



**AGENDA
CITY OF ALLEN
PLANNING AND ZONING COMMISSION REGULAR MEETING
TUESDAY, JULY 19, 2022 – 7:00 PM
CITY COUNCIL CHAMBERS
ALLEN CITY HALL
305 CENTURY PARKWAY
ALLEN, TEXAS 75013**

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

2. Pledge of Allegiance.

3. Consent Agenda.

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

3.1 Receive the Director's Report on action taken on the Planning and Zoning Commission items by City Council at the July 12, 2022, Regular Meeting.

3.2 Approve Minutes from the July 5, 2022, Planning and Zoning Commission Regular Meeting.

3.3 Consider a request for a Replat of Lot 1, Block X, and Lots 1, 2, and 3, Block D, The Farm; generally located at the northeast corner of Alma Drive and Blue Tractor Lane. (PL-062422-0012) [West Lake Park]

4. Regular Agenda.

4.1 Conduct a Public Hearing and consider a request to amend the development regulations in Area 1 of Planned Development No. 3 with a base zoning of Light Industrial to authorize Tract KB, Allen Business Centre II, to be developed and used as a Medical or Dental Office as a permitted use; generally located directly south of Prestige Circle and approximately 500 feet west of Greenville Avenue (and commonly known as 22 Prestige Circle). [ZN-061722-0012] (22 Prestige)

4.2 Conduct a Public Hearing and consider a request to amend and restate Specific Use Permit No. 167 authorizing an approximately 4,775 square foot portion of a building located on Lot 1, Block A, Starcreek Village and to remove the section pertaining to change in ownership on property; generally located at the southwestern corner of the intersection of State Highway 121 and Watters Road (and commonly known as 975 State Highway 121, Suite 190). (ZN-062722-0001) [Cigar Lounge]

5. Executive Session. (As needed)

As authorized by Section 551.071(2) of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from

the City Attorney on any agenda item listed herein.

6. 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, July 15, 2022, at 5:00 p.m.

Shelley B. George, City Secretary

Allen City Hall is wheelchair accessible. Access to the building and special parking are available at the entrance facing Century Parkway. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 214-509-4105.

<p>PLANNING AND ZONING COMMISSION REGULAR MEETING AGENDA COMMUNICATION</p>

AGENDA DATE:	July 19, 2022
AGENDA CAPTION:	Receive the Director's Report on action taken on the Planning and Zoning Commission items by City Council at the July 12, 2022, Regular Meeting.
STAFF RESOURCE:	Marc Kurbansade, Director of Community Development
STRATEGIC PLANNING GOAL:	Vibrant Community with Lively Destinations and Successful Commercial Centers.

BACKGROUND

At the July 12, 2022, Regular Meeting, City Council approved the request to amend Planned Development No. 3 for Armor Brewing and the request to amend Planned Development No. 127 for TCC Custer Master Plan.

<p>PLANNING AND ZONING COMMISSION REGULAR MEETING AGENDA COMMUNICATION</p>

AGENDA DATE: July 19, 2022

AGENDA CAPTION: Approve Minutes from the July 5, 2022, Planning and Zoning Commission Regular Meeting.

STRATEGIC PLANNING GOAL: Financially Sound and Transparent City Government.

MOTION

I make a motion to approve the minutes from the July 5, 2022, Planning and Zoning Commission Regular Meeting.

ATTACHMENT(S)

[Minutes](#)

PLANNING AND ZONING COMMISSION

REGULAR MEETING

July 5, 2022

ATTENDANCE:

Commissioners Present:

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

Commissioners Absent:

Jason Wright

City Staff Present:

Marc Kurbansade, AICP, Director of Community Development
Joseph Cotton, P.E., Assistant Director of Engineering
Hayley Angel, AICP, Planning Manager
Kim Yockey, AICP, Senior Planner
Jessica Johnsen, Planner
Jordan Caudle, Planner
Kevin Laughlin, City Attorney

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

With a quorum of the Commissioners present, Chair Metevier called the meeting to order at 7:00 p.m. in the City Hall Council Chambers Room at Allen City Hall, 305 Century Parkway, Allen, Texas, 75013.

2. Pledge of Allegiance.

3. Consent Agenda.

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

3.1 The Director of Community Development discussed the action taken on the Planning Commission items by City Council at the June 28, 2022, Regular Meeting.

3.2 Approve Minutes from the June 21, 2022, Planning and Zoning Commission Workshop Meeting.

3.3 Approve Minutes from the June 21, 2022, Planning and Zoning Commission Regular Meeting.

3.4 Consider a request for a Preliminary Plat for Sloan Corners West, being 260.333 acres in the Jonathan Phillips Survey, Abstract No. 719, generally located at the northeastern corner of the intersection of Ridgeview Drive and Chelsea Boulevard. (PL-Pre-061022-0004) [Sloan Corners West]

Motion: **Upon a motion by Commissioner Berg, and a second by Commissioner Stocker, the Commission voted 6 IN FAVOR and 0 OPPOSED to approve the Consent Agenda items as presented.**

The motion carried.

4. Regular Agenda.

- 4.1 Conduct a Public Hearing and consider a request to amend the Development Regulations of Tract 13 of Planned Development No. 54 with a Base Zoning of Shopping Center and to adopt a Concept Plan and Elevations for a property generally located north of McDermott Drive and approximately 864 feet east of Alma Drive (and commonly known as 1210 W. McDermott Drive). (ZN-052022-0008) [T-Mobile Monopole Conversion]

Ms. Angel presented the item to the Commission and stated that staff recommends approval of the item.

Chair Metevier opened the public hearing.

One individual spoke in favor of the project, Haley Peck, applicant, of Frisco, TX gave a detailed summary of the item.

Chair Metevier closed the public hearing.

Commissioners discussed adding additional equipment and aesthetics to the existing monopole.

Motion: **Upon a motion by Commissioner Stocker, and a second by Commissioner Smiddy, the Commission voted 6 IN FAVOR and 0 OPPOSED to recommend approval of an ordinance to amend Planned Development No. 54 with a base zoning of Shopping Center, subject to the Development Regulations, Concept Plan, and Elevations, as presented.**

The motion carried.

5. Executive Session. *(As needed)*

The Executive Session was not held.

6. Adjournment.

The meeting adjourned at 7:17 p.m.

These minutes were approved this 19th day of July 2022.

Dan Metevier, CHAIR

Jessica Johnsen, PLANNER

<p style="text-align: center;">PLANNING AND ZONING COMMISSION REGULAR MEETING AGENDA COMMUNICATION</p>

AGENDA DATE:	July 19, 2022
AGENDA CAPTION:	Consider a request for a Replat of Lot 1, Block X, and Lots 1, 2, and 3, Block D, The Farm; generally located at the northeast corner of Alma Drive and Blue Tractor Lane. (PL-062422-0012) [West Lake Park]
STAFF RESOURCE:	Jordan Caudle, Planner
BOARD/COMMISSION ACTION:	Final Plat – Approved February 2021
PREVIOUS COUNCIL ACTION:	Planned Development No. 72 - Approved October 1986 Planned Development No. 72 - Approved October 1998 Planned Development No. 72 - Approved March 2005 Planned Development No. 134 - Approved January 2018 Planned Development No. 134A - Approved July 2020 Planned Development No. 134A - Approved September 2021
STRATEGIC PLANNING GOAL:	Vibrant Community with Lively Destinations and Successful Commercial Centers.

BACKGROUND

The subject property is located at the northeast corner of Alma Drive and Blue Tractor Lane (commonly known as 2290 North Alma Drive). The properties to the north, east, and south are zoned Planned Development No. 134A (PD-134A) with a base zoning of Corridor Commercial (CC). The property to the west is zoned Planned Development No. 142 with a base zoning of CC.

The subject property is in the PD-134A zoning district with a base zoning of CC. A site plan for the proposed replat for a private park and restaurant use was approved in March 2021. Platting is the final step in the development process.

The Replat shows three lots at a total of 6.607± acres. The lots shown are accessible through surrounding public access easements known as Blue Tractor Lane, Johnson Road, and Fishing Pond Drive.

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

STAFF RECOMMENDATION

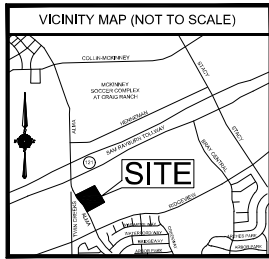
Staff recommends approval.

MOTION

I make a motion to approve the Replat of Lot 1, Block X, and Lots 1, 2, and 3, Block D, The Farm, as presented.

ATTACHMENT(S)

Replat



LEGEND

O.P.R.C.C. T.

INST. NO.

VOL. PG.

SQ. FT.

1/2" IRF

1/2" IRF

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OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS

INSTRUMENT NUMBER

VOLUME, PAGE

SQUARE FEET

1/2 INCH IRON ROD SET WITH YELLOW PLASTIC CAP

STAMPED "TXHS"

1/2 INCH IRON ROD FOUND WITH YELLOW PLASTIC CAP

STAMPED "TXHS"

1 INCH BRASS MONUMENT STAMPED "SURVEY POINT" FOUND

CONTROL MONUMENT

ABSTRACT LINE

EASEMENT LINE

EASEMENT LINE

BOUNDARY LINE

SCALE 1"=60'

BOUNDARY LINE TABLE			BOUNDARY CURVE TABLE				
LINE #	LENGTH	DIRECTION	CURVE #	LENGTH	RADIUS	DATA	CHORD
L1	32.48'	N54°16'51"W	C1	231.07'	1500.00'	8°18'34"	N32°45'19" 230.84'
L2	59.95'	N57°38'29"E	C2	72.71'	265.50'	15°59'30"	N01°29'57" 72.47'
L3	257.88'	N78°06'33"E	C3	102.82'	1321.50'	4°7'29"	N01°39'36" 102.80'
L4	90.43'	N84°11'53"E	C4	40.05'	541.41'	4°14'16"	N44°06'13"W 40.04'
L5	427.20'	S25°48'07"E	C5	34.96'	472.63'	4°14'16"	N01°55'05" 34.95'
L6	49.30'	S30°59'25"E	C6	27.88'	1042.91'	1°31'54"	N40°10'15" 27.80'
L7	193.13'	S49°00'35"W	C7	84.14'	900.00'	5°21'24"	N54°53'01"W 84.11'
L8	155.88'	S63°45'04"W	C8	80.58'	250.00'	18°29'04"	N66°52'31"E 80.58'
L9	103.94'	S00°00'00"W	C9	103.94'	500.00'	11°54'39"	N70°09'13"E 103.76'
L10	3.89'	S00°00'00"W	C10	3.89'	43.00'	5°11'19"	S28°23'46"E 3.89'
L11	128.64'	S00°00'00"W	C11	128.64'	500.00'	14°44'29"	S56°22'49"W 128.29'

INTERIOR LOT LINE TABLE					
LINE #	LENGTH	DIRECTION	CURVE #	LENGTH	RADIUS
L9	19.17'	N55°34'22"E	C12	197.79'	120.00'
L10	31.15'	S40°59'19"E	C13	50.43'	76.00'
L11	0.75'	S49°00'28"W	C14	65.82'	56.10'
L12	17.52'	S26°14'56"E	C15	126.17'	405.09'
L13	20.49'	S63°08'55"W	C16	2.96'	1.90'
L14	85.87'	S20°51'05"E	C17	159.30'	1090.00'
L15	54.20'	N25°48'07"W	C18	165.24'	105.00'
L16	61.78'	N34°11'53"E	C19	169.98'	71.00'
L17	130.43'	N64°12'00"E	C20	137.09'	107.00'
L18	19.58'	S64°11'53"W	C21	137.09'	107.00'
L19	80.10'	S34°11'53"W	C22	137.09'	107.00'
L20	255.01'	N25°48'07"W	C23	137.09'	107.00'

GENERAL NOTES

- The purpose of this replat is to create three lots out of four platted lots.
- The maximum number of lots permitted by this plat is three.
- Bearings are based upon the Texas State Plane Coordinate System, North Central Zone 4202, North American Datum of 1983, (2011).
- Coordinates shown hereon are based on Texas State Plane Coordinate System, North Central Zone 4202, North American Datum of 1983 on Grid Coordinate values, No Scale and No Projection.
- Subject property is located within an area having a Zone Designation "X" by the Secretary of Housing and Urban Development, on Flood Insurance Rate Map No. 480355C0055J, with a date of identification of 02/22/2022, for Community Number 480131, in Collin County, State of Texas, which is the current Flood Insurance Rate Map for the community in which said property is situated.
- The Minimum Finish Floor Elevation for Lots 1R and 2R, Block D is 692.50'.

NO.	DATE	REVISION DESCRIPTION
2	07/11/2022	CITY COMMENTS
1	03/03/2022	FIRST SUBMITTAL

OWNER
THE FARM DEVELOPMENT CO
2995 N. COLLINS BOULEVARD,
SUITE 200
RICHARDSON, TEXAS 75080

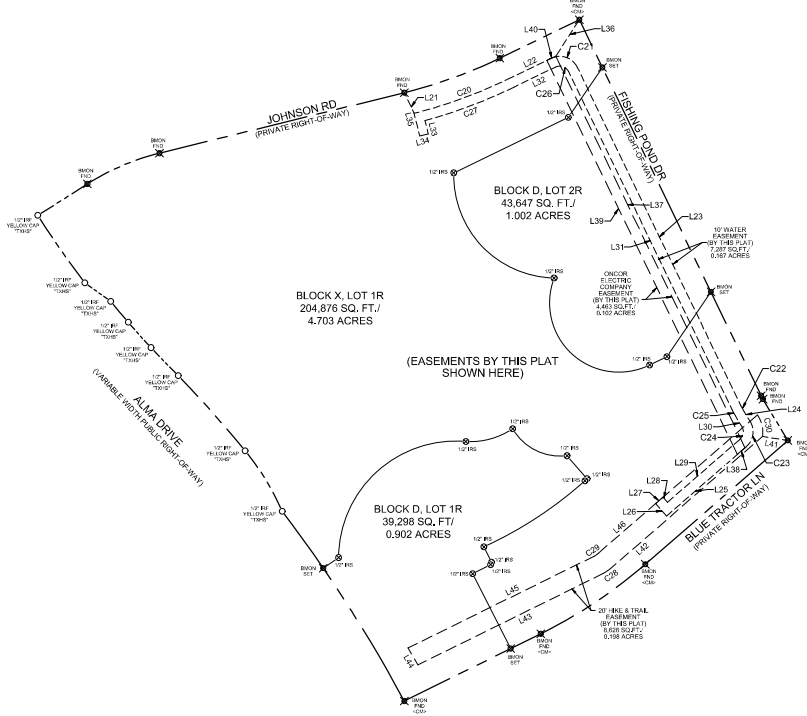
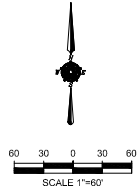
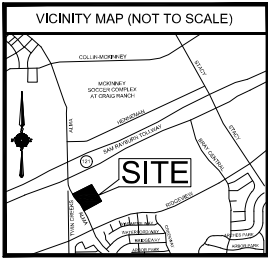


REPLAT
BLOCK X, LOT 1R,
BLOCK D, LOTS 1R AND 2R,
THE FARM
BEING A REPLAT OF
BLOCK X, LOT 1, BLOCK D, LOTS 1, 2 AND 3
OUT OF
BLOCK A, LOT 1, BLOCK B, LOTS 1 AND 2, BLOCK C, LOT 1,
BLOCK D, LOTS 1, 2 AND 3, BLOCK E, LOTS 1, 2, 3 AND 4, BLOCK
F, LOT 1, BLOCK G, LOT 1, BLOCK H, LOTS 1, BLOCK I, LOT 1,
BLOCK J, LOT 1, BLOCK K, LOT 1, BLOCK L, LOT 1, BLOCK M,
LOT 1, BLOCK N, LOT 1 BLOCK X, LOTS 1 AND 2 THE FARM
CONTAINING 287,821 SQUARE FEET OR 6.607 ACRES

SITUATED IN THE JOHN PHILLIPS SURVEY,
ABSTRACT NO. 718
CITY OF ALLEN, COLLIN COUNTY, TEXAS

DATE: 02/18/2022 / JOB # 2204042-2 / SCALE: 1" = 30' / DRAWN: KO

PAGE 1 OF 3



WATER EASEMENT CURVE TABLE				
CURVE #	LENGTH	RADIUS	DELTA	CHORD
C20	104.05'	523.00'	11°23'58"	N69° 53' 52"E 103.88'
C21	31.42'	20.00'	90°00'00"	S70° 48' 07"E 28.28'
C22	5.98'	66.00'	5°11'19"	S28° 23' 48"E 5.97'
C23	27.93'	20.00'	90°00'00"	S8° 00' 35"W 25.71'
C24	13.86'	10.00'	90°00'00"	N8° 00' 35"E 12.86'
C25	6.88'	76.00'	5°11'19"	N28° 23' 46"W 6.88'
C26	15.71'	10.00'	90°00'00"	N70° 48' 07"W 14.14'
C27	97.13'	533.00'	10°26'29"	S69° 25' 08"W 97.00'

WATER EASEMENT LINE TABLE		
LINE #	LENGTH	DIRECTION
L21	23.45'	S25°22'35"E
L22	47.43'	N64°11'53"E
L23	384.20'	S25°48'07"E
L24	13.22'	S30°59'25"E
L25	108.25'	S49°00'17"W
L26	17.01'	N40°59'12"W
L27	16.30'	N49°00'36"E
L28	7.01'	S40°59'19"E
L29	96.25'	N49°00'17"E
L30	13.22'	N30°59'25"W
L31	384.20'	N25°48'07"W
L32	47.43'	S64°11'53"W
L33	14.05'	S13°53'27"E
L34	9.00'	S76°08'33"W
L35	23.90'	N13°53'27"W

HIKE TRAIL CURVE TABLE				
CURVE #	LENGTH	RADIUS	DELTA	CHORD
C28	9.78'	38.00'	14°44'29"	S56° 22' 49"W 9.75'
C29	4.63'	18.00'	14°44'29"	N56° 22' 49"E 4.62'
C30	23.20'	30.00'	44°18'59"	S13° 05' 35"E 22.63'

HIKE TRAIL LINE TABLE		
LINE #	LENGTH	DIRECTION
L41	26.13'	N81°03'14"W
L42	205.97'	S49°00'35"W
L43	210.68'	S63°45'04"W
L44	20.04'	N29°41'18"W
L45	211.85'	N63°45'04"E
L46	216.56'	N49°00'35"E

ONCOR CO. LINE TABLE		
LINE #	LENGTH	DIRECTION
L36	44.42'	S33°00'48"W
L37	444.93'	S25°48'07"E
L38	10.36'	S49°00'35"W
L39	447.64'	N25°48'07"W
L40	10.00'	N64°11'53"E

GENERAL NOTES:

- 1) The purpose of this replat is to create three lots out of four platted lots.
- 2) The maximum number of lots permitted by this plat is three.
- 3) Bearings are based upon the Texas State Plane Coordinate System, North Central Zone 4202, North American Datum of 1983, (2011).
- 4) Coordinates shown hereon are based on Texas State Plane Coordinate System, North Central Zone 4202, North American Datum of 1983 on Grid Coordinate values, No Scale and No Projection.
- 5) Subject property is located within an area having a Zone Designation "X" by the Secretary of Housing and Urban Development, on Flood Insurance Rate Map No. 480850C065J with a date of identification of 02/22/2022, for Community Number 480131, in Collin County, State of Texas, which is the current Flood Insurance Rate Map for the community in which said property is situated.
- 6) The Minimum Finish Floor Elevation for Lots 1R and 2R, Block D is 692.50'.

Preliminary, this document shall not be recorded for any purposes and shall not be used or viewed or relied upon as a final survey document. (07/11/2022)

REPLAT BLOCK D, LOT 1R, BLOCK D, LOTS 1R AND 2R, THE FARM

BEING A REPLAT OF
BLOCK X, LOT 1, BLOCK D, LOTS 1, 2 AND 3
OUT OF

BLOCK A, LOT 1, BLOCK B, LOTS 1 AND 2, BLOCK C, LOT 1,
BLOCK D, LOTS 1, 2 AND 3, BLOCK E, LOTS 1, 2, 3 AND 4, BLOCK
F, LOT 1, BLOCK G, LOT 1, BLOCK H, LOTS 1, BLOCK I, LOT 1,
BLOCK J, LOT 1, BLOCK K, LOT 1, BLOCK L, LOT 1, BLOCK M,
LOT 1, BLOCK N, LOT 1 BLOCK X, LOTS 1 AND 2 THE FARM
CONTAINING 287,821 SQUARE FEET OR 6,607 ACRES

SITUATED IN THE JOHN PHILLIPS SURVEY,
ABSTRACT NO. 718
CITY OF ALLEN, COLLIN COUNTY, TEXAS

DATE: 02/18/2022 / JOB # 22004032-2 / SCALE= 1" = 30' / DRAWN: JO

PAGE 2 OF 3



OWNER
THE FARM DEVELOPMENT CO
2095 N. COLLINS BOULEVARD,
SUITE 200
RICHARDSON, TEXAS 75080

<p style="text-align: center;">PLANNING AND ZONING COMMISSION REGULAR MEETING AGENDA COMMUNICATION</p>

AGENDA DATE:	July 19, 2022
AGENDA CAPTION:	Conduct a Public Hearing and consider a request to amend the development regulations in Area 1 of Planned Development No. 3 with a base zoning of Light Industrial to authorize Tract KB, Allen Business Centre II, to be developed and used as a Medical or Dental Office as a permitted use; generally located directly south of Prestige Circle and approximately 500 feet west of Greenville Avenue (and commonly known as 22 Prestige Circle). [ZN-061722-0012] (22 Prestige)
STAFF RESOURCE:	Jessica Johnsen, Planner
BOARD/COMMISSION ACTION:	Replat – Approved July, 2008
PREVIOUS COUNCIL ACTION:	Planned Development No. 3 – Approved October 1981 Planned Development No. 3 – February 2008
STRATEGIC PLANNING GOAL:	Vibrant Community with Lively Destinations and Successful Commercial Centers.

BACKGROUND

The subject property is located in Area 1, Allen Business Centre II, generally located directly south of Prestige Circle and approximately 500 feet west of S. Greenville Avenue (and commonly known as 22 Prestige Circle). The properties to the north, east, and west are zoned PD-3 with a base zoning of LI. The property to the south is zoned PD-3 with a base zoning of Shopping Center.

This subject property is zoned Planned Development No. 3 (PD-3) with a base zoning of Light Industrial (LI). The subject property is approximately 1.0577 acres. The site is already developed and has an existing 11,836± square foot building with multiple suites.

The applicant occupies a space in an existing building as a medical office. The use of Medical or Dental Office was not a defined use when the business opened. The Allen Land Development Code has since changed and the use of Medical or Dental Office is now a defined use; however, it is not allowed by right in this zoning district. The applicant would like to expand the growing business into the adjacent suite. For this reason, the applicant is requesting a Planned Development Amendment to amend the development regulations to allow Medical or Dental Office use by right.

This request has been reviewed by staff, is in general conformance with the future land use map in the adopted Comprehensive Plan, and is compatible with the surrounding uses.

STAFF RECOMMENDATION

Staff recommends approval.

MOTION

I move to recommend approval of the request to amend the development regulations of PD-3 with a base zoning of LI for Lot KB, Allen Business Centre II, as presented.

ATTACHMENT(S)

Draft Ordinance

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 OF AREA 1 OF PLANNED DEVELOPMENT PD NO. 3 WITH A BASE ZONING OF LIGHT INDUSTRIAL “LI” TO AUTHORIZE TRACT KB, ALLEN BUSINESS CENTRE II TO BE DEVELOPED AND USED AS A MEDICAL OR DENTAL OFFICE AS A PERMITTED USE; 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, be further amended by amending as set forth in Section 2 of this Ordinance the development regulations of Area 1 of Planned Development “PD” No. 3 with a base zoning of Light Industrial “LI,” to authorize Tract KB, Allen Business Centre II, an addition to the City of Allen, Collin County, Texas, according to the plat thereof recorded in Cabinet F, Page 724, Map Records, Collin County, Texas (“the Property”).

SECTION 2. The Property shall be developed and used in accordance with the applicable provisions of the Allen Land Development Code, as amended, (“ALDC”) and Tract 1 of Planned Development “PD” No. 3 as set forth in Ordinance No. 2701-2-08, (“the PD 3 Ordinance”). In addition to the uses permitted by the PD 3 Ordinance with respect to the use and development of Tract 1, the Property may be developed and used for a Medical or Dental office.

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 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 the 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 9TH DAY OF AUGUST 2022.

APPROVED:

Kenneth M. Fulk, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY
(kbl:7/11/2022:130535)

Shelley B. George, TRMC, CITY SECRETARY

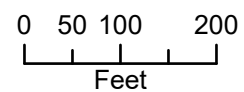


22 Prestige Circle



Legend

-  Subject_Parcel
-  200' Buffer
-  Collin CAD Parcels



Note: This map is for illustrative purposes only please contact Community Development for more details. 214-509-4160

<p style="text-align: center;">PLANNING AND ZONING COMMISSION REGULAR MEETING AGENDA COMMUNICATION</p>

AGENDA DATE:	July 19, 2022
AGENDA CAPTION:	Conduct a Public Hearing and consider a request to amend and restate Specific Use Permit No. 167 authorizing an approximately 4,775 square foot portion of a building located on Lot 1, Block A, Starcreek Village and to remove the section pertaining to change in ownership on property; generally located at the southwestern corner of the intersection of State Highway 121 and Watters Road (and commonly known as 975 State Highway 121, Suite 190). (ZN-062722-0001) [Cigar Lounge]
STAFF RESOURCE:	Kim Yockey, Senior Planner
BOARD/COMMISSION ACTION:	Final Plat - Approved April 2018
PREVIOUS COUNCIL ACTION:	Planned Development No. 92 – Approved December 2004 Planned Development No. 92 – Approved February 2016 Planned Development No. 92 – Approved July 2016 Planned Development No. 92 – Approved December 2018 Specific Use Permit No. 167 – Approved April 2019
STRATEGIC PLANNING GOAL:	Vibrant Community with Lively Destinations and Successful Commercial Centers.

BACKGROUND

The subject property is generally located at the southwestern corner of the intersection of State Highway 121 and Watters Road (and commonly known as 975 State Highway 121, Suite 190). The properties to the north, east, south, and west are zoned PD-92 with a base zoning of Corridor Commercial (CC). This property is zoned Planned Development No. 92 (PD-92) with a base zoning of CC.

The applicant proposes to occupy the tenant space which was formerly occupied by Cigar Palace and Bar, a smoking establishment. Specific Use Permit (SUP) No. 167 specifically authorized only “Cigar Palace and Bar” to operate as a smoking establishment in the subject tenant space. In August 2021, the Allen Land Development Code was revised to allow Specific Use Permits to be applicable to the property as opposed to individual businesses. For Cigar Lounge to move forward, the SUP must be amended to remove the section that specifically authorizes only Cigar Palace and Bar to occupy the subject space.

This request has been reviewed by staff. The request is in general conformance with the future land use map in the adopted Comprehensive Plan and is compatible with the surrounding uses.

STAFF RECOMMENDATION

Staff recommends approval.

MOTION

I move to recommend approval of the request to amend and restate the development regulations of Specific Use Permit No. 167 with a base zoning of CC, for Lot 1, Block A, Starcreek Village, as presented.

ATTACHMENT(S)

[Draft Ordinance](#)
[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 AND RESTATING THE DEVELOPMENT REGULATIONS OF SPECIFIC USE PERMIT NO. 167 FOR A SMOKING ESTABLISHMENT USE SET FORTH IN ORDINANCE NO. 3659-4-19 RELATING TO THE USE AND DEVELOPMENT OF 4,775± SQUARE FOOT PORTION OF A BUILDING LOCATED ON LOT 1, BLOCK A, STARCREEK VILLAGE, PRESENTLY ZONED FOR PLANNED DEVELOPMENT “PD” NO. 92 CORRIDOR COMMERCIAL “CC” ; 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 of the City of Allen, Texas 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 adopted, 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, and is hereby further amended by amending and restating as follows and as attached in Exhibit “A” hereto the development regulations of Specific Use Permit No. 167 for a Smoking Establishment as set forth in Section 1, Section 2, and Exhibit “A” of Ordinance No. 3659-4-19, relating to the development and use of 4,775± square foot portion of a building located on Lot 1, Block A, Starcreek Village, an Addition to the City of Allen, Collin County, Texas, according to the Plat recorded in Volume 2018, Page 258, Plat Records, Collin County, Texas, as shown on Exhibit “A” attached hereto and incorporated herein by reference (“the Property”), which is presently zoned for Planned Development “PD” No. 92 Corridor Commercial “CC”..

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. 167 authorizing a 4,775± square foot portion of a building located on Lot 1, Block A, Starcreek Village, an Addition to the City of Allen, Collin County, Texas, according to the Plat recorded in Volume 2018, Page 258, Plat Records, Collin County, Texas, as shown on Exhibit “A” attached hereto and incorporated herein by reference (“the Property”), which is presently zoned for Planned Development “PD” No. 92 Corridor Commercial “CC” to be used for a Smoking Establishment use.

SECTION 2. The Property shall be used only in the manner and for the purposes provided for in the Allen Land Development Code Zoning Regulations, as heretofore amended, and the use and development regulations of Planned Development “PD” No. 92 as amended, and, if used for Smoking Establishment purposes, such use shall be limited to the area of the Property shown in the SUP Site Plan attached hereto as Exhibit “A” and incorporated herein by reference.

SECTION 2. 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 3. 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 4. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Allen Land Development Code Zoning Regulations, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 5. Any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in 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 6. 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 9th DAY OF AUGUST 2022.

APPROVED:

Kenneth M. Fulk, MAYOR

APPROVED AS TO FORM

ATTEST:

Peter G. Smith, CITY ATTORNEY
(kbl:7/4/2022:130414)

Shelley B. George, TRMC, CITY SECRETARY

ENGINEER:
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ARCHITECT:
PATRICK AHEARNE, ARCHITECT
814 WIND ELM DRIVE
ALLEN, TEXAS 75002
(972) 359-0053
CONTACT: MR. PATRICK AHEARNE
DEVELOPER:
STARCREEK RETAIL, LLC
5164 VILLAGE CREEK DRIVE, SUITE 100
PLANO, TEXAS 75093
(972) 267-3300
CONTACT: MR. DANI GOLAN

PROJECT:
STARCREEK RETAIL
LOT 1, BLOCK A OF STARCREEK VILLAGE
2.819 ACRES
WATERS ROAD & HIGHWAY 121 SERVICE ROAD
CITY OF ALLEN, COLLIN COUNTY, TEXAS 75013

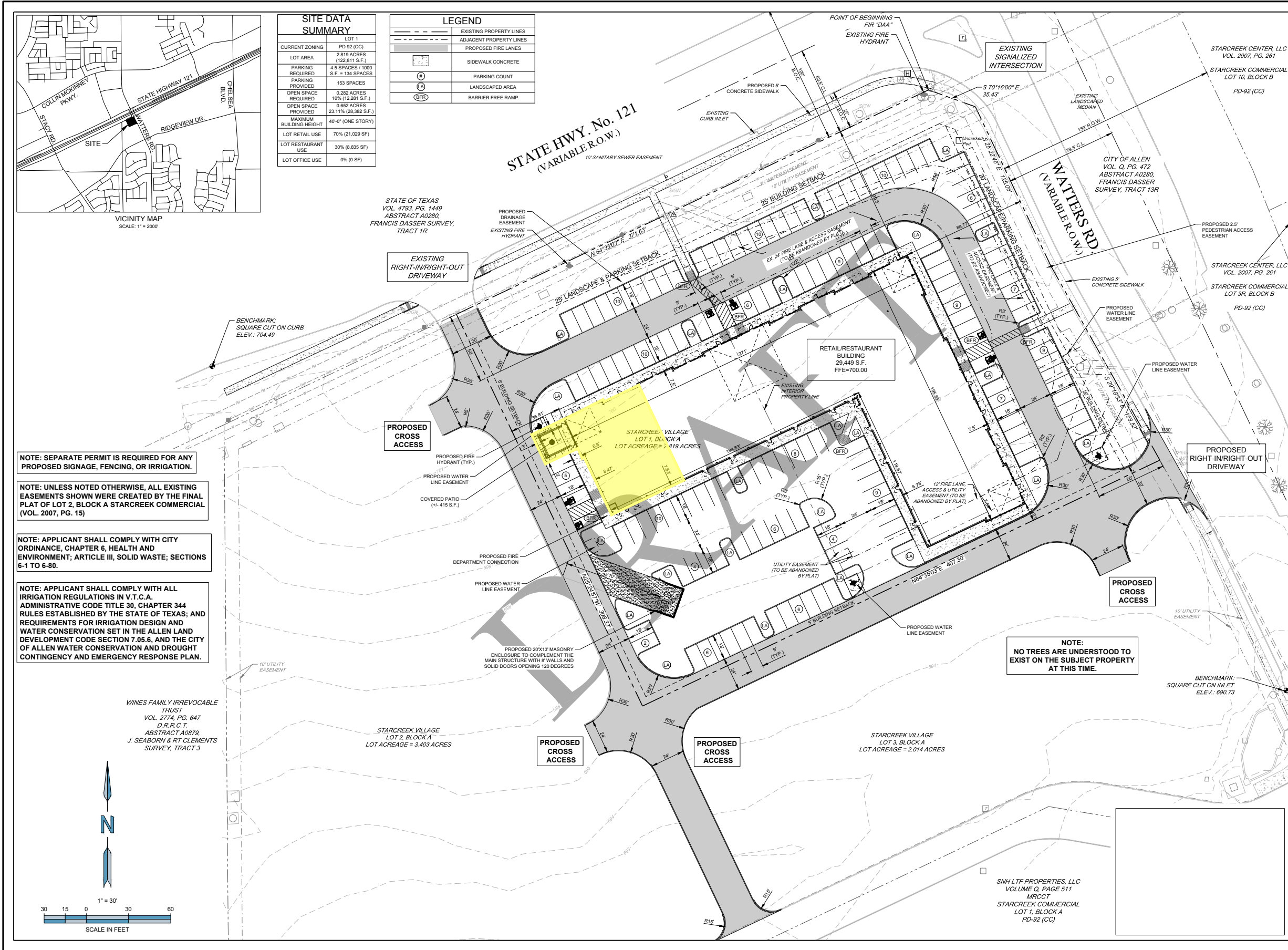
SEAL:

REVISIONS DATE
PATIO EDIT 03-14-2019
CITY COMMENTS 03-20-2019

PROJECT MANAGER: DN
DRAWING BY: DK
JURISDICTION: ALLEN, TEXAS
DATE: 8 DECEMBER 2017
SCALE: 1" = 30'
TITLE:

STARCREEK RETAIL
2.819 ACRES
SUP SITE PLAN

SHEET NUMBER:
1 OF 1
COMMENTS:
JOB FILE NUMBER: 995.001

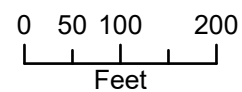




Starcreek Retail LLC
 975 S.H. 121

Legend

- Subject_Parcel
- 200' Buffer
- Collin CAD Parcels



Note: This map is for illustrative purposes only please contact Community Development for more details. 214-509-4160
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