

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, RELATING TO THE USE AND DEVELOPMENT OF 4.886± ACRES OF LAND SITUATED IN THE MCBAIN JAMISON SURVEY, ABSTRACT NO. 491, PRESENTLY ZONED AS SHOPPING CENTER “SC” BY CHANGING THE ZONING TO CREATE PLANNED DEVELOPMENT “PD” NO. 138 FOR SINGLE-FAMILY USES WITH A BASE ZONING OF TOWNHOME RESIDENTIAL “TH”; ADOPTING A CONCEPT PLAN, BUILDING ELEVATIONS, AND HARDSCAPE AND SCREENING 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 Zoning Map of the City of Allen, Collin County, Texas, as previously amended, be further amended relating to the use and development of 4.886± acres of land situated in the McBain Jamison Survey, Abstract No. 491 described in “Exhibit A,” attached hereto and incorporated herein by reference (“the Property”), which is presently zoned as Shopping Center “SC” by changing the zoning to create Planned Development “PD” No. 138 for Single-Family uses with a base zoning of Townhome Residential “TH,” subject to the use and development regulations set forth in Section 2 of this Ordinance.

SECTION 2. The Property shall be developed and used in accordance with the applicable provisions of the Allen Land Development Code, as amended, (“ALDC”) except to the extent modified by the Development Regulations set forth below:

- A. BASE ZONING DISTRICTS:** The Property shall be developed and used only in accordance with use and development regulations of the Townhome Residential “TH” zoning district except as otherwise provided in this Ordinance.
- B. CONCEPT PLAN:** 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”). Minor

modifications to streets that do not alter the general alignment shown on the Concept Plan may be made at the time of plat approval.

C. BUILDING ELEVATIONS: Buildings to be constructed on the Property shall be developed in general conformance 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”) and shall be further subject to the following.

- (1) Building Materials: Except for windows, doors, and decorative railings, the exterior facades of all walls shall be 100% masonry.
- (2) Garage doors shall have a carriage hardware design.

D. BUILDING SETBACKS: The minimum building setbacks for the lot types shown on the Concept Plan shall be modified as follows:

Minimum Side Yard Setback	As Shown on Concept Plan
Minimum Corner Side Yard Setback	10 feet

E. GARAGE SETBACK: The distance between the property line and face of the structure containing the garage shall be not less than 20 feet.

F. SCREENING: No certificate of occupancy or similar approval for any dwelling unit constructed on the Property shall be granted until completion of construction and/or installation of all screening fences and/or walls along the boundaries of the Property in general conformance with the Screening Plan attached hereto as Exhibit “D”.

G. VISITOR PARKING: Visitor parking for Lot 27 may exceed the 100-foot distance requirement to a dwelling unit provided it is located as shown on the Concept Plan.

H. SIGNAGE: Signs shall comply with the general location, number, and dimensions shown on the Screening 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 28th DAY OF MAY 2019.

APPROVED:

Stephen Terrell, Mayor

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, City Attorney
(kbl:5/15/19:108043)

Shelley B. George, TRMC, City Secretary

EXHIBIT "A"
DESCRIPTION OF PROPERTY

BEING 4.886 acres or (212,852 square feet) of land in the McBain Jamison Survey, Abstract No. 491, City of Allen, Collin County, Texas, said 4.886 acres or (212,852 square feet) of land being all that certain tract of land described in a Special Warranty Deed to Jupiter - Chaparral 4.8 Ac. Venture (hereinafter referred to as Jupiter - Chaparral tract), as recorded in Volume 4482, Page 945, Official Public Records, Collin County, Texas, said 4.886 acres or (212,852 square feet) of land being more particularly described, by metes and bounds, as follows:

BEGINNING at a one-half inch square pipe found for the Southwest corner of said Jupiter - Chaparral tract, same being the Southeast corner of that certain tract of land described as Greenbelt Area, Collin Square, Phase 3 (hereinafter referred to as Greenbelt Area), an addition to the City of Allen, Collin County, Texas, according to the plat recorded in Cabinet F, Page 318 and 319, Plat Records, Collin County, Texas (P.R.C.C.T.), same also being the existing North right-of-way line of Chaparral Road (variable width right-of-way), according to the plat thereof recorded in Cabinet F, Page 474, P.R.C.C.T.;

THENCE North 00 degrees 34 minutes 00 seconds East, departing the existing North right-of-way line of said Chaparral Road and with the common line between said Jupiter - Chaparral tract and said Greenbelt Area, a distance of 345.45 feet to a three-eighths iron rod found for the Northwest corner of said Jupiter - Chaparral tract, same being the Southwest corner of that certain tract of land described as Glen Hollow Addition (hereinafter referred to as Glen Hollow Addition), an addition to the City of Allen, Collin County, Texas, according to the plat recorded in Cabinet D, Page 129 and 130, P.R.C.C.T.;

THENCE South 87 degrees 53 minutes 11 seconds East, departing the East line of said Greenbelt Area and with the common line between said Jupiter - Chaparral tract and with said Glen Hollow Addition, a distance of 541.87 feet to a three-eighths iron rod found for the beginning of a curve to the right, whose long chord bears South 71 degrees 42 minutes 33 seconds East, a distance of 187.39 feet;

THENCE Southeasterly, continue with the common line between said Jupiter - Chaparral tract and with said Glen Hollow Addition and with said curve to the right having a radius of 336.29 feet, through a central angle of 32 degrees 21 minutes 16 seconds, for an arc distance of 189.90 feet to a three-eighths iron rod found for the end of said curve;

THENCE South 55 degrees 06 minutes 53 seconds East, continue with the common line between said Jupiter - Chaparral tract and with said Glen Hollow Addition, a distance of 2.33 feet to a one-half inch iron rod found for the Northeasterly corner of said Jupiter - Chaparral tract, same being the Southeasterly corner of said Glen Hollow Addition, same also being the existing Northwesterly right-of-way line of Jupiter Road (variable width right-of-way), according to the plat thereof recorded in Cabinet F, Page 474, P.R.C.C.T.;

THENCE South 33 degrees 26 minutes 11 seconds West with the common line between said Jupiter - Chaparral tract and the existing Northwesterly right-of-way line of said Jupiter Road, a distance of 25.02 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for corner;

THENCE South 43 degrees 32 minutes 44 seconds West, continue with the common line between said Jupiter - Chaparral tract and the existing Northwesterly right-of-way line of said Jupiter Road, a distance of 135.30 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for corner;

THENCE South 34 degrees 24 minutes 10 seconds West, continue with the common line between said Jupiter - Chaparral tract and the existing Northwesterly right-of-way line of said Jupiter Road, a distance of 200.00 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for the Southeasterly corner of said Jupiter - Chaparral tract, same being the intersection of the existing Northwesterly right-of-way line of said Jupiter Road with the existing North right-of-way line of said Chaparral Road;

THENCE North 87 degrees 52 minutes 57 seconds West with the common line between said Jupiter - Chaparral tract and the existing North right-of-way line of said Chaparral Road, a distance of 505.09 feet to the **PLACE OF BEGINNING**, and containing a calculated area of 4.886 acres or (212,852 square feet) of land.

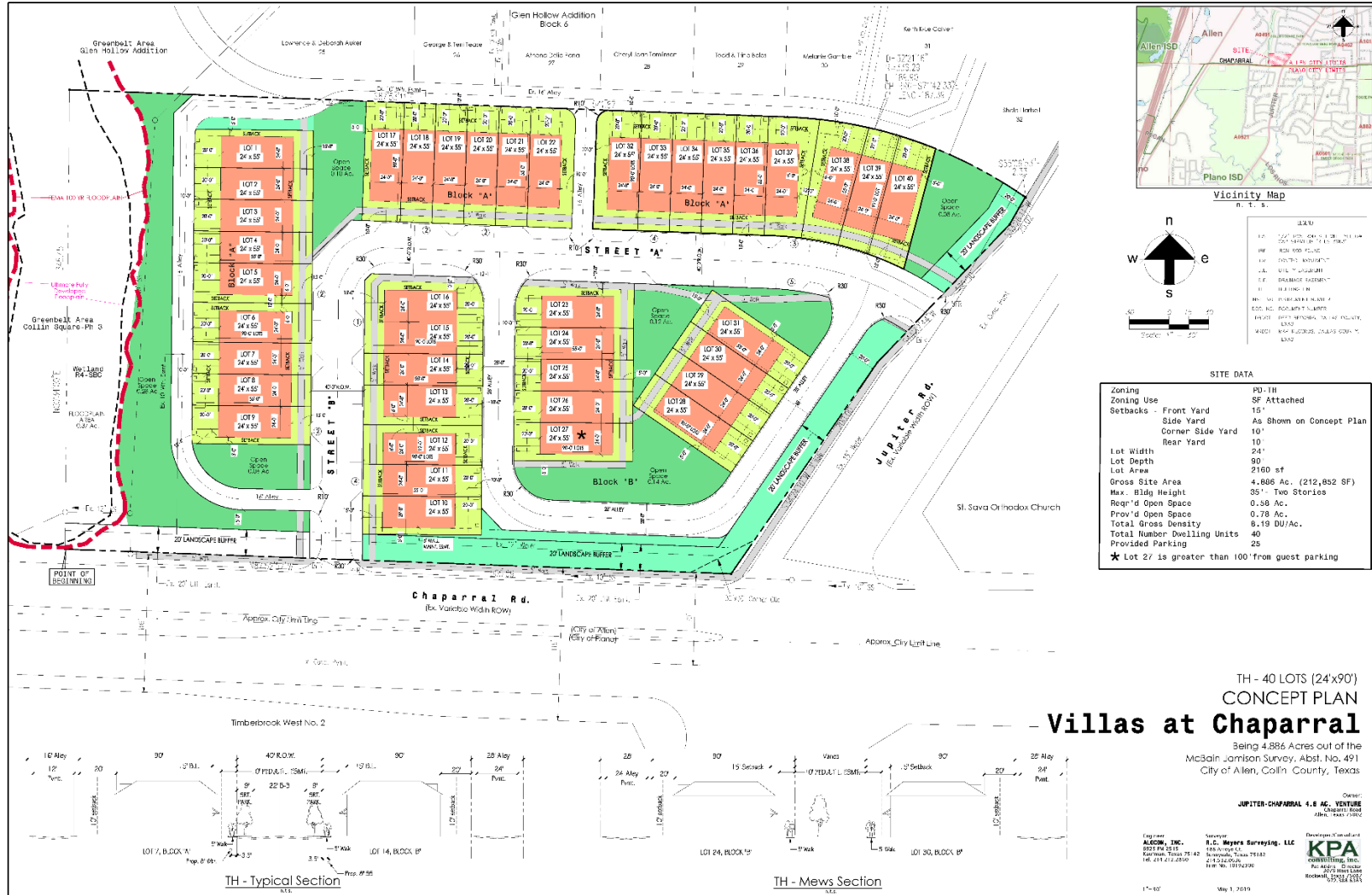
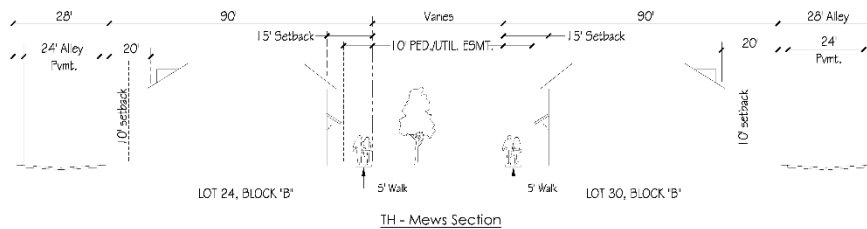
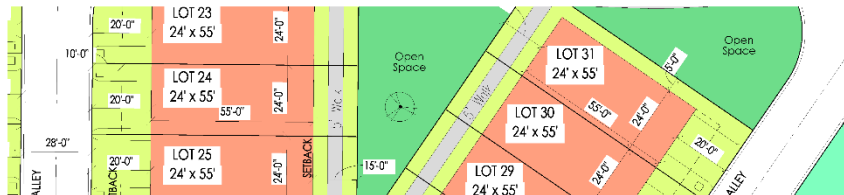
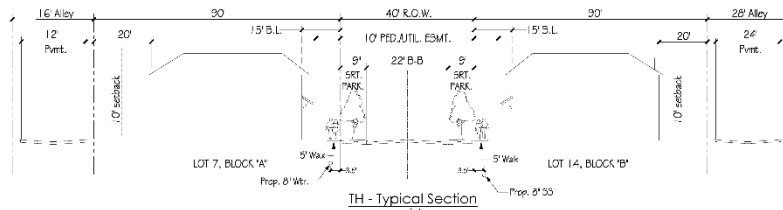
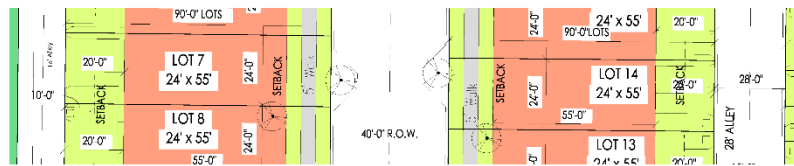


EXHIBIT "B"
CONCEPT PLAN



LEGAL LAND DESCRIPTION:

BEING 4.886 acres or (212,852 square feet) of land in the Mc Bain Jamison Survey, Abstract No. 491, City of Allen, Collin County, Texas, said 4.886 acres or (212,852 square feet) of land being all that certain tract of land described in a Special Warranty Deed to Jupiter - Chaparral 4.8 AC. Venture (hereinafter referred to as Jupiter - Chaparral tract), as recorded in Volume 482, Page 985, Official Public Records, Collin County, Texas, said 4.886 acres or (212,852 square feet) of land being more particularly described, by metes and bounds, as follows:

BEGINNING at a one-half inch square pipe found for the Southwest corner of said Jupiter - Chaparral tract, same being the Southeast corner of that certain tract of land described as Greenbelt Area, Collin Square, Phase 3 (hereinafter referred to as Greenbelt Area), an addition to the City of Allen, Collin County, Texas, according to the plat recorded in Cabinet F, Page 138 and 335, Plat Records, Collin County, Texas (P.R.C.C.T.), same also being the existing North right-of-way line of Chaparral Road (variable width right-of-way), according to the plat thereof recorded in Cabinet F, Page 474, P.R.C.C.T.;

THENCE North 00 degrees 34 minutes 00 seconds East, departing the existing North right-of-way line of said Chaparral Road and with the common line between said Jupiter - Chaparral tract and said Greenbelt Area, a distance of 345.45 feet to a three-eighths inch iron rod found for the Northwest corner of said Jupiter - Chaparral tract, same being the Southwest corner of that certain tract of land described as Glen Hollow Addition (hereinafter referred to as Glen Hollow Addition), an addition to the City of Allen, Collin County, Texas, according to the plat recorded in Cabinet 5, Page 139 and 135, P.R.C.C.T.;

THENCE South 87 degrees 53 minutes 11 seconds East, departing the East line of said Greenbelt Area and with the common line between said Jupiter - Chaparral tract and with said Glen Hollow Addition, a distance of 541.87 feet to a three-eighths inch iron rod found for the beginning of a curve to the right, whose long chord bears South 71 degrees 42 minutes 33 seconds East, a distance of 387.39 feet;

THENCE Southeast, continue with the common line between said Jupiter - Chaparral tract and with said Glen Hollow Addition and with said curve to the right having a radius of 336.32 feet, through a central angle of 33 degrees 21 minutes 36 seconds, for an arc distance of 389.50 feet to a three-eighths inch iron rod found for the end of said curve;

THENCE South 55 degrees 06 minutes 53 seconds East, continue with the common line between said Jupiter - Chaparral tract and with said Glen Hollow Addition, a distance of 2.33 feet to a one-half inch iron rod found for the Northeast corner of said Jupiter - Chaparral tract, same being the Southeast corner of said Glen Hollow Addition, same also being the existing Northwest right-of-way line of Jupiter Road (variable width right-of-way), according to the plat thereof recorded in Cabinet F, Page 474, P.R.C.C.T.;

THENCE South 33 degrees 26 minutes 11 seconds West with the common line between said Jupiter - Chaparral tract and the existing Northeast right-of-way line of said Jupiter Road, a distance of 25.02 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for corner;

THENCE South 43 degrees 32 minutes 44 seconds West, continue with the common line between said Jupiter - Chaparral tract and the existing Northeast right-of-way line of said Jupiter Road, a distance of 135.30 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for corner;

THENCE South 34 degrees 24 minutes 10 seconds West, continue with the common line between said Jupiter - Chaparral tract and the existing Northeast right-of-way line of said Jupiter Road, a distance of 200.00 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for the Southeast corner of said Jupiter - Chaparral tract, same being the intersection of the existing Northeast right-of-way line of said Jupiter Road with the existing North right-of-way line of said Chaparral Road;

THENCE North 07 degrees 52 minutes 57 seconds West with the common line between said Jupiter - Chaparral tract and the existing North right-of-way line of said Chaparral Road, a distance of 505.09 feet to the **PLACE OF BEGINNING**, and containing a calculated area of 4.886 acres or (212,852 square feet) of land.

SITE DATA

Zoning	PD-TH
Zoning Use	SF Attached
Setbacks - Front Yard	15'
Side Yard	As Shown on Concept Plan
Corner Side Yard	10'
Rear Yard	10'
Lot Width	24'
Lot Depth	90'
Lot Area	2160 sf
Gross Site Area	4.886 Ac. (212,852 SF)
Max. Bldg. Height	35' - Two Stories
Rear'd Open Space	0.58 Ac.
Provid'd Open Space	0.78 Ac.
Total Gross Density	8.19 DU/Ac.
Total Number Dwelling Units	40
Provided Parking	25
★ Lot 27 is greater than 100' from guest parking	

TH - 40 LOTS (24'x90')
CONCEPT PLAN
Villas at Chaparral
Being 4.886 Acres out of the
Mc Bain Jamison Survey, Abst. No. 491
City of Allen, Collin County, Texas

Owner:
JUPITER CHAPARRAL 4.8 AC. VENTURE
Allen, Texas 75002

DESIGNED BY:
ALUMIN, INC.
4015 FM 7916
Suite 100, Allen, Texas 75013
Tel: 214.212.2390
Fax: 214.212.2390

DESIGNED BY:
R.C. RYAN SURVEYING, LLC
28 Airport Ct.
Commerce, Texas 75420
Tel: 214.212.2390
Fax: 214.212.2390

DESIGNED BY:
KPA CONSULTING, INC.
1412 West Loop
Rockwall, Texas 75087
Tel: 972.753.1111

May 1, 2019

EXHIBIT "C"
ENDING ELEVATION



ELEVATION - FRONT

ELEVATION - REAR

VILLAS AT CHAPARRAL

STRAND

SCHEMATIC ELEVATIONS

03/14/2019

EXHIBIT “C”
BUILDING ELEVATIONS (cont.)

VILLAS AT CHAPARRAL

03/14/2019

SCHEMATIC EQUATIONS

[illegible]

ELEVATION - RIGHT

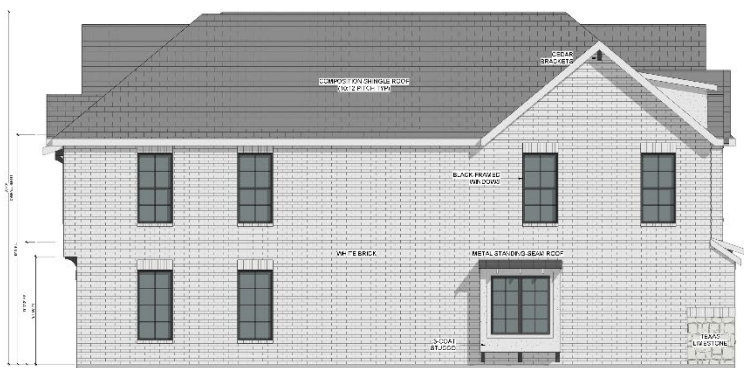
ELEVATION - LEFT

EXHIBIT “D”
SCREENING PLAN

The VILLAS at CHAPARRAL
CHAPARRAL ROAD at JUPITER ROAD
ALLEN, TEXAS

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http://www.All-Encore.com
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appr. by:
drawn by:
date: 07-25-18

revisions	
07-26-18	04-22-19
03-11-19	04-30-19
03-13-19	05-01-19
03-29-19	
04-05-19	
04-09-19	
04-11-19	



**Leeming
Design Group**
Landscape Architecture

401 Park Shore Drive, Suite 2110
Cypress, CA 90630
Tel: 714/275-0800 Fax: 714/275-1080
leemingdesigngroup@aol.com

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CONCEPTUAL HARDSCAPE and LANDSCAPE

