ORDINANCE NO.	ORDINANCE NO.	
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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, RELATING TO THE USE AND DEVELOPMENT OF A 59.629± ACRE TRACT OF LAND IN THE CHADRICK JACKSON SURVEY, ABSTRACT NO. 489, PRESENTLY ZONED AS "CC" CORRIDOR COMMERICAL BY CHANGING THE ZONING TO CREATE "PD" PLANNED DEVELOPMENT NO. 127 WITH A BASE ZONING OF CORRIDOR COMMERICAL "CC" AND MULTIFAMILY RESIDENTIAL "MF-18" AND ADOPTING DEVELOPMENT REGULATIONS, A CONCEPT PLAN, BUILDING ELEVATIONS, AND A SIGN PLAN; 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 relating to the use and development of 59.629± acres of land in the Chadrick Jackson Survey, Abstract No. 489 described in "Exhibit A," attached hereto and incorporated herein by reference, ("the Property") which is presently zoned "CC" Corridor Commercial by changing the zoning to create "PD" Planned Development No. 127 with a base zoning of Corridor Commercial "CC" and Multifamily Residential "MF-18" 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 applicable provisions of the Allen Land Development Code, as amended, ("ALDC") except to the extent modified by the Development Regulations set forth below:

A. BASE ZONING DISTRICT:

- (1) The portion of the Property shown as "Tract 1" on the Concept Plan attached hereto as Exhibit "B," and incorporated herein by reference ("the Concept Plan"), shall be developed and used in accordance with "CC" Corridor Commercial zoning regulations except as provided herein.
- (2) The portion of the Property shown as "Tract 2" on the Concept Plan shall be developed and used in accordance with the Multifamily Residential "MF-18" zoning regulations except as provided herein.

- **B. CONCEPT PLAN:** The Property shall be developed in general conformance with the Concept Plan. 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.
- **C. LANDSCAPING:** Trees required to be planted may be planted in groupings to provide a more dramatic impact of the landscaping upon approval of the Director of Parks and Recreation or his designee.
- **D. BUILDING ELEVATIONS:** The buildings constructed and/or reconstructed on Tract 1 of the Property shall be developed in general conformance with the Building Elevations (style and materials) attached hereto as Exhibit "C," and incorporated herein by reference.
- **E. SIGNS:** The signage for the Property shall be in general conformance with the Concept Plan and the sign elevations attached hereto as Exhibit "D," and incorporated herein by reference. The pylon and monument signs shall be used exclusively to identify the retail center constructed on Tract 1 and the owners and tenants of buildings located on Tract 1.
- **F. SETBACKS:** All buildings constructed on the Property must comply with the following minimum setbacks:
 - (1) 100 feet from State Highway 121/Sam Rayburn Tollway ("SH121") Frontage Road and
 - (2) 25 feet from Custer Road.
- **G. UTILITIES:** All existing and new powerlines on the site shall be placed underground prior to issuance of a Certificate of Occupancy for the first building constructed anywhere on the Property.
- **H. SCREENING:** The developer shall construct an eight foot (8.0') tall masonry screening wall where shown on the Concept Plan.

I. PARKING AND ACCESS EASEMENTS:

- (1) Prior to approval of any plat subdividing the Property, a cross-access easement for vehicle and pedestrian travel as well as cross-easements for parking shall be granted between and among all lots within the Property.
- (2) Restaurants developed in association with Retail/Restaurant Buildings 6 through 10 as shown on the Concept Plan shall require a parking ratio of 0.75 cars per 100 square feet of floor area of the buildings.

J. TRAFFIC:

- (1) The location of driveways shown on the Concept Plan providing ingress and egress to and from the Property to and from SH 121 may be adjusted without requiring an amendment to the Concept Plan based on driveway permits issued by the Texas Department of Transportation (TxDOT) upon application made by the owner and/or developer of the Property through the City's Department of Engineering.
- (2) The location of driveways shown on the Concept Plan providing ingress and egress to and from the Property to and from Custer Road must be approved jointly by the City and the City of Plano and may be adjusted based on that approval without requiring an amendment to the Concept Plan.

- (3) All driveways providing access to and from SH 121 or Custer Road shall be constructed with throat-depths in accordance with applicable standards set forth in the ALDC or other design criteria approved by the Director of Engineering.
- (4) Deceleration lanes and related roadway illumination shall be constructed at each driveway contemporaneously with the construction of each driveway providing access to Custer Road or SH 121.
- (5) Prior to issuance of the first Certificate of Occupancy for any building constructed on the Property, and subject to adjustment based on final designs approved by the Director of Engineering or designee and the City of Plano, improvements to the medians within Custer Road, including construction of new left turn bays and adjustment to existing left-turn bays serving others, shall be constructed in accordance with the Concept Plan, subject to the following additional conditions:
 - (a) The proposed dual left turn lanes on southbound Custer Road at its intersection with the most southern driveway into the Property shall not conflict with the existing northbound left turn lane to the extent that a split phase operation of a future signal would be required;
 - (b) The left turn lane from southbound Custer Road into the central driveway marked as a "Major Access Point" on the Concept Plan shall be designed and constructed to avoid conflict with the proposed extension of the northbound left turn lane on approach to SH 121 to be designed by others); and
 - (c) The driveway on Custer Road marked as a "Major Access Point" on the Concept Plan shall be designed and constructed to prohibit southbound left turns when exiting the Property.
- (6) Prior to approval of the first final plat for the Property, the owner and/or developer of the Property shall enter into an agreement with the City providing for, among other things, payment to the City of \$300,000 with such funds to be held by the City until such funds are expended to pay costs related to the design and construction of a traffic signal at the intersection of Custer Road and the southern driveway into the Property shown on the Concept Plan.
- **K. DETENTION/RETENTION:** On-site detention ponds determined at the time of platting to be required must be designed and constructed in a manner consistent with the nature and character of the development of the Property as shown on the Concept Plan as determined by the Director of Community Development.
- **L. URBAN LIVING:** The use and development of Tract 2 shall be subject to the following:
 - (1) Shall be constructed with urban styling conceptually similar to the Urban Living Renderings attached hereto as Exhibit "E" and incorporated herein by reference;
 - (2) Not less that seventy percent (70%) of all parking spaces shall be located in an on-site parking structures and garages constructed in association with residential units' construction on Tract 2;
 - (3) The parking ratio shall be at not less than 1.5 parking spaces per residential unit;
 - (4) The maximum building height shall be four (4) stories, except that no building located within 100 feet of the adjacent single family residential zoning district shall exceed the lesser of two (2) stories or thirty (30) feet in height.

- (5) No open balconies or decks may be constructed above the ground floor on a wall facing the adjacent single family residential zoning district;
- (6) All residential units must be accessed by climate controlled enclosed interior;
- (7) No Building Permit shall be issued for any building to be constructed on Tract 2 until Commencement of Construction has occurred with respect to one-third (1/3) of the collective air conditioned floor area of the total square footage shown on the Concept Plan. For purpose of this paragraph (7), the phrase "Commencement of Construction" with respect to a building means (i) the plans have been prepared and all approvals thereof required by applicable governmental authorities have been obtained for construction of the building, (ii) all necessary permits for the construction of the building have been issued by the applicable governmental authorities and (iii) the building slab is complete and construction of the vertical elements of the building has commenced.

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 11^{TH} DAY OF APRIL 2017.

	APPROVED:
	Stephen Terrell, MAYOR
APPROVED AS TO FORM:	ATTEST:
Peter G. Smith, CITY ATTORNEY (kbl:3/28/17:84822)	Shelley B. George, TRMC, CITY SECRETARY

EXHIBIT "A" LEGAL DESCRIPTION

Being a 59.629 acre tract or parcel of land situated in the Shadrick Jackson Survey, Abstract No. 489, in the City of Allen, Collin County, Texas, and being all of a tract of land conveyed to Mixon Investment Company, Inc. (herein called Mixon #1) by deed recorded in Volume 5131, Page 4246 of the Land Records of Collin County, Texas, and being all of a tract of land conveyed to Mixon Investment Company, Inc. (herein called Mixon #2) by deed recorded in Volume 803, Page 446 of the Deed Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at an Aluminum TxDOT Monument found for the northwest corner of said Mixon #1 tract, and being the intersection of the south line of State Highway 121 (variable width R.O.W.) and the east line of Custer Road (variable width R.O.W.);

THENCE along the north line of said Mixon #1 tract, same being the south line of State Highway 121, the following courses and distances:

North 67° 05' 32" East, a distance of 251.46 feet, to a ½" iron rod set with yellow plastic cap stamped "SGI RPLS 3664";

North 69° 37' 04" East, a distance of 361.25 feet, to a found Aluminum TxDOT Monument;

North 62° 37' 46" East, a distance of 469.30 feet, to an Aluminum TxDOT Monument found at the intersection of the south line of State Highway 121 and the west line of an unimproved road, and being in the northeast corner of said Mixon #1 tract;

North 61° 56' 45" East, a distance of 47.05 feet, along the south line of State Highway 121, to an Aluminum TxDOT Monument found at the intersection of the south line of State Highway 121 and the east line of an unimproved road, and being the northwest corner of said Mixon #2 tract;

THENCE along the north line of Mixon #2 tract, same being the south line of State Highway 121, the following courses and distances:

North 62° 37′ 53" East, a distance of 268.62 feet, to a ½" iron rod set with yellow plastic cap stamped "SGI RPLS 3664";

North 67° 04' 46" East, a distance of 544.66 feet, to a ½" iron rod with yellow plastic cap stamped "SGI RPLS 3664" set in the beginning of a non-tangent curve to the left, having a radius of 23140.58 feet, and a delta angle of $00^{\circ}45'12$ " (chord bears: North $66^{\circ}42'05$ " East, a distance of 304.23 feet);

Continuing along said curve to the left, an arc distance of 304.23 feet, to a ½" iron rod set with yellow plastic cap stamped "SGI RPLS 3664";

North 66° 19' 29" East, a distance of 306.91 feet, to a ½" iron rod with yellow plastic cap stamped "SGI RPLS 3664" set for the northeast corner of said Mixon #2 tract, and being the northwest corner of a tract of land conveyed to Briar Ridge Investments, Ltd., by deed recorded in Instrument Number 20150429000486420 of the Official Public Records of Collin County, Texas;

THENCE South 00° 37' 08" East, a distance of 275.61 feet, along the west line of said Briar Ridge tract, same being the east line of said Mixon #2 tract, to a ½" iron rod set with yellow plastic cap stamped "SGI RPLS 3664";

THENCE South 01° 34' 27" East, a distance of 1350.87 feet, along the west line of said Briar Ridge tract, same being the east line of said Mixon #2 tract, to a ½" iron rod with yellow plastic cap stamped "SGI RPLS 3664" set for the southeast corner of said Mixon #2 tract, and being the northeast corner of a tract of land conveyed to

Our Lady of Angels Parish, by deed recorded in Volume 5291, page 384 of the Deed Records of Collin County, Texas, and being in the west line of said Briar Ridge tract, and being in the approximate centerline of West Rowlett Road (County Road 113);

THENCE South 89° 15' 17" West, along the south line of said Mixon #2 tract, and being the approximate centerline of West Rowlett Road, passing at a distance of 1019.39 feet, the northwest corner of said Our Lady of Angels Parish tract, and being the northeast corner of Creekside at Ridgeview Addition, Phase 2, recorded in Instrument Number 2013040410000930 of the Official Public Records of Collin County, Texas, and continuing for a total distance of 1319.68 feet, to a ½" iron rod with yellow plastic cap stamped "SGI RPLS 3664" set in the southwest corner of said Mixon #2 tract, and being at the intersection of the approximate centerline of West Rowlett Road, and the east line of an unimproved road;

THENCE South 89° 15' 17" West, a distance of 34.45 feet, along the north line of Creekside at Ridgeview Addition, Phase 2, same being the approximate centerline of West Rowlett Road, to a ½" iron rod with yellow plastic cap stamped "SGI RPLS 3664" set for the southeast corner of said Mixon #1 tract, and being in the intersection of the approximate centerline of West Rowlett Creek and the west line of an unimproved road;

THENCE South 89° 15' 17" West, along the south line of said Mixon #1 tract, and being the approximate centerline of West Rowlett Road, passing at a distance of 52.19 feet, the northwest corner of Creekside at Ridgeview Addition, Phase 2, and being the northeast corner of a tract of land conveyed to the City of Allen (herein called Allen #1), by deed recorded in Instrument Number 20120228000228500 of the Land Records of Collin County, Texas, passing at a distance of 178.88 feet, the northwest corner of said Allen #1 tract, and being the northeast corner of a tract of land conveyed to the City of Allen (herein called Allen #2), by deed recorded in Instrument Number 2012022400021570 of the Land Records of Collin County, Texas, passing at a distance of 428.05 feet, the northwest corner of said Allen #2 tract, and being the northeast corner of a tract of land conveyed to Gulf Coast Package, Ltd., by deed recorded in Collin County Clerk's File Number #94-0060164, of the Land Records of Collin County, Texas, and continuing for a total distance of 894.76 feet, to a found "X" cut in concrete, for the southwest corner of said Mixon #2 tract, and being the northwest corner of said Gulf Coast tract, and being in the east line of Custer Road (variable width R.O.W.), and being the beginning of a non-tangent curve to the left, having a radius of 1858.70 feet, and a delta angle of 04° 27' 50" (chord bears: North 07° 44' 53" West, a distance of 144.78 feet);

THENCE along the west line of said Mixon #1 tract, same being the east line of Custer Road, the following courses and distances:

Continuing along said curve to the left, an arc distance of 144.81 feet, to a ½" capped iron rod found;

North 06° 23' 45" West, a distance of 63.19 feet, to a ½" iron rod with yellow plastic cap "SGI RPLS 3664" set in the beginning of a non-tangent curve to the left, having a radius of 1047.56 feet, and a delta angle of 15° 21' 53" (Chord Bears: North 14° 01' 00" West, a distance of 280.08 feet);

Continuing along said curve to the left, an arc distance of 280.02 feet, to a ½" iron rod with yellow plastic cap stamped "SGI RPLS 3664" set in the beginning of a non-tangent curve to the right, having a radius of 1712.02 feet, and a delta angle of 00° 59' 51" (Chord Bears: North 22° 11' 53" West, a distance of 29.81 feet), to a ½" iron rod set with yellow plastic cap stamped "SGI RPLS 3664";

North 22° 41′ 14″ West, a distance of 91.01 feet, to a found Aluminum TxDOT Monument;

North 66° 35' 04" East, a distance of 8.08 feet, to a found Aluminum TxDOT Monument;

THENCE North 30° 22' 23" East, along the west line of said Mixon #1 tract, same being the east line of Custer Road, a distance of 25.14 feet, to the POINT OF BEGINNING, and containing 2,597,447 square feet or 59.629 acres of gross land area, save and except 40,281 square feet or 0.925 acres of unimproved road, for a total area of 2,557,166 square feet or 58.704 acres of land, more or less.

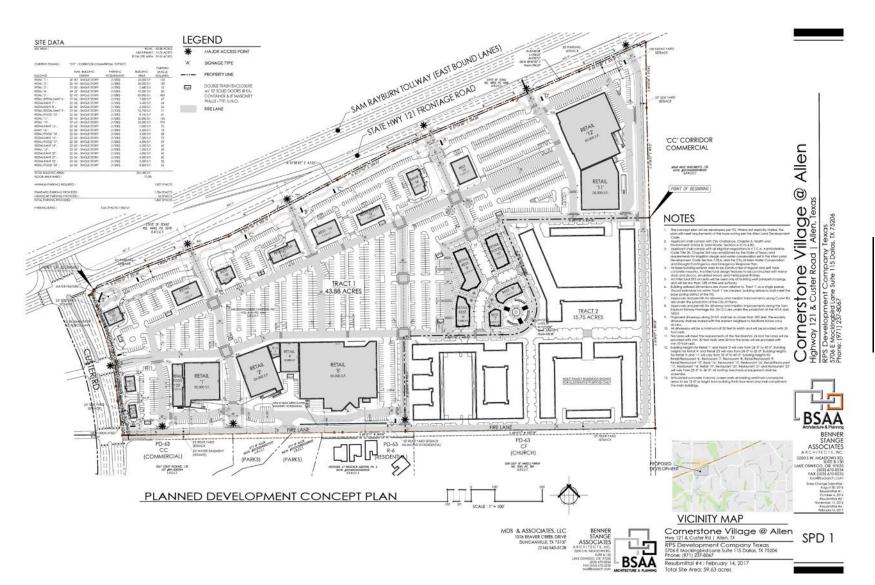


EXHIBIT "B" CONCEPT PLAN

STUCCOWALL FNISHES



EXHIBIT (C.)

BUILDING ETERATIONS - Luster Road | Allen Escas | Highway 121 & Custer Road | Allen Escas | Highway 121 & Custer Road | Allen Escas | Highway 121 & Custer Road | Allen Escas | Allen Escas | Highway 121 & Custer Road | Allen Escas | Highway 121 & Custer Road | Allen Escas | Highway 121 & Custer Road | Allen Escas | Highway 121 & Custer Road | Allen Escas | Highway 121 & Custer Road | Highway 121 & Custer R

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EXHIBIT "C"
BUILDING ELEVATIONS - TRACT 1 cont.

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Cornerstone Village @ Allen Highway 121 & Custer Road | Allen, Texas RFS Development Company Texas TOLE Mackingfall and Sulte 115 Datas, 187226

EXHIBIT "C"
BUILDING ELEVATIONS - TRACT 1 cont.



PD3



SOUTH ELEVATION



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EXHIBIT "C" BUILDING ELEVATIONS - TRACT 1 cont.

Cornerstone Village @ Highway 121 & Custer Road | Allen, Texas RPS Development Company Texas S70 & Reackgood (one Sulle 115 Datas, TX 75206 Prone; (971), 237-808

Allen

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NORTH ELELVATION



WEST ELELVATION



EAST ELELVATION

METAL ROCK STUCCO WALL PHISHES

- CULUMD STOVE

SOUTH ELEVATION SOUTH

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Cornerstone Village @ Allen Highway 121 & Custer Road | Allen, Texas RPS De velopment Company Texas singe Levelopment Company Texas Proces (1971) 221-2020

EXHIBIT "C"
BUILDING ELEVATIONS - TRACT 1 cont.



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EXHIBIT "C" BUILDING ELEVATIONS - TRACT 1 cont.



EXHIBIT "D" SIGNAGE



Cornerstone Village @ Allen Highway 12 & Custer Road | Allen, Texas RPS Development Company Texas 5046 Hordingbat Libra Sule 115 Dallas, TX 75206

PD7





SIGN 'E'







ARCHITECTURAL IMAGERY REFERENCE Highway 121 and Custer Allen, Texas





2808 Fairmount Street, Suite 300 Dallas, Texas 75201 | 214.303.1500

3300 West 7th Street, Suite 110 Fort Worth, Texas 76107 | 817,303.1500













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