

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 REGULATIONS RELATING TO THE USE AND DEVELOPMENT OF 4.998± ACRES LOCATED IN THE JOHN FYKE SURVEY, ABSTRACT NO. 325 DESCRIBED IN EXHIBIT “A” HERETO AND LOCATED IN DISTRICT “H” OF PLANNED DEVELOPMENT “PD” NO. 108 MIXED USE “MIX,” ADOPTING ZONING EXHIBIT, CONCEPT PLAN AND BUILDING ELEVATIONS; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR 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, 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, the City Council has concluded that the Allen Land Development Code Zoning Regulations and Zoning Map of the City of Allen, Texas, as previously amended, should be further amended as follows.

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, Texas, as amended, be further amended by amending as set forth in Section 2 of this Ordinance the regulations relating to the use and development of 4.998± acres located in the John Fyke Survey, Abstract No. 325, City of Allen, Collin County, Texas, described in “Exhibit A,” attached hereto and incorporated herein by reference (“the Property”) and located within District H of Planned Development “PD” No. 108 Mixed-Use “MIX.”

SECTION 2. The Property shall be developed and used only in accordance with the applicable provisions of the Allen Land Development Code, as amended (“ALDC”) and District “H” of Planned Development “PD” No. 108 as set forth in Ordinance No. 3044-10-11 and Ordinance No. 3809-2-21 as amended (with all amendments, collectively “the PD 108 Ordinance”), except to the extent modified by the Development Regulations set forth below:

- A. CONCEPT PLAN:** The Property shall be developed in general conformance with the Concept Plan attached hereto as Exhibit “B” and incorporated herein by reference (the “Concept Plan”). Minor modifications to streets and driveways that do not alter the general alignment shown on the Concept Plan may be made at the time of Site Plan approval.
- B. SETBACKS:** The Property shall be developed in compliance with the setbacks shown on the Concept Plan.
- C. BUILDING ELEVATIONS:** The Property shall be developed in general conformance with the architectural style and appearance set forth on the Building Elevations attached hereto as Exhibit “C.”

- D. PERMITTED USES:** In addition to the uses permitted within District H of Planned Development “PD” No. 108, Lot 5 as identified on the Concept Plan may be developed and used as a “Senior Independent Living” use.
- E. SCREENING WALL ALONG NORTH PROPERTY LINE:** An eight-foot (8.0’) tall masonry screening wall (the “North Wall”) shall be constructed along the northern boundary of the Property as shown on the Concept Plan subject to the following:
- (1)** Construction of the 487.31± foot segment of the North Wall extending from the western edge of the East-West alley located on the north side of the Property to the center line of the North-South alley between Lots 21 and 22, Block G of the Quail Run Phase I Subdivision as shown on the Concept Plan (“the West Wall Segment”) shall be completed prior to commencement of construction of any vertical elements for any building constructed on Lot 5; and
 - (2)** Construction of the 540.52± foot segment of the North Wall extending from the center line of the North-South alley between Lots 21 and 22, Block G of the Quail Run Phase I Subdivision (i.e. where the West Wall Segment ends) as shown on the Concept Plan to the northeast corner of the Property (“the East Wall Segment”) shall be completed prior to the earlier of:
 - (a)** Issuance of a certificate of occupancy for any building constructed on Lot 3 or Lot 4 as shown on the Concept Plan; and
 - (b)** Issuance of a certificate of occupancy for any building constructed on Lot 5, as shown on the Concept Plan.
- F. PUBLIC AND PRIVATE CIVIC SPACE:** The Property shall be developed in general conformance with Public Civic Space and Private Civic Space as shown on Concept Plan.
- (1) Public Civic Space:** The Public Civic Space developed along the frontage of Bossy Boots Drive shall be open and available to use by the public and developed the following amenities:
 - (a)** Seat walls
 - (b)** Gathering Plaza with decorative paving
 - (c)** Focal feature-Fountain/ Art
 - (d)** Shade structure with seating underneath
 - (e)** Accent paving
 - (2) Private Civic space:** The Private Civic Space developed for use by the residents may include the following amenities:
 - (a)** Seating area/Art
 - (b)** Pool and Spa
 - (c)** Lounge seating and/ or Cabanas
 - (d)** Fire pit
 - (e)** Gaming areas

- (f) Fitness Stations
 - (g) Shade structures with seating
 - (h) Community Garden
 - (i) Outdoor dining
 - (j) Flex lawn/plaza space
 - (k) Art
 - (l) Trail with amenities (pocket library, shade structures, seating area, art)
- (3) No more than 25% of the Public Civic Space and Private Civic Space may be turf.
- (4) The areas designated as Public and Private Civic Spaces shall be completed prior to issuance of a certificate of occupancy for any building on Lot 5.
- G. NORTHERN LANDSCAPE BUFFER:** The 30-foot wide landscape buffer along the northern property line shown on the Concept Plan (the “North Landscape Buffer”) shall be constructed concurrently with the development of Lots 3 and 5 in accordance with the details adopted in Ordinance No. 3809-2-21.
- H. RESTRICTIVE COVENANT REGARDING AGE RESTRICTIONS:** Prior to the issuance of the first building permit for any building to be constructed on the portion of the Property identified on the Concept Plan as “Phase III - Lot 5, Block A”, an instrument in a form approved by the City Attorney containing a restrictive covenant restricting use of Lot 5 to residential use by persons 55 years of age or older in compliance with 42 U.S.C. §3607(b)(2)(C), 24 C.F.R. §100.304, other applicable provisions of the Federal Fair Housing Act, the Housing for Older Persons Act of 1995, and other applicable law shall be recorded in the Official Public Records of Collin County, Texas. An election by the owner of Lot 5 to restrict the use of Lot 5 to residential use by persons 62 years of age or older in compliance with 42 U.S.C. §3607(b)(2)(B), 24 C.F.R. §100.303, other applicable provisions of the Federal Fair Housing Act, the Housing for Older Persons Act of 1995, and other applicable law shall constitute compliance with this Section 2.H. provided a restrictive covenant setting forth such restriction is approved and recorded in the same manner described above prior to the issuance of the first building permit for any building to be constructed on Lot 5.
- I. PARKING:** No fewer than 1.285 off-street parking spaces per dwelling unit shall be constructed on Lot 5 in association with the Senior Independent Living use.
- J. GATES AND FENCING:**
- (1) Fencing along the frontage on Bossy Boots Drive, comprised of ornamental metal fencing up to six (6) feet in height with landscaping 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.
 - (2) Installation of gates at the drive entrance on the west side and at the eastern parking area, as shown on the Concept Plan, is not permitted.

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, 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, 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 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 of the caption 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 13TH DAY OF APRIL 2021.

APPROVED:

Kenneth M. Fulk, Mayor

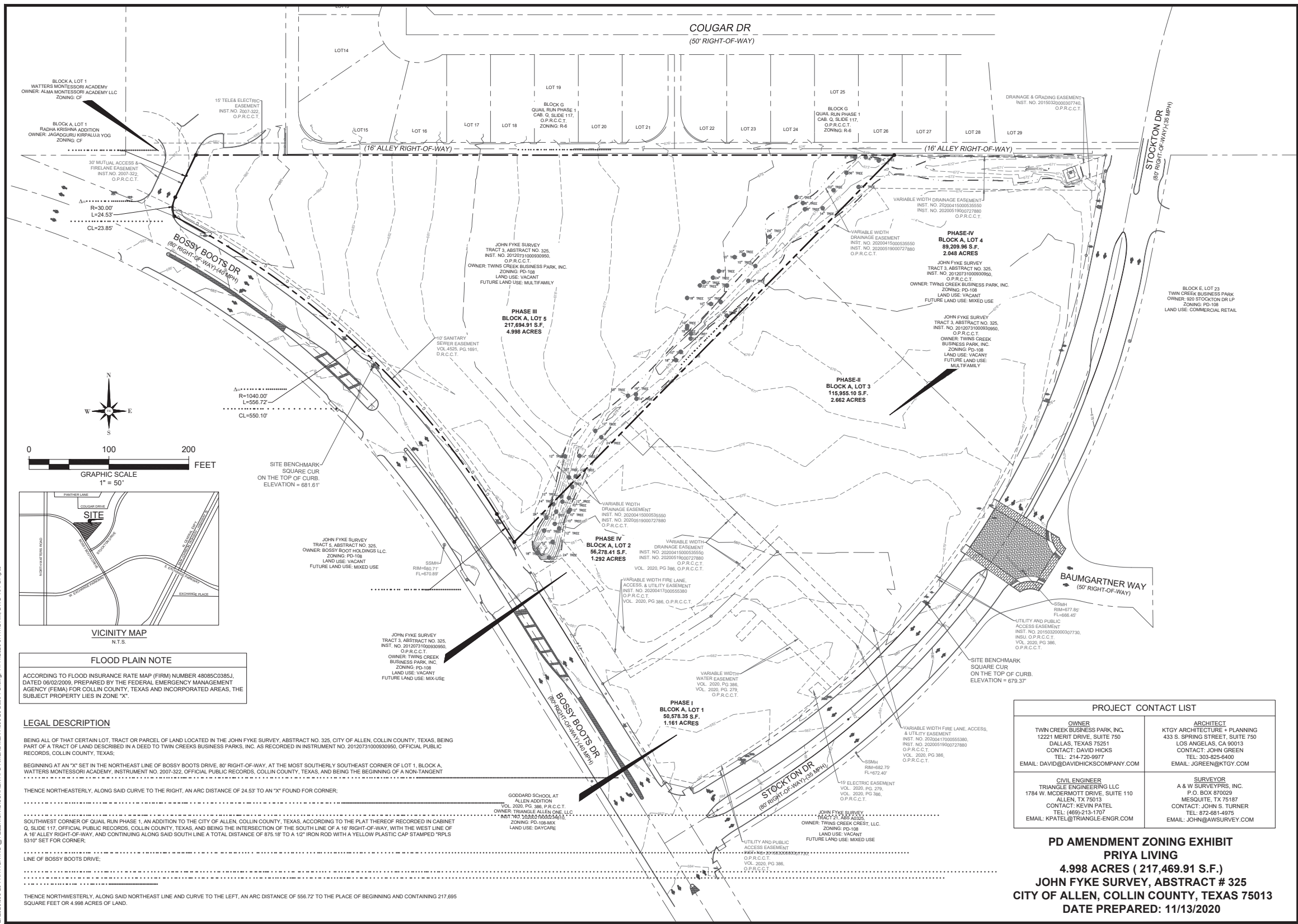
APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, City Attorney
(kbl:3/31/21:121048)

Shelley B. George, City Secretary

EXHIBIT "A"
ZONING EXHIBIT



Z:\2020\095-20 PRIYA LIVING @ ALLEN CIVIL\CURRENT\PD AMENDMENT\095-20 Base-PD.dwg, 11/11/2020 8:41:42 AM, DWG To PDF.pc3

TX PE FIRM #11625

TRIANGLE
ENGINEERING LLC

T: 409.331.8966 | F: 409.217.7445 | E: info@triangle-engr.com
W: triangle-engr.com | O: 7884 McDermott Drive, Suite 1100, Allen, TX 75013

Planning | Civil Engineering | Construction Management



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NO.	DATE	DESCRIPTION	BY
1	2		2
2	3		3
3	4		4
4	5		5
5	6		6



PD AMENDMENT ZONING EXHIBIT

PRIYA LIVING
BOSSY BOOT DRIVE
CITY OF ALLEN
COLLIN COUNTY, TEXAS 75013

PROJECT CONTACT LIST	
<p>OWNER</p> <p>TWIN CREEK BUSINESS PARK, INC. 12221 MERIT DRIVE, SUITE 750 DALLAS, TEXAS 75251</p> <p>CONTACT: DAVID HICKS TEL: 214-720-9977</p> <p>EMAIL: DAVID@DAVIDHICKSCOMPANY.COM</p>	<p>ARCHITECT</p> <p>KTGY ARCHITECTURE + PLANNING 433 S. SPRING STREET, SUITE 750 LOS ANGELES, CA 90013</p> <p>CONTACT: JOHN GREEN TEL: 303-825-8400</p> <p>EMAIL: JGREEN@KTGY.COM</p>
<p>CIVIL ENGINEER</p> <p>TRIANGLE ENGINEERING LLC 1784 W. MCDEMOTT DRIVE, SUITE 110 WILSON, NC 27603</p> <p>CONTACT: KEVIN PATEL TEL: (469)-213-1707</p> <p>EMAIL: KPATEL@TRIANGLE-ENGR.COM</p>	<p>SURVEYOR</p> <p>A & W SURVEYERS, INC. P.O. BOX 870029 MESQUITE, TX 75187</p> <p>CONTACT: JOHN S. TURNER TEL: 872-681-4975</p> <p>EMAIL: JOHN@AWSURVEY.COM</p>

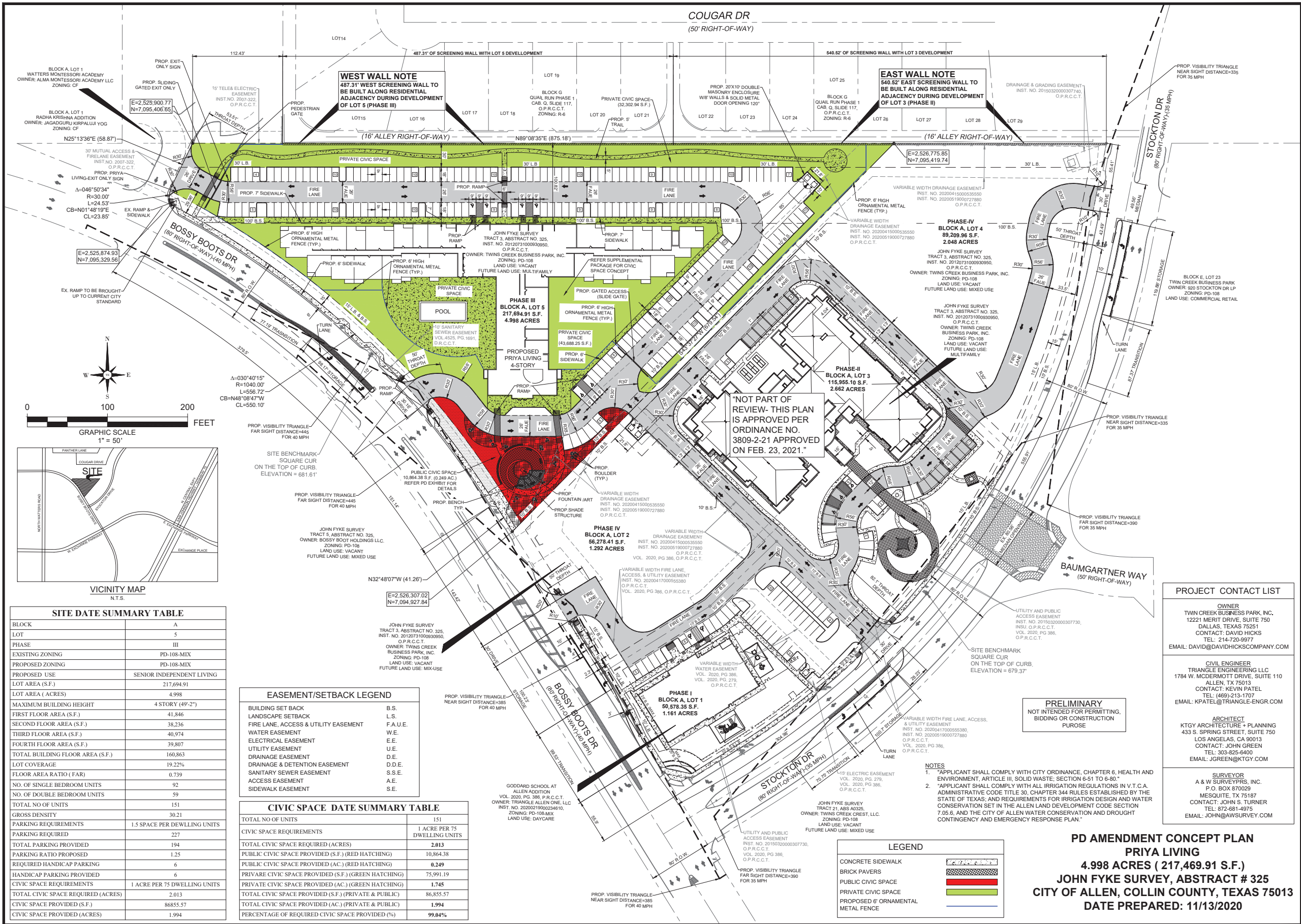
**PD AMENDMENT ZONING EXHIBIT
PRIYA LIVING
4.998 ACRES (217,469.91 S.F.)
JOHN FYKE SURVEY, ABSTRACT # 325
CITY OF ALLEN, COLLIN COUNTY, TEXAS 75013
DATE PREPARED: 11/13/2020**

DATE	PROJECT
11/13/2020	095-20
DESIGN	DRAWN
KP	DS

SHEET #

ZE





BY	DATE	DESCRIPTION



PD AMENDMENT CONCEPT PLAN

PRIYA LIVING
BOSSY BOOT DRIVE
CITY OF ALLEN
COLLIN COUNTY, TEXAS 75013

DATE	PROJECT
11/13/2020	095-20
DESIGN	DRAWN
KP	DS

SHEET #
CP



EAST ELEVATION			
1	Stone Veneer	2263 sf	35.0%
2	Fiber Cement Panel	378 sf	5.8%
3	Jali Screen	482 sf	7.5%
4	Block Masonry Screen	257 sf	4.0%
5	3-Coat Stucco System	3087 sf	47.7%
6	Painted Detail	0 sf	0.0%
TOTAL		6467 sf	100%

WEST ELEVATION			
1	Stone Veneer	1636 sf	25.3%
2	Fiber Cement Panel	745 sf	11.5%
3	Jali Screen	440 sf	6.8%
4	Block Masonry Screen	150 sf	2.3%
5	3-Coat Stucco System	3056 sf	47.2%
6	Painted Detail	441 sf	6.8%
TOTAL		6468 sf	100%

*Percentages subject to site plan review



1 Stone Veneer
- Arriscraft or similar



2 Fiber Cement Panel



3 Jali Screen - Metal/wood



4 Block Masonry Screen



5 3-Coat Stucco System



6 Painted Detail

Note:
The elevations are conceptual in nature and show the design intent to meet the City of Allen regulations. Further refinement shall meet the current admendment guidelines.



PD AMENDMENT CONCEPT PLAN
PRIYA LIVING
4.998 ACRES (217,469.91 S.F.)
JOHN FYKE SURVEY, ABSTRACT # 325
CITY OF ALLEN, COLLIN COUNTY, TEXAS 75013
DATE PREPARED: 11/13/2020



Know what's below.
Call before you dig.

BY	DESCRIPTION	DATE	NO.

PD AMENDMENT
PRIYA LIVING
BOSSY BOOT DRIVE
CITY OF ALLEN
COLLIN COUNTY, TEXAS 75013

DATE	PROJECT
DESIGN	DRAWN
SHEET #	

PLEASE
RECYCLE

NORTH ELEVATION		
1	Stone Veneer	1932 sf 11.9%
2	Fiber Cement Panel	4976 sf 30.7%
3	Jali Screen	0 sf 0.0%
4	Block Masonry Screen	0 sf 0.0%
5	3-Coat Stucco System	8482 sf 52.3%
6	Painted Detail	843 sf 5.2%
TOTAL		16233 sf 100%

SOUTH ELEVATION		
1	Stone Veneer	3600 sf 24.2%
2	Fiber Cement Panel	0 sf 0.0%
3	Jali Screen	517 sf 3.5%
4	Block Masonry Screen	1074 sf 7.2%
5	3-Coat Stucco System	9684 sf 65.1%
6	Painted Detail	sf 0.0%
TOTAL		14875 sf 100%



1 Stone Veneer
- Amiscraft or similar



Fiber Cement Panel



Jali Screen - Metal/wood



4 Block Masonry Screen



5 3-Coat Stucco System



6 Painted Detail

Note:
The elevations are conceptual in nature and show the design intent to meet the City of Allen regulations. Further refinement shall meet the current admendment guidelines.

*Percentages subject to site plan review



NORTH ELEVATION
0' 15'
1/16"=1'



SOUTH ELEVATION
0' 15'
1/16"=1'

PD AMENDMENT CONCEPT PLAN
PRIYA LIVING
4.998 ACRES (217,469.91 S.F.)
JOHN FYKE SURVEY, ABSTRACT # 325
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BY	DESCRIPTION	DATE	NO

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DATE	PROJECT
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PLEASE RECYCLE