**

- 1. Conduct the Canvass of Election Returns and Adopt a Resolution Declaring the Results of the Joint General Election for City Councilmembers held on May 7, 2022.**

Ms. George reviewed for the City Council the election returns for the City Council General Election for the City Councilmembers for Place Nos. 4 and 6. She distributed and reviewed handout materials including early voting totals, Election Day totals, and the combined Election totals. She also reviewed voting statistics including 68,732 registered voters and 8,117 total votes, which indicated a 11.8% voter turnout. Any votes cast by military overseas ballots (FPCA - Federal Post Card Application) and provisional ballots have been verified by the Early Voting Ballot Board and are included in the verified totals. The totals verified the following results:

	EARLY VOTES CAST	BALLOTS BY MAIL	REGULAR VOTES CAST	PROVIS- IONAL BALLOTS	TOTAL VOTES CAST
<b>COUNCILMEMBER PLACE NO. 4</b>					
CHRIS SCHULMEISTER	3,459	360	1,529	6	5,354
NATHAN POLSKY	1,177	79	552	1	1,809
<b>COUNCILMEMBER PLACE NO. 6</b>					
SRINI RAGHAVAN	2,237	153	1,064	5	3,459
BEN TRAHAN	2,625	287	1,182	2	4,096

**RESOLUTION NO. 3913-5-22(R)**: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, DECLARING THE RESULTS OF THE JOINT GENERAL ELECTION OF THE CITY OF ALLEN HELD MAY 7, 2022, FOR THE PURPOSE OF ELECTING THE CITY COUNCILMEMBERS FOR PLACE NOS. 4 AND 6; AND PROVIDING AN EFFECTIVE DATE.

**MOTION:** Upon a motion by Councilmember Cornette and a second by Councilmember Meis, the Council voted three (3) for and none (0) opposed to approve Resolution No. 3913-5-22(R), as previously captioned, declaring the results of the May 7, 2022, Joint General Election. The motion carried.

Mayor Fulk announced that the Canvass of the Election was completed.

**Adjourn**

Mayor Fulk adjourned the Special Called Meeting of the Allen City Council at 5:04 p.m. on Monday, May 16, 2022.

These minutes approved on the 24<sup>th</sup> day of May 2022.

**APPROVED:**

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**Kenneth M. Fulk, MAYOR**

**ATTEST:**

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**Shelley B. George, TRMC, CITY SECRETARY**

<b>CITY COUNCIL REGULAR MEETING AGENDA COMMUNICATION</b>
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**AGENDA DATE:** May 24, 2022

**AGENDA CAPTION:** Adopt a Resolution authorizing the City Manager to execute contract amendments associated with the Interlocal Agreement executed on February 24, 2021, with Collin County regarding funding and implementation of the Emergency Rental Assistance Program funded by Collin County and the U.S. Treasury through the conclusion of the program on September 30, 2022.

**STAFF RESOURCE:** Erin Jones, Planning Manager

**PREVIOUS COUNCIL ACTION:** February 23, 2021, City Council adopted Resolution No. 3806-2-21(R) approving an Interlocal Agreement with Collin County regarding funding and implementation of the Emergency Rental Assistance Program funded by Collin County and the U.S. Treasury.

**STRATEGIC PLANNING GOAL:** Safe and Livable Community for All.

**BACKGROUND**

The federal Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") established the Coronavirus Relief Fund to be used to make payments to States and certain local governments for COVID relief efforts. Collin County was a direct recipient of funding through this program.

The Collin County Commissioners Court allocated a portion of their funding for emergency rental assistance to the City of Allen in the amount of \$2,909,435 to aid residents of Allen. The CARES Act requires that these funds be expended by September 30, 2022.

As of March 31, 2022, the City of Allen has expended \$2,313,157. Based on projections, the City's funds will be depleted by June 2022, leaving residents without aid for the remaining two months of the program.

Since the Cities of Plano, McKinney and the Collin County Programs still have adequate funding to pay rents and utilities through the September 30, 2022, deadline, Allen residents will be at a disadvantage if action is not taken to redistribute funds. To that end, Collin County has proposed reallocating \$660,000 of the County's remaining funds to the City of Allen.

Based on past programs, Staff knows that it is difficult to project spending down to the penny towards the end of programs. To allow for the most flexibility in the reallocation of funds, this resolution is written to allow the City Manager to amend the ILA with the County up until the September 30, 2022 deadline. This will allow for last-minute changes in funding to ensure eligible Allen residents receive funding until the last day of the program, which is consistent with the rest of Collin County.

### **BUDGETARY IMPACT**

These grant funds are provided by Collin County through the U.S. Treasury and do not directly impact the City's general fund.

### **STAFF RECOMMENDATION**

Staff recommends that the City Council adopt a Resolution authorizing the City Manager to execute contract amendments associated with the Interlocal Agreement executed on February 24, 2021, with Collin County regarding funding and implementation of the Emergency Rental Assistance Program funded by Collin County and the U.S. Treasury through the conclusion of the program on September 30, 2022.

### **MOTION**

*I make a motion to adopt Resolution No. \_\_\_\_\_ authorizing the City Manager to execute contract amendments associated with the Interlocal Agreement executed on February 24, 2021, with Collin County regarding funding and implementation of the Emergency Rental Assistance Program funded by Collin County and the U.S. Treasury through the conclusion of the program on September 30, 2022.*

### **ATTACHMENT(S)**

[Resolution](#)

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT AMENDMENTS ASSOCIATED WITH THE INTERLOCAL COOPERATION AGREEMENT (ILA) APPROVED ON FEBRUARY 24, 2021, BY AND BETWEEN THE CITY OF ALLEN AND COLLIN COUNTY, TEXAS, FOR THE FUNDING AND IMPLEMENTATION OF AN COVID-19 EMERGENCY RENTAL ASSISTANCE PROGRAM UNTIL THE PROGRAM CLOSES ON SEPTEMBER 30, 2022; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, authorizes governmental entities to contract with each other to perform government functions and services under the terms thereof; and,

**WHEREAS**, Collin County received federal funding under the Coronavirus Aid, Relief, and Economic Security Act (hereinafter “CARES ACT”) to address and respond to the effects of the COVID-19 emergency specifically associated with rental assistance. and,

**WHEREAS**, the Allen City Council was presented and approved the ILA by and between Collin County, Texas, and the City of Allen, Texas, providing terms and conditions for providing funding and implementation of an Emergency Rental Assistance Program under the CARES ACT on February 24, 2021; and,

**WHEREAS**, City Staff has been implementing the program since that time and has determined with Collin County that a redistribution of funds from the County to the City is necessary to complete the program and best serve Allen residents,

**WHEREAS**, upon full review and consideration of this matter, the City Council is of the opinion and finds that the City Manager or designee should be authorized to execute amendments to the ILA on behalf of the City of Allen, Texas, until the completion of the program on September 30, 2022.

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

**SECTION 1.** The City Manager or designee is hereby authorized to execute amendments to the ILA and all other documents in connection therewith on behalf of the City of Allen up until the conclusion of the program on September 30, 2022,

**SECTION 2.** This Resolution shall become effective from and after its passage.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 24<sup>TH</sup> DAY OF MAY 2022.**

**APPROVED:**

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**Kenneth M. Fulk, MAYOR**

**ATTEST:**

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**Shelley B. George, TRMC, CITY SECRETARY**

## CITY COUNCIL REGULAR MEETING AGENDA COMMUNICATION

<b>AGENDA DATE:</b>	May 24, 2022
<b>AGENDA CAPTION:</b>	Award bid and authorize the City Manager to execute an agreement with HQS Construction, LLC, for the 2022 Streets and Alley Rehabilitation Project for \$1,932,009.
<b>STAFF RESOURCE:</b>	Chris Flanigan, Director of Engineering
<b>STRATEGIC PLANNING GOAL:</b>	Financially Sound and Transparent City Government.

### **BACKGROUND**

The systematic repair and replacement of aging, cracked, and failing pavement is part of our ongoing maintenance program. By removing and replacing panels of concrete, the life span of the roadway is extended. Annual contracts, just like this, have been implemented in prior years:

#### **Awarded Value of Previous Street and Alley Rehabilitation Contracts**

Fiscal Year 2018	\$ 1,407,431
Fiscal Year 2019	\$ 891,478
Fiscal Year 2020	\$ 1,111,172
Fiscal Year 2021	\$ 967,050

Included in the city-wide project for this fiscal year are approximately 270 square yards of alley pavement reconstruction, 11,300 square yards of roadway pavement repair, associated curb and gutter repair, barrier-free ramps, and incidental items (traffic control, grass restoration, etc.) associated with the repairs at various locations. As part of this project, the City will also be reducing the pavement width of Bray Central Drive from Ridgeview Drive to Estes Park Drive. This section of Bray Central has houses only on the East side of the street but no driveways. The pavement has been deteriorating for quite some time, presumably due to nearby trees, with large areas in disrepair. In 2019, striping was placed on the roadway to discourage traffic from utilizing approximately 13' of the roadway width. Rather than replace the concrete in this area, the pavement will be removed for a cost-saving in concrete. This interim measure has proven that Bray Central Drive is wider than necessary in this location. Consequently, this is a practical (and creative) cost-saving measure.

On April 21, 2022, two (2) bids were received, each proposing the time they would complete the project (in calendar days) and the price they were bidding. The scope of work was organized into pieces to see what we could complete within budget - a base bid and several alternates to be evaluated as options. A comparison of the two bids (base bid and alternates #2 and #3) is below:

#### **Bid 2022-3-65**

Contractor	Calendar Days	Bid Amount
HQS Construction, LLC	580	\$ 1,840,820
Urban Infrastructure	405	\$ 2,299,939



This project was competitively bid and publicly advertised, with terms for selection based on “best value.” Upon reviewing the price proposals, reference checks, past work experience of each bidder, and the time of completion bid on the project, it is recommended to award the contract to HQS Construction, LLC.

### **BUDGETARY IMPACT**

The total budget and proposed funding sources are as follows, below. The amount of funding is within the allocations approved with the FY22 annual budget.

#### **ST2202 – 2022 Street and Alley Rehabilitation Project (Various Locations) Award Itemization**

Bid Amount	\$ 1,840,820
Contingency (5%)	\$ 184,082
<b>TOTAL AWARD AMOUNT</b>	<b>\$ 1,932,009</b>

#### **ST2202 – 2022 Street and Alley Rehabilitation Project (Various Locations) Project Funding Source**

<b>Funding Source</b>	<b>Proposed</b>
GO BOND	\$ 570,000
CITY COUNCIL STRATEGIC NON-BOND	\$ 760,952
SOLID WASTE	\$ 601,057
<b>TOTAL</b>	<b>\$ 1,932,009</b>

### **STAFF RECOMMENDATION**

Staff recommends that Council award bid and authorize the City Manager to execute an agreement with HQS Construction, LLC, for the 2022 Streets and Alley Rehabilitation Project for \$1,932,009.

### **MOTION**

*I make a motion to award bid and authorize the City Manager to execute an agreement with HQS Construction, LLC, for the 2022 Streets and Alley Rehabilitation Project for \$1,932,009.*

### **ATTACHMENT(S)**

[Agreement](#)  
[Bidders Proposal - 2022 Streets-Alleys](#)  
[LOCATION MAP](#)

**EXHIBIT 9  
STANDARD FORM OF AGREEMENT**

STATE OF TEXAS }  
COUNTY OF COLLIN }

**THIS AGREEMENT**, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, of 2022, by and between The City of Allen, Texas, a municipal corporation, of the County of Collin and State of Texas, acting through Its City Manager \_\_\_\_\_ thereunto duly authorized so to do, Party of the First Part, hereinafter termed OWNER, and HQS Construction LLC of the City of Plano, County of Collin and State of Texas, Party of the Second Part, hereinafter termed CONTRACTOR.

**WITNESSETH:** That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the Party of the First Part (OWNER), and under the conditions expressed in the bond bearing even date herewith, the said Party of the Second Part (CONTRACTOR), hereby agrees with the said Party of the First Part (OWNER) to commence and complete the construction of certain improvements described as follows:

**2022 STREET AND ALLEY REHABILITATION, VARIOUS LOCATIONS**

and all extra work in connection therewith, under the terms as stated in the General Conditions of the Agreement and at his (or their) own proper cost and expense to furnish all the materials, supplies, machinery, equipment, tools, superintendence, labor, insurance, and other accessories and services necessary to complete the said construction, in accordance with the conditions and prices stated in the Proposal attached hereto, and in accordance with the Notice to Contractors, General and Special Conditions of Agreement, Plans and other drawings and printed or written explanatory matter thereof, and the Specifications and addenda together with the CONTRACTOR'S written Proposal, the General Conditions of the Agreement, and the Performance and Payment Bonds hereto attached; all of which are made a part hereof and collectively evidence and constitute the entire contract.

The CONTRACTOR hereby agrees to commence work within ten (10) days after the date written notice to do so shall have been given to him, and to substantially complete the same within Five Hundred Eighty ( 580 ) **calendar days** after the date of the written notice to commence work, subject to such extensions of time as are provided by the General and Special Conditions.

THE OWNER agrees to pay the CONTRACTOR in current funds the price or prices shown in the proposal, which forms a part of this contract, such payments to be subject to the General and Special Conditions of the contract.

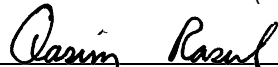
**IN WITNESS WHEREOF**, the parties to these presents have executed this Agreement in the year and day first above written.

**CITY OF ALLEN, TEXAS**  
Party of the First Part (OWNER)

By \_\_\_\_\_  
Eric Ellwanger, City Manager

**Attest** \_\_\_\_\_  
Shelley B. George, City Secretary

HQS Construction, LLC  
Party of the Second Part (CONTRACTOR)

By 

**Attest** 

BASE BID					
ITEM NO.	EST QNTY	UNIT	DESCRIPTION AND PRICE IN WORDS	UNIT PRICE IN FIGURES	EXTENDED AMOUNT
1	1	LS	Mobilization, Bonds, Insurance and all Permitting (entire project), complete, for the Lump Sum of _____ Dollars & _____ Cents Lump Sum	\$100,000.00	\$100,000.00
2	1	LS	Provide Construction Material Testing of subgrade and concrete as specified in the plans including all incidentals utilizing City approved _____ Dollars & _____ Cents Lump Sum	\$25,000.00	\$25,000.00
3	3	MO	For temporary portable arrow boards (2) and all incidentals for the sum of _____ Dollars & _____ Cents Per Month	\$500.00	\$1,500.00
4	3	MO	For temporary portable message boards (2) and all incidentals for the sum of _____ Dollars & _____ Cents Per Month	\$4,000.00	\$12,000.00
5	1	LS	Traffic Control for single lane closure of arterial or collector roadways, including all incidentals for the sum of _____ Dollars & _____ Cents Lump Sum	\$10,000.00	\$10,000.00
6	1	LS	Temporary Traffic signal for Bolin drive, including all incidentals for the sum of _____ Dollars & _____ Cents Lump Sum	\$7,500.00	\$7,500.00
7	1	LS	Erosion Control for all disturbed areas, including inlet sediment barriers and all incidentals for the Lump Sum of _____ Dollars & _____ Cents Lump Sum	\$2,500.00	\$2,500.00
8	7,940	SY	Saw, remove and dispose of existing reinforced or non-reinforced concrete street, alley, sidewalk, curb ramp, pavers, median pavers, median nose, ramp, or curb including all incidentals for the sum of _____ Dollars & _____ Cents Per Square Yard	\$18.00	\$142,920.00

9	521	CY	Unclassified roadway or alley excavation including all clearing, hauling and disposal of surplus for the sum of _____ Dollars & _____ Cents Per Cubic Yard	\$25.00	\$13,025.00
10	3,200	SY	Construct 8 inch Class C, 3600 psi, reinforced concrete street paving, to include but not limited to integral curb, striping, and manhole /valve adjust including all incidentals for the sum of _____ Dollars & _____ Cents Per Square Yard	\$95.00	\$304,000.00
10	200	SY	Construct 9 inch Class C, 3600 psi, reinforced concrete bridge approach slab, to include but not limited to integral curb, striping, and manhole /valve adjust including all incidentals for the sum of _____ Dollars & _____ Cents Per Square Yard	\$105.00	\$21,000.00
11	2,850	SY	Construct 10 inch Class C, 3600 psi, reinforced concrete street paving, to include but not limited to integral curb, striping, and manhole /valve adjust including all incidentals for the sum of _____ Dollars & _____ Cents Per Square Yard	\$115.00	\$327,750.00
12	270	SY	Construct 8-4-8 inch Class C, 3600 psi, strength reinforced concrete alley paving, including all incidentals for the sum of _____ Dollars & _____ Cents Per Square Yard	\$100.00	\$27,000.00
12	1,000	LF	Construct 3600 psi, strength reinforced concrete curb and gutter, including all incidentals for the sum of _____ Dollars & _____ Cents Per Linear Foot	\$55.00	\$55,000.00
13	100	CY	Furnish and install flexible base, including all incidentals for the sum of _____ Dollars & _____ Cents Per Cubic Yard	\$45.00	\$4,500.00
14	20	SY	Construct 4 inch Class C, 3600 psi, reinforced concrete sidewalk paving, including all incidentals for the sum of _____ Dollars & _____ Cents Per Square Yard	\$60.00	\$1,200.00

15	2	EA	Rent, furnish and install OMJC Pop-up HD 25' over the road mast arm length to include 1- 5 section head (dog house) and 2 – 3 section heads (Shall have capability to provide knockdown support) including all incidentals _____ Dollars & _____ Cents Lump Sum	\$10,000.00	\$20,000.00
16	550	CY	Furnish and install fill material including all incidentals for the sum of _____ Dollars & _____ Cents Per Cubic Yard	\$30.00	\$16,500.00
17	2,150	SY	Furnish and install block sodding (match existing type), including 4 inches of top soil and watering until established, including all incidentals for the sum of _____ Dollars & _____ Cents Per Square Yard	\$12.00	\$25,800.00

**TOTAL - STREET AND ALLEY REHABILITATION BASE BID:** **\$1,117,195.00**

**CALENDAR DAYS** **300**

ALTERNATE 1					
ITEM NO.	EST QNTY	UNIT	DESCRIPTION AND PRICE IN WORDS	UNIT PRICE IN FIGURES	EXTENDED AMOUNT
A1-1	1	LS	Provide Construction Material Testing of subgrade and concrete as specified in the plans including all incidentals utilizing City approved firm for the Lump Sum of _____ Dollars & _____ Cents Lump Sum	\$15,000.00	\$15,000.00
A1-2	1	MO	For temporary portable arrow boards (2) and all incidentals for the sum of _____ Dollars & _____ Cents Per Month	\$500.00	\$500.00
A1-3	1	LS	Traffic Control for single lane closure of arterial or collector roadways, including all incidentals for the sum of _____ Dollars & _____ Cents Lump Sum	\$10,000.00	\$10,000.00
A1-4	1	LS	Erosion Control for all disturbed areas, including inlet sediment barriers and all incidentals for the Lump Sum of _____ Dollars & _____ Cents Lump Sum	\$2,500.00	\$2,500.00
A1-5	7,255	SY	Saw, remove and dispose of existing reinforced or non-reinforced concrete street, alley, sidewalk, curb ramp, pavers, median pavers, median nose, ramp, or curb including all incidentals for the sum of _____ Dollars & _____ Cents Per Square Yard	\$18.00	\$130,590.00
A1-6	600	CY	Unclassified roadway or alley excavation including all clearing, hauling and disposal of surplus for the sum of _____ Dollars & _____ Cents Per Cubic Yard	\$25.00	\$15,000.00
A1-7	7,200	SY	Construct 8 inch Class C, 3600 psi, reinforced concrete street paving, to include but not limited to integral curb, striping, and manhole /valve adjust including all incidentals for the sum of _____ Dollars & _____ Cents Per Square Yard	\$95.00	\$684,000.00
A1-8	50	CY	Furnish and install flexible base, including all incidentals for the sum of _____ Dollars & _____ Cents Per Square Yard	\$45.00	\$2,250.00
A1-9	45	SY	Construct 4 inch Class C, 3600 psi, reinforced concrete sidewalk paving, including all incidentals for the sum of _____ Dollars & _____ Cents Per Square Yard	\$60.00	\$2,700.00
A1-10	3	EA	Construct 4 inch Class C, 3600 psi, reinforced concrete barrier free ramp, including truncated domed pavers and all incidentals for the sum of _____ Dollars & _____ Cents Per Each	\$2,200.00	\$6,600.00
A1-11	380	SY	Furnish and install block sodding (match existing type), including 4 inches of top soil and watering until established, including all incidentals for the sum of _____ Dollars & _____ Cents Per Square Yard	\$12.00	\$4,560.00

**TOTAL - STREET AND ALLEY REHABILITATION ALTERNATE 1: \$873,700.00**

**CALENDAR DAYS 210**

ALTERNATE 2					
ITEM NO.	EST QNTY	UNIT	DESCRIPTION AND PRICE IN WORDS	UNIT PRICE IN FIGURES	EXTENDED AMOUNT
A2-1	1	LS	Provide Construction Material Testing of subgrade and concrete as specified in the plans including all incidentals utilizing City Dollars & _____ Cents Lump Sum	\$15,000.00	\$15,000.00
A2-2	2	MO	For temporary portable arrow boards (2) and all incidentals for the sum of Dollars & _____ Cents Per Month	\$500.00	\$1,000.00
A2-3	2	MO	For temporary portable message boards (2) and all incidentals for the sum of Dollars & _____ Cents Per Month	\$4,000.00	\$8,000.00
A2-4	1	LS	Traffic Control for single lane closure of arterial or collector roadways, including all incidentals for the sum of Dollars & _____ Cents Lump Sum	\$10,000.00	\$10,000.00
A2-5	1	LS	Erosion Control for all disturbed areas, including inlet sediment barriers and all incidentals for the Lump Sum of Dollars & _____ Cents Lump Sum	\$2,500.00	\$2,500.00
A2-6	1,750	SY	Saw, remove and dispose of existing reinforced or non-reinforced concrete street, alley, sidewalk, curb ramp, pavers, median pavers, median nose, ramp, or curb including all incidentals for the sum of Dollars & _____ Cents Per Square Yard	\$18.00	\$31,500.00
A2-7	130	CY	Unclassified roadway or alley excavation including all clearing, hauling and disposal of surplus for the sum of Dollars & _____ Cents Per Cubic Yard	\$25.00	\$3,250.00
A2-8	1550	SY	Construct 8 inch Class C, 3600 psi, reinforced concrete street paving, to include but not limited to integral curb, striping, and Dollars & _____ Cents Per Square Yard	\$95.00	\$147,250.00
A2-9	200	SY	Construct 10 inch Class C, 3600 psi, reinforced concrete street Dollars & _____ Cents Per Square Yard	\$115.00	\$23,000.00
A2-10	90	SY	Furnish and install block sodding (match existing type), including 4 inches of top soil and watering until established, including all incidentals for the sum of Dollars & _____ Cents Per Square Yard	\$12.00	\$1,080.00

**TOTAL - STREET AND ALLEY REHABILITATION ALTERNATE** **\$242,580.00**

**CALENDAR DAYS** **120**

ALTERNATE 3					
ITEM NO.	EST QNTY	UNIT	DESCRIPTION AND PRICE IN WORDS	UNIT PRICE IN FIGURES	EXTENDED AMOUNT
A3-1	1	LS	Provide Construction Material Testing of subgrade and concrete as specified in the plans including all incidentals utilizing City _____ Dollars & _____ Cents Lump Sum	\$15,000.00	\$15,000.00
A3-2	2	MO	For temporary portable arrow boards (2) and all incidentals for the sum of _____ Dollars & _____ Cents Per Month	\$500.00	\$750.00
A3-3	2	MO	For temporary portable message boards (2) and all incidentals for the sum of _____ Dollars & _____ Cents Per Month	\$4,000.00	\$6,000.00
A3-4	1	LS	Traffic Control for single lane closure of arterial or collector roadways, including all incidentals for the sum of _____ Dollars & _____ Cents Lump Sum	\$10,000.00	\$10,000.00
A3-5	1	LS	Erosion Control for all disturbed areas, including inlet sediment barriers and all incidentals for the Lump Sum of _____ Dollars & _____ Cents Lump Sum	\$2,500.00	\$2,500.00
A3-6	3,300	SY	Saw, remove and dispose of existing reinforced or non-reinforced concrete street, alley, sidewalk, curb ramp, pavers, median pavers, _____ Dollars & _____ Cents Per Square Yard	\$18.00	\$59,400.00
A3-7	275	CY	Unclassified roadway or alley excavation including all clearing, hauling and disposal of surplus for the sum of _____ Dollars & _____ Cents Per Cubic Yard	\$25.00	\$6,875.00
A3-8	3300	SY	Construct 10 inch Class C, 3600 psi, reinforced concrete street paving, to include but not limited to integral curb, striping, and _____ Dollars & _____ Cents Per Square Yard	\$115.00	\$379,500.00
A3-9	85	SY	Furnish and install block sodding (match existing type), including 4 inches of top soil and watering until established, including all incidentals for the sum of _____ Dollars & _____ Cents Per Square Yard	\$12.00	\$1,020.00

**TOTAL - STREET AND ALLEY REHABILITATION ALTERNATE \$481,045.00**

**CALENDAR DAYS 160**



ALTERNATE 4					
ITEM NO.	EST QNTY	UNIT	DESCRIPTION AND PRICE IN WORDS	UNIT PRICE IN FIGURES	EXTENDED AMOUNT
A4-1	1	LS	Provide Construction Material Testing of subgrade and concrete as specified in the plans including all incidentals utilizing City approved _____ Dollars & _____ Cents Lump Sum	\$15,000.00	\$15,000.00
A4-2	1.5	MO	For temporary portable arrow boards (2) and all incidentals for the sum of _____ Dollars & _____ Cents Per Month	\$500.00	\$750.00
A4-3	1.5	MO	For temporary portable message boards (2) and all incidentals for the sum of _____ Dollars & _____ Cents Per Month	\$4,000.00	\$6,000.00
A4-4	1	LS	Traffic Control for single lane closure of arterial or collector roadways, including all incidentals for the sum of _____ Dollars & _____ Cents Lump Sum	\$10,000.00	\$10,000.00
A4-5	1	LS	Erosion Control for all disturbed areas, including inlet sediment barriers and all incidentals for the Lump Sum of _____ Dollars & _____ Cents Lump Sum	\$2,500.00	\$2,500.00
A4-6	4,695	SY	Saw, remove and dispose of existing reinforced or non-reinforced concrete street, alley, sidewalk, curb ramp, pavers, median pavers, median nose, ramp, or curb including all incidentals for the sum of _____ Dollars & _____ Cents Per Square Yard	\$18.00	\$84,510.00
A4-7	384	CY	Unclassified roadway or alley excavation including all clearing, hauling and disposal of surplus for the sum of _____ Dollars & _____ Cents Per Cubic Yard	\$25.00	\$9,600.00
A4-8	4600	SY	Construct 10 inch Class C, 3600 psi, reinforced concrete street paving, to include but not limited to integral curb, striping, and manhole /valve _____ Dollars & _____ Cents Per Square Yard	\$115.00	\$529,000.00
A4-9	95	SY	Construct 4 inch Class C, 3600 psi, reinforced concrete sidewalk _____ Dollars & _____ Cents Per Square Yard	\$60.00	\$5,700.00
A4-10	6	EA	Construct 4 inch Class C, 3600 psi, reinforced concrete barrier free ramp, including truncated domed pavers and all incidentals for the sum of _____ Dollars & _____ Cents Per Each	\$2,200.00	\$13,200.00
A4-11	420	SY	Furnish and install block sodding (match existing type), including 4 inches of top soil and watering until established, including all incidentals for the sum of _____ Dollars & _____ Cents Per Square Yard	\$12.00	\$5,040.00

**TOTAL - STREET AND ALLEY REHABILITATION ALTERNATE 4: \$681,300.00**

**CALENDAR DAYS 180**

ALTERNATE 4					
ITEM NO.	EST QNTY	UNIT	DESCRIPTION AND PRICE IN WORDS	UNIT PRICE IN FIGURES	EXTENDED AMOUNT
A5-1	1	LS	Provide Construction Material Testing of subgrade and concrete as specified in the plans including all incidentals utilizing City approved firm for the Lump Sum of _____ Dollars & _____ Cents Lump Sum	\$15,000.00	\$15,000.00
A5-2	1	MO	For temporary portable arrow boards (2) and all incidentals for the sum of _____ Dollars & _____ Cents Per Month	\$500.00	\$250.00
A5-3	1	LS	Traffic Control for single lane closure of arterial or collector roadways, including all incidentals for the sum of _____ Dollars & _____ Cents Lump Sum	\$10,000.00	\$10,000.00
A5-4	1	LS	Erosion Control for all disturbed areas, including inlet sediment barriers and all incidentals for the Lump Sum of _____ Dollars & _____ Cents Lump Sum	\$2,500.00	\$2,500.00
A5-5	530	LF	Saw, remove and dispose of existing reinforced or non-reinforced concrete curb and gutter including all incidentals for the sum of _____ Dollars & _____ Cents Per Linear Foot	\$18.00	\$9,540.00
A5-6	328	CY	Unclassified roadway or alley excavation including all clearing, hauling and disposal of surplus for the sum of _____ Dollars & _____ Cents Per Cubic Yard	\$25.00	\$8,200.00
A5-7	740	SY	Construct 9 inch Class C, 3600 psi, reinforced concrete street paving, to include but not limited to integral curb, striping, and manhole /valve adjust including all incidentals for the sum of _____ Dollars & _____ Cents Per Square Yard	\$105.00	\$77,700.00
A5-8	780	SY	Pulverizing, mixing and compacting 6 inch thick lime treated subgrade compacted to 95% proctor density 1 foot past curb for the sum of _____ Dollars & _____ Cents Per Square Yard	\$55.00	\$42,900.00
A5-9	1	EA	Furnish and install 8" white stripe including all incidentals for the sum of _____ Dollars & _____ Cents Per Square Yard	\$1,000.00	\$1,000.00
A5-10	100	LF	Furnish and install 8" white stripe including all incidentals for the sum of _____ Dollars & _____ Cents Per Linear Foot	\$25.00	\$2,500.00
A5-11	110	SY	Furnish and install block sodding (match existing type), including 4 inches of top soil and watering until established, including all incidentals for the sum of _____ Dollars & _____ Cents Per Square Yard	\$12.00	\$1,320.00

**TOTAL - STREET AND ALLEY REHABILITATION ALTERNATE 5: \$170,910.00**

**CALENDAR DAYS 120**

### PROPOSAL SUMMARY

TOTAL STREET AND ALLEY REHABILITATION BASE BID	\$1,117,195.00
TOTAL STREET AND ALLEY REHABILITATION ALTERNATE #1	\$873,700.00
TOTAL STREET AND ALLEY REHABILITATION ALTERNATE #2	\$242,580.00
TOTAL STREET AND ALLEY REHABILITATION ALTERNATE #3	\$481,045.00
TOTAL STREET AND ALLEY REHABILITATION ALTERNATE #4	\$681,300.00
TOTAL STREET AND ALLEY REHABILITATION ALTERNATE #5	\$170,910.00

CALENDAR DAYS BASE BID:	300
CALENDAR DAYS ALTERNATE BID #1:	210
CALENDAR DAYS ALTERNATE BID #2:	120
CALENDAR DAYS ALTERNATE BID #3:	160
CALENDAR DAYS ALTERNATE BID #4:	180
CALENDAR DAYS ALTERNATE BID #5:	120

<u>TOTAL BID</u>	<u>\$1,117,195.00</u>
<u>TOTAL BID + ALTERNATE #1</u>	<u>\$1,990,895.00</u>
<u>TOTAL BID + ALTERNATE #2</u>	<u>\$1,359,775.00</u>
<u>TOTAL BID + ALTERNATE #3</u>	<u>\$1,598,240.00</u>
<u>TOTAL BID + ALTERNATE #4</u>	<u>\$1,798,495.00</u>
<u>TOTAL BID + ALTERNATE #5</u>	<u>\$1,288,105.00</u>

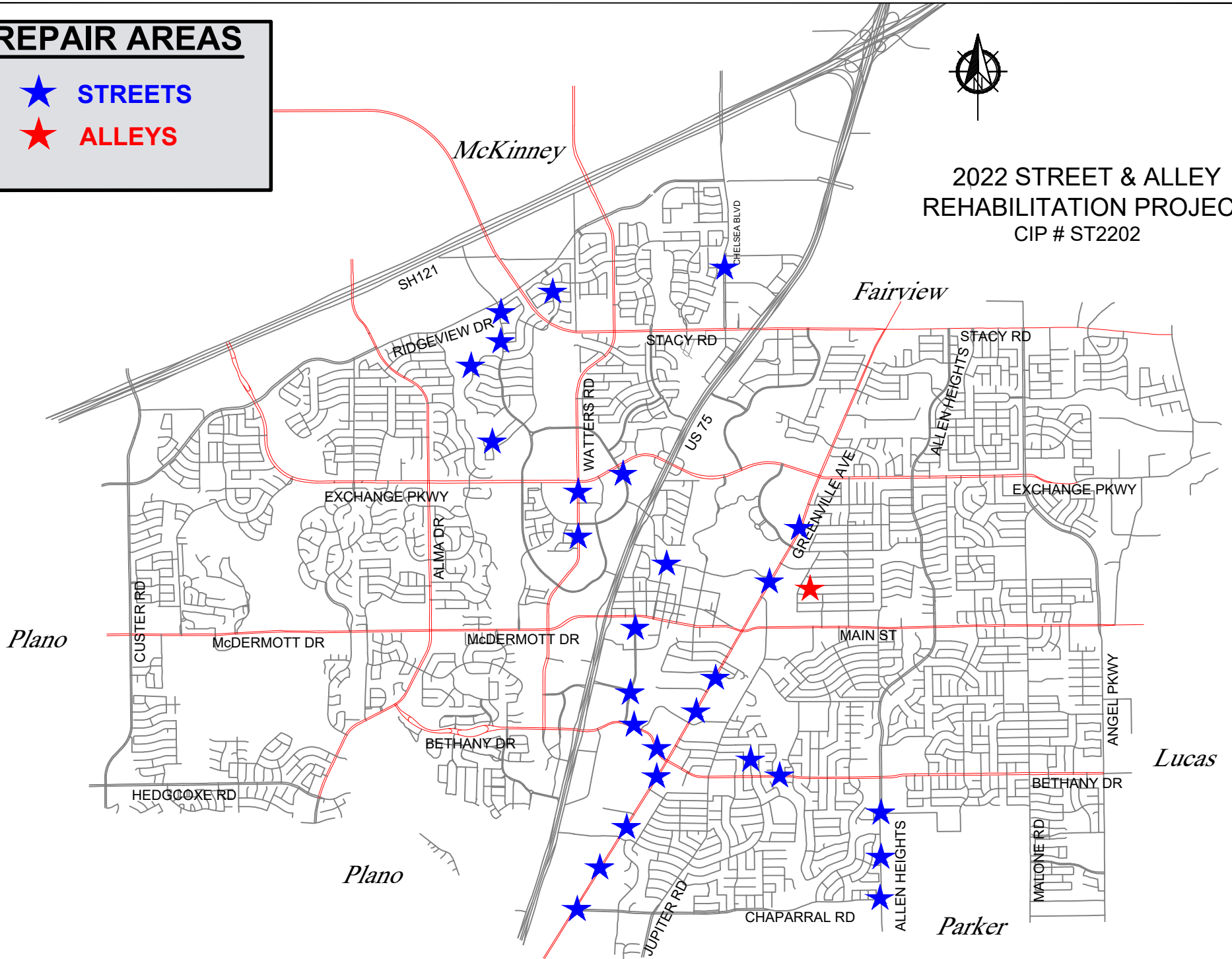
The City of Allen reserves the right to award the base bid and any combination of alternates by signing the Bid Endorsement and Standard Form of Agreement.

# REPAIR AREAS

- ★ STREETS
- ★ ALLEYS



## 2022 STREET & ALLEY REHABILITATION PROJECT CIP # ST2202



## CITY COUNCIL REGULAR MEETING AGENDA COMMUNICATION

<b>AGENDA DATE:</b>	May 24, 2022
<b>AGENDA CAPTION:</b>	Award bid and authorize the City Manager to execute an agreement with Flow-Line Construction, Inc., for the Sloan Creek Waterline Project for \$4,648,570.
<b>STAFF RESOURCE:</b>	Chris Flanigan, Director of Engineering
<b>PREVIOUS COUNCIL ACTION:</b>	October 27, 2020, City Council approved an agreement with Teague Nall and Perkins, Inc., for the design for 24-inch potable water line from Allen Commerce Drive to Ridgeview Drive.
<b>STRATEGIC PLANNING GOAL:</b>	Financially Sound and Transparent City Government.

### **BACKGROUND**

In preparation for the eventual development of the Sloan Corners West Property, located at the SH121 and US75 interchange, it is important to plan and establish a reliable water supply to the property for ultimate conditions and density. The proposed high-density, mixed-use design has led to revisiting the City Master Plan and water model. Upon examination, a large-diameter waterline (24-inch) is needed to meet the demands resulting from the development of the Sloan Corners West Project (formerly known as Monarch City).

Even though construction on the Sloan Corners West Project is not imminent, city staff presents this waterline project for construction to prepare for development. Construction of the project now will continue to demonstrate preparedness for development when the time arises and ensure other development in the area will not impact or obstruct our construction activities. A similar philosophy of advance installment was just completed with the Sloan Creek Gravity Sewer line for the same development. After all, given present inflation rates, the construction costs will not likely be less expensive in the future.

The waterline will take a path within the middle of Chelsea Boulevard, where future streetlights will eventually be installed. The desire is to install streetlights with this project now, so that drilled concrete foundations will not be made near the waterline years after installation. Given the absence of streetlights in this section of Chelsea Boulevard today and ensuring conflicts do not occur between the waterline and the streetlight poles, it is best to install them simultaneously.

On May 5, 2021, eight (8) bids were received, each proposing the time they would complete the project (in calendar days) and the price they were bidding. The three (3) lowest and responsive bids are below:

**Bid 2021-3-69**

<b>Contractor</b>	<b>Calendar Days</b>	<b>Bid Amount</b>
Flow-Line Construction, Inc	240	\$ 4,225,975.19
S.J. Louis Construction of Texas, LTD	300	\$ 5,234,009.34
Western Municipal Construction of Texas, LTD	300	\$ 5,473,545.95

**BUDGETARY IMPACT**

Water Impact Fees, which are paid by the development community during new construction, will be used for most of this expense. Impact fees are appropriate for capital upgrades on planned projects within the Capital Improvement Plan of the Impact Fee Study. Clearly, this project is associated with future growth and development. Median improvement fees will be used to fund the installation of streetlights within the middle of Chelsea Boulevard.

This expense is published in the current Capital Improvement Program document on page U-06 and below the established budget.

**WA2001 – Sloan Creek Waterline Project Award Itemization**

Bid Amount	\$ 4,225,975.19
Bid Contingency (10%)	\$ 422,594.81
<b>TOTAL AWARD AMOUNT</b>	<b>\$ 4,648,570.00</b>

**WA2001 – Sloan Creek Waterline Project Funds**

Impact Fees	\$ 4,360,425
Median Improvement Fees	\$ 288,145
<b>TOTAL FUNDING</b>	<b>\$ 4,648,570</b>

**STAFF RECOMMENDATION**

Staff recommends that the City Council award bid and authorize the City Manager to execute an agreement with Flow-Line Construction, Inc., for the Sloan Creek Waterline Project for \$4,648,570.

**MOTION**

***I make a motion to award bid and authorize the City Manager to execute an agreement with Flow-Line Construction, Inc., for the Sloan Creek Waterline Project for \$4,648,570.***

**ATTACHMENT(S)**

[Agreement](#)  
[Bid Tab](#)  
[Location Map](#)

**EXHIBIT 9  
STANDARD FORM OF AGREEMENT**

STATE OF TEXAS }  
COUNTY OF COLLIN }

**THIS AGREEMENT**, made and entered into this 24 day of May, of 2022, by and between The City of Allen, Texas, a municipal corporation, of the County of Collin and State of Texas, acting through its City Manager thereunto duly authorized so to do, Party of the First Part, hereinafter termed OWNER, and Flow-Line Construction, Inc. of the City of Dallas, County of Dallas and State of Texas, Party of the Second Part, hereinafter termed CONTRACTOR.

**WITNESSETH:** That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the Party of the First Part (OWNER), and under the conditions expressed in the bond bearing even date herewith, the said Party of the Second Part (CONTRACTOR), hereby agrees with the said Party of the First Part (OWNER) to commence and complete the construction of certain improvements described as follows:

**IF # 2022-4-70: 24" WATERLINE SLOAN CREEK**

and all extra work in connection therewith, under the terms as stated in the General Conditions of the Agreement and at his (or their) own proper cost and expense to furnish all the materials, supplies, machinery, equipment, tools, superintendence, labor, insurance, and other accessories and services necessary to complete the said construction, in accordance with the conditions and prices stated in the Proposal attached hereto, and in accordance with the Notice to Contractors, General and Special Conditions of Agreement, Plans and other drawings and printed or written explanatory matter thereof, and the Specifications and addenda together with the CONTRACTOR'S written Proposal, the General Conditions of the Agreement, and the Performance and Payment Bonds hereto attached; all of which are made a part hereof and collectively evidence and constitute the entire contract.

The CONTRACTOR hereby agrees to commence work within ten (10) days after the date written notice to do so shall have been given to him, and to substantially complete the same within Two-Hundred Forty ( 240 ) **calendar days** after the date of the written notice to commence work, subject to such extensions of time as are provided by the General and Special Conditions.

THE OWNER agrees to pay the CONTRACTOR in current funds the price or prices shown in the proposal, which forms a part of this contract, such payments to be subject to the General and Special Conditions of the contract.

**IN WITNESS WHEREOF**, the parties to these presents have executed this Agreement in the year and day first above written.

**CITY OF ALLEN, TEXAS**  
\_\_\_\_\_  
Party of the First Part (OWNER)  
  
By \_\_\_\_\_  
Eric Ellwanger, City Manager  
  
Attest \_\_\_\_\_  
Shelley B. George, City Secretary

**FLOW-LINE CONSTRUCTION, INC.**  
\_\_\_\_\_  
Party of the Second Part (CONTRACTOR)  
  
By  \_\_\_\_\_  
Eduardo M. Hernandez  
  
Attest  \_\_\_\_\_  
Francisco Brunet



**24" Waterline Sloan Creek**  
**BID# 2022-4-70 CIP# WA1904**

**GENERAL, SITE PREPARATION AND DEMOLITION ITEMS**

ITEM NO.	EST QNTY	UNIT	DESCRIPTION AND PRICE IN WORDS	UNIT PRICE IN FIGURES	EXTENDED AMOUNT
1	1	LS	Mobilization for the sum of <u>Two Hundred Fifty Five Thousand</u> Dollars & <u>Zero</u> Cents per Lump Sum	\$255,000.00	\$255,000.00
2	2	EA	Project Signs for the sum of <u>One Thousand</u> Dollars & <u>Zero</u> Cents per Each	\$1,000.00	\$2,000.00
3	1	LS	Temporary Erosion, Sedimentation, and Water Pollution Prevention and Control for the sum of <u>Fifty Two Thousand</u> Dollars & <u>Zero</u> Cents per Lump Sum	\$52,000.00	\$52,000.00
4	1	LS	Traffic Control for the sum of <u>Thirty Thousand</u> Dollars & <u>Zero</u> Cents per Lump Sum	\$30,000.00	\$30,000.00
5	1	LS	Removal, Protection, and Replacement of Trees, Shruberry, Plans, Sod, and Other Vegetation for the sum of <u>Thirty Thousand</u> Dollars & <u>Zero</u> Cents per Lump Sum	\$30,000.00	\$30,000.00
6	409	SY	Sodding for the sum of <u>Ten</u> Dollars & <u>Zero</u> Cents per Square Yard	\$10.00	\$4,090.00
7	104,643	SF	Hydromulch for the sum of <u>Zero</u> Dollars & <u>Thirty Three</u> Cents per Square Foot	\$0.33	\$34,532.19
8	835	LF	Remove Ex. Curb for the sum of <u>One</u> Dollars & <u>Zero</u> Cents per Linear Foot	\$1.00	\$835.00
9	12	SY	Remove Ex. Sidewalk for the sum of <u>Ten</u> Dollars & <u>Zero</u> Cents per Square Yard	\$10.00	\$120.00
10	1,356	SY	Remove Ex. Concrete Pavement for the sum of <u>Ten</u> Dollars & <u>Zero</u> Cents per Square Yard	\$10.00	\$13,560.00

**TOTAL GENERAL, SITE PREPARATION AND**  
**DEMOLITION:**

**\$422,137.19**



**24" Waterline Sloan Creek**  
**BID# 2022-4-70 CIP# WA1904**

**WATER LINE ITEMS**

ITEM NO.	EST QNTY	UNIT	DESCRIPTION AND PRICE IN WORDS	UNIT PRICE IN FIGURES	EXTENDED AMOUNT
11	6,834	LF	Furnish & Install 24" AWWA C900 DR-18 PVC Pipe (By Open Cut) for the sum of <i>Two Hundred Ninety</i> Dollars & <i>Zero</i> Cents per Linear Foot	\$290.00	\$1,981,860.00
12	260	LF	Furnish & Install 24" AWWA C900 DR-18 PVC Pipe w/ 36" Steel Casing (By Open Cut) for the sum of <i>Seven Hundred Twenty</i> Dollars & <i>Zero</i> Cents per Linear Foot	\$720.00	\$187,200.00
13	135	LF	Furnish & Install 24" AWWA C900 DR-18 PVC Pipe w/ 36" Steel Casing (By Jack & Bore) for the sum of <i>One thousand Six Hundred</i> Dollars & <i>Zero</i> Cents per Linear Foot	\$1,600.00	\$216,000.00
14	2,026	LF	Furnish & Install 12" AWWA C900 DR-18 PVC Pipe (By Open Cut) for the sum of <i>One Hundred Thirty</i> Dollars & <i>Zero</i> Cents per Linear Foot	\$130.00	\$263,380.00
15	210	LF	Furnish & Install 12" AWWA C900 DR-18 PVC Pipe w/ 24" Steel Casing (By Open Cut) for the sum of <i>Three Hundred Sixty Five</i> Dollars & <i>Zero</i> Cents per Linear Foot	\$365.00	\$76,650.00
16	14	LF	Furnish & Install 6" AWWA C900 DR-18 PVC Pipe (By Open Cut) for the sum of <i>Two Hundred Eighty</i> Dollars & <i>Zero</i> Cents per Linear Foot	\$280.00	\$3,920.00
17	3	EA	Furnish & Install 4" Combination Air Release & Vacuum Valve for the sum of <i>Twenty Six thousand</i> Dollars & <i>Zero</i> Cents per Each	\$26,000.00	\$78,000.00
18	2	EA	Furnish & Install 2" Blow Off Valve w/ Meter Box for the sum of <i>Three thousand</i> Dollars & <i>Zero</i> Cents per Each	\$3,000.00	\$6,000.00
19	11	EA	Furnish & Install 24" AWWA C-504 Butterfly Valve for the sum of <i>Thirteen thousand</i> Dollars & <i>Zero</i> Cents per Each	\$13,000.00	\$143,000.00
20	13	EA	Furnish & Install Eclipse No. 88 Water Sampling Station for the sum of <i>Two thousand Five Hundred</i> Dollars & <i>Zero</i> Cents per Each	\$2,500.00	\$32,500.00

**24" Waterline Sloan Creek**  
**BID# 2022-4-70 CIP# WA1904**

21	10	EA	Furnish & Install 12" AWWA C509/515 Resilient-Seated Gate Valve for the sum of <u>Six Thousand</u> Dollars & <u>Zero</u> Cents per Each	\$6,000.00	\$60,000.00
22	2	EA	Furnish & Install 6" AWWA C509/515 Resilient-Seated Gate Valve for the sum of <u>Three Thousand Nine Hundred</u> Dollars & <u>Zero</u> Cents per Each	\$3,900.00	\$7,800.00
23	7	EA	Furnish & Install Standard Fire Hydrant for the sum of <u>Four Thousand</u> Dollars & <u>Zero</u> Cents per Each	\$4,000.00	\$28,000.00
24	2	EA	Connections to Existing Water Conduits for the sum of <u>Twenty Thousand</u> Dollars & <u>Zero</u> Cents per Each	\$20,000.00	\$40,000.00
25	17.6	TON	Ductile Iron Pipe Fittings for the sum of <u>Ten Thousand</u> Dollars & <u>Zero</u> Cents per Ton	\$10,000.00	\$176,000.00
26	9,344	LF	Trench Safety for Water Line Construction for the sum of <u>Two</u> Dollars & <u>Zero</u> Cents per Linear Foot	\$2.00	\$18,688.00

**TOTAL WATER: \$3,318,998.00**

**PAVING ITEMS**

ITEM NO.	EST QNTY	UNIT	DESCRIPTION AND PRICE IN WORDS	UNIT PRICE IN FIGURES	EXTENDED AMOUNT
27	1,347	SY	7" Thick Reinforced Concrete Pavement Including Integral Curb (3600 PSI) (Allen Commerce Drive) for the sum of <u>One Hundred Ten</u> Dollars & <u>Zero</u> Cents per Square Yard	\$110.00	\$148,170.00
28	89	SY	8" Thick Reinforced Concrete Pavement Including Integral Curb (3600 PSI) (Chelsea Boulevard) for the sum of <u>One Hundred Fifty</u> Dollars & <u>Zero</u> Cents per Square Yard	\$150.00	\$13,350.00
29	12	SY	4" Reinforced Concrete Sidewalk for the sum of <u>One Hundred Forty</u> Dollars & <u>Zero</u> Cents per Square Yard	\$140.00	\$1,680.00
30	2	EA	Remove and Replace Paved Median Nose for the sum of <u>Five Thousand Five Hundred</u> Dollars & <u>Zero</u> Cents per Each	\$5,500.00	\$11,000.00

**24" Waterline Sloan Creek**  
**BID# 2022-4-70 CIP# WA1904**

31	1	EA	Barrier Free Ramp for the sum of <u>Three Thousand</u> Dollars & <u>Zero</u> Cents per Each	\$3,000.00	\$3,000.00
32	1,523	LF	Reinforced Concrete Headers for the sum of <u>Thirty</u> Dollars & <u>zero</u> Cents per Linear Foot	\$30.00	\$45,690.00

**TOTAL PAVING:                      \$222,890.00**

**STREET LIGHTING ITEMS**

ITEM NO.	EST QNTY	UNIT	DESCRIPTION AND PRICE IN WORDS	UNIT PRICE IN FIGURES	EXTENDED AMOUNT
33	2	EA	Control Panel and Pedestal Meter on Reinforced Concrete Pad for the sum of <u>Ten thousand</u> Dollars & <u>zero</u> Cents per Each	\$10,000.00	\$20,000.00
34	2	EA	Ground Box for the sum of <u>Two thousand Seven Hundred</u> Dollars & <u>zero</u> Cents per Each	\$2,700.00	\$5,400.00
35	27	EA	Street Light Foundation for the sum of <u>One thousand Nine Hundred</u> Dollars & <u>zero</u> Cents per Each	\$1,900.00	\$51,300.00
36	12	EA	Double-Arm Street Light Pole and Luminaires for the sum of <u>Four thousand Five Hundred</u> Dollars & <u>zero</u> Cents per Each	\$4,500.00	\$54,000.00
37	15	EA	Single-Arm Street Light Pole and Luminaires for the sum of <u>Three thousand Two Hundred</u> Dollars & <u>zero</u> Cents per Each	\$3,200.00	\$48,000.00
38	4,500	LF	2" SCH. 80 PVC Conduit for the sum of <u>Fourteen</u> Dollars & <u>zero</u> Cents per Linear Foot	\$14.00	\$63,000.00
39	13,500	LF	#4 XHHW Conductor for the sum of <u>one</u> Dollars & <u>fifty</u> Cents per Linear Foot	\$1.50	\$20,250.00

**TOTAL STREET LIGHTING:                      \$261,950.00**

**24" Waterline Sloan Creek**  
**BID# 2022-4-70 CIP# WA1904**

**PROPOSAL SUMMARY**

TOTAL GENERAL, SITE PREPARATION AND DEMOLITION:	<u>\$422,137.19</u>
TOTAL WATER LINE:	<u>\$3,318,998.00</u>
TOTAL PAVING:	<u>\$222,890.00</u>
TOTAL STREET LIGHTING:	<u>\$261,950.00</u>

**CALENDAR DAYS BID:** Two Hundred Forty (240) \_\_\_\_\_

**TOTAL BID**  
\$4,225,975.19  
\_\_\_\_\_



# Sloan Creek 24" Potable Water Line

## CIP # WA2001



<b>CITY COUNCIL REGULAR MEETING AGENDA COMMUNICATION</b>
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<b>AGENDA DATE:</b>	May 24, 2022
<b>AGENDA CAPTION:</b>	Accept the resignation of Sharon Lakes and declare a vacancy in Place No. 2 on the Convention and Visitors Bureau Advisory Committee.
<b>STAFF RESOURCE:</b>	Shelley B. George, City Secretary
<b>STRATEGIC PLANNING GOAL:</b>	Financially Sound and Transparent City Government.

**BACKGROUND**

On May 16, Sharon Lakes submitted her resignation as a member of the Convention and Visitors Bureau Advisory Committee. Sharon was originally appointed in 2020 and has served almost 2 years on the Committee.

**MOTION**

*I make a motion to accept the resignation of Sharon Lakes and declare a vacancy in Place No. 2 on the Convention and Visitors Bureau Advisory Committee.*

**ATTACHMENT(S)**

[Resignation Letter](#)

**From:** Sharon Lakes

**Sent:** Monday, May 16, 2022 1:50 PM

**Subject:** Resignation from Allen CVB Advisory Board

Hi Shelley,

It is with regret that I write to let you know that I must resign my post as a member of Allen's Convention & Visitors Bureau (CVB) Advisory Board.

As I explained to Karen, between balancing a full-time job and working to build a business, keeping up with worthy obligations is becoming more difficult. Thus it's only right that I resign to clear the way for a resident who can give Karen and her great team the attention and support they deserve.

On a personal note, I thank you for all that you've done to keep Board & Commissions members informed and engaged!

Best regards,

--

Sharon Lakes

## CITY COUNCIL REGULAR MEETING AGENDA COMMUNICATION

<b>AGENDA DATE:</b>	May 24, 2022
<b>AGENDA CAPTION:</b>	Adopt a Resolution establishing rates and fees for commercial and residential solid waste, recycling and household hazardous waste services.
<b>STAFF RESOURCE:</b>	Steve Massey, Community Services Director Donna Giles, Waste Services Manager
<b>PREVIOUS COUNCIL ACTION:</b>	October 1, 2021, City Council approved the current solid waste rate Resolution No. 3861-9-21(R).
<b>STRATEGIC PLANNING GOAL:</b>	High-Performing City Team Providing Resident-Focused Services.

### **BACKGROUND**

#### **Residential Rates**

The residential waste services rate paid to the City of Allen for typical solid waste and household hazardous waste (HHW) services is currently \$15.59 per month. On the utility bill, this charge appears as \$15.02 for solid waste service and \$0.57 for HHW services. There is no residential rate increase in the proposed rate resolution. \$15.59 has been the residential waste services rate since June of 2010.

Seventy-one (71) percent of waste services revenues go to pay two (2) large operational costs. First, they pay the North Texas Municipal Water District (NTMWD) for waste disposal costs that fund the operation of the Transfer Stations and the Regional Disposal Facility. Second, the funds pay Community Waste Disposal (CWD), the City's franchised waste services provider for trash, recycle, yard waste, and bulk waste collections. Our current contract with CWD runs through May 31, 2024. CWD has provided Allen's waste services since 1998.

Residential and commercial waste services fees paid to CWD are contractually subject annually to rate adjustments based on the Department of Labor Annual Consumer Price Index (CPI) for the DFW/Arlington area for the one-year period ending annually in March. The Department of Labor CPI for the year through March 2022 was nine percent.

A provision in the CWD contract limits residential and commercial CPI increases to a maximum of five percent per year. However, later in the contract CWD is allowed to request a higher increase based on unforeseeable cost impacts. CWD provided letters to the City requesting the contractually guaranteed rate adjustment of five percent and a letter requesting that the City consider the full nine percent CPI increase based on the impacts of rising pay and benefits, fuel, maintenance costs, and other costs.

Since the contract's first CPI increase in 1999, the highest CPI increase that was encountered was 4.4%



in 2008. Although the contract is now in place with four amendments for 22 years, the 5% CPI cap has never previously come into consideration.

The North Texas Municipal Water District (NTMWD) Solid Waste member cities include Allen, Plano, Richardson, McKinney and Frisco. Every member city offers slightly different residential waste services, so comparing charges and services to customers is not a simple comparison. Nonetheless, Allen's current monthly residential cost of \$15.59 is very competitive with the residential charges of other NTMWD Solid Waste System Member Cities as shown in the following table.

<b>City</b>	<b>Residential Rate - May 2022</b>
Allen	\$15.59
Frisco	\$17.00
McKinney	\$16.96
Plano	\$17.10
<u>Richardson</u>	<u>\$19.40</u>
<b>Current Average Rate</b>	<b>\$17.21</b>

The proposed Rate Resolution does not increase residential waste services rates on June 1, 2022; the effective date of the CWD CPI increase. The need for the Solid Waste fund to increase residential waste services rates in the FY22-23 proposed budget will be discussed at budget workshop in August 2022.

The following table reflects the expense impact of CPI increases of 5%, 7%, and 9%. These increases were selected for comparison purposes only. City Council could approve any rate increase between 5% to 9%. The baseline City service to customers is one Trash Cart and one Recycle Cart (1 TC & 1 RC). In FY23, we budget for 30,297 residential customers. A customer may request an additional Trash Cart (1 TC). 2,556 customers currently have extra trash carts. A customer may also ask for an extra Recycle Cart (1 RC). 1,185 customers now have an extra recycle cart. The table puts these variables together to show the cost to the Solid Waste Enterprise Fund for each of the rate scenarios examined. The 5% increase is the “base scenario” and yields about a \$173,880 additional payment to CWD. There are other less significant costs in the Rate Resolution that also increase, but this analysis gives City Council a basis for comparison between the three CPI increase scenarios.

<b>Service</b>	<b>City Monthly Payment to CWD - Rate Resolution 10/01/21</b>	<b>5% Payment Increase</b>	<b>7% Payment Increase</b>	<b>9% Payment Increase</b>
Residential 1 Trash & 1 Recycle Cart 1TC + 1 RC (32,000)	\$8.58	\$9.00	\$9.17	\$9.34

Add 1 Trash Cart + 1 TC (2,556)	\$4.62	\$4.85	\$4.94	\$5.04
Add 1 Recycle Cart + 1 RC (1,185)	\$2.10	\$2.49	\$2.54	\$2.58
1 - Year Estimated Increased Payment to CWD at CPI Indicated	1 TC + 1 RC 1 Extra TC <u>1 Extra RC</u> <b>Total</b>	\$161,280 \$7,054 <u>\$5,546</u> <b>\$173,880</b>	\$226,560 \$9,815 <u>\$6,257</u> <b>\$242,632</b>	\$291,840 \$12,882 <u>\$6,826</u> <b>\$311,548</b>
<b>Service</b>	<b>City Monthly Payment to CWD - Rate Resolution 10/01/21</b>	<b>5% Payment Increase</b>	<b>7% Payment Increase</b>	<b>9% Payment Increase</b>

### Commercial Rates

The charges for commercial waste services that are paid by customers directly to CWD are also contractually subject to rate adjustments based on the Department of Labor (DOL) Annual Consumer Price Index (CPI). Commercial rates are also capped at five (5) percent by the current contract. The CWD letter dated April 26, 2022, requests the city to recognize the nine (9) percent DOL CPI increase for commercial accounts.

The cost impact of increased commercial rates does not affect the budget of the Solid Waste fund. The fund is reimbursed commercial waste disposal costs that CWD collects as part of their billings. These funds are then part of the fund's expense allocation to pay NTMWD for commercially generated transfer station and landfill fees.

The following table reflects the expense impact of CPI increases of 5%, 7%, and 9%. These increases were selected for comparison purposes only. City Council could approve any rate increase between 5% to 9%. There is a wide variety of commercial containers with various sizes and collection intervals. The full list of costs for all types, sizes, and collection frequency for containers are provided in CWD's City of Allen- Schedule "A." There are Schedule As provided for 5%, 7%, 8%, and 9% commercial CPI cost increases.

The following Table presents a cost increase extract from the Schedule As for the most common containers and collection frequencies. The Table's cost figures are rounded to the nearest dollar.

	<b>Current - 09/21</b>	<b>5% CPI</b>	<b>7% CPI</b>	<b>9% CPI</b>
<b>4 Cubic Yard Front Load Container (Small/Medium Business)</b>				
Twice Weekly	\$200	\$210	\$214	\$218
5 X Weekly	\$442	\$464	\$473	\$482

<b>8 Cubic Yard Front Load (Most Restaurants, Apartments, Strip Malls)*</b>				
Twice Weekly	\$289	\$303	\$308	\$314
5 X Weekly	\$633	\$665	\$677	\$690
<b>35 Cubic Yard Roll Off Compactors (Grocery, Apartments, Big Box Stores)</b>				
1 Haul	\$481	\$505	\$514	\$524
<b>30 Yard Temporary Open Top Construction Roll Off Containers</b>				
1 Haul	\$535	\$562	\$572	\$582

\*Highest density commercial container under contract in Allen.

Besides the Franchised Waste Services provider's CPI adjustment, commercial rates can also be affected by changes in the waste disposal cost charged by NTMWD. The District's solid waste disposal rates have been stable at \$38.25 per ton; and will continue at this level through Fiscal Year 2024. Therefore, there was no need to consider a disposal cost adjustment when developing the new commercial waste services rates that become effective June 1, 2021.

#### Residential Summary

The strength of the Solid Waste Fund's reserves and projected revenue and expenses for FY22 allows the City to maintain the current residential waste services rates to customers despite any CPI adjusted payment increases to CWD. This is true at any of the potential CPI increase levels reviewed. Our last residential rate increase for typical services (one trash cart, one recycle cart, and household hazardous waste collection) was on June 1, 2010. The need for a rate increase to support the FY23 budget will be discussed with City Council during the August City Council Budget Workshop.

#### Commercial Summary

Due to low inflation and the consistent NTMWD waste disposal cost, commercial costs have only increased by modest amounts from 2010 to 2021. However, the rate of inflation the last year is significant and coupled with post-COVID pay increases to hire drivers for waste services vehicles supports a higher than contract restricted Commercial CPI increase. CWD also cites overall pay and benefits cost increases, fuel cost increases and maintenance cost increases as justification for a CPI adjustment of 9%.

#### **BUDGETARY IMPACT**

The rates charged to commercial customers does not impact the finances of the Solid Waste Fund.

CWD bills commercial accounts and reimburses the Solid Waste fund only for North Texas Municipal Water District waste disposal costs. On the residential side, staff projects that the residential rate changes will increase the Solid Waste Fund expenses to pay CWD by \$173,880 at the 5% CPI level, by \$242,632 At the 7% CPI level, and by \$311,188 at the 9% CPI level. The additional residential costs incurred in the last four (4) months of FY22 will not require a rate increase on June 1, 2022.

Staff is recommending that council adopts a 7% increase. The attached Rate Resolution incorporates a 7% increase. However, if council feels an increase other than 7% is appropriate, they are within their right to make a motion indicating as such. If a rate other than the 7% increase is ultimately adopted, the Rate Resolution will be modified accordingly.

#### **STAFF RECOMMENDATION**

Staff recommends that the City Council adopt a Resolution establishing a 7% increase to rates and fees for commercial and residential solid waste, recycling, and household hazardous waste services.

#### **MOTION**

*I make a motion to adopt Resolution No. \_\_\_\_\_ establishing rates and fees for commercial and residential solid waste, recycling, and household hazardous waste services.*

#### **ATTACHMENT(S)**

[Resolution](#)

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ESTABLISHING FEES AND RATES FOR RESIDENTIAL AND COMMERCIAL SOLID WASTE COLLECTION SERVICES; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Code of Ordinances of the City of Allen authorizes the City Council to amend the fees and rates for solid waste and household hazardous waste collection services by Resolution.

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

**SECTION 1.** The City Council of the City of Allen, Texas, hereby establishes the following residential and commercial solid waste and household hazardous waste collection service fees:

**1. RESIDENTIAL Solid Waste Services**

**(Garbage, bulk, recycling, yard waste, Christmas tree composting, and Household Hazardous Waste (HHW))**

Residential rate per month to CWD.....	\$9.17
Residential rate per month to City .....	\$15.59
Senior rate (residential customers who are 65 years of age or older and who own or lease and occupy the residence) per month; 20% discount from standard rate .....	\$12.47
Additional garbage poly-cart per month to CWD.....	\$4.94
Additional garbage poly-cart per month resident to City .....	\$8.89
Additional recycle poly-cart per month to CWD.....	\$2.54
Additional recycle poly-cart per month resident to City.....	\$2.10
Replace lost/stolen garbage or recycle poly-cart to CWD.....	\$91.76

**2. COMMERCIAL Solid Waste Services**

*All commercial costs in Paragraph 2 include the City of Allen's 15% Franchise Fee*

- **Side Loading Commercial Trash Poly-Carts** (All Disposal Weight Charges Included in Cost)
  - One (1) poly-cart per month..... \$20.92
  - Two (2) poly-carts per month..... \$39.09
  - Three (3) poly-carts per month..... \$55.15
  - Three commercial trash poly cart maximum per account

- **Front Loading Trash Dumpsters** (All Disposal Weight Charges Included in Cost)

**Monthly rates:**

**3 Cubic Yard Container**

One time per week .....	\$104.17
Two times per week .....	\$201.91
Three times per week .....	\$278.14

**4 Cubic Yard Container**

One time per week.....	\$114.16
Two times per week .....	\$214.46
Three times per week .....	\$310.80

Four times per week .....	\$395.58
Five times per week.....	\$473.01
Six times per week .....	\$541.37
<b>6 Cubic Yard Container</b>	
One time per week.....	\$140.98
Two times per week .....	\$264.03
Three times per week .....	\$377.49
Four times per week .....	\$481.32
Five times per week.....	\$575.53
Six times per week .....	\$658.71
<b>8 Cubic Yard Container</b>	
One time per week.....	\$166.14
Two times per week .....	\$308.90
Three times per week .....	\$442.81
Four times per week .....	\$565.65
Five times per week.....	\$677.56
Six times per week .....	\$778.37
<b>• Extra pickups</b>	
3 cu. yd. containers per pickup.....	\$49.08
4 cu. yd. containers per pickup.....	\$51.72
6 cu. yd. containers per pickup.....	\$56.97
8 cu. yd. containers per pickup.....	\$62.19
<b>• Refills</b>	
3 cu. yd. containers per refill.....	\$35.26
4 cu. yd. containers per refill.....	\$37.74
6 cu. yd. containers per refill.....	\$43.22
8 cu. yd. containers per refill.....	\$48.47
<b>• Front Load Trash Compactors</b>	
2 cu. yd. containers per pickup.....	\$93.73
3 cu. yd. containers per pickup.....	\$108.97
4 cu. yd. containers per pickup.....	\$119.44
6 cu. yd. containers per pickup.....	\$147.68
<b>• Roll Off Trash Compactor Containers- Disposal Weight Charge of \$44.20</b>	
per ton is added for all tonnage over 6 tons (12,000 pounds)	
Trip Charge/Dry Run/Container not Available - weekday.....	\$131.44
Trip Charge /Dry Run/Container not Available - weekend.....	\$170.34
Haul charges -	
20 cu. yd. per load - weekday.....	\$367.87
20 cu. yd. per load - weekend.....	\$406.87
35 cu. yd. per load - weekday.....	\$514.83
35 cu. yd. per load - weekend.....	\$553.73
42 cu. yd. per load - weekday.....	\$574.00
42 cu. yd. per load - weekend .....	\$612.90
<b>• Open Top Roll Off Trash/Construction Waste Containers- Disposal Weight Charge</b>	

of \$44.20 per ton is added for all tonnage over 6 tons (12,000 pounds)	
Delivery – weekday .....	\$126.18
Delivery – weekend.....	\$163.51
Trip Charge (Dry Run) - weekday.....	\$126.18
Trip Charge (Dry Run) - weekend.....	\$163.51
Weekly Rental .....	\$48.10
Monthly Rental .....	\$208.17
Haul charge to Melissa Landfill - weekday.....	\$572.19
Haul charge to Melissa Landfill - weekend.....	\$609.56

### 3. SPECIAL COLLECTIONS

- **Appliances: Listed Below**..... \$33.71  
Stoves, ovens, water heaters, furnaces, garbage compactors, etc.; refrigerators, freezers and ice makers (refrigerant professionally removed and certified)
- **Furniture: Listed Below**..... \$24.29  
Couch, bed, love seat, tables, EZ chairs, etc.

### 4. COMMERCIAL SPECIAL RECYCLING SERVICES

- Mandatory commercial apartment recycling  
Price per month per apartment unit charged to apartment owner/operator ..... \$0.73
- 95-gallon ASL Recycling Cart - charge per month..... \$14.05
- Additional (up to two additional carts) 95- gallon ASL Recycling Cart  
- charge per extra Cart per month..... \$11.26
- Franchisee will provide site specific fees for commercial recycling collections based on the type and volume of recyclables, the type of recycling container, and the frequency of collection
- Cardboard collected in Front Load 8 Cubic Yard Containers

	Monthly <u>Recycle Fee</u>	Monthly <u>Trash Fee</u>	Savings/Month <u>by Recycling</u>
○ One pickup per week	\$116.54	\$166.14	\$49.60
○ Two pickups per week	\$216.68	\$308.90	\$92.22
○ Three pickups per week	\$310.54	\$442.81	\$132.27
○ Four pickups per week	\$396.58	\$565.65	\$169.07
○ Five pickups per week	\$474.29	\$677.56	\$203.27
○ Six pickups per week	\$544.85	\$778.37	\$233.52

- Roll Off Recycling Containers- Larger Volume Commercial Recyclers

	Fee Per Haul	Trash Haul Fee	Savings/Haul <u>by Recycling</u>
○ Roll Off Cont. Weekday	\$391.11	\$572.19	\$181.08
○ Roll Off Cont. Weekend	\$424.63	\$609.56	\$184.93
○ Trip Charge Weekday	\$131.44	Dry Run/Container not Available to Service	
○ Trip Charge Weekend	\$170.32	Dry Run/Container not Available to Service	

- Additionally, larger volume Roll off Recyclers qualify for recycling profit sharing rebate to further encourage recycling. The customer rebate from profits varies from 40 to 85 percent of the net value of the commodity sold. The standard profit-sharing template is incorporated into the current franchised waste carrier's current contract.
- For unique recycling requirements, the franchisee will develop special cost proposals that the City will review before presentation to the customer. Unique situations include special recycling circumstances

such as when businesses are striving for Leadership in Energy and Environmental Design (LEED) certification for facilities under construction or renovation.

**5. COMMERCIAL SPECIAL SERVICES**

*All commercial costs in paragraph 5 include the City of Allen's 15% Franchise Fee*

- Deodorize containers – per container..... \$70.36
- Caster container– per collection per container moved by contractor ( $\leq 4$  cu. yd.) ..... \$12.66
- To unlock gates and open and close gates – per pickup..... \$9.86
- To unlock secured trash containers – per pickup ..... \$9.86
- Signed receipts – per pickup..... \$9.86

**6. OTHER CHARGES**

- Returned check fee..... \$27.94

**SECTION 2.** All provisions of the Resolutions of the City of Allen, Texas, in conflict with the provisions of this Resolution be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this Resolution shall remain in full force and effect.

**SECTION 3.** Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Resolution, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Resolution which shall remain in full force and effect.

**SECTION 4.** This Resolution shall take effect from and after its passage except that service fees established herein shall take effect for services provided beginning June 1, 2022.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 24<sup>TH</sup> DAY OF MAY 2022.**

**APPROVED:**

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**Kenneth M. Fulk, MAYOR**

**ATTEST:**

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**Shelley B. George, CITY SECRETARY**



## CITY COUNCIL REGULAR MEETING AGENDA COMMUNICATION

<b>AGENDA DATE:</b>	May 24, 2022
<b>AGENDA CAPTION:</b>	Conduct a public hearing and adopt an Ordinance for a Specific Use Permit for Single-Family Attached use for property generally located at the northeast corner of Boyd Drive and Butler Drive.
<b>STAFF RESOURCE:</b>	Hayley Angel, Planning Manager
<b>BOARD/COMMISSION ACTION:</b>	<p>On December 9, 2021, the Design Review Committee recommended approval with conditions of the request.</p> <p>On April 5, 2022, the Design Review Committee recommended approval of the revised request.</p> <p>On May 3, 2022, the Planning and Zoning Commission recommended approval of the request.</p>
<b>STRATEGIC PLANNING GOAL:</b>	Vibrant Community with Lively Destinations and Successful Commercial Centers.

### **BACKGROUND**

The subject property comprises the entire block at the northeast corner of the intersection of Butler Drive and Boyd Drive. The surrounding properties and subject property are located in the Central Business District.

The applicant is requesting to develop 16 townhome units in the Central Business District zoning district. In the Central Business District (CBD), the "Dwelling, Single-Family (Attached)/Townhome" land use requires a Specific Use Permit (SUP).

In addition to the SUP, Section 4.08.19.2.b.i of the Allen Land Development Code (ALDC) requires that any application for new construction in the CBD be reviewed by the Design Review Committee (DRC) to determine that it satisfies the CBD standards. The applicant went before the DRC on December 9, 2021, and received an "approval with conditions recommendation." The applicant was tasked with re-evaluating their sidewalk connections and building elevations. On April 5, 2022, the applicant went before DRC with updated plans and received a recommendation of approval.

The SUP Site Plan shows sixteen townhome units on approximately 1.4348 acres of land. The townhomes on the eastern half of the property front the DART right-of-way, and the townhomes on the western half of the property front Butler Drive. All townhomes are rear-loaded from an alley in the center of the property. Each dwelling unit is approximately 2,833 square feet, exceeding the zoning district's minimum dwelling unit size of 800 square feet.

The townhomes along Butler Drive meet the CBD's maximum front yard setback of 10 feet. The townhomes along the DART right-of-way exceed this maximum setback for a total front yard setback of 20 feet. The DRC reviewed and approved the request to increase the front yard setback pursuant to

Section 4.08.19.g.iii.a of the ALDC. The intent of the 10-foot front yard setback is to require buildings to front the street, and the DRC determined that was not applicable along the DART right-of-way. Additionally, due to the site's grading, there will likely be a retaining wall along the eastern property line of the site.

The applicant proposes converting Butler Drive to concrete and adding parallel parking adjacent to the townhomes. There will also be bump-outs for trees along this side of Butler Drive. Boyd Drive will also be replaced with concrete. A new alley will connect from Coats Drive through the center of the block down to Boyd Drive.

The subject property has a small detention pond in the northeastern corner of the site. The Landscape Plan shows that this is screened from Butler Drive by shrubs along the alley and with vines planted at the base of an ornamental metal fence. There is no minimum open space requirement in the CBD zoning district. Still, the applicant has provided intermittent spaces with amenities for the future residents, as shown on the SUP Site Plan and Landscape Plan.

The Building Elevations show approximately 28-foot-tall buildings and show brick, stone, and stucco as building materials. The building materials are compliant with the regulations listed in the ALDC for the CBD zoning district. The elevations also show bay windows, front porches, and second-floor balconies.

#### **STAFF RECOMMENDATION**

Staff recommends approval.

#### **MOTION**

*I make a motion to approve Ordinance No. \_\_\_\_\_ to adopt Specific Use Permit No. 183 for a Townhome use subject to the SUP Site Plan, Landscape Plan, and Building Elevations.*

#### **ATTACHMENT(S)**

[Ordinance](#)  
[Property Notification Map](#)  
[Townhomes 100 W. Boyd Dr\\_ DRAFT Minutes.docx](#)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE AND ZONING MAP, AS PREVIOUSLY AMENDED, BY GRANTING SPECIFIC USE PERMIT NO. 183 FOR TOWNHOME USE RELATING TO THE DEVELOPMENT AND USE OF 1.4348± ACRES IN THE JAMES L. READ SURVEY, ABSTRACT NO. 758, LOCATED WITHIN THE CENTRAL BUSINESS DISTRICT “CBD”; PROVIDING 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, Collin County, Texas, be amended by granting Specific Use Permit No. 183 for Townhome Use relating to the development and use of 1.4348± acres in the James L. Read Survey, Abstract No. 758, described on Exhibit “A,” attached hereto and incorporated herein by reference (“the Property”), which is presently located zoned Central Business District “CBD.”

**SECTION 2.** The Property shall be developed and used only in the manner and for the purposes provided for in the Allen Land Development Code Zoning Regulations, as heretofore amended, applicable to property located within a Central Business District (“CBD”), and, if developed and used for Townhome purposes, shall be subject to the following special condition:

- A.** The Property shall be developed in general conformance with the SUP Site Plan, the Landscape Plan, and Building Elevations attached hereto as Exhibits “B,” “C,” and “D,” respectively, and incorporated herein by reference.

**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 Zoning Regulations, 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 Zoning Regulations, 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 of the City of Allen, 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 immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Allen, and it is accordingly so ordained.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS 24<sup>TH</sup> DAY OF MAY 2022.**

**APPROVED:**

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**Kenneth M. Fulk, MAYOR**

**APPROVED AS TO FORM:**

**ATTEST:**

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**Peter G. Smith, CITY ATTORNEY**  
(kbl:4/19/2022:129139)

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**Shelley B. George, TRMC, CITY SECRETARY**

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

BEING a 1.4348-acre tract of land situated in the James L. Read Survey, Abstract Number 758, City of Allen, Collin County, Texas and being all of Block 6 of the Original Donation, Town of Allen, as recorded in Volume 6, Page 152 of the Plat Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod with cap stamped "Burns Surveying" found for the most northerly northwest corner of said Block 6 and for the northwest of Lot 8 of said Block 6, said corner being the intersection of the southeasterly right-of-way line of North Butler Drive (a 60-foot wide public right-of-way) with the southerly right-of-way line of West Coats Drive (a 50-foot wide public right-of-way);

THENCE South 79 degrees 05 minutes 36 seconds East, along the common said southerly right-of-way line of West Coats Drive and the northerly line of said Block 6, a distance of 250.00 feet to a 1/2-inch iron rod with cap stamped "Burns Surveying" found for the most easterly northeast corner of said Block 6 and for the northeast corner of Lot 5 of said Block 6, said corner being the intersection of said southerly right-of-way line with the northwesterly right-of-way line of a railroad right-of-way;

THENCE South 10 degrees 54 minutes 24 seconds West, along the common said northwesterly right-of-way line and the southeasterly line of said Block 6, a distance of 250.00 feet to a 1/2-inch iron rod with cap stamped "Burns Surveying" found for the most southerly southeast corner of said Block 6, and for the southeast corner of Lot 1 of said Block 6, said corner being the intersection of said northwesterly right-of-way line with the northeasterly right-of-way line of West Boyd Avenue (a 60-foot wide public right-of-way);

THENCE North 79 degrees 05 minutes 36 seconds West, along the common southwesterly line of said Block 6 and said northeasterly right-of-way line, a distance of 250.00 feet to a 1/2-inch iron rod with cap stamped "Burns Surveying" found for the most westerly southwest corner of said Block 6 and the southwest corner of Lot 7 of said Block 6, said corner being the intersection of said northeasterly right-of-way line of West Boyd Drive with said southeasterly right-of-way line of North Butler Drive; and

THENCE North 10 degrees 54 minutes 24 seconds East, along the common northwesterly line of said Block 6 and said southeasterly right-of-way line, a distance of 250.00 feet to the POINT OF BEGINNING AND CONTAINING 62,500 square feet or 1.4348 acres of land, more or less.

LEGEND

- EXIST. ASPHALT PVMT. TO BE REMOVED
- EXIST. CONC. PVMT. TO BE REMOVED
- PROPOSED FIRE LANE
- PROPOSED SIDEWALK
- 2' WIDE NON-VEGETATIVE STRIPE
- PROPOSED BUILDING
- PROPOSED DRIVEWAY

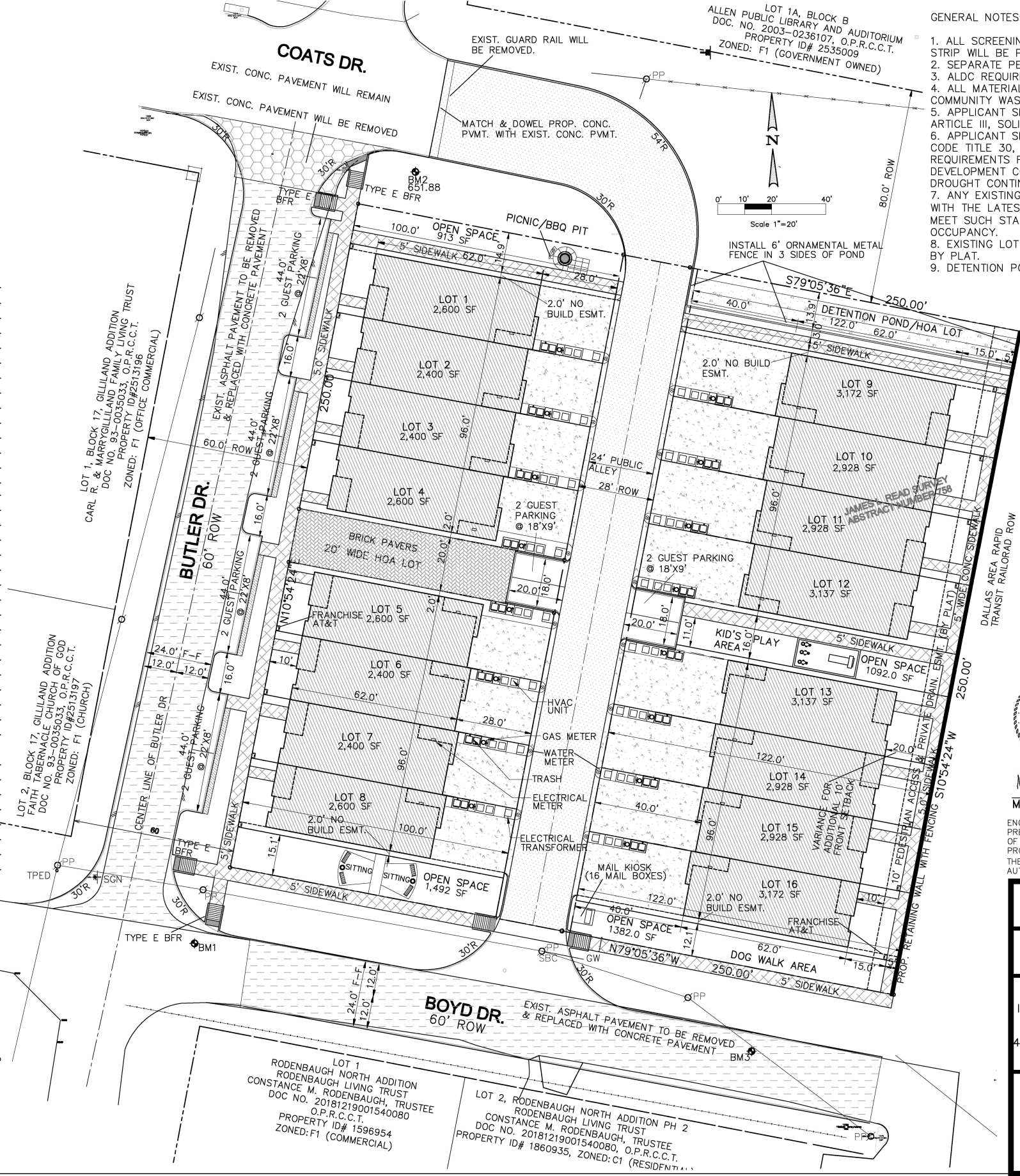
SITE DATA SUMMARY TABLE

GENERAL SITE DATA		C.B.D. (CENTRAL BUSINESS DISTRICT)
TOTAL LAND AREA	62,500 SF (1.435 AC)	
LAND USE	TOWNHOME	
TOTAL HOUSES	16	
DENSITY (DWELLING UNITS/ACRE)	12	
MIN. LOT AREA REQUIRED	2,140 SF	
MIN. LOT AREA PROVIDED	2,400 SF	
BUILDING FOOT PRINT AREAS	1,388 S.F.	
MAX. BUILDING HEIGHT ALLOWED (#stories)	4 - STORY	
MAX. BUILDING HEIGHT PROPOSED	2 - STORY	
MAXIMUM BUILDING HEIGHT ALLOWED	75.0 FT.	
MAXIMUM BUILDING HEIGHT PROVIDED	26.0 FT.	
MAX. LOT COVERAGE ALLOWED	95%	
LOT COVERAGE PROPOSED FOR LOT 2, 3, 6 & 7	55.45% (1,331/2,400)	
LOT COVERAGE PROPOSED FOR LOT 1, 4, 5 & 8	51.19% (1,331/2,600)	
LOT COVERAGE PROPOSED FOR LOT 9 & 16	41.28% (1,331/3,224)	
LOT COVERAGE PROPOSED FOR LOT 10, 11, 14 & 15	44.72% (1,331/2,976)	
LOT COVERAGE PROPOSED FOR LOT 12 & 13	41.78% (1,331/3,185)	
FLOOR AREA RATIO FOR LOT 2, 3, 6 & 7	1.18 (2,833/2,400)	
FLOOR AREA RATIO FOR LOT 1, 4, 5 & 8	1.09 (2,833/2,600)	
FLOOR AREA RATIO LOT 9 & 16	0.88 (2,833/3,224)	
FLOOR AREA RATIO FOR LOT 10, 11, 14 & 15	0.95 (2,833/2,976)	
FLOOR AREA RATIO FOR LOT 12 & 13	0.89 (2,833/3,185)	
MIN. PARKING SPACE REQUIRED	8	
PARKING SPACE PROVIDED	12	
MIN. LOT WIDTH REQUIRED	N/A	
MIN. LOT WIDTH PROVIDED	24.0'	
MIN. LOT DEPTH REQUIRED	N/A	
MIN. LOT DEPTH PROVIDED	100'	
MIN. DWELLING SIZE REQUIRED	800 SF	
MIN. DWELLING SIZE PROVIDED	2,833 SF (1st Floor = 1,331 SF + 2nd Floor = 1,502 SF)	
FRONT SETBACK REQUIRED	10'	
FRONT SETBACK PROVIDED (LOT 1 TO 8)	10'	
FRONT SETBACK PROVIDED (LOT 9 TO 16)	20'	
SIDE SETBACK REQUIRED	0	
SIDE SETBACK PROVIDED	N/A	
LANDSCAPE AREA REQUIRED	6,250 SF (10% OF TOTAL LAND AREA)	
LANDSCAPE AREA PROVIDED	10,531.0 SF (16.85% OF TOTAL LAND AREA)	

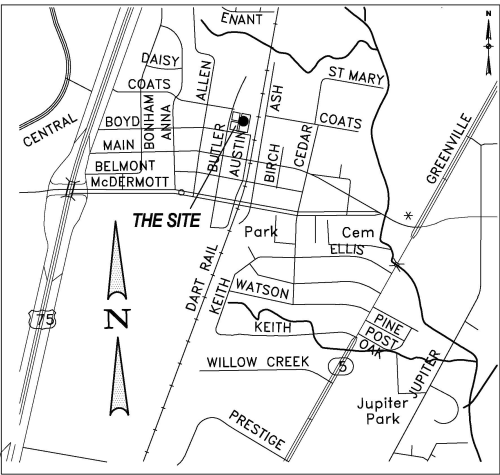
DEVELOPER/OWNER & CONSULTANTS  
OWNER/DEVELOPER:  
AKM MONIRUL HUQ  
3713 BELLAVISTA DRIVE  
PLANO, TEXAS 75074  
PH. 469 450 5851  
E-MAIL: HUQAKM@YAHOO.COM

CIVIL ENGINEER:  
ND & ASSOCIATES, LLC  
CONTACT: NAIM KHAN, P.E. CFM  
603 CHERRY TREE LANE  
WYLIE, TEXAS 75098  
PH. 214 533 7181  
E-MAIL: naim1207@yahoo.com

ARCHITECT  
fk +architect, llc  
CONTACT: FAHIM KHAN, RA, LEED AP  
400 CHISHOLM PLACE, SUITE 410  
PLANO, TEXAS 75075  
PH. 972 424 1325 (W)  
469 258 9322 (C)  
E-MAIL: fahim2582@aol.com



- GENERAL NOTES:
1. ALL SCREENING WALLS AND FENCES SHALL BE LOCATED ON THE PROPERTY LINE & MOW STRIP WILL BE PROVIDED.
  2. SEPARATE PERMIT WILL BE REQUIRED FOR SIGNAGE, FENCE, IRRIGATION ETC.
  3. ALDC REQUIRES THAT ALL LED LIGHTING TO BE FULLY SHIELDED.
  4. ALL MATERIALS FROM CONSTRUCTION MUST BE HAULED BY THE FRANCHISED HAULER - COMMUNITY WASTE DISPOSAL.
  5. APPLICANT SHALL COMPLY WITH CITY ORDINANCE, CHAPTER 6, HEALTH AND ENVIRONMENT; ARTICLE III, SOLID WASTE; SECTIONS 6-51 TO 6-80.
  6. APPLICANT SHALL COMPLY WITH ALL IRRIGATION REGULATIONS IN V.T.C.A. ADMINISTRATIVE CODE TITLE 30, CHAPTER 344 RULES ESTABLISHED BY THE STATE OF TEXAS; AND REQUIREMENTS FOR IRRIGATION DESIGN AND WATER CONSERVATION SET IN THE ALLEN LAND DEVELOPMENT CODE SECTION 7.05.6, AND THE CITY OF ALLEN WATER CONSERVATION AND DROUGHT CONTINGENCY AND EMERGENCY RESPONSE PLAN.
  7. ANY EXISTING SIDEWALK ALONG SURROUNDING STREETS, FOUND TO BE NON-COMPLIANT WITH THE LATEST ADA/TAS STANDARDS SHALL BE RECONSTRUCTED WITH THIS PROJECT TO MEET SUCH STANDARDS AND WILL BE A REQUIREMENT OF FINAL ACCEPTANCE AND OCCUPANCY.
  8. EXISTING LOT LINES WILL BE VACATED BY PLAT & NEW LOT LINES WILL BE ESTABLISHED BY PLAT.
  9. DETENTION POND WILL BE SUBSTANTIALLY SCREENED FROM VIEW ALONG SIDEWALK



VICINITY MAP  
NOT TO SCALE



Md. Naim Uddin Khan

4-27-2022

ENGINEER NO. 87776. THESE PLANS WERE PREPARED UNDER THE RESPONSIBLE SUPERVISION OF MD. NAIM UDDIN KHAN, REGISTERED PROFESSIONAL ENGINEER. THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY MD. NAIM UDDIN KHAN P.E. #87776

SITE PLAN FOR SUP

TOWNHOMES

100 W. BOYD DRIVE  
IN JAMES L. READ SURVEY, ABSTRACT NO. 758  
CITY OF ALLEN, COLLIN COUNTY, TEXAS  
LOT 1 TO LOT 16-RESIDENTIAL LOT,  
4 OPEN SPACES & 1-HOA LOT/DETENTION POND

ND & Associates, LLC  
603 Cherry Tree Lane  
Wylie, Texas 75098  
Contact: Naim Khan, P.E., CFM  
PH: (214) 533 7181  
EMAIL: naim1207@yahoo.com  
FIRM # F - 13340

Date : 4/27/2022

Scale : 1"=20'

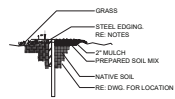
Design/Draft : ND

Checked : ND

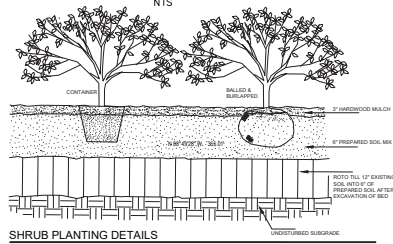
ND PROJECT NO :  
850-ALLEN-21

C1

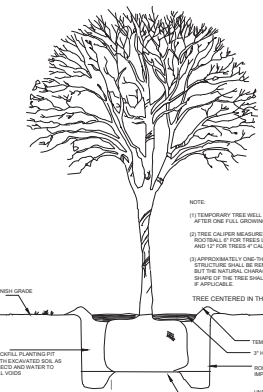




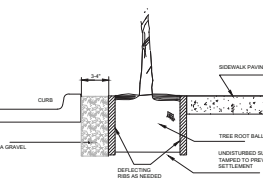
STEEL EDGING DETAIL  
NTS



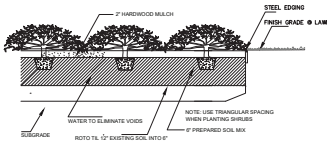
SHRUB PLANTING DETAILS  
NTS



TREE PLANTING DETAILS  
NTS



TREE PLANTING DETAILS W/ ROOT BARRIER  
NTS



GROUND COVER PLANTING DETAIL  
NTS

planting notes

1. USE 3/4" STEEL EDGING (PAINTED GREEN).
2. USE 2" DOWNSHIFT OR EQUIVALENT PLANTING MIX FOR BED PREPARATIONS. ROTOTILL BEDS MAX TO THE DEPTH OF 12" MINIMUM.
3. ALL THE LAWN AREAS TO BE HYDROMULCHED BERMUDA GRASS. PREPARE ALL THE GRASSING AREAS WITH 2" DEEP HARD WOOD MULCH AFTER PLANTING OPERATIONS.
4. TOP DRESS ALL THE PLANTING BEDS WITH 1" DEEP HARD WOOD MULCH AFTER PLANTING OPERATIONS.
5. THE SITE WILL BE IRRIGATED WITH ILLINOIS GRADE AUTOMATIC SPRINKLER SYSTEM WITH 1200' SENSORS. THE IRRIGATION SYSTEM WILL BE INSTALLED WITHIN 14" FROM BACK OF THE CURB NEXT TO THE STREET MARKING.
6. ALL STREET TREES PLANTED IN SHARP CURVE OR WITHIN 4' FROM BACK OF THE CURB NEXT TO THE STREET MARKING.

landscape area

LAND AREA (62,000 SF (1.43 AC.))	BUILDING AREA (3,254 SF)
REQUIRED	PROVIDED
LENGTH OF L.S. BUFFER ALONG BOYD DR.	250 FEET
LENGTH OF L.S. BUFFER ALONG BUTLER DR.	250 FEET
LANDSCAPE AREA	6,250 SF (10% OF LAND)
LANDSCAPE BUFFER	10,000 SF (16.8%)
BUFFER AREA IN TURF	1200 SF (41 % AREA)
PARKING SPACES	12
	8

planting requirement

W. BOYD FRONTAGE 250 LF. BUTLER RD. FRONTAGE 250 LF.		
TREE TYPE	REQUIRED	PROVIDED
SHADEL TREES	18 - 3" CAL.	18 - 5" CAL.
ORNAMENTAL TREES	9 - 3" CAL.	9 - 4" CAL.
SURFACE PARKING LOT LANDSCAPE ( 12 SPACES )		
SHADE TREES	6 - 3" CAL.	6 - 5" CAL.
ORNAMENTAL TREES	4 - 3" CAL.	4 - 4" CAL.

plant schedule

QTY	COMMON NAME	SCIENTIFIC NAME	SIZE	REMARKS
TREES				
3	Cedar Elm	Ulmus crassifolia	5" Caliper, 12' Ht., 4'-5' sp., full matching	
5	Lacebark Elm	Ulmus pennsylvanicus	5" Caliper, 12' Ht., 4'-5' sp., full matching	
5	Red Oak	Quercus shumardii	5" Caliper, 12' Ht., 5'-6' sp., full matching	
9	Chinkapin Oak	Quercus muhlenbergii	5" Caliper, 12' Ht., 5'-6' sp., full matching	
6	Highrise Live Oak	Quercus virginiana 'QVITA'	5" Caliper, 12' Ht., 5'-6' sp., full matching	
SMALL ORNAMENTAL TREES				
15	Crape Myrtle (Red)	Lagerstroemia indica	4" caliper, 8' Ht., full pot, well rooted.	
8	Eve's Necklace	Syphora affinis	4" caliper, 8' Ht., full pot, well rooted.	
10	Medicine Plant	Plumieria nelsonii	4" caliper, 8' Ht., full pot, well rooted.	
SHRUBS & VINES				
45	Elaeagnus	Elaeagnus macrophylla	5 gal. full pot, well rooted 36" Ht., 36" O.C.	
42	Abelia	Abelia grandiflora	5 gal. full pot, well rooted, 36" O.C.	
60	Dwarf Abelia	Abelia grandiflora 'Nana'	3 gal. full pot, well rooted, 30" O.C.	
12	Crosvine	Bignonia capriolata	3 gal. staked, well rooted.	
GROUND COVER, & LAWN				
1,550	Asian Jasmine	Trachelospermum asiaticum	4" pots, 12" O.C.	
	Bermudagrass	Cynodon dactylon	Hydromulched / Solidseed.	

TOTAL TREE CREDIT TAKEN : 272 CAL. INCHES. ( 61 UP SIZED TREES PROVIDED ).  
THE CENTRAL LEADER FOR SHADE TREES SHALL BE INTACT

proposed trees

- 5 - LACE BARK ELM
- 5 - TX. RED OAK
- 3 - CEDAR ELM
- 9 - CHINKAPIN OAK
- 6 - HIGHRISE LIVE OAK
- 15 - Crape Myrtle
- 8 - EVE'S NECKLACE
- 10 - MEX. PLUM

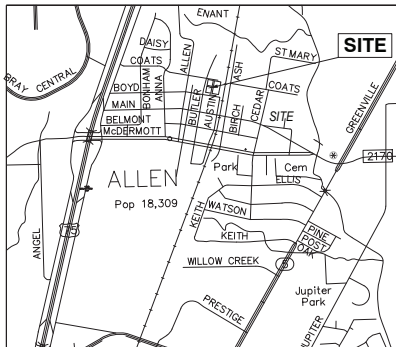
existing tree listing

POINT	COMMON NAME	CALIPER	HEIGHT	DIAMETER	LOCATION
1054	PECAN	22"	11'	11"	ST </td
1060	PECAN	22"	11'	11"	ST
1155	PECAN	22"	11'	11"	ST
1272	PECAN	22"	11'	11"	ST
TOTAL EXISTING TREES : 4					

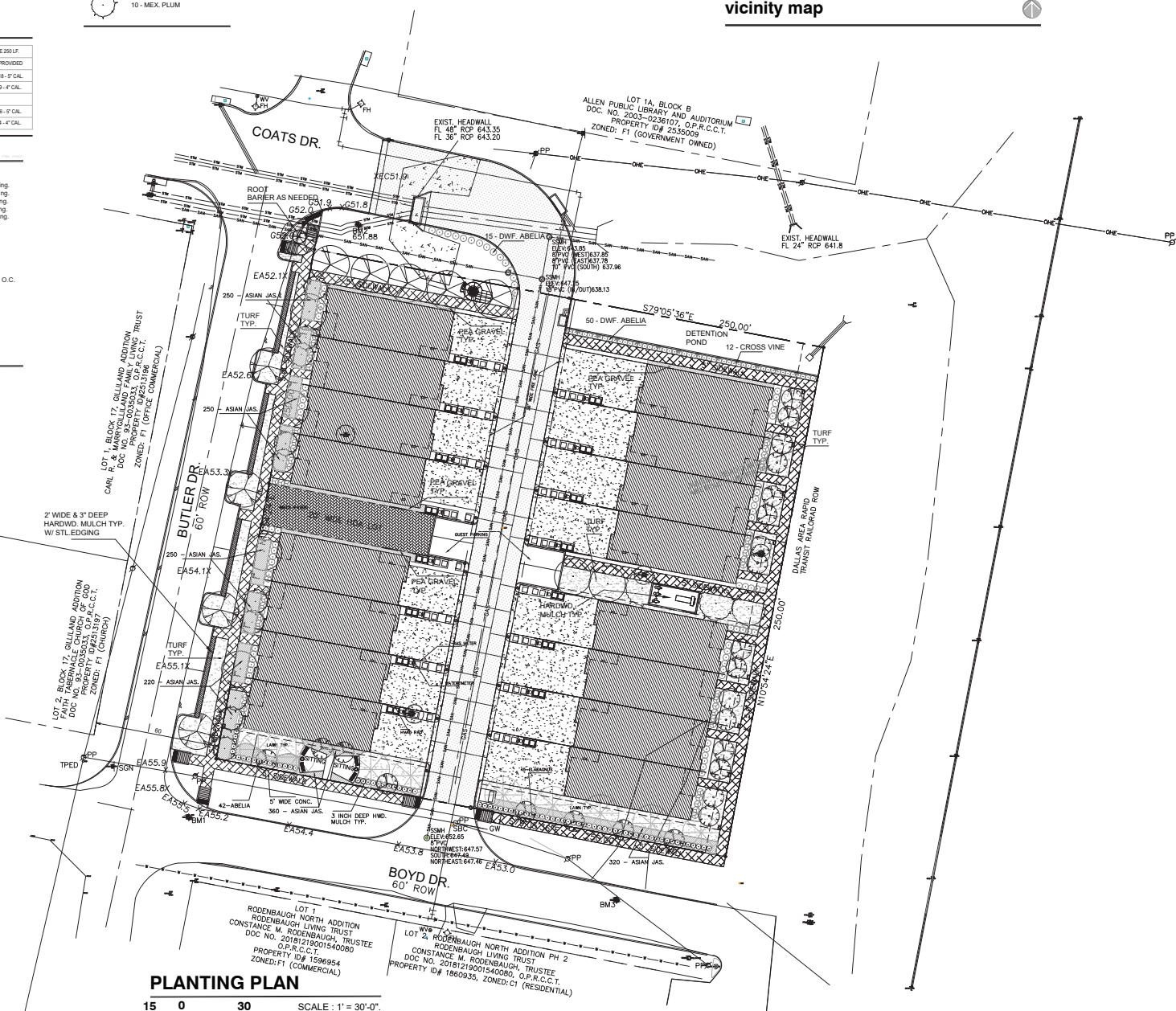
REF. SHEET 15.01 FOR ADDITIONAL INFO.

legend

- EXISTING TREE REMOVE



vicinity map



PLANTING PLAN

15 0 30 SCALE : 1" = 30'-0".

aroids

landscape architects

5901 Indian Hills Drive - Garland - Texas 75044 - 214-403-2034 - masalam2745@gmail.com

TOWN HOMES  
100 WEST BOYD DRIVE  
ALLEN - TEXAS - 75013

revision

- 
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- 
- 
- 
- 
- 
- 
- 
- 

shown

PLANTING PLAN



date

MAR. 14, 2022

sheet

LP.01





1 FRONT ELEVATION FROM BUTLER DRIVE

FACADE MATERIAL CALCULATION		
MATERIAL	AREA	%
BRICK	1,409 SF	56.42%
STONE MASONRY	419 SF	16.76%
GLASS AREA	604 SF	24.25%
STUCCO	64 SF	2.56%
TOTAL	2,496 SF	100%

FACADE MATERIAL CALCULATION		
MATERIAL	AREA	%
BRICK	922 SF	36.94%
STONE MASONRY	600 SF	24.04%
GLASS AREA	230 SF	9.21%
STUCCO	96 SF	3.85%
FRONT AND GARAGE DOORS	648 SF	25.96%
TOTAL	2,496 SF	100%

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GLASS AREA	604 SF	24.25%
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GLASS AREA	230 SF	9.21%
STUCCO	96 SF	3.85%
FRONT AND GARAGE DOORS	648 SF	25.96%
TOTAL	2,496 SF	100%



2 BACK ELEVATION FROM INNER ALLEY

EXTERIOR MATERIAL LIST

<b>BRICK</b> BK 1-ACME BLEND TWILIGHT (FIELD) BK 2-ACME BLEND SLATE (ACCENT) BK 1-ELGIN PLANT BK 2-DEWATER PLANT ACME BRICK P-(972) 241-1400 F-(972) 406-9314	<b>STUCCO</b> ST 1-PPG109M-3 ST 1-BROWN BRIDGE PPG (PITTSBURGH PAINTS) P-(866) PPG-1004 <b>MANUFACTURED STONE</b> MS 1-CHIPPENAW FALLS LEDGESTONE SUPPLIER: LONE STAR STONE NORTON, NATURAL GREY P-(972) 517-9997 F-(972) 651-3322
--	--

NOTES:  
PAINTS AND GLAZING ARE SUBJECT TO THE APPROVAL OF THE OWNER. GC TO PROVIDE SAMPLE OF ALL PAINT  
COLOR TO THE OWNER BEFORE PURCHASING ANY PAINT. GC TO MAKE A WICK UP SAMPLE OF ALL PAINT AND GET  
APPROVAL OF THE OWNER AND THE ARCHITECT PRIOR TO APPLICATION.



3 SIDE ELEVATION FROM BOYD DRIVE

FACADE MATERIAL CALCULATION		
MATERIAL	AREA	%
BRICK	687 SF	44.79%
STONE MASONRY	538 SF	35.07%
GLASS AREA	209 SF	13.62%
STUCCO	100 SF	6.52%
TOTAL	1,534 SF	100%

FACADE MATERIAL CALCULATION		
MATERIAL	AREA	%
BRICK	687 SF	44.79%
STONE MASONRY	538 SF	35.07%
GLASS AREA	209 SF	13.62%
STUCCO	100 SF	6.52%
TOTAL	1,534 SF	100%

**fk + architect, llc**  
400 chisholm place  
suite 410  
plano, texas 75075  
972-424 1325 (P)  
469-258-9322 (C)  
fabim2582@aol.com  
web: fkarchitect.com

09/17/2021  
W. Selman

REGISTERED ARCHITECT • STATE OF TEXAS

Original Date:  
APRIL 15, 2021

Issue Log

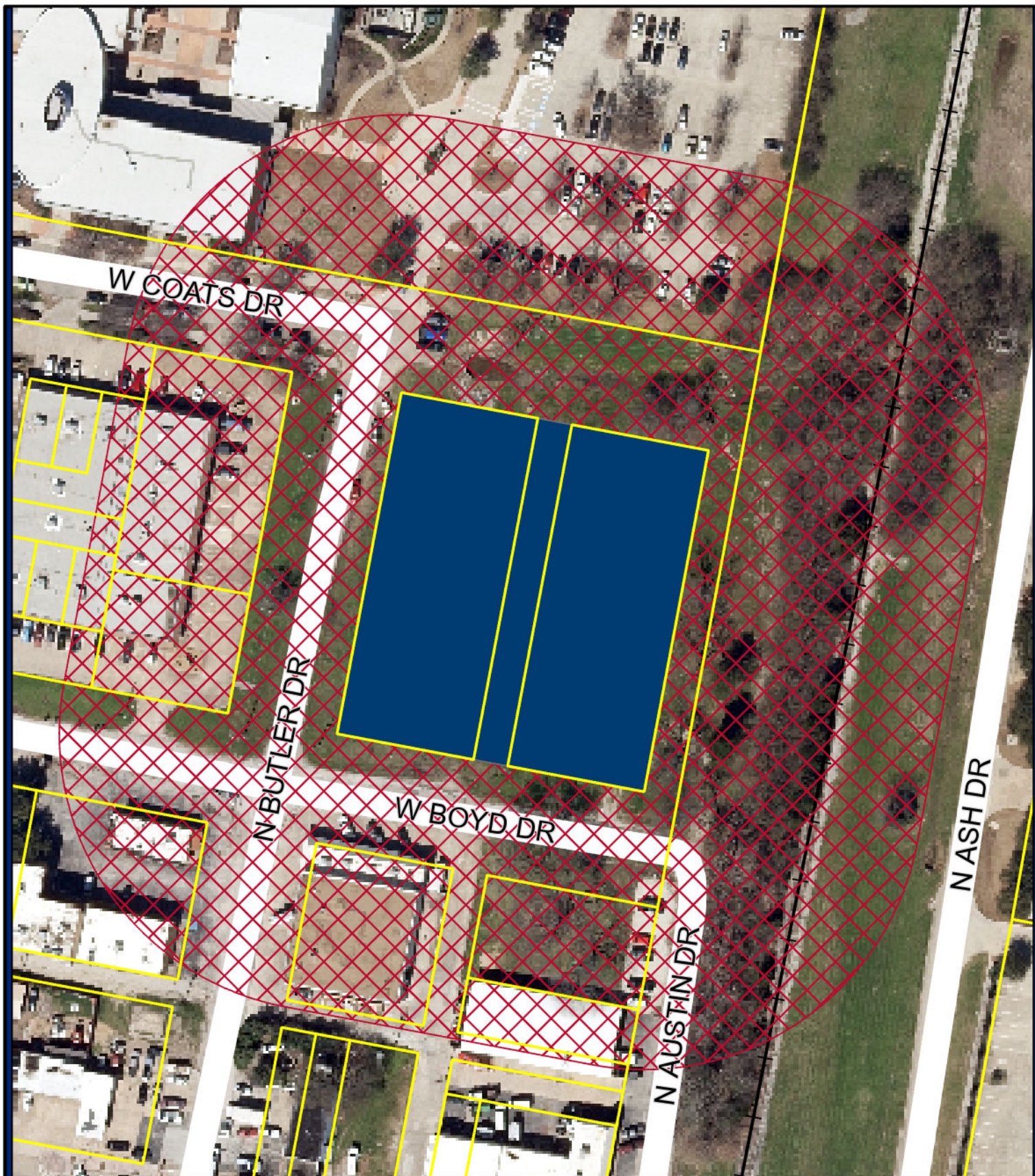
ISSUED FOR REVIEW	06/28/2021
ISSUED FOR REVIEW	07/15/2021
ISSUED FOR REVIEW	08/16/2021
ISSUED FOR REVIEW	08/26/2021
ISSUED FOR PERMIT	09/17/2021
ISSUED FOR CONSTRUCTION	09/17/2021

DRAWN BY: CHECKED BY:

**TOWN HOMES**  
SHELL AND INTERIOR FINISH-OUT  
AT 100 WEST BOYD DRIVE  
ALLEN, TEXAS 75013

Sheet Number:  
**A301**  
Project Number:  
21-031



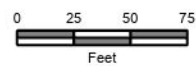


**Public Notification Map**

**100 W. Boyd Dr.**

**Legend**

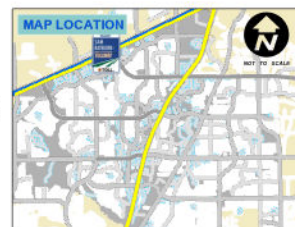
- Subject Property
- Collin CAD Parcels
- 200' Buffer
- Collin CAD Parcels selection



**Community Development - Planning**

Date Saved: 4/15/2022

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





**May 3, 2022 Planning and Zoning Commission Meeting Minutes**

Conduct a Public Hearing and Consider a Request for a Specific Use Permit for Dwelling, Single-Family (Attached)/Townhome Use for Approximately 1.4348 Acres of Land Located in the James L. Read Survey, Abstract No. 758; Generally Located at the Northeast Corner of Boyd Drive and Butler Drive. (SUP-072321-0004) [Townhomes - 100 W. Boyd]

Ms. Angel gave a brief description of the item and stated that staff recommends approval of the request.

Chair Metevier opened the public meeting.

Chair Metevier mentioned receipt of the following letter in opposition to the item:

- Molly Spear, 117 Arbor Ridge Drive, Allen, TX

Chair Metevier mentioned receipt of the following letter in favor of the item:

- Carl Gilliland, 202 N. Allen Dr, Allen, TX

The following individual spoke in opposition to this item:

- Adelia D. Scaife, 403 W. Coats Drive, Allen, TX

The following individual spoke in support of this item:

- Fahim Khan, applicant, 400 Chisholm Place, Ste 310, Plano, TX

With no one else speaking, Chair Metevier closed the public meeting.

The Commission discussed the following:

- Minimum dwelling unit size;
- Townhomes facing the Dallas Area Rapid Transit right-of-way;
- Architectural requirements of the Central Business District; and
- Design Review Committee's discussion.

**Motion:** Upon a motion by 1st Vice-Chair Smiddy, and a second by Commissioner Shaikh, the Commission voted 6 IN FAVOR and 1 OPPOSED by Commissioner Wright to recommend approval of an ordinance to adopt a Specific Use Permit for a Townhome use subject to the SUP Site Plan, Landscape Plan, and Building Elevations, as presented.

The motion carried.

**ATTENDANCE:**

**Commissioners Present:**

Dan Metevier, Chair

Michael Smiddy, 1st Vice-Chair

Kenneth Cook, 2nd Vice-Chair

Elias Shaikh

Brent Berg

Gary Stocker

Jason Wright

DRAFT

## CITY COUNCIL REGULAR MEETING AGENDA COMMUNICATION

<b>AGENDA DATE:</b>	May 24, 2022
<b>AGENDA CAPTION:</b>	Conduct a public hearing and adopt an Ordinance to establish a Planned Development Zoning District with a Base Zoning of Light Industrial, Corridor Commercial, and Townhome and to adopt Development Regulations, Zoning Exhibit, Concept Plan, and Building Elevations for approximately 84.3632 acres in the George Fitzhugh survey generally located at the northwest corner of Chelsea Boulevard and Ridgeview Drive.
<b>STAFF RESOURCE:</b>	Marc Kurbansade, Director of Community Development
<b>BOARD/COMMISSION ACTION:</b>	<p>The request has been reviewed by the Technical Review Committee.</p> <p>On May 3, 2022, the Planning and Zoning Commission recommended approval of the request.</p>
<b>PREVIOUS COUNCIL ACTION:</b>	<p>Planned Development No. 92 - Approved March, 2004</p> <p>Planned Development No. 92 - Approved November, 2005</p> <p>Planned Development No. 147 - Approved October, 2021</p>
<b>STRATEGIC PLANNING GOAL:</b>	Vibrant Community with Lively Destinations and Successful Commercial Centers.

### **BACKGROUND**

The subject property is located at the northwest corner of Chelsea Boulevard and Ridgeview Drive. The zoning designations of surrounding properties are as follows:

- North (across SH121) - Municipality of McKinney
- South - Planned Development No. 130 with a base zoning district of Single-Family Residential (R-5)
- East - Planned Development No. 139 with a base zoning district of Mixed Use
- West - Planned Development No. 92 (PD-92) with a base zoning district of Commercial Corridor (CC)

The subject property is comprised of two unplatted tracts with a land area of 84.3632± acres, and retains the following two zoning designations:

- Planned Development No. 147 (PD-147) with a base zoning district of Light Industrial (LI)
- PD-92 with a base zoning district of CC.

On October 25, 2021, City Council rezoned the western 59.7157± acres of this subject property to PD147 with a base zoning district of LI (Ordinance No. 3875-10-21). The intent for this portion of the property was to allow for warehouse/office/distribution uses. It should be noted that the applicant also stated that it was their intent to submit a subsequent zoning application to add the additional 26.6475± acres of land adjacent to the east to be used for mixed use purposes. These two pieces of combined property are what comprise the current 84.3632± subject property.

The proposed Concept Plan includes three individual subdistricts:

- **Subdistrict 1.** This subdistrict has a gross site area of 59.70 acres, with a base zoning district of LI. Additionally, this subdistrict, which was the entire subject property for the prior zoning action by City Council, will continue to be comprised of a maximum of 740,000 square feet of warehouse/office/distribution uses. Finally, pursuant to Section 2.D of the proposed Planned Development, this subdistrict can also be developed with Electronics Manufacturing and Assembly uses.
- **Subdistrict 2.** This subdistrict has a gross site area of 10.42 acres, with a base zoning district of CC. Subdistrict 2 is located in the northeastern quadrant of the subject site and is intended to be developed with Office, Restaurant, and Retail Uses. The PD Concept Plan shows 200,000 square feet of Office uses and 24,000 square feet of Restaurant uses.
- **Subdistrict 3.** This subdistrict has a gross site area of 14.23 acres, with a base zoning district of Townhome (TH). Subdistrict 3 is located in the southeastern quadrant of the subject site and is intended to be developed with 128 townhome dwelling units.

A strikeout/underline document comparing the development regulations portion of the prior Planned Development Ordinance (PD-147, Ordinance No. 3875-10-21) is included with this communication. Below is a brief summary of the substantive changes proposed:

- Subdistricts 2 and 3 are being appended to the overall Planned Development, with base zoning districts of CC and TH, respectively, being established. (Section 2.B)
- Height, area, and setback regulations are being established for Subdistrict 3. (Section 2.G)
- Standards for parking Structures are being established. (Section 2.H)
- Prior phasing requirements associated with now-Subdistrict 1 are being eliminated to permit the warehouse/office/distribution uses to be developed in a single phase without conditions. (Section 2.I)
- A minor modification regarding the facades of buildings in Subdistrict 1 is being proposed, which changes "feature architectural entries" to "feature architectural elements." This provides for the same architectural elements in the façade, but removes the requirement for an actual entry/door. (Section 2.J)
- Screening standards for the singular guest parking lot in Subdistrict 3 are being proposed. (Section 2.L)
- Flexibility in parking standards, consistent with other previously approved mixed use developments, is being proposed. (Section 2.M)

## **STAFF RECOMMENDATION**

Staff recommends approval.

## **MOTION**

*I make a motion to adopt Ordinance No. \_\_\_\_\_ to establish Planned Development Zoning District 147-A with a Base Zoning of Light Industrial, Corridor Commercial, and Townhome.*

**ATTACHMENT(S)**

Ordinance

Ordinance Comparison

May 3 PZ Minutes

Property Notification Map

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE AND ZONING MAP, AS PREVIOUSLY AMENDED, BY AMENDING THE REGULATIONS RELATING TO THE USE AND DEVELOPMENT OF 84.3632+/- ACRES OUT OF THE GEORGE FITZHUGH SURVEY, ABSTRACT NO. 321, AND FRANCIS DOSSER SURVEY, ABSTRACT NO. 280; PRESENTLY LOCATED IN PLANNED DEVELOPMENT “PD” NO. 92 CORRIDOR COMMERCIAL AND PLANNED DEVELOPMENT “PD” NO. 147 FOR LIGHT INDUSTRIAL BY CHANGING THE ZONING AND CREATING PLANNED DEVELOPMENT “PD” NO. 147A FOR LIGHT INDUSTRIAL “LI,” CORRIDOR COMMERCIAL “CC,” AND TOWNHOME “TH” USES AND ADOPTING DEVELOPMENT REGULATIONS INCLUDING A ZONING EXHIBIT, 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 the Zoning Map of the City of Allen, Collin County, Texas, as previously amended, are hereby further amended by changing the zoning regulations relating to the development and use of 84.3632+/- acres out of the George Fitzhugh Survey, Abstract No. 321, and Francis Dosser Survey, Abstract No. 280, City of Allen, Collin County, Texas, more fully described in Exhibit “A,” attached hereto and incorporated herein by reference (the “Property”), which is presently zoned as Planned Development “PD” No. 92 Corridor Commercial and Planned Development “PD” No. 147 for Light Industrial uses by changing the zoning and creating Planned Development “PD” No. 147A for Light Industrial uses subject to 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 provisions of the Allen Land Development Code (“ALDC”), as amended, 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 (the “Concept Plan”) subject to the following:

- (1) Minor modifications to building locations, lots, and streets/driveways that do not alter the general alignment shown on the Concept Plan may be made at the time of Site Plan approval;
- (2) Improvements to thoroughfares required by a Traffic Impact Analysis shall be provided as shown on the Concept Plan; and
- (3) Any amendment to the Concept Plan not determined to be a minor amendment shall be processed as a zoning amendment in accordance with the ALDC. An amendment to the Concept Plan that substantially alters the streets and circulation patterns within the Property, the base zoning district(s) of portions of the Property, the designation of permitted uses, and/or increases the density of residential uses, shall not be considered a “minor amendment.”

**B. BASE ZONING AND SUB-DISTRICTS:** For purposes of the development of the Property, the Property is divided into three (3) Subdistricts as shown on the Concept Plan, the Base Zoning District regulations for which shall be as followed except as modified in this Section 2:

- (1) Subdistrict 1 shall be used and developed in accordance with regulations applicable to a Light Industrial “LI” District;
- (2) Subdistrict 2 shall be used and developed in accordance with regulations applicable to a Corridor Commercial “CC” District; and
- (3) Subdistrict 3 shall be used and developed in accordance with regulations applicable to Townhome “TH” District.

**C. BUILDING ELEVATIONS:** Elevations of the light industrial buildings and townhomes attached hereto as Exhibit “C” and incorporated herein by reference (“Building Elevations”), are intended to convey a general range of architectural features that would be incorporated into final design. Buildings shall in general conform with the façade rhythm, façade material changes, and fenestration illustrated on the Building Elevations.

**D. ADDITIONAL PERMITTED USES:** In addition to the purposes for which property within a Light Industrial (“LI”) District may be used and developed, the portion of the Property within Subdistrict 1 may be used and developed for Electronics Manufacturing and Assembly.

**E. PROHIBITED USES:** The Property shall not be developed and used for the following purposes:

- (1) Concrete batch plant (permanent, non-temporary); and
- (2) Pawn Shop.

**F. HEIGHT, AREA, AND SETBACK REGULATIONS – SUBDISTRICT 1:** Buildings constructed within Subdistrict 1 shall comply with the height, area, and setback regulations of the Light Industrial (LI) District except as follows:

- (1) Maximum Height:
  - (a) 50 feet, if all portions of the building are located 200 feet or more from property located within any residential zoning district or otherwise developed for any residential purpose;
  - (b) 45 feet, if any portion of the building is located less than 200 feet from property located within a multifamily or townhome residential zoning district or otherwise developed for a multifamily or townhome residential purpose; and



- (c) 35 feet, if any portion of the building is located less than 200 feet from property located within a single-family residential zoning district or otherwise developed for a single-family residential purpose.
- (2) Lots adjacent to Highway 121 shall have a front yard setback of 50 feet.
- (3) Landscape buffer along SH 121: Not less than 30 feet in width, of which not less than 15 feet in width must be unencumbered by any easements.
- (4) Landscape buffer along Ridgeview Drive: Not less than 50 feet in width, of which not less than 15 feet in width must be unencumbered by any easements.

**G. HEIGHT, AREA, AND SETBACK REGULATIONS – SUBDISTRICT 3:** Buildings constructed within Subdistrict 3 shall comply with the height, area, and setback regulations of the Townhome (TH) District except as follows:

- (1) Minimum Lot Area: 1,980 square feet;
- (2) Minimum Lot Area/Dwelling Unit: n/a;
- (3) Minimum Front Yard: 10 feet;
- (4) Minimum Rear Yard: 10 feet;
- (5) Minimum Side Yard: 5 feet;
- (6) Minimum Side Yard (% of lot width): n/a;
- (7) Minimum Corner Lot Side Yard: 15 feet;
- (8) Minimum Lot Width: 22 feet;
- (9) Minimum Lot Depth: 90 feet;
- (10) Minimum Buildable Area: n/a;
- (11) Minimum Dwelling Unit Floor Area: 1,200 square feet;
- (12) Maximum Lot Coverage: 75%;
- (13) Maximum Density: n/a;
- (14) Maximum Building Height: 35 feet and three stories;
- (15) Maximum Number of Dwelling Units: 129; and
- (16) Minimum Width of Landscape Buffer Adjacent to Ridgeview Drive and Chelsea Boulevard: 20 feet.

**H. DESIGN OF PARKING STRUCTURES:**

- (1) Facades of structured parking garages above the ground floor shall be designed so that vehicles on all parking levels are substantially screened from view from adjacent public street rights-of-way.
- (2) Facades of above-ground parking structures that face streets must be designed and constructed with enhanced architectural treatments.
- (3) When parking structures are located at corners of streets, corner architectural elements such as corner entrance, signage, and glazing shall be incorporated at the corner.
- (4) Parking structures and adjacent sidewalks shall be designed so pedestrians are clearly visible to entering and exiting vehicles.

**I. DENSITY:** Buildings with a cumulative floor area of no more than 740,000 gross square feet may be constructed in Subdistrict 1 and used for purposes permitted within a Light Industrial “LI” Zoning District and Section 2.D. above.

**J. FAÇADE COMPOSITION:** Façades for the buildings constructed in Subdistrict 1 shall be designed and constructed subject to the following architectural concepts:

- (1) All building facades should be designed with an architectural rhythm, which may be expressed by changing materials, or color, or by using design elements such as fenestration, columns, or pilasters, or by varying the articulation of portions of the façade.
- (2) Feature architectural elements shall be applied to corners and at intermediate locations on all primary building facades at not less than every 150 linear feet. Architectural elements shall include changes in building materials and other ornamental features. The building corners shall be offset outward or inward from the remaining façade not less than six (6) feet and an additional height up to 20% of the height of the main façade must be applied. Non-opaque Glazing shall cover at least 25% of façade area within 75 linear feet of each feature architectural entry.
- (3) The images portrayed in the Building Elevations are intended to convey a general range of architectural features that would be approved as described in the regulatory text. Approval of final elevations by the Director of Community Development or designee shall be based on the application of the text.

**K. SCREENING STANDARDS - SUBDISTRICT 1:** Screening for the Property within Subdistrict 1 shall be provided subject to the following:

- (1) Screening is required to be installed along Ridgeview Drive as shown on the Concept Plan, and shall consist of the following:
  - (a) A sodded berm shall be constructed with a trail or sidewalk within the Right-of-Way or within the trail or sidewalk easements, as necessary;
  - (b) One (1) shade tree with a trunk diameter at the time of planting of not less than four (4) caliper inches measured at six (6) inches above the root ball must be planted within the berm for each thirty (30) feet or portion thereof of the lot's frontage along Ridgeview Drive with the distance between shade trees not to exceed forty (40) feet;

- (c) One (1) ornamental tree with a trunk diameter at the time of planting of not less than three (3) caliper inches measured at six (6) inches above the root ball must be planted with the distance between ornamental trees not to exceed forty (40) feet;
  - (d) One (1) evergreen shrub with a height at the time of planting of not less than thirty-six (36) inches measured from the top of the root ball shall be planted for every four (4) feet or portion along Ridgeview Drive with the distance between evergreen shrubs not to exceed three (3) feet; and
  - (e) A metal fence with masonry columns shall be constructed at the locations shown on the Concept Plan subject to the following:
    - i. The fence shall be not less than six (6) feet nor greater than eight (8) feet in height; and
    - ii. The metal fence shall be constructed of an ornamental metal material with masonry support columns at not greater than forty (40) foot spacing except as approved by the Director of Engineering or designee as necessary to avoid conflicts with utilities, drainage features, or other public facilities.
- (2) Screening is required to be installed along Drive A in the areas shown on the Concept Plan for loading and tractor trailer parking areas for Buildings B and G and shall consist of the following:
- (a) A ten (10) foot masonry wall constructed in accordance with the minimum standards set forth in Section 7.07 of the ALDC;
  - (b) One (1) evergreen shrub with a height at the time of planting of not less than 36-inches measured from the top of the root ball shall be planted for every four (4) feet along the side of the wall facing Drive A with the distance between shrubs not to exceed three (3) feet;
  - (c) A sodded berm shall be constructed at the locations shown on the Concept Plan;
  - (d) One (1) shade tree with a trunk diameter at the time of planting of not less than four (4) caliper inches measured at six (6) inches above the root ball must be planted within the berm for every thirty (30) feet along the side of the wall facing Drive A with the distance between trees not to exceed forty (40) feet along the street frontage; and
  - (e) One (1) ornamental tree with a trunk diameter at the time of planting of not less than four (4) caliper inches measured at six (6) inches above the root ball must be planted within the berm for every thirty (feet) along the side of the wall facing Drive A with the distance between trees not to exceed forty (40) feet along the street frontage.
- (3) Loading and tractor trailer parking areas that are visible from the SH 121 Service Road and located less than 200 feet of the SH 121 right-of-way shall be screened as follows:
- (a) A six (6) foot masonry wall constructed in accordance with the minimum standards set forth in the ALDC;
  - (b) One (1) evergreen shrub with a height at the time of planting of not less than 36-inches measured from the top of the root ball shall be planted for every four (4) feet along the side of the wall facing SH 121; and

- (c) A sodded berm shall be constructed with a trail or sidewalk within the Right-of-Way or within trail or sidewalk easements, as necessary, with at least one (1) shade tree with a trunk diameter at the time of planting of not less than three (3) caliper inches measured six (6) inches above the root ball and one (1) ornamental tree shall be planted along the street frontage on an average distance between trees of not less 30 feet.
- (4) Screening of dock doors shall not be required if they face internally and or do not directly face SH 121, Chelsea Boulevard, or Ridgeview Drive.
- (5) Mechanical and Service Screening shall be required as follows:
  - (a) All buildings shall be designed such that no mechanical equipment (HVAC, etc.) is visible from the public right-of-way or open space, whether the equipment is located on the ground, exterior wall, or roof; and
  - (b) The screening material required by paragraph 1, above, shall be raised at least one foot above the top of the mechanical equipment.
- (6) Sodded berms required to be constructed pursuant to this Section 2.I. shall:
  - (a) Have a maximum slope of 3:1;
  - (b) Have a minimum height of three (3) feet except at locations where a trail or sidewalk intersects with and/or crosses through the berm; and
  - (c) Have a minimum width of thirty (30) feet.

**L. SCREENING STANDARDS - SUBDISTRICT 3:** Screening for the Property within Subdistrict 3 shall be provided subject to the following:

- (1) Screening shall not be required for lots or open space fronting Ridgeview Drive or Chelsea Boulevard.
- (2) Screening shall be installed in locations where parking lots are adjacent to Chelsea Boulevard and shall consist of one (1) evergreen shrub with a height at the time of planting of not less than 36-inches measured from the top of the root ball shall be planted with the distance between shrubs not to exceed thirty-six (36) inches.

**M. PARKING STANDARDS:**

- (1) **Parking Reduction.** The Director of Community Development and Director of Engineering may jointly reduce the required number of off-street parking spaces if such reduction is supported by the findings of a parking study prepared by a professional engineer or transportation planner which demonstrates need, reviews industry standards, and proposes a modification that will not result in a parking deficiency for the proposed uses for the portion of the Property to be served by the related parking areas.
- (2) **Cross Access.** A perpetual cross-access easement for vehicle and pedestrian travel as well as cross-easements for parking, both at-grade and below-grade, shall be granted between and among all contiguous lots within the Property. The cross-access easement may be provided by plat or separate instrument.
- (3) **S.H. 121 Frontage.** Parking is permitted within the front yard setback adjacent to S.H. 121 as shown on the Concept Plan.

- (4) **On-Street Parking.** On-street parking may be counted towards required off-street parking requirements, provided that these on-street spaces are located no greater than 800 feet from the building/use for which the on-street spaces are being counted.
- (5) **Off-Street Parking Requirements.** Off-street parking for non-shared uses shall be provided in compliance with Section 7.04 of the ALDC, as amended except as provided in this Section 2.M.(5).
  - (a) The following minimum off-street parking requirements shall apply for the following uses:
    - i. Subdistrict 1:
      - (1) Warehouse Area: 1 space per 2,000 square feet; and
      - (2) Office Area: 1 space per 300 square feet.
    - ii. Subdistrict 2:
      - (1) Office: 2.5 spaces per 1,000 square feet; and
      - (2) Restaurant: 1 space per 100 square feet.
    - iii. Subdistrict 3:
      - (1) 2 spaces for each Single Family (detached) dwelling unit; and
      - (2) 1 visitor parking space shall be constructed for every 2 dwelling units.
  - (b) The Director of Community Development is authorized to approve a reduction in the number of off-street parking spaces required by Section 2.M.(5) based on the findings of a Parking Demand Study prepared by a licensed professional engineer.
- (6) **Shared Parking.**
  - (a) The Director of Community Development and the Director of Engineering shall have the authority to reduce the number off-street parking spaces required by Section 7.04 of the ALDC, as amended, based on the findings of a Shared Parking Study conducting using independently collected empirical data or use data by an acceptable industry-standard resource.
  - (b) Off-street parking requirements may be satisfied through the use of shared parking agreements, provided that:
    - i. The parking lot or garage containing the shared spaces is located no greater than 800 feet from the building/use for which the off-street spaces are being counted;
    - ii. The shared parking agreement provides for an easement establishing a perpetual use of the off-site parking spaces by the building/use for which the off-street spaces are being counted;

- iii. The shared-parking area(s) identified in a shared parking agreement shall be limited to areas where the users (e.g., owners, tenants, employees, customers, and/or clients) sharing the parking are open to the public during different times of the day with minimal overlap in business hours;
- iv. The shared parking agreement must be recorded in the Official Public Records of Collin County, Texas, after execution; and
- v. Prior to execution and recording, the form of the shared parking agreement will be reviewed and approved by the City Attorney to determine if it conforms to the requirements set forth above and in the ALDC, as modified herein.

**N. STREETSCAPE STANDARDS:** The following streetscape standards shall apply to all private drives within the Property except service drives, alleys, and fire lanes:

**(1) Planting Standards.**

- (a) Except where a different standard is required by this Ordinance, required trees at time of planting shall have a trunk diameter of not less than three (3) caliper inches measured six (6) inches above the root ball;
- (b) Trees in the landscape areas along streets shall be from the list of recommended trees in the ALDC unless other species are approved by the City Forester; and
- (c) Trees planted along streets in the pedestrian amenity zone and/or median shall include a root barrier between the tree and back-of-curb.

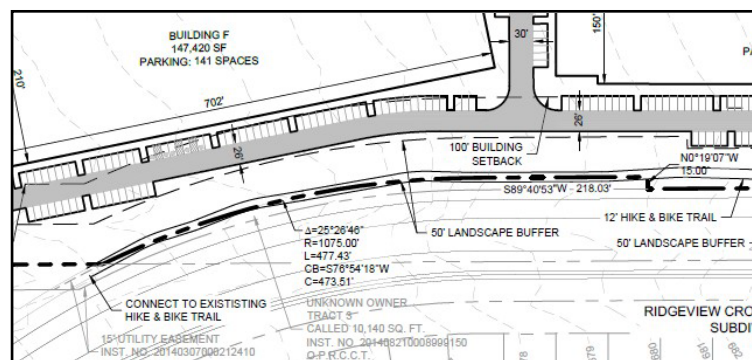
**(2) Street Trees.**

- (a) The Director of Parks and Recreation shall have the discretion to approve the modification of the spacing of street trees provided the number of trees actually planted is not less than the number of trees that would otherwise be required with the typical spacing herein;
- (b) Street trees shall be planted no less than four feet behind the curb line;
- (c) Street trees shall be planted in curb extensions (bump-outs into the parking lane) as long as such spacing also complies with Sections 2.N.(2)(f) and 2.N.(2)(g) below;
- (d) Each street tree shall be planted in a planting area of not less than 36 square feet; provided, however, the area of the tree well may have no dimension of less than five (5) feet in length and an area of less than 25 square feet;
- (e) Trees installed in street well locations shall be planted with structural soil designed by a Landscape Architect for the specific conditions or other approved system to remediate reduced planting areas;
- (f) Tree wells must be irrigated in accordance with the City of Allen Water Conservation Code and include a connecting subsurface drainage system; and
- (g) Root barriers shall be installed on the sides of tree wells at the time of planting.

- (3) Sidewalks.** Unless otherwise identified on the Concept Plan, sidewalks constructed on the Property shall be not less than five (5) feet wide.

**O. MANDATORY TRAILS AND TRAIL IMPROVEMENTS:** The following public trails and public trail system improvements and related public trail easements (collectively, the “Mandatory Trails”) shall be constructed and conveyed to the City for future maintenance:

- (1) **Ridgeview Drive Trail.** A hike and bike trail not less the twelve (12) feet wide shall be constructed meandering within the Ridgeview Drive right-of-way or trail easement as necessary, and a public trail easement not less than twenty (20) feet wide shall be dedicated spanning from Chelsea Boulevard to the existing Ridgeview Drive Trail near Cottonwood Creek (the “Ridgeview Trail”). The Director of Parks & Recreation may authorize the width of the trail easement to be reduced to a minimum of fifteen (15) feet for the segment depicted below that meanders between the Ridgeview Drive right-of-way and the Property. The segment of the Ridgeview Trail adjacent to Subdistrict 1 shall be completed prior to the issuance of the first certificate of occupancy for a building on the Property. The segment of the Ridgeview Trail adjacent to Subdistrict 3 shall be completed prior to the first certificate of occupancy for any building in Subdistrict 3 adjacent to Ridgeview Drive.



- (2) **Cottonwood Creek Trail.** A 12-foot wide hike and bike trail meandering along Cottonwood Creek in the approximate location shown on the Concept Plan (the “Cottonwood Creek Trail”). The Cottonwood Creek Trail shall be completed prior to the issuance of the first certificate of occupancy for a building west of Drive B on the Property.
- (3) **Chelsea Boulevard Trail.** A 10-foot wide trail meandering along Chelsea Boulevard within the right-of-way or trail easement as necessary (the “Chelsea Trail”). Chelsea Trail shall be completed prior to the certificate of occupancy for adjacent development.
- (4) **Trail Easements.** In locations where a trail is not to be located within a public street right-of-way, a trail easement not less than 20-feet wide shall be conveyed to the City upon completion of construction of the trail either at the time of approval of the final plat of the portion of the Property where the trail segment is located or by separate instrument approved as to form by the City Attorney; provided, however, the width of the trail easement may be reduced in locations where a 20-foot easement cannot be conveyed because of existing topography, flood plain, or other site limitations.
- (5) **Final Trail Location.** The final location of required trails shall be determined at the time of final platting and approval in the construction plans for the trails as approved by the Director of Engineering, Director of Parks and Recreation, and Director of Community Development.

**P. TREE MITIGATION:** Development of the Property shall comply with Section 7.06 of the ALDC, except as follows:

- (1) Not including replacement trees, negative tree credits assessed for the removal of Hackberry trees and Sugarberry trees will be reduced by 25%;
- (2) Negative tree credits will not be assessed for a tree that is removed following the City arborist's determination the tree is at the end of its life, diseased, dead, or dying per a tree condition survey;
- (3) Negative tree credits will not be assessed for the removal of Siberian Elm (*Ulmus pumila*) or hybridized elms of Siberian Elm following the City arborist's determination, or Chinaberry trees (*Melia azedarach*); and
- (4) Tree credits will be provided for street trees in accordance with ALDC Section 7.06.3.3.

**Q. FLEXIBLE DESIGN STANDARDS:**

- (1) Exceptions to the development standards relating to building design or construction set forth in these Development Regulations may be granted by the Director of Community Development for the purpose of improving performance in energy and water use and consumption, carbon dioxide emissions reduction, and improved indoor environmental quality. The standards used for best practices in sustainable design and the measures used to describe a building's environmental performance shall follow those principles, practices, and standards set forth by any of the following organizations:
  - (a) U.S. Green Building Council (USGBC) – Leadership in Energy and Environmental Design (LEED); or
  - (b) EPA and U.S. Department of Energy – Energy Star for Homes and Businesses; or
  - (c) The Sustainable Sites Initiatives (SITES); or
  - (d) Congress for the New Urbanism (CNU); or
  - (e) BRE Environmental Assessment Method (BREEAM).
- (2) A request for an exception to the building design standards of these Development Regulations shall be submitted and approved before implementation by the Director of Community Development, Director of Engineering, and Chief Building Official, who shall have the authority, but not the obligation, to approve the alternative design(s) without being processed as a zoning amendment in accordance with the ALDC provided such design alternatives are generally consistent with the intent of these Development Regulations and such exception does not:
  - (a) Result in the approval of a land use not otherwise authorized by these Development Regulations or the ALDC;
  - (b) Increase the allowable intensity or density of any land use; and
  - (c) Effectively result in an amendment to these Development Regulations or the ALDC.

**R. SITE PLAN AND CONCEPT PLAN ADMINISTRATION:**

- (1) **Site Plan Review Process.**



- (a) **Site Plan Details.** Site plan details to be provided on a site plan shall comply with Section 6.05.3 of the ALDC;
- (b) **Site Plan Review Standards.** The Director of Community Development is authorized to approve a site plan if such site plan conforms to the standards set forth in these Development Regulations and the ALDC; and
- (c) **Amendments to Approved Site Plans.** The Director of Community Development is authorized to approve changes to approved site plans that comply with the provisions in these Development Regulations.

(2) **Amendments to the Concept Plan.**

- (a) **Minor Modifications.** Except as otherwise provided in these Development Regulations, the Director of Community Development shall have the authority to administratively approve minor changes to the Concept Plan, Site Plan or Elevations. “Minor modifications” include changes that:
  - i. Do not materially change the circulation on the Property;
  - ii. Do not amend the overall area between different Subdistricts by more than 15%;
  - iii. Revise or relocate mandatory open space provided the amount of open space satisfies the amount of open space area required by this Section 2 and the ALDC;
  - iv. Do not move a street more than 100 feet from the location shown on the Concept Plan and the move does not result in a change in the general circulation plan set forth on the Concept Plan;
  - v. Relocate required trails provided pedestrian and bike connectivity is provided as intended by the Concept Plan;
  - vi. Reconfigure size, location, or change in use of buildings or lots shown on the Concept Plan provided compliance with use regulations and the screening requirements of loading areas set forth in Section 2.K. is maintained; and
  - vii. Change façade composition from elevations provided but follow guidelines set forth herein.
- (b) **Major Modifications.** Changes to the Concept Plan or Site Plan that do not qualify as Minor Modifications shall be processed as an amendment to a zoning ordinance pursuant to the ALDC.
- (c) **Street Modifications.** The Director of Community Development and Director of Engineering may, but shall not be obligated to, authorize the Drive A and Drive B alignments as shown on the Concept Plan to shift in location up to 100 feet in either direction at the time of final platting of the Property without an amendment to the Concept Plan being required provided any minimum drive and/or intersection separation distances are maintained; and
- (d) **Modifications Mandated by Law.** Any modification to a street location shown on the Concept Plan that is necessitated by a Federal, State, or Local action may be

administratively approved by the Director of Engineering, including, but not limited to, the intersection of Drive A and/or Drive B with the S.H. 121 service road.

**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 Zoning Regulations, 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 Zoning Regulations, 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 of the City of Allen, 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 immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Allen, and it is accordingly so ordained.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 24<sup>TH</sup> DAY OF MAY 2021.**

**APPROVED:**

\_\_\_\_\_  
**Kenneth M. Fulk, MAYOR**

**APPROVED AS TO FORM:**

**ATTEST:**

\_\_\_\_\_  
**Peter G. Smith, CITY ATTORNEY**  
(kbl:4/24/2022:129239)

\_\_\_\_\_  
**Shelley B. George, TRMC, CITY SECRETARY**

**EXHIBIT "A"**  
**ZONING EXHIBIT**

### ZONING DESCRIPTION

**BEING** a tract of land situated in the George Fitzhugh Survey, Abstract No. 321 and Francis Dossier Survey, Abstract No. 280, City of Allen, Collin County, Texas and being a part of a called 88.870 acre tract of land described in Special Warranty Deed to MCCLANE COMPANY, INC. recorded in Instrument No. 20140821000899150, Official Public Records, Collin County, Texas, and being all of a called 8.000 acre tract of land described in Special Warranty Deed to 121 & Chelsea, L.P. recorded in Instrument No. 20071212001652280, of said Official Public Records and being more particularly described as follows:

**COMMENCING** at a 1/2" iron rod with yellow plastic cap stamped "JBI" found for the northwest corner of Lot 2X, Block B, Starcreek Commercial, an addition to the City of Allen according to the plat recorded in Instrument No. 20080613010002210, of said Official Public Records and being in the southeast right-of-way line of the northbound service road of State Highway 121 (a variable width right-of-way);

**THENCE** with said southeast right-of-way line, North 61°18'13" East, a distance of 211.38 feet to a point for the north corner of said Lot 2X and being the **POINT OF BEGINNING**;

**THENCE** continuing with said southeast right-of-way line, the following courses and distances:

North 61°18'13" East, a distance of 55.17 feet to a point for corner;  
North 64°36'21" East, a distance of 1705.64 feet to a point for corner;  
North 68°55'58" East, a distance of 578.75 feet to a 5/8" iron rod found for corner;  
North 60°54'36" East, passing a 1/2" iron rod found for the west corner of said 8,000 acre tract at a distance of 60.32 feet and continuing in a line of a distance of 289.27 feet to a point for corner;  
North 64°36'21" East, a distance of 439.74 feet to a point for corner at the north end of a corner clip of said southeast right-of-way line of State Highway 121 and west right-of-way line of Chelsea Boulevard (a variable width right-of-way);

**THENCE** with said corner clip, South 63°09'15" East, a distance of 29.69 feet to a point for corner at the south end of said corner clip;

**THENCE** with said west right-of-way line of Chelsea Boulevard, the following courses and distances:

South 00°45'48" East, a distance of 225.09 feet to a 5/8" iron rod found for corner;  
 South 08°09'33" East, a distance of 151.33 feet to a point for corner;  
 South 00°33'52" East, passing a "X" cut in concrete found for the southeast corner of said 8,600 acre tract at a distance of 311.15 feet and continuing in all a distance of 398.30 feet to a point for corner found at the beginning of a tangent curve to the left with a radius of 4,060.00 feet, a central angle of 04°30'57", and a chord bearing and distance of S 12°12'12" E 398.30 feet to a point for corner;  
 In an easterly direction, with said tangent curve to the left, an arc distance of 320.59 feet to a 1/2" iron rod found for the north corner of a called 0.672 acre tract land described in Special Warranty Deed to Southern One Twenty One Investments, Ltd. recorded in Instrument No. 20130417000515380, of said Official Public Records;

**THENCE** with the west line of said 0.672 acre tract, South 00°40'33" East, a distance of 756.58 feet to a point for the southwest corner of said 0.672 acre tract and being in the north right-of-way line of Ridgeview Drive (a variable width right-of-way);

**THENCE** with said north right-of-way line, the following courses and distances:

South 87°17'12" West, a distance of 143.99 feet to a 5/8" iron rod found for corner;  
 South 83°28'22" West, a distance of 150.33 feet to a point for corner found at the beginning of a non-tangent curve to the right with a radius of 4,940.00 feet, a central angle of 02°22'10", and a chord bearing and distance of South 88°29'48" West, 204.28 feet;  
 In a northerly direction, with said non-tangent curve to the right, an arc distance of 204.29 feet to a point for corner;  
 South 89°40'53" West, a distance of 829.97 feet to a point for the southeast corner of "Tract 3" a tract of land described in Special Warranty Deed, Instrument No. 201408210008999150, of said Official Public Records;

## NOTES

1. ZONING CLASSIFICATION BASED ON CITY OF ALLEN ZONING-AND-PLANNED-DEVELOPMENT-MAP LAST UPDATED 10/21/2020

**THENCE** with the east and north lines of said Tract 3, the following courses and distances:

North 0°19'07" West, a distance of 15.00 feet to a point for corner;  
South 89°40'53" West, a distance of 218.04 feet to a point at the beginning of a non-tangent curve to the left having a central angle of 25°26'46", a radius of 1075.00 feet, a chord bearing and distance of South 76°54'18" West, 473.51 feet;

In a southwesterly direction, with said curve to the left, an arc distance of 477.43 feet to a point for corner in the north line of a called 0.300 acre tract of land described in Correction Special Warranty Deed to Southern One Twenty One Investments, Ltd. recorded in Instrument No. 20140307000212410, of said Official Public Records;

**THENCE** with the north line of said 0.300 acre tract, South 89°38'55" West, passing the northwest corner of said 0.300 acre tract at a distance of 414.73, continuing with said north right-of-way line of Ridgeway Drive, in all a distance of 493.92 feet to a 3/8" iron rod found for corner;

**THENCE** continuing with said north right-of-way line, South 0°50'06" East, a distance of 333.15 feet to a point for the most easterly northeast corner of Lot 1X, Block B, Starcrest Commercial, an addition to the City of Allen, according to the plat recorded in Volume Q, Page 643, Plat Records, Collin County, Texas;

**THENCE** departing said north right-of-way line and with the east lines of said Lot 1X and said 2X, the following courses and distances:

North 59°55'16" West, a distance of 24.63 feet to a point for corner;  
North 73°47'36" West, a distance of 155.68 feet to a point for corner;  
North 45°09'10" West, a distance of 301.39 feet to a point for corner;  
North 41°22'26" East, passing the south corner of said Lot 2X at a distance of 202.21 feet, continuing in all a distance of 294.92 feet to a point for corner;  
South 86°44'51" East, a distance of 225.26 feet to a point for corner;  
South 12°43'53" West, a distance of 215.63 feet to a point for corner;  
North 36°26'37" East, a distance of 85.42 feet to a point for corner;  
North 8°29'01" West, a distance of 77.94 feet to a point for corner;  
North 50°48'05" West, a distance of 249.30 feet to the **POINT OF BEGINNING** and containing 64.3632 acres or 3,674.8735 square rods.

LEGEND:

P.O.B. = POINT OF BEGINNING  
P.O.C. = POINT OF COMMENCING  
IRF = IRON ROD FOUND  
IRFC = IRON ROD WITH PLASTIC CAP  
XF = "X" CUT IN CONCRETE FOUND  
VOL. = VOLUME  
PG. = PAGE  
INST. NO. = INSTRUMENT NUMBER  
P.R.C.C.T. = PLAT RECORDS OF  
COLLIN COUNTY, TEXAS  
O.P.R.C.C.T. = OFFICIAL PUBLIC  
RECORDS, COLLIN COUNTY, TEXAS

**VICINITY MAP** NOT TO SCALE

Sam Rayburn Hwy  
S. H. 121

CHelsea BLVD

PANORAMA DR.

NEWCASTLE DR.

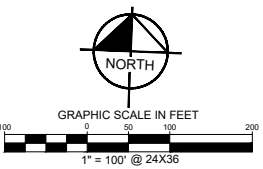
CALUSA DR.

HIGHLAND DR.

RAINBOW DR.

CHelsea BLVD.

SITE



**59.7157 ACRES**  
**2,601,217 SQ. FT.**

PART OF CALLED 88.870 ACRES  
MCLANE COMPANY, INC.  
INST. NO. 201408210008999150  
O.P.R.C.C.T.  
  
ZONED "PD-62 CC" - PLANNED  
DEVELOPMENT CORRIDOR COMMERCIAL

**24.6475 ACRES**  
**1,073,646 SQ. FT.**

PART OF CALLED 88.870 ACRES  
MCLANE COMPANY, INC.  
INST. NO. 201408210008999150  
O.P.R.C.C.T.  
  
ZONED "PD-92 CC" - PLANNED  
DEVELOPMENT CORRIDOR COMMERCIAL

PD/PD AMENDMENT  
ZONING EXHIBIT  
STILLWATER ALLEN

84.3632 ACRES  
GEORGE FITZHUGH SURVEY, ABSTRACT NO. 321  
FRANCIS DOSSER SURVEY, ABSTRACT NO. 280  
CITY OF ALLEN, COLLIN COUNTY, TEXAS

# Kimley»»Horn

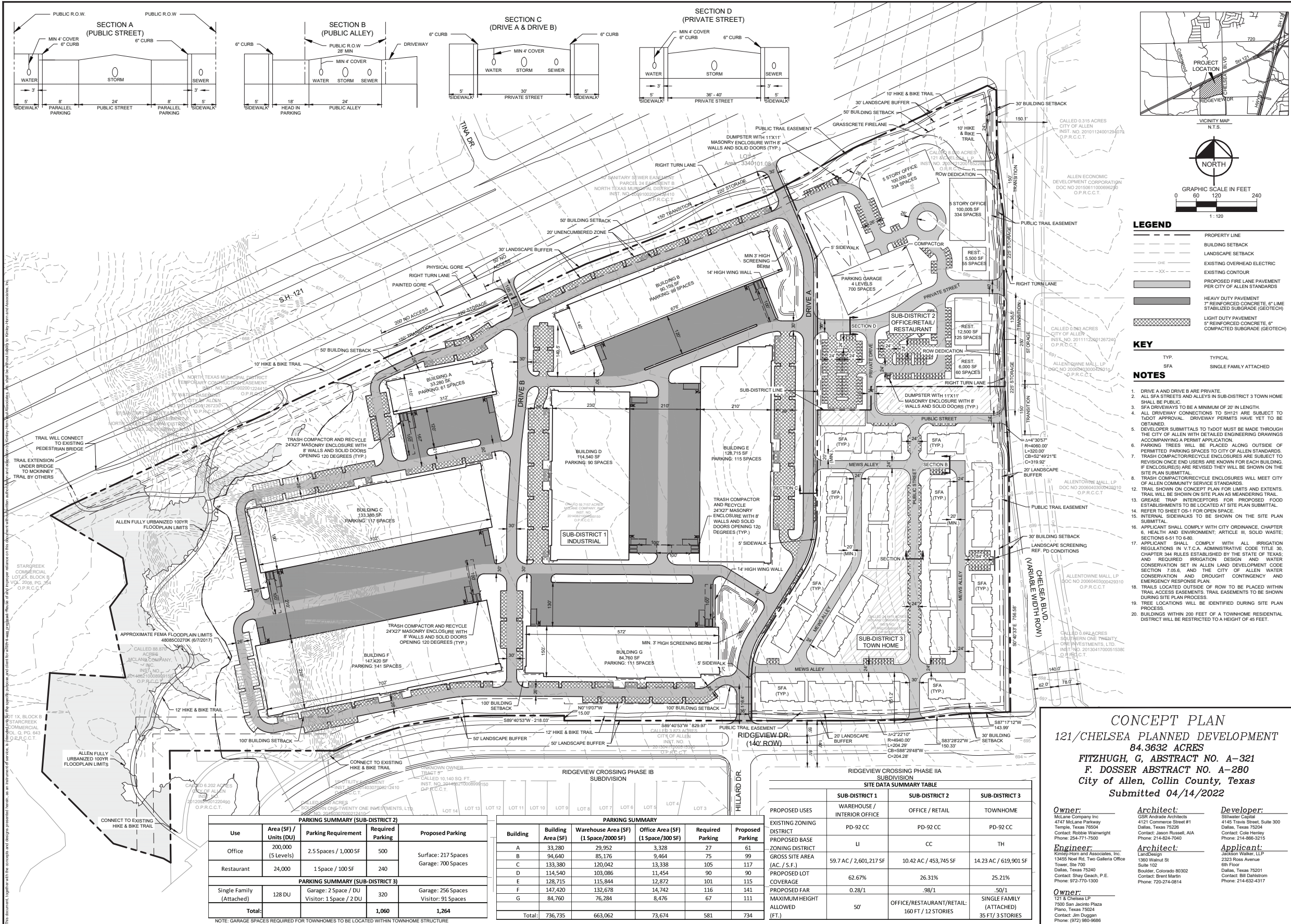
<u>Scale</u>	<u>Drawn by</u>	<u>Checked by</u>	<u>Date</u>	<u>Project No.</u>	<u>Sheet No.</u>
1" = 100'	MGB	JAD	OCT. 2021	063236713	1 OF 1

**PRELIMINARY**  
THIS DOCUMENT SHALL  
NOT BE RECORDED FOR  
ANY PURPOSE AND  
SHALL NOT BE USED OR  
VIEWED OR RELIED  
UPON AS A FINAL  
SURVEY DOCUMENT

OWNER/APPLICANT:  
MCLANE COMPANY, INC  
4747 MCLANE PARKWAY  
TEMPLE, TEXAS 76504  
PHONE:254-771-7500  
CONTACT: ROBBIE WAINWRIGHT

ENGINEER:  
KIMLEY-HORN AND ASSOCIATES, INC.  
13455 NOEL ROAD, TWO GALLERIA OFFICE  
TOWER, SUITE 700, DALLAS, TX 75240  
PHONE: 972-770-1300  
CONTACT: SHAY GEACH, PE  
EMAIL: shay.geach@kimley-horn.com

**SURVEYOR:**  
KIMLEY-HORN AND ASSOCIATES, INC.  
13455 NOEL ROAD, TWO GALLERIA OFFICE  
TOWER, SUITE 700, DALLAS, TX 75240  
PHONE: 972-770-1300  
CONTACT: J. ANDY DOBBS, RPLS  
EMAIL: andy.dobbs@kimley-horn.com







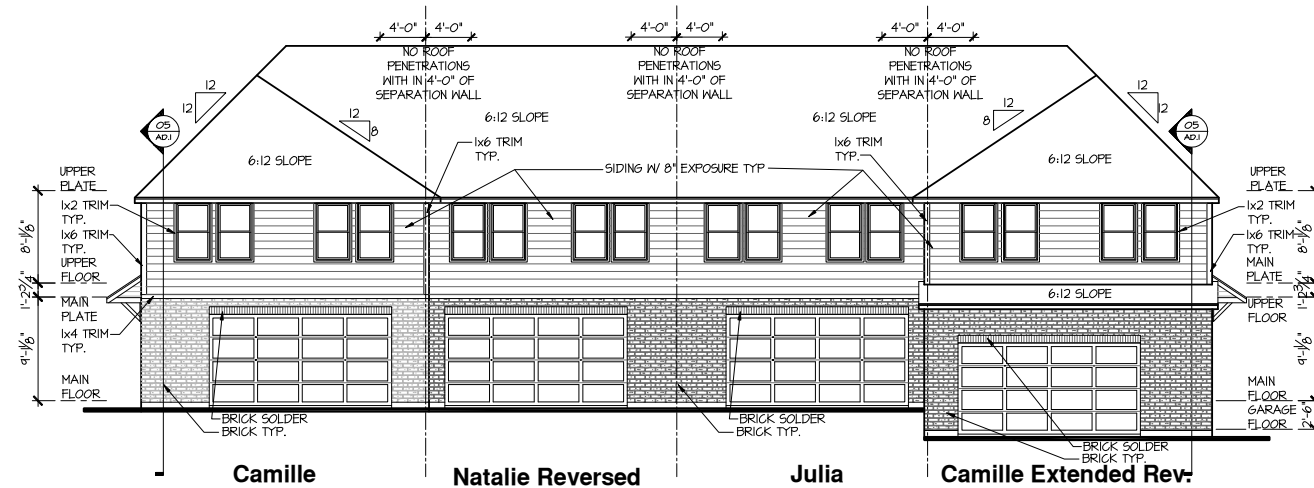






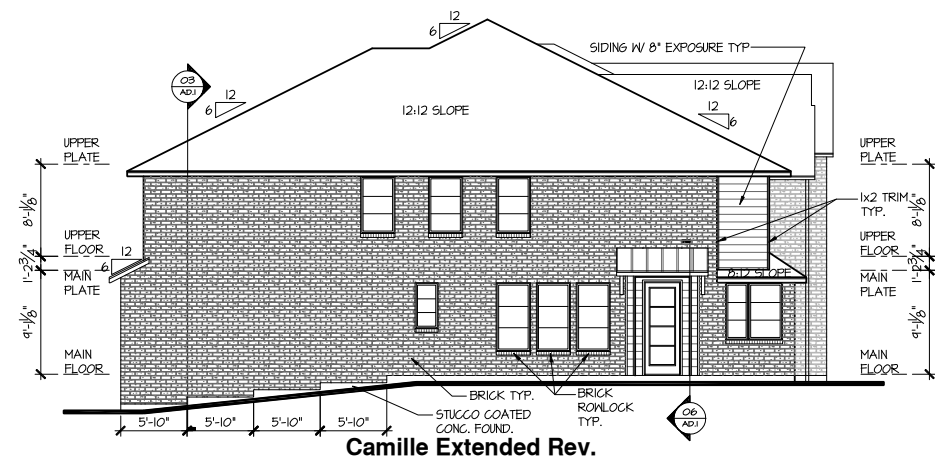






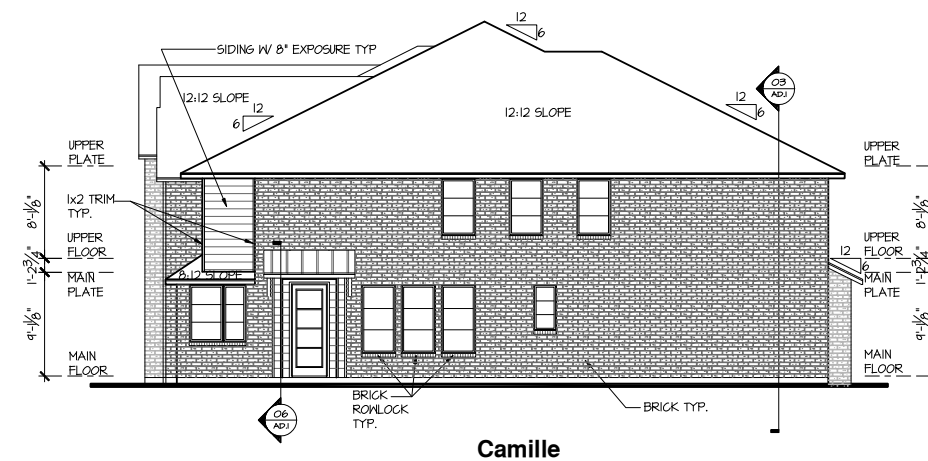
### Building 13 (4 Plex) Rear Elevation

SCALE: 1/8"=1'-0" (22x34) 1/6"=1'-0" (11x17)



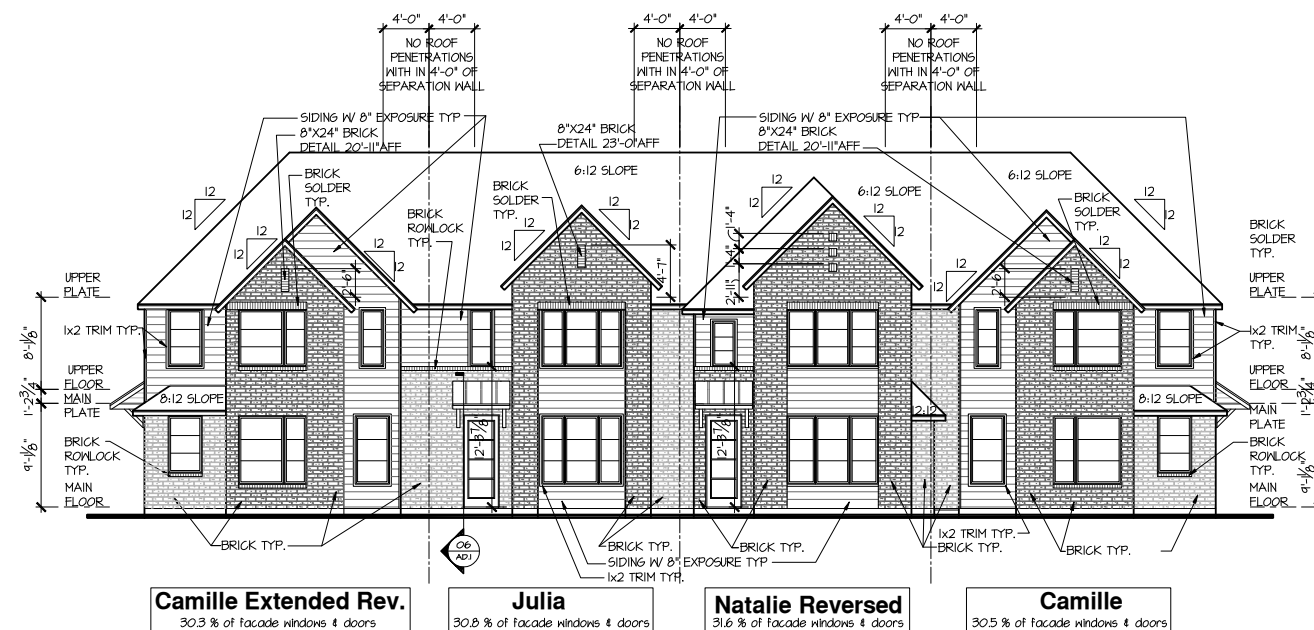
## Building 13 (4 Plex) Left Elevation

SCALE: 1/8"=1'-0" (22x34) 1/6"=1'-0" (11x17)



### Building 13 (4 Plex) Right Elevation

SCALE: 1/8"=1'-0" (22x34) 1/6"=1'-0" (11x17)



## Building 13 (4 Plex) Front Elevation

SCALE: 1/8"=1'-0" (22x34) 1/6"=1'-0" (11x17)

## CONSTRUCTION ASSEMBLIES:

- T** THE FOLLOWING KEYNOTES  
REFERENCE THE SYMBOLS AS  
SHOWN ON PLANS
- A. ROOF CONSTRUCTION:  
COMPOSITION ROOF SHINGLES ON  
UNDERLAYMENT ON ROOF SHEATHING ON  
ROOF FRAMING MEMBERS (AS NOTED ON  
FRAMING PLANS).  
CEILING: 5/8" GYPSUM BOARD WITH  
INSULATION ABOVE.
- B1. TYPICAL SIDING WALL CONSTRUCTION:  
SIDING ON WATER RESISTANT BARRIER ON  
EXTERIOR WALL SHEATHING ON 2x4 or 2x6  
STUDS, 16" O.C. IV INSULATION IN CAVITIES.  
INTERIOR: 1/2" GYPSUM BOARD.
- B2. TYPICAL BRICK WALL CONSTR:  
BRICK (INSTALLED PER MFR'S SPECS.)  
OVER WATER RESISTANT BARRIER ON  
EXTERIOR WALL SHEATHING ON 2x4 or 2x6  
STUDS, 16" O.C. IV INSULATION IN CAVITIES.  
INTERIOR: 1/2" GYPSUM BOARD.
- C. TYPICAL FLOOR CONSTRUCTION:  
FINISHED FLOORING ON 3/4" FLOOR  
SHEATHING ON 3/4" FRAMING AS NOTED  
ON STRUCTURAL DRAWINGS.  
MAIN FLOOR CEILING: 5/8" GYPSUM BOARD.
- D. CONCRETE SLAB CONSTRUCTION:  
CONCRETE SLAB OVER 6 MIL.  
POLYETHYLENE VAPOR BARRIER OVER 4"  
MINIMUM GRANULAR FILL.

**GENERAL FLOOR  
PLAN NOTES:**

- ALL UNDIMENSIONED PARTITIONS (P-F)
- ARE 3 1/2" ROUGH UNLESS NOTED OTHERWISE.
- ALL EXTERIOR DIMENSIONS ARE TO FACE OF STUDS UNLESS NOTED OTHERWISE.
- ALL ANGLED PARTITIONS ARE 45 DEGREES UNLESS OTHERWISE NOTED.
- WINDOW SUPPLIER TO VERIFY AT LEAST ONE WINDOW IN ALL BEDROOMS MEETS ALL EMERGENCY EGRESS REQUIREMENTS.
- ALL ELECTRICAL AND MECHANICAL EQUIPMENT, METER LOCATIONS, ETC. SHALL BE DETERMINED BY ELECTRICAL AND ELECTRICAL CONTRACTORS.
- CONTRACTORS SHALL COORDINATE WITH BUILDER PRIOR TO RELOCATION OF EQUIPMENT AND METERS.
- ALL TRUSSES TO BEAR ON EXTERIOR WALLS AND/OR GATHER TRUSS UNLESS NOTED OTHERWISE.
- TRUSS MFG. TO SIZE MEMBERS, FASTENERS, HANGERS & SET SPACING FOR ALL TRUSSES.
- FOR ADDITIONAL INFORMATION SEE GENERAL NOTES AND DETAILS.
- TYPICAL WINDOW HEAD HEIGHTS SHALL BE 8'-0" A.F.F. (U.O.W.) W/ 9'-1 1/8" PLATE AND 8'-0" A.F.F. (U.O.W.) W/ 8'-1 1/8" PLATE

[illegible]

**Urban Trail**  
**North Richland Hills, TX**  
**Cadence Homes**  
**Dallas, TX**



www.bsbdesign.com

17855 Dallas Parkway, Suite 105  
Dallas, Texas 75287  
972 720 1778

JOB NO: SF200176 PROJ MGR: GB  
DRAWN: AP/CR CHECKED: .  
EXTERIOR ELEVATIONS

Urban Trail  
**AB1.4**





SCALE: 1/8"=1'-0" (22x34) 1/6"=1'-0" (11x17)



SCALE: 1/8"=1'-0" (22x34) 1/6"=1'-0" (11x17)



SCALE: 1/8"=1'-0" (22x34) 1/6"=1'-0" (11x17)



SCALE: 1/8"=1'-0" (22x34) 1/6"=1'-0" (11x17)

A. ROOF CONSTRUCTION:  
COMPOSITION ROOF SHINGLES ON  
UNDERLAYMENT ON ROOF SHEATHING ON  
ROOF FRAMING MEMBERS (AS NOTED ON  
FRAMING PLANS).  
CEILING: 5/8" GYPSUM BOARD WITH  
INSULATION ABOVE.

B1. TYPICAL SIDING WALL CONSTRUCTION:  
SIDING ON WATER RESISTANT BARRIER ON  
EXTERIOR WALL SHEATHING ON 2x4s OR 2x6s  
STUDS, 16" O.C. W/ INSULATION IN CAVITIES.  
INTERIOR: 1/2" GYPSUM BOARD.

B2. TYPICAL BRICK WALL CONSTR:  
BRICK (INSTALLED PER MFR'S SPECS.) OVER  
WATER RESISTANT BARRIER ON  
EXTERIOR WALL SHEATHING ON 2x4s OR 2x6s  
STUDS, 16" O.C. W/ INSULATION IN CAVITIES.  
INTERIOR: 1/2" GYPSUM BOARD.

C. TYPICAL FLOOR CONSTRUCTION:  
FINISHED FLOORING ON 3/4" FLOOR  
SHEATHING ON FLOOR FRAMING AS NOTED  
ON STRUCTURAL DRAWINGS.  
INTERIOR: 5/8" GYPSUM BOARD.

D. CONCRETE SLAB CONSTRUCTION:  
CONCRETE SLAB OVER 6 MIL.  
POLYETHYLENE VAPOUR BARRIER OVER 4"  
MINIMUM GRANULAR FILL.

- ALL UNDIMENSIONED PARTITIONS (W-F)
- ARE 3 1/2" ROUGH UNLESS NOTED OTHERWISE.
- ALL EXTERIOR DIMENSIONS ARE TO FACE OF STUDS UNLESS NOTED OTHERWISE.
- ALL ANGLED PARTITIONS ARE 45 DEGREES UNLESS NOTED OTHERWISE.
- WINDOW SUPPLIER TO VERIFY AT LEAST ONE WINDOW IN ALL BEDROOMS MEETS ALL EMERGENCY EGRESS REQUIREMENTS.
- ALL ELECTRICAL AND MECHANICAL EQUIPMENT, METERS, ETC., SHALL BE CONFIRMED BY MECHANICAL AND ELECTRICAL CONTRACTORS.
- CONTRACTORS SHALL COORDINATE WITH BUILDER PRIOR TO RELOCATION OF EQUIPMENT AND METERS.
- ALL TRUSSES TO BEAR ON EXTERIOR WALLS AND/OR GIRDER TRUSS UNLESS NOTED OTHERWISE.
- TRUSS MFG. TO SIZE MEMBERS, FASTENERS, HANGERS & SET SPACING FOR ALL TRUSSES.
- FOR ADDITIONAL INFORMATION SEE GENERAL NOTES AND DETAILS.
- TYPICAL WINDOW HEAD HEIGHTS SHALL BE 8'-0" A.F.F. (UNO) W/ 8'-1 1/8" PLATE AND 7'-0" A.F.F. (UNO) W/ 8'-1 1/8" PLATE

-ARCHITECTURAL STYLES THAT INCORPORATE EAVES SHALL HAVE THE EAVES EXTEND FROM THE BUILDING WALL AT LEAST 12 INCHES AS MEASURED HORIZONTALLY ON ALL FACADES.

**ISSUE DATE: 9-14-2020**

## Viridian Townhomes

# Cadence Homes

Dallas, TX



8255 Coleman Boulevard  
Frisco, Texas 75034  
972 720 1778

JOB NO: MS200294      PROJ MGR: G  
DRAWN: . KDB      CHECKED:  
EXTERIOR ELEVATIONS

Viridian  
Building

## AB1.4

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE AND ZONING MAP, AS PREVIOUSLY AMENDED, BY AMENDING THE REGULATIONS RELATING TO THE USE AND DEVELOPMENT OF ~~A 59.7157+/- ACRE TRACT SITUATED IN~~ 84.3632+/- ACRES OUT OF THE GEORGE FITZHUGH SURVEY, ABSTRACT NO. 321, AND FRANCIS DOSSER SURVEY, ABSTRACT NO. 280; PRESENTLY LOCATED IN PLANNED DEVELOPMENT "PD" NO. 92 CORRIDOR COMMERCIAL, AND PLANNED DEVELOPMENT "PD" NO. 147 FOR LIGHT INDUSTRIAL BY CHANGING THE ZONING AND CREATING PLANNED DEVELOPMENT "PD" NO. 147-~~A~~ FOR LIGHT INDUSTRIAL "LI", CORRIDOR COMMERCIAL "CC," AND TOWNHOME "TH" USES AND ADOPTING DEVELOPMENT REGULATIONS INCLUDING A ZONING EXHIBIT, 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 the Zoning Map of the City of Allen, Collin County, Texas, as previously amended, are hereby further amended by changing the zoning regulations relating to the development and use of ~~59.7157~~84.3632+/- acres out of the George Fitzhugh Survey, Abstract No. 321, and Francis Dossier Survey, Abstract No. 280, City of Allen, Collin County, Texas, more fully described in Exhibit "A," attached hereto and incorporated herein by reference (the "Property"), which is presently zoned as Planned Development "PD" No. 92 Corridor Commercial and Planned Development "PD" No. 147 for Light Industrial uses by changing the zoning and creating Planned Development "PD" No. ~~147-A~~ 147-A for Light Industrial uses subject to the use and development regulations set forth in Section 2 of this ~~ordinance.~~ Ordinance.

**SECTION 2.** The Property shall be developed and used in accordance with the provisions of the Allen Land Development Code, as amended, ("ALDC") ~~applicable to the use and development of property located within a Light Industrial "LI" zoning district~~ 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 (the “Concept Plan”) subject to the following:

- (1) Minor modifications to building locations, lots, and streets/driveways that do not alter the general alignment shown on the Concept Plan may be made at the time of Site Plan approval;
- (2) Improvements to thoroughfares required by a Traffic Impact Analysis shall be provided as shown on the Concept Plan; and
- (3) Any amendment to the Concept Plan not determined to be a minor amendment shall be processed as a zoning amendment in accordance with the ALDC. An amendment to the Concept Plan that substantially alters the streets and circulation patterns within the Property, the base zoning district(s) of portions of the Property, the designation of permitted uses, and/or increases the density of residential uses, shall not be considered a “minor amendment.”

**B. BASE ZONING AND SUB-DISTRICTS:** For purposes of the development of the Property, the Property is divided into three (3) Subdistricts as shown on the Concept Plan, the Base Zoning District regulations for which shall be as followed except as modified in this Section 2:

- (1) Subdistrict 1 shall be used and developed in accordance with regulations applicable to a Light Industrial “LI” District;
- (2) Subdistrict 2 shall be used and developed in accordance with regulations applicable to a Corridor Commercial “CC” District; and
- (3) Subdistrict 3 shall be used and developed in accordance with regulations applicable to Townhome “TH” District.

**B.C. BUILDING ELEVATIONS:** Elevations of the light industrial buildings and townhomes attached hereto as Exhibit “C” and incorporated herein by reference (“Building Elevations”), are intended to convey a general range of architectural features that would be incorporated into final design. Buildings shall in general conform with the façade rhythm, façade material changes, and fenestration illustrated on the Building Elevations.

**D. ADDITIONAL PERMITTED USES:** In addition to the purposes for which property within a Light Industrial (“LI”) District may be used and developed, the portion of the Property within Subdistrict 1 may be used and developed for Electronics Manufacturing and Assembly.

**E. PROHIBITED USES:** The Property shall not be developed and used for the following purposes:

- (1) Concrete batch plant (permanent, non-temporary); and
- (2) Pawn Shop

**D.F. HEIGHT, AREA, AND SETBACK REGULATIONS – SUBDISTRICT 1:** Buildings constructed on the Property within Subdistrict 1 shall comply with the height, area, and setback regulations of the Light Industrial (LI) District except as follows:

- (1) Maximum Height:

- (a) 50 feet, if all portions of the building are located 200 feet or more from property located within any residential zoning district or otherwise developed for any residential purpose;
- (b) 45 feet, if any portion of the building is located less than 200 feet from property located within a multifamily or townhome residential zoning district or otherwise developed for a multifamily or townhome residential purpose; and
- (c) 35 feet, if any portion of the building is located less than 200 feet from property located within a single-family residential zoning district or otherwise developed for a single-family residential purpose.

(2) ~~Properties~~Lots adjacent to Highway 121 shall have a front yard setback of 50 feet.

(3) Landscape buffer along SH 121: Not less than 30 feet ~~(minimum width, of which not less than 15 feet~~ in width must be unencumbered ~~by any easements.~~

(4) Landscape buffer along Ridgeview Drive: Not less than 50 feet ~~(minimum width, of which not less than 15 feet~~ in width must be unencumbered ~~by any easements.~~

**G. HEIGHT, AREA, AND SETBACK REGULATIONS – SUBDISTRICT 3:** Buildings constructed within Subdistrict 3 shall comply with the height, area, and setback regulations of the Townhome (TH) District except as follows:

- (1) Minimum Lot Area: 1,980 square feet
- (2) Minimum Lot Area/Dwelling Unit: n/a
- (3) Minimum Front Yard: 10 feet
- (4) Minimum Rear Yard: 10 feet
- (5) Minimum Side Yard: 5 feet
- (6) Minimum Side Yard (% of lot width): n/a
- (7) Minimum Corner Lot Side Yard: 15 feet
- (8) Minimum Lot Width: 22 feet
- (9) Minimum Lot Depth: 90 feet
- (10) Minimum Buildable Area: n/a
- (11) Minimum Dwelling Unit Floor Area: 1,200 square feet
- (12) Maximum Lot Coverage: 75%
- (13) Maximum Density: n/a
- (14) Maximum Building Height: 35 feet and three stories
- (15) Maximum Number of Dwelling Units: 129
- (16) Minimum Width of Landscape Buffer Adjacent to Ridgeview Drive and Chelsea Boulevard: 20 feet

**H. DESIGN OF PARKING STRUCTURES:**

- (1) Facades of structured parking garages above the ground floor shall be designed so that vehicles on all parking levels are substantially screened from view from adjacent public street rights-of-way.
- (2) Facades of above-ground parking structures that face streets must be designed and constructed with enhanced architectural treatments.
- (3) When parking structures are located at corners of streets, corner architectural elements such as corner entrance, signage, and glazing shall be incorporated at the corner.
- (4) Parking structures and adjacent sidewalks shall be designed so pedestrians are clearly visible to entering and exiting vehicles.

**~~E.~~ DENSITY**

~~(1) —: Buildings with a cumulative floor area of no more than 740,000 gross square feet may be constructed on the Property and used for purposes permitted within a Light Industrial “LI” Zoning District; however, building permits shall not be granted for buildings with a floor cumulative area of more than 350,000 gross square feet to be constructed on the Property in Subdistrict 1 and used for purposes permitted within a Light Industrial “LI” Zoning District prior to issuance of a certificate of occupancy for the shell building(s) on the Property with a cumulative floor area of not less than 100,000 square feet designed and constructed to be used for one or more of the following purposes as defined in the ALDC:~~

~~(1) — Banks and Financial Institutions~~

~~(2) — Medical Clinic~~

~~(3) — Medical or Dental Office~~

and

~~(4) — Office Use~~

~~(5) — Retail Store~~

~~(6) — Restaurant (Drive-In or Through)~~

~~(7) — Restaurant (No Drive-In or Through)~~

**~~F.I.~~** ~~For the purposes of this Section 2.E., any changes in the Concept Plan or Elevations necessary to develop and use the Property for a use described in Section 2.E.(2), above, shall constitute a Major Modification D. above.~~

**~~G.J.~~ FAÇADE COMPOSITION:** ~~Façades for the buildings constructed on the Property in Subdistrict 1 shall be designed and constructed subject to the following architectural concepts:~~

- ~~(1)~~ All building facades should be designed with an architectural rhythm, which may be expressed by changing materials, or color, or by using design elements such as fenestration, columns or pilasters, or by varying the articulation of portions of the façade.
- ~~(2)~~ Feature architectural ~~entries~~elements shall be applied to corners and at intermediate locations on all primary building facades at not less than every 150 linear feet. Architectural elements shall include changes in building materials and other ornamental features. The building corners shall be ~~set forward~~offset outward or inward from the remaining façade not less than six (6) feet and an additional height up to 20% of the height of the main façade must be applied. Non-opaque Glazing shall cover at least 25% of façade area within 75 linear feet of each feature architectural entry.
- ~~(3)~~ The images portrayed in the Building Elevations are intended to convey a general range of architectural features that would be approved as described in the regulatory text. Approval of final elevations by the Director of Community Development or designee shall be based on application of the text.

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**H.K. SCREENING STANDARDS -SUBDISTRICT 1:** Screening for the Property within Subdistrict 1 shall be provided ~~as follows~~subject to the following:

- (1) Screening is required to be installed along Ridgeview Drive as shown on the Concept Plan, and shall consist of the following:
  - (a) A sodded berm shall be constructed with a trail or sidewalk within the Right-of-Way or within the trail or sidewalk easements, as necessary;
  - (b) One (1) shade tree with a trunk diameter at the time of planting of not less than four (4) caliper inches measured at six (6) inches above the root ball must be planted within the berm for each thirty (30) feet or portion thereof of the lot's frontage along Ridgeview Drive with the distance between shade trees not to exceed forty (40) feet;
  - (c) One (1) ornamental tree with a trunk diameter at the time of planting of not less than three (3) caliper inches measured at six (6) inches above the root ball must be planted ~~for each shade tree required to be planted~~ with the distance between ornamental trees not to exceed forty (40) feet;
  - (d) One (1) evergreen shrub with a height at the time of planting of not less than thirty-six (36) inches measured from the top of the root ball shall be planted for every four (4) feet or portion along Ridgeview Drive with the distance between evergreen shrubs not to exceed ~~six (6)~~three (3) feet; and
  - (e) A metal fence with masonry columns shall be constructed at the locations shown on the Concept Plan subject to the following:
    - (i) The fence shall be not less than six (6) feet nor greater than eight (8) feet in height; and
    - (ii) The metal fence shall be constructed of an ornamental metal material with masonry support columns at not greater than forty (40) foot spacing except as approved by the Director of Engineering or designee as necessary to avoid conflicts with utilities, drainage features, or other public facilities.
- (2) Screening is required to be installed along Drive A in the areas shown on the Concept Plan for loading and tractor trailer parking areas for Buildings B and G and shall consist of the following:
  - (a) A ten (10) foot masonry wall constructed in accordance with the minimum standards set forth in Section 7.07 of the ALDC; ~~and~~
  - (b) One (1) evergreen shrub with a height at the time of planting of not less than 36-inches measured from the top of the root ball shall be planted for every four (4) feet along the side of the wall facing Drive A with the distance between shrubs not to exceed ~~six (6)~~three (3) feet; ~~and~~
  - (c) A sodded berm shall be constructed at the locations shown on the Concept Plan;
  - (d) One (1) shade tree with a trunk diameter at the time of planting of not less than four (4) caliper inches measured at six (6) inches above the root ball must be planted within



the berm for every thirty (30) feet along the side of the wall facing Drive A with the distance between trees not to exceed forty (40) feet along the street frontage; and

- (c) One (1) ornamental tree with a trunk diameter at the time of planting of not less than four (4) caliper inches measured at six (6) inches above the root ball must be planted within the berm for every thirty (feet) along the side of the wall facing Drive A with the distance between trees not to exceed forty (40) feet along the street frontage.
- (3) Loading and tractor trailer parking areas that are visible from the SH 121 Service Road and located less than 200 feet of the SH 121 right-of-way shall be screened as follows:
- (a) A six (6) foot masonry wall constructed in accordance with the minimum standards set forth in the ALDC;
  - (b) One (1) evergreen shrub with a height at the time of planting of not less than 36-inches measured from the top of the root ball shall be planted for every four (4) feet along the side of the wall facing SH 121; and
  - (c) A sodded berm shall be constructed with a trail or sidewalk within the Right-of-Way or within trail or sidewalk easements, as necessary, with at least one (1) shade tree with a trunk diameter at the time of planting of not less than three (3) caliper inches measured six (6) inches above the root ball and one (1) ornamental tree shall be planted along the street frontage on an average distance between trees of not less 30 feet.
- (4) Screening of dock doors shall not be required if they face internally and or do not directly face SH 121, Chelsea Boulevard, or Ridgeview Drive.
- (5) Mechanical and Service Screening shall be required as follows:
- (a) All buildings shall be designed such that no mechanical equipment (HVAC, etc.) is visible from the public right-of-way or open space, whether the equipment is located on the ground, exterior wall, or roof; and
  - (b) The screening material required by paragraph 1, above, shall be raised at least one foot above the top of the mechanical equipment.
- (6) Sodded berms required to be constructed pursuant to this Section 2.GI. shall:
- (a) Have a maximum slope of 3:1;
  - (b) Have a minimum height of three (3) feet except at locations where a trail or sidewalk intersects with and/or crosses through the berm; and
  - (c) Have a minimum width of thirty (30) feet.

**L. SCREENING STANDARDS -SUBDISTRICT 3: Screening for the Property within Subdistrict 3 shall be provided subject to the following:**

- (1) Screening shall not be required for lots or open space fronting Ridgeview Drive or Chelsea Boulevard.**

- (2) Screening shall be installed in locations where parking lots are adjacent to Chelsea Boulevard, and shall consist of one (1) evergreen shrub with a height at the time of planting of not less than 36-inches measured from the top of the root ball shall be planted with the distance between shrubs not to exceed thirty-six (36) inches.

**I.M. PARKING STANDARDS:**

- (1) **Parking Reduction.** The Director of Community Development and Director of Engineering may jointly reduce the required number of off-street parking spaces if such reduction is supported by the findings of a parking study prepared by a professional engineer or transportation planner which demonstrates need, reviews industry standards, and proposes a modification that will not result in a parking deficiency for the proposed uses for the portion of the Property to be served by the related parking areas.
- (2) **Cross Access.** A perpetual cross-access easement for vehicle and pedestrian travel as well as cross-easements for parking, both at-grade and below-grade, shall be granted between and among all contiguous lots within the Property. The cross-access easement may be provided by plat or separate instrument.
- (3) **S.H. 121 Frontage.** Parking is permitted within the front yard setback adjacent to S.H. 121 as shown on the Concept Plan.
- (4) **On-Street Parking.** On-street parking may be counted towards required off-street parking requirements, provided that these on-street spaces are located no greater than 800 feet from the building/use for which the on-street spaces are being counted.
- (5) **Off-Street Parking Requirements.** Off-street parking for non-shared uses shall be provided in compliance with Section 7.04 of the ALDC, as amended except as provided in this Section 2.M.(5).
- (a) The following minimum off-street parking requirements shall apply for the following uses:
- (i) Subdistrict 1:
- (1) Warehouse Area: 1 space per 2,000 square feet.
- (2) Office Area: 1 space per 300 square feet.
- (ii) Subdistrict 2:
- (1) Office: 2.5 spaces per 1,000 square feet.
- (2) Restaurant: 1 space per 100 square feet.
- (iii) Subdistrict 3:
- (1) 2 spaces for each Single Family (detached) dwelling unit.
- (2) 1 visitor parking space shall be constructed for every 2 dwelling units.

- (b) The Director of Community Development is authorized to approve a reduction in the number of off-street parking spaces required by this Section 2.M.(5) based on the findings of a Parking Demand Study prepared by a licensed professional engineer.

**(6) Shared Parking.**

- (a) The Director of Community Development and the Director of Engineering shall have the authority to reduce the number off-street parking spaces required by Section 7.04 of the ALDC, as amended, based on the findings of a Shared Parking Study conducting using independently collected empirical data or use data by an acceptable industry-standard resource.
- (b) Off-street parking requirements may be satisfied through the use of shared parking agreements, provided that:
- i. The parking lot or garage containing the shared spaces is located no greater than 800 feet from the building/use for which the off-street spaces are being counted;
  - ii. The shared parking agreement provides for an easement establishing a perpetual use of the off-site parking spaces by the building/use for which the off-street spaces are being counted;
  - iii. The shared-parking area(s) identified in a shared parking agreement shall be limited to areas where the users (e.g., owners, tenants, employees, customers, and/or clients) sharing the parking are open to the public during different times of the day with minimal overlap in business hours;
  - iv. The shared parking agreement must be recorded in the Official Public Records of Collin County, Texas, after execution; and
  - v. Prior to execution and recording, the form of the shared parking agreement will be reviewed and approved by the City Attorney to determine if it conforms to the requirements set forth above and in the ALDC, as modified herein

**J.N. STREETSCAPE STANDARDS:** The following streetscape standards shall apply to all private drives within the Property except service drives, alleys, and fire lanes:

**(1) Planting Standards.**

- (a) Except where a different standard is required by this Ordinance, required trees at time of planting shall have a trunk diameter of not less than three (3) caliper inches measured six (6) inches above the root ball;
- (b) Trees in the landscape areas along streets shall be from the list of recommended trees in the ALDC unless other species are approved by the City Forester; and
- (c) Trees planted along streets in the pedestrian amenity zone and/or median shall include a root barrier between the tree and back-of-curb.

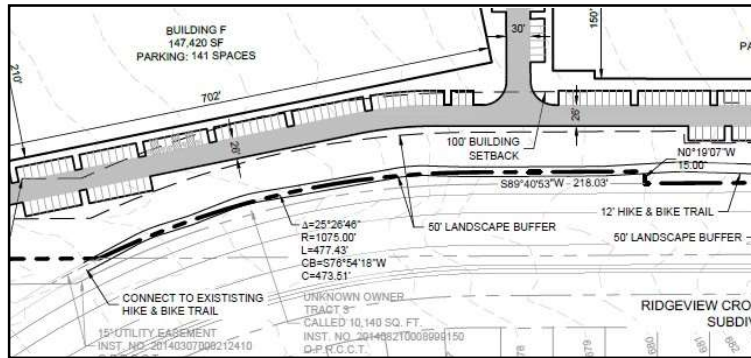
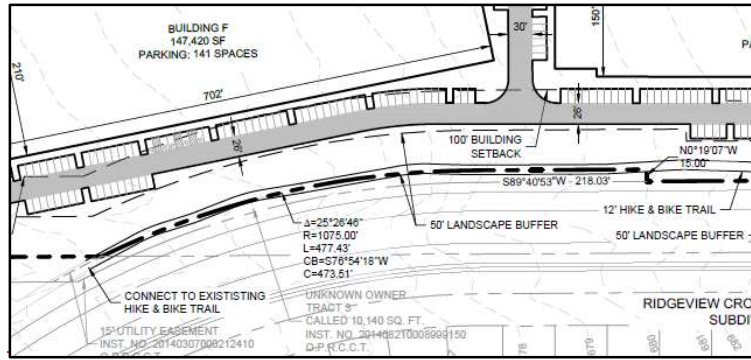
**(2) Street Trees.**

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- (a) The Director of Parks and Recreation shall have the discretion to approve the modification of the spacing of street trees provided the number of trees actually planted is not less than the number of trees that would otherwise be required with the typical spacing herein~~;~~.
  - (b) Street trees shall be planted no less than four feet behind the curb line~~;~~.
  - (c) ~~Street~~ trees shall be planted in curb extensions (bump-outs into the parking lane) as long as such spacing also complies with Sections 2.~~IN~~.(2)(f) and 2.~~IN~~.(2)(g) below.
  - (d) Each street tree shall be planted in a planting area of not less than 36 square feet; provided, however, the area of the tree well may ~~behave~~ no dimension of less than five (5) feet in length and an area of less than 25 square feet.
  - (e) Trees installed in street well locations shall be planted with structural soil designed by a Landscape Architect for the specific conditions or other approved system to remediate reduced planting areas.
  - (f) Tree wells must be irrigated in accordance with the City of Allen Water Conservation Code and include a connecting subsurface drainage system.
  - (g) Root barriers shall be installed on the sides of tree wells at the time of planting.
- (3) **Sidewalks.** Unless otherwise identified on the Concept Plan, sidewalks constructed on the Property shall be not less than five (5) feet wide.

**K.O. MANDATORY TRAILS AND TRAIL IMPROVEMENTS:** The following public trails and public trail system improvements and related public trail easements (collectively, the “Mandatory Trails”) shall be constructed and conveyed to the City for future maintenance:

- (1) **Ridgeview Drive Trail.** A hike and bike trail not less the twelve (12) feet wide shall be constructed meandering within the Ridgeview Drive right-of-way or trail easement as necessary, and a public trail easement not less than twenty (20) feet wide shall be dedicated spanning from Chelsea Boulevard to the existing Ridgeview Drive Trail near Cottonwood Creek (the “Ridgeview Trail”). The Director of Parks & Recreation may authorize the width of the trail easement to be reduced to a minimum of fifteen (15) feet for the segment depicted below that meanders between the Ridgeview Drive right-of-way and the Property. The segment of the Ridgeview Trail adjacent to Subdistrict 1 shall be completed prior to the issuance of the first certificate of occupancy for a building on the Property. The segment of the Ridgeview Trail adjacent to Subdistrict 3 shall be completed prior to the first certificate of occupancy for any building in Subdistrict 3 adjacent to Ridgeview Drive.



- (2) **Cottonwood Creek Trail.** A 12-foot wide hike and bike trail meandering along Cottonwood Creek in the approximate location shown on the Concept Plan (the “Cottonwood Creek Trail”). The Cottonwood Creek Trail shall be completed prior to the issuance of the first certificate of occupancy for a building west of Drive B on the Property.

- (3) **Chelsea Boulevard Trail.** A 10-foot wide trail meandering along Chelsea Boulevard within the right-of-way or trail easement as necessary (the “Chelsea Trail”). Chelsea Trail shall be completed prior to the certificate of occupancy for adjacent development.

- (3)(4) **Trail Easements.** In locations where a trail is not to be located within a public street right-of-way, a trail easement not less than 20-feet wide shall be conveyed to the City upon completion of construction of the trail either at the time of approval of the final plat of the portion of the Property where the trail segment is located or by separate instrument approved as to form by the City Attorney; provided, however, the width of the trail easement may be reduced in locations where a 20-foot easement cannot be conveyed because of existing topography, flood plain, or other site limitations.

- (4)(5) **Final Trail Location.** The final location of required trails shall be determined at the time of final platting and approval in the construction plans for the trails as approved by the Director of Engineering, Director of Parks and Recreation, and Director of Community Development.

**L.P. TREE MITIGATION:** Development of the Property shall comply with Section 7.06 of the ALDC, except as follows:

- (1) Not including replacement trees, negative tree credits assessed for the removal of Hackberry trees and Sugarberry trees will be reduced by 25%;

- (2) Negative tree credits will not be assessed for a tree that is removed following the City arborist's determination the tree is at the end of its life, diseased, dead or dying per a tree condition survey;
- (3) Negative tree credits will not be assessed for the removal of Siberian Elm (*Ulmus pumila*) or hybridized elms of Siberian Elm following the City arborist's determination, or Chinaberry trees (*Melia azedarach*); and
- (4) Tree credits will be provided for street trees in accordance with ALDC Section 7.06.3.3.

**M.Q. FLEXIBLE DESIGN ~~STANDARD~~STANDARDS:**

- (1)** Exceptions to the development standards relating to building design or construction set forth in these Development Regulations may be granted by the Director of Community Development for the purpose of improving performance in energy and water use and consumption, carbon dioxide emissions reduction, and improved indoor environmental quality. The standards used for best practices in sustainable design and the measures used to describe a building's environmental performance shall follow those principles, practices, and standards set forth by any of the following organizations:

  - (a)** U.S. Green Building Council (USGBC) – Leadership in Energy and Environmental Design (LEED); or
  - (b)** EPA and U.S. Department of Energy – Energy Star for Homes and Businesses; or
  - (c)** The Sustainable Sites Initiatives (SITES); or
  - (d)** Congress for the New Urbanism (CNU); or
  - (e)** BRE Environmental Assessment Method (BREEAM).
- (2)** A request for an exception to the building design standards of these Development Regulations shall be submitted and approved before implementation by the Director of Community Development, Director of Engineering, and Chief Building Official, who shall have the authority, but not the obligation, to approve the alternative design(s) without being processed as a zoning amendment in accordance with the ALDC provided such design alternatives are generally consistent with the intent of these Development Regulations and such exception does not:

  - (a)** result in the approval of a land use not otherwise authorized by these Development Regulations or the ALDC;
  - (b)** increase the allowable intensity or density of any land use; and
  - (c)** effectively result in an amendment to these Development Regulations or the ALDC.

**N.R. SITE PLAN AND CONCEPT PLAN ADMINISTRATION:**

**(1) Site Plan Review Process.**

- (a) **Site Plan Details.** Site plan details to be provided on a site plan shall comply with Section 6.05.3 of the ALDC.
- (b) **Site Plan Review Standards.** The Director of Community Development is authorized to approve a site plan if such site plan conforms to the standards set forth in these Development Regulations and the ALDC.
- (c) **Amendments to Approved Site Plans.** The Director of Community Development is authorized to approve changes to approved site plans that comply with the provisions in these Development Regulations.

**(2) Amendments to the Concept Plan.**

- (a) **Minor Modifications.** Except as otherwise provided in these Development Regulations, the Director of Community Development shall have the authority to administratively approve minor changes to the Concept Plan, Site Plan or Elevations. “Minor modifications” include changes that:
  - (i) Do not materially change the circulation on the Property;
  - ~~(ii)~~ Do not amend the overall area between different Subdistricts by more than 15%;
  - ~~(iii)~~ Revise or relocate mandatory open space provided the amount of open space satisfies the amount of open space area required by this Section 2 and the ALDC;
  - ~~(ii)(iv)~~ Do not move a street more than 100 feet from the location shown on the Concept Plan and the move does not result in a change in the general circulation plan set forth on the Concept Plan;
  - ~~(iii)(v)~~ Relocate required trails provided pedestrian and bike connectivity is provided as intended by the Concept Plan; and
  - ~~(vi)~~ Reconfigure size and location, or change in use of light industrial buildings or lots shown on the Concept Plan provided compliance with use regulations and the screening requirements of loading areas set forth in Section 2.GK. is maintained; and
  - ~~(iv)(vii)~~ Change façade composition from elevations provided but follow guidelines set forth herein.
- (b) **Major Modifications.** Changes to the Concept Plan or Site Plan that do not qualify as Minor Modifications shall be processed as an amendment to a zoning ordinance pursuant to the ALDC.



- (c) ***Street Modifications.*** The Director of Community Development and Director of Engineering may, but shall not be obligated to, authorize the Drive A and Drive B alignments as shown on the Concept Plan to shift in location up to 100 feet in either direction at the time of final platting of the Property without an amendment to the Concept Plan being required provided any minimum drive and/or intersection separation distances are maintained.
- (d) ***Modifications Mandated by Law.*** Any modification to a street location shown on the Concept Plan that is necessitated by a Federal, State, or Local action may be administratively approved by the Director of Engineering, including, but not limited to, the intersection of Drive A and/or Drive B with the S.H. 121 service road.

**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 Zoning Regulations, 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 Zoning Regulations, 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 of the City of Allen, 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 upon (i) passage of this Ordinance and publication in accordance with the provisions of the Charter of the City of Allen and (ii) delivery to the City Secretary of a copy of a deed that has been recorded in the Official Public Records of Collin County, Texas, conveying the Property to Stillwater Capital Investments, LLC or an affiliated business entity owned and/or controlled by Stillwater Capital Investments, LLC, and it is accordingly so ordained; provided, however, if this Ordinance does not become effective on or before December 31, 2021, the acts of the City Council in approving this Ordinance shall be deemed null and void and this Ordinance shall not take effect.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 24<sup>TH</sup> DAY OF MAY 2021.

APPROVED:

\_\_\_\_\_  
Kenneth M. Fulk, MAYOR

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Peter G. Smith, CITY ATTORNEY

(kbl:9/30/2021:124986)  
4/24/2022:129239)

\_\_\_\_\_  
Shelley B. George, TRMC, CITY SECRETARY

**May 3, 2022 Planning and Zoning Commission Meeting Minutes**

Conduct a Public Hearing and Consider a Request to Establish a Planned Development Zoning District with a Base Zoning of Light Industrial, Corridor Commercial, and Townhome and to Adopt Development Regulations, Zoning Exhibit, Concept Plan, and Building Elevations for Approximately 84.3632 Acres in the George Fitzhugh Survey, Abstract No. 321 and Francis Dosser Survey, Abstract No. 280; Generally Located at Northwest Corner of Chelsea Boulevard and Ridgeview Drive. (ZN-102121-0019) [Chelsea 121 Mixed Use]

Mr. Kurbansade gave a brief description of the item and stated that staff recommends approval of the request.

Cole Henley, applicant, 4145 Travis Street, Ste 300, Dallas, TX, gave a presentation of the item.

Chair Metevier opened the public meeting.

With no one speaking, Chair Metevier closed the public meeting.

**Motion:** Upon a motion by Commissioner Shaikh, and a second by Commissioner Berg, the Commission voted 7 IN FAVOR and 0 OPPOSED to recommend approval of an ordinance to establish a Planned Development Zoning District with a base zoning of Light Industrial, Corridor Commercial, and Townhome and to adopt Development Regulations, Zoning Exhibit, Concept Plan, and Building Elevations, as presented and with Section 7 of the ordinance modified to include “this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Allen and it is accordingly so ordained.”

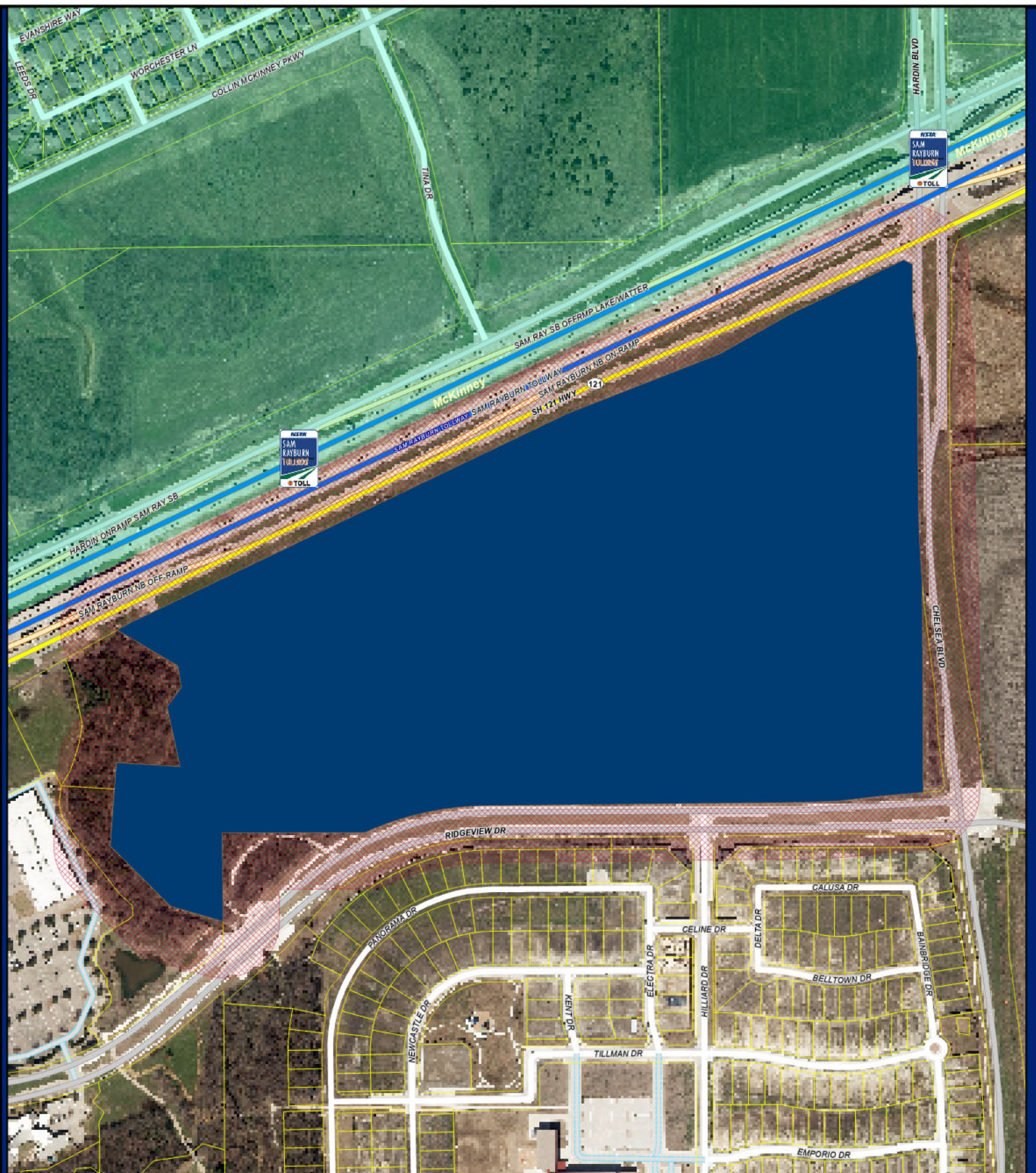
The motion carried.

**ATTENDANCE:**

**Commissioners Present:**

Dan Metevier, Chair  
Michael Smiddy, 1st Vice-Chair  
Kenneth Cook, 2nd Vice-Chair  
Elias Shaikh  
Brent Berg  
Gary Stocker  
Jason Wright



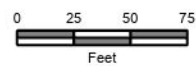


**Public Notification Map**

**121 Chelsea Mixed Use**

### Legend

- Subject Property
- Collin CAD Parcels
- 200' Buffer



**Community Development - Planning**

Date Saved: 4/15/2022

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

