

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 REGULATIONS RELATING TO THE USE AND DEVELOPMENT OF A 59.7157+/- ACRE TRACT SITUATED IN THE GEORGE FITZHUGH SURVEY, ABSTRACT NO. 321, AND FRANCIS DOSSER SURVEY, ABSTRACT NO. 280; PRESENTLY LOCATED IN PLANNED DEVELOPMENT "PD" NO. 92 CORRIDOR COMMERCIAL, BY CHANGING THE ZONING AND CREATING PLANNED DEVELOPMENT "PD" NO. ____ FOR LIGHT INDUSTRIAL "LI" AND ADOPTING DEVELOPMENT REGULATIONS INCLUDING A ZONING EXHIBIT, 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, are hereby further amended by changing the zoning regulations relating to the development and use of 59.7157+/- acres out of the George Fitzhugh Survey, Abstract No. 321, and Francis Dosser Survey, Abstract No. 280, City of Allen, Collin County, Texas, more fully described in Exhibit "A," attached hereto and incorporated herein by reference (the "Property"), which is presently zoned as Planned Development "PD" No. 92 Corridor Commercial by changing the zoning and creating Planned Development "PD" No. ____ for Light Industrial uses subject to the use and development regulations set forth in Section 2 of this ordinance.

SECTION 2. The Property shall be developed and used in accordance with the provisions of the Allen Land Development Code, as amended, ("ALDC") applicable to the use and development of property located within a Light Industrial "LI" zoning district 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") subject to the following:

- (1) Minor modifications to streets/driveways that do not alter the general alignment shown on the Concept Plan may be made at the time of Site Plan approval;

- (2) Improvements to thoroughfares required by a Traffic Impact Analysis shall be provided as shown on the Concept Plan; and
 - (3) Any amendment to the Concept Plan not determined to be a minor amendment shall be processed as a zoning amendment in accordance with the ALDC. An amendment to the Concept Plan that substantially alters the streets and circulation patterns within the Property, the base zoning district(s) of portions of the Property, and/or the designation of permitted uses shall not be considered a “minor amendment.”
- B. BUILDING ELEVATIONS:** Elevations of the light industrial buildings attached hereto as Exhibit “C” and incorporated herein by reference (“Building Elevations”), are intended to convey a general range of architectural features that would be incorporated into final design. Buildings shall in general conform with the façade rhythm, façade material changes, and fenestration illustrated on the Building Elevations.
- C. PROHIBITED USES:** The Property shall not be developed and used for the following purposes:
- (1) Concrete batch plant (permanent, non-temporary); and
 - (2) Pawn Shop
- D. HEIGHT, AREA, AND SETBACK REGULATIONS:** Buildings constructed on the Property shall comply with the height, area, and setback regulations of the Light Industrial (LI) District except as follows:
- (1) Maximum Height:
 - (a) 50 feet, if all portions of the building are located 200 feet or more from property located within any residential zoning district or otherwise developed for any residential purpose;
 - (b) 45 feet, if any portion of the building is located less than 200 feet from property located within a multifamily or townhome residential zoning district or otherwise developed for a multifamily or townhome residential purpose; and
 - (c) 35 feet, if any portion of the building is located less than 200 feet from property located within a single-family detached residential zoning district or otherwise developed for a single-family detached residential purpose.
 - (2) Properties adjacent to Highway 121 shall have a front yard setback of 50 feet.
 - (3) Landscape buffer along SH 121: 30 feet (minimum of 15 feet unencumbered).
 - (4) Landscape buffer along Ridgeview Drive: 50 feet (minimum of 15 feet unencumbered).
- E. SCREENING STANDARDS:** Screening shall be provided as follows:
- (1) Screening is required to be installed along Ridgeview Drive as shown on the Concept Plan, and shall consist of the following:
 - (a) A sodded berm shall be constructed with a trail or sidewalk within the Right-of-Way or within the trail or sidewalk easements, as necessary;

- (b) One (1) shade tree with a trunk diameter at the time of planting of not less than four (4) caliper inches measured at six (6) inches above the root ball must be planted within the berm for each thirty (30) feet or portion thereof of the lot's frontage along Ridgeview Drive with the distance between shade trees not to exceed forty (40) feet;
 - (c) One (1) ornamental tree must be planted for each shade tree required to be planted with the distance between ornamental trees not to exceed forty (40) feet;
 - (d) One (1) evergreen shrub with a height at the time of planting of not less than thirty-six (36) inches measured from the top of the root ball shall be planted for every four (4) feet or portion along Ridgeview Drive with the distance between evergreen shrubs not to exceed six (6) feet; and
 - (e) A metal fence with masonry columns shall be constructed at the locations shown on the Concept Plan subject to the following:
 - i. The fence shall be not less than six (6) feet nor greater than eight (8) feet in height; and
 - ii. The metal fence shall be constructed of an ornamental metal material with masonry support columns at not greater than one hundred (100) foot spacing except as approved by the Director of Engineering or designee as necessary to avoid conflicts with utilities, drainage features, or other public facilities.
- (2) Screening is required to be installed along Drive A in the areas shown on the Concept Plan for loading and tractor trailer parking areas for Buildings B and G and shall consist of the following:
- (a) A ten (10) foot masonry wall constructed in accordance with the minimum standards set forth in Section 7.07 of the ALDC; and
 - (b) One (1) evergreen shrub with a height at the time of planting of not less than 36-inches measured from the top of the root ball shall be planted for every four (4) feet along the side of the wall facing Drive A with the distance between shrubs not to exceed six (6) feet; and
 - (c) A sodded berm shall be constructed at the locations shown on the Concept Plan;
 - (d) One (1) shade tree with a trunk diameter at the time of planting of not less than four (4) caliper inches measured at six (6) inches above the root ball must be planted within the berm for every thirty (30) feet along the side of the wall facing Drive A with the distance between trees not to exceed forty (40) feet along the street frontage; and
 - (e) One (1) ornamental tree with a trunk diameter at the time of planting of not less than four (4) caliper inches measured at six (6) inches above the root ball must be planted within the berm for every thirty (feet) along the side of the wall facing Drive A with the distance between trees not to exceed forty (40) feet along the street frontage.
- (3) Loading and tractor trailer parking areas that are visible from the SH 121 Service Road and located less than 200 feet of the SH 121 right-of-way shall be screened as follows:
- (a) A six (6) foot masonry wall constructed in accordance with the minimum standards set forth in the ALDC;

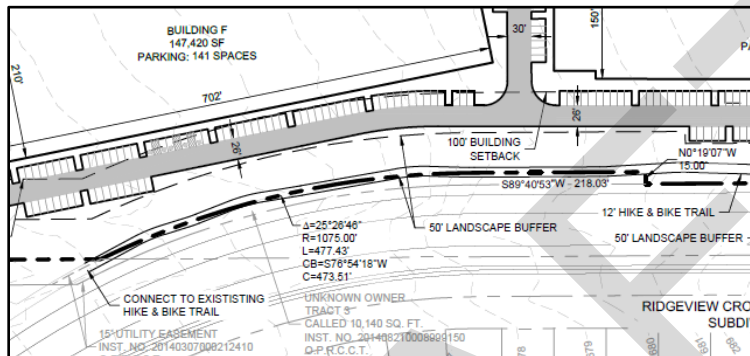
- (b) One (1) evergreen shrub with a height at the time of planting of not less than 36-inches measured from the top of the root ball shall be planted for every four (4) feet along the side of the wall facing SH 121; and
 - (c) A sodded berm shall be constructed with a trail or sidewalk within the Right of Way or within trail or sidewalk easements, as necessary, with at least one (1) shade tree with a trunk diameter at the time of planting of not less than three (3) caliper inches measured six (6) inches above the root ball and one (1) ornamental tree shall be planted along the street frontage on an average distance between trees of not less 30 feet.
- (4) Screening of dock doors shall not be required if they face internally and or do not directly face SH 121, Chelsea Boulevard, or Ridgeview Drive.
 - (5) Mechanical and Service Screening shall be required as follows:
 - (a) All buildings shall be designed such that no mechanical equipment (HVAC, etc.) is visible from the public right-of-way or open space, whether the equipment is located on the ground, exterior wall, or roof; and
 - (b) The screening material required by paragraph 1, above, shall be raised at least one foot above the top of the mechanical equipment.
 - (6) Sodded berms required to be constructed pursuant to this Section 2.E. shall:
 - (a) Have a maximum slope of 3:1;
 - (b) Have a minimum height of three (3) feet except at locations where a trail or sidewalk intersects with and/or crosses through the berm; and
 - (c) Have a minimum width of thirty (30) feet.

F. PARKING STANDARDS:

- (1) **Parking Reduction.** The Director of Community Development and Director of Engineering may jointly reduce the required number of off-street parking spaces if such reduction is supported by the findings of a parking study prepared by a professional engineer or transportation planner which demonstrates need, reviews industry standards, and proposes a modification that will not result in a parking deficiency for the proposed uses for the portion of the Property to be served by the related parking areas.
- (2) **Cross Access.** A perpetual cross-access easement for vehicle and pedestrian travel as well as cross-easements for parking, both at-grade and below-grade, shall be granted between and among all contiguous lots within the Property. The cross-access easement may be provided by plat or separate instrument.
- (3) **S.H. 121 Frontage.** Parking is permitted within the front yard setback adjacent to S.H. 121 as shown on the Concept Plan.

G. MANDATORY TRAILS AND TRAIL IMPROVEMENTS: The following public trails and public trail system improvements and related public trail easements shall be constructed and conveyed to the City for future maintenance:

- (1) **Ridgeview Drive Trail.** A hike and bike trail not less the twelve (12) feet wide shall be constructed meandering within the Ridgeview Drive right-of-way or trail easement as necessary, and a public trail easement not less than twenty (20) feet wide shall be dedicated spanning from Chelsea Boulevard to the existing Ridgeview Drive Trail near Cottonwood Creek (the “Ridgeview Trail”). The Director of Parks & Recreation may authorize the width of the trail easement to be reduced to a minimum of fifteen (15) feet for the segment depicted below that meanders between the Ridgeview Drive right-of-way and the Property. The Ridgeview Trail shall be completed prior to the issuance of the first certificate of occupancy for a building on the Property.



- (2) **Cottonwood Creek Trail.** A 12-foot-wide hike and bike trail meandering along Cottonwood Creek in the approximate location shown on the Concept Plan (the “Cottonwood Creek Trail”). The Cottonwood Creek Trail shall be completed prior to the issuance of the first certificate of occupancy for a building west of Drive B on the Property.
- (3) **Trail Easements.** In locations where a trail is not to be located within a public street right-of-way, a trail easement not less than 20-feet wide shall be conveyed to the City upon completion of construction of the trail either at the time of approval of the final plat of the portion of the Property where the trail segment is located or by separate instrument approved as to form by the City Attorney; provided, however, the width of the trail easement may be reduced in locations where a 20-foot easement cannot be conveyed because of existing topography, flood plain, or other site limitations.
- (4) **Final Trail Location.** The final location of required trails shall be determined at the time of final platting and approval in the construction plans for the trails as approved by the Director of Engineering, Director of Parks and Recreation, and Director of Community Development.

H. TREE MITIGATION: Development of the Property shall comply with Section 7.06 of the ALDC, except as follows:

- (1) Not including replacement trees, negative tree credits assessed for the removal of Hackberry trees and Sugarberry trees will be reduced by 25%;
- (2) Negative tree credits will not be assessed for a tree that is removed following the City arborist's determination the tree is at the end of its life, diseased, dead or dying per a tree condition survey;
- (3) Negative tree credits will not be assessed for the removal of Siberian Elm (*Ulmus pumila*) or hybridized elms of Siberian Elm following the City arborist' s determination, or Chinaberry trees (*Melia azedarach*); and

- (4) Tree credits will be provided for street trees in accordance with ALDC Section 7.06.3.3.

I. FLEXIBLE DESIGN STANDARED:

- (1) Exceptions to the development standards relating to building design or construction set forth in these Development Regulations may be granted by the Director of Community Development for the purpose of improving performance in energy and water use and consumption, carbon dioxide emissions reduction, and improved indoor environmental quality. The standards used for best practices in sustainable design and the measures used to describe a building's environmental performance shall follow those principles, practices, and standards set forth by any of the following organizations:
- (a) U.S. Green Building Council (USGBC) – Leadership in Energy and Environmental Design (LEED); or
 - (b) EPA and U.S. Department of Energy – Energy Star for Homes and Businesses; or
 - (c) The Sustainable Sites Initiatives (SITES); or
 - (d) Congress for the New Urbanism (CNU); or
 - (e) BRE Environmental Assessment Method (BREEAM).
- (2) A request for an exception to the building design standards of these Development Regulations shall be submitted and approved before implementation by the Director of Community Development, Director of Engineering, and Chief Building Official, who shall have the authority, but not the obligation, to approve the alternative design(s) without being processed as a zoning amendment in accordance with the ALDC provided such design alternatives are generally consistent with the intent of these Development Regulations and such exception does not:
- (a) result in the approval of a land use not otherwise authorized by these Development Regulations or the ALDC;
 - (b) increase the allowable intensity or density of any land use; and
 - (c) effectively result in an amendment to these Development Regulations or the ALDC.

J. SITE PLAN AND CONCEPT PLAN ADMINISTRATION:

- (1) **Site Plan Review Process.**
- (a) ***Site Plan Details.*** Site plan details to be provided on a site plan shall comply with Section 6.05.3 of the ALDC.
 - (b) ***Site Plan Review Standards.*** The Director of Community Development is authorized to approve a site plan if such site plan conforms to the standards set forth in these Development Regulations and the ALDC.
 - (c) ***Amendments to Approved Site Plans.*** The Director of Community Development is authorized to approve changes to approved site plans that comply with the provisions in these Development Regulations.

(2) **Amendments to the Concept Plan.**

- (a) **Minor Modifications.** Except as otherwise provided in these Development Regulations, the Director of Community Development shall have the authority to administratively approve minor changes to the Concept Plan, Site Plan or Elevations. "Minor modifications" include changes that:
1. Do not materially change the circulation on the Property;
 2. Do not move a street more than 100 feet from the location shown on the Concept Plan and the move does not result in a change in the general circulation plan set forth on the Concept Plan;
 3. Relocate required trails provided pedestrian and bike connectivity is provided as intended by the Concept Plan; and
 4. Reconfigure size and location of light industrial buildings shown on the Concept Plan provided compliance with the screening requirements of loading areas set forth in Section 2.E. is maintained.
- (b) **Major Modifications.** Changes to the Concept Plan or Site Plan that do not qualify as Minor Modifications shall be processed as an amendment to a zoning ordinance pursuant to the ALDC.
- (c) **Street Modifications.** The Director of Community Development and Director of Engineering may, but shall not be obligated to, authorize the Drive A and Drive B alignments as shown on the Concept Plan to shift in location up to 100 feet in either direction at the time of final platting of the Property without an amendment to the Concept Plan being required provided any minimum drive and/or intersection separation distances are maintained.
- (d) **Modifications Mandated by Law.** Any modification to a street location shown on the Concept Plan that is necessitated by a Federal, State, or Local action may be administratively approved by the Director of Engineering, including, but not limited to, the intersection of Drive A and/or Drive B with the S.H. 121 service road.

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 ____ DAY OF _____ 2021.

APPROVED:

Kenneth M. Fulk, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY
(kbl:9/30/2021:124986)

Shelley B. George, TRMC, CITY SECRETARY

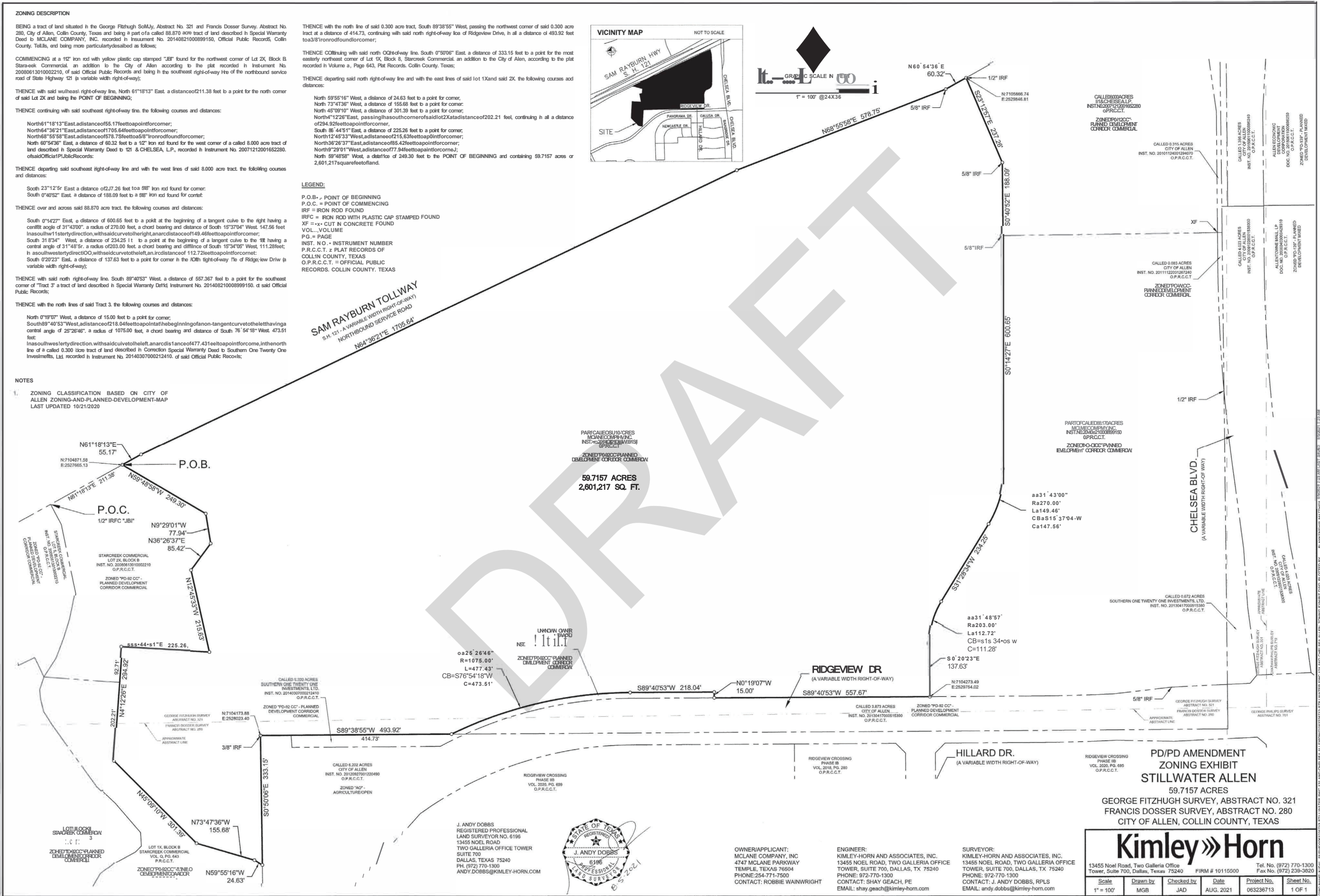
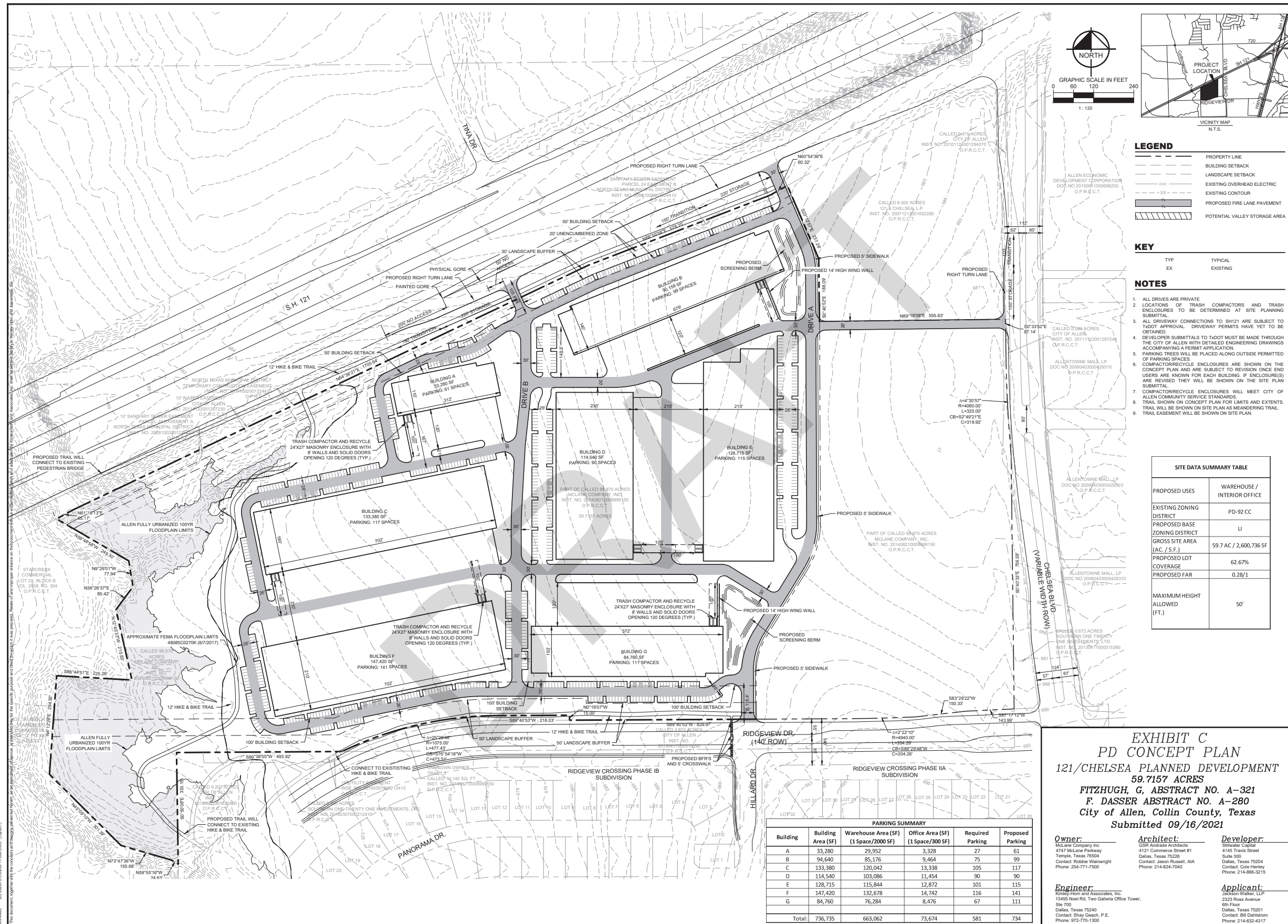


EXHIBIT "B" CONCEPT PLAN

[illegible]

Kimley»»Horn

KHA PROJECT 063236713	DATE 09/16/2021	SCALE AS SHOWN	DESIGNED BY SEG	DRAWN BY SEG	CHECKED BY SEG
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SH 121 AND
CHELSEA BLVD
CITY OF ALLEN
COLLIN COUNTY, TEXAS

EXHIBIT C
PD CONCEPT PLAN

SHEET NUMBER
PD-1



