

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE AND ZONING MAP, AS PREVIOUSLY AMENDED, BY GRANTING SPECIFIC USE PERMIT NO. 166 FOR PRIVATE CLUB USE FOR AN APPROXIMATELY 6,165± SQUARE FOOT PORTION OF A BUILDING LOCATED ON LOT 3, BLOCK 1, ALLEN TECH CENTER ADDITION (COMMONLY KNOWN AS 604 W. BETHANY DRIVE, SUITE 102) PRESENTLY ZONED FOR PLANNED DEVELOPMENT “PD” NO. 68 CORRIDOR COMMERCIAL “CC”; REPEALING SPECIFIC USE PERMIT NO. 82 FOR RESTAURANT/PRIVATE CLUB 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. 166 authorizing an approximately 6,165± square foot portion of a building located on Lot 3, Block 1, Allen Tech Center Addition, an addition to the City of Allen, Collin County, Texas, according to the Plat recorded in Book 4957, Page 1696, Plat Records, Collin County, Texas, as shown on Exhibit “A” attached hereto and incorporated herein by reference (“the Property”), which is presently zoned for Planned Development “PD” No. 68 Corridor Commercial “CC” to be developed and used for a Private Club 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 the use and development regulations of Planned Development “PD” No. 68 as amended, and, if developed and used for Private Club 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 Bethany Taverns, LLC, or a legal entity owned or controlled by Michael Brignole is authorized by this Ordinance to use the Property for a Private Club use. Notwithstanding the foregoing to the contrary, it shall not be a violation of this ordinance if a third party holds the Private Club Permit issued by the Texas Alcoholic Beverage Commission for purposes of operating a Private Club on the Property pursuant to Chapter 32 of the Texas Alcoholic Beverage Code, as amended, if, and only if, the Property is at all times also operated as a restaurant.

SECTION 3. Specific Use Permit No. 82 for Restaurant/Private Club, enacted pursuant to Ordinance No. 1878-9-00, is hereby repealed.

SECTION 4. 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 5. 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 6. 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 7. 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 8. 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 8TH DAY OF JANUARY 2019.

APPROVED:

Stephen Terrell, Mayor

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, City Attorney
(kbl:12/13/18:104888)

Shelley B. George, City Secretary

EXHIBIT “A”
SUP SITE PLAN

Project
BETHANY TAVERNS

Sheet
SP

Date
11/26/2018

Scale
1" = 40'

Project Name and Address

BETHANY TAVERN
604 W. BETHANY DR. #102
ALLEN, TEXAS 75013

Symbol Legend:

⑧

P-SPACE ROW COUNT

♿

HANDICAP SPACE

⚡

POWER POLE

♿

HANDICAPPED PARKING SPACE

PARKING SPACE

8'-6"

18'-0"

Drafted By:
Project Management Services

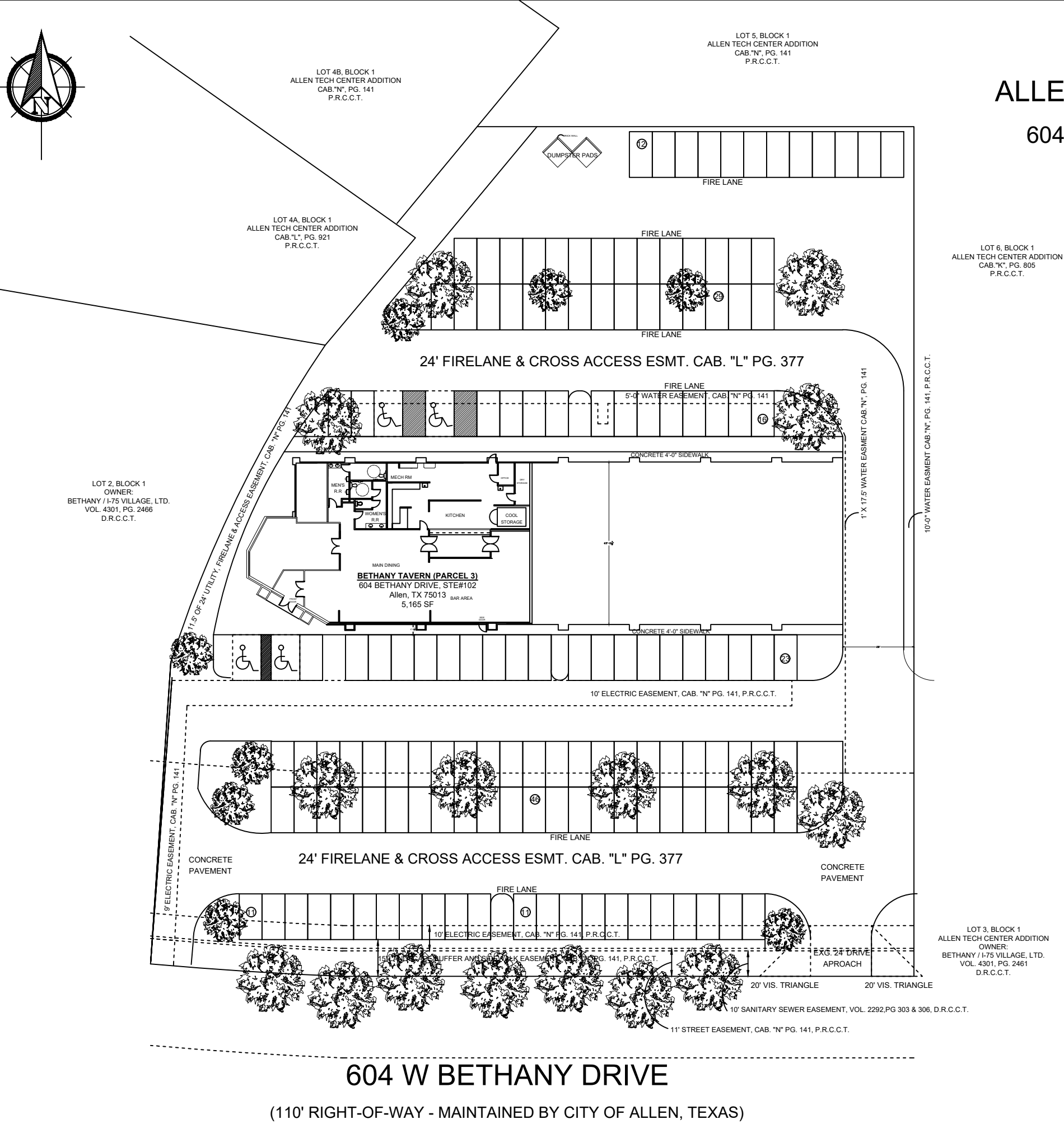
Checked By: Heather Kelley
(214) 417-4910

No.	Revision/Issue	Date

SUP SITE PLAN

PARCEL 3
DBA BETHANY TAVERNS, LLC.
604 BETHANY DRIVE STE #102
ALLEN, TX 75013

OWNER: MICHAEL BRIGNOLE
6,165 SF



LOT 3, BLOCK 1

ALLEN TECH CENTER ADDITION

604 W. BETHANY DRIVE, STE #102
ALLEN, TX 75013

SUP SITE PLAN

TOTAL LAND AREA ; 1.9196 ACRES
83,618 SF



PROPERTY ID
2084401

GEOGRAPHIC ID
R-4005-001-0030-1

DBA NAME
BETHANY CROSSING CENTER
TOTAL IMPROVEMENT MAIN AREA
22,000 SQ.FT.
FAR 0.26

BUILDING HEIGHT 39.0'

PRIMARY STATE CODE
F1 (REAL COMMERCIAL)

Bethany Crossing
604 W. Bethany
Allen, Texas 75013

Parking Analysis: October 2, 2018

Property:	Bethany Crossing	Wldg. Total s.f.	21,754
Owner:	Bethany Crossing, Ltd.	Total Parking	146.14
Manager:	McNell Commercial Real Estate		

SUITE	TENANT/NAME	RSMT	Occupancy	Type of Business	Parking	Ratio
		sq	Ratio		Per 100	Per 100
102	Bethany Tavern, LLC	5,165	Occupied	Restaurant	100	51.65
105	AK Cleaners	1,800	Occupied	Laundry/Cleaning	300	6.00
106	DOT Dessert Shop	995	Occupied	Bakery or Confectionery	200	4.98
107	Nelson Restaurant	4,040	Occupied	Restaurant	100	40.40
300	Pinkie Dance Theatre, LLC	1,474	Occupied	Fitness/Health Center	200	27.37
208	Chappell Insurance Agency	2,064	Occupied	Office Use	300	6.88
210	All Services Dentistry	2,215	Occupied	Clinic, Medical	200	8.85
Total Square Footage		21,754	Total Parking Required		146.14	

Total Parking Available 148