

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, RELATING TO THE USE AND DEVELOPMENT OF 18.688+/- ACRES OF LAND SITUATED IN THE J. SEABORN AND ROBERT T. CLEMENTS SURVEY, ABSTRACT NO. 879, PRESENTLY ZONED AS PLANNED DEVELOPMENT “PD” NO. 40 CORRIDOR COMMERCIAL “CC” AND PLANNED DEVELOPMENT “PD” NO. 40 OFFICE “O” BY CHANGING THE ZONING TO CREATE PLANNED DEVELOPMENT “PD” NO. 137 FOR SINGLE-FAMILY USES WITH A BASE ZONING OF SINGLE FAMILY RESIDENTIAL “R-6” AND TOWNHOME RESIDENTIAL “TH”; ADOPTING A CONCEPT PLAN, BUILDING ELEVATIONS, AND SCREENING PLAN; 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, Collin County, Texas, as previously amended, be further amended relating to the use and development of 18.688+/- acres of land situated in the J. Seaborn and Robert T. Clements Survey, Abstract No. 879 described in “Exhibit A,” attached hereto and incorporated herein by reference (“the Property”), which is presently zoned as Planned Development “PD” No. 40 Corridor Commercial “CC” and Planned Development “PD” No. 40 Office “O” by changing the zoning to create Planned Development “PD” No. 137 for Single-Family uses with a base zoning of Single Family Residential “R-6” and Townhome Residential “TH,” 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 (“ALDC”), as amended, except to the extent modified by the Development Regulations set forth below:

A. BASE ZONING DISTRICTS:

- (1) The portion of the Property described in Exhibit “A,” and depicted on the Concept Plan as the “Southern Tract,” shall be developed and used only in accordance with use and development regulations of the Single-Family Residential District “R-6” except as otherwise provided in this Ordinance.

- (2) The portion of the Property described in Exhibit “A,” and depicted on the Concept Plan as the “Northern Tract,” shall be developed and used only in accordance with use and development regulations of the Townhome Residential “TH” except as otherwise provided in this Ordinance.

B. 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.

C. BUILDING ELEVATIONS: Buildings to be constructed on the Property shall be developed in general conformance with the height, materials, and architectural style set forth in the Building Elevations attached hereto as Exhibit “C,” and incorporated herein by reference (“the Elevations”), shall be further subject to the following.

- (1) Building Materials: Except for window and door areas, exterior facades of all walls shall be 100% masonry.
- (2) Building Design for “TH” lots: Each of the three elevation types shown on the Elevations shall be used on no fewer than four (4) of the 19 buildings constructed on the “TH” lots.

D. 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:**

Minimum Lot Area	1,870 square feet
Minimum Lot Width	22 feet
Minimum Lot Depth	85 feet
Rear Yard Setback	20 feet
Minimum Dwelling Unit Size	1,300 square feet (excluding garage)

(2) **“R-6” Single Family Lots:**

Minimum Lot Area	5,750 square feet
Minimum Lot Width	50 feet
Minimum Lot Depth	110 feet
Rear Yard Setback	15 feet
Minimum Dwelling Unit Size	1,800 square feet (excluding garage)

E. GARAGE SETBACK: There shall be not less than 20 feet between the property line and face of the Garage structure.

F. SCREENING: Screening fences and/or walls shall be constructed and/or installed along the boundaries of the Property in general conformance with the Screening Plan attached hereto as Exhibit “D” and incorporated herein by reference subject to the following additional conditions:

- (1) No building permit shall be issued for construction of any dwelling unit on the South Tract (i.e. Blocks E and F) as identified on the Concept Plan and described in Exhibit “A” hereto until construction of all screening walls and fences shown on the Screening Plan and located on the exterior boundaries of the South Tract has been completed as determined by the Chief Building Official;
- (2) No building permit shall be issued for construction of any dwelling unit on the North Tract (i.e. Blocks A, B and C) as identified on the Concept Plan and described in Exhibit “A” hereto until construction of all screening walls and fences shown on the Screening Plan and located on the

exterior boundaries of the North Tract has been completed as determined by the Chief Building Official;

- (3) Prior to or concurrent with the approval of a final plat for any portion of the North Tract, a perpetual landscape and screening wall maintenance easement with a width of not less than five feet (5.0') and in a form approved by the City Attorney shall be conveyed by the owner of the property adjacent to the western boundary of the North Tract in favor of the owner of the North Tract and the homeowner's association established as required by Section 8.20 of the ALDC which easement shall, among other provisions:
 - (a) Require the developer and/or homeowner's association to be responsible for the maintenance, repair, and replacement of all walls, fences, landscaping, irrigation systems, and any other improvements located within said easement and as may otherwise be required by this Ordinance or applicable provisions of the ALDC;
 - (b) Prohibit any amendments to, or termination of, the easement, in whole or in part, without the written consent of the City of Allen; and
 - (c) Provide that the City of Allen, as a third-party beneficiary of the easement, may, but shall not be obligated, to enforce the provisions of the easement; and
- (4) The declaration of covenants and restrictions relating to the North Tract and required by Section 8.20 of the ALDC shall contain a provision that obligates the homeowner's association established pursuant to said declaration to maintain the landscaping and improvements located within the easement described in paragraph (3), above, in the same manner and to the same extent as all other common areas within the North Tract for which the homeowner's association shall be responsible.

Notwithstanding the above to the contrary, if, prior to final plat of any portion of the Property, fee title to the land on which the easement described in paragraph (3) above is located is conveyed to the owner of the balance of the North Tract so that such land is under common ownership, the easement described in paragraph (3) shall not be required provided (i) such area is established as a common area lot and (ii) a note is included on said final plat that provides that said common area shall be maintained in accordance with this Ordinance.

- G. VISITOR PARKING:** Visitor parking for Lot 44, Block A, may exceed the 100-foot requirement to a dwelling unit provided it is located as shown on the Concept Plan.
- H. SIGNAGE:** Signs shall comply with the general location, number, and dimensions shown on the Screening Plan.
- I. SIDEWALK EXTENSION:** The off-site sidewalk connection on the southern side of Ridgeview Drive shall be constructed by the Developer prior to issuance of a building permit for any dwelling unit on any lot.
- J. TRAFFIC IMPROVEMENTS:** A median opening between Street A and Street D on Ridgeview Drive and the associated east bound left turn lane and west bound left turn lane must be constructed prior to issuance of a building permit for any dwelling unit on any lot.

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 27TH DAY OF NOVEMBER 2018.

APPROVED:

Stephen Terrell, Mayor

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, City Attorney
(kbl:11/15/18:104353)

Shelley B. George, City Secretary

EXHIBIT "A"
DESCRIPTION OF PROPERTY

Northern Tract

BEING, a tract of land situated in the J. Seaborn & Robert T. Clements Survey, Abstract No. 879, in the City of Allen, Collin County, Texas, being part of a 30.00 acre tract, as described in Vol. 5997, Pg. 1572 in the Deed Records of Collin County, Texas and being part of Cottonwood Creek Addition Lots 1 & 2 Block A, an addition to the City of Allen, as described in Doc. No. 2018-261 in the Plat Records of Collin County, Texas and being more particularly described as follows:

BEGINNING, at a ½ inch iron rod found at the northwest corner of Shaddock Park, an addition to City of Allen, as described in Doc. No. 2007-13, in said Plat Records, and being the southwest corner of Starcreek Commercial Lot 1, Block A, an addition to the City of Allen, as described in Cab. Q, Pg. 511, in said Plat Records and being in the east line of said 30.00 acre tract;

THENCE, South 00°31'53" East, along the west line of said Shaddock Park and the east line of said 30.00 acre tract, for a distance of 58.87 feet, to a ½ inch iron rod set with a yellow cap stamped "Corwin Eng. Inc." in the north line of Ridgeview Drive (120' R.O.W.), being on a curve to the left, having a radius of 1560.00 feet, a central angle of 14°12'30";

THENCE, departing said west and east lines and along the north line of said Ridgeview Drive for an arc distance of 386.85 feet (Chord Bearing South 40°22'58" West – 385.86 feet), to a ½ inch rod set with a yellow cap stamped "Corwin Eng. Inc.", at the point of tangency;

THENCE, South 33°16'43" West, continuing along said north line, for a distance of 595.94 feet, to a ½ inch rod set with a yellow cap stamped "Corwin Eng. Inc.";

THENCE, South 33°18'13" West, continuing along said north line, for a distance of 175.43 feet, to a ½ inch iron rod set with a yellow cap stamped "Corwin Eng. Inc." at the point of curvature of a curve to the right, having a radius of 1025.69 feet, a central angle of 00°05'42";

THENCE, continuing along said north line and with said curve to the right for an arc distance of 1.70 feet (Chord Bearing South 33°21'11" West – 1.70 feet), to a ½ inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.";

THENCE, North 56°40'14" West, departing said north line, for a distance of 141.30 feet, to a calculated point for corner;

THENCE, North 01°04'14" West, for a distance of 1049.15 feet, calculated point for corner;

THENCE, North 88°55'46" East, for a distance of 5.00 feet, to a ½ inch rod set with a yellow cap stamped "Corwin Eng. Inc.", in the north line of said Lot 1 and the south line of said Lot 2;

EXHIBIT "A"
DESCRIPTION OF PROPERTY cont.

THENCE, South 78°44'03" East, along said north and south lines, for a distance of 98.88 feet, to a ½ inch iron rod set with a yellow cap stamped "Corwin Eng. Inc."

THENCE, North 85°51'36" East, continuing along said lines, for a distance of 115.16 feet, to a ½ inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.", at the northeast corner of said Lot 1 and the southeast corner of said Lot 2;

THENCE, North 01°04'14" West, along the east line of said Lot 2, for a distance of 14.74 feet, to a ½ inch rod set with a yellow cap stamped "Corwin Eng. Inc.";

THENCE, North 88°10'54" East, departing said east line, for a distance of 59.79 feet, to a ½ inch rod set with a yellow cap stamped "Corwin Eng. Inc.";

THENCE, South 85°36'05" East, for a distance of 13.04 feet, to a ½ inch rod set with a yellow cap stamped "Corwin Eng. Inc.";

THENCE, North 86°08'21" East, for a distance of 163.37 feet, to a ½ inch rod set with a yellow cap stamped "Corwin Eng. Inc.";

THENCE, North 56°58'34" East, for a distance of 23.85 feet, to a ½ inch rod set with a yellow cap stamped "Corwin Eng. Inc.";

THENCE, South 81°41'40" East, for a distance of 138.45 feet, to a ½ inch rod set with a yellow cap stamped "Corwin Eng. Inc.";

THENCE, North 82°14'05" East, for a distance of 66.21 feet, to a ½ inch rod set with a yellow cap stamped "Corwin Eng. Inc.";

THENCE, South 77°36'17" East, for a distance of 138.61 feet, to a ½ inch rod set with a yellow cap stamped "Corwin Eng. Inc.", in the west line of said Starcreek Commercial Lot 1 Block A and in the east line of said 30.00 acre tract;

THENCE, South 00°31'53" East, along said east and west lines, for a distance of 115.47 feet, to the POINT OF BEGINNING and containing 12.932 acres of land.

Southern Tract

BEING, a tract of land situated in the J. Seaborn & Robert T. Clements Survey, Abstract No. 879, in the City of Allen, Collin County, Texas, being part of a 30.00 acre tract, as described in Vol. 5997, Pg. 1572 in the Deed Records of Collin County, Texas and being more particularly described as follows:

EXHIBIT "A"
DESCRIPTION OF PROPERTY cont.

BEGINNING, at a ½ inch iron rod found at the southeast corner of said 30.00 acre tract, and being the northeast corner of Saddleridge Phase Three, an addition to the City of Allen, as described in Doc. No. 2010-302, in the Plat Records of Collin County, Texas same being in the west line of Shaddock Park, an addition to the City of Allen, as described in Doc. No. 2007-13 in said Plat Records;

THENCE, South 89°20'46" West, along the south line of said 30.00 acre tract and along the north line of said Saddleridge Phase Three, for a distance of 582.44 feet, to a ½ inch iron rod found at the southwest corner of said 30.00 acre tract and being in the south line of Ridgeview Drive (120' R.O.W.);

THENCE, North 33°16'43" East, departing the north line of said Saddleridge Phase Three and along the south line of said Ridgeview Drive, for a distance of 771.03 feet, to a ½ inch rod set with a yellow cap stamped "Corwin Eng. Inc.", at the point of curvature of a curve to the right, having a radius of 1440.00 feet, a central angle of 09°46'28";

THENCE, continuing along said south line and with said curve to the right for an arc distance of 245.66 feet (Chord Bearing North 38°09'57" East – 245.36 feet), to a ½ inch rod set with a yellow cap stamped "Corwin Eng. Inc.", in the west line of said Shaddock Park and the east line of said 30.00 acre tract;

THENCE, South 00°31'53" East, departing said south line and along said east and west lines, for a distance of 830.89 feet, to the POINT OF BEGINNING and containing 5.756 acres of land.

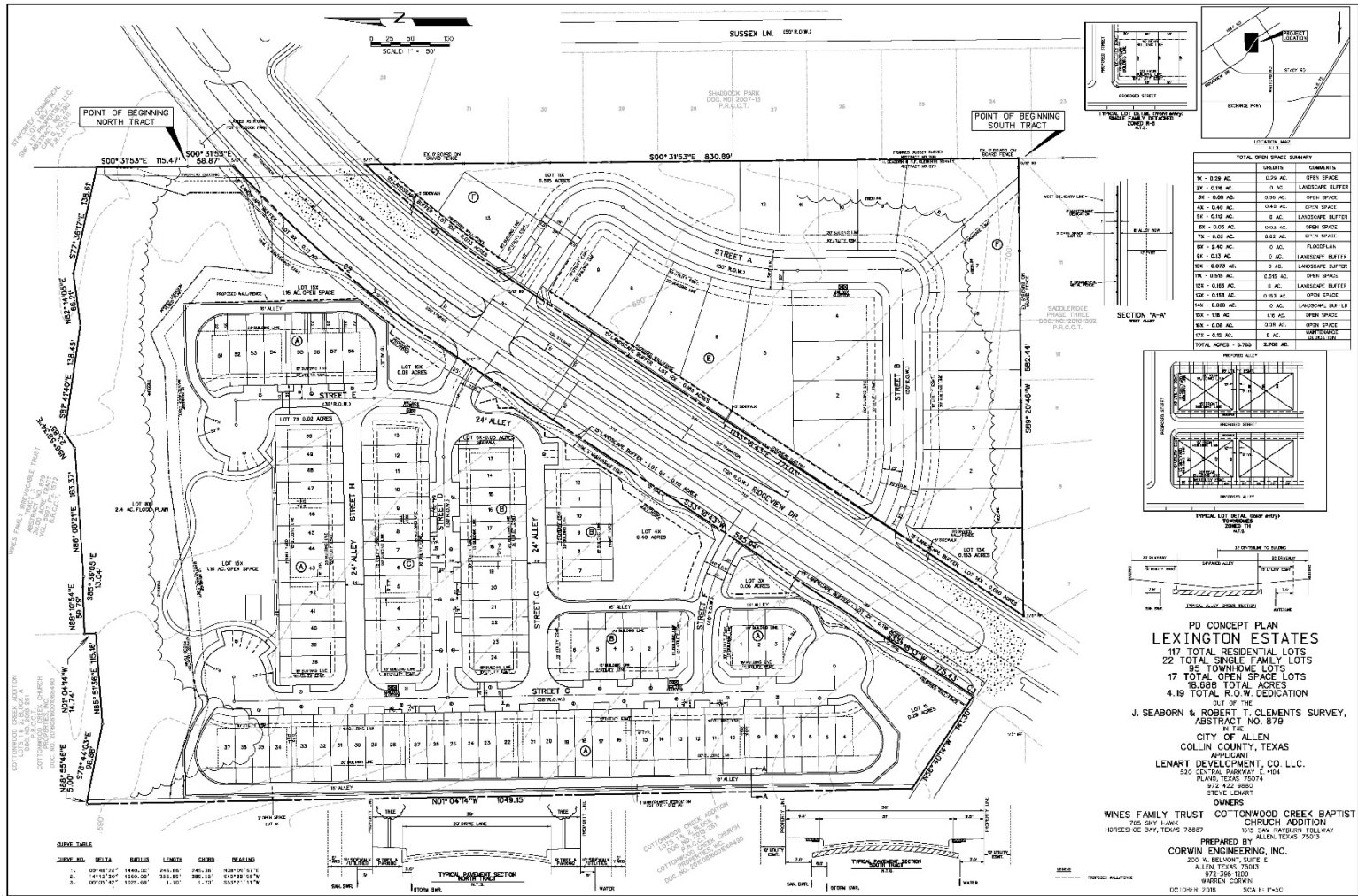


EXHIBIT “C”
SINGLE-FAMILY RESIDENTIAL ELEVATIONS

Barcelona (Front)



Barcelona (Rear)

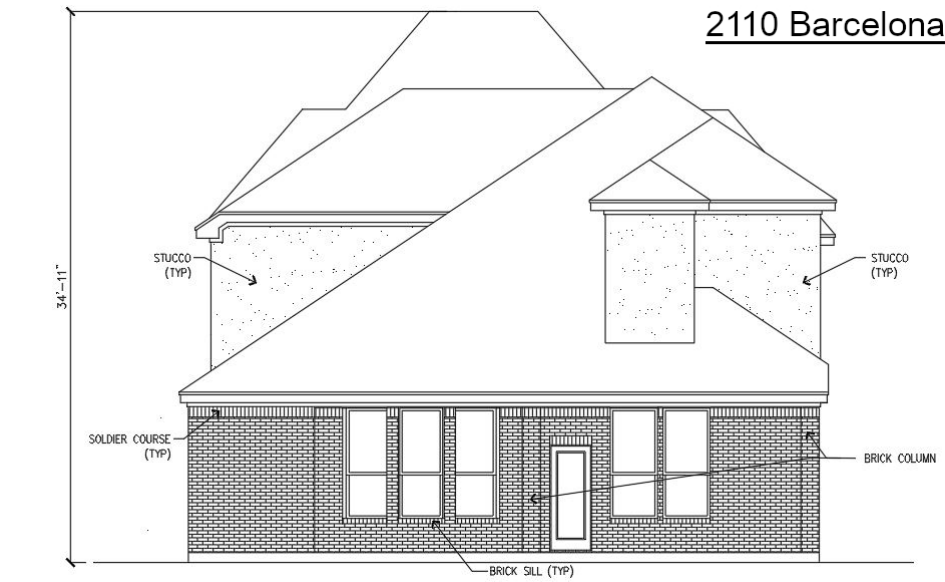


EXHIBIT "C"
SINGLE-FAMILY RESIDENTIAL ELEVATIONS cont.

Barcelona (Left)

2110 Barcelona



Barcelona (Right)

2110 Barcelona

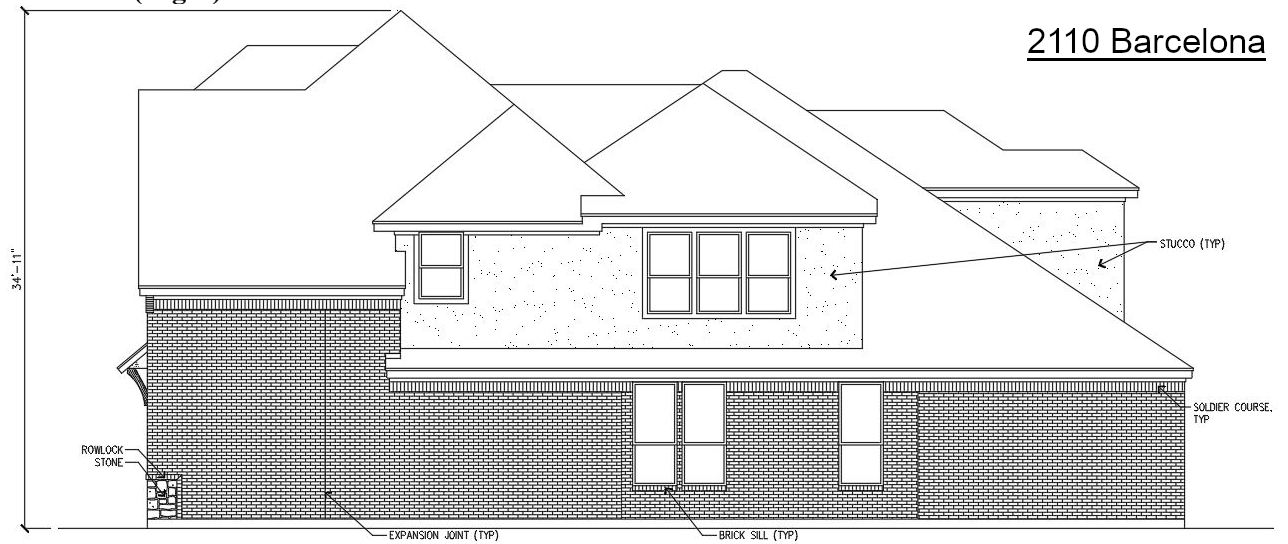


EXHIBIT “C”
SINGLE-FAMILY RESIDENTIAL ELEVATIONS cont.

Kava (Front)

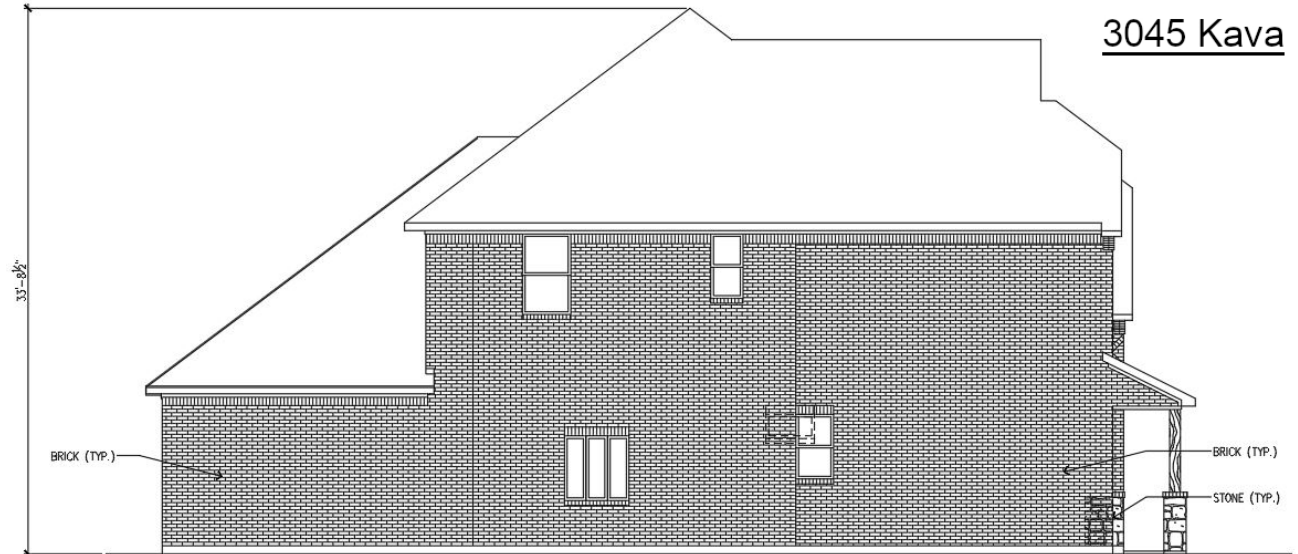


Kava (Rear)



EXHIBIT "C"
SINGLE-FAMILY RESIDENTIAL ELEVATIONS cont.

Kava (Left)



Kava (Right)



EXHIBIT "C"
SINGLE-FAMILY RESIDENTIAL ELEVATIONS cont.

Madison (Front)



2894 - Madison - A

Madison (Rear)

2894 Madison



EXHIBIT "C"
SINGLE-FAMILY RESIDENTIAL ELEVATIONS cont.

Madison (Left)

2894 Madison



Madison (Right)

2894 Madison

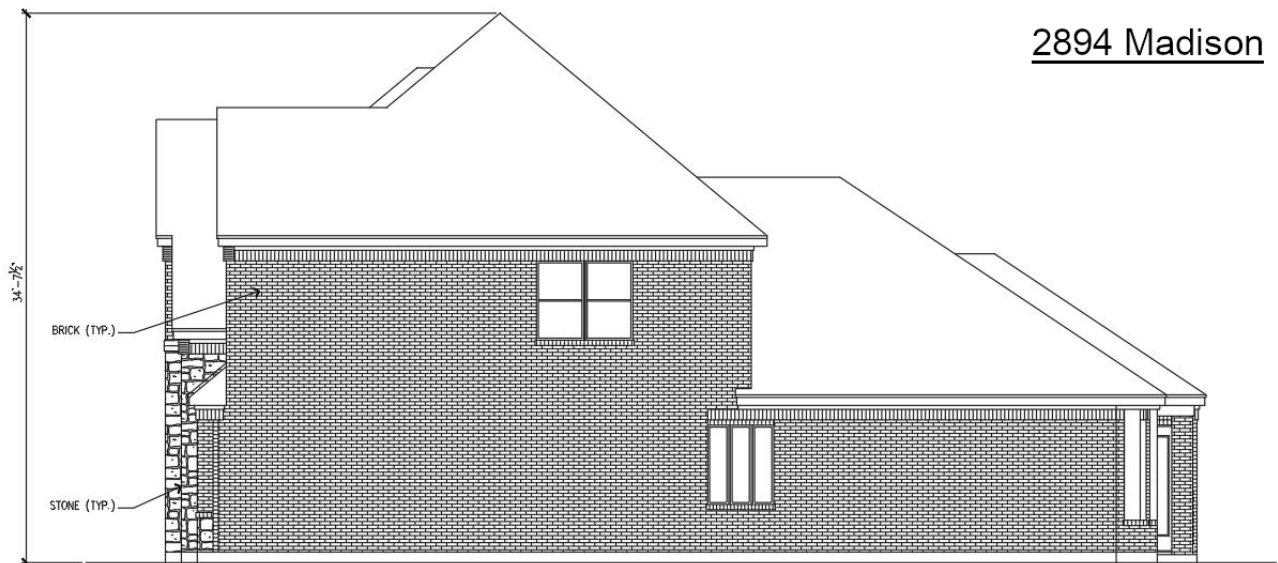


EXHIBIT "C"
SINGLE-FAMILY RESIDENTIAL ELEVATIONS cont.

Regency (Front)



Regency (Rear)



EXHIBIT "C"
SINGLE-FAMILY RESIDENTIAL ELEVATIONS cont.

Regency (Left)
2896 Regency



Regency (Right)

2896 Regency



EXHIBIT "C"
TOWNHOUSE RESIDENTIAL ELEVATIONS

Townhouse Building A (Front)



EXHIBIT "C"
TOWNHOUSE RESIDENTIAL ELEVATIONS cont.

Townhouse Building B (Front)



EXHIBIT "C"
TOWNHOUSE RESIDENTIAL ELEVATIONS cont.

Townhouse Building C (Front)



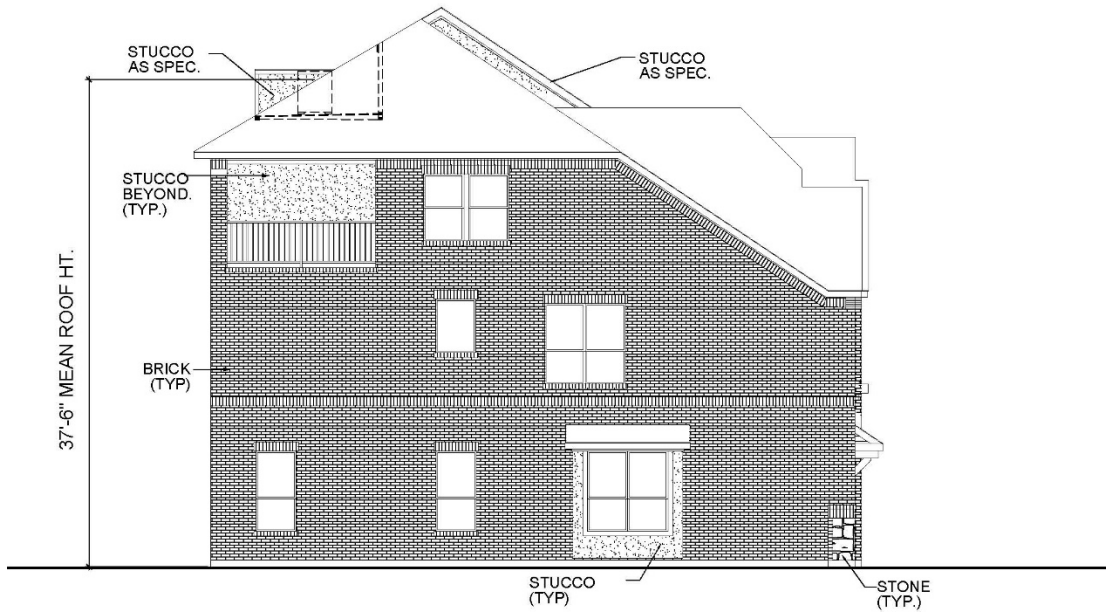
EXHIBIT "C"
TOWNHOUSE RESIDENTIAL ELEVATIONS cont.

Townhouse All Buildings (Rear)

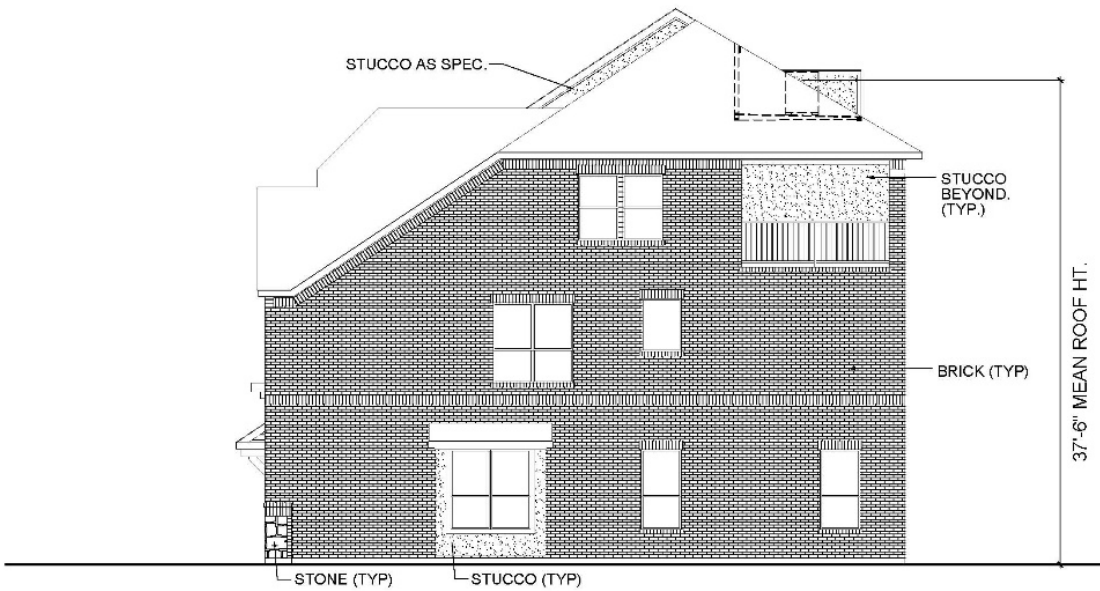


EXHIBIT "C"
TOWNHOUSE RESIDENTIAL ELEVATIONS cont.

Townhouse All Buildings (Left)



Townhouse All Buildings (Right)



SCREENING PLAN

EXHIBIT 1

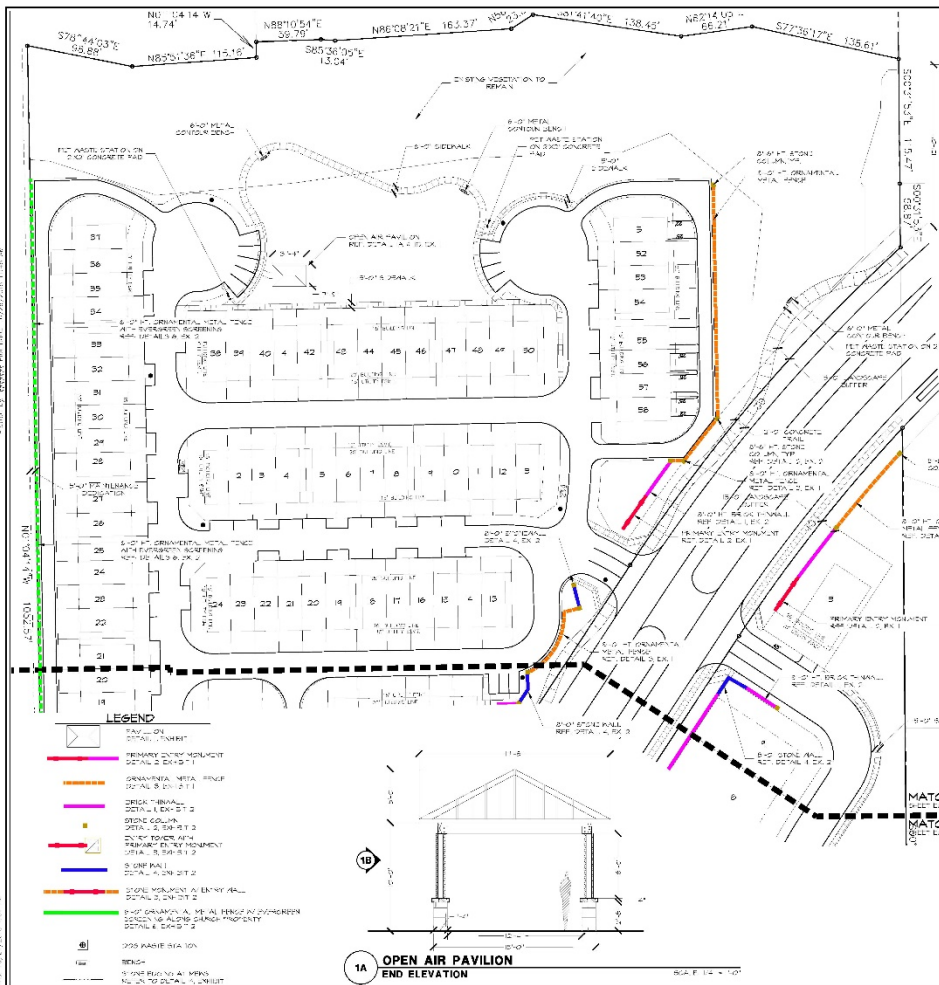


EXHIBIT “D”
SCREENING PLAN cont.

