

ORDINANCE NO. 4073-4-24

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 AMENDING AND RESTATING THE DEVELOPMENT REGULATIONS OF SPECIFIC USE PERMIT NO. 68 FOR A FUELING STATION USE SET FORTH IN ORDINANCE NO. 1774-9-99 AND ADDING AN OUTDOOR DISPLAY USE RELATING TO THE USE AND DEVELOPMENT OF LOT 4, BLOCK A, CUSTER/MCDERMOTT ADDITION, PRESENTLY ZONED AS PLANNED DEVELOPMENT NO. 56, SHOPPING CENTER "SC"; 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 of the City of Allen, Texas 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 adopted, 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 amended, shall be further amended by amending and restating as follows and as attached in Exhibits "A," "B," and "C" hereto the development regulations of Specific Use Permit No. 68 for a Fueling Station as set forth in Section 1, Section 2, and Section 3 of Ordinance No 1774-9-99, inclusive of Exhibits "A," "B," "C," and "D" attached thereto and made a part of said ordinance:

SECTION 1. The Allen Land Development Code Zoning Regulations and Zoning Map of the City of Allen, Collin, County, Texas, be amended by granting Specific Use Permit No. 68 for Lot 4, Block A, Custer/McDermott Addition, an addition to the City of Allen, Collin County, Texas, according to the plat thereof recorded in Volume K, Page 158, Map Records, Collin County, Texas, as described and depicted in Exhibit "A" attached hereto and incorporated herein by reference ("the Property") which is presently zoned as PD-56 Shopping Center ("SC"), to be used for Fueling Station use subject to Section 2, below and an accessory Outdoor Display use, subject to Section 3, below.

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 and the applicable regulations of Planned Development No. 56, as previously amended, and as amended herein, and, if developed and used for Fueling Station purposes, shall be subject to the following special conditions:

- A.** The Property shall be developed and used only in accordance with the Site Plan and Building Elevations, attached hereto as Exhibits "B" and "C", respectively, and incorporated herein by reference.

SECTION 3. The Property shall be used only in the manner and for the purposes provided for in the Allen Land Development Code Zoning Regulations and the applicable regulations of Planned

Development No. 56, as heretofore amended, and as amended herein, and, if developed and used for Outdoor Display purposes, shall be subject to the following special conditions:

- A. Outdoor Display is limited to the areas shown on the Site Plan, attached hereto as Exhibit "B."
- B. Outdoor Display of merchandise shall only consist of refillable/exchangeable propane tanks and packaged ice.

SECTION 2. 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 3. 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 4. 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 5. 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 6. 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.

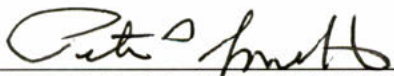
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS 9TH DAY OF APRIL 2024.

APPROVED:



Baine L. Brooks, MAYOR

APPROVED AS TO FORM:



Peter G. Smith, CITY ATTORNEY
(krs:3/20/2024: 4857-8799-7353, v. 1)

ATTEST:



Shelley B. George, TRMC, CITY SECRETARY

EXHIBIT "A"
LEGAL DESCRIPTION

Being Lot 4, Block A, of Custer/McDermott Addition, an Addition to the City of Allen, Texas, according to the map thereof recorded in Volume K, Page 158, of the map records of Collin County, Texas and being more particularly described by metes and bounds as follows:

Beginning at a 1/2 inch iron rod found with an orange cap stamped "Sinclair & assoc." for the Northeast corner of said Lot 4, same being the northernmost Northwest corner of Lot 2, Block A of said Custer/McDermott Addition, and lying on the South right-of-way line of W. McDermott Drive (variable width right-of-way);

Thence South 00 degrees 12 minutes 08 seconds West, departing the South right-of-way line of said W. McDermott Drive, with the East line of said Lot 4, a distance of 134.73 feet to a point for corner, said point being the easternmost Southeast corner of said Lot 4, From Which a 1/2 inch iron rod found for reference bears South 50 degrees 58 minutes 06 seconds East, a distance of 0.35 feet;

Thence South 39 degrees 48 minutes 53 seconds West, with the Southeast line of said Lot 4, a distance of 166.83 feet to a 1/2 inch iron rod found for corner, said point being the southernmost Southeast corner of said Lot 4;

Thence South 89 degrees 23 minutes 39 seconds West, with the South line of said Lot 4, a distance of 140.98 feet to a 1/2 inch iron rod found for corner, said point being the Southwest corner of said Lot 4, Same being the westernmost Northwest corner of said Lot 2 and lying on the East right-of-way line of S. Custer Road (variable width right-of-way);

Thence North 05 degrees 08 minutes 00 seconds East, with the East right-of-way line of said S. Custer Road, a distance of 59.77 feet to a 1/2 inch iron rod found with an orange cap stamped "Sinclair & assoc." for corner;

Thence North 00 degrees 36 minutes 21 seconds West, with the East right-of-way line of said S. Custer Road, a distance of 189.39 feet to a 5/8 inch iron rod with an orange Plastic cap stamped "Jm Civil Engineering" set for corner, said point being the Southwest corner of a corner clip at the intersection of the East right-of-way line of said S. Custer Road with the South right-of-way line of said W. McDermott Drive;

Thence North 43 degrees 24 minutes 32 seconds East, with the Southeast line of said corner clip, a distance of 22.38 feet to a 1/2 inch iron rod found for corner, said point being the East corner of said corner clip and lying on the South right-of-way line of said W. McDermott Drive;

Thence South 89 degrees 47 minutes 52 seconds East, with the South right-of-way line of said W. McDermott Drive, a distance of 229.54 feet to the point of beginning and containing 57,377 square feet or 1.317 acres of land, more or less.

Bearings are referenced to the Texas Coordinate System of 1983, Texas North Central Zone 4202, and are based on the North American Datum of 1983, 2011 adjustment and are rotated 00 degrees 04 minutes 13 seconds in a clockwise direction from the recorded plat bearings.