

DRAFT OF PROPOSED DEVELOPMENT REGULATIONS FOR
SHOPS AT ALMA AND EXCHANGE

Note: Section 2 of Ordinance No. 3512-9-17, which adopted a concept plan, development regulations, etc., for the Property, will be amended to read in its entirety as follows. In addition, the Concept Plan, Elevations, and other exhibits from Ordinance No. 3512-9-17 will also be amended.

The Property shall be developed and used in accordance with the applicable provisions of the Allen Land Development Code, as amended, ("ALDC") and Tract 5 of Planned Development "PD" No. 53 as set forth in Ordinance No. 1171-5-93, ("the PD 53 Ordinance"), except to the extent modified by the Development Regulations set forth below:

A. CONCEPT PLAN:

- (1) The portions of the Property designated as Lot 1 and Lot 2 on the Concept Plan attached hereto as Exhibit "A" and incorporated herein by reference shall be developed in general conformance with the Concept Plan. 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.
- (2) The details shown on the Concept Plan for the portion of the Property designated as Lot 3 on the Concept Plan are solely for illustrative purposes only. No development permit of any type, including building permits, shall be granted for the development of Lot 3 until a Concept Plan, Development Regulations, and Building Elevations establishing the site design and development standards for Lot 3 have been approved in the same manner as a zoning amendment.

B. BUILDING ELEVATIONS: The structures constructed on the portions of the Property designated as Lots 1 and 2 on the Concept Plan shall be developed in general conformance with the Building Elevations attached hereto as Exhibit "B" and incorporated herein by reference.

C. ADDITIONAL PERMITTED USES: In addition to the uses permitted by the PD 53 Ordinance for property located within Tract 5, the portions of the Property designated as Lots 1 and 2 as shown on the Concept Plan may be developed and used for the following purposes:

- (1) Office
- (2) Medical or Dental Office

D. BUILDING MATERIALS: In addition to the building materials permitted by the PD 53 Ordinance for property located within Tract 5, with respect to any building constructed on Lot 1 or Lot 2 as designated on the Concept Plan, no more than ten percent (10%) of the exterior façade may consist of synthetic stucco (such as exterior insulation and finish system (EIFS)) used as an architectural accent material; provided, however, the design and construction of such façade shall at all times comply with the Building Elevations.

E. TRAFFIC IMPROVEMENTS:

- (1) Prior to the issuance of a Certificate of Occupancy for any building constructed on Lot 3, construction of the southbound right-turn lane on Alma Drive and extension of a westbound

deceleration lane on Exchange Parkway shall be completed and accepted by the City (collectively, the "Traffic Improvements").

- (2) Prior to approval of a building permit for construction of any building located on the portions of the Property identified as Lot 1 and Lot 2 as shown on the Concept Plan, the owner(s) or developer(s) of said Lot 1 and/or Lot 2 shall collectively place into escrow with the City, in accordance with Section 8.25 of the ALDC, the amount of \$61,849.20 to be applied to the cost of construction of the Traffic Improvements; provided, however, if the Traffic Improvements have been completed and accepted prior to the submission of an application for a building permit for construction of a building on said Lot 1 or Lot 2, the collectively amount to be paid to the City pursuant to this Paragraph (2) shall be not less than 26.62% of the actual costs of design and construction of the Traffic Improvements.
- (3) The City Manager shall have authority pursuant to Section 8.25.1 of the ALDC to negotiate and execute a development agreement with the owner(s) of the various portions of the Property relating to construction of the Traffic Improvements that differ from the provisions of this Subsection E without requiring an amendment to this ordinance.