

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE ZONING REGULATIONS AND ZONING MAP, AS PREVIOUSLY AMENDED, BY AMENDING THE DEVELOPMENT REGULATIONS FOR A 3.2± ACRE PORTION OF “TRACT 10B” IN “PD” PLANNED DEVELOPMENT NO. 55 AS ESTABLISHED BY ORDINANCE NO. 1226-3-94, AS AMENDED; TO PROVIDE FOR RESTAURANT (NO DRIVE-IN) AND PARKING GARAGES AS PERMITTED USES IN ADDITION TO HOSPITAL AND COMMERCIAL/OFFICE USES AND MAKING OTHER MODIFICATIONS; ADOPTING A CONCEPT PLAN AND BUILDING ELEVATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING 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.**

**WHEREAS**, the Planning and Zoning Commission and the governing body of the City of Allen, in compliance with the laws of the State of Texas and the ordinances of the City of Allen, 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 the Allen Land Development Code and Zoning Map of the City of Allen, 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 and Zoning Map of the City of Allen, Texas, be amended by amending the Development Regulations relating to the use and development of a 3.2± acre portion of “Tract 10B” in “PD” Planned Development No. 55 established by Ordinance No. 1226-3-94, and amended by Ordinance Nos. 1646-10-98 and 3341-12-15 (collectively, the “PD 55 Regulations”), said tract being more particularly described in Exhibit “A,” attached hereto and incorporated herein by reference (“the Property” or “Tract 10B-1”).

**SECTION 2.** Tract 10B-1 shall be developed and used in accordance with the applicable provisions of the Allen Land Development Code, as amended (“ALDC”) and the PD 55 Regulations except as modified as follows:

**A. HEIGHT AND FLOOR AREA RATIO:**

- (1) There is no maximum height requirement for buildings.
- (2) There is no maximum floor area ratio for buildings constructed on the Property.

**B. ADDITIONAL PERMITTED USES:** In addition to the uses permitted by the PD 55 Regulations with respect to the use and development of Tract 10B, Tract 10B-1 may be used and developed with the following uses:

- (1) Restaurant (no drive in), which is free-standing from the office building developed on the Property

(2) Parking garage.

- C. **CONCEPT PLAN:** Tract 10B-1 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.
- D. **BUILDING ELEVATIONS:** Tract 10B-1 shall be developed in general conformance with the Building Elevations attached hereto as Exhibit “C” and incorporated herein by reference.
- E. **BUILDING SETBACKS:** Buildings constructed on Tract 10B-1 shall comply with the minimum property line setbacks as shown on the Concept Plan.
- F. **LANDSCAPE BUFFER:** Structures are authorized to encroach on the existing landscape easement upon review and approval of the building plans by the Director of Parks and Recreation and Director of Community Development or designee.
- G. **TRAFFIC IMPROVEMENTS:** No certificate of occupancy for any structure constructed on Tract 10B-1 shall be granted until completion of the following street and traffic control improvements shown on the Concept Plan:
- (1) **Common Access:** The replat of the Property shall include a common access/fire lane easement for future access as shown on “Lot 2R-8, Block A” on the attached Concept Plan.
  - (2) **Curb Improvement:** The western curb along Tract 10B-1 shall be relocated easterly in order to provide for a larger parkway between the proposed building and the western curb line of Watters Creek Boulevard as shown on the Concept Plan.
- H. **PARKING GARAGE.** No building permit for a building to be constructed on Tract 10B-1 shall be issued prior to execution of an agreement between the owner of Tract 10B-1 and the owner of the remainder of Tract 10B regarding the joint access and use of the Parking Garage for the benefit of owners, tenants, and guests using and/or occupying buildings developed in the future on the remainder of Tract 10B.

**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 13<sup>TH</sup> DAY OF SEPTEMBER 2016.**

**APPROVED:**

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**Stephen Terrell, MAYOR**

**APPROVED AS TO FORM:**

**ATTEST:**

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**Peter G. Smith, CITY ATTORNEY**  
(kbl:9/1/16:78754)

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

**EXHIBIT "A"**  
**DESCRIPTION OF TRACT 10B-1**

**\*PROPERTY DESCRIPTION \***

BEING A 3.2 ACRE TRACT OF LAND SITUATED IN THE MICHAEL SEE SURVEY, ABSTRACT NO. 543, CITY OF ALLEN, COLLIN COUNTY, TEXAS, AND BEING A PORTION OF LOT 2, BLOCK A OF MILLENNIUM OFFICE PARK, AN ADDITION TO THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME K, PAGE 856, PLAT RECORDS OF COLLIN COUNTY, TEXAS, (P.R.C.C.T.), AND ALSO BEING A PORTION OF THAT CALLED 55.024 ACRE TRACT OF LAND DESCRIBED TO ALLEN ECONOMIC DEVELOPMENT CORPORATION IN THE SPECIAL WARRANTY DEED RECORDED IN VOLUME 3914, PAGE 1795, OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS (O.P.R.C.C.T.), SAID 3.2 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 2, BLOCK A, SAME BEING THE POINT OF INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF WATTERS CREEK BOULEVARD (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY), WITH THE NORTH RIGHT-OF-WAY LINE OF BETHANY DRIVE, (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY);

THENCE NORTH 88°45'05" WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID BETHANY DRIVE, A DISTANCE OF 241.61 FEET TO A POINT FOR CORNER;

THENCE OVER AND ACROSS SAID LOT 2, BLOCK A THE FOLLOWING:

NORTH 00°01'47" EAST, A DISTANCE OF 212.59 FEET TO A POINT FOR CORNER;

SOUTH 89°58'13" EAST, A DISTANCE OF 20.10 FEET TO A POINT FOR CORNER;

NORTH 00°01'47" EAST, A DISTANCE OF 324.59 FEET TO A POINT FOR CORNER;

SOUTH 89°58'13" EAST, A DISTANCE OF 334.01 FEET TO A POINT IN THE WESTERLY RIGHT OF WAY LINE OF SAID WATTERS CREEK BOULEVARD;

THENCE ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID WATTERS CREEK BOULEVARD, THE FOLLOWING:

SOUTH 20°51'32" WEST, A DISTANCE OF 107.14 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 840.00 FEET;

SOUTHWESTERLY WITH SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE 19°36'38" FOR AN ARC LENGTH OF 287.51 FEET, HAVING A CHORD BEARING OF SOUTH 11°03'13" WEST AND A CHORD DISTANCE OF 286.10 FEET TO THE POINT OF TANGENCY;

SOUTH 01°14'55" WEST, A DISTANCE OF 11.78 FEET TO A POINT FOR CORNER;

SOUTH 07°27'33" WEST, A DISTANCE OF 150.86 FEET TO THE POINT OF BEGINNING;

CONTAINING A COMPUTED AREA OF OR 3.2 ACRES OF LAND, MORE OR LESS.

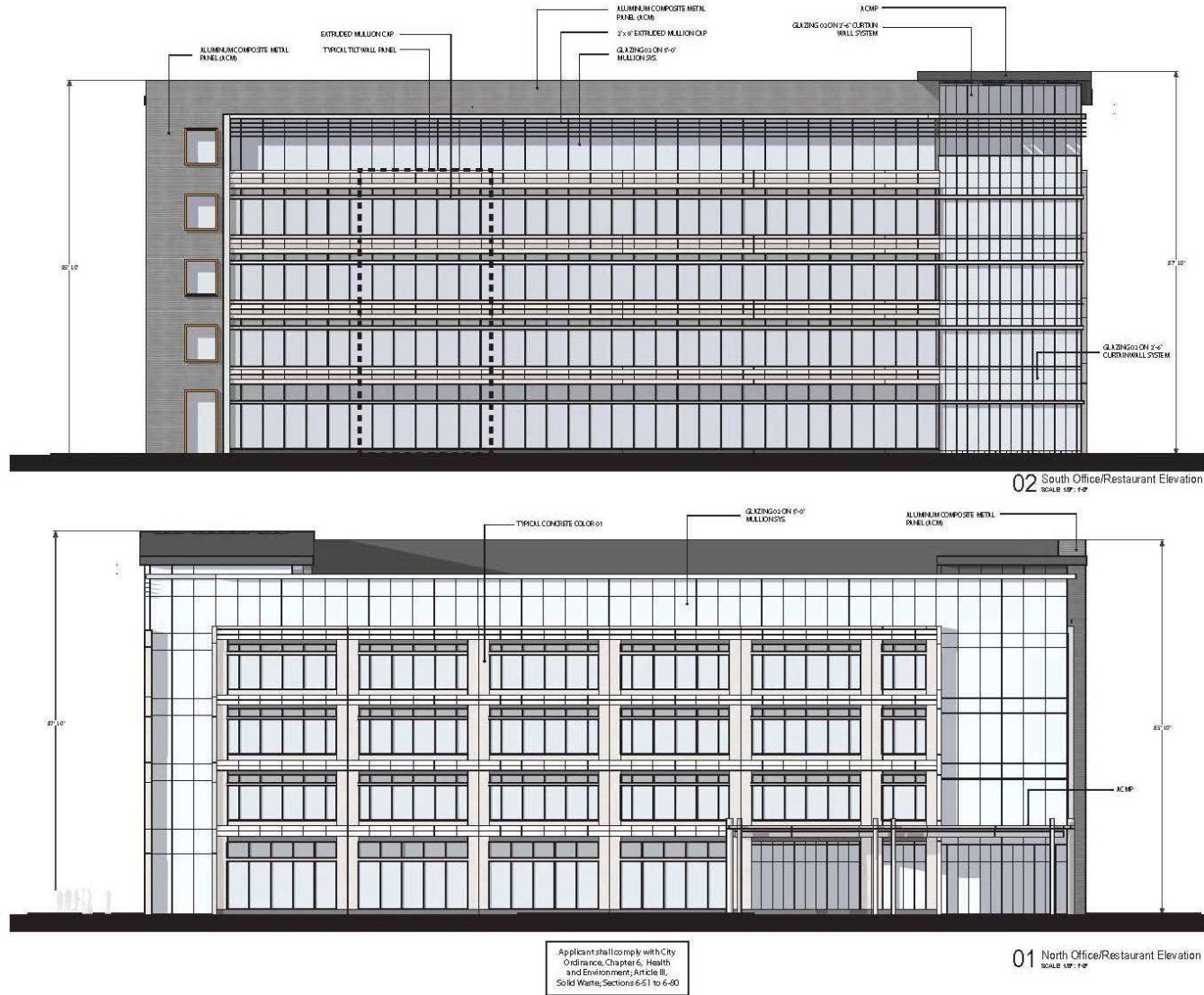
**EXHIBIT "A"**  
**DESCRIPTION OF TRACT 10B-1**

**NOTES:**

*BEARINGS CALLED FOR HEREIN ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM (NORTH CENTRAL ZONE, NAD 83) BASED ON LEICA GEOSYSTEMS NORTH TEXAS SMARTNET NETWORK.*

*THIS DOCUMENT WAS PREPARED UNDER 22 TAC §663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED*





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Interior: J. W. Smith, AIA Reg. No. 10117  
Architect: J. Smith, AIA Reg. No. 1118  
Architect: J. Smith, AIA Reg. No. 1118

client:  
KADEN DEVELOPMENT PARTNERS  
2002 McKinney Avenue, Suite 200  
Dallas, TX

project:  
ONE ESTATE AT WATERS CREEK  
McKinney Creek Blvd.  
Allen, Texas

The drawings herein are the architect's original work, and all other drawings, including those prepared by others, are subject to the architect's review and approval. The drawings are not to be used for any other purpose without the architect's written consent.

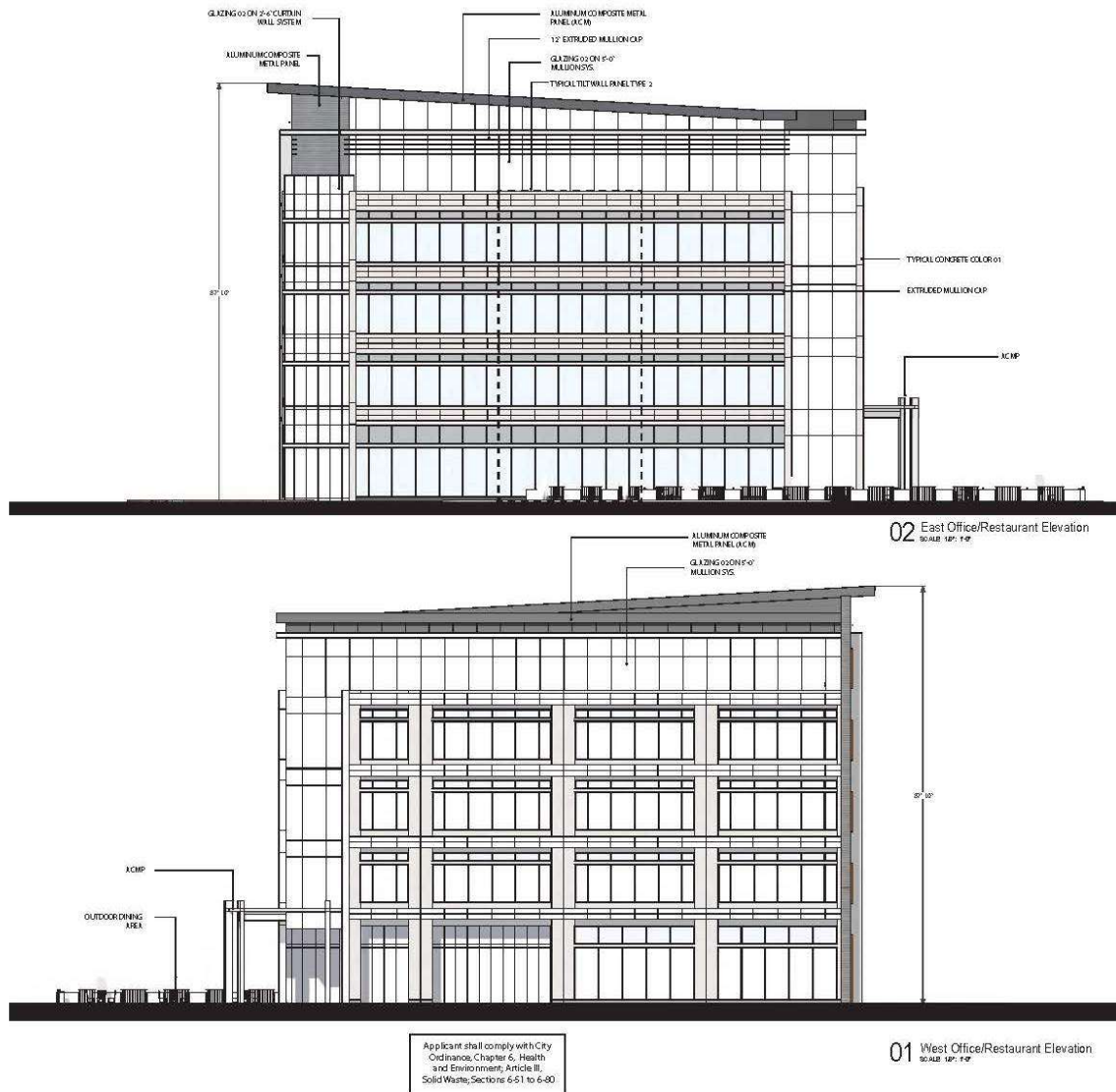
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for:  
EXTERIOR ELEVATION

project number: 16027-160  
date: 8.03.2016  
sheet:

A4.01

EXHIBIT "C"  
BUILDING ELEVATIONS FOR TRACT 10B-1



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Arch Donald R. Powell, Jr. Reg. No.: 7208  
Arch Chris W. Barnes Reg. No.: 10147  
Arch John E. Orfield Reg. No.: 11194  
Arch St. Andrew Emmett Reg. No.: 13128

client  
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2602 McKinney Avenue Suite 240  
Dallas, TX

project  
ONE BETHANY AT WATTERS CREEK  
North Watters Creek Blvd.  
Allen, Texas

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Size  
**EXTERIOR ELEVATION**

project number	16027.100
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date 8.03.2016  
sheet

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# EXHIBIT "C" BUILDING ELEVATIONS FOR TRACT 10B-1 (cont.)



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Interior Designer: Reg. No. 17008  
Landscape Architect: Reg. No. 17008  
Professional Engineer: Reg. No. 17008

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Dallas, TX

Project:  
ONE STEPHAN AT WATERS CREEK  
1010 Park Lane, Suite 100  
Dallas, TX

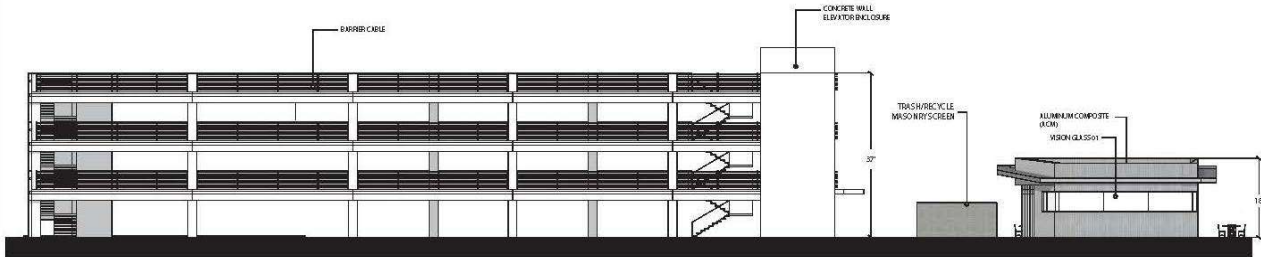
The drawings and specifications are intended to be used as a guide only and are not to be construed as a contract. The drawings and specifications are subject to change without notice. The drawings and specifications are not to be used for any other purpose without the written consent of the architect.

Revisions:

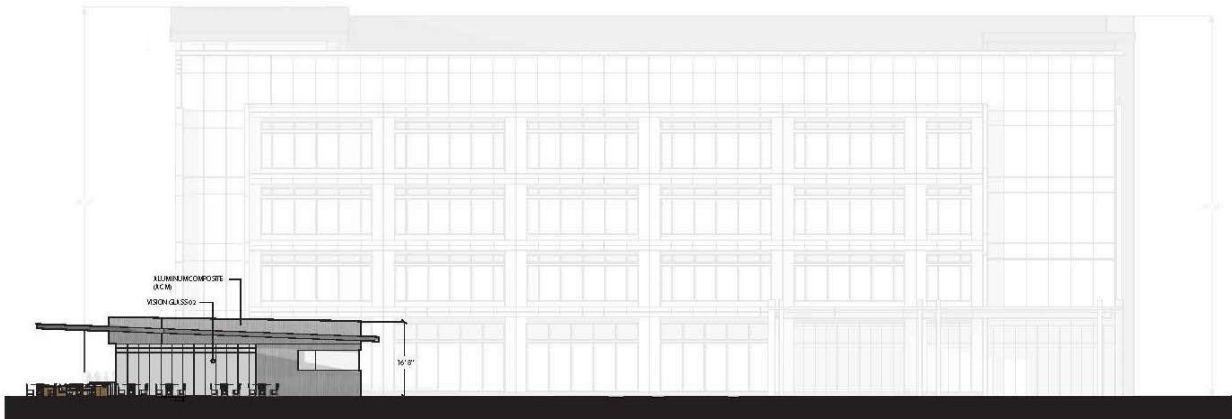
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EXTERIOR ELEVATION

Project number: 10027.101  
Date: 8.03.2016

Sheet:  
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02 Garage & Retail West Elevation  
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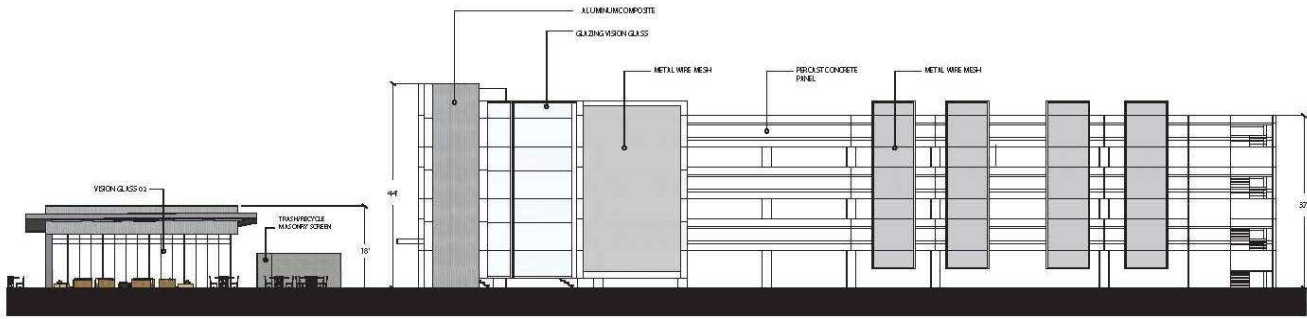


Applicant shall comply with City Ordinance Chapter 6, Health and Environment, Article II, Solid Waste, Sections 6-51 to 6-60.

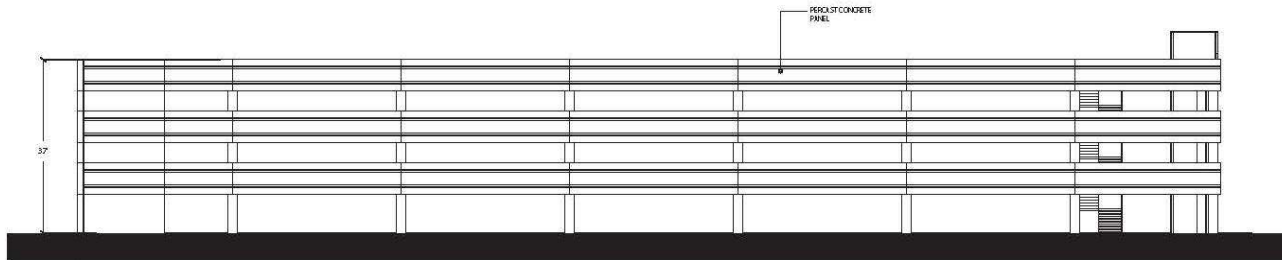
01 Retail North Elevation  
SCALE: 1/8" = 1'-0"

10/10/2016 10:10:10 AM

10/10/2016 10:10:10 AM



02 Garage & Retail East  
Elevation  
SCALE: 1/8\"/>



01 Garage North  
Elevation  
SCALE: 1/8\"/>

Applicant shall comply with City  
Ordinance, Chapter 6, Health  
and Environment, Article II,  
Solid Waste, Sections 6-61 to 6-63



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Interior Design A. Powell, L.A. Reg. No. 7200  
Architectural A. Powell, L.A. Reg. No. 7200  
Architectural A. Powell, L.A. Reg. No. 7200

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1001 ETHELBY CREEK BLVD.  
Allen, Texas

The design shown on this elevation is based on the information provided by the client and is not intended to be a final design. The design is subject to change without notice. The design is not intended to be a final design. The design is subject to change without notice. The design is not intended to be a final design. The design is subject to change without notice.

revisions

02  
EXTERIOR ELEVATION

project number 16927.560  
date 8.13.2016  
sheet

A4.04X

EXHIBIT "C"  
BUILDING ELEVATIONS FOR TRACT 10B-1 (cont.)

# EXHIBIT "C" BUILDING ELEVATIONS FOR TRACT 10B-1 (cont.)



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Interior Design: BOKA POWELL, P.C. Reg. No. 0758  
Architect: BOKA POWELL, P.C. Reg. No. 0758  
Architect: BOKA POWELL, P.C. Reg. No. 0758

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NO. 1 STEPHANIA CREEK EBD  
ALMA, TEXAS

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original issue

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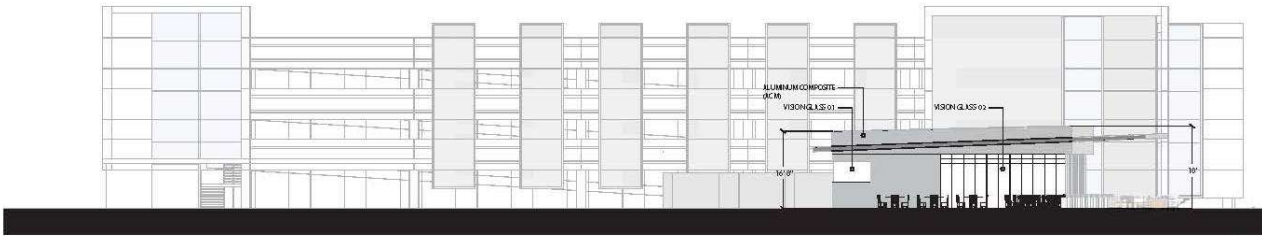
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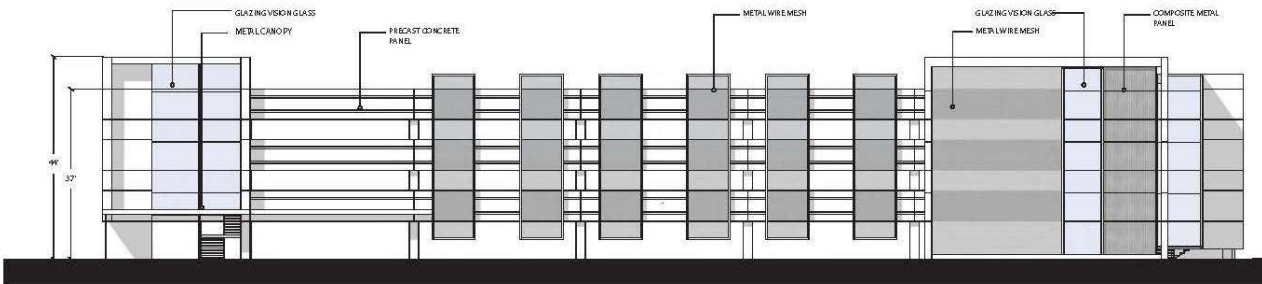
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02 Retail South Elevation  
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01 Garage South Elevation  
SCALE: 1/8" = 1'-0"

Applicant shall comply with City Ordinance Chapter 6, Health and Environment, Article III, Solid Waste, Sections 6-51 to 6-60.

**EXHIBIT "C"**  
**ATIONS FOR T**



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Allen, Texas

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revisions

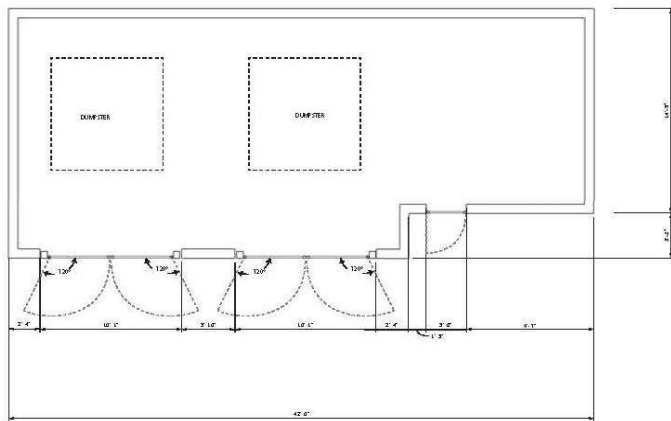
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project number 16027.100

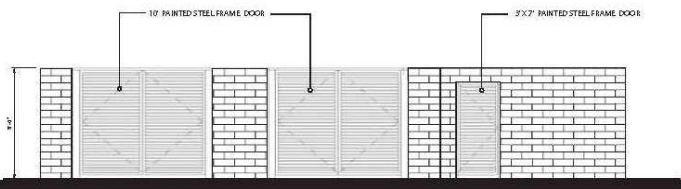
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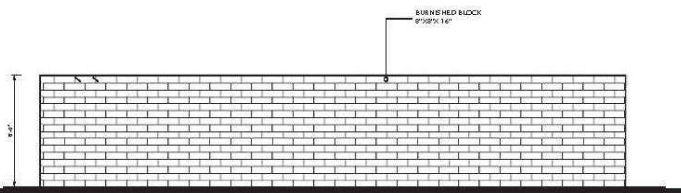
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05 Floor Plan  
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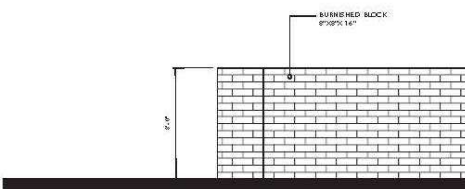


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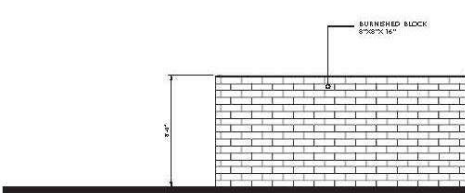


03 North Elevation  
SCALE 3/4" = 1'-0"

Applicant shall comply with City Ordinance, Chapter 6, Health and Environment; Article III, Solid Waste, Sections 6-51 to 6-80



02 East Elevation  
SCALE 3/8" = 1'-0"



01 West Elevation