

**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 AND USE REGULATIONS FOR 11.944± ACRES OUT OF THE SEABORN AND CLEMENTS SURVEY, ABSTRACT NO. 879, INCLUDING A PORTION OF LOT 1, BLOCK A, COTTONWOOD CREEK BAPTIST CHURCH ADDITION, WHICH PROPERTY IS LOCATED IN AND SUBJECT TO THE REGULATIONS OF PLANNED DEVELOPMENT NO. 40 FOR CORRIDOR COMMERCIAL “CC”; AND ADOPTING A CONCEPT PLAN, SPECIAL EVENT/TEMPORARY USE EXHIBIT, SIGN PLAN, AND BUILDING ELEVATIONS; 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 as set forth in Section 2 of this Ordinance the development and use regulations for 11.944± acres out of the Seaborn and Clements Survey, Abstract No. 879, as described in Exhibit “A,” attached hereto and incorporated herein by reference, and including a portion of Lot 1, Block A, Cottonwood Creek Baptist Church Addition (“the Property”), which property is located in and subject to the regulations of Planned Development No. 40 for Corridor Commercial “CC.”

**SECTION 2.** The Property shall be developed and used in accordance with the provisions of the Allen Land Development Code, as amended, (“ALDC”) and the development and use regulations for Planned Development No. 40 except to the extent modified by the Development Regulations set forth below:

- A. BASE ZONING DISTRICT:** The Property shall be developed and used in accordance with Corridor Commercial “CC” zoning regulations except as provided herein.
- B. ADDITIONAL PERMITTED USES:** In addition to the uses permitted within the Corridor Commercial “CC” zoning district, the Property may be used and developed for a Motor Cycle Sales and Service use.
- C. CONCEPT PLAN:** The Property shall be developed in general conformance with the Concept Plan attached hereto as Exhibit “B” and incorporated herein by reference (“Concept Plan”). Minor

modifications to streets/driveways that do not alter the general alignment shown on the Concept Plan may be made at the time of site planning.

**D. BUILDING ELEVATIONS:** The Property shall be developed in general conformance with the Building Elevations attached hereto as Exhibit “C”, and incorporated herein by reference.

**E. SETBACKS:**

(1) Storage and similar uses may be allowed in the front yard, provided, however, that no storage or similar uses are allowed within the parking setback portion of the front yard.

(2) The parking setback shall be forty (40) feet.

**F. SIGNAGE:** The signage for the Property shall be in general conformance with the Concept Plan and the Sign Plan attached hereto as Exhibit “D”.

**G. TRAFFIC AND STREET IMPROVEMENTS:** Prior to issuance of a Certificate of Occupancy, construction of the following improvements shown on the Concept Plan shall be completed and accepted by the City:

(1) Deceleration lane on State Highway SH 121 based on permits issued by the Texas Department of Transportation (TxDOT) upon application made by the owner and/or developer of the Property through the City’s Department of Engineering.

(2) The location of driveways shown on the Concept Plan providing ingress and egress to and from the Property to and from SH 121 may be adjusted without requiring an amendment to the Concept Plan based on driveway permits issued by the Texas Department of Transportation (TxDOT) upon application made by the owner and/or developer of the Property through the City’s Department of Engineering.

**H. TREE MITIGATION:** The caliper inches of trees that must be replaced as the result of removal of trees during the course of development shall be reduced by 25% with respect to Hackberry trees that are removed.

**I. OUTDOOR DISPLAY:** Outdoor display of motorcycles shall be permitted each day only during the period beginning one hour (1) prior to when the sales area of the motorcycle sales business is open to the public and ending one (1) hour after the sales area is closed to the public and shall be limited to the area shown on the Concept Plan.

**J. TEMPORARY USE/SPECIAL EVENTS:** The Property shall be developed in general conformance with the Special Event/Temporary Use Exhibit attached hereto as Exhibit “E”, and incorporated herein by reference, in addition to the following:

A. Generally: In accordance with Allen Land Development Code §6.04, Temporary Uses and Special Events shall be permitted on the Property subject to the following:

(1) Notwithstanding Allen Land Development Code §6.04.1.1, Temporary Uses and Special Events held on the Property shall not be limited by number in a calendar year. A separate permit shall be required for each event.

(2) Temporary Uses and Special Events shall be conducted only in the locations shown on the Special Event/Temporary Use Exhibit.

- (3) The areas indicated on the Temporary Use and Special Event Location Map shall be used only for the purposes as indicated on said map.
  - (4) Temporary Use and Special Event locations may not obstruct fire lanes and/or emergency access points.
- B. Parking: Parking on the Property during Temporary Use and Special Events shall be subject to the following:
  - (1) Minimum off-street parking shall remain available at all times for uses located on the Property in accordance with the off-street parking regulations per ALDC §7.04 relating to the Property;
  - (2) If the estimated number of vehicles expected to be parked by those attending the Temporary Use and/or Special Event combined with the minimum off-street parking requirements for the Property exceeds the available number of off-street parking spaces located on the Property, parking for the Temporary Use or Special Event may be located on adjacent properties provided such parking is (i) authorized by written parking agreements in a form acceptable to the Director of Community Development signed by the owners of the Property and the adjacent property and (ii) the use of off-street parking spaces on the adjacent property shall be limited to spaces in excess of those needed to maintain the number of minimum off-street parking spaces on the adjacent property;
  - (3) Notwithstanding Paragraph 2, above, the Director of Community Development shall have the authority to require a written parking agreement as set forth in Paragraph 2, above, be entered into and a copy provided to the City prior to issuance of a Temporary Use and/or Special Event permit relating to the Property without regard to the number of people estimated to participate or attend the Temporary Use or Special Event if the Director determines that vehicles operated by people participating or attending one or more prior Temporary Uses or Special Events have parked vehicles on adjacent property during such prior Temporary Use or Special Event without the written consent of the owner and/or other person authorized to consent to parking on such adjacent property.; and
  - (4) No parking shall be permitted on grass areas located on the Property.
- C. Cooking Events: Any Temporary Use and/or Special Event involving outdoor cooking must comply with all Allen Fire Code regulations relating to outdoor cooking events and obtain all required food service permits from the Allen Health Department.
- D. Signs: Temporary signs promoting the Temporary Use and/or Special Event or providing directional assistance during the Temporary Use and/or Special Event must at all times conform to sign regulations set forth in the ALDC to the extent such regulations apply to the Property.
- E. Fire Marshal Permit: No fireworks or other pyrotechnics, erection of large staging, lighting, and/or sound equipment and/or structures, or the erection of tents shall occur prior to obtaining a permit from the City Fire Marshal or other City office.
- F. On-Site Storage of Event Equipment: No staging, lighting equipment, large event tents, or similar equipment shall be stored on the Property more than forty-eight (48) hours prior to the time scheduled for commencement for the Temporary Use or Special Event or later than thirty-six (36) hours after the time scheduled for the end of the Temporary Use or Special Event as

indicated on the Temporary Use/Special Event permit approved by the Director of Community Developer for said Temporary Use/Special Event.

- G. Permit Required: An application for a Temporary Use and/or Special Event occurring on the Property must be submitted to and approved by the Director of Community Development in accordance with Allen Land Development Code §6.04.1.2 prior to the commencement of Temporary Uses or Special Events held on the Property.
- H. Unspecified Temporary Uses and Special Events: Temporary Uses and Special Events which are not otherwise specified on the Special Event/Temporary Use Exhibit may be approved by the Director of Community Development following submission of an application containing such information as may be required by the Director of Community Development.
- I. Conflicts with ALDC §6.04: To the extent of any conflicts between this Ordinance and Allen Land Development Code §6.04, this Ordinance shall control; provided, however, this Ordinance does not authorize, and shall not be construed as authorizing, any temporary buildings on the Property described in Allen Land Development Code §6.04.2, which temporary uses may be authorized only in accordance with Allen Land Development Code §6.04.2.

**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 12<sup>TH</sup> DAY OF DECEMBER 2017.**

**APPROVED:**

\_\_\_\_\_  
**Stephen Terrell, MAYOR**

**APPROVED AS TO FORM:**

**ATTEST:**

\_\_\_\_\_  
**Peter G. Smith, City Attorney** (kbl:11/20/17:93505)

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

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**STATE OF TEXAS       §**  
**COUNTY OF COLLIN   §**

BEING a tract of land situated in the SEABORN & CLEMENTS SURVEY, ABSTRACT NO. 879, in the City of Allen, Collin County, Texas, and being a portion of Lot 1, Block A, Cottonwood Creek Baptist Church Addition, an addition to the City of Allen, Collin County, Texas, according to the plat thereof recorded in County Clerk's Instrument No. 20070314010000780, Official Public Records, Collin County, Texas, and being a portion of the same tract of land as described in deed to Cottonwood Creek Church Properties, Inc., recorded in County Clerk's Instrument No. 20160816001068490, Official Public Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod with a plastic cap stamped "TNP" {controlling monument; County Clerk's Instrument No. 20160816001068490} found for corner on the Southerly right-of-way of State Highway 121, a variable width right-of-way, said point being the Northeast corner of said Cottonwood Creek Church Properties tract and the Northwest corner of a tract of land described in deed to The MGA Family Limited Partnership as recorded in Volume 5997, Page 1572, Official Public Records, Collin County, Texas;

THENCE South 01 deg 04 min 11 sec East, (Basis of Bearing) departing the Southerly right-of-way of said State Highway 121, along the West line of said The MGA Family Limited Partnership tract, 812.72 feet to a 1/2-inch iron rod with a red plastic cap stamped "WAI" set for corner from which a 5/8-inch iron rod with a plastic cap stamped "TNP" {controlling monument; County Clerk's Instrument No. 20160816001068490} found bears South 01 deg 04 min 11sec East, a distance of 967.82 feet;

THENCE departing the West line of said The MGA Family Limited Partnership tract, over and across said Cottonwood Creek Church Properties tract, the following courses and distances:

South 85 deg 51 min 36 sec West, a distance of 115.16 feet to a 1/2-inch iron rod with a red plastic cap stamped "WAI" set for corner;

North 78 deg 44 min 01 sec West, a distance of 292.51 feet to a 1/2-inch iron rod with a red plastic cap stamped "WAI" set for corner;

South 86 deg 07 min 25 sec West, a distance of 185.58 feet to a 1/2-inch iron rod with a red plastic cap stamped "WAI" set for corner;

North 47 deg 57 min 53 sec West, a distance of 48.02 feet to a 1/2-inch iron rod with a red plastic cap stamped "WAI" set for corner;

**EXHIBIT "A"**  
**LEGAL DESCRIPTION cont.**

North 68 deg 18 min 59 sec West, a distance of 103.84 feet to a 1/2-inch iron rod with a red plastic cap stamped "WAI" set for corner;

North 56 deg 13 min 14 sec West, a distance of 110.77 feet to a 1/2-inch iron rod with a red plastic cap stamped "WAI" set for corner;

North 82 deg 42 min 26 sec West, a distance of 123.60 feet to a 1/2-inch iron rod with a red plastic cap stamped "WAI" set for corner;

THENCE North 25 deg 23 min 43 sec West, a distance of 192.39 feet to a 1/2-inch iron rod with a red plastic cap stamped "WAI" set for corner on the Southerly right-of-way of said State Highway 121 and the Northerly line of said Lot 1;

THENCE North 64 deg 36 min 18 sec East, along the Southerly right-of-way of said State Highway 121 and the Northerly line of said Lot 1, a distance of 885.38 feet to a 1/2-inch iron rod with a plastic cap stamped "5439" found for the Northeast corner of said Lot 1 and the Northwest corner of said Cottonwood Creek Church Properties tract;

THENCE North 64 deg 42 min 54 sec East, continuing along the Northerly right-of-way of said State Highway 121 and along the Northerly line of said Cottonwood Creek Church Properties tract, a distance of 25.10 feet to a brass TxDOT monument found for corner;

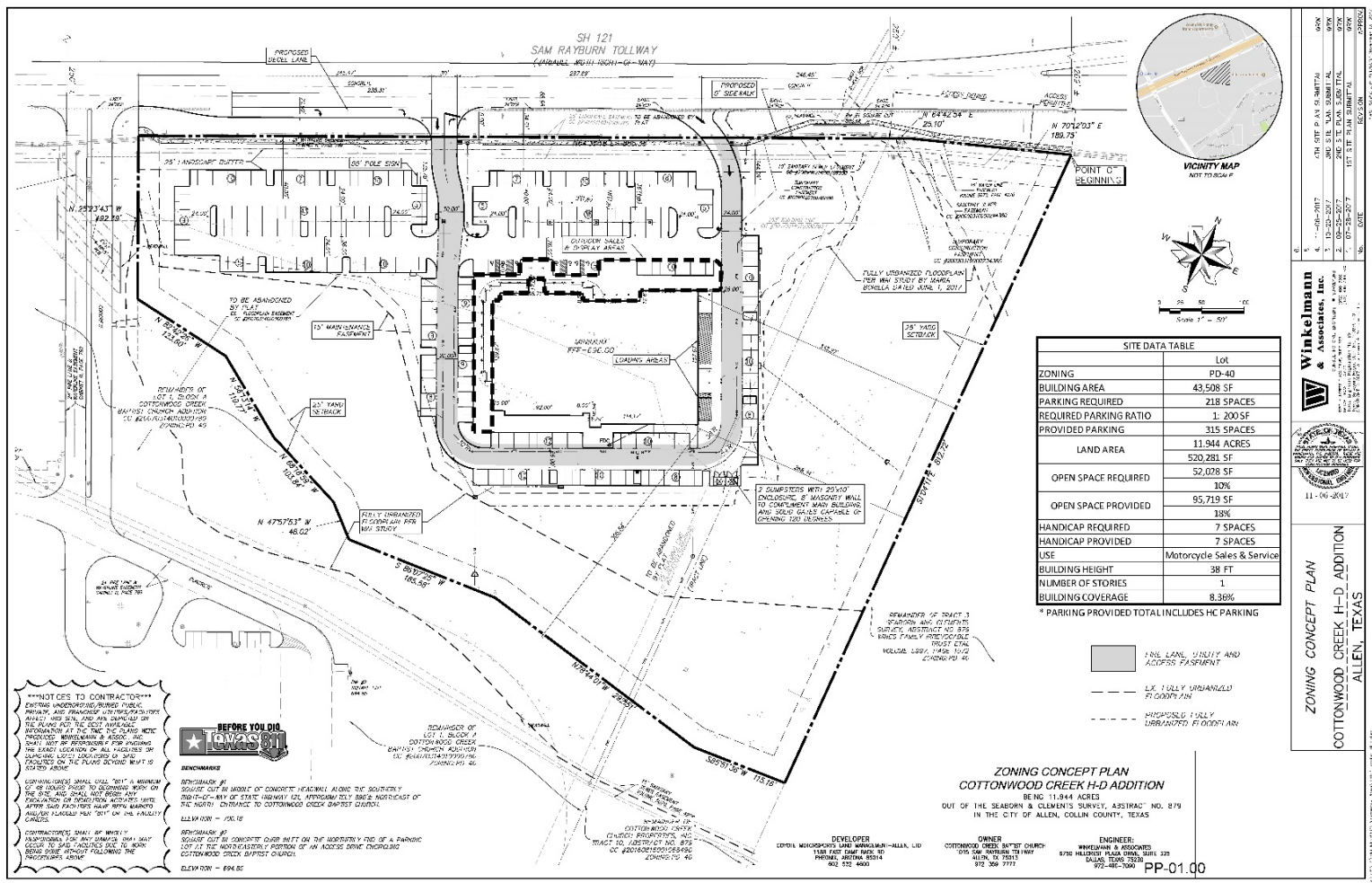
THENCE North 70 deg 12 min 03 sec East, continuing along the Southerly right-of-way of said State Highway 121 and the Northerly line of said Cottonwood Creek Church Properties tract, a distance of 189.75 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 11.944 acres or 520,281 square feet of land, more or less. Bearings shown hereon are based upon an on-the-ground Survey performed in the field on the 19 day of April 11, 2017, utilizing a G.P.S. bearing related to the Texas Coordinate System, North Texas Central Zone (4202), NAD 83, grid values, along the Westerly line of a tract of land described in deed to The MGA Family Limited Partnership as recorded in Volume 5997, Page 1572, Official Public Records, Collin County, Texas.

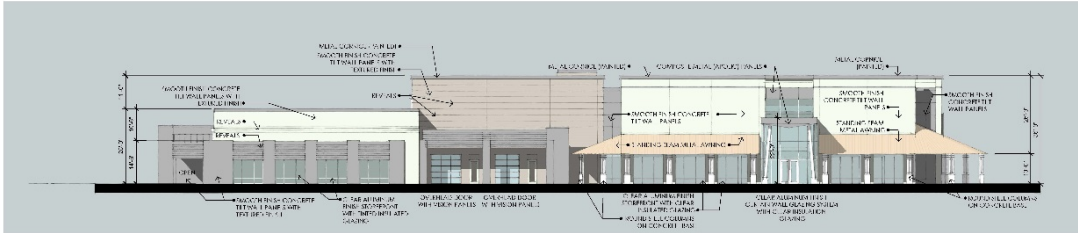
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**EXHIBIT ‘B’**  
**CONCEPT PLAN**

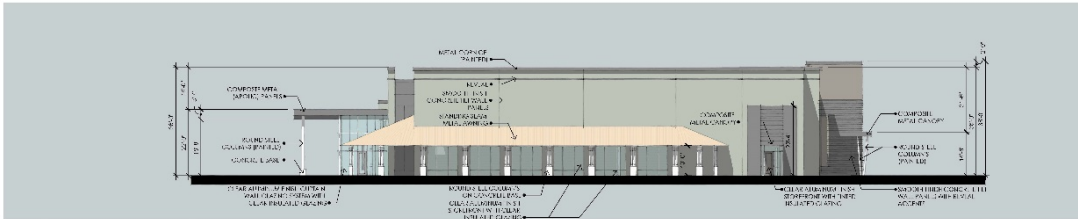


NORTH PLAINFIELD AREA		
GRASS	114 S.F.	4%
WALK	512 S.F.	2%
WALKWAY (CONCRETE)	5,060 S.F.	74%
WALKWAY (ASPHALT/CONCRETE)		
TOTAL PLANTING AREA	7,686 S.F.	100%



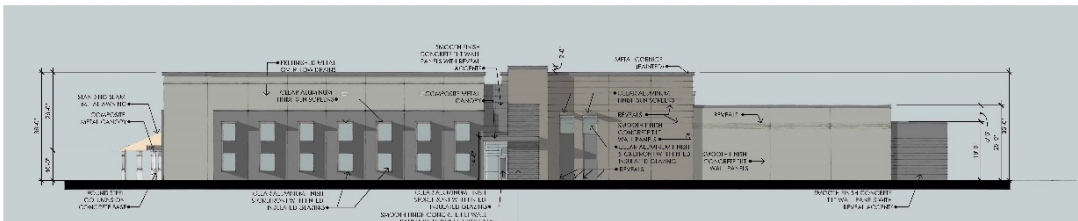
NORTH ELEVATION

WATERFILLATION AREAS			
CLASS	1.217	S.I.	128
WATER	2.710	S.I.	128
WATER TO ROCK/CLAY/BU	1.227	S.I.	208
WALL, TANK, LEM			
SUMMARY	0	S.I.	0
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TOTAL CL. WATER AREA	5.1547	S.I.	100%

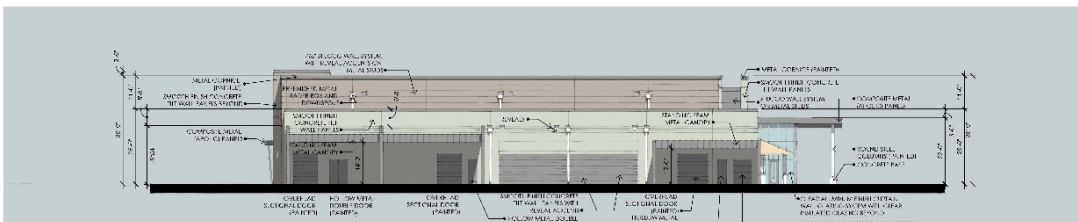


WEST ELEVATION

SOURCE ELEVATION AREAS		
CLASS	4th S.E.	3%
AREA	17 S.E.	3%
REASON FOR DISCONTINUITY	7,455 S.E.	34%
TOTAL ELEVATION AREA		
	8,162 S.E.	100%



SOUTH ELEVATION



EAST ELEVATION

scale: 1/16"-1'-0"

ALLEN  
HARLEY-DAVIDSON

**sma**  
+ architects

15 VALVE DIESEL (L) 1.9L
4-2000 EXACT 700-2
11.11 30.4 + 300-4.05
1.11 30.2 + 300-1.03

2011年5月12日  
2011年5月12日

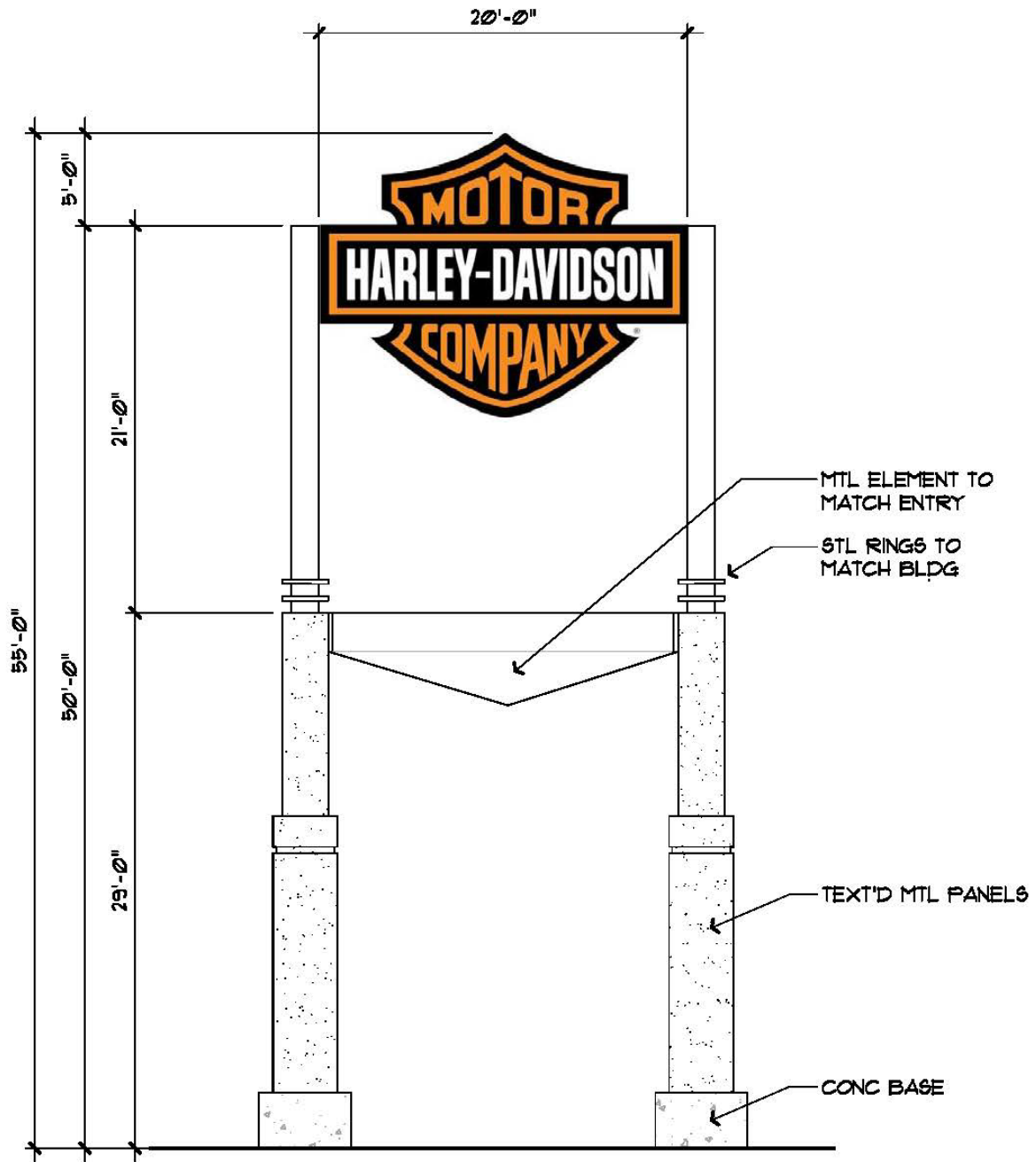
REVISOR 2.

EL 1

**EXHIBIT "C"**  
**BUILDING ELEVATIONS**



EXHIBIT "D"  
SIGN PLAN



# TEMPORARY USE/SPECIAL EVENT EXHIBIT

