

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 SPECIFIC USE PERMIT NO. 160 AUTHORIZING AN APPROXIMATELY 2,000± SQUARE FOOT PORTION OF THE BUILDING LOCATED ON LOT 1A, COTTONWOOD CREEK VILLAGE SHOPPING CENTER (COMMONLY KNOWN AS 107 N. GREENVILLE AVENUE, SUITE B), PRESENTLY ZONED FOR SHOPPING CENTER “SC” TO BE USED FOR A FITNESS AND HEALTH CENTER USE; PROVIDING 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, Collin County, Texas, be amended by granting Specific Use Permit No. 160 authorizing an approximately 2,000± square foot portion of the building located on Lot 1A, Cottonwood Creek Village Shopping Center, an addition to the City of Allen, Texas as recorded in Cabinet D, Page 105, Map Records, Collin County, Texas, and commonly known as 107 N. Greenville Avenue, Suite B, as shown on Exhibit “A,” attached hereto and incorporated herein by reference, which is presently zoned for Shopping Center “SC” to be used for a Fitness and Health Center use.

SECTION 2. The Property shall be used only in the manner and for the purposes provided for in the Allen Land Development Code Zoning Regulations, as heretofore amended, and as amended herein, and, if developed and used for Fitness and Health Center purposes, shall be subject to the following special conditions:

- A. The Specific Use Permit granted hereby is expressly limited to the area of the Property shown in the SUP Site Plan attached hereto as Exhibit “A” and incorporated herein by reference.
- B. Only Dina Scott dba Drumba Fitness, or a legal entity owned or controlled by Dina Scott, is authorized by this Ordinance to use the Property for a Fitness and Health Center use.
- C. Except for parking by customers and employees, no activity related to the business shall occur on the exterior 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 13TH DAY OF FEBRUARY 2018.

APPROVED:

Stephen Terrell, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY
(kbl:1/17/18:95140)

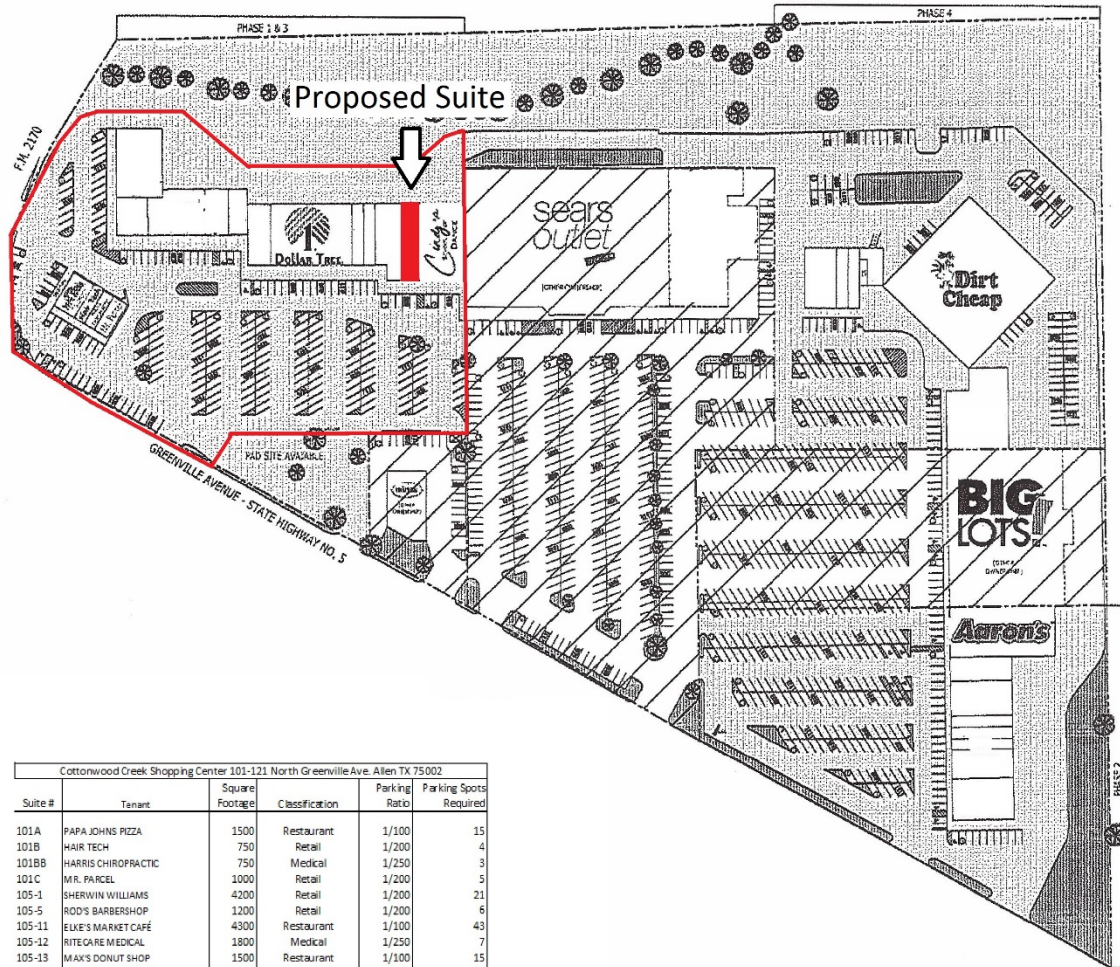
Shelley B. George, TRMC, CITY SECRETARY

EXHIBIT "A"

SUP SITE PLAN

COTTONWOOD CREEK SHOPPING CENTER

101-121 NORTH GREENVILLE AVENUE
ALLEN, TX 75002



Cottonwood Creek Shopping Center 101-121 North Greenville Ave. Allen TX 75002					
Suite #	Tenant	Square Footage	Classification	Parking Ratio	Parking Spots Required
101A	PAPA JOHN'S PIZZA	1500	Restaurant	1/100	15
101B	HAIR TECH	750	Retail	1/200	4
101BB	HARRIS CHIROPRACTIC	750	Medical	1/250	3
101C	M.R. PARCEL	1000	Retail	1/200	5
105-1	SHERWIN WILLIAMS	4200	Retail	1/200	21
105-5	ROD'S BARBERSHOP	1200	Retail	1/200	6
105-11	ELKE'S MARKET CAFE	4300	Restaurant	1/100	43
105-12	RITE CARE MEDICAL	1800	Medical	1/250	7
105-13	MAY'S DONUT SHOP	1500	Restaurant	1/100	15
105-A	LIQUOR DEPOT	2400	Retail	1/200	12
105-C	DOLLAR TREE	8400	Retail	1/200	42
105-F	CLIPS & CUTS	1200	Retail	1/200	6
107-C	CINDY'S SCHOOL OF DANCE	6000	Fitness/Health	1/200	30
107-B	Drumba Fitness	2000	Fitness/Health	1/200	10
Total Parking Required					219
Total Parking					232



THIS SITE PLAN IS PREPARED SOLELY FOR THE PURPOSES OF OBTAINING THE APPROPRIATE LOCATION AND SIZE OF THE BUILDINGS AND/OR ACCESSORIES TO BE LOCATED ON THE SITE. IT IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT OR THE RESULTS OF ANY INVESTIGATION OR ANALYSIS CONDUCTED BY THE ARCHITECT.

SITE LEGEND

/// ROOF LADDER ACCESS

Drumba Fitness SUP Site Plan