

**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. 174 AUTHORIZING A 4,800± SQUARE FOOT PORTION OF A BUILDING LOCATED ON LOT 10, BLOCK D, BRAY CENTRAL ONE ADDITION, PRESENTLY ZONED AS AND LOCATED IN PLANNED DEVELOPMENT “PD” NO. 54 COMMERCIAL CORRIDOR “CC” ZONING DISTRICT TO BE USED FOR A DANCE/MARTIAL ARTS STUDIO 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 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, the City Council has concluded that the Allen Land Development Code Zoning Regulations and Zoning Map of the City of Allen, Texas, as previously amended, should be further amended as follows.

**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 the Zoning Map of the City of Allen, Collin County, Texas, be amended by granting Specific Use Permit No. 174 for a 4,800± square foot portion of a building located on Lot 10, Block D, of Blocks D, E, and F, Bray Central One Addition recorded in Cabinet K, Slide 577, Map Records, Collin County, Texas, and depicted on Exhibit “A,” attached hereto and incorporated herein by reference (the “Property”), said building being addressed as 111 N. Central Expressway, Suite 116, Allen, Texas, and located within Planned Development “PD” No. 54 Commercial Corridor “CC” Zoning District, to be used for a Dance/Martial Art Studio 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 as amended herein, and, if developed and used for Dance/Martial Arts Studio 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 as shaded on the SUP Site Plan attached hereto as Exhibit “A” and incorporated herein by reference.
- B. Only Allen BJJ, LLC, or a legal entity owned or controlled by John Machado, is authorized by this Ordinance to use the Property for a Dance/Martial Arts Studio use.
- C. Except for parking by customers and employees, no activity related to the business shall occur on the exterior of 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 28<sup>TH</sup> DAY OF APRIL 2020.**

**APPROVED:**

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**Debbie Stout, MAYOR**

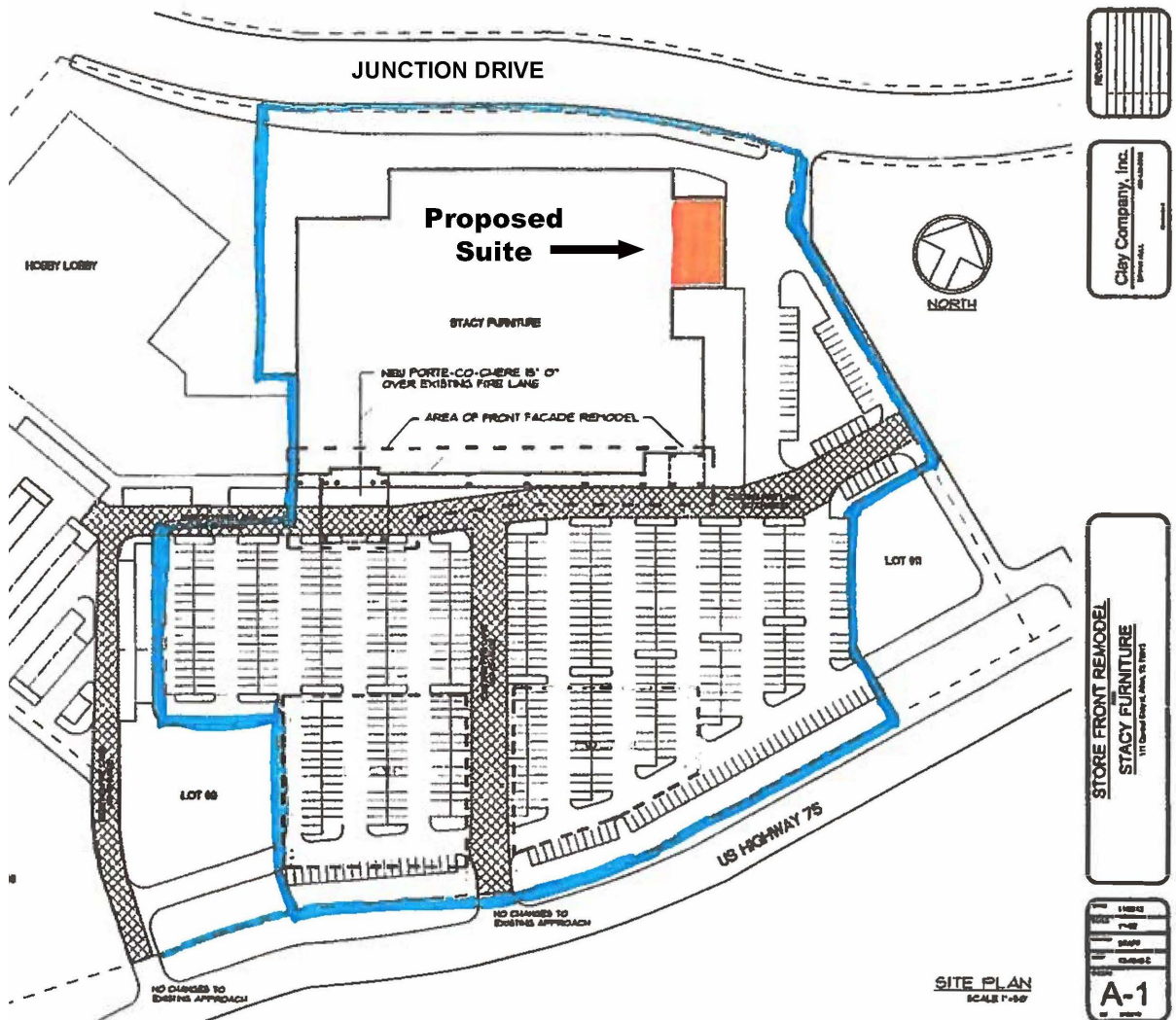
**APPROVED AS TO FORM:**

**ATTEST:**

\_\_\_\_\_  
**Peter G. Smith, CITY ATTORNEY**  
(kbl:4/13/2020:115074)

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

# EXHIBIT "A" SUP SITE PLAN



## ALLEN BJJ LLC SUP SITE PLAN