

**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 BY AMENDING THE DEVELOPMENT REGULATIONS OF A PORTION OF DISTRICT D-1 OF PLANNED DEVELOPMENT “PD” NO. 108 AS ADOPTED IN ORDINANCE NO. 3044-10-11 AND AMENDED BY ORDINANCE NO. 3200-1-14; 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 relating to the use and development of a portion of District D-1 of Planned Development No. 108 (“PD-108”), said portion being described in Attachment 1, attached hereto and incorporated herein by reference (“the Property”), as follows:

- A.** The table in Section 1.H(1) of Ordinance No. 3200-1-14 is amended to provide that the Minimum Side Setback for Product Types B and C is “5’/5’/15’.”
- B.** Section 1.H(2) of Ordinance 3200-1-14, is amended in its entirety to read “All front entry lots shall be constructed with driveways composed of stamped concrete or salt-finished concrete.”
- C.** Section 1.H. of Ordinance No. 3200-1-4 is amended by adding a new subparagraph (7) to read as follows:
  - (7) Air conditioning and heat pump condenser units may be placed within the five-foot side yard setback in a manner not to impede any drainage easements and subject to approval by the City Building Official or authorized designee but shall in any case comply with Exhibit “J,” attached hereto and incorporated herein by reference.
- D.** Section 1.H. of Ordinance No. 3200-1-4 is amended by adding a new subparagraph (8) to read as follows:
  - (8) Notwithstanding ALDC Section 8.05.1.7.g. to the contrary, storm curb inlets may be placed less than ten feet (10.0’) but not less than five feet (5.0’) from the end of the driveway radii of the driveways to be constructed on proposed Lots 11 and 12, Block

L, The Villages at Twin Creeks Phase Three as depicted in Exhibit K, attached hereto and incorporated herein by reference.

- E. Ordinance No. 3200-1-4 is amended by adding a new Exhibit “J” title “Sideyard AC Unit Requirements” and a new Exhibit “K” titled “Curb Inlet Exception” as set forth in Attachment 2 and Attachment 3, respectively, attached hereto and incorporated herein by reference.

**SECTION 2.** 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 within PD-108 as described in Ordinance No. 3200-1-14 and which are not expressly amended by this Ordinance, the provisions of this Ordinance shall be controlling.

**SECTION 3.** 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 4.** 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 5.** 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 6.** 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 24<sup>TH</sup> DAY OF OCTOBER 2017.**

**APPROVED:**

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**Stephen Terrell, MAYOR**

**APPROVED AS TO FORM:**

**ATTEST:**

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**Peter G. Smith, CITY ATTORNEY**  
(kbl:10/12/17:92067)

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**Shelley B. George, TRMC, CITY SECRETARY**

**Attachment 1**  
**Description of Property**

Being all of the property located within the subdivision known as The Village at Twin Creeks Phase Two, an addition to the City of Allen, Collin County, Texas, according to the map or plat thereof recorded in Volume 2016, Page 417, Plat Records, Collin County, Texas, and the following property, being the proposed subdivision to be known as The Village at Twin Creeks Phase Three, and described as follows:

**BEING** A 23.067 ACRE TRACT OF LAND SITUATED IN THE CATHARINE PARSONS SURVEY, ABSTRACT NO. 711, CITY OF ALLEN, COLLIN COUNTY, TEXAS, AND BEING A PORTION OF THE REMAINDER OF A CALLED 109.79 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO JBGL EXCHANGE, LLC, RECORDED IN INSTRUMENT NUMBER 20121231001665590, OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS (O.P.R.C.C.T.); SAID 23.067 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "STANTEC" SET FOR THE MOST EASTERLY NORTHEAST CORNER OF LOT 1X, BLOCK H OF THE VILLAGE AT TWIN CREEKS PHASE 1, 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.), SAME BEING THE MOST WESTERLY CORNER OF A CALLED 1.066 ACRE TRACT OF LAND DESCRIBED IN A RIGHT OF WAY DEED TO THE CITY OF ALLEN, TEXAS, RECORDED IN INSTRUMENT NUMBER 20161227001744930, O.P.R.C.C.T., BEING IN THE SOUTHERLY RIGHT-OF-WAY LINE OF KENNEDY DRIVE (VARIABLE WIDTH PUBLIC RIGHT-OF-WAY), AND ALSO BEING THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS POINT WHICH BEARS NORTH 23°12'07" EAST, A DISTANCE OF 775.00 FEET;

**THENCE** ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID KENNEDY DRIVE THE FOLLOWING CALLS:

SOUTHEASTERLY WITH SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 11°50'36" FOR AN ARC LENGTH OF 160.20 FEET, A CHORD BEARING OF SOUTH 72°43'11" EAST AND A CHORD DISTANCE OF 159.91 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "STANTEC" SET FOR THE POINT OF TANGENCY;

SOUTH 78°38'29" EAST A DISTANCE OF 111.13 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "STANTEC" SET FOR THE POINT OF CURVATURE OF CURVE TO THE LEFT HAVING A RADIUS OF 500.00 FEET;

SOUTHEASTERLY WITH SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 11°53'34" FOR AN ARC LENGTH OF 103.78 FEET, A CHORD BEARING OF SOUTH 84°35'16" EAST AND A CHORD DISTANCE OF 103.60 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "STANTEC" SET FOR CORNER;

NORTH 89°27'57" EAST A DISTANCE OF 168.93 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "STANTEC" SET FOR CORNER;

SOUTH 45°32'03" EAST A DISTANCE OF 49.50 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "STANTEC" SET FOR CORNER;

NORTH 89°27'57" EAST A DISTANCE OF 5.00 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "STANTEC" SET FOR THE MOST SOUTHERLY SOUTHEAST CORNER OF SAID 1.066 ACRE TRACT OF LAND, BEING IN THE WEST RIGHT-OF-WAY LINE OF WATTERS ROAD (VARIABLE WIDTH RIGHT-OF-WAY);

**Attachment 1**  
**Description of Property (cont.)**

**THENCE** SOUTH 00°32'04" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID WATTERS ROAD, A DISTANCE OF 1,043.25 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "STANTEC" SET FOR THE SOUTHEAST CORNER OF SAID 109.79 ACRE TRACT OF LAND, SAME BEING THE NORTHEAST CORNER OF LOT 1R, BLOCK C OF BRAY CENTRAL ONE, AN ADDITION TO THE CITY OF ALLEN ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2011, PAGE 156, P.R.C.C.T.;

**THENCE** SOUTH 89°50'18" WEST, ALONG THE COMMON LINE OF SAID 109.79 ACRE TRACT OF LAND AND SAID LOT 1R, BLOCK C, AT A DISTANCE OF 732.00 FEET PASSING THE NORTHWEST CORNER OF SAID LOT 1R, BLOCK C, SAME BEING THE NORTHEAST CORNER OF LOT 2, BLOCK C OF SAID BRAY CENTRAL ONE ADDITION, CONTINUING ALONG THE COMMON LINE OF SAID 109.79 ACRE TRACT OF LAND AND SAID LOT 2, BLOCK A, AT A DISTANCE OF 1,232.50 FEET PASSING THE NORTHWEST CORNER OF SAID LOT 2, BLOCK C, SAME BEING THE NORTHEAST CORNER OF LOT 3X, BLOCK C OF SAID BRAY CENTRAL ONE ADDITION, CONTINUING ALONG THE COMMON LINE OF SAID 109.79 ACRE TRACT OF LAND AND SAID LOT 3X, BLOCK C, IN ALL FOR A TOTAL DISTANCE OF 1,369.79 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "STANTEC" SET FOR THE MOST SOUTHERLY SOUTHEAST CORNER OF LOT 1X, BLOCK H OF THE VILLAGE AT TWIN CREEKS PHASE 1, AN ADDITION TO THE CITY OF ALLEN ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2015, PAGE 489 P.R.C.C.T.;

**THENCE** ALONG THE EASTERLY LINE OF SAID LOT 1X, BLOCK H THE FOLLOWING CALLS:

NORTH 43°46'22" EAST A DISTANCE OF 697.46 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "STANTEC" SET FOR CORNER;

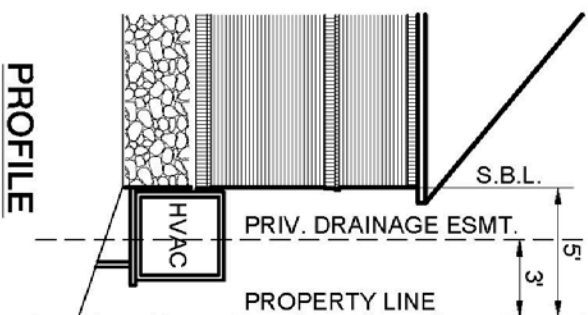
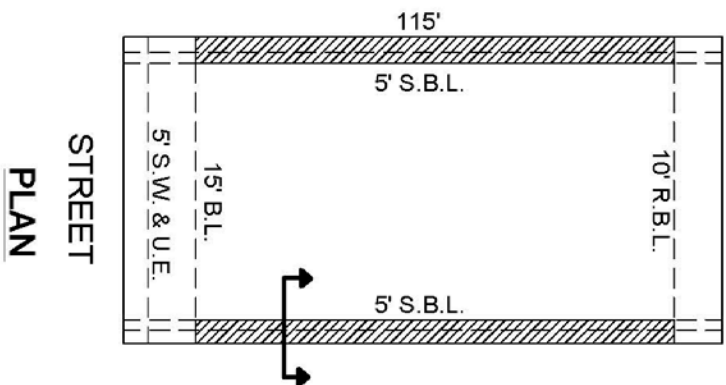
NORTH 25°16'58" EAST A DISTANCE OF 568.96 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "STANTEC" SET FOR CORNER;

NORTH 23°12'12" EAST A DISTANCE OF 153.62 FEET TO THE **POINT OF BEGINNING** CONTAINING A COMPUTED AREA OF 1,004,779 SQUARE FEET OR 23.067 ACRES OF LAND, MORE OR LESS.

Attachment 2

EXHIBIT “j”

Sideward AC Unit Requirements



TYPICAL HVAC CONDENSOR PLACEMENT

V:\2222\ACTIVE\222210579\CIVIL\PHASE III\CD EXHIBITS\20171009\_AC\_UNIT\_LOCATION\AC\_UNIT\_LOCATION.DWG  
10/10/2017 1:55 PM

10.2017  
222210579



**Stantec**

☒ POTENTIAL HVAC CONDENSOR  
LOCATIONS

12222 Merit Dr. Suite 400  
Dallas, Texas 75251  
www.stantec.com

Client/Project

GREENBRICK PARTNERS  
VILLAGE AT TWIN CREEKS  
PHASES 2 AND 3

Figure No.

1.0

Title

TYPICAL HVAC CONDENSOR  
PLACEMENT

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**EXHIBIT “K”**  
**Curb Inlet Exception**

EXP. #	LENGTH	RADIUS	DETA	ONSET LENGTH	BEATING
1	140.0	150.0	22.5	145.0	5.125% $\Delta$
2	140.0	150.0	22.5	145.0	5.125% $\Delta$
3	140.0	150.0	22.5	145.0	5.125% $\Delta$
4	140.0	150.0	22.5	145.0	5.125% $\Delta$
5	140.0	150.0	22.5	145.0	5.125% $\Delta$
6	140.0	150.0	22.5	145.0	5.125% $\Delta$
7	140.0	150.0	22.5	145.0	5.125% $\Delta$
8	140.0	150.0	22.5	145.0	5.125% $\Delta$
9	140.0	150.0	22.5	145.0	5.125% $\Delta$
10	140.0	150.0	22.5	145.0	5.125% $\Delta$
11	140.0	150.0	22.5	145.0	5.125% $\Delta$
12	140.0	150.0	22.5	145.0	5.125% $\Delta$
13	140.0	150.0	22.5	145.0	5.125% $\Delta$
14	140.0	150.0	22.5	145.0	5.125% $\Delta$
15	140.0	150.0	22.5	145.0	5.125% $\Delta$
16	140.0	150.0	22.5	145.0	5.125% $\Delta$
17	140.0	150.0	22.5	145.0	5.125% $\Delta$
18	140.0	150.0	22.5	145.0	5.125% $\Delta$
19	140.0	150.0	22.5	145.0	5.125% $\Delta$
20	140.0	150.0	22.5	145.0	5.125% $\Delta$
21	140.0	150.0	22.5	145.0	5.125% $\Delta$
22	140.0	150.0	22.5	145.0	5.125% $\Delta$
23	140.0	150.0	22.5	145.0	5.125% $\Delta$
24	140.0	150.0	22.5	145.0	5.125% $\Delta$
25	140.0	150.0	22.5	145.0	5.125% $\Delta$
26	140.0	150.0	22.5	145.0	5.125% $\Delta$
27	140.0	150.0	22.5	145.0	5.125% $\Delta$
28	140.0	150.0	22.5	145.0	5.125% $\Delta$
29	140.0	150.0	22.5	145.0	5.125% $\Delta$
30	140.0	150.0	22.5	145.0	5.125% $\Delta$
31	140.0	150.0	22.5	145.0	5.125% $\Delta$
32	140.0	150.0	22.5	145.0	5.125% $\Delta$
33	140.0	150.0	22.5	145.0	5.125% $\Delta$
34	140.0	150.0	22.5	145.0	5.125% $\Delta$
35	140.0	150.0	22.5	145.0	5.125% $\Delta$
36	140.0	150.0	22.5	145.0	5.125% $\Delta$
37	140.0	150.0	22.5	145.0	5.125% $\Delta$
38	140.0	150.0	22.5	145.0	5.125% $\Delta$
39	140.0	150.0	22.5	145.0	5.125% $\Delta$
40	140.0	150.0	22.5	145.0	5.125% $\Delta$
41	140.0	150.0	22.5	145.0	5.125% $\Delta$
42	140.0	150.0	22.5	145.0	5.125% $\Delta$
43	140.0	150.0	22.5	145.0	5.125% $\Delta$
44	140.0	150.0	22.5	145.0	5.125% $\Delta$
45	140.0	150.0	22.5	145.0	5.125% $\Delta$
46	140.0	150.0	22.5	145.0	5.125% $\Delta$
47	140.0	150.0	22.5	145.0	5.125% $\Delta$
48	140.0	150.0	22.5	145.0	5.125% $\Delta$
49	140.0	150.0	22.5	145.0	5.125% $\Delta$
50	140.0	150.0	22.5	145.0	5.125% $\Delta$
51	140.0	150.0	22.5	145.0	5.125% $\Delta$
52	140.0	150.0	22.5	145.0	5.125% $\Delta$
53	140.0	150.0	22.5	145.0	5.125% $\Delta$

[illegible]

FINAL PLAT  
THE VILLAGE AT TWIN CREEKS  
PHASE THREE

AN ADDITION TO THE CITY OF ALLEN, COLLIN COUNTY, TEXAS,  
LOCATED IN THE CATHARINE PARSONS SURVEY, ABSTRACT NO. 7  
83 RESIDENTIAL LOTS  
6 OPEN SPACE/HOA LOTS - 0.8351 ACRES  
TOTAL RIGHT-OF-WAY - 4.193 ACRES  
TOTAL AREA - 23.067 ACRES  
OFFICIAL RECORD

September 1, 2017

<b>CONTACT</b>	<b>SUBMITTER</b>
JOSL EXCHANGE LLC 2805 NORTH DALLAS FREEWAY, SUITE 400 PLANO, TEXAS 75093 PH: (469) 450-3505 CONTACT: JED DOLSON	STANTEC CONSULTING SERVICES INC 12222 WORTH DRIVE, SUITE 400 DALLAS, TEXAS 75251-2208 PH: (972) 991-0011 CONTACT: MICHAEL MURPHY, R.P.L.

240710