

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 OF DISTRICT D OF PLANNED DEVELOPMENT “PD” NO. 108, AND ADOPTING A CONCEPT PLAN, SCREENING PLAN, ROADWAY PLAN, AND BUILDING ELEVATIONS RELATING TO THE USE AND DEVELOPMENT OF A 33.66± ACRE TRACT OF LAND SITUATED IN THE CATHERINE PARSONS SURVEY, ABSTRACT NO. 711; 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 Zoning Map of the City of Allen, Texas, as heretofore amended be amended by amending the development regulations of District D of Planned Development “PD” No. 108, and adopting a Concept Plan, Screening Plan, Roadway Plan, and Building Elevations relating to the use and development of a 33.66± acre tract of land situated in the Catherine Parsons Survey, Abstract No. 711 (“the Property”) described in “Exhibit A,” attached hereto and incorporated herein by reference, 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”) and District D of Planned Development “PD” No. 108 Single-Family “SF”, as set forth in Exhibit “B” of Ordinance No. 3044-10-11 (“the PD-108 Regulations”) except to the extent modified by the Development Regulations set forth below:

- A. 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.
- B. 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 on all sides of all elevations shall be 100% masonry except for doors, windows, and decorative railings. Cementous Fiberboard siding may be used for architectural features located above the roof line.

- (2) Driveways on front-entry products shall have a treated surface.
- (3) Garage doors on all front-entry products shall have carriage hardware design.

C. 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) **“TH” Townhome Lots:**

Front Yard Setback	20 feet; porches and stoops may encroach up to 7 feet
Side Yard Setback	0 feet
Corner Side Yard Setback	5 feet
Rear Yard Setback	10 feet
Minimum Lot Width	25 feet
Minimum Lot Depth	90 feet
Minimum Dwelling Unit Size	1,400 square feet (excluding garage)
Maximum Lot Coverage	80%

(2) **“R-7” Single Family Type 1 Lots:**

Front Yard Setback	10 feet; porches and stoops may encroach up to 7 feet
Side Yard Setback	5 feet
Rear Yard Setback	10 feet
Minimum Lot Size	4,275 square feet
Minimum Lot Width	45 feet
Minimum Lot Depth	95 feet
Minimum Dwelling Unit Size	1,800 square feet (excluding garage)

(3) **“R-7” Single Family Type 2 Lots:**

Front Yard Setback	10 feet; porches and stoops may encroach up to 7 feet
Side Yard Setback	5 feet
Rear Yard Setback	20 feet
Minimum Lot Size	4,400 square feet
Minimum Lot Width	40 feet
Minimum Lot Depth	110 feet
Minimum Dwelling Unit Size	1,800 square feet (excluding garage)

D. GARAGE SETBACK: Not less than 20 feet (to face of the structure).

E. BUILDING HEIGHT: The maximum building height shall be thirty-six (36) feet.

F. 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.”

G. ROADWAY: The roadways shall be constructed on the Property in general conformance with the Roadway Plan attached hereto as Exhibit “E.”

- H. NO PARKING:** Prior to approval of a final plat for any of the Townhome Lots, a restrictive covenant shall be signed and recorded by the owner of the Property that includes a prohibition of parking along streets adjacent to the frontage of the Townhome, except where designated head-in parking is provided. The parking restriction will be marked by “No Parking” signage. Nothing in this ordinance shall be construed as precluding the designation by the City Council or the City Fire Marshall of fire lanes or other areas where parking of vehicles is prohibited.
- I. TREE PLANTING:** No fewer than two (2) shade trees (as defined in Appendix C of the ALDC) with a trunk diameter of not less than three (3) caliper inches at time of planting, shall be planted for each dwelling unit within the Property for which a building permit has been issued. At least one of the required shade trees must be planted on each lot, with the remaining required shade tree to be planted either on the lot with the dwelling unit or within the open space areas of the Property. If the open spaces in the development cannot accommodate the required trees, the unplanted tree must be mitigated.
- J. CLUSTER MAILBOXES:** Cluster mailboxes are to be provided as shown on the Concept Plan attached hereto as Exhibit “A,” subject the United States Postal Service (USPS) approval.
- K. APPLICABILITY:** Paragraph 2 of Subsection 7.2.1 of the PD-108 Regulations shall not apply to development of 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 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 25TH DAY OF JULY 2017.

APPROVED:

Stephen Terrell, Mayor

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, City Attorney
(kbl:7/11/17:87907)

Shelley B. George, TRMC, City Secretary

EXHIBIT "A"
DESCRIPTION OF PROPERTY

BEING A 33.66 ACRE TRACT OF LAND SITUATED IN THE CATHERINE PARSONS SURVEY, ABSTRACT NO. 711, CITY OF ALLEN, COLLIN COUNTY, TEXAS, AND BEING A PORTION OF THE 109.79 ACRE TRACT OF LAND DESCRIBED TO JBGL EXCHANGE, LLC IN SPECIAL WARRANTY DEED RECORDED IN INSTRUMENT NUMBER 20121231001665590, OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY TEXAS, (O.P.R.C.C.T.), SAID 33.66 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF EXCHANGE PARKWAY (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY) AND THE EAST RIGHT OF WAY LINE OF KENNEDY DRIVE (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY) AS SHOWN ON THE MINOR REPLAT OF THE VILLAGES AT TWIN CREEKS, PHASE ONE, AN ADDITION TO THE CITY OF ALLEN, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2015, PAGE 488, PLAT RECORDS OF COLLIN COUNTY TEXAS (P.R.C.C.T.);

THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID EXCHANGE PARKWAY THE FOLLOWING;

NORTH 89° 44' 57" EAST, A DISTANCE OF 855.45 FEET TO A POINT FOR CORNER;

SOUTH 86° 29' 22" EAST, A DISTANCE OF 145.23 FEET TO A POINT FOR CORNER;

NORTH 89° 47' 34" EAST, A DISTANCE OF 179.97 FEET TO THE INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF WATTERS ROAD (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY);

THENCE ALONG THE WEST RIGHT-OF-WAY LINE OF SAID WATTERS ROAD THE FOLLOWING;

SOUTH 0° 14' 32" WEST, A DISTANCE OF 844.95 FEET TO A POINT FOR CORNER;

SOUTH 0° 32' 03" EAST, A DISTANCE OF 534.00 FEET TO FEET TO A POINT IN THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID KENNEDY DRIVE;

THENCE ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID KENNEDY DRIVE THE FOLLOWING:

SOUTH 44° 27' 57" WEST, A DISTANCE OF 35.36 FEET TO A POINT FOR CORNER;

SOUTH 89° 27' 57" WEST, A DISTANCE OF 321.81 FEET TO THE POINT OF CURVATURE OF CURVE TO THE RIGHT HAVING A RADIUS OF 500.00 FEET:

WITH SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 22° 24' 55" FOR AN ARC LENGTH OF 195.61 FEET, HAVING A CHORD BEARING OF NORTH 79° 19' 36" WEST AND A CHORD DISTANCE OF 194.37 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 725.00 FEET;

WITH SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 11° 52' 01" FOR AN ARC LENGTH OF 150.16 FEET, HAVING A CHORD BEARING OF NORTH 62° 11' 07" WEST AND A CHORD DISTANCE OF 149.89 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 67.50 FEET;

WITH SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 15° 15' 46" FOR AN ARC LENGTH OF 17.98 FEET, HAVING A CHORD BEARING OF NORTH 48° 37' 14" WEST AND A CHORD DISTANCE OF 17.93 FEET TO POINT OF TANGENCY OF SAID CURVE;

NORTH 40° 59' 21" WEST, A DISTANCE OF 60.76 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 27.50 FEET;

WITH SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 44° 38' 54" FOR AN ARC LENGTH OF 21.43 FEET, HAVING A CHORD BEARING OF NORTH 18° 39' 53" WEST AND A CHORD DISTANCE OF 20.89 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 77.50 FEET;

EXHIBIT "A"
DESCRIPTION OF PROPERTY cont.

WITH SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 95° 00' 36" FOR AN ARC LENGTH OF 128.51 FEET, HAVING A CHORD BEARING NORTH 43° 50' 44" WEST AND A CHORD DISTANCE OF 114.29 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 27.50 FEET;

WITH SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 39° 58' 17" FOR AN ARC LENGTH OF 19.18 FEET, HAVING A CHORD BEARING NORTH 71° 21' 54" WEST AND A CHORD DISTANCE OF 18.80 FEET TO THE POINT OF TANGENCY OF SAID CURVE;

NORTH 51° 22' 46" WEST, A DISTANCE OF 53.70 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 67.50 FEET;

WITH SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 13° 59' 06" FOR AN ARC LENGTH OF 16.48 FEET, HAVING A CHORD BEARING OF NORTH 44° 23' 12" WEST AND A CHORD DISTANCE OF 16.43 FEET TO THE POINT OF TANGENCY OF SAID CURVE;

NORTH 37° 23' 39" WEST, A DISTANCE OF 190.83 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1,175.00 FEET;

WITH SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 33° 58' 06" FOR AN ARC LENGTH OF 696.61 FEET, HAVING A CHORD BEARING NORTH 20° 24' 36" WEST AND A CHORD DISTANCE OF 686.45 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 500.00 FEET;

WITH SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 13° 27' 45" FOR AN ARC LENGTH OF 117.48 FEET, HAVING A CHORD BEARING OF NORTH 3° 18' 19" EAST AND A CHORD DISTANCE OF 117.21 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 500.00 FEET;

WITH SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 10° 14' 31" FOR AN ARC LENGTH OF 89.38 FEET, HAVING A CHORD BEARING OF NORTH 4° 54' 56" EAST AND A CHORD DISTANCE OF 89.26 FEET TO THE POINT OF TANGENCY OF SAID CURVE;

NORTH 0° 12' 19" WEST, A DISTANCE OF 53.45 FEET TO A POINT FOR CORNER;

NORTH 44° 47' 27" EAST, A DISTANCE OF 56.56 FEET TO THE **POINT OF BEGINNING**, CONTAINING A COMPUTED AREA OF 1,466,089 SQUARE FEET OR 33.66 ACRES OF LAND, MORE OR LESS.

NOTES:

THIS DOCUMENT WAS PREPARED UNDER 22 TAC §663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT IS PREPARED.

BEARINGS CALLED FOR HEREIN ARE BASED ON THE PLAT OF THE VILLAGE OF TWIN CREEKS PHASE ONE AS RECORDED IN VOLUME 2015, PAGE 489, P.R.C.C.T.



EXHIBIT "B" CONCEPT PLAN

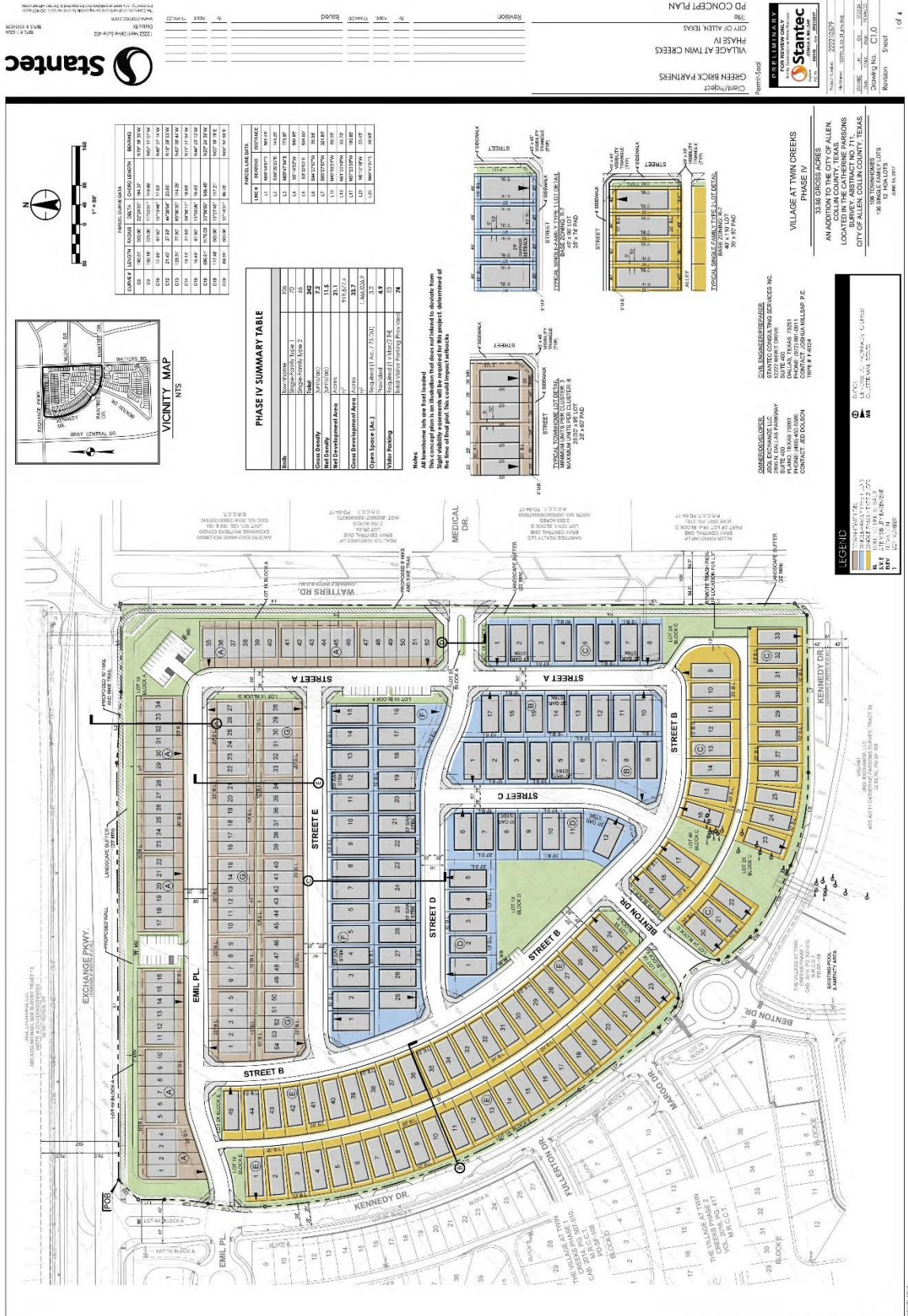


EXHIBIT "C"
BUILDING ELEVATIONS



EXHIBIT “C”
BUILDING ELEVATIONS cont.



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EXHIBIT “D”
SCREENING PLAN cont.



