

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 REGULATIONS RELATING TO THE USE AND DEVELOPMENT OF 0.781± ACRES LOCATED IN THE JOHN FYKE SURVEY, ABSTRACT NO. 325 PRESENTLY ZONED AS PLANNED DEVELOPMENT “PD” NO. 108 MIXED USE “MIX” AND ADOPTING A CONCEPT PLAN AND BUILDING ELEVATIONS; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING FOR 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, the City Council has concluded that the Allen Land Development Code Zoning Regulations and Zoning Map of the City of Allen, Texas, as previously amended, should be further amended as follows:

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 amended, be further amended by amending as set forth in Section 2 of this Ordinance the regulations relating the use and development of 0.781± acres located in the John Fyke Survey, Abstract No. 325 described in “Exhibit A,” attached hereto and incorporated herein by reference (“the Property”) presently zoned as Planned Development “PD” No. 108 Mixed-Use “MIX.”

SECTION 2. The Property shall be developed and used only in accordance with the applicable provisions of the Allen Land Development Code, as amended (“ALDC”) and the use and development regulations for District H of Planned Development “PD” No. 108 as set forth in Ordinance No. 3044-10-11, as amended, and in Ordinance No. 3094-7-12, as amended (collectively “the PD 108 Ordinance”), except to the extent modified by the Development Regulations set forth below:

- A. PERMITTED USE:** In addition to the uses set forth in Table 1: *Schedule of Principal Uses* in Exhibit “B” of the PD-108 Ordinance, the Property may be used and developed with a Restaurant (Drive-in or Through).
- B. CONCEPT PLAN:** If the Property is developed and used for Restaurant (Drive-in or Through) purposes, 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. If the Property is to be developed and used for any purpose other than Restaurant (Drive-in or Through), such use shall be developed in accordance with the Concept Plan set forth in Exhibit “B” of Ordinance No. 3094-7-12.

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”).

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, 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, 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 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 of the caption 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 11TH DAY OF DECEMBER 2018.

APPROVED:

Stephen Terrell, Mayor

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, City Attorney
(kbl:11/29/18:104645)

Shelley B. George, City Secretary

EXHIBIT "A"
DESCRIPTION OF PROPERTY

BEING that tract of land located in the John Fyke Survey, Abstract 325, City of Allen, Collin County, Texas and being a portion of the remainder of that called 30.477 acre tract of land described in a deed to Twin Creeks Business Park, Inc. as recorded in Collin County Clerk's Document (C.C.C.D.) 20120731000930950 of the Official Public Records of Collin County, Texas (O.P.R.C.C.T.) and being further described as follows:

BEGINNING at a 1/2 inch steel rod with cap stamped "PACHECO KOCH" found in the east right of way line of Webster Drive described in a Right of Way Deed to the City of Allen, Texas as a 50' right of way dedication as recorded in C.C.C.D. 20121106001416950 of the O.P.R.C.C.T. for the northwest corner of Lot 1, Block D of the Bossy Boots Addition as shown on the plat recorded in Volume 2013, Page 39 of the Plat Records of Collin County, Texas (P.R.C.C.T.) from which a 1/2 inch steel rod with cap stamped "PACHECO KOCH" found for the southwest corner of said Lot 1, Block D bears South 29 degrees 26 minutes 22 seconds East, 249.18 feet, also from which a 1/2 inch steel rod with cap stamped "PACHECO KOCH" found for the point of tangency of a curve in the east right of way line of Webster Drive bears along said curve to the right having a radius of 325.00' and a chord bearing and distance of South 44 degrees 15 minutes 58 seconds West, 180.16 feet, an arc length of 182.55 feet;

THENCE with the east right of way line of Webster Drive and a curve to the left, having a radius of 325.00 feet and a chord bearing and distance of North 13 degrees 24 minutes 55 seconds East, 165.62 feet, an arc length of 167.47 feet to a 1/2 inch steel rod with cap stamped "1519 SURVEYING" set;

THENCE North 01 degrees 19 minutes 17 seconds West, continuing with the east right of way line of Webster Drive, 124.92 feet to a 1/2 inch steel rod with cap stamped "1519 SURVEYING" set for the southwest corner of a Fire Lane, Access, and Public Utility Easement described in a deed to the City of Allen, Texas as recorded in C.C.C.D. 20121106001417030 of the O.P.R.C.C.T.;

THENCE with the south line of said easement the following 3 bearings and distances:

North 44 degrees 09 minutes 42 seconds East, 34.94 feet to a 1/2 inch steel rod with cap stamped "1519 SURVEYING" set;

North 89 degrees 37 minutes 44 seconds East, 75.69 feet to a 1/2 inch steel rod with cap stamped "1519 SURVEYING" set at the beginning of a curve to the right;

THENCE with said curve to the right having a radius of 1025.00 feet, and a chord bearing and distance of South 89 degrees 26 minutes 09 seconds East, 33.46 feet, an arc length of 33.46 feet to a mag nail with washer stamped "1519 SURVEYING" set for the northwest corner of Lot 2, Block D of said Bossy Boots Addition as shown on the plat recorded in Volume 2013, Page 129 of the P.R.C.C.T.;

THENCE with the west line of said Lot 2, Block D the following 2 bearings and distances:

South 03 degrees 25 minutes 40 seconds West, 157.46 feet to a 1/2 inch steel rod found for an angle point in said Lot 2, Block D;

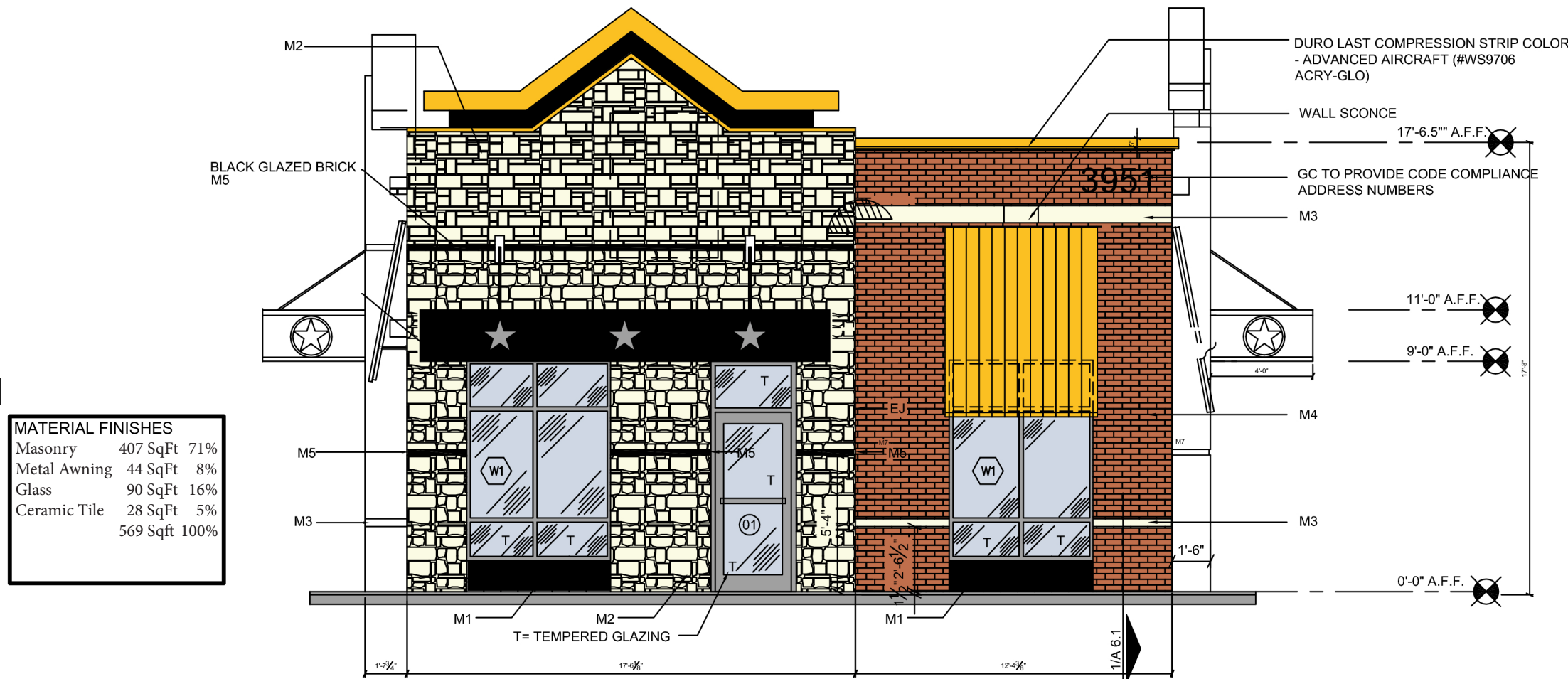
South 29 degrees 26 minutes 37 seconds East, 55.66 feet to a calculated point in concrete for the southwest corner of said Lot 2, Block D in the north line of said Lot 1, Block D from which a 1/2 inch steel rod with cap stamped "1519 SURVEYING" for the northeast corner of a Fire lane, access & public utility easement described in an easement to the City of Allen as recorded in C.C.C.D. 20121106001417040 of the O.P.R.C.C.T. bears North 29 degrees 26 minutes 37 seconds West, 23.76 feet;

THENCE South 60 degrees 33 minutes 14 seconds West, with the north line of said Lot 1, Block D, 214.72 feet to the POINT OF BEGINNING and containing 0.781 acre of land.

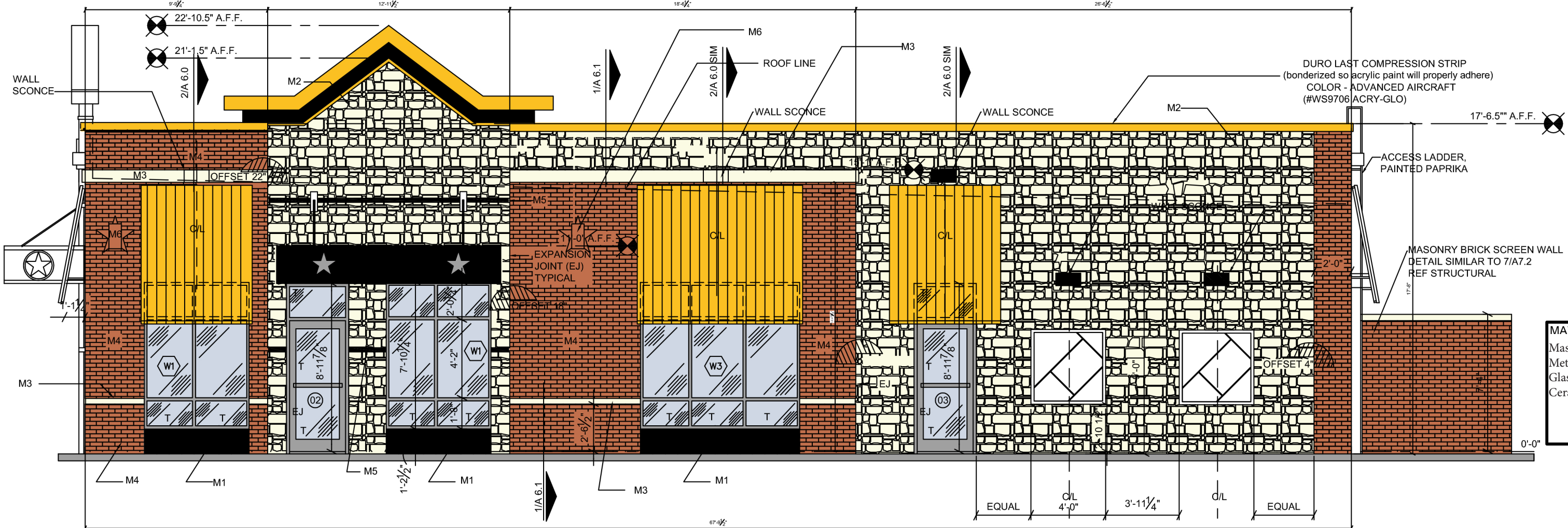
Bearings based on Grid North, State Plane Coordinate System, Nad 83, Texas North Central Zone (4202).

EXHIBIT “B”
CONCEPT PLAN

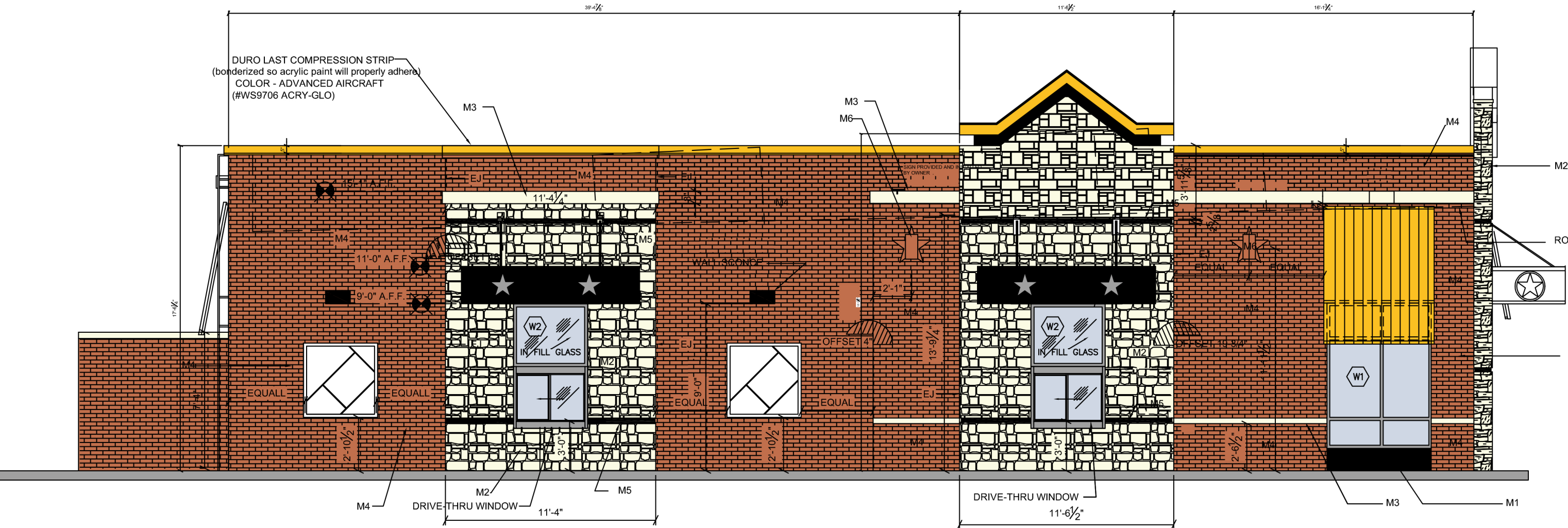
EXHIBIT “C”
BUILDING ELEVATIONS



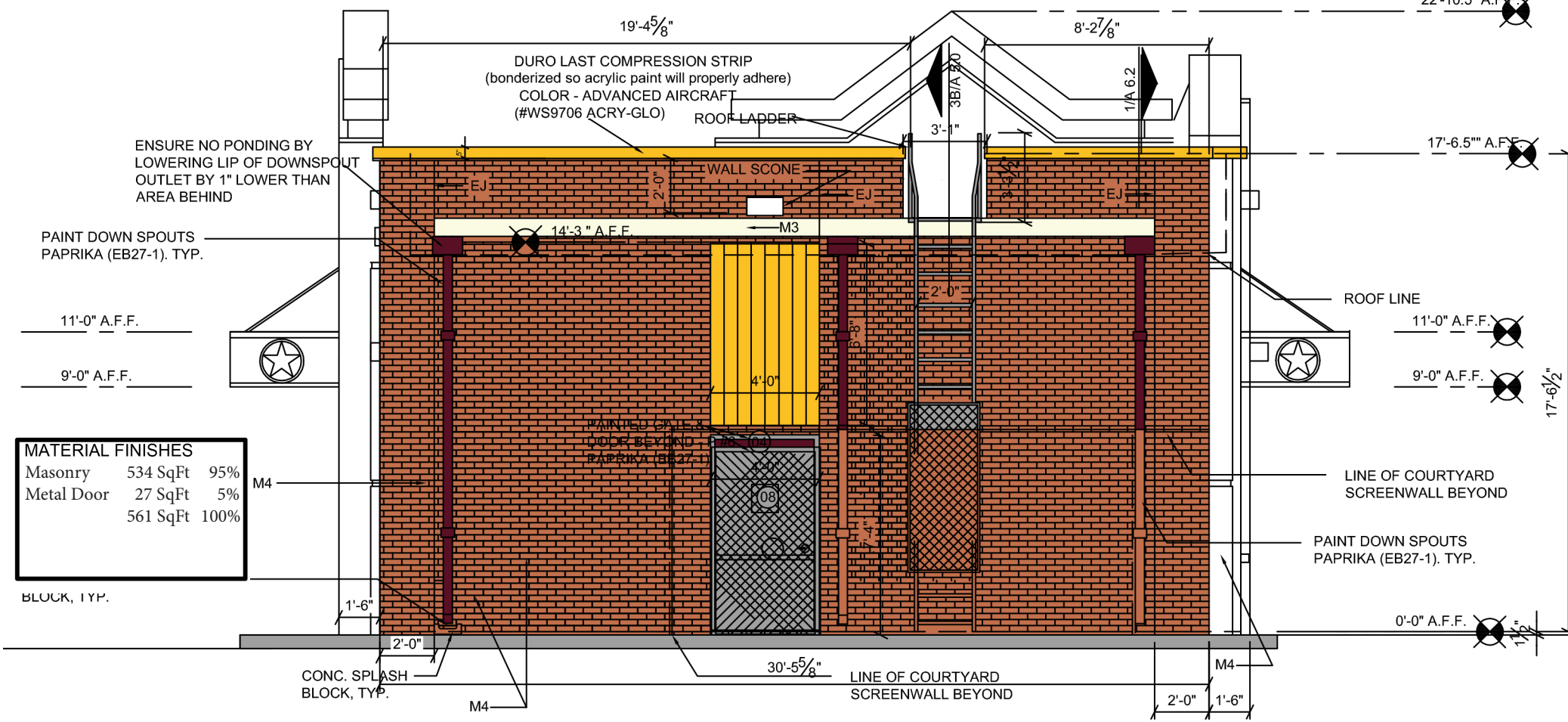
SOUTH ELEVATION
3/16"=1'0"



EAST ELEVATION
3/16"=1'0"



WEST ELEVATION
3/16"=1'0"



NORTH ELEVATION
3/16"=1'0"

MATERIAL LEGEND

CONTACT ACME BRICK & FEATHERLITE FOR M1, M2, M3, M4 & M5 MASONRY PRODUCTS BELOW:

CONTACT PERSON:
Tracie Martin
16121 College Oak Drive
San Antonio, TX. 78249
210-296-7891 Cell
210-493-2612 Office
210-493-2928 Fax

M1 12x12 BLACK GRANITE WALL TILE - IN702P PREMIUM BLACK (AMERICAN TILE SUPPLY - AN ACME COMPANY)

M2 STONE
A.Limestone/Sandstone:
1. Type: Ashlar pattern, chopped/split face, coursable limestone
2. Color: Kirby Cream
3. Size:
a. Height: 4", 6", 8" Face heights
b. Length: Random Lengths - 12"-20"
c. Thickness: 3"-5" Depths
4. Mortar to be Savannah Ivory: Argos-US.

com
5. Stone to be harvested by Kirby Stone Company, LLC and distributed by ACME Brick Company.

M3 CAST STONE - WHITE (FIELD CUT TO SUIT LENGTHS)
- 8"x8"x30" WITH 3/4" CHAMPHER TO TOP OUTSIDE EDGE (REF 1/A6.1)
- 8"x5"x30" WITH 3/4" CHAMPHER TO TOP OUTSIDE EDGE (REF 2/A6.0)
- 5"x3-5/8"x30" (REF A4.0)
- 4"x14"x24" (REF 7/A7.2)
- 6"x12"x20" (REF 3/A6.0)

M4 RED BRICK KING SIZE - DENTON DTP BL. 155 VILLAGE - SAVANNAH IVORY MORTAR
M5 BLACK GLAZED KING SIZE BRICK - BUTT BRICKS TOGETHER AND USE SAVANNAH IVORY MASONRY MORTAR
M6 METAL LONE STAR WALL SCONCE BRONZE OR EQUAL APPROVED - MATERIAL SUPPLIER: 512 636 3272
D1 PATIO ALUMINUM & GLASS DOOR

GOLDEN CHICK RESTAURANT FACADE REVIEW

MICHAEL LEGG ARCHITECTURE