

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 5.511± ACRE PORTION OF “TRACT 5” IN “PD” PLANNED DEVELOPMENT NO. 53 AS ESTABLISHED BY ORDINANCE NO. 1171-5-93, AS AMENDED, AND ADOPTING A CONCEPT PLAN AND BUILDING ELEVATIONS; 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 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 as set forth in Section 2, below, the Development Regulations relating to the use and development of Lot 1R, Block A, Kids R Kids Addition, an addition to the City of Allen, Texas according to the plat recorded in Book 2013, Page 77, Plat Records, Collin County, Texas (“the Property”), being a 5.511± acre portion of “Tract 5” in “PD” Planned Development No. 53 established by Ordinance No. 1171-5-93 (the “PD 53 Regulations”).

SECTION 2. 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 the PD 53 Regulations except as 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 collective 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.

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 28TH DAY OF MAY 2019.

APPROVED:

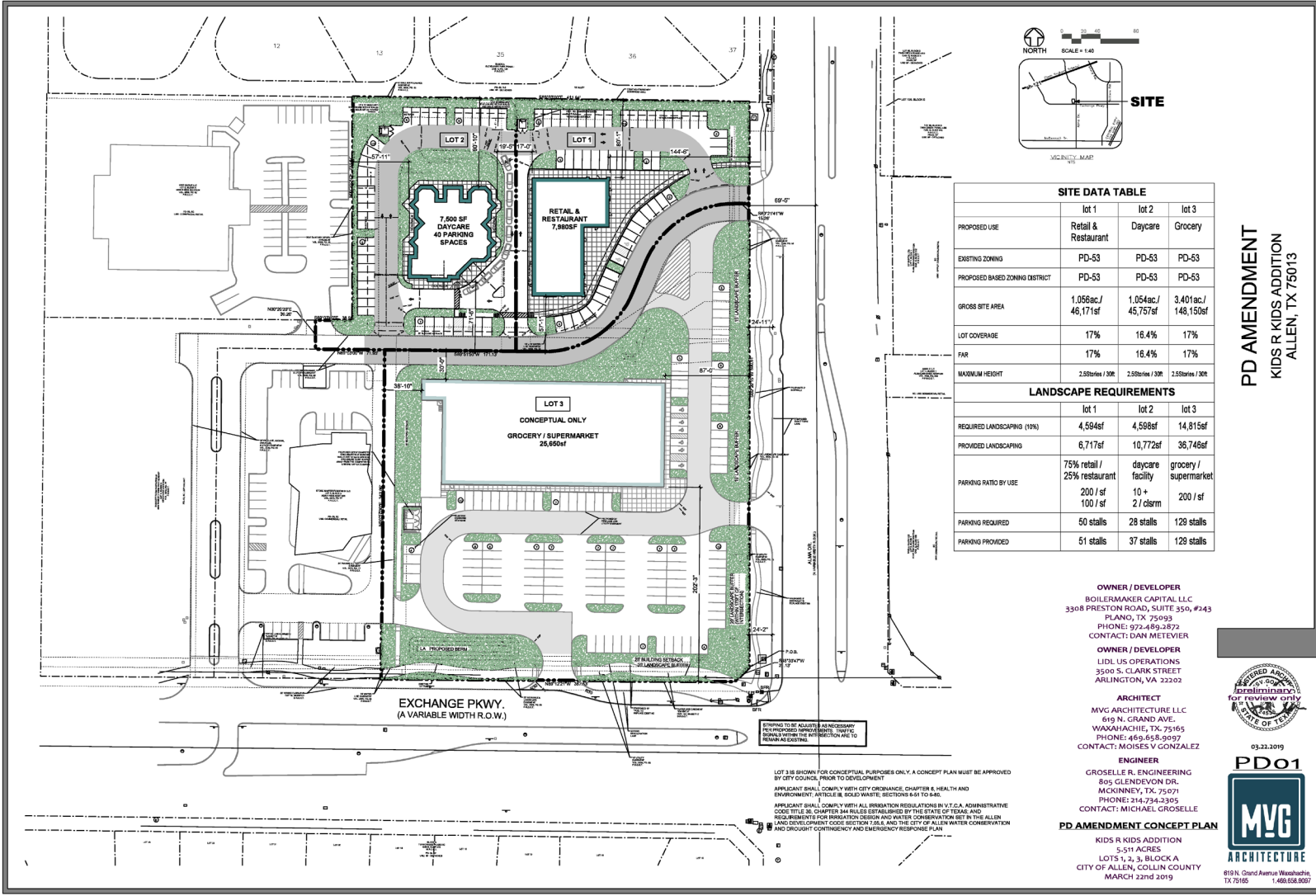
Stephen Terrell, Mayor

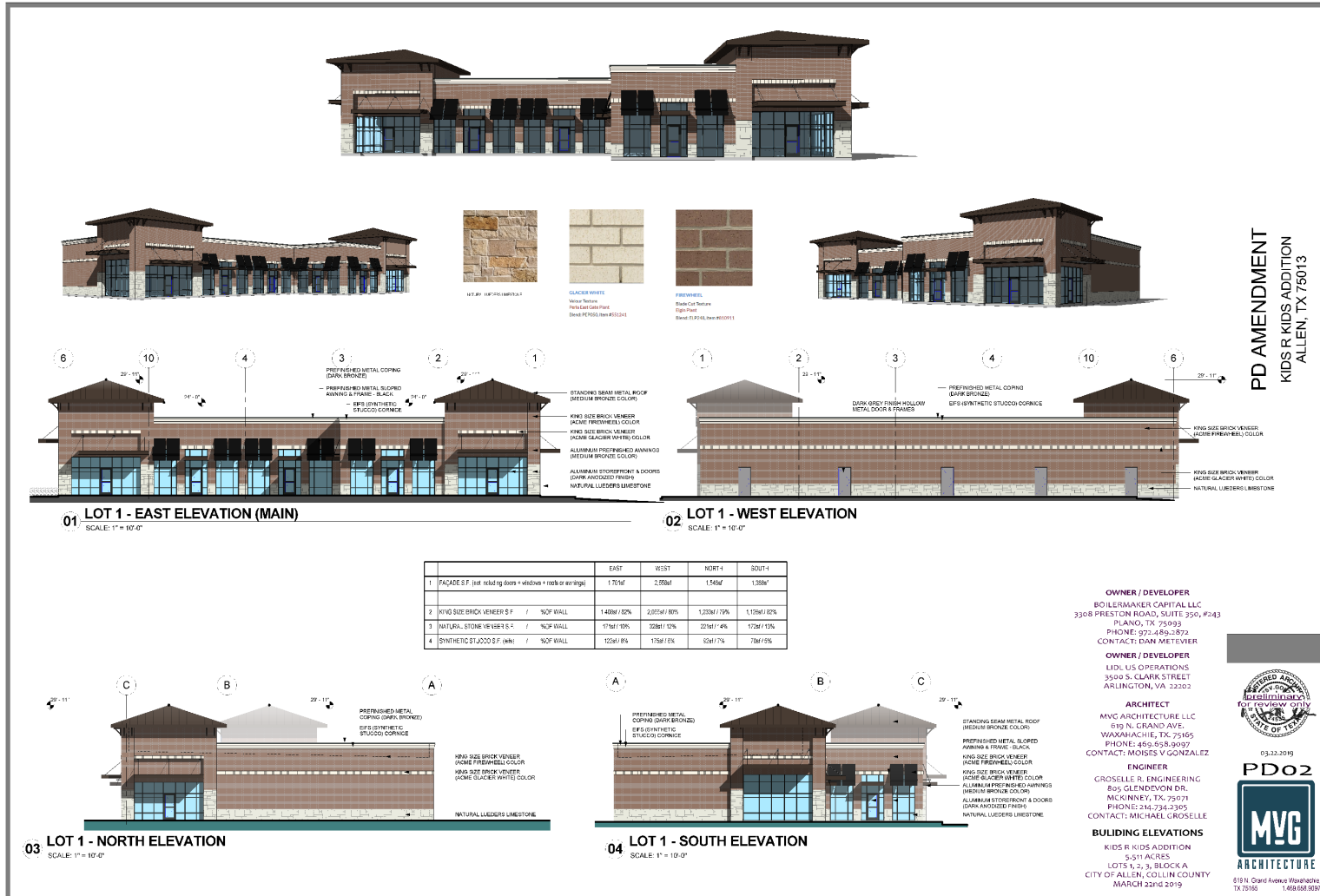
APPROVED AS TO FORM:

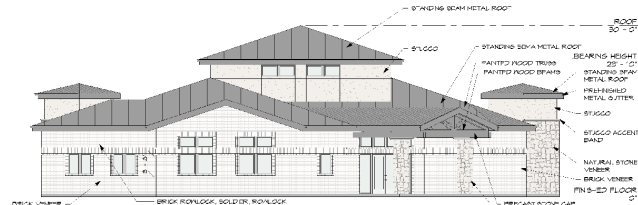
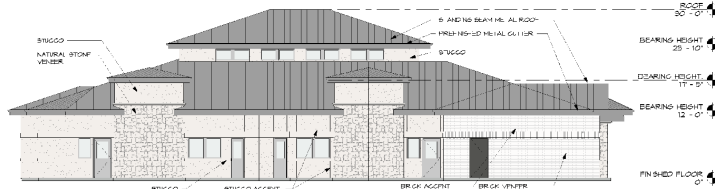
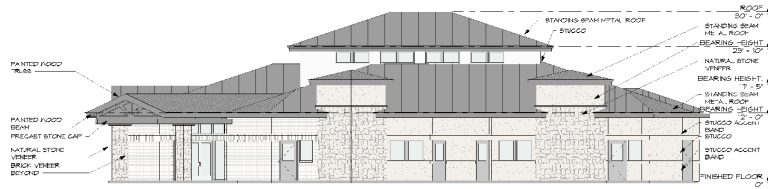
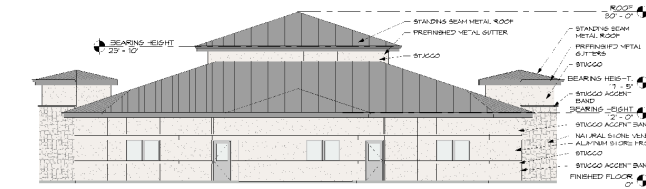
ATTEST:

Peter G. Smith, City Attorney
(kbl:5/15/19:108045)

Shelley B. George, City Secretary







3 - WEST ELEVATION
1/8" = 1'-0"

MATERIAL SCHEDULE	
BRICK VENEER	ACHE KING 2 1/2" x 6" x 12" VENEER, 1/2" VENEER, OR APPROVED EQUAL
STONE	NATURAL WHITE STONE
STUCCO	BERKSHIRE HILL AND RENO 6000 WHITE
STANDING BEAM METAL ROOF	BERKSHIRE HILL AND RENO 6000 WHITE
STONE	BERKSHIRE HILL AND RENO 6000 WHITE



LOT 2 ELEVATIONS

1 - SOUTHEAST ELEVATION
1/8" = 1'-0"

301 N. McDougal St.
McKinney, Texas 75069
972.329.9790

rawls-culver
ARCHITECTS, PLLC

A NEW PROJECT FOR
SPANISH SCHOOL HOUSE

Job No: 10007



Date: APRIL 8, 2019

Revision:

Sheet Title:
EXTERIOR
ELEVATIONS

Drawn By: SGP

Sheet Number:

A3.1

EXHIBIT "B"
BUILDING ELEVATIONS (cont.)

ISSUED FOR PRELIMINARY REVIEW, NOT FOR PERMITTING, BIDDING, OR CONSTRUCTION" APRIL 8, 2019.