

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 AMENDING THE DEVELOPMENT REGULATIONS, ADOPTING A CONCEPT PLAN, BUILDING ELEVATIONS, AND OPEN SPACE EXHIBIT FOR THE MIXED USE EMPLOYMENT AREA OF PLANNED DEVELOPMENT “PD” NO. 121; 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 by amending the development regulations of the Mixed-Use Employment area of Planned Development “PD” No. 121 as original enacted by Ordinance No. 3322-8-15 (“the PD-121 Ordinance”) as set forth in Section 2, below.

SECTION 2. The property within PD-121 designated on the Concept Plan in the PD 121 Ordinance as “Mixed Use Employment” (“the MUE Zone”), said property being more particularly described in Exhibit “A” attached hereto and incorporated herein by reference, shall be developed and used in accordance with the development regulations of PD-121 and the applicable provisions of the Allen Land Development Code (“ALDC”), except to the extent modified by the Development Regulations set forth below:

- A. BASE ZONING DISTRICT:** The MUE Zone shall be developed and used only in accordance with the Multi-Family Residential District MF-18 standards of the ALDC, except as otherwise provided herein.
- B. PERMITTED USE:** “Dwelling, Multi-family” shall be a permitted use on the Property in addition to the permitted uses set forth in Table 2: *Zoning District Land Use Table* in the PD-121 Ordinance.
- C. MUE ZONE CONCEPT PLAN:** The MUE Zone shall be developed in general conformance with the MUE Zone Concept Plan attached hereto as Exhibit “B,” and incorporated herein by reference, which shall be controlling over any conflicts with the Concept Plan and Street Concept Plan set forth in the PD-121 Ordinance. Minor modifications to site circulation that do not alter the general alignment shown on the MUE Zone Concept Plan may be made at the time of Site Plan approval. No building permits shall be issued by the City for construction of any building within the MUE Zone until a detailed site plan for development within the MUE Zone has been approved.

- D. BUILDING ELEVATIONS:** Buildings to be constructed within the MUE Zone shall be developed in general conformance with the materials and architectural style set forth on the MUE Zone Building Elevations attached hereto as Exhibit “C,” and incorporated herein by reference.
- E. LANDSCAPING:** Landscaping shall be constructed and/or installed within the MUE Zone in substantial conformance with the MUE Zone Open Space Exhibit attached hereto as Exhibit “D,” and incorporated herein by reference.
- F. OPEN SPACE:** The MUE Zone shall be developed with not less than 1.70 acres of open space for Building 1 and not less than 0.75 acres of open space for Building 2, as shown on the MUE Zone Open Space Exhibit and the MUE Zone Concept Plan.
- G. PARKING:** The parking ratio for Building 1 shall be 1.70 spaces per dwelling unit; with not less than 97% of the required off-street parking for Building 1 being located within the parking structure constructed as shown on the MUE Zone Concept Plan. The parking ratio for Building 2 shall be 1.71 spaces per dwelling unit; with not less than 99% of the required off-street parking for Building 2 being located within the parking structure constructed as shown on the MUE Zone Concept Plan.
- H. BUILDING SETBACKS:** The building and accessory structures constructed within the MUE Zone shall be set back from the MUE Zone boundaries as shown on the MUE Zone Concept Plan.
- I. MAXIMUM LOT COVERAGE:** 75%.
- J. DENSITY:** The maximum density shall be 57 dwelling units per acre for Building 1 and 63 dwelling units per acre for Building 2.
- K. AVERAGE DWELLING UNIT SIZE:** The average dwelling unit size shall be 900 square feet with no dwelling unit having a floor area of less than 600 square feet.
- L. MINIMUM MIXED USE RATIO:** None of the first-floor units of the multifamily structure are required to be retail ready. The first floor shall be fourteen (14) foot clear story along the street frontages as shown on the MUE Zone Concept Plan.
- M. BUILDING HEIGHT:** No building constructed within the MUE Zone shall exceed five (5) stories; and shall in no case be taller than seventy-three (73) feet at the ridge line of the roof and fifty-five (55) feet at the plate height of the roof. No garages constructed within the MUE Zone shall exceed seven (7) stories; and shall in no case be taller than seventy-nine (79) feet.
- N. SIDEWALKS:** The width and location of the sidewalks shall be as shown on the MUE Zone Concept Plan.

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 11TH DAY OF JULY 2017.

APPROVED:

Stephen Terrell, Mayor

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, City Attorney
(kbl:6/26/17:87420)

Shelley B. George, TRMC, City Secretary

EXHIBIT "A"
DESCRIPTION OF MUE ZONE

*** RECORD PROPERTY DESCRIPTION ***

BEING A 10.765 ACRE (468,921 SQUARE FEET) TRACT OF LAND SITUATED IN THE THOMAS G. KENNEDY SURVEY, ABSTRACT NO. 500, CITY OF ALLEN, COLLIN COUNTY, TEXAS, AND BEING A PORTION OF THE REMAINDER OF A CALLED 111.43 ACRE TRACT OF LAND DESCRIBED IN AN AMENDED CO-TENANCY AGREEMENT TO WILLIAM S. MONTGOMERY, JR. TRUSTEE OF THE WILLIAM S. MONTGOMERY, JR. TRUST U/A MMM 2005 DESCENDANTS TRUST (10.50% INTEREST); WILLIAM SLACK MONTGOMERY, JR. TRUSTEE OF THE WILLIAM SLACK MONTGOMERY, JR. FAMILY TRUST 1994 U/A AUGUST 3, 1994 (11.25% INTEREST); ELLEN MONTGOMERY MCCAFFERTY (10.50% INTEREST); ELLEN MONTGOMERY MCCAFFERTY, TRUSTEE OF THE ELLEN MONTGOMERY MCCAFFERTY FAMILY TRUST 1994 U/A AUGUST 3, 1994 (11.25% INTEREST); NENA CARROLL MONTGOMERY (10.237% INTEREST); NENA CARROLL MONTGOMERY, TRUSTEE OF THE NENA CARROLL MONTGOMERY FAMILY TRUST 1994 U/A AUGUST 3, 1994 (11.25% INTEREST); LELAND MILLER MONTGOMERY (10.50% INTEREST); LELAND MILLER MONTGOMERY, TRUSTEE OF THE LELAND MILLER MONTGOMERY FAMILY TRUST 1994 U/A AUGUST 3, 1994 (11.25% INTEREST); AND WRETCHED LAND, LP (13.263% INTEREST), RECORDED IN INSTRUMENT NO. 20141216001368060, OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS (O.P.R.C.C.T.); SAID 10.765 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2-INCH IRON ROD WITH CAP STAMPED "HALFF ASSOC. INC." FOUND FOR THE SOUTHEAST CORNER AT THE TERMINUS OF MONTGOMERY BOULEVARD (F.K.A. BELAIR DRIVE, A 90-FOOT PUBLIC RIGHT-OF-WAY AT THIS POINT) DESCRIBED IN AN AGREED FINAL JUDGMENT TO THE CITY OF ALLEN, TEXAS, RECORDED IN VOLUME 5724, PAGE 38, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF COLLIN COUNTY, TEXAS (O.P.R.P.C.C.T.), SAME BEING THE NORTHEAST CORNER OF MONTGOMERY RIDGE, PHASE 1, AN ADDITION TO THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2015, PAGE 310, PLAT RECORDS OF COLLIN COUNTY, TEXAS (P.R.C.C.T.) AND BEING IN THE COMMON LINE OF SAID 111.43 ACRE TRACT OF LAND AND THE REMAINDER OF A CALLED 32.41 ACRE TRACT OF LAND (ANGEL FIELD EAST) DESCRIBED IN A SPECIAL WARRANTY DEED TO MONTGOMERY FARM GARDEN DISTRICT, LTD. RECORDED IN INSTRUMENT NUMBER 20060929001402580 (O.P.R.C.C.T.);

THENCE SOUTH 88°17'55" EAST ALONG SAID COMMON LINE, A DISTANCE OF 487.95 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 88°17'55" EAST CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 682.72 FEET TO A POINT FOR CORNER;

THENCE DEPARTING SAID COMMON LINE OVER AND ACROSS SAID CALLED 111.43 ACRE TRACT OF LAND, THE FOLLOWING CALLS:

1. SOUTH 19°51'19" WEST, A DISTANCE OF 32.31 FEET TO A POINT FOR CORNER;
2. SOUTH 05°55'58" EAST, A DISTANCE OF 139.82 FEET TO A POINT FOR CORNER;
3. SOUTH 10°20'04" WEST, A DISTANCE OF 225.04 FEET TO A POINT FOR CORNER;
4. SOUTH 09°20'41" WEST, A DISTANCE OF 104.26 FEET TO A POINT FOR CORNER;
5. SOUTH 05°18'52" WEST, A DISTANCE OF 168.72 FEET TO A POINT FOR CORNER;
6. SOUTH 01°39'36" EAST, A DISTANCE OF 239.64 FEET TO A POINT FOR CORNER IN THE NORTHEASTERLY RIGHT-OF-WAY LINE OF PROPOSED MONTGOMERY BOULEVARD;

EXHIBIT "A"
DESCRIPTION OF MUE ZONE (cont.)

THENCE ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID MONTGOMERY BOULEVARD, THE FOLLOWING CALLS:

1. NORTH 76°47'16" WEST, A DISTANCE OF 43.13 FEET TO A POINT FOR CORNER;
2. NORTH 28°48'54" WEST, A DISTANCE OF 34.66 FEET TO A POINT FOR CORNER;
3. NORTH 17°11'55" EAST, A DISTANCE OF 125.90 FEET TO A POINT FOR CORNER;
4. NORTH 72°48'05" WEST, A DISTANCE OF 64.00 FEET TO A POINT FOR CORNER;
5. SOUTH 17°11'55" WEST, A DISTANCE OF 121.23 FEET TO A POINT FOR CORNER;
6. SOUTH 67°27'38" WEST, A DISTANCE OF 31.98 FEET TO THE POINT OF CURVATURE OF CURVE TO THE RIGHT HAVING A RADIUS WHICH BEARS NORTH 29°27'34" EAST, A DISTANCE OF 405.00 FEET;
7. NORTHWESTERLY WITH SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 19°25'36", FOR AN ARC LENGTH OF 137.32 FEET, A CHORD BEARING OF NORTH 50°49'38" WEST, AND A CHORD DISTANCE OF 136.66 FEET TO A POINT FOR CORNER;
8. NORTH 41°06'49" WEST, A DISTANCE OF 167.77 FEET TO THE POINT OF CURVATURE OF CURVE TO THE LEFT HAVING A RADIUS OF 495.00 FEET;
9. NORTHWESTERLY WITH SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 33°40'47", FOR AN ARC LENGTH OF 290.97 FEET, A CHORD BEARING OF NORTH 57°57'13" WEST, AND A CHORD DISTANCE OF 286.80 FEET TO A POINT FOR CORNER;
10. NORTH 74°47'37" WEST, A DISTANCE OF 43.31 FEET TO A POINT FOR CORNER;
11. NORTH 29°47'37" WEST, A DISTANCE OF 21.21 FEET TO A POINT FOR CORNER;
12. NORTH 15°12'23" EAST, A DISTANCE OF 2.15 FEET TO A POINT FOR CORNER;
13. NORTH 74°47'37" WEST, A DISTANCE OF 32.00 FEET TO A POINT FOR CORNER;

THENCE DEPARTING THE NORTHERLY RIGHT-OF-WAY LINE OF SAID PROPOSED MONTGOMERY BOULEVARD OVER AND ACROSS SAID 111.43 ACRE TRACT OF LAND, THE FOLLOWING CALLS:

1. NORTH 15°12'23" EAST, A DISTANCE OF 42.23 FEET TO A POINT OF CURVATURE OF CURVE TO THE LEFT, HAVING A RADIUS OF 100.00 FEET;
2. NORTHEASTERLY WITH SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 13°29'52", FOR AN ARC LENGTH OF 23.56 FEET, A CHORD BEARING OF NORTH 08°27'27" EAST, AND A CHORD DISTANCE OF 23.50 FEET TO A POINT FOR CORNER;
3. NORTH 01°42'31" EAST, A DISTANCE OF 265.40 FEET TO A POINT FOR CORNER;
4. SOUTH 88°17'29" EAST, A DISTANCE OF 43.58 FEET TO A POINT FOR CORNER;
5. NORTH 01°42'31" EAST, A DISTANCE OF 137.12 FEET TO THE POINT OF BEGINNING AND CONTAINING A COMPUTED AREA OF 10.765 ACRES OR 468,921 SQUARE FEET OF LAND.

EXHIBIT "B"
MUE ZONE CONCEPT PLAN

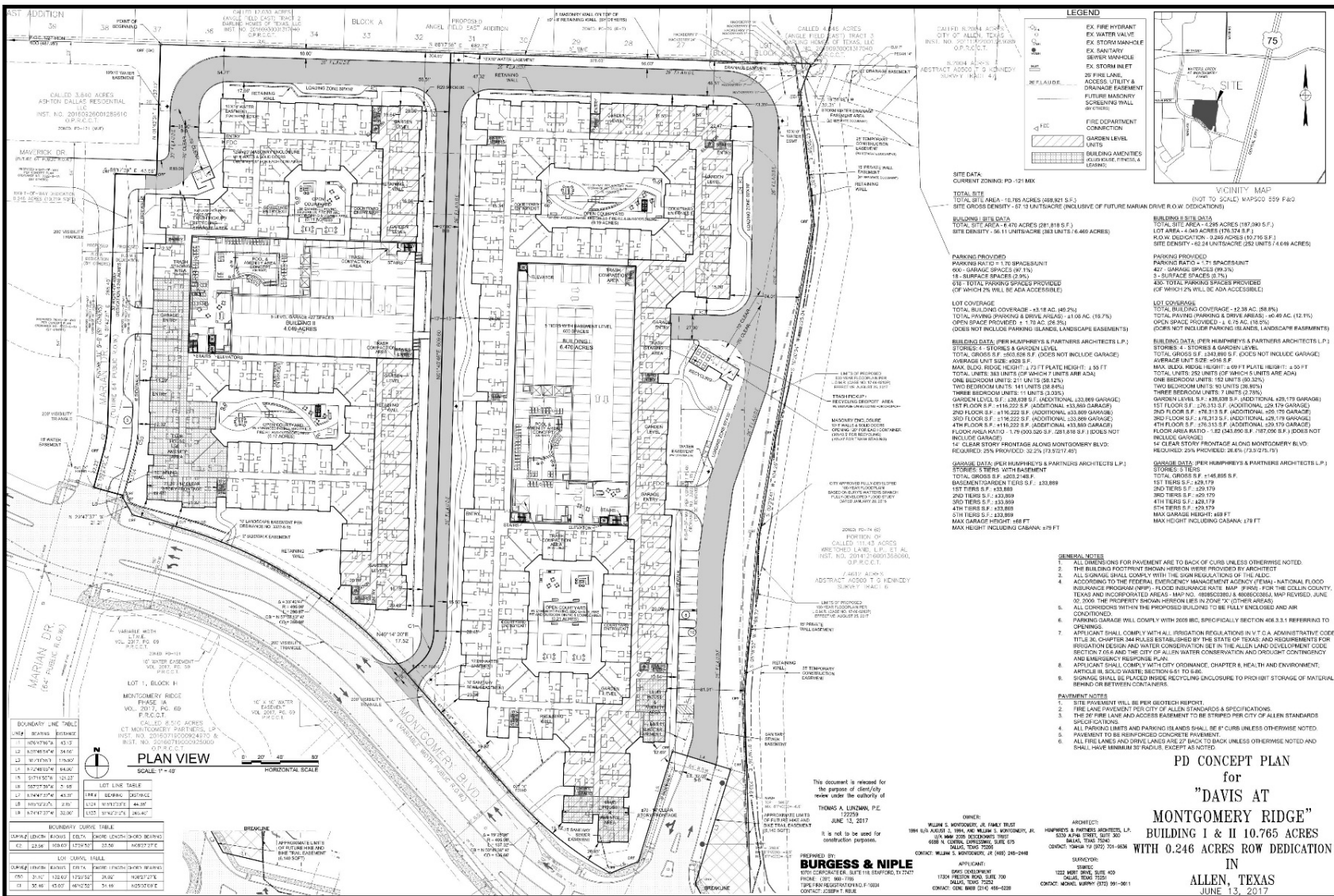


EXHIBIT "C"
MUE ZONE BUILDING ELEVATIONS



EAST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



WEST ELEVATION

HUMPHREYS & PARTNERS ARCHITECTS, L.P.
 5503 Alpha Rd., Suite 300 Dallas, TX 75241 | 972-791-3506 | www.humphreys.com

DAVIS DEVELOPMENT

ELEVATIONS BUILDING 1
 May 2017

A-401
 NOTE:
 - SIO-NG USED IN INTERIOR BALCONIES
MONTGOMERY RIDGE
 ALLEN, TEXAS
 10448 17307

EXHIBIT "C"
MUE ZONE BUILDING ELEVATIONS cont.



EAST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



WEST ELEVATION

HUMPHREYS & PARTNERS ARCHITECTS, L.P.
 553 Alpha Rd., Suite 300 Dallas, TX 75241 | 972.715.9600 | www.humphreys.com

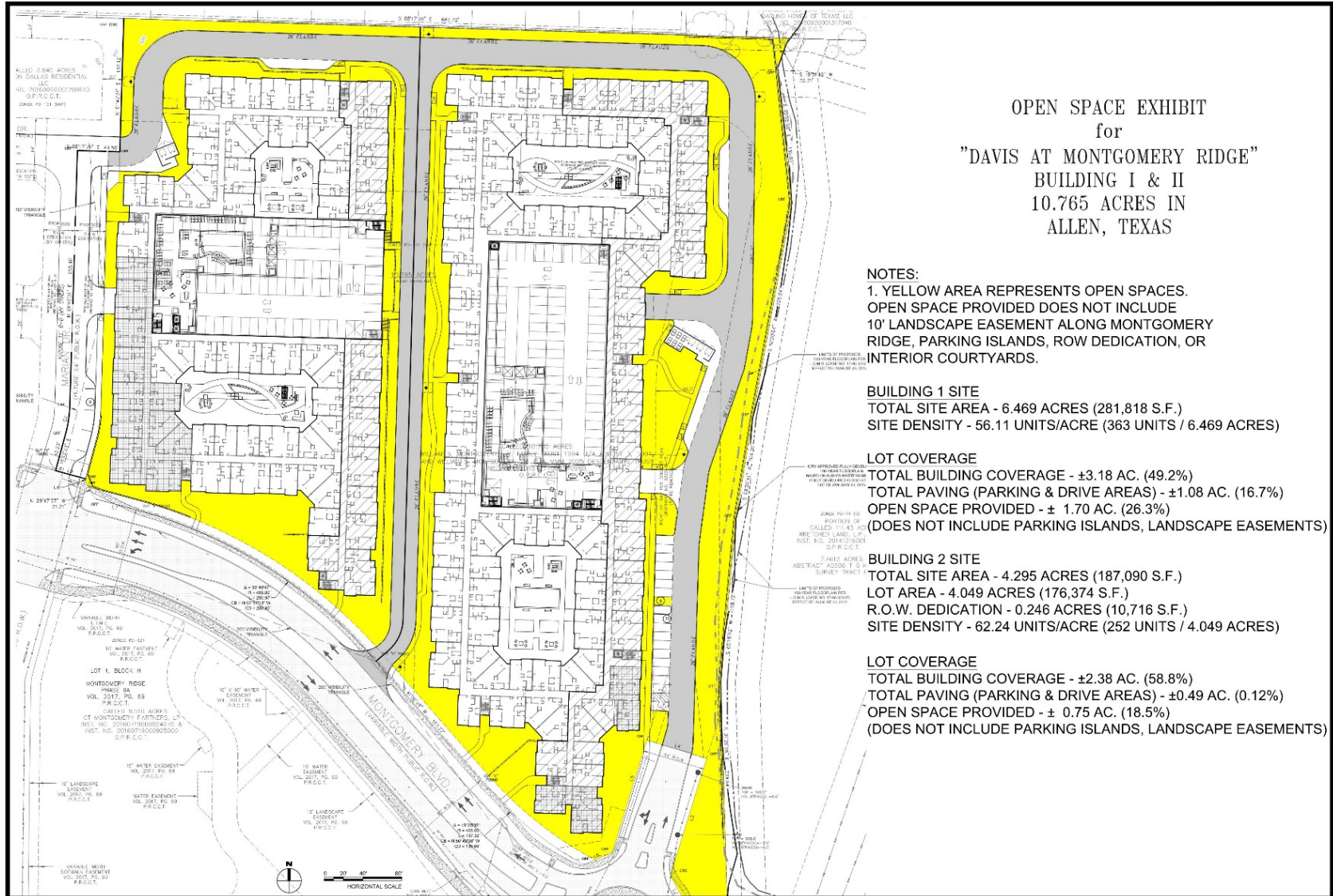
DAVIS DEVELOPMENT

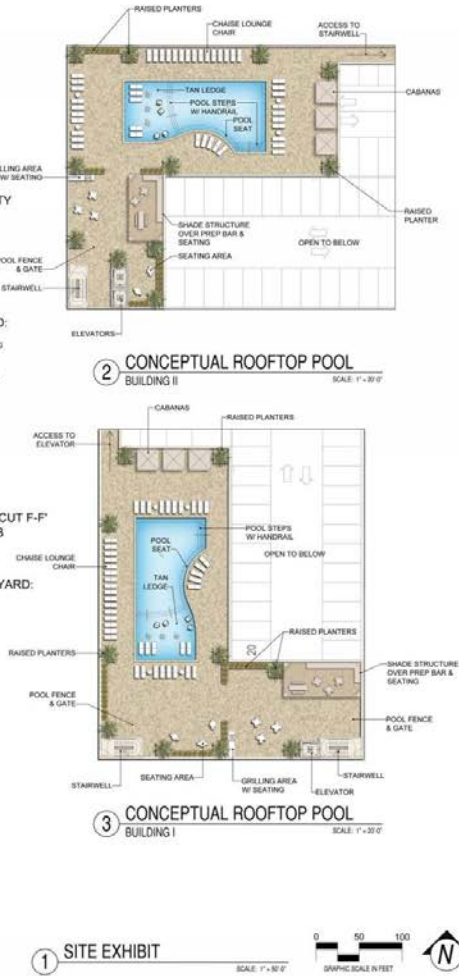
ELEVATIONS BUILDING 2
 May 2017

A-402
 NOTE:
 - DOOR/USED IN INTERIOR BALCONIES
MONTGOMERY RIDGE
 ALLEN, TEXAS
 HP&P 17367

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EXHIBIT "D"
MUE ZONE OPEN SPACE EXHIBIT





DESIGNER: C. J. REEDER	
CLIENT: Crest Development 3000 Eagles Landing Parkway Suite 200 Buckeye, GA 30611 TX-Minor Construction, Inc. 4000 Southwest Freeway #400 Houston, TX 77027	
MONTGOMERY RIDGE ALLEN, TEXAS	
mgd landscape architects 10000 DALLAS STREET, SUITE 200 DALLAS, TEXAS 75243 PH: 214.350.1000	
FOR REVIEW	
MONTGOMERY RIDGE	
ALLEN, TEXAS	
JOB NUMBER: 2009-0001	
SITE EXHIBIT W/ POOL CONCEPTS	
EX. C	

EXHIBIT "D"
MUE ZONE OPEN SPACE EXHIBIT cont.