

**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 AGRICULTURE OPEN SPACE "AO" TO PLANNED DEVELOPMENT "PD" NO. 130 FOR SINGLE FAMILY RESIDENTIAL "R-5" AND "R-6" ON 79.095± ACRES OUT OF THE FRANCIS DOSSER SURVEY, ABSTRACT NO. 280 AND THE G. PHILLIPS SURVEY, ABSTRACT NO. 701, 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, 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, Texas, as heretofore amended be amended by granting a change in zoning for 79.095± acres out of the Francis Dossier Survey, Abstract No. 280 and the G. Phillips Survey, Abstract No. 701 ("the Property") described in "Exhibit A," attached hereto and incorporated herein by reference, from Agriculture Open Space "AO" to Planned Development "PD" No. 130 for Single Family Residential "R-5" and "R-6," 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 as follows:

**A. BASE ZONING DISTRICT:** Except as otherwise provided in this Ordinance:

- (1) The portion of the Property west of Hilliard Drive and south of Baugh Drive shall be developed and used only in accordance with the regulations applicable to a Single-Family Residential District "R-5"; and
- (2) The portion of the Property east of Hilliard Drive and north of Baugh Drive shall be developed and used only in accordance with the regulations applicable to a Single-Family Residential District "R-6".

**B. 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 plat approval.

- C. BUILDING ELEVATIONS:** Buildings to be constructed on the Property shall be developed in general conformance with the materials and architectural style set forth on the Building Elevations attached hereto as Exhibit “C,” and incorporated herein by reference, and shall be further subject to the following:

- (1) The building materials of all sides of all elevations shall be 100% masonry.
- (2) Driveways shall be treated with textured and/or colored concrete.
- (3) Garage doors shall be enhanced with tongue and groove wood overlay or carriage house steel panel-patterned with or without glass.

- D. LOT DESIGN CRITERIA AND BUILDING SETBACKS:** The minimum lot dimensions and building setbacks for the lot types shown on the Concept Plan shall be modified as follows:

- (1) **“R-5” Lots:**

Minimum Lot Depth	110 feet
Minimum Rear Setback	10 feet
Minimum Side Setback	7 feet
Minimum Dwelling Unit Size	2,400 square feet

- (2) **“R-6” Lots:**

Minimum Lot Depth	110 feet
Minimum Side Setback	7 feet
Minimum Dwelling Unit Size	2,200 square feet

- (3) Maximum Gross Density: 3.5 units/acre.
- (4) The face of the exterior garage wall must be setback not less than twenty (20) feet from the front lot line. The face of the exterior garage for J-Swing garages must be setback not less than fifteen (15) feet from the front lot line.

- E. SCREENING:** Screening shall be constructed and/or installed along the boundaries of the Property in general conformance with the Screening Plan attached hereto as Exhibit “D.”

- F. FLOODPLAIN RECLAMATION:** The lot layout and developable area is contingent upon the developer proving that the floodplain reconfiguration complies with the City’s policy of prohibiting adverse impact to the 100-year fully urbanized floodplain through a rise or increase in velocity and/or a decrease in valley storage within the floodplain area.

**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 27<sup>TH</sup> DAY OF JUNE 2017.**

**APPROVED:**

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**Stephen Terrell, Mayor**

**APPROVED AS TO FORM:**

**ATTEST:**

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**Peter G. Smith, City Attorney**  
(kbl:6/16/17:87171)

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**Shelley B. George, TRMC, City Secretary**

**EXHIBIT "A"**  
**DESCRIPTION OF PROPERTY**

BEING, a tract of land situated in the Francis Dosser Survey, Abstract No. 280 and the G. Phillips Survey, Abstract No. 701 in City of Allen, Collin County, Texas, being part of a 93.557 acre tract, as described in Doc. No. 98-0114031 and Doc. No. 98-0114030 in the Deed Records of Collin County, Texas, being more particularly described as follows:

BEGINNING, at a ½ inch iron rod found at the southwest corner of a 14.4615 acre tract, as described in Doc. No. 20160610000727330 in said Deed Records and being in the north line of Star Creek Phase Six, an addition to the City of Allen, as described in Doc. No. 2012-458 in the Plat Records of Collin County, Texas, and being in the south line of said 93.557 acre tract;

THENCE, South 88°48'03" West, along the south line of said 93.557 acre tract and the north line of said Star Creek Phase Six, at 678.98 feet, passing the northwest corner of said Star Creek Phase Six and the northeast corner of Star Creek Phase Two, an addition to the City Of Allen, as described in Doc. No. 2007-250, in said Plat Records, and continuing for a total distance of 717.34 feet, to a ½ inch iron rod found at the southwest corner of said 93.577 acre tract;

THENCE, North 25°18'27" West, departing the north line of said Star Creek Phase Two and with the west line of said 93.557 acre tract, for a distance of 241.02 feet, to a ½ inch iron rod found, in the east line of said Star Creek Phase Two;

THENCE, North 00°47'40" West, along the west line of said 93.557 acre tract and the east line of said Star Creek Phase Two, at 296.08 feet, passing the northeast corner of said Star Creek Phase Two, and continuing for a total distance of 819.72 feet, to a 5/8 inch iron rod found at the northwest corner of said 93.557 acre tract being in the south line of Ridgeview Drive, as described in Doc. No. 20120927001220490;

THENCE, North 48°20'57" East, along the north line of said 93.557 acre tract and the south line of said Ridgeview Drive, for a distance of 287.45 feet, to a ½ inch iron rod found;

THENCE, North 42°04'15" East, continuing along said lines, for a distance of 283.30 feet, to a ½ inch iron rod found on a curve to the right, having a radius of 940.00 feet, a central angle of 35°24'33", and a tangent of 300.08 feet;

THENCE, continuing along said lines and with said curve to the right for an arc distance of 580.93 feet (Chord Bearing North 71°58'36" East - 571.73 feet), to a ½ inch iron rod found at the point of tangency;

THENCE, North 89°40'53" East, continuing along said lines, for a distance of 1047.01 feet, to a ½ inch iron rod found, at the point of curvature of a curve to the left, having a radius of 5060.00 feet, a central angle of 02°22'12", and a tangent of 104.66 feet;

THENCE, continuing along said north and south lines for an arc distance of 209.29 feet (Chord Bearing North 88°29'47" East – 209.28 feet), to a ½ inch iron rod found;

THENCE, South 88°53'56" East, continuing along said lines, for a distance of 150.33 feet, to a ½ inch iron rod found;

**EXHIBIT "A"**  
**DESCRIPTION OF PROPERTY cont.**

THENCE, North 87°17'12" East, continuing along said lines, for a distance of 214.95 feet, to a ½ inch iron rod found;

THENCE, South 50°12'48" East, continuing along said lines, for a distance of 29.49 feet, to a ½ inch iron rod found at the most easterly northeast corner of said 93.557 acre tract, and being in the west line of Chelsea Boulevard (Variable R.O.W.), as described in Doc. No. 20120927001220490 in said Deed Records;

THENCE, South 07°42'48" East, along the east line of said 93.557 acre tract and the west line of said Chelsea Boulevard, for a distance of 249.07 feet, to a ½ inch iron rod found;

THENCE, South 11°31'38" East, continuing along said east and west lines, for a distance of 150.33 feet, to a ½ inch iron rod found;

THENCE, South 07°42'48" East, continuing along said lines, for a distance of 255.35 feet, to a ½ inch iron rod found at the point of curvature of a curve to the right, having a radius of 3940.00 feet, a central angle of 06°54'51", and a tangent of 238.02 feet;

THENCE, continuing along said lines and with said curve to the right for an arc distance of 475.46 feet (Chord Bearing South 04°15'23" East – 475.17 feet), to a ½ inch iron rod found at the point of tangency;

THENCE, South 00°47'57" East, continuing along said lines, for a distance of 439.74 feet, to a ½ inch iron rod found in the north line of Star Creek Phase Four, an addition to City of Allen, as described in Doc. No. 2011-120, in said Plat Records and being the southeast corner of said 93.557 acre tract;

THENCE, South 88°48'03" West, along the south line of said 93.557 acre tract and with the north line of said Star Creek Phase Four, at 853.25 feet, passing a ½ inch iron found at the northwest corner of said Star Creek Phase Four and the northeast Corner of said Star Creek Phase Six, and continuing for a total distance of 1052.92 feet, to a ½ inch iron rod found at the southeast corner of said 14.4615 acre tract;

THENCE, North 01°11'57" West, departing said south line and along the east line of said 14.4615 acre tract, for a distance of 125.00 feet, to a ½ inch iron rod found;

THENCE, North 00°19'07" West, continuing along said east line, for a distance of 644.07 feet, to a ½ inch iron rod found at the most easterly northeast corner of said 14.4615 acre tract;

THENCE, North 45°19'07" West, along the north line of said 14.4615 acre tract, for a distance of 35.36 feet, to a ½ inch iron rod found;

THENCE, South 89°40'53" West, continuing along said north line, for a distance of 501.17 feet, to a ½ inch iron rod found;

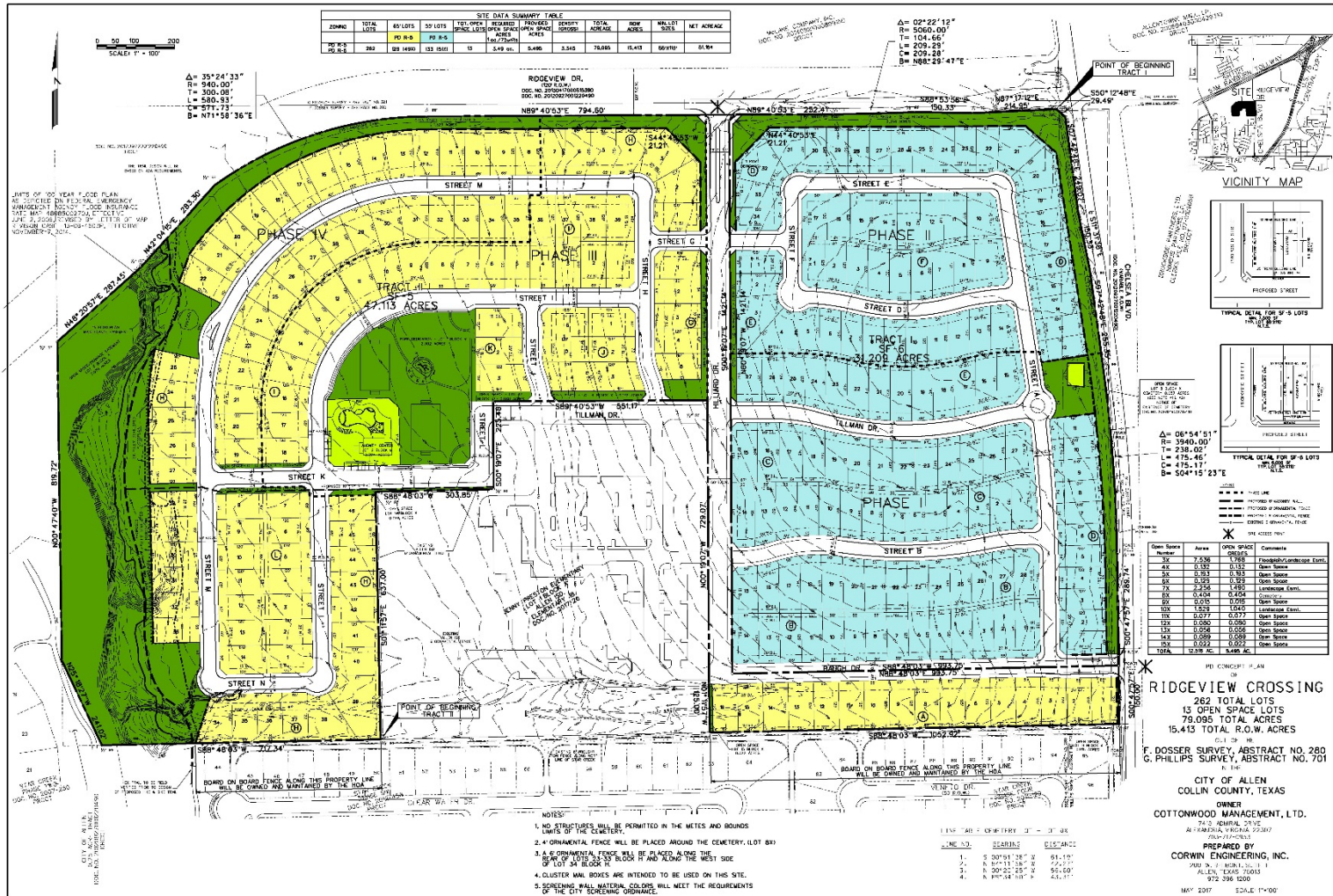
THENCE, South 44°40'53" West, continuing along said north line, for a distance of 35.36 feet, to a ½ inch iron rod found at the most westerly northwest corner of said 14.4615 acre tract;

**EXHIBIT "A"**  
**DESCRIPTION OF PROPERTY cont.**

THENCE, South 00°19'07" East, along the west line of said 14.4615 acre tract, for a distance of 140.46 feet, to a ½ inch iron rod found at an ell corner of said 14.4615 acre tract;

THENCE, South 88°48'03" West, along a north line of said 14.4615 acre tract, for a distance of 303.85 feet, to a ½ inch iron rod found at the most westerly northwest corner of said 14.4615 acre tract;

THENCE, South 01°11'57" East, along the west line of said 14.4615 acre tract, for a distance of 637.00 feet, to the POINT OF BEGINNING and containing 79.095 acres of land.



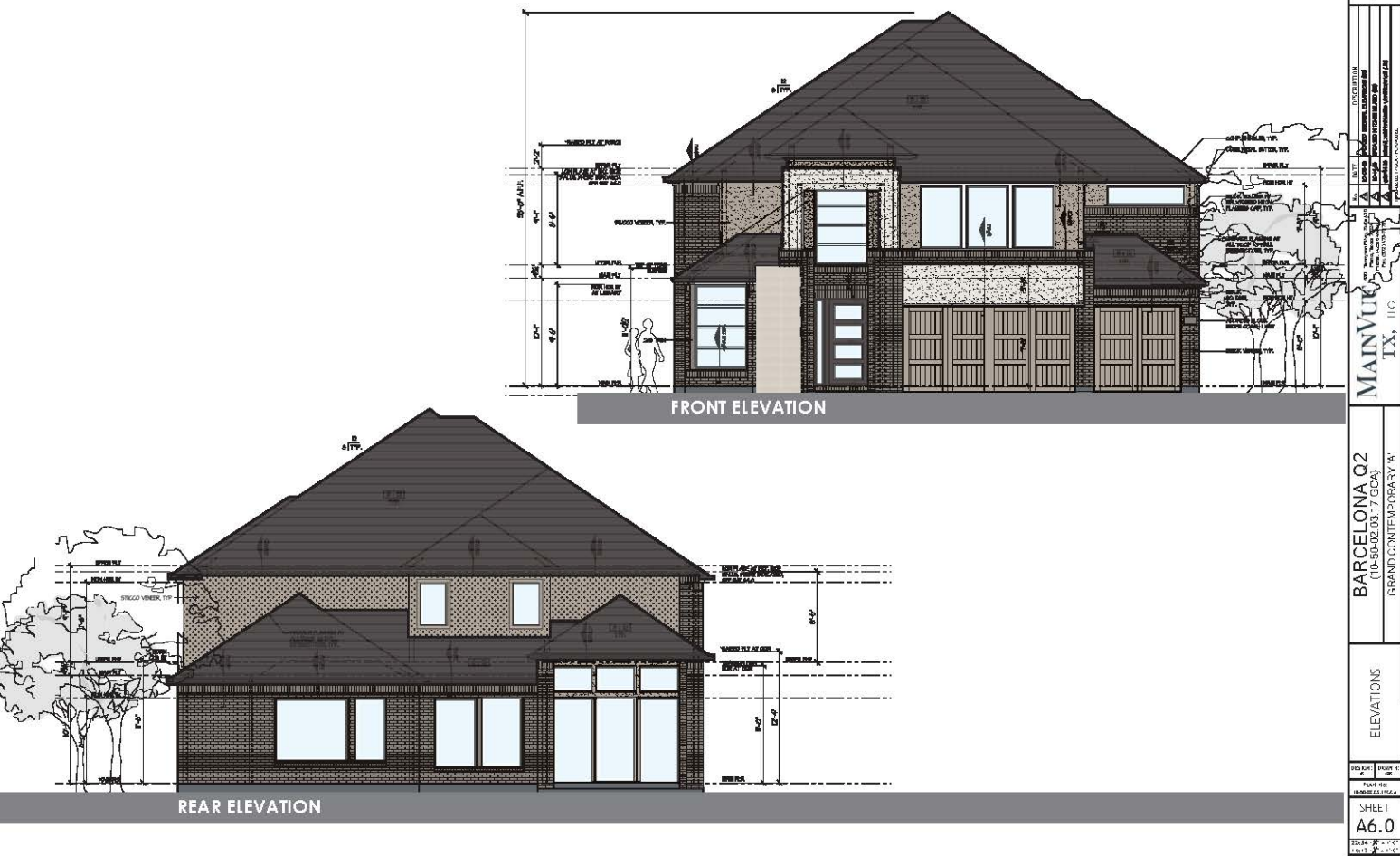


# MAINVIEW<sup>®</sup> HOMES

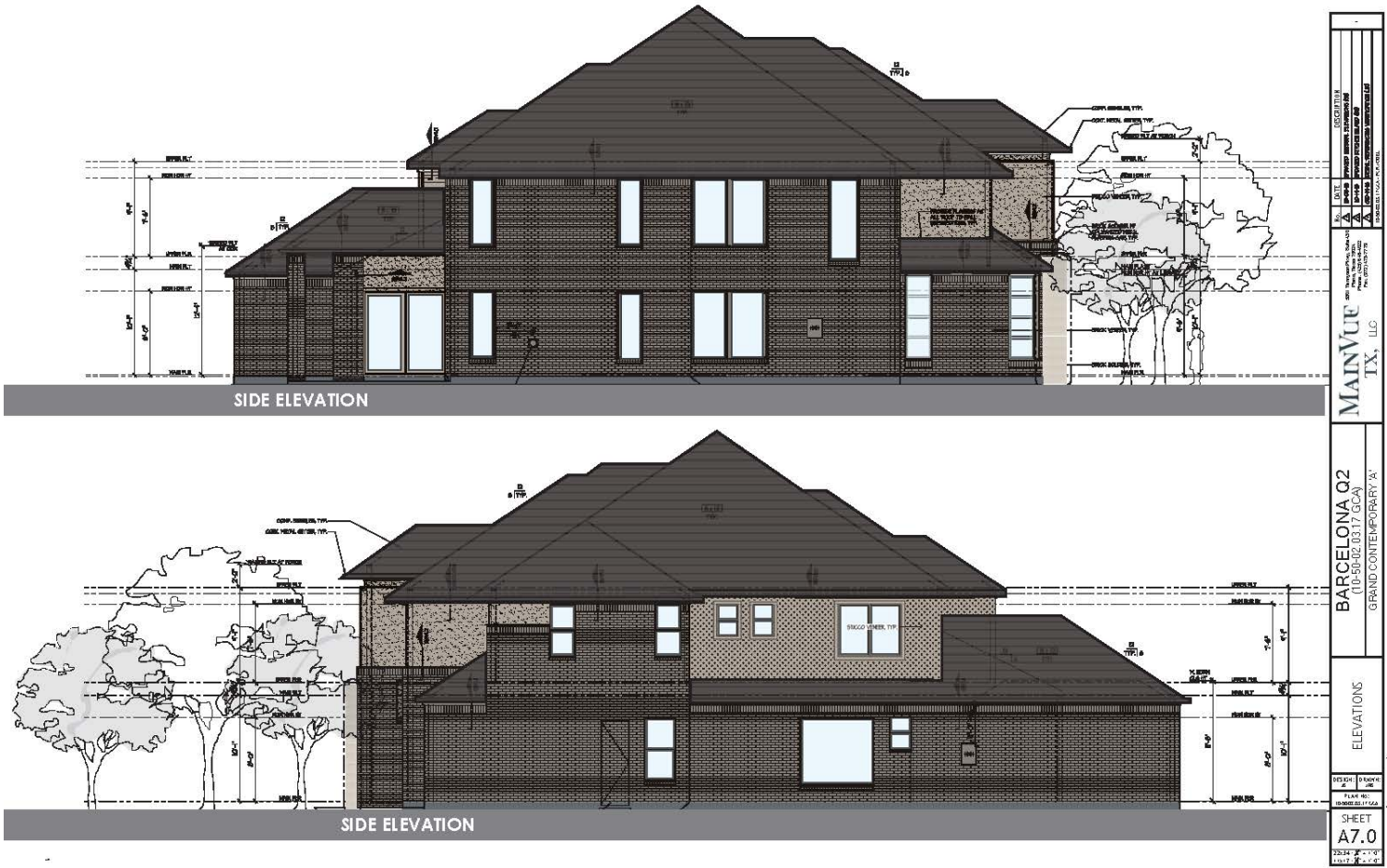


**BRIGHTON Q2**  
COSMOPOLITAN D FACADE SYTLE





**EXHIBIT "C"**  
**BUILDING ELEVATIONS cont.**

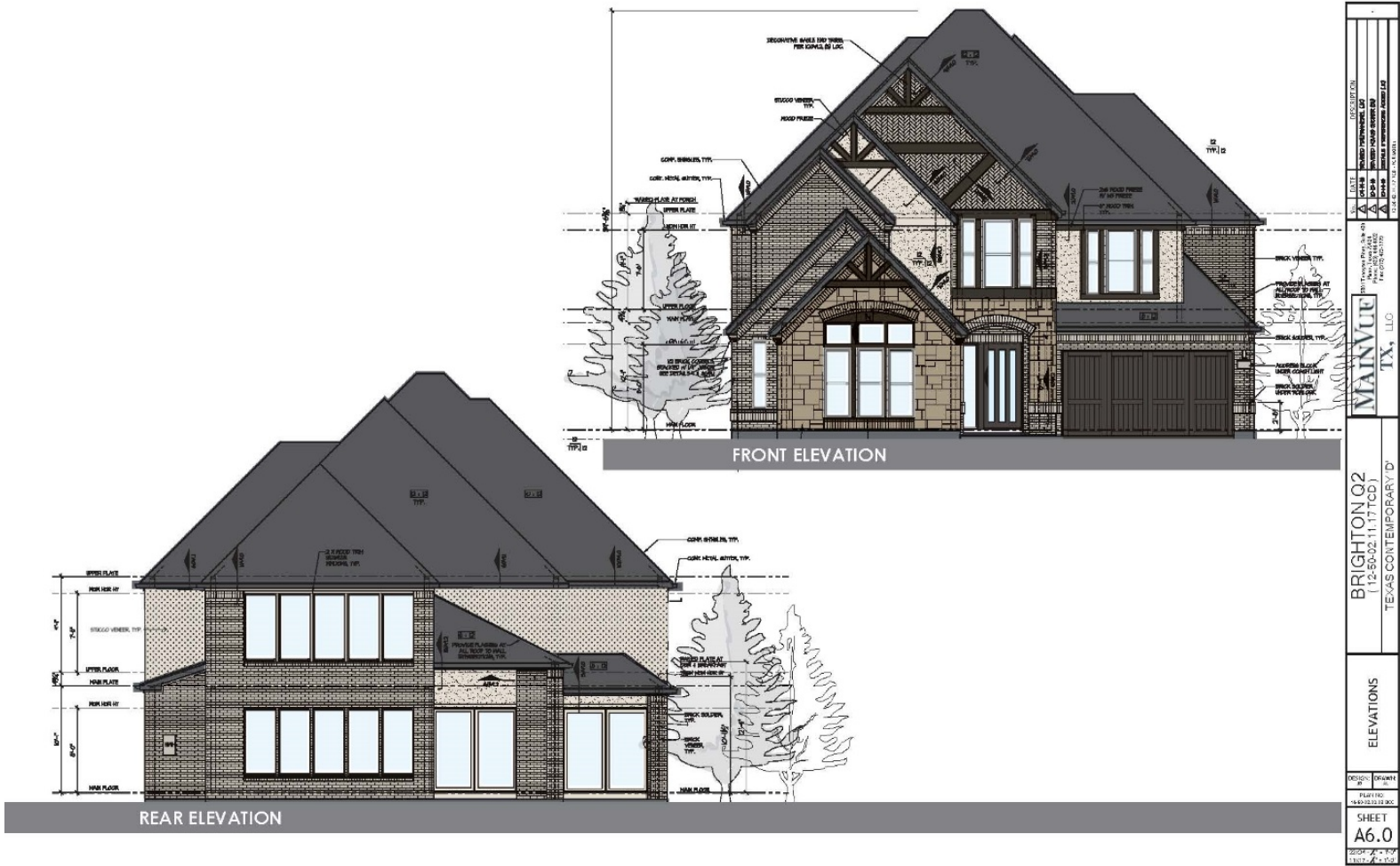


# MAINVUE<sup>®</sup> HOMES



**LYON Q2**  
COSMOPOLITAN A FACADE STYLE





**EXHIBIT "C"**  
**BUILDING ELEVATIONS cont.**



EXHIBIT "C"  
BUILDING ELEVATIONS cont.

MAINVUE<sup>®</sup>  
HOMES



**POSITANO Q2**  
URBANE B FACADE SYTLE



**EXHIBIT "C"**  
**BUILDING ELEVATIONS cont.**





EXHIBIT "C"  
BUILDING ELEVATIONS cont.

# MAINVUE<sup>®</sup> HOMES



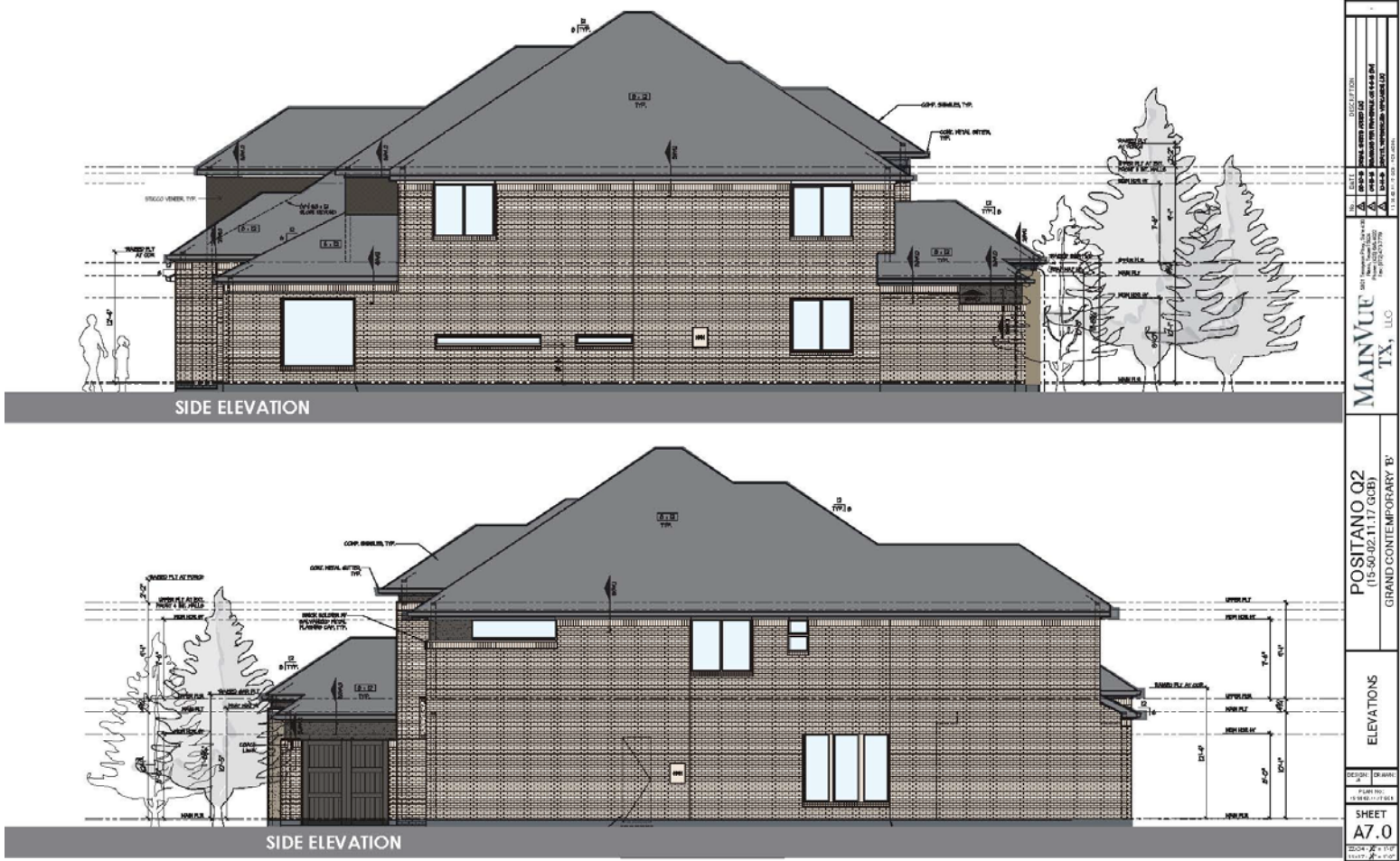
**ZURICH Q2**  
URBANE A FACADE SYTLE





EXHIBIT "C"  
BUILDING ELEVATIONS cont.

**EXHIBIT "C"**  
**BUILDING ELEVATIONS cont.**



# MAINVUE<sup>®</sup> HOMES



**BARCELONA Q2**  
URBANE A FACADE SYTLE



# EXHIBIT "C"

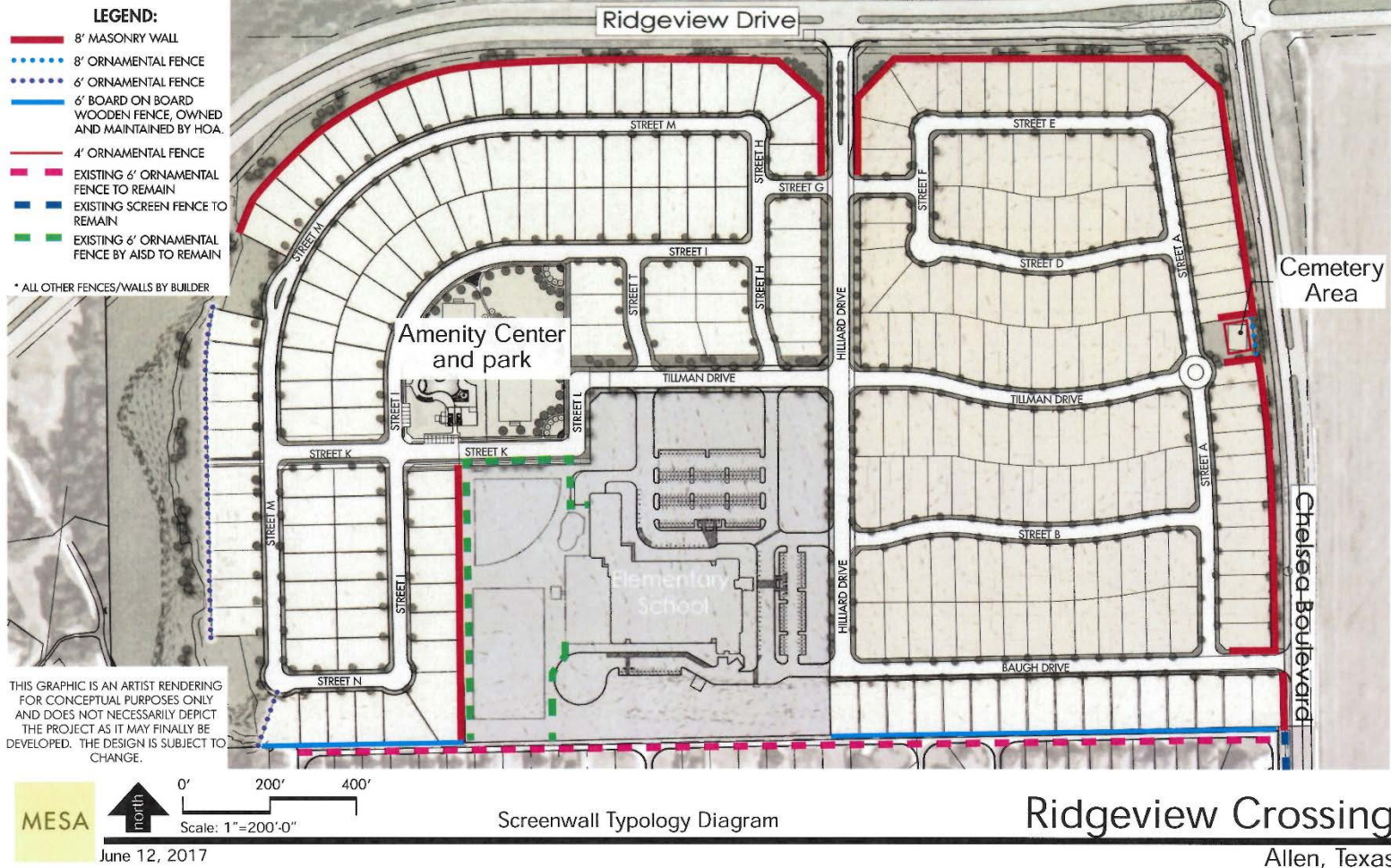
## BUILDING ELEVATIONS cont.



EXHIBIT "C"  
BUILDING ELEVATIONS cont.







**EXHIBIT "D"**  
**SCREENING PLAN**