

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 4.573± ACRES LOCATED IN THE WILLIAM J. JACKSON SURVEY, ABSTRACT NO. 484 AND THE JOHN FYKE SURVEY, ABSTRACT NO. 325 PRESENTLY ZONED AS PLANNED DEVELOPMENT “PD” NO. 54 CORRIDOR COMMERCIAL “CC” 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 4.573± acres located in the William J. Jackson Survey, Abstract No. 484 and 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. 54 Corridor Commercial “CC.”

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 Tract 2 of Planned Development “PD” No. 54 as set forth in Ordinance No. 1172-5-93, as amended, and in Ordinance Nos. 1556-12-97 and 2101-10-02 (collectively “the PD 54 Ordinance”), as amended, except to the extent modified by the Development Regulations set forth below:

- A. PERMITTED PRINCIPAL USES:** In addition to the uses permitted within Tract 2 of Planned Development “PD” No. 54, the Property may be used and developed as a Fitness and Health Center.
- B. PERMITTED ACCESSORY USES:** In addition to the uses permitted within Tract 2 of Planned Development “PD” No. 54, the Property may be used and developed as a Playfield, but only as an accessory use to a Fitness and Health Center use developed on the Property.
- C. CONCEPT PLAN:** The development and use of the Property shall generally conform 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 time of plat approval.
- D. BUILDING ELEVATIONS:** The design and construction of buildings constructed on the Property

shall generally conform 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").

- E. PARKING REQUIREMENT:** Notwithstanding the requirements of Section 7.04.1 of the ALDC, the Property may be developed with fewer than 142 off-street parking spaces, but in no case less than 134 unreserved off-street spaces as shown on the Concept Plan; provided, however, the Director of Community Development and Director of Engineering may approve a reduction to the number of required off-street parking spaces to less than 134 subject to compliance with the procedures set forth in Section 7.04.1.1.c of the ALDC.

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 12TH DAY OF FEBRUARY 2019.

APPROVED:

Stephen Terrell, Mayor

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, City Attorney
(kbl:1/24/19:105628)

Shelley B. George, City Secretary

EXHIBIT "A"
DESCRIPTION OF PROPERTY

BEING A TRACT OF LAND LOCATED IN THE WILLIAM J. JACKSON SURVEY, ABSTRACT No. 484 AND THE JOHN FYKE SURVEY, ABSTRACT No. 325, COLLIN COUNTY, TEXAS, BEING A PORTION OF LOT 1, BLOCK H, BRAY CENTRAL ONE, AN ADDITION TO THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN CABINET G, PAGE 120, PLAT RECORDS, COLLIN COUNTY, TEXAS (P.R.C.C.T.), BEING A PORTION OF LOT 2R, BLOCK H, BRAY CENTRAL ONE, AN ADDITION TO THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 2017, PAGE 314, P.R.C.C.T., AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF SAID LOT 1 AND THE EAST RIGHT-OF-WAY LINE OF RAINTREE CIRCLE (A 60 FOOT WIDE RIGHT-OF-WAY), FROM WHICH A 1/2" IRON ROD FOUND WITH A CAP STAMPED "WIER & ASSOC INC" BEARS S 19°48'21" E, 0.74 FEET, SAID IRON ROD BEING THE NORTHWEST CORNER OF SAID LOT 1 AND THE SOUTHWEST CORNER OF SAID LOT 2R;

THENCE N 70°04'00" E, DEPARTING THE WEST LINE OF SAID LOT 2R AND THE EAST RIGHT-OF-WAY LINE OF SAID RAINTREE CIRCLE, A DISTANCE OF 115.70 FEET TO A POINT, BEING THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE SOUTHEASTERLY, AN ARC LENGTH OF 200.54 FEET ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 200.60 FEET, A DELTA ANGLE OF 57°16'40", AND A CHORD BEARING OF S 81°12'00" E, 192.29 FEET TO A POINT, BEING THE BEGINNING OF A REVERSE CURVE TO THE LEFT;

THENCE SOUTHEASTERLY, AN ARC LENGTH OF 104.29 FEET ALONG SAID REVERSE CURVE TO THE LEFT, HAVING A RADIUS OF 200.00 FEET, A DELTA ANGLE OF 29°52'32", AND A CHORD BEARING OF S 67°24'19" E, 103.11 FEET TO A POINT;

THENCE S 01°00'09" E, 487.88 FEET TO A POINT;

THENCE S 51°47'01" W, A DISTANCE OF 86.64 FEET TO A POINT, FROM WHICH A 5/8" IRON ROD FOUND WITH A CAP STAMPED "RPLS 5199" BEARS S 16°12'23" E, 322.72 FEET, SAID IRON ROD BEING THE MOST SOUTHERLY SOUTHEAST CORNER OF SAID LOT 1;

THENCE S 89°00'03" W, A DISTANCE OF 253.89 FEET TO A POINT IN THE WEST LINE OF SAID LOT 1 AND EAST RIGHT-OF-WAY LINE OF SAID RAINTREE CIRCLE, BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, FROM WHICH A 5/8" IRON ROD FOUND WITH A CAP STAMPED "CARTER & BURGESS BEARS S 12°46'50" W, 141.96 FEET, SAID IRON ROUND BEING THE SOUTHWEST CORNER OF SAID LOT 1;

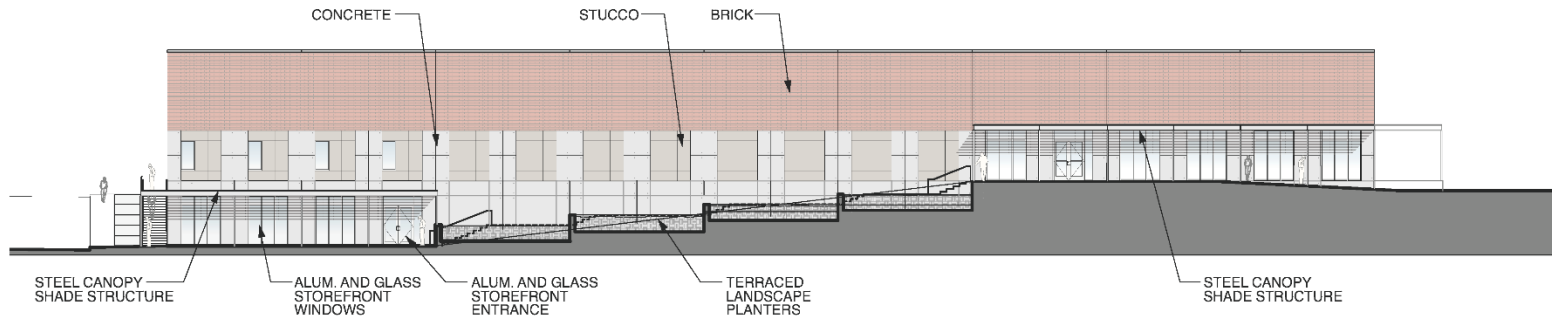
THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF RAINTREE CIRCLE AND THE WEST LINE OF SAID LOT 1 AS FOLLOWS:

(1) NORTHERLY, AN ARC LENGTH OF 170.84 FEET ALONG SAID NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 817.94 FEET, A DELTA ANGLE OF 11°58'02", AND A CHORD BEARING OF N 01°49'20" E, 170.53 FEET TO A 1/2" IRON ROD FOUND WITH A CAP STAMPED "RLG INC.", BEING THE BEGINNING OF A COMPOUND CURVE TO THE LEFT;

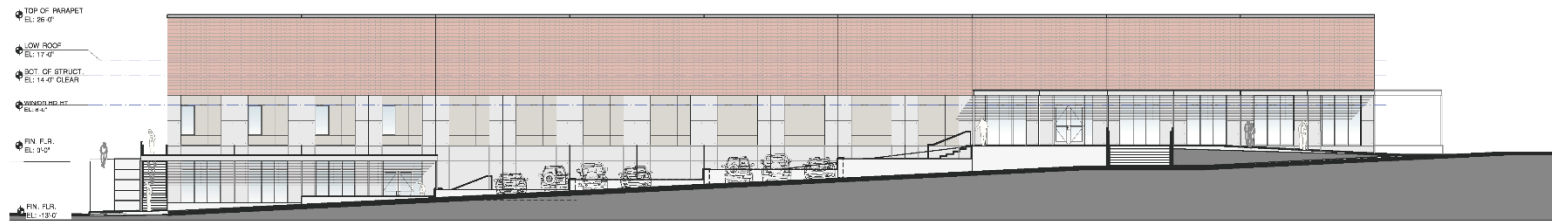
EXHIBIT "A"
DESCRIPTION OF PROPERTY (cont.)

(2) NORTHWESTERLY, AN ARC LENGTH OF 415.32 FEET ALONG SAID COMPOUND CURVE TO THE LEFT, HAVING A RADIUS OF 1519.72 FEET, A DELTA ANGLE OF 15°39'30", AND A CHORD BEARING OF N 11°59'26" W, 414.03 FEET TO THE PLACE OF BEGINNING AND CONTAINING 4.573 ACRES (199,205 SQUARE FEET) OF LAND, MORE OR LESS.

EXHIBIT "C"
BUILDING ELEVATIONS



1 NORTH ELEVATION



2 NORTH ELEVATION

11 / 30 / 18

Wefing Design Studio
133 north jefferson street suite 600
chicago illinois 60661
312.583.7087 erich@wds-ad.com

ATH & THR FITNESS SPORTS & HEALTH BUILDING
TEXAS HEALTH RESOURCES CAMPUS ALLEN

ELEVATIONS SCALE 1" = 20'

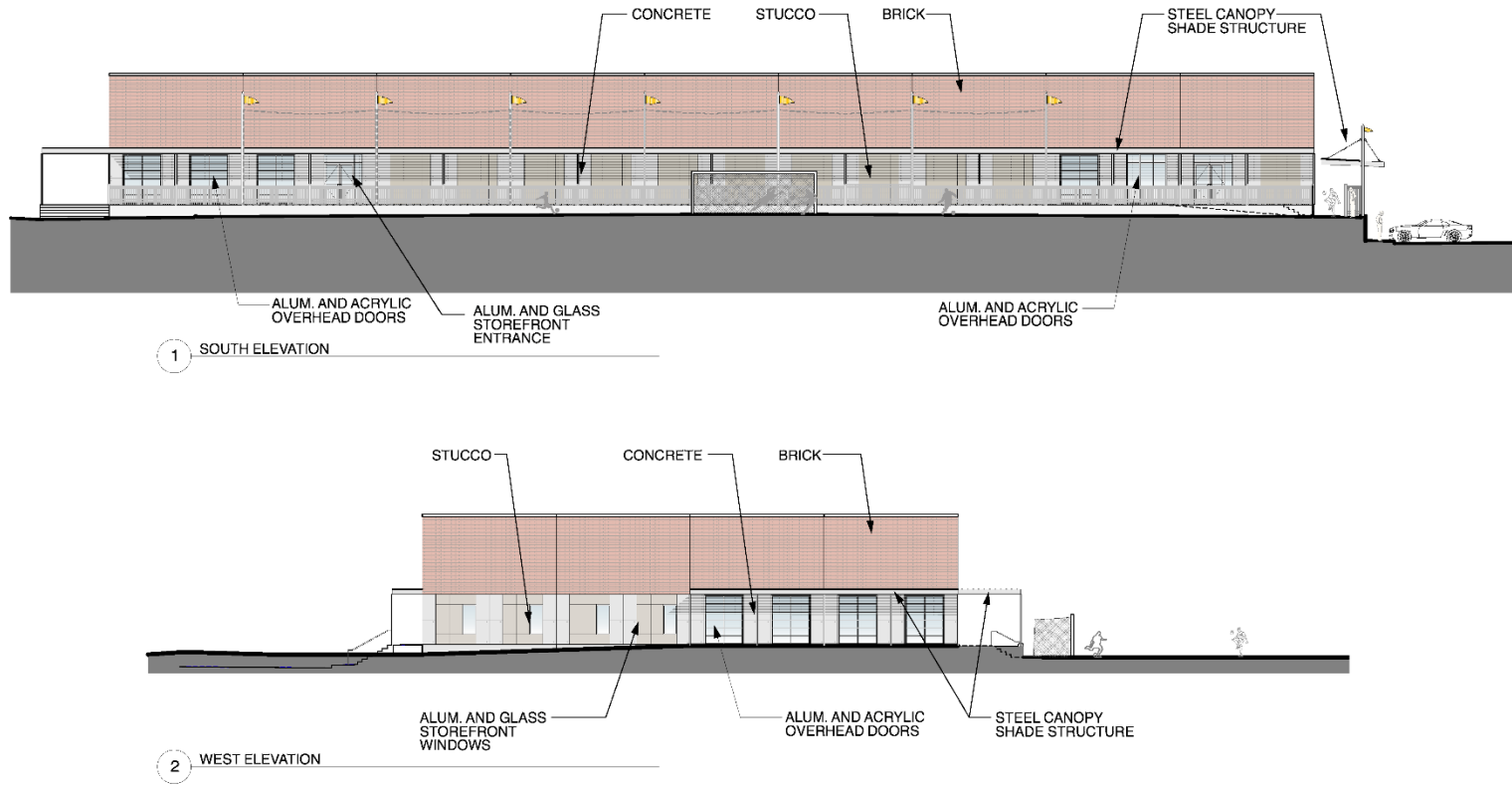


EXHIBIT "C"
BUILDING ELEVATIONS cont.

11 / 30 / 18

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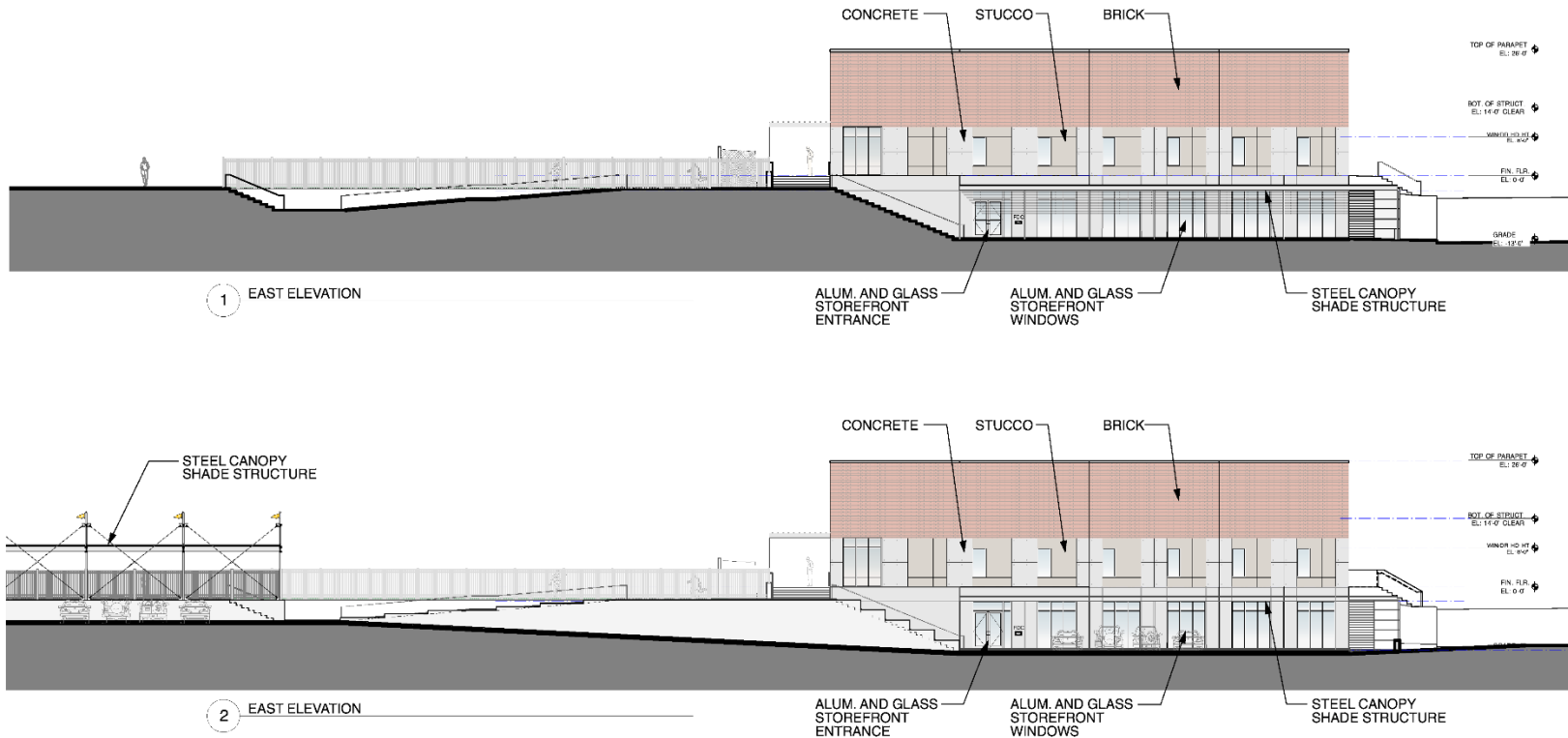
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