

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 DEVELOPMENT REGULATIONS, ADOPTING A CONCEPT PLAN, LANDSCAPE PLAN, AND ADOPTING BUILDING ELEVATIONS FOR 6.557± ACRES OF LAND IN THE PETER WETSEL SURVEY, ABSTRACT NO. 990, CITY OF ALLEN, COLLIN COUNTY, TEXAS, WHICH PROPERTY IS LOCATED IN AND SUBJECT TO THE REGULATIONS OF PLANNED DEVELOPMENT NO. 5; 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 the development regulations of Planned Development No. 5, and adopting a Concept Plan, Landscape Plan, and Building Elevations relating to the use and development of the 6.557± acres of land located in the Peter Wetzel Survey, Abstract No. 990, City of Allen, Collin County, Texas (“the Property”) described in Exhibit “A,” attached hereto and incorporated herein by reference.

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

- A. BASE ZONING DISTRICT:** The Property shall be developed and used only in accordance with the Multi-Family Residential District MF-18 standards of the ALDC, except as otherwise provided herein.
- B. PERMITTED USES:** The Property shall be developed and used only for Senior Independent Living use for people fifty-five (55) years of age or older.
- C. DEED RESTRICTIONS:** The Site Plan for the Property shall not be approved until the owner(s) of the Property has signed and recorded in the Real Property Records of Collin County, Texas, a restrictive covenant in a form approved by the City Attorney restricting use of the Property to residential uses by people fifty-five (55) years of age or older to the extent such restriction is consistent with the Federal Fair Housing Act and other applicable law.
- D. CONCEPT PLAN:** The Property shall be developed in general conformance with the Concept Plan attached hereto as Exhibit “B,” and incorporated herein by reference. Minor modifications to streets

that do not alter the general alignment shown on the Concept Plan may be made at the time of Site Plan approval.

- E. BUILDING ELEVATIONS:** The Property shall be developed in general conformance with the Building Elevations attached hereto as Exhibit “C,” and incorporated herein by reference.
- F. LANDSCAPE PLAN:** The Property shall be developed in general conformance with the Landscape Plan attached hereto as Exhibit “D,” and incorporated herein by reference.
- G. OPEN SPACE EXHIBIT:** The Property shall be developed in general conformance with the Open Space Exhibit attached hereto as Exhibit “E,” and incorporated herein by reference. The Property shall be developed with not less than 1.94 acres of open space located generally as shown on the Concept Plan.
- H. BUILDING SETBACKS:** The minimum building setbacks for buildings constructed on the Property shall be as follows:
 - (1) Front Yard Setback: 25 feet
 - (2) Rear Yard Setback: 50 feet
- I. LOT COVERAGE:** The maximum lot coverage shall be 26%.
- J. DWELLING UNITS/ACRE:** The maximum dwelling units per acre shall be 14.03 units/acre.
- K. DWELLING UNIT SIZE:** The minimum dwelling unit size shall be 699 square feet.
- L. SCREENING:** Screening on the Property shall be developed in general conformance with the Concept Plan and shall include an eight foot (8.0') high masonry screening wall constructed on the entire perimeter of the Property. No certificate of occupancy for any structure constructed on the Property shall be granted until the screening wall to be constructed on the perimeter of the Property is determined by the City's Chief Building Official to be complete and acceptable in accordance with this Ordinance and any applicable city permits.

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 12TH DAY OF JULY 2016.

APPROVED:

Stephen Terrell, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY
(kbl:6/29/16:77615)

Shelley B. George, TRMC, CITY SECRETARY

EXHIBIT "A"
DESCRIPTION OF PROPERTY

BEING a tract of land situated Peter Wetsel Survey, Abstract No. 990, City of Allen, Collin County, Texas, and being part of a called 7.5609 acre tract conveyed to The Fountain Gate Partnership as recorded in Volume 2076, Page 232, Official Public Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found for corner, said iron rod being at the southwest corner of said called 7.5609 acre tract, said iron rod being at the southeast corner of Lot 1, Block A, Lombard Plaza Addition as recorded in Cabinet L, Page 424, O.P.R.C.C.T., said iron rod being in the North Right Of Way line of F.M. No. 2170;

THENCE N 00°09'35" E following the east line of said Lombard Plaza a distance of 375.07' to a 1/2" iron rod found for corner in the south line of a 16' Alley as recorded in Cabinet C, Page 767, Plat Records of Collin County, Texas;

THENCE N 89°53'00" E following the south ROW line of said 16' Alley a distance of 594.90' to a 1/2" iron rod found for corner at the northwest corners of Lot 1, Block 1 LaPetite Academy, Inc. as recorded in Cabinet G, Page 5, P.R.C.C.T.;

THENCE S 00°13'40" W following the west line of said Lot 1 a distance of 120.00' to a capped 1/2" iron rod found for corner;

THENCE N 89°53'00" E following the south line of said Lot 1 a distance of 221.22' to a capped 1/2" iron rod found for corner found in the west Right Of Way line of Fountain Gate Drive (60'ROW) in a curve to the right;

THENCE along said curve to the right following the west Right Of Way line of Fountain Gate Drive through a central angle of 02°21'03", a radius of 835.59', and an arc length of 34.28', with a chord bearing of S 09°50'23" W, and a chord length of 34.28' to a 1/2" iron rod found for corner of a reverse curve;

THENCE with a reverse curve to the left following the west Right Of Way line of Fountain Gate Drive through a central angle of 10°40'56", a radius of 895.59', and an arc length of 166.97', with a chord bearing of S 05°40'27" W, and a chord length of 166.73' to a 1/2" iron rod found for corner;

THENCE S 00°20'00" W following the west Right Of Way line of Fountain Gate Drive a distance of 77.52' to a 1/2" iron rod found for corner at the north end of a corner clip;

THENCE S 46°40'39" W following the corner clip a distance of 14.47' to a 1/2" iron rod found for corner in the north ROW line of F.M. No. 2170;

THENCE N 86°58'43" W following the north ROW line of F.M. No. 2170 a distance of 393.95' to a 1/2" iron rod found for corner at the beginning of a tangent curve to the left;

THENCE along said curve to the left following the north ROW line of F.M. No. 2170 through a central angle of 02°09'00", a radius of 5784.58', and an arc length of 217.06', with a chord bearing of N 88°03'13" W, and a chord length of 217.05' to a point for corner;

THENCE N 89°14'55" W following the north ROW line of F.M. No. 2170 a distance of 173.06' to the POINT OF BEGINNING and containing 285,613 square feet or 6.557 acres of land.

EXHIBIT "B" CONCEPT PLAN

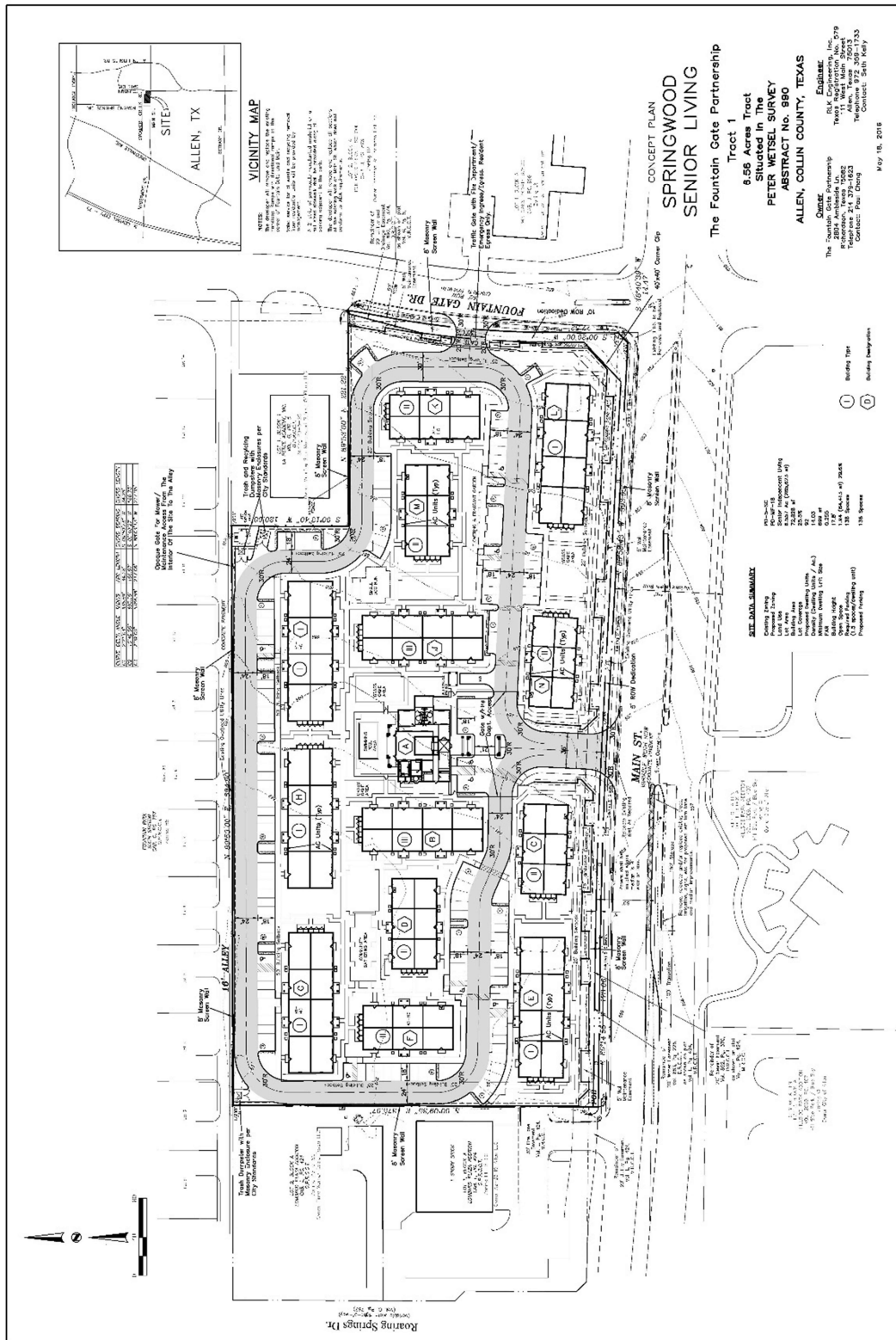
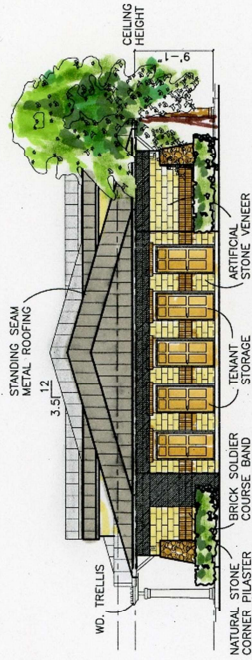
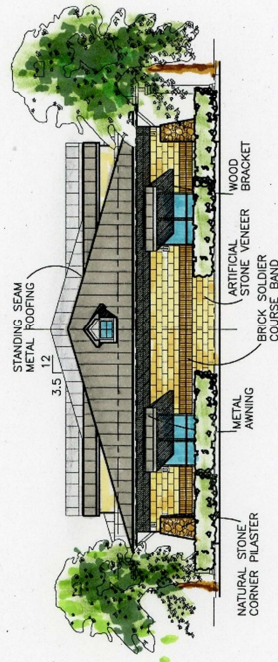


EXHIBIT "C"

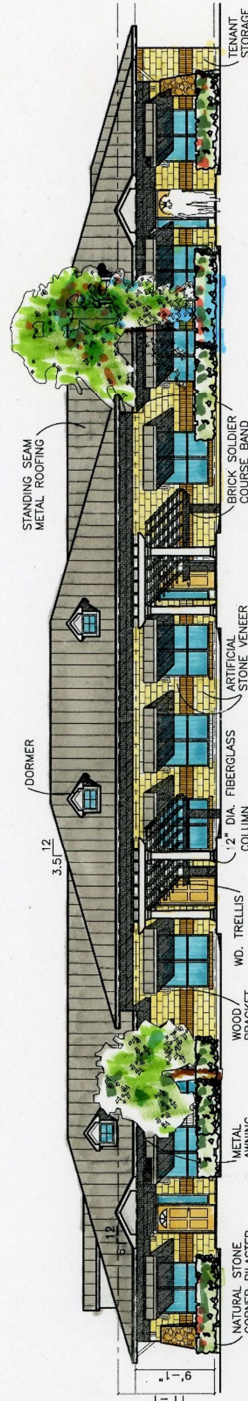
BUILDING ELEVATIONS



WEST ELEVATION



EAST ELEVATION



NORTH/SOUTH ELEVATION

SPRINGWOOD
ACTIVE SENIOR LIVING
APARTMENTS
ALLEN, TEXAS
FOR:
USAI INVESTMENTS, LP

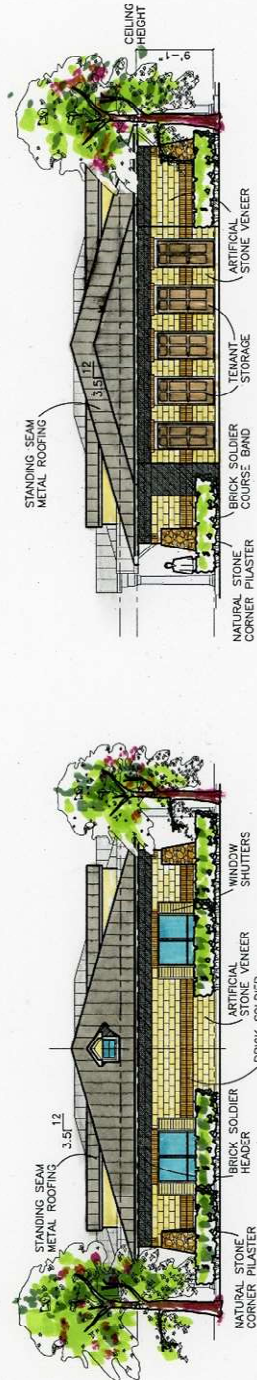
BLDG TYPE I

PRELIMINARY DESIGN 9A W/ 3.5/12 ROOF SLOPE

05-02-16

KNSG ASSOCIATES, INC.
6324 SWEENEY TRAIL
FRISCO, TEXAS 75034
email: s.ng@ksng.net

EXHIBIT "C"
BUILDING ELEVATIONS cont.



SOUTH ELEVATION

NORTH ELEVATION



WEST/EAST ELEVATION

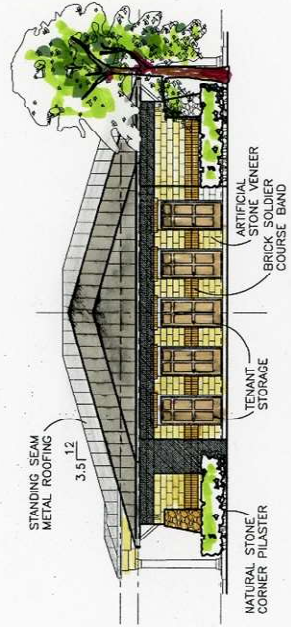
SPRINGWOOD
 ACTIVE SENIOR LIVING
 APARTMENTS
 ALLEN, TEXAS
 FOR:
 USA INVESTMENTS, LP

BLDG TYPE II
PRELIMINARY DESIGN 9B W/ 3.5/12 ROOF SLOPE

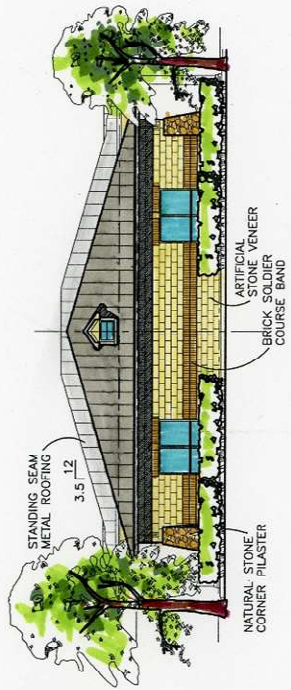
05-02-16

KSNG ASSOCIATES, INC.
 6324 SWEENEY TRAIL
 FRISCO, TEXAS 75034
 email: s.ng@ksng.net

EXHIBIT "C"
BUILDING ELEVATIONS cont.



NORTH ELEVATION



SOUTH ELEVATION



EAST/WEST ELEVATION

SPRINGWOOD
ACTIVE SENIOR LIVING
APARTMENTS
ALLEN, TEXAS
FOR: USAI INVESTMENTS, LP

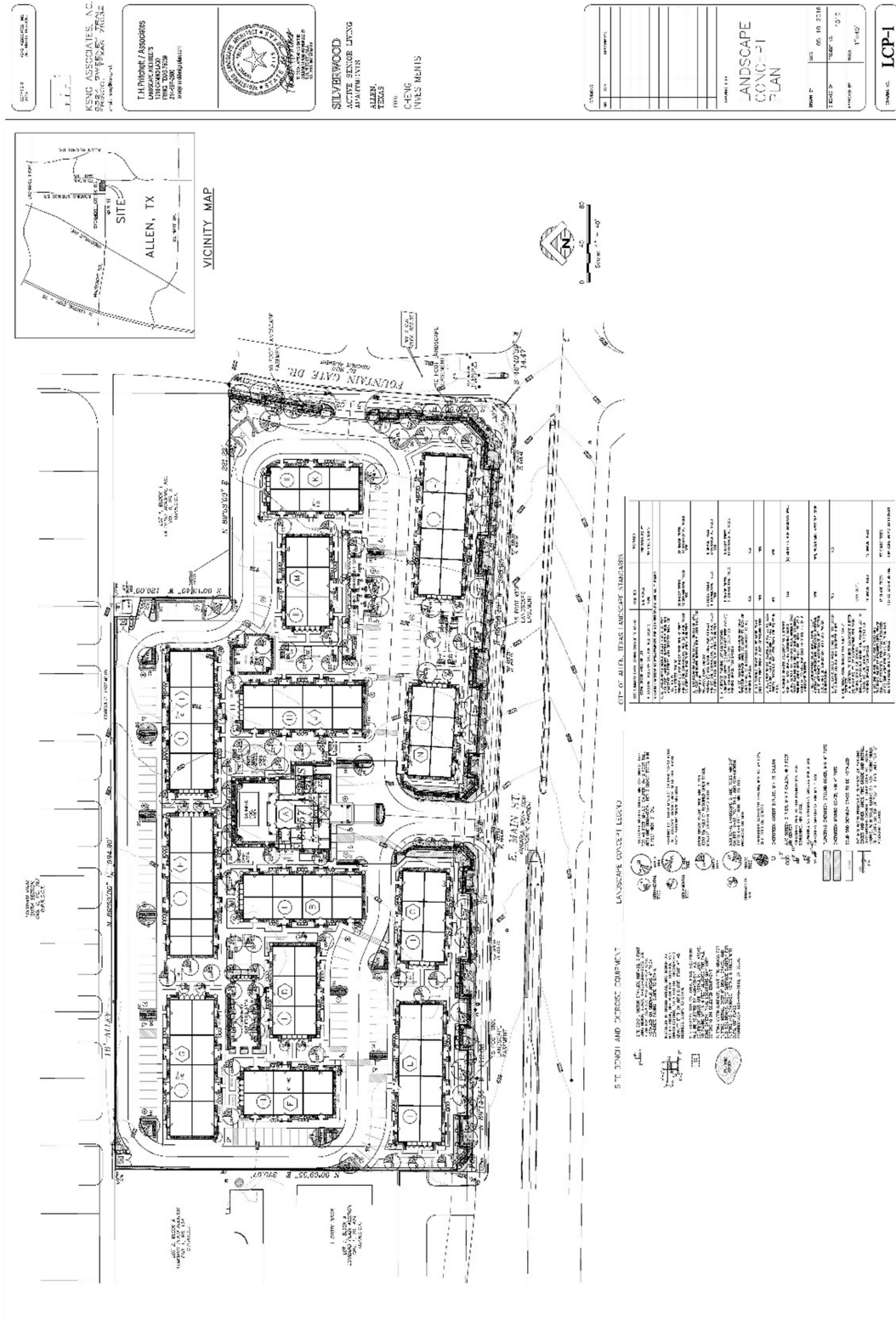
BLDG TYPE III

PRELIMINARY DESIGN 9C W/ 3.5/12 ROOF SLOPE

05-02-16

KSNB ASSOCIATES, INC.
6324 SWEENEY TRAIL
FRISCO, TEXAS 75034
email: s.ng@ksng.net

EXHIBIT "D" LANDSCAPE PLAN



[illegible]

USEABLE OPEN SPACE AMENITIES

1. WALKING TRAIL WITH EXERCISE EQUIPMENT AND BENCHES
2. DOG PARK
3. CONGREGATION AREA WITH SHADINGS
4. FLOWER AND FRAGRANT GARDEN
5. BOCCIE BALL COURT
6. PUTTING GREEN
7. BBQ GRILL STAND W/ COUNTERTOP AND PICNIC TABLES

INDICATES
USEABLE OPEN SPACE

USEABLE OPEN SPACE

CALCULATIONS
SPACE REQUIRED PER UNIT: 1 ACRE/ 75 UNITS
TOTAL USEABLE SPACE REQUIRED: 1.23 AC (FOR 92 UNITS)
TOTAL USEABLE OPEN SPACE PROVIDED:
= 1.94 ACRE; (84,413 SF)

PROJECT PROGRAM

LAND SIZE: 6.56 ACRES
TOTAL # OF UNITS: 92.
PARKING REQUIRED: 1.5/UNIT
TOTAL PARKING REQUIRED: 138 SPACES
TOTAL PARKING PROVIDED: 138 SPACES