

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 FOR A 2.628± ACRE PORTION OF “TRACT 10B” IN “PD” PLANNED DEVELOPMENT NO. 55 AS ESTABLISHED BY ORDINANCE NO. 1226-3-94, AS AMENDED, BY AUTHORIZING USE AS A PRIVATE CLUB IN ADDITION TO OTHER PERMITTED USES; ADOPTING A CONCEPT PLAN, BUILDING ELEVATIONS, SIGN ELEVATIONS, AND LANDSCAPE PLAN; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING 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 of the City of Allen and the governing body of the City of Allen, in compliance with the laws of the State of Texas and the ordinances of the City of Allen, 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 the Allen Land Development Code and Zoning Map of the City of Allen, 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 and Zoning Map of the City of Allen, Texas, be amended by amending the Development Regulations relating to the use and development of a 2.628± acre portion of “Tract 10B” in “PD” Planned Development No. 55 established by Ordinance No. 1226-3-94, and amended by Ordinance Nos. 1646-10-98, 3341-12-15, and 3421-9-16 (collectively, the “PD 55 Regulations”), said tract being more particularly described in Exhibit “A,” attached hereto and incorporated herein by reference (“the Property” or “Tract 10B-2”).

SECTION 2. Tract 10B-2 shall be developed and used in accordance with the applicable provisions of the Allen Land Development Code, as amended (“ALDC”) and the PD 55 Regulations except as modified as follows:

- A. BASE ZONING DISTRICT:** The Property shall be developed and used in accordance with the provisions of the Office “O” zoning district except as provided in this Ordinance.
- B. HEIGHT AND FLOOR AREA RATIO:**
 - (1) There is no maximum height requirement.
 - (2) There is no maximum floor area ratio.
- C. ADDITIONAL PERMITTED USES:** In addition to the uses permitted by the PD 55 Regulations with respect to the use and development of Tract 10B, no more than 7,500 square feet of the floor area of a building constructed on Tract 10B-2 may be used and developed as a Private Club.

- D. CONCEPT PLAN:** Tract 10B-2 shall be developed in general conformance with the Concept Plan attached hereto as Exhibit “B,” and incorporated herein by reference. Minor modifications to streets that do not alter the general alignment shown on the Concept Plan may be made at the time of Site Plan approval.
- E. BUILDING ELEVATIONS:** The design and construction of the buildings constructed on Tract 10B-2 shall generally conform with the Building Elevations attached hereto as Exhibit “C,” and incorporated herein by reference.
- F. BUILDING SETBACKS:**
- (1) Buildings constructed on Tract 10B-2 shall comply with the minimum property line setbacks shown on the Concept Plan.
 - (2) Notwithstanding Paragraph (1), above, wall projections and overhangs located at the southwest corner of the proposed building and as depicted on the Building Elevations may encroach into the required setback by no more than (i) four feet (4.0’), if projecting from the top of the first building plate between the first and second stories, and (ii) ten feet (10.0’), if projecting from the uppermost level.
- G. LANDSCAPE REQUIREMENTS:**
- (1) The landscape buffer at the intersection of Watters Road and Bethany Drive shall be fifteen feet (15.0’) wide and located as shown on the Concept Plan.
 - (2) The planting area at the northeast corner of the intersection of Watters Road and Bethany Drive, the landscape buffer along Bethany Drive, and the landscape buffer along Watters Road to the first access point shall generally conform with the Landscape Plan attached hereto as Exhibit “D.”
- H. TRAFFIC IMPROVEMENTS:** No certificate of occupancy for any structure constructed on Tract 10B-2 shall be granted until completion of the following street and traffic control improvements shown on the Concept Plan:
- (1) ***Common Access:*** The replat of the Property shall include a common access/fire lane easement for future access as shown on “Lot 2R-9, Block A” on the attached Concept Plan.
 - (2) ***Northbound Right Turn Lane:*** The existing eastern-most travel lane on northbound Watters Road shall be converted into a right turn lane as indicated on the Concept Plan.
 - (3) ***Northbound Left Turn Lane:*** The existing left-hand turn lane on northbound Watters Road shall be restriped as indicated on the Concept Plan. A new Northbound Left Turn Lane shall be constructed to replace the converted lane as shown on the Concept Plan.
 - (4) ***Southbound Left Turn Lane:*** The proposed left turn lane on southbound Watters Road shall be constructed as indicated on the Concept Plan.
 - (5) ***Removal of Existing Grasscrete:*** The existing grasscrete drive accessing Watters Road shall be removed and replaced with concrete.

- I. SIGN PLAN:** In addition to signs authorized under applicable provisions of the ALDC, an additional multi-tenant monument sign may be installed on Tract 10B-2 provided such generally conforms with the Sign Plan attached hereto as Exhibit “E” and is generally located as labeled on the Concept Plan.

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 12TH DAY OF FEBRUARY 2019.

APPROVED:

Stephen Terrell, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY
(kbl:1/9/19:105308)

Shelley B. George, TRMC, CITY SECRETARY

EXHIBIT "A"
DESCRIPTION OF TRACT 10B-2

BEING a tract of land situated in the Michael See Survey, Abstract No. 543, City of Allen, Collin County, Texas and being a portion of Lot 2R-9, Block A, Millennium Office Park, Lots 2R-9 & 2R-10, Block A, an Addition to the City of Allen, according to the Amended Plat thereof recorded in Volume 2017, Page 500, Plat Records, Collin County, Texas, and all of Lot 2R-8, Block A, Millennium Office Park, Lot 2, 2R-6, 2R-7, & 2R-8, Block A, an Addition to the City of Allen, according to the Minor Replat thereof recorded in Volume 2016, Page 913, said Plat Records, and being more particularly described by metes and bounds as follows:

BEGINNING at the southeast corner of said Lot 2R-8, common to the southwest corner of Lot 2R-6, Block A, said Millennium Office Park (2016-913), on the northerly right-of-way line of Bethany Drive (variable width right-of-way);

THENCE North 88°45'05" West, along the southerly line of said Lot 2R-8 and the northerly right-of-way line of said Bethany Drive, a distance of 138.61 feet to the south corner of a corner clip at the intersection of the northerly right-of-way line of said Bethany Drive and the easterly right-of-way line of Watters Road (variable width right-of-way);

THENCE North 44°22'40" West, along said corner clip, a distance of 64.33 feet to the north corner of said corner clip;

THENCE North 00°01'47" East, along the westerly line of said Lot 2R-8 and the easterly right-of-way line of said Watters Road, a distance of 154.95 feet to a point for corner;

THENCE North 04°20'59" West, continuing along the westerly line of said Lot 2R-8 and the easterly right-of-way line of said Watters Road, a distance of 75.22 feet to a point for corner;

THENCE North 00°47'19" West, continuing along the westerly line of said Lot 2R-8 and the easterly right-of-way line of said Watters Road and along the westerly line of said Lot 2R-9, a distance of 297.69 feet to a point for corner;

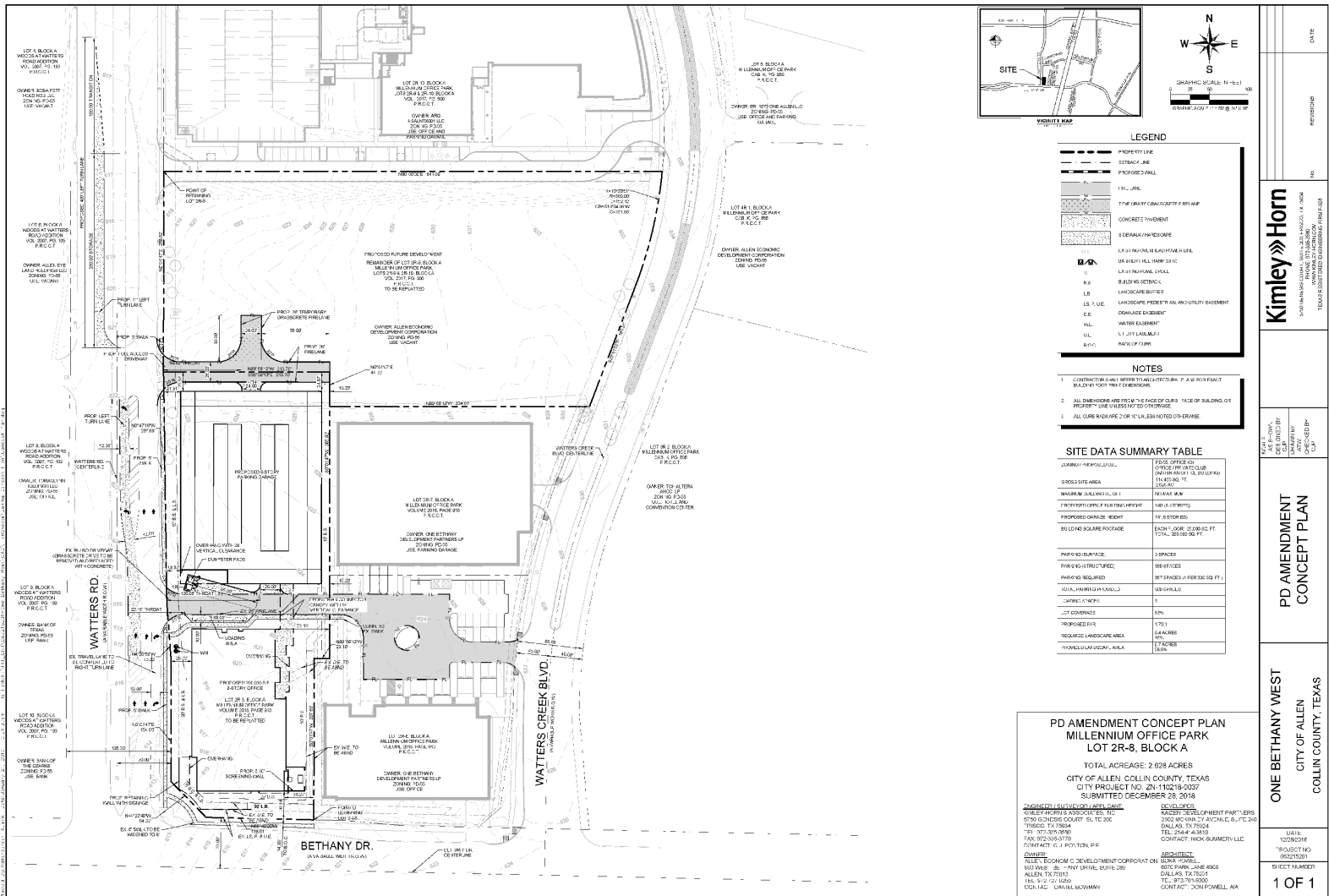
THENCE South 89°58'13" East, departing the westerly line of said Lot 2R-9 and the easterly right-of-way line of said Watters Road, a distance of 213.70 feet to a point for corner;

THENCE South 00°01'47" West, continuing across said Lot 2R-9 and along the easterly line of said Lot 2R-8 and the westerly line of Lot 2R-7, Block A, said Millennium Office Park (2016-913) and the westerly line of said Lot 2R-6, a distance of 368.92 feet to a point for corner;

THENCE North 89°58'13" West, continuing along the easterly line of said Lot 2R-8 and the westerly line of said Lot 2R-6, a distance of 20.10 feet to a point for corner;

THENCE South 00°01'47" West, continuing along the easterly line of said Lot 2R-8 and the westerly line of said Lot 2R-6, a distance of 207.60 feet to the **POINT OF BEGINNING** and containing 2.628 acres (114,455 sq. ft.) of land, more or less.

EXHIBIT "B"
CONCEPT PLAN FOR TRACT 10B-2



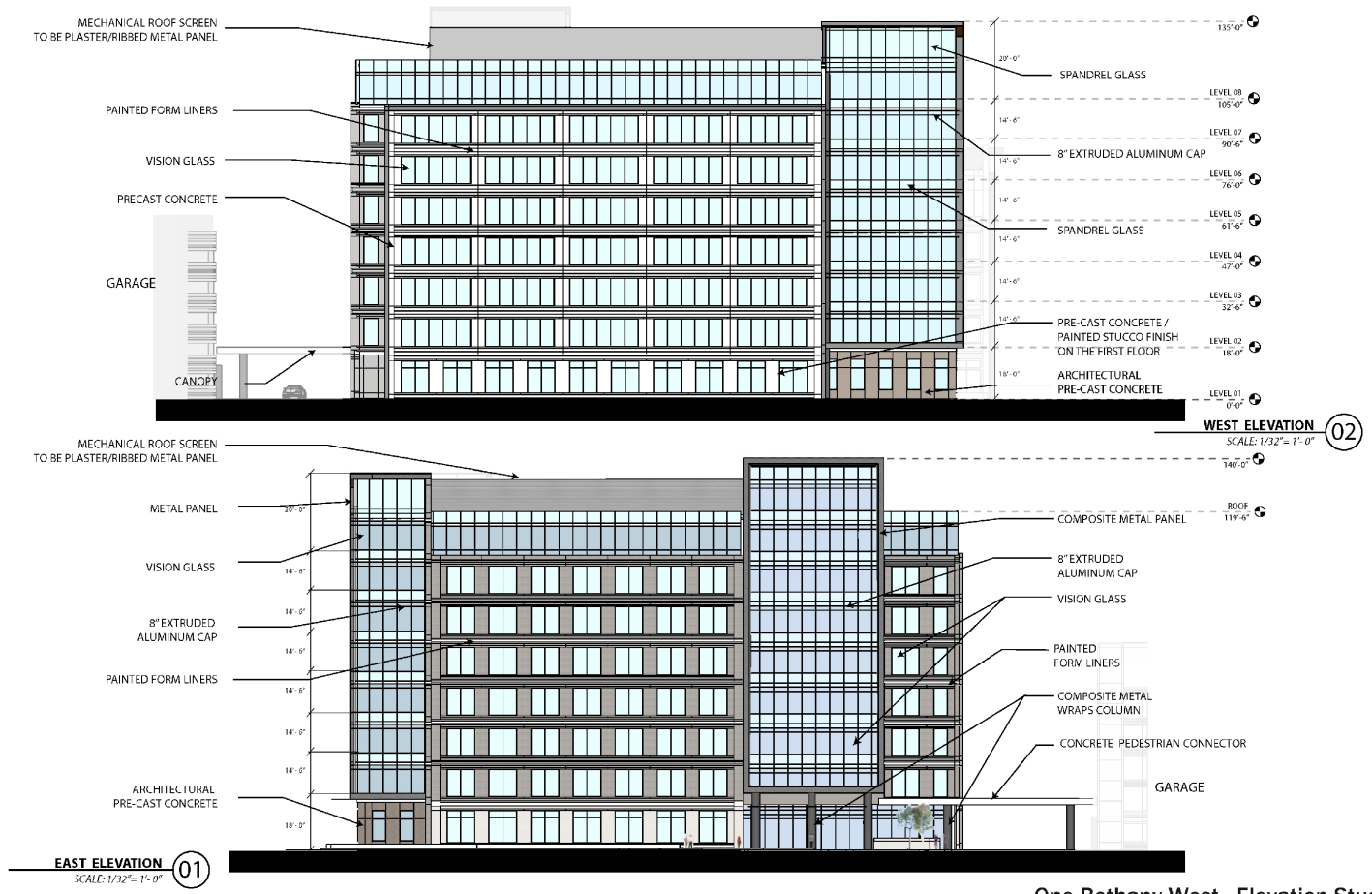
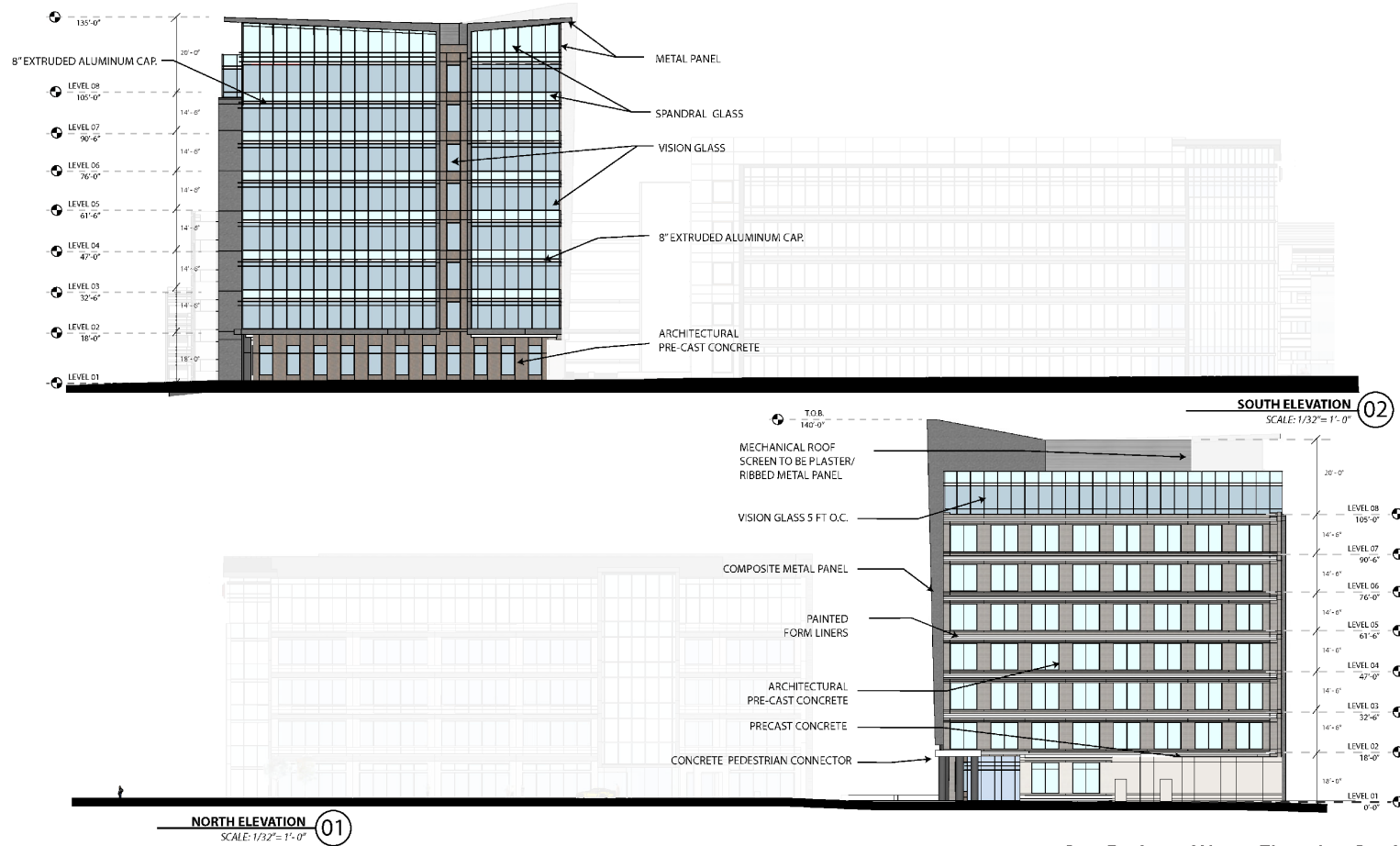


EXHIBIT "C"
BUILDING ELEVATIONS FOR TRACT 10B-2

One Bethany West - Elevation Study
 Donald R. Powell, Jr.
 Reg. No. 7206
BOKA Powell



One Bethany West - Elevation Study

Donald R. Powell, Jr.
 Reg. No. 7206

BOKA Powell

12.20.2018

EXHIBIT "C"
BUILDING ELEVATIONS FOR TRACT 10B-2 (cont.)

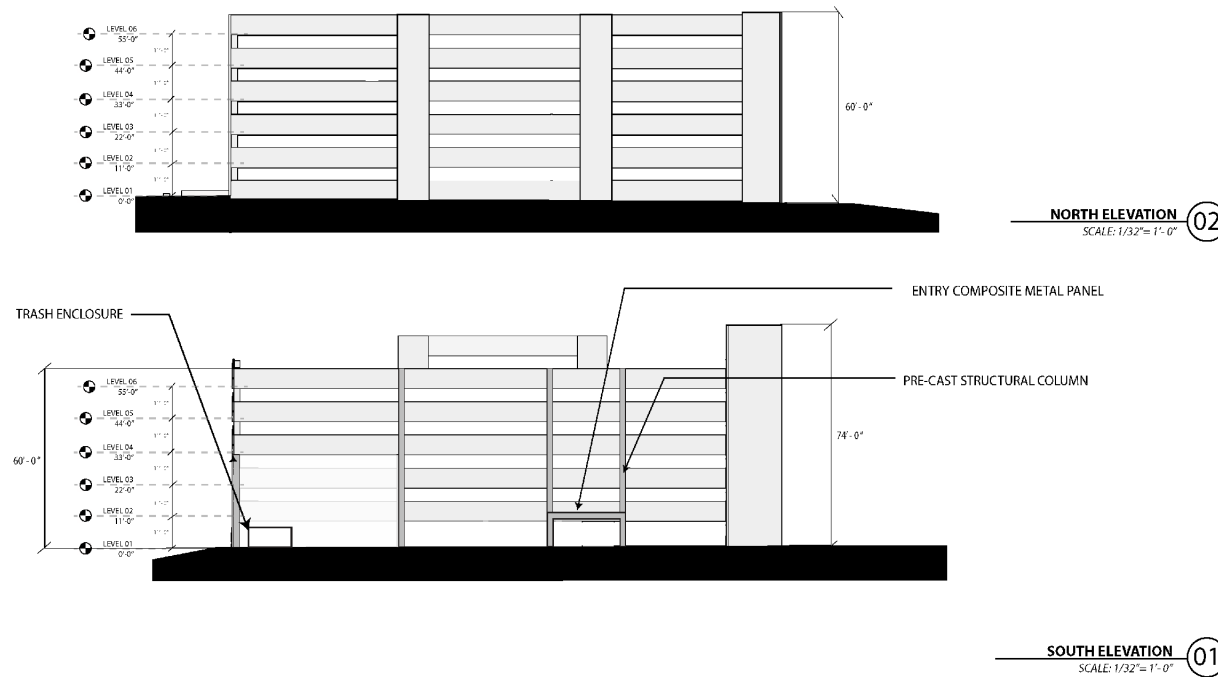


EXHIBIT "C"
BUILDING ELEVATIONS FOR TRACT 10B-2 (cont.)

One Bethany West - Garage Elevation Study

Donald R. Powell, Jr.
Reg. No. 7206

BOKAPowell

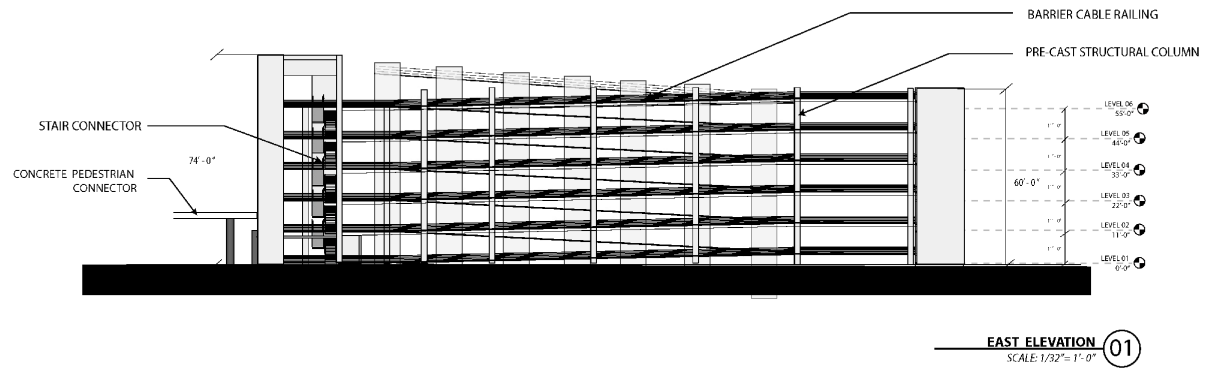
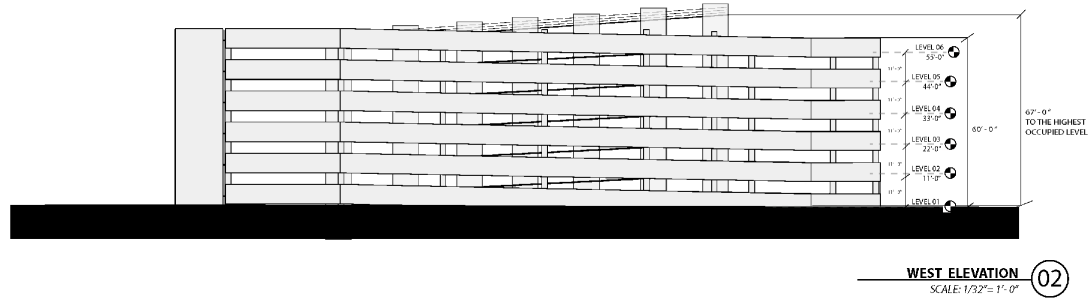


EXHIBIT "C"
BUILDING ELEVATIONS FOR TRACT 10B-2 (cont.)

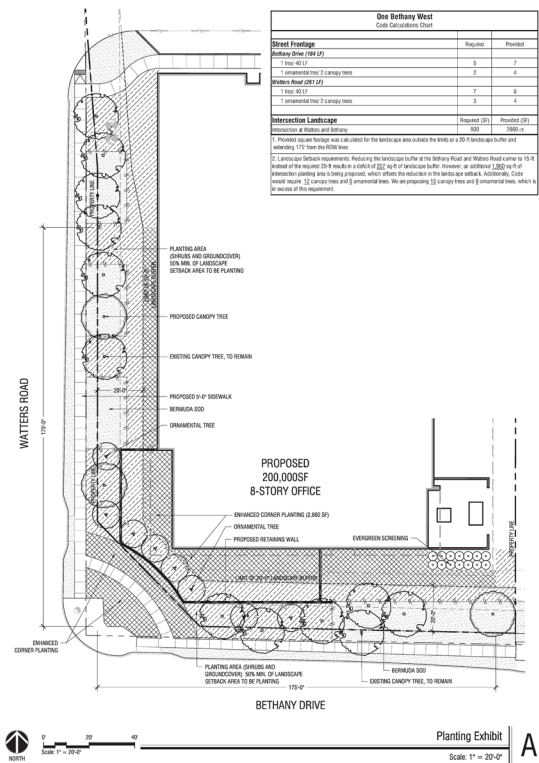
One Bethany West - Garage Elevation Study

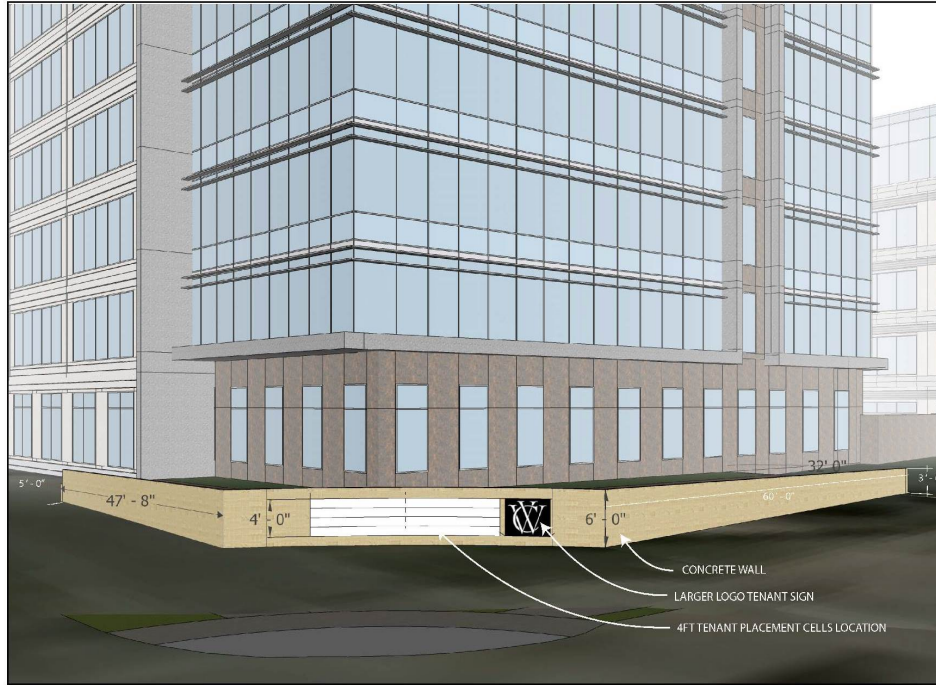
Donald R. Powell, Jr.
Reg. No. 7206

BOKAPowell

12.20.2018

**EXHIBIT “D”
LANDSCAPE PLAN**

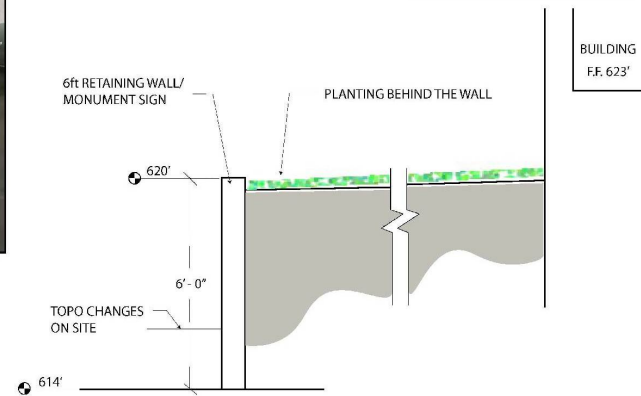
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PERSPECTIVE VIEW



TOP PERSPECTIVE VIEW



SECTION DIAGRAM

One Bethany West - Monument Sign/Retaining Wall

EXHIBIT "E"
SIGN PLAN