

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, RELATING TO THE USE AND DEVELOPMENT OF LOT 6R, BLOCK A, ALLEN VILLAGE, LTD., PRESENTLY ZONED AS PLANNED DEVELOPMENT PD NO. 26 SHOPPING CENTER "SC" BY AMENDING THE DEVELOPMENT REGULATIONS TO AUTHORIZE A DAYCARE AS A PERMITTED USE ON THE PROPERTY AND TO ADOPT A CONCEPT PLAN; PROVIDING FOR 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 the Zoning Map of the City of Allen, Collin County, Texas, as previously amended, be further amended as set forth in Section 2 of this Ordinance relating to the use and development of Lot 6R, Block A, Allen Village, LTD., an Addition to the City of Allen, Collin County, Texas, according to the Plat recorded in Cabinet 2018, Page 162, Plat Records, Collin County, Texas, ("the Property"), which is presently zoned Planned Development PD No. 26 Shopping Center "SC".

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 Planned Development "PD" No. 26 as set forth in Ordinance No. 1140-11-92, as amended ("the PD 26 Ordinance"), except to the extent modified by the Development Regulations set forth below:

- A. **PERMITTED USE:** In addition to the uses set forth for Tract 4 of the PD 26 Ordinance, the Property may be used and developed with a Daycare.
- B. **CONCEPT PLAN:** If the Property is developed and used for Daycare 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").

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 9TH DAY OF APRIL 2019.

APPROVED:

Stephen Terrell, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY
(kbl:3/26/19:106961)

Shelley B. George, TRMC, CITY SECRETARY

EXHIBIT "A" CONCEPT PLAN

PROJECT DIRECTORY

Applicant:
Vic and Evan LLC
200 S. Alma Dr.
Allen TX 75013
Phone: 888-948-4366
Fax: 214-785-7335

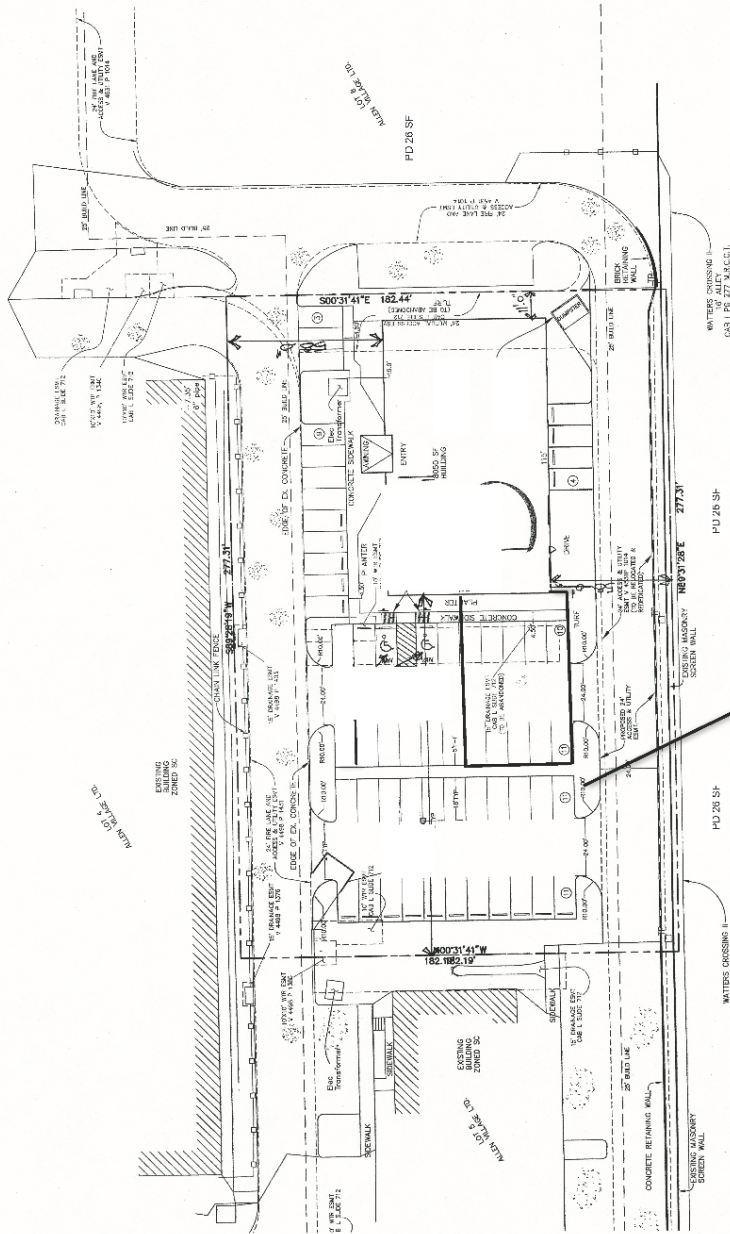
SURVEYOR:
CHRIS GRETH, S.P.L.S.
GRETH SURVEYING CO., LLC.
2801 CAPITAL ST., WILLY TX 75098
214-941-0405

SITE/BUILDING DATA

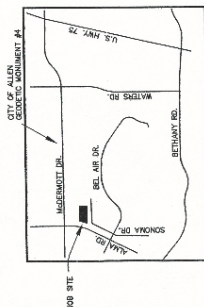
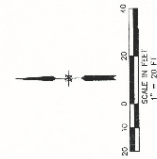
PARCEL SIZE (SQ. FT.) 116 ACRES
PARCEL SIZE (ACRES) 50.35/44 S.F.
PROPOSED ZONING Planned Development -
SHOPPING CENTER
FLOOR AREA RATIO (FAR) 15.9
REQUIRED FLOOR AREA 25'
REQUIRED SIDE SETBACK 19.0' (1 STORY)
PROPOSED BUILDING HEIGHT
Existing Zoning Shopping Center

PARKING DATA

PARKING REQUIRED: 10 Field - 20 Classroom (220) 220
PARKING PROVIDED: 400 400



6' Metal Fencing
59.5' x 43.75'



Project: Golden Education Center

PD Concept Plan
1.16 ACRES
LOT 6R, ALLEN VILLAGE LTD.
CITY OF ALLEN, COLLIN COUNTY, TEXAS