

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. 167 AUTHORIZING AN APPROXIMATELY 4,775± SQUARE FOOT PORTION OF A BUILDING LOCATED ON LOT 1, BLOCK A, STARCREEK VILLAGE, PRESENTLY ZONED FOR PLANNED DEVELOPMENT “PD” NO. 92 CORRIDOR COMMERCIAL “CC” TO BE USED FOR A SMOKING ESTABLISHMENT 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 of the City of Allen, Texas 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. 167 authorizing an approximately 4,775± square foot portion of a building located on Lot 1, Block A, Starcreek Village, an Addition to the City of Allen, Collin County, Texas, according to the Plat recorded in Volume 2018, Page 258, 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. 92 Corridor Commercial “CC” to be used for a Smoking Establishment 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. 92 as amended, and, if developed and used for Smoking Establishment 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 Warrior Princess Enterprises LLC dba Cigar Palace and Bar, or a legal entity owned or controlled by Warrior Princess Enterprises LLC, are authorized by this Ordinance to use the Property for a Smoking Establishment use.

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 23rd DAY OF APRIL 2019.

APPROVED:

Stephen Terrell, MAYOR

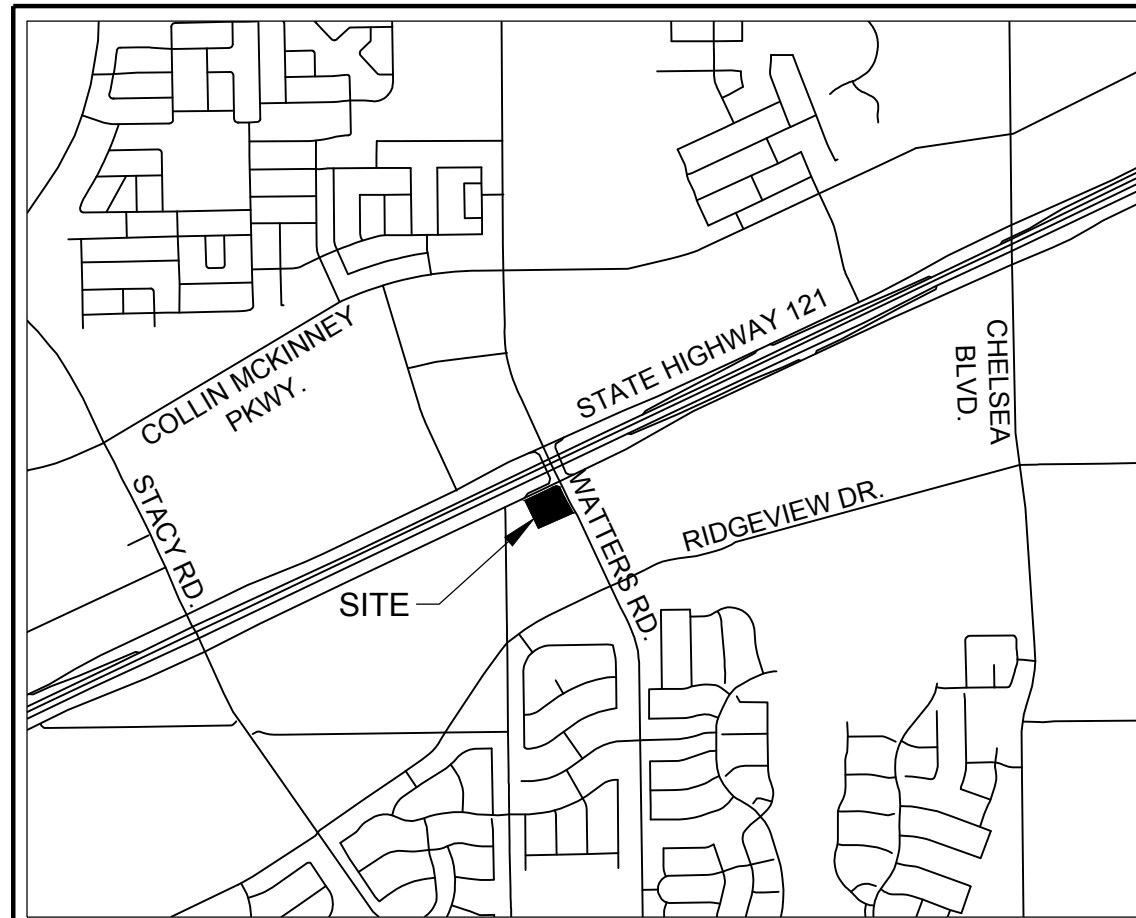
APPROVED AS TO FORM

ATTEST:

Peter G. Smith, CITY ATTORNEY
(kbl:4/9/19:107222)

Shelley B. George, TRMC, CITY SECRETARY

EXHIBIT “A”



VICINITY MAP
SCALE: 1" = 200'

SITE DATA SUMMARY	
CURRENT ZONING	PD 92 (CC)
LOT AREA	2.819 ACRES (122,811 S.F.)
PARKING REQUIRED	4.5 SPACES / 1000 S.F. = 134 SPACES
PARKING PROVIDED	153 SPACES
OPEN SPACE REQUIRED	0.282 ACRES 10% (12,281 S.F.)
OPEN SPACE PROVIDED	0.652 ACRES 23.11% (28,352 S.F.)
MAXIMUM BUILDING HEIGHT	40'-0" (ONE STORY)
LOT RETAIL USE	70% (21,029 SF)
LOT RESTAURANT USE	30% (8,835 SF)
LOT OFFICE USE	0% (0 SF)

LEGEND	
	EXISTING PROPERTY LINES
	ADJACENT PROPERTY LINES
	PROPOSED FIRE LANES
	SIDEWALK CONCRETE
	PARKING COUNT
	LANDSCAPED AREA
	BARRIER FREE RAMP

STATE HWY. No. 121
(VARIABLE R.O.W.)
10' SANITARY SEWER EASEMENT

STATE OF TEXAS
VOL. 4793, PG. 1449
ABSTRACT A0280,
FRANCIS DASSER SURVEY,
TRACT 1R

EXISTING
RIGHT-IN/RIGHT-OUT
DRIVEWAY

PROPOSED
DRAINAGE
EASEMENT
EXISTING FIRE
HYDRANT

25' LANDSCAPE & PARKING SETBACK

EXISTING
CURB INLET

PROPOSED 5"
CONCRETE SIDEWALK

10' UTILITY EASEMENT

25' BUILDING SETBACK

EX 24' FIRE LANE & ACCESS EASEMENT
(TO BE ABANDONED BY PLAT)

10' UTILITY EASEMENT

25' BUILDING SETBACK

10' UTILITY EASEMENT

25' BUILDING SETBACK

10' UTILITY EASEMENT

25' BUILDING SETBACK

10' UTILITY EASEMENT

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10' UTILITY EASEMENT

25' BUILDING SETBACK

10' UTILITY EASEMENT

25' BUILDING SETBACK

10' UTILITY EASEMENT

RETAIL/RESTAURANT
BUILDING
29,449 S.F.
FFE=700.00

EXISTING
INTERIOR
PROPERTY LINE

12' FIRE LANE
ACCESS & UTILITY
EASEMENT (TO BE
ABANDONED BY PLAT)

10' UTILITY EASEMENT

25' BUILDING SETBACK

10' UTILITY EASEMENT

25' BUILDING SETBACK

10' UTILITY EASEMENT

25' BUILDING SETBACK

10' UTILITY EASEMENT

25' BUILDING SETBACK

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10' UTILITY EASEMENT

25' BUILDING SETBACK

10' UTILITY EASEMENT

25' BUILDING SETBACK

10' UTILITY EASEMENT

25' BUILDING SETBACK

10' UTILITY EASEMENT

EXISTING
SIGNALIZED
INTERSECTION

S 70°16'00" E
35.43'

EXISTING
LANDSCAPED
MEDIAN

159' R.O.W.

79' 9" C.L.

20' LANDSCAPE PARKING SETBACK

10' UTILITY EASEMENT

25' BUILDING SETBACK

10' UTILITY EASEMENT

25' BUILDING SETBACK

10' UTILITY EASEMENT

25' BUILDING SETBACK

10' UTILITY EASEMENT

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25' BUILDING SETBACK

10' UTILITY EASEMENT

25' BUILDING SETBACK

WATERS RD.
(VARIABLE R.O.W.)

10' UTILITY EASEMENT

25' BUILDING SETBACK

10' UTILITY EASEMENT

25' BUILDING SETBACK

10' UTILITY EASEMENT

25' BUILDING SETBACK

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25' BUILDING SETBACK

10' UTILITY EASEMENT

STARCREEK CENTER, LLC
VOL. 2007, PG. 261
STARCREEK COMMERCIAL
LOT 10, BLOCK B
PD-92 (CC)

STARCREEK CENTER, LLC
VOL. 2007, PG. 261
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PD-92 (CC)

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PD-92 (CC)

STARCREEK CENTER, LLC
VOL. 2007, PG. 261
STARCREEK COMMERCIAL
LOT 10, BLOCK B
PD-92 (CC)

ENGINEER:
FORESITE
group
TBPE Firm No. F-12878
Foresite Group, Inc.
1999 Bryan St.
Suite 890
Dallas, TX 75201
www.fg-inc.net
o | 214.939.7123
f | 888.765.8135
D/B/A Foresite Consulting Group of Texas, Inc.

ARCHITECT:
PATRICK AHEARNE, ARCHITECT
814 WIND ELM DRIVE
ALLEN, TEXAS 75002
(972) 359-0053
CONTACT: MR. PATRICK AHEARNE
DEVELOPER:
STARCREEK RETAIL, LLC.
5164 VILLAGE CREEK DRIVE, SUITE 100
PLANO, TEXAS 75093
(972) 267-3300
CONTACT: MR. DANI GOLAN

PROJECT:
STARCREEK RETAIL
LOT 1, BLOCK A OF STARCREEK VILLAGE
2.819 ACRES
WATERS ROAD & HIGHWAY 121 SERVICE ROAD
CITY OF ALLEN, COLLIN COUNTY, TEXAS 75013

SEAL:

REVISIONS
PATIO EDIT 03-14-2019
CITY COMMENTS 03-20-2019

DATE
03-14-2019
03-20-2019

PROJECT MANAGER: DN
DRAWING BY: DK
JURISDICTION: ALLEN, TEXAS
DATE: 8 DECEMBER 2017
SCALE: 1" = 30'

TITLE:
STARCREEK RETAIL
2.819 ACRES
SUP SITE PLAN

SHEET NUMBER:
1 OF 1
COMMENTS:
JOB/FILE NUMBER: 995.001

NOTE: SEPARATE PERMIT IS REQUIRED FOR ANY
PROPOSED SIGNAGE, FENCING, OR IRRIGATION.

NOTE: UNLESS NOTED OTHERWISE, ALL EXISTING
EASEMENTS SHOWN WERE CREATED BY THE FINAL
PLAT OF LOT 2, BLOCK A STARCREEK COMMERCIAL
(VOL. 2007, PG. 15)

NOTE: APPLICANT SHALL COMPLY WITH CITY
ORDINANCE, CHAPTER 6, HEALTH AND
ENVIRONMENT; ARTICLE III, SOLID WASTE; SECTIONS
6-1 TO 6-80.

NOTE: APPLICANT SHALL COMPLY WITH ALL
IRRIGATION REGULATIONS IN V.T.C.A.
ADMINISTRATIVE CODE TITLE 30, CHAPTER 344
RULES ESTABLISHED BY THE STATE OF TEXAS; AND
REQUIREMENTS FOR IRRIGATION DESIGN AND
WATER CONSERVATION SET IN THE ALLEN LAND
DEVELOPMENT CODE SECTION 7.05.6, AND THE CITY
OF ALLEN WATER CONSERVATION AND DROUGHT
CONTINGENCY AND EMERGENCY RESPONSE PLAN.

WINES FAMILY IRREVOCABLE
TRUST
VOL. 2774, PG. 647
D.R.R.C.T.
ABSTRACT A0879,
J. SEABORN & RT CLEMENTS
SURVEY, TRACT 3

STARCREEK VILLAGE
LOT 2, BLOCK A
LOT ACREAGE = 3.403 ACRES

STARCREEK VILLAGE
LOT 3, BLOCK A
LOT ACREAGE = 2.014 ACRES

NOTE:
NO TREES ARE UNDERSTOOD TO
EXIST ON THE SUBJECT PROPERTY
AT THIS TIME.

BENCHMARK:
SQUARE CUT ON INLET
ELEV.: 690.73

SNH LTF PROPERTIES, LLC
VOLUME Q, PAGE 511
MRCC1
STARCREEK COMMERCIAL
LOT 1, BLOCK A
PD-92 (CC)

