



**AGENDA
CITY OF ALLEN
PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY, MAY 1, 2018 – 7:00 P.M.
CITY COUNCIL CHAMBERS
ALLEN CITY HALL
305 CENTURY PARKWAY
ALLEN, TEXAS 75013**

Call to Order and Announce a Quorum is Present

Pledge of Allegiance

Directors Report

1. Action taken on the Planning & Zoning Commission items by City Council at the April 24, 2018, 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 April 17, 2018, regular meeting.

Regular Agenda

3. Public Hearing – Conduct a Public Hearing and consider a request to change the zoning from Shopping Center SC to Planned Development PD with a base zoning of Shopping Center SC and adopt development regulations authorizing a Daycare use following approval of a Specific Use Permit on Lot 1, Pete Ford Medical Addition; generally located south of Main Street and east of U.S. Highway 75 (and commonly known as 515 W. Main Street). (ZN-0402018-0017) [STEAM After School Learning – PD Zoning]
4. Public Hearing – Conduct a Public Hearing and consider a request for a Specific Use Permit SUP for a Daycare use for an approximately 1,786± square foot portion of a building located on Lot 1, Pete Ford Medical Addition; generally located south of Main Street and east of U.S. Highway 75 (and commonly known as 515 W. Main Street). (SUP-041918-0011) [STEAM After School Learning – Specific Use Permit]
5. Public Hearing – Conduct a Public Hearing and consider a request for proposed amendments to the Allen Land Development Code relating to the following: (1) Amending Section 4.20.2 “Schedule of Principal Uses” by adding “Food Truck Park” and removing “Carnival or Circus” and “Fairgrounds”; (2) Amending Section 4.20.4 “Schedule of Principal Uses Central Business District” by adding “Food Truck Park”; (3) amending Section 6.04.1 “Temporary use permit applications”; and (4) amending Section 6.06 “Supplemental Use Regulations” by adding

Section 6.06.15 “Mobile Food Vendors” relating to supplemental development and use regulations for mobile food vendors.

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, April 27, 2018, at 5:00 pm.

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 4/24/2018 City Council Meeting

- The request to conduct a Public Hearing and to adopt an ordinance amending the Development Regulations and adopting a Concept Plan, Building Elevations, a Streetscape/Fencing/Perimeter Landscaping Plan, and Open Space Plans for District C of Planned Development No. 108, generally located at the northwest corner of Exchange Parkway and Watters Road, for Twin Creeks North, was approved.
- The request to conduct a Public Hearing and to adopt an ordinance establishing a Planned Development zoning district with a base zoning of Corridor Commercial CC and adopting Development Regulations, a Concept Plan, and Building Elevations, generally located south of State Highway 121 and east of Exchange Parkway, for Collin College Technical Campus, was approved.

PLANNING AND ZONING COMMISSION

REGULAR MEETING

April 17, 2018

ATTENDANCE:

Commissioners Present:

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

Commissioners Absent:

None

City Staff Present:

Marc Kurbansade, AICP, Director of Community Development
Madhuri Mohan, AICP, Senior Planner
Hayley Angel, Planner
Nicole Corr, City Attorney

Call to Order and Announce a Quorum is Present:

With a quorum of the Commissioners present, Chairman Trahan called the meeting to order at 7:00 p.m. in the City Hall Council Chambers Room at Allen City Hall, 305 Century Parkway, Allen, Texas, 75013.

Director's Report

1. The Director discussed the action taken on the Planning & Zoning Commission items by City Council at the April 10, 2018, 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 April 3, 2018, regular meeting.
3. Final Plat – Consider a request for a Final Plat for Montgomery Ridge Phase IIB, being 54.285± acres located in the Thomas G. Kennedy Survey, Abstract No. 500; generally located south of Montgomery Boulevard and west of U.S. Highway 75. (PL-012618-0026) [Montgomery Ridge Phase IIB]

Motion: Upon a motion by 1st Vice-Chair Platt, and a second by Commissioner Metevier, the Commission voted 6 IN FAVOR, and 0 OPPOSED to approve the Consent Agenda.

The motion carried.

Regular Agenda

4. Public Hearing – Conduct a Public Hearing and consider a request for a Specific Use Permit SUP for a Private Club use for an approximately 6,493± square foot portion of a building located on Lot 7A-1, Block A, The Village at Allen; generally located south of Stacy Road and east of U.S. Highway 75 (and commonly known as 190 E. Stacy Road, B1000, Suite 1000). (SUP-040218-0010) [Bar Louie]

Ms. Angel, Planner, presented the item to the Commission.

Ms. Angel stated that the request for a Specific Use Permit SUP meets the requirements of the Allen Land Development Code. She noted that staff is in support of the agenda item.

Chairman Trahan opened the public hearing.

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

The Commission discussed the Private Club regulations, and Ms. Angel stated that they would be subject to the operational regulations as outlined in the Allen Land Development Code.

Motion: Upon a motion by Commissioner Autrey, and a second by 1st Vice-Chair Platt, the Commission voted 6 IN FAVOR, and 0 OPPOSED to recommend approval of the Specific Use Permit SUP for a Private Club use for an approximately 6,493± square foot portion of a building located on Lot 7A-1, Block A, The Village at Allen; generally located south of Stacy Road and east of U.S. Highway 75 (and commonly known as 190 E. Stacy Road, B1000, Suite 1000).

The motion carried.

Executive Session (As Needed)

The Executive Session was not held.

Adjournment

The meeting adjourned at 7:05 p.m.

These minutes approved this _____ day of _____ 2018.

Ben Trahan, Chairman

Hayley Angel, Planner

PLANNING & ZONING COMMISSION	AGENDA COMMUNICATION
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AGENDA DATE: May 1, 2018

SUBJECT: Conduct a Public Hearing and consider a request to change the zoning from Shopping Center SC to Planned Development PD with a base zoning of Shopping Center SC and adopt development regulations authorizing a Daycare use following approval of a Specific Use Permit on Lot 1, Pete Ford Medical Addition; generally located south of Main Street and east of U.S. Highway 75 (and commonly known as 515 W. Main Street). (ZN-0402018-0017) [STEAM After School Learning – PD Zoning]

STAFF RESOURCE: Hayley Angel
Planner

PREVIOUS COMMISSION/COUNCIL ACTION: Final Plat – Approved January, 1984

LEGAL NOTICES: Public Hearing Sign – Installed April 20, 2018
Public Hearing Letters – Mailed April 20, 2018

ANTICIPATED CITY COUNCIL: May 22, 2018

BACKGROUND

The property is generally located south of Main Street and east of U.S. Highway 75 (and commonly known as 515 W. Main Street). The property to the north (across Main Street) is zoned Central Business District CBD. The properties to the east and south are zoned Shopping Center SC, and the property to the west (across U.S. Highway 75) is zoned Planned Development PD No. 54 Corridor Commercial CC.

The property is currently zoned Shopping Center SC. The applicant is requesting to create a Planned Development PD and adopt Development Regulations authorizing a Daycare use following the approval of a Specific Use Permit SUP.

There are two points of access into the site; one on the U.S. Highway 75 Service Road and one on Main Street. No changes are proposed to the exterior of the existing, one-story building.

The Planned Development request has been reviewed and meets the standards of the Allen Land Development Code.

STAFF RECOMMENDATION

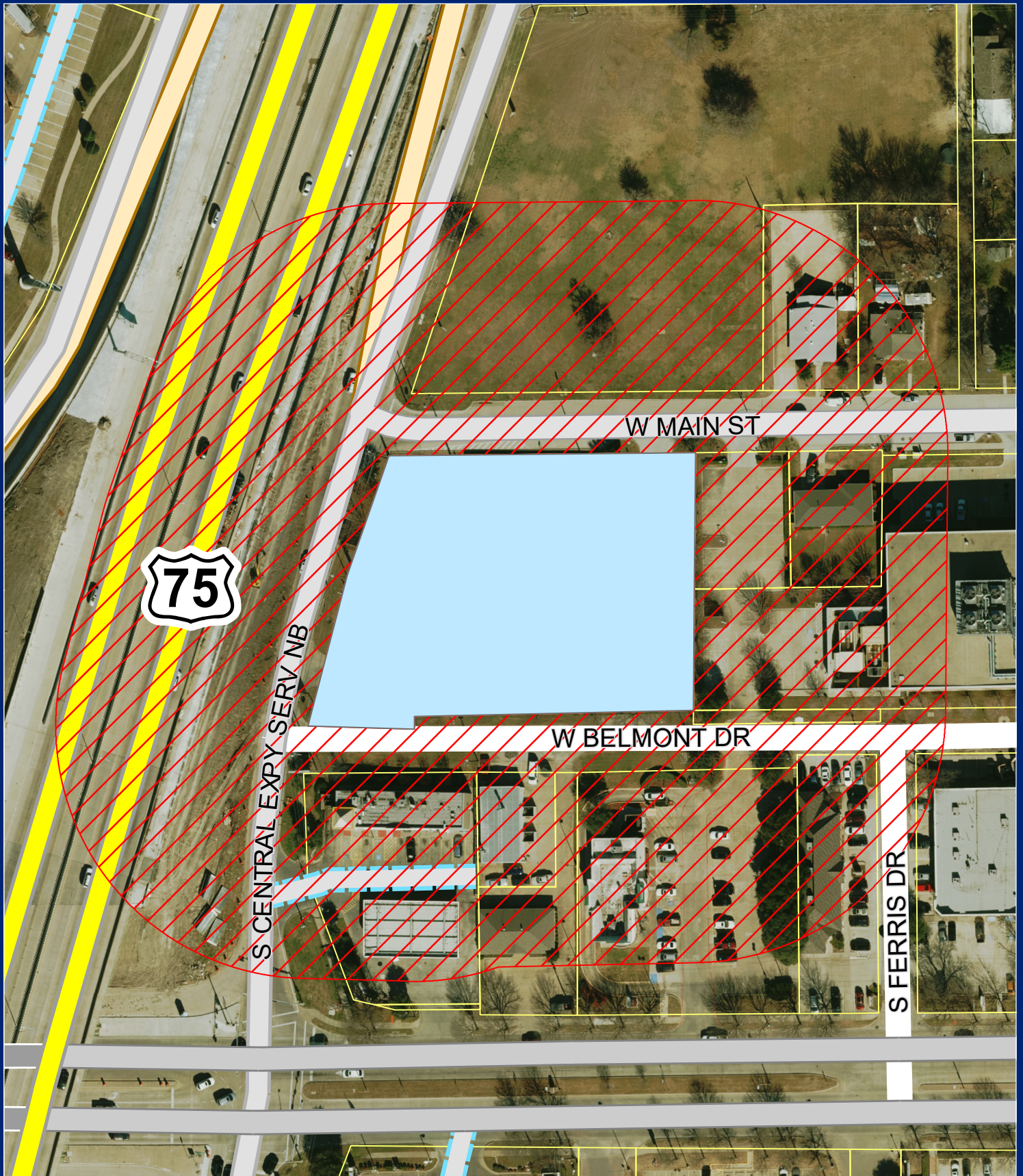
Staff recommends approval.

MOTION

I make a motion to recommend approval of the request to change the zoning from Shopping Center SC to Planned Development PD with a base zoning of Shopping Center SC and adopt Development Regulations authorizing a Daycare use following approval of a Specific Use Permit on Lot 1, Pete Ford Medical Addition; generally located south of Main Street and east of U.S. Highway 75 (and commonly known as 515 W. Main Street).

ATTACHMENTS

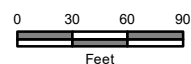
Property Notification Map
Development Regulations
Site Plan



Property Ownership Notification
STEAM Learning After School
515 W Main St

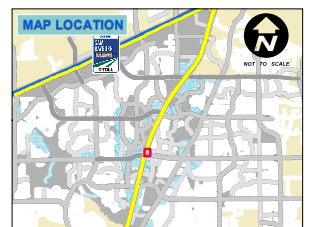
Map Legend

- Public Rezone
- 200' Notification Buffer
- Railroad
- CollinCAD Parcels



Community Development - GIS
Date Saved: 4/2/2018

NOTE: This map is only for illustration purpose only, please contact the City of Allen Planning & Development Department for specific rules and regulations.



DRAFT OF PROPOSED DEVELOPMENT REGULATIONS FOR
STEAM AFTER SCHOOL LEARNING

The Property shall be developed and used in accordance with the provisions of the Allen Land Development Code, as amended, (“ALDC”) applicable to the use and development of property within a Shopping Center “SC” Zoning District; provided, however, the Property may be used and developed for a “Daycare” following approval of a Specific Use Permit for such use.

Main Street

Belmont Drive

U.S. Highway No. 75
(Hwy. Main Right-of-Way)

1.306 Acres
Pete Ford Medical Addition
Vol. D, Pg. 29, CCAR

One Story Brick Medical Bldg.

One Story Brick Medical Bldg.

7 Parking Spaces

8 Covered Parking Spaces

13 Parking Spaces

20 Parking Spaces

24' Fire Lane Exm't
Vol. G, Pg. 25, CCAR

8' Utility Exm't

10' Right-of-Way Dedicated to City of Allen Vol. C, Pg. 25, CCAR

10' Right-of-Way Dedicated to City of Allen Vol. L, Pg. B32, CCAR

Parking Spaces

78 Regular Parking Spaces
7 Handicapped Parking Spaces
80 Total Parking Spaces

Scale: 1"=30'

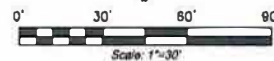
North Arrow

Compass Rose

Legend

- 78 Regular Parking Spaces
- 7 Handicapped Parking Spaces
- 80 Total Parking Spaces

78 Regular Parking Spaces	
79 Handicap Parking Spaces	
80 Total Parking Spaces	



PLANNING & ZONING COMMISSION AGENDA COMMUNICATION

AGENDA DATE:	May 1, 2018
SUBJECT:	Conduct a Public Hearing and consider a request for a Specific Use Permit SUP for a Daycare use for an approximately 1,786± square foot portion of a building located on Lot 1, Pete Ford Medical Addition; generally located south of Main Street and east of U.S. Highway 75 (and commonly known as 515 W. Main Street). (SUP-041918-0011) [STEAM After School Learning – Specific Use Permit]
STAFF RESOURCE:	Hayley Angel Planner
PREVIOUS COMMISSION/COUNCIL ACTION:	Final Plat – Approved January, 1984
LEGAL NOTICES:	Public Hearing Sign – Installed April 20, 2018 Public Hearing Letters – Mailed April 20, 2018
ANTICIPATED CITY COUNCIL:	May 22, 2018

BACKGROUND

The property is generally located south of Main Street and east of U.S. Highway 75 (and commonly known as 515 W. Main Street). The property to the north (across Main Street) is zoned Central Business District CBD. The properties to the east and south are zoned Shopping Center SC, and the property to the west (across U.S. Highway 75) is zoned Planned Development PD No. 54 Corridor Commercial CC.

The property is currently zoned Shopping Center SC. The previous agenda item requested to change the zoning to a Planned Development PD with a base zoning Shopping Center SC and to authorize a Daycare use following approval of a Specific Use Permit SUP. The applicant is pursuing a Specific Use Permit for this reason.

The applicant is proposing to tenant a 1,786± square foot suite in an existing building for STEAM After School Learning, which staff categorizes as a Daycare use.

The applicant submitted a business summary in conjunction with the SUP application. The following is a general summary of the proposed business operations:

- Business hours:
 - Monday – Friday: 1:00 p.m. – 7:00 p.m.
 - Saturday: 1:00 p.m. – 5:00 p.m.
- Average number of students per day: 30

The Specific Use Permit request has been reviewed and meets the standards of the Allen Land Development Code.

STAFF RECOMMENDATION

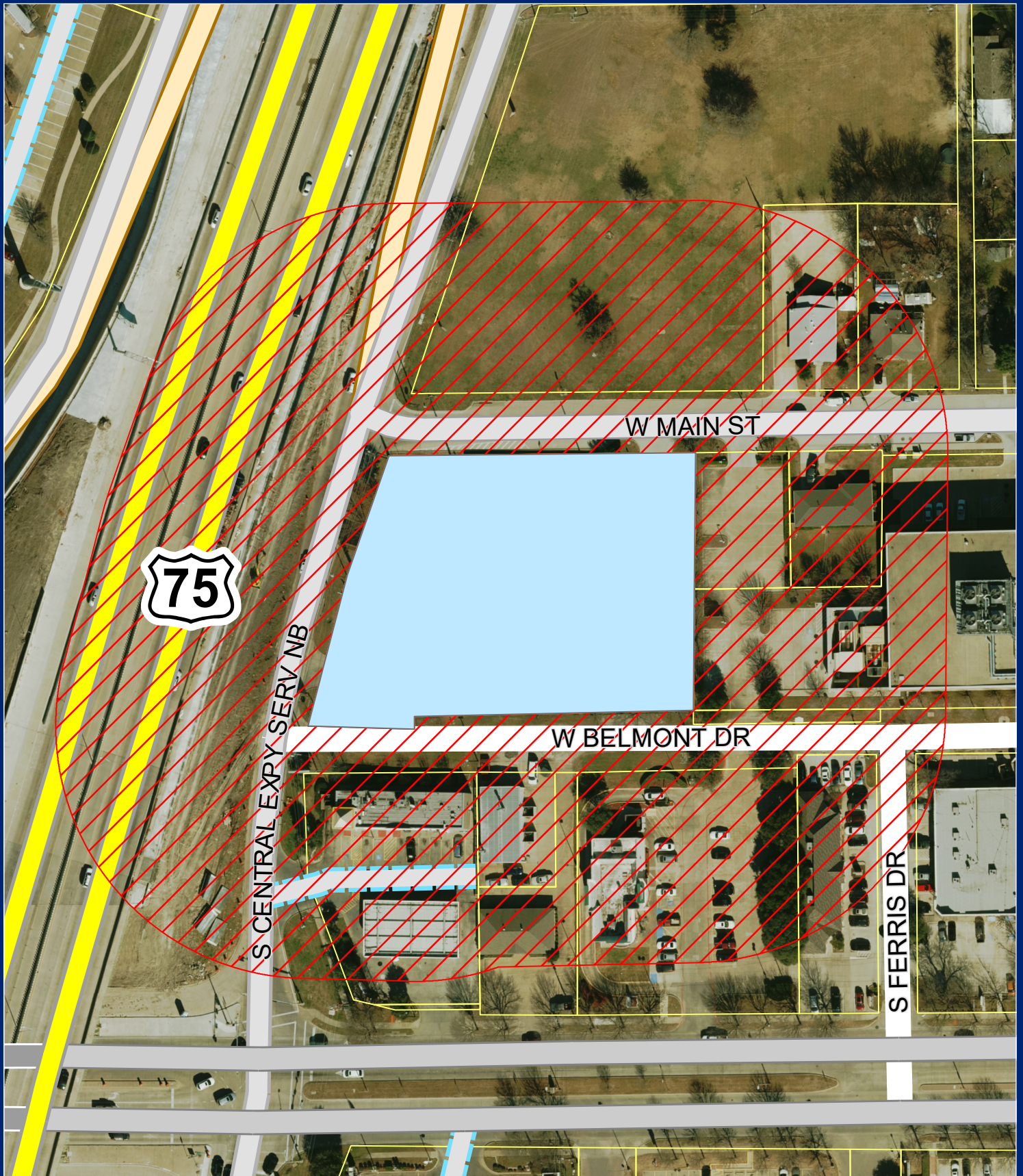
Staff recommends approval.

MOTION

I make a motion to recommend approval of the approval of a Specific Use Permit for a Daycare use for STEAM After School Learning; generally located south of Main Street and east of U.S. Highway 75 (and commonly known as 515 W. Main Street).

ATTACHMENTS

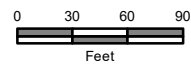
Property Notification Map
SUP Site Plan



Property Ownership Notification
STEAM Learning After School
515 W Main St

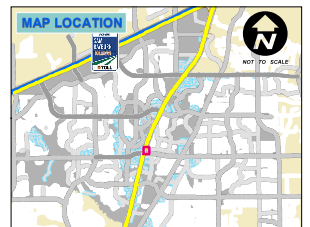
Map Legend

- Public Rezone
- 200' Notification Buffer
- Railroad
- CollinCAD Parcels



Community Development - GIS
Date Saved: 4/2/2018

NOTE: This map is only for illustration purpose only, please contact the City of Allen Planning & Development Department for specific rules and regulations.



[illegible]

78 Regular Parking Spaces
2 Handicap Parking Spaces
80 Total Parking Spaces



PLANNING & ZONING COMMISSION AGENDA COMMUNICATION

AGENDA DATE: May 1, 2018

SUBJECT: Conduct a Public Hearing and consider a request for proposed amendments to the Allen Land Development Code relating to the following: (1) Amending Section 4.20.2 “Schedule of Principal Uses” by adding “Food Truck Park” and removing “Carnival or Circus” and “Fairgrounds”; (2) Amending Section 4.20.4 “Schedule of Principal Uses Central Business District” by adding “Food Truck Park”; (3) amending Section 6.04.1 “Temporary use permit applications”; and (4) amending Section 6.06 “Supplemental Use Regulations” by adding Section 6.06.15 “Mobile Food Vendors” relating to supplemental development and use regulations for mobile food vendors.

STAFF RESOURCE: Marc Kurbansade, AICP
Director of Community Development

PREVIOUS COMMISSION/COUNCIL ACTION: N/A

PUBLIC NOTICE: Newspaper Notice – Published April 12, 2018

ANTICIPATED CITY COUNCIL DATE: May 22, 2018

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 is a “red-lined” version of the proposed amendments. Existing language is in black text, changes are shown in red.

The proposed amendments have gone through a review and refinement process with participation from City attorneys.

STAFF RECOMMENDATION

Staff recommends approval.

MOTION

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

ATTACHMENTS

Red-lined version of proposed ALDC amendments
Newspaper Notice

ALDC Amendments - Mobile Food Establishments

ALDC Sec. 6.06. Supplemental Use Regulations

Section 6.06.15. Mobile Food Establishments (new section)

This section establishes regulations for operating various Mobile Food Establishments within the City. Mobile Food Establishments may only operate in accordance with the following:

a. *Definitions*

As used in this Section 6.06.15, the following words and phrases shall have the following meanings unless the context clearly indicates as different meaning:

- i. *Food Truck Park* means one or more lots or parcels of land where three or more Mobile Kitchens congregate to offer food or beverages for sale to the public as the principal use of the land.
- ii. *Food Truck Site* means an existing, developed site where a Mobile Kitchen operates as an accessory use to the primary active business located on the same site.
- iii. *Mobile Construction Site Food Vehicle* means a vehicle with no or limited kitchen facilities that carries prepackaged food or non-prepackaged foods prepared at an approved commissary that contains no potentially hazardous food, as defined by Code Chapter 6, Art. VIII, Division 2 of the Code of Ordinances, and services only active construction sites.
- iv. *Mobile Food Establishment* means a vehicle-mounted food establishment designed to be readily moveable that is equipped with food preparation equipment and includes vehicles in which food is prepared on site. Mobile Food Establishments include Mobile Kitchens, Mobile Construction Site Food Vehicle, Mobile Ice-cream/Frozen Dessert Vehicle and Non-Motorized Food Vending Carts. Mobile Food Establishments do not include restaurant delivery and catering vehicles.
- v. *Mobile Food Trailer* means a Mobile Kitchen that serves food or beverages from an enclosed, self-contained, non-motorized vehicle that is normally pulled behind a motorized vehicle.
- vi. *Mobile Food Truck* means a Mobile Kitchen that serves food or beverages from an enclosed, self-contained, motorized vehicle.
- vii. *Mobile Ice cream/Frozen Dessert Vehicle* means a motorized vehicle that normally contains a commercial freezer in which all products for sale are prepackaged and frozen.

viii. *Mobile Kitchen* means a motorized vehicle or tow-behind trailer equipped with kitchen facilities such as plumbing, hot water supply, mechanical refrigeration, cooking equipment, and dry goods storage used for the preparation and sale or service of food and beverages. Customer service is provided at a counter or window in the vehicle. Mobile Kitchens may include, but are not limited to, Mobile Food Trucks and Mobile Food Trailers. Mobile Kitchens shall not include individual Non-Motorized Vending Carts, Mobile Construction Site Food Vehicles or Mobile Ice cream/frozen Dessert Vehicles.

ix. *Non-Motorized Vending Cart* means a non-motorized vehicle that is normally propelled by the operator, contains products for sale that are prepackaged and/or frozen, and operates independent of any fixed food establishment.

b. *Authorized Locations*

i. No person may serve food to the public from a Mobile Kitchen except at the following locations:

- a) At a Food Truck Site approved in accordance with Section 6.06.15.c.
- b) At a Food Truck Park approved in accordance with Section 6.06.15.d.
- c) At the location of a Temporary Event that has received a Temporary Use Permit in accordance with Section 6.04.1.4.e.
- d) At an event hosted or sponsored by the City pursuant to a written agreement with the City.

ii. No person may serve food to the public from a Mobile Construction Site Food Vehicle except at the following locations:

- a) a construction site for which an active building permit has been issued by the City;
or
- b) property owned or leased by the United States, State of Texas, or Collin County on which active construction is occurring.

iii. Any person providing food to the public from a Mobile Ice Cream/Frozen Dessert Vehicle must operate in compliance with Chapter 6, Art. VIII, Division 2 of the Code of Ordinances, as amended, and Code of Ordinances Section 8-65(i) through (l), as amended.

iv. A Non-Motorized Vending Cart may be operated only at a Temporary Event in accordance with a Temporary Use Permit issued pursuant to Section 6.04.1.4.e).

c. *Food Truck Sites*

- i. The operator of a Mobile Kitchen may operate a Food Truck Site upon receipt of a Temporary Food Vendor Permit in accordance with Section 6.04.1.4.e), 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 1000 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.
- d. *Food Truck Parks.* Food Truck Parks may be located in the various zoning districts within the City in accordance with Section 4.20.2, Schedule of Principal Uses and Section 4.20.4, Schedule of Principal Uses- Central Business District, all applicable development requirements of this code for the respective zoning districts, and the following:
- i. A site plan shall be approved in accordance with Section 6.05 prior to locating any Mobile Kitchen on the property.
 - ii. Permanent restroom facilities available to owners, operators, and customers of the Mobile Kitchens operating in the Food Truck Park must be located within 1000 feet of each location where a Mobile Kitchen may be parked.
 - iii. All vehicles, including Mobile Kitchens, shall be parked on an improved surface as defined in Section 6-82 of the Code of Ordinances.
 - iv. Electricity shall be provided with permanent outlets by way of a portable cord that complies with Section 3.09 (National Electrical Code), as amended.
 - v. Any waste, liquid or solid, shall be disposed of safely and properly as per all associated local and state regulations. Trash service and receptacles shall be provided in accordance with City requirements.
 - vi. A Mobile Kitchen cannot be left unattended or left on site overnight.
- e. *Additional Requirements.* Any person operating a Mobile Food Establishment shall comply with the following:
- i. No person shall operate a Mobile Food Establishment involving food products unless the vehicle used in the operation is constructed and operated in accordance with the Chapter 6, Article VIII, Division 2 of the Code of Ordinances, as amended.

- ii. Any person operating any Mobile Food Establishment shall ensure that all food preparation, cooking, service, or other food service related activities take place within the confines of the vehicle used in such operation.
- iii. Signs advertising a Mobile Food Establishment and/or the menu of food and beverages sold from the food truck shall be limited to:
 - a) signs permanently attached to the Mobile Food Establishment; and
 - b) one (1) menu board sign with a sign face area of not greater than eight (8) square feet, placed adjacent to the Mobile Food Establishment on private property.
- iv. On request of the City, a Mobile Food Establishment operator must be able to demonstrate that the Mobile Food Establishment is moveable and operable;
- v. A Mobile Food Establishment operator shall not alter or modify a Mobile Food Establishment or the premises adjacent to the Mobile Food Establishment in a manner that would prevent the operation or mobility of the Mobile Food Establishment.
- vi. The water supply for a Mobile Food Establishment shall be from an internal water tank which must be filled from an external source when not in operation. Temporary connection of a Mobile Food Establishment to a potable water source while in operation is prohibited.
- vii. Electricity for a Mobile Food Establishment shall be from an internal or portable generator or an electrical outlet by way of connected to a portable cord in compliance with Section 3.09 (National Electrical Code), as amended.
- viii. Service from a Mobile Food Establishment through a drive through window is prohibited.
- ix. Mobile Food Establishment must be parked, situated and operated in a manner that does not restrict orderly and/or safe vehicular and/or pedestrian movements.
- x. Loud speakers or loud noises of any kind for the purpose of attracting attention to a Mobile Food Establishment are prohibited.
- xi. No Mobile Food Establishment operator shall operate a generator and/or vehicle motor which generates visible smoke, excessive noise, or excessive gasoline/diesel fumes.
- xii. Unless provided by the operator of a Food Truck Park, a Mobile Food Establishment operator shall provide solid waste containers for customers to dispose of trash and food waste when the Mobile Food Establishment is parked and food is being sold and served. All such solid waste containers and the solid waste collected therein shall be removed from the site by the Mobile Food Establishment operator when leaving the site; provided, however:

- a) If the operator of a Food Truck Park is responsible for the disposal of waste generated from operation of the site and place in solid waste receptacle provided by said operator, the Mobile Food Establishment operator shall be responsible for ensuring that all solid waste generated from the vendor's operations is placed in the provided receptacles before departing; or
 - b) If there is a solid waste dumpster located on the Food Truck Site or Food Truck Park that is available for disposal of solid waste generated by the operation of a Mobile Food Establishment, the Mobile Food Establishment operator may dispose of the solid waste in said dumpster before departing the site.
- xiii. Mobile Food Establishments will not be allowed to touch, lean against or be affixed temporarily or permanently to any building structure, wall, tree, shrubbery or planting bed.
- xiv. Mobile Food Establishment operators shall not hang or display merchandise on trees, umbrellas, or walls, or sell from any other temporary structures located upon any public street, sidewalk, right-of-way or other public property.
- xv. Where exigent circumstances exist and an Allen Police Officer, or other authorized officer of the City, gives notice to a Mobile Food Establishment operator to temporarily move from a location, such Mobile Food Establishment operator will not operate from or otherwise remain at such location. For the purpose of this paragraph, exigent circumstances shall include, but shall not be limited to, unusually heavy pedestrian or vehicular traffic; the existence of any obstructions at or near such location; a major event, festival, program or park activity; a fire; a parade or demonstration; construction activity, or other such event or circumstance that causes the site to become unsafe or unusable.
- xvi. Mobile Food Establishment operators shall only engage in the sale and service of food and beverages. The sale of other products or services from a Mobile Food Establishment is prohibited, including but not limited to, tobacco products, alcoholic beverages, sexually explicit and/or drug related paraphernalia, obscene material, sales real estate and vacation packages, marketing and advertising activities, sales of tickets for events, any non-food vending, and other services or products not approved by the City prior to issuance of the permit.

Amendments to:

Sec. 6.04.1. - Temporary use permit applications.

1. *Number of permits and duration.* Unless stated otherwise herein, a business or property owner may receive during any ~~12-month period~~ **calendar year** no more than two temporary use permits, or no more than one temporary use permit and one renewal of said permit for a specific property upon making application, after paying the required fee and receiving approval of the director. Except as otherwise set forth in this Code, a temporary use permit and each extension of a temporary use permit shall be effective for no more than 30 consecutive days.
2. *Application.*
 - a. Unless otherwise determined by the director, an application for a temporary use permit must be submitted with the following information:
 - i. A written letter of approval from the property owner indicating the applicant has the right to use such property for the temporary use described in the application.
 - ii. A site plan of the property showing:
 - ~~(1) Zoning district.~~
 - (1) Property boundaries.
 - (2) Building footprint of permanent structures and paved parking lot, if applicable.
 - ~~(4) Setbacks, which shall be a minimum of 20 feet from all property lines.~~
 - (3) Location of all fire lanes, driveways and/or alleys.
 - ~~(6) Location of permanent fences or walls.~~
 - (4) Location of temporary use structures temporary tent, canopy or shelter and merchandise, ~~indicating the number of displaced parking spaces, if applicable.~~
 - (5) **Fire rating documentation for any temporary tent, canopy or shelter to be used during the event.**
 - (6) The number of **displaced parking spaces, if applicable, and the** required parking spaces for existing uses on the property, **where applicable.**
 - (7) Location of temporary lighting or security lighting.
 - (8) **Size and** location of any temporary signage, pennants or banners.

- (9) Location of restrooms that will be available for use by the public during the event for which the permit is to be issued.
 - (9) A description of the temporary use event activities and requested days and hours of operation.
 - (10) At least two points of contact with up to date contact information for the applicant and/or organization operating the event.
 - (11) Information regarding any mobile food vendors, and/or any food or drink preparation, sales or sampling.
 - iii. Charitable, religious, educational or public service, civic organizations are exempt from all fees to be collected pursuant to this Section 6.04.1.
- b. Additional requirements.
 - i. No parking space required by this Code or other ordinance setting forth minimum parking spaces for the property shall be used for a temporary use permit for seasonal sales and Christmas tree sales.
 - ii. All temporary lighting, if applicable, will require issuance of an electrical permit and an inspection by a city building inspector prior to the event. No lighting may flash, travel, blink, fade, move or scroll.
 - iii. Temporary restroom's and/or on-site restrooms shall be allowed with the approval of the property owner and business owner whose restrooms will be used.
 - iv. The preparation, sale and/or sampling of any food and/or drinks shall comply with all applicable provisions of Chapter 6, Article VIII, Division 2 of the Code of Ordinances, as amended, and including, but not limited to, the prior issuance of any required Health Permit.
 - v. The use of a temporary tent, canopy or shelter, made of cloth, plastic, canvas or similar material, shall comply with requirements of Section 3.04 (the International Fire Code), as amended. The application submittal shall include fire rating certificate documentation.
 - vi. No event receiving a temporary use permit shall locate in an approved landscape buffer or within twenty (20) feet of a roadway or alley.
- 3. *Decommission or removal.* The site shall be vacated completely and cleaned at the end of the event and prior to the issuance of new temporary use permits for the same property.
- 4. *Types of temporary use permits.*
 - a. *Seasonal sales.* Temporary sales of seasonal products such as firewood, plants, fruits, vegetables, and ~~other food~~ similar items or products may be allowed during their normal

and generally accepted season, ~~and and sales by temporary food vendors (defined as a person or entity selling food products on a temporary and/or seasonal basis from a temporary or mobile facility, including but not limited to snow cones, hot dogs and similar food products) may be allowed~~ subject to the following provisions:

- i. Issuance of permits for temporary outdoor sales of seasonal products shall be limited to areas zoned for retail or commercial uses.
- ii. ~~Where an existing business is operating in accordance with a certificate of occupancy,~~ the area for display shall be no more than 200 square feet, being generally square or rectangular in shape, with a maximum length of 25 feet and a minimum width of eight feet. Examples would be ten feet by 20 feet, or eight feet by 25 feet.

~~iii. Charitable, religious, educational or public service, civic organizations are exempt from all fees.~~

- iii. This section does not apply to temporary outdoor services such as mobile blood banks, mammography screening, eye screening, or similar medical services for humans.
- iv. An application for a temporary use shall also include a true copy of the sales tax permit which designates the city as point of sale.
- v. Temporary sales of fruits and vegetables for off-premises consumption shall be allowed; however, the products must remain whole, and not be cut or opened in any manner.

~~vii. The owner of the property on which a temporary food vendor is located must apply for and obtain a temporary use permit prior to the temporary food vendor commencing the preparation or sale of any food on the property. This permit is required in addition to any permits that may be required by the City of Allen Environmental Health Code, as amended.~~

- b. *Christmas tree sales.* Temporary sales of Christmas trees during the normal and generally accepted season subject to the following provisions:

- i. Issuance of permits for temporary outdoor sales of Christmas trees shall be limited to areas zoned for retail or commercial uses, or any church property.
- ii. Sales may not begin prior to November 15.
- iii. Sale site must be cleaned and vacated by January 1.
- iv. The application for a temporary use permit shall also include a true copy of the sales tax permit which designates the city as point of sale.
- v. A temporary use permit for Christmas tree sales shall be excluded from the maximum number of temporary use permits allowed under Section 6.04.1.1.

- c. Carnival, circus, or fairgrounds may be allowed provided the use conforms to all other provisions of this Code and the Code of Ordinances.
 - i. The term of a temporary use permit for a carnival, circus, or fairgrounds shall not exceed a maximum of five (5) days.
 - ii. Issuance of permits for a carnival, circus or fairgrounds shall be limited to areas zoned for retail or commercial uses, or any church property.
- d. *Temporary Event.* Sporting events, philanthropic or religious events, community garage sales for charities, political rallies and similar activities may be allowed provided the use conforms to all other provisions of this Code and the Code of Ordinances. Parking lot sales may be allowed for the existing businesses holding a Certificate of Occupancy for the site.
 - i. Issuance of a permit for a temporary event pursuant to this paragraph d. shall be limited to areas zoned for non-residential uses.
 - ii. The term of a temporary use permit issued pursuant to this paragraph d. for a temporary event shall not exceed fifteen (15) days.
- e. *Temporary Food Vendor.* A Mobile Food Establishment, as defined in Section 6.06.15, may operate as a temporary food vendor as follows:
 - i. Mobile Food Establishments may be permitted to operate in association with Temporary Use Permits issued for seasonal sales, Christmas tree sales or temporary events. 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. The temporary use permit must be obtained prior to the Mobile Food Establishment commencing the preparation or sale of any food on the property. 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.
 - ii. Mobile Food Establishments may be issued a Temporary Food Vendor Permit to operate at a Food Truck Site meeting complying with Section 6.06.14.
 - a) The Mobile Food Establishment operator shall submit an application and site plan as required in this Section.
 - b) The site plan shall demonstrate compliance with all requirements of this Section and Section 6.06.15.
 - c) Only one permit per site may be issued per calendar year. The permit shall be valid for a maximum of six (6) months.

- ~~ef.~~ *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 ~~but remain subject to any applicable maximum permit term established in this section 6.04.1.5.~~

Sec. 4.20.2. Schedule of principal uses.

Section 4.20.2 “Schedule of Principal Uses” is amended by removing “Carnival or Circus” and “Fairgrounds or Rodeo,” and adding the use “Food Truck Park” and establishing the zoning districts in which such use is permitted, permitted with a specific use permit, and prohibited, as follows:

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	MF12	MF18	MH		AO	GO	O	LR	SC	LC	GB	CC	IT	LI	HI	CF
													FOOD TRUCK PARK					S	S	S	S				
													CARNIVAL OR CIRCUS	I							I			I	
													FAIRGROUNDS OR RODEO	S							I		I	I	S

Sec. 4.20.4. Schedule of principal uses Central Business District.

Section 4.20.4 “Schedule of principal uses Central Business District” is amended by adding the use “Food Truck Park” as follows:

	Central Business District	COMMENTS
FOOD TRUCK PARK	S	

**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
Allen City Council

May 1, 2018 7:00 p.m.
May 22, 2018 7:00 p.m.

The purpose of the hearing is to receive comment from interested members of the public regarding proposed amendments to the Allen Land Development Code ("ALDC") including the following:

(1) Amending Section 4.20.2 "Schedule of Principal Uses" by adding "Food Truck Park" and removing "Carnival or Circus" and "Fairgrounds"; (2) Amending Section 4.20.4 "Schedule of Principal Uses Central Business District" by adding "Food Truck Park"; (3) amending Section 6.04.1 "Temporary use permit applications"; and (4) amending Section 6.06 "Supplemental Use Regulations" by adding Section 6.06.15 "Mobile Food Vendors" relating to supplemental development and use regulations for mobile food vendors.

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, 214-509-4176, or e-mail Lee Battle at lbattle@cityofallen.org.