

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 TO ADD A DEFINITION FOR “GARAGE CONDOS”, ADDING “GARAGE CONDOS” AS A PERMITTED USE, AND PROVIDING FOR ADDITIONAL REGULATIONS, ADOPTING A CONCEPT PLAN, SCREENING PLAN, AND ADOPTING BUILDING ELEVATIONS FOR A 13.605± PORTION OF PLANNED DEVELOPMENT NO. 92 (“PD 92”) LOCATED IN THE F. DOSSER SURVEY, ABSTRACT NO. 280, CITY OF ALLEN, COLLIN COUNTY, TEXAS, WHICH PROPERTY IS LOCATED IN AND SUBJECT TO THE REGULATIONS OF PLANNED DEVELOPMENT NO. 92; 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 the development regulations of Planned Development No. 92 (“PD 92”) and adopting a Concept Plan, Screening Plan, and Building Elevations for a 13.605± acre portion of PD 92 located in the F. Dossier Survey, Abstract No. 280, City of Allen, Collin County, Texas (“the Property”) described in Exhibit “A”, attached hereto and incorporated herein by reference.

SECTION 2. The Property shall be developed and used in accordance with the applicable provisions of the Allen Land Development Code (“ALDC”), as amended, except to the extent modified by the Development Regulations set forth below:

- A. ADDITIONAL PERMITTED USES:** In addition to the uses permitted within PD-58, the Property may be used and developed for mini-warehouse/public storage and garage condo purposes.
- B. GARAGE CONDO DEFINED:** “Garage Condo” means a structure used solely for storage of personal property which can be defined as a “condominium” as set forth in Texas Property Code §82.003(a)(8), as amended and subject to a declaration of condominium that complies with Chapter 82 of the Texas Property Code, as amended.
- C. CONCEPT PLAN:** The Property 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: The Property shall be developed in general conformance with the Building Elevations attached hereto as Exhibit “C”, and incorporated herein by reference.

E. SETBACK: The side yard setback on the southern side of Lot 5 shall be five feet (5.0’).

F. SCREENING:

- (1) Screening shall be constructed and/or installed along the boundaries of the Property in general conformance with the Concept Plan attached hereto as Exhibit “B” and the Screening Plan attached hereto as Exhibit “D”, and incorporated herein by reference.
- (2) No building permit shall be issued until the fence permit has been issued and screening wall construction begun.
- (3) No Certificate of Occupancy will be conducted until the Director of Community Development or designee has determined that construction and installation of all required screening has been completed.
- (4) In the event the final design of any structure results in exterior doors providing entry into storage areas or garage condos along the western façade of such building, to the extent not already shown on Exhibits “B” or “D”, such western facing doors shall be screened from the adjacent properties by an eight foot (8.0’) tall masonry wall constructed on the western side of the firelane easement and consistent with the design of the other required screening walls. The issuance of a building permit and certificate of occupancy relating to such required screening shall be as set forth in paragraphs (2) and (3), above.

G. STREET IMPROVEMENTS: The Developer shall construct all improvements necessary to install the left-turn lanes on Chelsea Boulevard in general conformance with the Concept Plan attached hereto as Exhibit “B.” Common access will be provided on the Property for the use of property to the south to access the first full median opening located north of Stacy Road as shown on the Concept Plan. No Certificate of Occupancy for any structure located on the Property shall be issued until completion of construction and acceptance by the City Engineer of such left turn lane.

H. HOURS OF OPERATION: The hours of operation for the Property shall be as follows:

Mini-Warehouse Office:

Monday – Friday	not earlier than 8:30 a.m. to not later than 6:30 p.m.
Saturday	not earlier than 8:30 a.m. to not later than 5:00 p.m.
Sunday	Closed

Mini-Warehouse access: not earlier than 6:00 a.m. to not later than 9:00 p.m. daily

Garage Condos access: No time limitations.

I. AUCTIONS: Auctions related to the sale of private property held in storage units or garage condos for purpose of recovering unpaid units as authorized by law shall be permitted to be held two (2) times within a calendar year subject to application for and issuance of a Temporary Use/Special Event Permit.

J. SPECIAL ZONING PROVISIONS: ALDC Section 6.06.5 “Mini-Warehouses/Public Storage” shall apply to the use and development of the mini-warehouse/public storage and garage condo business operated on the Property with the following modifications and/or additions:

- (1) Notwithstanding ALDC Section 6.06.5.a, an on-site caretaker office and residence is not required.
- (2) Notwithstanding ALDC Section 6.06.5.c, the storage units shall not to exceed two (2) stories, but in no case greater than thirty feet (30.0’), in height.
- (3) Notwithstanding ALDC Section 6.06.5.d, roof-mounted mechanical equipment which is screened in a manner so that such equipment is not visible from adjacent public streets is permitted.
- (4) The prohibition set forth in ALDC Section 6.06.5.k, regarding the conduct of sales, business or any activity other than storage within any individual storage unit or garage condo shall include, but not limited to, the conversion of any individual storage units to an office, retail, or other non-residential use, is prohibited.
- (5) No portion of the Property may be used for residential purposes except for a residence for the owner or person employed by the owner of the mini-warehouse/public storage business or garage condos whose principal duties are to manage said business, and that person’s spouse and children only.

K. DECLARATION OF CONDOMINIUM: Development and use of the Property for Garage Condo purposes shall not commence prior to the execution and recording of a declaration of condominium in compliance with Chapter 82 of the Texas Property Code, as amended, the form of which must conform with Section 8.20 of the ALDC, as amended.

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 13TH DAY OF SEPTEMBER 2016.

APPROVED:

Stephen Terrell, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY
(kbl:8/30/16:78645)

Shelley B. George, TRMC, CITY SECRETARY

EXHIBIT "A"
DESCRIPTION OF PROPERTY.

METES AND BOUNDS DESCRIPTION – TRACT 1 SELF STORAGE

BEING a tract of land situated in the F. Dosser Survey, Abstract No. 280, City of Allen, Collin County, Texas, the subject tract being a portion of a tract conveyed to Stacy & Chelsea, L.P. according to the deed recorded in Document No. 20090820001045560 of the Deed Records, Collin County, Texas (DRCCT), with the subject tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod with plastic cap stamped "SPIARSENG" set on the west line of Chelsea Boulevard, a variable width public right-of-way created by the final plat of Starcreek Phase Three, an addition to the City of Allen, recorded in Cabinet 2009, Page 375, Plat Records, Collin County, Texas (PRCCT), for the northeast corner of Lot 1, Block A, Stacy-Chelsea Commercial Addition, an addition recorded in Cabinet 2011, Page 348 PRCCT;

THENCE S 88°52'08" W, 286.97 feet along the north line of Lot 1 to an "X" set in concrete on the east line of Lot 2, Block A, Stacy-Chelsea Commercial Addition, an addition recorded in Cabinet 2012, Page 420 PRCCT;

THENCE N 01°07'52" W, 44.30 feet along the east line of Lot 2 to an "X" set in concrete for the northeast corner thereof;

THENCE continuing along the common line of Lot 2, the following:

S 89°32'30" W, 87.54 feet to an "X" set in concrete;

A tangent curve to the right having a central angle of 18°47'52", a radius of 200.00 feet, a chord of N 81°03'34" W - 65.32 feet, an arc length of 65.62 feet to an "X" set in concrete;

S 19°47'16" W, 18.06 feet to an "X" set in concrete;

N 70°12'44" W, 74.00 feet to an "X" set in concrete;

S 19°47'16" W, 55.02 feet to a 5/8" iron rod with plastic cap found;

And around a non-tangent curve to the right having a central angle of 41°35'16", a radius of 105.25 feet, a chord of S 40°29'36" W - 74.73 feet, passing at an arc length of 9.49 feet a 5/8" iron rod with plastic cap found for the upper southwest corner of said Lot 2, and continuing a total arc distance of 76.39 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

THENCE around a non-tangent curve to the left having a central angle of 61°08'51", a radius of 68.88 feet, a chord of S 25°10'49" W - 70.07 feet, an arc length of 73.51 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

THENCE S 01°07'58" E, 173.57 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set on the north line of Stacy Road, a variable width public right-of-way, and from which a 60d nail found for the southwest corner of said Lot 2 bears N 88°52'02" E, 153.69 feet;

EXHIBIT "A"
DESCRIPTION OF PROPERTY cont.

THENCE S 88°52'02" W, 140.21 feet along the north line of Stacy Road to a 1/2" iron rod with plastic cap stamped "SPIARSEN" set for the southeast corner of Starcreek Phase Three;

THENCE N 19°47'14" E, 667.32 feet along the lower east line thereof to a 1/2" iron rod with plastic cap stamped "SPIARSEN" set;

THENCE N 88°52'08" E, 526.27 feet departing the east line thereof to a 1/2" iron rod with plastic cap stamped "SPIARSEN" set on the west line of Chelsea Boulevard;

THENCE S 00°27'22" E, 263.31 feet along the west line thereof to a 1/2" iron rod with plastic cap stamped "SPIARSEN" set;

THENCE S 03°21'17" W, 82.96 feet continuing along the west line thereof to the POINT OF BEGINNING with the subject tract containing 219,136 square feet or 5.031 acres of land.

METES AND BOUNDS DESCRIPTION – TRACT 2 GARAGE CONDOS

BEING a tract of land situated in the F. Dosser Survey, Abstract No. 280, City of Allen, Collin County, Texas, the subject tract being a portion of a tract conveyed to Stacy & Chelsea, L.P. according to the deed recorded in Document No. 20090820001045560 of the Deed Records, Collin County, Texas (DRCCT), with the subject tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod with plastic cap stamped "SPIARSEN" set on the west line of Chelsea Boulevard, a variable width public right-of-way created by the final plat of Starcreek Phase Three, an addition to the City of Allen, recorded in Cabinet 2009, Page 375, Plat Records, Collin County, Texas (PRCCT), for the upper southeast corner of Lot 1X, Block V, Starcreek Phase Three;

THENCE S 00°27'22" E, 1380.06 feet along the west line of Chelsea Boulevard to a 1/2" iron rod with plastic cap stamped "SPIARSEN" set, and from which a 1/2" iron rod found on the north line of Stacy Road, a variable width right-of-way, for a southerly corner of Lot 1, Block A, Stacy-Chelsea Commercial Addition, an addition recorded in Cabinet 2011, Page 348 PRCCT, bears S 16°34'35" W, 638.55 feet;

THENCE S 88°52'08" W, 526.27 feet, departing the west line thereof, to a 1/2" iron rod with plastic cap stamped "SPIARSEN" set on the east line of Starcreek Phase Three, and from which a 60d nail found on the north line of Stacy Road for the southwest corner of Lot 2, Block A, Stacy-Chelsea Commercial Addition, an addition recorded in Cabinet 2012, Page 420 PRCCT, bears S 06°26'57" E, 621.00 feet;

THENCE N 19°47'14" E, 1477.51 feet along the east line thereof to a 1/2" iron rod with plastic cap stamped "SPIARSEN" set on the south line of said Lot 1X;

EXHIBIT "A"
DESCRIPTION OF PROPERTY cont.

THENCE N 89°32'38" E, 15.00 feet along the south line thereof to the POINT OF BEGINNING with the subject tract containing 373,514 square feet or 8.574 acres of land.

METES AND BOUNDS DESCRIPTION – OVERALL

BEING a tract of land situated in the F. Dosser Survey, Abstract No. 280, City of Allen, Collin County, Texas, the subject tract being a portion of a tract conveyed to Stacy & Chelsea, L.P. according to the deed recorded in Document No. 20090820001045560 of the Deed Records, Collin County, Texas (DRCCT), with the subject tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod with plastic cap stamped "SPIARSENG" set on the west line of Chelsea Boulevard, a variable width public right-of-way created by the final plat of Starcreek Phase Three, an addition to the City of Allen, recorded in Cabinet 2009, Page 375, Plat Records, Collin County, Texas (PRCCT), for the northeast corner of Lot 1, Block A, Stacy-Chelsea Commercial Addition, an addition recorded in Cabinet 2011, Page 348 PRCCT;

THENCE S 88°52'08" W, 286.97 feet along the north line of Lot 1 to an "X" set in concrete on the east line of Lot 2, Block A, Stacy-Chelsea Commercial Addition, an addition recorded in Cabinet 2012, Page 420 PRCCT;

THENCE N 01°07'52" W, 44.30 feet along the east line of Lot 2 to an "X" set in concrete for the northeast corner thereof;

THENCE continuing along the common line of Lot 2, the following:

S 89°32'30" W, 87.54 feet to an "X" set in concrete;

A tangent curve to the right having a central angle of 18°47'52", a radius of 200.00 feet, a chord of N 81°03'34" W - 65.32 feet, an arc length of 65.62 feet to an "X" set in concrete;

S 19°47'16" W, 18.06 feet to an "X" set in concrete;

N 70°12'44" W, 74.00 feet to an "X" set in concrete;

S 19°47'16" W, 55.02 feet to a 5/8" iron rod with plastic cap found;

And around a non-tangent curve to the right having a central angle of 41°35'16", a radius of 105.25 feet, a chord of S 40°29'36" W - 74.73 feet, passing at an arc length of 9.49 feet a 5/8" iron rod with plastic cap found for the upper southwest corner of said Lot 2, and continuing a total arc distance of 76.39 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

THENCE around a non-tangent curve to the left having a central angle of 61°08'51", a radius of 68.88 feet, a chord of S 25°10'49" W - 70.07 feet, an arc length of 73.51 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

EXHIBIT "A"
DESCRIPTION OF PROPERTY cont.

THENCE S 01°07'58" E, 173.57 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set on the north line of Stacy Road, a variable width public right-of-way, and from which a 60d nail found for the southwest corner of said Lot 2 bears N 88°52'02" E, 153.69 feet;

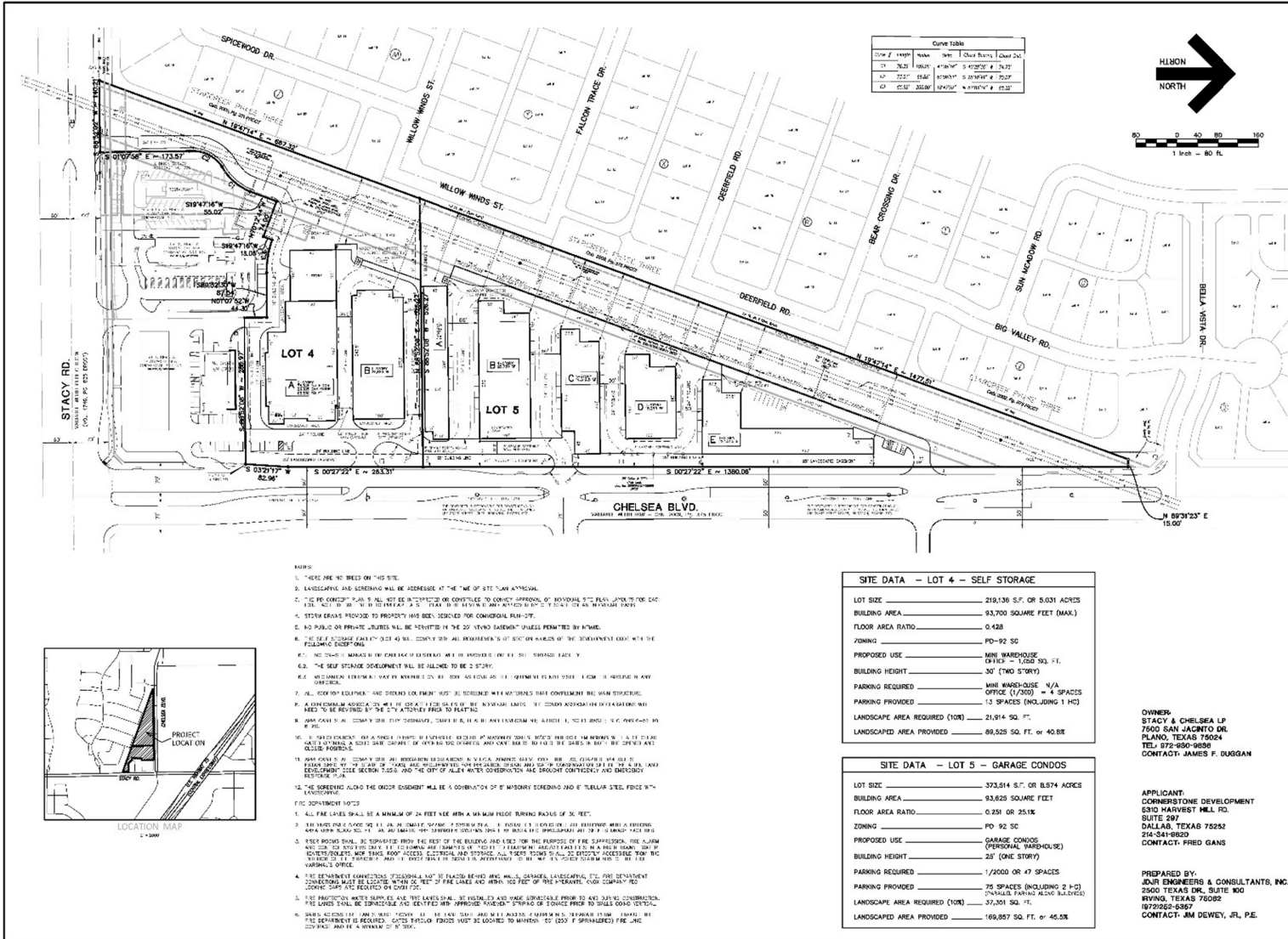
THENCE S 88°52'02" W, 140.21 feet along the north line of Stacy Road to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set for the southeast corner of Starcreek Phase Three;

THENCE N 19°47'14" E, 2,144.84 feet along the lower east line thereof to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

THENCE N 89°32'38" E, 15.00 feet along the south line thereof to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set on the west line of Chelsea Boulevard;

THENCE S 00°27'22" E, 1,643.36 feet along the west line thereof to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set;

THENCE S 03°21'17" W, 82.96 feet continuing along the west line thereof to the POINT OF BEGINNING with the subject tract containing 592,650 square feet or 13.605 acres of land.



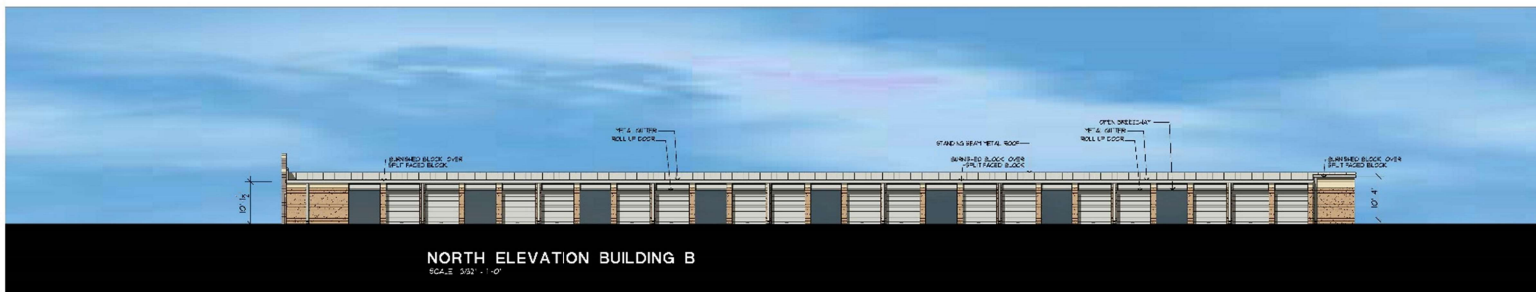
SHEET TITLE PD CONCEPT PLAN	
DATE: 4-29-2016	
SCALE: 1" = 80'	
DRAWN BY: JDJR	
CHECKED BY: JDJR	
SHEET NO.	
<div style="text-align: center;"> 1 of 1 </div>	
JDJR FILE NO. '68-59-15	

EXHIBIT “B”
CONCEPT PLAN



A1
50911A, 504926

EXHIBIT "C"
BUILDING ELEVATIONS cont.



LOT 4
SELF STORAGE

HWY 121 at CHELSEA BLVD

ALLEN, TX

Kaufman Design Group
ARCHITECTURE

A2
SHEET 04 00-006



BUILDING B WEST ELEVATION (TYP INTERIOR END ELEV)

SCAF 302' - 1-G



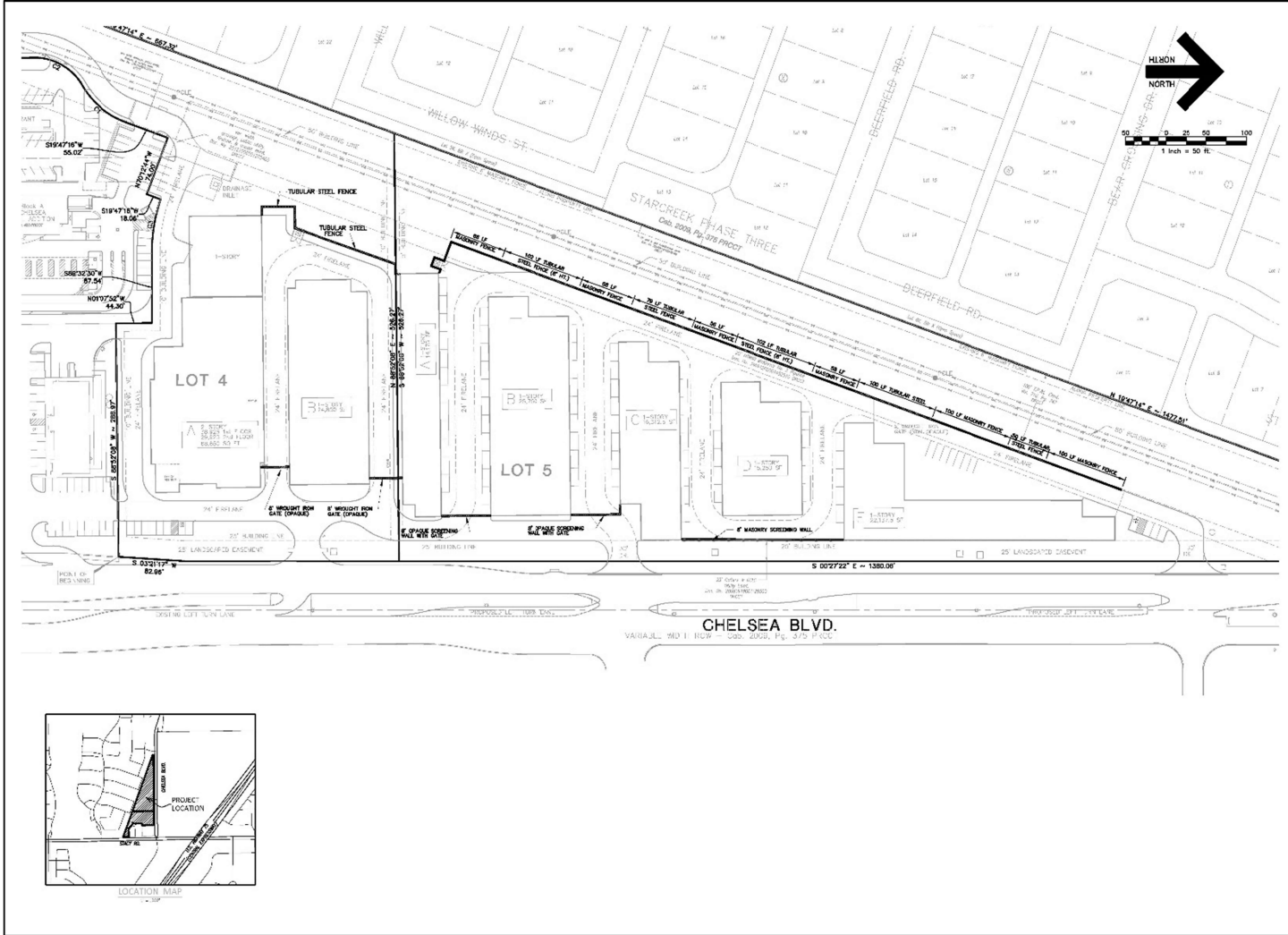
SCALE: 3/32" = 1'-0"



SCALE 2/2X - T-2

HWY 121 at CHELSEA BLVD ALLEN, TX

A3
SUBTITLE 624006



JDJR ENGINEERS & CONSULTANTS, INC.
LSRF REGISTRATION NUMBER F-4827
ENGINEERS • SURVEYORS • LAND PLANNERS
2800 Westline Blvd. Ste. 200 Irving, Texas 75039
Tel: 972.255.1200 Fax: 972.255.2200

PROJECT: PROPOSED SELF STORAGE AND GARAGE CONDOS AT STACY RD. AT CHELSEA BOULEVARD ALLEN, TEXAS

REVISIONS	
NO. 1	11/1/2016
1/1/16	1" = 50' SCALE
1/1/16	1" = 50' SCALE
1/1/16	1" = 50' SCALE
1/1/16	1" = 50' SCALE
1/1/16	1" = 50' SCALE

SHEET TITLE
SCREENING PLAN

DATE: 4-29-2016
SCALE: 1" = 50'
DRAWN BY: JDJR
CHECKED BY: JDJR

SHEET NO.
1 OF **1**
JDJR FILE NO. 185-59-13

EXHIBIT "D"
SCREENING PLAN