ORDINANCE NO.	
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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 TRACT A-1 OF PLANNED DEVELOPMENT "PD" NO. 92 CORRIDOR COMMERCIAL "CC" AND ADOPTING A CONCEPT PLAN, BUILDING ELEVATIONS, AND AN AMENDED ZONING EXHIBIT RELATING TO THE USE AND DEVELOPMENT OF ALL OF LOT 1, BLOCK A, STARCREEK VILLAGE AND 5.417± ACRES LOCATED IN THE FRANCIS DOSSER SURVEY, ABSTRACT NO. 280; 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 the development regulations of Tract A-1 of Planned Development "PD" No. 92 Corridor Commercial "CC", with respect to the use and development of all of Lot 1, Block A, Starcreek Village and 5.417± acres located in the Francis Dosser Survey, Abstract No. 280 ("the Property") described in "Exhibit A," attached hereto and incorporated herein by reference as set forth in Section 2 of this Ordinance.

**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 Planned Development "PD" No. 92 as set forth in Ordinance No. 2352-12-04, as amended by Ordinance No. 3353-2-16 and Ordinance No. 3398-7-16 (collectively "the PD 92 Ordinance"), except to the extent modified by the Development Regulations set forth below:

**A. DESIGNATION OF TRACT A-2:** The portion of Tract A and Tract A-1 (which Tract A and Tract A-1 are last depicted in Exhibit "B" "Zoning Concept Plan" made a part of the PD 92 Ordinance pursuant to Ordinance No. 3398-7-16) which are outlined and depicted on the Zoning Exhibit attached here to as Exhibit "B," and incorporated herein by reference, are hereby collectively re-designated as "Tract A-2".

#### **B. PERMITTED USES:**

(1) In addition to the uses permitted in Tract A of the PD 92 Ordinance, except as provided in paragraph (2), below, Tract A-2 may be used and developed for the following purposes:

- (a) Office
- (b) Medical or Dental Office
- (c) Medical Clinic
- (d) Dance/Martial Arts Studio
- (e) Building Material Sales (Indoor)
- (f) Hardware Store
- (g) Bicycle Shop/Repair Service
- (2) No more than fifty percent (50%) of the floor area of the portions of Tract A-2 shown in yellow and identified in the legend of Exhibit "B" hereto may be used and developed as Office, Medical or Dental Office, and/or Medical Clinic uses.
- C. CONCEPT PLAN: The Property shall be developed in general conformance with the Concept Plan attached hereto as Exhibit "C," 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.
- **D. 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 "D," and incorporated herein by reference ("the Elevations"), and shall be further subject to the following.
- **E. BUILDING HEIGHT:** The maximum height for buildings constructed on Tract A-2 shall be three (3) stories.
- **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 (kb1:11/29/18:104648)	Shelley B. George, City Secretary

#### EXHIBIT "A" DESCRIPTION OF PROPERTY

**BEING** a tract of land situated in the Francis Dosser Survey, Abstract No. 280, in the City of Allen, Collin County, Texas, and being a part of the remainder portion of that called 6.721 acre tract of land as described in Special Warranty Deed with Vendor's Lien to Starcreek Village, LLC recorded under Clerk's File No. 20140730000802700 in the Deed Records of Collin County, Texas (DRCCT), and being more particularly described as follows:

**BEGINNING** at a magnetic nail set with flasher stamped 'Sparr RPLS 3701' in the south line of State Highway No. 121 (variable width right-of-way), as established in Volume 4793, Page 1449 DRCCT, at the northwest corner of Lot 1, Block A of Starcreek Village, an addition to the City of Allen, Texas, according to the plat thereof recorded in Volume 2018, Page 258 in the Map Records of Collin County, Texas (MRCCT);

**THENCE** South 25 Degrees 24 Minutes 57 Seconds East, departing the south line of said State Highway No. 121, along the west line of said Lot 1, at 308.33 feet passing a magnetic nail set with flasher stamped 'Sparr RPLS 3701' at the southwest corner of said Lot 1, same being an interior corner of said Starcreek Village tract, in all a distance of 496.69 feet to a magnetic nail set with flasher stamped 'Sparr RPLS 3701' in the north line of Lot 1, Block A of Starcreek Commercial, an addition to the City of Allen, Texas, according to the plat thereof recorded in Volume Q, Page 511 MRCCT;

**THENCE** South 64 Degrees 36 Minutes 26 Seconds West, along the north line of said Starcreek Commercial, 413.96 feet to a 5/8-inch iron rod found with plastic cap stamped 'Dunaway Assoc' in the east line of a tract of land as described in deed to The Wines Family Irrevocable Trust recorded in Volume 2774, Page 647 DRCCT;

**THENCE** North 00 Degrees 27 Minutes 49 Seconds West, along the east line of said Wines Family Trust tract, 547.64 feet to a 5/8-inch iron rod set with plastic cap stamped 'Sparr Surveys' at the northeast corner of said Wines Family Trust tract and lying in the south line of said State Highway No. 121;

**THENCE** North 64 Degrees 35 Minutes 03 Seconds East, along the south line of said State Highway No. 121, 182.93 feet to the **POINT of BEGINNING** and **CONTAINING** 3.403 acres of land.

**BEING** a tract of land situated in the Francis Dosser Survey, Abstract No. 280, in the City of Allen, Collin County, Texas, and being a part of the remainder portion of that called 6.721 acre tract of land as described in Special Warranty Deed with Vendor's Lien to Starcreek Village, LLC recorded under Clerk's File No. 20140730000802700 in the Deed Records of Collin County, Texas (DRCCT), and being more particularly described as follows:

**BEGINNING** at a 5/8-inch iron rod set with plastic cap stamped 'Sparr Surveys' in the west line of Watters Road (variable width right-of-way), as established in Volume Q, Page 472 in the Map Records of Collin County, Texas (MRCCT), said beginning point also being the southeast corner of Lot 1, Block A of Starcreek Village, an addition to the City of Allen, Texas, according to the plat thereof recorded in Volume 2007, Page 15 MRCCT;

**THENCE** South 29 Degrees 18 Minutes 33 Seconds East, along the west line of said Watters Road, 65.99 feet to a cut 'x' found;

**THENCE** South 25 Degrees 21 Minutes 29 Seconds East, continuing along the west line of said Watters Road, 207.72 feet to a cut 'x' found at the northeast corner of Lot 1, Block A of Starcreek Commercial, an addition to the City of Allen, Texas, according to the plat thereof recorded in Volume Q, Page 511 MRCCT;

**THENCE** in a westerly direction along the north line of said Starcreek Commercial the following:

South 64 Degrees 35 Minutes 17 Seconds West, departing the west line of said Watters Road, 60.06 feet to a cut 'x' found;

North 80 Degrees 20 Minutes 56 Seconds West, 148.13 feet to a cut 'x' found;

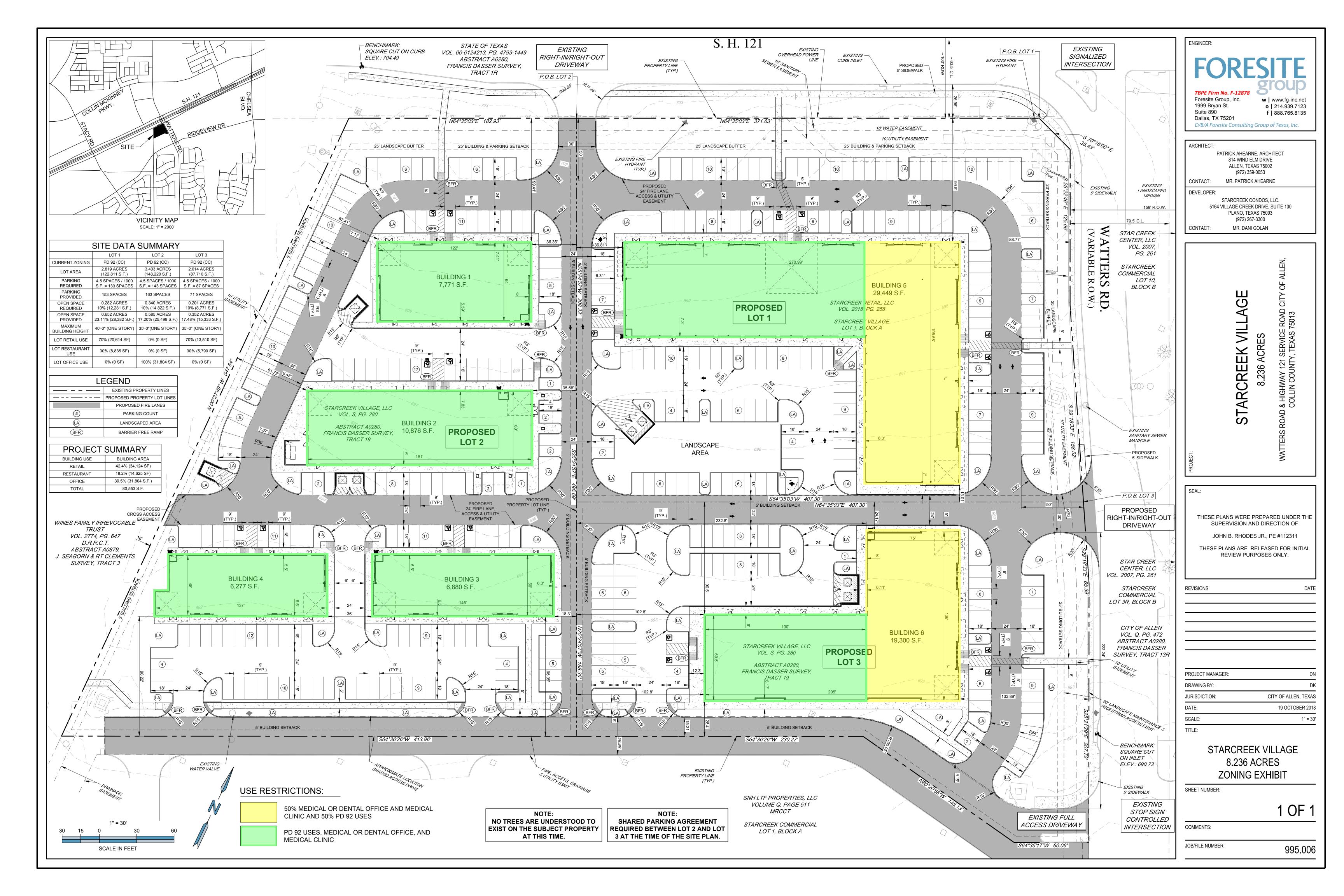
South 64 Degrees 36 Minutes 26 Seconds West, 230.27 feet to a magnetic nail set with flasher stamped 'Sparr RPLS 3701';

**THENCE** North 25 Degrees 24 Minutes 57 Seconds West, departing the north line of said Starcreek Commercial, 188.36 feet to a magnetic nail set with flasher stamped 'Sparr RPLS 3701' at the southwest corner of Lot 1, Block A of said Starcreek Village;

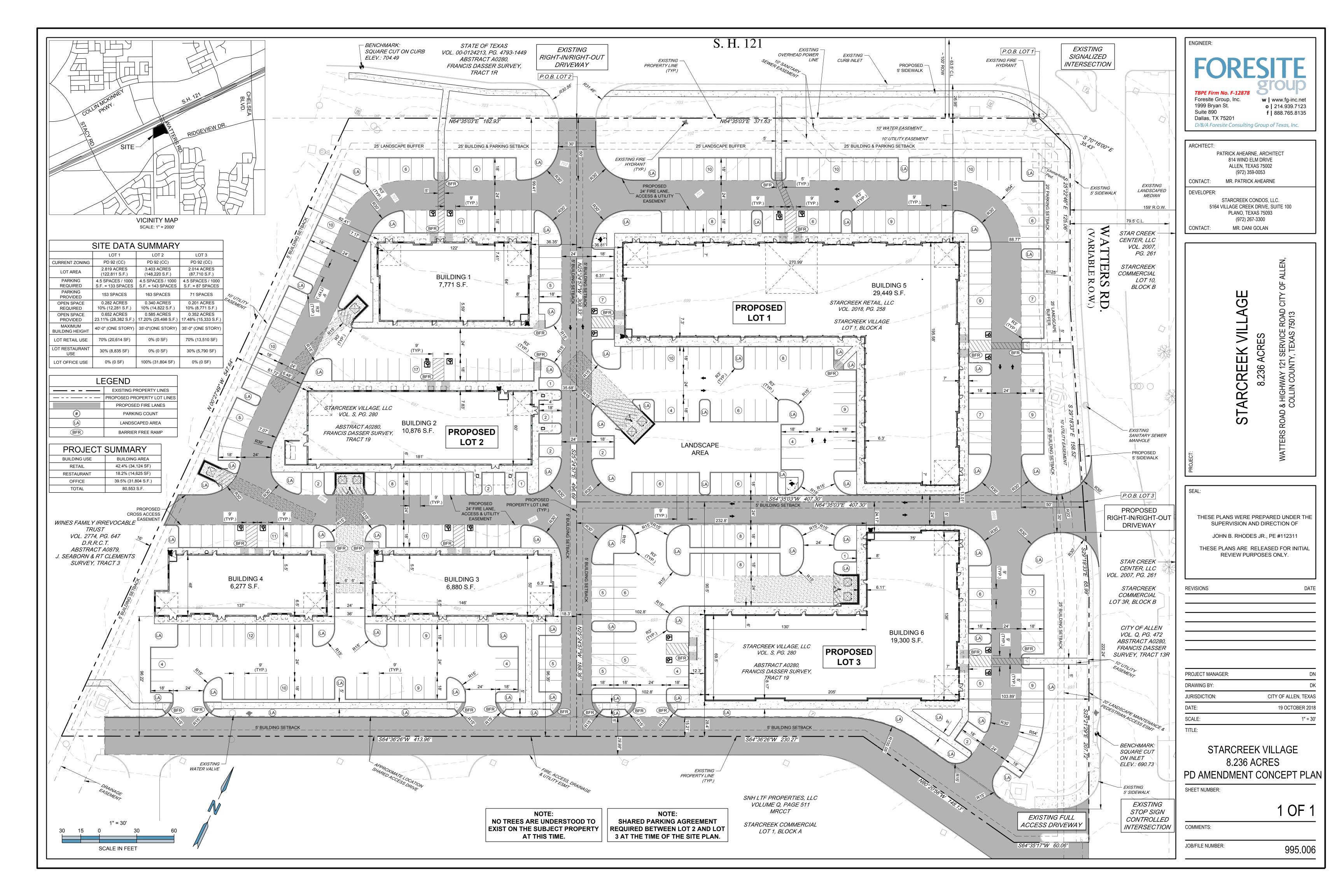
**THENCE** North 64 Degrees 35 Minutes 03 Seconds East, along the south line of said Starcreek Village, 407.30 feet to the **POINT of BEGINNING** and **CONTAINING** 2.014 acres of land.

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## EXHIBIT "B" ZONING EXHIBIT



## EXHIBIT "C" CONCEPT PLAN



# EXHIBIT "D" BUILDING ELEVATIONS

