

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. 152 TO ALLOW A 13,095 SQUARE FOOT PORTION OF THE BUILDING LOCATED ON LOT 1, BLOCK A OF LOTS 1 AND 2, ALLEN BUSINESS CENTER II (ALSO KNOWN AS 718 S. GREENVILLE AVENUE) PRESENTLY ZONED PLANNED DEVELOPMENT NO. 3 LIGHT INDUSTRIAL “LI” TO BE USED FOR A GYMNASTIC AND SPORTS TRAINING FACILITY USE; PROVIDING 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, be amended by granting Specific Use Permit No. 152 for a 13,095 square foot portion of the building depicted on Exhibit “A,” and attached hereto and incorporated herein by reference, located on Lot 1, Block A of Lots 1 and 2, Allen Business Center II (also known as 718 S. Greenville Avenue) (the “Property”), which is presently zoned Planned Development No. 3 Light Industrial “LI,” to be used for a Gymnastics and Sports Training Facility 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 as amended herein, subject to the following special conditions:

- A. The Specific Use Permit granted hereby is expressly limited to the area of the Property shown as shaded and labeled “Alliance Cheer” on Exhibit “A” hereto.
- B. Only Alliance Cheer, LLC is authorized by this Ordinance to use the Property for a Gymnastics and Sports Training Facility.
- C. Use of the Property for conducting group classes shall be solely between the hours of 4:30 p.m. through 9:30 p.m. on Mondays through Fridays; 10:00 a.m. through 6:00 p.m. on Saturdays; and 1:00 p.m. through 9:00 p.m. on Sundays.
- D. Use of the Property for conducting tournaments, show cases, or other special events in association with the Gymnastics and Sports Training Facility use shall be limited to 10:00 a.m. through 6:00 p.m. on Saturdays; and 1:00 p.m. through 9:00 p.m. on Sundays.

- E. Use of the Property for general office use, conducting employee training, and teaching of individual student lessons in association with the Gymnastics and Sports Training Facility use may be conducted at times in addition to and other than the times set forth in Paragraphs C and D, above.
- F. The minimum number of off-street parking spaces required by Section 7.04.1 of the Allen Land Development Code that would otherwise be required by using the portion of the Property shown on Exhibit "A" as a Gymnastics and Sports Training Center may be reduced to one hundred nineteen (119) for so long as (i) the portion of the Property labeled on Exhibit "A" as "Alliance Cheer" is used only for a Gymnastics and Sports Training Center and (ii) the facts set forth in the parking study attached hereto as Exhibit "B" and incorporated herein by reference relating to the operations of the Property and those who jointly use the parking areas as noted in the parking study remain substantially unchanged.
- G. The number of participants at tournaments, show cases, or other similar special events (inclusive of, but not limited to, contestants, spectators, judges, coaches, event coordinators, employees, volunteers, and others who will be present on the Property during such events) conducted in association with the Gymnastics and Sports Training Facility use shall be limited so that the number of vehicles parked on the lot on which the Property is located does not exceed available off-street parking on said lot.

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 14TH DAY OF FEBRUARY 2017.

APPROVED:

Stephen Terrell, MAYOR

APPROVED AS TO FORM:

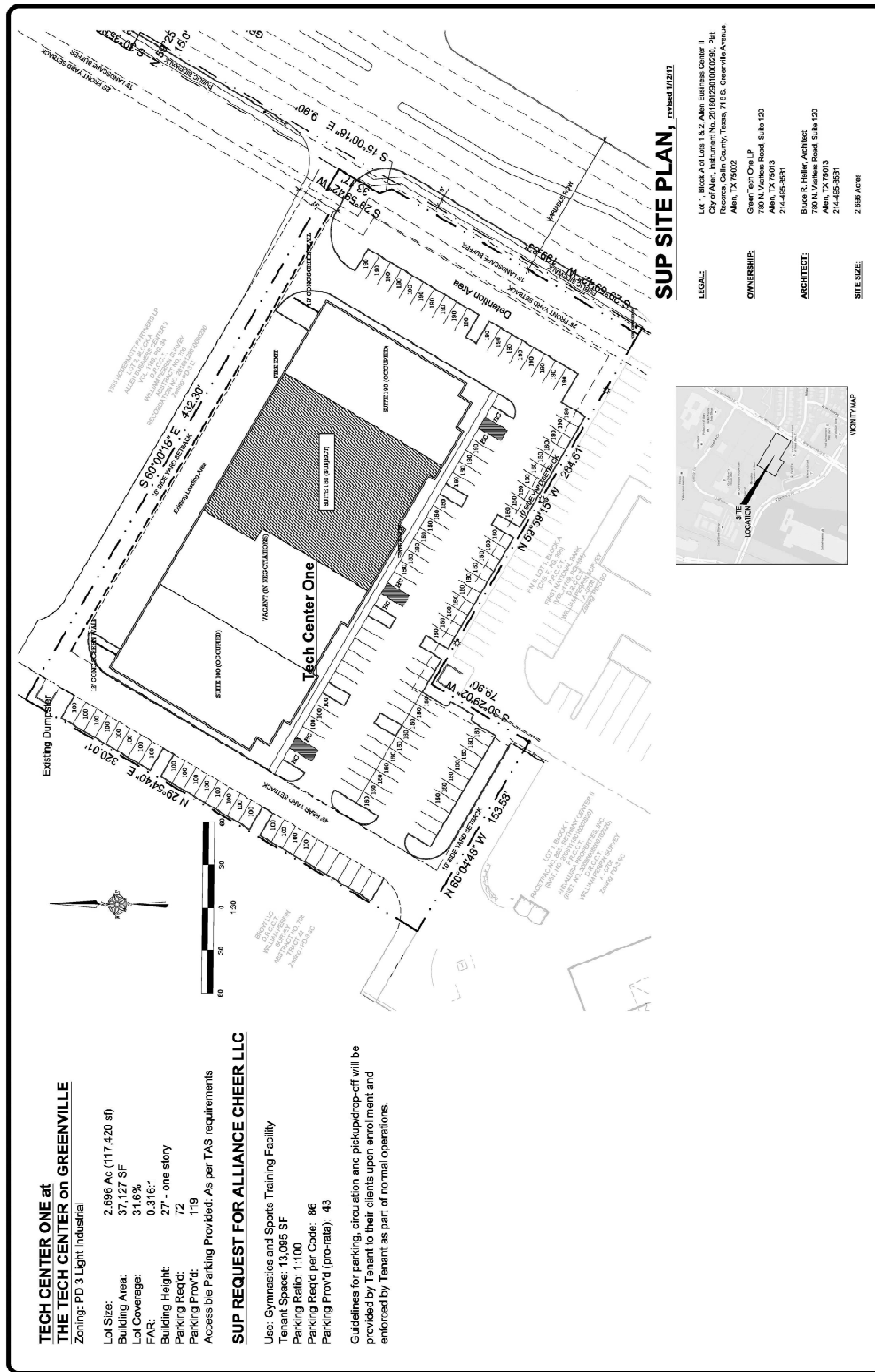
ATTEST:

Peter G. Smith, CITY ATTORNEY (kbl:2/8/17:83351)

Shelley B. George, TRMC, CITY SECRETARY

EXHIBIT "A"

Site Plan



**EXHIBIT “B”
PARKING STUDY**

See separate attachment.