

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 C OF PLANNED DEVELOPMENT “PD” NO. 108, AND ADOPTING A CONCEPT PLAN, BUILDING ELEVATIONS, A STREETSCAPE/FENCING/PERIMETER LANDSCAPING PLAN, AND OPEN SPACE PLANS RELATING TO THE USE AND DEVELOPMENT OF A 55.594± ACRE TRACT OF LAND SITUATED IN THE MICHAEL SEE SURVEY, ABSTRACT NO. 544; 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 C of Planned Development “PD” No. 108, and adopting a Concept Plan, Building Elevations, a Streetscape/Fencing/Perimeter Landscaping Plan, and Open Space Plans relating to the use and development of a 55.594± acre tract of land situated in the Michael See Survey, Abstract No. 544 (“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 C of Planned Development “PD” No. 108 as set forth in Ordinance No. 3044-10-11, as amended, (“the PD 108 Ordinance”) 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 (the “Concept Plan”). 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. BASE ZONING:**
 - (1) The portion of the Property designated as “Residential Area” as shown on the Concept Plan (“the Residential Area”) shall be developed in accordance with the development standards of the Single Family “R-6” Zoning District except as modified by the PD 108 Ordinance and this

Ordinance; provided, however, the permitted uses for the Residential Area shall be as set forth in Section 2.E of this ordinance.

- (2) The portion of the Property designated as “Commercial Area” as shown on the Concept Plan (“the Commercial Area”) shall be developed in accordance with the development standards of the Office “O” Zoning District except as modified by the PD 108 Ordinance and this Ordinance; provided, however, the permitted uses for the Commercial Area shall be as set forth in the PD 108 Ordinance as modified by Section 2.D. of this ordinance.

C. BUILDING ELEVATIONS:

- (1) Residential buildings to be constructed on the Property shall be developed in general conformance with the materials and architectural style set forth on the Residential Building Elevations attached hereto as Exhibit “C,” and incorporated herein by reference (the “Residential Elevations”), and shall be further subject to the following:
 - (a) The building materials on all sides of all elevations shall be 100% masonry except for doors, windows, and decorative railings. Cementitious Fiberboard siding may be used for architectural features located above the roof line.
 - (b) Garage doors on all front-entry products shall be constructed of wood.
- (2) Commercial buildings to be constructed on the Property shall be developed in general conformance with the materials and architectural style set forth on the Commercial Building Elevations attached hereto as Exhibit “D” and incorporated herein by reference (the “Commercial Elevations”).

D. PERMITTED USES (COMMERCIAL AREA): In addition to the uses permitted within District C of Planned Development “PD” No. 108, the Commercial Area may be used and developed for the following uses:

- (1) **Permitted by right:**
 - (a) Book, Card, or Novelty Shops
 - (b) Clinic, Medical
 - (c) Dance & Martial Arts Studio (Less than 5,000 sq. ft.)
 - (d) Drug Store or Pharmacy (Less than 10,000 sq. ft.)
 - (e) Fitness and Health center (Less than 10,000 sq. ft.)
 - (f) Florist
 - (g) Gymnastics and Sports Training Facility (Less than 10,000 sq. ft.)
 - (h) Laundry/Dry Cleaning, Pick-Up Only
 - (i) Medical or Dental office
 - (j) Restaurant (No Drive-In or Through)
 - (k) Retail Store

(2) **Permitted following approval of a Specific Use Permit:**

Beer and Wine Package Sales with Greater than 50% Revenue from Beer & Wine

- E. PERMITTED USES (RESIDENTIAL AREA):** The Residential Area shall be developed and used only for Senior Independent Living use for people fifty-five (55) years of age or older consistent with the Federal Fair Housing Act and other applicable law.
- F. DEED RESTRICTION:** The Residential Area shall be deed restricted pursuant to an instrument approved by the City Attorney pursuant to which use of the Residential Area of the Property shall be limited to residential use by persons 55 years or older consistent with the Federal Fair Housing Act and other applicable law. Said deed restriction shall be recorded in the Real Property of Records of Collin County prior to approval of the Final Plat for any portion of the Residential Area of Property; provided, however, the Director of Community Development shall have the authority to allow recording of said deed restriction to occur concurrently with the recording of the initial final plat for all or any portion of the Residential Area if a signed original in recordable form is delivered to the City prior to approval of said final plat.
- G. LOT DESIGN CRITERIA AND BUILDING SETBACKS (RESIDENTIAL AREA):** The minimum lot dimensions and building setbacks for the lot types in the Residential Area shown on the Concept Plan shall be modified as follows:

Front Yard Setback	15 feet; Notwithstanding Section 6.2.3.1.a of Exhibit B of the PD 108 Ordinance, the front of the porch shall not be closer than 10 feet to the sidewalk; provided, however, porches can extend beyond the front yard setback line by not more than 5 feet
Side Yard Setback	5 feet
Minimum Lot Width	60 feet; may be reduced to not less than 55 feet on elbow and cul-de-sac lots at the front build line as measured in a straight line from a point where the front building line crosses the side property lines
Maximum Percentage Lot Cover	75%

- H. GARAGE SETBACK:** Garages shall be setback not less than 20 feet from the street right-of-way to face of the structure). The front elevation of the garage must also be set back from the front elevation of the primary building façade by not less than 5 feet.
- I. ALLEYS:** Alleys shall not be required to be dedicated or constructed within the Residential Area.
- J. FRONT PORCHES:** Notwithstanding Section 6.2.3.1 of Exhibit B of the PD 108 Ordinance, the required percentage of front porches integrated into the building design on dwelling units shall be not less than 20%.
- K. SCREENING:**
- (1) Prior to issuance of any building permit for any building on the Commercial Area, screening shall be constructed and/or installed along the boundaries between the Commercial Area and Residential Area in general conformance with the Conceptual Streetscape/Fencing/Perimeter Landscaping Plan attached hereto as Exhibit "E" ("the Landscaping Plan"), and incorporated herein by reference.

- (2) Prior to issuance of any building permit for any dwelling unit within the Residential Area, screening shall be constructed and/or installed along the boundaries of the Property adjacent to the Residential Area in general conformance with the Landscaping Plan; provided, however, the Director of Community Development may authorize issuance of building permits for dwelling units that will be used solely as model homes and sales office with no person residing overnight.
- L. CIVIC SPACE:** All civic spaces and open spaces shall be developed on the Property in general conformance with the Landscaping Plan and the Open Space Exhibit attached hereto as Exhibit “F,” and incorporated herein by reference (“the Open Space Exhibit”). Development of the two (2) civic spaces, including installation of all required landscaping and other improvements and amenities shown on the Landscaping Plan and Open Space Exhibit must be completed prior to issuance of more than 50% of the building permits for construction of dwelling units on lots within the Residential Area.
- M. STREET TREES:** Root barriers shall be installed along all street paving, sidewalks, and utility lines at the time of planting for street trees to be located within the street right-of-way in the Residential Area.
- N. CLUSTER MAILBOXES:** Cluster mailboxes are to be located as shown on the Concept Plan; provided, however, final locations may be adjusted in accordance with final direction and approval of the United States Postal Service.
- O. SHARED PARKING AGREEMENT:** The Commercial Area must be developed with no less than 225 unreserved off-street parking spaces as shown on the Concept Plan. A shared parking agreement granting a perpetual mutual parking and access easement for the benefit of all owners, tenants, and customers of buildings constructed on the Commercial Area must be approved as to form by the City Attorney, signed in recordable form, and recorded in the Real Property Records of Collin County prior to the approval of a final plat for any portion of the Commercial Area; provided, however, the Director of Community Development shall have the authority to allow recording of said shared parking agreement to occur concurrently with the recording of the initial final plat for all or any portion of the Commercial Area if a signed original in recordable form is delivered to the City prior to approval of said final plat. The Director of Community Development may approve a reduction in the required minimum parking as shown on the Concept Plan and further detailed in the recorded Shared Parking Agreement. The reduction in the required minimum parking shall be as shown on the Site Plan and the Shared Parking Agreement to be filed.

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 24th DAY OF APRIL 2018.

APPROVED:

Stephen Terrell, Mayor

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, City Attorney
(kbl:4/11/18:98120)

Shelley B. George, TRMC, City Secretary

EXHIBIT "A"
DESCRIPTION OF PROPERTY

BEING a tract of land situated in the MICHAEL SEE SURVEY, ABSTRACT NO. 544, City of Allen, Collin County, Texas and being all of that tract of land conveyed in Deed to JBGL Exchange LLC, according to the document filed of record in Document Number 20140205000109090, Official Public Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at an "X" cut found in the south line of Bossy Boots Drive, a variable width right-of-way, for the most northerly northeast corner of said JBGL Exchange LLC tract, same being common with the northwest corner of Lot 1, Block A TWIN CREEKS BUSINESS CENTER, PHASE 1, an Addition to the City of Allen, according to the Plat filed of record in Document Number 20100512010000920, Official Public records, Collin County, Texas;

THENCE S 01° 18' 30" E, leaving said south line and with the east line of said JBGL Exchange LLC tract, same being common with the west line of said Lot 1, a distance of 683.16 feet to a 1/2 inch iron rod found for an interior ell corner of said JBGL Exchange LLC tract, same being common with the southwest corner of said Lot 1;

THENCE N 88° 41' 30" E, with the south line of said Lot 1, a distance of 784.79 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set in the west line of Waters Road, a 110' right-of-way, for the most easterly northeast corner of said JBGL Exchange LLC tract, same being common with the southeast corner of said Lot 1;

THENCE S 01° 18' 51" E, with said west line, same being common with the east line of said JBGL Exchange LLC tract, a distance of 1,119.85 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set at the intersection of said west line and the north line of Exchange Parkway, a variable width right-of-way, for the southeast corner of said JBGL Exchange LLC tract;

THENCE With said north line, same being common with the south line of said JBGL Exchange LLC tract, the following courses and distances:

S 89° 47' 36" W, a distance of 180.02 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

S 86° 00' 32" W, a distance of 145.20 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

EXHIBIT "A"
DESCRIPTION OF PROPERTY cont.

S 89° 44' 56" W, a distance of 834.66 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

S 89° 47' 42" W, a distance of 422.77 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

N 86° 15' 32" W, a distance of 145.31 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

S 89° 47' 42" W, a distance of 134.03 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for the south end of a corner clip, from which a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" found bears N 41° 06' 37" W, 2.20 feet;

THENCE N 45° 38' 18" W, with said corner clip, a distance of 57.06 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set in the east line of Bray Central Drive, a variable width right-of-way, same being common with the west line of the above mentioned JBGL Exchange LLC tract, for the north end of said corner clip, from which a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" found bears S 15° 28' 48" E, 0.44 feet;

THENCE With said common line, the following courses and distances:

N 01° 04' 41" W, a distance of 73.22 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" found for corner at the beginning of a curve to the right, having a central angle of 35° 13' 01", a radius of 955.00 feet and a chord bearing and distance of N 16° 31' 49" E, 577.79 feet;

With said curve to the right, an arc distance of 586.99 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner, from which a 1/2 inch iron rod found bears N 22° 02' 20" W, 0.25 feet, same being at the beginning a reverse curve to the left, having a central angle of 45° 50' 04", a radius of 1,045.00 feet and a chord bearing and distance of N 11° 13' 15" E, 813.85 feet;

With said curve to the left, an arc distance of 835.96 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner at the beginning of a non-tangent curve to the right, having a central angle of 32° 52' 03", a radius of 148.00 feet and a chord bearing and distance of N 13° 08' 52" E, 83.74 feet;

THENCE With said curve to the right, an arc distance of 84.90 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner at the beginning of a compound curve to the

EXHIBIT "A"
DESCRIPTION OF PROPERTY cont.

right, having a central angle of $19^{\circ} 16' 13''$, a radius of 238.00 feet and a chord bearing and distance of $N 39^{\circ} 12' 57'' E$, 79.67 feet;

THENCE With said curve to the right, an arc distance of 80.05 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

THENCE $N 48^{\circ} 51' 03'' E$, a distance of 14.59 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner in the above mentioned south line of Bossy Boots Drive, same being common with the north line of the above mentioned JBGL Exchange LLC tract;

THENCE With said common line, the following courses and distances:

$N 69^{\circ} 00' 36'' E$, a distance of 130.13 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner, from which a 1/2 inch iron rod stamped "PACHECO" found bears $S 68^{\circ} 15' 41'' W$, 1.10 feet, same being at the beginning of a curve to the left, having a central angle of $09^{\circ} 04' 06''$, a radius of 399.98 feet and a chord bearing and distance of $N 64^{\circ} 28' 33'' E$, 63.24 feet;

With said curve to the left, an arc distance of 63.31 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner, from which a 1/2 inch iron rod stamped "PACHECO" found bears $S 70^{\circ} 49' 53'' W$, 1.05 feet, same being at the beginning of a reverse curve to the right, having a central angle of $09^{\circ} 04' 06''$, a radius of 400.05 feet and a chord bearing and distance of $N 64^{\circ} 28' 33'' E$, 63.25 feet;

With said curve to the right, an arc distance of 63.32 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner, from which a 1/2 inch iron rod stamped "CORWIN" found bears $S 70^{\circ} 40' 20'' W$, 1.14 feet;

$N 69^{\circ} 00' 36'' E$, a distance of 20.12 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner, from which a 1/2 inch iron rod stamped "CORWIN" found bears $S 73^{\circ} 22' 06'' W$, 0.17 feet, same being at the beginning of a curve to the right, having a central angle of $19^{\circ} 38' 36''$, a radius of 955.00 feet and a chord bearing and distance of $N 78^{\circ} 53' 22'' E$, 325.81 feet;

With said curve to the right, an arc distance of 327.41 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA" set for corner;

$N 88^{\circ} 42' 39'' E$, a distance of 100.35 feet to the **POINT OF BEGINNING**, and containing 55.594 acres of land, more or less.

EXHIBIT ‘B’
CONCEPT PLAN

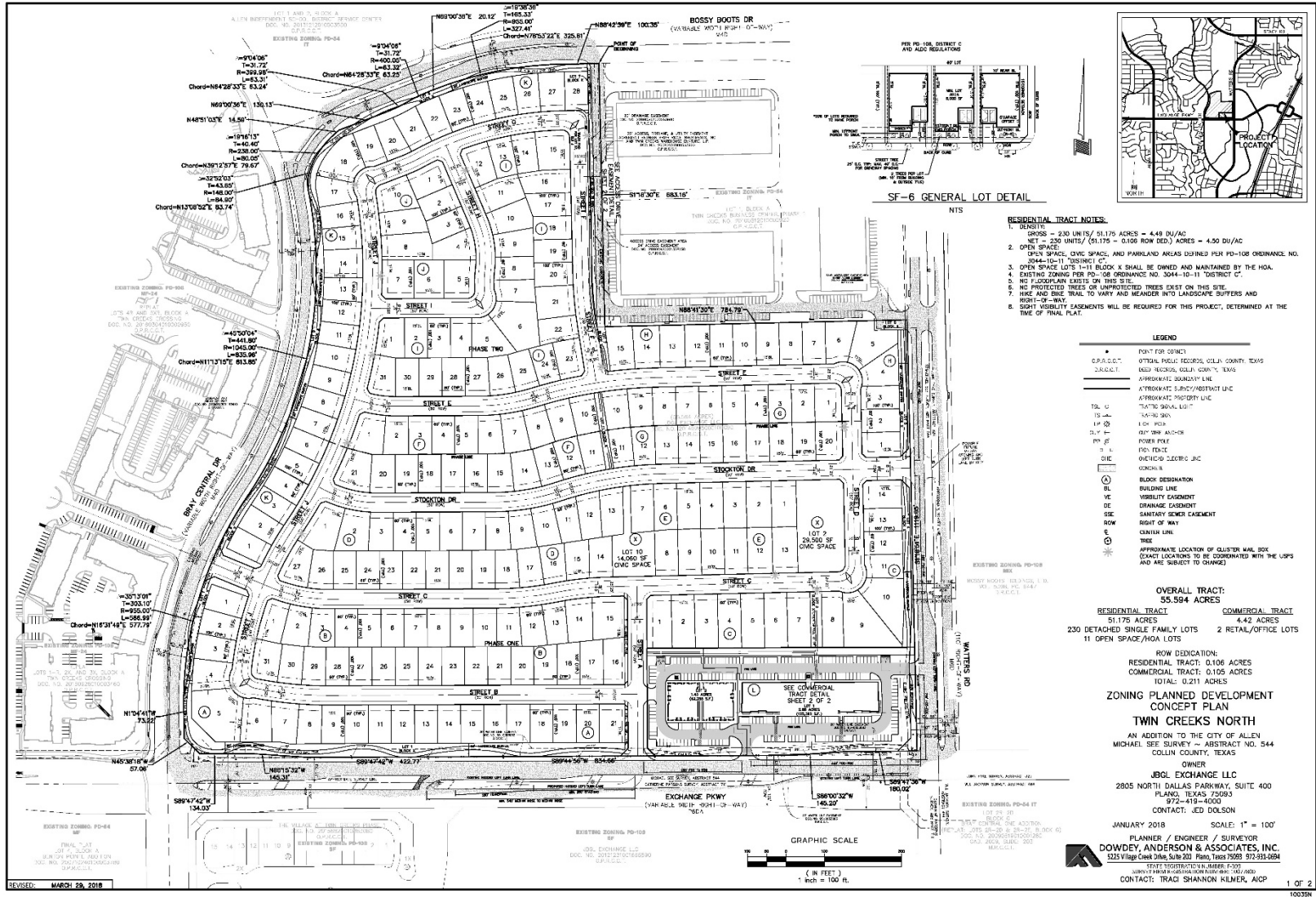


EXHIBIT “B”
CONCEPT PLAN cont.

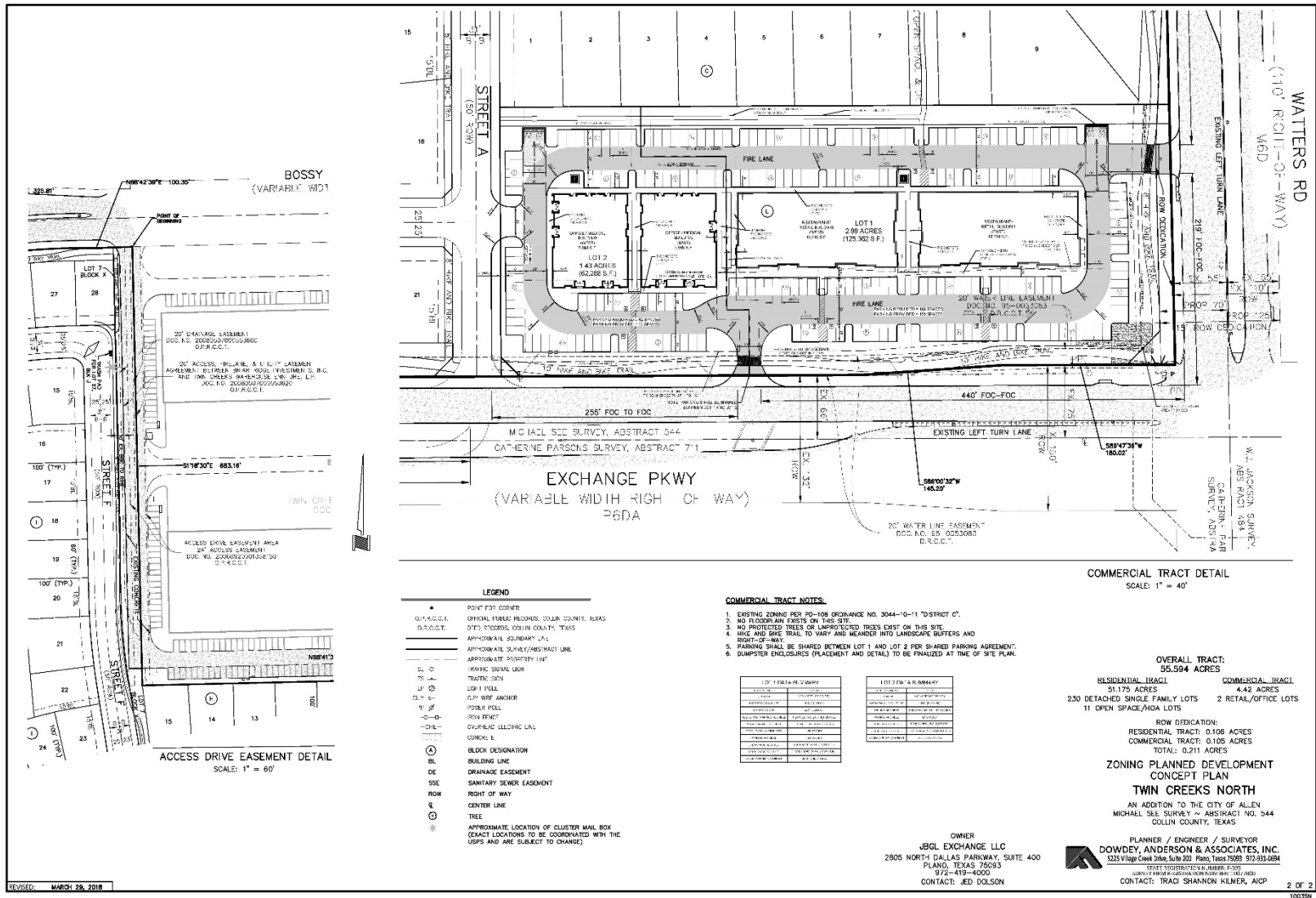


EXHIBIT “C”
RESIDENTIAL ELEVATIONS



EXHIBIT “C”
RESIDENTIAL ELEVATIONS cont.



EXHIBIT “C”
RESIDENTIAL ELEVATIONS cont.



EXHIBIT “C”
RESIDENTIAL ELEVATIONS cont.



EXHIBIT “C”
RESIDENTIAL ELEVATIONS cont.



EXHIBIT “C”
RESIDENTIAL ELEVATIONS cont.



EXHIBIT ‘D’



Patrick Ahearne, Architect

Now Shall Office/Medical Buildings In:

Twin Creeks North

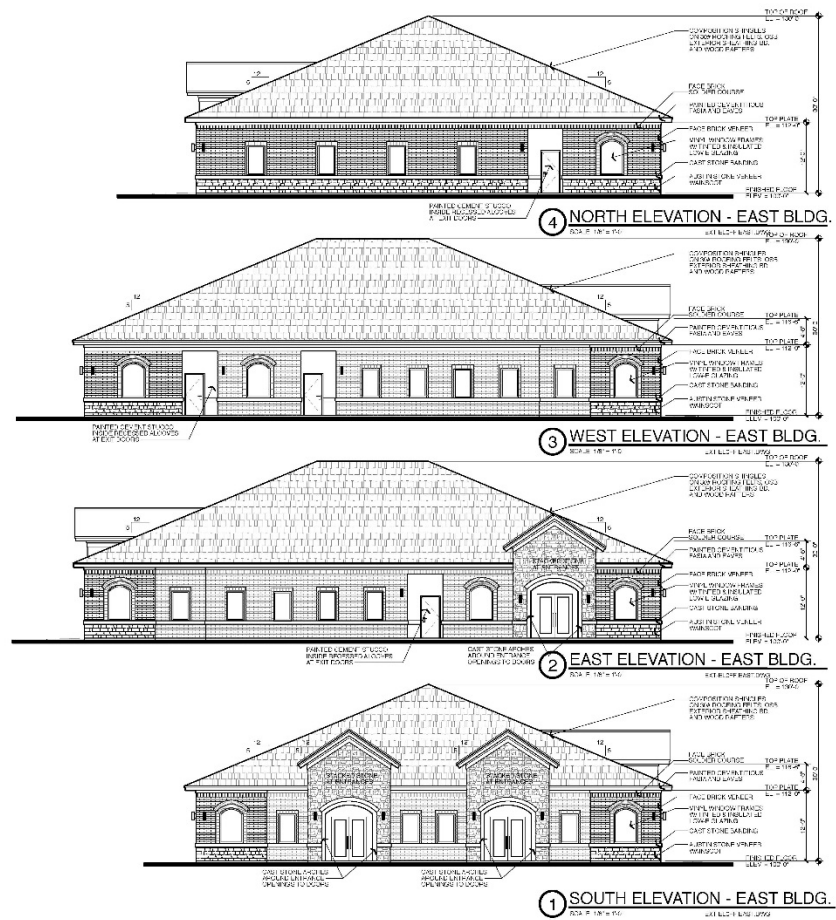
Lot 2, Block L - Twin Creeks North Add'n.
Allen,
Texas

DATE: MAR-10-2008
JOB NO: 19-TWGRN0214
DRAWN: PCA
CHECKED: PMA

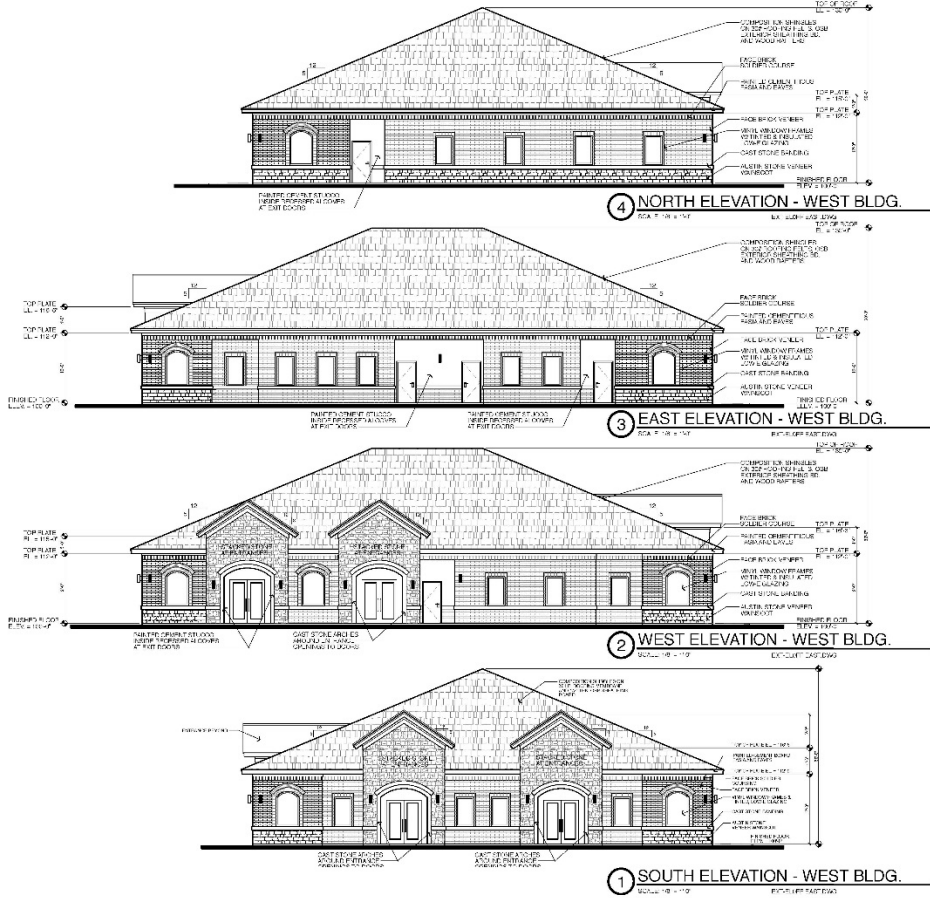
REVISIONS	
DATE	DESCRIPTION


A3.04

A3.04

[illegible]

FACADE CALCULATIONS							
NORTH ELEVATION		WEST ELEVATION		EAST ELEVATION		SOUTH ELEVATION	
BRICK COURSE	120	BRICK COURSE	120	BRICK COURSE	120	BRICK COURSE	120
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Patrick Ahearne, Architect

New Steel Office/Metall Buildings for:
Twin Creeks North
Lot 2, Block L - Twin Creeks North Add'n.
Allen, Texas

DATE: 10/10/2018
PROJECT: 18-00000000
DRAWING: 001
SHEET: 001

REVISIONS

NO.	DESCRIPTION

A3.05

EXHIBIT "D"
COMMERCIAL ELEVATIONS cont.

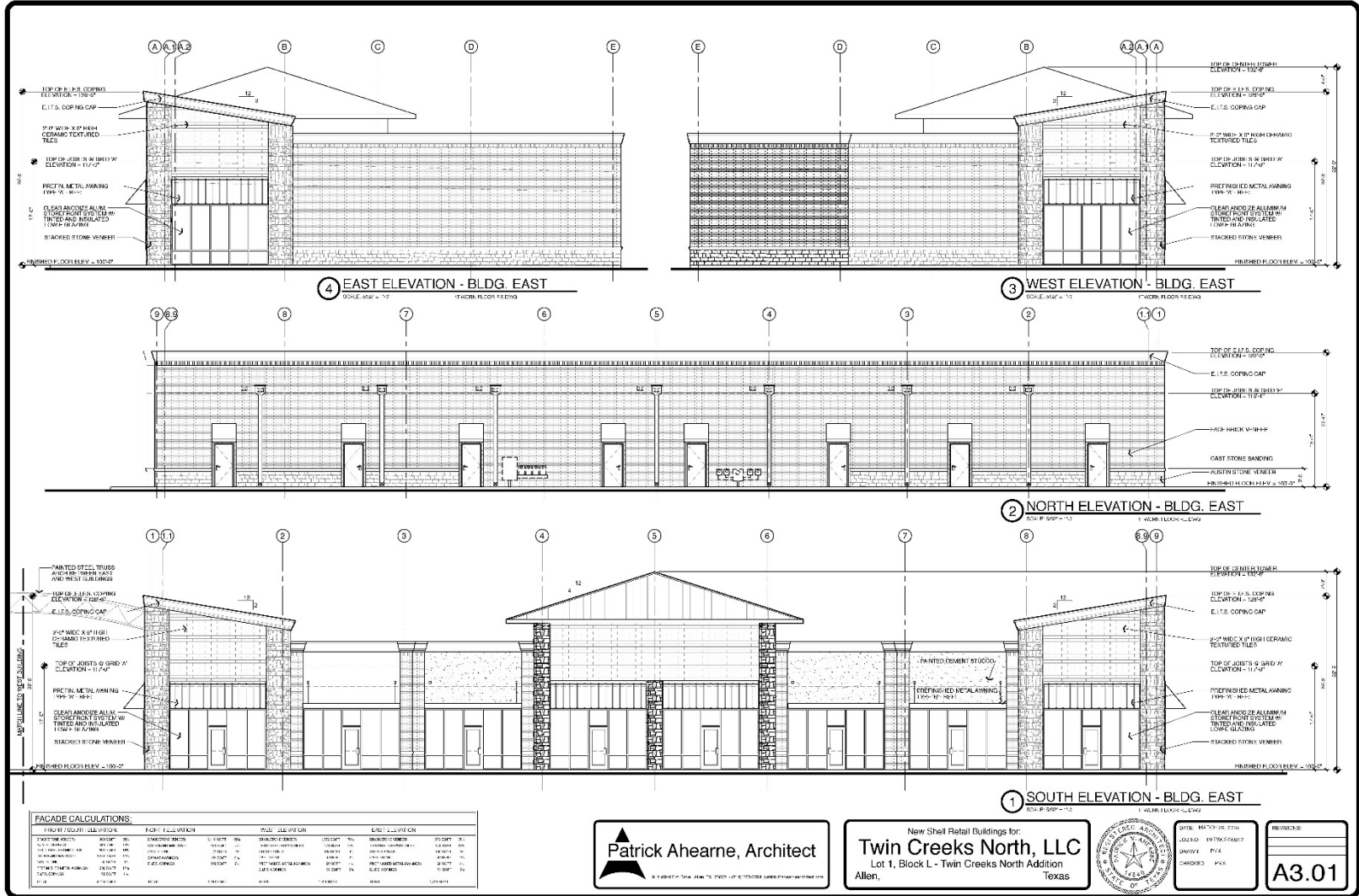
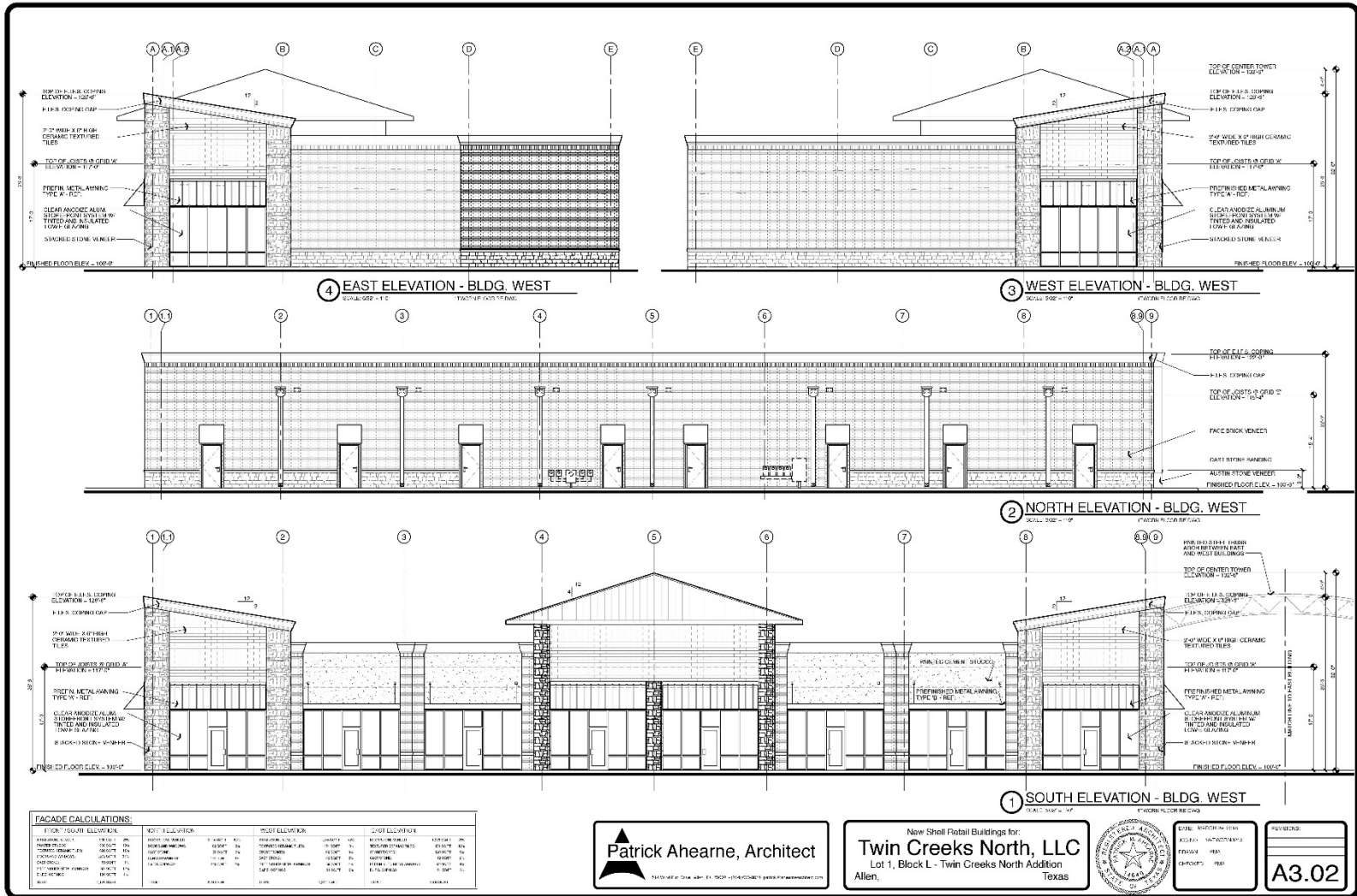
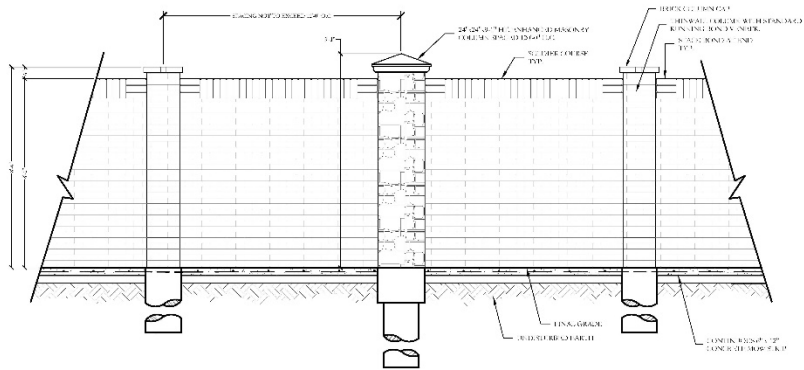


EXHIBIT "D"
COMMERCIAL ELEVATIONS cont.

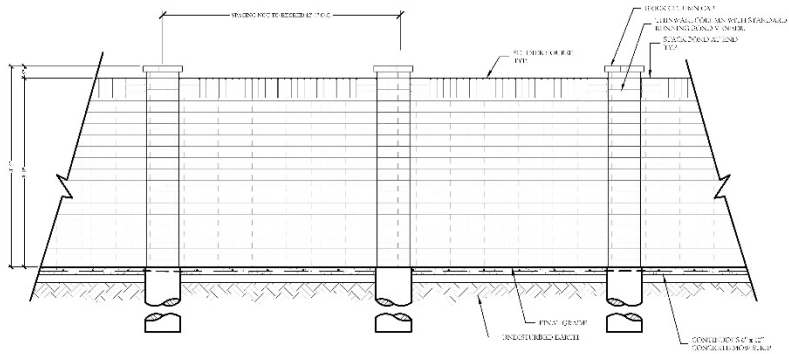




1 PARTIAL BRICK SCREENING WALL WITH ENHANCED MASONRY COLUMN
ELEVATION



3 PROPOSED STONE VENEER
PHOTOGRAPH



2 PARTIAL BRICK SCREENING WALL
ELEVATION



4 PROPOSED BRICK VENEER
PHOTOGRAPH

TWIN CREEKS NORTH
Exhibit F:
Conceptual Wall and
Perimeter Landscape Details
City of Allen, Collin County, Texas

For review only.
Not for construction.
Not to be used
without the owner's
written approval.

CODY JOHNSON
S · T · U · D · I · O

512.720.4774 | 901.227.333 | CODY@CJSTUDIO.COM
RELEASED FOR THE CITY OF ALLEN
CITY OF ALLEN, TEXAS | 10/20/2023

EXHIBIT "E"
LANDSCAPE PLAN cont.

LANDSCAPE PLAN cont.



TWIN CREEKS NORTH
Exhibit F
Conceptual Wall and
Perimeter Landscape Details
City of Allen, Collin County, Texas

$$C_{Dn} = h - h$$


5-221 CONN ST APT 9, CHICAGO, IL 60611, USA
TEL: (773) 591-7366
E-MAIL: 132051@COM.BUNNELL.EDU

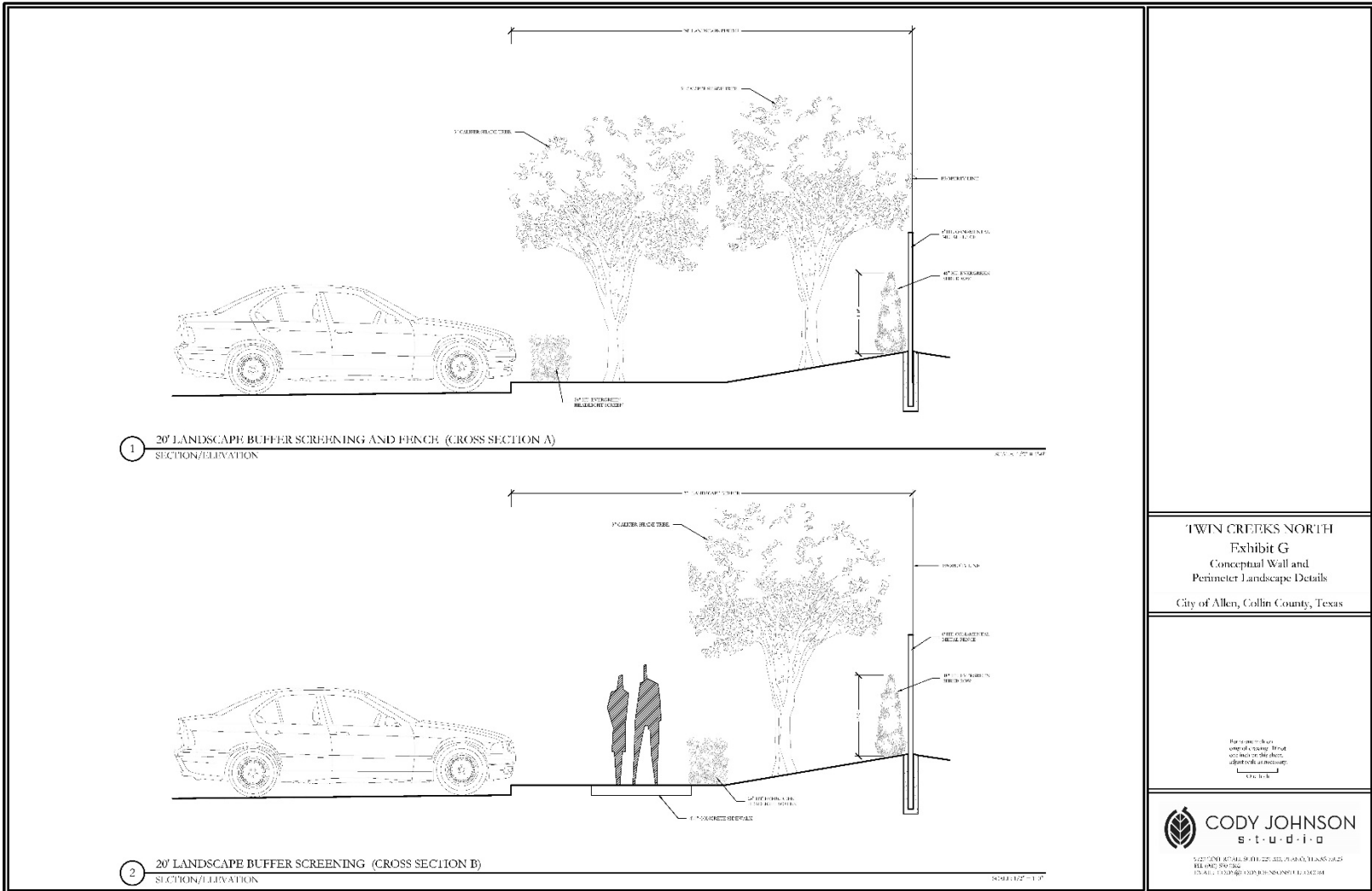


EXHIBIT "E"
DISCAPE PLAN

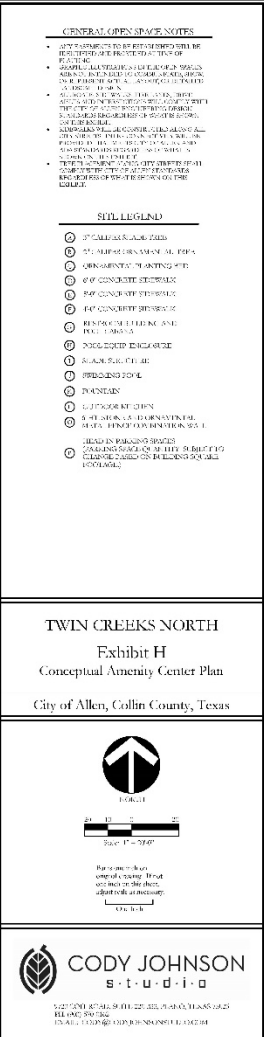
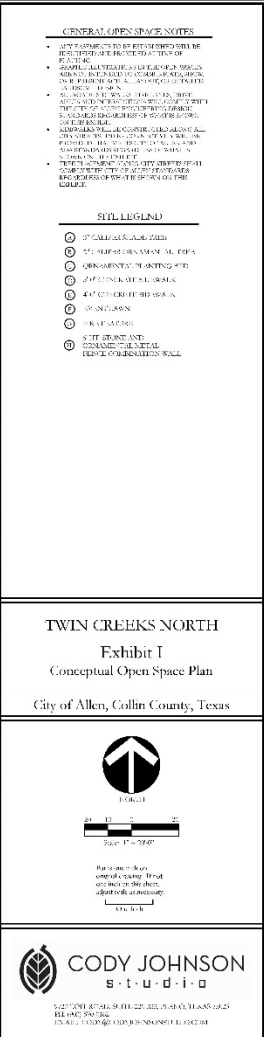


EXHIBIT ‘E’
DISCAPE PLAN





OPEN SPACE CALCULATIONS:

1 AC/75 LOTS REQUIRED
230 LOTS PROPOSED
3.07 AC REQUIRED

LANDSCAPE BUFFER & TRAIL CORRIDOR:

1.	±38,094.4 SF	±0.87 AC
2.	±50,874.2 SF	±1.16 AC
3.	±2,902.1 SF	±0.07 AC
4.	±8,468.5 SF	±0.19 AC
5.	±6,389.2 SF	±0.15 AC
6.	±4,024.2 SF	±0.09 AC
TOTAL:	±110,552.6 SF	±2.53 AC

CIVIC OPEN SPACE:

1.	±29,500.0 SF	±0.68 AC
2.	±14,080.0 SF	±0.32 AC
TOTAL:	±43,580.0 SF	±1.00 AC

OVERALL TOTAL: ±154,112.6 SF ±3.53 AC

- COMMERCIAL OPEN SPACE LOTS SHALL NOT COUNT TOWARDS THE RESIDENTIAL OPEN SPACE REQUIREMENT

**TWIN CREEKS NORTH
OPEN SPACE EXHIBIT**

SCALE: 1"=200'

**DOWDEY, ANDERSON
& ASSOCIATES, INC.**
5225 Village Creek Drive, Suite 200, Plano, Texas 75093
Phone 972.931.0694 Fax 972.931.6536
STATE REGISTRATION NUMBER: F-399
2018-03-27

**EXHIBIT "f"
OPEN SPACE PLAN**