

**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 GRANTING SPECIFIC USE PERMIT NO. 148 AUTHORIZING THE PROPERTY DESCRIBED AS LOTS 1 AND 2, BLOCK A, HARLEY-DAVIDSON ALLEN ADDITION, CITY OF ALLEN, COLLIN COUNTY, TEXAS, PRESENTLY ZONED PLANNED DEVELOPMENT NO. 55 (PD 55) FOR COMMERCIAL/OFFICE “C/O” TO BE USED FOR A MINOR AUTOMOTIVE REPAIRS USE; ADOPTING A SITE PLAN, LANDSCAPE 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 Zoning Map of the City of Allen, Collin County, Texas, be amended by granting Specific Use Permit No. 148 authorizing the property described as Lots 1 and 2, Block A, Harley-Davidson Addition, City of Allen, Collin County, Texas (the “Property”), which is presently zoned Planned Development No. 55 for Commercial/Office “C/O” (PD 55) to be used for a Minor Automotive Repair use.

**SECTION 2.** The Property shall be used only in the manner and for the purposes provided for in the Allen Land Development Code Zoning Regulations, as heretofore amended, and PD 55, and, if developed and used as a Minor Automotive Repairs use in accordance with this Specific Use Permit No. 148 shall be subject to the following special conditions:

- A. The Specific Use Permit granted hereby is expressly limited to the area of the Property shown in the Site Plan attached hereto as Exhibit “A,” and incorporated herein by reference.
- B. The use and development of the Property as a Minor Automotive Repairs use shall be only in accordance with the Site Plan attached as Exhibit “A,” in accordance with the Landscape Plan attached as Exhibit “B,” and the Building Elevations set forth in Exhibit “C,” attached hereto and incorporated herein by reference.
- C. Only Halle Properties LLC, dba Discount Tire Company of Texas, Inc., is authorized by this Ordinance to use the Property for a Minor Automotive Repairs use.

**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 13<sup>TH</sup> DAY OF SEPTEMBER 2016.**

**APPROVED:**

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**Stephen Terrell, MAYOR**

**APPROVED AS TO FORM:**

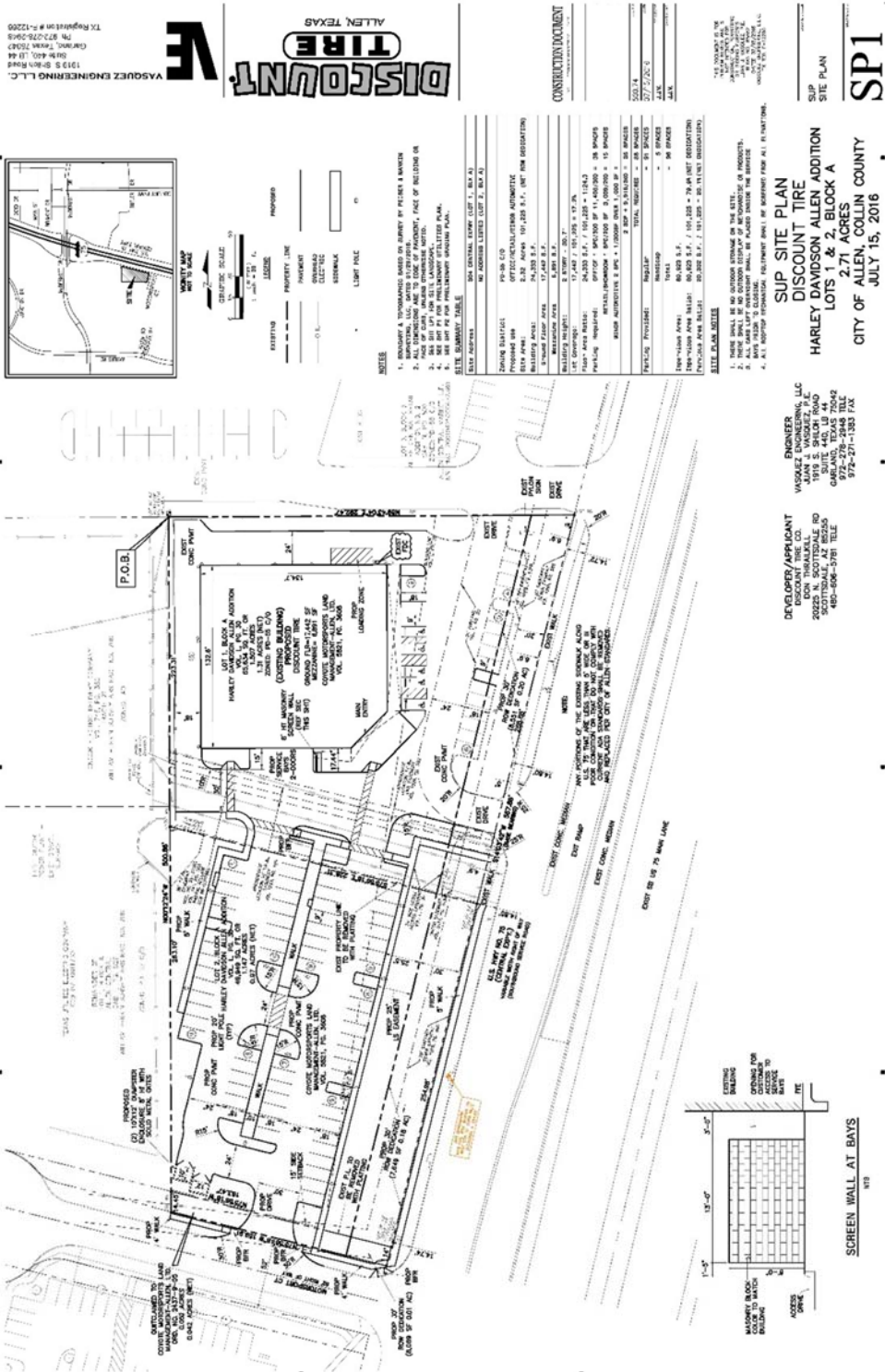
**ATTEST:**

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**Peter G. Smith, CITY ATTORNEY**  
(kbl:8/29/16:78643)

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**Shelley B. George, TRMC, CITY SECRETARY**



**EXHIBIT “B”**

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# EXHIBIT "C" ELEVATIONS



3. COLOR / PAINT NOTES
- 1. HANDBRAKE/STAIRS COLOR TO MATCH "DARK BROWN" #33
  - 2. INTERIOR BRICK "BRIGHT SAND"
  - 3. PAINT SHOWN PLUMBING IS "DARK BROWN"
  - 4. INTERIOR ROOF TILE TO MATCH "DARK BROWN"
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REV. 03  
DATE: 06/21/2016  
JOB NO.: TXD 10994

Sheet No.  
**A4**

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**CONCEPTUAL ELEVATIONS**  
304 SOUTH CENTRAL EXPWY  
ALLEN, TEXAS

THESE ELEVATIONS ARE PRELIMINARY AND NOT TO BE USED FOR CONSTRUCTION. THEY ARE FOR INFORMATIONAL PURPOSES ONLY. ANY CHANGES TO THE DESIGN SHALL BE MADE IN WRITING AND SIGNED BY THE ARCHITECT. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREIN.

