



**AGENDA
CITY OF ALLEN
PLANNING AND ZONING COMMISSION
REGULAR MEETING
MAY 19, 2020 - 7:00 PM
CONDUCTED VIA VIDEO CONFERENCE**

This City of Allen Planning and Zoning Commission meeting will be conducted with the members of the Commission participating remotely via video conference. The facility will not be open to the public.

Members of the public are entitled to participate remotely via broadcast by webinar. To speak remotely at the Planning and Zoning Commission Meeting, speakers must:

- Submit the online registration form found at: [PZ Speaker Registration](#) not later than 3 p.m. on Tuesday, May 19, 2020.
- Once the registration form is received, registered speakers will receive either an email or phone call providing the telephone number to call on the date of the meeting.
- Speakers must call not later than 6:45 p.m. on the date of the meeting in order to be allowed to speak. Late callers will not be accepted and will not be allowed to speak.
- Handouts or other information that a member of the public desires to provide to the Commission must be emailed to planningsubmittals@cityofallen.org by 3 p.m. on May 19th to ensure the information is able to be provided to the Commissioners in advance of the meeting.

The meeting will be live streamed on Allen City TV at www.cityofallen.org/982/ACTV for those wanting to watch the meeting but not address the Commission.

Call to Order and Announce a Quorum is Present Pledge of Allegiance

Director's Report

1. Action Taken on the Planning and Zoning Commission Items by City Council at the April 28, 2020, Regular Meeting and May 12, 2020, Regular Meeting.

Consent Agenda

(Routine P&Z business. Consent Agenda is approved by a single majority vote. Items may be removed for open discussion by a request from a Commission member or member of staff.)

2. Capital Improvement Plan (CIP) Status Report.

3. Approve Minutes from the April 21, 2020, Planning and Zoning Commission Regular Meeting.

Regular Agenda

4. Public Hearing - Conduct a Public Hearing and Consider the Proposed Amendments to the Allen Land Development Code relating to Article I, "General Provisions" to add a new Section 1.11, "Lots Located in More than One Zoning District;" Amending Section 4.06, "Changes and Amendments" regarding the denial of applications for zoning amendments with and without prejudice; Amending Section 4.20.2, "Schedule of Principal Uses" by removing Beer & Wine Package Sales Use and Beer & Wine Package Sales With Greater Than 50% Revenue From Beer & Wine Use; Repealing Section 6.03.8, "Beer and Wine Package Sales—Regulations"; Repealing Section 6.03.9, "Beer and Wine Package Sales Permit Process"; Amending Section 6.04.1.4. "Types of Temporary Use Permits" by amending regulations relating to temporary use permits for temporary food vendors and food truck sites; Amending Section 6.05.3, "Site Plan Details" to correct formatting errors in subsection 2 "Site Plan" and require inclusion of a legend; Repealing Section 6.06.8 "Outdoor Storage and Display"; Amending Section 6.06.11, "Solar Panels" by amending regulations relating to location and color of solar panels; Amending Subsection c.i. of Section 6.06.15 "Mobile Food Establishments" relating to operation of a mobile kitchen at a food truck site; Amending Section 7.03.3.3, "Refuse and Recycling Collection Enclosures" relating to location and screening of refuse and recycling collection areas; Amending Section 7.03.4.3.a, "Light Trespass" by amending the regulations to permit light trespass between adjacent nonresidential uses; Amending Section 7.04.1, "Vehicle Parking" to add regulations relating to dead-end parking; Amending Subsection 1.c. of Section 8.02.4 "Administrative Approval of Certain Amending Plats, Minor Plats and Replats" to correct a scrivener's error; Amending Section 8.03.3, "Preliminary Plat" to require a plat note relating to perpetual maintenance of open space and common areas; Amending Section 8.03.4, "Final Plat" to require a plat note relating to perpetual maintenance of open space and common areas; Amending in its entirety and retitling Section 8.05.7, "Median Cuts" relating to median cuts and requirements for establishment of cross access between properties; Amending Appendix A, "Definitions" by deleting the definition for "Beer and Wine Package Sales;" and amending the definition of "Outdoor Storage".

Executive Session (As needed)

As authorized by Section 551.071(2) of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.

Adjournment

This notice was posted at Allen City Hall, 305 Century Parkway, Allen, Texas, at a place convenient and readily accessible to the public at all times. Said notice was posted on Friday, May 15th at 5:00p.m.

Shelley B. George, City Secretary

Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 214-509-4105.

PLANNING AND ZONING COMMISSION AGENDA COMMUNICATION

AGENDA DATE:

May 19, 2020

SUBJECT:

Action Taken on the Planning and Zoning Commission Items by City Council at the April 28, 2020, Regular Meeting and May 12, 2020, Regular Meeting.

STAFF RESOURCE:

Marc Kurbansade, AICP
Director of Community Development

BACKGROUND

- At the April 28, 2020 Regular Meeting, City Council approved the request for a Specific Use Permit for a Dance/Martial Arts use for Allen BJJ Inc.
- At the May 12, 2020 Regular Meeting, City Council approved the request to amend the development regulations of Planned Development PD No. 92 to add medical or dental office and office uses for 2540 N. Watters Rd.

PLANNING AND ZONING COMMISSION AGENDA COMMUNICATION

AGENDA DATE: May 19, 2020

SUBJECT: Capital Improvement Plan (CIP) Status Report.

STAFF RESOURCE: Chris Flanigan, PE
Director of Engineering

PREVIOUS COMMISSION/COUNCIL ACTION: None.

LEGAL NOTICES: None.

ANTICIPATED COUNCIL DATE: None.

BACKGROUND

Every month the Engineering Department will provide a status update of the City's Capital Improvement projects.

STAFF RECOMMENDATION

N/A

MOTION

N/A

ATTACHMENTS:

CIP Progress Report through May, 2020 and CIP Map through May, 2020

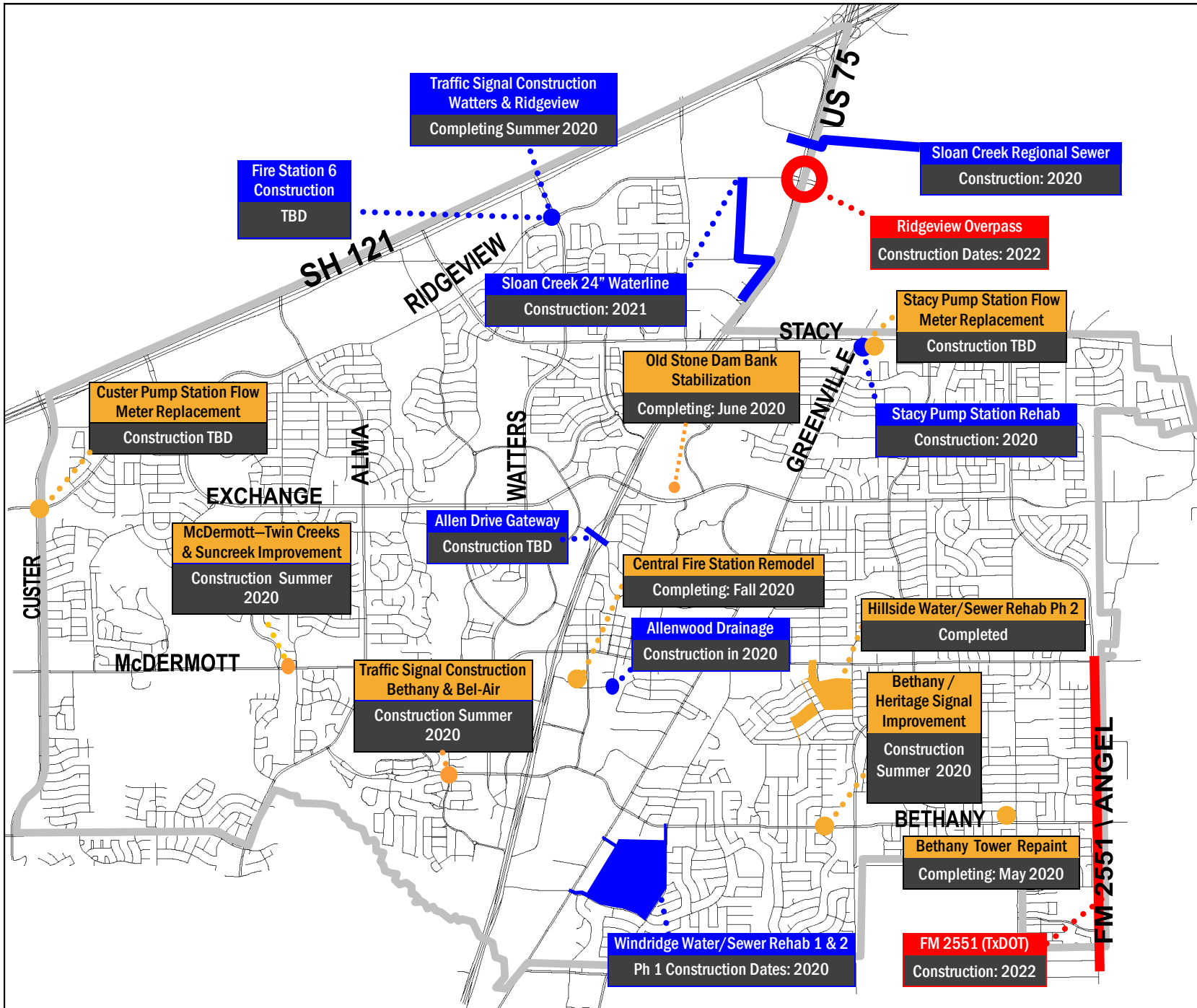
ENGINEERING CIP REPORT - MAY 2020

		PROJECT	STATUS / COMMENTS		CONST. DATES	
ROADS	CITY	1	Allen Drive Gateway Project (US 75 Interchange)	ST1903	Huitt Zollars will be submitted 90% plans to TxDOT in May.	TBD
		2	Bethany & Heritage Traffic Signal Improvement	ST1907	Durable will be the contractor for this project. Tender agreement between Durable, Surety (bonding agency) and the City is being finalized.	TBD
		3	Traffic Signal Detection Equipment	ST1908	The HSIP Project will be Bid by TXDOT May 7, 2020.	Complete Fall 2020
		4	2020 Street and Alley Rehabilitation (Various Locations)	ST2002	Project went to Council April 28th. Construction expected to begin May 2020.	Construction May 2020
		5	Mcdermott - Twin Creek & Sun creek Intersection	ST1909	Streets and Alleys Project is awarded. Paving and Ramp work will start constructing May 2020. Durable will complete the Traffic Signal Work after paving is complete. The PO for Durable is approved. Median Lighting will be completed by separate contractor.	Complete Summer 2020
		6	Traffic Signal Construction Bethany & Bel-Air and Watters & Ridgeview	ST2003	The Project will open Bid May 21, 2020. Construction scheduled to start late July.	Complete August 2020
	OTHERS	7	FM 2551 (Main - Parker Rd)	ST0316	Design of widening to 6-lanes. NTMWD and TxDOT have reached an agreement on design conditions. City has provided plan comments back to TxDOT.	2022
		8	Ridgeview / US 75 Overpass	TXDOT	TxDOT has submitted 100% utility plans to franchise for relocation. TxDOT plans to have all ROW acquired by December 2020.	Construction 2022
UTILITIES & DRAINAGE	CITY	9	Allenwood Drainage	DR1901	Detention Pond work is complete and Contractor is working on Downstream improvements.	Early 2020
		10	Old Stone Dam Bank Stabilization	DR1902	Construction of bag walls began in March. Gabion repairs are complete. The bag wall is approximately 50% complete.	Complete June 2020
		11	Bethany Tower & Stacy Ground Storage Tank #3 Repaint	WA1903	Stacy tank was completed in September of 2019. Bethany tank repaint finished April 2020.	Completed April 2020
		12	Custer & Stacy Flow Meter Replacement	WA1903	Contractor is on hold due to delay in parts from Manufacturer.	Complete June 2020
		13	Hillside Water & Sanitary Sewer Rehabilitation, PH 2	WA1902	W&S project complete. Micro-Surface placed on hold due to current shelter in place order.	Complete March 2020
		14	Sloan Creek Regional Sewer	WA1904	Initial Offer Letters for easement acquisition have been mailed.	Construction 2020
		15	Sloan Creek 24" Water	WA1904	Schematic Design has begun to determine route options to service the property North of Ridgeview.	Construction 2021
		16	Stacy Pump Station Rehab	WA1906	Staff is expecting 30% PS&E design in May.	Construction 2020
		17	CBD - RR Sanitary Sewer Improvements	WA1908	Project is under way with design to replace the aging sanitary sewer pipes and increase the size to allow for future development. Staff is working with developer of tract to adjust alignment.	TBD
		18	Windridge Water & Sanitary Sewer Rehabilitation, PH 1 & 2	WA1901	Consultant received 90% plans comments on April 22 for Phase 1.	Construction 2020
OTHER	19	Fire Station #6	PS1901	Phase 1 of Design Commenced, beginning submittals to TRC & PNZ April 13th. Phase 1 Design Complete by September 2020. Phase 2 of Design will then commence with an expected delivery March 2021.	TBD	
	20	Central Fire Remodel & Expansion	PS1701	Phase 1 Completed, New fire Station operational. Phase 2 Demolition is complete, framing, and mechanical equipment is being installed. Completion September 1, 2020.	Complete Fall 2020	

■ CONSTRUCTION
 ■ DESIGN
 ■ DESIGN (BY OTHERS)
 ■ CONSTRUCTION (BY OTHERS)
 ■ FUTURE

ENGINEERING CIP MONTHLY REPORT

MAY 2020



CONSTRUCTION

DESIGN

CONSTRUCTION (By Others)

DESIGN (By Others)

FUTURE

ENGINEERING DEPARTMENT
214.509.4576

DIRECTOR:
CHRIS FLANIGAN



PLANNING AND ZONING COMMISSION AGENDA COMMUNICATION

AGENDA DATE:

May 19, 2020

SUBJECT:

Approve Minutes from the April 21, 2020, Planning and Zoning Commission Regular Meeting.

STAFF RESOURCE:

Hayley Angel, AICP
Planner II

ATTACHMENTS:

Minutes from the April 21, 2020, Regular Meeting

PLANNING AND ZONING COMMISSION

REGULAR MEETING

April 21, 2020

ATTENDANCE:

Commissioners Present:

Ben Trahan, Chair
Stephen Platt, Jr., 1st Vice-Chair
Michael Orr, 2nd Vice-Chair
Gene Autrey
Dan Metevier
John Ogrizovich
Elias Shaikh

City Staff Present:

Marc Kurbansade, AICP, Director of Community Development
Shelley B. George, City Secretary
Hayley Angel, AICP, Planner II
Kevin Laughlin, City Attorney

Call to Order and Announce a Quorum is Present:

With a quorum of the Commissioners present, Chair Trahan called the meeting to order at 7:00 p.m. via video conference.

Director's Report

1. Mr. Kurbansade discussed the action taken on the Planning & Zoning Commission items by City Council at the April 14, 2020, Regular Meeting.

Consent Agenda (*Routine P&Z business: Consent Agenda is approved by a single majority vote. Items may be removed for open discussion by a request from a Commission member or member of staff.*)

Chair Trahan invited anyone wishing to speak on a Consent Agenda item may do so by completing a public speaker card.

2. Capital Improvement Plan (CIP) Status Report
3. Approve Minutes from the April 7, 2020 Planning and Zoning Commission Regular Meeting.
4. Final Plat - Consider a Request for a Final Plat for Goddard School at Allen Addition, Lot 1, Block A, Being 1.168± Acres of Land in the John Fyke Survey, Abstract No. 325; Generally Located at the Northeastern Corner of the Intersection of Bossy Boots Drive and Stockton Road. (PL-031320-0003) [Goddard School]

Motion: Upon a motion by 1st Vice-Chair Platt, and a second by Commissioner Metevier, the Commission voted 7 IN FAVOR and 0 OPPOSED to approve the Consent Agenda as presented. The motion carried.

Regular Agenda

5. Public Hearing - Conduct a Public Hearing and Consider a Request to Amend the

Development Regulations of a Portion of Tract A of Planned Development PD No. 92 Corridor Commercial "CC" to Allow "Medical or Dental Office" and "Office" as Permitted Uses for Ridgeview Village Retail Addition, Lot 1, Block A, Generally Located Directly East of Watters Road and Approximately 187± Feet North of Ridgeview Drive. (ZN-033020-0009) [2540 N Watters Rd]

Ms. Angel, Planner II, presented the item to Council.

Ms. Angel noted that staff is in support of the agenda item.

Chair Trahan opened the public hearing.

Chair Trahan mentioned receipt of a letter in support of Item No. 5:

- Venkata R. Panchumarthi, 2540 N. Watters Road, Allen, TX

With no one speaking, Chair Trahan closed the public hearing.

Motion: **Upon a motion by Commissioner Ogrizovich, and a second by Commissioner Autrey, the Commission voted 7 IN FAVOR and 0 OPPOSED to recommend approval of the request to amend the development regulations of a portion of TRACT A of Planned Development PD No. 92 Corridor Commercial "CC" for Lot 1, Block A, Ridgeview Village Retail Addition, subject of the Development Regulations, as presented. The motion carried.**

Executive Session (*As Needed*)

The Executive Session was not held.

Adjournment

The meeting adjourned at 7:07 p.m.

These minutes approved this _____ day of _____ 2020.

Ben Trahan, Chair

Hayley Angel, AICP, Planner II

PLANNING AND ZONING COMMISSION AGENDA COMMUNICATION

AGENDA DATE:

May 19, 2020

SUBJECT:

Conduct a Public Hearing and Consider the Proposed Amendments to the Allen Land Development Code relating to Article I, "General Provisions" to add a new Section 1.11, "Lots Located in More than One Zoning District;" Amending Section 4.06, "Changes and Amendments" regarding the denial of applications for zoning amendments with and without prejudice; Amending Section 4.20.2, "Schedule of Principal Uses" by removing Beer & Wine Package Sales Use and Beer & Wine Package Sales With Greater Than 50% Revenue From Beer & Wine Use; Repealing Section 6.03.8, "Beer and Wine Package Sales—Regulations"; Repealing Section 6.03.9, "Beer and Wine Package Sales Permit Process"; Amending Section 6.04.1.4."Types of Temporary Use Permits" by amending regulations relating to temporary use permits for temporary food vendors and food truck sites; Amending Section 6.05.3, "Site Plan Details" to correct formatting errors in subsection 2 "Site Plan" and require inclusion of a legend; Repealing Section 6.06.8 "Outdoor Storage and Display"; Amending Section 6.06.11, "Solar Panels" by amending regulations relating to location and color of solar panels; Amending Subsection c.i. of Section 6.06.15 "Mobile Food Establishments" relating to operation of a mobile kitchen at a food truck site; Amending Section 7.03.3.3, "Refuse and Recycling Collection Enclosures" relating to location and screening of refuse and recycling collection areas; Amending Section 7.03.4.3.a, "Light Trespass" by amending the regulations to permit light trespass between adjacent nonresidential uses; Amending Section 7.04.1, "Vehicle Parking" to add regulations relating to dead-end parking; Amending Subsection 1.c. of Section 8.02.4 "Administrative Approval of Certain Amending Plats, Minor Plats and Replats" to correct a scrivener's error; Amending Section 8.03.3, "Preliminary Plat" to require a plat note relating to perpetual maintenance of open space and common areas; Amending Section 8.03.4, "Final Plat" to require a plat note relating to perpetual maintenance of open space and common areas; Amending in its entirety and retitling Section 8.05.7, "Median Cuts" relating to median cuts and requirements for establishment of cross access between properties; Amending Appendix A, "Definitions" by deleting the

definition for "Beer and Wine Package Sales;" and amending the definition of "Outdoor Storage".

STAFF RESOURCE:

Marc Kurbansade, AICP
Director of Community Development

LEGAL NOTICES:

Newspaper Notice - Published April 30, 2020

ANTICIPATED COUNCIL DATE:

June 9, 2020

BACKGROUND

The Allen Land Development Code (ALDC) is periodically amended to improve the effectiveness and efficiency of the Code, to address changing development trends and new technologies, and to make changes necessary for compliance with state and federal laws.

Proposed amendments include the following:

Section 1.11, "Lots Located in More than One Zoning District"

Summary of Changes: A new section will be added to the Allen Land Development Code (ALDC) that provides guidelines for properties that are "split-zoned" (i.e., one legal lot has two different zoning designations).

Section 4.06, "Changes and Amendments"

Summary of Changes: There are not any substantive changes proposed here; this section will be amended to provide clarification for zoning requests denied with and without prejudice. Explanations of denial with and without prejudice are now included to provide additional context for these potential City Council actions.

Section 4.20.2, "Schedule of Principal Uses;" Section 6.03.8, "Beer and Wine Package Sales—Regulations;" and Section 6.03.9, "Beer and Wine Package Sales Permit Process"

Summary of Changes: Beer and Wine Package Sales as a use have not been applicable for a number of years, as these are considered retail sales. These sections are being modified to reflect these prior changes.

Section 6.04.1.4, "Types of Temporary Use Permits"

Summary of Changes: A minor modification is proposed to this section to reflect the applicant for a temporary use permit should be the property owner and not the operator.

Section 6.05.3, "Site Plan Details"

Summary of Changes: A modification to this section is proposed for formatting of site plan requirements. Certain subsections were not indented properly.

Section 6.06.8 "Outdoor Storage and Display"

Summary of Changes: It is the recommendation of staff that this section not be deleted as was originally advertised. The language is necessary as it is currently exists in the ALDC.

Section 6.06.11, "Solar Panels"

Summary of Changes: This section is being proposed to be modified to only prohibit solar panels on

roofs adjacent to the front of house, provided they are complementary in color. This would remove the prohibition from installing solar panels on roofs located adjacent to a side street on a corner lot.

Section 6.06.15 "Mobile Food Establishments"

Summary of Changes: This section includes a minor change to clarify that a temporary use permit rather than a vendor permit is required.

Section 7.03.3.3, "Refuse and Recycling Collection Enclosures"

Summary of Changes: This section is being proposed to be modified to ensure that both temporary/staging areas as well as permanent areas for dumpsters are screened in accordance with the ALDC.

Section 7.03.4.3.a, "Light Trespass"

Summary of Changes: This section is being proposed to be modified to allow for light trespass on contiguous nonresidential property (i.e., light can spill over between two adjacent commercial lots).

Section 7.04.1, "Vehicle Parking"

Summary of Changes: This section is being modified to provide additional provisions for dead-end parking. These provisions include a maximum length of 150-feet for this type of parking as well as providing a demarcated space to allow vehicles to safely turn around should no parking be available.

Section 8.02.4 "Administrative Approval of Certain Amending Plats, Minor Plats and Replats"

Summary of Changes: This section is being modified to correct a scrivener's error.

Section 8.03.3, "Preliminary Plat;" and Section 8.03.4, "Final Plat"

Summary of Changes: This section is being modified to provide a requirement that a note be added on Final Plats stating that the HOA shall be responsible for maintenance of common areas and open space. The maintenance responsibility already exists in the ALDC; this amendment simply requires a note on the face of the plat to this effect.

Section 8.05.7, "Median Cuts"

Summary of Changes: This section is being modified to require cross connectivity between adjacent sites on new development. This is in conformance with the Comprehensive Plan.

Appendix A, "Definitions"

Summary of Changes: This section is being modified to provide further clarification that the outdoor storage of vehicles intended for repair as part of an automotive use must be screened.

Attached is a draft ordinance of the proposed amendments. The proposed amendments have gone through a review process with participation from the City Attorney.

STAFF RECOMMENDATION

Staff recommends approval.

MOTION

I make a motion to recommend approval of the proposed amendments to the Allen Land Development Code.

ATTACHMENTS:

ALDC Amendments Strikeout Underline

Article I - GENERAL PROVISIONS

Sec. 1.11. –Lots Located in More than One Zoning District.

1. If a lot is located in two (2) zoning districts, the development and use regulations applicable to the zoning district in which the majority of the area of the lot is located shall apply to the entire lot.
2. If a lot is located in more than two (2) zoning districts, no permit for the development of such lot shall be granted until the owner of such lot has elected which zoning district regulations will apply to the use and development of the entire lot by delivering written notification of such election to the Director of Community Development. Upon delivery of such notice to the Director of Community Development, the use and development of the lot shall continue to be subject to the regulations of the zoning district elected by the lot owner until such time as an amendment to the zoning regulations relating to the use and development of said lot is enacted.
3. This Section 1.11 shall not apply to a lot for which an application to amend the zoning regulations applicable to such lot was or is made by the owner or developer of the lot when it was known at the time of submission of such application that the lot would be located in different zoning districts or subject to different zoning regulations if such zoning amendment was enacted.

Sec. 4.06. – Changes and amendments.

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- ~~8. *Resubmission of application.* A request that has been denied by the city council without prejudice may be resubmitted at any time with a new filing fee. If the request has been denied with prejudice, the same or similar request may not be resubmitted to the city for one year from the original date of denial.~~
8. *Council consideration.*
 - a. At least one public hearing shall be held by the city council before adopting any amendment, supplement, or change to the zoning regulations or zoning map. Not less than 15 days prior to the date of the hearing, Noticenotice of such hearing shall be given by publication in a newspaper of general circulation in the city, stating the time and place of such hearing, ~~which shall be at least 15 days prior to the date of the hearing.~~
 - b. In considering a motion to deny an application to amend the zoning regulations, or upon voting to deny an application for an amendment to these zoning regulations, the City Council may further consider whether the application shall be denied with or without prejudice against refiling. If the City Council shall deny the petition and fail to clearly state the same as being denied with prejudice, then it shall be deemed that the petition is denied without prejudice against refiling.
9. *Resubmission of application.* If an application to amend the zoning regulations has been denied by the city council:

- a. If denied without prejudice, the same application may be resubmitted at any time after the date of the action by the city council accompanied by payment of a filing fee in the amount required of a new application; and
- b. If denied with prejudice, an application relating to the development and/or use of all or a portion of the same property that was the subject of the denied application may not be submitted on or before the date that is one year from the date of the city council's denial of the prior application if the requested amendments are substantially the same or similar to the amendments previously denied with prejudice.

Sec. 4.20.2. – Schedule of principal uses.

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RESIDENTIAL USES												TYPE OF USE	NON-RESIDENTIAL DISTRICTS												
R1	R1.5	R-2	R-3	R-4	R-5	R-6	R-7	2F	TH	MF1	MF1		MH	AO	GO	O	LR	SC	LC	GB	CC	IT	LI	HI	CF
													BEER & WINE PACKAGE SALES				X	X				X			
													BEER & WINE PACKAGE SALES WITH GREATER THAN 50% REVENUE FROM BEER & WINE				S	S				S			

...

Sec. 6.03.8. – Beer and wine package sales – Regulations.

Establishments conducting beer and wine package sales shall be subject to the following:

1. ~~Permitted by right as indicated in the section 4.20.2 if the property was within the city limits as of May 15, 2004 or annexed before November 15, 2006.~~
2. ~~A specific use permit (conditional) is required for any establishment that derives more than 50 percent of its revenues from the sale of beer and/or wine and is permitted as indicated section 4.20.2.~~
3. ~~Beer and wine package sales may provide inside service only with no drive in, curbside service, drive through service, or outdoor service, of any kind.~~
4. ~~The following distance separation criteria are effective for beer and wine package sales establishments:~~
 - a. ~~Cannot locate closer than 300 feet to a church or hospital. The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.~~
 - b. ~~Cannot locate closer than 300 feet to a school (public or private). The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be:~~
 - i. ~~in a direct line from the property line of the public or private school to the property line of the place of business and in a direct line across intersections; or~~

- ii. ~~if the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.~~
- 5. ~~Upon written request, the city shall be provided with copies of appropriate reports submitted to state agencies not later than 30 days after the end of each quarter for which the report relates as well as, any other information that may be required by the city to determine compliance with any required alcoholic beverage/food ratio.~~
- 6. ~~The city may audit the average of combined sales as reflected on the reports submitted pursuant to paragraph 5., above, for the most recent two quarters to determine if the sale of alcoholic beverages exceeds the maximum allowed percentage specified in the specific use permit (conditional) or this section for the review period. If the ratio of alcoholic beverage sales to food sales exceeds the maximum allowed, the business shall have the next two consecutive quarters following the review period to bring the average ratio into compliance with city ordinances. If at the end of two next quarters, the ratio is still not in compliance with city ordinances, the council, after notification and hearing, may revoke the specific use permit (conditional).~~

Sec. 6.03.9. — Beer and wine package sales permit process.

The permit process is as follows:

- 1. ~~The applicant will have to request a beer and wine permit from the Texas Alcoholic Beverages Commission.~~
- 2. ~~The Texas Alcoholic Beverages Commission will direct the applicant to obtain verification of zoning, wet/dry location, and distance separation from the city.~~
- 3. ~~This request will be accepted by the department of planning and development, which will verify wet/dry location, zoning, and distance separation, and forward to the city secretary for certification.~~
- 4. ~~A zoning application must be completed to initiate the special use permit process for an establishment that derives more than 50 percent of its revenues from the sale of beer and/or wine.~~

Sec. 6.04.1. - Temporary use permit applications.

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- 4. *Types of temporary use permits.*

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- e. *Temporary food vendor.* A mobile food establishment, as defined in section 6.06.15, may operate as a temporary food vendor in association with temporary use permits issued for seasonal sales, Christmas tree sales, or temporary events. A separate temporary use permit for the mobile food establishment shall not be required if ~~the temporary food vendor information shall be~~ submitted with the temporary use permit application for seasonal sales, Christmas tree sales, or temporary event, ~~and a separate temporary use permit for the mobile food establishment is not required.~~ TheSuch temporary use permit must be obtained prior to the mobile food establishment commencing the preparation or sale of any food on the property for which the temporary use permit is issued. This permit is

required in addition to any permits that may be required by the Chapter 6, Article VIII, Division 2 of the Code of Ordinances, as amended.:

- f. Food Truck Site. Property owners or business owners ~~Mobile food establishments~~ may be issued a temporary use permit to operate at a food truck site complying with Section 6.06.15-, subject to the following:
- i. The ~~mobile food establishment~~ property owner shall submit an application and site plan as required in this section;
 - ii. The site plan shall demonstrate compliance with all requirements of this section and Section 6.06.15;
 - iii. Only one permit per site, valid for no more than six months, may be issued per calendar year; ~~and. The permit shall be valid for a maximum of six months.~~
 - iv. A mobile kitchen, as defined in Section 6.06.15, may operate at a food truck site for which a temporary use permit is issued pursuant to this Section 6.04.1.4.f with an approved Health Permit as required by Chapter 6, Article VIII, Division 2 of the Code of Ordinances, as amended, without obtaining a separate temporary use permit for the mobile food establishment.
- g. *Other temporary uses.* A temporary use permit may be granted for those uses indicated by a "T" in the schedule of permitted principal uses, section 4.20.1, and are not subject to the maximum permit term described in section 6.04.1.1.

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Sec. 6.05.3. - Site plan details.

The site plan shall be drawn to scale and shall include the following information:

1. Boundary description.
 - a. Letter size (8½ × 11) copy of the boundary description (metes and bounds) of the property to be included in the site plan signed and sealed by a surveyor with labeling at top of the document indicating "Boundary Description".
 - b. Digital copy of the boundary description in Microsoft Word for editing and copying the description digitally.
 - c. The director of community development may waive the requirement for a surveyed boundary description of the property if the property to be encompassed in the site plan is platted, the proposed site plan does extend beyond the boundaries of the platted lots, and the property can be described in reference to the lot, block, subdivision name, and recording information for the plat on which such lot appears.
2. Site plan.

- a. A title block with:
 - i. "Site Plan or Revised Site Plan."
 - ii. Project name.
 - iii. Acreage.
 - iv. Subdivision name, lot, block or survey name and abstract.
 - v. City of Allen, Collin County.
 - vi. Submission date.
- b. North arrow, scale ratio, and scale bar.
- c. Location/vicinity map showing the location of the subject property. Indicate scale or not to scale (NTS) and provide north arrow.
- d. The name or names, address, and phone number of the owner, developer, engineer, and/or architect.
- e. Legend including all symbols and abbreviations used on the plan.
- f. Site data summary table, including:
 - i. Proposed use(s).
 - ii. Existing zoning district.
 - iii. Gross site area (acres and square feet).
 - iv. Required landscape area (acres and percentage).
 - v. Provided landscape area (acres and percentage).
 - vi. Lot coverage.
 - vii. Parking ratio per use.
 - viii. Parking required.
 - ix. Parking provided.
 - x. Maximum height (in feet and stories).
 - xi. FAR.
 - xii. Setbacks (front, side interior, side street, and rear).
- g. Adjacent property subdivision name/owner, property lines, zoning, and ownership with recording information (e.g., volume/page; book/page; cabinet/slide; instrument no.); identified as being filed in the deed records, Collin County, Texas (DRCCT), plat records, Collin County, Texas (PRCCT), map records, Collin County, Texas (MRCCT), or official public records, Collin County, Texas (OPRCCT).
- h. All shown streets to be labeled and include an abbreviated suffix and no directional prefix.
- i. Setbacks as required by zoning.
- j. Location of proposed building(s) and structures.
- k. Concrete sidewalks; label as existing or proposed and dimension the width(s).

- l. On-site and off-site circulation (including truck loading and pickup areas). Public streets, private drives and fire lanes with pavement widths, right-of-way, median openings, turn lanes (including storage and transition space), and driveways (including those on adjacent property) with dimensions, radii, surface type, and distances between driveways.
- m. Location of off-site improvements including adjacent drives, existing and proposed median cuts, parking, buildings or other structures within 200 feet of subject property.
- n. Parking areas and structures, including the number of parking spaces provided and required, and layout of standard spaces, handicap spaces, the location of ramps, crosswalks and loading areas with typical dimensions and surface type.
- o. Dumpster and trash compactor locations and screening.
- p. Existing overhead utility lines.
- q. Turning exhibit for all trucks (dumpster, fire truck—50 feet long, etc.).
- r. Location and size of the grease trap(s).
- s. Screening (including heights and materials).
- t. Location of all fire hydrants, fire department connections (FDC), and location of the fire riser room.
- u. Landscape buffers.
- v. Hike and bike trails.

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Sec. 6.06.15. - Mobile food establishments.

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- c. Food truck sites.
 - i. The operator of a mobile kitchen may operate at a food truck site ~~upon receipt of a temporary food vendor~~that has received a temporary use permit in accordance with section 6.04.1., and in accordance with the requirements of this Code.
 - ii. Food truck sites may be established within:
 - (a) The limits of any city park or city property pursuant to a written agreement with the city; and
 - (b) In the following zoning districts or, unless otherwise expressly prohibited by the ordinance establishing the planned development, any planned development with the following base zoning:

- (1) "CC" Corridor Commercial
 - (2) "SC" Shopping Center
 - (3) "LI" Light Industrial
 - (4) "O" Office
- iii. A Food truck site must be located on private property on which is located a permanent structure in which a business is operating in accordance with a certificate of occupancy. The operator of the food truck site must obtain and maintain written consent from the property owner or property manager and provide written proof thereof upon demand of the city.
 - iv. Except for a mobile kitchen for which written consent has been granted by the owner or authorized representative of the restaurant or food establishment, no mobile food establishment shall sell or serve food to the public within 300 feet of any door, window or outdoor dining area of any existing restaurant or food service establishment.
 - v. Mobile kitchens and their customers shall not sell or consume food within any public street, public alley, driveway, or fire lane unless closed to through traffic pursuant to permit issued by the city authorizing such use.
 - vi. Mobile kitchens may operate only during the business hours of the primary business on the property where the food truck site is located.
 - vii. Access to restrooms available for use by operators, employees, and customers of a food truck site shall be provided no farther than 1,000 feet from the location of the mobile food establishment.
 - viii. A mobile kitchen shall not be left unattended. Mobile kitchens shall not be stored at any location visible to the public when not in operation.
 - ix. A mobile food establishment must be operated in compliance with the site plan and other conditions set forth in the approved temporary food vendor permit issued to the owner or operator of the mobile kitchen.

Sec. 6.06.11. - Solar panels.

An applicant's submittal for a building permit, and electrical permit, for locating a solar panel within the city must demonstrate compliance with the following standards.

- a. *Location and design requirements.*
 - i. Solar panel systems shall be allowed as an accessory use in all zoning districts.
 - ii. Rooftop installations of solar panels shall be subject to the following:

- (a) Solar panels may be installed on the roof of any primary structure or permitted accessory structure (such as a patio cover or storage building), subject to verification of structural load requirements;
- (b) Solar panel systems ~~shall not face any public street~~ be located on a front-facing roof that directly faces a public street regardless of screening;
- (c) Solar panels shall be permitted on a side-facing roof that faces a public street;
- (d) Roof mounted solar panel systems shall not extend past the roofline and shall be mounted parallel with the existing slope of the roof system;
- (e) On a flat roof, solar panels shall not exceed the height requirement for the zoning district ~~for in which it the property is located in~~, and shall be screened ~~as rooftop mechanical~~ from the public right-of-way in the same as manner required by this Code for screening rooftop mechanical equipment; and
- (f) Solar panels shall be forest green, black, brown, gray, or other neutral color designed to be complementary to the structure on which the solar panels are installed.

iii. Ground-mounted installations shall be subject to the following:

- (a) Solar panel systems shall be located behind the front building line and ~~shall meet~~ comply with all applicable building setback provisions for accessory structures.; and
- (b) Panels and equipment shall be separated from public view on all sides by a solid fence or wall.

b. *Additional requirements.*

- i. *Permit requirements.* All solar panel systems shall ~~be in compliance~~ comply with the current adopted International Building Code and International Fire Code, as amended.
- ii. *Glare.* A solar panel shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. A solar panel system, or any component thereof, that creates glare or reflection onto adjacent properties or roadways is determined to constitute a nuisance. If a solar panel system or any component thereof is deemed to constitute a nuisance or a safety hazard, the city has the authority to require the owner to remove, redesign or screen the solar panels to the extent necessary to eliminate the glare onto the adjacent property or roadway.
- iii. *Maintenance.* The owner of the property with a solar panel system shall maintain the system so that it does not create a safety issue for surrounding property owners. Solar panels that are not in use shall be disengaged so as to prevent accidental electrical charges to property or persons.

Sec. 7.03.3. - Screening mechanical equipment and refuse enclosures.

3. *Refuse and recycling collection enclosures.*
 - a. *Approval process.* The location of refuse and recycling collection areas shall be approved on a site plan submitted in accordance with Section 6.05. Any modifications to refuse and recycling collection areas or additions of refuse and recycling containers or compactors shall require approval of an amended site plan and/or building permit. No business may receive a certificate of occupancy until the construction of the required enclosure is complete.
 - b. *Location.* Refuse and recycling collection areas, whether permanent or designated as staging areas for temporary storage prior to pick up, shall not be located in the front yard of the main building and shall be screened from public view.

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Sec. 7.03.4. - Outdoor lighting.

3. General standards.
 - a. *Lighting trespass.* ~~All exterior lighting shall be located so as to not produce direct illumination across the bounding property line.~~ Light from exterior lighting fixtures shall not directly cross the bounding property line; provided, however, the Director may authorize light from exterior lighting fixtures to cross common interior lot lines on contiguous lots in a nonresidential development when necessary to provide constant lighting levels of adjoining parking areas, fire lanes and interior access roadways.
 - b. *Photometric Plan.* The Director may require submission of a photometric survey to determine the potential for light trespass with respect to the location, height, type, and number of outdoor lighting fixtures proposed to be installed on a property.
 - c. *Outdoor signs, etc.* Outdoor advertising displays, billboards, and signs not exclusively illuminated internally may only ~~utilize~~ use illuminating devices mounted on the top of the advertising display structure. ~~All such fixtures shall that~~ comply with all other provisions of this section. Outdoor advertising signs constructed of translucent materials and wholly illuminated from within do not require shielding.
 - d. *Glare.* Exterior lights shall be constructed in a manner consistent with the Property Maintenance Code Section 6-85(e), Glare.
 - e. *Under canopy lighting.* Light fixtures mounted on canopies or service islands (e.g., at fueling stations) shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy.

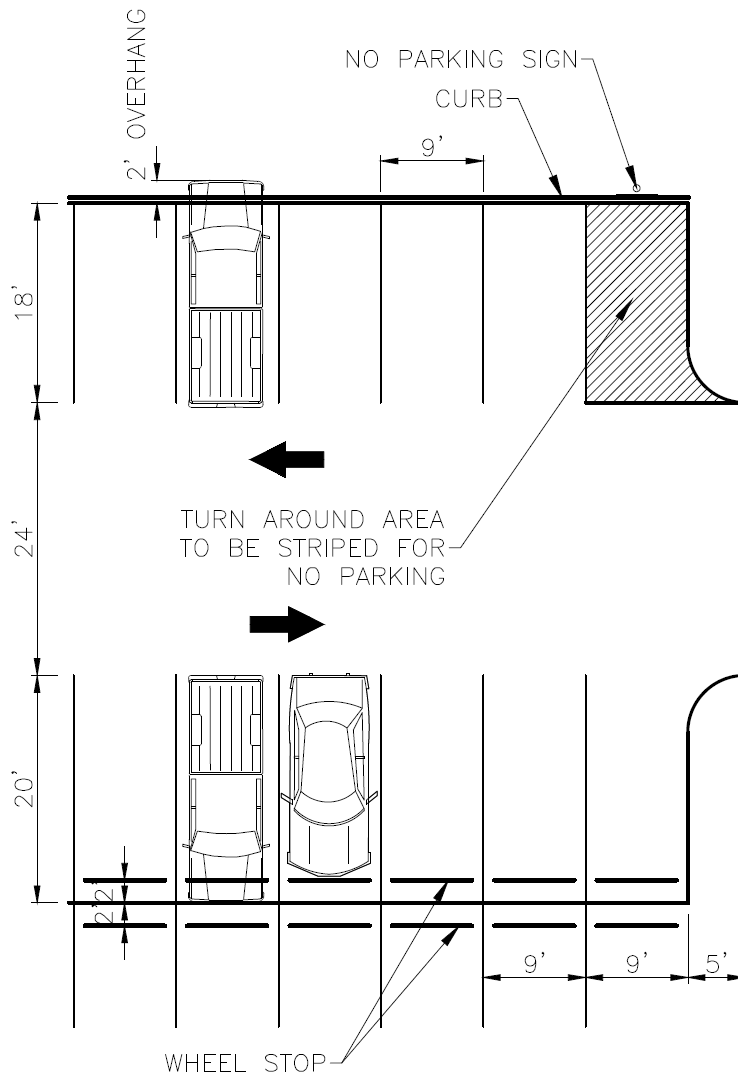
- f. *Shielding.* Shielding shall be required in all installations except as specified in this section. The allowable light sources and the requirements for shielding light emissions for outdoor light fixtures shall be as set forth in the following table:

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Sec. 7.04.1. – Vehicle parking.

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- 6. Dead-end parking.
 - a. Dead-end parking aisles exceeding 150 feet in length are prohibited.
 - b. A dead-end parking aisle shall include a stall designated and marked “no parking” located at the closed end of the drive aisle that may be used for maneuvering a three-point turnaround..



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Sec. 8.02.4. - Administrative approval of certain amending plats, minor plats and replats.

1. The director of community development is authorized to approve the following:
 - a. Minor plats described in Section 8.03.6;
 - b. Replats described in Section 8.03.7; and
 - c. Amending ~~plants~~plats described Section 8.03.8.
2. The Director of Community Development may for any reason elect to present the minor plat, replat or amending plat to the commission for action.
3. Any minor plat, replat, or amending plat which the director of community development fails or refuses to approve shall be submitted to the commission for action.

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Sec. 8.03.3. – Preliminary Plat.

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2. *Contents.* An application for preliminary plat shall not be deemed complete, and shall not be deemed to be filed, unless and until the applicable application fee has been paid and the application, inclusive of the proposed preliminary plat drawing and required supporting documents, includes all of the following information:

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- xx. A proposed plan for drainage, to include approximate delineation of the ultimate 100-year storm event. The proposed drainage plan shall include a topographical map in sufficient detail showing all abutting drainage areas either contributing to the storm water flows within the proposed subdivisions or receiving storm water flows from the proposed subdivision.
- xxi. A note on the plat stating, “All open space and common properties shall be owned and maintained by a property/homeowner’s association established in accordance with Allen Land Development Code Sections 8.20.2 and 8.20.4.”
- xxii. Copies of all deed restrictions, restrictive covenants, homeowner's association requirements, or any other limitation or requirement governing the use of the property.

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Sec. 8.03.4. – Final Plat.

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2. *Required Information.* An application for final plat shall not be deemed complete, and shall not be deemed to be filed, unless and until the applicable application fee has been paid and the application, inclusive of the proposed final plat drawing and required supporting documents, includes all of the following information in addition to the information required on the related preliminary plat:

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- t. Any reservation for future public school sites or rights-of-way dedication shall be platted in accordance with the approved preliminary plat.
- u. A note on the plat stating, "All open space and common properties shall be owned and maintained by a property/homeowners' association established in accordance with Allen Land Development Code Sections 8.20.2 and 8.20.4."
- v. Copy of documents approved by the city attorney that establish the mandatory homeowner's association, and any proposed declarations, covenants, conditions or restrictions.
- w. Original tax certificates from each taxing entity, signed by the city tax assessor, stating that all taxes and assessments then due and payable on the land described in the final plat application have been paid.
- x. The following information shall be required only for application for replats:
 - i. All requirements for the final plat, above.
 - ii. A statement of the proposed revisions in numerical format on 8½-inch × 11-inch sheet of letterhead. Statement shall include verification that proposed revisions are limited to those identified and that no other modifications to the plat are taking place.
 - iii. A separate redline drawing of the proposed changes on an 11-inch × 17-inch page(s).
 - iv. A purpose statement, on the plat, that summarizes the proposed revisions.
 - v. Proposed revisions shall be shown on the replat with the final plat configuration ghosted in.
- y. Final engineering drawings for all public improvements and all utility and access easements and all fire lanes have been approved by the city Engineer;

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Sec. 8.05.7. – Cross Access and Median cuts.

1. General. This section shall establish requirements for parking areas open to the public, such that these areas are designed to be interconnected to allow for the safe efficient flow of traffic.
2. Comprehensive Plan. The requirement for cross connectivity is consistent with the Mobility policies set forth in the Comprehensive Master Plan.
3. *Design.* Unless it is determined by the Director of Engineering that safety issues may result or that topographical constraints exist, all non-residential development shall be designed to allow for cross-access to adjacent properties to provide shared ingress and egress to public or private streets. Parking lots and vehicular circulation areas shall be designed to facilitate cross access directly to adjacent parcels. Parking areas directly adjacent to other parking areas in the same project shall also have cross access.
4. *Easement Dedication.* Shared driveways, cross-access drives, and service drives shall be located within a public access easement that permits traffic circulation between lots, that is dedicated by plat or separate instrument and recorded in the Real Property Records of Collin County.
5. *Median Cuts.* Non-residential lots adjacent to a median divided street should have access to a median opening. Direct access should be provided where possible. If direct access is not available, ~~then a common~~ public access easement between the lot that does not have direct access to the median cut and the lot that has such access shall be required as set forth in subsection 4 of this section.
6. *Multiple Points of Access.* Where cross access between parcels is not a practical alternative for the purpose of providing multiple access points to a development, including, but limited to, when the developer of a property is unable to obtain an easement providing cross-access over an adjacent property owned by others, the Director of Engineering may approve a single, median-divided entrance from the public right-of-way to a tract upon a finding that such means of access will not compromise public safety or impede emergency access, and that the stacking distance will comply with Section 7.04.1.3.d.
7. *Alternatives.* When cross-access is deemed impractical by the Director of Engineering on the basis of topography, the presence of natural features, or vehicular safety factors, the requirement for establishment of cross-access between properties may be waived provided that appropriate bicycle and/or pedestrian connections are provided between adjacent developments or land uses.
8. *Appeal.* If the Director of Engineering does not grant an exception as provided in Subsection 6 of this section or a waiver pursuant to Subsection 7 of this section as requested by the owner or developer of property, such applicant may, not later than ten (10) days after receipt of written notification from the Director of Engineering that such exception or waiver has been denied, request in writing that the request for exception or waiver, as applicable, be considered by the Commission. The owner or developer of the property shall be required to present evidence relating to the inability to obtain the access easement that would otherwise be required by this section, including evidence of efforts made to obtain such access easement from adjacent property owners, and present the alternatives to the required access to which the owner or developer is willing to agree. The Commission may grant, deny, or modify the alternative access requirement requested or grant or deny the requested waiver. If the Commission modifies or denies the alternative access

requested or denies the requested waiver, such applicant may, not later than ten (10) days after the date of the action by the Commission, request in writing that the request for exception or waiver, as applicable, be considered by the City Council. The City Council may uphold the original decision of the Director of Engineering, grant as requested or modify the alternative access requested, or grant or deny the requested waiver, as applicable.

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APPENDIX A - DEFINITIONS

~~*Beer and wine package sales* means an establishment engaged in the selling of beer and/or wine to the general public for off site personal or household consumption and rendering services incidental to the sale of such goods.~~

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Outdoor storage means the storage on the exterior of a building of commodities, materials, goods, equipment, vehicles for repair as part of an automotive repair use, storage pods, merchandise, or other personal property for a primary use on the same property for a purpose other than displaying same to the public for purpose of enticing the immediate sale or lease of said items.