

**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 USE AND DEVELOPMENT REGULATIONS OF PLANNED DEVELOPMENT PD NO. 4 SHOPPING CENTER “SC” FOR A 1.97± ACRE TRACT OF LAND IN THE RUFUS SEWELL SURVEY, ABSTRACT NO. 875 BY ADOPTING A BASE ZONING OF COMMUNITY FACILITIES “CF” AND ADOPTING A 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, be further amended by amending as set forth in Section 2, below, the regulations of Planned Development PD No. 4 Shopping Center “SC” relating to the development and use of 1.97± acres located in the Rufus Sewell Survey, Abstract No. 875, City of Allen, Collin County, Texas, and more particularly described in Exhibit “A,” attached hereto and incorporated herein by reference (“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 Planned Development “PD” No. 4 as set forth in Ordinance No. 369-10-81, 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 in accordance with Community Facilities “CF” zoning regulations.
- B. CONCEPT PLAN:** The Property shall be developed in general conformance with the Concept Plan attached hereto as “Exhibit B” and incorporated herein by reference (“Concept Plan”).
- C. BUILDING ELEVATIONS:** The buildings constructed on the Property shall be designed and constructed in general conformance with the Building Elevations attached hereto as “Exhibit C” and incorporated herein by reference (“Building Elevations”).
- D. CROSS ACCESS:**

1. The driveway providing access at the northwestern corner of the Property as shown on the Concept Plan shall be dedicated as a Fire Lane, Public Access, and Utility Easement at the time of approval of the Final Plat of the Property and shall be constructed prior to issuance of a building permit for any building to be constructed on the Property.
2. The driveway providing access to the southwestern corner of the property shall be dedicated as a Fire Lane, Public Access, and Utility Easement at the time of approval of the Final Plat of the Property and shall be constructed prior to issuance of a building permit for any building to be constructed on the Property. An appropriate temporary traffic rated barrier may be installed at the property line across said driveway entrance until an access easement on the property adjacent to the southern boundary of the Property has been dedicated and constructed.

**E. LANDSCAPE BUFFER:** The location of the landscape buffer will be as shown on the Concept Plan.

**F. SCREENING:** Screening along the southeastern property line of the Property, comprised of ornamental metal fencing no less than eight (8) feet in height, and Italian Cypress trees, or similar planting, as approved by the Director of Parks and Recreation or designee, shall be installed in accordance with the Concept Plan prior to issuance of a certificate of occupancy for any building constructed on the Property.

**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 14<sup>TH</sup> DAY OF JULY 2020.**

**APPROVED:**

\_\_\_\_\_  
**Debbie Stout, MAYOR**

**APPROVED AS TO FORM:**

**ATTEST:**

\_\_\_\_\_  
**Peter G. Smith, City Attorney**  
(kbl:6/24/2020:116433)

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

**EXHIBIT "A"**  
**DESCRIPTION OF THE PROPERTY**

***BY-LINE SURVEYING LLC***

P.O. BOX 834  
EMORY, TX 75440  
903-473-5150  
Texas Surveying Firm No. 10194233

**FIELD NOTES FOR 1.97 ACRE TRACT**  
**RUFUS SEWELL SURVEY, ABSTRACT NO. 875, COLLIN COUNTY, TEXAS**

Being a 1.97 acre lot, tract or parcel of land situated in the Rufus Sewell Survey, Abstract No. 875, Collin County, Texas, and being all of that certain 1.9989 acre tract of land conveyed from Darakhshan Ighani to Sepehra Akhavan, by General Warranty Deed, as recorded in Instrument No. 20140916001000310, Official Public Records, Collin County, Texas, save and except a called 0.0242 acre tract conveyed to the State of Texas, by deed as recorded in Volume 4257, Page 1844, Deed Records, Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found at the East corner of said 1.9989 acre tract and the South corner of Lot 1, Allen Bowl Addition according to the plat thereof as recorded in Volume C, Page 514, Map Records, Collin County, Texas, and on the Northwesterly line of Windridge No. 2 according to the plat thereof as recorded in Volume 12, Page 86, Map Records, Collin County, Texas;

THENCE South 31 degrees 51 minutes 59 seconds West, with the Southeasterly line of said 1.9989 acre tract and the Northwesterly line of said Windridge No. 2, a distance of 216.65 feet to a 1/2 inch iron rod and yellow cap stamped "By-Line" set at the South corner of said 1.9989 acre tract and at the East corner of Lot 2, Mr. Quik Addition No. 2 according to the plat thereof as recorded in Volume C, Page 313, Map Records, Collin County, Texas;

THENCE North 58 degrees 00 minutes 59 seconds West, with the Southwesterly line of said 1.9989 acre tract and the Northeasterly line of said Lot 2, and being parallel with and 100.32 feet north of the Southwesterly line of said Lot 2, a distance of 394.70 feet to a 1/2 inch iron rod and yellow cap found at the South corner of said 0.0242 acre tract and being at the intersection of the Southeasterly right of way line of State Highway No. 5 (South Greenville Avenue) (100' R.O.W.), and the Southwesterly line of said 1.9989 acre tract and the Northeasterly line of said Lot 2, and from which a concrete TXDOT monument found at the intersection of the Southwesterly line of said Lot 2 and the Southeasterly line of State Highway No. 5 bears South 31 degrees 51 minutes 59 seconds West, a distance of 100.32 feet and from said concrete TXDOT monument found a 1/2 inch iron rod and yellow cap found at an ell corner of said Lot 2 bears South 58 degrees 00 minutes 59 seconds East, a distance of 296.04 feet;

THENCE North 31 degrees 51 minutes 59 seconds East, with the Southeasterly line of said 0.0242 acre tract and the Southeasterly line of State Highway No. 5, a distance of 217.50 feet to a concrete TXDOT monument found at the East corner of said 0.0242 acre tract, and at the intersection of the Northeasterly line of said 1.9989 acre tract and the Southeasterly line of said State Highway No. 5 and on the Southwesterly line of said Allen Bowl Addition;

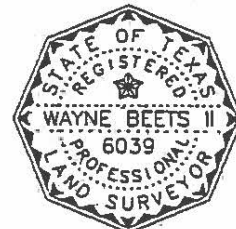
THENCE South 57 degrees 53 minutes 32 seconds East, with the Northeasterly line of said 1.9989 acre tract and the Southwesterly line of said Allen Bowl Addition, a distance of 394.70 feet to the POINT OF BEGINNING and CONTAINING 1.97 acres of land.

See plat of survey prepared even date.  
Job No. 2019-709

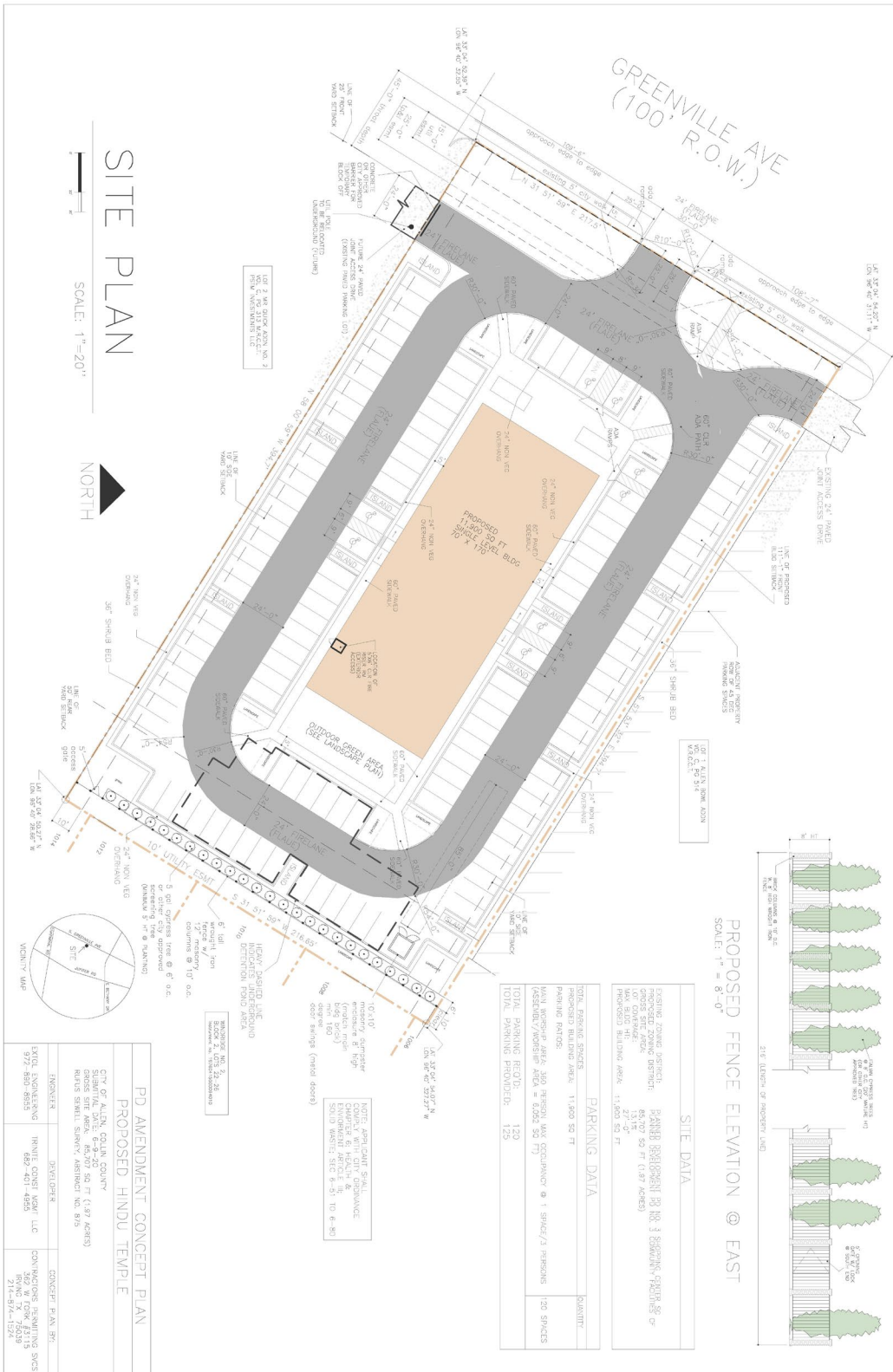
I, Wayne Beets II, Registered Professional Land Surveyor, do hereby certify that the above description was prepared from an actual survey made on the ground, under my supervision.

GIVEN UNDER MY HAND AND SEAL, this the 5th day of June, 2019.

Wayne Beets II  
Wayne Beets II  
Registered Professional Land Surveyor  
State of Texas No. 6039



# EXHIBIT "B" CONCEPT PLAN



# EXHIBIT "C" ELEVATIONS

