



**AGENDA
CITY OF ALLEN
PLANNING AND ZONING COMMISSION
REGULAR MEETING – 7:00 P.M.
TUESDAY, JANUARY 15, 2013
COUNCIL CHAMBERS
ALLEN CITY HALL
305 CENTURY PARKWAY
ALLEN, TEXAS 75013**

Call to Order and Announce a Quorum is Present

Pledge of Allegiance

Director's Report

1. Action taken on the Planning & Zoning Commission items by City Council at the January 8, 2013 regular meeting.

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

2. Approve minutes from the December 18, 2012 regular meeting.

Regular Agenda

3. Presentation on community demographics and 2010 Census.

Executive Session (*As needed*)

As authorized by Section 551.071(2) of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.

Adjournment

This notice was posted at Allen City Hall, 305 Century Parkway, Allen, Texas, at a place convenient and readily accessible to the public at all times. Said notice was posted on Friday, January 11, 2013, at 5:00 p.m.

Shelley B. George, City Secretary

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

Director's Report from 1/8/13 City Council Meeting

There were three items taken to the January 8, 2013 City Council meeting for consideration:

- A request to Adopt an Ordinance Amending Planned Development PD No. 61 for Single Family Residential R-6 Use and to Adopt a Concept Plan, Development Regulations and Elevations for 9.85± Acres, for Belmont Estates, was approved with the following conditions:
 - Lot 25 will also be required to have a J-swing garage facing Angel Parkway.
 - The developer of the Property will be required to provide an enhanced detention pond analysis to the Engineering Department.

The property is located south of Stacy Road and east of Angel Parkway

- A request to Adopt an Ordinance for a Specific Use Permit for a Gymnastic and Sports Training Facility, for Crossfit 380 South, was approved. The property is located at 2023 W. McDermott Drive, Suite 220; south of McDermott Drive and east of Custer Road
- A request to Adopt an Ordinance for a Specific Use Permit for a Restaurant with a Drive Through on 0.563± Acres, for Jimmy John's, was approved. The property is located north of Exchange Parkway and east of Bossy Boots Drive.

PLANNING & ZONING COMMISSION WORKSHOP AGENDA COMMUNICATION

AGENDA DATE: January 15, 2013

SUBJECT: Staff presentation and discussion concerning animal and fowl regulations.

STAFF RESOURCE: Lee Battle, AICP
Assistant Director

PREVIOUS COMMISSION/COUNCIL ACTION: None

PUBLIC NOTICE: None

BACKGROUND

A group of citizens has approached the City Council and requested that the City's codes be changed to allow residents to keep chickens in backyards. Attached is a presentation and packet of information that was provided by the citizens.

Staff has conducted research on the issue and provided an assessment of the topic and potential issues associated with modifying existing regulations.

Staff will make a presentation overviewing the topic. Staff is asking the Commission for feedback on whether the ordinance in place today is appropriate for our community, or if there is a need to consider any modifications.

STAFF RECOMMENDATION

N/A

MOTION

N/A

ATTACHMENTS

Citizen submitted presentation
Citizen submitted information packet
Staff assessment



**PLANNING AND ZONING
COMMISSION**

**Regular Meeting
December 18, 2012**

ATTENDANCE:

Commissioners Present:

Robert Wendland, Chairman
Jeff Cocking, 1st Vice Chair
Barbara McNutt
John Ogrizovich
Steven Platt, Jr.
Ben Trahan

Absent:

Shirley Mangrum, 2nd Vice Chair

City Staff Present:

Ogden "Bo" Bass, AICP, Director of Community Development
Shawn Poe, PE, Assistant Director of Engineering
Tiffany McLeod, Senior Planner
Shelby Griffin, Planner
Kevin Laughlin, City Attorney

Call to Order and Announce a Quorum is Present:

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

Director's Report

1. Action taken on the Planning & Zoning Commission items by City Council at the December 11, 2012 regular meeting.

Consent Agenda

2. Approve minutes from the December 4, 2012 regular meeting.

Motion: Upon a motion by Commissioner Trahan, and a second by Commissioner Ogrizovich, the Commission voted 6 IN FAVOR, and 0 OPPOSED to approve the Consent Agenda.

The motion carried.

Regular Agenda

Agenda Item #3 Preliminary Plat – Consider a request for a Preliminary Plat for Ablon at Twin Creeks, Lots 1, 2x, 3x, 4, and 5x, Block A; located north of Exchange Parkway and west of Bray Central Drive. (PP-7/3/12-45) [Ablon at Twin Creeks]

Ms. Shelby Griffin, Planner, presented to the Commission. The property is located north of Exchange Parkway and west of Bray Central Drive. The property is currently zoned Planned Development No. 108 Multifamily MF-24.

Ms. Griffin informed the Commission that the Preliminary Plat is approximately 29.6299± acres and shows five lots. Lots 1 and 4 are residential lots. There are three access points into the site. Phase One has one access point off of Bray Central Drive and one access point off of Exchange Parkway. The third access point is located off of Bray Central and is part of Phase Two.

A hike and bike trail will extend along Exchange Parkway and a five (5) foot sidewalk along Bray Central Drive. The western boundary of the site is identified as floodplain. This plat also shows various utility, maintenance, drainage, and access easements.

The Preliminary Plat has been reviewed by the Technical Review Committee and is consistent with Planned Development No. 108 and the *Allen Land Development Code*.

Motion: Upon a motion by Commissioner McNutt, and a second by Commissioner Ogrizovich, the Commission voted 6 IN FAVOR, and 0 OPPOSED to approve the Preliminary Plat for Ablon at Twin Creeks, Lots 1, 2X, 3X, 4, 5X, Block A.

The motion carried.

Agenda Item #4 Consider a request for a Replat for The Harvest Addition, Lot 1, Block A, located south of Rivercrest Boulevard and east of Greenville Avenue. (FP-11/15/12-84) [The Harvest Church]

Ms. Shelby Griffin, Planner, presented to the Commission. The property is located south of Rivercrest Boulevard and east of Greenville Avenue. The property is zoned Community Facilities.

Ms. Griffin described the Replat as being 5.916± acres and having three (3) access points into the site; two access points off of Rivercrest Boulevard and one access point off of Pebblebrook Drive. She explained that the existing platted firelane (shown in crosshatching) is being abandoned and the new firelane will wrap around the future church expansion and will provide a connection to Pebblebrook Drive.

The Replat has been reviewed by the Technical Review Committee and meets the standards of the *Allen Land Development Code*.

Motion: Upon a motion by Commissioner McNutt, and a second by Commissioner Ogrizovich, the Commission voted 6 IN FAVOR, and 0 OPPOSED to approve the Replat for The Harvest Addition, Lot 1, Block A.

The motion carried.

Agenda Item #5 Conduct a Public Hearing and consider a request for a Specific Use Permit for a Gymnastics and Sports Training Facility for Crossfit 380 South. The property is Lot 7, Block A, Custer/McDermott Addition, and commonly known as 2023 W. McDermott Drive, Suite 220; located south of McDermott Drive and east of Custer Road. (SUP-11/28/12-89) [Crossfit 380 South]

Ms. Tiffany McLeod, Senior Planner, presented to the Commission. The property is located at 2023 W. McDermott Drive, Suite 220; south of McDermott Drive and east of Custer Road. The property is zoned Planned Development No. 56 Shopping Center SC.

Ms. McLeod explained that the applicant is proposing to tenant an 8,650 square foot suite space in an existing building for a fitness facility. This facility specializes in programs that range from recreational fitness to competitive athletic conditioning. Staff categorizes this type of use as a Gymnastics and Sports Training Facility use.

She added that there are no proposed changes to the exterior of the building and only minor changes to the building interior. The required parking for this use is already provided for on the site. The SUP meets the standards of the *Allen Land Development Code*.

Chairman Wendland opened the Public Hearing.

With no one choosing to come forward, he closed the Public Hearing.

The following individual submitted written responses of support:
Martin Brooks, 2031 McDermott Dr., Allen, TX.

Motion: Upon a motion by Commissioner McNutt, and a second by Commissioner Ogrizovich, the Commission voted 6 IN FAVOR, and 0 OPPOSED to recommend approval of the Specific Use Permit for Crossfit 380 South for a Gymnastics and Sports Training Facility.

The motion carried.

Agenda Item #6 Conduct a Public Hearing and consider a request for a Specific Use Permit for a Restaurant (with a Drive Through) use for Jimmy John's. The property is 0.536± acres situated in the John Fyke Survey, Abstract No. 325, City of Allen, Collin County, Texas; located north of Exchange Parkway and east of Bossy Boots Drive. (SUP-10/31/12-75) [Jimmy John's]

Ms. Shelby Griffin, Planner, presented to the Commission. The property is located north of Exchange Parkway and east of Bossy Boots Drive. The property is zoned Planned Development No. 108 for Mixed Use MIX.

Ms. Griffin explained that the subject property is part of Planned Development No. 108 District H. Within District H of PD-108, a restaurant with a drive through is required to receive a Specific Use Permit (SUP) by the City Council. Jimmy John's is requesting an SUP for the drive through use.

She described the subject site as being 0.536± acres and having two (2) access points into the site. The drive through lane access point is south of the building and navigates the vehicles north, along the east side of the building and will terminate at the north end of the Jimmy John's building. Staff supports the drive through use in this location.

Ms. Griffin informed the Commission that the applicant has exceeded the required landscaping and open space for this site. The proposed one story building is composed of brick with EIFS for the bands of molding along the top of the building. The Sign Plan shows the proposed signage for the site. The signage that is proposed does meet the sign requirements listed in the *Allen Land Development Code*.

All performance standards, such as noise and light, will be reviewed at Site Plan review.

She stated that the SUP has been reviewed by the Technical Review Committee and it meets the standards of Planned Development No. 108 for District H and the standards of the *Allen Land Development Code*.

Chairman Wendland opened the Public Hearing.

With no one choosing to come forward, he closed the Public Hearing.

Motion: **Upon a motion by 1st Vice Chair Cocking, and a second by Commissioner Platt, the Commission voted 6 IN FAVOR, and 0 OPPOSED to recommend approval of the Specific Use Permit for a restaurant with a drive through for Jimmy John's .**

The motion carried.

Agenda Item #7 Conduct a Public Hearing and consider a request to amend Planned Development PD No. 61 to allow the property to be developed for Single Family Residential R-6 use and to adopt a Concept Plan, Development Regulations and Elevations for 9.85± acres situated in the John J. Miller Survey, Abstract No. 609, City of Allen, Collin County, Texas; located south of Stacy Road and east of Angel Parkway. (Z-10/2/12-67) [Belmont Estates]

Ms. Tiffany McLeod, Senior Planner, presented to the Commission. The property is located south of Stacy Road in between Angel Parkway and Goodman Drive. The property is currently zoned Planned Development No. 61 Shopping Center SC.

Ms. McLeod explained that the request is to amend Planned Development No. 61 to convert the base zoning from Shopping Center SC to Single Family Residential R-6. The proposed Concept Plan for the property shows thirty-two (32) lots with a minimum lot width of sixty feet (60') and a typical lot depth of one hundred twenty five feet (125'). The lots abutting the existing residential neighborhood to the south

have a minimum lot width of sixty-four feet (64'). These lot dimensions exceed the standards of the R-6 zoning district.

There are two access points into the site. An eight foot (8') masonry wall will be constructed along the northern, eastern and western ends of the property. A masonry wall exists on the southern end of the property and will remain in place. An existing detention pond (built to serve the existing and future commercial properties to the north of the site) will be reconfigured to serve the residential subdivision in addition to the commercial properties.

Ms. McLeod described the development regulations for the site.

There are three basic product types proposed for the development; a front-entry garage option, a "J" swing garage option and a combination front-entry and "J" swing garage option. The homes are two-story with the average home size being approximately 3,800 square feet. The building materials are primarily brick and stone.

Ms. McLeod added that staff believes the conversion from commercial to Single Family Residential use is appropriate for this interior tract of land and compatible with the surrounding area.

The Concept Plan, Development Regulations and Elevations have been reviewed by the Technical Review Committee.

Chairman Wendland opened the Public Hearing.

Ken Krogerus, 1802 Stacy Rd., Allen, TX, spoke with concern to existing and future drainage off the site.

Tom Karst, 1813 Reynolds Ct., Allen, TX, spoke with concern to existing and future drainage off the site. He stated he was in favor of changing from commercial to residential zoning.

Chairman Wendland read the written citizen responses concerning this item:

The following individuals submitted written responses of opposition:

Jim and Linda Kaya, 1615 Bryce Canyon, Allen TX.

MJ Munoz Vasa, 1803 Reynolds Cr., Allen, TX.

Lovejoy ISD, 259 Country Club Rd., Allen, TX.

The following individuals submitted written responses of support:

Elizabeth Palmquist, 1801 Ireland Ct., Allen, TX.

Chairman Wendland closed the Public Hearing.

Shawn Poe, Assistant Director of Engineering, explained that the applicant for the project has provided a drainage analysis that is more in depth for this stage in the development process.

1st Vice Chair Cocking suggested that the same regulations concerning garages facing Angel Parkway or Goodman Drive for Lots 13, 14, and 24 also be applied to Lot 25. Ms. McLeod agreed with the recommendation.

Motion: **Upon a motion by 1st Vice Chair Cocking, and a second by Commissioner Platt, the Commission voted 6 IN FAVOR, and 0 OPPOSED to recommend approval of the request to amend Planned Development PD No. 61 to allow the property to be developed for Single Family Residential R-6 use and to**

adopt a Concept Plan, development regulations and elevations for Belmont Estates with the following change to the development regulations:

- **In reference to Section 7, Paragraph B of the Development Regulations, that Lot 25 will be added to the provision that Lots 13, 14, and 24 that cannot have a J-Swing Garage facing Angel Parkway or Goodman Drive.**

The motion carried.

Adjournment

Upon acclamation, the meeting adjourned at 8:41 p.m.

These minutes approved this _____ day of _____ 2013.

Robert Wendland, Chairman

Shelby Griffin, Planner

Director's Report from 12/11/12 City Council Meeting

There were no items taken to the December 11, 2012 City Council meeting for consideration.