

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE ZONING REGULATIONS, AND ZONING MAP, AS PREVIOUSLY AMENDED, BY GRANTING A CHANGE IN ZONING FROM CORRIDOR COMMERCIAL “CC” TO PLANNED DEVELOPMENT “PD” NO. 129 CORRIDOR COMMERCIAL “CC” FOR DATA CENTER USES ON A 12.614± ACRE PORTION OF LOT 2R, BLOCK A, ALLEN COMMERCE CENTER ADDITION, BEING FURTHER DESCRIBED IN EXHIBIT “A” ATTACHED HERETO; ADOPTING DEVELOPMENT REGULATIONS, A CONCEPT PLAN, BUILDING ELEVATIONS, AND A SCREENING PLAN; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING FOR 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, the City Council has concluded that the Allen Land Development Code Zoning Regulations and Zoning Map of the City of Allen, Texas, as previously amended, should be further amended as follows:

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 amended, be further amended by granting a change in zoning from Corridor Commercial “CC” District, to Planned Development “PD” No. 129 Corridor Commercial “CC” for Data Center Related Uses on 12.614± acres of land out of Lot 2R, Block A, Allen Commerce Center, City of Allen, Collin County, Texas, described in Exhibit “A,” attached hereto, and being made a part hereof for all purposes (referred to hereafter as “the Property”).

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

- A. BASE ZONING DISTRICT:** The Property shall be developed and used only in accordance with Corridor Commercial “CC” Zoning District regulations except as otherwise provided herein.
- B. CONCEPT PLAN:** The Property shall be developed and used only in accordance with the Concept Plan attached hereto as Exhibit “B,” and incorporated herein by reference.
- C. BUILDING ELEVATIONS:**
 - (1) The buildings constructed on the Property shall be designed, developed and used only in accordance with the Building Elevations attached hereto as Exhibit “C,” and incorporated herein by reference.

- (2) Building elevations may include metal wall louvers, metal panels, and exposed aggregate concrete walls which may be significant components of the building facades.
- (3) Buildings are not required to have a minimum glazing percentage.

D. SCREENING PLAN, SCREENING, AND FENCES:

- (1) Screening walls and/or fences shall be constructed on the Property in accordance with the Screening Plan attached hereto as Exhibit “D,” and incorporated herein by reference.
- (2) Construction of all screening walls and fences shall be completed and approved by the Director of Community Development or designee prior to issuance of a certificate of occupancy for any building constructed on the Property.
- (3) Service yards shall be screened as shown on the Concept Plan.
- (4) Fences are permitted at any location on the Property, including within twenty (20) feet of intersections; provided, however, such fences shall at all time comply with City’s site distance requirements in the ALDC or other applicable City ordinances. Perimeter fencing shall be between eight and ten feet in height, excluding the height of the pickets, unless otherwise approved on a Concept Plan or Site Plan. Security fences may be topped with outward turned pickets which may extend an additional two feet above the maximum height permitted by this subsection. Perimeter fencing may be constructed of impact resistant steel, wrought iron or any other material identified on an approved Concept Plan or Site Plan. The security fencing for the equipment yard along the west and north sides of the Property may be eight to ten feet in height, black epoxy coated chain link as shown on the Concept Plan. Staff may require City Council review and approval of any Site Plan showing perimeter fencing that does not meet the height or material requirements of this subsection.
- (5) In addition to fences, perimeter security bollards, berms, vehicle barriers, boulders, knee-walls, and retaining walls shall be allowed as part of a continuous perimeter security system.
- (6) Mechanical equipment, exhaust stacks, and water storage tanks may be visible above screen walls or parapet conditions, provided the majority is screened from grade level view at the property line.

E. PERMITTED USES: The Property may be developed and used for any purpose allowed in the Corridor Commercial “CC” Zoning District as well as the following additional uses:

- (1) Data Center uses. For purposes of this ordinance, “Data Center” means a centralized repository for the storage, management, processing, conversion, and dissemination of data and information which may also house equipment that supports communications network infrastructure. The Data Center developed on the Property may house equipment that includes, but is not limited to, computers, servers, data storage devices, and related equipment reasonable necessary for the operation and support of the Data Center functions and use including colocation. Accessory uses may be developed in association with and in support of the development and use of the Data Center on the Property, including offices and accessory structures that include water storage tanks, cooling towers, network systems, fuel storage tanks, guardhouses and security offices, storage, chillers, electrical transformers, and engine generators.
- (2) For purposes of this ordinance, the term “load bank” means a device that develops an electrical load, applies the load to an electrical power source, and converts or dissipates the resultant

power output of the source for the purpose of placing electrical systems under load for periodic maintenance testing.

- (3) On-site electricity generation in accordance with the City of Allen noise ordinance, except as otherwise provided herein for emergencies. Any other on-site wind or solar generation must be clearly depicted on the Concept Plan or Site Plan. City staff may require City Council review and approval of any on-site electricity generation facilities shown on a Site plan if the facilities are visible from an adjacent public street.
 - (4) On-site water wells may be installed solely for irrigation and emergency use only.
 - (5) Utility substation allowed upon approval of a Specific Use Permit in accordance with the ALDC.
 - (6) Fuel storage and water storage shall be allowed on the Property in either above or below ground tanks, provided that tank construction and installation complies with applicable State law. There shall be no volume limits on fuel or water storage; provided, however, use of fuel and water stored on the Property shall be restricted to providing power or water supply to the data center or its related operations. Fuel and water storage facilities shall be located in the service yard and screened from public street view.
 - (7) Surface gas well drilling is prohibited on the Property.
- F. MINIMUM YARD DEPTH AND WIDTH:** There is no minimum setback for fencing or guardhouses. Fencing and guardhouses shall be subject to site distance requirements in the Allen Land Development Code. Guard houses and gates shall provide for a turnaround of a WB-65 vehicle without the vehicle being required to reenter the street.
- G. OFF-STREET PARKING AND LOADING:** Off-street parking shall be provided as shown on the Concept Plan, or as otherwise approved on a Site Plan.
- H. ACCESS:** Access shall be provided as generally shown on the Concept Plan. Divided entry drives shall be allowed. Driveway spacing as shown on the Concept Plan shall be allowed.
- I. LANDSCAPING:** The Property shall be developed in accordance with the landscaping requirements applicable to the Corridor Commercial “CC” Zoning District except as otherwise shown on the Concept Plan or an approved Site Plan or in instances in which security or LEED certification requirements necessitate modifications to the landscaping requirements applicable to the Corridor Commercial “CC” Zoning District. Without limiting the generality of the foregoing, low water planting material selections and yard maintenance procedures necessary to achieve LEED certification may be approved at the time of Site Plan approval. Any Site Plan that does not meet the landscaping requirements applicable to the Corridor Commercial “CC” Zoning District due to security or LEED certification requirements may be submitted to the City Council for review and approval.
- J. PROJECT PHASING AND SCHEDULING:** The Property may be developed in at least three phases.

K. MISCELLANEOUS:

- (1) The Concept Plan shall meet the submittal requirements of a Concept Plan and a General Development Plan, and the Concept Plan thus serves as the General Development Plan required by the Subdivision Regulations.
- (2) Lighting that does not meet the technical requirements of ALDC Section 7.03. may be approved at the time of Site Plan approval to the extent the modifications to lighting are necessary (a) to achieve credit towards LEED certification; (b) for security in connection with a data center use; or (c) for the typical operations of a data center use.
- (3) The operation of generators and other emergency equipment is allowed during and to the extent of any emergency as needed to maintain operations of the data center for a period not to exceed 45 days. The City Manager may approve an extension of said 45-day period following receipt and review of a written request for such extension setting forth the nature of the emergency and the reasons for the extension. Noise levels associated with the use of emergency equipment, including, but not limited to, generators, are permitted to exceed the maximum noise levels authorized by the City of Allen Code of Ordinances during said 45-day period as extended.
- (4) Except as otherwise set forth in this Ordinance, there are no restrictions on:
 - (a) The hours of operation of a data center or its accessory uses, including, but not limited to, the hours of operation for generators, water storage tanks, or other uses or structures; or
 - (b) The staging and use of emergency vehicles and structures on the Property, including, but not limited to, mobile water trucks, mobile fuel trucks, mobile generators, mobile load banks, and mobile chillers.
- (5) Construction activities during initial construction of the data center it is permitted to occur on a 24 hour/7 day per week basis and weekends in two and three shifts.
- (6) Additional Detention outside of existing facilities shall not be required.

L. DETENTION POND MAINTENANCE: Owner shall provide the City a copy of a fully-executed agreement that perpetually provides for routine maintenance and establishes responsibilities for cost related to the detention pond and related facilities, acceptable in form to the City of Allen, prior to application for building permit for the first building to be constructed on the Property.

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, 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, 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 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 of the caption 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 9TH DAY OF MAY 2017.

APPROVED:

Stephen Terrell, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY
(kbl:4/13/17:85304)

Shelley B. George, CITY SECRETARY

EXHIBIT "A"
DESCRIPTION OF PROPERTY

A tract of land situated in the George Phillips Survey, Abstract No. 701, City of Allen, Collin County, Texas, and being part of Lot 2, Block A, Allen Commerce Center Addition, an addition to the City of Allen, Collin County, Texas according to the plat recorded in Volume 2016, Page 772, Official Public Records of Collin County, Texas, and being part of a called 96.656 acre tract of land described in deed to Allen Commerce Center, L.P. recorded in Instrument No. 20061127001670390 of said Official Public Records; and being more particularly described as follows:

COMMENCING at a 1/2-inch iron rod with "WIER ASSOC. INC." cap found at the intersection of the west right-of-way line of U.S. Highway No. 75 (a variable width right-of-way) and the north right-of-way line of Allen Commerce Parkway (a variable width right-of-way) and being the beginning of a curve to the left having a central angle of 14°55'08", a radius of 885.00 feet, a chord bearing and distance of North 76°22'02" West, 229.79 feet;

THENCE with said north right-of-way line of Allen Commerce Parkway, the following courses and distances:

In a northwesterly direction, with said curve to the left, an arc distance of 230.44 feet to a 5/8-inch iron rod with "KHA" cap set for the POINT OF BEGINNING, and being the beginning of a curve to the left having a central angle of 6°29'33", a radius of 885.00 feet, a chord bearing and distance of North 87°04'26" West, 100.23 feet;

In a northwesterly direction, with said curve to the left, an arc distance of 100.28 feet to a 1/2-inch iron rod with "WIER ASSOC. INC." cap found for corner;

South 89°40'47" West, a distance of 391.04 feet to a 5/8-inch iron rod with "KHA" cap found for the southeast corner of Lot 1, Block A of said Allen Commerce Center Addition;

THENCE departing said north right-of-way line of Allen Commerce Parkway and with the west line of said Lot 1, North 5°14'12" East, a distance of 1,044.69 feet to a 5/8-inch iron rod with "KHA" cap found in the south line of Lot 2R, Block A, Replat Ridgeview Memorial Park, an addition to the City of Allen according to the plat recorded in Cabinet M, Page 460, Map Records of Collin County, Texas, and being the northeast corner of said Lot 1;

THENCE with said south line of Lot 2R, South 85°57'06" East, a distance of 376.39 feet to a 5/8-inch iron rod with "KHA" cap set;

THENCE departing said south line of Lot 2R, the following courses and distances:

South 4°02'54" West, a distance of 135.00 feet to a 5/8-inch iron rod with "KHA" cap set for corner;

South 85°57'06" East, a distance of 211.62 feet to a 5/8-inch iron rod with "KHA" cap set for corner;

South 5°14'12" West, a distance of 498.82 feet to a 5/8-inch iron rod with "KHA" cap set for corner;

South 29°30'30" West, a distance of 228.57 feet to a 5/8-inch iron rod with "KHA" cap set for corner;

South 8°25'23" West, a distance of 116.00 feet to a 5/8-inch iron rod with "KHA" cap set for corner;

South 6°10'19" West, a distance of 57.01 feet to the POINT OF BEGINNING and containing 12.614 acres or 549,447 square feet of land.

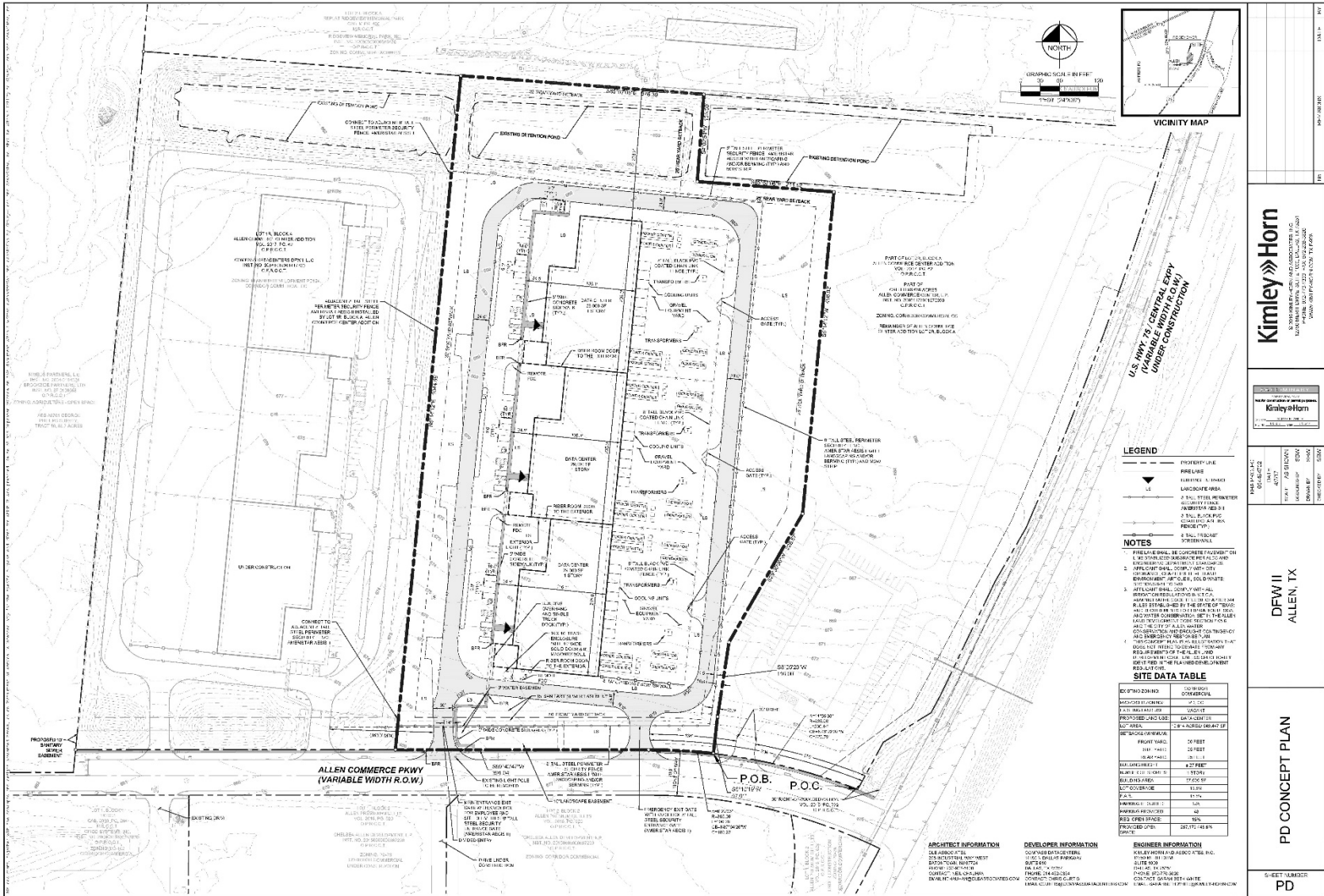


EXHIBIT "B"
CONCEPT PLAN

Kimley»Horn



DFW II
ALLEN, TX

PD CONCEPT PLAN

0-SHEET NUMBER
PD

EXHIBIT "C"
BUILDING ELEVATIONS

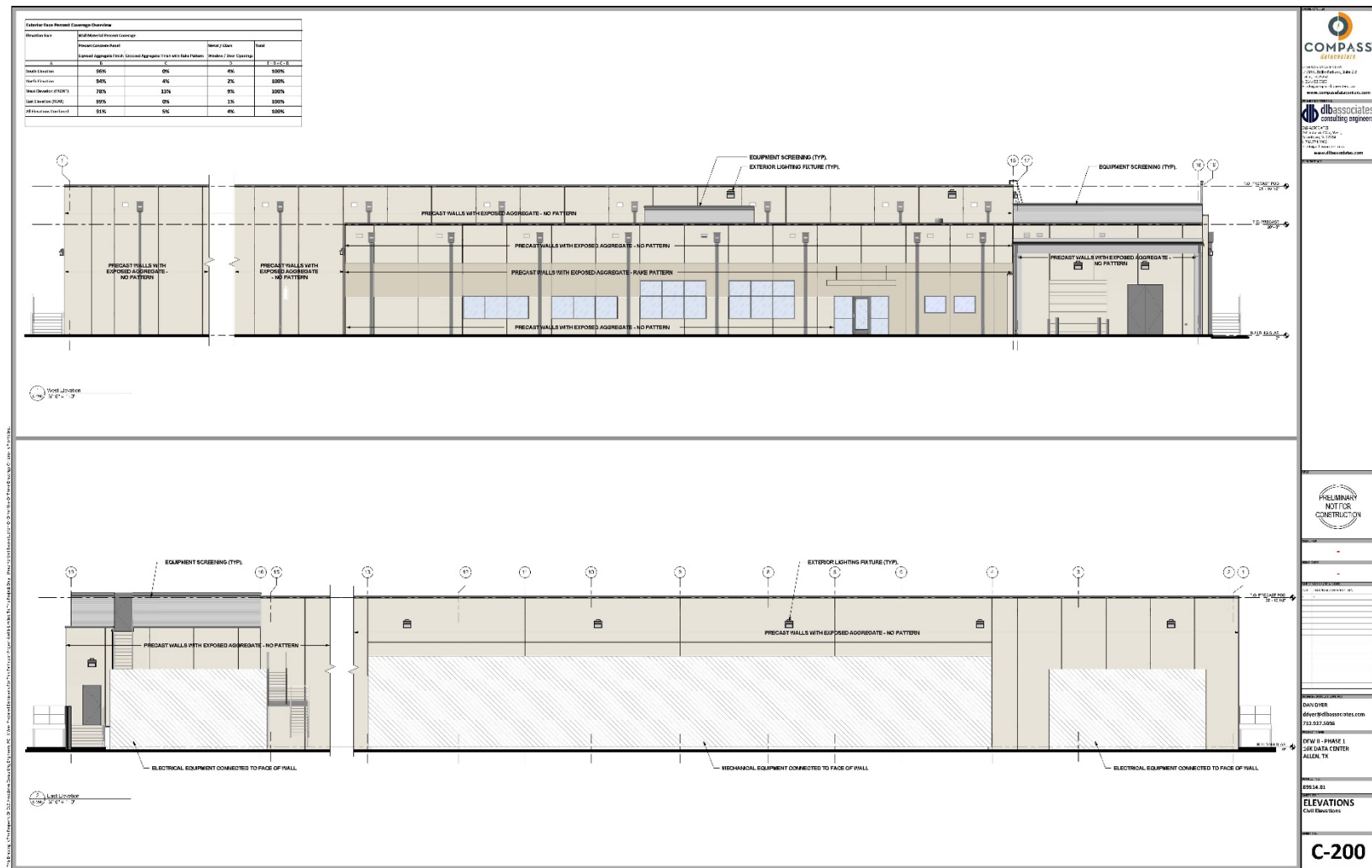


EXHIBIT "C"
BUILDING ELEVATIONS

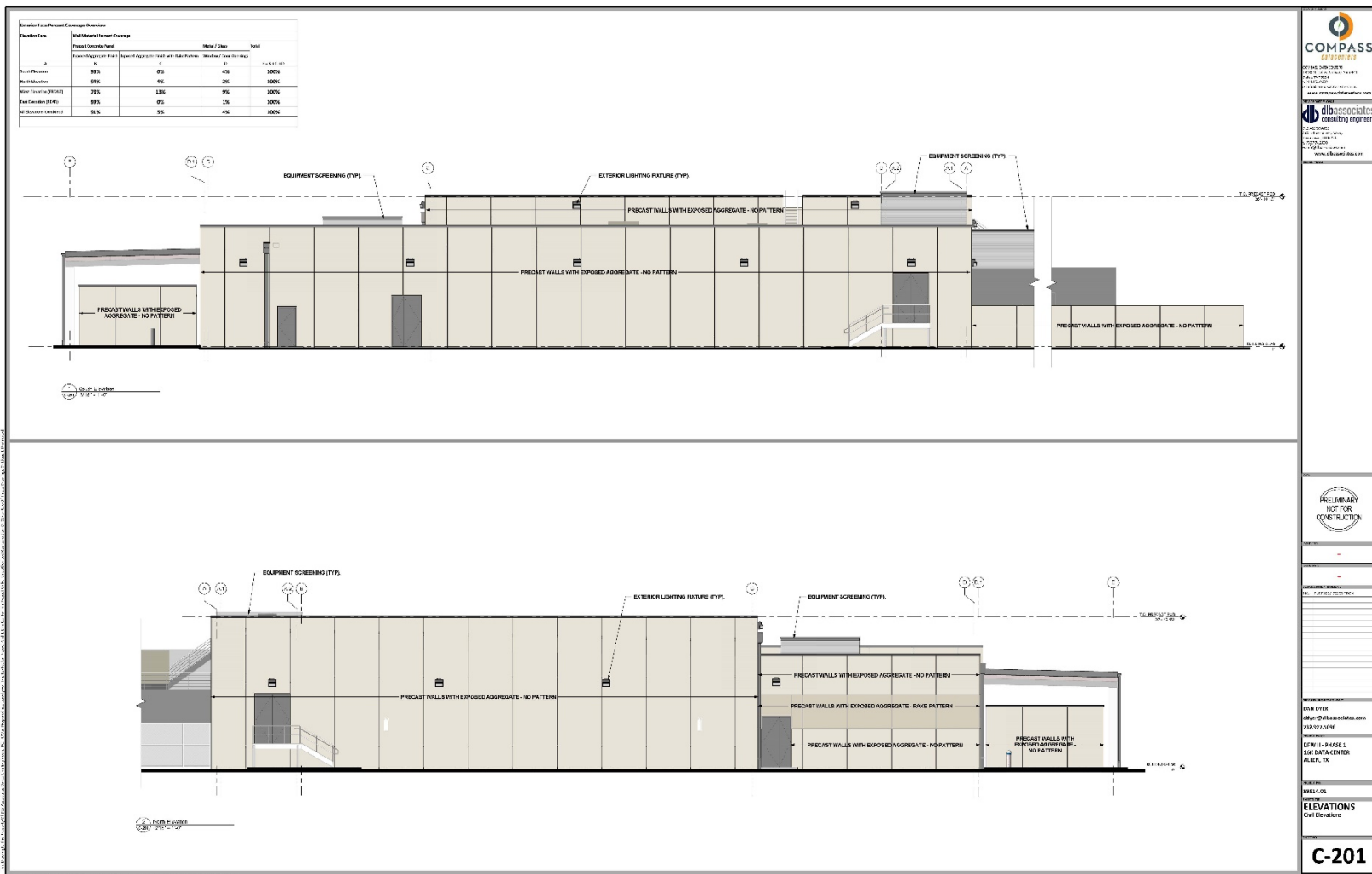




EXHIBIT "D"
SCREENING PLAN