

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, BY AMENDING THE DEVELOPMENT REGULATIONS OF PLANNED DEVELOPMENT “PD” NO. 141 MIXED-USE MIX ADOPTED BY ORDINANCE NO. 3730-1-20; 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 Zoning Map, of the City of Allen, Texas, as previously amended, be further amended by amending the development and use regulations of Planned Development “PD” No. 141 Mixed Use “MIX” as adopted and outlined in Exhibit “A” to Ordinance No. 3730-1-20 (the “PD 141 Regulations”) as follows:

“Exhibit “A”

DEVELOPMENT REGULATIONS FOR

Gateway Allen at Twin Creeks
PLANNED DEVELOPMENT
PD 141

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SECTION 2: DEVELOPMENT STANDARDS

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C. BUILD-TO, SETBACK, AND YARD STANDARDS

1. Buildings constructed on the Property shall comply with the setback and yard standards outlined in Table 1, below:

TABLE 1: BUILD - TO, SETBACK, AND YARD STANDARDS

Character Area	Tollway West	Ridgeview-Exchange	Exchange Pkwy.	Tollway East
Primary / Secondary Building Frontage (Build-to-Zone) ⁽¹⁾⁽²⁾⁽³⁾	18' min. – 26' max.	18' min. – 26' max.	Not Applicable	Not Applicable
Front / Side Yard Setback (Facing a Private Street)	12' min – No max.	12' min. – No max.	Not applicable.	12' min. – No max.
Front / Side Yard Setback (Exchange Parkway)	25' min. – No max.	25' min. – No max.	20' min. – No max.	Not applicable
Front / Side Yard Setback (Ridgeview Pkwy.) ⁽⁴⁾	Not applicable	30' min. – No max.	30' min. – No max.	Not applicable
Front / Side Yard Setback (State Hwy. 121)	30' min. - No max. ⁽⁵⁾	Not Applicable	30' min. - No max.	30' min. - No max.
Side Yard / Rear Yard Setback (Facing interior lot line or alley)	0' min. – No max.	0' min. – No max.	0' min. – No Max.	0' min. – No max.
Side Yard / Rear Yard Setback (Facing exterior lot line adjacent to City Forest Greenbelt) ⁽⁶⁾	Not Applicable	Not Applicable	5' min. - No max.	5' min. - No max.

Notes:

- 1) Garage facades are included in this frontage calculation.
 - 2) The build-to-zone is measured from the back-of-curb to the face-of-building.
 - 3) Buildings may be set back farther than the required Build-To-Zone but only to the extent required to bring the building in compliance with site visibility triangles regulations.
 - 4) All setbacks adjacent to Ridgeview Drive will be not less than 30 feet.
 - 5) All Urban Residential units constructed in the Tollway West Character Area shall be set back not less than 300 feet from the State Highway 121 service road; provided, however, the minimum setback from the State Highway 121 service road of no more than sixty (60) Urban Residential units constructed on Tract 6A within the mixed-use building consisting primarily of office use as shown in Appendix 11.
 - 6) A 15-foot maintenance easement will be established and maintained parallel and adjacent to the 100-year floodplain in which no structure may impede.
2. Except as otherwise permitted in these Development Regulations, at-grade structural encroachments other than structural columns are not permitted within the setback. Structural foundation locations shall not impede pedestrian traffic within the designated pedestrian zone below. Support columns may be located anywhere within the setback only in a manner that does not violate sight distance requirements.
 3. Subsurface parking facilities may encroach into the required setbacks, but in no case shall said parking facilities encroach upon an underground or overhead utility easement. No building permit for any subsurface parking facility shall be issued by the Building Official unless a Landscape Plan for said lot has been approved by the Director of Parks and Recreation. The Landscape Plan shall include sufficient permeable soil depth to support the healthy growth of plant materials in the affected area.

D. UNITS, DENSITY, AND LOT COVERAGE

1. **Maximum Number of Residential Units:** No more than 1,700 Urban Residential units may be constructed on the Property. The number of Urban Residential units preconstructed in each Character Area shall not exceed the number of units outlined in Table 2, below. Urban Residential Units constructed on the Property shall be sequentially phased according to the following:

- a. Building permits for no more than 255 Urban Residential units shall be granted until construction of the Gateway Forest improvements is complete in accordance with Appendix 10, including, but not limited to, the streets identified as “Street G” and “Street H” as shown on Appendix 10;
- b. Building permit(s) authorizing the construction of no more than the 555 Urban Residential units (i.e., being the 255 units authorized under paragraph 1.a. above, plus an additional 300 units), shall be granted until one or more building permits have been issued for construction on the Property of one or more buildings for office space use with a cumulative floor area of not less than 100,000 square feet;
- c. Building permit(s) authorizing the construction of no more than the 800 Urban Residential units (i.e., being the 555 units authorized under paragraphs 1.a. and 1.b. above, plus an additional 245 units) shall be granted until final building inspections have been approved and one or more certificates of occupancy granted for the building shell (but not the finish out) of a cumulative area of 100,000 square feet of office space constructed on the Property; and
- d. Building permit(s) authorizing construction of more than 1,300 Urban Residential units (i.e., being the 800 units authorized under paragraphs 1.a., 1.b., and 1.c. above plus an additional 500 units) shall be granted until one or more building permits have been issued for construction on the Property of one or more buildings for office space use with a cumulative floor area of not less than 50,000 square feet, which buildings shall be in addition to the building(s) required to be constructed for office uses described in paragraphs 1.b. and 1.c., above. For purposes of this paragraph 1.d., the square footage of building(s) constructed for office use in satisfaction of paragraphs 1.b. and 1.c., above, more than 100,000 shall be credited toward the square footage of the office building(s) for which building permit(s) must be issued under this paragraph 1.d. before issuance of a building permit authorizing construction of a building containing the 1,301st Urban Residential unit. By way of illustration, if in satisfaction of the requirements for the construction of building(s) for office use under paragraphs 1.b. and 1.c., above, one or more certificates of occupancy are issued for a total of 120,000 square feet of building shell, then the square footage of building(s) constructed for office use for which building permits must be issued before issuance of a building permit authorizing construction of the building containing the 1,301st Urban Residential unit shall be reduced to 30,000 square feet.

TABLE 2: URBAN RESIDENTIAL UNIT ALLOCATION

Character Area (C.A.)	Maximum Allowed Urban Residential Units or C.A. ⁽¹⁾	Maximum Density	Maximum FAR	Maximum Lot Coverage
Tollway West	500	None	None	None
Ridgeview-Exchange	1,600			
Exchange Pkwy.	0			
Tollway East	400			

Notes

- 1) The maximum number of Urban Residential units that may be constructed on the Property shall not exceed 1,700 units as outlined in Section 3. D.1 above. The numbers in this column establish the maximum number of Urban Residential units that may be constructed in the identified Character Area.

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G. BUILDING HEIGHT

1. Minimum Number of Stories:

- a. A maximum of 25% of the gross floor area of principal buildings located in the Tollway West Character Area and the Ridgeview-Exchange Character Area shall be permitted to be less than three stories. The gross floor area of retail and restaurant uses permitted in the Central Square shall not be included in determining compliance with the maximum percentage stated in the prior sentence; and
- b. All principal buildings in the Exchange Pkwy. and Tollway East Character Areas may be one story in height.

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SECTION 3: STREET TYPES AND TRANSPORTATION NETWORK

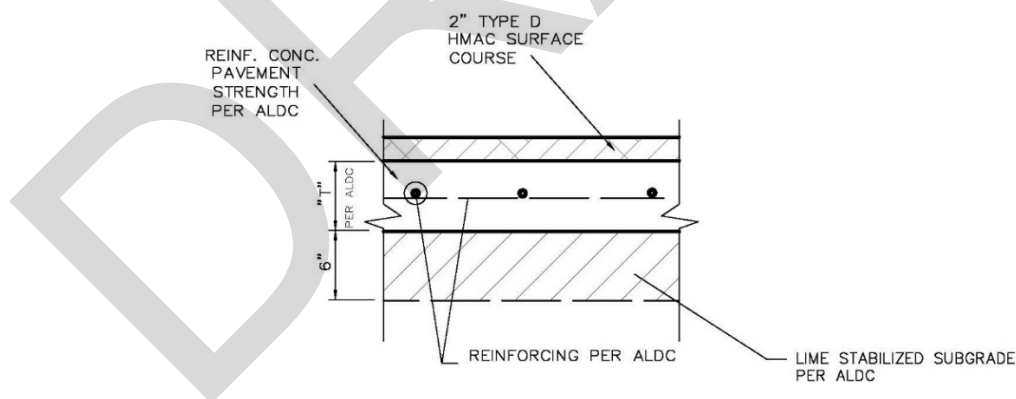
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- D. PRIVATE STREETS.** All streets within the Tollway West Character Area and Ridgeview-Exchange Character Area, as generally illustrated in the Streets Diagram, will be private streets and shall be maintained by a property owners' association.

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- F. TOLLWAY EAST CHARACTER AREA.** Within the Tollway East Character Area:

1. Asphalt may be used as a paving material provided such paving complies with the City's design specification for strength and endurance; and



ONSITE HMAC OVER CONCRETE PAVEMENT SECTION

2. Tree islands in required parking areas may be planted with trees below grade level protected by metal grates, subject to the following:
 - a. A licensed professional engineer shall certify with a sealed letter that the tree grates are traffic rated;

- b. The planting area shall include subsurface preparation to facilitate the healthy growth of trees, including but not limited to, installation of structural soil systems;
- c. All trees located within the surface area of the parking lot must, at the time of planting have a trunk diameter of not less than six (6) caliper inches and have a rootball diameter of not less than sixty (60) inches, or a 10:1 ratio of the rootball to the trunk diameter measured at twelve (12) inches above the soil stain; and
- d. Trees shall be of a species identified as Overstory (shade) trees as listed in Appendix C of the Allen Land Development Code.

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SECTION 4: PARKLAND, OPEN SPACE, TRAILS, AND TREE MITIGATION

A. GENERAL.

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- 2. **Ownership, Maintenance, and Management.** The owner of the Property, or the owners of the various portions thereof, shall maintain or cause to be maintained all common areas within the Property, including, but not limited to, all parks, open spaces, street medians, entry features, floodplain areas, streetscapes, and landscape areas within the street right-of-way, detention pond, retention ponds, wall maintenance easements, landscape maintenance easements, and similar areas shown on a final plat, site plan, or the Regulating Plan (collectively the "Common Areas"), until such time that one or more Property Owners' Associations are established for ownership, maintenance, and management of the Common Areas within the various portions of the Property as required by Section 8.20 of the ALDC. Maintenance of Common Areas shall include, but not be limited to, the various in-ground and above-ground plantings/planting beds, irrigation (when required herein), lighting and drainage systems located within the Common Areas.

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SECTION 5: BUILDING DESIGN STANDARDS

- H. **URBAN RESIDENTIAL BUILDING STANDARDS.** Urban Residential dwelling uses shall be subject to the following development and use regulations:

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- 2. **One-bedroom minimums.**

- a. No less than 65 percent of the Urban Residential dwelling units in the aggregate within the overall development of the Property shall be one-bedroom and studio units as set forth below;
- b. A final building inspection to permit the occupancy of the initial 255 Urban Residential units shall not be issued until a report is filed with the Director of Community Development or designee demonstrating that no less than 65 percent of the dwelling units in the first 255 units are one-bedroom and studio units;
- c. A final building inspection to permit the occupancy of a total of 555 Urban Residential units (i.e., being the 255 units described in paragraph b., above, plus an additional 300

units) shall not be issued until a report is filed with the Director of Community Development or designee demonstrating that no less than 65 percent of the dwelling units in the first 555 units are one-bedroom and studio units;

- d. A final building inspection to permit the occupancy of a total of 800 Urban Residential units (i.e., being the 555 units described in paragraphs b. and c., above, plus an additional 245 units) shall not be issued until a report is filed with the Director of Community Development or designee demonstrating that no less than 65 percent of the dwelling units in the first 800 units are one-bedroom and studio units;
- e. A final building inspection to permit the occupancy of a total of 1,300 Urban Residential units (i.e., being the 800 units described in paragraphs b., c., and d., above, plus an additional 500 units) shall not be issued until a report is filed with the Director of Community Development or designee demonstrating that no less than 65 percent of the dwelling units in the first 1,300 units are one-bedroom and studio units; and
- f. A final building inspection to permit the occupancy of the 1,301st through the 1,700th Urban Residential unit shall not be issued until a report is filed with the Director of Community Development or designee demonstrating that no less than 65 percent of the dwelling units in the remaining 400 units will be constructed as one- bedroom and studio units.

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SECTION 7: SIGN STANDARDS

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- B. ALLOWED SIGNS.** The following signs shall be allowed subject to the size restrictions outlined in the ALDC unless otherwise indicated below:

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2. Off-premise multi-tenant signs.

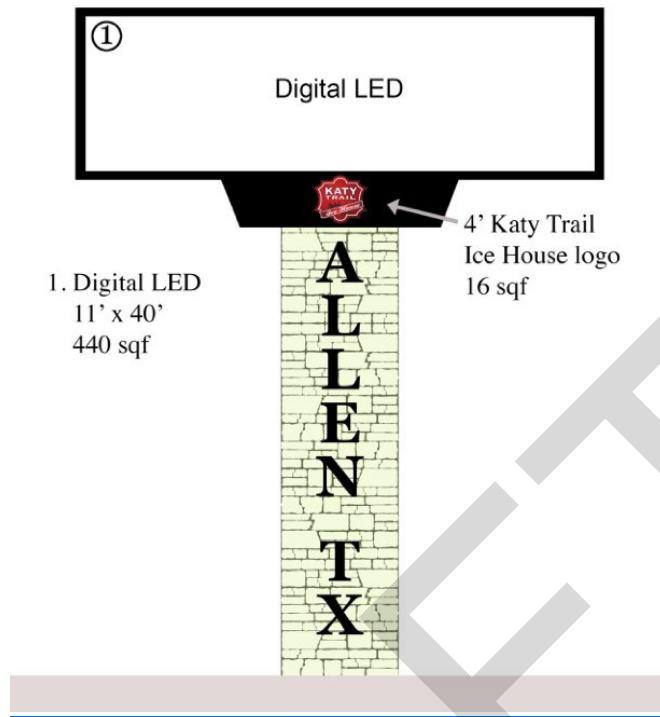
- a. Maximum effective area: 180 square feet per side; and
- b. Maximum number: two (2) on SH 121 (one (1) each for the Tollway West Character Area and Exchange Pkwy. Character Area), one (1) on Exchange Pkwy. only for Tollway West Character Area; and one (1) on Ridgeview Drive (in Exchange Pkwy. Character Area).

3. Off-premise district signs.

- a. Maximum effective area: 180 square feet per side;
- b. Maximum number: two (2) on SH 121 (one (1) each for the Tollway West Character Area and Exchange Pkwy. Character Area), two (2) on Exchange Pkwy. (one (1) for Tollway West Character Area and one (1) for Exchange Pkwy. Character Area), two (2) on Ridgeview Drive (in Exchange Pkwy. Character Area) and Ridgeview-Exchange Character Area.

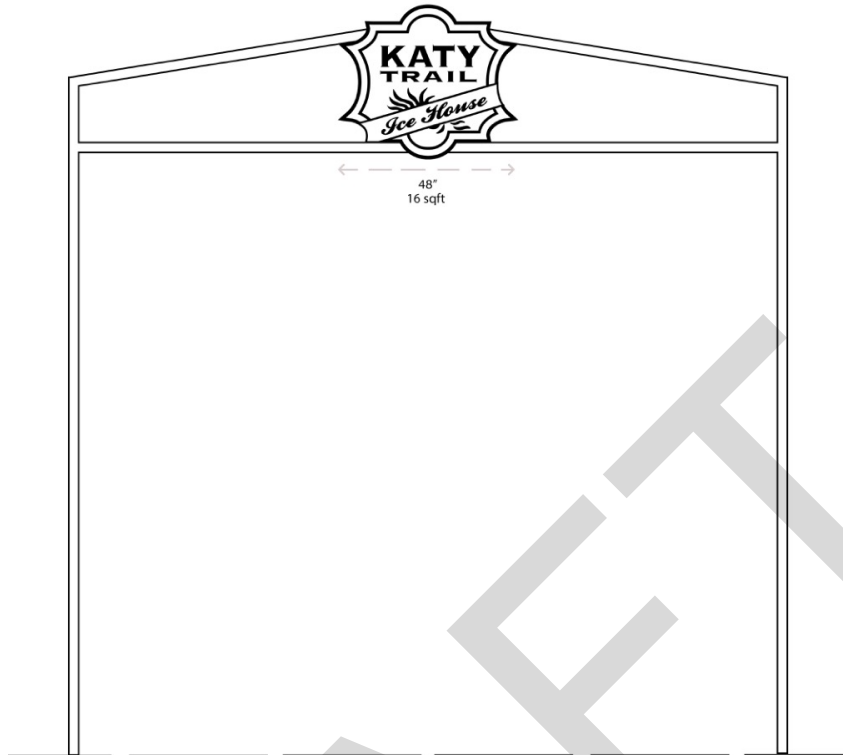
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- 16. Freestanding LED Sign.** One (1) Freestanding LED Sign (“FLS”) may be installed in the Tollway East Character Area subject to the following:
- a. The area of each sign face shall not exceed 460 square feet;
 - b. The FLS shall have no more than two (2) sign faces;
 - c. Sign supports must be wrapped in masonry or similar product with no poles visible. “Allen TX” in raised metal letters will be permitted on the masonry and shall not be considered as part of the maximum effective area;
 - d. The FLS shall use LED, digital, or other similar technology;
 - e. The FLS may not display light of such intensity or brilliance to cause glare, impair the vision of the ordinary driver, or constitute a nuisance;
 - f. No flashing, dimming, or brightening of the message is permitted except to accommodate changes of the message;
 - g. The light source of the FLS shall not be directly visible;
 - h. The edges of the FLS shall be wrapped and not considered as part of the maximum effective area;
 - i. The FLS shall not exceed sixty (60) feet, excluding a cutout that extends above the rectangular border of the sign, measured from the grade level of the centerline of the main-traveled way on State Hwy. 121, not including the frontage road of State Hwy. 121, closest to the FLS at a point perpendicular to the sign location;
 - j. The FLS shall be setback from any public right-of-way a distance of no less than eight (8) feet; and
 - k. The design of the FLS shall be generally as shown in the following illustration:

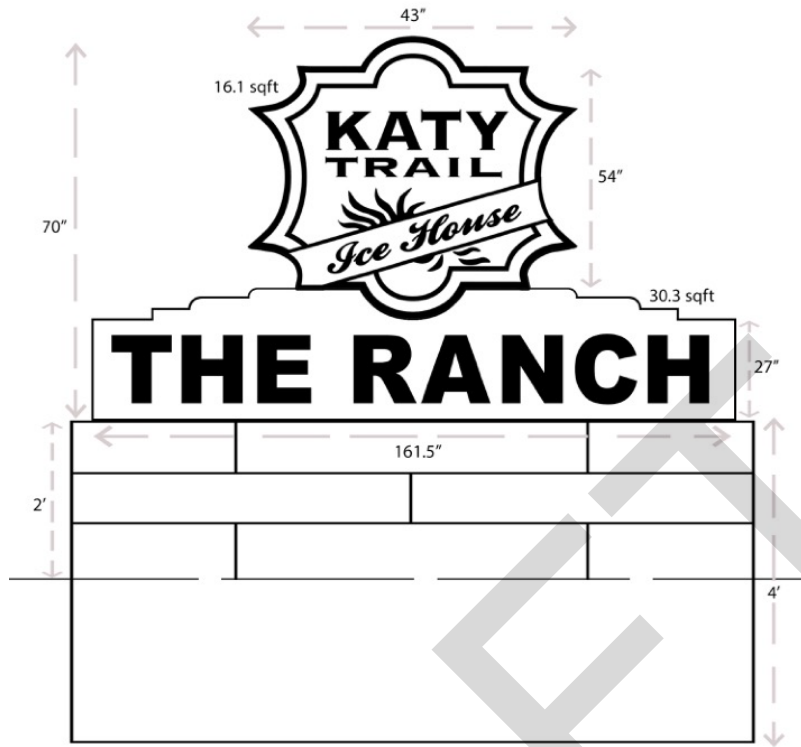


17. **Ranch Style Entry Sign.** One (1) Ranch Style Entry Sign (“RSE”) may be installed within the Tollway East Character Area subject to the following:

- a. The area of each sign face shall not exceed twenty (20) square feet;
- b. The RSE shall have no more than two (2) sign faces;
- c. The RSE shall be set back not less than fifty feet (50') from the State Hwy. 121 frontage road;
- d. The RSE may be illuminated; and
- e. The RSE shall consist of metal piping or other similar material overhanging the private entry to a parking lot supporting the copy area of the sign which shall not be considered part of the area of the sign face, as generally shown in the following illustration:



18. **Monument Signs for Tollway East Character Area.** No more than two (2) monument signs may be installed along State Hwy. 121 within the Tollway East Character Area subject to the following:
- a. The area of each sign face shall not exceed ninety (90) square feet;
 - b. Each monument sign shall have no more than two (2) sign faces;
 - c. The maximum sign height shall not exceed twelve (12) feet; and
 - d. Signs may be illuminated.



Note: The height shown in this figure is for illustrative purposes only. The maximum height of the sign shall be regulated by Section 7.B.18 of this Ordinance.

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Appendix 3: SCHEDULE OF USES

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Use	Character Areas			
	Tollway West	Ridgeview-Exchange	Exchange Pkwy.	Tollway East
ADULT DAYCARE				
...				
AMENITY CENTER	X	X		
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SECTION 2. 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 3. Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance, or 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 4. 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 5. 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 6. This Ordinance shall take effect immediately from and after its passage and publication by 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:8/26/2021:123744)

Shelley B. George, TRMC, CITY SECRETARY