

**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 11.651± ACRES OF LAND SITUATED IN THE PETER WETSEL SURVEY, ABSTRACT NO. 990 AND LEWIS WETSEL SURVEY, ABSTRACT NO. 978, PRESENTLY ZONED AS PLANNED DEVELOPMENT PD NO. 6 SHOPPING CENTER “SC” AND COMMUNITY FACILITIES “CF” BY CHANGING THE ZONING TO CREATE PLANNED DEVELOPMENT “PD” NO. 140 WITH A BASE ZONING OF COMMUNITY FACILITIES “CF”; 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, as previously amended, by amending changing the zoning relating to the use and development of 11.651± acres of land situated in the Peter Wetsel Survey, Abstract No. 990 and Lewis Wetsel Survey, Abstract No. 978 described in Exhibit “A,” attached hereto and incorporated herein by reference (“the Property”), from Planned Development PD No. 6 Shopping Center “SC” and Community Facilities “CF” to Planned Development “PD” No. 140 with a base zoning of Community Facilities “CF,” 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 as modified by the Development Regulations set forth below:

- A. BASE ZONING DISTRICT:** The Property shall be developed and used in accordance with the use and development regulations of Community Facilities “CF” except as otherwise provided below.
- 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 time of plat approval.
- C. BUILDING ELEVATIONS:** The structures constructed on the Property shall be developed in general conformance with the Building Elevations attached hereto as Exhibit “C” and incorporated herein by reference.

**D. GENERAL HEIGHT AND AREA REGULATIONS:** The Property shall be developed in accordance with Section 4.15.3 of the ALDC except as modified below:

Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback	25 feet
Minimum Rear Yard Setback (adjacent to Residential Uses)	50 feet

Notwithstanding ALDC Section 4.15.1.1.b., the height of buildings constructed on the Property shall not exceed thirty-five feet (35.0’); provided, however:

- (1) The maximum height of a building constructed on the Property may exceed thirty-five feet (35.0’) if said building is setback not less than one additional foot beyond the required minimum setbacks (i.e. front, side, and rear) for each foot or portion of a foot that the building exceeds thirty-five feet (35.0’); provided, however, in no case shall any building constructed on the Property exceed a height of forty-five feet (45.0’); and
- (2) The maximum height of steeples, domes, and spires may exceed a height of forty-five feet (45.0’) but only in compliance with ALDC Section 4.15.1.1.b.

**E. TRAFFIC IMPROVEMENTS:**

- (1) Right-of-way shall be dedicated as shown on the Concept Plan at time of plat approval.
- (2) A deceleration lane on Greenville Avenue shall be constructed as shown on the Concept Plan concurrently with the construction of the driveway entrance on Greenville Avenue into the Property.

**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 9<sup>TH</sup> DAY OF JULY 2019.**

**APPROVED:**

\_\_\_\_\_  
**Stephen Terrell, MAYOR**

**APPROVED AS TO FORM:**

**ATTEST:**

\_\_\_\_\_  
**Peter G. Smith, CITY ATTORNEY**  
(kbl:6/25/19:109012)

\_\_\_\_\_  
**Shelley B. George, TRMC, CITY SECRETARY**

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

BEING an 11.651 acre tract of land situated in the Peter Wetsel Survey, Abstract No. 990 and the Lewis Wetsel Survey, Abstract No. 978, Collin County, Texas and being all of Lot 1, Block A of The Harvest , an addition to the City of Allen according to the plat recorded in Cabinet 2013, Page 110 of the Plat Records of Collin County, Texas (PRCCT) and being all of TRACTS 1 and 2 of FOUNTAIN PARK ADDITION SECOND SECTION, an addition to the City of Allen according to the plat recorded in Volume 8, Page 67 of the Plat Records of Collin County, Texas (PRCCT) and being more particularly described as follows:

BEGINNING at 5/8 inch iron rod set for corner at the intersection of the southwest line of Rivercrest Boulevard (variable width)(80' wide at this point) with the southeast line of State Highway No. 5 (125' wide at this point);

THENCE departing the southeast line of said State Highway No. 5, with the southwesterly right-of-way line of said Rivercrest Boulevard as follows:

SOUTH 58° 57' 47" EAST a distance of 138.82 feet to a 5/8 inch iron rod set for corner;

NORTH 76° 02' 13" EAST a distance of 14.14 feet to a 5/8 inch iron rod set for the beginning of a non-tangent curve to the left having a radius of 751.41 feet and a chord bearing of South 74° 27' 29" East;

Continuing with said non-tangent curve to the left through a central angle of 30° 59' 29" for an arc length of 406.44 feet to a 5/8 inch iron rod set for corner and being the end of said curve;

SOUTH 89° 56' 47" EAST a distance of 290.34 feet to a 5/8 inch iron rod set for corner in the west line of said 16 feet wide Alley and being the beginning of a non-tangent curve to the right having a radius of 67.50 feet and a chord bearing of SOUTH 15° 32' 43" WEST;

THENCE departing the south line of said Rivercrest Drive and following the west line of said 16 feet wide Alley as follows:

Continuing with said non-tangent curve to the right through a central angle of 30° 59' 00" for an arc length of 36.50 feet to a 5/8 inch iron rod set for corner;

SOUTH 31°02'13" WEST a distance of 553.78 feet to a 5/8 inch iron rod set for corner and being the beginning of a curve to the left having a radius of 82.50 feet and a chord bearing of SOUTH 15° 32' 45" WEST;

Continuing with said curve to the left through a central angle of 30° 58' 56" for an arc length of 44.61 feet to a 5/8 inch iron rod set for the southeast corner of said Lot 1, Block A and being located in the north line of Pebblebrook Drive (50' wide);

THENCE departing the west line of said 16' wide alley with the north line of said Pebblebrook Drive as follows:

NORTH 89° 56' 47" WEST a distance of 345.33 feet to a 5/8 inch iron rod set for the beginning of a curve to the right having a radius of 701.76 feet and a Chord Bearing of North 74° 27' 13" West;

Continuing with said curve to the right through a central angle of 30° 58' 31" for an arc length of 379.38 feet to a 5/8 inch iron rod set for corner;

NORTH 58° 57' 47" WEST a distance of 48.93 feet to 5/8 inch iron rod set for the southeast corner of a dedication to the State of Texas recorded in Volume 4456, Page 1589 of the Deed Records of Collin County, Texas;

THENCE departing the North Line of said Pebblebrook Drive with the easterly right-of- way line of said State Highway No. 5 and said dedication to the State of Texas as follows:

NORTH 31° 02' 48" EAST a distance of 47.29 feet to a 5/8 inch iron rod set for corner;

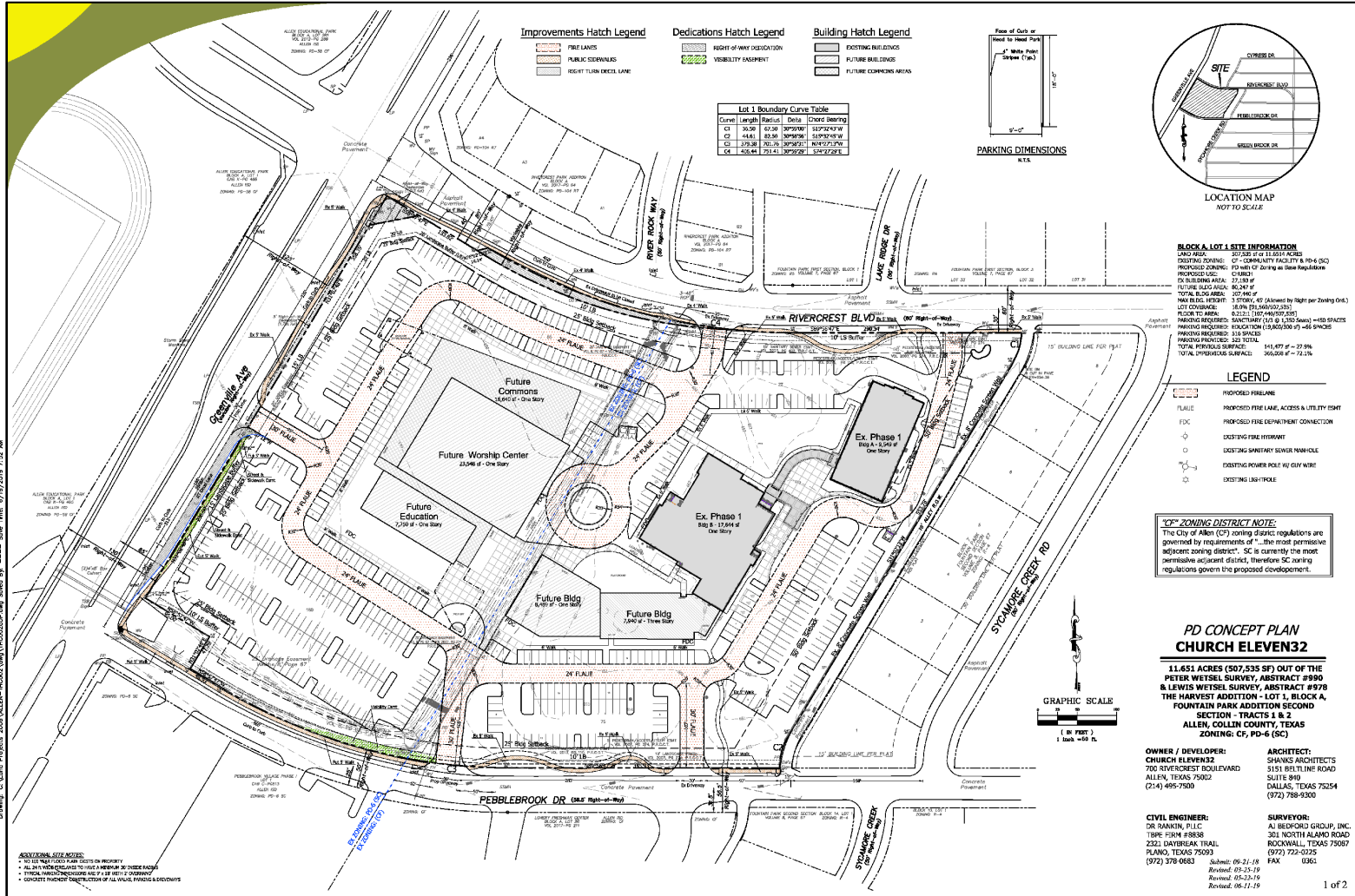
NORTH 58° 57' 47" WEST a distance of 95.00 feet to a 3" inch brass disk found for corner;

NORTH 31° 02' 48" EAST a distance of 236.50 feet to a 3" inch brass disk found for corner;

NORTH 58° 57' 12" WEST a distance of 5.00 feet to a 3" inch brass disk found for corner;

NORTH 31° 02' 48" EAST a distance of 358.35 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 11.651 acres or 507,535 square feet of land more or less.



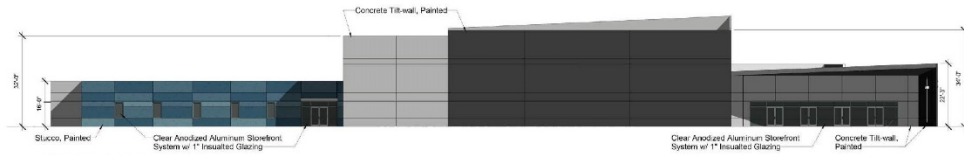
**EXHIBIT "B"**  
**CONCEPT PLAN**

Drawing: C:\Users\p\OneDrive\Documents\2020\2020\05\21\18\11651-11652\11652\11652.dwg, Scale: 1/8"=1'-0", Date: 05/21/2018 7:52 AM

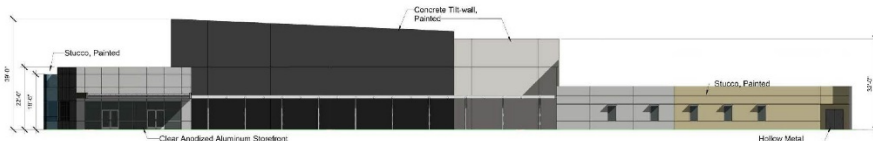
**CONSTRUCTION NOTES:**

- ALL NEW CONSTRUCTION SHALL BE TO THE CITY OF ALLEN
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- CONCRETE FINISHES SHALL BE TO THE CITY OF ALLEN
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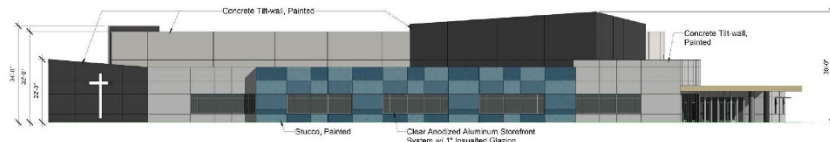
**EXHIBIT "C"**  
**BUILDING ELEVATIONS**



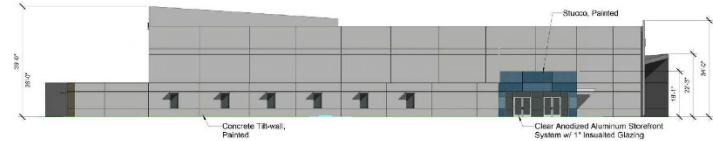
1 EVENT CENTER - East Elevation  
1/16" = 1'-0"



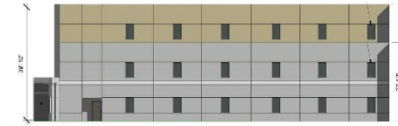
2 EVENT CENTER - West Elevation  
1/16" = 1'-0"



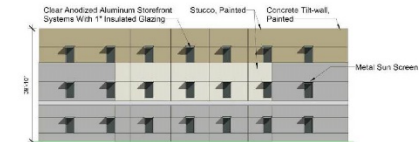
3 EVENT CENTER - North Elevation  
1/16" = 1'-0"



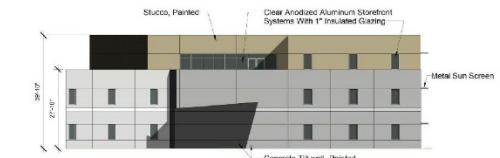
4 EVENT CENTER - South Elevation  
1/16" = 1'-0"



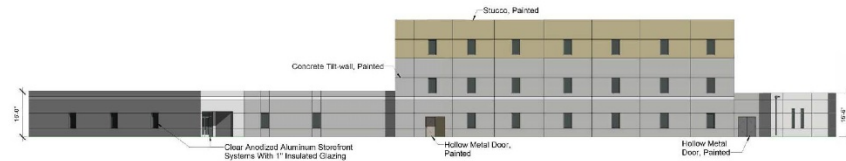
5 Phase 2 - Edu Building - East Elevation  
1/16" = 1'-0"



6 Phase 2 - Edu Building - West Elevation  
1/16" = 1'-0"



7 Phase 2 - Edu Building - North Elevation  
1/16" = 1'-0"



8 Phase 2 - Edu Building - South Elevation  
1/16" = 1'-0"

SUBMITTAL DATE : 06-14-19



CONCEPTUAL EXTERIOR ELEVATIONS

