



**AGENDA
CITY OF ALLEN
PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY, MAY 21, 2013 – 7:00 P.M.
COUNCIL CHAMBERS
ALLEN CITY HALL
305 CENTURY PARKWAY
ALLEN, TEXAS 75013**

Call to Order and Announce a Quorum is Present

Pledge of Allegiance

Director's Report

1. Action taken on the Planning & Zoning Commission items by City Council at the May 14, 2013 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. Approve minutes from the May 7, 2013 regular meeting.

Regular Agenda

3. Combination Plat – Consider a request for a Combination Plat for R.F.A.M. Addition, Lots 1, Block A, being 5.6 ± acres of land located south of Allen Central Drive and approximately 220 feet east of Watters Road. [R.F.A.M. Addn.] (FP-01/28/13-8)
4. Public Hearing – Conduct a Public Hearing and consider the proposed amendments to the Allen Land Development Code, including: amending Section 4.10.6, “Residential Accessory Use Regulations” by amending the regulations relating to home occupations; adding a new Section 6.06.12 “Veterinary hospital, clinic or animal boarding facility,” to provide for supplemental use regulations for veterinary hospitals, clinics or animal boarding facilities and making related amendments to Section 6.06; amending Section 8.13.11 “Stormwater detention facilities,” regarding the design and maintenance of certain stormwater detention facilities; amending Appendix F “Standard Construction Details: Paving,” Appendix G “Storm Drainage and TxDOT Details,” Appendix H “Water Lines and Sanitary Sewer,” and Section 7.07.02 to provide for adoption of various construction and engineering details by city council resolution; amending the definition of “veterinary hospital or clinic” in Appendix A “Definitions” to incorporate the boarding of animals; and amending Section 4.20.2 “Schedule of principal uses,” and Section 4.20.4 “Schedule of principal uses central business district,” by amending the use ‘veterinary hospital or clinic.’”

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 17, 2013, at 5:00 p.m.

Shelley B. George, City Secretary

Allen City Hall is wheelchair accessible. Access to the building and special parking are available at the entrance facing Century Parkway. 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.

Director's Report from 5/14/13 City Council Meeting

There were two items taken to the May 14, 2013 City Council meeting for consideration:

- A request to adopt an Ordinance for Specific Use Permit No. 133 for a Minor Automotive Repairs use located on Lot 1 and 4, Mark VII Equipment of Texas, Inc., and commonly known as 811 and 813 S. Greenville Avenue for Waterfalls Carwash & Lube was tabled until the May 28, 2013 City Council meeting.
- A request to adopt an Ordinance for Specific Use Permit No. 134 for a Fitness and Health Center use located at 803 East Main Street, Suite C, for Retrain Fitness, was approved.



**PLANNING AND ZONING
COMMISSION**

**Regular Meeting
May 7, 2013**

ATTENDANCE:

Commissioners Present:

Robert Wendland, Chairman
Jeff Cocking, 1st Vice Chair
Shirley Mangrum, 2nd Vice Chair
Barbara McNutt
John Ogrizovich
Steven Platt, Jr.
Ben Trahan

City Staff Present:

Ogden "Bo" Bass, AICP, Director of Community Development
Shawn Poe, PE, Assistant Director of Engineering
Tiffany McLeod, Senior Planner
Shelby Griffin, Planner
Kevin Laughlin, City Attorney

Call to Order and Announce a Quorum is Present:

With a quorum of the Commissioners present, Chairman Wendland called the meeting to order at 7:00 p.m. in the City Hall Council Chambers at Allen City Hall, 305 Century Parkway.

Director's Report

1. Action taken on the Planning & Zoning Commission items by City Council at the April 23, 2013 regular meeting.

Consent Agenda

2. Approve minutes from the April 16, 2013 regular meeting.
3. Receive the Capital Improvement Program (CIP) Status Report.

Motion: Upon a motion by Commissioner Trahan, and a second by Commissioner Platt, the Commission voted 7 IN FAVOR, and 0 OPPOSED to approve the Consent Agenda.

The motion carried.

Regular Agenda

Agenda Item #4 Preliminary Plat – Consider a Preliminary Plat for McDermott Farms being 79.60± acres out of the J. Gough Survey, Abstract No. 347, City of Allen, Collin County, Texas; located approximately 930 feet north of McDermott Drive in between Custer Road and Shallowater Drive. (PP-4/2/13-23) [McDermott Farms]

Ms. Tiffany McLeod, Senior Planner, presented to the Commission. The property is located north of McDermott Drive and east Custer Road.

She stated that the subject property is zoned Planned Development No. 112 for Single Family Residential (R-5) use. The Preliminary Plat is 79.60± acres and shows two phases of development. There are a total of 281 residential front entry lots and approximately six (6) acres of open space area.

There are three (3) access points for the subdivision. The main access point is off of Custer Road. There are two access points off of Shallowater Drive. The access point off off Shallowater Drive onto Bent Horn Drive will run east/west and ultimately connect Custer Road and Shallowater Drive. One half of the street will be built with this subdivision. The other half will be built when the property to the south develops.

Ms. McLeod explained that the Preliminary Plat has been reviewed by the Technical Review Committee, is consistent with the approved PD Concept Plan and meets the standards of the Allen Land Development Code (ALDC).

Motion: Upon a motion by Commissioner McNutt, and a second by Commissioner Ogrizovich, the Commission voted 7 IN FAVOR, and 0 OPPOSED to approve the Preliminary Plat for McDermott Farms.

The motion carried.

Chairman Wendland recused himself from the dais for Agenda Item #5.

1st Vice Chair Cocking presided as Chair for Agenda Item #5.

Agenda Item #5 Consider a request to amend a portion of Planned Development No. 54 to allow mini-warehouses as a permitted use and adopt a Concept Plan, Development Regulations and Building Elevations for the property. The property is 5.36± acres situated in the Catherine Parsons Survey, Abstract No. 711, City of Allen, Collin County, Texas; located at the southeast corner of Exchange Parkway and Alma Drive. (Z-10/31/12-76) [Assured Self Storage]

Mr. Ogden “Bo” Bass, AICP, Director of Community Development, presented to the Commission. The property is located south of Exchange Parkway and east Alma Drive.

Mr. Bass explained that the applicant is proposing to develop 5.36 acres of property for a mini-warehouses/public storage facility. The property is zoned Planned Development No. 54 for Shopping

Center use. The permitted uses listed in the current PD do not include a mini-warehouses/public storage use. Therefore, the applicant is proposing to amend the PD to incorporate this use and adopt a Concept Plan, Development Regulations and Building Elevations for the property.

Mr. Bass described the development to the Commission. He explained that the facility would consist of eleven (11) one-story storage buildings and one two-story office building with an on-site caretaker residence. The primary access point is off of Exchange Parkway and an emergency access point is provided off of Alma Drive.

The storage portion of the facility is fully enclosed with masonry walls and opaque gates. Perimeter screening for the property consists of the exterior walls of the storage buildings and masonry wall connectors of equal height. In addition to the masonry wall, the Concept Plan shows a 24" berm and 3" caliper evergreen trees that will be planted along the southern and eastern property boundaries. Mr. Bass also stated that an eight foot (8') masonry screening wall, located along the entire southern boundary, will be built with the development of the storage facility.

Mr. Bass stated that this zoning request has been reviewed by the Technical Review Committee and that staff recommends approval.

Commissioner McNutt inquired about the gates on the southern and eastern facades of the masonry wall. Mr. Bass stated that the exact material of the doors has not been determined but that it would be something similar to the opaque entry gates.

1st Vice Chair Cocking opened the Public Hearing.

Steve Aman, 1220 Granger Drive, Allen, TX, spoke in opposition of the request.

Jerry Jones, 1210 Comanche Drive, Allen, TX, spoke in opposition of the request.

John Parcman, 1702 Edinburg Court, Allen, TX, spoke in opposition of the request.

Adam Bell, 1107 Padre Circle, Allen, TX, spoke in favor of the request.

With no one else choosing to come forward, the Public Hearing was closed.

Mr. Bass addressed the concerns voiced during the Public Hearing. He stated that the trees used as part of the screening on the south and east side would be an evergreen variety and that he could support changing the 30 feet spacing to 25 feet. Mr. Bass stated that staff is indifferent about having gates to access the landscape buffer on the south and east boundary of the site. He informed the Commission that staff would support modifying the morning gate hours from 6:00 am. to a later time.

Mr. Bass explained that there would be no truck rental on site. He informed the Commission that any auctions held on site would require the owner to apply for a Special Event Permit.

Mr. Shawn Valk, 623 Big Oar, Rockwall, TX, applicant, addressed the Commission. He explained the process that was conducted to notify adjacent property owners. He stated that providing doors on the back of the facility was a request that was made by the adjacent property owners. Mr. Valk explained that the front entry doors would be operated by a digital code. For security purposes, each leasee would have their own code. If the leasee stayed in the facility past the operating gate hours, that individual would be required to leave.

2nd Vice Chair Mangrum inquired about the number of people attending the auctions on site. Mr. Valk explained there would be 10-20 people over a 2-3 day period. He added that only 3-5 storage units would get auctioned at one time.

Commissioner McNutt inquired about the possibility of the lighting on the property trespassing onto adjoining properties. Mr. Valk explained that all the lights are shielded and located below the masonry wall enclosure height.

Commissioner Ogrizovich asked if the caretaker would be on all site 24/7, even though the office hours are limited. Mr. Valk explained that the caretaker would be on site at all times and someone would be able to be contacted at any time during the day.

Commissioner Ogrizovich asked for the applicant to clarify which materials would not be allowed to be stored on site. Mr. Valk stated that there would be no liquids, gasoline, combustible materials or tires on site. Commissioner Ogrizovich asked if there was language in the lease contract pertaining to materials not allowed on site. Mr. Valk explained that the lease contract does state the requirements on what is and is not allowed on site and that the lease agreement is enforceable.

Commissioner Ogrizovich inquired about the ability for there to be businesses located on site. Mr. Valk stated that this facility is set up for storage only. Business activity would not be permitted to operate within the storage units.

Commissioner Ogrizovich asked if the applicant would be willing to change the gate hours to open later in the day. Mr. Valk replied that they would be willing to change the hours of the gate.

2nd Vice Chair Mangrum inquired about the security on site. Mr. Valk explained that there would be 32-36 total cameras in site. The office staff would be monitoring the gates, driveways, hallways and perimeter at all times.

Commissioner Ogrizovich asked for confirmation that no gasoline would be located on site. Mr. Valk stated that no liquids (including gas) are allowed. He added that no combustibles or ammunition would be permitted on site.

Commissioner Trahan asked if there would be an agreement between the tenant and management company to grant the management company the authority to enter a unit if there are prohibited materials on site. Mr. Valk explained that the office staff would call the authorities and then they would notify the tenant to remove the item(s) and/or that they would have to vacate the unit.

Commissioner McNutt asked about the target market and whether or not it would be mostly Allen residents leasing the storage units. Mr. Valk stated that this is a neighborhood storage facility and meant to service Allen residents. Mr. Valk added that most of the tenants would only be traveling 2-3 miles to the site.

Commissioner Platt inquired about the maintenance door located between buildings I, J and buildings G and H. Mr. Valk explained that they are solid fire doors.

1st Vice Chair Cocking announced that there were approximately 10 written responses pertaining to this case.

Director Bass commented that the ALDC does not allow flammable or odorous materials on site and if the City becomes aware of that it is a zoning violation. He also added that the photometric plan would be part of the site plan review process which requires the foot candles to be zero at the property line.

Commissioner Ogrizovich asked if there needed to be specific language in the ordinance pertaining to combustibles. Mr. Bass explained that it is not necessary but that the Commission is welcome to make the recommendation.

Commissioner Ogrizovich stated that he would recommend live auctions be limited to two per year and that the trees be set 25 feet apart. He added that he would recommend that no businesses be allowed and that the opening hours for the gate be limited 8 am., instead of the proposed 6 am.

Director Bass stated that limited the property to two events per year would be consistent with the ALDC and that if they want to hold more they will have to change the zoning on the permit.

Commissioner Trahan asked if the live auction would have to get a special event permit. Mr. Bass said they would have to get a special permit to hold each auction.

2nd Vice Chair Mangrum supports the request. She agrees with the recommendation of two auctions per year. She also stated that she feels it would be appropriate to have the trees be planted 25 feet apart and that the gate hours being from 8 am. to 9 pm.

Commissioner Platt supports the request. He explained that he thinks that 7 am. would be an appropriate time for the gate hours to open. He explained that this time frame would work better with school traffic.

Commissioner McNutt agreed that 25 feet spacing of the trees is appropriate. She is supportive of prohibiting businesses from operating on site and that she supports requiring a special events permit for the auctions. She stated that she would like to see the gate opening time being no earlier than 8am.

Commissioner Trahan stated that he supported the request. He added that he would support a gate opening time of 7 am.

Motion: **Upon a motion by Commissioner Platt, and a second by Commissioner Trahan, the Commission voted 6 IN FAVOR, and 0 OPPOSED to recommend approval of the request to amend a portion of Planned Development No. 54 to allow mini-warehouses as a permitted use and adopt a Concept Plan, Development Regulations and Building Elevations for the property located at the southeast corner of Exchange Parkway and Alma Drive for Assured Self Storage with the following conditions:**

- **The evergreen trees shall be planted every 25 feet on center.**
- **The gates hours shall be 7 am. to 9 pm.**
- **The auctions shall be limited to 2 per year with a special event permit.**

The motion carried.

Adjournment

Upon acclamation, the meeting adjourned at 8:30 p.m.

These minutes approved this _____ day of _____ 2013.

Robert Wendland, Chairman

Shelby Griffin, Planner

Director's Report from 4/23/13 City Council Meeting

There was one item taken to the April 23, 2013 City Council meeting for consideration:

- A request to Adopt an Ordinance to amend the *Allen Land Development Code*, Section 4.20.2, Schedule of Principal Uses, to limit uses classified as Adult Bookstores, Massage Parlors, and Sexually-Oriented Businesses to property located within a Heavy Industrial (HI) District was approved.

PLANNING & ZONING COMMISSION AGENDA COMMUNICATION

AGENDA DATE: May 21, 2013

SUBJECT: Consider a request for a Combination Plat for R.F.A.M. Addition, Lots 1, Block A, being 5.6 ± acres of land located south of Allen Central Drive and approximately 220 feet east of Watters Road. [R.F.A.M. Addn.] (FP-01/28/13-8)

STAFF RESOURCE: Shelby Griffin
Planner

PREVIOUS COMMISSION/COUNCIL ACTION: PD 55 Adopted – November, 1987
PD 55 Amended – April, 2010

BACKGROUND

The property is located south of Allen Central Drive and east of Watters Road. The property to the north is zoned Planned Development PD No. 55 Commercial/Office (C/O). The property to the south is zoned Planned Development PD No. 55 Light Commercial (LI). The properties to the east and west are zoned Planned Development PD No. 55 Office (O).

The Combination Plat is 5.6 ± acres and is currently zoned Planned Development No. 55 Office (O). There are two access points into the site. One access point is provided through an access easement off of Watters Road. The second access point is located off of Allen Central Drive. The plat also shows various firelane, drainage, and utility easements required for the development of the site.

The Combination Plat is consistent with the approved Concept Plan, has been reviewed by the Technical Review Committee and meets the combined Preliminary and Final Plat standards of the Allen Land Development Code.

STAFF RECOMMENDATION

Approval

MOTION

I make a motion to approve the Combination Plat for R.F.A.M. Addition.

ATTACHMENTS

Combination Plat

PLANNING & ZONING COMMISSION AGENDA COMMUNICATION

AGENDA DATE: May 21, 2013

SUBJECT: Conduct a Public Hearing and consider amendments to various sections of the Allen Land Development Code, including, amending Section 4.10.6, “Residential Accessory Use Regulations” by amending the regulations relating to home occupations; adding a new Section 6.06.12 “Veterinary hospital, clinic or animal boarding facility,” to provide for supplemental use regulations for veterinary hospitals, clinics or animal boarding facilities and making related amendments to Section 6.06; amending Section 8.13.11 “Stormwater detention facilities,” regarding the design and maintenance of certain stormwater detention facilities; amending Appendix F “Standard Construction Details: Paving,” Appendix G “Storm Drainage and TxDOT Details,” Appendix H “Water Lines and Sanitary Sewer,” and Section 7.07.02 to provide for adoption of various construction and engineering details by city council resolution; amending the definition of “veterinary hospital or clinic” in Appendix A “Definitions” to incorporate the boarding of animals; and amending Section 4.20.2 “Schedule of principal uses,” and Section 4.20.4 “Schedule of principal uses central business district,” by amending the use ‘veterinary hospital or clinic.’”

STAFF RESOURCE: Patrick Blaydes
Planner

PREVIOUS COMMISSION/COUNCIL N/A

PUBLIC NOTICES: Newspaper Notice: 5/1/2013

ANTICIPATED CITY COUNCIL DATE: June 11, 2013

BACKGROUND

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

Attached are proposed amendments in a ‘red-line’ format with explanation as well as a copy showing the proposed changed incorporated into the *ALDC*. These amendments were originated by different City departments involved in the development process. The proposed amendments have gone through a review and refinement process that has had a briefing at a City Council workshop and participation from City attorneys.

STAFF RECOMMENDATION

Approval

RECOMMENDED MOTION

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

ATTACHMENTS

Newspaper Notice
Redline copy of proposed amendments to the ALDC
Proposed amendments incorporated into the ALDC

**CITY OF ALLEN
NOTICE OF PUBLIC HEARINGS**

Notice is hereby given that the Planning & Zoning Commission and the Allen City Council will conduct public hearings at their regular meetings as follows in the City Hall Council Chambers, 305 Century Parkway, Allen, Texas:

Planning & Zoning Commission	May 21, 2013	7:00 p.m.
Allen City Council	June 11, 2013	7:00 p.m.

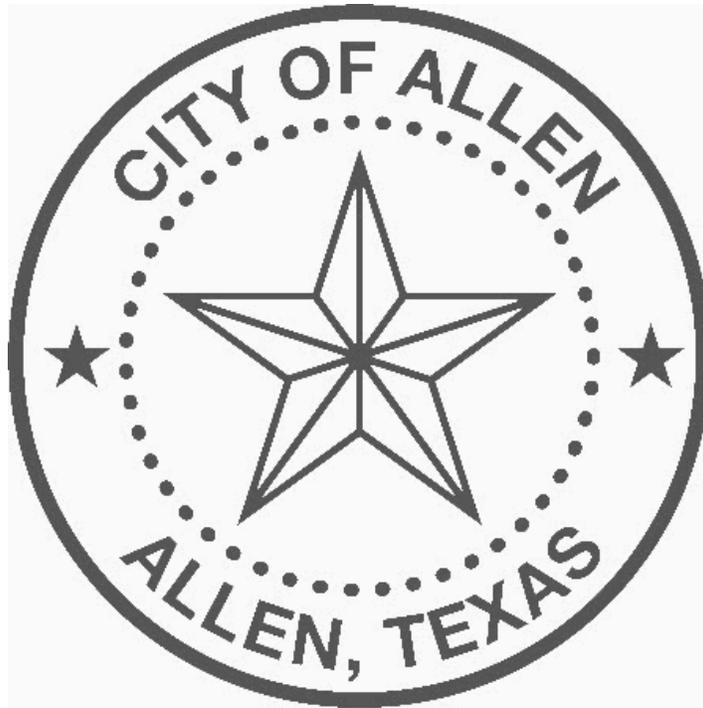
The purpose of the hearing is to receive public comment on proposed amendments to the Allen Land Development Code, including: amending Section 4.10.6, "Residential Accessory Use Regulations" by amending the regulations relating to home occupations; adding a new Section 6.06.12 "Veterinary hospital, clinic or animal boarding facility," to provide for supplemental use regulations for veterinary hospitals, clinics or animal boarding facilities and making related amendments to Section 6.06; amending Section 8.13.11 "Stormwater detention facilities," regarding the design and maintenance of certain stormwater detention facilities; amending Appendix F "Standard Construction Details: Paving," Appendix G "Storm Drainage and TxDOT Details," Appendix H "Water Lines and Sanitary Sewer," and Section 7.07.02 to provide for adoption of various construction and engineering details by city council resolution; amending the definition of "veterinary hospital or clinic" in Appendix A "Definitions" to incorporate the boarding of animals; and amending Section 4.20.2 "Schedule of principal uses," and Section 4.20.4 "Schedule of principal uses central business district," by amending the use "veterinary hospital or clinic."

The public is invited to attend and participate or submit written comments. For further information, contact the Department of Community Development, City of Allen, 305 Century Parkway, Allen, Texas, 214-509-4160, or e-mail Lee Battle at lbattle@cityofallen.org.

TO BE PUBLISHED IN THE ALLEN AMERICAN ON **THURSDAY MAY1ST, 2013**

E-MAIL TO slake@acnpapers.com (PLEASE CONFIRM RECEIPT BY E-MAIL TO pconway@cityofallen.org)

CHARGE TO: 45169 (City Secretary)



**Proposed Amendments to the Allen Land Development Code
Planning and Zoning Commission
5-21-2013
“Red-Lined” Version**

Changes for Home Occupations

The changes to the Home Occupations section are meant to clean-up and simplify the existing regulations, and also to provide additional restrictions on automotive, motorcycle, lawn equipment repair and similar businesses that operate and out of homes and preform the repairs at the residency.

Section 4.10.6 Home Occupations

6. Home occupations. Home occupations are permitted as accessory uses subject to the following requirements:

a. The activity shall be conducted wholly within the main building and not in any accessory building.

b. Total floor area to be used for a home occupation shall not occupy more than the lesser of (i) 20 percent or (ii) 400 square feet of the total floor area of the main building ~~nor exceed 400 square feet..~~

~~e. Outdoor activities shall be limited to instructional activities conducted in the back yard and screened from the neighboring property.~~

~~d.c.~~ No outside storage of materials, goods, supplies, vehicles, trailers or equipment connected with the home occupation shall be allowed.

~~e.d.~~ No advertisement, sign, or display which indicates the presence or operation of the home occupation on the premises shall be allowed on the premises. No advertisement relating to the home occupation shall include the street address of the premises.

~~f. There shall be no activity that regularly attracts persons other than the residents to the location of the home occupation, except those related to instructional activities.~~

~~g. Instructional activities shall be limited to a maximum of six students at any time.~~

~~h. Parking, picking up, or dropping off students is prohibited in city alleys.~~

~~i. Merchandise or products of the home occupation shall not be offered or displayed for sale at or on the premises. Exception: Garage sales may be held twice in one calendar year provided that: (1) merchandise is not acquired solely for the purpose of resale on the premises; (2) the duration of sale shall not exceed three calendar days; (3) signage shall be in conformance with section 7.09 of this Code.~~

~~j. Sales incidental to a service are allowed, provided that orders previously made by telephone generally are filled off the premises of the person conducting the home occupation, or at a sales party conducted off the premises of the person conducting the home occupation.~~

ke. There shall be no external evidence of the home occupation. No activity shall indicate, from the exterior of the structure, that the premises are being used for anything other than a dwelling unit.

~~l. The activity shall employ only residents of the location of the home occupation.~~

mf. No traffic or parking of vehicles shall be generated by a home occupation in greater volumes than normally expected in a residential neighborhood. All parking related to the home occupation must be accommodated within the required off-street parking for the dwelling unit.

g. A home occupation shall produce no offensive odor, noise, dust, smoke, fumes, glare, vibration, electrical disturbance, or heat in excess of those normally found in residential areas.

~~n. No traffic or parking of vehicles~~

h. The home occupation shall be generated by employ only residents of the location of the home occupation.

i. The home occupation shall involve no activity that regularly attracts people to the dwelling unit other than the residents of the dwelling unit where the home occupation is being conducted, except those related to instructional activities.

j. Instructional activities conducted as a home occupation shall be limited to a maximum of six students at any time. Parking, picking up, or dropping off students is prohibited in ~~greater volumes than normally expected~~ city alleys. Outdoor instructional activities may be conducted in a ~~residential neighborhood~~ the back yard and ~~any need for parking~~ must be accommodated within the required off-street parking ~~screened from the neighboring property.~~

k. Merchandise or products of the home occupation shall not be offered or displayed for sale at or on the premises except in association with a garage sale; provided that (i) no more than two garages sales may be held with in one calendar year. (ii) the merchandise is not acquired solely for the ~~dwelling unit~~ purpose of resale on the premises; (iii) the duration of garage sale shall not exceed three calendar days; and (iv) signage shall be in conformance with section 7.09 of this Code.

el. Sales incidental to a service are allowed, provided that orders previously made by telephone or internet generally are filled off the premises of the person conducting the home occupation, or at a sales party conducted off the premises of the person conducting the home occupation.

m. Child care in a registered family home will be allowed ~~and shall be limited to as a home occupation provided that~~ the number of children ~~allowed under~~ for which care is provided in the dwelling unit does not exceed applicable state law or city regulation.

pn. Except for a person working on or selling a motor vehicle owned by the person and subject to all other applicable laws, rules, ordinances and regulations, the service, repair, painting, or onsite selling of any motor vehicle, including, but not limited to, automobiles, motorcycles,

trailers, boats, personal watercraft, recreation vehicles and lawn equipment is not authorized as, and is specifically excluded from the definition of, a home occupation.

o. Any business, occupation, or activity ~~conducted within a dwelling unit and~~ which does not meet these characteristics shall be construed to be a commercial activity and shall be cause for the city to order a cease to all such activity ~~within such dwelling unit.~~

Changes for Veterinary Hospitals, Animal Clinics, or Animal Boarding Facilities

The following changes update the definition of the current use of “veterinary hospital or clinic” to include animal boarding facilities and require a buffer of 100 feet between outdoor areas used by animals and residential property.

Appendix A – Definitions

Veterinary hospital ~~or, animal clinic or animal boarding facility~~ means a place for the care, grooming, diagnosis and/or treatment of ~~sick, ailing, infirmed or injured~~ animals, ~~which may include and/or overnight~~ boarding of animals ~~incidental to the principal use.~~

Section 4.20.2 Schedule of principal uses

RESIDENTIAL USES											TYPE OF USE	NON-RESIDENTIAL USES												
R1	R1.5	R-2	R-3	R-4	R-5	R-6	R-7	2F	TH	MF12		MF18	MH	AO	GO	LR	SC	LC	GB	CC	IT	LI	HI	CF
													VETERINARY HOSPITAL, ANIMAL CLINIC OR ANIMAL BOARDING FACILITY	X			X	X	X	X				

Section 4.20.4 Schedule of principal uses central business district

	Central Business District	Comments
VETERINARY HOSPITAL, ANIMAL CLINIC OR ANIMAL BOARDING FACILITY	X	

Section 6.06 Supplemental use regulations

In addition to the use and development regulations set forth in this Code, the use and development regulations set forth in sections 6.06.1 through 6.06.11 shall apply for the uses described therein. In the Amendments to the Allen Land Development Code

Planning and Zoning Commission

5-21-2013

“Red-Lined” Version

event of a conflict between other provisions of this Code and those in sections 6.06.1 through sections 6.06.~~412~~, provisions of sections 6.06.1 through section 6.06.~~412~~, shall be controlling. The use and development regulations set forth in sections 6.06.1 through sections 6.06.~~412~~ shall apply regardless of whether the uses described are permitted by right or by specific use permit as principal or accessory uses as indicated in section 4.20.2 and section 4.20.3.

Section 6.06.12 Certain veterinary hospitals, animal clinics, or animal boarding facilities

Any veterinary hospital, animal clinic or animal boarding facility with outdoor runs, outdoor kennels or other outdoor areas to be used by animals shall not be located within 100 feet of any residentially zoned property. The distance between the veterinary hospital, animal clinic or animal boarding facility and the residentially zoned property shall be measured from the property line to property line.

Changes for Engineering Construction Details

The engineering construction details are being removed from the ALDC and instead will be adopted by City Council resolution.

Section 7.07.02.e

e. The construction of all screening walls, entry walls, and traffic barrier standards shall conform to the ~~appendix F, construction details—paving~~“Construction Details – Paving”, as adopted by resolution of the city council, and shall be equally finished on all sides of the wall.

Changes for Stormwater Detention

The enhancement to the stormwater detention is a more conservative approach to stormwater drainage and meant to provide better protection to those downstream.

Section 8.13 Drainage Requirements

11. *Stormwater detention facilities.* ~~The city may assume maintenance responsibilities for Stormwater detention facilities constructed in association with development of property in the City shall be subject to the following:~~

a. Concurrently with the submission of plans for the design of the public improvements in the city, the developer shall provide to the Engineering Department a written engineering analysis prepared and sealed by a Texas Registered Professional Engineer and satisfactory to the Director of Engineering indicating that all required stormwater detention facilities are designed to reduce outflows from the detention pond following each storm event to pre-developed flows for a 5 year, 10 year, 25 year, 50 year, and 100 year frequency storm event.

b. All stormwater detention facilities required for the development of all phases of a proposed subdivision must be constructed at the time of development of the first phase of development , and shall be built for the ultimate condition at the time of initial construction unless otherwise approved by the Director.

Amendments to the Allen Land Development Code

Planning and Zoning Commission

5-21-2013

“Red-Lined” Version

c. Section 8.20 of this code shall govern the establishment of a homeowners' association or property owners' association and the perpetual operation, maintenance and supervision of a stormwater detention facility constructed as required by this section.

d. In the event a stormwater detention facility is designed and/or constructed to receive stormwater from properties, which, at the time of construction of the facility, are under different ownership, the Director shall have the authority to approve a drainage facility maintenance agreement between or among the property owners that establishes the operational and financial obligations of the respective property owners relative to the perpetual operation, maintenance and supervision of the facility. Such agreement must be submitted to and approved by the Director (i) prior to approval of a final plat, if the property to be served by the facility is not yet platted, (ii) prior to issuance of a building permit if the property served by the facility is platted but no development has occurred on the property, or (iii) prior to issuance of a certificate of occupancy for any structure on the property to be served by the facility when construction on the property has commenced when the requirement for the construction of the facility arises. Any drainage facility maintenance agreement approved pursuant to this Paragraph d must provide that:

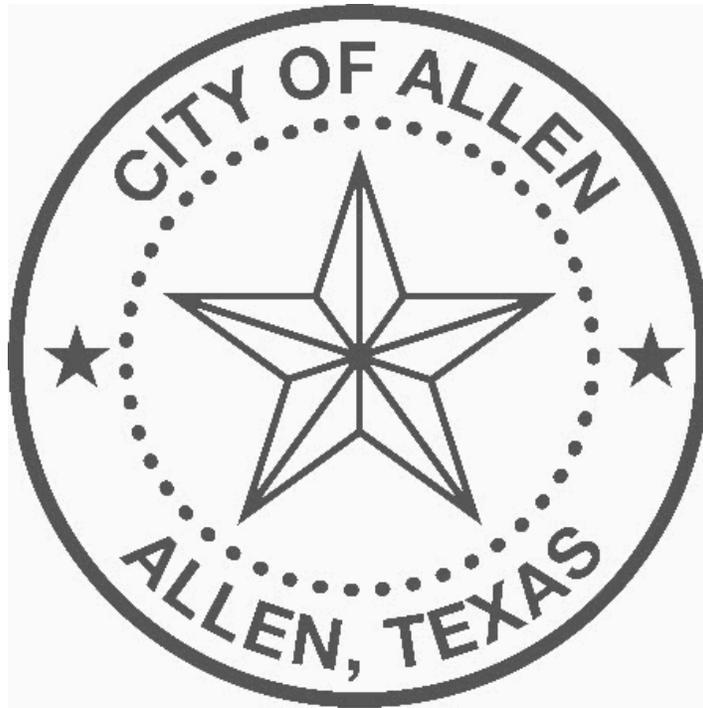
(1) All property owners' associations or homeowners' associations who own the common areas of the subdivision or which will succeed to such ownership from the owner or developer of the property in accordance with the provisions of the required restrictive covenants are parties to the agreement; and

(2) Notwithstanding the allocation of costs and responsibilities regarding the operational and financial obligations of the respective property owners relative to the perpetual operation, maintenance and supervision of the facility, all owners shall be jointly and severally liable for maintaining the facility in the manner required by the City; and

(3) No amendment to the agreement shall be effective without the approval of the City Manager; and

(4) The City shall be a third party beneficiary to the agreement with the right, but not the obligation, to require specific performance of the agreement by the parties; and

(5) The agreement shall be a covenant running with the land with respect to all properties served by the stormwater detention facility, recorded in the Real Property Records of Collin County, Texas, and enforceable against all subsequent owners of the properties served by the facility.



**Proposed Amendments to the Allen Land Development Code
Planning and Zoning Commission
5-21-2013**

Changes for Home Occupations

The changes to the Home Occupations section are meant to clean-up and simplify the existing regulations, and also to provide additional restrictions on automotive, motorcycle, lawn equipment repair and similar businesses that operate and out of homes and preform the repairs at the residency.

Section 4.10.6 Home Occupations

6. Home occupations. Home occupations are permitted as accessory uses subject to the following requirements:

- a. The activity shall be conducted wholly within the main building and not in any accessory building.
- b. Total floor area to be used for a home occupation shall not occupy more than the lesser of (i) 20 percent or (ii) 400 square feet of the total floor area of the main building..
- c. No outside storage of materials, goods, supplies, vehicles, trailers or equipment connected with the home occupation shall be allowed.
- d. No advertisement, sign, or display which indicates the presence or operation of the home occupation on the premises shall be allowed on the premises. No advertisement relating to the home occupation shall include the street address of the premises.
- e. There shall be no external evidence of the home occupation. No activity shall indicate, from the exterior of the structure, that the premises are being used for anything other than a dwelling unit.
- f. No traffic or parking of vehicles shall be generated by a home occupation in greater volumes than normally expected in a residential neighborhood. All parking related to the home occupation must be accommodated within the required off-street parking for the dwelling unit.
- g. A home occupation shall produce no offensive odor, noise, dust, smoke, fumes, glare, vibration, electrical disturbance, or heat in excess of those normally found in residential areas.
- h. The home occupation shall employ only residents of the location of the home occupation.
- i. The home occupation shall involve no activity that regularly attracts people to the dwelling unit other than the residents of the dwelling unit where the home occupation is being conducted, except those related to instructional activities.
- j. Instructional activities conducted as a home occupation shall be limited to a maximum of six students at any time. Parking, picking up, or dropping off students is prohibited in city alleys. Outdoor instructional activities may be conducted in the back yard and must be screened from the neighboring property.
- k. Merchandise or products of the home occupation shall not be offered or displayed for sale at or on the premises except in association with a garage sale; provided that (i) no more than two garages sales may be held with in one calendar year. (ii) the merchandise is not acquired solely

for the purpose of resale on the premises; (iii) the duration of garage sale shall not exceed three calendar days; and (iv) signage shall be in conformance with section 7.09 of this Code.

l. Sales incidental to a service are allowed, provided that orders previously made by telephone or internet generally are filled off the premises of the person conducting the home occupation, or at a sales party conducted off the premises of the person conducting the home occupation.

m. Child care in a registered family home will be allowed as a home occupation provided that the number of children for which care is provided in the dwelling unit does not exceed applicable state law or city regulation.

n. Except for a person working on or selling a motor vehicle owned by the person and subject to all other applicable laws, rules, ordinances and regulations, the service, repair, painting, or onsite selling of any motor vehicle, including, but not limited to, automobiles, motorcycles, trailers, boats, personal watercraft, recreation vehicles and lawn equipment is not authorized as, and is specifically excluded from the definition of, a home occupation.

o. Any business, occupation, or activity which does not meet these characteristics shall be construed to be a commercial activity and shall be cause for the city to order a cease to all such activity.

Changes for Veterinary Hospitals, Animal Clinics, or Animal Boarding Facilities

The following changes update the definition of the current use of “veterinary hospital or clinic” to include animal boarding facilities and require a buffer of 100 feet between outdoor areas used by animals and residential property.

Appendix A – Definitions

Veterinary hospital, animal clinic or animal boarding facility means a place for the care, grooming, diagnosis and/or treatment of animals, and/or overnight boarding of animals.

Section 4.20.2 Schedule of principal uses

RESIDENTIAL USES											TYPE OF USE	NON-RESIDENTIAL USES												
R1	R1.5	R-2	R-3	R-4	R-5	R-6	R-7	2F	TH	MF12		MF18	MH	AO	GO	LR	SC	LC	GB	CC	IT	LI	HI	CF
													VETERINARY HOSPITAL, ANIMAL CLINIC OR ANIMAL BOARDING FACILITY	X			X	X	X	X				

Section 4.20.4 Schedule of principal uses central business district

	Central Business District	Comments
VETERINARY HOSPITAL, ANIMAL CLINIC OR ANIMAL BOARDING FACILITY	X	

Section 6.06 Supplemental use regulations

In addition to the use and development regulations set forth in this Code, the use and development regulations set forth in sections 6.06.1 through 6.06.12 shall apply for the uses described therein. In the event of a conflict between other provisions of this Code and those in sections 6.06.1 through sections 6.06.12, provisions of sections 6.06.1 through section 6.06.12, shall be controlling. The use and development regulations set forth in sections 6.06.1 through sections 6.06.12 shall apply regardless of whether the uses described are permitted by right or by specific use permit as principal or accessory uses as indicated in section 4.20.2 and section 4.20.3.

Section 6.06.12 Certain veterinary hospitals, animal clinics, or animal boarding facilities

Any veterinary hospital, animal clinic or animal boarding facility with outdoor runs, outdoor kennels or other outdoor areas to be used by animals shall not be located within 100 feet of any residentially zoned property. The distance between the veterinary hospital, animal clinic or animal boarding facility and the residentially zoned property shall be measured from the property line to property line.

Changes for Engineering Construction Details

The engineering construction details are being removed from the ALDC and instead will be adopted by City Council resolution.

Section 7.07.02.e

e. The construction of all screening walls, entry walls, and traffic barrier standards shall conform to the “Construction Details – Paving”, as adopted by resolution of the city council, and shall be equally finished on all sides of the wall.

Changes for Stormwater Detention

The enhancement to the stormwater detention is a more conservative approach to stormwater drainage and meant to provide better protection to those downstream.

Section 8.13 Drainage Requirements

11. *Stormwater detention facilities.* Stormwater detention facilities constructed in association with development of property in the City shall be subject to the following:

a. Concurrently with the submission of plans for the design of the public improvements in the city, the developer shall provide to the Engineering Department a written engineering analysis prepared and sealed by a Texas Registered Professional Engineer and satisfactory to the Director of Engineering indicating that all required stormwater detention facilities are designed to reduce outflows from the detention pond following each storm event to pre-developed flows for a 5 year, 10 year, 25 year, 50 year, and 100 year frequency storm event.

b. All stormwater detention facilities required for the development of all phases of a proposed subdivision must be constructed at the time of development of the first phase of development , and shall be built for the ultimate condition at the time of initial construction unless otherwise approved by the Director.

c. Section 8.20 of this code shall govern the establishment of a homeowners' association or property owners' association and the perpetual operation, maintenance and supervision of a stormwater detention facility constructed as required by this section.

d. In the event a stormwater detention facility is designed and/or constructed to receive stormwater from properties, which, at the time of construction of the facility, are under different ownership, the Director shall have the authority to approve a drainage facility maintenance agreement between or among the property owners that establishes the operational and financial obligations of the respective property owners relative to the perpetual operation, maintenance and supervision of the facility. Such agreement must be submitted to and approved by the Director (i) prior to approval of a final plat, if the property to be served by the facility is not yet platted, (ii) prior to issuance of a building permit if the property served by the facility is platted but no development has occurred on the property, or (iii) prior to issuance of a certificate of occupancy for any structure on the property to be served by the facility when construction on the property has commenced when the requirement for the construction of the facility arises. Any drainage facility maintenance agreement approved pursuant to this Paragraph d must provide that:

(1) All property owners' associations or homeowners' associations who own the common areas of the subdivision or which will succeed to such ownership from the owner or developer of the property in accordance with the provisions of the required restrictive covenants are parties to the agreement; and

(2) Notwithstanding the allocation of costs and responsibilities regarding the operational and financial obligations of the respective property owners relative to the perpetual operation, maintenance and supervision of the facility, all owners shall be jointly and severally liable for maintaining the facility in the manner required by the City; and

- (3) No amendment to the agreement shall be effective without the approval of the City Manager; and
- (4) The City shall be a third party beneficiary to the agreement with the right, but not the obligation, to require specific performance of the agreement by the parties; and
- (5) The agreement shall be a covenant running with the land with respect to all properties served by the stormwater detention facility, recorded in the Real Property Records of Collin County, Texas, and enforceable against all subsequent owners of the properties served by the facility.